

House Substitute for SENATE BILL No. 366

AN ACT concerning traffic regulations; prohibiting the use of a mobile telephone while operating a motor vehicle in a school zone or a road construction zone; permitting the display of certain lighting in road construction zones by vehicles and trailers engaged in highway construction and maintenance operations; amending K.S.A. 8-1729 and 8-1731 and K.S.A. 2025 Supp. 8-2118 and repealing the existing sections.

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

New Section 1. (a) No person shall use a mobile telephone while operating a motor vehicle in a school zone at a time when a reduced speed limit is enforced as established by K.S.A. 8-1560(a) or 8-1560e, and amendments thereto, or in a road construction zone, as that term is defined in K.S.A. 8-1458a, and amendments thereto, while workers are present and signs are posted at the beginning of the road construction zone alerting drivers to such workers.

(b) The provisions of subsection (a) shall not apply to:

(1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;

(2) a person operating a motor vehicle that is halted at a location where the vehicle can safely and lawfully remain stationary; or

(3) a mobile telephone that is being used with a hands-free device.

(c) The provisions of subsection (a) shall not prohibit a person from using a mobile telephone while operating a motor vehicle that would otherwise violate subsection (a) to:

(1) Report current or ongoing illegal activity to a law enforcement agency;

(2) prevent imminent injury to a person or property;

(3) summon medical or other emergency assistance; or

(4) relay information between a transit or for hire operator and the operator's dispatcher, if the device is permanently affixed to the motor vehicle.

(d) Holding a mobile telephone shall constitute a rebuttable presumption of a violation of subsection (a) for persons operating a motor vehicle in a school zone or a road construction zone.

(e) A law enforcement officer shall not, without the consent of the person:

(1) Confiscate a mobile telephone device for the purpose of determining compliance with this section;

(2) confiscate a mobile telephone and retain it as evidence pending trial for a violation of this section; or

(3) extract or otherwise download information from a mobile telephone for a violation of this section unless:

(A) The law enforcement officer has probable cause to believe that the mobile telephone has been used in the commission of a crime;

(B) the information is extracted or otherwise download under a valid search warrant; or

(C) otherwise authorized by law.

(f) As used in this section:

(1) "Hands-free device" means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether or not the hands-free device is permanently installed in the motor vehicle, that allows use of the mobile telephone without use of either of the operator's hands.

(2) "Mobile telephone" does not include a commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device or remote diagnostics system.

(3) (A) "Use a mobile telephone" means the use of the mobile telephone by an operator of the motor vehicle when performed without the use of a hands-free device.

(B) "Use a mobile telephone" does not apply to:

(i) A voice-based communication that is automatically converted to the device to be sent as a message in a written form when used in hands-free mode;

(ii) the use of the device for navigation of the vehicle or for global positioning system purposes when used in hands-free mode; or

(iii) the use of the device to perform any task that would otherwise be allowed to be performed on the motor vehicle's entertainment system when used in hands-free mode.

(g) A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a). The provisions of this subsection shall expire on and after July 1, 2027.

(h) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 2. K.S.A. 8-1729 is hereby amended to read as follows: 8-1729. (a) During the times specified in K.S.A. 8-1703, and amendments thereto, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps and school bus warning lamps that projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) Except as required or permitted in K.S.A. 8-1720 and 8-1730, and amendments thereto, or K.S.A. 8-1762, and amendments thereto, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.

(c) Flashing lights are prohibited except as authorized or required in K.S.A. 8-1717, 8-1720, 8-1721, 8-1722, 8-1723, 8-1730, 8-1730a and 8-1731, and amendments thereto.

(d) *Except as provided in K.S.A. 8-1731, and amendments thereto,* the flashing lights described in K.S.A. 8-1720, 8-1730 and 8-1730a, and amendments thereto, shall not be used on any vehicle other than a school bus, church bus or day care program bus, as defined in K.S.A. 8-1730a, and amendments thereto, or an authorized emergency vehicle.

(e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, ~~which~~ *that* may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

Sec. 3. K.S.A. 8-1731 is hereby amended to read as follows: 8-1731. (a) *Notwithstanding the provisions of K.S.A. 8-1729, and amendments thereto, vehicles engaged in highway construction and maintenance operations may display flashing, rotating or oscillating amber, green or white lights at all times in a road construction zone. Such lights may be displayed by themselves or in a combination of two or three of such lights.*

(b) *Notwithstanding the provisions of K.S.A. 8-1729, and amendments thereto, stationary trailers engaged in highway construction and maintenance operations may display flashing, rotating or oscillating white and blue lights within the area of a road construction zone when any portion of the highway is closed, subject to the following conditions:*

(1) *The lights are used during the hours between sunset and sunrise; and*

(2) *There are workers present in such road construction zone.*

amendments thereto.

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

Sec. 5. K.S.A. 8-1729 and 8-1731 and K.S.A. 2025 Supp. 8-2118 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the
SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.

SENATE BILL No. 403

AN ACT concerning motor vehicles; relating to license plates; providing for the pheasants forever and quail forever and delta waterfowl distinctive license plates; restricting the use of material or objects covering a license plate; relating to the Kansas uniform commercial drivers' license act; modifying the definition of conviction in the uniform act; amending K.S.A. 8-133, 8-2,128 and 8-15,110 and repealing the existing sections.

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

New Section 1. (a) On and after July 1, 2026, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one license plate authorized by pheasants forever, inc., and established pursuant to this section for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the payment to the county treasurer of the logo use royalty payment.

(b) Pheasants forever, inc., may authorize the use of the organization's logos to be affixed on license plates as provided by this section. Any motor vehicle owner or lessee shall pay an amount of not less than \$25 nor more than \$100, as determined by pheasants forever, inc., as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to the county treasurer.

(c) Subject to the approval of the director of vehicles, pheasants forever, inc., is authorized to establish two new distinctive license plates. Each such plate shall be subject to the provisions of K.S.A. 8-1,141, and amendment thereto. The plates are intended to promote:

- (1) Pheasants forever; and
- (2) quail forever.

(d) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall pay to the county treasurer the logo use royalty payment. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(e) No registration or license plate issued under this section shall be transferable to any other person.

(f) The director of vehicles may transfer a pheasants forever inc., authorized license plate from a leased vehicle to a purchased vehicle.

(g) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in K.S.A. 8-143, and amendments thereto, and in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer the annual royalty payment. If such annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(h) Pheasants forever, inc., with the approval of the director of vehicles, shall design the plates to be issued under the provisions of this section.

(i) As a condition of receiving the pheasants forever license inc., authorized license plate and any subsequent registration renewal of such license plate, the applicant shall consent to the division authorizing the division's release of motor vehicle record information,

including the applicant's name, address, royalty payment amount, plate number and vehicle type to pheasants forever, inc., and the state treasurer.

(j) The collection and remittance of annual royalty payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto.

New Sec. 2. (a) On and after January 1, 2027, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one delta waterfowl license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the payment to the county treasurer of the logo use royalty payment.

(b) The board of directors of delta waterfowl may authorize the use of the organization's logo to be affixed on license plates as provided by this section. Any motor vehicle owner or lessee shall pay an amount of not less than \$25 nor more than \$100, as determined by the board of directors of delta waterfowl, as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to the county treasurer.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall pay to the county treasurer the logo use royalty payment. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer a delta waterfowl license plate from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in K.S.A. 8-143, and amendments thereto, and in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer the annual royalty payment. If such annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The board of directors of delta waterfowl, with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(h) As a condition of receiving the delta waterfowl license plate and any subsequent registration renewal of such license plate, the applicant shall consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, royalty payment amount, plate number and vehicle type to the board of directors of delta waterfowl and the state treasurer.

(j) The collection and remittance of annual royalty payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto, except that payments from the delta waterfowl license plate royalty fund shall be made on a monthly basis to the delta waterfowl foundation.

Sec. 3. K.S.A. 8-133 is hereby amended to read as follows: 8-133.

(a) The license plate assigned to the vehicle shall be attached to the rear of the vehicle and shall be displayed during the current registration year or years. Except as otherwise provided in subsection (b), a Kansas registered vehicle shall not have a license plate attached to the front of the vehicle.

(b) The following classes of vehicles shall attach a license plate in the location or locations specifically stated:

(1) The license plate issued for a truck tractor shall be attached to the front of the truck tractor;

(2) a model year license plate issued for an antique vehicle, in accordance with K.S.A. 8-172, and amendments thereto, may be attached to the front of the antique vehicle;

(3) a personalized license plate issued to a passenger vehicle or truck pursuant to K.S.A. 8-132(c), and amendments thereto, may be attached to the front of the passenger vehicle or truck;

(4) the license plate issued for a motor vehicle used as a concrete mixer truck may be attached to either the front or rear of the vehicle; and

(5) the license plate issued for a motor vehicle used as a dump truck with a gross weight of 26,000 pounds or more shall be attached to the front of the vehicle. The provisions of this paragraph shall not apply to such vehicle if such vehicle is registered as a farm truck.

~~(c) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned, to prevent the plate from swinging, and at a height not less than 12 inches from the ground, measuring from the bottom of such plate. The license plate shall be fastened in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.~~

~~(d)~~ During any period in which the construction of license plates has been suspended pursuant to the provisions of K.S.A. 8-132, and amendments thereto, the plate, tag, token, marker or sign assigned to such vehicle shall be attached to and displayed on such vehicle in such place, position, manner and condition as shall be prescribed by the director of vehicles.

~~(e) A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (b)(5). The provisions of this subsection shall expire and have no effect on and after January 1, 2022.~~

Sec. 4. K.S.A. 8-2,128 is hereby amended to read as follows: 8-2,128. As used in this act:

(a) "Alcohol" means any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(b) "alcohol concentration" means:

(1) The number of grams of alcohol per 100 milliliters of blood; or

(2) the number of grams of alcohol per 210 liters of breath;

(c) "commercial driver's license" means a commercial license issued pursuant to K.S.A. 8-234b, and amendments thereto;

(d) "commercial driver license system" means the information system established pursuant to the commercial motor vehicle safety act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(e) "instruction permit" means a permit issued pursuant to K.S.A. 8-294, and amendments thereto;

(f) "commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property, if:

(1) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive

than the federal regulation;

(2) the vehicle is designed to transport 16 or more passengers, including the driver; or

(3) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. § 172, subpart F;

(g) "controlled substance" means any substance so classified under K.S.A. 21-5701, and amendments thereto;

(h) "conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law—and in a court of original jurisdiction or an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated;

(i) "disqualification" means any of the following:

(1) The suspension, revocation, or cancellation of a commercial driver's license by the state or jurisdiction of issuance;

(2) any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as the result of a violation of state or local law relating to motor vehicle traffic control, other than parking, vehicle weight or vehicle defect violations;

(3) a determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. § 391;

(j) "drive" means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of K.S.A. 8-2,137, 8-2,138, 8-2,142, 8-2,144 and 8-2,145, and amendments thereto, "drive" includes operation or physical control of a motor vehicle anywhere in the state;

(k) "driver" means any person who drives, operates or is in physical control of a commercial motor vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required to hold a commercial driver's license;

(l) "driver's license" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

(1) Any temporary license or instruction;

(2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; or

(3) any nonresident's operating privilege;

(m) "employer" means any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle;

(n) "endorsement" means an authorization to an individual's commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles;

(o) "felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(p) "gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating") is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units;

(q) "hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be

placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73;

(r) "motor vehicle" means every vehicle—~~which~~ *that* is self-propelled, and every vehicle—~~which~~ *that* is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs;

(s) "out-of-service order" means a temporary prohibition against driving a commercial motor vehicle, ~~which~~ *that* is imposed when a driver has any measured or detected alcohol concentration while on duty, or operating, or in physical control of a commercial motor vehicle or a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle or a motor carrier operation, is out-of-service pursuant to 49 C.F.R. part 386.72, 392.5, 395.13, 396.9 or such compatible laws, or the North American out-of-service criteria;

(t) "residence" means the place ~~which~~ *that* is adopted by a person as the person's place of habitation and ~~to which~~ *where*, whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's residence;

(u) "secretary" means the secretary of the Kansas department of revenue;

(v) "serious traffic violation" means:

(1) Excessive speeding, *which* is defined as 15 miles per hour or more over the posted speed limit;

(2) reckless driving, as defined under K.S.A. 8-1566, and amendments thereto;

(3) a violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

(4) changing lanes of traffic illegally or erratically, as defined under K.S.A. 8-1548, and amendments thereto;

(5) following another vehicle too closely, as defined under K.S.A. 8-1523, and amendments thereto;

(6) a violation of subsection (a) of K.S.A. 8-2,132, and amendments thereto; or

(7) any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, ~~which~~ *that* the secretary determines by rule and regulation to be serious;

(w) "state" means a state of the United States and the District of Columbia;

(x) "state of domicile" means that state where a person has such person's true, fixed and permanent home and principal residence and ~~to which~~ *where* such person has the intention of returning whenever such person is absent;

(y) "tank vehicle" means a tank vehicle, as defined in 49 C.F.R. § 383.5, as in effect on the date of this act or such later version as adopted by rules and regulations of the secretary pursuant to K.S.A. 8-2,140, and amendments thereto;

(z) "United States" means the 50 states and the District of Columbia;

(aa) "division" means the division of vehicles of the Kansas department of revenue;

(bb) "director" means the director of the division of vehicles of the Kansas department of revenue;

(cc) "foreign country" means any jurisdiction other than the United States;

(dd) "nonresident commercial driver's license" means a license

issued pursuant to K.S.A. 8-2,148, and amendments thereto;

(ee) "fatality" means the death of a person as a result of a motor vehicle accident;

(ff) "noncommercial motor vehicle" means a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle in subsection (f); *and*

(gg) "school bus" means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. "School bus" does not include a bus used as a common carrier.

Sec. 5. K.S.A. 8-15,110 is hereby amended to read as follows: 8-15,110. (a) It shall be unlawful for any person to attach~~and~~ or display on any vehicle, *or to operate a vehicle with*, a license plate, as required under article 1 of chapter 8 of the Kansas Statutes Annotated, *and amendments thereto*:

(1) Which is covered, in whole or in part, with any clear or opaque material or any other plastic-like material that affects the plate's visibility or reflectivity; *or*

(2) *with any frame or other object on or around the plate affecting the visibility or legibility as required in subsection (b).*

(b) *Every license plate shall at all times be securely fastened to the vehicle to which it is assigned, to prevent the plate from swinging, and at a height not less than 12 inches from the ground, measuring from the bottom of such plate. The license plate shall be fastened in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.*

(c) *As used in this section, "clearly legible," "clearly visible," "legibility" or "visibility" means the ability to determine the alphanumeric registration number assigned, the state of issue, the month of expiration on the registration decal, the color of the registration decal and any other required decal from a reasonably safe distance. "Clearly legible," "clearly visible," "legibility" or "visibility" does not include the ability to determine the abbreviated state designation on the registration decal, the expiration year on the registration decal and plate number on the registration decal.*

(d) *A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a)(2). The provisions of this subsection shall expire and have no effect on and after January 1, 2027.*

(e) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 6. K.S.A. 8-133, 8-2,128 and 8-15,110 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the
SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.

Senate Substitute for HOUSE BILL No. 2372

AN ACT concerning law enforcement; creating the crime of unlawful approach of a first responder and providing penalties therefor; requiring traffic laws that apply to local and state law enforcement to apply to federal law enforcement; including federal law enforcement in the definitions used in the crime of interference with law enforcement; including buildings owned by the United States in the crime of interference with the conduct of public business in public buildings; including enforcement of federal laws and executive orders in the exceptions from liability in the tort claims act; relating to the enforcement of detainers issued by the United States immigration and customs enforcement by a county sheriff operating a county jail; requiring municipal insurance pools to provide coverage of law enforcement agencies enforcing federal law; requiring the state to pay certain judgments in federal civil actions and provide legal representation by the attorney general; exempting section 287(g) agreements from certain provisions of the interlocal cooperation act; amending K.S.A. 8-1404, 8-2010, 12-2904, 21-5904 and 21-5922 and K.S.A. 2025 Supp. 8-1102 and 75-6104 and repealing the existing sections.

