

HOUSE BILL No. 2467

By Committee on Transportation

Requested by Representative Wilborn

1-15

1 AN ACT concerning traffic regulations; relating to failure to comply with
2 a traffic citation; prohibiting past convictions or sanctions that are more
3 than five years old from being considered by courts or the division of
4 vehicles; eliminating certain notice requirements for the division of
5 vehicles related to suspended or restricted drivers' licenses; amending
6 K.S.A. 2025 Supp. 8-2110 and repealing the existing section.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2025 Supp. 8-2110 is hereby amended to read as
10 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
11 either to: (1) Appear before any district or municipal court in response to a
12 traffic citation and pay any fine and court costs imposed as ordered by the
13 court; or (2) otherwise comply with a traffic citation as provided in K.S.A.
14 8-2118, and amendments thereto. Failure to comply with a traffic citation
15 is a misdemeanor, regardless of the disposition of the charge for which
16 such citation was originally issued.

17 (b) (1) (A) In addition to penalties of law applicable under subsection
18 (a), when a person fails to comply with a traffic citation, except for any
19 violations provided in subparagraph (C), the district or municipal court in
20 which the person should have complied with the citation shall mail notice
21 to the person that if the person does not appear in district or municipal
22 court or pay fines, court costs and any penalties as ordered by the court
23 within 30 days from the date of mailing notice, the division of vehicles
24 will be notified to suspend the person's driving privileges unless such
25 person is eligible for restricted driving privileges pursuant to subparagraph
26 (B). If the person is eligible for restricted driving privileges, the division of
27 vehicles shall restrict such person's driving privileges pursuant to the terms
28 set forth in subparagraph (B). The district or municipal court may charge
29 an additional fee of \$5 for mailing such notice. Upon the person's failure to
30 comply within such 30 days of mailing notice, the district or municipal
31 court shall electronically notify the division of vehicles unless the district
32 or municipal court has determined pursuant to a written order that the
33 person shall fulfill any requirements set forth by the court prior to the
34 suspension. Failure to abide by the terms of the order shall result in the
35 court notifying the division of vehicles that the person's license shall be

1 suspended for the failure to comply with a traffic citation. Upon receipt of
2 a report of a failure to comply with a traffic citation under this subsection,
3 pursuant to K.S.A. 8-255, and amendments thereto, the division of
4 vehicles shall notify the violator and suspend the license of the violator
5 until satisfactory evidence of substantial compliance with the terms of the
6 traffic citation has been furnished to the informing court unless such
7 person is eligible for restricted driving privileges pursuant to subparagraph
8 (B). If the person is eligible for restricted driving privileges, the division of
9 vehicles shall notify the violator that the person's driving privileges are
10 restricted pursuant to the terms set forth in subparagraph (B). When the
11 court determines the person is in substantial compliance with the terms of
12 the traffic citation, the court shall immediately electronically notify the
13 division of vehicles of such compliance. Upon receipt of notification of
14 such compliance from the informing court, the division of vehicles shall
15 terminate the restriction, suspension or suspension action.

16 (B) (i) When restricted driving privileges are approved pursuant to
17 this subsection, the person's driving privileges shall be restricted to driving
18 only under the following circumstances:

19 (a) In going to or returning from the person's place of employment or
20 schooling;

21 (b) in the course of the person's employment;

22 (c) in going to or returning from an appointment with a healthcare
23 provider or during a medical emergency;

24 (d) in going to and returning from probation or parole meetings, drug
25 or alcohol counseling or any place the person is required to go by a court;

26 (e) in going to or returning from dropping off or picking up one or
27 more children from school or child care;

28 (f) in going to or returning from purchasing groceries or fuel for their
29 vehicle; and

30 (g) in going to or returning from any religious worship service held
31 by a religious organization.

32 (ii) A person shall not qualify for restricted driving privileges
33 pursuant to this subparagraph if such person has been convicted for driving
34 with a canceled, suspended or revoked license more than three times or if
35 such person is suspended for reasons other than a failure to comply with a
36 traffic citation at the time of application. Restricted driving privileges
37 approved pursuant to this subparagraph shall remain in effect for the lesser
38 of time of either:

39 (a) 60 days from the date that the division of vehicles mails notice to
40 the person of the restricted driving privileges;

41 (b) the person enters into an agreement with the court regarding the
42 person's failure to comply; or

43 (c) the rescission of the restricted driving privileges by the division of

1 vehicles.

2 (iii) The division shall rescind restricted driving privileges for any
3 person authorized pursuant to this subparagraph if the person is found
4 guilty of:

5 (a) A violation resulting in a license suspension, revocation or
6 cancellation for reasons other than failure to comply with a traffic citation;
7 or

8 (b) operating a motor vehicle in violation of restrictions provided in
9 clause (i) two or more times.

