

## HOUSE BILL No. 2193

By Committee on Corrections and Juvenile Justice

2-1

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1 AN ACT concerning motor vehicles; relating to driving privileges;  
2 revocation, suspension or restrictions thereof; fines and application  
3 fees; amending K.S.A. 2020 Supp. 8-262 and 8-2110 and repealing the  
4 existing sections; also repealing K.S.A. 2020 Supp. 8-2110b.

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

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

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

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

22 (4) Except as otherwise provided by subsection (c), if a person:

23 (A) Is convicted of a violation of this section, committed while the  
24 person's privilege to drive or privilege to obtain a driver's license was  
25 suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, and  
26 amendments thereto, or any ordinance of any city or resolution of any  
27 county or a law of another state, which ordinance or resolution or law  
28 prohibits the acts prohibited by those statutes; and

29 (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or  
30 8-1567, and amendments thereto, or any ordinance of any city or  
31 resolution of any county or law of another state, which ordinance or  
32 resolution or law prohibits the acts prohibited by those statutes, committed  
33 while the person's privilege to drive or privilege to obtain a driver's license  
34 was so suspended or revoked, the person shall not be eligible for  
35 suspension of sentence, probation or parole until the person has served at  
36 least 90 days' imprisonment, and any fine imposed on such person shall be

1 in addition to such a term of imprisonment.

2 (b) (1) *Except as provided by paragraph (2), the division, upon*  
3 *receiving a record of the conviction of any person under this section, or*  
4 *any ordinance of any city or resolution of any county or a law of another*  
5 *state which is in substantial conformity with this section, upon a charge of*  
6 *driving a vehicle while the license of such person is revoked or suspended,*  
7 *shall extend the period of such suspension or revocation for an additional*  
8 *period of ~~90~~ 30 days.*

9 (2) *For any person found guilty of driving a vehicle while the license*  
10 *of such person is suspended for violating K.S.A. 8-2110, and amendments*  
11 *thereto, the suspension or revocation shall not be extended for any*  
12 *additional time pursuant to paragraph (1).*

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

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

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

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

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

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

43 (d) For the purposes of determining whether a conviction is a first,

1 second, third or subsequent conviction in sentencing under this section,  
2 "conviction" includes a conviction of a violation of any ordinance of any  
3 city or resolution of any county or a law of another state which is in  
4 substantial conformity with this section.

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

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

34 (2) (A) In lieu of suspension under paragraph (1), the driver may  
35 submit to the division of vehicles a written request for restricted driving  
36 privileges, with a non-refundable \$25 application fee, to be applied by the  
37 division of vehicles for additional administrative costs to implement  
38 restricted driving privileges. The division shall remit all restricted driving  
39 privilege application fees to the state treasurer in accordance with the  
40 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
41 each such remittance, the state treasurer shall deposit the entire amount in  
42 the state treasury to the credit of the division of vehicles operating fund.  
43 *No application fee shall be collected in connection with such written*

1 *request.*

2 (B) A person whose driver's license has expired during the period  
3 when such person's driver's license has been suspended for failure to pay  
4 fines for traffic citations, the driver may submit to the division of vehicles  
5 a written request for restricted driving privileges, ~~with a non-refundable~~  
6 ~~\$25 application fee, to be applied by the division of vehicles for additional~~  
7 ~~administrative costs to implement restricted driving privileges. The~~  
8 ~~division shall remit all restricted driving privilege application fees to the~~  
9 ~~state treasurer in accordance with the provisions of K.S.A. 75-4215, and~~  
10 ~~amendments thereto. Upon receipt of each such remittance, the state~~  
11 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~  
12 ~~of the division of vehicles operating fund. An individual shall not qualify~~  
13 ~~for restricted driving privileges pursuant to this section unless the~~  
14 ~~following conditions are met: (i) The suspended license that expired was~~  
15 ~~issued by the division of vehicles; (ii) the suspended license resulted from~~  
16 ~~the individual's failure to comply with a traffic citation pursuant to~~  
17 ~~subsection (b)(1); (iii) the traffic citation that resulted in the failure to~~  
18 ~~comply pursuant to subsection (b)(1) was issued in this state; and (iv) the~~  
19 ~~individual has not previously received a stayed suspension as a result of a~~  
20 ~~driving while suspended conviction. No application fee shall be collected~~  
21 ~~in connection with such written request.~~

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

41 ~~(c)(1) Prior to July 1, 2018, except as provided in subsection (d),~~  
42 ~~when the district or municipal court notifies the division of vehicles of a~~  
43 ~~failure to comply with a traffic citation pursuant to subsection (b), the~~

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

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

39 (d) The district court or municipal court shall waive the reinstatement  
40 fee provided for in subsection (c), if the failure to comply with a traffic  
41 citation was the result of such person enlisting in or being drafted into the  
42 armed services of the United States, being called into service as a member  
43 of a reserve component of the military service of the United States, or

1 volunteering for such active duty, or being called into service as a member  
2 of the state of Kansas national guard, or volunteering for such active duty,  
3 and being absent from Kansas because of such military service.

4 (e) A person who is assessed a reinstatement fee pursuant to  
5 subsection (c) may petition the court that assessed the fee at any time to  
6 waive payment of the fee, any additional charge imposed pursuant to  
7 subsection (f), or any portion thereof. If it appears to the satisfaction of the  
8 court that payment of the amount due will impose manifest hardship on the  
9 person or the person's immediate family, the court may waive payment of  
10 all or part of the amount due or modify the 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, 2017, through June 30,~~  
16 ~~2019~~ *On and after July 1, 2019, through June 30, 2025*, the supreme court  
17 may impose an additional charge, not to exceed \$22 per reinstatement fee,  
18 to fund the costs of non-judicial personnel.

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

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