

## Substitute for SENATE BILL No. 100

By Committee on Transportation

3-25

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1 AN ACT concerning driving; relating to drivers' licenses; providing an  
2 exclusion from the additional 90-day period for suspended or revoked  
3 licenses; amending K.S.A. 2020 Supp. 8-262 and repealing the existing  
4 section.

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

7 Section 1. K.S.A. 2020 Supp. 8-262 is hereby amended to read as  
8 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any  
9 highway of this state at a time when such person's privilege so to do is  
10 canceled, suspended or revoked or while such person's privilege to obtain  
11 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and  
12 amendments thereto, shall be guilty of a class B nonperson misdemeanor  
13 on the first conviction and a class A nonperson misdemeanor on the second  
14 or subsequent conviction.

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

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

22 (4) Except as otherwise provided by subsection (c), if a person: (A) Is  
23 convicted of a violation of this section, committed while the person's  
24 privilege to drive or privilege to obtain a driver's license was suspended or  
25 revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments  
26 thereto, or any ordinance of any city or resolution of any county or a law  
27 of another state, which ordinance or resolution or law prohibits the acts  
28 prohibited by those statutes; and (B) is or has been also convicted of a  
29 violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any  
30 ordinance of any city or resolution of any county or law of another state,  
31 which ordinance or resolution or law prohibits the acts prohibited by those  
32 statutes, committed while the person's privilege to drive or privilege to  
33 obtain a driver's license was so suspended or revoked, the person shall not  
34 be eligible for suspension of sentence, probation or parole until the person  
35 has served at least 90 days' imprisonment, and any fine imposed on such  
36 person shall be in addition to such a term of imprisonment.

1 (b) (1) *Except as provided by subsection (b)(2), the division, upon*  
2 *receiving a record of the conviction of any person under this section, or*  
3 *any ordinance of any city or resolution of any county or a law of another*  
4 *state which is in substantial conformity with this section, upon a charge of*  
5 *driving a vehicle while the license of such person is revoked or suspended,*  
6 *shall extend the period of such suspension or revocation for an additional*  
7 *period of 90 days.*

8 (2) *For any person found guilty of driving a vehicle while the license*  
9 *of such person is suspended for violating K.S.A. 8-2110, and amendments*  
10 *thereto, such offense shall not extend the additional period of suspension*  
11 *pursuant to subsection (b)(1).*

12 (c) (1) The person found guilty of a class A nonperson misdemeanor  
13 on a third or subsequent conviction of this section shall be sentenced to not  
14 less than 90 days' imprisonment and fined not less than \$1,500 if such  
15 person's privilege to drive a motor vehicle is canceled, suspended or  
16 revoked because such person:

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

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

22 (C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its  
23 repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto,  
24 involuntary manslaughter while driving under the influence of alcohol or  
25 drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as  
26 defined in K.S.A. 2020 Supp. 21-5405(a)(3) and (a)(5), and amendments  
27 thereto, or any other murder or manslaughter crime resulting from the  
28 operation of a motor vehicle; or

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

31 (2) The person convicted shall not be eligible for release on  
32 probation, suspension or reduction of sentence or parole until the person  
33 has served at least 90 days' imprisonment. The 90 days' imprisonment  
34 mandated by this subsection may be served in a work release program only  
35 after such person has served 48 consecutive hours' imprisonment, provided  
36 such work release program requires such person to return to confinement  
37 at the end of each day in the work release program. The court may place  
38 the person convicted under a house arrest program pursuant to K.S.A.  
39 2020 Supp. 21-6609, and amendments thereto, or any municipal ordinance  
40 to serve the remainder of the minimum sentence only after such person has  
41 served 48 consecutive hours' imprisonment.

42 (d) For the purposes of determining whether a conviction is a first,  
43 second, third or subsequent conviction in sentencing under this section,

1 "conviction" includes a conviction of a violation of any ordinance of any  
2 city or resolution of any county or a law of another state ~~which~~ *that* is in  
3 substantial conformity with this section.

4 Sec. 2. K.S.A. 2020 Supp. 8-262 is hereby repealed.

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