

SENATE BILL No. 192

By Committee on Judiciary

2-7

1 AN ACT concerning driving; relating to drivers' licenses; eligibility for
2 restricted driving privileges; removing and delaying payment for fees
3 that apply to individuals for failure to comply with a traffic citation;
4 providing for payment plans and waiver of fines; eliminating
5 reinstatement of certain fees; requiring certain contact information on a
6 traffic citation; amending K.S.A. 8-2106 and 8-2110 and repealing the
7 existing sections.
8

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

10 New Section 1. (a) Any person who is financially unable to pay either
11 the full amount of their original traffic fine or fines and court costs or a
12 monthly payment from an approved hardship payment plan, as described
13 in this section, may contact the court of jurisdiction to request a hardship
14 waiver to offset part or all of the balance owed. The waiver shall include
15 options for monthly installment payments and credits, or both, earned by
16 the person doing community service and attending court approved classes,
17 or both. A monthly payment amount shall be calculated based on all fines
18 and fees and all anticipated costs owed within that jurisdiction and shall
19 correspond to the person's ability to pay. The monthly payment plan
20 amount shall be the greater of \$10 or 2% of the person's annual net
21 income, as of their most recent tax return, divided by 12.

22 (b) A single page, uniform hardship waiver application form shall be
23 made available to download from the department of revenue website in
24 addition to being provided in each jurisdiction's clerk of court office for
25 persons to sign and submit to the court. If the court denies an economic
26 hardship petition, a written explanation shall be provided to the person
27 stating the reason or reasons for the denial.

28 (c) (1) Under the terms of the original traffic fine or fines and court
29 costs payment agreement made with the court, the municipal court or
30 district court shall order:

31 (A) The recall of any warrants directly related to the suspension of
32 the person's driver's license;

33 (B) the waiver of any reinstatement and collection fees directly
34 related to the suspension; and

35 (C) the expungement of any previous driving while suspended
36 convictions due to nonpayment of traffic fines and court costs, or both, or

1 failure to appear.

2 (2) The court may also order that a person who enters into a payment
3 agreement shall receive credit against any remaining traffic fines and court
4 costs owed by performing community service and attending classes, or
5 both, including online courses, aimed at defensive and safe driving
6 techniques or a state-approved traffic school program. The court shall
7 approve any classes and community service before the person will receive
8 credit toward their original traffic fines or court costs. Once approved, the
9 person shall receive a credit toward the balance owed in an amount equal
10 to \$15 for each hour spent by the person doing community service and \$15
11 for each hour spent attending classes.

12 (d) After a hardship payment plan has been approved by the court, the
13 court shall order the division of vehicles to reinstate the person's driving
14 privileges without restriction. After a person has their driving privileges
15 reinstated by agreeing to an approved hardship payment plan, such
16 person's driver's license shall not be suspended due to nonpayment until
17 they have failed to pay for 90 consecutive days.

18 (e) Any violation of law by the person holding a restricted license that
19 would result in the suspension or revocation of a driver license shall result
20 in the revocation of the restricted license.

21 (f) As soon as the original traffic fine or fines and court costs have
22 been paid as agreed by the person, the district or municipal court shall
23 electronically order the division of vehicles to immediately remove the
24 restrictions on the person's driver's license and mail written notification to
25 the person that their Kansas driver's privileges and license have been
26 reinstated.

27 (g) The provisions of this section shall not apply to:

28 (1) Non-traffic warrants; or

29 (2) a person whose driving privileges have been suspended or
30 revoked under the provisions of K.S.A. 8-2,144, 8-1025, 8-1567 or 8-
31 1567a, and amendments thereto.

32 (h) (1) A person whose driving privileges have been revoked solely
33 for driving a motor vehicle on any highway as defined in K.S.A. 8-1424,
34 and amendments thereto, of this state at a time when such person's
35 privilege to do so was canceled, suspended or revoked for failure to
36 comply with a traffic citation pursuant to this section may submit to the
37 division of vehicles a written application and receive a restricted license if
38 a court has granted their petition to have their previous driving while
39 suspended convictions expunged.

