

February 22, 2021

The Honorable Mike Petersen, Chairperson
Senate Committee on Transportation
Statehouse, Room 345-S
Topeka, Kansas 66612

Dear Senator Petersen:

SUBJECT: Fiscal Note for SB 100 by Senate Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning SB 100 is respectfully submitted to your committee.

Under current law, a person convicted of driving while the person's driver's license is suspended would have the initial suspension period extended for an additional 90 days. SB 100 would amend that statute to eliminate the 90-day extension period if the person's license was suspended for failure to comply with a traffic citation under KSA 8-2110.

The bill would also amend KSA 8-2110 by eliminating the requirement that a person pay a \$25 application fee to the Division of Vehicles when applying for restricted driving privileges in lieu of driver's license suspension for failure to comply with a traffic citation. In addition, the bill would remove the \$25 application fee currently required to apply for restricted driving privileges if a person's license expires during the period of time it is suspended for failure to comply with a traffic citation. The bill would clarify that in order to qualify for restricted driving privileges under KSA 8-2110, the underlying suspension must be entirely based on a violation of KSA 8-2110.

SB 100 would remove language authorizing the assessment of a driver's license reinstatement fee prior to July 1, 2018, and from July 1, 2018 to July 1, 2021. On and after July 1, 2021, a district or municipal court would be authorized to assess only one reinstatement fee per case when a driver's license has been suspended for failure to comply with a traffic citation. Further, it would require a reinstatement fee to be collected only when a person has been determined to be eligible for reinstatement. Finally, the \$22 reinstatement fee to fund the costs of non-judicial personnel would be extended through June 30, 2025.

The Office of Judicial Administration (OJA) indicates that if reinstatement fees already assessed for citations issued before July 1, 2021 are no longer valid under the provisions of SB 100 it could have a significant fiscal effect on the expenditures of the Judicial Branch. For all

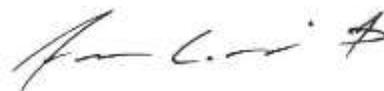
cases involving driver's license reinstatement that have been sent to collections, the clerks would have to recall those cases from the debt collection vendor and would then have to recalculate the debt owed without the reinstatement fee. Finally, the clerks would have to resend the remaining debt back to the debt collection vendor for collection.

OJA also indicates that fee revenue collection would decrease by \$749,813 for FY 2022 and each subsequent year. The bill would change the \$100 fee per charge to a \$100 fee per case for reinstatement of a license. For FY 2019, the driver's license reinstatement revenue in the Nonjudicial Salary Adjustment Fund was \$1,201,649. OJA estimates that the revenue would decrease by 44.0 percent or \$528,726 ($\$1,201,649 \times 0.44 = \$528,726$). In addition, there is a \$22 surcharge on every reinstatement fee. This fee is deposited into the Judicial Branch Docket Fee Fund. The FY 2019 driver's license reinstatement fee surcharge revenue in the Docket Fee Fund was \$502,471. OJA estimates that the revenue would decrease by 44.0 percent or \$221,087 ($\$502,471 \times 0.44 = \$221,087$). OJA indicates that if the provisions of SB 100 mean that the \$100 reinstatement fee and the \$22 surcharge must not be assessed to citations issued before July 1, 2021, the revenue decrease would be much greater.

The Department of Revenue indicates that the provisions of SB 100 to remove the application fee and reinstatement fee would reduce revenue by approximately \$1.5 million in FY 2022. The Sentencing Commission and the Department of Corrections indicates that enactment of the bill would have no fiscal effect on the agencies. Any fiscal effect associated with SB 100 is not reflected in *The FY 2022 Governor's Budget Report*.

The League of Kansas Municipalities indicates any cost to cities resulting from the enactment of this bill would be negligible. The Kansas Association of Counties indicates the bill could reduce fee revenues for counties.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Lynn Robinson, Department of Revenue
Debbie Thomas, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections