

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Transportation** recommends **HB 2193** be amended on page 1, following line 6, by inserting:

"New Section 1. (a) (1) Any person who is financially unable to pay either the full amount of their original traffic fine or fines and court costs or a monthly payment from an approved hardship payment plan, as described in this section, may contact the court of jurisdiction to request a hardship waiver to offset part or all of the balance owed. The waiver shall include options for monthly installment payments and credits, or both, earned by the defendant doing community service and attending court approved classes, or both.

(2) A monthly payment amount shall be calculated based upon all fines and fees and all anticipated costs owed within that jurisdiction and shall correspond to the person's ability to pay. The monthly payment plan amount shall be the greater of \$10 or 2% of the person's annual net income, as of their most recent tax return, divided by 12.

(b) A single page, uniform hardship waiver application form shall be made available to download from the department of revenue website in addition to being provided in each jurisdiction's clerk of court office for defendants to sign and submit to the court. If the court denies an economic hardship petition, a written explanation shall be provided to the defendant stating the reason or reasons for the denial.

(c) Under the terms of the original traffic fine or fines and court costs payment agreement made with the court, the district or municipal court:

(1) Shall order the recall of any warrants directly related to the suspension of the

person's driver's license.

(2) shall order the waiver of any reinstatement and collection fees directly related to the suspension;

(3) shall order the expungement of any previous driving while suspended convictions due to nonpayment of traffic fines and court costs, or both, or failure to appear; and

(4) may order that a defendant who enters into a payment agreement shall receive credit against remaining traffic fines and court costs owed by performing community service and attending classes, or both, including online courses, aimed at defensive and safe driving techniques or a state approved traffic school program. The court shall approve any classes and community service. Once such classes and community service has been approved, the person shall receive a credit toward the balance owed in an amount equal to \$15 for each hour spent by the person doing community service and \$15 for each hour spent attending classes.

(d) After a hardship payment plan has been approved by the court, the court shall order the division of vehicles to reinstate the driver's driving privileges without restriction. After a person has their driving privileges reinstated by agreeing to an approved hardship payment plan, that person's driver's license shall not be suspended due to nonpayment until they have failed to pay for 90 consecutive days.

(e) Any violation of law by the person holding a restricted license that would result in the suspension or revocation of a driver's license shall result in the revocation of the restricted license.

(f) As soon as the original traffic fine or fines and court costs have been paid as agreed by the defendant, the district or municipal court shall electronically order the division of vehicles to immediately remove the restrictions on the defendant's driver's license and mail written notification to the defendant that their Kansas driver's privileges and license have been reinstated.

(g) The provisions of this section shall not apply to:

(1) Non-traffic warrants; or

(2) a person whose driver's license has been suspended or revoked under the provisions of K.S.A. 8-2,144, 8-1567 or 8-1567a, and amendments thereto, or K.S.A. 2020 Supp. 8-1025, and amendments thereto.";

On page 2, in line 8, by striking "30" and inserting "90";

On page 3, following line 4, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 8-2106 is hereby amended to read as follows: 8-2106. (a) A law enforcement officer may prepare and deliver to a person a written traffic citation on a form approved by the division of motor vehicles, if the law enforcement officer stops the person for a violation of:

(1) The uniform act regulating traffic on highways, which violation is a misdemeanor or a traffic infraction;

(2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 40-3104, 40-3106, 41-715, 41-724, 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or ~~subsection (b) of K.S.A. 79-34,122(b)~~, or K.S.A. 2020 Supp. ~~subsection (a) of 21-5607(a)~~, 21-5810, 21-5815, 21-5816, ~~subsection (a) of 21-5817(a)~~ or 21-6203, and amendments thereto;

(3) K.S.A. 31-155, and amendments thereto, involving transportation of bottle rockets;

(4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any rules and regulations adopted pursuant thereto;

(5) any rules and regulations adopted pursuant to K.S.A. 2-1212, ~~68-2001~~ or 31-146 or 68-2001, and amendments thereto;

(6) any rules and regulations adopted pursuant to K.S.A. 31-133, and amendments, thereto relating to transportation of materials or fuel; or

(7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating to the child passenger safety act; or

(8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating to the safety belt use act.