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

New Section 1. (a) Any sheriff or keeper of the jail operating a jail pursuant to K.S.A. 19-1901, and amendments thereto, has authority to detain a person with:

(1) A facially sufficient immigration detainer request issued by the United States immigration and customs enforcement (ICE) on form I-247A issued pursuant to 8 U.S.C. §§ 1226 and 1357 and hold such person without criminal charges for the purpose of transferring custody to the United States immigration and customs enforcement; or

(2) a warrant as described in subsection (c).

(b) An immigration detainer request form I-247A presented to a jail as provided in subsection (a)(1) is deemed facially sufficient if either of the following applies:

(1) The United States immigration and customs enforcement form I-247A presented to law enforcement:

(A) Clearly states the identity of the person to be detained;

(B) has box 1, statement of probable cause, or box 2, transfer of custody, completed; and

(C) is signed by a United States immigration and customs enforcement official; or

(2) the United States immigration and customs enforcement form I-247A meets the requirements of subsections (b)(1)(A) and (C) but not subsection (b)(1)(B) and is supported by a signed warrant as described in subsection (c) or other affidavit or official documentation provided to the sheriff or keeper of the jail stating the United States immigration and customs enforcement has probable cause to believe that the person to be detained is unlawfully present in the United States.

(c) A warrant shall satisfy subsection (a)(2) or (b)(2) if it includes:

(1) A United States department of homeland security form I-200, warrant for arrest of alien; or

(2) a United States immigration and customs enforcement form I-205, warrant of removal or a successor warrant or other warrant authorized by federal law.

(d) After reviewing the form I-247A and finding that such form complies with the requirements of subsection (b), a sheriff or keeper of the jail operating a jail having custody of a person under the authority of subsection (a) shall:

(1) Inform the person that such person is being held pursuant to an immigration detainer request issued by the United States immigration and customs enforcement;

(2) provide a copy of the form I-247A to the person being held as soon as practicable;

(3) inform the United States immigration and customs enforcement that such person is in the custody of the sheriff or keeper of the jail on an immigration detainer; and

(4) complete the law enforcement agency section of the form I-247A and submit such form to the United States immigration and

lessee of such vehicle shall be guilty of criminal trespass, as defined in K.S.A. 21-5808, and amendments thereto, and upon request of the owner or occupant of such real property, the public agency in whose jurisdiction such property is situated may remove and dispose of such vehicle in the manner provided in subsection (a), except that the provisions of subsection (a) requiring that a motor vehicle be abandoned for a period of time in excess of 48 hours prior to its removal shall not be applicable to abandoned vehicles that are subject to the provisions of this subsection. Any person removing such vehicle from the real property at the request of such public agency shall have a possessory lien on such vehicle for the costs incurred in removing, towing and storing such vehicle.

(c) Whenever any motor vehicle has been left unattended for more than 48 hours or when any unattended motor vehicle interferes with public highway operations *or any law enforcement operations*, any law enforcement officer is hereby authorized to move such vehicle or cause to have the vehicle moved as provided in K.S.A. 8-1103 et seq., and amendments thereto.

(d) The notice provisions of this section shall apply to any motor vehicle that has been impounded as provided in K.S.A. 8-1567, and amendments thereto.

(e) Any person attempting to recover a motor vehicle impounded as provided in this section or in accordance with a city ordinance or county resolution providing for the impoundment of motor vehicles, shall show proof of valid registration and ownership of the motor vehicle to the public agency before obtaining the motor vehicle. In addition, the public agency may require payment of all reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to release of the motor vehicle.

(f) *As used in this section, "law enforcement officer" means the same as defined in K.S.A. 21-5111, and amendments thereto, and any federal law enforcement officer as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.*

(g) *Nothing in this section shall grant law enforcement authority to a federal law enforcement officer.*

Sec. 7. K.S.A. 8-1404 is hereby amended to read as follows: 8-1404. "Authorized emergency vehicle" means such fire department vehicles or police bicycles or police vehicles ~~which~~ *that* are publicly owned, *including law enforcement vehicles owned by the federal government*; motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq., and amendments thereto; wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329, and amendments thereto, and having a certificate of public service from the state corporation commission; and such other publicly or privately owned vehicles ~~which~~ *that* are designated as emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto.

Sec. 8. K.S.A. 8-2010 is hereby amended to read as follows: 8-2010. (a) Any particular vehicle listed in ~~subsection (b)~~ of K.S.A. 8-2010a(b), and amendments thereto, shall be designated, by the board of county commissioners in which such vehicle is located, as an authorized emergency vehicle upon the filing of an application pursuant to K.S.A. 8-2010a, and amendments thereto and a finding that designation of such vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions. The designation shall be in writing and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle.

shall not be construed to preclude, prohibit or otherwise limit a claim for damages arising from childhood sexual abuse as defined in K.S.A. 60-523, and amendments thereto. Failure of a governmental entity to adopt or enforce a policy, regulation or law related to childhood sexual abuse and failure to exercise reasonable discretion in the supervision of a governmental employee who commits childhood sexual abuse may be considered by the trier of fact in determining the question of a governmental entity's negligence.

Sec. 13. K.S.A. 8-1404, 8-2010, 12-2904, 21-5904 and 21-5922 and K.S.A. 2025 Supp. 8-1102 and 75-6104 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report_____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report_____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.

HOUSE BILL No. 2467

AN ACT concerning traffic regulations; relating to failure to comply with a traffic citation; prohibiting past convictions or sanctions that are more than five years old from being considered by courts or the division of vehicles in determining suspended or restricted driving privileges; eliminating certain notice requirements for the division of vehicles related to suspended or restricted drivers' licenses; amending K.S.A. 2025 Supp. 8-2110 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay any fine and court costs imposed as ordered by the court; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) (A) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for any violations provided in subparagraph (C), the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay fines, court costs and any penalties as ordered by the court within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall restrict such person's driving privileges pursuant to the terms set forth in subparagraph (B). The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles unless the district or municipal court has determined pursuant to a written order that the person shall fulfill any requirements set forth by the court prior to the suspension. Failure to abide by the terms of the order shall result in the court notifying the division of vehicles that the person's license shall be suspended for the failure to comply with a traffic citation. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of substantial compliance with the terms of the traffic citation has been furnished to the informing court unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall notify the violator that the person's driving privileges are restricted pursuant to the terms set forth in subparagraph (B). When the court determines the person is in substantial compliance with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the restriction, suspension or suspension action.

(B) (i) When restricted driving privileges are approved pursuant to this subsection, the person's driving privileges shall be restricted to driving only under the following circumstances:

- (a) In going to or returning from the person's place of employment or schooling;
- (b) in the course of the person's employment;
- (c) in going to or returning from an appointment with a healthcare provider or during a medical emergency;
- (d) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;
- (e) in going to or returning from dropping off or picking up one or more children from school or child care;

(f) in going to or returning from purchasing groceries or fuel for their vehicle; and

(g) in going to or returning from any religious worship service held by a religious organization.

(ii) A person shall not qualify for restricted driving privileges pursuant to this subparagraph if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect for the lesser of time of either:

(a) 60 days from the date that the division of vehicles mails notice to the person of the restricted driving privileges;

(b) the person enters into an agreement with the court regarding the person's failure to comply; or

(c) the rescission of the restricted driving privileges by the division of vehicles.

(iii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of:

(a) A violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation; or

(b) operating a motor vehicle in violation of restrictions provided in clause (i) two or more times.

(iv) A person operating a motor vehicle in violation of restrictions provided in clause (i) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.

(C) (i) Violations of the following sections or violations of substantially similar offenses under a city ordinance shall not provide the basis for a violation of this section: K.S.A. 8-1513, 8-1532, 8-1534, 8-1536, 8-1537, 8-1538, 8-1543, 8-1569, 8-1571, 8-1572, 8-1573, 8-1578, 8-1578a, 8-1583, 8-1585, 8-1586, 8-1588, 8-1589, 8-1590, 8-1591, 8-1592, 8-15,102, 8-15,108, 8-15,113, 8-1744, 21-5607, 21-5810, 21-5815, 21-5816, 21-5817, 21-6203, 41-715, 41-727, 66-1330, 68-2106, 75-4510a and 79-34,112, and amendments thereto.

