

SENATE BILL No. 143

By Senator Faust-Goudeau

2-11

1 AN ACT concerning drivers' licenses; relating to eligibility for restricted
2 driving privileges; qualifications; voluntary surrender; amending
3 K.S.A. 8-298 and K.S.A. 2018 Supp. 8-2110 and repealing the existing
4 sections.

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

7 New Section 1. (a) A person whose driving privileges have been
8 revoked for driving a motor vehicle on any highway of this state at a time
9 when such person's privilege to do so was canceled, suspended or revoked
10 may submit to the division of vehicles a written request for restricted
11 driving privileges, with a non-refundable \$25 application fee, to be applied
12 by the division of vehicles for additional administrative costs to implement
13 restricted driving privileges. The division shall remit all restricted driving
14 privilege application fees to the state treasurer in accordance with the
15 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
16 each such remittance, the state treasurer shall deposit the entire amount in
17 the state treasury to the credit of the division of vehicles operating fund. A
18 person shall not qualify for restricted driving privileges pursuant to this
19 section if such person has been convicted pursuant to K.S.A. 8-255(a)(4),
20 and amendments thereto, for driving with a canceled, suspended or
21 revoked license for more than two times.

22 (b) Upon review and approval of the person's eligibility, the person's
23 driving privileges will be restricted by the division of vehicles for a period
24 of up to one year. When restricted driving privileges are approved pursuant
25 to this section, the person's driving privileges shall be restricted to driving
26 only under the following circumstances: (1) In going to or returning from
27 the person's place of employment or schooling; (2) in the course of the
28 person's employment; (3) in going to or returning from an appointment
29 with a health care provider or during a medical emergency; (4) in going to
30 and returning from probation or parole meetings, drug or alcohol
31 counseling or any place the person is required to go by a court; and (5) in
32 going directly to or from any religious worship service held by a religious
33 organization. "Religious organization" shall have the same meaning as
34 defined in K.S.A. 8-234a, and amendments thereto.

35 Sec. 2. K.S.A. 2018 Supp. 8-2110 is hereby amended to read as
36 follows: 8-2110. (a) Failure to comply with a traffic citation means failure

1 either to: (1) Appear before any district or municipal court in response to a
2 traffic citation and pay in full any fine and court costs imposed; or (2)
3 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
4 amendments thereto. Failure to comply with a traffic citation is a
5 misdemeanor, regardless of the disposition of the charge for which such
6 citation was originally issued.

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

28 (2) (A) In lieu of suspension under paragraph (1), the driver may
29 submit to the division of vehicles a written request for restricted driving
30 privileges, with a non-refundable \$25 application fee, to be applied by the
31 division of vehicles for additional administrative costs to implement
32 restricted driving privileges. The division shall remit all restricted driving
33 privilege application fees to the state treasurer in accordance with the
34 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
35 each such remittance, the state treasurer shall deposit the entire amount in
36 the state treasury to the credit of the division of vehicles operating fund.

37 (B) A person whose driver's license has expired during the period
38 when such person's driver's license has been suspended for failure to pay
39 fines for traffic citations, the driver may submit to the division of vehicles
40 a written request for restricted driving privileges, with a non-refundable
41 \$25 application fee, to be applied by the division of vehicles for additional
42 administrative costs to implement restricted driving privileges. The
43 division shall remit all restricted driving privilege application fees to the

1 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
2 amendments thereto. Upon receipt of each such remittance, the state
3 treasurer shall deposit the entire amount in the state treasury to the credit
4 of the division of vehicles operating fund. An individual shall not qualify
5 for restricted driving privileges pursuant to this section unless the
6 following conditions are met: (i) The suspended license that expired was
7 issued by the division of vehicles; (ii) the suspended license resulted from
8 the individual's failure to comply with a traffic citation pursuant to
9 subsection (b)(1); (iii) the traffic citation that resulted in the failure to
10 comply pursuant to subsection (b)(1) was issued in this state; and (iv) the
11 individual has not previously ~~received a stayed suspension as a result of a~~
12 ~~driving while suspended conviction~~ *applied for and received a restricted*
13 *driver's license pursuant to this section after June 30, 2019.*

