

SESSION OF 2021

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 127**

As Agreed to April 6, 2021

Brief*

SB 127 would amend laws related to driver's licenses.

Online renewal. The bill would add a commercial driver's license (CDL) to the driver's licenses that could be renewed online, except if the CDL has a hazardous materials endorsement. The bill would require any person seeking to renew a CDL to provide the Division of Vehicles (Division), Kansas Department of Revenue, with a valid medical examiner's certificate and proof of the completion of the truckers against trafficking training (training in human trafficking identification and prevention, required by KSA 2020 Supp. 8-2,157) prior to the Division renewing the CDL.

The bill would extend the maximum age for online application for renewal of a driver's license from less than age 50 to less than age 65.

Electronic notification. The bill would authorize the Division to send a notice of driver's license expiration or renewal application electronically if authorized by the person at an electronic mail address provided to the Division.

Extended renewal period. The bill would state a licensee whose driver's license or nondriver's identification card expired after March 12, 2020, and before March 31,

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

2021, would have until June 30, 2021, to renew such license or identification card.

License suspension time period. The bill would amend, in a statute requiring suspension of a driver's license for driving when the person's driving privileges are canceled, suspended, or revoked, a provision requiring the Division to extend a period of suspension or revocation an additional 90 days, to state the suspension or revocation shall not be extended for any additional time if the person's license was suspended for failure to comply with a traffic citation.

Eligibility and application for restricted driving privileges. The bill would remove a condition of eligibility for restricted driving privileges for a person whose driver's license expired while the license was suspended for failure to pay fines for traffic citations: the person has not previously received a stayed suspension as a result of a driving while suspended conviction.

The bill would remove a nonrefundable \$25 fee that current law requires to be submitted to the Division by an applicant for restricted driving privileges in lieu of suspension of driving privileges for failure to comply with a traffic citation.

Reinstatement fee. The bill would make a technical amendment to the period during which the Supreme Court is authorized to impose an additional charge per reinstatement fee. Continuing law requires a court to assess a \$100 reinstatement fee when the court notifies the Division of failure to comply with a traffic citation. The bill also would make additional technical changes.

Waiving a fine or court costs. The bill would allow a person assessed a fine or court costs for a traffic citation to petition the court to waive all or a portion of the costs. The bill would authorize the court to waive or modify payments upon determining that paying the amount due would impose manifest hardship on the person or their immediate family.

Conference Committee Action

The Conference Committee agreed to add the contents of Sub. for SB 100 to the provisions of SB 127, as amended by the House Committee on Transportation, and change the effective date to upon publication in the statute book.

Background

The Conference Committee report adds the contents of Sub. for SB 100 to the contents of SB 127, as amended by the House Committee on Transportation.

Sub. for SB 100 (Driver's License Suspension Period)

The bill was introduced by the Senate Committee on Transportation at the request of Senator Faust-Goudeau.

Senate Committee on Transportation

In the Senate Committee hearing, **proponent** testimony was provided by Senator Faust-Goudeau; the Vice Chairperson of the Racial Profiling Advisory Board of Wichita; representatives of Americans for Prosperity Kansas, Kansas Appleseed Center for Law and Justice, Kansas Association of Chiefs of Police, Kansas Legal Services, Kansas Peace Officers Association, Kansas Sheriffs Association, and League of Kansas Municipalities; and a private citizen. The proponents described the challenges faced by those whose driver's licenses have been suspended for failure to comply with a traffic citation and subsequent driving while a driver's license is suspended for failure to fully comply, including accumulated debt and being unable to legally drive to work and elsewhere. They stated approximately 140,000 Kansans have driver's license suspensions related to debt but not to traffic safety. The proponents suggested various amendments to the bill.

Written-only **proponent** testimony was provided by the Chairperson and another member of the Racial Profiling Citizens Advisory Board of Wichita; the president of the Heartland Wichita Black Chamber of Commerce; the president and a member of the Greater Wichita Ministerial League; representatives of Common Ground Producers and Growers, Inc., Greater Mizpah Baptist Church, and the NAACP; and six private citizens.

Neutral testimony was provided by the Special Counsel to the Chief Justice, Judicial Branch, who stated the courts would need replacement moneys if fees are reduced and would face challenges if fees would be changed for cases that had already been sent to collections. Written-only neutral testimony was provided by a representative of ACLU Kansas, requesting fines and fees be removed.

Written-only **opponent** testimony was provided by the Chief Judge of the Fifth Judicial District, who also provided testimony on behalf of the Kansas District Judges' Association, regarding reductions in revenues to the Judicial Branch if the bill is enacted and requesting the financial ramifications be addressed.

The Senate Committee amended the bill to adopt amendments proposed by proponents regarding entering pleas with the court, qualifications for restricted driving privileges in certain circumstances, payment agreements, and information on traffic citations. It also amended the bill to make changes to reinstatement fees apply to court notification to the Division of failure to comply with a traffic citation issued on and after July 1, 2021.

The bill was withdrawn from the Senate Calendar and referred to the Senate Committee on Federal and State Affairs on March 2, 2021. It was re-referred to the Senate Committee on Transportation on March 22, 2021. On March 25, 2021, the Senate Committee amended the bill to remove all but one section of the bill as amended and recommended a substitute bill with those contents.

Fiscal Information

The fiscal note prepared by the Division of the Budget on the bill as introduced is not applicable to the substitute bill.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

SB 127 (Various Driver's License Provisions)

SB 127 was introduced by the Senate Committee on Transportation at the request of the Director of Vehicles, Kansas Department of Revenue.

[*Note:* The bill contains modified or partial provisions of 2020 SB 326, as introduced; 2020 SB 342, as introduced; and 2020 SB 275, as amended by the House Committee on Transportation.]

Senate Committee on Transportation

In the Senate Committee hearing, two representatives of the Division provided **proponent** testimony. The testimony indicated the change to eligibility for a restricted driver's license under certain circumstances would make 650 individuals eligible for a restricted license. It also was noted that federal law requires a criminal history records check and additional checks when renewing a CDL with a hazardous materials endorsement.

A representative of the Kansas Optometric Association provided written-only **proponent** testimony regarding online renewal of a driver's license until age 65.

No other testimony was provided.

The Senate Committee amended the bill to state any holder of a driver's license or nondriver's identification card

that expired after March 12, 2020, and before March 31, 2021, would have until June 30, 2021, to renew the driver's license or nondriver's identification card; authorize online renewal of certain CDLs; and change the effective date to be upon publication in the *Kansas Register*. [Note: The Conference Committee did not retain the amendment to change the effective date.]

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to remove a requirement an applicant pay a fee when requesting restricted driving privileges in lieu of driver's license suspension for failure to comply with a traffic citation.

House Committee on Transportation

In the House Committee hearing, two representatives of the Division and a representative of Kansas Legal Services provided **proponent** testimony, indicating the bill would expand the restricted driver's license program by allowing new participants, as there are currently 650 individuals who would be eligible for the restricted license upon enactment of the bill.

The Executive Director of the Kansas Optometric Association provided written-only neutral testimony, providing information on current vision requirements to obtain a driver's license in Kansas and indicating concerns that expanding the age range will increase the number of individuals with health problems renewing online.

No **opponent** testimony was provided.

The House Committee amended the bill to allow a court to waive or modify payments of fines or court costs upon finding it would impose manifest hardship on the person or their immediate family.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 127, as introduced, the Kansas Department of Revenue estimates enactment of the bill would have no fiscal effect on state revenues and would require \$3,500 from the State General Fund for FY 2022 to implement the bill and modify the driver's licensing system. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Driver's license; CDL; notices; fees

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