

As Amended by House Committee

As Amended by Senate Committee

Session of 2020

SENATE BILL No. 275

By Committee on Transportation

1-16

1 AN ACT concerning drivers' licenses; relating to certain restrictions;  
2 ~~removing~~ **exclusion from** the additional 90-day period for suspended or  
3 revoked licenses; eligibility for restricted driving privileges; **removing**  
4 **and changing certain fees that apply to individuals for failure to**  
5 **comply with a traffic citation;** amending K.S.A. 2019 Supp. 8-262  
6 and 8-2110 and repealing the existing sections.  
7

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

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

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

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

24 (4) Except as otherwise provided by subsection ~~(e)~~ ~~(b)~~ (c), if a  
25 person: (A) Is convicted of a violation of this section, committed while the  
26 person's privilege to drive or privilege to obtain a driver's license was  
27 suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, and  
28 amendments thereto, or any ordinance of any city or resolution of any  
29 county or a law of another state, which ordinance or resolution or law  
30 prohibits the acts prohibited by those statutes; and (B) is or has been also  
31 convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments  
32 thereto, or any ordinance of any city or resolution of any county or law of  
33 another state, which ordinance or resolution or law prohibits the acts  
34 prohibited by those statutes, committed while the person's privilege to

1 drive or privilege to obtain a driver's license was so suspended or revoked,  
2 the person shall not be eligible for suspension of sentence, probation or  
3 parole until the person has served at least 90 days' imprisonment, and any  
4 fine imposed on such person shall be in addition to such a term of  
5 imprisonment.

6 ~~(b)—The division, upon receiving a record of the conviction of any~~  
7 ~~person under this section, or any ordinance of any city or resolution of any~~  
8 ~~county or a law of another state which is in substantial conformity with~~  
9 ~~this section, upon a charge of driving a vehicle while the license of such~~  
10 ~~person is revoked or suspended, shall extend the period of such suspension~~  
11 ~~or revocation for an additional period of 90 days. (1) *Except as provided*~~  
12 ~~*by subsection (b)(2), the division, upon receiving a record of the*~~  
13 ~~*conviction of any person under this section, or any ordinance of any city*~~  
14 ~~*or resolution of any county or a law of another state that is in*~~  
15 ~~*substantial conformity with this section, of a charge of driving a vehicle*~~  
16 ~~*while the license of such person is revoked or suspended, shall extend*~~  
17 ~~*the period of such suspension or revocation for an additional period of*~~  
18 ~~*90 days.*~~

19 *(2) For any person found guilty of driving a vehicle while the*  
20 *license of such person is suspended for violating K.S.A. 8-2110, and*  
21 *amendments thereto, such offense shall not extend the additional period*  
22 *of suspension pursuant to subsection (b)(1).*

23 ~~(e)—(c)~~ (1) The person found guilty of a class A nonperson  
24 misdemeanor on a third or subsequent conviction of this section shall be  
25 sentenced to not less than 90 days' imprisonment and fined not less than  
26 \$1,500 if such person's privilege to drive a motor vehicle is canceled,  
27 suspended or revoked because such person:

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

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

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

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

42 (2) The person convicted shall not be eligible for release on  
43 probation, suspension or reduction of sentence or parole until the person

1 has served at least 90 days' imprisonment. The 90 days' imprisonment  
2 mandated by this subsection may be served in a work release program only  
3 after such person has served 48 consecutive hours' imprisonment, provided  
4 such work release program requires such person to return to confinement  
5 at the end of each day in the work release program. The court may place  
6 the person convicted under a house arrest program pursuant to K.S.A.  
7 2019 Supp. 21-6609, and amendments thereto, or any municipal ordinance  
8 to serve the remainder of the minimum sentence only after such person has  
9 served 48 consecutive hours' imprisonment.

10 ~~(d)~~~~(e)~~~~(d)~~ For the purposes of determining whether a conviction is a  
11 first, second, third or subsequent conviction in sentencing under this  
12 section, "conviction" includes a conviction of a violation of any ordinance  
13 of any city or resolution of any county or a law of another state which is in  
14 substantial conformity with this section.

15 Sec. 2. K.S.A. 2019 Supp. 8-2110 is hereby amended to read as  
16 follows: 8-2110. (a) Failure to comply with a traffic citation means failure  
17 either to: (1) Appear before any district or municipal court in response to a  
18 traffic citation and pay in full any fine and court costs imposed; or (2)  
19 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and  
20 amendments thereto. Failure to comply with a traffic citation is a  
21 misdemeanor, regardless of the disposition of the charge for which such  
22 citation was originally issued.

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

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

10 **No application fee shall be collected in connection with such written**  
11 **request.**

12 (B) A person whose driver's license has expired during the period  
13 when such person's driver's license has been suspended for failure to pay  
14 fines for traffic citations, ~~the driver may submit to the division of vehicles~~  
15 ~~a written request for restricted driving privileges, with a non-refundable~~  
16 ~~\$25 application fee, to be applied by the division of vehicles for additional~~  
17 ~~administrative costs to implement restricted driving privileges. The~~  
18 ~~division shall remit all restricted driving privilege application fees to the~~  
19 ~~state treasurer in accordance with the provisions of K.S.A. 75-4215, and~~  
20 ~~amendments thereto. Upon receipt of each such remittance, the state~~  
21 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~  
22 ~~of the division of vehicles operating fund. No application fee shall be~~  
23 ~~collected in connection with such written request.~~

