

## TRANSPORTATION

### License Suspension and Revocation for Failure to Comply with a Traffic Citation

Eric Adell  
Research Analyst  
Eric.Adell@klrd.ks.gov  
785-296-4404

Jill Shelley  
Principal Research Analyst  
Jill.Shelley@klrd.ks.gov  
785-296-8085

#### Driver's License Suspension for Failure to Comply with a Traffic Citation

KSA 8-2110 establishes the misdemeanor crime of failure to comply with a traffic citation, which is failure to appear in court or otherwise comply with a citation, including failure to pay required fines.

In Kansas, when a person fails to comply with a citation, the individual is notified they have 30 days to appear in court or pay fines, after which, the law requires the Division of Vehicles to suspend the person's driving privileges. As of August 2023, licenses of 208,347 Kansas drivers were suspended. Of these, 123,913, or 59.5 percent, were due to failure to comply with a citation.

Kansas is one of 28 states that suspends licenses for failure to pay traffic debts, and one of 38 states that suspends licenses for failure to appear in court to answer a citation.

#### Reinstatement Fees

Drivers whose licenses are suspended for failure to comply must pay reinstatement fees to have their driving privileges restored. Kansas reinstatement fees for such suspensions are among the highest in the nation at \$100 plus a \$22 court surcharge for each charge associated with the original citation, regardless of whether a court dismisses or reduces one or more of the original charges. Kansas is the only state that assesses a separate reinstatement fee for each charge on an unanswered or unpaid traffic citation.

If an individual petitions the court on the basis of financial hardship, the court, since 2019, has discretion to waive or reduce reinstatement fees. Starting in 2021, a court may also waive fines or court costs in response to such petition.

#### Restricted Driving Privileges

Since 2009, KSA 8-2110 has allowed individuals to apply for restricted driving privileges in lieu of suspension. This expanded in 2014 to also allow individuals whose licenses had expired while they were suspended to apply. Restricted driving privileges permit driving under limited circumstances—driving to and from work, school, medical appointments, emergency care, or court-appointed obligations, or in the course of employment-related duties—for up to one year, or until the terms of the traffic citation are fulfilled. However, the program is generally under-utilized for undetermined reasons.

**Eligibility expansion proposed.** Drivers whose licenses have been revoked are currently not eligible for the restricted driving privileges program. 2023 SB 2 is one proposal to expand eligibility to drivers whose licenses have been revoked solely for driving while the person's

driving privileges were suspended due to failure to comply with a traffic citation. SB 2 was recommended for passage as amended by the Senate Committee on Transportation, withdrawn from the Senate Calendar, and referred to the Senate Committee on Judiciary, where it remains as of the start of the 2024 Session.

### **Special Committee on Restricted Driving Privileges**

The Special Committee on Restricted Driving Privileges (Committee) met twice during the 2023 Interim to consider issues relating to reform of laws pertaining to restricted driving privileges. Its recommendations included the following.<sup>1</sup>

With regard to individuals whose licenses have been revoked solely for driving while the person's driving privileges were suspended due to failure to comply with a traffic citation, the Committee recommended the Legislature:

- Provide for full restoration of driving privileges once the individual complies with all outstanding fines, fees, and court obligations.

With regard to license restrictions, the Committee recommended the Legislature:

- Provide restricted driver's licenses for drivers attempting to comply and be accountable;
- Limit the number of opportunities an individual has to apply for restrictions;
- Reform law pertaining to failure to comply to begin with restrictions, with suspension subsequent to continued non-compliance; and
- Include driving children to and from child care among permissible driving activities.

The Committee further recommended the Legislature consider or review the following:

- Explore the possibility of providing for repayment plans for traffic debt with and improved communication between the Division of Vehicles and the courts;
- Consider limiting reinstatement fees to a single administrative fee per reinstatement, rather than a reinstatement fee for each charge;
- Consider revising which traffic citations can result in a driver's license suspension; and
- Consider providing more judicial discretion with regard to suspension and revocation.

Additional information can be found in the Committee resources and in the published Interim Committee Report.

---

<sup>1</sup> [http://kslegislature.org/li/b2023\\_24/committees/cte\\_spc\\_2023\\_restricted\\_driving\\_1/documents/](http://kslegislature.org/li/b2023_24/committees/cte_spc_2023_restricted_driving_1/documents/) and the published Interim Committee Report