

**SENATE BILL No. 5**

By Senator Faust-Goudeau

12-6

1 AN ACT concerning drivers' licenses; relating to restricted driving  
2 privileges, qualifications; amending K.S.A. 2016 Supp. 8-2110 and  
3 repealing the existing section.  
4

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

6 Section 1. K.S.A. 2016 Supp. 8-2110 is hereby amended to read as  
7 follows: 8-2110. (a) Failure to comply with a traffic citation means failure  
8 either to: (1) Appear before any district or municipal court in response to a  
9 traffic citation and pay in full any fine and court costs imposed; or (2)  
10 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and  
11 amendments thereto. Failure to comply with a traffic citation is a  
12 misdemeanor, regardless of the disposition of the charge for which such  
13 citation was originally issued.

14 (b) (1) In addition to penalties of law applicable under subsection (a),  
15 when a person fails to comply with a traffic citation, except for illegal  
16 parking, standing or stopping, the district or municipal court in which the  
17 person should have complied with the citation shall mail notice to the  
18 person that if the person does not appear in district or municipal court or  
19 pay all fines, court costs and any penalties within 30 days from the date of  
20 mailing notice, the division of vehicles will be notified to suspend the  
21 person's driving privileges. The district or municipal court may charge an  
22 additional fee of \$5 for mailing such notice. Upon the person's failure to  
23 comply within such 30 days of mailing notice, the district or municipal  
24 court shall electronically notify the division of vehicles. Upon receipt of a  
25 report of a failure to comply with a traffic citation under this subsection,  
26 pursuant to K.S.A. 8-255, and amendments thereto, the division of  
27 vehicles shall notify the violator and suspend the license of the violator  
28 until satisfactory evidence of compliance with the terms of the traffic  
29 citation has been furnished to the informing court. When the court  
30 determines the person has complied with the terms of the traffic citation,  
31 the court shall immediately electronically notify the division of vehicles of  
32 such compliance. Upon receipt of notification of such compliance from the  
33 informing court, the division of vehicles shall terminate the suspension or  
34 suspension action.

35 (2) (A) In lieu of suspension under paragraph (1), the driver may  
36 submit to the division of vehicles a written request for restricted driving

1 privileges, with a non-refundable \$25 application fee, to be applied by the  
2 division of vehicles for additional administrative costs to implement  
3 restricted driving privileges. The division shall remit all restricted driving  
4 privilege application fees to the state treasurer in accordance with the  
5 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
6 each such remittance, the state treasurer shall deposit the entire amount in  
7 the state treasury to the credit of the division of vehicles operating fund.

8 (B) A person whose driver's license has expired during the period  
9 when such person's driver's license has been suspended for failure to pay  
10 fines for traffic citations, the driver may submit to the division of vehicles  
11 a written request for restricted driving privileges, with a non-refundable  
12 \$25 application fee, to be applied by the division of vehicles for additional  
13 administrative costs to implement restricted driving privileges. The  
14 division shall remit all restricted driving privilege application fees to the  
15 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
16 amendments thereto. Upon receipt of each such remittance, the state  
17 treasurer shall deposit the entire amount in the state treasury to the credit  
18 of the division of vehicles operating fund. An individual shall not qualify  
19 for restricted driving privileges pursuant to this section unless the  
20 following conditions are met: (i) The suspended license that expired was  
21 issued by the division of vehicles; (ii) the suspended license resulted from  
22 the individual's failure to comply with a traffic citation pursuant to  
23 subsection (b)(1); *and* (iii) the traffic citation that resulted in the failure to  
24 comply pursuant to subsection (b)(1) was issued in this state; ~~and (iv) the~~  
25 ~~individual has not previously received a stayed suspension as a result of a~~  
26 ~~driving while suspended conviction.~~

27 (C) Upon review and approval of the driver's eligibility, the driving  
28 privileges will be restricted by the division of vehicles for a period up to  
29 one year or until the terms of the traffic citation have been complied with  
30 and the court shall immediately electronically notify the division of  
31 vehicles of such compliance. If the driver fails to comply with the traffic  
32 citation within the one year restricted period, the driving privileges will be  
33 suspended by the division of vehicles until the court determines the person  
34 has complied with the terms of the traffic citation and the court shall  
35 immediately electronically notify the division of vehicles of such  
36 compliance. Upon receipt of notification of such compliance from the  
37 informing court, the division of vehicles shall terminate the suspension  
38 action. When restricted driving privileges are approved pursuant to this  
39 section, the person's driving privileges shall be restricted to driving only  
40 under the following circumstances: (i) In going to or returning from the  
41 person's place of employment or schooling; (ii) in the course of the  
42 person's employment; (iii) in going to or returning from an appointment  
43 with a health care provider or during a medical emergency; and (iv) in

1 going to and returning from probation or parole meetings, drug or alcohol  
2 counseling or any place the person is required to go by a court.

3 (c) Except as provided in subsection (d), when the district or  
4 municipal court notifies the division of vehicles of a failure to comply with  
5 a traffic citation pursuant to subsection (b), the court shall assess a  
6 reinstatement fee of \$59 for each charge on which the person failed to  
7 make satisfaction regardless of the disposition of the charge for which  
8 such citation was originally issued and regardless of any application for  
9 restricted driving privileges. Such reinstatement fee shall be in addition to  
10 any fine, restricted driving privilege application fee, district or municipal  
11 court costs and other penalties. The court shall remit all reinstatement fees  
12 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
13 and amendments thereto. Upon receipt of each such remittance, the state  
14 treasurer shall deposit the entire amount in the state treasury and shall  
15 credit 42.37% of such moneys to the division of vehicles operating fund,  
16 31.78% to the community alcoholism and intoxication programs fund  
17 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the  
18 juvenile alternatives to detention fund created by K.S.A. 79-4803, and  
19 amendments thereto, and 15.26% to the judicial branch nonjudicial salary  
20 adjustment fund created by K.S.A. 2016 Supp. 20-1a15, and amendments  
21 thereto.

22 (d) The district court or municipal court shall waive the reinstatement  
23 fee provided for in subsection (c), if the failure to comply with a traffic  
24 citation was the result of such person enlisting in or being drafted into the  
25 armed services of the United States, being called into service as a member  
26 of a reserve component of the military service of the United States, or  
27 volunteering for such active duty, or being called into service as a member  
28 of the state of Kansas national guard, or volunteering for such active duty,  
29 and being absent from Kansas because of such military service. In any  
30 case of a failure to comply with a traffic citation which occurred on or  
31 after August 1, 1990, and prior to the effective date of this act, in which a  
32 person was assessed and paid a reinstatement fee and the person failed to  
33 comply with a traffic citation because the person was absent from Kansas  
34 because of any such military service, the reinstatement fee shall be  
35 reimbursed to such person upon application therefor. The state treasurer  
36 and the director of accounts and reports shall prescribe procedures for all  
37 such reimbursement payments and shall create appropriate accounts, make  
38 appropriate accounting entries and issue such appropriate vouchers and  
39 warrants as may be required to make such reimbursement payments.

40 (e) Except as provided further, the reinstatement fee established in  
41 this section shall be the only fee collected or moneys in the nature of a fee  
42 collected for such reinstatement. Such fee shall only be established by an  
43 act of the legislature and no other authority is established by law or

1 otherwise to collect a fee. On and after July 1, 2015, through June 30,  
2 2017, the supreme court may impose an additional charge, not to exceed  
3 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

4 Sec. 2. K.S.A. 2016 Supp. 8-2110 is hereby repealed.

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