(b) The citation shall contain a notice to appear in court, the name and address of the person, the type of vehicle the person was driving, whether hazardous materials were being transported, whether an accident occurred, the state registration number of the person's vehicle, if any, a statement whether the vehicle is a commercial vehicle, whether the person is licensed to drive a commercial motor vehicle, the offense or offenses charged, the time and place when and where the person shall appear in court, the phone number and email address of the clerk of the court of jurisdiction, the signature of the law enforcement officer, and any other pertinent information.

(c) The time specified in the notice to appear shall be at least five days after the alleged violation unless the person charged with the violation demands an earlier hearing.

(d) The place specified in the notice to appear shall be before a judge of the district or municipal court within the county in which the offense is alleged to have been committed.

(e) Except in the circumstances ~~to which subsection (a) of~~ where K.S.A. 8-2104(a), and amendments thereto, apply, in the discretion of the law enforcement officer, a person charged with a misdemeanor may give written promise to either appear in court or be given the phone number or email address of the clerk of the court to enter a plea prior to the court date by signing at least one copy of the written citation prepared by the law enforcement officer, in which event the law enforcement officer shall deliver a copy of the citation to the person and shall not take the person into physical custody.

(f) When a person is charged with a traffic infraction, the notice to appear shall provide a place where the person may make a written entry of appearance, waive the right to a trial and

plead guilty or no contest. Such notice to appear shall contain a provision that the person's failure to either enter a plea with the clerk of the court prior to a specified time and, if pleading guilty, make payments as agreed to with the court, pay such fine and court costs or appear in court at the specified time may result in suspension of the person's drivers' license as provided in K.S.A. 8-2110, and amendments thereto. The notice to appear shall provide a space where the law enforcement officer shall enter the appropriate fine specified in the uniform fine schedule contained in K.S.A. 8-2118, and amendments thereto, for the violation charged and court costs in the amount provided by law. If the notice to appear does not ~~do so~~ provide the information set forth in this subsection, the law enforcement officer shall provide a person charged with a traffic infraction a form explaining the person's right to contact the clerk of the district or municipal court of jurisdiction to enter a plea prior to the date to appear and right to a trial and the person's right to negotiate with the court a plan to pay the fine or fines stated on the traffic citation and court costs or pay the appropriate fine and court costs prior to the appearance date. The law enforcement officer shall provide the person with the phone number and email address of the clerk of the court and the address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest and payment of fine and court costs shall be mailed.

(g) Any officer violating any of the provisions of subsection (f) is guilty of misconduct in office and shall be subject to removal from office.";

Also on page 3, in line 7, by striking "either"; also in line 7, by striking ": (1)"; in line 8, by striking the first "and" and inserting "or enter a plea with the clerk of the court prior to their assigned court date and, if pleading guilty,"; also in line 8, by striking "in full"; also in line 8, by striking all after "costs"; by striking all in line 9; in line 10, by striking all before the period and inserting "in accordance with the amount and payment plan agreed upon by the court"; in line 18, by striking all before "within" and inserting "enter a plea with the court"; in line 25, by striking all before "the";

On page 4, in line 4, after "citations" by inserting "or failure to appear in court or contact the court to enter a plea prior to their court date"; in line 12, by striking all after the period; by striking all in lines 13 through 19; in line 20, by striking all before "No"; in line 22, after "(C)" by inserting "An individual shall not qualify for restricted driving privileges pursuant to subsection (b)(2)(A) or (b)(2)(B) unless the following conditions are met: (i) The suspended license 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) and there is no other basis for the license suspension or cancellation except for violations of this section; and (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state.

(D)";

On page 5, in line 17, before "Except" by inserting "On and after July 1, 2021,";

On page 6, in line 19, after the comma by inserting "8-2106,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "permitting certain individuals to enter into payment agreements with courts for fines for traffic citations; requiring certain information to appear on traffic citations;"; also in line 3, after "8-262" by inserting ", 8-2106"; and the bill be passed as amended.

Chairperson