

SENATE BILL No. 317

By Senator Faust-Goudeau

1-4

1 AN ACT concerning drivers' licenses; authorizing certain individuals with
2 revoked licenses to be eligible for restricted driving privileges;
3 amending K.S.A. 2021 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. 2021 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:

9 (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

11 (2) otherwise comply with a traffic citation as provided in K.S.A. 8-
12 2118, and amendments thereto. Failure to comply with a traffic citation is
13 a 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

1 submit to the division of vehicles a written request for restricted driving
2 privileges.

3 (B) *A person whose driving privileges have been revoked for driving*
4 *a motor vehicle on any highway of this state at a time when such person's*
5 *privilege to do so was canceled, suspended or revoked for failure to*
6 *comply with a traffic citation pursuant to this section may submit to the*
7 *division of vehicles a written request for restricted driving privileges. A*
8 *person shall not qualify for restricted driving privileges pursuant to this*
9 *section if such person has been convicted for driving with a canceled,*
10 *suspended or revoked license more than three times.*

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

17 (i) The suspended license that expired was issued by the division of
18 vehicles;

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

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

23 ~~(C)~~(D) Upon review and approval of the driver's eligibility, the
24 driving privileges will be restricted by the division of vehicles for a period
25 up to one year or until the terms of the traffic citation have been complied
26 with and the court shall immediately electronically notify the division of
27 vehicles of such compliance. If the driver fails to comply with the traffic
28 citation within the one year restricted period, the driving privileges will be
29 suspended by the division of vehicles until the court determines the person
30 has complied with the terms of the traffic citation and the court shall
31 immediately electronically notify the division of vehicles of such
32 compliance. Upon receipt of notification of such compliance from the
33 informing court, the division of vehicles shall terminate the suspension
34 action. When restricted driving privileges are approved pursuant to this
35 section, the person's driving privileges shall be restricted to driving only
36 under the following circumstances:

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

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

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

42 (iv) in going to and returning from probation or parole meetings, drug
43 or alcohol counseling or any place the person is required to go by a court.

1 (c) ~~On and after July 1, 2018,~~ Except as provided in subsection (d),
2 when the district or municipal court notifies the division of vehicles of a
3 failure to comply with a traffic citation pursuant to subsection (b), the
4 court shall assess a reinstatement fee of \$100 for each charge on which the
5 person failed to make satisfaction regardless of the disposition of the
6 charge for which such citation was originally issued and regardless of any
7 application for restricted driving privileges. Such reinstatement fee shall
8 be in addition to any fine, restricted driving privilege application fee,
9 district or municipal court costs and other penalties. The court shall remit
10 all reinstatement fees to the state treasurer in accordance with the
11 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
12 each such remittance, the state treasurer shall deposit the entire amount in
13 the state treasury and shall credit the first \$15 of such reinstatement fee to
14 the judicial branch nonjudicial salary adjustment fund and of the
15 remaining amount, 29.41% of such moneys to the division of vehicles
16 operating fund, 22.06% to the community alcoholism and intoxication
17 programs fund created by K.S.A. 41-1126, and amendments thereto,
18 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
19 4803, and amendments thereto, and 41.17% to the judicial branch
20 nonjudicial salary adjustment fund created by K.S.A. 2021 Supp. 20-1a15,
21 and amendments thereto.

22 (d) The district court or municipal court shall waive the reinstatement
23 fee provided for in subsection (c), if the failure to comply with a traffic
24 citation was the result of such person enlisting in or being drafted into the
25 armed services of the United States, being called into service as a member
26 of a reserve component of the military service of the United States, or
27 volunteering for such active duty, or being called into service as a member
28 of the state of Kansas national guard, or volunteering for such active duty,
29 and being absent from Kansas because of such military service.

30 (e) (1) A person who is assessed a reinstatement fee pursuant to
31 subsection (c) may petition the court that assessed the fee at any time to
32 waive payment of the fee, any additional charge imposed pursuant to
33 subsection (f), or any portion thereof. If it appears to the satisfaction of the
34 court that payment of the amount due will impose manifest hardship on the
35 person or the person's immediate family, the court may waive payment of
36 all or part of the amount due or modify the method of payment.

37 (2) A person who is assessed a fine or court costs for a traffic citation
38 may petition the court that assessed the fine or costs at any time to waive
39 payment of the fine or costs, or any portion thereof. If it appears to the
40 satisfaction of the court that payment of the amount due will impose
41 manifest hardship on the person or the person's immediate family, the
42 court may waive payment of all or part of the amount due or modify the
43 method of payment.

1 (f) Except as provided further, the reinstatement fee established in
2 this section shall be the only fee collected or moneys in the nature of a fee
3 collected for such reinstatement. Such fee shall only be established by an
4 act of the legislature and no other authority is established by law or
5 otherwise to collect a fee. On and after July 1, 2019, through June 30,
6 2025, the supreme court may impose an additional charge, not to exceed
7 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.
8 Sec. 2. K.S.A. 2021 Supp. 8-2110 is hereby repealed.
9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.