40 (2) The division shall rescind restricted driving privileges for any
41 person authorized pursuant to this subsection if the person is found guilty
42 of a violation resulting in a license suspension, revocation or cancellation
43 for reasons other than failure to comply with a traffic citation.

1 Sec. 2. K.S.A. 8-2106 is hereby amended to read as follows: 8-2106.

2 (a) A law enforcement officer may prepare and deliver to a person a
3 written traffic citation on a form approved by the division of motor
4 vehicles, if the law enforcement officer stops the person for a violation of:

5 (1) The uniform act regulating traffic on highways, ~~which violation~~
6 *that* is a misdemeanor or a traffic infraction;

7 (2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 40-3104, 40-3106, 41-715,
8 41-724, 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273,
9 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or 79-
10 34,122(b), or K.S.A. 2022 Supp. 21-5607(a), 21-5810, 21-5815, 21-5816,
11 21-5817(a) or 21-6203, and amendments thereto;

12 (3) K.S.A. 31-155, and amendments thereto, involving transportation
13 of bottle rockets;

14 (4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any
15 rules and regulations adopted pursuant thereto;

16 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, *31-*
17 *146 or 68-2001 or 31-146*, and amendments thereto;

18 (6) any rules and regulations adopted pursuant to K.S.A. 31-133, and
19 amendments thereto, relating to transportation of materials or fuel;

20 (7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating
21 to the child passenger safety act; or

22 (8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating
23 to the safety belt use act.

24 (b) The citation shall contain a notice to appear in court, the name and
25 address of the person, the type of vehicle the person was driving, whether
26 hazardous materials were being transported, whether an accident occurred,
27 the state registration number of the person's vehicle, if any, a statement
28 whether the vehicle is a commercial vehicle, whether the person is
29 licensed to drive a commercial motor vehicle, the offense or offenses
30 charged, the time and place when and where the person shall appear in
31 court, *the phone number and email address of the clerk of the court of the*
32 *jurisdiction*, the signature of the law enforcement officer and any other
33 pertinent information.

34 (c) The time specified in the notice to appear shall be at least five
35 days after the alleged violation unless the person charged with the
36 violation demands an earlier hearing.

37 (d) The place specified in the notice to appear shall be before a judge
38 of the *municipal or* district court within the county ~~in which~~ *where* the
39 offense is alleged to have been committed.

40 (e) Except in the circumstances to which K.S.A. 8-2104(a), and
41 amendments thereto, apply, in the discretion of the law enforcement
42 officer, a person charged with a misdemeanor may give written promise to
43 *either appear in court by signing or contact the clerk of the court by phone*

1 *or email to enter a plea prior to the court date. In order to provide written*
2 *promise, the person charged with a misdemeanor must sign at least one*
3 *copy of the written citation prepared by the law enforcement officer, in*
4 *which event the law enforcement officer shall deliver a copy of the citation*
5 *to the person and shall not take the person into physical custody.*

6 (f) When a person is charged with a traffic infraction, the notice to
7 appear shall provide a place where the person may make a written entry of
8 appearance, waive the right to a trial and plead guilty or no contest. Such
9 notice to appear shall contain a provision that the person's failure to either
10 *enter a plea with the clerk of the court prior to the specified time and, if*
11 *pleading guilty, make payments as agreed to with the court, pay such fine*
12 *and court costs or appear in court at the specified time may result in*
13 *suspension of the person's drivers' license as provided in K.S.A. 8-2110,*
14 *and amendments thereto. The notice to appear shall provide a space where*
15 *the law enforcement officer shall enter the appropriate fine specified in the*
16 *uniform fine schedule contained in K.S.A. 8-2118, and amendments*
17 *thereto, for the violation charged and court costs in the amount provided*
18 *by law. If the notice to appear does not do so, the law enforcement officer*
19 *shall provide a person charged with a traffic infraction a form explaining*
20 *the person's right to contact the clerk of the court of the jurisdiction to*
21 *enter a plea prior to the date to appear and right to a trial and the person's*
22 *right to negotiate with the court a plan to pay the fine or fines stated on*
23 *the traffic citation and court costs or pay the appropriate fine and court*
24 *costs prior to the appearance date. The law enforcement officer shall*
25 *provide the person with the phone number and email address of the clerk*
26 *of the court and the address of the court to which the written entry of*
27 *appearance, waiver of trial, plea of guilty or no contest and payment of*
28 *fine and court costs shall be mailed.*

29 (g) Any officer violating any of the provisions of subsection (f) is
30 guilty of misconduct in office and shall be subject to removal from office.

