

SENATE BILL No. 275

By Committee on Transportation

1-16

1 AN ACT concerning drivers' licenses; relating to certain restrictions;
2 ~~removing exclusion from~~ the additional 90-day period for suspended or
3 revoked licenses; eligibility for restricted driving privileges; amending
4 K.S.A. 2019 Supp. 8-262 and 8-2110 and repealing the existing
5 sections.
6

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

8 Section 1. K.S.A. 2019 Supp. 8-262 is hereby amended to read as
9 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any
10 highway of this state at a time when such person's privilege so to do is
11 canceled, suspended or revoked or while such person's privilege to obtain
12 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and
13 amendments thereto, shall be guilty of a class B nonperson misdemeanor
14 on the first conviction and a class A nonperson misdemeanor on the second
15 or subsequent conviction.

16 (2) No person shall be convicted under this section if such person was
17 entitled at the time of arrest under K.S.A. 8-257, and amendments thereto,
18 to the return of such person's driver's license.

19 (3) Except as otherwise provided by subsection (a)(4) or (c), every
20 person convicted under this section shall be sentenced to at least five days'
21 imprisonment and fined at least \$100 and upon a second conviction shall
22 not be eligible for parole until completion of five days' imprisonment.

23 (4) Except as otherwise provided by subsection ~~(e)-(b)~~ (c), if a
24 person: (A) Is convicted of a violation of this section, committed while the
25 person's privilege to drive or privilege to obtain a driver's license was
26 suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, and
27 amendments thereto, or any ordinance of any city or resolution of any
28 county or a law of another state, which ordinance or resolution or law
29 prohibits the acts prohibited by those statutes; and (B) is or has been also
30 convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments
31 thereto, or any ordinance of any city or resolution of any county or law of
32 another state, which ordinance or resolution or law prohibits the acts
33 prohibited by those statutes, committed while the person's privilege to
34 drive or privilege to obtain a driver's license was so suspended or revoked,
35 the person shall not be eligible for suspension of sentence, probation or
36 parole until the person has served at least 90 days' imprisonment, and any

1 fine imposed on such person shall be in addition to such a term of
2 imprisonment.

3 ~~(b) The division, upon receiving a record of the conviction of any~~
4 ~~person under this section, or any ordinance of any city or resolution of any~~
5 ~~county or a law of another state which is in substantial conformity with~~
6 ~~this section, upon a charge of driving a vehicle while the license of such~~
7 ~~person is revoked or suspended, shall extend the period of such suspension~~
8 ~~or revocation for an additional period of 90 days. (1) Except as provided~~
9 ~~by subsection (b)(2), the division, upon receiving a record of the~~
10 ~~conviction of any person under this section, or any ordinance of any city~~
11 ~~or resolution of any county or a law of another state that is in~~
12 ~~substantial conformity with this section, of a charge of driving a vehicle~~
13 ~~while the license of such person is revoked or suspended, shall extend~~
14 ~~the period of such suspension or revocation for an additional period of~~
15 ~~90 days.~~

16 *(2) For any person found guilty of driving a vehicle while the*
17 *license of such person is suspended for violating K.S.A. 8-2110, and*
18 *amendments thereto, such offense shall not extend the additional period*
19 *of suspension pursuant to subsection (b)(1).*

20 ~~(c)~~ (1) The person found guilty of a class A nonperson
21 misdemeanor on a third or subsequent conviction of this section shall be
22 sentenced to not less than 90 days' imprisonment and fined not less than
23 \$1,500 if such person's privilege to drive a motor vehicle is canceled,
24 suspended or revoked because such person:

25 (A) Refused to submit and complete any test of blood, breath or urine
26 requested by law enforcement excluding the preliminary screening test as
27 set forth in K.S.A. 8-1012, and amendments thereto;

28 (B) was convicted of violating the provisions of K.S.A. 40-3104, and
29 amendments thereto, relating to motor vehicle liability insurance coverage;

30 (C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its
31 repeal, or K.S.A. 2019 Supp. 21-5406, and amendments thereto,
32 involuntary manslaughter while driving under the influence of alcohol or
33 drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as
34 defined in K.S.A. 2019 Supp. 21-5405(a)(3) and (a)(5), and amendments
35 thereto, or any other murder or manslaughter crime resulting from the
36 operation of a motor vehicle; or

37 (D) was convicted of being a habitual violator, K.S.A. 8-287, and
38 amendments thereto.

39 (2) The person convicted shall not be eligible for release on
40 probation, suspension or reduction of sentence or parole until the person
41 has served at least 90 days' imprisonment. The 90 days' imprisonment
42 mandated by this subsection may be served in a work release program only
43 after such person has served 48 consecutive hours' imprisonment, provided

1 such work release program requires such person to return to confinement
2 at the end of each day in the work release program. The court may place
3 the person convicted under a house arrest program pursuant to K.S.A.
4 2019 Supp. 21-6609, and amendments thereto, or any municipal ordinance
5 to serve the remainder of the minimum sentence only after such person has
6 served 48 consecutive hours' imprisonment.

7 ~~(d)~~~~(e)~~**(d)** For the purposes of determining whether a conviction is a
8 first, second, third or subsequent conviction in sentencing under this
9 section, "conviction" includes a conviction of a violation of any ordinance
10 of any city or resolution of any county or a law of another state which is in
11 substantial conformity with this section.