24 (C) An individual shall not qualify for restricted driving privileges  
25 pursuant to ~~this section~~ **subsection (b)(2)(A) or (b)(2)(B)** unless the  
26 following conditions are met: (i) The suspended license ~~that expired~~  
27 issued by the division of vehicles; (ii) the suspended license resulted from  
28 the individual's failure to comply with a traffic citation pursuant to  
29 subsection (b)(1) **and there is no other basis for the license suspension**  
30 **or cancellation except for violations of this section; and** (iii) the traffic  
31 citation that resulted in the failure to comply pursuant to subsection (b)(1)  
32 was issued in this state; ~~and (iv) the individual has not previously received~~  
33 ~~a stayed suspension as a result of a driving while suspended conviction.~~

34 ~~(D)~~ (D) Upon review and approval of the driver's eligibility, the  
35 driving privileges will be restricted by the division of vehicles for a period  
36 up to one year or until the terms of the traffic citation have been complied  
37 with and the court shall immediately electronically notify the division of  
38 vehicles of such compliance. If the driver fails to comply with the traffic  
39 citation within the one year restricted period, the driving privileges will be  
40 suspended by the division of vehicles until the court determines the person  
41 has complied with the terms of the traffic citation and the court shall  
42 immediately electronically notify the division of vehicles of such  
43 compliance. Upon receipt of notification of such compliance from the

1 informing court, the division of vehicles shall terminate the suspension  
2 action. When restricted driving privileges are approved pursuant to this  
3 section, the person's driving privileges shall be restricted to driving only  
4 under the following circumstances: (i) In going to or returning from the  
5 person's place of employment or schooling; (ii) in the course of the  
6 person's employment; (iii) in going to or returning from an appointment  
7 with a health care provider or during a medical emergency; and (iv) in  
8 going to and returning from probation or parole meetings, drug or alcohol  
9 counseling or any place the person is required to go by a court.

10 (c) (1) Prior to July 1, 2018, except as provided in subsection (d),  
11 when the district or municipal court notifies the division of vehicles of a  
12 failure to comply with a traffic citation pursuant to subsection (b), the  
13 court shall assess a reinstatement fee of \$59 for each charge on which the  
14 person failed to make satisfaction regardless of the disposition of the  
15 charge for which such citation was originally issued and regardless of any  
16 application for restricted driving privileges. Such reinstatement fee shall  
17 be in addition to any fine, restricted driving privilege application fee,  
18 district or municipal court costs and other penalties. The court shall remit  
19 all reinstatement fees to the state treasurer in accordance with the  
20 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
21 each such remittance, the state treasurer shall deposit the entire amount in  
22 the state treasury and shall credit 42.37% of such moneys to the division of  
23 vehicles operating fund, 31.78% to the community alcoholism and  
24 intoxication programs fund created by K.S.A. 41-1126, and amendments  
25 thereto, 10.59% to the juvenile alternatives to detention fund created by  
26 K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial  
27 branch nonjudicial salary adjustment fund created by K.S.A. 2019 Supp.  
28 20-1a15, and amendments thereto.

29 (2) ~~On and after July 1, 2018,~~ Except as provided in subsection (d),  
30 when the district or municipal court notifies the division of vehicles of a  
31 failure to comply with a traffic citation **issued on and after July 1, 2020,**  
32 pursuant to subsection (b), the court shall assess a reinstatement fee of  
33 ~~\$100 for each charge on which the person failed to make satisfaction~~  
34 ~~regardless of the disposition of the charge for which such citation was~~  
35 ~~originally issued and regardless of any application for restricted driving~~  
36 ~~privileges for each case.~~ Such reinstatement fee shall be in addition to any  
37 fine, ~~restricted driving privilege application fee,~~ district or municipal court  
38 costs and other penalties **and shall only be collected after a person has**  
39 **been determined to be eligible for reinstatement.** The court shall remit  
40 all reinstatement fees to the state treasurer in accordance with the  
41 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
42 each such remittance, the state treasurer shall deposit the entire amount in  
43 the state treasury and shall credit the first \$15 of such reinstatement fee to

1 the judicial branch nonjudicial salary adjustment fund and of the  
2 remaining amount, 29.41% of such moneys to the division of vehicles  
3 operating fund, 22.06% to the community alcoholism and intoxication  
4 programs fund created by K.S.A. 41-1126, and amendments thereto,  
5 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-  
6 4803, and amendments thereto, and 41.17% to the judicial branch  
7 nonjudicial salary adjustment fund created by K.S.A. 2019 Supp. 20-1a15,  
8 and amendments thereto.

9 (d) The district court or municipal court shall waive the reinstatement  
10 fee provided for in subsection (c), if the failure to comply with a traffic  
11 citation was the result of such person enlisting in or being drafted into the  
12 armed services of the United States, being called into service as a member  
13 of a reserve component of the military service of the United States, or  
14 volunteering for such active duty, or being called into service as a member  
15 of the state of Kansas national guard, or volunteering for such active duty,  
16 and being absent from Kansas because of such military service.

17 (e) A person who is assessed a reinstatement fee pursuant to  
18 subsection (c) may petition the court that assessed the fee at any time to  
19 waive payment of the fee, any additional charge imposed pursuant to  
20 subsection (f), or any portion thereof. If it appears to the satisfaction of the  
21 court that payment of the amount due will impose manifest hardship on the  
22 person or the person's immediate family, the court may waive payment of  
23 all or part of the amount due or modify the method of payment.

24 (f) Except as provided further, the reinstatement fee established in  
25 this section shall be the only fee collected or moneys in the nature of a fee  
26 collected for such reinstatement. Such fee shall only be established by an  
27 act of the legislature and no other authority is established by law or  
28 otherwise to collect a fee. On and after July 1, 2017, through June 30,  
29 2019, the supreme court may impose an additional charge, not to exceed  
30 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

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

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