

SENATE BILL No. 314

By Committee on Ways and Means

5-5

1 AN ACT reconciling conflicting amendments to certain statutes; amending
2 K.S.A. 66-104, as amended by section 1 of 2021 House Bill No. 2367,
3 75-5133 and 79-3234 and K.S.A. 2020 Supp. 8-2110, 8-2118, as
4 amended by section 6 of 2021 Senate Bill No. 67, 45-229, as amended
5 by section 12 of 2021 House Bill No. 2390, 58-652, as amended by
6 section 1 of 2021 Senate Bill No. 103, and 60-5508, as amended by
7 section 6 of 2021 Senate Bill No. 283, and repealing the existing
8 sections; also repealing K.S.A. 22-4514a, as amended by section 1 of
9 2021 Senate Bill No. 16, 66-104, as amended by section 1 of 2021
10 House Bill No. 2145, 75-3728c, as amended by section 2 of 2021
11 Senate Bill No. 16, 75-5133d, 76-721, as amended by section 3 of 2021
12 Senate Bill No. 16, 79-3233b, as amended by section 4 of 2021 Senate
13 Bill No. 16, and 79-3234d and K.S.A. 2020 Supp. 8-2110b, 8-2118c,
14 39-1431b, 45-229, as amended by section 5 of 2021 House Bill No.
15 2162, 45-229, as amended by section 36 of 2021 House Bill No. 2391,
16 58-652, as amended by section 39 of 2021 Senate Bill No. 106, and 60-
17 5508, as amended by section 3 of 2021 House Bill No. 2126.

18

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

20 Section 1. K.S.A. 2020 Supp. 8-2110 is hereby amended to read as
21 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
22 either to: (1) Appear before any district or municipal court in response to a
23 traffic citation and pay in full any fine and court costs imposed; or (2)
24 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
25 amendments thereto. Failure to comply with a traffic citation is a
26 misdemeanor, regardless of the disposition of the charge for which such
27 citation was originally issued.

28 (b) (1) In addition to penalties of law applicable under subsection (a),
29 when a person fails to comply with a traffic citation, except for illegal
30 parking, standing or stopping, the district or municipal court in which the
31 person should have complied with the citation shall mail notice to the
32 person that if the person does not appear in district or municipal court or
33 pay all fines, court costs and any penalties within 30 days from the date of
34 mailing notice, the division of vehicles will be notified to suspend the
35 person's driving privileges. The district or municipal court may charge an
36 additional fee of \$5 for mailing such notice. Upon the person's failure to

1 comply within such 30 days of mailing notice, the district or municipal
2 court shall electronically notify the division of vehicles. Upon receipt of a
3 report of a failure to comply with a traffic citation under this subsection,
4 pursuant to K.S.A. 8-255, and amendments thereto, the division of
5 vehicles shall notify the violator and suspend the license of the violator
6 until satisfactory evidence of compliance with the terms of the traffic
7 citation has been furnished to the informing court. When the court
8 determines the person has complied with the terms of the traffic citation,
9 the court shall immediately electronically notify the division of vehicles of
10 such compliance. Upon receipt of notification of such compliance from the
11 informing court, the division of vehicles shall terminate the suspension or
12 suspension action.

13 (2) (A) In lieu of suspension under paragraph (1), the driver may
14 submit to the division of vehicles a written request for restricted driving
15 privileges, with a non-refundable \$25 application fee, to be applied by the
16 division of vehicles for additional administrative costs to implement
17 restricted driving privileges. The division shall remit all restricted driving
18 privilege application fees to the state treasurer in accordance with the
19 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
20 each such remittance, the state treasurer shall deposit the entire amount in
21 the state treasury to the credit of the division of vehicles operating fund.

22 (B) A person whose driver's license has expired during the period
23 when such person's driver's license has been suspended for failure to pay
24 fines for traffic citations, the driver may submit to the division of vehicles
25 a written request for restricted driving privileges, with a non-refundable
26 \$25 application fee, to be applied by the division of vehicles for additional
27 administrative costs to implement restricted driving privileges. The
28 division shall remit all restricted driving privilege application fees to the
29 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
30 amendments thereto. Upon receipt of each such remittance, the state
31 treasurer shall deposit the entire amount in the state treasury to the credit
32 of the division of vehicles operating fund. An individual shall not qualify
33 for restricted driving privileges pursuant to this section unless the
34 following conditions are met: (i) The suspended license that expired was
35 issued by the division of vehicles; (ii) the suspended license resulted from
36 the individual's failure to comply with a traffic citation pursuant to
37 subsection (b)(1); (iii) the traffic citation that resulted in the failure to
38 comply pursuant to subsection (b)(1) was issued in this state; and (iv) the
39 individual has not previously received a stayed suspension as a result of a
40 driving while suspended conviction.

41 (C) Upon review and approval of the driver's eligibility, the driving
42 privileges will be restricted by the division of vehicles for a period up to
43 one year or until the terms of the traffic citation have been complied with

1 and the court shall immediately electronically notify the division of
2 vehicles of such compliance. If the driver fails to comply with the traffic
3 citation within the one year restricted period, the driving privileges will be
4 suspended by the division of vehicles until the court determines the person
5 has complied with the terms of the traffic citation and the court shall
6 immediately electronically notify the division of vehicles of such
7 compliance. Upon receipt of notification of such compliance from the
8 informing court, the division of vehicles shall terminate the suspension
9 action. When restricted driving privileges are approved pursuant to this
10 section, the person's driving privileges shall be restricted to driving only
11 under the following circumstances: (i) In going to or returning from the
12 person's place of employment or schooling; (ii) in the course of the
13 person's employment; (iii) in going to or returning from an appointment
14 with a health care provider or during a medical emergency; and (iv) in
15 going to and returning from probation or parole meetings, drug or alcohol
16 counseling or any place the person is required to go by a court.

17 ~~(c) (1) Prior to July 1, 2018, except as provided in subsection (d),~~
18 ~~when the district or municipal court notifies the division of vehicles of a~~
19 ~~failure to comply with a traffic citation pursuant to subsection (b), the~~
20 ~~court shall assess a reinstatement fee of \$59 for each charge on which the~~
21 ~~person failed to make satisfaction regardless of the disposition of the~~
22 ~~charge for which such citation was originally issued and regardless of any~~
23 ~~application for restricted driving privileges. Such reinstatement fee shall~~
24 ~~be in addition to any fine, restricted driving privilege application fee,~~
25 ~~district or municipal court costs and other penalties. The court shall remit~~
26 ~~all reinstatement fees to the state treasurer in accordance with the~~
27 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~
28 ~~each such remittance, the state treasurer shall deposit the entire amount in~~
29 ~~the state treasury and shall credit 42.37% of such moneys to the division of~~
30 ~~vehicles operating fund, 31.78% to the community alcoholism and~~
31 ~~intoxication programs fund created by K.S.A. 41-1126, and amendments~~
32 ~~thereto, 10.59% to the juvenile alternatives to detention fund created by~~
33 ~~K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial~~
34 ~~branch nonjudicial salary adjustment fund created by K.S.A. 2020 Supp.~~
35 ~~20-1a15, and amendments thereto.~~

36 (2) On and after July 1, 2018, except as provided in subsection (d),
37 when the district or municipal court notifies the division of vehicles of a
38 failure to comply with a traffic citation pursuant to subsection (b), the
39 court shall assess a reinstatement fee of \$100 for each charge on which the
40 person failed to make satisfaction regardless of the disposition of the
41 charge for which such citation was originally issued and regardless of any
42 application for restricted driving privileges. Such reinstatement fee shall
43 be in addition to any fine, restricted driving privilege application fee,

1 district or municipal court costs and other penalties. The court shall remit
2 all reinstatement fees to the state treasurer in accordance with the
3 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
4 each such remittance, the state treasurer shall deposit the entire amount in
5 the state treasury and shall credit the first \$15 of such reinstatement fee to
6 the judicial branch nonjudicial salary adjustment fund and of the
7 remaining amount, 29.41% of such moneys to the division of vehicles
8 operating fund, 22.06% to the community alcoholism and intoxication
9 programs fund created by K.S.A. 41-1126, and amendments thereto,
10 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
11 4803, and amendments thereto, and 41.17% to the judicial branch
12 nonjudicial salary adjustment fund created by K.S.A. 2020 Supp. 20-1a15,
13 and amendments thereto.