12 Sec. 2. K.S.A. 2019 Supp. 8-2110 is hereby amended to read as
13 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
14 either to: (1) Appear before any district or municipal court in response to a
15 traffic citation and pay in full any fine and court costs imposed; or (2)
16 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
17 amendments thereto. Failure to comply with a traffic citation is a
18 misdemeanor, regardless of the disposition of the charge for which such
19 citation was originally issued.

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

41 (2) (A) In lieu of suspension under paragraph (1), the driver may
42 submit to the division of vehicles a written request for restricted driving
43 privileges, with a non-refundable \$25 application fee, to be applied by the

1 division of vehicles for additional administrative costs to implement
2 restricted driving privileges. The division shall remit all restricted driving
3 privilege application fees to the state treasurer in accordance with the
4 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
5 each such remittance, the state treasurer shall deposit the entire amount in
6 the state treasury to the credit of the division of vehicles operating fund.

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

26 (C) Upon review and approval of the driver's eligibility, the driving
27 privileges will be restricted by the division of vehicles for a period up to
28 one year or until the terms of the traffic citation have been complied with
29 and the court shall immediately electronically notify the division of
30 vehicles of such compliance. If the driver fails to comply with the traffic
31 citation within the one year restricted period, the driving privileges will be
32 suspended by the division of vehicles until the court determines the person
33 has complied with the terms of the traffic citation and the court shall
34 immediately electronically notify the division of vehicles of such
35 compliance. Upon receipt of notification of such compliance from the
36 informing court, the division of vehicles shall terminate the suspension
37 action. When restricted driving privileges are approved pursuant to this
38 section, the person's driving privileges shall be restricted to driving only
39 under the following circumstances: (i) In going to or returning from the
40 person's place of employment or schooling; (ii) in the course of the
41 person's employment; (iii) in going to or returning from an appointment
42 with a health care provider or during a medical emergency; and (iv) in
43 going to and returning from probation or parole meetings, drug or alcohol

1 counseling or any place the person is required to go by a court.

2 (c) (1) Prior to July 1, 2018, except as provided in subsection (d),
3 when the district or municipal court notifies the division of vehicles of a
4 failure to comply with a traffic citation pursuant to subsection (b), the
5 court shall assess a reinstatement fee of \$59 for each charge on which the
6 person failed to make satisfaction regardless of the disposition of the
7 charge for which such citation was originally issued and regardless of any
8 application for restricted driving privileges. Such reinstatement fee shall
9 be in addition to any fine, restricted driving privilege application fee,
10 district or municipal court costs and other penalties. The court shall remit
11 all reinstatement fees to the state treasurer in accordance with the
12 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
13 each such remittance, the state treasurer shall deposit the entire amount in
14 the state treasury and shall credit 42.37% of such moneys to the division of
15 vehicles operating fund, 31.78% to the community alcoholism and
16 intoxication programs fund created by K.S.A. 41-1126, and amendments
17 thereto, 10.59% to the juvenile alternatives to detention fund created by
18 K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial
19 branch nonjudicial salary adjustment fund created by K.S.A. 2019 Supp.
20 20-1a15, and amendments thereto.

21 (2) On and after July 1, 2018, except as provided in subsection (d),
22 when the district or municipal court notifies the division of vehicles of a
23 failure to comply with a traffic citation pursuant to subsection (b), the
24 court shall assess a reinstatement fee of \$100 for each charge on which the
25 person failed to make satisfaction regardless of the disposition of the
26 charge for which such citation was originally issued and regardless of any
27 application for restricted driving privileges. Such reinstatement fee shall
28 be in addition to any fine, restricted driving privilege application fee,
29 district or municipal court costs and other penalties. The court shall remit
30 all reinstatement fees to the state treasurer in accordance with the
31 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
32 each such remittance, the state treasurer shall deposit the entire amount in
33 the state treasury and shall credit the first \$15 of such reinstatement fee to
34 the judicial branch nonjudicial salary adjustment fund and of the
35 remaining amount, 29.41% of such moneys to the division of vehicles
36 operating fund, 22.06% to the community alcoholism and intoxication
37 programs fund created by K.S.A. 41-1126, and amendments thereto,
38 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
39 4803, and amendments thereto, and 41.17% to the judicial branch
40 nonjudicial salary adjustment fund created by K.S.A. 2019 Supp. 20-1a15,
41 and amendments thereto.

42 (d) The district court or municipal court shall waive the reinstatement
43 fee provided for in subsection (c), if the failure to comply with a traffic

1 citation was the result of such person enlisting in or being drafted into the
2 armed services of the United States, being called into service as a member
3 of a reserve component of the military service of the United States, or
4 volunteering for such active duty, or being called into service as a member
5 of the state of Kansas national guard, or volunteering for such active duty,
6 and being absent from Kansas because of such military service.

7 (e) A person who is assessed a reinstatement fee pursuant to
8 subsection (c) may petition the court that assessed the fee at any time to
9 waive payment of the fee, any additional charge imposed pursuant to
10 subsection (f), or any portion thereof. If it appears to the satisfaction of the
11 court that payment of the amount due will impose manifest hardship on the
12 person or the person's immediate family, the court may waive payment of
13 all or part of the amount due or modify the method of payment.

14 (f) Except as provided further, the reinstatement fee established in
15 this section shall be the only fee collected or moneys in the nature of a fee
16 collected for such reinstatement. Such fee shall only be established by an
17 act of the legislature and no other authority is established by law or
18 otherwise to collect a fee. On and after July 1, 2017, through June 30,
19 2019, the supreme court may impose an additional charge, not to exceed
20 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

21 Sec. 3. K.S.A. 2019 Supp. 8-262 and 8-2110 are hereby repealed.

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