

HOUSE BILL No. 2780

By Committee on Judiciary

1-31

9 AN ACT concerning motor vehicles; relating to traffic cases; amending
10 K.S.A. 8-2115 and K.S.A. 2005 Supp. 8-2110 and repealing the existing
11 sections.
12

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

14 Section 1. K.S.A. 2005 Supp. 8-2110 is hereby amended to read as
15 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
16 either to (1) appear before any district or municipal court in response to
17 a traffic citation and pay in full any fine and court costs imposed or (2)
18 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
19 amendments thereto. Failure to comply with a traffic citation is a mis-
20 demeanor, regardless of the disposition of the charge for which such
21 citation was originally issued.

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

41 (c) Except as provided in subsection (d), when the district or munic-
42 ipal court notifies the division of vehicles of a failure to comply with a
43 traffic citation pursuant to subsection (b), the court shall assess a rein-

1 statement fee of \$50 for each charge on which the person failed to make
2 satisfaction regardless of the disposition of the charge for which such
3 citation was originally issued. Such reinstatement fee shall be in addition
4 to any fine, district or municipal court costs and other penalties. The court
5 shall remit all reinstatement fees to the state treasurer in accordance with
6 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
7 of each such remittance, the state treasurer shall deposit the entire
8 amount in the state treasury and shall credit 50% of such moneys to the
9 division of vehicles operating fund, 37.5% to the community alcoholism
10 and intoxication programs fund created by K.S.A. 41-1126, and amend-
11 ments thereto, and 12.5% to the juvenile detention facilities fund created
12 by K.S.A. 79-4803, and amendments thereto.

13 (d) The district court or municipal court shall waive the reinstatement
14 fee provided for in subsection (c), if the failure to comply with a traffic
15 citation was the result of such person enlisting in or being drafted into
16 the armed services of the United States, being called into service as a
17 member of a reserve component of the military service of the United
18 States, or volunteering for such active duty, or being called into service
19 as a member of the state of Kansas national guard, or volunteering for
20 such active duty, and being absent from Kansas because of such military
21 service. In any case of a failure to comply with a traffic citation which
22 occurred on or after August 1, 1990, and prior to the effective date of
23 this act, in which a person was assessed and paid a reinstatement fee and
24 the person failed to comply with a traffic citation because the person was
25 absent from Kansas because of any such military service, the reinstate-
26 ment fee shall be reimbursed to such person upon application therefor.
27 The state treasurer and the director of accounts and reports shall pre-
28 scribe procedures for all such reimbursement payments and shall create
29 appropriate accounts, make appropriate accounting entries and issue such
30 appropriate vouchers and warrants as may be required to make such re-
31 imbursement payments.

32 Sec. 2. K.S.A. 8-2115 is hereby amended to read as follows: 8-2115.

33 (a) Every municipal judge or judge of a court not of record and every
34 clerk of a court of record shall keep a full record of every case in which
35 a person is charged with any violation of this act or of any other law
36 regulating the operation of vehicles on highways or for the violation of an
37 ordinance of any city defining any offense the provisions of which are
38 identical with provisions of this act, or fixing a limitation upon the speed
39 of vehicles pursuant to the provisions of this act.

40 (b) Within 10 days after the conviction or forfeiture of bail or an
41 appearance bond of a person upon a charge of violating any provisions of
42 this act or other law or city ordinance regulating the operation of vehicles
43 on highways, every judge or clerk of the court in which such conviction

1 was had or bail or bond was forfeited shall prepare and immediately
2 *electronically* forward to the division an abstract of the record of the court
3 covering the case in which such person was so convicted or forfeited bail
4 or bond. The abstract shall be ~~on a form or in a~~ *forwarded in an electronic*
5 format approved by the division.

6 (c) Every court of record also shall forward a like *electronic* report to
7 the division upon the conviction of any person of manslaughter or other
8 felony in the commission of which a vehicle was used.

9 (d) The failure, refusal or neglect of any such judicial officer to com-
10 ply with any of the requirements of this section shall constitute miscon-
11 duct in office and shall be ground for removal therefrom.

12 (e) The division shall ~~keep~~ *electronically file* all abstracts received
13 hereunder at its main office and the same shall be open to public in-
14 spection during reasonable business hours.

15 (f) The clerk of any court of record to which a conviction for violation
16 of any of the laws described in subsection (a) has been appealed ~~shall~~
17 ~~forward~~ within 10 days of the final disposition of such appeal *shall forward*
18 a notification of such final disposition to the division *in an electronic*
19 *format approved by the division*.

20 Sec. 3. K.S.A. 8-2115 and K.S.A. 2005 Supp. 8-2110 are hereby
21 repealed.

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