

SESSION OF 2006

**CONFERENCE COMMITTEE REPORT BRIEF
SUBSTITUTE FOR HOUSE BILL NO. 2706**

As Agreed to March 31, 2006
As Revised June 27, 2006

Brief*

Sub. for HB 2706 would restrict the driver's license of any person who owes \$500 or more in child support, e.g., driving to and from work or school, medical emergencies. The suspension would be enforced after certification from the Secretary of Social and Rehabilitation Services (SRS), in a Title IV-D case, to the Secretary of Revenue of the amount owed. Prior to certification, SRS must notify the individual of the proposed restriction and allow 30 days to respond. If SRS decertifies an individual, then the Department of Revenue would be required to terminate any restriction proceedings, and if the person's license has been restricted, the agency would issue a driver's license provided that the individual met the requirements to receive a license. This bill would limit any Department of Revenue administrative hearings involving the restriction of a license based on certification by SRS to the issue of whether the person certified by SRS is the same person whose driver's license has been restricted, whether they received timely notification of the proposed restriction from SRS, and whether SRS has decertified the person. This bill also would authorize the release of photographs and digital images related to driver's license records by the Division of Vehicles to SRS for the purpose of providing child support enforcement services.

The bill also would expand the definition of "traffic offense" in the traffic code to include driving without proof of insurance thereby allowing juveniles 14 and over who violate this provision to be prosecuted as adults in municipal court and in the district court rather than be prosecuted under the Juvenile Offenders Code.

In addition, the bill would expand provisions of the motor vehicle liability insurance law and nonpayment of damages to require the

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person with a suspended or revoked license to file specific proof of financial security, show that the person has paid the reinstatement fee of \$100 and has been released from liability, among other things. The reinstatement fee for a person whose license has been revoked within one year of a prior revocation would be \$300. Other procedures involving a person whose driver's license has been suspended or revoked are outlined in the bill.

Conference Committee Action

The Conference Committee did the following:

- Agreed to all Senate amendments to the bill; and
- Agreed to amend in SB 432 dealing with the expansion of the definition of "traffic offense" and the expansion of provisions of the motor vehicle liability insurance law.

Background

The bill was supported by Kansas Action for Children and the Kansas Department of Social and Rehabilitation Services.

The House Committee on Judiciary adopted a substitute bill which would amend the law dealing with finding a person in contempt of court for failure to pay child support. The bill would reduce the amount of child support due before a finding of contempt may be imposed from an amount of arrearage due for six months to an amount due for two months and would provide a court may order the Division of Vehicles not only to restrict but also to suspend a person's driver's license.

The House Committee of the Whole amended the bill by deleting the provisions of the substitute bill and inserting the provisions of the original bill as described above in the Brief section.

The Senate Committee amended the bill to provide a drivers' license restriction rather than suspension.

The Senate Committee of the Whole made a technical amendment.

The fiscal note on the original bill estimated an additional

\$200,000 in child support collections would be made. The fiscal note also reported the Department of Revenue indicated an additional expenditure of \$41,959 would be needed from the Division of Vehicles Operating Fund.

SB 432 was supported by an Overland Park municipal judge who said juvenile traffic offenders who cannot provide proof of insurance often are not charged with the offense under current law since this offense must be prosecuted under the Juvenile Offenders Code in district court. The House Committee of the Whole on SB 432 inserted the provisions regarding financial security and nonpayment of damages procedural requirements. The original bill has no fiscal impact on the state.

Drivers license restrictions; child support;
traffic offenses; motor vehicle liability insurance