

## **Summary of 2007 Kansas Legislation Impacting Law Enforcement**

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The following is a summary of new and amended statutes impacting law enforcement passed by the 2007 legislature. Not all changes are listed as this document is intended to address the statute changes most relevant to law enforcement operations. **Always follow the guidance of your agency for application and implementation of these new and amended laws.** This document is not legal advice. It is a summary of the interpretation by the author who is not an attorney. **Questions should be addressed within your agency following your agency's protocol.**

### **Alcohol**

#### **Unlawful hosting of minors –**

Changes the terminology “persons under the age of 18” to “a minor” resulting in the crime of unlawful hosting of minors consuming alcohol applying to persons under 21 years of age consuming alcohol. It did only apply to persons under 18. (SB166, section 3) Amends KSA 21-3610c. [Eff. 5/24/07]

#### **Serving by charitable organizations**

Certain charitable organizations are exempt from obtaining a license or temporary permit to serve alcohol or wine at a charitable event. (SB30, section 3) Amends KSA 41-104. [Eff. 5/24/07]

### **Child protection act**

The Uniform Child Abduction Protection Act is aimed at reducing the risk of parents abducting their children during and after divorce proceedings. It authorizes information to be provided to the courts on any past or present parental activity indicative of a high risk of parental abduction. Specific activity to consider is listed in the statute and includes things such as: past abduction threats or attempts; signs of intent to leave the area like sudden abandonment of employment, sale of property, termination of lease; gathering of critical documents for the child like health records, birth certificates or school records; and strong ties to another state or country. If the court finds such a risk exists, it can issue an “abduction prevention order” and may impose restrictions on travel, the child leaving the state, on visitation/custody and even on passports. If the danger level gets high enough for the court to find an immediate risk for abduction the child can be taken into state custody. It is undetermined how LE will confirm the existence, validity or accuracy of such orders when the court is not open. (SB18) New KSA. [Eff. 7/1/07]

### **Concealed carry**

- Local regulations, resolutions, or ordinances cannot control the manner of openly carrying a firearm by a person licensed for CCW.
- Local regulations cannot control the transportation in a vehicle of any firearm by a person licensed for CCW.
- In other words, the above two provisions mean that a person licensed for CCW can have the firearm in their possession in a public place even if not concealed on their person.
- Any violation of the CCW laws by a permit holder must be prosecuted through state courts.
- Local governments and private employers can prohibit a CCW licensee from carrying a firearm at the workplace (except they can't restrict them from having a firearm in their

- car in a parking lot or garage), carrying a firearm while performing work for the employer, or into a building operated by the employer if properly posted. But such restriction must be by personnel regulation and cannot be an ordinance or resolution and the violation cannot be prosecuted through the local court.
- Misdemeanor conviction of domestic violence has been added to the list of reasons to reject a CCW application.
  - All of the listed places where a CCW licensee cannot carry a firearm now have to be posted.
  - Cities, counties, and businesses cannot restrict concealed carry in open spaces, parks, etc. unless it is one of the places specifically listed in the statute.
  - Other than the places listed in the statute, only buildings can be designated as no carry zones and they must be properly posted.
- (HB2528) Amends KSA 12-16,124, KSA 75-7c04, KSA 75-7c10, KSA 75-7c11, KSA 75-7c17 and KSA 75-7c25. [Eff. 5/3/07]

## **Corrections**

### **Advisory Boards**

The provision of KSA 75-5293 basing reimbursements to counties for expenses of corrections advisory boards “on existing experience of other corrections advisory boards” have been removed. (SB14, section 6) Amends KSA 75-5293. [Eff. 7/1/07]

## **Criminal Procedure**

### **Bonding**

If the court accepts a cash bond it must be in the same amount as the surety bond set by the court. The exception is for bonds of less than \$2500 when the most serious charge is a low level felony or a misdemeanor and when certain listed criteria is met, in which case the court can allow a bond of 10% of the surety bond. It still permits the court to allow an OR bond. It forbids the court to charge an administrative fee for a bond. (SB103, sections 3 and 4) Amends KSA 22-2802 and KSA 22-2803. [Eff. 7/1/07]

