

## **Restricted Driving Privileges for Failure to Comply With A Traffic Citation; SB 500**

**SB 500** amends law pertaining to restricted driving privileges for certain individuals who violate the misdemeanor offense of failure to comply with a traffic citation (failure to comply). The bill takes effect on January 1, 2025.

### ***Failure to Comply with a Traffic Citation***

#### *Payment of Fines, Court Costs, and Penalties*

Under continuing law, failure to appear in court in response to a traffic citation and pay fines and court costs associated with such citation constitutes failure to comply. Upon such failure, the individual has 30 days to appear and pay fines, court costs, and penalties before the driving privileges of the individual must be suspended.

The bill amends requirements that any such fines, court costs, or penalties be paid in full to instead require payment of an amount as ordered by the court.

#### *Reinstatement Fees*

The bill limits reinstatement fees assessed under continuing law following failure to comply to a single fee of \$100, replacing the requirement that imposes a separate \$100 reinstatement fee for each charge associated with the citation with which the individual did not comply, regardless of the disposition of the charge.

#### *Forms for Waiving or Reducing Payment of Court Costs or Fines*

Under continuing law, a person who is assessed a fine or court costs for a traffic citation may petition the court to waive payment, or any portion, of the fine or costs. The bill requires the clerks of the district court and municipal court to make forms available to any person seeking to make such a motion.

#### *Waivers and Alternatives to Restriction or Suspension*

The bill requires the court to consider the following options before issuing an order to restrict or suspend an individual's driving privileges:

- Waiver or reduction of fees, fines, and court costs, allowing for payment plans of such fees, fines, and costs; and
- Alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.

The bill specifies that in considering these waivers or alternatives, the court is not required to make written findings or written payment plan orders.

### *Offense Look-back*

The bill prohibits courts or the Division of Vehicles (Division), Kansas Department of Revenue, from considering any conviction for a failure to comply that is older than five years in determinations of suspension or restriction of driving privileges. The bill requires the Division to notify suspended or restricted individuals whose driving privileges have not been restored that they may be eligible for driving privileges pursuant to this provision.

### *Exclusions*

Continuing law excludes illegal parking, standing, or stopping as grounds for failure to comply. The bill excludes certain additional violations not pertaining to the operation of a motor vehicle from violations for which non-compliance with the terms of a citation constitute failure to comply and provides these exclusions apply retroactively.

The bill provides a person may petition the court to determine whether a previous violation for failure to comply is excluded under the provisions of the bill. If the court determines the person committed an offense that is excluded, the court must immediately electronically notify the Division. The Division is required to terminate any restriction, suspension, or suspension action that resulted from the prior violation upon receipt of the court's notification. [Note: Under prior law, non-compliance with any traffic citation, as defined by KSA 8-2106, excluding illegal parking, standing, or stopping, constitutes grounds for failure to comply.]

## ***Restricted Driving Privileges***

### *Automatic Restriction of Driving Privileges*

The bill requires the Division to restrict, rather than suspend, the driving privileges of eligible individuals as described below, upon a violation of failure to comply and subsequent notification by the court.

The bill authorizes restoration of driving privileges to be provided upon an individual entering into an agreement with the court regarding the person's failure to comply.

### *Eligibility*

Individuals are eligible for the automatic restricted driving privileges authorized under the bill, provided:

- The individual does not have more than three convictions for driving with a canceled, suspended, or revoked license; and

- The license of the individual is not suspended for reasons other than failure to comply.

The bill specifies drivers applying for restricted driving privileges in lieu of suspension under continuing law are eligible to apply for a restricted license if they have previously been approved for restricted driving privileges under the automatic granting of restricted driving privileges authorized by the bill.

#### *Restricted Driving Privileges for Drivers with Revoked Licenses for Failure to Comply*

The bill also authorizes a restricted driver's license for a person whose driving privileges have been revoked for driving while the person's driving privilege was canceled, suspended, or revoked only for failure to comply.

The bill removes, for drivers meeting the conditions for reinstatement under provisions of the bill, a mandatory three-year driver's license revocation for a driver whose license has been suspended solely for driving while the person's driving privilege was canceled, suspended, or revoked only for failure to comply.

#### *Duration of Restrictions*

The duration of restricted driving privileges varies depending on the circumstances in which restrictions are granted. For any driver granted restricted driving privileges pursuant to the bill, the Division is directed to restore driving privileges upon notice of a determination by the court that the individual has substantially complied with the terms of the traffic citation.

The bill defines "substantial compliance" to mean the person has followed the orders of the court involving payments of fines, court costs, and any penalties and has not failed substantially in making payments or satisfying the terms of the court order, and replaces existing references to "compliance" in the statute with "substantial compliance."

Otherwise, restricted driving privileges remain in effect unless otherwise rescinded, as follows:

- For drivers qualifying for automatic restriction of driving privileges prior to suspension, the lesser of:
  - 60 days from the date that the Division mails notice of restricted driving privileges; or
  - Upon the person entering into an agreement with the court regarding the person's failure to comply;
- For drivers applying for restricted driving privileges under continuing law, until the terms of the traffic citation have been substantially complied with; or
- For drivers qualifying for restricted driving privileges following license revocation, the lesser of:

- The remainder of time the person's driving privileges are revoked; or
- Three years from the date the restricted driving privileges were approved.

### *Permissible Driving Activities*

The bill adds driving for the purpose of transporting children to and from school or child care, purchasing groceries or fuel, and attending religious worship services to the list of driving activities permitted when restricted driving privileges are granted for failure to comply. Permissible driving activities are the same for all circumstances in which restricted driving privileges are authorized under the bill.

### *Violation of Restrictions*

The bill states a person operating a motor vehicle in violation of restrictions authorized under the bill is guilty of operating a vehicle in violation of restrictions, which is classified as a misdemeanor.

The bill requires the Division to rescind restricted driving privileges authorized under the bill if the person is found guilty of a violation, other than failure to comply, that results in driver's license suspension, revocation, or cancellation.

The bill also requires, for drivers qualifying for automatic restriction of driving privileges prior to suspension, the rescission of restricted driving privileges if the individual is found guilty of operating a motor vehicle in violation of restrictions, as provided for by the bill.