

HOUSE BILL No. 2217

By Committee on Transportation

2-3

1 AN ACT concerning drivers' licenses; relating to certain restrictions;
2 exclusion from the additional 90-day period for suspended or revoked
3 licenses; eligibility for restricted driving privileges; removing and
4 delaying payment for fees that apply to individuals for failure to
5 comply with a traffic citation; amending K.S.A. 2020 Supp. 8-262 and
6 8-2110 and repealing the existing sections; also repealing K.S.A. 2020
7 Supp. 8-2110b.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 2020 Supp. 8-262 is hereby amended to read as
11 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any
12 highway of this state at a time when such person's privilege so to do is
13 canceled, suspended or revoked or while such person's privilege to obtain
14 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and
15 amendments thereto, shall be guilty of a class B nonperson misdemeanor
16 on the first conviction and a class A nonperson misdemeanor on the second
17 or subsequent conviction.

18 (2) No person shall be convicted under this section if such person was
19 entitled at the time of arrest under K.S.A. 8-257, and amendments thereto,
20 to the return of such person's driver's license.

21 (3) Except as otherwise provided by subsection (a)(4) or (c), every
22 person convicted under this section shall be sentenced to at least five days'
23 imprisonment and fined at least \$100 and upon a second conviction shall
24 not be eligible for parole until completion of five days' imprisonment.

25 (4) Except as otherwise provided by subsection (c), if a person: (A) Is
26 convicted of a violation of this section, committed while the person's
27 privilege to drive or privilege to obtain a driver's license was suspended or
28 revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments
29 thereto, or any ordinance of any city or resolution of any county or a law
30 of another state, which ordinance or resolution or law prohibits the acts
31 prohibited by those statutes; and (B) is or has been also convicted of a
32 violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any
33 ordinance of any city or resolution of any county or law of another state,
34 which ordinance or resolution or law prohibits the acts prohibited by those
35 statutes, committed while the person's privilege to drive or privilege to
36 obtain a driver's license was so suspended or revoked, the person shall not

1 be eligible for suspension of sentence, probation or parole until the person
2 has served at least 90 days' imprisonment, and any fine imposed on such
3 person shall be in addition to such a term of imprisonment.

4 (b) (1) *Except as provided by subsection (b)(2), the division, upon*
5 *receiving a record of the conviction of any person under this section, or*
6 *any ordinance of any city or resolution of any county or a law of another*
7 *state which is in substantial conformity with this section, upon a charge of*
8 *driving a vehicle while the license of such person is revoked or suspended,*
9 *shall extend the period of such suspension or revocation for an additional*
10 *period of 90 days.*

11 (2) *For any person found guilty of driving a vehicle while the license*
12 *of such person is suspended for violating K.S.A. 8-2110, and amendments*
13 *thereto, such offense shall not extend the additional period of suspension*
14 *pursuant to subsection (b)(1).*

15 (c) (1) The person found guilty of a class A nonperson misdemeanor
16 on a third or subsequent conviction of this section shall be sentenced to not
17 less than 90 days' imprisonment and fined not less than \$1,500 if such
18 person's privilege to drive a motor vehicle is canceled, suspended or
19 revoked because such person:

20 (A) Refused to submit and complete any test of blood, breath or urine
21 requested by law enforcement excluding the preliminary screening test as
22 set forth in K.S.A. 8-1012, and amendments thereto;

23 (B) was convicted of violating the provisions of K.S.A. 40-3104, and
24 amendments thereto, relating to motor vehicle liability insurance coverage;

25 (C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its
26 repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto,
27 involuntary manslaughter while driving under the influence of alcohol or
28 drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as
29 defined in K.S.A. 2020 Supp. 21-5405(a)(3) and (a)(5), and amendments
30 thereto, or any other murder or manslaughter crime resulting from the
31 operation of a motor vehicle; or

32 (D) was convicted of being a habitual violator, K.S.A. 8-287, and
33 amendments thereto.

34 (2) The person convicted shall not be eligible for release on
35 probation, suspension or reduction of sentence or parole until the person
36 has served at least 90 days' imprisonment. The 90 days' imprisonment
37 mandated by this subsection may be served in a work release program only
38 after such person has served 48 consecutive hours' imprisonment, provided
39 such work release program requires such person to return to confinement
40 at the end of each day in the work release program. The court may place
41 the person convicted under a house arrest program pursuant to K.S.A.
42 2020 Supp. 21-6609, and amendments thereto, or any municipal ordinance
43 to serve the remainder of the minimum sentence only after such person has

1 served 48 consecutive hours' imprisonment.

