

SENATE BILL No. 550

By Committee on Federal and State Affairs

3-8

1 AN ACT concerning drivers' licenses; authoring 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 also repealing K.S.A. 2021 Supp. 8-2110c.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2021 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:

10 (1) Appear before any district or municipal court in response to a
11 traffic citation and pay in full any fine and court costs imposed; or

12 (2) otherwise comply with a traffic citation as provided in K.S.A. 8-
13 2118, and amendments thereto. Failure to comply with a traffic citation is
14 a misdemeanor, regardless of the disposition of the charge for which such
15 citation was originally issued.

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

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

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

14 (ii) *The division shall rescind restricted driving privileges for any*
15 *person authorized pursuant to this paragraph if the person is found guilty*
16 *of a violation resulting in a license suspension, revocation or cancellation*
17 *for reasons other than failure to comply with a traffic citation.*

18 (iii) *A person operating a motor vehicle in violation of restrictions*
19 *provided in clause (i) shall be guilty of operating a vehicle in violation of*
20 *restrictions as provided in K.S.A. 8-291, and amendments thereto.*

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

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

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

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

33 ~~(D)~~ Upon review and approval of the driver's eligibility, the
34 driving privileges will be restricted by the division of vehicles for a period
35 up to one year or until the terms of the traffic citation have been complied
36 with and the court shall immediately electronically notify the division of
37 vehicles of such compliance. If the driver fails to comply with the traffic
38 citation within the one year restricted period, the driving privileges will be
39 suspended by the division of vehicles until the court determines the person
40 has complied with the terms of the traffic citation and the court shall
41 immediately electronically notify the division of vehicles of such
42 compliance. Upon receipt of notification of such compliance from the
43 informing court, the division of vehicles shall terminate the suspension

1 action. When restricted driving privileges are approved pursuant to this
2 section, the person's driving privileges shall be restricted to driving only
3 under the following circumstances:

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

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

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

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

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

32 (d) The district court or municipal court shall waive the reinstatement
33 fee provided for in subsection (c), if the failure to comply with a traffic
34 citation was the result of such person enlisting in or being drafted into the
35 armed services of the United States, being called into service as a member
36 of a reserve component of the military service of the United States, or
37 volunteering for such active duty, or being called into service as a member
38 of the state of Kansas national guard, or volunteering for such active duty,
39 and being absent from Kansas because of such military service.

40 (e) (1) A person who is assessed a reinstatement fee pursuant to
41 subsection (c) may petition the court that assessed the fee at any time to
42 waive payment of the fee, any additional charge imposed pursuant to
43 subsection (f), or any portion thereof. If it appears to the satisfaction of the

1 court that payment of the amount due will impose manifest hardship on the
2 person or the person's immediate family, the court may waive payment of
3 all or part of the amount due or modify the method of payment.

4 (2) A person who is assessed a fine or court costs for a traffic citation
5 may petition the court that assessed the fine or costs at any time to waive
6 payment of the fine or costs, or any portion thereof. If it appears to the
7 satisfaction of the court that payment of the amount due will impose
8 manifest hardship on the person or the person's immediate family, the
9 court may waive payment of all or part of the amount due or modify the
10 method of payment.

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

18 Sec. 2. K.S.A. 2021 Supp. 8-2110 and 8-2110c are hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its
20 publication in the statute book.