

HOUSE BILL No. 2277

By Representative Vickrey

2-12

1 AN ACT regulating traffic; concerning right-of-way violations; providing
2 for increased penalties in certain cases; driver's education programs;
3 creating the driver's education fund.
4

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

6 Section 1. (a) Any person who is convicted of violating K.S.A. 8-
7 1526, 8-1527, 8-1528, 8-1529 or 8-1531, and amendments thereto, and as
8 a result of such violation was involved in a vehicle accident or collision,
9 upon conviction, shall be guilty of an unclassified misdemeanor
10 punishable by being required to take 16 hours of driver's education, and:

11 (1) If the vehicle accident or collision resulted in bodily harm to
12 another person, by a fine of not more than \$500; and

13 (2) if the vehicle accident or collision resulted in the death of another
14 person, by:

15 (A) A fine of not more than \$1,000; and

16 (B) being required to perform 200 hours of community service, if
17 such convicted person is also convicted of violating K.S.A. 8-1567, and
18 amendments thereto, or K.S.A. 2018 Supp. 8-15,111, and amendments
19 thereto.

20 (b) Convictions of violating K.S.A. 8-1526, 8-1527, 8-1528, 8-1529
21 or 8-1531, and amendments thereto, that are punishable under this section,
22 shall be considered a moving violation for the purpose of K.S.A. 8-255,
23 and amendments thereto. A person shall not be allowed to enter into a
24 diversion agreement in lieu of further criminal proceedings that would
25 prevent such person's conviction for violating K.S.A. 8-1526, 8-1527, 8-
26 1528, 8-1529 or 8-1531, and amendments thereto, from appearing on the
27 person's record, if such violation resulted in a vehicle accident or collision
28 that caused bodily harm, great bodily harm or disfigurement or death to
29 another person.

30 (c) For the purpose of this section, "conviction" means a final
31 conviction without regard to whether the sentence was suspended or
32 probation granted after such conviction. Forfeiture of bail, bond or
33 collateral deposited to secure a defendant's appearance in court, which
34 forfeiture has not been vacated, shall be equivalent to a conviction.

35 (d) For the purpose of this section, "driver's education" means a
36 program approved by the secretary of transportation. The secretary of

1 transportation may establish, by rules and regulations: (1) Standards for
2 the conduct, operation and approval for driver's education programs, that
3 include, but are not limited to, education and training on right-of-way
4 violations and accident prevention; (2) qualifications for instructors for
5 such programs; and (3) costs to be charged by an organization for
6 individuals attending such programs. The costs for the driver's education
7 program for any individual required to attend such program pursuant to
8 subsection (a) shall be paid from the driver's education fund.

9 (e) On and after July 1, 2019, the amount of \$125 from each fine
10 imposed pursuant to this section shall be remitted by the clerk of the
11 district court to the state treasurer in accordance with the provisions of
12 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
13 remittance, the state treasurer shall credit the entire amount to the driver's
14 education fund established by section 2, and amendments thereto.

15 (f) This section shall be part of and supplemental to the uniform act
16 regulating traffic on highways.

17 Sec. 2. There is hereby established in the state treasury the driver's
18 education fund, which shall be administered by the secretary of
19 transportation. All expenditures of moneys in the driver's education fund
20 shall be used for the purpose of paying the program costs for individuals
21 required to attend a driver's education program pursuant to section 1, and
22 amendments thereto, and shall be made in accordance with appropriation
23 acts upon warrants of the director of accounts and reports issued pursuant
24 to vouchers approved by the secretary of transportation or by a person or
25 persons designated by the secretary of transportation. The secretary of
26 transportation may accept all gifts, grants, donations and bequests to the
27 fund. The secretary of transportation shall remit all moneys received under
28 this section to the state treasurer in accordance with the provisions of
29 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
30 remittance, the state treasurer shall deposit the entire amount in the state
31 treasury to the credit of the driver's education fund.

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