14 (d) The district court or municipal court shall waive the reinstatement
15 fee provided for in subsection (c), if the failure to comply with a traffic
16 citation was the result of such person enlisting in or being drafted into the
17 armed services of the United States, being called into service as a member
18 of a reserve component of the military service of the United States, or
19 volunteering for such active duty, or being called into service as a member
20 of the state of Kansas national guard, or volunteering for such active duty,
21 and being absent from Kansas because of such military service.

22 (e) A person who is assessed a reinstatement fee pursuant to
23 subsection (c) may petition the court that assessed the fee at any time to
24 waive payment of the fee, any additional charge imposed pursuant to
25 subsection (f), or any portion thereof. If it appears to the satisfaction of the
26 court that payment of the amount due will impose manifest hardship on the
27 person or the person's immediate family, the court may waive payment of
28 all or part of the amount due or modify the method of payment.

29 (f) Except as provided further, the reinstatement fee established in
30 this section shall be the only fee collected or moneys in the nature of a fee
31 collected for such reinstatement. Such fee shall only be established by an
32 act of the legislature and no other authority is established by law or
33 otherwise to collect a fee. ~~On and after July 1, 2017, through June 30,~~
34 ~~2019; On and after July 1, 2019, through June 30, 2025,~~ the supreme court
35 may impose an additional charge, not to exceed \$22 per reinstatement fee,
36 to fund the costs of non-judicial personnel.

37 Sec. 2. K.S.A. 2020 Supp. 8-2118, as amended by section 6 of 2021
38 Senate Bill No. 67, is hereby amended to read as follows: 8-2118. (a) A
39 person charged with a traffic infraction shall, except as provided in
40 subsection (b), appear at the place and time specified in the notice to
41 appear. If the person enters an appearance, waives right to trial, pleads
42 guilty or no contest, the fine shall be no greater than that specified in the
43 uniform fine schedule in subsection (c) and court costs shall be taxed as

1 provided by law.

2 (b) Prior to the time specified in the notice to appear, a person
 3 charged with a traffic infraction may enter a written appearance, waive
 4 right to trial, plead guilty or no contest and pay the fine for the violation as
 5 specified in the uniform fine schedule in subsection (c) and court costs
 6 provided by law. Payment may be made in any manner accepted by the
 7 court. The traffic citation shall not have been complied with if the payment
 8 is not honored for any reason, or if the fine and court costs are not paid in
 9 full. When a person charged with a traffic infraction makes payment
 10 without executing a written waiver of right to trial and plea of guilty or no
 11 contest, the payment shall be deemed such an appearance, waiver of right
 12 to trial and plea of no contest.

13 (c) The following uniform fine schedule shall apply uniformly
 14 throughout the state but shall not limit the fine that may be imposed
 15 following a court appearance, except an appearance made for the purpose
 16 of pleading and payment as permitted by subsection (a). The description of
 17 offense contained in the following uniform fine schedule is for reference
 18 only and is not a legal definition.

19 <i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
20 Unsafe speed for prevailing	8-1557	\$75
21 conditions		
22 Exceeding maximum speed	8-1558	1-10 mph over the
23 limit; or speeding in zone	to	limit, \$45
24 posted by the state depart-	8-1560	
25 ment of transportation; or	8-1560a	11-20 mph over the
26 speeding in locally posted	or	limit, \$45 plus \$6
27 zone	8-1560b	per mph over 10
28		mph over the limit;
29		21-30 mph over the
30		limit, \$105 plus \$9
31		per mph over 20
32		mph over the limit;
33		31 and more mph
34		over the limit, \$195
35		plus \$15 per mph
36		over 30 mph over
37		the limit;
38 Disobeying traffic control de-	8-1507	\$75
39 vice		
40 Violating traffic control signal	8-1508	\$75
41 Violating pedestrian control	8-1509	\$45
42 signal		
43 Violating flashing traffic signals	8-1510	\$75

1	Violating lane-control signal	8-1511	\$75
2	Unauthorized sign, signal,	8-1512	\$45
3	marking or device		
4	Driving on left side of roadway	8-1514	\$75
5	Failure to keep right to pass	8-1515	\$75
6	oncoming vehicle		
7	Improper passing; increasing	8-1516	\$75
8	speed when passed		
9	Improper passing on right	8-1517	\$75
10	Passing on left with insuffi-	8-1518	\$75
11	cient clearance		
12	Driving on left side where	8-1519	\$75
13	curve, grade, intersec-		
14	tion railroad crossing, or		
15	obstructed view		
16	Driving on left in no-passing	8-1520	\$75
17	zone		
18	Unlawful passing of stopped	8-1520a	\$75
19	emergency vehicle		
20	Driving wrong direction on	8-1521	\$75
21	one-way road		
22	Improper driving on laned	8-1522	\$75
23	roadway		
24	Following too close	8-1523	\$75
25	Improper crossover on di-	8-1524	\$45
26	vided highway		
27	Failure to yield right-of-way	8-1526	\$75
28	at uncontrolled intersection		
29	Failure to yield to approach-	8-1527	\$75
30	ing vehicle when turning		
31	left		
32	Failure to yield at stop or	8-1528	\$75
33	yield sign		
34	Failure to yield from private	8-1529	\$75
35	road or driveway		
36	Failure to yield to emergency	8-1530	\$195
37	vehicle		
38	Failure to yield to pedestrian	8-1531	\$105
39	or vehicle working on		
40	roadway		
41	Failure to comply with re-	8-1531a	\$45
42	strictions in road con-		
43	struction zone		

1	Disobeying pedestrian traffic	8-1532	\$45
2	control device		
3	Failure to yield to pedestrian	8-1533	\$75
4	in crosswalk; pedestrian		
5	suddenly entering road-		
6	way; passing vehicle		
7	stopped for pedestrian at		
8	crosswalk		
9	Improper pedestrian crossing	8-1534	\$45
10	Failure to exercise due care in	8-1535	\$45
11	regard to pedestrian		
12	Improper pedestrian move-	8-1536	\$45
13	ment in crosswalk		
14	Improper use of roadway by	8-1537	\$45
15	pedestrian		
16	Soliciting ride or business	8-1538	\$45
17	on roadway		
18	Driving through safety zone	8-1539	\$45
19	Failure to yield to pedestrian	8-1540	\$45
20	on sidewalk		
21	Failure of pedestrian to yield	8-1541	\$45
22	to emergency vehicle		
23	Failure to yield to blind pe-	8-1542	\$45
24	destrian		
25	Pedestrian disobeying bridge	8-1544	\$45
26	or railroad signal		
27	Improper turn or approach	8-1545	\$75
28	Improper "U" turn	8-1546	\$75
29	Unsafe starting of stopped	8-1547	\$45
30	vehicle		
31	Unsafe turning or stopping,	8-1548	\$75
32	failure to give proper sig-		
33	nal; using turn signal un-		
34	lawfully		
35	Improper method of giving	8-1549	\$45
36	notice of intention to turn		
37	Improper hand signal	8-1550	\$45
38	Failure to stop or obey	8-1551	\$195
39	road crossing signal		
40	Failure to stop at railroad	8-1552	\$135
41	crossing stop sign		
42	Certain hazardous vehicles	8-1553	\$195
43	failure to stop at railroad		

