

**SENATE BILL No. 500**

By Committee on Judiciary

2-9

---

1 AN ACT concerning drivers' licenses; authorizing certain individuals to be  
2 eligible for restricted driving privileges; permitting individuals with  
3 restricted driving privileges to drive to and from dropping off or  
4 picking up children from school or child care; amending K.S.A. 8-286  
5 and 8-2110 and repealing the existing sections.  
6

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

8 Section 1. K.S.A. 8-286 is hereby amended to read as follows: 8-286.  
9 Whenever the files and records of the division shall disclose that the  
10 record of convictions of any person is such that the person is an habitual  
11 violator, as prescribed by K.S.A. 8-285, and amendments thereto, the  
12 division promptly shall revoke the person's driving privileges for a period  
13 of three years, except as allowed under ~~subsection (d)(4) of~~ K.S.A. 8-  
14 235(d)(3) and 8-2110, and amendments thereto.

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

23 (b) (1) (A) In addition to penalties of law applicable under subsection  
24 (a), 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 *as ordered by the court* within  
29 30 days from the date of mailing notice, the division of vehicles will be  
30 notified to suspend the person's driving privileges *unless such person is*  
31 *eligible for restricted driving privileges pursuant to subparagraph (B). If*  
32 *the person is eligible for restricted driving privileges, the division of*  
33 *vehicles shall restrict such person's driving privileges pursuant to the*  
34 *terms set forth in subparagraph (B).* The district or municipal court may  
35 charge an additional fee of \$5 for mailing such notice. Upon the person's  
36 failure to comply within such 30 days of mailing notice, the district or

1 municipal court shall electronically notify the division of vehicles. Upon  
2 receipt of a report of a failure to comply with a traffic citation under this  
3 subsection, pursuant to K.S.A. 8-255, and amendments thereto, the  
4 division of vehicles shall notify the violator and suspend the license of the  
5 violator until satisfactory evidence of *substantial* compliance with the  
6 terms of the traffic citation has been furnished to the informing court  
7 *unless such person is eligible for restricted driving privileges pursuant to*  
8 *subparagraph (B). If the person is eligible for restricted driving privileges,*  
9 *the division of vehicles shall notify the violator that the person's driving*  
10 *privileges are restricted pursuant to the terms set forth in subparagraph*  
11 *(B). When the court determines the person ~~has complied~~ is in substantial*  
12 *compliance with the terms of the traffic citation, the court shall*  
13 *immediately electronically notify the division of vehicles of such*  
14 *compliance. Upon receipt of notification of such compliance from the*  
15 *informing court, the division of vehicles shall terminate the restriction,*  
16 *suspension or suspension action.*

17 (B) (i) *When restricted driving privileges are approved pursuant to*  
18 *this subsection, the person's driving privileges shall be restricted to*  
19 *driving only under the following circumstances:*

20 (a) *In going to or returning from the person's place of employment or*  
21 *schooling;*

22 (b) *in the course of the person's employment;*

23 (c) *in going to or returning from an appointment with a healthcare*  
24 *provider or during*

25 *a medical emergency;*

26 (d) *in going to and returning from probation or parole meetings, drug*  
27 *or alcohol*

28 *counseling or any place the person is required to go by a court; and*

29 (e) *in going to or returning from dropping off or picking up one or*  
30 *more children from*

31 *school or child care.*

32 (ii) *A person shall not qualify for restricted driving privileges*  
33 *pursuant to this subparagraph if such person has been convicted for*  
34 *driving with a canceled, suspended or revoked license more than three*  
35 *times or if such person is suspended for reasons other than a failure to*  
36 *comply with a traffic citation at the time of application. Restricted driving*  
37 *privileges approved pursuant to this subparagraph shall remain in effect*  
38 *for the lesser of time of either:*

39 (a) *60 days from the date that the division of vehicles mails notice to*  
40 *the person of the restricted driving privileges;*

41 (b) *the person enters into an agreement with the court regarding the*  
42 *person's failure to comply; or*

43 (c) *the rescission of the restricted driving privileges by the division of*

1 vehicles.

2 (iii) *The division shall rescind restricted driving privileges for any*  
3 *person authorized pursuant to this subparagraph if the person is found*  
4 *guilty of:*

5 (a) *A violation resulting in a license suspension, revocation or*  
6 *cancellation for reasons other than failure to comply with a traffic*  
7 *citation; or*

8 (b) *operating a motor vehicle in violation of restrictions provided in*  
9 *clause (i) two or more times.*

10 (iv) *A person operating a motor vehicle in violation of restrictions*  
11 *provided in clause (i) shall be guilty of operating a vehicle in violation of*  
12 *restrictions as provided in K.S.A. 8-291, and amendments thereto.*

13 (2) (A) *In lieu of suspension under paragraph (1), the driver may*  
14 *submit to the division of vehicles a written request for restricted driving*  
15 *privileges. The driver may apply and be eligible for restricted driving*  
16 *privileges pursuant to this paragraph if such driver has previously been*  
17 *approved for restricted driving privileges pursuant to paragraph (1).*

18 (B) (i) *A person whose driving privileges have been revoked solely*  
19 *for driving a motor vehicle on any highway as defined in K.S.A. 8-1424,*  
20 *and amendments thereto, of this state at a time when such person's*  
21 *privilege to do so was canceled, suspended or revoked for failure to*  
22 *comply with a traffic citation pursuant to this section may submit to the*  
23 *division of vehicles a written request for restricted driving privileges. A*  
24 *person shall not qualify for restricted driving privileges pursuant to this*  
25 *section if such person has been convicted for driving with a canceled,*  
26 *suspended or revoked license more than three times or if such person is*  
27 *suspended for reasons other than a failure to comply with a traffic citation*  
28 *at the time of application. Restricted driving privileges approved pursuant*  
29 *to this subparagraph shall remain in effect unless otherwise rescinded for*  
30 *the lesser of time of either:*

