

SESSION OF 2022

**SUPPLEMENTAL NOTE ON SUB. FOR HOUSE BILL NO.
2629**

As Recommended by House Committee on
Transportation

Brief*

Sub. for HB 2629 would exclude from the definition of a "habitual violator" a person convicted three or more times of driving while the person's driver's license is canceled, suspended, or revoked if the driver's license was canceled, suspended, or revoked solely for failure to comply with a traffic citation.

Under continuing law, a "habitual violator" is defined as a person convicted three or more times within the previous five years of certain traffic-related violations such as vehicular homicide; driving under the influence; driving with a canceled, suspended, or revoked driver's license; perjury related to driver licensing; using a false or fictitious name or address on an application for title or registration, or knowingly making a false statement in a title or registration application; any crime punishable as a felony if a motor vehicle was used in connection with the crime; and not having motor vehicle liability insurance coverage as required by law.

The bill would be effective January 1, 2023.

Background

The bill was introduced by the House Committee on Transportation at the request of Representative Helgerson.

*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>

As introduced, the bill would have removed mandatory penalties of imprisonment and fines for being a habitual violator and for operating a motor vehicle if the person's driver's license has been revoked for being a habitual violator.

House Committee on Transportation

In the House Committee hearing on February 17, 2022, **proponent** testimony was provided by a private citizen, a Sedgwick County Commissioner, and representatives of Kansas Legal Services Inc., the League of Kansas Municipalities, and the Racial Profiling Advisory Board of Wichita. Written-only proponent testimony was provided by representatives of the Kansas Black Leadership Council, NAACP Kansas State Conference, and Racial Profiling Advisory Board of Wichita. Proponents cited the impact of jail time and fines on people who could not afford to pay fines initially, whose licenses were suspended for failure to pay, and who would be likely to lose employment and ability to pay with imposition of a 90-day sentence. They noted for some, a single unpaid fine can result in owing thousands of dollars and significant economic hardship and stated driving with a suspended license is, by itself, not a safety issue. The proponents stated removing mandatory jail time would allow judges more discretion in sentencing.

A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association provided **opponent** testimony. The superintendent of the Kansas Highway Patrol provided written-only opponent testimony. The opponents noted the definition of "habitual violator" in KSA 8-285 includes conviction in any state of offenses such as vehicular homicide, driving under the influence, and failing to stop at the scene of an accident, in addition to driving while a driver's license is suspended or revoked.

No other testimony was provided.

[Note: According to the Kansas Department of Revenue, as of February 1, 2022, the driver's licenses of 268,067 Kansans were suspended, 124,282 of those for failure to comply with traffic citations.]

The House Committee amended the bill to remove contents regarding penalties for habitual violators or driving when a driver's license has been revoked for being a habitual violator and add the contents described above. A substitute bill was created.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on Judicial Branch operations. No fiscal note on the amended bill was available when the House Committee recommended the bill.

Habitual offender; failure to pay fine; traffic violation; driver's license