A bond can only be forfeited for non-appearance and not for a condition violation. The bond may be revoked for a condition violation and a new bond must be set. It also requires any bond forfeiture be set aside if the defendant is incarcerated in some other jurisdiction in the US. However, the surety can be ordered to pay any cost of bringing such person back to the jurisdiction of the bond. (SB103, section 5) Amends KSA 22-2807. [Eff. 7/1/07]

### **Concurrent jurisdiction for prosecution of certain offenses**

Cities are allowed to have concurrent jurisdiction over what would normally be a felony allowing it to be charged in city courts as a misdemeanor if the felony charges are not filed or declined. This only covers DUI, domestic battery, theft, worthless checks and possession of marijuana. This may require the city to enact a specific ordinance stating they have concurrent jurisdiction. It covers any DUI offense committed on and after July 1, 2006. (SB31, section 3) Amends KSA 12-4104. [Eff. 7/1/07]

### **DNA collection**

The collection of a DNA sample will be required for persons arrested and juveniles taken into custody after 7/1/08 for certain crimes. It also provides a person may petition the KBI to expunge the sample and the DNA profile record if the court later determines there was no probable cause for the arrest, or the conviction is later expunged, or the person is

acquitted of the charges. Also requires any person who must register as an offender to provide a DNA sample. (SB103, section 2) Amends KSA 21-2511. [Eff. 7/1/07]

Requires an additional court cost of \$100 for DNA processing upon “adjudication” in addition to the already provided “conviction” of the person. (SB103, section 6) Amends KSA 75-724. [Eff. 7/1/07]

### **DUI jurisdiction**

Cities are allowed to have concurrent jurisdiction over a DUI that would normally be a felony allowing it to be charged in city courts as a misdemeanor if the felony charges are not filed or declined. This may require the city to enact a specific ordinance stating they have concurrent jurisdiction. It covers any DUI offense committed on and after July 1, 2006. (SB31, section 2) Amends KSA 8-1567. [Eff. 7/1/07]

### **Federal law enforcement officer jurisdiction**

The 7/1/07 sunset clause is removed from the statute providing jurisdiction for certain federal law enforcement officers to use state law enforcement powers while assigned under the FBI. (SB166, section 6) Amends KSA 21-2411. [Eff. 5/24/07]

### **Hard 40**

The list of sex offenses which can be used to sentence a second time sex offender to hard 40 is expanded. The additions are crimes in effect prior to the act which are substantially the same as: Agg. trafficking of a victim less than 14 yoa, rape of a person under 14 yoa, agg. indecent liberties with a child less than 14 yoa, promoting a prostitute less than 14 yoa, sexual exploitation of a child less than 14 yoa, an attempt, conspiracy, or criminal solicitation of any of the listed crimes. Exempts KSA 21-3522, unlawful voluntary sexual relations, from those crimes considered for the hard 40 sentence. (SB166, section 5) Amends KSA 21-4643. [Eff. 5/24/07]

**Palm Prints** – Palm prints must be taken when persons are arrested for certain crimes, generally anything that currently requires fingerprints to be collected. (SB103, section 1) Amends KSA 21-2501. [Eff. 7/1/07]

### **Person on release committing a new felony-**

A person on release from another state under laws similar to KSA Chapter 22, Article 28 are treated the same as those on release from Kansas for sentencing purposes when a person on release for a felony commits a new felony. Current law did not include those on release from another state. (SB166, section 4) Amends KSA 21-4603d. [Eff. 5/24/07]

### **Sexually violent predator –**

No changes relevant to cities or street operations. A fund under the attorney general was established to reimburse counties for determining if a person is a sexually violent predator. Clarifies who is responsible for costs associated with taking a committed person to a court hearing. (SB52, sections 2,3,4,5 and 6) Amends KSA 59-2978, KSA 59-29a04, KSA 59-29a08, and KSA 59-29a12. [Eff. 7/1/07]

