

SENATE BILL No. 500

AN ACT concerning drivers' licenses; relating to failure to comply with a traffic citation; authorizing certain individuals to be eligible for restricted driving privileges; permitting individuals with restricted driving privileges to drive to and from dropping off or picking up children from school or child care, to and from purchasing groceries or fuel and to and from religious worship services; amending K.S.A. 8-286 and 8-2110 and repealing the existing sections.

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

Section 1. K.S.A. 8-286 is hereby amended to read as follows: 8-286. Whenever the files and records of the division shall disclose that the record of convictions of any person is such that the person is an habitual violator, as prescribed by K.S.A. 8-285, and amendments thereto, the division promptly shall revoke the person's driving privileges for a period of three years, except as allowed under ~~subsection (d)(4)~~ of K.S.A. 8-235(d)(3) and 8-2110, and amendments thereto.

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

(b) (1) (A) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for ~~illegal parking, standing or stopping any violations provided in subparagraph (C)~~, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay ~~all~~ fines, court costs and any penalties *as ordered by the court* within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges *unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall restrict such person's driving privileges pursuant to the terms set forth in subparagraph (B).* The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles *unless the district or municipal court has determined pursuant to a written order that the person shall fulfill any requirements set forth by the court prior to the suspension. Failure to abide by the terms of the order shall result in the court notifying the division of vehicles that the person's license shall be suspended for the failure to comply with a traffic citation.* Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of *substantial* compliance with the terms of the traffic citation has been furnished to the informing court *unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall notify the violator that the person's driving privileges are restricted pursuant to the terms set forth in subparagraph (B).* When the court determines the person ~~has complied~~ *is in substantial compliance* with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the *restriction*,

suspension or suspension action.

(B) (i) *When restricted driving privileges are approved pursuant to this subsection, the person's driving privileges shall be restricted to driving only under the following circumstances:*

(a) *In going to or returning from the person's place of employment or schooling;*

(b) *in the course of the person's employment;*

(c) *in going to or returning from an appointment with a healthcare provider or during a medical emergency;*

(d) *in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;*

(e) *in going to or returning from dropping off or picking up one or more children from school or child care;*

(f) *in going to or returning from purchasing groceries or fuel for their vehicle; and*

(g) *in going to or returning from any religious worship service held by a religious organization.*

(ii) *A person shall not qualify for restricted driving privileges pursuant to this subparagraph if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect for the lesser of time of either:*

(a) *60 days from the date that the division of vehicles mails notice to the person of the restricted driving privileges;*

(b) *the person enters into an agreement with the court regarding the person's failure to comply; or*

(c) *the rescission of the restricted driving privileges by the division of vehicles.*

(iii) *The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of:*

(a) *A violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation; or*

(b) *operating a motor vehicle in violation of restrictions provided in clause (i) two or more times.*

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

(C) (i) *Violations of the following sections or violations of substantially similar offenses under a city ordinance shall not provide the basis for a violation of this section: K.S.A. 8-1513, 8-1532, 8-1534, 8-1536, 8-1537, 8-1538, 8-1543, 8-1569, 8-1571, 8-1572, 8-1573, 8-1578, 8-1578a, 8-1583, 8-1585, 8-1586, 8-1588, 8-1589, 8-1590, 8-1591, 8-1592, 8-15,102, 8-15,108, 8-15,113, 8-1744, 21-5607, 21-5810, 21-5815, 21-5816, 21-5817, 21-6203, 41-715, 41-727, 66-1330, 68-2106, 75-4510a and 79-34,112, and amendments thereto.*

(ii) *The provisions of this subparagraph shall be construed and applied retroactively. A person may petition the district or municipal court in which the person should have complied with the citation that led to a prior violation of this section. If the court determines that the person committed an offense that does not provide the basis for a violation of this section, as amended by this act, the court shall immediately electronically notify the division of vehicles. Upon receipt of such notification from the informing court, the division of vehicles shall terminate any restriction, suspension or suspension action that*

resulted from the prior violation of this section.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges. *The driver may apply and be eligible for restricted driving privileges pursuant to this paragraph if such driver has previously been approved for restricted driving privileges pursuant to paragraph (1).*

(B) (i) *A person whose driving privileges have been revoked solely for driving a motor vehicle on any highway as defined in K.S.A. 8-1424, and amendments thereto, of this state at a time when such person's privilege to do so was canceled, suspended or revoked for failure to comply with a traffic citation pursuant to this section may submit to the division of vehicles a written request for restricted driving privileges. A person shall not qualify for restricted driving privileges pursuant to this section if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect unless otherwise rescinded for the lesser of time of either:*

(a) The remainder of the period of time that such person's driving privileges are revoked; or

(b) three years from the date when the restricted driving privileges were approved.

