

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2009

By Representative Finney

1-11

1 AN ACT concerning the uniform act regulating traffic; relating to failure
2 to comply with traffic citation; restricted driving privileges; amending
3 K.S.A. 2012 Supp. 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. 2012 Supp. 8-2110 is hereby amended to read as
7 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
8 either to: (1) Appear before any district or municipal court in response to a
9 traffic citation and pay in full any fine and court costs imposed; or (2)
10 otherwise 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, with a non-refundable \$25 application fee, to be applied by the
2 division of vehicles for additional administrative costs to implement
3 restricted driving privileges. The division shall remit all restricted driving
4 privilege application fees to the state treasurer in accordance with the
5 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
6 each such remittance, the state treasurer shall deposit the entire amount in
7 the state treasury to the credit of the division of vehicles operating fund.

8 (B) Upon review and approval of the driver's eligibility, the driving
9 privileges will be restricted by the division of vehicles for a period up to
10 one year or until the terms of the traffic citation have been complied with
11 and the court shall immediately electronically notify the division of
12 vehicles of such compliance. If the driver fails to comply with the traffic
13 citation within the one year restricted period, the driving privileges will be
14 suspended by the division of vehicles until the court determines the person
15 has complied with the terms of the traffic citation and the court shall
16 immediately electronically notify the division of vehicles of such
17 compliance. Upon receipt of notification of such compliance from the
18 informing court, the division of vehicles shall terminate the suspension
19 action. When restricted driving privileges are approved pursuant to this
20 section, the person's driving privileges shall be restricted to driving only
21 under the following circumstances: (i) In going to or returning from the
22 person's place of employment or schooling; (ii) in the course of the
23 person's employment; (iii) during a medical emergency; and (iv) in going
24 to and returning from probation or parole meetings, drug or alcohol
25 counseling or any place the person is required to go by a court. The
26 provisions of this paragraph shall expire on January 1, 2012.

27 (A) *In lieu of suspension under paragraph (1), the driver may submit*
28 *to the division of vehicles a written request for restricted driving*
29 *privileges, with a non-refundable \$25 application fee, to be applied by the*
30 *division of vehicles for additional administrative costs to implement*
31 *restricted driving privileges. The division shall remit all restricted driving*
32 *privilege application fees to the state treasurer in accordance with the*
33 *provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of*
34 *each such remittance, the state treasurer shall deposit the entire amount in*
35 *the state treasury to the credit of the division of vehicles operating fund.*

36 (B) *Upon review and approval of the driver's eligibility, the driving*
37 *privileges will be restricted by the division of vehicles for a period up to*
38 *one year or until the terms of the traffic citation have been complied with*
39 *and the court shall immediately electronically notify the division of*
40 *vehicles of such compliance. If the driver fails to comply with the traffic*
41 *citation within the one year restricted period, the driving privileges will be*
42 *suspended by the division of vehicles until the court determines the person*
43 *has complied with the terms of the traffic citation and the court shall*

1 immediately electronically notify the division of vehicles of such
2 compliance. Upon receipt of notification of such compliance from the
3 informing court, the division of vehicles shall terminate the suspension
4 action. When restricted driving privileges are approved pursuant to this
5 section, the person's driving privileges shall be restricted to driving only
6 under the following circumstances: (i) In going to or returning from the
7 person's place of employment or ~~schooling~~ **seeking new employment**; (ii)
8 in the course of the person's employment; (iii) **in going to or returning**
9 **from an appointment with a health care provider or during a medical**
10 **emergency; and** (iv) in going to and returning from probation or parole
11 meetings, drug or alcohol counseling or any place the person is required
12 to go by a court; **and (v) in going to or returning from schooling. The**
13 ~~provisions of this paragraph shall expire on January 1, 2016.~~

14 (c) Except as provided in subsection (d), when the district or
15 municipal court notifies the division of vehicles of a failure to comply with
16 a traffic citation pursuant to subsection (b), the court shall assess a
17 reinstatement fee of \$59 ~~for each charge on which the person failed to~~
18 ~~make satisfaction regardless of the disposition of the charge for which~~
19 ~~such citation was originally issued and regardless of any application for~~
20 ~~restricted driving privileges. The court shall not assess such~~
21 **reinstatement fee more than one time in a 365-day period.** Such
22 reinstatement fee shall be in addition to any fine, restricted driving
23 privilege application fee, district or municipal court costs and other
24 penalties. The court shall remit all reinstatement fees to the state treasurer
25 in accordance with the provisions of K.S.A. 75-4215, and amendments
26 thereto. Upon receipt of each such remittance, the state treasurer shall
27 deposit the entire amount in the state treasury and shall credit 42.37% of
28 such moneys to the division of vehicles operating fund, 31.78% to the
29 community alcoholism and intoxication programs fund created by K.S.A.
30 41-1126, and amendments thereto, 10.59% to the juvenile detention
31 facilities fund created by K.S.A. 79-4803, and amendments thereto, and
32 15.26% to the judicial branch nonjudicial salary adjustment fund created
33 by K.S.A. 2012 Supp. 20-1a15, and amendments thereto.

34 (d) The district court or municipal court shall waive the reinstatement
35 fee provided for in subsection (c), if the failure to comply with a traffic
36 citation was the result of such person enlisting in or being drafted into the
37 armed services of the United States, being called into service as a member
38 of a reserve component of the military service of the United States, or
39 volunteering for such active duty, or being called into service as a member
40 of the state of Kansas national guard, or volunteering for such active duty,
41 and being absent from Kansas because of such military service. In any
42 case of a failure to comply with a traffic citation which occurred on or
43 after August 1, 1990, and prior to the effective date of this act, in which a

1 person was assessed and paid a reinstatement fee and the person failed to
2 comply with a traffic citation because the person was absent from Kansas
3 because of any such military service, the reinstatement fee shall be
4 reimbursed to such person upon application therefor. The state treasurer
5 and the director of accounts and reports shall prescribe procedures for all
6 such reimbursement payments and shall create appropriate accounts, make
7 appropriate accounting entries and issue such appropriate vouchers and
8 warrants as may be required to make such reimbursement payments.

9 (e) Except as provided further, the reinstatement fee established in
10 this section shall be the only fee collected or moneys in the nature of a fee
11 collected for such reinstatement. Such fee shall only be established by an
12 act of the legislature and no other authority is established by law or
13 otherwise to collect a fee. On and after the effective date of this act
14 through June 30, 2013, the supreme court may impose an additional
15 charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-
16 judicial personnel.

17 Sec. 2. K.S.A. 2012 Supp. 8-2110 is hereby repealed.

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