## **Criminal Code**

### **Aggravated assault or aggravate battery to LEO**

Clarifies that convictions of aggravated battery occurring prior to July 1, 2006, are included in the presumed imprisonment category if the offenders record places him in

sentencing grids 6-H or 6-I. This corrects a technical flaw in the law passed last year. (HB2062, section 3) Amends KSA 21-4704. [Eff. 5/17/07]

### **Alcohol**

Changes the terminology “persons under the age of 18” to “a minor” resulting in the crime of unlawful hosting of minors consuming alcohol applying to persons under 21 years of age consuming alcohol. It did only apply to persons under 18. (SB166, section 3) Amends KSA 21-3610c. [Eff. 5/24/07]

### **Alexa’s law**

The new law provides that the word “person” or “human being” used in the statutes on homicides, manslaughter, vehicular homicide, battery, and aggravated battery includes an unborn child. It further clarifies it does not apply to abortions as authorized in KSA 65-6701, any action of the mother, any medical procedure by a medical professional, or lawful administration of prescription drugs. (HB2062, section 4) This is a new KSA. [Eff. 5/17/07]

### **Battery to a mental health employee**

The new law adds mental health employees at Osawatomie State Hospital, Rainbow Mental Health Facility, KNI and Parsons State Hospital to KSA 21-3448 which will make it a level 7 felony to commit battery to a mental health employee of those facilities. Currently only the employees at Larned State Hospital are covered in this statute. (HB2062, section 5) Amends KSA 21-3448. [Eff. 5/17/07]

### **Burglary**

Burglars will now be sentenced as a presumed imprisonment category of the sentencing grid instead of presumed probation:

- If they have two or more convictions of burglary under KSA 21-3715.
- If they have one prior conviction for burglary under KSA 21-3715 and one prior conviction for agg. burglary under KSA 21-3716

(HB2062, section 3) Amends KSA 21-4704. [Eff. 5/17/07]

### **Crime Classification Changes**

KSA 17-1311a, making the misuse of a permanent maintenance fund, a severity level 7, nonperson felony. (SB166, section 1) Amends KSA 17-1311a. [Eff. 5/24/07]

KSA 21-3437, subsection (a)(2), mistreatment of a dependant adult by taking unfair advantage of their physical or financial resources when the value of the property or financial resources is valued at \$100,000 or more is a level 6 person felony. (SB324, section 1) Amends KSA 21-3437. [Eff. 7/1/07]

KSA 21-3731, possession, transportation, or manufacture of an actual prohibited explosive device changed from a level 8 person felony to a level 6 person felony. (HB2062, section 2) Amends KSA 21-3731. [Eff. 5/17/07]

KSA 47-604, violating certain livestock quarantine orders, by making it a severity level 7, nonperson felony. (SB166, section 9) Amends KSA 47-604. [Eff. 5/24/07]

KSA 65-28,107 by correcting sentencing language for falsifying or concealing a person’s medical declaration to a severity level 7 person felony. (SB166, section 10) Amends KSA 65-28,107. [Eff. 5/24/07]

### **Domestic Battery**

See *Criminal Procedure/Concurrent jurisdiction*.

### **Explosives, ammonium nitrate dealers**

Ammonium nitrate dealers must be licensed with the Kansas Department of Agriculture. They must also have a secure storage area for the ammonium nitrate and they must maintain a log of all sales of ammonium nitrate. (HB2487, section 2) New KSA. [Eff. 7/1/07]

### **Explosives, criminal use of**

Along with other minor corrections, the new law will:

- Now include bombs made of chemical combinations placed in a container for the purposes of the expanding gas from a chemical reaction to create a sudden failure of the container. In other words, it will now include chemical reaction bombs such as “pop bottle bombs.”
- Clarifies this statute does not cover an act where the consumer use is as intended.
- Adds a section to the statute making it a level 8 person felony to possess, create, or construct a simulated explosive, destructive, incendiary, radiological, biological, or poison gas device.
- Changes the possession, transportation, or manufacture of an actual prohibited device from a level 8 person felony to a level 6 person felony.
- Provides an exemption of law enforcement and other listed authorized persons to conduct training or demonstrations using prohibited devices.

