

HOUSE BILL No. 2629

By Committee on Transportation

2-8

1 AN ACT concerning driver's licenses; relating to habitual violators;
2 removing mandatory jail time for a habitual violator convicted of
3 driving while the driver's license of the person is canceled, suspended
4 or revoked; amending K.S.A. 2021 Supp. 8-262 and 8-287 and
5 repealing the existing sections.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2021 Supp. 8-262 is hereby amended to read as
9 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any
10 highway of this state at a time when such person's privilege so to do is
11 canceled, suspended or revoked or while such person's privilege to obtain
12 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and
13 amendments thereto, shall be guilty of a class B nonperson misdemeanor
14 on the first conviction and a class A nonperson misdemeanor on the second
15 or subsequent conviction.

16 (2) No person shall be convicted under this section if such person was
17 entitled at the time of arrest under K.S.A. 8-257, and amendments thereto,
18 to the return of such person's driver's license.

19 (3) Except as otherwise provided by subsection (a)(4) or (c), every
20 person convicted under this section shall be sentenced to at least five days'
21 imprisonment and fined at least \$100 and upon a second conviction shall
22 not be eligible for parole until completion of five days' imprisonment.

23 (4) Except as otherwise provided by subsection (c), if a person: (A) Is
24 convicted of a violation of this section, committed while the person's
25 privilege to drive or privilege to obtain a driver's license was suspended or
26 revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments
27 thereto, or any ordinance of any city or resolution of any county or a law
28 of another state, which ordinance or resolution or law prohibits the acts
29 prohibited by those statutes; and (B) is or has been also convicted of a
30 violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any
31 ordinance of any city or resolution of any county or law of another state,
32 which ordinance or resolution or law prohibits the acts prohibited by those
33 statutes, committed while the person's privilege to drive or privilege to
34 obtain a driver's license was so suspended or revoked, the person shall not
35 be eligible for suspension of sentence, probation or parole until the person
36 has served at least 90 days' imprisonment, and any fine imposed on such

1 person shall be in addition to such a term of imprisonment.

2 (b) (1) Except as provided by subsection (b)(2), the division, upon
3 receiving a record of the conviction of any person under this section, or
4 any ordinance of any city or resolution of any county or a law of another
5 state which is in substantial conformity with this section, upon a charge of
6 driving a vehicle while the license of such person is revoked or suspended,
7 shall extend the period of such suspension or revocation for an additional
8 period of 90 days.

9 (2) For any person found guilty of driving a vehicle while the license
10 of such person is suspended for violating K.S.A. 8-2110, and amendments
11 thereto, such offense shall not extend the additional period of suspension
12 pursuant to subsection (b)(1).

13 (c) (1) The person found guilty of a class A nonperson misdemeanor
14 on a third or subsequent conviction of this section shall be sentenced to not
15 less than 90 days' imprisonment and fined not less than \$1,500 if such
16 person's privilege to drive a motor vehicle is canceled, suspended or
17 revoked because such person:

18 (A) Refused to submit and complete any test of blood, breath or urine
19 requested by law enforcement excluding the preliminary screening test as
20 set forth in K.S.A. 8-1012, and amendments thereto;

21 (B) was convicted of violating the provisions of K.S.A. 40-3104, and
22 amendments thereto, relating to motor vehicle liability insurance coverage;
23 *or*

24 (C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its
25 repeal, or K.S.A. 2021 Supp. 21-5406, and amendments thereto,
26 involuntary manslaughter while driving under the influence of alcohol or
27 drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as
28 defined in K.S.A. 2021 Supp. 21-5405(a)(3) and (a)(5), and amendments
29 thereto, or any other murder or manslaughter crime resulting from the
30 operation of a motor vehicle; ~~or~~

31 ~~(D) was convicted of being a habitual violator, K.S.A. 8-287, and~~
32 ~~amendments thereto.~~

33 (2) The person convicted shall not be eligible for release on
34 probation, suspension or reduction of sentence or parole until the person
35 has served at least 90 days' imprisonment. The 90 days' imprisonment
36 mandated by this subsection may be served in a work release program only
37 after such person has served 48 consecutive hours' imprisonment, provided
38 such work release program requires such person to return to confinement
39 at the end of each day in the work release program. The court may place
40 the person convicted under a house arrest program pursuant to K.S.A.
41 2021 Supp. 21-6609, and amendments thereto, or any municipal ordinance
42 to serve the remainder of the minimum sentence only after such person has
43 served 48 consecutive hours' imprisonment.

1 (d) For the purposes of determining whether a conviction is a first,
2 second, third or subsequent conviction in sentencing under this section,
3 "conviction" includes a conviction of a violation of any ordinance of any
4 city or resolution of any county or a law of another state that is in
5 substantial conformity with this section.

6 Sec. 2. K.S.A. 2021 Supp. 8-287 is hereby amended to read as
7 follows: 8-287. Except as allowed under ~~subsection (d)(4) of~~ K.S.A. 8-
8 235(d)(4), and amendments thereto, operation of a motor vehicle in this
9 state while one's driving privileges are revoked pursuant to K.S.A. 8-286,
10 and amendments thereto, is a class A nonperson misdemeanor. ~~The person~~
11 ~~found guilty of a third or subsequent conviction of this section shall be~~
12 ~~sentenced to not less than 90 days' imprisonment and fined not less than~~
13 ~~\$1,500. The person convicted shall not be eligible for release on probation,~~
14 ~~suspension or reduction of sentence or parole until the person has served at~~
15 ~~least 90 days' imprisonment. The 90 days' imprisonment mandated by this~~
16 ~~subsection may be served in a work release program only after such person~~
17 ~~has served 48 consecutive hours' imprisonment, provided such work~~
18 ~~release program requires such person to return to confinement at the end of~~
19 ~~each day in the work release program. The court may place the person~~
20 ~~convicted under a house arrest program pursuant to K.S.A. 2021 Supp. 21-~~
21 ~~6609, and amendments thereto, or any municipal ordinance to serve the~~
22 ~~remainder of the minimum sentence only after such person has served 48~~
23 ~~consecutive hours' imprisonment.~~

24 Sec. 3. K.S.A. 2021 Supp. 8-262 and 8-287 are hereby repealed.

25 Sec. 4. This act shall take effect and be in force from and after its
26 publication in the statute book.