HOUSE COMMITTEE ON JUDICIARY

Hon. Rick Wilborn, Chairman
Hon. Eric Rucker, Vice Chairman
Hon. Vic Miller, Ranking Minority Member

March 21, 2019
10:30 a.m.

Chief Judge Merlin G. Wheeler
Fifth Judicial District
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Emporia, KS 66801
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WRITTEN TESTIMONY IN SUPPORT OF HB 2211

Thank you for the opportunity to present testimony in support of HB 2211. I am Merlin G. Wheeler, Chief Judge of the Fifth Judicial District (Lyon and Chase Counties) and a member of the Executive Committee of the Kansas District Judges Association (KDJA). I also serve as one of three Legislative Co-Chairs of the association along with Chief Judge Thomas Kelly Ryan of the 10th Judicial District and Chief Judge Glenn R. Braun of the 23rd Judicial District.

The license reinstatement fees imposed by K.S.A. 8-2110 have long been claimed to be a barrier to employment for individuals unable to afford the cost. It is argued that the inability to pay the fee results in an individual being unable to obtain or maintain employment when a driver's license is required either as a condition of employment or to provide transportation to or from the workplace. To date, the courts of Kansas have not had the ability to waive all or any part of the fee although such requests are frequently made.

The proposed subsection (e) to K.S.A. 8-2110 provides a simple mechanism, opportunity and standard for the courts to consider claims of hardship resulting from the imposition of the fee. This stands in contrast to the mechanism proposed in 2019 SB 87 which presents confusing and complex management issues in order to address the same issue. We opt to support provisions which enhance access to the courts as opposed to those which cause issues for the courts, prosecuting attorneys and affected parties.

On behalf of KDJA we urge favorable consideration of this legislation. Thank you for consideration of this testimony.

Respectfully submitted,

Merlin G. Wheeler, Chief Judge
Glenn R. Braun, Chief Judge
Thomas Kelly Ryan, Chief Judge