

January 26, 2020

State Senate Transportation Committee

RE: SB275

Chairman Peterson and other honorable representatives of the Transportation Committee. My name is Melissa Lubbers, constituent of Sedgwick County Kansas. Last year I stood before you and testified on Senate Bill 143 regarding the Driving While Suspended statute. This bill ultimately did not pass, however this committee provided feedback and encouraged us to keep working towards refining the changes to this bill.

This bill before you, does not reflect the changes that we have collaboratively worked on over the last year to put before you today. I am not in support of SB275 as written and can not ask you to pass this bill. I am however, here today to request your consideration for the following revisions to this bill.

- Allowance for reinstatement under a restricted license for any suspended license that was suspended for any reason other than listed below or if the license was initially suspended for one of the following reasons:
  - If the initial stop was due to driving while drugged, drunk, drowsy or distracted or dangerous, such as in the incidence of flee and elude, or the initial suspension was due to one of these reasons.
  - The offender has less than 5 previous driving while suspended offenses that are not attributed to one of the reasons stated above.
- A person will be eligible for provisional reinstatement by paying an application fee, providing ongoing proof of liability insurance to the Department of Motor Vehicles and entering into payment agreements with the department of motor vehicles to resolve costs associated with fines/fees and court costs.
  - These payment agreements will be income based, meaning that payment plans will be based on the overall income of the person applying for reinstatement, but will not allow for the wavier of payment for fines/fees. Offenders will be required to file taxes as income-based fines/fees repayment will be based on most recent tax return amount. (similar to the formula used to calculate payments for student loan on income-based repayment plan.)
  - The restricted license will remain in effect if the account remains in good standing. If an offender breaks the payment agreement or does not maintain the state required liability insurance, the license will be suspended.
  - Once fines/fees are paid in full, the offender will pay a reinstatement fee not to exceed \$100 for an unrestricted license.
  - Removal of any waiting periods for full reinstatement once fines/fees are paid in full.
- Only those who are also convicted of driving while drunk, drugged, drowsy or distracted, have caused accident or injury, engaged in flee and elude of law enforcement or were driving while suspended or revoked, while in the commission of or in relation to other illegal acts, will be

submitted to the courts for criminal supervision of the charge of driving while suspended. All other occurrences will be treated as misdemeanor charges resulting in fines/fees. (Similar to speeding and seat belt tickets.)

These changes would result in more legally licensed and insured drivers, generate revenue for city, county and state coffers and reduce the overall cost associated with arresting, jailing and supervising offenders that pose a very low risk to the community and allows for resources to be allocated for the arrest, adjudication and supervision or incarceration of more serious offenses.

With inclusion of these revisions, this committee would have my full support and appreciation for the passing of this bill.

Respectfully,

Melissa S Lubbers MA, LMAC, PCCM, KCGC-P