

As Amended by House Committee

Session of 2020

HOUSE BILL No. 2547

By Committee on Corrections and Juvenile Justice

2-3

1 AN ACT concerning motor vehicles; relating to driving privileges;
2 revocation, suspension or restrictions; fines; amending K.S.A. 2019
3 Supp. 8-262 and 8-2110 and repealing the existing sections; also
4 repealing K.S.A. 2019 Supp. 8-2110b.

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

7 Section 1. K.S.A. 2019 Supp. 8-262 is hereby amended to read as
8 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any
9 highway of this state at a time when such person's privilege so to do is
10 canceled, suspended or revoked or while such person's privilege to obtain
11 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and
12 amendments thereto, shall be guilty of a class B nonperson misdemeanor
13 on the first conviction and a class A nonperson misdemeanor on the second
14 or subsequent conviction.

15 (2) No person shall be convicted under this section if such person was
16 entitled at the time of arrest under K.S.A. 8-257, and amendments thereto,
17 to the return of such person's driver's license.

18 (3) Except as otherwise provided by subsection (a)(4) or (c), every
19 person convicted under this section shall be sentenced to at least five days'
20 imprisonment and fined at least \$100 and upon a second conviction shall
21 not be eligible for parole until completion of five days' imprisonment.

22 (4) Except as otherwise provided by subsection (c), if a person: (A) Is
23 convicted of a violation of this section, committed while the person's
24 privilege to drive or privilege to obtain a driver's license was suspended or
25 revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments
26 thereto, or any ordinance of any city or resolution of any county or a law
27 of another state, which ordinance or resolution or law prohibits the acts
28 prohibited by those statutes; and (B) is or has been also convicted of a
29 violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any
30 ordinance of any city or resolution of any county or law of another state,
31 which ordinance or resolution or law prohibits the acts prohibited by those
32 statutes, committed while the person's privilege to drive or privilege to
33 obtain a driver's license was so suspended or revoked, the person shall not
34 be eligible for suspension of sentence, probation or parole until the person
35 has served at least 90 days' imprisonment, and any fine imposed on such
36 person shall be in addition to such a term of imprisonment.

1 **(b) (1) Except as provided by paragraph (2),** the division, upon
2 receiving a record of the conviction of any person under this section, or
3 any ordinance of any city or resolution of any county or a law of another
4 state which is in substantial conformity with this section, upon a charge of
5 driving a vehicle while the license of such person is revoked or suspended,
6 shall extend the period of such suspension or revocation for an additional
7 period of ~~90~~ 30 days.

8 **(2) For any person found guilty of driving a vehicle while the**
9 **license of such person is suspended for violating K.S.A. 8-2110, and**
10 **amendments thereto, the suspension or revocation shall not be**
11 **extended for any additional time pursuant to paragraph (1).**

12 (c) (1) The person found guilty of a class A nonperson misdemeanor
13 on a third or subsequent conviction of this section shall be sentenced to not
14 less than 90 days' imprisonment and fined not less than \$1,500 if such
15 person's privilege to drive a motor vehicle is canceled, suspended or
16 revoked because such person:

17 (A) Refused to submit and complete any test of blood, breath or urine
18 requested by law enforcement excluding the preliminary screening test as
19 set forth in K.S.A. 8-1012, and amendments thereto;

20 (B) was convicted of violating the provisions of K.S.A. 40-3104, and
21 amendments thereto, relating to motor vehicle liability insurance coverage;

22 (C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its
23 repeal, or K.S.A. 2019 Supp. 21-5406, and amendments thereto,
24 involuntary manslaughter while driving under the influence of alcohol or
25 drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as
26 defined in K.S.A. 2019 Supp. 21-5405(a)(3) and (a)(5), and amendments
27 thereto, or any other murder or manslaughter crime resulting from the
28 operation of a motor vehicle; or

29 (D) was convicted of being a habitual violator, K.S.A. 8-287, and
30 amendments thereto.