(HB2062, section 2) Amends KSA 21-3731. [Eff. 5/17/07]

### **Funeral picketing**

A new law was enacted regarding funeral picketing but it cannot be enforced until after the Kansas Supreme Court rules on the constitutionality of the new law. To avoid confusion I have not included the provisions of that new law.

(SB244) Amends KSA 21-4015. [Eff. 7/1/07]

### **Scrap metal**

- Scrap metal dealers must keep a log of purchases of regulated scrap metals.
- Log must include purchaser’s name, address, description of the material, price paid, and copy of the person’s photo identification.
- Log must be kept for 2 years and is available to LE upon request.
- Regulated scrap metal includes: wire, cable, bars, ingots, wire scraps, pieces, pellets, clamps, aircraft parts, pipes or connectors made from aluminum; catalytic converters containing platinum, palladium or rhodium; and copper, titanium, tungsten and nickel.
- Purchases under \$50 for items other than catalytic converters and under \$30 for catalytic converters are exempt.
- Purchases from other scrap metal dealers are exempt.
- Purchases from a person known to the dealer and is known to operate a fixed place of business is exempt.
- Food and beverage containers are exempt.

(HB2035) New KSA. [Eff. 7/1/07]

### **Theft**

See *Criminal Procedure/Concurrent jurisdiction*.

### **Unlawful sexual relations**

Unlawful sexual relations will now apply to:

- Volunteers of the department of corrections.
- Volunteer for a contractor providing supervision services for persons on parole, probation, or conditional release.

The new law also:

- Clarifies provisions covering teachers or a person of authority over a student.
- Clarifies the definition of teacher stating it pertains to schools teaching any grade K-12.

(SB324, section 2) Amends KSA 21-3520. [Eff. 7/1/07]

### **Worthless Checks**

See *Criminal Procedure/Concurrent jurisdiction*.

### **Drugs**

Possession of Marijuana

See *Criminal Procedure/Concurrent jurisdiction*.

Paraphernalia

- It is illegal for stores to offer for sale items that are “primarily intended or designed for use to consume or ingest illegal drugs.
- Adds the following to the list of things that can be considered by the courts for determining if an item is drug paraphernalia: “Advertising of the item in magazines or other means which specifically glorify, encourage, or espouse the illegal use, manufacture, sale or cultivation of controlled substances.”
- Includes “The fact that an item has not yet been used or did not contain a controlled substance at the time of the seizure is not a defense to a charge that the item was possessed with the intention for use as drug paraphernalia.”
- Adds “sell, offer for sale, have in such person’s possession with intent to sell” to the list of prohibitions for simulated controlled substances and drug paraphernalia. It establishes the penalties for those violations including an enhancement if the illegal activity occurs within 100 feet of a school.
- NOTE: Much of the language in this bill was modeled after existing federal law.

(HB2062, sections 6-9) Amends KSA 21-4150, KSA 21-4151, KSA 21-4152 and KSA 21-4153. [Eff. 5/17/07]

Pseudoephedrine sales

Cleans up the provisions regulating the sale of pseudoephedrine or ephedrine. It includes many provisions of current federal law, minimizes confusion for pharmacies, clarifies what data needs to be in the log, and makes it a misdemeanor for the purchaser to exceed the allowed quantity of product within a 30 day period. (HB2062, sections 6-9) Amends KSA 65-1643, KSA 65-4113, and KSA 65-7006. [Eff. 5/17/07]

### **Juvenile Offenses**

The sentencing provisions of KSA 21-3516 are changed so that a juvenile charged as an adult and convicted of sexual exploitation of a child is sentenced at a severity level 5, person felony for sections (a)(5) and (6) which pertains to employing or promoting sexual

acts by a person under the age of 14. It still maintains an off grid person felony for those crimes if the perpetrator is 18 years of age or older. (SB166, section 2) Amends KSA 21-3516. [Eff. 5/24/07]

A juvenile, who commits a new felony while in a juvenile detention center for what would be a felony if committed as an adult, is not eligible for probation and will be sentenced to DOC as an adult. (SB166, sections 4,7, and 8) Amends KSA 21-3516, KSA 38-2304, and KSA 38-2376. [Eff. 5/24/07]