1	crossing		
2	Improper moving of heavy	8-1554	\$75
3	equipment at railroad		
4	crossing		
5	Vehicle emerging from alley,	8-1555	\$75
6	private roadway, building		
7	or driveway		
8	Improper passing of school	8-1556	\$315
9	bus; improper use of		
10	school bus signals		
11	Improper passing of church	8-1556a	\$195
12	or day-care bus; improper		
13	use of signals		
14	Impeding normal traffic	8-1561	\$45
15	by slow speed		
16	Speeding on motor-driven	8-1562	\$75
17	cycle		
18	Speeding in certain vehicles	8-1563	\$45
19	or on posted bridge		
20	Improper stopping, standing	8-1569	\$45
21	or parking on roadway		
22	Parking, standing or stopping	8-1571	\$45
23	in prohibited area		
24	Improper parking	8-1572	\$45
25	Unattended vehicle	8-1573	\$45
26	Improper backing	8-1574	\$45
27	Driving on sidewalk	8-1575	\$45
28	Driving with view or driving	8-1576	\$45
29	mechanism obstructed		
30	Unsafe opening of vehicle	8-1577	\$45
31	door		
32	Riding in house trailer	8-1578	\$45
33	Unlawful riding on vehicle	8-1578a	\$75
34	Improper driving in defiles,	8-1579	\$45
35	canyons, or on grades		
36	Coasting	8-1580	\$45
37	Following fire apparatus too	8-1581	\$75
38	closely		
39	Driving over fire hose	8-1582	\$45
40	Putting glass, etc., on high-	8-1583	\$105
41	way		
42	Driving into intersection,	8-1584	\$45
43	crosswalk, or crossing		

1	without sufficient space		
2	on other side		
3	Improper operation of snow-	8-1585	\$45
4	mobile on highway		
5	Parental responsibility of	8-1586	\$45
6	child riding bicycle		
7	Not riding on bicycle seat;	8-1588	\$45
8	too many persons on		
9	bicycle		
10	Clinging to other vehicle	8-1589	\$45
11	Improper riding of bicycle on	8-1590	\$45
12	roadway		
13	Carrying articles on bicycle;	8-1591	\$45
14	one hand on handlebars		
15	Improper bicycle lamps,	8-1592	\$45
16	brakes or reflectors		
17	Improper operation of mo-	8-1594	\$45
18	torcycle; seats; passen-		
19	gers, bundles		
20	Improper operation of motor	8-1595	\$75
21	cycle on laned roadway		
22	Motorcycle clinging to other	8-1596	\$45
23	vehicle		
24	Improper motorcycle handle-	8-1597	\$75
25	bars or passenger		
26	equipment		
27	Motorcycle helmet and eye-	8-1598	\$45
28	protection requirements		
29	Unlawful operation of all-ter-	8-15,100	\$75
30	rain vehicle		
31	Unlawful operation of	8-15,101	\$75
32	low-speed vehicle		
33	Littering	8-15,102	\$115
34	Disobeying school crossing	8-15,103	\$75
35	guard		
36	Unlawful operation of micro	8-15,106	\$75
37	utility truck		
38	Failure to remove vehicles in	8-15,107	\$75
39	accidents		
40	Unlawful operation of golf	8-15,108	\$75
41	cart		
42	Unlawful operation of work-	8-15,109	\$75
43	site utility vehicle		

1	Unlawful display of license	8-15,110	\$60
2	plate		
3	Unlawful text messaging	8-15,111	\$60
4	Unlawful passing of a waste	8-15,112	\$45
5	collection vehicle		
6	<i>Unlawful operation of</i>	<i>8-15,113</i>	<i>\$45</i>
7	<i>electric-assisted scooter</i>		
8	Unlawful passing of a utility or	section 5	\$105
9	telecommunications vehicle		
10	Equipment offenses that are	8-1701	\$75
11	not misdemeanors		
12	Driving without lights when	8-1703	\$45
13	needed		
14	Defective headlamps	8-1705	\$45
15	Defective tail lamps	8-1706	\$45
16	Defective reflector	8-1707	\$45
17	Improper stop lamp or turn	8-1708	\$45
18	signal		
19	Improper lighting equipment	8-1710	\$45
20	on certain vehicles		
21	Improper lamp color on cer-	8-1711	\$45
22	tain vehicles		
23	Improper mounting of re-	8-1712	\$45
24	flectors and lamps on cer-		
25	tain vehicles		
26	Improper visibility of reflec-	8-1713	\$45
27	tors and lamps on certain		
28	vehicles		
29	No lamp or flag on projecting	8-1715	\$75
30	load		
31	Improper lamps on parked	8-1716	\$45
32	vehicle		
33	Improper lights, lamps, re-	8-1717	\$45
34	flectors and emblems on		
35	farm tractors or slow-		
36	moving vehicles		
37	Improper lamps and equip-	8-1718	\$45
38	ment on implements of		
39	husbandry, road machin-		
40	ery or animal-drawn ve-		
41	hicles		
42	Unlawful use of spot, fog, or	8-1719	\$45
43	auxiliary lamp		

1	Improper lamps or lights on	8-1720	\$45
2	emergency vehicle		
3	Improper stop or turn signal	8-1721	\$45
4	Improper vehicular hazard	8-1722	\$45
5	warning lamp		
6	Unauthorized additional	8-1723	\$45
7	lighting equipment		
8	Improper multiple-beam lights	8-1724	\$45
9	Failure to dim headlights	8-1725	\$75
10	Improper single-beam head-	8-1726	\$45
11	lights		
12	Improper speed with alter-	8-1727	\$45
13	nate lighting		
14	Improper number of driving	8-1728	\$45
15	lamps		
16	Unauthorized lights and sig-	8-1729	\$45
17	nals		
18	Improper school bus lighting	8-1730	\$45
19	equipment and warning		
20	devices		
21	Unauthorized lights and de-	8-1730a	\$45
22	vices on church or day-		
23	care bus		
24	Improper lights on highway	8-1731	\$45
25	construction or maintenance		
26	vehicles		
27	Defective brakes	8-1734	\$45
28	Defective or improper use of	8-1738	\$45
29	horn or warning device		
30	Defective muffler	8-1739	\$45
31	Defective mirror	8-1740	\$45
32	Defective wipers; obstructed	8-1741	\$45
33	windshield or windows		
34	Improper tires	8-1742	\$45
35	Improper flares or warning	8-1744	\$45
36	devices		
37	Improper use of vehicular	8-1745	\$45
38	hazard warning lamps		
39	and devices		
40	Improper air-conditioning	8-1747	\$45
41	equipment		
42	Improper safety belt or	8-1749	\$45
43	shoulder harness		

1	Improper wide-based single	8-1742b	\$75
2	tires		
3	Improper compression re-	8-1761	\$75
4	lease engine braking sys-		
5	tem		
6	Defective motorcycle head-	8-1801	\$45
7	lamp		
8	Defective motorcycle tail	8-1802	\$45
9	lamp		
10	Defective motorcycle reflec-	8-1803	\$45
11	tor		
12	Defective motorcycle stop	8-1804	\$45
13	lamps and turn signals		
14	Defective multiple-beam	8-1805	\$45
15	lighting		
16	Improper road-lighting equip-	8-1806	\$45
17	ment on motor-driven cy-		
18	cles		
19	Defective motorcycle or mo-	8-1807	\$45
20	tor-driven cycle brakes		
21	Improper performance abil-	8-1808	\$45
22	ity of brakes		
23	Operating motorcycle with	8-1809	\$45
24	disapproved braking sys-		
25	tem		
26	Defective horn, muffler, mir-	8-1810	\$45
27	rors or tires		
28	Unlawful statehouse parking	75-4510a	\$30
29	Exceeding gross weight of	8-1909	Pounds Overweight
30	vehicle or combination		up to 1000.....\$40
31			1001 to 2000.....3¢
32			per pound
33			2001 to 5000.....5¢
34			per pound
35			5001 to 7500.....7¢
36			per pound
37			7501 and over.....10¢
38			per pound
39	Exceeding gross weight on	8-1908	Pounds Overweight
40	any axle or tandem,		up to 1000.....\$40
41	triple or quad axles		1001 to 2000.....3¢
42			per pound
43			2001 to 5000.....5¢

1			per pound
2			5001 to 7500.....7¢
3			per pound
4			7501 and over.....10¢
5			per pound
6	Failure to obtain proper re-	66-1324	\$287
7	gistration, clearance or		
8	to have current cer-		
9	tification		
10	Insufficient liability insur-	66-1,128	\$137
11	ance for motor carriers	or 66-1314	
12	Failure to obtain interstate	79-34,122	\$137
13	motor fuel tax author-		
14	ization		
15	No authority as private or	66-1,111	\$137
16	common carrier		
17	Violation of motor carrier	66-1,129	\$115
18	safety rules and regula-		
19	tions, except for viola-		
20	tions specified in K.S.A.		
21	66-1,130(b)(2), and		
22	amendments thereto		

23 (d) Traffic offenses classified as traffic infractions by this section
 24 shall be classified as ordinance traffic infractions by those cities adopting
 25 ordinances prohibiting the same offenses. A schedule of fines for all
 26 ordinance traffic infractions shall be established by the municipal judge in
 27 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 28 fines may vary from those contained in the uniform fine schedule
 29 contained in subsection (c).

