

HOUSE BILL No. 2279

By Committee on Appropriations

2-6

1 AN ACT concerning courts; relating to disposition of drivers' license  
2 reinstatement fees; judicial branch nonjudicial salary adjustment fund;  
3 amending K.S.A. 2016 Supp. 8-241 and 20-1a15 and repealing the  
4 existing sections.

failure to comply with a traffic citation

8-2110

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

6 Section 1. ~~K.S.A. 2016 Supp. 8-241 is hereby amended to read as~~  
7 ~~follows: 8-241. (a) Except as provided in K.S.A. 8-2, 125 through 8-2, 142,~~  
8 ~~and amendments thereto, any person licensed to operate a motor vehicle in~~  
9 ~~this state shall submit to an examination whenever: (1) The division of~~  
10 ~~vehicles has good cause to believe that such person is incompetent or~~  
11 ~~otherwise not qualified to be licensed; or (2) the division of vehicles has~~  
12 ~~suspended such person's license pursuant to K.S.A. 8-1014, and~~  
13 ~~amendments thereto, as the result of a test refusal, test failure or conviction~~  
14 ~~for a violation of K.S.A. 8-1567, and amendments thereto; or a violation of~~  
15 ~~a city ordinance or county resolution prohibiting the acts prohibited by~~  
16 ~~K.S.A. 8-1567, and amendments thereto, except that no person shall have~~  
17 ~~to submit to and successfully complete an examination more than once as~~  
18 ~~the result of separate suspensions arising out of the same occurrence.~~

19 (b) ~~When a person is required to submit to an examination pursuant~~  
20 ~~to subsection (a)(1), the fee for such examination shall be in the amount~~  
21 ~~provided by K.S.A. 8-240, and amendments thereto. When a person is~~  
22 ~~required to submit to an examination pursuant to subsection (a)(2), the fee~~  
23 ~~for such examination shall be \$25. In addition, any person required to~~  
24 ~~submit to an examination pursuant to subsection (a)(2) as the result of a~~  
25 ~~test failure, a conviction for a violation of K.S.A. 8-1567, and amendments~~  
26 ~~thereto, or a violation of a city ordinance or county resolution prohibiting~~  
27 ~~the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be~~  
28 ~~required, at the time of examination, to pay a reinstatement fee of \$200~~  
29 ~~after the first occurrence, \$400 after the second occurrence, \$600 after the~~  
30 ~~third occurrence and \$800 after the fourth or subsequent occurrence; and~~  
31 ~~as a result of a test refusal a conviction for a violation of K.S.A. 2016~~  
32 ~~Supp. 8-1025, and amendments thereto, or a violation of a city ordinance~~  
33 ~~or county resolution prohibiting the acts prohibited by K.S.A. 2016 Supp.~~  
34 ~~8-1025, and amendments thereto, shall be required, at the time of~~  
35 ~~examination, to pay a reinstatement fee of \$600 after the first occurrence.~~  
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1 \$900 after the second occurrence, \$1,200 after the third occurrence and  
2 \$1,500 after the fourth or subsequent occurrence.

3 (1) All examination fees collected pursuant to this section shall be  
4 remitted to the state treasurer, in accordance with the provisions of K.S.A.  
5 75-4215, and amendments thereto, who shall deposit the entire amount in  
6 the state treasury and credit 80% to the state highway fund and 20% shall  
7 be disposed of as provided in K.S.A. 8-267, and amendments thereto.

8 (2) On and after July 1, 2014, 2017, through June 30, 2018, 2019, all  
9 reinstatement fees collected pursuant to this section shall be remitted to the  
10 state treasurer, in accordance with the provisions of K.S.A. 75-4215, and  
11 amendments thereto, who shall deposit the entire amount in the state  
12 treasury and credit 26% to the community alcoholism and intoxication  
13 programs fund created pursuant to K.S.A. 41-1126, and amendments  
14 thereto, 12% to the juvenile alternatives to detention fund created by  
15 K.S.A. 79-4803, and amendments thereto, 12% to the forensic laboratory  
16 and materials fee fund created by K.S.A. 28-176, and amendments thereto,  
17 17% to the driving under the influence fund created by K.S.A. 75-5660,  
18 and amendments thereto, and 33% to the judicial branch nonjudicial salary  
19 adjustment fund created by K.S.A. 20-1415, and amendments thereto.  
20 Moneys credited to the forensic laboratory and materials fee fund as  
21 provided herein shall be used to supplement existing appropriations and  
22 shall not be used to supplant general fund appropriations to the Kansas  
23 bureau of investigation.

24 (3) On and after July 1, 2018, 2019, all reinstatement fees collected  
25 pursuant to this section shall be remitted to the state treasurer, in  
26 accordance with the provisions of K.S.A. 75-4215, and amendments  
27 thereto, who shall deposit the entire amount in the state treasury and credit  
28 35% to the community alcoholism and intoxication programs fund created  
29 pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile  
30 alternatives to detention fund created by K.S.A. 79-4803, and amendments  
31 thereto, 20% to the forensic laboratory and materials fee fund created by  
32 K.S.A. 28-176, and amendments thereto, and 25% to the driving under the  
33 influence fund created by K.S.A. 75-5660, and amendments thereto.  
34 Moneys credited to the forensic laboratory and materials fee fund as  
35 provided herein shall be used to supplement existing appropriations and  
36 shall not be used to supplant general fund appropriations to the Kansas  
37 bureau of investigation.

