

## HOUSE BILL No. 2654

By Committee on Corrections and Juvenile Justice

Requested by Jennifer King on behalf of the Department of Corrections

2-3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       (c) the rescission of the restricted driving privileges by the division of  
2 vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 under the following circumstances:

2       (i) In going to or returning from the person's place of employment or  
3       schooling;

4       (ii) in the course of the person's employment;

5       (iii) in going to or returning from an appointment with a health care  
6       provider or during a medical emergency;

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

9       (v) in going to or returning from dropping off or picking up one or  
10      more children from school or child care;

11      (vi) in going to or returning from purchasing groceries or fuel for  
12      their vehicle; and

13      (vii) in going to or returning from any religious worship service held  
14      by a religious organization.

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

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

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

1 person or the person's immediate family, the court may waive payment of  
2 all or part of the amount due or modify the method of payment.

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

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

13 (f) Except as provided further, the reinstatement fee established in  
14 this section shall be the only fee collected or moneys in the nature of a fee  
15 collected for such reinstatement. Such fee shall only be established by an  
16 act of the legislature and no other authority is established by law or  
17 otherwise to collect a fee. On and after July 1, 2019, through June 30,  
18 2025, the supreme court may impose an additional charge, not to exceed  
19 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

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

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

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

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

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

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

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

42 (i) As used in this section, "substantial compliance" or "substantially  
43 complied" means the person has followed the orders of the court involving

1 payments of fines, court costs and any penalties and has not failed  
2 substantially in making payments or satisfying the terms of the court order.

3 Sec. 2. K.S.A. 2025 Supp. 8-2110 is hereby repealed.

4 Sec. 3. This act shall take effect and be in force from and after its  
5 publication in the statute book.