#### Fingerprints and photographs of juveniles

A juvenile taken into custody for any felony, class A or B misdemeanor, or an assault under KSA 21-3408, or as provided in KSA 38-2302(n)(1) or (n)(2) may be fingerprinted upon being taken into custody or first appearance. (HB2074, section 1) Amends KSA 38-2313. [Eff. 3/29/07]

Any juvenile placed in a juvenile detention facility for any reason may be photographed but the photo can only be used internally or in case of escape. It is not accessible for LE investigations. (HB2074, section 1) Amends KSA 38-2313. [Eff. 3/29/07]

The fingerprints and photographs of juveniles taken into custody for the crimes listed above can be sent to the central repository (KBI). Note the photographs taken for internal use at a juvenile detention facility are not included. (HB2074, section 1) Amends KSA 38-2313. [Eff. 3/29/07]

### **Offender Registration**

Adds the following offenses to those requiring registration:

- Aggravated trafficking (KSA 21-3447)
  - Unlawful manufacturing of controlled substances.
  - Possession of materials to illegally manufacture controlled substances.
  - Sale of distribution of certain controlled substances within 1000 feet of a school.
- (SB204, section 1) Amends KSA 22-4902. [Eff. 7/1/07]

Establishes which county is responsible for prosecution of offender registration violations. (SB204, section 2) Amends KSA 22-4903. [Eff. 7/1/07]

Adds the KBI to the agencies the registered offender must notify within 10 days of a change of address. (SB204, section 3) Amends KSA 22-4904. [Eff. 7/1/07]

Changes the reporting period from once every 6 months to once every four months. (SB204, section 3) Amends KSA 22-4904. [Eff. 7/1/07]

Specifies certain information the offender is required to collect or verify when they report including tag number of any vehicle the offender normally uses and any e-mail addresses or on-line identities the offender uses. (SB204, section 3) Amends KSA 22-4904. [Eff. 7/1/07]

Clarifies that fees paid to the Sheriff for this process remain with the Sheriff and cannot be supplanted by the county. (SB204, section 3) Amends KSA 22-4904. [Eff. 7/1/07]

Requires offenders moving to Kansas who were convicted in another state prior to June 1, 2006, to register for the same length of time required in the state of conviction or the length of time required in Kansas, whichever is longer. (SB204, section 4) Amends KSA 22-4906. [Eff. 7/1/07]

## **Traffic**

### **All Terrain Vehicles –**

New restrictions added making it unlawful to operate all-terrain vehicles “within the corporate limits of any city” unless the city has passed a law specifically authorizing their use. (SB8, section 7) Amends KSA 8-15,100. The definition of an ATV in KSA 8-1402a remains unchanged. [Eff. 7/1/07]

**ATVs** – See *All Terrain Vehicles* and *Work-Site Utility Vehicles*.

### **Child Restraints (Also see *Seat Belts*.)**

Creates a primary violation for all persons ages 14-17 who are occupants in any seat position of a passenger vehicle not wearing a seat belt. From 7/1/07 to 1/1/08 law enforcement can only issue a warning for a violation of the age 14-17 provisions. Starting 1/1/08 the fine will be \$60 including court costs for this violation. (SB8, section 12) Amends KSA 8-2504. [Eff. 7/1/07]

## **Driver’s Licenses**

### **Motorized Bicycle License –**

a person with a driver’s license suspended for anything but a DUI may obtain a motorized bicycle license. (SB35, section 1) Amends KSA 8-235. [Eff. 7/1/07]

### **Suspended License –**

a person with a driver’s license suspended for anything but a DUI may obtain a motorized bicycle license. (SB35, section 1) Amends KSA 8-235. [Eff. 7/1/07]

The sentencing provisions passed last year for third time offenders of driving while suspended are relaxed. The mandated sentences will now only apply to persons whose license was suspended for refusing a test, no liability insurance, vehicular homicide, homicide or manslaughter using a motor vehicle, or habitual violator. (SB35, section 1) Amends KSA 8-262. [Eff. 7/1/07]

## **DUI**

See *Criminal Procedure/DUI jurisdiction*.