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

(iii) A person operating a motor vehicle in violation of restrictions provided in subparagraph (D) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.

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

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

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

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

~~(C)(D)~~ Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles ~~for a period up to one year or~~ until the terms of the traffic citation have been *substantially* complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to *substantially* comply with the traffic citation ~~within the one year restricted period~~, the driving privileges will be suspended by the division of vehicles until the court determines the person has *substantially* complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such *substantial* compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall

be restricted to driving only under the following circumstances:

- (i) In going to or returning from the person's place of employment or schooling;
- (ii) in the course of the person's employment;
- (iii) in going to or returning from an appointment with a health care provider or during a medical emergency; ~~and~~
- (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;
- (v) *in going to or returning from dropping off or picking up one or more children from school or child care;*
- (vi) *in going to or returning from purchasing groceries or fuel for their vehicle; and*
- (vii) *in going to or returning from any religious worship service held by a religious organization.*

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

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

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

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

(3) The clerk of the district court and the clerk of the municipal court shall make forms available to any person seeking to petition the court to waive or reduce traffic fines, court costs or reinstatement fees.

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

(g) (1) Prior to issuing an order pursuant to this section that notifies the division of vehicles to restrict or suspend a person's driving privileges, the court shall consider:

(A) Waiver or reduction of fees, fines and court costs and allowing for payment plans for any fees, fines and court costs; and

(B) alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.

(2) Nothing in this subsection shall be construed to require the court to make written findings or written payment plan orders.

(h) (1) Any conviction for a failure to comply pursuant to this section shall not be considered by the district or municipal court or the division of vehicles in determining suspended or restricted driving privileges if such conviction is more than five years old.

(2) After the expiration of five years from the date of conviction, the division shall notify by mail any persons whose driving privileges were suspended or restricted and have not since been restored. The division shall notify the person that the person may be eligible for driving privileges as a result of the expiration of the five years from the conviction for the failure to comply.

(3) The provisions of this subsection shall be construed and applied retroactively.

(i) As used in this section, "substantial compliance" or "substantially complied" means the person has followed the orders of the court involving payments of fines, court costs and any penalties and has not failed substantially in making payments or satisfying the terms of the court order.

Sec. 3. K.S.A. 8-286 and 8-2110 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after January 1, 2025, and its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.

Restricted Driving Privileges for Failure to Comply With A Traffic Citation; SB 500

SB 500 amends law pertaining to restricted driving privileges for certain individuals who violate the misdemeanor offense of failure to comply with a traffic citation (failure to comply). The bill takes effect on January 1, 2025.

Failure to Comply with a Traffic Citation

Payment of Fines, Court Costs, and Penalties

Under continuing law, failure to appear in court in response to a traffic citation and pay fines and court costs associated with such citation constitutes failure to comply. Upon such failure, the individual has 30 days to appear and pay fines, court costs, and penalties before the driving privileges of the individual must be suspended.

The bill amends requirements that any such fines, court costs, or penalties be paid in full to instead require payment of an amount as ordered by the court.

Reinstatement Fees

The bill limits reinstatement fees assessed under continuing law following failure to comply to a single fee of \$100, replacing the requirement that imposes a separate \$100 reinstatement fee for each charge associated with the citation with which the individual did not comply, regardless of the disposition of the charge.

Forms for Waiving or Reducing Payment of Court Costs or Fines

Under continuing law, a person who is assessed a fine or court costs for a traffic citation may petition the court to waive payment, or any portion, of the fine or costs. The bill requires the clerks of the district court and municipal court to make forms available to any person seeking to make such a motion.

Waivers and Alternatives to Restriction or Suspension

The bill requires the court to consider the following options before issuing an order to restrict or suspend an individual's driving privileges:

- Waiver or reduction of fees, fines, and court costs, allowing for payment plans of such fees, fines, and costs; and
- Alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.

The bill specifies that in considering these waivers or alternatives, the court is not required to make written findings or written payment plan orders.

