

SENATE BILL No. 2

By Senator Faust-Goudeau

12-19

1 AN ACT concerning drivers' licenses; authorizing certain individuals with
2 revoked licenses to be eligible for restricted driving privileges;
3 amending K.S.A. 8-2110 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 8-2110 is hereby amended to read as follows: 8-
7 2110. (a) Failure to comply with a traffic citation means failure either to:
8 (1) Appear before any district or municipal court in response to a traffic
9 citation and pay in full any fine and court costs imposed; or (2) otherwise
10 comply with a traffic citation as provided in K.S.A. 8-2118, and
11 amendments thereto. Failure to comply with a traffic citation is a
12 misdemeanor, regardless of the disposition of the charge for which such
13 citation was originally issued.

14 (b) (1) In addition to penalties of law applicable under subsection (a),
15 when a person fails to comply with a traffic citation, except for illegal
16 parking, standing or stopping, the district or municipal court in which the
17 person should have complied with the citation shall mail notice to the
18 person that if the person does not appear in district or municipal court or
19 pay all fines, court costs and any penalties within 30 days from the date of
20 mailing notice, the division of vehicles will be notified to suspend the
21 person's driving privileges. The district or municipal court may charge an
22 additional fee of \$5 for mailing such notice. Upon the person's failure to
23 comply within such 30 days of mailing notice, the district or municipal
24 court shall electronically notify the division of vehicles. Upon receipt of a
25 report of a failure to comply with a traffic citation under this subsection,
26 pursuant to K.S.A. 8-255, and amendments thereto, the division of
27 vehicles shall notify the violator and suspend the license of the violator
28 until satisfactory evidence of compliance with the terms of the traffic
29 citation has been furnished to the informing court. When the court
30 determines the person has complied with the terms of the traffic citation,
31 the court shall immediately electronically notify the division of vehicles of
32 such compliance. Upon receipt of notification of such compliance from the
33 informing court, the division of vehicles shall terminate the suspension or
34 suspension action.

35 (2) (A) In lieu of suspension under paragraph (1), the driver may
36 submit to the division of vehicles a written request for restricted driving

1 privileges.

2 (B) (i) *A person whose driving privileges have been revoked solely*
3 *for driving a motor vehicle on any highway as defined in K.S.A. 8-1424,*
4 *and amendments thereto, of this state at a time when such person's*
5 *privilege to do so was canceled, suspended or revoked for failure to*
6 *comply with a traffic citation pursuant to this section may submit to the*
7 *division of vehicles a written request for restricted driving privileges. A*
8 *person shall not qualify for restricted driving privileges pursuant to this*
9 *section if such person has been convicted for driving with a canceled,*
10 *suspended or revoked license more than three times or if such person is*
11 *suspended for reasons not included in this section at the time of*
12 *application.*

13 (ii) *The division shall rescind restricted driving privileges for any*
14 *person authorized pursuant to this subparagraph if the person is found*
15 *guilty of a violation resulting in a license suspension, revocation or*
16 *cancellation for reasons other than failure to comply with a traffic*
17 *citation.*

18 (iii) *A person operating a motor vehicle in violation of restrictions*
19 *provided in clause (i) shall be guilty of operating a vehicle in violation of*
20 *restrictions as provided in K.S.A. 8-291, and amendments thereto.*

21 (C) A person whose driver's license has expired during the period
22 when such person's driver's license has been suspended for failure to pay
23 fines for traffic citations, the driver may submit to the division of vehicles
24 a written request for restricted driving privileges. An individual shall not
25 qualify for restricted driving privileges pursuant to this section unless the
26 following conditions are met: (i) The suspended license that expired was
27 issued by the division of vehicles; (ii) the suspended license resulted from
28 the individual's failure to comply with a traffic citation pursuant to
29 subsection (b)(1); and (iii) the traffic citation that resulted in the failure to
30 comply pursuant to subsection (b)(1) was issued in this state.

