

SESSION OF 2013

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2009**

As Agreed to April 2, 2013

**Brief\***

HB 2009 would allow a driver facing driver's license suspension for failing to comply fully with a traffic citation to submit a written request to the Division of Vehicles for restricted driving privileges. A \$25 application fee would be non-refundable and retained by the Division's operating fund. If the Division finds the applicant is eligible, the Division could restrict driving privileges for up to a year, or until the person fully complies with all citations. If the person fails to comply within a year, the license would be suspended until the court determines the person has complied with the terms of the traffic citation.

The bill would require the court to immediately notify the Division when the person has complied with the terms of the traffic citation, and the Division would be required to immediately end the suspension action.

The restricted license available under the bill would allow the person to drive to and from work or school, to and from an appointment with a health care provider, during a medical emergency, and to and from probation or parole meetings, drug or alcohol counseling, or any place the court requires a person to go.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

## **Conference Committee Action**

The Conference Committee accepted the amendments of the Senate Judiciary Committee with two exceptions:

- The Conference Committee added to or from an appointment with a health care provider to the places to which a person could drive with a license restricted for the reasons in the statute amended by the bill; and
- The Conference Committee removed a sunset provision.

## **Background**

Under current law, a district or municipal court is required to notify a person who has failed to comply with a traffic citation (*e.g.*, when the person fails to appear or to pay all fines and court costs) and give the person 30 days to comply. If the person does not comply within 30 days and the citation is not for illegal parking, standing, or stopping, the court notifies the Division of Vehicles, and the Division is required to suspend that driver's license. The district or municipal court is required to immediately electronically notify the Division when the person has complied, and the Division must end the suspension.

Provisions identical to those in the bill, as introduced, were in effect starting in 2009, but expired January 1, 2012.

Proponents of the bill who testified before the House Committee on Transportation were representatives Finney and Victors, Senator Faust-Goudeau, the Executive Director of Kansas Legal Services, a representative of Citizens for Equal Law Enforcement (Wichita), and several private citizens. The proponents stated people whose driver's licenses were suspended because they were unable to pay fines were then caught in a cycle of further penalties while

being unable to lawfully drive to and from work or buy vehicle insurance. The Director of Vehicles, Kansas Department of Revenue, offered neutral testimony and answered questions. No opponents offered testimony.

The House Committee on Transportation amended the bill to remove a sunset date, expand the allowed driving with the restricted license available under the bill from the 2009 provisions to include seeking employment and going to and returning from health care appointments, and to allow each court to assess a person who did not fully comply with traffic citations only one \$59 reinstatement fee each year.

The House Committee of the Whole amended the bill to expand the allowed driving with the bill's restricted license to include going to or returning from any place of worship.

The Senate Committee on Judiciary held a hearing on SB 6, which is identical to HB 2009, as introduced. At that hearing, Senator Faust-Goudeau, Representative Finney, a representative of Kansas Legal Services, and private citizens offered testimony in support of the bill. A representative of the Department of Revenue Division of Vehicles offered neutral testimony. The Senate Committee amended HB 2009 by removing the House amendments.

According to the fiscal note prepared by the Division of the Budget on HB 2009, the Department of Revenue estimated the bill would increase revenue to the Division of Vehicles Operating Fund by \$7,500 in FY 2014 and again in FY 2015. The fiscal note does not list any additional costs.

Information provided to the Senate Judiciary Committee by the Special Counsel to the Chief Justice after that Committee's hearing on the bill estimates House amendments to provisions on the reinstatement fee (which are not amended from current law by the Conference Committee Report) would reduce revenues by \$560,859: \$85,587 to the Nonjudicial Salary Adjustment Fund, \$237,636 to the Division of Vehicles Operating Fund, \$178,241 to the

Community Alcoholism and Intoxication Programs Fund, and  
\$59,395 to the Juvenile Detention Facilities Fund.

driver's license, license, suspension, restricted license, fee, courts

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