

SENATE BILL No. 500

By Committee on Judiciary

2-9

1 AN ACT concerning drivers' licenses; ***relating to failure to comply with a***
2 ***traffic citation***; authorizing certain individuals to be eligible for
3 restricted driving privileges; permitting individuals with restricted
4 driving privileges to drive to and from dropping off or picking up
5 children from school or child care, ***to and from purchasing groceries***
6 ***or fuel and to and from religious worship services***; ***providing for***
7 ***hardship payment plans and waiver of fines***; amending K.S.A. 8-286
8 and 8-2110 and repealing the existing sections.
9

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

11 Section 1. K.S.A. 8-286 is hereby amended to read as follows: 8-286.
12 Whenever the files and records of the division shall disclose that the
13 record of convictions of any person is such that the person is an habitual
14 violator, as prescribed by K.S.A. 8-285, and amendments thereto, the
15 division promptly shall revoke the person's driving privileges for a period
16 of three years, except as allowed under ~~subsection (d)(4) of~~ K.S.A. 8-
17 235(d)(3) and 8-2110, and amendments thereto.

18 Sec. 2. K.S.A. 8-2110 is hereby amended to read as follows: 8-2110.
19 (a) Failure to comply with a traffic citation means failure either to: (1)
20 Appear before any district or municipal court in response to a traffic
21 citation and pay ~~in full~~ any fine and court costs imposed *as ordered by the*
22 *court*; or (2) otherwise comply with a traffic citation as provided in K.S.A.
23 8-2118, and amendments thereto. Failure to comply with a traffic citation
24 is a misdemeanor, regardless of the disposition of the charge for which
25 such citation was originally issued.

26 (b) (1) (A) In addition to penalties of law applicable under subsection
27 (a), when a person fails to comply with a traffic citation, except for ~~illegal~~
28 ~~parking, standing or stopping~~ ***any violations provided in subparagraph***
29 ***(C)***, the district or municipal court in which the person should have
30 complied with the citation shall mail notice to the person that if the person
31 does not appear in district or municipal court or pay ~~all~~ fines, court costs
32 and any penalties *as ordered by the court* within 30 days from the date of
33 mailing notice, the division of vehicles will be notified to suspend the
34 person's driving privileges *unless such person is eligible for restricted*
35 *driving privileges pursuant to subparagraph (B)*. *If the person is eligible*
36 *for restricted driving privileges, the division of vehicles shall restrict such*

1 *person's driving privileges pursuant to the terms set forth in subparagraph*
2 *(B). The district or municipal court may charge an additional fee of \$5 for*
3 *mailing such notice. Upon the person's failure to comply within such 30*
4 *days of mailing notice, the district or municipal court shall electronically*
5 *notify the division of vehicles **unless the district or municipal court has***
6 ***determined pursuant to a written order that the individual shall fulfill***
7 ***any requirements set forth by the court prior to the suspension. Failure***
8 ***to abide by the terms of the order shall result in the court notifying the***
9 ***division of vehicles that the individual's license shall be suspended for***
10 ***the failure to comply with a traffic citation.** Upon receipt of a report of a*
11 *failure to comply with a traffic citation under this subsection, pursuant to*
12 *K.S.A. 8-255, and amendments thereto, the division of vehicles shall*
13 *notify the violator and suspend the license of the violator until satisfactory*
14 *evidence of *substantial* compliance with the terms of the traffic citation*
15 *has been furnished to the informing court *unless such person is eligible for**
16 **restricted driving privileges pursuant to subparagraph (B).* If the person is*
17 *eligible for restricted driving privileges, the division of vehicles shall*
18 *notify the violator that the person's driving privileges are restricted*
19 *pursuant to the terms set forth in subparagraph (B). When the court*
20 *determines the person ~~has complied~~ is in substantial compliance with the*
21 *terms of the traffic citation, the court shall immediately electronically*
22 *notify the division of vehicles of such compliance. Upon receipt of*
23 *notification of such compliance from the informing court, the division of*
24 *vehicles shall terminate the *restriction*, suspension or suspension action.*

25 *(B) (i) When restricted driving privileges are approved pursuant to*
26 *this subsection, the person's driving privileges shall be restricted to*
27 *driving only under the following circumstances:*

