



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

January 24, 1977

ATTORNEY GENERAL OPINION NO. 77- 26

Mr. William B. Elliott
Attorney at Law
105 East Cherry
Hill City, Kansas 67642

Re: Motor Vehicles--Offenses--Not Restricted to Highways

Synopsis: Under K.S.A. 8-1501, and its corresponding provision in the Standard Traffic Ordinance for Kansas Cities, the offenses of reckless driving, driving while under the influence of intoxicating liquors or drugs, and fleeing or attempting to elude a police officer, may be committed not only upon highways of the state, as that term is defined by K.S.A. 8-1424, but also upon private property.

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Dear Mr. Elliott:

You inquire concerning the application of the Standard Traffic Code of Kansas Cities, which has been adopted by the City of Hill City. Specifically, you inquire whether under article 2, section 2 thereof, the analogue of K.S.A. 8-1501, city police officers may arrest persons for reckless driving, driving under the influence of intoxicating liquors or drugs or fleeing or attempting to evade a police officer when the violation takes place entirely on private property.

K.S.A. 8-1501 provides thus:

"The provisions of this article relating to the operation of vehicles refer exclusively

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to the operation of vehicles upon highways except:

(a) Where a different place is specifically referred to in a given section; and

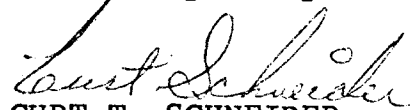
(b) The provisions of K.S.A. 8-1566 to 8-1568, inclusive, and the provisions of article 10 of chapter 8 of the Kansas Statutes Annotated, and any acts amendatory thereof, shall apply upon highways and elsewhere throughout the state."

K.S.A. 8-1566 prescribes the offense of reckless driving, K.S.A. 8-1567, the offense of driving while under the influence of intoxicating liquors or drugs; K.S.A. 8-1568, the offense of fleeing or attempting to elude a police officer. These prohibitions apply not only to the operation of vehicles upon highways, but elsewhere. The term "highway" is defined by K.S.A. 8-1424 thus:

"'Highway' means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel."

Thus, these offenses are prohibited not only upon highways, as thus defined, but elsewhere in the state, including private property. Thus, for example, any person "who drives any vehicle in willful or wanton disregard for the safety of persons or property," whether upon a highway or upon private property, is subject to arrest and conviction under the act.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj