

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Judiciary** recommends **HB 2040**, as amended by House Committee, be amended on page 2, in line 2, by striking all after "(A)"; by striking all in lines 3 through 5; in line 6, by striking "(B)"; in line 15, by striking all after "(3)"; by striking all in lines 16 and 17; in line 18, by striking "thereto" and inserting "For the purpose of enforcement pursuant to this subsection:

(A) A copy of a certificate sworn to or affirmed by a law enforcement officer and stating that, based upon inspection of recorded images, a motor vehicle was operated in violation of subsection (a) and that a particular person depicted on a recorded image from a video recording device operated such vehicle shall be prima facie evidence of the facts contained therein; and

(B) evidence that the person particularly described in a citation issued pursuant to this subsection operated a vehicle in violation of subsection (a), shall create a rebuttable presumption that such person was the driver of such vehicle at the time of the alleged violation. Such presumption may be rebutted by competent evidence";

Also on page 2, by striking all in lines 28 through 31;

By redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 4, in line 19, after the first period by inserting "Such citation shall include:

(1) The date, time and location of the alleged violation, the amount of the fine imposed and the date by which such fine shall be paid;

(2) an image taken from the recorded images showing the vehicle and particular person involved in the alleged violation;

(3) a copy of a certificate sworn to or affirmed by a law enforcement officer stating that, based upon inspection of recorded images, a motor vehicle was operated in violation of subsection (a);

(4) a statement of the rebuttable presumption provided in K.S.A. 8-1556(e)(3)(B), and amendments thereto;

(5) information advising the owner of the motor vehicle of the manner and time in which liability as alleged in the citation may be contested in court; and

(6) a warning that failure to contest liability in a timely manner shall waive any right to contest liability."; and the bill be amended without recommendation.

_____Chairperson