2 (d) For the purposes of determining whether a conviction is a first,
3 second, third or subsequent conviction in sentencing under this section,
4 "conviction" includes a conviction of a violation of any ordinance of any
5 city or resolution of any county or a law of another state ~~which~~ that is in
6 substantial conformity with this section.

7 Sec. 2. K.S.A. 2020 Supp. 8-2110 is hereby amended to read as
8 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
9 either to: (1) Appear before any district or municipal court in response to a
10 traffic citation and pay in full any fine and court costs imposed; or (2)
11 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
12 amendments thereto. Failure to comply with a traffic citation is a
13 misdemeanor, regardless of the disposition of the charge for which such
14 citation was originally issued.

15 (b) (1) In addition to penalties of law applicable under subsection (a),
16 when a person fails to comply with a traffic citation, except for illegal
17 parking, standing or stopping, the district or municipal court in which the
18 person should have complied with the citation shall mail notice to the
19 person that if the person does not appear in district or municipal court or
20 pay all fines, court costs and any penalties within 30 days from the date of
21 mailing notice, the division of vehicles will be notified to suspend the
22 person's driving privileges. The district or municipal court may charge an
23 additional fee of \$5 for mailing such notice. Upon the person's failure to
24 comply within such 30 days of mailing notice, the district or municipal
25 court shall electronically notify the division of vehicles. Upon receipt of a
26 report of a failure to comply with a traffic citation under this subsection,
27 pursuant to K.S.A. 8-255, and amendments thereto, the division of
28 vehicles shall notify the violator and suspend the license of the violator
29 until satisfactory evidence of compliance with the terms of the traffic
30 citation has been furnished to the informing court. When the court
31 determines the person has complied with the terms of the traffic citation,
32 the court shall immediately electronically notify the division of vehicles of
33 such compliance. Upon receipt of notification of such compliance from the
34 informing court, the division of vehicles shall terminate the suspension or
35 suspension action.

36 (2) (A) In lieu of suspension under paragraph (1), the driver may
37 submit to the division of vehicles a written request for restricted driving
38 privileges, ~~with a non-refundable \$25 application fee, to be applied by the~~
39 ~~division of vehicles for additional administrative costs to implement~~
40 ~~restricted driving privileges. The division shall remit all restricted driving~~
41 ~~privilege application 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 to the credit of the division of vehicles operating fund.~~
2 *No application fee shall be collected in connection with such written*
3 *request.*

4 (B) A person whose driver's license has expired during the period
5 when such person's driver's license has been suspended for failure to pay
6 fines for traffic citations, the driver may submit to the division of vehicles
7 a written request for restricted driving privileges, ~~with a non-refundable~~
8 ~~\$25 application fee, to be applied by the division of vehicles for additional~~
9 ~~administrative costs to implement restricted driving privileges. The~~
10 ~~division shall remit all restricted driving privilege application fees to the~~
11 ~~state treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
12 ~~amendments thereto. Upon receipt of each such remittance, the state~~
13 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~
14 ~~of the division of vehicles operating fund. No application fee shall be~~
15 ~~collected in connection with such request.~~

16 (C) An individual shall not qualify for restricted driving privileges
17 pursuant to ~~this section~~ *subsection (b)(2)(A) or (b)(2)(B)* unless the
18 following conditions are met: (i) The suspended license ~~that expired~~ was
19 issued by the division of vehicles; (ii) the suspended license resulted from
20 the individual's failure to comply with a traffic citation pursuant to
21 subsection (b)(1) *and there is no other basis for the license suspension or*
22 *cancellation except for violations of this section; and* (iii) the traffic
23 citation that resulted in the failure to comply pursuant to subsection (b)(1)
24 was issued in this state; ~~and (iv) the individual has not previously received~~
25 ~~a stayed suspension as a result of a driving while suspended conviction.~~

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

1 counseling or any place the person is required to go by a court.

