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**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: House Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: March 20, 2024  
Subject: Bill Brief on SB 500

SB 500 provides restricted driver's privileges for certain individuals that fail to comply with a traffic citation, authorizes certain individuals with revoked driver's licenses to be eligible for restricted driving privileges, permits such individuals 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 and provides for hardship payment plans and waiver of fines.

Section 1 amends K.S.A. 8-286, the statute related to habitual violators, defined in K.S.A. 8-285 as a person with three or more convictions of vehicle-related crimes within the immediately preceding five years. Current law requires the division to revoke the person's driving privileges for a period of three years, except as allowed under K.S.A. 8-235, which authorizes certain persons with revoked driving privileges to have a motorized bicycle driver's license. The bill adds an additional exception for the restricted driving privileges authorized in K.S.A. 8-2110.

Section 2 amends K.S.A. 8-2110, the statute in the uniform act regulating traffic on highways related to failure to comply with a traffic citation. Current law in subsection (a) defines the misdemeanor offense as 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; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118. The bill amends subsection (a)(1) to define the violation as failure to appear before any district or municipal court in response to a traffic citation and pay any fine and court costs imposed as ordered by the court. A conforming change is made in subsection (b)(1).

Current law in subsection (b)(1) provides that when a person fails to comply and does not appear in court or pay all fines, court costs and penalties, the court notifies the division of vehicles to suspend the person's driving privileges. Upon receipt of a report of a failure to comply the

KANSAS OFFICE of  
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LEGISLATURE of THE STATE of KANSAS

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division of vehicles is required to notify the violator and suspend the violator's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. The bill provides that the division is required to suspend the violator's license 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. Current law provides an exception to this requirement if the traffic citation is for illegal parking, standing or stopping. The amendments made by the Senate Judiciary Committee expand the exception to include violations of 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. 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 subsection (b)(1)(B). Further, the bill provides that the division shall terminate the restriction upon receipt of notification from the court that the person is in substantial compliance with the terms of the traffic citation.

Subsection (b)(1)(B) provides that the person's driving privileges shall be restricted to driving only under the following circumstances: (1) In going to or returning from the person's place of employment or schooling; (2) in the course of the person's employment; (3) in going to or returning from an appointment with a healthcare provider or during a medical emergency; (4) 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; and (5) in going to or returning from dropping off or picking up one or more children from school or child care. The Senate Committee on Judiciary added (1) in going to and returning from purchasing groceries or fuel for their vehicle and (2) in going to or returning from any religious worship service held by a religious organization. A person shall not qualify for such restricted driving privileges 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 shall remain in effect for the lesser of time of either: (1) 60 days from the date that the division of vehicles mails notice to the person of the restricted driving privileges; (2) the person enters into an agreement with the court regarding the person's failure to comply; or (3) the rescission of the restricted driving privileges by the division of vehicles.

KANSAS OFFICE *of*  
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LEGISLATURE *of* THE STATE *of* KANSAS

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Subsection (b)(1)(B) also provides that the division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of: (1) A violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation; or (2) operating a motor vehicle in violation of restrictions two or more times. A person operating a motor vehicle in violation of restrictions shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291.

The bill adds a new subsection (b)(2)(B) to provide that a person whose driving privileges have been revoked solely for driving a motor vehicle when such person's license was canceled, suspended or revoked for failure to comply with a traffic citation may submit to the division of vehicles a written request for restricted driving privileges. A person will not qualify for such restricted driving privileges if such person has been convicted for driving with a cancelled, 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 shall remain in effect unless otherwise rescinded for the lesser of time of either: (1) The remainder of the period of time that such person's driving privileges are revoked; or (2) three years from the date when the restricted driving privileges were approved. The division of vehicles shall rescind restricted driving privileges 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. A person operating a motor vehicle in violation of restrictions shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291. The person's driving privileges would be restricted as provided in current law subsection (b)(1)(D) to driving only under certain circumstances, which are amended to match the list of circumstances in new subsection (b)(1)(B).

The bill amends subsection (c) to remove a provision that requires the court to 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. The district or municipal court would assess a reinstatement fee of \$100 when the court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b). Current law in subsection (e) provides that 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. The Senate Committee on Judiciary amended

the bill to provide that a person who is financially unable to pay may contact the court to request a hardship waiver to offset part or all of the balance owed. The waiver shall include options for monthly installment payments and credits earned by the person doing community service and attending court approved classes. A monthly payment amount shall be calculated based on all fines and fees and all anticipated costs owed within that jurisdiction and shall correspond to the person's ability to pay. The monthly payment plan amount shall be the greater of \$10 or 2% of the person's annual net income as of their most recent tax return divided by 12. The court may also order that a person who enters into a payment agreement shall receive credit against any remaining traffic fines and court costs owed by performing community service and attending classes aimed at defensive and safe driving techniques or a state-approved traffic school program. After such classes are approved by the court, the person shall receive a credit toward the balance owed in an amount equal to \$15 for each hour spent by the person doing community service and \$15 of each hour spent attending classes. A single page, uniform hardship waiver application form shall be made available to download from the department of revenue website in addition to being provided in the clerk's office of each court's office. If the court denies an economic hardship petition, a written explanation shall be provided to the person stating the reason or reasons for the denial.

The Senate Committee on Judiciary also added a new subsection (g) providing that a court order issued pursuant to this section that restricts or suspends an individual's driving privileges shall (1) identify what constitutes substantial compliance with the order for the individual to regain full driving privileges, (2) specify what constitutes a late or missed payment and the penalties for late or missed payments, (3) consider waiver, reduction of fees, fines and costs and allow for payment plans, and (4) consider alternative requirements such as alcohol or drug treatment in lieu of restriction or suspension of driving privileges. The committee also added a new subsection (h) providing that any conviction for a failure to comply pursuant to this section shall not be considered by the court or the division if such conviction is greater than five years old in determining suspended or restricted driving privileges. After five years, the division shall notify by mail any individuals whose driving privileges were suspended or restricted and have not been restored that the individual may be eligible for driving privileges as a result of the expiration of the five year period.

New subsection (i) provides that "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.

The bill would take effect from and after publication in the Kansas register