

HOUSE BILL No. 2541

By Committee on Appropriations

1-25

1 AN ACT concerning the judicial branch; relating to docket fees, marriage
2 license fees and drivers' license reinstatement fees; crediting the fees to
3 the state general fund; amending K.S.A. 28-177 and 28-178 and K.S.A.
4 2021 Supp. 8-2110, 20-1a04, 20-362 and 23-2510 and repealing the
5 existing sections; also repealing K.S.A. 2021 Supp. 8-2110c.
6

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

8 Section 1. K.S.A. 2021 Supp. 8-2110 is hereby amended to read as
9 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
10 either to: (1) Appear before any district or municipal court in response to a
11 traffic citation and pay in full any fine and court costs imposed; or (2)
12 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
13 amendments thereto. Failure to comply with a traffic citation is a
14 misdemeanor, regardless of the disposition of the charge for which such
15 citation was originally issued.

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

1 (2) (A) In lieu of suspension under paragraph (1), the driver may
2 submit to the division of vehicles a written request for restricted driving
3 privileges.

4 (B) A person whose driver's license has expired during the period
5 when such person's driver's license has been suspended for failure to pay
6 fines for traffic citations, the driver may submit to the division of vehicles
7 a written request for restricted driving privileges. An individual shall not
8 qualify for restricted driving privileges pursuant to this section unless the
9 following conditions are met: (i) The suspended license that expired was
10 issued by the division of vehicles; (ii) the suspended license resulted from
11 the individual's failure to comply with a traffic citation pursuant to
12 subsection (b)(1); and (iii) the traffic citation that resulted in the failure to
13 comply pursuant to subsection (b)(1) was issued in this state.

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

33 (c) On and after July 1, 2018, except as provided in subsection (d),
34 when the district or municipal court notifies the division of vehicles of a
35 failure to comply with a traffic citation pursuant to subsection (b), the
36 court shall assess a reinstatement fee of \$100 for each charge on which the
37 person failed to make satisfaction regardless of the disposition of the
38 charge for which such citation was originally issued and regardless of any
39 application for restricted driving privileges. Such reinstatement fee shall
40 be in addition to any fine, restricted driving privilege application fee,
41 district or municipal court costs and other penalties. The court shall remit
42 all reinstatement fees to the state treasurer in accordance with the
43 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of

1 each such remittance, the state treasurer shall deposit the entire amount in
2 the state treasury and shall credit the first \$15 of such reinstatement fee to
3 ~~the judicial branch nonjudicial salary adjustment~~ *state general* fund and of
4 the remaining amount, 29.41% of such moneys to the division of vehicles
5 operating fund, 22.06% to the community alcoholism and intoxication
6 programs fund created by K.S.A. 41-1126, and amendments thereto,
7 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
8 4803, and amendments thereto, and 41.17% to the ~~judicial branch~~
9 ~~nonjudicial salary adjustment fund created by K.S.A. 2021 Supp. 20-1a15,~~
10 ~~and amendments thereto~~ *state general fund*.

11 (d) The district court or municipal court shall waive the reinstatement
12 fee provided for in subsection (c), if the failure to comply with a traffic
13 citation was the result of such person enlisting in or being drafted into the
14 armed services of the United States, being called into service as a member
15 of a reserve component of the military service of the United States, or
16 volunteering for such active duty, or being called into service as a member
17 of the state of Kansas national guard, or volunteering for such active duty,
18 and being absent from Kansas because of such military service.

19 (e) (1) A person who is assessed a reinstatement fee pursuant to
20 subsection (c) may petition the court that assessed the fee at any time to
21 waive payment of the fee, any additional charge imposed pursuant to
22 subsection (f), or any portion thereof. If it appears to the satisfaction of the
23 court that payment of the amount due will impose manifest hardship on the
24 person or the person's immediate family, the court may waive payment of
25 all or part of the amount due or modify the method of payment.

26 (2) A person who is assessed a fine or court costs for a traffic citation
27 may petition the court that assessed the fine or costs at any time to waive
28 payment of the fine or costs, or any portion thereof. If it appears to the
29 satisfaction of the court that payment of the amount due will impose
30 manifest hardship on the person or the person's immediate family, the
31 court may waive payment of all or part of the amount due or modify the
32 method of payment.