2 (c) ~~(1) Prior to July 1, 2018, except as provided in subsection (d),~~
3 ~~when the district or municipal court notifies the division of vehicles of a~~
4 ~~failure to comply with a traffic citation pursuant to subsection (b), the~~
5 ~~court shall assess a reinstatement fee of \$59 for each charge on which the~~
6 ~~person failed to make satisfaction regardless of the disposition of the~~
7 ~~charge for which such citation was originally issued and regardless of any~~
8 ~~application for restricted driving privileges. Such reinstatement fee shall~~
9 ~~be in addition to any fine, restricted driving privilege application fee,~~
10 ~~district or municipal court costs and other penalties. The court shall remit~~
11 ~~all reinstatement fees to the state treasurer in accordance with the~~
12 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~
13 ~~each such remittance, the state treasurer shall deposit the entire amount in~~
14 ~~the state treasury and shall credit 42.37% of such moneys to the division of~~
15 ~~vehicles operating fund, 31.78% to the community alcoholism and~~
16 ~~intoxication programs fund created by K.S.A. 41-1126, and amendments~~
17 ~~thereto, 10.59% to the juvenile alternatives to detention fund created by~~
18 ~~K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial~~
19 ~~branch nonjudicial salary adjustment fund created by K.S.A. 2020 Supp.~~
20 ~~20-1a15, and amendments thereto.~~

21 ~~(2) On and after July 1, 2018, Except as provided in subsection (d),~~
22 ~~when the district or municipal court notifies the division of vehicles of a~~
23 ~~failure to comply with a traffic citation *issued on and after July 1, 2021,*~~
24 ~~pursuant to subsection (b), the court shall assess a reinstatement fee of~~
25 ~~\$100 for each charge on which the person failed to make satisfaction~~
26 ~~regardless of the disposition of the charge for which such citation was~~
27 ~~originally issued and regardless of any application for restricted driving~~
28 ~~privileges *for each case.* Such reinstatement fee shall be in addition to any~~
29 ~~fine, restricted driving privilege application fee, district or municipal court~~
30 ~~costs and other penalties *and shall only be collected after a person has*~~
31 ~~*been determined to be eligible for reinstatement.* The court shall remit all~~
32 ~~reinstatement fees to the state treasurer in accordance with the provisions~~
33 ~~of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
34 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
35 ~~treasury and shall credit the first \$15 of such reinstatement fee to the~~
36 ~~judicial branch nonjudicial salary adjustment fund and of the remaining~~
37 ~~amount, 29.41% of such moneys to the division of vehicles operating fund,~~
38 ~~22.06% to the community alcoholism and intoxication programs fund~~
39 ~~created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile~~
40 ~~alternatives to detention fund created by K.S.A. 79-4803, and amendments~~
41 ~~thereto, and 41.17% to the judicial branch nonjudicial salary adjustment~~
42 ~~fund created by K.S.A. 2020 Supp. 20-1a15, and amendments thereto.~~

43 (d) The district court or municipal court shall waive the reinstatement

1 fee provided for in subsection (c), if the failure to comply with a traffic
2 citation was the result of such person enlisting in or being drafted into the
3 armed services of the United States, being called into service as a member
4 of a reserve component of the military service of the United States, or
5 volunteering for such active duty, or being called into service as a member
6 of the state of Kansas national guard, or volunteering for such active duty,
7 and being absent from Kansas because of such military service.

8 (e) A person who is assessed a reinstatement fee pursuant to
9 subsection (c) may petition the court that assessed the fee at any time to
10 waive payment of the fee, any additional charge imposed pursuant to
11 subsection (f), or any portion thereof. If it appears to the satisfaction of the
12 court that payment of the amount due will impose manifest hardship on the
13 person or the person's immediate family, the court may waive payment of
14 all or part of the amount due or modify the method of payment.

15 (f) Except as provided further, the reinstatement fee established in
16 this section shall be the only fee collected or moneys in the nature of a fee
17 collected for such reinstatement. Such fee shall only be established by an
18 act of the legislature and no other authority is established by law or
19 otherwise to collect a fee. On and after ~~July 1, 2017, through June 30,~~
20 ~~2019~~ *July 1, 2019, through June 30, 2025*, the supreme court may impose
21 an additional charge, not to exceed \$22 per reinstatement fee, to fund the
22 costs of non-judicial personnel.

23 Sec. 3. K.S.A. 2020 Supp. 8-262, 8-2110 and 8-2110b are hereby
24 repealed.

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