28 *(a) In going to or returning from the person's place of employment or*
29 *schooling;*

30 *(b) in the course of the person's employment;*

31 *(c) in going to or returning from an appointment with a healthcare*
32 *provider or during a medical emergency;*

33 *(d) in going to and returning from probation or parole meetings, drug*
34 *or alcohol counseling or any place the person is required to go by a court;*
35 ~~*and*~~

36 *(e) in going to or returning from dropping off or picking up one or*
37 *more children from school or child care;*

38 *(f) in going to or returning from purchasing groceries or fuel for*
39 *their vehicle; and*

40 *(g) in going to or returning from any religious worship service held*
41 *by a religious organization.*

42 *(ii) A person shall not qualify for restricted driving privileges*
43 *pursuant to this subparagraph if such person has been convicted for*

1 *driving with a canceled, suspended or revoked license more than three*
2 *times or if such person is suspended for reasons other than a failure to*
3 *comply with a traffic citation at the time of application. Restricted driving*
4 *privileges approved pursuant to this subparagraph shall remain in effect*
5 *for the lesser of time of either:*

6 (a) *60 days from the date that the division of vehicles mails notice to*
7 *the person of the restricted driving privileges;*

8 (b) *the person enters into an agreement with the court regarding the*
9 *person's failure to comply; or*

10 (c) *the rescission of the restricted driving privileges by the division of*
11 *vehicles.*

12 (iii) *The division shall rescind restricted driving privileges for any*
13 *person authorized pursuant to this subparagraph if the person is found*
14 *guilty of:*

15 (a) *A violation resulting in a license suspension, revocation or*
16 *cancellation for reasons other than failure to comply with a traffic*
17 *citation; or*

18 (b) *operating a motor vehicle in violation of restrictions provided in*
19 *clause (i) two or more times.*

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

23 **(C) *Violations of the following sections or violations of***
24 ***substantially similar offenses under a city ordinance shall not provide***
25 ***the basis for a violation of this section: K.S.A. 8-1513, 8-1532, 8-1534, 8-***
26 ***1536, 8-1537, 8-1538, 8-1543, 8-1569, 8-1571, 8-1572, 8-1573, 8-1578, 8-***
27 ***1578a, 8-1583, 8-1585, 8-1586, 8-1588, 8-1589, 8-1590, 8-1591, 8-1592,***
28 ***8-15,102, 8-15,108, 8-15,113, 8-1744, 21-5607, 21-5810, 21-5815, 21-***
29 ***5816, 21-5817, 21-6203, 41-715, 41-727, 66-1330, 68-2106, 75-4510a***
30 ***and 79-34,112, and amendments thereto.***

31 (2) (A) *In lieu of suspension under paragraph (1), the driver may*
32 *submit to the division of vehicles a written request for restricted driving*
33 *privileges. The driver may apply and be eligible for restricted driving*
34 *privileges pursuant to this paragraph if such driver has previously been*
35 *approved for restricted driving privileges pursuant to paragraph (1).*

36 (B) (i) *A person whose driving privileges have been revoked solely*
37 *for driving a motor vehicle on any highway as defined in K.S.A. 8-1424,*
38 *and amendments thereto, of this state at a time when such person's*
39 *privilege to do so was canceled, suspended or revoked for failure to*
40 *comply with a traffic citation pursuant to this section may submit to the*
41 *division of vehicles a written request for restricted driving privileges. A*
42 *person shall not qualify for restricted driving privileges pursuant to this*
43 *section if such person has been convicted for driving with a canceled,*

1 *suspended or revoked license more than three times or if such person is*
2 *suspended for reasons other than a failure to comply with a traffic citation*
3 *at the time of application. Restricted driving privileges approved pursuant*
4 *to this subparagraph shall remain in effect unless otherwise rescinded for*
5 *the lesser of time of either:*

6 (a) *The remainder of the period of time that such person's driving*
7 *privileges are revoked; or*

8 (b) *three years from the date when the restricted driving privileges*
9 *were approved.*

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

15 (iii) *A person operating a motor vehicle in violation of restrictions*
16 *provided in subparagraph (D) shall be guilty of operating a vehicle in*
17 *violation of restrictions as provided in K.S.A. 8-291, and amendments*
18 *thereto.*

