

**HOUSE BILL No. 2547**

By Committee on Corrections and Juvenile Justice

2-3

1 AN ACT concerning motor vehicles; relating to driving privileges;  
2 revocation, suspension or restrictions; fines; amending K.S.A. 2019  
3 Supp. 8-262 and 8-2110 and repealing the existing sections; also  
4 repealing K.S.A. 2019 Supp. 8-2110b.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2019 Supp. 8-262 is hereby amended to read as  
8 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any  
9 highway of this state at a time when such person's privilege so to do is  
10 canceled, suspended or revoked or while such person's privilege to obtain  
11 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and  
12 amendments thereto, shall be guilty of a class B nonperson misdemeanor  
13 on the first conviction and a class A nonperson misdemeanor on the second  
14 or subsequent conviction.

15 (2) No person shall be convicted under this section if such person was  
16 entitled at the time of arrest under K.S.A. 8-257, and amendments thereto,  
17 to the return of such person's driver's license.

18 (3) Except as otherwise provided by subsection (a)(4) or (c), every  
19 person convicted under this section shall be sentenced to at least five days'  
20 imprisonment and fined at least \$100 and upon a second conviction shall  
21 not be eligible for parole until completion of five days' imprisonment.

22 (4) Except as otherwise provided by subsection (c), if a person: (A) Is  
23 convicted of a violation of this section, committed while the person's  
24 privilege to drive or privilege to obtain a driver's license was suspended or  
25 revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments  
26 thereto, or any ordinance of any city or resolution of any county or a law  
27 of another state, which ordinance or resolution or law prohibits the acts  
28 prohibited by those statutes; and (B) is or has been also convicted of a  
29 violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any  
30 ordinance of any city or resolution of any county or law of another state,  
31 which ordinance or resolution or law prohibits the acts prohibited by those  
32 statutes, committed while the person's privilege to drive or privilege to  
33 obtain a driver's license was so suspended or revoked, the person shall not  
34 be eligible for suspension of sentence, probation or parole until the person  
35 has served at least 90 days' imprisonment, and any fine imposed on such  
36 person shall be in addition to such a term of imprisonment.

1 (b) The division, upon receiving a record of the conviction of any  
2 person under this section, or any ordinance of any city or resolution of any  
3 county or a law of another state which is in substantial conformity with  
4 this section, upon a charge of driving a vehicle while the license of such  
5 person is revoked or suspended, shall extend the period of such suspension  
6 or revocation for an additional period of ~~90~~ 30 days.

7 (c) (1) The person found guilty of a class A nonperson misdemeanor  
8 on a third or subsequent conviction of this section shall be sentenced to not  
9 less than 90 days' imprisonment and fined not less than \$1,500 if such  
10 person's privilege to drive a motor vehicle is canceled, suspended or  
11 revoked because such person:

12 (A) Refused to submit and complete any test of blood, breath or urine  
13 requested by law enforcement excluding the preliminary screening test as  
14 set forth in K.S.A. 8-1012, and amendments thereto;

15 (B) was convicted of violating the provisions of K.S.A. 40-3104, and  
16 amendments thereto, relating to motor vehicle liability insurance coverage;

17 (C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its  
18 repeal, or K.S.A. 2019 Supp. 21-5406, and amendments thereto,  
19 involuntary manslaughter while driving under the influence of alcohol or  
20 drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as  
21 defined in K.S.A. 2019 Supp. 21-5405(a)(3) and (a)(5), and amendments  
22 thereto, or any other murder or manslaughter crime resulting from the  
23 operation of a motor vehicle; or

24 (D) was convicted of being a habitual violator, K.S.A. 8-287, and  
25 amendments thereto.

26 (2) The person convicted shall not be eligible for release on  
27 probation, suspension or reduction of sentence or parole until the person  
28 has served at least 90 days' imprisonment. The 90 days' imprisonment  
29 mandated by this subsection may be served in a work release program only  
30 after such person has served 48 consecutive hours' imprisonment, provided  
31 such work release program requires such person to return to confinement  
32 at the end of each day in the work release program. The court may place  
33 the person convicted under a house arrest program pursuant to K.S.A.  
34 2019 Supp. 21-6609, and amendments thereto, or any municipal ordinance  
35 to serve the remainder of the minimum sentence only after such person has  
36 served 48 consecutive hours' imprisonment.

37 (d) For the purposes of determining whether a conviction is a first,  
38 second, third or subsequent conviction in sentencing under this section,  
39 "conviction" includes a conviction of a violation of any ordinance of any  
40 city or resolution of any county or a law of another state which is in  
41 substantial conformity with this section.

42 Sec. 2. K.S.A. 2019 Supp. 8-2110 is hereby amended to read as  
43 follows: 8-2110. (a) Failure to comply with a traffic citation means failure

1 either to: (1) Appear before any district or municipal court in response to a  
2 traffic citation and pay in full any fine and court costs imposed; or (2)  
3 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and  
4 amendments thereto. Failure to comply with a traffic citation is a  
5 misdemeanor, regardless of the disposition of the charge for which such  
6 citation was originally issued.

7 (b) (1) In addition to penalties of law applicable under subsection (a),  
8 when a person fails to comply with a traffic citation, except for illegal  
9 parking, standing or stopping, the district or municipal court in which the  
10 person should have complied with the citation shall mail notice to the  
11 person that if the person does not appear in district or municipal court or  
12 pay all fines, court costs and any penalties within 30 days from the date of  
13 mailing notice, the division of vehicles will be notified to suspend the  
14 person's driving privileges. The district or municipal court may charge an  
15 additional fee of \$5 for mailing such notice. Upon the person's failure to  
16 comply within such 30 days of mailing notice, the district or municipal  
17 court shall electronically notify the division of vehicles. Upon receipt of a  
18 report of a failure to comply with a traffic citation under this subsection,  
19 pursuant to K.S.A. 8-255, and amendments thereto, the division of  
20 vehicles shall notify the violator and suspend the license of the violator  
21 until satisfactory evidence of compliance with the terms of the traffic  
22 citation has been furnished to the informing court. When the court  
23 determines the person has complied with the terms of the traffic citation,  
24 the court shall immediately electronically notify the division of vehicles of  
25 such compliance. Upon receipt of notification of such compliance from the  
26 informing court, the division of vehicles shall terminate the suspension or  
27 suspension action.

28 (2) (A) In lieu of suspension under paragraph (1), the driver may  
29 submit to the division of vehicles a written request for restricted driving  
30 privileges, ~~with a non-refundable \$25 application fee, to be applied by the~~  
31 ~~division of vehicles for additional administrative costs to implement~~  
32 ~~restricted driving privileges. The division shall remit all restricted driving~~  
33 ~~privilege application fees to the state treasurer in accordance with the~~  
34 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~  
35 ~~each such remittance, the state treasurer shall deposit the entire amount in~~  
36 ~~the state treasury to the credit of the division of vehicles operating fund.~~  
37 *No application fee shall be collected in connection with such written*  
38 *request.*

39 (B) A person whose driver's license has expired during the period  
40 when such person's driver's license has been suspended for failure to pay  
41 fines for traffic citations, the driver may submit to the division of vehicles  
42 a written request for restricted driving privileges, ~~with a non-refundable~~  
43 ~~\$25 application fee, to be applied by the division of vehicles for additional~~

1 ~~administrative costs to implement restricted driving privileges. The~~  
2 ~~division shall remit all restricted driving privilege application fees to the~~  
3 ~~state treasurer in accordance with the provisions of K.S.A. 75-4215, and~~  
4 ~~amendments thereto. Upon receipt of each such remittance, the state~~  
5 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~  
6 ~~of the division of vehicles operating fund. An individual shall not qualify~~  
7 ~~for restricted driving privileges pursuant to this section unless the~~  
8 ~~following conditions are met: (i) The suspended license that expired was~~  
9 ~~issued by the division of vehicles; (ii) the suspended license resulted from~~  
10 ~~the individual's failure to comply with a traffic citation pursuant to~~  
11 ~~subsection (b)(1); (iii) the traffic citation that resulted in the failure to~~  
12 ~~comply pursuant to subsection (b)(1) was issued in this state; and (iv) the~~  
13 ~~individual has not previously received a stayed suspension as a result of a~~  
14 ~~driving while suspended conviction. *No application fee shall be collected*~~  
15 ~~*in connection with such written request.*~~

16 (C) Upon review and approval of the driver's eligibility, the driving  
17 privileges will be restricted by the division of vehicles for a period up to  
18 one year or until the terms of the traffic citation have been complied with  
19 and the court shall immediately electronically notify the division of  
20 vehicles of such compliance. If the driver fails to comply with the traffic  
21 citation within the one year restricted period, the driving privileges will be  
22 suspended by the division of vehicles until the court determines the person  
23 has complied with the terms of the traffic citation and the court shall  
24 immediately electronically notify the division of vehicles of such  
25 compliance. Upon receipt of notification of such compliance from the  
26 informing court, the division of vehicles shall terminate the suspension  
27 action. When restricted driving privileges are approved pursuant to this  
28 section, the person's driving privileges shall be restricted to driving only  
29 under the following circumstances: (i) In going to or returning from the  
30 person's place of employment or schooling; (ii) in the course of the  
31 person's employment; (iii) in going to or returning from an appointment  
32 with a health care provider or during a medical emergency; and (iv) in  
33 going to and returning from probation or parole meetings, drug or alcohol  
34 counseling or any place the person is required to go by a court.