10 (iv) A person operating a motor vehicle in violation of restrictions
11 provided in clause (i) shall be guilty of operating a vehicle in violation of
12 restrictions as provided in K.S.A. 8-291, and amendments thereto.

13 (C) (i) Violations of the following sections or violations of
14 substantially similar offenses under a city ordinance shall not provide the
15 basis for a violation of this section: K.S.A. 8-1513, 8-1532, 8-1534, 8-
16 1536, 8-1537, 8-1538, 8-1543, 8-1569, 8-1571, 8-1572, 8-1573, 8-1578, 8-
17 1578a, 8-1583, 8-1585, 8-1586, 8-1588, 8-1589, 8-1590, 8-1591, 8-1592,
18 8-15,102, 8-15,108, 8-15,113, 8-1744, 21-5607, 21-5810, 21-5815, 21-
19 5816, 21-5817, 21-6203, 41-715, 41-727, 66-1330, 68-2106, 75-4510a and
20 79-34,112, and amendments thereto.

21 (ii) The provisions of this subparagraph shall be construed and
22 applied retroactively. A person may petition the district or municipal court
23 in which the person should have complied with the citation that led to a
24 prior violation of this section. If the court determines that the person
25 committed an offense that does not provide the basis for a violation of this
26 section, as amended by this act, the court shall immediately electronically
27 notify the division of vehicles. Upon receipt of such notification from the
28 informing court, the division of vehicles shall terminate any restriction,
29 suspension or suspension action that resulted from the prior violation of
30 this section.

31 (2) (A) In lieu of suspension under paragraph (1), the driver may
32 submit to the division of vehicles a written request for restricted driving
33 privileges. The driver may apply and be eligible for restricted driving
34 privileges pursuant to this paragraph if such driver has previously been
35 approved for restricted driving privileges pursuant to paragraph (1).

36 (B) (i) A person whose driving privileges have been revoked solely
37 for driving a motor vehicle on any highway as defined in K.S.A. 8-1424,
38 and amendments thereto, of this state at a time when such person's
39 privilege to do so was canceled, suspended or revoked for failure to
40 comply with a traffic citation pursuant to this section may submit to the
41 division of vehicles a written request for restricted driving privileges. A
42 person shall not qualify for restricted driving privileges pursuant to this
43 section if such person has been convicted for driving with a canceled,

1 suspended or revoked license more than three times or if such person is
2 suspended for reasons other than a failure to comply with a traffic citation
3 at the time of application. Restricted driving privileges approved pursuant
4 to this subparagraph shall remain in effect unless otherwise rescinded for
5 the lesser of time of either:

6 (a) The remainder of the period of time that such person's driving
7 privileges are revoked; or

8 (b) three years from the date when the restricted driving privileges
9 were approved.

10 (ii) The division shall rescind restricted driving privileges for any
11 person authorized pursuant to this subparagraph if the person is found
12 guilty of a violation resulting in a license suspension, revocation or
13 cancellation for reasons other than failure to comply with a traffic citation.

14 (iii) A person operating a motor vehicle in violation of restrictions
15 provided in subparagraph (D) shall be guilty of operating a vehicle in
16 violation of restrictions as provided in K.S.A. 8-291, and amendments
17 thereto.

18 (C) A person whose driver's license has expired during the period
19 when such person's driver's license has been suspended for failure to pay
20 fines for traffic citations, the driver may submit to the division of vehicles
21 a written request for restricted driving privileges. ~~An~~ A person shall not
22 qualify for restricted driving privileges pursuant to this section unless the
23 following conditions are met:

24 (i) The suspended license that expired was issued by the division of
25 vehicles;

26 (ii) the suspended license resulted from the individual's failure to
27 comply with a traffic citation pursuant to subsection (b)(1); and

28 (iii) the traffic citation that resulted in the failure to comply pursuant
29 to subsection (b)(1) was issued in this state.

30 (D) Upon review and approval of the driver's eligibility, the driving
31 privileges will be restricted by the division of vehicles until the terms of
32 the traffic citation have been substantially complied with and the court
33 shall immediately electronically notify the division of vehicles of such
34 compliance. If the driver fails to substantially comply with the traffic
35 citation, the driving privileges will be suspended by the division of
36 vehicles until the court determines the person has substantially complied
37 with the terms of the traffic citation and the court shall immediately
38 electronically notify the division of vehicles of such substantial
39 compliance. Upon receipt of notification of such compliance from the
40 informing court, the division of vehicles shall terminate the suspension
41 action. When restricted driving privileges are approved pursuant to this
42 section, the person's driving privileges shall be restricted to driving only
43 under the following circumstances:

1 (i) In going to or returning from the person's place of employment or
2 schooling;
3 (ii) in the course of the person's employment;
4 (iii) in going to or returning from an appointment with a health care
5 provider or during a medical emergency;
6 (iv) in going to and returning from probation or parole meetings, drug
7 or alcohol counseling or any place the person is required to go by a court;
8 (v) in going to or returning from dropping off or picking up one or
9 more children from school or child care;
10 (vi) in going to or returning from purchasing groceries or fuel for
11 their vehicle; and
12 (vii) in going to or returning from any religious worship service held
13 by a religious organization.