(ii) The provisions of this subparagraph shall be construed and applied retroactively. A person may petition the district or municipal court in which the person should have complied with the citation that led to a prior violation of this section. If the court determines that the person committed an offense that does not provide the basis for a violation of this section, as amended by this act, the court shall immediately electronically notify the division of vehicles. Upon receipt of such notification from the informing court, the division of vehicles shall terminate any restriction, suspension or suspension action that resulted from the prior violation of this section.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges. The driver may apply and be eligible for restricted driving privileges pursuant to this paragraph if such driver has previously been approved for restricted driving privileges pursuant to paragraph (1).

(B) (i) A person whose driving privileges have been revoked solely for driving a motor vehicle on any highway as defined in K.S.A. 8-1424, and amendments thereto, of this state at a time when such person's privilege to do so was canceled, suspended or revoked for failure to comply with a traffic citation pursuant to this section may submit to the division of vehicles a written request for restricted driving privileges. A person shall not qualify for restricted driving privileges pursuant to this section if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect unless otherwise rescinded for the lesser of time of either:

(a) The remainder of the period of time that such person's driving privileges are revoked; or

(b) three years from the date when the restricted driving privileges were approved.

(ii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of a violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation.

(iii) A person operating a motor vehicle in violation of restrictions provided in subparagraph (D) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.

(C) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges. ~~At~~ A person shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met:

(i) The suspended license that expired was issued by the division of vehicles;

(ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); and

(iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state.

(D) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles until the terms of the traffic citation have been substantially complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to substantially comply with the traffic citation, the driving privileges will be suspended by the division of vehicles until the court determines the person has substantially complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such substantial compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances:

(i) In going to or returning from the person's place of employment or schooling;

(ii) in the course of the person's employment;

(iii) in going to or returning from an appointment with a health care provider or during a medical emergency;

(iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;

(v) in going to or returning from dropping off or picking up one or more children from school or child care;

(vi) in going to or returning from purchasing groceries or fuel for their vehicle; and

(vii) in going to or returning from any religious worship service held by a religious organization.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the state general fund and of the remaining amount,

29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the state general fund.

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

(e) (1) A person who is assessed a reinstatement fee pursuant to subsection (c) may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection (f), or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(2) A person who is assessed a fine or court costs for a traffic citation may petition the court that assessed the fine or costs at any time to waive payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(3) The clerk of the district court and the clerk of the municipal court shall make forms available to any person seeking to petition the court to waive or reduce traffic fines, court costs or reinstatement fees.

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

(g) (1) Prior to issuing an order pursuant to this section that notifies the division of vehicles to restrict or suspend a person's driving privileges, the court shall consider:

(A) Waiver or reduction of fees, fines and court costs and allowing for payment plans for any fees, fines and court costs; and

(B) alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.

(2) Nothing in this subsection shall be construed to require the court to make written findings or written payment plan orders.

(h) (1) Any conviction *or sanction* for a failure to comply pursuant to this section shall not be considered by the district or municipal court or the division of vehicles in determining suspended or restricted driving privileges if such conviction *or sanction* is more than five years old.

~~(2) After the expiration of five years from the date of conviction, the division shall notify by mail any persons whose driving privileges were suspended or restricted and have not since been restored. The division shall notify the person that the person may be eligible for driving privileges as a result of the expiration of the five years from the conviction for the failure to comply.~~

~~(3) The provisions of this subsection and the amendments made to this subsection by this act shall be construed and applied retroactively.~~

(i) As used in this section, "substantial compliance" or

"substantially complied" means the person has followed the orders of the court involving payments of fines, court costs and any penalties and has not failed substantially in making payments or satisfying the terms of the court order.

Sec. 2. K.S.A. 2025 Supp. 8-2110 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.