



**Kansas Association of
Chiefs of Police**
PO Box 2163
Hutchinson, KS 67504
(620)899-4122



**Kansas Sheriffs
Association**
PO Box 1122
Pittsburg, KS 66762
(620)230-0864



**Kansas Peace Officers
Association**
PO Box 2592
Wichita, KS 67201
(316)722-8433

Testimony to the House Transportation Committee In Support of HB2193

February 11, 2021

Chairman Proehl and Committee Members:

Our associations support most of what is being proposed in HB2193. Before addressing the bill contents, it is important to explain that the suspension action for failure to pay or failure to appear is an important tool to hold traffic offenders accountable for their offenses. Absent this tool our only method to hold these offenders accountable is through a collection process which can result in a damaged credit history that will affect the offender and their family for years and result in only pennies on the dollar being collected for the courts. We strongly support retaining the suspension process for this purpose and oppose any effort to eliminate it.

We agree there is room to make changes to make the law remain an effective tool but to address unnecessary burdens on the people involved. The provision to allow for suspended drivers to operate a vehicle in limited circumstances through a restricted driver's license status is a good provision in existing law.

We support the amendments being proposed on page 2, lines 9-12, removing the 90-day suspension extension for those who are convicted of driving while suspended when the suspension is only due to fail to appear or fail to pay the fine. While this amendment retains the suspension extensions for other violations in lines 2-8, we oppose the amendment on page 2, line 8 reducing that extension from 90 days to 30 days for those suspended for serious violations and repeat violations of our traffic laws.

We also support the amendments on page 4 line 41 through page 5 line 38 related to charging the \$100 reinstatement fee per case instead of per charge. This means a person who is cited for 2 violations in the same incident would only pay \$100 versus the current \$200 for reinstatement. The current law charging multiple reinstatement fees for one reinstatement action makes no sense.

Our associations are not taking a position on other fee proposals in the bill as those fees do not affect us directly. We do support appropriate indigency and inability to pay considerations to those who truly cannot pay the fees or fines as determined by a court.

We continue to advocate for those who are under a payment plan with the court and continue to be current with those plans to be able to have a restricted license while suspended only for fail to appear or fail to pay a fine. This provision is found on page 3 line 34 through page 4 line 21. Again, we are not opining on the proposed elimination of the fee.

However, last year as we worked with several Senators on amendments to these laws, we supported striking subsection (iv) starting on page 4 lines 18-20. (“(iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.”) This was identified as the cause for one of the actions the Division takes under current law that causes unneeded hardships for those who are suspended and attempting to get their license restored.

Recommended Amendments

We recommend the committee make the following two amendments as discussed above:

1. Restore current language on page 2, line 8 to retain the 90-day extension for those convicted of driving while suspended for reasons other than fail to appear or fail to pay.
2. Strike the words “(iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.” On page 4 lines 18-20. This was included in SB275 last year which passed the Senate 39-0. And was retained by this committee when it recommended SB275 for passage last year.

Summary

We support HB2193, but strongly encourage consideration of the above amendments to retain current sanctions on those suspended for reasons other than fail to appear or fail to pay the fine who continue to drive while suspended and which we believe strengthens the intent of the bill.

Ed Klumpp
Legislative Liaison
eklumpp@cox.net