31 (h) A driverless-capable vehicle's registered owner shall be
32 responsible for all applicable traffic law violations when the automated
33 driving system is engaged. For the purposes of prosecution of traffic law
34 violations, the owner is considered to be the operator of the vehicle when
35 the automated driving system is engaged. A law enforcement officer shall
36 deliver the written traffic citation to a person charged with a traffic
37 infraction to the owner of the driverless-capable vehicle operating without
38 a conventional human driver as such terms are defined by K.S.A. 8-2901,
39 and amendments thereto, by sending the citation by certified mail to the
40 address of the owner.

41 Sec. 3. K.S.A. 8-2110 is hereby amended to read as follows: 8-2110.

42 (a) Failure to comply with a traffic citation means failure ~~either to: (1)~~
43 appear before any district or municipal court in response to a traffic

1 citation ~~and~~ or enter a plea with the clerk of the court prior to an assigned
2 court date, and, if pleading guilty, pay in full any fine and court costs
3 imposed; or (2) otherwise comply with a traffic citation as provided in
4 K.S.A. 8-2118, and amendments thereto in accordance with the amount
5 and payment plan agreed upon by the court. Failure to comply with a
6 traffic citation is a misdemeanor, regardless of the disposition of the charge
7 for which such 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~~ enter a plea with the court
14 within 30 days from the date of mailing notice, the division of vehicles
15 will be notified to suspend the person's driving privileges. The district or
16 municipal court may charge an additional fee of \$5 for mailing such
17 notice. Upon the person's failure to comply within such 30 days of mailing
18 notice, the district or municipal court shall electronically notify the
19 division of vehicles. Upon receipt of a report of a failure to comply with a
20 traffic citation under this subsection, ~~pursuant to K.S.A. 8-255, and~~
21 ~~amendments thereto~~, the division of vehicles shall notify the violator and
22 suspend the license of the violator until satisfactory evidence of
23 compliance with the terms of the traffic citation has been furnished to the
24 informing court. When the court determines the person has complied with
25 the terms of the traffic citation, the court shall immediately electronically
26 notify the division of vehicles of such compliance. Upon receipt of
27 notification of such compliance from the informing court, the division of
28 vehicles shall terminate the suspension or 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. *No application fee shall be collected in connection with such*
32 *written request.*

33 (B) A person whose driver's license has expired during the period
34 when such person's driver's license has been suspended for failure to pay
35 fines for traffic citations, ~~the driver~~ or failure to appear in court or contact
36 the court to enter a plea prior to their court date, may submit to the
37 division of vehicles a written request for restricted driving privileges. *No*
38 *application fee shall be collected in connection with such written request.*

39 (C) An individual shall not qualify for restricted driving privileges
40 pursuant to ~~this section~~ subsection (b)(2)(A) or (b)(2)(B) unless the
41 following conditions are met: (i) The suspended license ~~that expired~~ was
42 issued by the division of vehicles; (ii) the suspended license resulted from
43 the individual's failure to comply with a traffic citation pursuant to

1 subsection (b)(1) *and there is no other basis for the license suspension or*
2 *cancellation except for violations of this section; and (iii) the traffic*
3 *citation that resulted in the failure to comply pursuant to subsection (b)(1)*
4 *was issued in this state.*

