

HOUSE BILL No. 2651

By Committee on Judiciary

2-8

1 AN ACT concerning the uniform act regulating traffic on highways;
2 relating to fees, fines and court costs; permitting people to petition the
3 court for a payment plan; amending K.S.A. 2021 Supp. 8-2110 and
4 repealing the existing section.
5

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

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

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

36 (2) (A) In lieu of suspension under paragraph (1), the driver may

1 submit to the division of vehicles a written request for restricted driving
2 privileges.

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

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

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

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

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

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

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

32 (3) *A person who is assessed a fine, fee or court costs for a traffic*
33 *citation may petition the court that assessed the fine, fee or court costs at*
34 *any time to establish a payment plan to assist the person in paying such*
35 *fine, fee or court costs. If such petition is filed, the court shall establish a*
36 *payment plan that divides the fine, fee or court costs into not less than 12*
37 *payments with one payment due each calendar month.*

38 (f) Except as provided further, the reinstatement fee established in
39 this section shall be the only fee collected or moneys in the nature of a fee
40 collected for such reinstatement. Such fee shall only be established by an
41 act of the legislature and no other authority is established by law or
42 otherwise to collect a fee. On and after July 1, 2019, through June 30,
43 2025, the supreme court may impose an additional charge, not to exceed

- 1 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.
- 2 Sec. 2. K.S.A. 2021 Supp. 8-2110 is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the statute book.