

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2279

By Committee on Appropriations

2-6

1 AN ACT concerning courts; relating to disposition of ~~drivers' license~~
2 **failure to comply with a traffic citation** reinstatement fees; judicial
3 branch nonjudicial salary adjustment fund; amending K.S.A. 2016
4 Supp. ~~8-241~~ **8-2110** and 20-1a15 and repealing the existing sections.

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

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

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

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. 20-1a15, 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(c), 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-IID~~
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 ~~reexamination requirement in subsection (a)(2) shall not require~~
12 ~~reexamination 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-IID designation fund. There is hereby created in the~~
25 ~~state treasury the DUI-IID designation fund. All moneys credited to the~~
26 ~~DUI-IID 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 **Section 1. On and after July 1, 2018, K.S.A. 2016 Supp. 8-2110 is**
30 **hereby amended to read as follows: 8-2110. (a) Failure to comply with**
31 **a traffic citation means failure either to: (1) Appear before any district**
32 **or municipal court in response to a traffic citation and pay in full any**
33 **fine and court costs imposed; or (2) otherwise comply with a traffic**
34 **citation as provided in K.S.A. 8-2118, and amendments thereto.**
35 **Failure to comply with a traffic citation is a misdemeanor, regardless**
36 **of the disposition of the charge for which such citation was originally**
37 **issued.**

38 (b) (1) In addition to penalties of law applicable under subsection
39 (a), when a person fails to comply with a traffic citation, except for
40 illegal parking, standing or stopping, the district or municipal court in
41 which the person should have complied with the citation shall mail
42 notice to the person that if the person does not appear in district or
43 municipal court or pay all fines, court costs and any penalties within

1 30 days from the date of mailing notice, the division of vehicles will be
2 notified to suspend the person's driving privileges. The district or
3 municipal court may charge an additional fee of \$5 for mailing such
4 notice. Upon the person's failure to comply within such 30 days of
5 mailing notice, the district or municipal court shall electronically
6 notify the division of vehicles. Upon receipt of a report of a failure to
7 comply with a traffic citation under this subsection, pursuant to
8 K.S.A. 8-255, and amendments thereto, the division of vehicles shall
9 notify the violator and suspend the license of the violator until
10 satisfactory evidence of compliance with the terms of the traffic
11 citation has been furnished to the informing court. When the court
12 determines the person has complied with the terms of the traffic
13 citation, the court shall immediately electronically notify the division
14 of vehicles of such compliance. Upon receipt of notification of such
15 compliance from the informing court, the division of vehicles shall
16 terminate the suspension or suspension action.

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

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

1 to subsection (b)(1) was issued in this state; and (iv) the individual has
2 not previously received a stayed suspension as a result of a driving
3 while suspended conviction.

4 (C) Upon review and approval of the driver's eligibility, the
5 driving privileges will be restricted by the division of vehicles for a
6 period up to one year or until the terms of the traffic citation have
7 been complied with and the court shall immediately electronically
8 notify the division of vehicles of such compliance. If the driver fails to
9 comply with the traffic citation within the one year restricted period,
10 the driving privileges will be suspended by the division of vehicles
11 until the court determines the person has complied with the terms of
12 the traffic citation and the court shall immediately electronically
13 notify the division of vehicles of such compliance. Upon receipt of
14 notification of such compliance from the informing court, the division
15 of vehicles shall terminate the suspension action. When restricted
16 driving privileges are approved pursuant to this section, the person's
17 driving privileges shall be restricted to driving only under the
18 following circumstances: (i) In going to or returning from the person's
19 place of employment or schooling; (ii) in the course of the person's
20 employment; (iii) in going to or returning from an appointment with a
21 health care provider or during a medical emergency; and (iv) in going
22 to and returning from probation or parole meetings, drug or alcohol
23 counseling or any place the person is required to go by a court.

24 (c) Except as provided in subsection (d), when the district or
25 municipal court notifies the division of vehicles of a failure to comply
26 with a traffic citation pursuant to subsection (b), the court shall assess
27 a reinstatement fee of ~~\$59~~ \$100 for each charge on which the person
28 failed to make satisfaction regardless of the disposition of the charge
29 for which such citation was originally issued and regardless of any
30 application for restricted driving privileges. Such reinstatement fee
31 shall be in addition to any fine, restricted driving privilege application
32 fee, district or municipal court costs and other penalties. The court
33 shall remit all reinstatement fees to the state treasurer in accordance
34 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
35 receipt of each such remittance, the state treasurer shall deposit the
36 entire amount in the state treasury and shall credit ~~42.37%~~ *the first*
37 *\$15 of such reinstatement fee to the judicial branch nonjudicial salary*
38 *adjustment fund and of the remaining amount, 29.41% of such moneys to*
39 *the division of vehicles operating fund, 31.78%* 22.06% *to the*
40 *community alcoholism and intoxication programs fund created by*
41 *K.S.A. 41-1126, and amendments thereto, 10.59%* 7.36% *to the*
42 *juvenile alternatives to detention fund created by K.S.A. 79-4803, and*
43 *amendments thereto, and 15.26%* 41.17% *to the judicial branch*

1 nonjudicial salary adjustment fund created by K.S.A. 2016 Supp. 20-
2 1a15, and amendments thereto.

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

22 (e) Except as provided further, the reinstatement fee established
23 in this section shall be the only fee collected or moneys in the nature of
24 a fee collected for such reinstatement. Such fee shall only be
25 established by an act of the legislature and no other authority is
26 established by law or otherwise to collect a fee. On and after July 1,
27 2015, through June 30, 2017, the supreme court may impose an
28 additional charge, not to exceed \$22 per reinstatement fee, to fund the
29 costs of non-judicial personnel.

30 Sec. 2. K.S.A. 2016 Supp. 20-1a15 is hereby amended to read as
31 follows: 20-1a15. (a) There is hereby established in the state treasury the
32 judicial branch nonjudicial salary adjustment fund.

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

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

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

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

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

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

20 **Sec. 3. On and after July 1, 2018, K.S.A. 8-2110 is hereby repealed.**

21 ~~Sec. 3: 4. K.S.A. 2016 Supp.—8-241 and 20-1a15—~~are hereby
22 repealed.

23 ~~Sec. 4: 5.~~ This act shall take effect and be in force from and after its
24 publication in the statute book.