30 (e) Fines listed in the uniform fine schedule contained in subsection
 31 (c) shall be doubled if a person is convicted of a traffic infraction, which is
 32 defined as a moving violation in accordance with rules and regulations
 33 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed
 34 within any road construction zone as defined in K.S.A. 8-1458a, and
 35 amendments thereto.

36 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 37 amendments thereto, within two years after a prior conviction of K.S.A. 8-
 38 1908 or 8-1909, and amendments thereto, such person, upon conviction
 39 shall be fined 1½ times the applicable amount from one, but not both, of
 40 the schedules listed in the uniform fine schedule contained in subsection
 41 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
 42 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or
 43 8-1909, and amendments thereto, such person, upon conviction shall be

1 fined two times the applicable amount from one, but not both, of the
2 schedules listed in the uniform fine schedule contained in subsection (c).
3 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
4 and amendments thereto, within two years after three prior convictions of
5 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
6 conviction shall be fined 2½ times the applicable amount from one, but
7 not both, of the schedules listed in the uniform fine schedule contained in
8 subsection (c).

9 (g) Fines listed in the uniform fine schedule contained in subsection
10 (c) relating to exceeding the maximum speed limit, shall be doubled if a
11 person is convicted of exceeding the maximum speed limit in a school
12 zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

13 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
14 within five years after a prior conviction of K.S.A. 8-1556, and
15 amendments thereto, such person, upon conviction, shall be fined \$750 for
16 the second violation. For a third and each succeeding violation of K.S.A.
17 8-1556, and amendments thereto, within five years after two prior
18 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
19 conviction, shall be fined \$1,000 for the third and each succeeding
20 violation.

21 Sec. 3. K.S.A. 2020 Supp. 45-229, as amended by section 12 of 2021
22 House Bill No. 2390, is hereby amended to read as follows: 45-229. (a) It
23 is the intent of the legislature that exceptions to disclosure under the open
24 records act shall be created or maintained only if:

25 (1) The public record is of a sensitive or personal nature concerning
26 individuals;

27 (2) the public record is necessary for the effective and efficient
28 administration of a governmental program; or

29 (3) the public record affects confidential information.

30 The maintenance or creation of an exception to disclosure must be
31 compelled as measured by these criteria. Further, the legislature finds that
32 the public has a right to have access to public records unless the criteria in
33 this section for restricting such access to a public record are met and the
34 criteria are considered during legislative review in connection with the
35 particular exception to disclosure to be significant enough to override the
36 strong public policy of open government. To strengthen the policy of open
37 government, the legislature shall consider the criteria in this section before
38 enacting an exception to disclosure.

39 (b) Subject to the provisions of subsections (g) and (h), any new
40 exception to disclosure or substantial amendment of an existing exception
41 shall expire on July 1 of the fifth year after enactment of the new
42 exception or substantial amendment, unless the legislature acts to continue
43 the exception. A law that enacts a new exception or substantially amends

1 an existing exception shall state that the exception expires at the end of
2 five years and that the exception shall be reviewed by the legislature
3 before the scheduled date.

4 (c) For purposes of this section, an exception is substantially
5 amended if the amendment expands the scope of the exception to include
6 more records or information. An exception is not substantially amended if
7 the amendment narrows the scope of the exception.

8 (d) This section is not intended to repeal an exception that has been
9 amended following legislative review before the scheduled repeal of the
10 exception if the exception is not substantially amended as a result of the
11 review.

12 (e) In the year before the expiration of an exception, the revisor of
13 statutes shall certify to the president of the senate and the speaker of the
14 house of representatives, by July 15, the language and statutory citation of
15 each exception that will expire in the following year that meets the criteria
16 of an exception as defined in this section. Any exception that is not
17 identified and certified to the president of the senate and the speaker of the
18 house of representatives is not subject to legislative review and shall not
19 expire. If the revisor of statutes fails to certify an exception that the revisor
20 subsequently determines should have been certified, the revisor shall
21 include the exception in the following year's certification after that
22 determination.

23 (f) "Exception" means any provision of law that creates an exception
24 to disclosure or limits disclosure under the open records act pursuant to
25 K.S.A. 45-221, and amendments thereto, or pursuant to any other
26 provision of law.

27 (g) A provision of law that creates or amends an exception to
28 disclosure under the open records law shall not be subject to review and
29 expiration under this act if such provision:

- 30 (1) Is required by federal law;
- 31 (2) applies solely to the legislature or to the state court system;
- 32 (3) has been reviewed and continued in existence twice by the
33 legislature; or
- 34 (4) has been reviewed and continued in existence by the legislature
35 during the 2013 legislative session and thereafter.

36 (h) (1) The legislature shall review the exception before its scheduled
37 expiration and consider as part of the review process the following:

- 38 (A) What specific records are affected by the exception;
- 39 (B) whom does the exception uniquely affect, as opposed to the
40 general public;
- 41 (C) what is the identifiable public purpose or goal of the exception;
- 42 (D) whether the information contained in the records may be obtained
43 readily by alternative means and how it may be obtained;

1 (2) an exception may be created or maintained only if it serves an
 2 identifiable public purpose and may be no broader than is necessary to
 3 meet the public purpose it serves. An identifiable public purpose is served
 4 if the legislature finds that the purpose is sufficiently compelling to
 5 override the strong public policy of open government and cannot be
 6 accomplished without the exception and if the exception:

7 (A) Allows the effective and efficient administration of a
 8 governmental program that would be significantly impaired without the
 9 exception;

10 (B) protects information of a sensitive personal nature concerning
 11 individuals, the release of such information would be defamatory to such
 12 individuals or cause unwarranted damage to the good name or reputation
 13 of such individuals or would jeopardize the safety of such individuals.
 14 Only information that would identify the individuals may be excepted
 15 under this paragraph; or

16 (C) protects information of a confidential nature concerning entities,
 17 including, but not limited to, a formula, pattern, device, combination of
 18 devices, or compilation of information that is used to protect or further a
 19 business advantage over those who do not know or use it, if the disclosure
 20 of such information would injure the affected entity in the marketplace.

21 (3) Records made before the date of the expiration of an exception
 22 shall be subject to disclosure as otherwise provided by law. In deciding
 23 whether the records shall be made public, the legislature shall consider
 24 whether the damage or loss to persons or entities uniquely affected by the
 25 exception of the type specified in paragraph (2)(B) or (2)(C) would occur
 26 if the records were made public.

27 (i) (1) Exceptions contained in the following statutes as continued in
 28 existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas
 29 and that have been reviewed and continued in existence twice by the
 30 legislature as provided in subsection (g) are hereby continued in existence:
 31 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, ~~11-306~~, 12-189,
 32 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-
 33 1312e, 17-2227, 17-5832, 17-7511, ~~17-7514~~, 17-76,139, 19-4321, 21-
 34 2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312,
 35 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934,
 36 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21,
 37 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b,
 38 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635,
 39 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-
 40 259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427,
 41 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-
 42 3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-
 43 1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-

1 1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-
 2 1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a,
 3 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922,
 4 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-
 5 67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203,
 6 66-1220a, 66-2010, 72-2232, 72-3438, 72-6116, 72-6267, 72-9934, 73-
 7 1228, 74-2424, 74-2433f, 74-32,419, 74-4905, 74-4909, 74-50,131, 74-
 8 5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805,
 9 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133,
 10 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11,
 11 76-12c03, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-
 12 3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

13 (2) Exceptions contained in the following statutes as certified by the
 14 revisor of statutes to the president of the senate and the speaker of the
 15 house of representatives pursuant to subsection (e) and that have been
 16 reviewed during the 2015 legislative session and continued in existence by
 17 the legislature as provided in subsection (g) are hereby continued in
 18 existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-
 19 4616, 60-3351, 72-3415, 74-50,217 and 75-53,105.

