

FILE

Subject

Courts
District Attorney
County Officers
County Attorney

Copy to



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

August 12, 1974

Opinion No. 74- 296 .

Mr. Keith Sanborn
District Attorney
Sedgwick County Courthouse
Wichita, Kansas 67203

Re: County or District Attorney
handling violations of
Chapter 193, Laws 1974.

Dear Mr. Sanborn:

In your recent letter you inquired whether it was the responsibility of the County or District Attorney to handle violations of Chapter 193, Laws 1974 (referred to in your letter as K.S.A. 40-3104). This law provides in pertinent part:

"(a) Every owner shall provide motor vehicle liability insurance coverage in accordance with the provisions of this act for every motor vehicle owned by him, unless such motor vehicle is included under an approved self-insurance plan as provided in subsection (d) or is expressly exempted from provisions of this act.

(e) Any person violating any provisions of this section shall be guilty of a class C misdemeanor, except that any person convicted of violating any provision of this section within three (3) years of any such prior conviction shall be guilty of a class B misdemeanor".

K.S.A. 19-702 deals with the general responsibilities and duties of County Attorneys in the State of Kansas. This statute provides:

"It shall be the duty of the county attorney to appear in the several courts of their respective counties and prosecute or defend on behalf of the people all suits, applications or motions, civil or criminal, arising under the laws of this state, in which the state or their county is a party or interested."

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The duties setforth above for county attorneys likewise apply to District Attorneys according to K.S.A. 22a-107. It provides:

"From and after January 8, 1973, whenever in any of the statutes of this state the term 'county attorney' is used, it shall be construed to include district attorneys provided for by this act, unless the context otherwise requires."

In light of the foregoing, it is our opinion that the County or District Attorney is the proper authority to handle the litigation involving those owners of motor vehicles who have failed to provide motor vehicle liability insurance coverage in accordance with the provisions of Chapter 193, Laws 1974. Such litigation comes within the ambit of "all suits, applications or motions, civil or criminal, arising under the laws of this state," as provided in K.S.A. 19-702.

We hope this information will be of assistance.

Very truly yours,



VERN MILLER
Attorney General

DRH:jdm

cc: Marcia Skeel
Claim Representative
The Hartford Insurance Co.
4401 E. Kellogg
Wichita, Kansas 67218