

HOUSE BILL No. 2611

By Representative Patterson

1-28

AN ACT concerning the Kansas offender registration act; providing for motor vehicle identification markings or global positioning systems; penalties; amending K.S.A. 8-255 and repealing the existing section.

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

New Section 1. (a) Except for offenders defined under the provisions of subsections (a)(4)(C), (a)(5), (a)(7), (a)(8), (c)(2), (c)(11), (c)(13), (c)(14) and (d) of K.S.A. 22-4902, and amendments thereto, any person required to register as an offender under K.S.A. 22-4901 *et seq.*, and amendments thereto, shall also be required to: (1) Attach to and display on any motor vehicle operated by such person a symbol or other device indicating that the person is a registered offender under K.S.A. 22-4901 *et seq.*, and amendments thereto. The symbol or other device shall be attached to the front and rear bumper of any such motor vehicle; or

(2) be monitored by a global positioning systems unit. Such unit shall continuously track and provide data on the person's movement. Such unit shall be provided at the expense of the person.

(b) The attorney general shall design and provide for the issuance and distribution of the symbols or other devices required in subsection (a)(1).

(c) Prior to a person being monitored by a global positioning systems unit, such person shall provide written notification to the sheriff and district or county attorney of the county in which the person is being monitored and to the chief law enforcement officer of any incorporated city or town in which the person is being monitored of the placement of the person being monitored within the county or incorporated city or town.

(d) Any person subject to the requirements under subsection (a) shall do so for the same period of time that the person is required to be registered under K.S.A. 22-4906, and amendments thereto.

(e) Any person who violates any of the provisions of this section, upon conviction, shall have such person's driving privileges suspended for a period of 10 years.

(f) This section shall be part of and supplemental to the Kansas offender registration act.

Sec. 2. K.S.A. 8-255 is hereby amended to read as follows: 8-255. (a)

1 The division is authorized to restrict, suspend or revoke a person's driving
2 privileges upon a showing by its records or other sufficient evidence the
3 person:

4 (1) Has been convicted with such frequency of serious offenses
5 against traffic regulations governing the movement of vehicles as to in-
6 dicate a disrespect for traffic laws and a disregard for the safety of other
7 persons on the highways;

8 (2) has been convicted of three or more moving traffic violations com-
9 mitted on separate occasions within a 12-month period;

10 (3) is incompetent to drive a motor vehicle;

11 (4) has been convicted of a moving traffic violation, committed at a
12 time when the person's driving privileges were restricted, suspended or
13 revoked; or

14 (5) is a member of the armed forces of the United States stationed
15 at a military installation located in the state of Kansas, and the authorities
16 of the military establishment certify that such person's on-base driving
17 privileges have been suspended, by action of the proper military author-
18 ities, for violating the rules and regulations of the military installation
19 governing the movement of vehicular traffic or for any other reason relat-
20 ing to the person's inability to exercise ordinary and reasonable control
21 in the operation of a motor vehicle.

22 (b) The division shall suspend a person's driving privileges when re-
23 quired by K.S.A. 8-262, 8-1014 or 41-727, and amendments thereto, and
24 K.S.A. ~~2000~~ 2003 Supp. 21-3765, and amendments thereto, *section 1, and*
25 *amendments thereto*, and shall disqualify a person's privilege to drive com-
26 mercial motor vehicles when required by K.S.A. 8-2,142, and amend-
27 ments thereto.

28 (c) When the action by the division restricting, suspending, revoking
29 or disqualifying a person's driving privileges is based upon a report of a
30 conviction or convictions from a convicting court, the person may not
31 request a hearing but, within 30 days after notice of restriction, suspen-
32 sion, revocation or disqualification is mailed, may submit a written request
33 for administrative review and provide evidence to the division to show
34 the person whose driving privileges have been restricted, suspended, re-
35 voked or disqualified by the division was not convicted of the offense
36 upon which the restriction, suspension, revocation or disqualification is
37 based. Within 30 days of its receipt of the request for administrative
38 review, the division shall notify the person whether the restriction, sus-
39 pension, revocation or disqualification has been affirmed or set aside. The
40 request for administrative review shall not stay any action taken by the
41 division.

42 (d) Upon restricting, suspending, revoking or disqualifying the driv-
43 ing privileges of any person as authorized by this act, the division shall

1 immediately notify the person in writing. Except as provided by K.S.A.
2 8-1002 and 8-2,145, and amendments thereto, and subsection (c) of this
3 section, if the person makes a written request for hearing within 30 days
4 after such notice of restriction, suspension or revocation is mailed, the
5 division shall afford the person an opportunity for a hearing as early as
6 practical not sooner than five days nor more than 30 days after such
7 request is mailed. If the division has not revoked or suspended the per-
8 son's driving privileges or vehicle registration prior to the hearing, the
9 hearing may be held within not to exceed 45 days. Except as provided by
10 K.S.A. 8-1002 and 8-2,145, and amendments thereto, the hearing shall
11 be held in the person's county of residence or a county adjacent thereto,
12 unless the division and the person agree that the hearing may be held in
13 some other county. Upon the hearing, the director or the director's duly
14 authorized agent may administer oaths and may issue subpoenas for the
15 attendance of witnesses and the production of relevant books and papers
16 and may require an examination or reexamination of the person. When
17 the action proposed or taken by the division is authorized but not re-
18 quired, the division, upon the hearing, shall either rescind or affirm its
19 order of restriction, suspension or revocation or, good cause appearing
20 therefor, extend the restriction or suspension of the person's driving priv-
21 ileges, modify the terms of the restriction or suspension or revoke the
22 person's driving privileges. When the action proposed or taken by the
23 division is required, the division, upon the hearing, shall either affirm its
24 order of restriction, suspension, revocation or disqualification, or, good
25 cause appearing therefor, dismiss the administrative action. If the person
26 fails to request a hearing within the time prescribed or if, after a hearing,
27 the order of restriction, suspension, revocation or disqualification is up-
28 held, the person shall surrender to the division, upon proper demand,
29 any driver's license in the person's possession.

30 (e) In case of failure on the part of any person to comply with any
31 subpoena issued in behalf of the division or the refusal of any witness to
32 testify to any matters regarding which the witness may be lawfully inter-
33 rogated, the district court of any county, on application of the division,
34 may compel obedience by proceedings for contempt, as in the case of
35 disobedience of the requirements of a subpoena issued from the court or
36 a refusal to testify in the court. Each witness who appears before the
37 director or the director's duly authorized agent by order or subpoena,
38 other than an officer or employee of the state or of a political subdivision
39 of the state, shall receive for the witness' attendance the fees and mileage
40 provided for witnesses in civil cases in courts of record, which shall be
41 audited and paid upon the presentation of proper vouchers sworn to by
42 the witness.

43 (f) The division, in the interest of traffic and safety, may establish

1 driver improvement clinics throughout the state and, upon reviewing the
2 driving record of a person whose driving privileges are subject to suspen-
3 sion under subsection (a)(2), may permit the person to retain such per-
4 son's driving privileges by attending a driver improvement clinic. A person
5 who is required to attend a driver improvement clinic shall pay a fee of
6 \$15. Amounts received under this subsection shall be remitted to the state
7 treasurer in accordance with the provisions of K.S.A. 75-4215, and
8 amendments thereto. Upon receipt of each such remittance, the state
9 treasurer shall deposit the same in the state treasury to the credit of the
10 division of vehicles operating fund.

11 Sec. 3. K.S.A. 8-255 is hereby repealed.

12 Sec. 4. This act shall take effect and be in force from and after its
13 publication in the Kansas register.

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