

**SENATE BILL No. 341**

By Committee on Federal and State Affairs

1-11

1 AN ACT concerning drivers' licenses; authorizing certain individuals with  
2 revoked licenses to be eligible for restricted driving privileges;  
3 permitting individuals with restricted driving privileges to drive to and  
4 from dropping off or picking up children from school or child care;  
5 amending K.S.A. 8-286 and 8-2110 and repealing the existing sections.  
6

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

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

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

23 (b) (1) In addition to penalties of law applicable under subsection (a),  
24 when a person fails to comply with a traffic citation, except for illegal  
25 parking, standing or stopping, the district or municipal court in which the  
26 person should have complied with the citation ~~shall~~ may mail notice to the  
27 person that if the person does not appear in district or municipal court or  
28 pay ~~all~~ fines *as ordered by the court*, court costs and any penalties within  
29 30 days from the date of mailing notice, the division of vehicles will be  
30 notified to suspend the person's driving privileges. The district or  
31 municipal court may charge an additional fee of \$5 for mailing such  
32 notice. Upon the person's failure to comply within such 30 days of mailing  
33 notice, the district or municipal court ~~shall~~ may electronically notify the  
34 division of vehicles. Upon receipt of a report of a failure to comply with a  
35 traffic citation under this subsection, pursuant to K.S.A. 8-255, and  
36 amendments thereto, the division of vehicles shall notify the violator and

1 suspend the license of the violator until satisfactory evidence of  
2 compliance with the terms of the traffic citation has been furnished to the  
3 informing court. When the court determines the person has complied with  
4 the terms of the traffic citation, the court shall immediately electronically  
5 notify the division of vehicles of such compliance. Upon receipt of  
6 notification of such compliance from the informing court, the division of  
7 vehicles shall terminate the suspension or suspension action.

8 (2) (A) In lieu of suspension under paragraph (1), the driver may  
9 submit to the division of vehicles a written request for restricted driving  
10 privileges.

11 (B) (i) *A person whose driving privileges have been revoked solely*  
12 *for driving a motor vehicle on any highway as defined in K.S.A. 8-1424,*  
13 *and amendments thereto, of this state at a time when such person's*  
14 *privilege to do so was canceled, suspended or revoked for failure to*  
15 *comply with a traffic citation pursuant to this section may submit to the*  
16 *division of vehicles a written request for restricted driving privileges. A*  
17 *person shall not qualify for restricted driving privileges pursuant to this*  
18 *section if such person has been convicted for driving with a canceled,*  
19 *suspended or revoked license more than three times or if such person is*  
20 *suspended for reasons not included in this section at the time of*  
21 *application. Restricted driving privileges approved pursuant to this*  
22 *subparagraph shall remain in effect unless otherwise rescinded for the*  
23 *lesser of time of either:*

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

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

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

33 (iii) *A person operating a motor vehicle in violation of restrictions*  
34 *provided in subparagraph (D) shall be guilty of operating a vehicle in*  
35 *violation of restrictions as provided in K.S.A. 8-291, and amendments*  
36 *thereto.*

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

43 (i) The suspended license that expired was issued by the division of

1 vehicles;

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

4 (iii) the traffic citation that resulted in the failure to comply pursuant  
5 to subsection (b)(1) was issued in this state.

6 ~~(C)~~(D) Upon review and approval of the driver's eligibility, the  
7 driving privileges will be restricted by the division of vehicles for a period  
8 up to one year *for restricted driving privileges issued pursuant to*  
9 *subparagraph (A) or (C), for the period of time specified in subparagraph*  
10 *(B) or until the terms of the traffic citation have been complied with and*  
11 *the court shall immediately electronically notify the division of vehicles of*  
12 *such compliance. If the driver fails to comply with the traffic citation*  
13 *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:*

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

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

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

27 (iv) in going to and returning from probation or parole meetings, drug  
28 or alcohol counseling or any place the person is required to go by a court;  
29 *and*

30 (v) *in going to or returning from dropping off or picking up one or*  
31 *more children from school or child care.*

32 (c) On and after July 1, 2018, except as provided in subsection (d),  
33 when the district or municipal court notifies the division of vehicles of a  
34 failure to comply with a traffic citation pursuant to subsection (b), the  
35 court shall assess a reinstatement fee of \$100 ~~for each charge on which the~~  
36 ~~person failed to make satisfaction regardless of the disposition of the~~  
37 ~~charge for which such citation was originally issued and regardless of any~~  
38 ~~application for restricted driving privileges.~~ Such reinstatement fee shall  
39 be in addition to any fine, restricted driving privilege application fee,  
40 district or municipal court costs and other penalties. The court shall remit  
41 all reinstatement fees to the state treasurer in accordance with the  
42 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
43 each such remittance, the state treasurer shall deposit the entire amount in

1 the state treasury and shall credit the first \$15 of such reinstatement fee to  
2 the state general fund and of the remaining amount, 29.41% of such  
3 moneys to the division of vehicles operating fund, 22.06% to the  
4 community alcoholism and intoxication programs fund created by K.S.A.  
5 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to  
6 detention fund created by K.S.A. 79-4803, and amendments thereto, and  
7 41.17% to the state general fund.

8 (d) The district court or municipal court shall waive the reinstatement  
9 fee provided for in subsection (c), if the failure to comply with a traffic  
10 citation was the result of such person enlisting in or being drafted into the  
11 armed services of the United States, being called into service as a member  
12 of a reserve component of the military service of the United States, or  
13 volunteering for such active duty, or being called into service as a member  
14 of the state of Kansas national guard, or volunteering for such active duty,  
15 and being absent from Kansas because of such military service.

16 (e) (1) A person who is assessed a reinstatement fee pursuant to  
17 subsection (c) may petition the court that assessed the fee at any time to  
18 waive payment of the fee, any additional charge imposed pursuant to  
19 subsection (f), or any portion thereof. If it appears to the satisfaction of the  
20 court that payment of the amount due will impose manifest hardship on the  
21 person or the person's immediate family, the court may waive payment of  
22 all or part of the amount due or modify the method of payment.

23 (2) A person who is assessed a fine or court costs for a traffic citation  
24 may petition the court that assessed the fine or costs at any time to waive  
25 payment of the fine or costs, or any portion thereof. If it appears to the  
26 satisfaction of the court that payment of the amount due will impose  
27 manifest hardship on the person or the person's immediate family, the  
28 court may waive payment of all or part of the amount due or modify the  
29 method of payment.

30 (f) Except as provided further, the reinstatement fee established in  
31 this section shall be the only fee collected or moneys in the nature of a fee  
32 collected for such reinstatement. Such fee shall only be established by an  
33 act of the legislature and no other authority is established by law or  
34 otherwise to collect a fee. On and after July 1, 2019, through June 30,  
35 2025, the supreme court may impose an additional charge, not to exceed  
36 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

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

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