31 (2) The person convicted shall not be eligible for release on
32 probation, suspension or reduction of sentence or parole until the person
33 has served at least 90 days' imprisonment. The 90 days' imprisonment
34 mandated by this subsection may be served in a work release program only
35 after such person has served 48 consecutive hours' imprisonment, provided
36 such work release program requires such person to return to confinement
37 at the end of each day in the work release program. The court may place
38 the person convicted under a house arrest program pursuant to K.S.A.
39 2019 Supp. 21-6609, and amendments thereto, or any municipal ordinance
40 to serve the remainder of the minimum sentence only after such person has
41 served 48 consecutive hours' imprisonment.

42 (d) For the purposes of determining whether a conviction is a first,
43 second, third or subsequent conviction in sentencing under this section,

1 "conviction" includes a conviction of a violation of any ordinance of any
2 city or resolution of any county or a law of another state which is in
3 substantial conformity with this section.

4 Sec. 2. K.S.A. 2019 Supp. 8-2110 is hereby amended to read as
5 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
6 either to: (1) Appear before any district or municipal court in response to a
7 traffic citation and pay in full any fine and court costs imposed; or (2)
8 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
9 amendments thereto. Failure to comply with a traffic citation is a
10 misdemeanor, regardless of the disposition of the charge for which such
11 citation was originally issued.

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

33 (2) (A) In lieu of suspension under paragraph (1), the driver may
34 submit to the division of vehicles a written request for restricted driving
35 privileges, ~~with a non-refundable \$25 application fee, to be applied by the~~
36 ~~division of vehicles for additional administrative costs to implement~~
37 ~~restricted driving privileges. The division shall remit all restricted driving~~
38 ~~privilege application fees to the state treasurer in accordance with the~~
39 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~
40 ~~each such remittance, the state treasurer shall deposit the entire amount in~~
41 ~~the state treasury to the credit of the division of vehicles operating fund.~~
42 *No application fee shall be collected in connection with such written*
43 *request.*

1 (B) A person whose driver's license has expired during the period
2 when such person's driver's license has been suspended for failure to pay
3 fines for traffic citations, the driver may submit to the division of vehicles
4 a written request for restricted driving privileges, ~~with a non-refundable~~
5 ~~\$25 application fee, to be applied by the division of vehicles for additional~~
6 ~~administrative costs to implement restricted driving privileges. The~~
7 ~~division shall remit all restricted driving privilege application fees to the~~
8 ~~state treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
9 ~~amendments thereto. Upon receipt of each such remittance, the state~~
10 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~
11 ~~of the division of vehicles operating fund. An individual shall not qualify~~
12 ~~for restricted driving privileges pursuant to this section unless the~~
13 ~~following conditions are met: (i) The suspended license that expired was~~
14 ~~issued by the division of vehicles; (ii) the suspended license resulted from~~
15 ~~the individual's failure to comply with a traffic citation pursuant to~~
16 ~~subsection (b)(1); (iii) the traffic citation that resulted in the failure to~~
17 ~~comply pursuant to subsection (b)(1) was issued in this state; and (iv) the~~
18 ~~individual has not previously received a stayed suspension as a result of a~~
19 ~~driving while suspended conviction. *No application fee shall be collected*~~
20 ~~*in connection with such written request.*~~

21 (C) Upon review and approval of the driver's eligibility, the driving
22 privileges will be restricted by the division of vehicles for a period up to
23 one year or until the terms of the traffic citation have been complied with
24 and the court shall immediately electronically notify the division of
25 vehicles of such compliance. If the driver fails to comply with the traffic
26 citation within the one year restricted period, the driving privileges will be
27 suspended by the division of vehicles until the court determines the person
28 has complied with the terms of the traffic citation and the court shall
29 immediately electronically notify the division of vehicles of such
30 compliance. Upon receipt of notification of such compliance from the
31 informing court, the division of vehicles shall terminate the suspension
32 action. When restricted driving privileges are approved pursuant to this
33 section, the person's driving privileges shall be restricted to driving only
34 under the following circumstances: (i) In going to or returning from the
35 person's place of employment or schooling; (ii) in the course of the
36 person's employment; (iii) in going to or returning from an appointment
37 with a health care provider or during a medical emergency; and (iv) in
38 going to and returning from probation or parole meetings, drug or alcohol
39 counseling or any place the person is required to go by a court.