38 (e) When an examination is required pursuant to subsection (a), at  
39 least five days' written notice of the examination shall be given to the  
40 licensee. The examination administered hereunder shall be at least  
41 equivalent to the examination required by K.S.A. 8-247(e), and  
42 amendments thereto, with such additional tests as the division deems  
43 necessary. Upon the conclusion of such examination, the division shall

1 take action as may be appropriate and may suspend or revoke the license  
2 of such person or permit the licensee to retain such license, or may issue a  
3 license subject to restrictions as permitted under K.S.A. 8-245, and  
4 amendments thereto.  
5 (d) Refusal or neglect of the licensee to submit to an examination as  
6 required by this section shall be grounds for suspension or revocation of  
7 the license.

8 ~~(e) The division may issue a driver's license with a DUI-MD~~  
9 ~~designation for a licensee that is operating under ignition interlock~~  
10 ~~restrictions required by K.S.A. 8-1014, and amendments thereto. The~~  
11 ~~reevaluation requirement in subsection (a)(2) shall not require~~  
12 ~~reevaluation and payment of reinstatement fees until the end of the~~  
13 ~~licensee's ignition interlock restriction period. If the applicant's Kansas~~  
14 ~~driver's license has been expired for one year or more, the applicant must~~  
15 ~~complete a reexamination and pay any applicable reinstatement fees before~~  
16 ~~qualifying for a driver's license with an ignition interlock designation. All~~  
17 ~~other requirements for issuance and renewal of a driver's license under~~  
18 ~~K.S.A. 8-240, and amendments thereto, shall continue to apply. The~~  
19 ~~renewal periods and other requirements in K.S.A. 8-247, and amendments~~  
20 ~~thereto, shall apply. The fees charged for the driver's license with ignition~~  
21 ~~interlock designation shall include: (1) The fee amounts set out in K.S.A.~~  
22 ~~8-240(f), and amendments thereto; (2) fees prescribed by the secretary of~~  
23 ~~revenue and required in K.S.A. 8-243(a), and amendments thereto; and (3)~~  
24 ~~a \$10 fee to the DUI-MD designation fund. There is hereby created in the~~  
25 ~~state treasury the DUI-MD designation fund. All moneys credited to the~~  
26 ~~DUI-MD designation fund shall be used by the department of revenue only~~  
27 ~~for the purpose of funding the administration and oversight of state~~  
28 ~~certified ignition interlock manufacturers and their service providers.~~  
29 Sec. 2. K.S.A. 2016 Supp. 20-1a15 is hereby amended to read as  
30 follows: 20-1a15. (a) There is hereby established in the state treasury the  
31 judicial branch nonjudicial salary adjustment fund.

32 (b) All moneys credited to the judicial branch nonjudicial salary  
33 adjustment fund shall be used for compensation of nonjudicial officers and  
34 employees of the district courts, court of appeals and the supreme court  
35 and shall not be expended for compensation of judges or justices of the  
36 judicial branch. Moneys in the fund shall be used only to pay for that  
37 portion of the cost of salaries and wages of nonjudicial personnel of the  
38 judicial branch, including associated employer contributions, which shall  
39 not exceed the difference between the amount of expenditures that would  
40 be required under the judicial branch pay plan for nonjudicial personnel in  
41 effect prior to the effective date of this act and the amount of expenditures  
42 required under the judicial branch pay plan for nonjudicial personnel after  
43 the cost-of-living adjustments and the adjustments for upgrades in pay

[K.S.A. 2016 Supp 8-2110 [see attached]]

1 rates for nonjudicial personnel approved by the chief justice of the Kansas  
 2 supreme court for fiscal year 2015. For fiscal years commencing on and  
 3 after June 30, 2016, moneys in such fund shall be used only for the amount  
 4 attributable to maintenance of the judicial branch pay plan for nonjudicial  
 5 personnel for such adjustments and upgrades approved by the chief justice  
 6 of the supreme court for fiscal year 2015.

7 (c) On or before the 10<sup>th</sup> day of each month, the director of accounts  
 8 and reports shall transfer from the state general fund to the judicial branch  
 9 nonjudicial salary adjustment fund interest earnings based on:

10 (1) The average daily balance of moneys in the judicial branch  
 11 nonjudicial salary adjustment fund for the preceding month; and

12 (2) the net earnings rate of the pooled money investment portfolio for  
 13 the preceding month.

14 (d) All expenditures from the judicial branch nonjudicial salary  
 15 adjustment fund shall be made in accordance with appropriation acts and  
 16 upon warrants of the director of accounts and reports issued pursuant to  
 17 payrolls approved by the chief justice of the Kansas supreme court or by a  
 18 person or persons designated by the chief justice.

19 Sec. 3. K.S.A. 2016 Supp. 8-241 and 20-1a15 are hereby repealed.

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

Sec. 3. On July 1, 2018, K.S.A. 2016 Supp. 8-2110 is hereby  
 repealed.

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Renumber sections  
 accordingly.

Section 1. On July 1, 2018, K.S.A. 2016 Supp 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

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

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund.

(B) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund. An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met: (i) The suspended license that expired was issued by the division of vehicles; (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state; and (iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.

(C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges

will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances: (i) In going to or returning from the person's place of employment or schooling; (ii) in the course of the person's employment; (iii) in going to or returning from an appointment with a health care provider or during a medical emergency; and (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$59 \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit ~~42.37%~~ the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, ~~31.78%~~ 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, ~~10.59%~~ 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and ~~15.26%~~ 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2016 Supp. 20-1a15, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. ~~In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.~~

(e) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2015, through June 30, 2017, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.