20 (j) (1) Exceptions contained in the following statutes as continued in
 21 existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas
 22 and that have been reviewed and continued in existence twice by the
 23 legislature as provided in subsection (g) are hereby continued in existence:
 24 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and
 25 74-7508.

26 (2) Exceptions contained in the following statutes as certified by the
 27 revisor of statutes to the president of the senate and the speaker of the
 28 house of representatives pursuant to subsection (e) during 2015 and that
 29 have been reviewed during the 2016 legislative session are hereby
 30 continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-
 31 2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05,
 32 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

33 (k) Exceptions contained in the following statutes as certified by the
 34 revisor of statutes to the president of the senate and the speaker of the
 35 house of representatives pursuant to subsection (e) and that have been
 36 reviewed during the 2014 legislative session and continued in existence by
 37 the legislature as provided in subsection (g) are hereby continued in
 38 existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-
 39 17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-
 40 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),
 41 50-6a11, ~~56-1a610, 56a-1204~~, 65-1,243, 65-16,104, 65-3239, 74-50,184,
 42 74-8134, 74-99b06, 77-503a and 82a-2210.

43 (l) Exceptions contained in the following statutes as certified by the

1 revisor of statutes to the president of the senate and the speaker of the
2 house of representatives pursuant to subsection (e) during 2016 and that
3 have been reviewed during the 2017 legislative session are hereby
4 continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)
5 (51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-
6 8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

7 (m) Exceptions contained in the following statutes as certified by the
8 revisor of statutes to the president of the senate and the speaker of the
9 house of representatives pursuant to subsection (e) during 2012 and that
10 have been reviewed during the 2013 legislative session and continued in
11 existence by the legislature as provided in subsection (g) are hereby
12 continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a,
13 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-8268, 75-
14 712 and 75-5366.

15 (n) Exceptions contained in the following statutes as certified by the
16 revisor of statutes to the president of the senate and the speaker of the
17 house of representatives pursuant to subsection (e) and that have been
18 reviewed during the 2018 legislative session are hereby continued in
19 existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832,
20 65-6834, 75-7c06 and 75-7c20.

21 (o) Exceptions contained in the following statutes as certified by the
22 revisor of statutes to the president of the senate and the speaker of the
23 house of representatives pursuant to subsection (e) that have been
24 reviewed during the 2019 legislative session are hereby continued in
25 existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d)
26 and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-
27 1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of
28 65-6230, 72-6314(a) and 74-7047(b).

29 (p) Exceptions contained in the following statutes as certified by the
30 revisor of statutes to the president of the senate and the speaker of the
31 house of representatives pursuant to subsection (e) that have been
32 reviewed during the 2020 legislative session are hereby continued in
33 existence: 38-2310(c), 40-409(j)(2), 40-6007(a), 45-221(a)(52), 46-1129,
34 59-29a22(b)(10) and 65-6747.

35 (q) Exceptions contained in the following statutes as certified by the
36 revisor of statutes to the president of the senate and the speaker of the
37 house of representatives pursuant to subsection (e) that have been
38 reviewed during the 2021 legislative session are hereby continued in
39 existence: 22-2302(c)(4)(J) and (c)(6)(B), 22-2502(e)(4)(J) and (e)(6)(B)
40 and 65-6111(d)(4).

41 Sec. 4. On and after January 1, 2022, K.S.A. 2020 Supp. 58-652, as
42 amended by section 1 of 2021 Senate Bill No. 103, is hereby amended to
43 read as follows: 58-652. (a) The authority granted by a principal to an

1 attorney in fact in a written power of attorney is not terminated in the
2 event the principal becomes wholly or partially disabled or in the event of
3 later uncertainty as to whether the principal is dead or alive if:

4 (1) The power of attorney is denominated a "durable power of
5 attorney";

6 (2) the power of attorney includes a provision that states in substance
7 one of the following:

8 (A) "This is a durable power of attorney and the authority of my
9 attorney in fact shall not terminate if I become disabled or in the event of
10 later uncertainty as to whether I am dead or alive"; or

11 (B) "this is a durable power of attorney and the authority of my
12 attorney in fact, when effective, shall not terminate or be void or voidable
13 if I am or become disabled or in the event of later uncertainty as to
14 whether I am dead or alive"; and

15 (3) the power of attorney is signed by the principal, and dated and
16 acknowledged in the manner prescribed by ~~K.S.A. 53-501 et seq., and~~
17 ~~amendments thereto~~ *the revised uniform law on notarial acts*. If the
18 principal is physically unable to sign the power of attorney but otherwise
19 competent and conscious, the power of attorney may be signed by an adult
20 designee of the principal in the presence of the principal and at the specific
21 direction of the principal expressed in the presence of a notary public. The
22 designee shall sign the principal's name to the power of attorney in the
23 presence of a notary public, following which the document shall be
24 acknowledged in the manner prescribed by ~~K.S.A. 53-501 et seq., and~~
25 ~~amendments thereto~~ *the revised uniform law on notarial acts*, to the same
26 extent and effect as if physically signed by the principal.

27 (b) All acts done by an attorney in fact pursuant to a durable power of
28 attorney shall inure to the benefit of and bind the principal and the
29 principal's successors in interest, notwithstanding any disability of the
30 principal.

31 (c) (1) A power of attorney does not have to be recorded to be valid
32 and binding between the principal and attorney in fact or between the
33 principal and third persons.

34 (2) A power of attorney may be recorded in the same manner as a
35 conveyance of land is recorded. A certified copy of a recorded power of
36 attorney may be admitted into evidence.

37 (3) If a power of attorney is recorded any revocation of that power of
38 attorney must be recorded in the same manner for the revocation to be
39 effective. If a power of attorney is not recorded it may be revoked by a
40 recorded revocation or in any other appropriate manner.

41 (4) If a power of attorney requires notice of revocation be given to
42 named persons, those persons may continue to rely on the authority set
43 forth in the power of attorney until such notice is received.

1 (d) A person who is appointed an attorney in fact under a durable
2 power of attorney has no duty to exercise the authority conferred in the
3 power of attorney, unless the attorney in fact has agreed expressly in
4 writing to act for the principal in such circumstances. An agreement to act
5 on behalf of the principal is enforceable against the attorney in fact as a
6 fiduciary without regard to whether there is any consideration to support a
7 contractual obligation to do so. Acting for the principal in one or more
8 transactions does not obligate an attorney in fact to act for the principal in
9 subsequent transactions.

10 (e) The grant of power or authority conferred by a power of attorney
11 in which any principal shall vest any power or authority in an attorney in
12 fact, if such writing expressly so provides, shall be effective only upon: (1)
13 A specified future date; (2) the occurrence of a specified future event; or
14 (3) the existence of a specified condition which may occur in the future. In
15 the absence of actual knowledge to the contrary, any person to whom such
16 writing is presented shall be entitled to rely on an affidavit, executed by
17 the attorney in fact, setting forth that such event has occurred or condition
18 exists.

19 (f) A power of attorney executed on or after July 1, 2021, shall be
20 deemed sufficient if in substantial compliance with the form set forth by
21 the judicial council. The judicial council shall develop a form for use
22 under this section.

23 (g) The amendments made to this section by this act apply
24 prospectively and shall not affect the validity of a power of attorney
25 executed prior to July 1, 2021.