14 (C) Upon review and approval of the driver's eligibility, the driving
15 privileges will be restricted by the division of vehicles for a period up to
16 one year or until the terms of the traffic citation have been complied with
17 and the court shall immediately electronically notify the division of
18 vehicles of such compliance. If the driver fails to comply with the traffic
19 citation within the one year restricted period, the driving privileges will be
20 suspended by the division of vehicles until the court determines the person
21 has complied with the terms of the traffic citation and the court shall
22 immediately electronically notify the division of vehicles of such
23 compliance. Upon receipt of notification of such compliance from the
24 informing court, the division of vehicles shall terminate the suspension
25 action. When restricted driving privileges are approved pursuant to this
26 section, the person's driving privileges shall be restricted to driving only
27 under the following circumstances: (i) In going to or returning from the
28 person's place of employment or schooling; (ii) in the course of the
29 person's employment; (iii) in going to or returning from an appointment
30 with a health care provider or during a medical emergency; ~~and~~ (iv) in
31 going to and returning from probation or parole meetings, drug or alcohol
32 counseling or any place the person is required to go by a court; *and (v) in*
33 *going directly to or from any religious worship service held by a religious*
34 *organization. "Religious organization" shall have the same meaning as*
35 *defined in K.S.A. 8-234a, and amendments thereto.*

36 (c) (1) Prior to July 1, 2018, except as provided in subsection (d),
37 when the district or municipal court notifies the division of vehicles of a
38 failure to comply with a traffic citation pursuant to subsection (b), the
39 court shall assess a reinstatement fee of \$59 for each charge on which the
40 person failed to make satisfaction regardless of the disposition of the
41 charge for which such citation was originally issued and regardless of any
42 application for restricted driving privileges. Such reinstatement fee shall
43 be in addition to any fine, restricted driving privilege application fee,

1 district or municipal court costs and other penalties. The court shall remit
2 all reinstatement fees to the state treasurer in accordance with the
3 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
4 each such remittance, the state treasurer shall deposit the entire amount in
5 the state treasury and shall credit 42.37% of such moneys to the division of
6 vehicles operating fund, 31.78% to the community alcoholism and
7 intoxication programs fund created by K.S.A. 41-1126, and amendments
8 thereto, 10.59% to the juvenile alternatives to detention fund created by
9 K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial
10 branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp.
11 20-1a15, and amendments thereto.

12 (2) On and after July 1, 2018, except as provided in subsection (d),
13 when the district or municipal court notifies the division of vehicles of a
14 failure to comply with a traffic citation pursuant to subsection (b), the
15 court shall assess a reinstatement fee of \$100 for each charge on which the
16 person failed to make satisfaction regardless of the disposition of the
17 charge for which such citation was originally issued and regardless of any
18 application for restricted driving privileges. Such reinstatement fee shall
19 be in addition to any fine, restricted driving privilege application fee,
20 district or municipal court costs and other penalties. The court shall remit
21 all reinstatement fees to the state treasurer in accordance with the
22 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
23 each such remittance, the state treasurer shall deposit the entire amount in
24 the state treasury and shall credit the first \$15 of such reinstatement fee to
25 the judicial branch nonjudicial salary adjustment fund and of the
26 remaining amount, 29.41% of such moneys to the division of vehicles
27 operating fund, 22.06% to the community alcoholism and intoxication
28 programs fund created by K.S.A. 41-1126, and amendments thereto,
29 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
30 4803, and amendments thereto, and 41.17% to the judicial branch
31 nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15,
32 and amendments thereto.

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

41 (e) Except as provided further, the reinstatement fee established in
42 this section shall be the only fee collected or moneys in the nature of a fee
43 collected for such reinstatement. Such fee shall only be established by an

1 act of the legislature and no other authority is established by law or
2 otherwise to collect a fee. On and after July 1, 2017, through June 30,
3 2019, the supreme court may impose an additional charge, not to exceed
4 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

5 Sec. 3. K.S.A. 8-298 is hereby amended to read as follows: 8-298. (a)
6 The division of vehicles shall accept any voluntary surrender of a driver's
7 license by the licensee.

8 (b) A licensee may surrender such licensee's driver's license at any
9 driver license examination station and such driver's license shall be
10 forwarded to the division. Upon surrender of such driver's license, the
11 division shall note on the person's driving record that such driver's license
12 has been voluntarily surrendered.

13 (c) Nothing herein shall prohibit a person from applying or the
14 division from granting a new driver's license upon application of such
15 person, if the person is otherwise eligible to apply for a driver's license. No
16 person who has voluntarily surrendered such person's driver's license shall
17 be eligible to apply for a new license for a period of at least ~~90~~ 60 days.

18 (d) The voluntary surrender of a driver's license under this section
19 shall not affect the authority of the division or of a court to suspend,
20 revoke, cancel or withdraw the person's driving privileges or the privilege
21 to obtain a driver's license under any other statute or ordinance.

22 (e) This section shall be a part of and supplemental to the motor
23 vehicle drivers' license act.

24 Sec. 4. K.S.A. 8-298 and K.S.A. 2018 Supp. 8-2110 are hereby
25 repealed.

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