19 (C) A person whose driver's license has expired during the period
20 when such person's driver's license has been suspended for failure to pay
21 fines for traffic citations, the driver may submit to the division of vehicles
22 a written request for restricted driving privileges. An individual shall not
23 qualify for restricted driving privileges pursuant to this section unless the
24 following conditions are met:

25 (i) The suspended license that expired was issued by the division of
26 vehicles;

27 (ii) the suspended license resulted from the individual's failure to
28 comply with a traffic citation pursuant to subsection (b)(1); and

29 (iii) the traffic citation that resulted in the failure to comply pursuant
30 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 for restricted driving privileges issued pursuant to~~
34 ~~subparagraph (A) or (C), for the period of time specified in subparagraph~~
35 ~~(B) or~~ until the terms of the traffic citation have been *substantially*
36 complied with and the court shall immediately electronically notify the
37 division of vehicles of such compliance. If the driver fails to *substantially*
38 comply with the traffic citation ~~within the one year restricted period~~, the
39 driving privileges will be suspended by the division of vehicles until the
40 court determines the person has *substantially* complied with the terms of
41 the traffic citation and the court shall immediately electronically notify the
42 division of vehicles of such *substantial* compliance. Upon receipt of
43 notification of such compliance from the informing court, the division of

1 vehicles shall terminate the suspension action. When restricted driving
2 privileges are approved pursuant to this section, the person's driving
3 privileges shall be restricted to driving only under the following
4 circumstances:

5 (i) In going to or returning from the person's place of employment or
6 schooling;

7 (ii) in the course of the person's employment;

8 (iii) in going to or returning from an appointment with a health care
9 provider or during a medical emergency; ~~and~~

10 (iv) in going to and returning from probation or parole meetings, drug
11 or alcohol counseling or any place the person is required to go by a court;
12 ~~and~~

13 (v) *in going to or returning from dropping off or picking up one or*
14 *more children from school or child care;*

15 (vi) *in going to or returning from purchasing groceries or fuel for*
16 *their vehicle; and*

17 (vii) *in going to or returning from any religious worship service*
18 *held by a religious organization.*

19 (c) On and after July 1, 2018, except as provided in subsection (d),
20 when the district or municipal court notifies the division of vehicles of a
21 failure to comply with a traffic citation pursuant to subsection (b), the
22 court shall assess a reinstatement fee of \$100 ~~for each charge on which the~~
23 ~~person failed to make satisfaction regardless of the disposition of the~~
24 ~~charge for which such citation was originally issued and regardless of any~~
25 ~~application for restricted driving privileges.~~ Such reinstatement fee shall
26 be in addition to any fine, restricted driving privilege application fee,
27 district or municipal court costs and other penalties. The court shall remit
28 all reinstatement fees to the state treasurer in accordance with the
29 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
30 each such remittance, the state treasurer shall deposit the entire amount in
31 the state treasury and shall credit the first \$15 of such reinstatement fee to
32 the state general fund and of the remaining amount, 29.41% of such
33 moneys to the division of vehicles operating fund, 22.06% to the
34 community alcoholism and intoxication programs fund created by K.S.A.
35 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to
36 detention fund created by K.S.A. 79-4803, and amendments thereto, and
37 41.17% to the state general fund.

38 (d) The district court or municipal court shall waive the reinstatement
39 fee provided for in subsection (c), if the failure to comply with a traffic
40 citation was the result of such person enlisting in or being drafted into the
41 armed services of the United States, being called into service as a member
42 of a reserve component of the military service of the United States, or
43 volunteering for such active duty, or being called into service as a member

1 of the state of Kansas national guard, or volunteering for such active duty,
2 and being absent from Kansas because of such military service.

3 (e) (1) A person who is assessed a reinstatement fee pursuant to
4 subsection (c) may petition the court that assessed the fee at any time to
5 waive payment of the fee, any additional charge imposed pursuant to
6 subsection (f), or any portion thereof. If it appears to the satisfaction of the
7 court that payment of the amount due will impose manifest hardship on the
8 person or the person's immediate family, the court may waive payment of
9 all or part of the amount due or modify the method of payment.

