

HOUSE BILL No. 2044

By Committee on Corrections and Juvenile Justice

1-19

1 AN ACT concerning motor vehicles; relating to requirements after a
2 collision; amending K.S.A. 8-1604 and K.S.A. 2010 Supp. 8-1602, 8-
3 1605 and section 292 of chapter 136 of the 2010 Session Laws of
4 Kansas and repealing the existing sections; also repealing K.S.A. 2010
5 Supp. 8-1603 and 8-1606.

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

8 Section 1. K.S.A. 2010 Supp. 8-1602 is hereby amended to read as
9 follows: 8-1602. (a) The driver of any vehicle involved in an accident
10 resulting in injury to, great bodily harm to or death of any person *or*
11 *damage to any attended vehicle or property* shall immediately stop such
12 vehicle at the scene of such accident, or as close thereto as possible, but
13 shall then ~~forthwith~~ *immediately* return to and in every event shall remain
14 at the scene of the accident until the driver has fulfilled the requirements of
15 K.S.A. 8-1604, and amendments thereto. ~~Every such stop shall be made~~
16 ~~without obstructing traffic more than is necessary.~~

17 (b) A person who violates ~~this section which~~ **subsection (a) when an**
18 **accident** results in:

19 (1) ~~Total property damages under of less than \$1,000 shall be guilty~~
20 ~~of a misdemeanor and, upon conviction, shall be punished as provided in~~
21 ~~K.S.A. 8-2116, and amendments thereto.~~

22 ~~(+)(2)~~ Injury to any person *or total property damages in excess of*
23 *\$1,000 or more* shall be guilty of a class A person misdemeanor.

24 ~~(2)(3)~~ Great bodily harm to any person shall be guilty of a severity
25 level ~~+0~~ 8, person felony.

26 ~~(3)(4)~~ The death of any person shall be guilty of a severity level ~~9 5-6~~
27 **5**, person felony.

28 (c) The director may revoke the license or permit to drive or any
29 nonresident operating privilege of any person so convicted.

30 (d) *The driver shall comply with the provisions of K.S.A. 2010 Supp.*
31 *8-15,107, and amendments thereto.*

32 Sec. 2. K.S.A. 8-1604 is hereby amended to read as follows: 8-1604.

33 (a)(1) The driver of any vehicle involved in an accident resulting in injury
34 to or death of any person, or damage to any *attended vehicle or other*

1 property which is driven or attended by any person, shall give such
2 person's driver's name, address and the registration number of the vehicle
3 such person driver is driving, and upon request shall exhibit such person's
4 driver's license or permit to drive, the name of the company with which
5 there is in effect a policy of motor vehicle liability insurance covering the
6 vehicle involved in the accident and the policy number of such policy to
7 any person injured in such accident or to the driver or occupant of or
8 person attending any vehicle or other property damaged in such accident,
9 and shall give such information and upon request exhibit such license or
10 permit and the name of the insurer and policy number; to any police officer
11 at the scene of the accident or who is investigating the accident. ~~and~~

12 (2) *Such driver, insofar as possible, shall immediately make efforts to*
13 **determine whether any person involved in such accident was injured**
14 **or killed, and** shall render to any person injured in such accident
15 reasonable assistance, including the carrying, or the making of
16 arrangements for the carrying of such person to a physician, surgeon or
17 hospital for medical or surgical treatment if it is apparent that such
18 treatment is necessary, or if such carrying is requested by the injured
19 person.

20 ~~(b) In the event that none of the persons specified are in condition or~~
21 ~~present to receive the information to which they otherwise would be~~
22 ~~entitled under subsection (a) of this section, and no police officer is~~
23 ~~present, the driver of any vehicle involved in such accident, after fulfilling~~
24 ~~all other requirements of K.S.A. 8-1602, and amendments thereto, and of~~
25 ~~subsection (a) of this section, insofar as possible on such person's part to~~
26 ~~be performed, shall forthwith immediately report such accident to the~~
27 ~~nearest office of a duly authorized police authority and submit thereto the~~
28 ~~information specified in subsection (a) of this section.~~

29 **(b) If no police officer is present, the driver of any vehicle**
30 **involved in such accident, or any occupant of such vehicle 18 years of**
31 **age or older, shall immediately report such accident, by the quickest**
32 **available means of communication, to the nearest office of a duly**
33 **authorized police authority if:**

- 34 **(1) There is apparently property damage of \$1000 or more;**
35 **(2) any person involved in the accident is injured or killed; or**
36 **(3) the persons specified in subsection (a) are not present or in**
37 **condition to receive such information.**

