

SENATE BILL No. 440

By Committee on Judiciary

2-1

1 AN ACT concerning traffic regulations; relating to driving privileges;
2 revoking the authority to suspend a person's driving privileges or
3 driver's license due to nonpayment of fines or court costs from traffic
4 citations; providing for retroactive application thereof; amending
5 K.S.A. 8-2106 and 8-2110 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 8-2106 is hereby amended to read as follows: 8-
9 2106. (a) A law enforcement officer may prepare and deliver to a person a
10 written traffic citation on a form approved by the division of motor
11 vehicles, if the law enforcement officer stops the person for a violation of:

12 (1) The uniform act regulating traffic on highways, which violation is
13 a misdemeanor or a traffic infraction;

14 (2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 21-5607(a), 21-5810, 21-
15 5815, 21-5816, 21-5817(a), 21-6203, 40-3104, 40-3106, 41-715, 41-724,
16 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314,
17 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or 79-34,122(b);
18 or K.S.A. 21-5607(a), 21-5810, 21-5815, 21-5816, 21-5817(a) or 21-6203,
19 and amendments thereto;

20 (3) K.S.A. 31-155, and amendments thereto, involving transportation
21 of bottle rockets;

22 (4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any
23 rules and regulations adopted pursuant thereto;

24 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-
25 2001 or 31-146, and amendments thereto;

26 (6) any rules and regulations adopted pursuant to K.S.A. 31-133, and
27 amendments thereto, relating to transportation of materials or fuel;

28 (7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating
29 to the child passenger safety act; or

30 (8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating
31 to the safety belt use act.

32 (b) The citation shall contain a notice to appear in court, the name and
33 address of the person, the type of vehicle the person was driving, whether
34 hazardous materials were being transported, whether an accident occurred,
35 the state registration number of the person's vehicle, if any, a statement
36 whether the vehicle is a commercial vehicle, whether the person is

1 licensed to drive a commercial motor vehicle, the offense or offenses
2 charged, the time and place when and where the person shall appear in
3 court, the signature of the law enforcement officer and any other pertinent
4 information.

5 (c) The time specified in the notice to appear shall be at least five
6 days after the alleged violation unless the person charged with the
7 violation demands an earlier hearing.

8 (d) The place specified in the notice to appear shall be before a judge
9 of the district court within the county in which the offense is alleged to
10 have been committed.

11 (e) Except in the circumstances to which K.S.A. 8-2104(a), and
12 amendments thereto, apply, in the discretion of the law enforcement
13 officer, a person charged with a misdemeanor may give written promise to
14 appear in court by signing at least one copy of the written citation prepared
15 by the law enforcement officer, in which event the law enforcement officer
16 shall deliver a copy of the citation to the person and shall not take the
17 person into physical custody.

18 (f) When a person is charged with a traffic infraction, the notice to
19 appear shall provide a place where the person may make a written entry of
20 appearance, waive the right to a trial and plead guilty or no contest. Such
21 notice to appear shall contain a provision that the person's failure to ~~either~~
22 ~~pay such fine and court costs or~~ appear at the specified time may result in
23 suspension of the person's ~~drivers'~~ *driver's* license as provided in K.S.A. 8-
24 2110, and amendments thereto. The notice to appear shall provide a space
25 where the law enforcement officer shall enter the appropriate fine specified
26 in the uniform fine schedule contained in K.S.A. 8-2118, and amendments
27 thereto, for the violation charged and court costs in the amount provided
28 by law. If the notice to appear does not do so, the law enforcement officer
29 shall provide a person charged with a traffic infraction a form explaining
30 the person's right to appear and right to a trial and the person's right to pay
31 the appropriate fine and court costs prior to the appearance date. The law
32 enforcement officer shall provide the person with the address of the court
33 to which the written entry of appearance, waiver of trial, plea of guilty or
34 no contest and payment of fine and court costs shall be mailed.

35 (g) Any officer violating any of the provisions of subsection (f) is
36 guilty of misconduct in office and shall be subject to removal from office.

37 (h) A driverless-capable vehicle's registered owner shall be
38 responsible for all applicable traffic law violations when the automated
39 driving system is engaged. For the purposes of prosecution of traffic law
40 violations, the owner is considered to be the operator of the vehicle when
41 the automated driving system is engaged. A law enforcement officer shall
42 deliver the written traffic citation to a person charged with a traffic
43 infraction to the owner of the driverless-capable vehicle operating without

1 a conventional human driver as such terms are defined by K.S.A. 8-2901,
2 and amendments thereto, by sending the citation by certified mail to the
3 address of the owner.