33 (f) Except as provided further, the reinstatement fee established in
34 this section shall be the only fee collected or moneys in the nature of a fee
35 collected for such reinstatement. Such fee shall only be established by an
36 act of the legislature and no other authority is established by law or
37 otherwise to collect a fee. On and after July 1, 2019, through June 30,
38 2025, the supreme court may impose an additional charge, not to exceed
39 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

40 Sec. 2. K.S.A. 2021 Supp. 20-1a04 is hereby amended to read as
41 follows: 20-1a04. The clerk of the supreme court shall remit all moneys
42 received by or for such clerk for docket fees, and all amounts received for
43 other purposes than those specified in K.S.A. 20-1a01, 20-1a02 or 20-

1 1a03, and amendments thereto, unless by order of the supreme court such
2 clerk is directed to make other disposition thereof to the state treasurer in
3 accordance with the provisions of K.S.A. 75-4215, and amendments
4 thereto. Upon receipt of each such remittance, the state treasurer shall
5 deposit the entire amount in the state treasury to the credit of the ~~judicial~~
6 ~~branch nonjudicial salary initiative fund, a sum equal to 52.24% of the~~
7 ~~remittances of docket fees, to the judicial branch nonjudicial salary~~
8 ~~adjustment fund, a sum equal to 6.72% of the remittance of docket fees,~~
9 ~~and to the judicial branch docket fee state general fund, a sum equal to~~
10 ~~41.04% of the remittance of docket fees.~~

11 Sec. 3. K.S.A. 2021 Supp. 20-362 is hereby amended to read as
12 follows: 20-362. The clerk of the district court shall remit all revenues
13 received from docket fees as follows:

14 (a) At least monthly to the county treasurer, for deposit in the county
15 treasury and credit to the county general fund:

16 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.
17 60-2001 and 60-3005, and amendments thereto, during the preceding
18 calendar month;

19 (2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant
20 to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments
21 thereto; and

22 (3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A.
23 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding
24 calendar month.

25 (b) At least monthly to the board of trustees of the county law library
26 fund, for deposit in the fund, a sum equal to the library fees paid during the
27 preceding calendar month for cases filed in the county.

28 (c) At least monthly to the county treasurer, for deposit in the county
29 treasury and credit to the prosecuting attorneys' training fund, a sum equal
30 to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and
31 amendments thereto, during the preceding calendar month for cases filed
32 in the county and a sum equal to \$1 for each fee paid pursuant to K.S.A.
33 28-170(c), and amendments thereto, during the preceding calendar month
34 for cases filed in the county.

35 (d) To the state treasurer, in accordance with the provisions of K.S.A.
36 75-4215, and amendments thereto, for deposit in the state treasury and
37 credit to the law enforcement training center fund a sum equal to \$15 for
38 each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto,
39 during the preceding calendar month.

40 (e) To the state treasurer, in accordance with the provisions of K.S.A.
41 75-4215, and amendments thereto, for deposit in the state treasury a sum
42 equal to the balance which remains from all docket fees paid during the
43 preceding calendar month after deduction of the amounts specified in

1 subsections (a), (b), (c) and (d). Of the balance remitted to the state
2 treasury pursuant to this subsection, the state treasurer shall credit 0.99%
3 to the judicial council fund. ~~During the fiscal years ending June 30, 2018,~~
4 ~~June 30, 2019, June 30, 2020, and June 30, 2021, of the remainder, the~~
5 ~~state treasurer shall deposit and credit the first \$3,100,000 to the electronic~~
6 ~~filing and management fund created in K.S.A. 2021 Supp. 20-1a20, and~~
7 ~~amendments thereto.~~ During the fiscal year ending June 30, 2022, and
8 each fiscal year thereafter, of the remainder, the state treasurer shall
9 deposit and credit the first \$1,500,000 to the electronic filing and
10 management fund *created in K.S.A. 2021 Supp. 20-1a20, and amendments*
11 *thereto*. Of the balance which remains after deduction of the amounts
12 specified in this subsection, the state treasurer shall deposit and credit the
13 remainder to the ~~judicial branch docket fee~~ *state general* fund.

14 Sec. 4. K.S.A. 2021 Supp. 23-2510 is hereby amended to read as
15 follows: 23-2510. (a) The judge or clerk of the district court shall collect
16 from the applicant for a marriage license a fee of \$59.

17 (b) The clerk of the court shall remit all fees prescribed by this
18 section to the state treasurer in accordance with the provisions of K.S.A.
19 75-4215, and amendments thereto. Upon receipt of each such remittance,
20 the state treasurer shall deposit the entire amount in the state treasury. Of
21 each remittance, the state treasurer shall credit 38.98% to the protection
22 from abuse fund, 15.19% to the family and children trust account of the
23 family and children investment fund created by K.S.A. 38-1808, and
24 amendments thereto, 16.95% to the crime victims assistance fund created
25 by K.S.A. 74-7334, and amendments thereto, ~~15.25% to the judicial~~
26 ~~branch nonjudicial salary adjustment fund created by K.S.A. 2021 Supp.~~
27 ~~20-1a15, and amendments thereto,~~ and the remainder to the state general
28 fund.

29 (c) Except as provided further, the marriage license fee established in
30 this section shall be the only fee collected or moneys in the nature of a fee
31 collected for a marriage license. Such fee shall only be established by an
32 act of the legislature and no other authority is established by law or
33 otherwise to collect a fee. On and after July 1, 2019, through June 30,
34 2025, the supreme court may impose an additional charge, not to exceed
35 \$26.50 per marriage license fee, to fund the costs of non-judicial
36 personnel.