38 (c) Unless the insurance company subsequently submits an insurance
39 verification form indicating that insurance was not in force, no person
40 charged with failing to provide the name of such person's insurance
41 company and policy number as required in subsection (a), shall be
42 convicted if such person produces in court, within 10 days of the date of
43 arrest or of issuance of the citation, evidence of financial security for the

1 motor vehicle operated, which was valid at the time of arrest or of issuance
 2 of the citation. For the purpose of this subsection, evidence of financial
 3 security shall be provided by a policy of motor vehicle liability insurance,
 4 an identification card or certificate of insurance issued to the policyholder
 5 by the insurer which provides the name of the insurer, the policy number,
 6 make and year of the vehicle and the effective and expiration dates of the
 7 policy, or a certificate of self-insurance signed by the commissioner of
 8 insurance. Upon the production in court of evidence of financial security,
 9 the court shall record the information displayed thereon on the insurance
 10 verification form prescribed by the secretary of revenue, immediately
 11 forward such form to the department of revenue, and stay any further
 12 proceedings on the matter pending a request from the prosecuting attorney
 13 that the matter be set for trial. Upon receipt of such form the department
 14 shall mail the form to the named insurance company for verification that
 15 insurance was in force on the date indicated on the form. It shall be the
 16 duty of insurance companies to notify the department within 30 calendar
 17 days of the receipt of such forms of any insurance that was not in force on
 18 the date specified. Upon return of any form to the department indicating
 19 that insurance was not in force on such date, the department shall
 20 immediately forward a copy of such form to the office of the prosecuting
 21 attorney or the city clerk of the municipality in which such prosecution is
 22 pending when the prosecuting attorney is not ascertainable. Receipt of any
 23 completed form indicating that insurance was not in effect on the date
 24 specified shall be prima facie evidence of failure to provide proof of
 25 financial security and violation of this section. A request that the matter be
 26 set for trial shall be made immediately following the receipt by the
 27 prosecuting attorney of a copy of the form from the department of revenue
 28 indicating that insurance was not in force. Any charge hereunder shall be
 29 dismissed if no request for a trial setting has been made within 60 days of
 30 the date evidence of financial security was produced in court.

31 Sec. 3. K.S.A. 2010 Supp. 8-1605 is hereby amended to read as
 32 follows: 8-1605. (a) The driver of any vehicle which collides with or is
 33 involved in an accident with any vehicle or other property which is
 34 unattended, resulting in any damage to ~~such other any~~**such other** vehicle
 35 or property, ~~including such driver's vehicle,~~ shall immediately stop and
 36 shall then and there either locate and notify the operator or owner of such
 37 vehicle or other property of such ~~person's~~ *driver's* name, address and the
 38 registration number of the vehicle such ~~person~~ *driver* was driving, or shall
 39 attach securely in a conspicuous place in or on such vehicle or other
 40 property a written notice giving such ~~person's~~ *driver's* name, address and
 41 the registration number of the vehicle such ~~person~~ *driver* was driving, and
 42 without unnecessary delay shall notify the nearest office of a duly
 43 authorized police authority. ~~Every such stop shall be made without~~

1 ~~obstructing traffic more than is necessary.~~ Violation of this section
2 **subsection is a misdemeanor and, upon conviction shall be punished as**
3 **provided in K.S.A. 8-2116, and amendments thereto.**

4 (b) The driver under subsection (a), if possible, shall comply with the
5 provisions of K.S.A. 2010 Supp. 8-15,107, and amendments thereto.

6 Sec. 4. Section 292 of chapter 136 of the 2010 Session Laws of
7 Kansas is hereby amended to read as follows: Sec. 292. In addition to
8 the provisions of section 291 *of chapter 136 of the 2010 Session*
9 *Laws of Kansas*, and amendments thereto, the following shall
10 apply in determining an offender's criminal history
11 classification as contained in the presumptive sentencing
12 guidelines grids:

13 (a) Every three prior adult convictions or juvenile adjudications of
14 class A and class B person misdemeanors in the offender's criminal history,
15 or any combination thereof, shall be rated as one adult conviction or one
16 juvenile adjudication of a person felony for criminal history purposes.
17 Every three prior adult convictions or juvenile adjudications of assault as
18 defined in subsection (a) of section 47 *of chapter 136 of the 2010 Session*
19 *Laws of Kansas*, and amendments thereto, occurring within a period
20 commencing three years prior to the date of conviction for the current
21 crime of conviction shall be rated as one adult conviction or one juvenile
22 adjudication of a person felony for criminal history purposes.