35 ~~(c) (1) Prior to July 1, 2018, except as provided in subsection (d),~~  
36 ~~when the district or municipal court notifies the division of vehicles of a~~  
37 ~~failure to comply with a traffic citation pursuant to subsection (b), the~~  
38 ~~court shall assess a reinstatement fee of \$59 for each charge on which the~~  
39 ~~person failed to make satisfaction regardless of the disposition of the~~  
40 ~~charge for which such citation was originally issued and regardless of any~~  
41 ~~application for restricted driving privileges. Such reinstatement fee shall~~  
42 ~~be in addition to any fine, restricted driving privilege application fee,~~  
43 ~~district or municipal court costs and other penalties. The court shall remit~~

1 all reinstatement fees to the state treasurer in accordance with the  
2 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
3 each such remittance, the state treasurer shall deposit the entire amount in  
4 the state treasury and shall credit 42.37% of such moneys to the division of  
5 vehicles operating fund, 31.78% to the community alcoholism and  
6 intoxication programs fund created by K.S.A. 41-1126, and amendments  
7 thereto, 10.59% to the juvenile alternatives to detention fund created by  
8 K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial  
9 branch nonjudicial salary adjustment fund created by K.S.A. 2019 Supp.  
10 20-1a15, and amendments thereto.

11 (2) On and after July 1, 2018; Except as provided in subsection (d),  
12 when the district or municipal court notifies the division of vehicles of a  
13 failure to comply with a traffic citation pursuant to subsection (b), the  
14 court shall assess a reinstatement fee of \$100 for each charge on which the  
15 person failed to make satisfaction regardless of the disposition of the  
16 charge for which such citation was originally issued and regardless of any  
17 application for restricted driving privileges for each case. Such  
18 reinstatement fee shall be in addition to any fine, ~~restricted driving~~  
19 ~~privilege application fee~~; district or municipal court costs and other  
20 penalties *and shall only be collected after a person has been determined to*  
21 *be eligible for reinstatement*. The court shall remit all reinstatement fees to  
22 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
23 and amendments thereto. Upon receipt of each such remittance, the state  
24 treasurer shall deposit the entire amount in the state treasury and shall  
25 credit the first \$15 of such reinstatement fee to the judicial branch  
26 nonjudicial salary adjustment fund and of the remaining amount, 29.41%  
27 of such moneys to the division of vehicles operating fund, 22.06% to the  
28 community alcoholism and intoxication programs fund created by K.S.A.  
29 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to  
30 detention fund created by K.S.A. 79-4803, and amendments thereto, and  
31 41.17% to the judicial branch nonjudicial salary adjustment fund created  
32 by K.S.A. 2019 Supp. 20-1a15, and amendments thereto.

33 (d) The district court or municipal court shall waive the reinstatement  
34 fee provided for in subsection (c), if the failure to comply with a traffic  
35 citation was the result of such person enlisting in or being drafted into the  
36 armed services of the United States, being called into service as a member  
37 of a reserve component of the military service of the United States, or  
38 volunteering for such active duty, or being called into service as a member  
39 of the state of Kansas national guard, or volunteering for such active duty,  
40 and being absent from Kansas because of such military service.

41 (e) A person who is assessed a reinstatement fee pursuant to  
42 subsection (c) may petition the court that assessed the fee at any time to  
43 waive payment of the fee, any additional charge imposed pursuant to

1 subsection (f), or any portion thereof. If it appears to the satisfaction of the  
2 court that payment of the amount due will impose manifest hardship on the  
3 person or the person's immediate family, the court may waive payment of  
4 all or part of the amount due or modify the method of payment.

5 (f) Except as provided further, the reinstatement fee established in  
6 this section shall be the only fee collected or moneys in the nature of a fee  
7 collected for such reinstatement. Such fee shall only be established by an  
8 act of the legislature and no other authority is established by law or  
9 otherwise to collect a fee. ~~On and after July 1, 2017, through June 30,~~  
10 ~~2019~~ *On and after July 1, 2019, through June 30, 2025*, the supreme court  
11 may impose an additional charge, not to exceed \$22 per reinstatement fee,  
12 to fund the costs of non-judicial personnel.

13 Sec. 3. K.S.A. 2019 Supp. 8-262, 8-2110 and 8-2110b are hereby  
14 repealed.

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