



State of Kansas
Office of Judicial Administration
Kansas Judicial Center
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February 11, 2015

HB 2188

Bill Number: 2188 Due Date: ASAP
Responding Agency: Judicial Branch
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Fiscal Impact

State—Would this bill have a fiscal effect on your agency? Yes X No
Local—Would this bill have a fiscal effect on local government? Yes X No
Tax Revenue—Would this bill affect State General Fund revenues? Yes X No
Fee or Other Revenue—Would this bill affect revenues to other state funds? Yes X No

	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
Expenditures			
State General Fund			
Fee Fund(s)			
Federal Fund			
Total Expenditures	See Below	See Below	See Below
Revenues			
State General Fund			
Fee Fund(s)			
Federal Fund			
Total Revenues	See Below	See Below	See Below
FTE Positions			

Bill Description

HB 2188 would modify provisions in the Uniform Act Regulating Traffic that govern how a person may qualify for restricted driving privileges when the person's driver's license has been suspended because of a failure to comply with a traffic citation. Currently, in order to obtain restricted driving privileges the person must file a written request with the Division of Vehicles and meet the eligibility requirements in K.S.A. 2014 Supp. 8-2110(b)(2)(B). HB 2188 would add a new provision that would require the individual to enter a one-year payment plan with the district or municipal court and be in compliance with the plan.

Assumptions for Fiscal Effect Estimate

Expenditures: HB 2188 would have a fiscal effect on Judicial Branch expenditures. The bill would require the Department of Revenue (KDOR) to provide the Judicial Branch, on a judicial district basis, with a monthly listing of all persons who have been granted a restricted license pursuant to K.S.A. 2014 Supp. 8-2110 and with a payment plan specifying the amount due each month and by what date it is due. Clerks of the district court and their staffs would be required to check each of these persons on a monthly basis to see if they are in compliance. The current case management system does not have the functionality to monitor payment arrangements, so all checking of payment compliance would have to be done manually. Persons not in compliance would have to be reported to KDOR, again through a manual process because there is not currently an electronic interface designed to report this information.

The bill does not define what a "one-year payment plan" would be, but it is presumed that someone would have to establish the plan and provide it to the licensee and to clerks of the district court so that compliance can be determined. The Judicial Branch is not staffed in a manner to accommodate this requirement, and it is presumed that the plan would be determined by KDOR in conjunction with the issuance of the restricted license. However, the bill is silent as to how this would be accomplished.

In CY 2013 (in which the restricted license provisions were in effect for only part of the year) KDOR issued 79 restricted licenses pursuant to K.S.A. 2014 Supp. 8-2110. In CY 2014, KDOR granted 339 restricted licenses (an average of 28 per month), and in January 2015 51 licenses were granted. The number of these licenses granted indicates an upward trend. If 400 restricted licenses were granted in FY 2016, and clerks of the district court spent six hours per license over the course of 12 months (30 minutes per license per month to receive lists from KDOR, check for compliance, notify KDOR of noncompliance, and answer questions from licensees), a minimum of 1.5 additional Trial Court Clerk II positions would be needed, given vacation and other leave, training, and other administrative duties required of these positions. (Please note that this does not include the time needed to receive, receipt, and account for payments, which are included in the ongoing duties of clerks, but which arguably would increase in frequency from these licensees.) The FY 2016 State General Fund (SGF) cost of these positions would be \$54,721, and the FY 2017 SGF cost would be \$61,235, both including fringe benefits.

Revenues: The passage of HB 2188 could result in increased collections of docket fee and fine revenue. To remain in compliance with the payment plan imposed by the bill, persons would need to pay the docket fee and fines associated with the underlying offense. However, it is unknown how many persons would enter into the payment plans, how many of those would comply with the plans, and what amounts are owed by those persons for the underlying offenses. Therefore, until the Judicial Branch has had an opportunity to operate under the provisions of HB 2188, an accurate estimate of its effect on revenues cannot be determined.

Long-Term Fiscal Considerations

The passage of HB 2188 could have a long-term fiscal effect on the Judicial Branch, as noted above.

Local Government Fiscal Effect

If additional Trial Court Clerk II positions are added to comply with the provisions of HB 2188, county governments would be required to pay the operating costs associated with those positions, such as computers and other office equipment and furnishings.

References/Sources

None.