40 ~~(c) (1) Prior to July 1, 2018, except as provided in subsection (d),~~
41 ~~when the district or municipal court notifies the division of vehicles of a~~
42 ~~failure to comply with a traffic citation pursuant to subsection (b), the~~
43 ~~court shall assess a reinstatement fee of \$59 for each charge on which the~~

1 person failed to make satisfaction regardless of the disposition of the
2 charge for which such citation was originally issued and regardless of any
3 application for restricted driving privileges. Such reinstatement fee shall
4 be in addition to any fine, restricted driving privilege application fee,
5 district or municipal court costs and other penalties. The court shall remit
6 all reinstatement fees to the state treasurer in accordance with the
7 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
8 each such remittance, the state treasurer shall deposit the entire amount in
9 the state treasury and shall credit 42.37% of such moneys to the division of
10 vehicles operating fund, 31.78% to the community alcoholism and
11 intoxication programs fund created by K.S.A. 41-1126, and amendments
12 thereto, 10.59% to the juvenile alternatives to detention fund created by
13 K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial
14 branch nonjudicial salary adjustment fund created by K.S.A. 2019 Supp.
15 20-1a15, and amendments thereto.

16 (2) ~~On and after July 1, 2018,~~ Except as provided in subsection (d),
17 when the district or municipal court notifies the division of vehicles of a
18 failure to comply with a traffic citation pursuant to subsection (b), the
19 court shall assess a reinstatement fee of \$100 ~~for each charge on which the~~
20 ~~person failed to make satisfaction regardless of the disposition of the~~
21 ~~charge for which such citation was originally issued and regardless of any~~
22 ~~application for restricted driving privileges for each case.~~ Such
23 reinstatement fee shall be in addition to any fine, ~~restricted driving~~
24 ~~privilege application fee,~~ district or municipal court costs and other
25 penalties *and shall only be collected after a person has been determined to*
26 *be eligible for reinstatement.* The court shall remit all reinstatement fees to
27 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
28 and amendments thereto. Upon receipt of each such remittance, the state
29 treasurer shall deposit the entire amount in the state treasury and shall
30 credit the first \$15 of such reinstatement fee to the judicial branch
31 nonjudicial salary adjustment fund and of the remaining amount, 29.41%
32 of such moneys to the division of vehicles operating fund, 22.06% to the
33 community alcoholism and intoxication programs fund created by K.S.A.
34 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to
35 detention fund created by K.S.A. 79-4803, and amendments thereto, and
36 41.17% to the judicial branch nonjudicial salary adjustment fund created
37 by K.S.A. 2019 Supp. 20-1a15, and amendments thereto.

38 (d) The district court or municipal court shall waive the reinstatement
39 fee provided for in subsection (c), if the failure to comply with a traffic
40 citation was the result of such person enlisting in or being drafted into the
41 armed services of the United States, being called into service as a member
42 of a reserve component of the military service of the United States, or
43 volunteering for such active duty, or being called into service as a member

1 of the state of Kansas national guard, or volunteering for such active duty,
2 and being absent from Kansas because of such military service.

3 (e) A person who is assessed a reinstatement fee pursuant to
4 subsection (c) may petition the court that assessed the fee at any time to
5 waive payment of the fee, any additional charge imposed pursuant to
6 subsection (f), or any portion thereof. If it appears to the satisfaction of the
7 court that payment of the amount due will impose manifest hardship on the
8 person or the person's immediate family, the court may waive payment of
9 all or part of the amount due or modify the method of payment.

10 (f) Except as provided further, the reinstatement fee established in
11 this section shall be the only fee collected or moneys in the nature of a fee
12 collected for such reinstatement. Such fee shall only be established by an
13 act of the legislature and no other authority is established by law or
14 otherwise to collect a fee. ~~On and after July 1, 2017, through June 30,~~
15 ~~2019~~ *On and after July 1, 2019, through June 30, 2025*, the supreme court
16 may impose an additional charge, not to exceed \$22 per reinstatement fee,
17 to fund the costs of non-judicial personnel.

18 Sec. 3. K.S.A. 2019 Supp. 8-262, 8-2110 and 8-2110b are hereby
19 repealed.

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