23 (b) A conviction of criminal use of weapons as defined in subsection
24 (a)(8) or (a)(13) of section 186 *of chapter 136 of the 2010 Session Laws of*
25 *Kansas*, and amendments thereto, or possession of a firearm on the
26 grounds or in the state capitol building as defined in section 194 *of chapter*
27 *136 of the 2010 Session Laws of Kansas*, and amendments thereto, will be
28 scored as a select class B nonperson misdemeanor conviction or
29 adjudication and shall not be scored as a person misdemeanor for criminal
30 history purposes.

31 (c) (1) If the current crime of conviction was committed before July
32 1, 1996, and is for subsection (b) of K.S.A. 21-3404, as in effect on June
33 30, 1996, involuntary manslaughter in the commission of driving under the
34 influence, then, each prior adult conviction or juvenile adjudication for
35 K.S.A. 8-1567, and amendments thereto, shall count as one person felony
36 for criminal history purposes.

37 (2) If the current crime of conviction was committed on or after July
38 1, 1996, and is for a violation of subsection (a)(3) of section 40, and
39 amendments thereto, ~~or if the current crime of conviction was committed~~
40 ~~on or after July 1, 2011 and is for a violation of K.S.A. 8-1602, and~~
41 ~~amendments thereto,~~ each prior adult conviction, diversion in lieu of
42 criminal prosecution or juvenile adjudication for: (A) An act described in

1 K.S.A. 8-1567, and amendments thereto; or (B) a violation of a law of
2 another state or an ordinance of any city, or resolution of any county,
3 which prohibits the act described in K.S.A. 8-1567, and amendments
4 thereto, shall count as one person felony for criminal history purposes.

5 (d) Prior burglary adult convictions and juvenile adjudications will be
6 scored for criminal history purposes as follows:

7 (1) As a prior person felony if the prior conviction or adjudication
8 was classified as a burglary as defined in subsection (a)(1) of section 93 *of*
9 *chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto.

10 (2) As a prior nonperson felony if the prior conviction or adjudication
11 was classified as a burglary as defined in subsection (a)(2) or (a)(3) of
12 section 93 *of chapter 136 of the 2010 Session Laws of Kansas*, and
13 amendments thereto.

14 The facts required to classify prior burglary adult convictions and
15 juvenile adjudications shall be established by the state by a preponderance
16 of the evidence.

17 (e) Out-of-state convictions and juvenile adjudications shall be used
18 in classifying the offender's criminal history. An out-of-state crime will be
19 classified as either a felony or a misdemeanor according to the convicting
20 jurisdiction. If a crime is a felony in another state, it will be counted as a
21 felony in Kansas. The state of Kansas shall classify the crime as person or
22 nonperson. In designating a crime as person or nonperson comparable
23 offenses shall be referred to. If the state of Kansas does not have a
24 comparable offense, the out-of-state conviction shall be classified as a
25 nonperson crime. Convictions or adjudications occurring within the federal
26 system, other state systems, the District of Columbia, foreign, tribal or
27 military courts are considered out-of-state convictions or adjudications.
28 The facts required to classify out-of-state adult convictions and juvenile
29 adjudications shall be established by the state by a preponderance of the
30 evidence.

31 (f) Except as provided in subsections (d)(3)(B), (d)(3)(C), (d)(3)(D)
32 and (d)(4) of section 291 *of chapter 136 of the 2010 Session Laws of*
33 *Kansas*, and amendments thereto, juvenile adjudications will be applied in
34 the same manner as adult convictions. Out-of-state juvenile adjudications
35 will be treated as juvenile adjudications in Kansas.

36 (g) A prior felony conviction of an attempt, a conspiracy or a
37 solicitation as provided in section 33, 34 or 35 *of chapter 136 of the 2010*
38 *Session Laws of Kansas*, and amendments thereto, to commit a crime shall
39 be treated as a person or nonperson crime in accordance with the
40 designation assigned to the underlying crime.

41 (h) Drug crimes are designated as nonperson crimes for criminal
42 history scoring.

43 (i) *If the current crime of conviction is for a violation of subsections*

1 *(b)(2) through (b)(4) of K.S.A. 8-1602, and amendments thereto, each of*
2 *the following prior convictions committed on or after July 1, 2011 shall*
3 *count as a person felony for criminal history purposes: K.S.A. 8-235, 8-*
4 *262, 8-287, 8-291, 8-1566, **8-1567**, 8-1568, 8-1602, **8-1605** and 40-3104,*
5 *and amendments thereto, and subsection (a)(3) of section 40 and section*
6 *41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
7 *thereto, or a violation of a city ordinance or law of another state which*
8 **would also constitute a violation of such sections.**

9 Sec. 5. K.S.A. 8-1604 and K.S.A. 2010 Supp. 8-1602, 8-1603, 8-
10 1605, 8-1606 and section 292 of chapter 136 of the 2010 Session Laws of
11 Kansas are hereby repealed.

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