

SENATE BILL No. 275

By Committee on Transportation

1-16

1 AN ACT concerning drivers' licenses; relating to certain restrictions;
2 removing the additional 90-day period for suspended or revoked
3 licenses; eligibility for restricted driving privileges; amending K.S.A.
4 2019 Supp. 8-262 and 8-2110 and repealing the existing sections.

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

7 Section 1. K.S.A. 2019 Supp. 8-262 is hereby amended to read as
8 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any
9 highway of this state at a time when such person's privilege so to do is
10 canceled, suspended or revoked or while such person's privilege to obtain
11 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and
12 amendments thereto, shall be guilty of a class B nonperson misdemeanor
13 on the first conviction and a class A nonperson misdemeanor on the second
14 or subsequent conviction.

15 (2) No person shall be convicted under this section if such person was
16 entitled at the time of arrest under K.S.A. 8-257, and amendments thereto,
17 to the return of such person's driver's license.

18 (3) Except as otherwise provided by subsection (a)(4) or (c), every
19 person convicted under this section shall be sentenced to at least five days'
20 imprisonment and fined at least \$100 and upon a second conviction shall
21 not be eligible for parole until completion of five days' imprisonment.

22 (4) Except as otherwise provided by subsection ~~(e)~~ (b), if a person:
23 (A) Is convicted of a violation of this section, committed while the
24 person's privilege to drive or privilege to obtain a driver's license was
25 suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, and
26 amendments thereto, or any ordinance of any city or resolution of any
27 county or a law of another state, which ordinance or resolution or law
28 prohibits the acts prohibited by those statutes; and (B) is or has been also
29 convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments
30 thereto, or any ordinance of any city or resolution of any county or law of
31 another state, which ordinance or resolution or law prohibits the acts
32 prohibited by those statutes, committed while the person's privilege to
33 drive or privilege to obtain a driver's license was so suspended or revoked,
34 the person shall not be eligible for suspension of sentence, probation or
35 parole until the person has served at least 90 days' imprisonment, and any
36 fine imposed on such person shall be in addition to such a term of

1 imprisonment.

2 ~~(b) The division, upon receiving a record of the conviction of any~~
3 ~~person under this section, or any ordinance of any city or resolution of any~~
4 ~~county or a law of another state which is in substantial conformity with~~
5 ~~this section, upon a charge of driving a vehicle while the license of such~~
6 ~~person is revoked or suspended, shall extend the period of such suspension~~
7 ~~or revocation for an additional period of 90 days.~~

8 ~~(e)~~(1) The person found guilty of a class A nonperson misdemeanor
9 on a third or subsequent conviction of this section shall be sentenced to not
10 less than 90 days' imprisonment and fined not less than \$1,500 if such
11 person's privilege to drive a motor vehicle is canceled, suspended or
12 revoked because such person:

13 (A) Refused to submit and complete any test of blood, breath or urine
14 requested by law enforcement excluding the preliminary screening test as
15 set forth in K.S.A. 8-1012, and amendments thereto;

16 (B) was convicted of violating the provisions of K.S.A. 40-3104, and
17 amendments thereto, relating to motor vehicle liability insurance coverage;

18 (C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its
19 repeal, or K.S.A. 2019 Supp. 21-5406, and amendments thereto,
20 involuntary manslaughter while driving under the influence of alcohol or
21 drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as
22 defined in K.S.A. 2019 Supp. 21-5405(a)(3) and (a)(5), and amendments
23 thereto, or any other murder or manslaughter crime resulting from the
24 operation of a motor vehicle; or

25 (D) was convicted of being a habitual violator, K.S.A. 8-287, and
26 amendments thereto.

27 (2) The person convicted shall not be eligible for release on
28 probation, suspension or reduction of sentence or parole until the person
29 has served at least 90 days' imprisonment. The 90 days' imprisonment
30 mandated by this subsection may be served in a work release program only
31 after such person has served 48 consecutive hours' imprisonment, provided
32 such work release program requires such person to return to confinement
33 at the end of each day in the work release program. The court may place
34 the person convicted under a house arrest program pursuant to K.S.A.
35 2019 Supp. 21-6609, and amendments thereto, or any municipal ordinance
36 to serve the remainder of the minimum sentence only after such person has
37 served 48 consecutive hours' imprisonment.

38 ~~(d)~~(c) For the purposes of determining whether a conviction is a first,
39 second, third or subsequent conviction in sentencing under this section,
40 "conviction" includes a conviction of a violation of any ordinance of any
41 city or resolution of any county or a law of another state which is in
42 substantial conformity with this section.

43 Sec. 2. K.S.A. 2019 Supp. 8-2110 is hereby amended to read as

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

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

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

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

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

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.

33 (c) (1) Prior to July 1, 2018, except as provided in subsection (d),
34 when the district or municipal court notifies the division of vehicles of a
35 failure to comply with a traffic citation pursuant to subsection (b), the
36 court shall assess a reinstatement fee of \$59 for each charge on which the
37 person failed to make satisfaction regardless of the disposition of the
38 charge for which such citation was originally issued and regardless of any
39 application for restricted driving privileges. Such reinstatement fee shall
40 be in addition to any fine, restricted driving privilege application fee,
41 district or municipal court costs and other penalties. The court shall remit
42 all reinstatement fees to the state treasurer in accordance with the
43 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of

1 each such remittance, the state treasurer shall deposit the entire amount in
2 the state treasury and shall credit 42.37% of such moneys to the division of
3 vehicles operating fund, 31.78% to the community alcoholism and
4 intoxication programs fund created by K.S.A. 41-1126, and amendments
5 thereto, 10.59% to the juvenile alternatives to detention fund created by
6 K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial
7 branch nonjudicial salary adjustment fund created by K.S.A. 2019 Supp.
8 20-1a15, and amendments thereto.

9 (2) On and after July 1, 2018, except as provided in subsection (d),
10 when the district or municipal court notifies the division of vehicles of a
11 failure to comply with a traffic citation pursuant to subsection (b), the
12 court shall assess a reinstatement fee of \$100 for each charge on which the
13 person failed to make satisfaction regardless of the disposition of the
14 charge for which such citation was originally issued and regardless of any
15 application for restricted driving privileges. Such reinstatement fee shall
16 be in addition to any fine, restricted driving privilege application fee,
17 district or municipal court costs and other penalties. The court shall remit
18 all reinstatement fees to the state treasurer in accordance with the
19 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
20 each such remittance, the state treasurer shall deposit the entire amount in
21 the state treasury and shall credit the first \$15 of such reinstatement fee to
22 the judicial branch nonjudicial salary adjustment fund and of the
23 remaining amount, 29.41% of such moneys to the division of vehicles
24 operating fund, 22.06% to the community alcoholism and intoxication
25 programs fund created by K.S.A. 41-1126, and amendments thereto,
26 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
27 4803, and amendments thereto, and 41.17% to the judicial branch
28 nonjudicial salary adjustment fund created by K.S.A. 2019 Supp. 20-1a15,
29 and amendments thereto.

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) 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 (f) Except as provided further, the reinstatement fee established in
3 this section shall be the only fee collected or moneys in the nature of a fee
4 collected for such reinstatement. Such fee shall only be established by an
5 act of the legislature and no other authority is established by law or
6 otherwise to collect a fee. On and after July 1, 2017, through June 30,
7 2019, the supreme court may impose an additional charge, not to exceed
8 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

9 Sec. 3. K.S.A. 2019 Supp. 8-262 and 8-2110 are hereby repealed.

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