

SESSION OF 2008

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 591**

As Amended by Senate Committee on  
Judiciary

**Brief\***

SB 591, as amended, would provide a procedure by which a person, whose license is suspended for failure to comply with a traffic citation or court-ordered fine or restitution, may apply for a restricted driver's license which would be in effect for up to one year. During the period of restriction, the person would be required to appear before any district or municipal court in response to the traffic citation and pay in full any fine and court costs imposed. If the person fails to comply within the period of restriction, the person's driving privileges would be suspended until the court determines the person has complied with the court-ordered traffic citation.

A restricted driver's license pursuant to this bill would allow the person to drive:

- To and from the person's place of employment or schooling;
- In the course of the person's employment;
- During a medical emergency;
- To and from probation or parole meetings, drug or alcohol counseling or any place the person is required to go to attend an alcohol and drug safety action program; and
- At such times of the day or such places as may be specified by the order.

The bill would sunset on January 1, 2011.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

## **Background**

The impetus for SB 591 comes from the Kansas Criminal Justice Recodification, Rehabilitation, and Restoration Project (3R's Committee), which was established by the 2004 Legislature to recodify the Kansas Criminal Code, to identify ways to rehabilitate offenders and to work with offenders on community-based supervision to restore the offender as a productive member of society. A subcommittee for 3R's on reentry identified drivers' license suspensions as one of the top practical barriers to successful reentry. The subcommittee recommended that restricted driver licenses should be available to persons whose driving privileges are suspended because of unpaid fines, if the persons are willing to enter into judicially-approved agreements to make installment payments to pay off the obligations.

The proponents of the bill in the Senate Committee, as introduced, were the sponsor Senator Phillip Journey; Jeremy Barclay, Kansas Department of Corrections; Peter Ninemire, Citizen; and L. Christian Hauck, Citizen.

The opponents of the bill in the Senate Committee, as introduced, were Marcy Ralston, Kansas Department of Motor Vehicles; Judge Karen Arnold-Burger, City of Overland Park Municipal Court; and Erik Sartorious, City of Overland Park.

The Senate Committee on Judiciary amended the bill by deleting all the sections except the section on KSA 8-2110 (Failure to comply with a traffic citation). The Senate Committee deleted the language in the bill as introduced in the section on KSA 8-2110 and replaced it with language suggested by Marcy Ralston, Kansas Department of Motor Vehicles that would accomplish the original goal of the bill with language that the Department of Motor Vehicles could more easily implement. Finally, the Senate Committee added a sunset provision to review the bill in two years.

The fiscal note indicates that passage of the bill, as introduced, would require additional staff for the Department of Revenue to implement the bill, but the number of additional staff cannot be estimated because it is unknown how many persons are currently suspended for failing to comply with a traffic citation. The Department also estimates that the costs to implement this bill would total \$213,000, including \$128,000 from the State General Fund. The Department states that \$128,000 would be needed from the State General Fund for ten months of contractor programming to modify the Kansas Driver's License System and \$85,000 would be needed from the Photo Fee Fund in FY 2008 to manufacture and issue plastic licenses. Any fiscal effect resulting from the passage of SB 591 is not included in *The FY 2009 Governor's Budget Report*.

A revised fiscal note on the amendments by the Senate Committee on Judiciary is not available at this time.