

SENATE BILL No. 371

By Committee on Federal and State Affairs

1-21

1 AN ACT concerning traffic regulations; relating to driving privileges;
2 revoking the authority to suspend driving privileges for the
3 nonpayment of fines from traffic citations; amending K.S.A. 2021
4 Supp. 8-2106 and 8-2110 and repealing the existing sections.

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

7 Section 1. K.S.A. 2021 Supp. 8-2106 is hereby amended to read as
8 follows: 8-2106. (a) A law enforcement officer may prepare and deliver to
9 a person a written traffic citation on a form approved by the division of
10 motor vehicles, if the law enforcement officer stops the person for a
11 violation of:

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

14 (2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 40-3104, 40-3106, 41-715,
15 41-724, 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273,
16 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or
17 ~~subsection (b) of K.S.A. 79-34,122(b), or K.S.A. 2021 Supp. subsection~~
18 ~~(a) of 21-5607(a), 21-5810, 21-5815, 21-5816, subsection (a) of 21-~~
19 ~~5817(a) or 21-6203, and amendments thereto;~~

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

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

24 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-
25 2001 or 31-146, and amendments thereto;

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

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

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

32 (b) The citation shall contain a notice to appear in court, the name and
33 address of the person, the type of vehicle the person was driving, whether
34 hazardous materials were being transported, whether an accident occurred,
35 the state registration number of the person's vehicle, if any, a statement
36 whether the vehicle is a commercial vehicle, whether the person is

1 licensed to drive a commercial motor vehicle, the offense or offenses
2 charged, the time and place when and where the person shall appear in
3 court, the signature of the law enforcement officer, and any other pertinent
4 information.

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

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

11 (e) Except in the circumstances to which ~~subsection (a) of~~ K.S.A. 8-
12 2104(a), and amendments thereto, apply, in the discretion of the law
13 enforcement officer, a person charged with a misdemeanor may give
14 written promise to appear in court by signing at least one copy of the
15 written citation prepared by the law enforcement officer, in which event
16 the law enforcement officer shall deliver a copy of the citation to the
17 person and shall not take the person into physical custody.

18 (f) When a person is charged with a traffic infraction, the notice to
19 appear shall provide a place where the person may make a written entry of
20 appearance, waive the right to a trial and plead guilty or no contest. Such
21 notice to appear shall contain a provision that the person's failure to ~~either~~
22 ~~pay such fine and court costs or~~ appear at the specified time may result in
23 suspension of the person's drivers' license as provided in K.S.A. 8-2110,
24 and amendments thereto. The notice to appear shall provide a space where
25 the law enforcement officer shall enter the appropriate fine specified in the
26 uniform fine schedule contained in K.S.A. 8-2118, and amendments
27 thereto, for the violation charged and court costs in the amount provided
28 by law. If the notice to appear does not do so, the law enforcement officer
29 shall provide a person charged with a traffic infraction a form explaining
30 the person's right to appear and right to a trial and the person's right to pay
31 the appropriate fine and court costs prior to the appearance date. The law
32 enforcement officer shall provide the person with the address of the court
33 to which the written entry of appearance, waiver of trial, plea of guilty or
34 no contest and payment of fine and court costs shall be mailed.

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

37 Sec. 2. K.S.A. 2021 Supp. 8-2110 is hereby amended to read as
38 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
39 either to:

40 (1) Appear before any district or municipal court in response to a
41 traffic citation ~~and pay in full any fine and court costs imposed;~~ or

42 (2) otherwise comply with a traffic citation as provided in K.S.A. 8-
43 2118, and amendments thereto. Failure to comply with a traffic citation is

1 a misdemeanor, regardless of the disposition of the charge for which such
2 citation was originally issued.

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

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

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 pay
29 fines for traffic citations, the driver may submit to the division of vehicles
30 a written request for restricted driving privileges. An individual shall not
31 qualify for restricted driving privileges pursuant to this section unless the
32 following conditions are met:

33 (i) The suspended license that expired was issued by the division of
34 vehicles;

35 (ii) the suspended license resulted from the individual's failure to
36 comply with a traffic citation pursuant to subsection (b)(1); and

37 (iii) the traffic citation that resulted in the failure to comply pursuant
38 to subsection (b)(1) was issued in this state.

