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**MEMORANDUM**

To: Senate Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: February 15, 2024  
Subject: Bill Brief for SB 500

Senate Bill 500 provides restricted driver's privileges for certain individuals that fail to comply with a citation, authorizes certain individuals with revoked driver's licenses to be eligible for restricted driving privileges, and permits such individuals to drive to and from dropping off or picking up children from school or child care.

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 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. 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. 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.

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 bill adds a new subsection (e)(3) to require the clerk of the district court and the clerk of the municipal court to make forms available to any person seeking petition the court to waive or reduce traffic fines, court costs or reinstatement fees.

New subsection (g) 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 statute book, July 1, 2024.