

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 500

As Amended by Senate Committee on Judiciary

Brief*

SB 500, as amended, would amend law pertaining to restricted driving privileges for certain individuals who violate the misdemeanor offense of failure to comply with a traffic citation (failure to comply).

The bill would become effective upon publication in the *Kansas Register*.

Failure to Comply with a Traffic Citation

Payment of Fines, Court Costs, and Penalties

Under continuing law, failure to appear in court in response to a traffic citation and pay fines and court costs associated with such citation constitutes failure to comply. Upon such failure, the individual has 30 days to appear and pay fines, court costs, and penalties before the driving privileges of the individual are required to be suspended.

The bill would amend requirements that any such fines, court costs, or penalties be paid in full, to instead require payment of such sums as ordered by the court.

*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>

Reinstatement Fees

The bill would limit reinstatement fees assessed under continuing law following failure to comply to a single fee of \$100.

[*Note:* Current law imposes a separate \$100 reinstatement fee for each charge associated with the citation with which the individual did not comply, regardless of the disposition of the charge.]

Hardship Waivers; Installment Plans; Community Service Credits

The bill would remove existing language allowing waiver of fines or court costs assessed for a traffic citation and would instead allow a person to petition for an economic hardship waiver that would allow the court to offset part or all of the balance owed by such person. If the court denies an economic hardship petition, the bill would require a written explanation stating reasons for denial be provided to the petitioner.

The bill would require the Kansas Department of Revenue (KDOR) to make a waiver application form available for download on its website and in each jurisdictions' clerk of court office.

Hardship waivers would be required to include options for monthly installment payments, credits earned by doing community service, or credits earned by attending court-approved classes.

If the court allows monthly installment payments, such payments would be calculated based on all anticipated fines, fees, and costs owed within that jurisdiction and correspond to the person's ability to pay. The monthly payment amount would be the greater of \$10 or 2 percent of the person's annual net income, divided by 12.

If the court allows credits to be earned to offset fines and costs, the bill would specify such credits could be earned by attending online courses aimed at defensive and safe driving techniques or a state-approved traffic school program. The bill would specify the court must approve any community service or classes before credit is received. Credits would be calculated as \$15 for each hour spent doing community service and \$15 for each hour spent attending classes.

Offense Look-back

The bill would prohibit courts or the Division of Vehicles, KDOR (Division), from considering any conviction for a failure to comply that is older than five years in determinations of suspension of or restriction of driving privileges. The bill would require the Division to notify suspended or restricted individuals whose driving privileges have not since been restored that they may be eligible for driving privileges pursuant to this provision.

Exclusions

Continuing law excludes illegal parking, standing, or stopping as grounds for failure to comply. The bill would also exclude certain violations not pertaining to the operation of a motor vehicle, as enumerated by the bill, from violations for which noncompliance with the terms of a citation would constitute failure to comply.

[*Note:* Under current law, noncompliance with any traffic citation as defined by KSA 8-2106 constitutes grounds for failure to comply.]

Restricted Driving Privileges

Automatic Restriction of Driving Privileges

The bill would require the Division to restrict, rather than suspend, the driving privileges of eligible individuals as described below, upon a violation of failure to comply and subsequent notification by the court.

The bill would authorize restoration of driving privileges to be provided upon an individual entering into an agreement with the court regarding the person's failure to comply.

Eligibility

Individuals would be eligible for the automatic restricted driving privileges authorized under the bill, provided:

- The individual does not have more than three convictions for driving with a canceled, suspended, or revoked license; and
- The license of the individual is not suspended for reasons other than failure to comply.

The bill would specify drivers applying for restricted driving privileges in lieu of suspension under continuing law would be eligible to apply for a restricted license if they have previously been approved for restricted driving privileges under the automatic granting of restricted driving privileges authorized by the bill.

Restricted Driving Privileges for Drivers with Revoked Licenses for Failure to Comply

The bill would also authorize a restricted driver's license for a person whose driving privileges have been revoked for driving while the person's driving privilege was canceled, suspended, or revoked only for failure to comply.

