

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 181

As Amended by Senate Committee on
Transportation

Brief*

SB 181, as amended, would authorize a person whose driving privileges have been suspended for failure to comply with a traffic citation to enter into an amnesty agreement with a county or district attorney.

The bill would authorize the chief judge of each judicial district to recall any warrants directly related to the suspension, waive reinstatement and collection fees directly related to the suspension, and offer payment plans, to be administered by the county or district attorney, to persons who are unable to pay in full.

The bill would authorize a person unable to pay due to hardship or lack of employment to enter into an additional agreement with the court to receive a credit against any fines imposed by performing community service or attending classes aimed at developing job skills and gaining employment, as approved by the court. The credit would be \$5 for each full hour spent by the person on community service and \$8 for each full hour spent attending classes.

The options presented by the bill would not be available to a person whose driving privileges have been suspended by another court, for non-traffic warrants, or to any person whose driver's license has been suspended or revoked for any of several reasons: driving with a suspended or revoked license, driving a commercial motor vehicle under the influence of alcohol or drugs (DUI), DUI in a personal vehicle,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

DUI in a personal vehicle if younger than 21, driving an uninsured motor vehicle, or test refusal for DUI.

Background

Senator Faust-Goudeau testified in support of the bill in the Senate Committee on Transportation hearing. She described amnesty programs conducted by the City of Wichita Municipal Court, allowing people to clear their records. Former Senator Journey, now a judge with the Sedgwick County District Court, also described the City of Wichita amnesty program and requested the program to allow people to drive legally, enhance their ability to gain or retain employment, and improve their circumstances. Written-only testimony from a private citizen described a situation in which a person lost employment due to losing a driver's license and the other difficulties that followed.

A representative of the Kansas Association for District Court Clerks and Court Administrators testified in opposition to the provisions in the bill requiring clerks of the court to handle payment plans, possible credits, or both. She noted the courts have unfilled positions and the statewide case management system used by 104 counties would not handle that information.

A representative of the Division of Vehicles (Division), Department of Revenue (KDOR), offered neutral testimony. The representative asked the Senate Committee to consider removing language referencing application to the Division for restricted driving privileges because this process is not affected by or related to amnesty agreements.

Fiscal information provided to the Senate Committee by the Office of Judicial Administration on the bill, as introduced, indicated it would require additional expenditures of \$144,384 in FY 2018 and \$157,020 in FY 2019 for four Trial Clerk II positions. It also noted its case management system does not have the functionality to monitor payment arrangements and

that additional district court staff time would be required to set up amnesty agreements, track compliance with the agreements, and approve and track community service or class attendance. The amendment described below addresses that concern.

The Senate Committee amended the bill to authorize a person to enter into an amnesty agreement with the county or district attorney rather than with the district court, direct payment plans be administered by the county or district attorney, and delete references to the process for application to the Division for restricted driving privileges and release from restriction.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDOR estimates it would require additional expenditures of \$5,610 in FY 2018 to modify and test programming changes to its driver's license system. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2018 Governor's Budget Report*.