37 Sec. 5. K.S.A. 28-177 is hereby amended to read as follows: 28-177.

38 (a) Except as provided in this section and K.S.A. 28-178, and amendments
39 thereto, the fees established by legislative enactment shall be the only fee
40 collected or moneys in the nature of a fee collected for court procedures.
41 Such fee shall only be established by an act of the legislature and no other
42 authority is established by law or otherwise to collect a fee. Court
43 procedures shall include docket fees, filing fees or other fees related to

1 access to court procedures. On and after July 1, 2019, through June 30,
2 2025, the supreme court may impose an additional charge, not to exceed
3 \$26.50 per fee or the amount established by the applicable statute,
4 whichever amount is less, to fund the costs of non-judicial personnel.

5 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-
6 2107, 8-2110, 22-2410, 28-170, 28-172a, 28-178, 28-179, 32-1049a, 38-
7 2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001
8 and 65-409 and K.S.A. 2021 Supp. 21-6614 and 23-2510, and
9 amendments thereto, shall be remitted to the state treasurer in accordance
10 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
11 receipt of each such remittance, the state treasurer shall deposit the entire
12 amount in the state treasury to the credit of the ~~judicial branch docket fee~~
13 ~~fund, which is hereby created in the state treasury~~ *state general fund*.

14 (c) *There is hereby established in the state treasury the judicial*
15 *branch docket fee fund which shall be administered by the chief justice at*
16 *the Kansas supreme court.* Moneys credited to the judicial branch docket
17 fee fund shall not be expended for compensation of judges or justices of
18 the judicial branch.

19 (d) All expenditures from the judicial branch docket fee fund shall be
20 made in accordance with appropriation acts and upon warrants of the
21 director of accounts and reports issued pursuant to vouchers approved by
22 the chief justice of the Kansas supreme court or by a person or persons
23 designated by the chief justice.

24 ~~(e) Expenditures may be made from the judicial branch docket fee~~
25 ~~fund to provide services and programs for the purpose of educating and~~
26 ~~training judicial branch officers and employees, administering the training,~~
27 ~~testing and education of municipal judges as provided in K.S.A. 12-4114,~~
28 ~~and amendments thereto, and for educating and training municipal judges~~
29 ~~and municipal court and support staff, including official hospitality. The~~
30 ~~judicial administrator is hereby authorized to fix, charge and collect fees~~
31 ~~for such services and programs. Such fees may be fixed to cover all or part~~
32 ~~of the operating expenditures incurred in providing such services and~~
33 ~~programs, including official hospitality. All fees received for such~~
34 ~~purposes and programs, including official hospitality, shall be deposited in~~
35 ~~the state treasury in accordance with the provisions of K.S.A. 75-4215, and~~
36 ~~amendments thereto, and shall be credited to the judicial branch docket fee~~
37 ~~fund.~~

38 ~~(f) On the effective date of this act:~~

39 ~~(1) The director of accounts and reports shall transfer all moneys in~~
40 ~~the judicial branch surcharge fund to the judicial branch docket fee fund;~~

41 ~~(2) all liabilities of the judicial branch surcharge fund existing prior to~~
42 ~~that date are hereby imposed on the judicial branch docket fee fund; and~~

43 ~~(3) the judicial branch surcharge fund is hereby abolished.~~

1 Sec. 6. K.S.A. 28-178 is hereby amended to read as follows: 28-178.

2 (a) In addition to any other fees specifically prescribed by law, on and after
3 July 1, 2019, through June 30, 2025, the supreme court may impose a
4 charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial
5 personnel, on the following:

6 (1) A person who requests an order or writ of execution pursuant to
7 K.S.A. 60-2401 or 61-3602, and amendments thereto.

8 (2) Persons who request a hearing in aid of execution pursuant to
9 K.S.A. 60-2419, and amendments thereto.

10 (3) A person requesting an order for garnishment pursuant to article 7
11 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto,
12 or article 35 of chapter 61 of the Kansas Statutes Annotated, and
13 amendments thereto.

14 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
15 2401 or 61-3602, and amendments thereto.

16 (5) A person who requests a hearing in aid of execution pursuant to
17 K.S.A. 61-3604, and amendments thereto.

18 (6) A person who requests an attachment against the property of a
19 defendant or any one or more of several defendants pursuant to K.S.A. 60-
20 701 or 61-3501, and amendments thereto.

21 (b) The clerk of the district court shall remit all revenues received
22 from the fees imposed pursuant to subsection (a) 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 ~~judicial~~
26 ~~branch docket fee~~ *state general fund*.

27 (c) The fees established in this section shall be the only fee collected
28 or moneys in the nature of a fee collected for such court procedures. Such
29 fee shall only be established by an act of the legislature and no other
30 authority is established by law or otherwise to collect a fee.

31 Sec. 7. K.S.A. 28-177 and 28-178 and K.S.A. 2021 Supp. 8-2110, 8-
32 2110c, 20-1a04, 20-362 and 23-2510 are hereby repealed.

33 Sec. 8. This act shall take effect and be in force from and after its
34 publication in the statute book.