

HOUSE BILL No. 2009

By Representative Finney

1-11

Proposed Amendment to HB2009
House Committee on Transportation
January 31, 2013
Prepared by Adam Siebers
Revisor of Statutes Office
Reinstatement fee charges

1 AN ACT concerning the uniform act regulating traffic; relating to failure
2 to comply with traffic citation; restricted driving privileges; amending
3 K.S.A. 2012 Supp. 8-2110 and repealing the existing section.

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

5 Section 1. K.S.A. 2012 Supp. 8-2110 is hereby amended to read as
6 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
7 either to: (1) Appear before any district or municipal court in response to a
8 traffic citation and pay in full any fine and court costs imposed; or (2)
9 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
10 amendments thereto. Failure to comply with a traffic citation is a
11 misdemeanor, regardless of the disposition of the charge for which such
12 citation was originally issued.

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

34
35 (2) (A) ~~In lieu of suspension under paragraph (1), the driver may~~
36 ~~submit to the division of vehicles a written request for restricted driving~~

1 privileges, with a non-refundable \$25 application fee, to be applied by the
2 division of vehicles for additional administrative costs to implement
3 restricted driving privileges. The division shall remit all restricted driving
4 privilege application fees to the state treasurer in accordance with the
5 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
6 each such remittance, the state treasurer shall deposit the entire amount in
7 the state treasury to the credit of the division of vehicles operating fund.

8 (B) Upon review and approval of the driver's eligibility, the driving
9 privileges will be restricted by the division of vehicles for a period up to
10 one year or until the terms of the traffic citation have been complied with
11 and the court shall immediately electronically notify the division of
12 vehicles of such compliance. If the driver fails to comply with the traffic
13 citation within the one year restricted period, the driving privileges will be
14 suspended by the division of vehicles until the court determines the person
15 has complied with the terms of the traffic citation and the court shall
16 immediately electronically notify the division of vehicles of such
17 compliance. Upon receipt of notification of such compliance from the
18 informing court, the division of vehicles shall terminate the suspension
19 action. When restricted driving privileges are approved pursuant to this
20 section, the person's driving privileges shall be restricted to driving only
21 under the following circumstances: (i) In going to or returning from the
22 person's place of employment or schooling; (ii) in the course of the
23 person's employment; (iii) during a medical emergency; and (iv) in going
24 to and returning from probation or parole meetings, drug or alcohol
25 counseling or any place the person is required to go by a court. The
26 provisions of this paragraph shall expire on January 1, 2012.

27 (A) In lieu of suspension under paragraph (1), the driver may submit
28 to the division of vehicles a written request for restricted driving
29 privileges, with a non-refundable \$25 application fee, to be applied by the
30 division of vehicles for additional administrative costs to implement
31 restricted driving privileges. The division shall remit all restricted driving
32 privilege application fees to the state treasurer in accordance with the
33 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
34 each such remittance, the state treasurer shall deposit the entire amount in
35 the state treasury to the credit of the division of vehicles operating fund.

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

1 immediately electronically notify the division of vehicles of such
 2 compliance. Upon receipt of notification of such compliance from the
 3 informing court, the division of vehicles shall terminate the suspension
 4 action. When restricted driving privileges are approved pursuant to this
 5 section, the person's driving privileges shall be restricted to driving only
 6 under the following circumstances: (i) In going to or returning from the
 7 person's place of employment or schooling; (ii) in the course of the
 8 person's employment; (iii) during a medical emergency; and (iv) in going
 9 to and returning from probation or parole meetings, drug or alcohol
 10 counseling or any place the person is required to go by a court. The
 11 provisions of this paragraph shall expire on January 1, 2016.

12 (c) Except as provided in subsection (d), when the district or
 13 municipal court notifies the division of vehicles of a failure to comply with
 14 a traffic citation pursuant to subsection (b), the court shall assess a
 15 reinstatement fee of \$501 for each charge on which the person failed to
 16 make satisfaction regardless of the disposition of the charge for which
 17 such citation was originally issued and regardless of any application for
 18 restricted driving privileges. Such reinstatement fee shall be in addition to
 19 any fine, restricted driving privilege application fee, district or municipal
 20 court costs and other penalties. The court shall remit all reinstatement fees
 21 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
 22 and amendments thereto. Upon receipt of each such remittance, the state
 23 treasurer shall deposit the entire amount in the state treasury and shall
 24 credit 42.37% of such moneys to the division of vehicles operating fund,
 25 31.78% to the community alcoholism and intoxication programs fund
 26 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
 27 juvenile detention facilities fund created by K.S.A. 79-4803, and
 28 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
 29 adjustment fund created by K.S.A. 2012 Supp. 20-1a15, and amendments
 30 thereto.

31 (d) The district court or municipal court shall waive the reinstatement
 32 fee provided for in subsection (c), if the failure to comply with a traffic
 33 citation was the result of such person enlisting in or being drafted into the
 34 armed services of the United States, being called into service as a member
 35 of a reserve component of the military service of the United States, or
 36 volunteering for such active duty, or being called into service as a member
 37 of the state of Kansas national guard, or volunteering for such active duty,
 38 and being absent from Kansas because of such military service. In any
 39 case of a failure to comply with a traffic citation which occurred on or
 40 after August 1, 1990, and prior to the effective date of this act, in which a
 41 person was assessed and paid a reinstatement fee and the person failed to
 42 comply with a traffic citation because the person was absent from Kansas
 43 because of any such military service, the reinstatement fee shall be

The court shall not assess such
 reinstatement fee more than one time
 in a 365-day period.

1 reimbursed to such person upon application therefor. The state treasurer
2 and the director of accounts and reports shall prescribe procedures for all
3 such reimbursement payments and shall create appropriate accounts, make
4 appropriate accounting entries and issue such appropriate vouchers and
5 warrants as may be required to make such reimbursement payments.

6 (e) Except as provided further, the reinstatement fee established in
7 this section shall be the only fee collected or moneys in the nature of a fee
8 collected for such reinstatement. Such fee shall only be established by an
9 act of the legislature and no other authority is established by law or
10 otherwise to collect a fee. On and after the effective date of this act
11 through June 30, 2013, the supreme court may impose an additional
12 charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-
13 judicial personnel.

14 Sec. 2. K.S.A. 2012 Supp. 8-2110 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.
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