

HOUSE BILL No. 2269

By Committee on Judiciary

1-29

9 AN ACT concerning driving while license suspended; penalty; amending
10 K.S.A. 2006 Supp. 8-262 and repealing the existing section.

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

13 Section 1. K.S.A. 2006 Supp. 8-262 is hereby amended to read as
14 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any
15 highway of this state at a time when such person's privilege so to do is
16 canceled, suspended or revoked or while such person's privilege to obtain
17 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and
18 amendments thereto, shall be guilty of a class B nonperson misdemeanor
19 on the first conviction and a class A nonperson misdemeanor on the sec-
20 ond or subsequent conviction.

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

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

29 (4) Except as otherwise provided by subsection (c), if a person: (A)
30 Is convicted of a violation of this section, committed while the person's
31 privilege to drive or privilege to obtain a driver's license was suspended
32 or revoked for a violation of K.S.A. 8-1567, and amendments thereto, or
33 any ordinance of any city or resolution of any county or a law of another
34 state, which ordinance or law prohibits the acts prohibited by that statute;
35 and (B) is or has been also convicted of a violation of K.S.A. 8-1567, and
36 amendments thereto, or of a municipal ordinance or law of another state,
37 which ordinance or law prohibits the acts prohibited by that statute, com-
38 mitted while the person's privilege to drive or privilege to obtain a driver's
39 license was so suspended or revoked, the person shall not be eligible for
40 suspension of sentence, probation or parole until the person has served
41 at least 90 days' imprisonment, and any fine imposed on such person shall
42 be in addition to such a term of imprisonment.

43 (b) The division, upon receiving a record of the conviction of any

1 person under this section, or any ordinance of any city or resolution of
2 any county or a law of another state which is in substantial conformity
3 with this section, upon a charge of driving a vehicle while the license of
4 such person is revoked or suspended, shall extend the period of such
5 suspension or revocation for an additional period of 90 days.

6 (c) (1) The person found guilty of a class A nonperson misdemeanor
7 on a third or subsequent conviction of this section shall be sentenced to
8 not less than 90 days imprisonment and fined not less than \$1,500; *if such*
9 *person's privilege to drive a motor vehicle is canceled, suspended or re-*
10 *voked because such person:*

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

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

17 (C) *was convicted of vehicular homicide, K.S.A. 21-3405, and amend-*
18 *ments thereto, involuntary manslaughter while driving under the influ-*
19 *ence of alcohol or drugs, K.S.A. 2006 Supp. 21-3442, and amendments*
20 *thereto, or any other murder or manslaughter crime resulting from the*
21 *operation of a motor vehicle; or*

22 (D) *was convicted of being a habitual violator, K.S.A. 8-287, and*
23 *amendments thereto.*

24 (2) The person convicted shall not be eligible for release on proba-
25 tion, suspension or reduction of sentence or parole until the person has
26 served at least 90 days' imprisonment. The 90 days' imprisonment man-
27 dated by this subsection may be served in a work release program only
28 after such person has served 48 consecutive hours' imprisonment, pro-
29 vided such work release program requires such person to return to con-
30 finement at the end of each day in the work release program. The court
31 may place the person convicted under a house arrest program pursuant
32 to K.S.A. 21-4603b, and amendments thereto, or any municipal ordinance
33 to serve the remainder of the minimum sentence only after such person
34 has served 48 consecutive hours' imprisonment.

35 (d) For the purposes of determining whether a conviction is a first,
36 second, third or subsequent conviction in sentencing under this section,
37 "conviction" includes a conviction of a violation of any ordinance of any
38 city or resolution of any county or a law of another state which is in
39 substantial conformity with this section.

40 Sec. 2. K.S.A. 2006 Supp. 8-262 is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the statute book.