### **BAC Tests –**

Persons tested for DUI who are 21 yoa or older with a first occurrence BAC of .15 or higher will receive a one year driver’s license suspension. If the person is under 21yoa and tests .08 or higher, they will receive a one year driver’s license suspension on the first occurrence. Any person with a second, third, or fourth occurrence of .08 or higher will receive a one year driver’s license suspension. It also provides for a permanent revocation for five or more occurrences with BAC .08 or higher. (SB35, section 3) Amends KSA 8-1001. [Eff. 7/1/07]

Clarifies PC for BAC testing in fatality or serious injury accidents by changing the term “death or serious injury to another person” to “death or serious injury to a person.” (SB35, section 3) Amends KSA 8-1001. [Eff. 7/1/07]

Changes the calculations of days allowed for imposition of the suspension resulting from a test refusal or test failure. It changes the term “calendar days” to simply “days” results in the provisions of KSA 60-206 used to determine when the period expires. It includes weekends and holidays if the period is more than ten days and does not include weekends and holidays if it is ten or less days, but in any event the end of the time period cannot be on a weekend or holiday. (SB35, section 4) Amends KSA 8-1002. [Eff. 7/1/07]

Test refusal penalties changed as follows:

- First test refusal requires one year restriction to driving a vehicle with an interlock device after the end of the suspension period.
- Second test refusal results in one year suspension followed by one year restriction to driving a vehicle with an interlock device.
- Failing the test with BAC of .15 or higher results in:
  - First occurrence – one year suspension followed by one year restriction to driving a vehicle with an interlock device.
  - Second occurrence - one year suspension followed by two year restriction to driving a vehicle with an interlock device.
  - Third occurrence - one year suspension followed by three year restriction to driving a vehicle with an interlock device.
  - Fourth occurrence - one year suspension followed by four year restriction to driving a vehicle with an interlock device.
  - Fifth or subsequent occurrence – permanent revocation.

(SB35, section 5) Amends KSA 8-1014. [Eff. 7/1/07]

#### DL Hearings

A DL hearing is to be held by conference call unless an in-person hearing is specifically requested by the offender. (SB35, section 6) Amends KSA 8-1020. [Eff. 7/1/07]

The term “calendar days” is changed to simply “days” for the calculations of days allowed for appeal of a test refusal or test failure administrative hearing. This results in the provisions of KSA 60-206 used to determine when the period expires. It includes weekends and holidays if the period is more than ten days and does not include weekends and holidays if it is ten or less days, but in any event the end of the time period cannot be on a weekend or holiday. (SB35, section 6) Amends KSA 8-1020. [Eff. 7/1/07]

#### Sentencing

The sentence for Felony DUI or for 3rd or subsequent DUI convictions can be to the state DOC for the purpose of providing treatment programs. Transportation costs are on the county, not DOC and the person can be returned to county custody if DOC does not have treatment space available, the person is not participating, and other reasons. (SB35, sections 9 and 10) Amends KSA 8-1567 and KSA 21-4704. [Eff. 7/1/07]

Upon 2nd or subsequent DUI conviction, all vehicles owned or leased by the person must have an interlock installed or be impounded for two years. (SB35, section 9 and 10) Amends KSA 8-1567 and KSA 21-4704. [Eff. 7/1/07]

**Fines – District Court fines changed:**

1. \$60 for disobeying a school crossing guard. (SB8, section 9) Amends KSA 8-2119. [Eff. 7/1/07]
2. \$60 for unlawful operation of a work-site utility vehicle. (SB8, section 9) Amends KSA 8-2119. [Eff. 7/1/07]
3. Removes the fine for having a TV screen visible to the driver (section 19 repeals this law effective 7/1/07). (SB8, section 9) Amends KSA 8-2119. [Eff. 7/1/07]
4. Doubles the speeding fine in school zones (SB8, section 9) Amends KSA 8-2119. [Eff. 7/1/07]
5. Starting 1/1/08 the fine will be \$60 including court costs for persons ages 14-17 not wearing a seat belt. (SB8, section 12) Amends KSA 8-2504. [Eff. 7/1/07]

