

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 158

As Amended by House Committee on
Judiciary

Brief*

SB 158, as amended, would amend the statute on failure to comply with a traffic citation to authorize, in lieu of suspension, a drivers' license restriction to eligible drivers. The driver would be required to submit a written request for the license restriction, along with a nonrefundable \$25 application fee, to the Division of Vehicles (Division). The application fee would be applied by the Division for additional administrative costs to implement restrictive driving privileges. If the driver is eligible, the Division would be required to restrict the driver's license as follows:

- To and from work or school;
- In the course of employment;
- During a medical emergency; and
- To and from probation or parole meetings, drug or alcohol counseling, or any place the driver is ordered by the Court to go.

The driver's license would be restricted for up to one year or until there is compliance with the terms of the traffic citation. The Court would be required to immediately electronically notify the Division of the driver's compliance with the terms of the citation.

If the driver fails to comply with the traffic citation within the one-year restriction period, the driver's driving privileges would be suspended. The Court would be required to immediately

*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>

electronically notify the Division of the driver's compliance. The Division would be required to terminate the suspension action upon notification by the Court of the driver's compliance with the terms of the citation.

The bill would clarify that the \$25 application fee is nonrefundable and is in addition to the reinstatement fee already assessed in current law.

The bill would expire on January 1, 2012.

Other amendments are technical in nature.

Background

The proponents of the bill, as introduced, who presented testimony at the Senate Committee hearing were the Hon. Phil Journey, Judge of the 18th Judicial District Court (Sedgwick); and Roger Werholtz, Secretary, Kansas Department of Corrections.

The opponents of the bill, as introduced, who presented written testimony to the Senate Committee were Municipal Court Judges Karen Arnold-Burger, Maurice Ryan, Randy McGrath, Steve Ebberts, Brenda Stoss, and Jennifer Jones. The judges had no objection to restricted driving privileges if handled solely and exclusively by the Division of Vehicles. Further, the judges stated they would not object to the bill if it also were amended to add explicit restrictions in the bill.

Kathy Porter, Office of Judicial Administration, provided neutral testimony on the bill, as introduced.

The Senate Committee on Judiciary amended the bill to:

- Clarify the written request and the \$25 application fee would be directed to the Division;

- Clarify that the Division would approve an eligible driver for a restricted driver's license for up to one year to comply with the terms of the traffic citation;
- Specify the restrictions that would be placed on a driver's license; and
- Clarify that the \$25 application fee is in addition to the reinstatement fee.

The Senate Committee of the Whole amended the bill to provide the application fee would be applied by the Division for additional administrative costs to implement restrictive driving privileges.

The House Committee on Judiciary amended the bill to make the \$25 application fee nonrefundable and made various technical amendments.

In the fiscal note on the bill as introduced, the Kansas Department of Revenue (KDOR) states that there are approximately 172,000 active suspensions on the Kansas Drivers' License System for failing to satisfy traffic citations. Of that amount, approximately 106,000 would be eligible for restricted driving privileges established in the bill. If 50.0 percent of those eligible applied for restricted driving privileges and paid the \$25 fee, then \$1,325,000 could be generated in FY 2010. On an annual basis, if 10,000 drivers, of the 30,000 suspended annually for failure to satisfy traffic citations, an additional \$250,000 per year could be generated. However, the bill does not specify where the funds are to be deposited.

The Driver Control Bureau of the Division of Vehicles of KDOR would require 3.0 new Administrative Specialist FTE positions because the Bureau would have to manually verify each person's eligibility for restricted driving privileges. The bill does not specifically state that KDOR would perform this act; however, KDOR is the agency that holds the drivers' records. Therefore, KDOR assumes it would be responsible for this

activity. For FY 2009, the Bureau would require \$13,293 for one-time operating expenditures for computers, workstations, and other related expenditures. For FY 2010, the Bureau would require \$133,557 ($\$44,519 \times 3$) for the 3.0 new Administrative Specialist FTE positions and \$2,289 for operating expenditures. If the \$25 application fee is deposited into a KDOR fund, then the revenues generated from the fees could finance the required expenditures. If KDOR does not receive revenues from the fee, then the Bureau would need a State General Fund appropriation to finance the required expenditures.

According to the Office of Judicial Administration, if the \$25 application fee for restricted driving privileges is submitted to the district courts, then the district court case management system would require additional programming. In addition, court hearings could increase if judges are required to conduct additional hearings to approve the written request for the restricted license. Also additional staff time could be required to handle the requests for a restricted license and notifications to the Division of Vehicles, as well as receiving and distributing the application fee. If these processes are required of the district courts, then \$25,000 would be needed in FY 2010 to implement the bill's provisions. If the Office of Judicial Administration receives revenues from the \$25 application fee, revenues generated from the fees could finance the required expenditures. If the Office does not receive revenues from the fee, then the Office would require monies from the State General Fund to finance the related expenditures needed to implement the provisions of SB 158.