26 Sec. 5. K.S.A. 2020 Supp. 60-5508, as amended by section 6 of 2021
27 Senate Bill No. 283, is hereby amended to read as follows: 60-5508. (a)
28 The provisions of K.S.A. 2020 Supp. 60-5504, 60-5505 and 60-5507, and
29 amendments thereto, shall apply retroactively to any cause of action
30 accruing on or after March 12, 2020.

31 (b) The provisions of K.S.A. 2020 Supp. 60-5506, and amendments
32 thereto, *and the amendments made to K.S.A. 2020 Supp. 60-5506 by*
33 *section 2 of 2021 House Bill No. 2126*, shall apply retroactively to any
34 cause of action accruing on or after March 12, 2020, and prior to
35 termination of the state of disaster emergency related to the COVID-19
36 public health emergency declared pursuant to K.S.A. 48-924, and
37 amendments thereto.

38 (c) The provisions of K.S.A. 2020 Supp. 60-5503, and amendments
39 thereto, shall apply retroactively to any cause of action accruing on or after
40 March 12, 2020, and prior to March 31, 2022.

41 Sec. 6. K.S.A. 66-104, as amended by section 1 of 2021 House Bill
42 No. 2367, is hereby amended to read as follows: 66-104. (a) The term
43 "public utility," as used in this act, shall be construed to mean every

1 corporation, company, individual, association of persons, their trustees,
2 lessees or receivers, that now or hereafter may own, control, operate or
3 manage, except for private use, any equipment, plant or generating
4 machinery, or any part thereof, for the transmission of telephone messages
5 or for the transmission of telegraph messages in or through any part of the
6 state, or the conveyance of oil and gas through pipelines in or through any
7 part of the state, except pipelines less than 15 miles in length and not
8 operated in connection with or for the general commercial supply of gas or
9 oil, and all companies for the production, transmission, delivery or
10 furnishing of heat, light, water or power. No cooperative, cooperative
11 society, nonprofit or mutual corporation or association that is engaged
12 solely in furnishing telephone service to subscribers from one telephone
13 line without owning or operating its own separate central office facilities,
14 shall be subject to the jurisdiction and control of the commission as
15 provided ~~herein~~ *in this section*, except that it shall not construct or extend
16 its facilities across or beyond the territorial boundaries of any telephone
17 company or cooperative without first obtaining approval of the
18 commission. The term "transmission of telephone messages" shall include
19 the transmission by wire or other means of any voice, data, signals or
20 facsimile communications, including all such communications now in
21 existence or as may be developed in the future.

22 (b) The term "public utility" shall also include that portion of every
23 municipally owned or operated electric or gas utility located in an area
24 outside of and more than three miles from the corporate limits of such
25 municipality, but regulation of the rates, charges and terms and conditions
26 of service of such utility within such area shall be subject to commission
27 regulation only as provided in K.S.A. 66-104f, and amendments thereto.
28 Nothing in this act shall apply to a municipally owned or operated utility,
29 or portion thereof, located within the corporate limits of such municipality
30 or located outside of such corporate limits but within three miles thereof.

31 (c) Except as ~~herein~~ provided *in this section*, the power and authority
32 to control and regulate all public utilities and common carriers situated and
33 operated wholly or principally within any city or principally operated for
34 the benefit of such city or its people, shall be vested exclusively in such
35 city, subject only to the right to apply for relief to the corporation
36 commission as provided in K.S.A. 66-133, and amendments thereto, and to
37 the provisions of K.S.A. 66-104e, and amendments thereto. A transit
38 system principally engaged in rendering local transportation service in and
39 between contiguous cities in this and another state by means of street
40 railway, trolley bus and motor bus lines, or any combination thereof, shall
41 be deemed to be a public utility as that term is used in this act and shall be
42 subject to the jurisdiction of the commission.

43 (d) The term "public utility" shall not include any activity of an

1 otherwise jurisdictional corporation, company, individual, association of
2 persons, their trustees, lessees or receivers as to the marketing or sale of:

3 (1) Compressed natural gas for end use as motor vehicle fuel; or

4 (2) *electricity that is purchased through a retail electric supplier in*
5 *the certified territory of such retail electric supplier, as such terms are*
6 *defined in K.S.A. 66-1,170, and amendments thereto, for the sole purpose*
7 *of the provision of electric vehicle charging service to end users.*

8 (e) (1) Except as provided in paragraph (2), at the option of an
9 otherwise jurisdictional entity, the term "public utility" shall not include
10 any activity or facility of such entity as to the generation, marketing and
11 sale of electricity generated by an electric generation facility or addition to
12 an electric generation facility that:

13 (A) Is newly constructed and placed in service on or after January 1,
14 2001; and

15 (B) is not in the rate base of:

16 (i) An electric public utility that is subject to rate regulation by the
17 state corporation commission;

18 (ii) any cooperative, as defined by K.S.A. 17-4603, and amendments
19 thereto, or any nonstock member-owned cooperative corporation
20 incorporated in this state; or

21 (iii) a municipally owned or operated electric utility.

22 (2) The provisions of this subsection shall not be construed to affect
23 the authority of the state corporation commission to regulate any activity
24 or facility of an otherwise jurisdictional entity with regard to wire stringing
25 pursuant to K.S.A. 66-183 et seq., and amendments thereto.

26 (f) Additional generating capacity achieved through efficiency gains
27 by refurbishing or replacing existing equipment at generating facilities
28 placed in service before January 1, 2001, shall not qualify under
29 subsection (e).

30 (g) For purposes of the authority to appropriate property through
31 eminent domain, the term "public utility" shall not include any activity for
32 the siting or placement of wind powered electrical generators or turbines,
33 including the towers.

34 Sec. 7. K.S.A. 75-5133 is hereby amended to read as follows: 75-
35 5133. (a) Except as otherwise more specifically provided by law, all
36 information received by the secretary of revenue, the director of taxation
37 or the director of alcoholic beverage control from returns, reports, license
38 applications or registration documents made or filed under the provisions
39 of any law imposing any sales, use or other excise tax administered by the
40 secretary of revenue, the director of taxation, or the director of alcoholic
41 beverage control, or from any investigation conducted under such
42 provisions, shall be confidential, and it shall be unlawful for any officer or
43 employee of the department of revenue to divulge any such information

1 except in accordance with other provisions of law respecting the
2 enforcement and collection of such tax, in accordance with proper judicial
3 order or as provided in K.S.A. 74-2424, and amendments thereto.

4 (b) The secretary of revenue or the secretary's designee may:

5 (1) Publish statistics, so classified as to prevent identification of
6 particular reports or returns and the items thereof;

7 (2) allow the inspection of returns by the attorney general or the
8 attorney general's designee;

9 (3) provide the post auditor access to all such excise tax reports or
10 returns in accordance with and subject to the provisions of K.S.A. 46-
11 1106~~(g)~~(e), and amendments thereto;

12 (4) disclose taxpayer information from excise tax returns to persons
13 or entities contracting with the secretary of revenue where the secretary
14 has determined disclosure of such information is essential for completion
15 of the contract and has taken appropriate steps to preserve confidentiality;

16 (5) provide information from returns and reports filed under article 42
17 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto,
18 to county appraisers as is necessary to ensure proper valuations of
19 property. Information from such returns and reports may also be
20 exchanged with any other state agency administering and collecting
21 conservation or other taxes and fees imposed on or measured by mineral
22 production;

23 (6) provide, upon request by a city or county clerk or treasurer or
24 finance officer of any city or county receiving distributions from a local
25 excise tax, monthly reports identifying each retailer doing business in such
26 city or county or making taxable sales sourced to such city or county,
27 setting forth the tax liability and the amount of such tax remitted by each
28 retailer during the preceding month, and identifying each business location
29 maintained by the retailer and such retailer's sales or use tax registration or
30 account number;

31 (7) provide information from returns and applications for registration
32 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-
33 3601, and amendments thereto, to a city or county treasurer or clerk or
34 finance officer to explain the basis of statistics contained in reports
35 provided by subsection (b)(6);

