

**HOUSE BILL No. 2279**

By Committee on Appropriations

2-6

1 AN ACT concerning courts; relating to disposition of drivers' license  
2 reinstatement fees; judicial branch nonjudicial salary adjustment fund;  
3 amending K.S.A. 2016 Supp. 8-241 and 20-1a15 and repealing the  
4 existing sections.  
5

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

7 Section 1. K.S.A. 2016 Supp. 8-241 is hereby amended to read as  
8 follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through 8-2,142,  
9 and amendments thereto, any person licensed to operate a motor vehicle in  
10 this state shall submit to an examination whenever: (1) The division of  
11 vehicles has good cause to believe that such person is incompetent or  
12 otherwise not qualified to be licensed; or (2) the division of vehicles has  
13 suspended such person's license pursuant to K.S.A. 8-1014, and  
14 amendments thereto, as the result of a test refusal, test failure or conviction  
15 for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of  
16 a city ordinance or county resolution prohibiting the acts prohibited by  
17 K.S.A. 8-1567, and amendments thereto, except that no person shall have  
18 to submit to and successfully complete an examination more than once as  
19 the result of separate suspensions arising out of the same occurrence.

20 (b) When a person is required to submit to an examination pursuant  
21 to subsection (a)(1), the fee for such examination shall be in the amount  
22 provided by K.S.A. 8-240, and amendments thereto. When a person is  
23 required to submit to an examination pursuant to subsection (a)(2), the fee  
24 for such examination shall be \$25. In addition, any person required to  
25 submit to an examination pursuant to subsection (a)(2) as the result of a  
26 test failure, a conviction for a violation of K.S.A. 8-1567, and amendments  
27 thereto, or a violation of a city ordinance or county resolution prohibiting  
28 the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be  
29 required, at the time of examination, to pay a reinstatement fee of \$200  
30 after the first occurrence, \$400 after the second occurrence, \$600 after the  
31 third occurrence and \$800 after the fourth or subsequent occurrence; and  
32 as a result of a test refusal, a conviction for a violation of K.S.A. 2016  
33 Supp. 8-1025, and amendments thereto, or a violation of a city ordinance  
34 or county resolution prohibiting the acts prohibited by K.S.A. 2016 Supp.  
35 8-1025, and amendments thereto, shall be required, at the time of  
36 examination, to pay a reinstatement fee of \$600 after the first occurrence,

1 \$900 after the second occurrence, \$1,200 after the third occurrence and  
2 \$1,500 after the fourth or subsequent occurrence.

3 (1) All examination fees collected pursuant to this section shall be  
4 remitted to the state treasurer, in accordance with the provisions of K.S.A.  
5 75-4215, and amendments thereto, who shall deposit the entire amount in  
6 the state treasury and credit 80% to the state highway fund and 20% shall  
7 be disposed of as provided in K.S.A. 8-267, and amendments thereto.

8 (2) On and after July 1, ~~2014~~ 2017, through June 30, ~~2018~~ 2019, all  
9 reinstatement fees collected pursuant to this section shall be remitted to the  
10 state treasurer, in accordance with the provisions of K.S.A. 75-4215, and  
11 amendments thereto, who shall deposit the entire amount in the state  
12 treasury and credit 26% to the community alcoholism and intoxication  
13 programs fund created pursuant to K.S.A. 41-1126, and amendments  
14 thereto, 12% to the juvenile alternatives to detention fund created by  
15 K.S.A. 79-4803, and amendments thereto, 12% to the forensic laboratory  
16 and materials fee fund created by K.S.A. 28-176, and amendments thereto,  
17 17% to the driving under the influence fund created by K.S.A. 75-5660,  
18 and amendments thereto, and 33% to the judicial branch nonjudicial salary  
19 adjustment fund created by K.S.A. 20-1a15, and amendments thereto.  
20 Moneys credited to the forensic laboratory and materials fee fund as  
21 provided herein shall be used to supplement existing appropriations and  
22 shall not be used to supplant general fund appropriations to the Kansas  
23 bureau of investigation.

24 (3) On and after July 1, ~~2018~~ 2019, all reinstatement fees collected  
25 pursuant to this section shall be remitted to the state treasurer, in  
26 accordance with the provisions of K.S.A. 75-4215, and amendments  
27 thereto, who shall deposit the entire amount in the state treasury and credit  
28 35% to the community alcoholism and intoxication programs fund created  
29 pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile  
30 alternatives to detention fund created by K.S.A. 79-4803, and amendments  
31 thereto, 20% to the forensic laboratory and materials fee fund created by  
32 K.S.A. 28-176, and amendments thereto, and 25% to the driving under the  
33 influence fund created by K.S.A. 75-5660, and amendments thereto.  
34 Moneys credited to the forensic laboratory and materials fee fund as  
35 provided herein shall be used to supplement existing appropriations and  
36 shall not be used to supplant general fund appropriations to the Kansas  
37 bureau of investigation.

