

As Amended by Senate Committee

Session of 2017

SENATE BILL No. 5

By Senator Faust-Goudeau

12-6

1 AN ACT concerning drivers' licenses; relating to restricted driving
2 privileges, qualifications; **voluntary surrender**; amending **K.S.A. 8-298**
3 **and** K.S.A. 2016 Supp. 8-2110 and repealing the existing ~~section~~
4 **sections**.

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

7 Section 1. K.S.A. 2016 Supp. 8-2110 is hereby amended to read as
8 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
9 either to: (1) Appear before any district or municipal court in response to a
10 traffic citation and pay in full any fine and court costs imposed; or (2)
11 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
12 amendments thereto. Failure to comply with a traffic citation is a
13 misdemeanor, regardless of the disposition of the charge for which such
14 citation was originally issued.

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

36 (2) (A) In lieu of suspension under paragraph (1), the driver may

1 submit to the division of vehicles a written request for restricted driving
2 privileges, with a non-refundable \$25 application fee, to be applied by the
3 division of vehicles for additional administrative costs to implement
4 restricted driving privileges. The division shall remit all restricted driving
5 privilege application 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 to the credit of the division of vehicles operating fund.

9 (B) A person whose driver's license has expired during the period
10 when such person's driver's license has been suspended for failure to pay
11 fines for traffic citations, the driver may submit to the division of vehicles
12 a written request for restricted driving privileges, with a non-refundable
13 \$25 application fee, to be applied by the division of vehicles for additional
14 administrative costs to implement restricted driving privileges. The
15 division shall remit all restricted driving privilege application fees to the
16 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
17 amendments thereto. Upon receipt of each such remittance, the state
18 treasurer shall deposit the entire amount in the state treasury to the credit
19 of the division of vehicles operating fund. An individual shall not qualify
20 for restricted driving privileges pursuant to this section unless the
21 following conditions are met: (i) The suspended license that expired was
22 issued by the division of vehicles; (ii) the suspended license resulted from
23 the individual's failure to comply with a traffic citation pursuant to
24 subsection (b)(1); ~~and~~ (iii) the traffic citation that resulted in the failure to
25 comply pursuant to subsection (b)(1) was issued in this state; ~~and (iv) the~~
26 ~~individual has not previously received a stayed suspension as a result of a~~
27 ~~driving while suspended conviction; and (iv) the individual has not~~
28 ***previously applied for and received a restricted driver's license pursuant***
29 ***to this section after June 30, 2017.***

30 (C) Upon review and approval of the driver's eligibility, the driving
31 privileges will be restricted by the division of vehicles for a period up to
32 one year or until the terms of the traffic citation have been complied with
33 and the court shall immediately electronically notify the division of
34 vehicles of such compliance. If the driver fails to comply with the traffic
35 citation within the one year restricted period, the driving privileges will be
36 suspended by the division of vehicles until the court determines the person
37 has complied with the terms of the traffic citation and the court shall
38 immediately electronically notify the division of vehicles of such
39 compliance. Upon receipt of notification of such compliance from the
40 informing court, the division of vehicles shall terminate the suspension
41 action. When restricted driving privileges are approved pursuant to this
42 section, the person's driving privileges shall be restricted to driving only
43 under the following circumstances: (i) In going to or returning from the

1 person's place of employment or schooling; (ii) in the course of the
2 person's employment; (iii) in going to or returning from an appointment
3 with a health care provider or during a medical emergency; ~~and~~ (iv) in
4 going to and returning from probation or parole meetings, drug or alcohol
5 counseling or any place the person is required to go by a court; **and (v) in**
6 ***going directly to or from any religious worship service held by a***
7 ***religious organization. "Religious organization" shall have the same***
8 ***meaning as defined in K.S.A. 8-234a, and amendments thereto.***

9 (c) Except as provided in subsection (d), when the district or
10 municipal court notifies the division of vehicles of a failure to comply with
11 a traffic citation pursuant to subsection (b), the court shall assess a
12 reinstatement fee of \$59 for each charge on which the person failed to
13 make satisfaction regardless of the disposition of the charge for which
14 such citation was originally issued and regardless of any application for
15 restricted driving privileges. Such reinstatement fee shall be in addition to
16 any fine, restricted driving privilege application fee, district or municipal
17 court costs and other penalties. The court shall remit all reinstatement fees
18 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
19 and amendments thereto. Upon receipt of each such remittance, the state
20 treasurer shall deposit the entire amount in the state treasury and shall
21 credit 42.37% of such moneys to the division of vehicles operating fund,
22 31.78% to the community alcoholism and intoxication programs fund
23 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
24 juvenile alternatives to detention fund created by K.S.A. 79-4803, and
25 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
26 adjustment fund created by K.S.A. 2016 Supp. 20-1a15, and amendments
27 thereto.

28 (d) The district court or municipal court shall waive the reinstatement
29 fee provided for in subsection (c), if the failure to comply with a traffic
30 citation was the result of such person enlisting in or being drafted into the
31 armed services of the United States, being called into service as a member
32 of a reserve component of the military service of the United States, or
33 volunteering for such active duty, or being called into service as a member
34 of the state of Kansas national guard, or volunteering for such active duty,
35 and being absent from Kansas because of such military service. In any
36 case of a failure to comply with a traffic citation which occurred on or
37 after August 1, 1990, and prior to the effective date of this act, in which a
38 person was assessed and paid a reinstatement fee and the person failed to
39 comply with a traffic citation because the person was absent from Kansas
40 because of any such military service, the reinstatement fee shall be
41 reimbursed to such person upon application therefor. The state treasurer
42 and the director of accounts and reports shall prescribe procedures for all
43 such reimbursement payments and shall create appropriate accounts, make

1 appropriate accounting entries and issue such appropriate vouchers and
2 warrants as may be required to make such reimbursement payments.

3 (e) Except as provided further, the reinstatement fee established in
4 this section shall be the only fee collected or moneys in the nature of a fee
5 collected for such reinstatement. Such fee shall only be established by an
6 act of the legislature and no other authority is established by law or
7 otherwise to collect a fee. On and after July 1, 2015, through June 30,
8 2017, the supreme court may impose an additional charge, not to exceed
9 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

10 ***Sec. 2. K.S.A. 8-298 is hereby amended to read as follows: 8-298.***

11 ***(a) The division of vehicles shall accept any voluntary surrender of a***
12 ***driver's license by the licensee.***

13 ***(b) A licensee may surrender such licensee's driver's license at any***
14 ***driver license examination station and such driver's license shall be***
15 ***forwarded to the division. Upon surrender of such driver's license, the***
16 ***division shall note on the person's driving record that such driver's***
17 ***license has been voluntarily surrendered.***

18 ***(c) Nothing herein shall prohibit a person from applying or the***
19 ***division from granting a new driver's license upon application of such***
20 ***person, if the person is otherwise eligible to apply for a driver's license.***
21 ***No person who has voluntarily surrendered such person's driver's***
22 ***license shall be eligible to apply for a new license for a period of at least***
23 ***90 60 days.***

24 ***(d) The voluntary surrender of a driver's license under this section***
25 ***shall not affect the authority of the division or of a court to suspend,***
26 ***revoke, cancel or withdraw the person's driving privileges or the***
27 ***privilege to obtain a driver's license under any other statute or***
28 ***ordinance.***

29 ***(e) This section shall be part of and supplemental to the motor***
30 ***vehicle drivers' license act.***

31 ~~Sec. 2.~~ **3. K.S.A. 8-298 and K.S.A. 2016 Supp. 8-2110-~~is~~ are** hereby
32 repealed.

33 ~~Sec. 3.~~ **4.** This act shall take effect and be in force from and after its
34 publication in the statute book.