31 (a) *The remainder of the period of time that such person's driving*  
32 *privileges are revoked; or*

33 (b) *three years from the date when the restricted driving privileges*  
34 *were approved.*

35 (ii) *The division shall rescind restricted driving privileges for any*  
36 *person authorized pursuant to this subparagraph if the person is found*  
37 *guilty of a violation resulting in a license suspension, revocation or*  
38 *cancellation for reasons other than failure to comply with a traffic*  
39 *citation.*

40 (iii) *A person operating a motor vehicle in violation of restrictions*  
41 *provided in subparagraph (D) shall be guilty of operating a vehicle in*  
42 *violation of restrictions as provided in K.S.A. 8-291, and amendments*  
43 *thereto.*

1 (C) A person whose driver's license has expired during the period  
2 when such person's driver's license has been suspended for failure to pay  
3 fines for traffic citations, the driver may submit to the division of vehicles  
4 a written request for restricted driving privileges. An individual shall not  
5 qualify for restricted driving privileges pursuant to this section unless the  
6 following conditions are met:

7 (i) The suspended license that expired was issued by the division of  
8 vehicles;

9 (ii) the suspended license resulted from the individual's failure to  
10 comply with a traffic citation pursuant to subsection (b)(1); and

11 (iii) the traffic citation that resulted in the failure to comply pursuant  
12 to subsection (b)(1) was issued in this state.

13 ~~(C)(D)~~ Upon review and approval of the driver's eligibility, the  
14 driving privileges will be restricted by the division of vehicles for a period  
15 up to one year *for restricted driving privileges issued pursuant to*  
16 *subparagraph (A) or (C), for the period of time specified in subparagraph*  
17 *(B) or until the terms of the traffic citation have been substantially*  
18 *complied with and the court shall immediately electronically notify the*  
19 *division of vehicles of such compliance. If the driver fails to comply with*  
20 *the traffic citation within the one year restricted period, the driving*  
21 *privileges will be suspended by the division of vehicles until the court*  
22 *determines the person has complied with the terms of the traffic citation*  
23 *and the court shall immediately electronically notify the division of*  
24 *vehicles of such compliance. Upon receipt of notification of such*  
25 *compliance from the informing court, the division of vehicles shall*  
26 *terminate the suspension action. When restricted driving privileges are*  
27 *approved pursuant to this section, the person's driving privileges shall be*  
28 *restricted to driving only under the following circumstances:*

29 (i) In going to or returning from the person's place of employment or  
30 schooling;

31 (ii) in the course of the person's employment;

32 (iii) in going to or returning from an appointment with a health care  
33 provider or during a medical emergency; ~~and~~

34 (iv) in going to and returning from probation or parole meetings, drug  
35 or alcohol counseling or any place the person is required to go by a court;  
36 *and*

37 (v) *in going to or returning from dropping off or picking up one or*  
38 *more children from school or child care.*

39 (c) On and after July 1, 2018, except as provided in subsection (d),  
40 when the district or municipal court notifies the division of vehicles of a  
41 failure to comply with a traffic citation pursuant to subsection (b), the  
42 court shall assess a reinstatement fee of \$100 ~~for each charge on which the~~  
43 ~~person failed to make satisfaction regardless of the disposition of the~~

1 ~~charge for which such citation was originally issued and regardless of any~~  
2 ~~application for restricted driving privileges.~~ Such reinstatement fee shall  
3 be in addition to any fine, restricted driving privilege application fee,  
4 district or municipal court costs and other penalties. The court shall remit  
5 all reinstatement fees to the state treasurer in accordance with the  
6 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
7 each such remittance, the state treasurer shall deposit the entire amount in  
8 the state treasury and shall credit the first \$15 of such reinstatement fee to  
9 the state general fund and of the remaining amount, 29.41% of such  
10 moneys to the division of vehicles operating fund, 22.06% to the  
11 community alcoholism and intoxication programs fund created by K.S.A.  
12 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to  
13 detention fund created by K.S.A. 79-4803, and amendments thereto, and  
14 41.17% to the state general fund.

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

23 (e) (1) A person who is assessed a reinstatement fee pursuant to  
24 subsection (c) may petition the court that assessed the fee at any time to  
25 waive payment of the fee, any additional charge imposed pursuant to  
26 subsection (f), or any portion thereof. If it appears to the satisfaction of the  
27 court that payment of the amount due will impose manifest hardship on the  
28 person or the person's immediate family, the court may waive payment of  
29 all or part of the amount due or modify the method of payment.

30 (2) A person who is assessed a fine or court costs for a traffic citation  
31 may petition the court that assessed the fine or costs at any time to waive  
32 payment of the fine or costs, or any portion thereof. If it appears to the  
33 satisfaction of the court that payment of the amount due will impose  
34 manifest hardship on the person or the person's immediate family, the  
35 court may waive payment of all or part of the amount due or modify the  
36 method of payment.

37 (3) *The clerk of the district court and the clerk of the municipal court*  
38 *shall make forms available to any person seeking to motion the court to*  
39 *wave or reduce traffic fines, court costs or reinstatement fees.*

40 (f) 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, 2019, through June 30,  
2 2025, 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 (g) *As used in this section, "substantial compliance" or "substantially*  
5 *complied" means the person has followed the orders of the court involving*  
6 *payments of fines, court costs and any penalties and has not failed*  
7 *substantially in making payments or satisfying the terms of the court order.*

8 Sec. 3. K.S.A. 8-286 and 8-2110 are hereby repealed.

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