The bill would remove, for drivers meeting the conditions for reinstatement under provisions of the bill, a mandatory three-year driver's license revocation for drivers whose license has been suspended solely for driving while the person's driving privilege was canceled, suspended, or revoked only for failure to comply.

Duration of Restrictions

The duration of restricted driving privileges would vary depending on the circumstances in which restrictions are granted.

For any driver granted restricted driving privileges pursuant to the bill, the Division would be directed to restore driving privileges upon notice of a determination by the court that the individual has substantially complied with the terms of the traffic citation.

The bill would define "substantial compliance" to mean 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, and would replace existing references to "compliance" in the statute with "substantial compliance."

Otherwise, restricted driving privileges would remain in effect unless otherwise rescinded, as follows:

- For drivers qualifying for automatic restriction of driving privileges prior to suspension, the lesser of:
 - 60 days from the date that the Division mails notice of restricted driving privileges; or
 - Upon the person entering into an agreement with the court regarding the person's failure to comply.

- For drivers applying for restricted driving privileges under continuing law:
 - Until the terms of the traffic citation have been substantially complied with.
- For drivers qualifying for restricted driving privileges following license revocation, the lesser of:
 - The remainder of time the person's driving privileges are revoked; or
 - Three years from the date the restricted driving privileges were approved.

Permissible Driving Activities

The bill would add driving for the purpose of transporting children to and from school or child care, purchasing groceries or fuel, and attending religious worship services to the list of driving activities permitted when restricted driving privileges are granted for failure to comply. Permissible driving activities would be the same for all circumstances in which restricted driving privileges would be authorized under the bill.

Violation of Restrictions

The bill would state a person operating a motor vehicle in violation of restrictions authorized under the bill shall be guilty of operating a vehicle in violation of restrictions, which is a misdemeanor.

The bill would require the Division to rescind restricted driving privileges authorized under the bill if the person is found guilty of a violation, other than failure to comply, that results in driver's license suspension, revocation, or cancellation.

The bill would also require, for drivers qualifying for automatic restriction of driving privileges prior to suspension, the rescission of restricted driving privileges if the individual is found guilty of operating a motor vehicle in violation of restrictions, as provided for by the bill.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Wilborn.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by Senator Faust-Goudeau, a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association, and representatives of the Kansas Chamber, the Kansas Department of Revenue, Division of Vehicles, and the Sedgwick County Board of County Commissioners. Proponents stated the bill would help people get out of the cycle of traffic debt and remain in the workforce while still being held accountable, is the product of work done by stakeholders for the last several years on the topic, and adequately addresses concerns previously raised by the Legislature.

Written-only proponent testimony was provided by three representatives of the Racial Profiling Advisory Board of Wichita.

Written-only neutral testimony was provided by a representative of Justice Action Network.

Opponent testimony was provided by a representative of Kansas Appleseed Center for Law and Justice, who expressed a general opposition to debt-based license restrictions.

The Senate Committee adopted amendments to:

- Replace existing language regarding waiver of fines, fees, and court costs with language providing for hardship payment plans and credits;
- Add language excluding certain violations from the offense of failure to comply;
- Clarify compliance under the bill must be substantial; and
- Add driving activities that would be permitted for a person with restricted driving privileges.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration (OJA) states enactment of the bill could have an unknown fiscal effect on Judicial Branch operations due to the potential for increased processing time required by filings under the provisions of the bill. OJA estimates enactment of the bill could result in a decrease in driver's license reinstatement fees, fines, and other court costs, which would affect both the State General Fund (SGF) and other state funds.

KDOR indicates that the bill would require \$1,250 from SGF in fiscal year 2025 to implement the bill and to modify its systems utilizing existing staff, though additional expenditures for outside contract programmer services beyond the KDOR's current budget may be required if implementation of the bill exceeds existing resources. KDOR also indicates changes to reinstatement fees could have an unknown effect on the proportion of those fees credited to the Division of Vehicles Operating Fund. Any fiscal effect associated with enactment

of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The League of Kansas Municipalities states enactment of the bill would not have a fiscal effect on cities. The Kansas Association of Counties is unable to estimate a fiscal effect for counties resulting from the enactment of the bill.

Driver's licenses; suspension; revocation; restricted driving privileges; failure to comply with a citation