

March 9, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 192 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 192 is respectfully submitted to your committee.

SB 192 would allow any person who is financially unable to pay traffic fines and court costs to request a hardship waiver to offset part or all of the balance owed, which would include options for a monthly installment plan and credits for community service or attending court-approved classes. The bill would require a single page, uniform hardship waiver application form be made available on the Department of Revenue's website in addition to being provided in each jurisdiction's clerk of the court office. If a court denies the application, it must provide a written explanation to the applicant.

Under the terms of the original traffic fine or fines and court costs payment agreement made with the court, the municipal court or district court would be required to order the recall of any warrants directly related to the suspension of the person's driver's license; the waiver of any reinstatement and collection fees directly related to the suspension; and the expungement of any previous driving while suspended convictions due to nonpayment of traffic fines and court costs, or both, or failure to appear. Courts could order that individuals with payment agreements receive credit by performing community services and attending court-approved classes aimed at defensive and safe driving techniques. Credit granted toward the balance would be in the amount of \$15 per hour of performing community service or attending classes.

Once the court approves a hardship payment plan, the court would be required to order the Division of Vehicles to reinstate the person's driver's license without restriction. The license could not be suspended again for nonpayment until the individual has not paid for 90 consecutive days. Any violation of law by a person holding a restricted driver's license that would result in the

suspension or revocation of a driver's license would result in the revocation of the restricted license. Once all fines and court costs have been paid, the district or municipal court would be required to electronically order the Division of Vehicles to remove restrictions on the individual's driver's license and mail notice to the individual that their driving privileges have been reinstated. SB 192 outlines exceptions to the bill's provisions.

Individuals whose driving privileges were revoked solely for driving when their driving privileges were cancelled, suspended, or revoked for failure to comply with a traffic citation could apply to the Division of Vehicles for a restricted license if a court has granted their petition to have their previous driving while suspended convictions expunged. The Division of Vehicles would be required to rescind restricted driving privileges for an individual if the person is found guilty of a violation resulting in a license suspension, revocation, or cancellation for reasons other than failure to comply with a traffic citation.

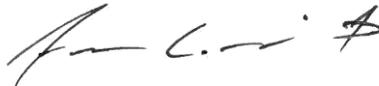
The bill would also require certain information be included on traffic citations, including the phone number and email address of the court clerk. Failure to appear in court or enter a plea prior to a court date would be added to the qualifications for application for restricted driving privileges. Individuals who fail to pay according to the approved payment agreement may seek an extension of their restricted driving privileges for one or more years until payment is complete. The bill would also permit individuals with restricted driving privileges to make trips to purchase groceries, fuel for their vehicle, and to pick up and drop off children from school or day care.

The Office of Judicial Administration indicates enactment of SB 192 would add additional responsibilities that district court judges and clerks would be required to perform related to reinstatement of driving privileges that were suspended or revoked for failure to pay fines and fees, which would increase the workload of the district courts. The Office states additional employees could be needed to implement the bill's provisions. The Office states enactment of the bill would allow a judge to waive outstanding fees and fines or allow credits earned through community service and attending court-approved classes, which would result in a decrease in revenue to the State General Fund. The Office states until the Judicial Branch has had an opportunity to operate under the bill's provisions a fiscal effect cannot be estimated.

The Department of Revenue indicates that the bill's provisions to remove the \$100 reinstatement fee would reduce revenue by approximately \$8.3 million over time because the Division of Vehicles receives \$25 per fee received and that there are currently 330,875 failure to comply suspensions (330,875 failure to comply suspensions X \$25 reinstatement fee = \$8,271,875). The Department indicates that the bill would require \$12,000 from the State General Fund in FY 2024 to implement the bill and to update forms and the agency's electronic submission system. The required programming for this bill by itself would be performed by existing staff of the Department of Revenue. In addition, if the combined effect of implementing this bill and other enacted legislation exceeds the Department's programming resources, or if the time for implementing the changes is too short, additional expenditures for outside contract programmer services beyond the Department's current budget may be required. Any fiscal effect associated with SB 192 is not reflected in *The FY 2024 Governor's Budget Report*.

Both the League of Kansas Municipalities and the Kansas Association of Counties state the bill's enactment would have a negligible fiscal effect on local governments.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt". The signature is fluid and cursive, with a large initial "A" and a stylized "P" at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Lynn Robinson, Department of Revenue
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities