

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2547

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2547, as amended, would amend law related to driving while suspended and fees associated with the reinstatement of driver's licenses and application for restricted driving privileges.

The bill would amend the procedure for applying for restricted driving privileges by persons convicted of failure to comply with traffic citation or whose license expires during suspension for failure to pay traffic fines by removing the \$25 fee currently required to accompany a written request for restricted driving privileges and specifying no application fees shall be collected in connection with such written requests.

The bill would also amend the reinstatement of driver's licenses and fees charged by the district or municipal court by replacing a reinstatement fee of \$100 for each traffic citation charge on which the driver failed to make satisfaction with a fee of \$100 for each case. The bill would specify this fee could only be collected after a person has been determined to be eligible for reinstatement.

The bill would also extend a provision allowing the Supreme Court to impose an additional charge up to \$22 per reinstatement fee to fund the costs of non-judicial personnel. Such fee could be imposed from July 1, 2019, through June 30, 2025. [*Note:* The provision allowing the additional \$22 charge to be imposed by the Supreme Court expired June 30, 2019.]

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Further, the bill would lower the current 90-day driver's license suspension extension to 30 days for charges of driving while revoked or suspended under state law, or an outside jurisdiction, and would specify there would be no extension of time added for the same if the charge was due to failure to comply with a traffic citation.

The bill would make technical amendments to remove outdated language regarding previously authorized reinstatement fees and court charges, and the related distribution of moneys received from such fees and charges.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Kansas Criminal Justice Reform Commission.

In the House Committee hearing, Representative Finney and representatives of the Greater Kansas City Chamber of Commerce, Kansas League of Municipalities, and the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association testified in support of the bill. The proponents indicated the bill was the result of a recommendation by the Kansas Criminal Justice Commission in its preliminary report and it would help alleviate some of the financial burden placed on suspended drivers. Written-only proponent testimony was provided by two representatives of the Kansas Criminal Justice Reform Commission and a Sedgwick County Commissioner.

Neutral testimony was provided by representatives of Kansas Appleseed, the Kansas Department of Corrections, and the Office of Judicial Administration (OJA).

No opponent testimony was provided.

The House Committee amended the bill by adding provisions providing there would not be an extension of suspension for persons found guilty of a charge of failure to comply with a traffic citation.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the OJA indicates the bill could have a significant fiscal effect on expenditures of the Judicial Branch. The OJA notes the bill appears to be retroactive to include cases prior to July 1, 2018, which would cause the work of the district court clerks to increase substantially. OJA further states fee revenue collection would decrease by \$749,813 for FY 2021 and beyond. The Department of Revenue indicates the bill would affect agency expenditures and revenue in FY 2021 by increasing one-time administrative expenditures by \$7,000 from the Division of Vehicles Operating Fund and a reduction of \$166,725 in revenue for the Division of Vehicles Operating Fund due to reinstatement application fees. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.