

HOUSE BILL No. 2188

By Representative Todd

1-29

1 AN ACT concerning driver's licenses; requiring certain individuals to enter
2 into a payment plan to receive restricted driving privileges; amending
3 K.S.A. 2014 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. 2014 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) A person whose driver's license has expired during the period
9 when such person's drivers license has been suspended for failure to pay
10 fines for traffic citations, the driver may submit to the division of vehicles
11 a written request for restricted driving privileges, with a non-refundable
12 \$25 application fee, to be applied by the division of vehicles for additional
13 administrative costs to implement restricted driving privileges. The
14 division shall remit all restricted driving privilege application fees to the
15 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
16 amendments thereto. Upon receipt of each such remittance, the state
17 treasurer shall deposit the entire amount in the state treasury to the credit
18 of the division of vehicles operating fund. An individual shall not qualify
19 for restricted driving privileges pursuant to this section unless the
20 following conditions are met: (i) The suspended license that expired was
21 issued by the division of vehicles; (ii) the suspended license resulted from
22 the individual's failure to comply with a traffic citation pursuant to
23 subsection (b)(1); (iii) the traffic citation that resulted in the failure to
24 comply pursuant to subsection (b)(1) was issued in this state; ~~and~~ (iv) the
25 individual has not previously received a stayed suspension as a result of a
26 driving while suspended conviction; *and (v) the individual has entered*
27 *into a one-year payment plan with the district or municipal court and is in*
28 *compliance with its terms and conditions.*

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

1 person's employment; (iii) in going to or returning from an appointment
2 with a health care provider or during a medical emergency; and (iv) in
3 going to and returning from probation or parole meetings, drug or alcohol
4 counseling or any place the person is required to go by a court.

5 (c) Except as provided in subsection (d), when the district or
6 municipal court notifies the division of vehicles of a failure to comply with
7 a traffic citation pursuant to subsection (b), the court shall assess a
8 reinstatement fee of \$59 for each charge on which the person failed to
9 make satisfaction regardless of the disposition of the charge for which
10 such citation was originally issued and regardless of any application for
11 restricted driving privileges. Such reinstatement fee shall be in addition to
12 any fine, restricted driving privilege application fee, district or municipal
13 court costs and other penalties. The court shall remit all reinstatement fees
14 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
15 and amendments thereto. Upon receipt of each such remittance, the state
16 treasurer shall deposit the entire amount in the state treasury and shall
17 credit 42.37% of such moneys to the division of vehicles operating fund,
18 31.78% to the community alcoholism and intoxication programs fund
19 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
20 juvenile detention facilities fund created by K.S.A. 79-4803, and
21 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
22 adjustment fund created by K.S.A. 2014 Supp. 20-1a15, and amendments
23 thereto.

24 (d) The district court or municipal court shall waive the reinstatement
25 fee provided for in subsection (c), if the failure to comply with a traffic
26 citation was the result of such person enlisting in or being drafted into the
27 armed services of the United States, being called into service as a member
28 of a reserve component of the military service of the United States, or
29 volunteering for such active duty, or being called into service as a member
30 of the state of Kansas national guard, or volunteering for such active duty,
31 and being absent from Kansas because of such military service. In any
32 case of a failure to comply with a traffic citation which occurred on or
33 after August 1, 1990, and prior to the effective date of this act, in which a
34 person was assessed and paid a reinstatement fee and the person failed to
35 comply with a traffic citation because the person was absent from Kansas
36 because of any such military service, the reinstatement fee shall be
37 reimbursed to such person upon application therefor. The state treasurer
38 and the director of accounts and reports shall prescribe procedures for all
39 such reimbursement payments and shall create appropriate accounts, make
40 appropriate accounting entries and issue such appropriate vouchers and
41 warrants as may be required to make such reimbursement payments.

42 (e) Except as provided further, the reinstatement fee established in
43 this section shall be the only fee collected or moneys in the nature of a fee

1 collected for such reinstatement. Such fee shall only be established by an
2 act of the legislature and no other authority is established by law or
3 otherwise to collect a fee. On and after July 1, 2013, through July 1, 2015,
4 the supreme court may impose an additional charge, not to exceed \$22 per
5 reinstatement fee, to fund the costs of non-judicial personnel.

6 Sec. 2. K.S.A. 2014 Supp. 8-2110 is hereby repealed.

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