

HOUSE BILL No. 2211

By Committee on Judiciary

2-8

1 AN ACT concerning motor vehicles; relating to the uniform act regulating
2 traffic; driver's license reinstatement fee; waiver; amending K.S.A.
3 2018 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. 2018 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: (1) Appear before any district or municipal court in response to a
9 traffic citation and pay in full any fine and court costs imposed; or (2)
10 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
11 amendments thereto. Failure to comply with a traffic citation is a
12 misdemeanor, regardless of the disposition of the charge for which such
13 citation was originally issued.

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

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

1 privileges, with a non-refundable \$25 application fee, to be applied by the
2 division of vehicles for additional administrative costs to implement
3 restricted driving privileges. The division shall remit all restricted driving
4 privilege application fees to the state treasurer in accordance with the
5 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
6 each such remittance, the state treasurer shall deposit the entire amount in
7 the state treasury to the credit of the division of vehicles operating fund.

8 (B) A person whose driver's license has expired during the period
9 when such person's driver's license has been suspended for failure to pay
10 fines for traffic citations, the driver may submit to the division of vehicles
11 a written request for restricted driving privileges, with a non-refundable
12 \$25 application fee, to be applied by the division of vehicles for additional
13 administrative costs to implement restricted driving privileges. The
14 division shall remit all restricted driving privilege application fees to the
15 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
16 amendments thereto. Upon receipt of each such remittance, the state
17 treasurer shall deposit the entire amount in the state treasury to the credit
18 of the division of vehicles operating fund. An individual shall not qualify
19 for restricted driving privileges pursuant to this section unless the
20 following conditions are met: (i) The suspended license that expired was
21 issued by the division of vehicles; (ii) the suspended license resulted from
22 the individual's failure to comply with a traffic citation pursuant to
23 subsection (b)(1); (iii) the traffic citation that resulted in the failure to
24 comply pursuant to subsection (b)(1) was issued in this state; and (iv) the
25 individual has not previously received a stayed suspension as a result of a
26 driving while suspended conviction.

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

1 going to and returning from probation or parole meetings, drug or alcohol
2 counseling or any place the person is required to go by a court.

3 (c) (1) Prior to July 1, 2018, except as provided in subsection (d),
4 when the district or municipal court notifies the division of vehicles of a
5 failure to comply with a traffic citation pursuant to subsection (b), the
6 court shall assess a reinstatement fee of \$59 for each charge on which the
7 person failed to make satisfaction regardless of the disposition of the
8 charge for which such citation was originally issued and regardless of any
9 application for restricted driving privileges. Such reinstatement fee shall
10 be in addition to any fine, restricted driving privilege application fee,
11 district or municipal court costs and other penalties. The court shall remit
12 all reinstatement fees to the state treasurer in accordance with the
13 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
14 each such remittance, the state treasurer shall deposit the entire amount in
15 the state treasury and shall credit 42.37% of such moneys to the division of
16 vehicles operating fund, 31.78% to the community alcoholism and
17 intoxication programs fund created by K.S.A. 41-1126, and amendments
18 thereto, 10.59% to the juvenile alternatives to detention fund created by
19 K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial
20 branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp.
21 20-1a15, and amendments thereto.

22 (2) On and after July 1, 2018, except as provided in subsection (d),
23 when the district or municipal court notifies the division of vehicles of a
24 failure to comply with a traffic citation pursuant to subsection (b), the
25 court shall assess a reinstatement fee of \$100 for each charge on which the
26 person failed to make satisfaction regardless of the disposition of the
27 charge for which such citation was originally issued and regardless of any
28 application for restricted driving privileges. Such reinstatement fee shall
29 be in addition to any fine, restricted driving privilege application fee,
30 district or municipal court costs and other penalties. The court shall remit
31 all reinstatement fees to the state treasurer in accordance with the
32 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
33 each such remittance, the state treasurer shall deposit the entire amount in
34 the state treasury and shall credit the first \$15 of such reinstatement fee to
35 the judicial branch nonjudicial salary adjustment fund and of the
36 remaining amount, 29.41% of such moneys to the division of vehicles
37 operating fund, 22.06% to the community alcoholism and intoxication
38 programs fund created by K.S.A. 41-1126, and amendments thereto,
39 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
40 4803, and amendments thereto, and 41.17% to the judicial branch
41 nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15,
42 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 this
16 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, the supreme court may impose an additional charge, not to exceed
21 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

22 Sec. 2. K.S.A. 2018 Supp. 8-2110 is hereby repealed.

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