5 ~~(C)(D)~~ Upon review and approval of the driver's eligibility, the
6 driving privileges will be restricted by the division of vehicles for a period
7 up to one year or until the terms of the traffic citation have been complied
8 with and the court shall immediately electronically notify the division of
9 vehicles of such compliance. If the driver fails to ~~comply with the traffic~~
10 ~~citation~~ *pay the full amount agreed by the court* within ~~the one year~~
11 ~~restricted period, the driving privileges will be suspended by the division~~
12 ~~of vehicles until the person may petition the court to extend their~~
13 ~~restricted driving privileges for one or more additional years until they~~
14 ~~have finished paying. When the court determines the person has complied~~
15 ~~with the terms of the traffic citation and the~~ *by paying the agreed amount*
16 *owed, the court shall immediately electronically notify the division of*
17 *vehicles of such compliance. Upon receipt of notification of such*
18 *compliance from the informing court, the division of vehicles shall*
19 *terminate the suspension action.*

20 (E) When restricted driving privileges are approved pursuant to this
21 section, the person's driving privileges shall be restricted to driving only
22 under the following circumstances: (i) In going to or returning from the
23 person's place of employment or schooling; (ii) in the course of the
24 person's employment; (iii) in going to or returning from an appointment
25 with a health care provider or during a medical emergency; ~~and~~ (iv) in
26 going to and returning from probation or parole meetings, drug or alcohol
27 counseling or any place the person is required to go by a court; (v) *in*
28 *going to or returning from purchasing groceries or fuel for their vehicle;*
29 *and (vi) in going to or returning from dropping off or picking up one or*
30 *more children from school or child care.*

31 ~~(e) On and after July 1, 2018, Except as provided in subsection (d),~~
32 ~~when the district or municipal court notifies the division of vehicles of a~~
33 ~~failure to comply with a traffic citation pursuant to subsection (b), the~~
34 ~~court shall assess a reinstatement fee of \$100 for each charge on which the~~
35 ~~person failed to make satisfaction regardless of the disposition of the~~
36 ~~charge for which such citation was originally issued and regardless of any~~
37 ~~application for restricted driving privileges. Such reinstatement fee shall~~
38 ~~be in addition to any fine, restricted driving privilege application fee,~~
39 ~~district or municipal court costs and other penalties. 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 state general fund and of the remaining amount, 29.41% of such
2 moneys to the division of vehicles operating fund, 22.06% to the
3 community alcoholism and intoxication programs fund created by K.S.A.
4 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to
5 detention fund created by K.S.A. 79-4803, and amendments thereto, and
6 41.17% to the state general fund.

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

15 (e) (1) ~~A person who is assessed a reinstatement fee pursuant to~~
16 ~~subsection (c) may petition the court that assessed the fee at any time to~~
17 ~~waive payment of the fee, any additional charge imposed pursuant to~~
18 ~~subsection (f), or any portion thereof. If it appears to the satisfaction of the~~
19 ~~court that payment of the amount due will impose manifest hardship on the~~
20 ~~person or the person's immediate family, the court may waive payment of~~
21 ~~all or part of the amount due or modify the method of payment.~~

22 (2) ~~A person who is assessed a fine or court costs for a traffic citation~~
23 ~~may petition the court that assessed the fine or costs at any time to waive~~
24 ~~payment of the fine or costs, or any portion thereof. If it appears to the~~
25 ~~satisfaction of the court that payment of the amount due will impose~~
26 ~~manifest hardship on the person or the person's immediate family, the~~
27 ~~court may waive payment of all or part of the amount due or modify the~~
28 ~~method of payment.~~

29 (f) ~~Except as provided further, the reinstatement fee established in~~
30 ~~this section shall be the only fee collected or moneys in the nature of a fee~~
31 ~~collected for such reinstatement. Such fee shall only be established by an~~
32 ~~act of the legislature and no other authority is established by law or~~
33 ~~otherwise to collect a fee. On and after July 1, 2019, through June 30,~~
34 ~~2025, the supreme court may impose an additional charge, not to exceed~~
35 ~~\$22 per reinstatement fee, to fund the costs of non-judicial personnel.~~

36 Sec. 4. K.S.A. 8-2106 and 8-2110 are hereby repealed.

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