**School Zones – See *Fines*.**

**Seat Belts (Also see *Child Restraints*.)**

Exception in KSA 8-2502 for trucks over 12M or farm trucks over 16M removed from the definition of passenger vehicle as it applies to seat belt requirements. Adult seat belt violations remain a secondary offense. (SB8, section 10) Amends KSA 8-2502. [Eff. 7/1/07]

Retains requirement as a secondary violation for persons 18 years of age or older who are front seat occupants of a passenger vehicle to wear a seat belt. Changes language from “vehicle” to “passenger car” and clarifies application to passengers “18 years of age and older.” (SB8, section 11) Amends KSA 8-2503. [Eff. 7/1/07]

It raises the fine to \$30 including court costs. (SB8, section 12) Amends KSA 8-2504. [Eff. 7/1/07]

Creates a primary violation for all persons ages 14-17 who are occupants in any seat position of a passenger vehicle not wearing a seat belt. From 7/1/07 to 1/1/08 law enforcement can only issue a warning for a violation of the age 14-17 provisions. Starting 1/1/08 the fine will be \$60 including court costs for this violation. (SB8, section 12) Amends KSA 8-2504. [Eff. 7/1/07]

**Note:** Be sure you refer to the amended definition of passenger vehicle in section 10 as you apply these laws.

**Speeding**

Speeding violations of 6 mph or less in a 30-54 mph zone is not a moving violation. (SB35, section 7) Amends KSA 8-1560c. [Eff. 7/1/07]

Speeding violations of 6 mph or less in a 30-54 mph zone is not a public record and cannot be considered by insurance companies. (SB35, section 8) Amends KSA 8-1560d. [Eff. 7/1/07]

## Televisions –

Television screen in view of driver is no longer a violation. (SB8, section 19) Repeals KSA 8-1748. [Eff. 7/1/07]

## Trucks

Tow Trucks – Exempts wreckers from overweight and oversize permit regulations. (SB8, section 8) Amends KSA 8-1911. [Eff. 4/26/07]

Weight limits – Weight limits are increased by up to 400 pounds to compensate for the additional weight if “idle reduction technology” is installed on the truck. This is technology that uses a small engine in place of the regular engine when idling during rest stops. (SB8, section 2) Unknown new KSA number at this time. [Eff. 7/1/07]

Wreckers – See *Tow Trucks*.

## Work-Site Utility Vehicles –

This is a new vehicle classification and the new law makes it unlawful to operate them on interstate, federal or state highway; and “within the corporate limits of any city” unless the city has passed a law specifically authorizing their use. They can only be operated on other roadways if they comply with the equipment requirements of KSA chapter 8, article 17. They can cross roadways the same as farm implements are allowed. They do not have to be registered. (SB8, sections 3-6) New KSA for sections 3 and 4. Section 5 amends KSA 8-128. Section 6 amends KSA 8-1486. [Eff. 7/1/07]

Also see *Fines*.

## Use of force in self defense or defense of another

Amends the changes made last year by adding a section that states, “A county or district attorney or other prosecutor may commence a criminal prosecution upon a determination of probable cause.” There is no change to the law enforcement investigation and arrest provisions. (HB2062, section 1) Amends KSA 21-3219. [Eff. 5/17/07]

## ADDITIONAL RESOURCES

A listing of all amended and repealed statutes by 2007 legislative action is available on-line. It lists the statute number, bill number, session law chapter, and effective date. It gives no information about content language. It is 52 pages long and can be found at: [http://www.kslegislature.org/statutes/amended\\_repealed\\_2007.pdf](http://www.kslegislature.org/statutes/amended_repealed_2007.pdf)

Legislative Research provides a complete 200 page legislative summary giving a summary of bill contents but few statute references or effective dates. It is located at: [http://skyways.lib.ks.us/ksleg/KLRD/Publications/2007\\_Summary\\_Final.pdf](http://skyways.lib.ks.us/ksleg/KLRD/Publications/2007_Summary_Final.pdf)

The legislative bills are available at: <http://www.kslegislature.org/legsrv-bills/enrolledBills.do>

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