

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Judiciary** recommends **SB 500** be amended on page 1, in line 24, by striking "illegal"; in line 25, by striking all before the comma and inserting "any violations provided in subparagraph (C)";

On page 2, in line 1, after "vehicles" by inserting "unless the district or municipal court has determined pursuant to a written order that the individual shall fulfill any requirements set forth by the court prior to the suspension. Failure to abide by the terms of the order shall result in the court notifying the division of vehicles that the individual's license shall be suspended for the failure to comply with a traffic citation"; in line 28, by striking "and"; in line 31, after "care" by inserting ";

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

(g) in going to or returning from any religious worship service held by a religious organization";

On page 3, following line 12, by inserting:

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

On page 4, in line 14, by striking all after "vehicles"; by striking all in lines 15 and 16; in

line 17, by striking all before "until"; in line 19, after "to" by inserting "substantially"; in line 20, by striking "within the one year restricted period"; in line 22, after "has" by inserting "substantially"; in line 24, after the first "such" by inserting "substantial"; by striking all in line 36; in line 38, after "care" by inserting ";

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

(vii) in going to or returning from any religious worship service held by a religious organization";

On page 5, in line 30, by striking all after "(2)"; by striking all in lines 31 through 35; in line 36, by striking all before the period and inserting "(A) Any person who is financially unable to pay either the full amount of their original traffic fine or fines and court costs or a monthly payment from an approved hardship payment plan, as described in this section, may contact the court of jurisdiction to request a hardship waiver to offset part or all of the balance owed. The waiver shall include options for monthly installment payments and credits, or both, earned by the person doing community service and attending court approved classes, or both. A monthly payment amount shall be calculated based on all fines and fees and all anticipated costs owed within that jurisdiction and shall correspond to the person's ability to pay. The monthly payment plan amount shall be the greater of \$10 or 2% of the person's annual net income, as of their most recent tax return, divided by 12.

(B) The court may also order that a person who enters into a payment agreement shall receive credit against any remaining traffic fines and court costs owed by performing community service and attending classes, or both, including online courses, aimed at defensive and safe driving techniques or a state-approved traffic school program. The court shall approve any classes and community service before the person will receive credit toward their original traffic fines or court costs. Once approved, the person shall receive a credit toward the balance owed in

an amount equal to \$15 for each hour spent by the person doing community service and \$15 for each hour spent attending classes";

Also on page 5, in line 37, by striking all after "(3)"; by striking all in line 38; in line 39, by striking all before the period and inserting "A single page, uniform hardship waiver application form shall be made available to download from the department of revenue website in addition to being provided in each jurisdiction's clerk of court office for persons to sign and submit to the court. If the court denies an economic hardship petition, a written explanation shall be provided to the person stating the reason or reasons for the denial";

On page 6, in line 4, after "(g)" by inserting "Any court orders issued pursuant to this section that either restrict or suspend an individual's driving privileges shall:

(1) Identify what constitutes substantial compliance with the order for the individual to regain full driving privileges and the corresponding timeline for compliance;

(2) specify what constitutes a late or missed payment and the penalties for late or missed payments to be imposed by the court, including any process for restarting payments or notifying the division of vehicles as a result of the failure to substantially comply with the order;

(3) consider waiver, reduction of fees, fines and court costs and allow for payment plans for any fees, fines and court costs; and

(4) consider alternative requirements such as alcohol or drug treatment in lieu of restriction or suspension of driving privileges.

(h) Any conviction for a failure to comply pursuant to this section shall not be considered by the municipal or district court or the division of vehicles if such conviction is greater than five years old in determining suspended or restricted driving privileges. After the expiration of five years from the date of conviction, the division shall notify by mail any individuals whose driving privileges were suspended or restricted and whose driving privileges have not since been

restored. The division shall notify the individual that the individual may be eligible for driving privileges as a result of the expiration of the five years from the conviction for the failure to comply.

(i)";

Also on page 6, in line 10, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, after the semicolon by inserting "relating to failure to comply with a traffic citation;"; in line 4, after "care" by inserting ", to and from purchasing groceries or fuel and to and from religious worship services; providing for hardship payment plans and waiver of fines"; and the bill be passed as amended.

Chairperson