

**SENATE BILL No. 113**

By Committee on Transportation

1-30

1 AN ACT concerning traffic regulations; relating to reckless driving;  
2 including operating a motor vehicle at a speed of 100 miles per hour or  
3 more and 35 miles per hour over the posted speed limit under the crime  
4 of reckless driving; amending K.S.A. 8-254 and 8-1566 and repealing  
5 the existing sections.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 8-254 is hereby amended to read as follows: 8-254.

9 (a) Subject to the provisions of subsection (b), the division shall revoke a  
10 person's driving privileges upon receiving a record of the person's  
11 conviction of any of the following offenses, including municipal  
12 violations, when the conviction has become final, or upon receiving a  
13 record of a person's adjudication as a juvenile offender for commission of  
14 an act which, if committed by a person 18 or more years of age, would  
15 constitute any of the following offenses when the adjudication has become  
16 final:

17 (1) Involuntary manslaughter, as defined in subsection (a)(2) of  
18 K.S.A. 21-5405, and amendments thereto, if the crime is committed while  
19 committing a violation of K.S.A. 8-1566 or subsection (a) of 8-1568, and  
20 amendments thereto, or the ordinance of a city or resolution of a county  
21 which prohibits any acts prohibited by those statutes;

22 (2) vehicular homicide, as defined in K.S.A. 21-5406, and  
23 amendments thereto;

24 (3) battery, as defined in subsection (a)(1) of K.S.A. 21-5413, and  
25 amendments thereto, if the crime is committed while committing a  
26 violation of K.S.A. 8-1566 or 8-1568, and amendments thereto, or the  
27 ordinance of a city or resolution of a county which prohibits the acts  
28 prohibited by those statutes;

29 (4) failure to stop and render aid as required under the laws of this  
30 state in the event of a motor vehicle accident resulting in the death or  
31 personal injury of another;

32 (5) conviction, or forfeiture of bail not vacated, upon a charge of  
33 reckless driving, *except violations committed under K.S.A. 8-1566(a)(2),*  
34 *and amendment thereto, shall not apply under this paragraph;*

35 (6) conviction, or forfeiture of bail not vacated ~~of~~ *for* any felony in  
36 the commission of which a motor vehicle is used; or

1 (7) fleeing or attempting to elude a police officer as provided in  
2 K.S.A. 8-1568, and amendments thereto, or conviction of violation of an  
3 ordinance of any city or a law of another state which is in substantial  
4 conformity with such statute.

5 (b) In lieu of revoking a person's driving privileges as provided by  
6 subsection (a), the court in which the person is convicted or adjudicated  
7 may place restrictions on the person's driving privileges as provided by  
8 K.S.A. 8-292, and amendments thereto, unless the violation was  
9 committed while operating a commercial motor vehicle, as defined in  
10 K.S.A. 8-2,128. Driving privileges are to be automatically revoked if the  
11 violation which leads to the subsequent conviction occurs in a commercial  
12 motor vehicle, as defined in K.S.A. 8-2,128.

13 Sec. 2. K.S.A. 8-1566 is hereby amended to read as follows: 8-1566.

14 (a) Any person ~~who drives any~~ *shall be guilty of reckless driving if such*  
15 *person operates a vehicle:*

16 (1) *in willful or wanton disregard for the safety of persons or property*  
17 ~~*is guilty of reckless driving; or*~~

18 (2) *at a speed of 100 miles per hour or more or 35 miles per hour or*  
19 *more over the maximum posted speed limit, except as provided in K.S.A. 8-*  
20 *1506, and amendments thereto, without regard to any culpable mental*  
21 *state.*

22 (b) Except as provided in K.S.A. 8-2,142, *and amendments thereto,*  
23 violation of this section is a misdemeanor. Upon a first conviction of a  
24 violation of this section, a person shall be sentenced to not less than five  
25 days nor more than 90 days imprisonment or fined not less than \$25 nor  
26 more than \$500, or both such fine and imprisonment. On a second or  
27 subsequent conviction of a violation of this section, a person shall be  
28 sentenced to not less than 10 days nor more than six months imprisonment,  
29 or fined not less than \$50 nor more than \$500 or both such fine and  
30 imprisonment.

31 Sec. 3. K.S.A. 8-254 and 8-1566 are hereby repealed.

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