4 Sec. 2. K.S.A. 8-2110 is hereby amended to read as follows: 8-2110.

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

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

33 (2) (A) In lieu of suspension under paragraph (1), the ~~driver~~ *person*
34 may submit to the division of vehicles a written request for restricted
35 driving privileges.

36 (B) A person whose driver's license has expired during the period
37 when such person's driver's license has been suspended for failure to ~~pay~~
38 ~~fines for traffic citations, the driver~~ *comply with a traffic citation pursuant*
39 *to subsection (b)(1)* may submit to the division of vehicles a written
40 request for restricted driving privileges. ~~An individual~~ *A person* shall not
41 qualify for restricted driving privileges pursuant to this section unless the
42 following conditions are met: (i) The suspended license that expired was
43 issued by the division of vehicles; (ii) the suspended license resulted from

1 the ~~individual's~~ *person's* failure to comply with a traffic citation pursuant
2 to subsection (b)(1); and (iii) the traffic citation that resulted in the failure
3 to comply pursuant to subsection (b)(1) was issued in this state.

4 (C) Upon review and approval of the ~~driver's~~ *person's* eligibility, the
5 driving privileges will be restricted by the division of vehicles for a period
6 up to one year or until the terms of the traffic citation have been complied
7 with and the court shall immediately electronically notify the division of
8 vehicles of such compliance. If the ~~driver~~ *person* fails to comply with the
9 traffic citation within the one year restricted period, the driving privileges
10 will be suspended by the division of vehicles until the court determines the
11 person has complied with the terms of the traffic citation and the court
12 shall immediately electronically notify the division of vehicles of such
13 compliance. Upon receipt of notification of such compliance from the
14 informing court, the division of vehicles shall terminate the suspension
15 action. When restricted driving privileges are approved pursuant to this
16 section, the person's driving privileges shall be restricted to driving only
17 under the following circumstances: (i) In going to or returning from the
18 person's place of employment or schooling; (ii) in the course of the
19 person's employment; (iii) in going to or returning from an appointment
20 with a health care provider or during a medical emergency; and (iv) in
21 going to and returning from probation or parole meetings, drug or alcohol
22 counseling or any place the person is required to go by a court.

23 (c) On and after July 1, 2018, except as provided in subsection (d),
24 when the district or municipal court notifies the division of vehicles of a
25 failure to comply with a traffic citation pursuant to subsection (b), the
26 court shall assess a reinstatement fee of \$100 for each charge on which the
27 person failed to make satisfaction regardless of the disposition of the
28 charge for which such citation was originally issued and regardless of any
29 application for restricted driving privileges. Such reinstatement fee shall
30 be in addition to any fine, restricted driving privilege application fee,
31 district or municipal court costs and other penalties. The court shall remit
32 all reinstatement fees to the state treasurer in accordance with the
33 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
34 each such remittance, the state treasurer shall deposit the entire amount in
35 the state treasury and shall credit the first \$15 of such reinstatement fee to
36 the state general fund and of the remaining amount, 29.41% of such
37 moneys to the division of vehicles operating fund, 22.06% to the
38 community alcoholism and intoxication programs fund created by K.S.A.
39 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to
40 detention fund created by K.S.A. 79-4803, and amendments thereto, and
41 41.17% to the state general fund.

42 (d) The district court or municipal court shall waive the reinstatement
43 fee provided for in subsection (c), if the failure to comply with a traffic

1 citation was the result of such person enlisting in or being drafted into the
2 armed services of the United States, being called into service as a member
3 of a reserve component of the military service of the United States, or
4 volunteering for such active duty, or being called into service as a member
5 of the state of Kansas national guard, or volunteering for such active duty,
6 and being absent from Kansas because of such military service.

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

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

21 (f) Except as provided further, the reinstatement fee established in
22 this section shall be the only fee collected or moneys in the nature of a fee
23 collected for such reinstatement. Such fee shall only be established by an
24 act of the legislature and no other authority is established by law or
25 otherwise to collect a fee. On and after July 1, 2019, through June 30,
26 2025, the supreme court may impose an additional charge, not to exceed
27 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

28 (g) *A person's driving privileges or driver's license shall not be*
29 *suspended due to nonpayment of fines or court costs associated with a*
30 *traffic citation. The provisions of this subsection shall apply retroactively*
31 *to a person whose driver's license was suspended prior to July 1, 2024,*
32 *due to nonpayment of fines or court costs associated with a traffic citation.*

33 Sec. 3. K.S.A. 8-2106 and 8-2110 are hereby repealed.

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