36 (8) disclose the following oil and gas production statistics received by
37 the department of revenue in accordance with K.S.A. 79-4216 et seq., and
38 amendments thereto: Volumes of production by well name, well number,
39 operator's name and identification number assigned by the state
40 corporation commission, lease name, leasehold property description,
41 county of production or zone of production, name of purchaser and
42 purchaser's tax identification number assigned by the department of
43 revenue, name of transporter, field code number or lease code, tax period,

1 exempt production volumes by well name or lease, or any combination of
2 this information;

3 (9) release or publish liquor brand registration information provided
4 by suppliers, farm wineries, microdistilleries and microbreweries in
5 accordance with the liquor control act. The information to be released is
6 limited to: Item number, universal numeric code, type status, product
7 description, alcohol percentage, selling units, unit size, unit of
8 measurement, supplier number, supplier name, distributor number and
9 distributor name;

10 (10) release or publish liquor license information provided by liquor
11 licensees, distributors, suppliers, farm wineries, microdistilleries and
12 microbreweries in accordance with the liquor control act. The information
13 to be released is limited to: County name, owner, business name, address,
14 license type, license number, license expiration date and the process agent
15 contact information;

16 (11) release or publish cigarette and tobacco license information
17 obtained from cigarette and tobacco licensees in accordance with the
18 Kansas cigarette and tobacco products act. The information to be released
19 is limited to: County name, owner, business name, address, license type
20 and license number;

21 (12) provide environmental surcharge or solvent fee, or both,
22 information from returns and applications for registration filed pursuant to
23 K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary
24 of health and environment or the secretary's designee for the sole purpose
25 of ensuring that retailers collect the environmental surcharge tax or solvent
26 fee, or both;

27 (13) provide water protection fee information from returns and
28 applications for registration filed pursuant to K.S.A. 82a-954, and
29 amendments thereto, to the secretary of the state board of agriculture or the
30 secretary's designee and the secretary of the Kansas water office or the
31 secretary's designee for the sole purpose of verifying revenues deposited to
32 the state water plan fund;

33 (14) provide to the secretary of commerce copies of applications for
34 project exemption certificates sought by any taxpayer under the enterprise
35 zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and
36 amendments thereto;

37 (15) disclose information received pursuant to the Kansas cigarette
38 and tobacco act and subject to the confidentiality provisions of this act to
39 any criminal justice agency, as defined in K.S.A. 22-4701(c), and
40 amendments thereto, or to any law enforcement officer, as defined in
41 K.S.A. 2020 Supp. 21-5111, and amendments thereto, on behalf of a
42 criminal justice agency, when requested in writing in conjunction with a
43 pending investigation;

1 (16) provide to retailers tax exemption information for the sole
2 purpose of verifying the authenticity of tax exemption numbers issued by
3 the department;

4 (17) provide information concerning remittance by sellers, as defined
5 in K.S.A. 2020 Supp. 12-5363, and amendments thereto, of prepaid
6 wireless 911 fees from returns to the local collection point administrator,
7 as defined in K.S.A. 2020 Supp. 12-5363, and amendments thereto, for
8 purposes of verifying seller compliance with collection and remittance of
9 such fees;

10 (18) release or publish charitable gaming information obtained in
11 charitable gaming licensee and registration applications and renewals in
12 accordance with the Kansas charitable gaming act, K.S.A. 75-5171 et seq.,
13 and amendments thereto. The information to be released is limited to: The
14 name, address, phone number, license registration number and email
15 address of the organization, distributor or of premises;

16 (19) provide to the attorney general confidential information for
17 purposes of determining compliance with or enforcing K.S.A. 50-6a01 et
18 seq., and amendments thereto, the master settlement agreement referred to
19 therein and all agreements regarding disputes under the master settlement
20 agreement. The secretary and the attorney general may share the
21 information specified under this subsection with any of the following:

22 (A) Federal, state or local agencies for the purposes of enforcement
23 of corresponding laws of other states; and

24 (B) a court, arbitrator, data clearinghouse or similar entity for the
25 purpose of assessing compliance with or making calculations required by
26 the master settlement agreement or agreements regarding disputes under
27 the master settlement agreement, and with counsel for the parties or expert
28 witnesses in any such proceeding, if the information otherwise remains
29 confidential; and

30 (20) disclose taxpayer information that is received from income tax
31 returns to the department of commerce that may be disclosed pursuant to
32 the provisions of K.S.A. 2020 Supp. 74-50,227, and amendments thereto,
33 for the purpose of including such information in the database required by
34 K.S.A. 2020 Supp. 74-50,227, and amendments thereto.

35 (c) Any person receiving any information under the provisions of
36 subsection (b) shall be subject to the confidentiality provisions of
37 subsection (a) and to the penalty provisions of subsection (d).

38 (d) Any violation of this section shall be a class A, nonperson
39 misdemeanor, and if the offender is an officer or employee of this state,
40 such officer or employee shall be dismissed from office. Reports of
41 violations of this paragraph shall be investigated by the attorney general.
42 The district attorney or county attorney and the attorney general shall have
43 authority to prosecute any violation of this section if the offender is a city

1 or county clerk or treasurer or finance officer of a city or county.

2 Sec. 8. K.S.A. 79-3234 is hereby amended to read as follows: 79-
3 3234. (a) All reports and returns required by this act shall be preserved for
4 three years and thereafter until the director orders them to be destroyed.

5 (b) Except in accordance with proper judicial order, or as provided in
6 subsection (c) or in K.S.A. 17-7511, K.S.A. 46-1106(~~g~~)(e), 46-1114, or 79-
7 32,153a, and amendments thereto, it shall be unlawful for the secretary, the
8 director, any deputy, agent, clerk or other officer, employee or former
9 employee of the department of revenue or any other state officer or
10 employee or former state officer or employee to divulge, or to make
11 known in any way, the amount of income or any particulars set forth or
12 disclosed in any report, return, federal return or federal return information
13 required under this act; and it shall be unlawful for the secretary, the
14 director, any deputy, agent, clerk or other officer or employee engaged in
15 the administration of this act to engage in the business or profession of tax
16 accounting or to accept employment, with or without consideration, from
17 any person, firm or corporation for the purpose, directly or indirectly, of
18 preparing tax returns or reports required by the laws of the state of Kansas,
19 by any other state or by the United States government, or to accept any
20 employment for the purpose of advising, preparing material or data, or the
21 auditing of books or records to be used in an effort to defeat or cancel any
22 tax or part thereof that has been assessed by the state of Kansas, any other
23 state or by the United States government.

24 (c) The secretary or the secretary's designee may:

25 (1) Publish statistics, so classified as to prevent the identification of
26 particular reports or returns and the items thereof;

27 (2) allow the inspection of returns by the attorney general or other
28 legal representatives of the state;

29 (3) provide the post auditor access to all income tax reports or returns
30 in accordance with and subject to the provisions of K.S.A. 46-1106(~~g~~)(e)
31 or 46-1114, and amendments thereto;

32 (4) disclose taxpayer information from income tax returns to persons
33 or entities contracting with the secretary of revenue where the secretary
34 has determined disclosure of such information is essential for completion
35 of the contract and has taken appropriate steps to preserve confidentiality;

36 (5) disclose to the secretary of commerce the following: (A) Specific
37 taxpayer information related to financial information previously submitted
38 by the taxpayer to the secretary of commerce concerning or relevant to any
39 income tax credits, for purposes of verification of such information or
40 evaluating the effectiveness of any tax credit or economic incentive
41 program administered by the secretary of commerce; (B) the amount of
42 payroll withholding taxes an employer is retaining pursuant to K.S.A. 74-
43 50,212, and amendments thereto; (C) information received from

1 businesses completing the form required by K.S.A. 74-50,217, and
2 amendments thereto; and (D) findings related to a compliance audit
3 conducted by the department of revenue upon the request of the secretary
4 of commerce pursuant to K.S.A. 74-50,215, and amendments thereto;

