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October 6, 2023

To: 2023 Special Committee on Restricted Driving Privileges

From: Eric Adell, Research Analyst

Re: Committee Requests for Information, Committee Suggestions, and Conferee Recommendations

This memorandum provides a list of information requested by the Special Committee on Restricted Driving Privileges (Committee) at its August 29, 2023, meeting, suggestions by the Committee to consider or review, and conferees' recommendations to the Committee.

Information Specifically Requested by the Committee

Committee members made the following requests for follow-up information:

- How other states send out suspension notices;
- Which traffic citations could be excluded from suspension for failure to comply;
- How other states have implemented payment plans;
- How Kansas courts currently utilize payment plans;
- What differences between suspension and revocation are in current law and administrative practice; and
- Additional data that would help provide clarification of the population of interest for this reform.

Committee Suggestions to Consider or Review

Committee members made the following suggestions to consider or review:

- Consider a change in the suspension process to allow for an initial period in which a person's driver's license would not be immediately suspended;

- Explore the possibility of providing for repayment plans and improved communication between Kansas Department of Revenue (KDOR) and the courts;
- Review traffic citations that could be excluded from citations that, if not paid, could result in a driver's license suspension;
- Consider limiting reinstatement fees to a single administrative fee per reinstatement, rather than a reinstatement fee for each charge;
- Consider providing judicial discretion with regard to suspension and revocation; and
- Review the requirement that certain drivers maintain SR-22 insurance.

Conferee Recommendations

Conferees made recommendations to the Committee with regard to the following:

- SB 2
 - Clarify language in SB 2 as to whether habitual violators are included; and
 - Include in SB 2 cross-references to relevant statutes (e.g. KSA 8-285 and KSA 8-287) to help clarify the target population.
- Fines and fees
 - Establish a historical cutoff of outstanding fees;
 - Require courts to notify KDOR of failure to comply with a citation discretionary instead of mandatory;
 - Change language requiring payment of all fines, court costs, and penalties within 30 days of notice to payment of fines as ordered by the court;
 - Limit reinstatement fees to a single administrative fee per reinstatement, rather than a reinstatement fee for each charge;
 - Minimally limit reinstatement fees to only charges resulting in a conviction;
 - Review the requirement for anyone convicted of driving while suspended to maintain SR-22 insurance continuously for 12 months; and
 - Consider expanding restricted driving privileges to individuals whose licenses are administratively suspended for driving without insurance.

- Penalties and sentencing
 - Make suspensions less punitive by removing mandatory sentencing;
 - Remove mandatory minimum jail sentences for second and third convictions of driving while suspended, but provide for some sort of mandatory fine;
 - Remove the mandatory 90-day suspension for driving while suspended in KSA 8-262(b)(1);
 - Remove the forever-lookback of offenses by allowing offenses to roll-off one's record eventually; and
 - Provide additional legislative clarity as to what constitutes manifest hardship.

- License restrictions, generally
 - Provide restricted driver's licenses for drivers making attempts to comply and be accountable;
 - Limit the number of opportunities an individual has to apply for restrictions; and
 - Reform law pertaining to failure to comply to begin with restrictions, with suspension subsequent to continued non-compliance.

- Other recommendations
 - Review traffic violations that could be excluded as grounds for suspension for failure to comply;
 - Focus on preventing revocation and perpetual suspension status rather than dealing with the after-effects;
 - Provide funding for license reinstatement clinics; and
 - Improve data transparency from KDOR.