31 ~~(D)~~ Upon review and approval of the driver's eligibility, the
32 driving privileges will be restricted by the division of vehicles for a period
33 up to one year or until the terms of the traffic citation have been complied
34 with and the court shall immediately electronically notify the division of
35 vehicles of such compliance. If the driver fails to comply with the traffic
36 citation within the one year restricted period, the driving privileges will be
37 suspended by the division of vehicles until the court determines the person
38 has complied with the terms of the traffic citation and the court shall
39 immediately electronically notify the division of vehicles of such
40 compliance. Upon receipt of notification of such compliance from the
41 informing court, the division of vehicles shall terminate the suspension
42 action. When restricted driving privileges are approved pursuant to this
43 section, the person's driving privileges shall be restricted to driving only

1 under the following circumstances: (i) In going to or returning from the
2 person's place of employment or schooling; (ii) in the course of the
3 person's employment; (iii) in going to or returning from an appointment
4 with a health care provider or during a medical emergency; and (iv) in
5 going to and returning from probation or parole meetings, drug or alcohol
6 counseling or any place the person is required to go by a court.

7 (c) On and after July 1, 2018, except as provided in subsection (d),
8 when the district or municipal court notifies the division of vehicles of a
9 failure to comply with a traffic citation pursuant to subsection (b), the
10 court shall assess a reinstatement fee of \$100 for each charge on which the
11 person failed to make satisfaction regardless of the disposition of the
12 charge for which such citation was originally issued and regardless of any
13 application for restricted driving privileges. Such reinstatement fee shall
14 be in addition to any fine, restricted driving privilege application fee,
15 district or municipal court costs and other penalties. The court shall remit
16 all reinstatement fees to the state treasurer in accordance with the
17 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
18 each such remittance, the state treasurer shall deposit the entire amount in
19 the state treasury and shall credit the first \$15 of such reinstatement fee to
20 the state general fund and of the remaining amount, 29.41% of such
21 moneys to the division of vehicles operating fund, 22.06% to the
22 community alcoholism and intoxication programs fund created by K.S.A.
23 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to
24 detention fund created by K.S.A. 79-4803, and amendments thereto, and
25 41.17% to the state general fund.

26 (d) The district court or municipal court shall waive the reinstatement
27 fee provided for in subsection (c), if the failure to comply with a traffic
28 citation was the result of such person enlisting in or being drafted into the
29 armed services of the United States, being called into service as a member
30 of a reserve component of the military service of the United States, or
31 volunteering for such active duty, or being called into service as a member
32 of the state of Kansas national guard, or volunteering for such active duty,
33 and being absent from Kansas because of such military service.

34 (e) (1) A person who is assessed a reinstatement fee pursuant to
35 subsection (c) may petition the court that assessed the fee at any time to
36 waive payment of the fee, any additional charge imposed pursuant to
37 subsection (f), or any portion thereof. If it appears to the satisfaction of the
38 court that payment of the amount due will impose manifest hardship on the
39 person or the person's immediate family, the court may waive payment of
40 all or part of the amount due or modify the method of payment.

41 (2) A person who is assessed a fine or court costs for a traffic citation
42 may petition the court that assessed the fine or costs at any time to waive
43 payment of the fine or costs, or any portion thereof. If it appears to the

1 satisfaction of the court that payment of the amount due will impose
2 manifest hardship on the person or the person's immediate family, the
3 court may waive payment of all or part of the amount due or modify the
4 method of payment.

5 (f) Except as provided further, the reinstatement fee established in
6 this section shall be the only fee collected or moneys in the nature of a fee
7 collected for such reinstatement. Such fee shall only be established by an
8 act of the legislature and no other authority is established by law or
9 otherwise to collect a fee. On and after July 1, 2019, through June 30,
10 2025, the supreme court may impose an additional charge, not to exceed
11 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

12 Sec. 2. K.S.A. 8-2110 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its
14 publication in the statute book.