Offense Look-back

The bill prohibits courts or the Division of Vehicles (Division), Kansas Department of Revenue, from considering any conviction for a failure to comply that is older than five years in determinations of suspension or restriction of driving privileges. The bill requires the Division to notify suspended or restricted individuals whose driving privileges have not been restored that they may be eligible for driving privileges pursuant to this provision.

Exclusions

Continuing law excludes illegal parking, standing, or stopping as grounds for failure to comply. The bill excludes certain additional violations not pertaining to the operation of a motor vehicle from violations for which non-compliance with the terms of a citation constitute failure to comply and provides these exclusions apply retroactively.

The bill provides a person may petition the court to determine whether a previous violation for failure to comply is excluded under the provisions of the bill. If the court determines the person committed an offense that is excluded, the court must immediately electronically notify the Division. The Division is required to terminate any restriction, suspension, or suspension action that resulted from the prior violation upon receipt of the court's notification. [Note: Under prior law, non-compliance with any traffic citation, as defined by KSA 8-2106, excluding illegal parking, standing, or stopping, constitutes grounds for failure to comply.]

Restricted Driving Privileges

Automatic Restriction of Driving Privileges

The bill requires the Division to restrict, rather than suspend, the driving privileges of eligible individuals as described below, upon a violation of failure to comply and subsequent notification by the court.

The bill authorizes restoration of driving privileges to be provided upon an individual entering into an agreement with the court regarding the person's failure to comply.

Eligibility

Individuals are eligible for the automatic restricted driving privileges authorized under the bill, provided:

- The individual does not have more than three convictions for driving with a canceled, suspended, or revoked license; and

- The license of the individual is not suspended for reasons other than failure to comply.

The bill specifies drivers applying for restricted driving privileges in lieu of suspension under continuing law are eligible to apply for a restricted license if they have previously been approved for restricted driving privileges under the automatic granting of restricted driving privileges authorized by the bill.

Restricted Driving Privileges for Drivers with Revoked Licenses for Failure to Comply

The bill also authorizes a restricted driver's license for a person whose driving privileges have been revoked for driving while the person's driving privilege was canceled, suspended, or revoked only for failure to comply.

The bill removes, for drivers meeting the conditions for reinstatement under provisions of the bill, a mandatory three-year driver's license revocation for a driver whose license has been suspended solely for driving while the person's driving privilege was canceled, suspended, or revoked only for failure to comply.

Duration of Restrictions

The duration of restricted driving privileges varies depending on the circumstances in which restrictions are granted. For any driver granted restricted driving privileges pursuant to the bill, the Division is directed to restore driving privileges upon notice of a determination by the court that the individual has substantially complied with the terms of the traffic citation.

The bill defines "substantial compliance" to mean the person has followed the orders of the court involving payments of fines, court costs, and any penalties and has not failed substantially in making payments or satisfying the terms of the court order, and replaces existing references to "compliance" in the statute with "substantial compliance."

Otherwise, restricted driving privileges remain in effect unless otherwise rescinded, as follows:

- For drivers qualifying for automatic restriction of driving privileges prior to suspension, the lesser of:
 - 60 days from the date that the Division mails notice of restricted driving privileges; or
 - Upon the person entering into an agreement with the court regarding the person's failure to comply;
- For drivers applying for restricted driving privileges under continuing law, until the terms of the traffic citation have been substantially complied with; or
- For drivers qualifying for restricted driving privileges following license revocation, the lesser of:

- The remainder of time the person's driving privileges are revoked; or
- Three years from the date the restricted driving privileges were approved.

Permissible Driving Activities

The bill adds driving for the purpose of transporting children to and from school or child care, purchasing groceries or fuel, and attending religious worship services to the list of driving activities permitted when restricted driving privileges are granted for failure to comply. Permissible driving activities are the same for all circumstances in which restricted driving privileges are authorized under the bill.

Violation of Restrictions

The bill states a person operating a motor vehicle in violation of restrictions authorized under the bill is guilty of operating a vehicle in violation of restrictions, which is classified as a misdemeanor.

The bill requires the Division to rescind restricted driving privileges authorized under the bill if the person is found guilty of a violation, other than failure to comply, that results in driver's license suspension, revocation, or cancellation.

The bill also requires, for drivers qualifying for automatic restriction of driving privileges prior to suspension, the rescission of restricted driving privileges if the individual is found guilty of operating a motor vehicle in violation of restrictions, as provided for by the bill.