14 (c) Except as provided in subsection (d), when the district or
15 municipal court notifies the division of vehicles of a failure to comply with
16 a traffic citation pursuant to subsection (b), the court shall assess a
17 reinstatement fee of \$100. Such reinstatement fee shall be in addition to
18 any fine, restricted driving privilege application fee, district or municipal
19 court costs and other penalties. The court shall remit all reinstatement fees
20 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
21 and amendments thereto. Upon receipt of each such remittance, the state
22 treasurer shall deposit the entire amount in the state treasury and shall
23 credit the first \$15 of such reinstatement fee to the state general fund and
24 of the remaining amount, 29.41% of such moneys to the division of
25 vehicles operating fund, 22.06% to the community alcoholism and
26 intoxication programs fund created by K.S.A. 41-1126, and amendments
27 thereto, 7.36% to the juvenile alternatives to detention fund created by
28 K.S.A. 79-4803, and amendments thereto, and 41.17% to the state general
29 fund.

30 (d) The district court or municipal court shall waive the reinstatement
31 fee provided for in subsection (c), if the failure to comply with a traffic
32 citation was the result of such person enlisting in or being drafted into the
33 armed services of the United States, being called into service as a member
34 of a reserve component of the military service of the United States, or
35 volunteering for such active duty, or being called into service as a member
36 of the state of Kansas national guard, or volunteering for such active duty,
37 and being absent from Kansas because of such military service.

38 (e) (1) A person who is assessed a reinstatement fee pursuant to
39 subsection (c) may petition the court that assessed the fee at any time to
40 waive payment of the fee, any additional charge imposed pursuant to
41 subsection (f), or any portion thereof. If it appears to the satisfaction of the
42 court that payment of the amount due will impose manifest hardship on the
43 person or the person's immediate family, the court may waive payment of

1 all or part of the amount due or modify the method of payment.

2 (2) A person who is assessed a fine or court costs for a traffic citation
3 may petition the court that assessed the fine or costs at any time to waive
4 payment of the fine or costs, or any portion thereof. If it appears to the
5 satisfaction of the court that payment of the amount due will impose
6 manifest hardship on the person or the person's immediate family, the
7 court may waive payment of all or part of the amount due or modify the
8 method of payment.

9 (3) The clerk of the district court and the clerk of the municipal court
10 shall make forms available to any person seeking to petition the court to
11 waive or reduce traffic fines, court costs or reinstatement fees.

12 (f) Except as provided further, the reinstatement fee established in
13 this section shall be the only fee collected or moneys in the nature of a fee
14 collected for such reinstatement. Such fee shall only be established by an
15 act of the legislature and no other authority is established by law or
16 otherwise to collect a fee. On and after July 1, 2019, through June 30,
17 2025, the supreme court may impose an additional charge, not to exceed
18 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

19 (g) (1) Prior to issuing an order pursuant to this section that notifies
20 the division of vehicles to restrict or suspend a person's driving privileges,
21 the court shall consider:

22 (A) Waiver or reduction of fees, fines and court costs and allowing
23 for payment plans for any fees, fines and court costs; and

24 (B) alternative requirements in lieu of restriction or suspension of
25 driving privileges, including, but not limited to, alcohol or drug treatment
26 or community service.

27 (2) Nothing in this subsection shall be construed to require the court
28 to make written findings or written payment plan orders.

29 (h) (1) Any conviction *or sanction* for a failure to comply pursuant to
30 this section shall not be considered by the district or municipal court or the
31 division of vehicles in determining suspended or restricted driving
32 privileges if such conviction *or sanction* is more than five years old.

33 (2) ~~After the expiration of five years from the date of conviction, the~~
34 ~~division shall notify by mail any persons whose driving privileges were~~
35 ~~suspended or restricted and have not since been restored. The division~~
36 ~~shall notify the person that the person may be eligible for driving~~
37 ~~privileges as a result of the expiration of the five years from the conviction~~
38 ~~for the failure to comply.~~

39 (3) The provisions of this subsection *and the amendments made to*
40 *this subsection by this act* shall be construed and applied retroactively.

41 (i) As used in this section, "substantial compliance" or "substantially
42 complied" means the person has followed the orders of the court involving
43 payments of fines, court costs and any penalties and has not failed

- 1 substantially in making payments or satisfying the terms of the court order.
- 2 Sec. 2. K.S.A. 2025 Supp. 8-2110 is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the statute book.