5 (6) disclose income tax returns to the state gaming agency to be used
6 solely for the purpose of determining qualifications of licensees of and
7 applicants for licensure in tribal gaming. Any information received by the
8 state gaming agency shall be confidential and shall not be disclosed except
9 to the executive director, employees of the state gaming agency and
10 members and employees of the tribal gaming commission;

11 (7) disclose the taxpayer's name, last known address and residency
12 status to the Kansas department of wildlife, parks and tourism to be used
13 solely in its license fraud investigations;

14 (8) disclose the name, residence address, employer or Kansas
15 adjusted gross income of a taxpayer who may have a duty of support in a
16 title IV-D case to the secretary of the Kansas department for children and
17 families for use solely in administrative or judicial proceedings to
18 establish, modify or enforce such support obligation in a title IV-D case. In
19 addition to any other limits on use, such use shall be allowed only where
20 subject to a protective order which prohibits disclosure outside of the title
21 IV-D proceeding. As used in this section, "title IV-D case" means a case
22 being administered pursuant to part D of title IV of the federal social
23 security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person
24 receiving any information under the provisions of this subsection shall be
25 subject to the confidentiality provisions of subsection (b) and to the
26 penalty provisions of subsection (e);

27 (9) permit the commissioner of internal revenue of the United States,
28 or the proper official of any state imposing an income tax, or the
29 authorized representative of either, to inspect the income tax returns made
30 under this act and the secretary of revenue may make available or furnish
31 to the taxing officials of any other state or the commissioner of internal
32 revenue of the United States or other taxing officials of the federal
33 government, or their authorized representatives, information contained in
34 income tax reports or returns or any audit thereof or the report of any
35 investigation made with respect thereto, filed pursuant to the income tax
36 laws, as the secretary may consider proper, but such information shall not
37 be used for any other purpose than that of the administration of tax laws of
38 such state, the state of Kansas or of the United States;

39 (10) communicate to the executive director of the Kansas lottery
40 information as to whether a person, partnership or corporation is current in
41 the filing of all applicable tax returns and in the payment of all taxes,
42 interest and penalties to the state of Kansas, excluding items under formal
43 appeal, for the purpose of determining whether such person, partnership or

1 corporation is eligible to be selected as a lottery retailer;

2 (11) communicate to the executive director of the Kansas racing
3 commission as to whether a person, partnership or corporation has failed
4 to meet any tax obligation to the state of Kansas for the purpose of
5 determining whether such person, partnership or corporation is eligible for
6 a facility owner license or facility manager license pursuant to the Kansas
7 parimutuel racing act;

8 (12) provide such information to the executive director of the Kansas
9 public employees retirement system for the purpose of determining that
10 certain individuals' reported compensation is in compliance with the
11 Kansas public employees retirement act, K.S.A. 74-4901 et seq., and
12 amendments thereto;

13 (13) (A) provide taxpayer information of persons suspected of
14 violating K.S.A. 2020 Supp. 44-766, and amendments thereto, to the
15 secretary of labor or such secretary's designee for the purpose of
16 determining compliance by any person with the provisions of K.S.A. 44-
17 703(i)(3)(D) and K.S.A. 2020 Supp. 44-766, and amendments thereto. The
18 information to be provided shall include all relevant information in the
19 possession of the department of revenue necessary for the secretary of
20 labor to make a proper determination of compliance with the provisions of
21 K.S.A. 44-703(i)(3)(D) and K.S.A. 2020 Supp. 44-766, and amendments
22 thereto, and to calculate any unemployment contribution taxes due. Such
23 information to be provided by the department of revenue shall include, but
24 not be limited to, withholding tax and payroll information, the identity of
25 any person that has been or is currently being audited or investigated in
26 connection with the administration and enforcement of the withholding
27 and declaration of estimated tax act, K.S.A. 79-3294 et seq., and
28 amendments thereto, and the results or status of such audit or
29 investigation;

30 (B) any person receiving tax information under the provisions of this
31 paragraph shall be subject to the same duty of confidentiality imposed by
32 law upon the personnel of the department of revenue and shall be subject
33 to any civil or criminal penalties imposed by law for violations of such
34 duty of confidentiality; and

35 (C) each of the secretary of labor and the secretary of revenue may
36 adopt rules and regulations necessary to effect the provisions of this
37 paragraph;

38 (14) provide such information to the state treasurer for the sole
39 purpose of carrying out the provisions of K.S.A. 58-3934, and
40 amendments thereto. Such information shall be limited to current and prior
41 addresses of taxpayers or associated persons who may have knowledge as
42 to the location of an owner of unclaimed property. For the purposes of this
43 paragraph, "associated persons" includes spouses or dependents listed on

1 income tax returns;

2 (15) after receipt of information pursuant to subsection (f), forward
3 such information and provide the following reported Kansas individual
4 income tax information for each listed defendant, if available, to the state
5 board of indigents' defense services in an electronic format and in the
6 manner determined by the secretary: (A) The defendant's name; (B) social
7 security number; (C) Kansas adjusted gross income; (D) number of
8 exemptions claimed; and (E) the relevant tax year of such records. Any
9 social security number provided to the secretary and the state board of
10 indigents' defense services pursuant to this section shall remain
11 confidential; and

12 (16) disclose taxpayer information that is received from income tax
13 returns to the department of commerce that may be disclosed pursuant to
14 the provisions of K.S.A. 2020 Supp. 74-50,227, and amendments thereto,
15 for the purpose of including such information in the database required by
16 K.S.A. 2020 Supp. 74-50,227, and amendments thereto.

17 (d) Any person receiving information under the provisions of
18 subsection (c) shall be subject to the confidentiality provisions of
19 subsection (b) and to the penalty provisions of subsection (e).

20 (e) Any violation of subsection (b) or (c) is a class A nonperson
21 misdemeanor and, if the offender is an officer or employee of the state,
22 such officer or employee shall be dismissed from office.

23 (f) For the purpose of determining whether a defendant is financially
24 able to employ legal counsel under the provisions of K.S.A. 22-4504, and
25 amendments thereto, in all felony cases with appointed counsel where the
26 defendant's social security number is accessible from the records of the
27 district court, the court shall electronically provide the defendant's name,
28 social security number, district court case number and county to the
29 secretary of revenue in the manner and format agreed to by the office of
30 judicial administration and the secretary.

31 (g) Nothing in this section shall be construed to allow disclosure of
32 the amount of income or any particulars set forth or disclosed in any
33 report, return, federal return or federal return information, where such
34 disclosure is prohibited by the federal internal revenue code as in effect on
35 September 1, 1996, and amendments thereto, related federal internal
36 revenue rules or regulations, or other federal law.

37 Sec. 9. K.S.A. 22-4514a, as amended by section 1 of 2021 Senate Bill
38 No. 16, 66-104, as amended by section 1 of 2021 House Bill No. 2145, 66-
39 104, as amended by section 1 of 2021 House Bill No. 2367, 75-3728c, as
40 amended by section 2 of 2021 Senate Bill No. 16, 75-5133, 75-5133d, 76-
41 721, as amended by section 3 of 2021 Senate Bill No. 16, 79-3233b, as
42 amended by section 4 of 2021 Senate Bill No. 16, 79-3234 and 79-3234d
43 and K.S.A. 2020 Supp. 8-2110, 8-2110b, 8-2118, as amended by section 6

1 of 2021 Senate Bill No. 67, 8-2118c, 39-1431b, 45-229, as amended by
2 section 5 of 2021 House Bill No. 2162, 45-229, as amended by section 12
3 of 2021 House Bill No. 2390, 45-229, as amended by section 36 of 2021
4 House Bill No. 2391, 58-652, as amended by section 39 of 2021 Senate
5 Bill No. 106, 60-5508, as amended by section 6 of 2021 Senate Bill No.
6 283, and 60-5508, as amended by section 3 of 2021 House Bill No. 2126,
7 are hereby repealed.

8 Sec. 10. On and after January 1, 2022, K.S.A. 2020 Supp. 58-652, as
9 amended by section 1 of 2021 Senate Bill No. 103, is hereby repealed.

10 Sec. 11. This act shall take effect and be in force from and after its
11 publication in the statute book.