10 (2)—A person who is assessed a fine or court costs for a traffic citation
11 may petition the court that assessed the fine or costs at any time to waive
12 payment of the fine or costs, or any portion thereof. If it appears to the
13 satisfaction of the court that payment of the amount due will impose
14 manifest hardship on the person or the person's immediate family, the
15 court may waive payment of all or part of the amount due or modify the
16 method of payment *(A) Any person who is financially unable to pay
17 either the full amount of their original traffic fine or fines and court
18 costs or a monthly payment from an approved hardship payment plan, as
19 described in this section, may contact the court of jurisdiction to request
20 a hardship waiver to offset part or all of the balance owed. The waiver
21 shall include options for monthly installment payments and credits, or
22 both, earned by the person doing community service and attending court
23 approved classes, or both. A monthly payment amount shall be
24 calculated based on all fines and fees and all anticipated costs owed
25 within that jurisdiction and shall correspond to the person's ability to
26 pay. The monthly payment plan amount shall be the greater of \$10 or
27 2% of the person's annual net income, as of their most recent tax return,
28 divided by 12.*

29 *(B) The court may also order that a person who enters into a
30 payment agreement shall receive credit against any remaining traffic
31 fines and court costs owed by performing community service and
32 attending classes, or both, including online courses, aimed at defensive
33 and safe driving techniques or a state-approved traffic school program.
34 The court shall approve any classes and community service before the
35 person will receive credit toward their original traffic fines or court
36 costs. Once approved, the person shall receive a credit toward the
37 balance owed in an amount equal to \$15 for each hour spent by the
38 person doing community service and \$15 for each hour spent attending
39 classes.*

40 ~~(3) The clerk of the district court and the clerk of the municipal court~~
41 ~~shall make forms available to any person seeking to motion the court to~~
42 ~~wave or reduce traffic fines, court costs or reinstatement fees~~
43 *A single page, uniform hardship waiver application form shall be made available*

1 *to download from the department of revenue website in addition to being*
2 *provided in each jurisdiction's clerk of court office for persons to sign*
3 *and submit to the court. If the court denies an economic hardship*
4 *petition, a written explanation shall be provided to the person stating the*
5 *reason or reasons for the denial.*

6 (f) Except as provided further, the reinstatement fee established in
7 this section shall be the only fee collected or moneys in the nature of a fee
8 collected for such reinstatement. Such fee shall only be established by an
9 act of the legislature and no other authority is established by law or
10 otherwise to collect a fee. On and after July 1, 2019, through June 30,
11 2025, the supreme court may impose an additional charge, not to exceed
12 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

13 (g) *Any court orders issued pursuant to this section that either*
14 *restrict or suspend an individual's driving privileges shall:*

15 (1) *Identify what constitutes substantial compliance with the order*
16 *for the individual to regain full driving privileges and the corresponding*
17 *timeline for compliance;*

18 (2) *specify what constitutes a late or missed payment and the*
19 *penalties for late or missed payments to be imposed by the court,*
20 *including any process for restarting payments or notifying the division*
21 *of vehicles as a result of the failure to substantially comply with the*
22 *order;*

23 (3) *consider waiver, reduction of fees, fines and court costs and*
24 *allow for payment plans for any fees, fines and court costs; and*

25 (4) *consider alternative requirements such as alcohol or drug*
26 *treatment in lieu of restriction or suspension of driving privileges.*

27 (h) *Any conviction for a failure to comply pursuant to this section*
28 *shall not be considered by the municipal or district court or the division*
29 *of vehicles if such conviction is greater than five years old in*
30 *determining suspended or restricted driving privileges. After the*
31 *expiration of five years from the date of conviction, the division shall*
32 *notify by mail any individuals whose driving privileges were suspended*
33 *or restricted and whose driving privileges have not since been restored.*
34 *The division shall notify the individual that the individual may be*
35 *eligible for driving privileges as a result of the expiration of the five*
36 *years from the conviction for the failure to comply.*

37 (i) *As used in this section, "substantial compliance" or "substantially*
38 *complied" means the person has followed the orders of the court involving*
39 *payments of fines, court costs and any penalties and has not failed*
40 *substantially in making payments or satisfying the terms of the court order.*

41 Sec. 3. K.S.A. 8-286 and 8-2110 are hereby repealed.

42 Sec. 4. This act shall take effect and be in force from and after its
43 publication in the ~~statute book~~ *Kansas register.*