39 (C) Upon review and approval of the driver's eligibility, the driving
40 privileges will be restricted by the division of vehicles for a period up to
41 one year or until the terms of the traffic citation have been complied with
42 and the court shall immediately electronically notify the division of
43 vehicles of such compliance. If the driver fails to comply with the traffic

1 citation within the one year restricted period, the driving privileges will be
2 suspended by the division of vehicles until the court determines the person
3 has complied with the terms of the traffic citation and the court shall
4 immediately electronically notify the division of vehicles of such
5 compliance. Upon receipt of notification of such compliance from the
6 informing court, the division of vehicles shall terminate the suspension
7 action. When restricted driving privileges are approved pursuant to this
8 section, the person's driving privileges shall be restricted to driving only
9 under the following circumstances:

10 (i) In going to or returning from the person's place of employment or
11 schooling;

12 (ii) in the course of the person's employment;

13 (iii) in going to or returning from an appointment with a health care
14 provider or during a medical emergency; and

15 (iv) in going to and returning from probation or parole meetings, drug
16 or alcohol counseling or any place the person is required to go by a court.

17 (c) ~~On and after July 1, 2018,~~ Except as provided in subsection (d),
18 when the district or municipal court notifies the division of vehicles of a
19 failure to comply with a traffic citation pursuant to subsection (b), the
20 court shall assess a reinstatement fee of \$100 for each charge on which the
21 person failed to make satisfaction regardless of the disposition of the
22 charge for which such citation was originally issued and regardless of any
23 application for restricted driving privileges. Such reinstatement fee shall
24 be in addition to any fine, restricted driving privilege application fee,
25 district or municipal court costs and other penalties. The court shall remit
26 all reinstatement fees to the state treasurer in accordance with the
27 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
28 each such remittance, the state treasurer shall deposit the entire amount in
29 the state treasury and shall credit the first \$15 of such reinstatement fee to
30 the judicial branch nonjudicial salary adjustment fund and of the
31 remaining amount, 29.41% of such moneys to the division of vehicles
32 operating fund, 22.06% to the community alcoholism and intoxication
33 programs fund created by K.S.A. 41-1126, and amendments thereto,
34 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
35 4803, and amendments thereto, and 41.17% to the judicial branch
36 nonjudicial salary adjustment fund created by K.S.A. 2021 Supp. 20-1a15,
37 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) (1) 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 (2) A person who is assessed a fine or court costs for a traffic citation
11 may petition the court that assessed the fine or costs at any time to waive
12 payment of the fine or costs, or any portion thereof. If it appears to the
13 satisfaction of the court that payment of the amount due will impose
14 manifest hardship on the person or the person's immediate family, the
15 court may waive payment of all or part of the amount due or modify the
16 method of payment.

17 (f) Except as provided further, the reinstatement fee established in
18 this section shall be the only fee collected or moneys in the nature of a fee
19 collected for such reinstatement. Such fee shall only be established by an
20 act of the legislature and no other authority is established by law or
21 otherwise to collect a fee. On and after July 1, 2019, through June 30,
22 2025, the supreme court may impose an additional charge, not to exceed
23 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

24 (g) (1) *A person's driving privilege or driver's license shall not be*
25 *suspended due to nonpayment of fines or court costs associated with a*
26 *traffic citation.*

27 (2) *The provisions of this subsection shall apply retroactively to a*
28 *person whose driver's license was suspended before July 1, 2022, due to*
29 *nonpayment of fines or court costs associated with a traffic citation. Any*
30 *person whose driver's license was suspended pursuant to this paragraph*
31 *may petition the court to reinstate the person's driver's license. Upon*
32 *finding that the person's license had been solely suspended due to*
33 *nonpayment of fines or court costs associated with a traffic citation, the*
34 *court shall immediately electronically notify the division of vehicles.*
35 *Upon receipt of such notification, the division shall confirm that the*
36 *person's driver's license was suspended solely due to nonpayment of fines*
37 *or court costs associated with a traffic citation and such person's license*
38 *shall be immediately reinstated.*

39 Sec. 3. K.S.A. 2021 Supp. 8-2106 and 8-2110 are hereby repealed.

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