38 (c) When an examination is required pursuant to subsection (a), at  
39 least five days' written notice of the examination shall be given to the  
40 licensee. The examination administered hereunder shall be at least  
41 equivalent to the examination required by K.S.A. 8-247(e), and  
42 amendments thereto, with such additional tests as the division deems  
43 necessary. Upon the conclusion of such examination, the division shall

1 take action as may be appropriate and may suspend or revoke the license  
2 of such person or permit the licensee to retain such license, or may issue a  
3 license subject to restrictions as permitted under K.S.A. 8-245, and  
4 amendments thereto.

5 (d) Refusal or neglect of the licensee to submit to an examination as  
6 required by this section shall be grounds for suspension or revocation of  
7 the license.

8 (e) The division may issue a driver's license with a DUI-IID  
9 designation for a licensee that is operating under ignition interlock  
10 restrictions required by K.S.A. 8-1014, and amendments thereto. The  
11 reexamination requirement in subsection (a)(2) shall not require  
12 reexamination and payment of reinstatement fees until the end of the  
13 licensee's ignition interlock restriction period. If the applicant's Kansas  
14 driver's license has been expired for one year or more, the applicant must  
15 complete a reexamination and pay any applicable reinstatement fees before  
16 qualifying for a driver's license with an ignition interlock designation. All  
17 other requirements for issuance and renewal of a driver's license under  
18 K.S.A. 8-240, and amendments thereto, shall continue to apply. The  
19 renewal periods and other requirements in K.S.A. 8-247, and amendments  
20 thereto, shall apply. The fees charged for the driver's license with ignition  
21 interlock designation shall include: (1) The fee amounts set out in K.S.A.  
22 8-240(f), and amendments thereto; (2) fees prescribed by the secretary of  
23 revenue and required in K.S.A. 8-243(a), and amendments thereto; and (3)  
24 a \$10 fee to the DUI-IID designation fund. There is hereby created in the  
25 state treasury the DUI-IID designation fund. All moneys credited to the  
26 DUI-IID designation fund shall be used by the department of revenue only  
27 for the purpose of funding the administration and oversight of state  
28 certified ignition interlock manufacturers and their service providers.

29 Sec. 2. K.S.A. 2016 Supp. 20-1a15 is hereby amended to read as  
30 follows: 20-1a15. (a) There is hereby established in the state treasury the  
31 judicial branch nonjudicial salary adjustment fund.

32 (b) All moneys credited to the judicial branch nonjudicial salary  
33 adjustment fund shall be used for compensation of nonjudicial officers and  
34 employees of the district courts, court of appeals and the supreme court  
35 and shall not be expended for compensation of judges or justices of the  
36 judicial branch. ~~Moneys in the fund shall be used only to pay for that~~  
37 ~~portion of the cost of salaries and wages of nonjudicial personnel of the~~  
38 ~~judicial branch, including associated employer contributions, which shall~~  
39 ~~not exceed the difference between the amount of expenditures that would~~  
40 ~~be required under the judicial branch pay plan for nonjudicial personnel in~~  
41 ~~effect prior to the effective date of this act and the amount of expenditures~~  
42 ~~required under the judicial branch pay plan for nonjudicial personnel after~~  
43 ~~the cost-of-living adjustments and the adjustments for upgrades in pay~~

1 ~~rates for nonjudicial personnel approved by the chief justice of the Kansas~~  
2 ~~supreme court for fiscal year 2015. For fiscal years commencing on and~~  
3 ~~after June 30, 2016, moneys in such fund shall be used only for the amount~~  
4 ~~attributable to maintenance of the judicial branch pay plan for nonjudicial~~  
5 ~~personnel for such adjustments and upgrades approved by the chief justice~~  
6 ~~of the supreme court for fiscal year 2015.~~

7 (c) On or before the 10<sup>th</sup> day of each month, the director of accounts  
8 and reports shall transfer from the state general fund to the judicial branch  
9 nonjudicial salary adjustment fund interest earnings based on:

10 (1) The average daily balance of moneys in the judicial branch  
11 nonjudicial salary adjustment fund for the preceding month; and

12 (2) the net earnings rate of the pooled money investment portfolio for  
13 the preceding month.

14 (d) All expenditures from the judicial branch nonjudicial salary  
15 adjustment fund shall be made in accordance with appropriation acts and  
16 upon warrants of the director of accounts and reports issued pursuant to  
17 payrolls approved by the chief justice of the Kansas supreme court or by a  
18 person or persons designated by the chief justice.

19 Sec. 3. K.S.A. 2016 Supp. 8-241 and 20-1a15 are hereby repealed.

20 Sec. 4. This act shall take effect and be in force from and after its  
21 publication in the statute book.