

SESSION OF 2020

SUPPLEMENTAL NOTE ON SENATE BILL NO. 275

As Amended by House Committee on
Transportation

Brief*

SB 275, as amended, would amend law regarding penalties for driving with a suspended license. Under continuing law, the Division of Vehicles is required to extend a period of suspension or revocation of a driver's license for an additional period of 90 days. The bill would exempt a person found guilty of driving a vehicle while that person's license is suspended for failure to comply with a traffic citation from imposition of an additional 90-day suspension.

The bill would amend law regarding qualifications for a restricted driver's license available under certain circumstances to a driver convicted of failure to comply with a traffic citation. The bill would state an applicant could not qualify unless there is no other basis for the license suspension or cancellation except for failure to pay fines for traffic citations. The bill would remove this qualification: the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.

The bill would remove application fees for certain drivers seeking restricted driving privileges in lieu of suspension for failure to comply with a traffic citation.

The bill would amend provisions regarding reinstatement fees for failure to comply with a traffic citation to establish the reinstatement fee if the traffic citation is issued on and after July 1, 2020, at \$100 per case. Current law requires reinstatement fees of \$100 for each traffic citation for which

*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>

the person failed to comply. The bill would state such a fee shall be collected only after a person has been determined to be eligible for reinstatement.

Background

The bill was introduced by the Senate Committee on Transportation at the request of Senator Faust-Goudeau.

In the Senate Committee hearing, Senator Faust-Goudeau provided proponent testimony, as did a Sedgwick County commissioner; a private citizen; and representatives of ACLU Kansas, Kansas Appleseed Center for Law and Justice, and The Caring Center of Wichita. Written-only proponent testimony was provided by the executive director of Kansas Legal Services, Inc. and three private citizens. Proponents stated the bill would allow more people whose licenses were suspended for failing to pay fines an opportunity to drive legally with a restricted license, maintain employment, and care for their families. Several amendments were proposed.

Opponent testimony was provided by a representative of the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association. A representative of the League of Kansas Municipalities provided written-only opponent testimony. The opponents expressed concern with a provision in the bill as introduced which would eliminate the 90-day extension of suspension, not just suspensions for failure to fully comply with a traffic citation.

No neutral testimony was provided.

The Senate Committee amended the bill to exempt a person found guilty of driving a vehicle while that person's license is suspended for failure to comply with a traffic citation (*i.e.*, failure to appear before the court or pay in full any fine and court costs or otherwise fail to comply with a traffic citation) from an additional 90-day suspension for being charged with driving while the license is suspended.

In the House Committee on Transportation hearing, Senator Faust-Goudeau, Representative Finney, a representative of Kansas Legal Services, Inc., and a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association testified as proponents. A representative of the Kansas Appleseed Center for Law and Justice provided written-only proponent testimony. Representative Finney noted the provisions to be amended by the bill overlap with those that would be amended by HB 2547. No other testimony was provided.

The House Committee amended the bill to include provisions identical to those in HB 2547 regarding the removal of non-refundable \$25 application fees for restricted driving privileges and provisions similar to those in HB 2547 changing the reinstatement fee paid to the court to be per case rather than per charge. The House Committee included clarification that the change regarding the reinstatement fee would be for traffic citations issued on or after July 1, 2020.

The House Committee also amended provisions regarding disqualification for restricted driving privileges when a person's driver's license has expired during the suspension period to specify the suspended license resulted from the individual's failure to comply with a traffic citation and there was no other basis for the license suspension or cancellation except for failure to pay fines for traffic citations.

According to the fiscal note prepared by the Division of the Budget on SB 275 as introduced, the Office of Judicial Administration and the League of Kansas Municipalities indicate enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources. The Kansas Association of Counties indicates enactment of the bill would have no fiscal effect, assuming individuals who commit other offenses while their licenses are suspended will not be jailed. The Department of Revenue (Department) states enactment of the bill would have no fiscal effect.

According to the fiscal note prepared by the Division of the Budget on HB 2547 as introduced, the Office of Judicial Administration indicated enactment of the bill would decrease fee revenue collection by 44 percent, or \$528,726, as the bill would change the \$100 fee per charge to \$100 fee per case for reinstatement of a driver's license. The Department indicates enactment of the bill would increase one-time administrative expenditures by \$7,000 from the Division of Vehicles Operating Fund (Fund). The Department indicates removal of the \$25 application fee for a request for restricted driving privileges would result in a reduction of \$166,725 from the Fund (based on 6,669 individuals who applied for such driving privileges in calendar year 2019 at \$25 per individual). Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.