

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2479

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning driving privileges; relating to suspension and
2 restriction for test failure or alcohol or drug-related conviction; ignition
3 interlock device; *{failure to comply with a traffic citation; restricted*
4 *driving privileges;}* amending K.S.A. 2013 Supp. 8-1015 *{and 8-2110}*
5 and repealing the existing section *{sections; also repealing K.S.A.*
6 *2013 Supp. 8-2110a}*.
7

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

9 Section 1. K.S.A. 2013 Supp. 8-1015 is hereby amended to read as
10 follows: 8-1015. (a) (1) Except as provided in subsection (a)(2), whenever
11 a person's driving privileges have been suspended for one year as provided
12 in subsection (a) of K.S.A. 8-1014, and amendments thereto, after 90 days
13 of such suspension, such person may apply to the division for such
14 person's driving privileges to be restricted for the remainder of the one-
15 year suspension period to driving only a motor vehicle equipped with an
16 ignition interlock device and only for the purposes of getting to and from:
17 Work, school or an alcohol treatment program; and the ignition interlock
18 provider for maintenance and downloading of data from the device.

19 (2) Whenever a person's driving privileges have been suspended for
20 one year as provided in subsection (a)(1) of K.S.A. 8-1014, and
21 amendments thereto, after 90 days of such suspension, such person may
22 apply to the division for such person's driving privileges to be restricted
23 for the remainder of the one-year suspension period to driving only a
24 motor vehicle equipped with an ignition interlock device and only under
25 the circumstances provided by subsections (a)(1), (2), (3) and (4) of
26 K.S.A. 8-292, and amendments thereto.

27 (3) Except as provided in subsection (a)(4), whenever a person's
28 driving privileges have been suspended for one year as provided in
29 subsection (b) of K.S.A. 8-1014, and amendments thereto, after 45 days of
30 such suspension, such person may apply to the division for such person's
31 driving privileges to be restricted for the remainder of the one-year
32 suspension period to driving only a motor vehicle equipped with an

1 ignition interlock device and only for the purposes of getting to and from:
2 Work, school or an alcohol treatment program; and the ignition interlock
3 provider for maintenance and downloading of data from the device.

4 (4) Whenever a person's driving privileges have been suspended for
5 one year as provided in subsection (b)(2)(A) of K.S.A. 8-1014, and
6 amendments thereto, after 45 days of such suspension, such person may
7 apply to the division for such person's driving privileges to be restricted
8 for the remainder of the one-year suspension period to driving only a
9 motor vehicle equipped with an ignition interlock device and only under
10 the circumstances provided by subsections (a)(1), (2), (3) and (4) of
11 K.S.A. 8-292, and amendments thereto.

12 (5) The division shall assess an application fee of \$100 for a person to
13 apply to modify the suspension to restricted ignition interlock status.

14 (6) The division shall approve the request for such restricted license
15 unless such person's driving privileges have been restricted, suspended,
16 revoked or disqualified pursuant to another action by the division or a
17 court. If the request is approved, upon receipt of proof of the installation of
18 such device, the division shall issue a copy of the order imposing such
19 restrictions on the person's driving privileges and such order shall be
20 carried by the person at any time the person is operating a motor vehicle
21 on the highways of this state. Except as provided in K.S.A. 8-1017, and
22 amendments thereto, if such person is convicted of a violation of the
23 restrictions, such person's driving privileges shall be suspended for an
24 additional year, in addition to any term of suspension or restriction as
25 provided in subsection (a) or (b) of K.S.A. 8-1014, and amendments
26 thereto.

27 (b) (1) ~~On and after July 1, 2011, through June 30, 2015: On and~~
28 ~~after July 1, 2011, through June 30, 2020 2018:~~

29 ~~(A) (A)~~ Except as provided in subsection ~~(b)(1)(B) (b)(2) (b)(1)(B)~~
30 ~~{{(b)(2)}~~, when a person has completed the suspension pursuant to
31 subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the
32 division shall restrict the person's driving privileges for 180 days to driving
33 only a motor vehicle equipped with an ignition interlock device.

34 ~~(B) (2) (B) {{(2)}~~ When a person has completed the suspension
35 pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments
36 thereto, the division shall restrict the person's driving privileges for one
37 year to driving only a motor vehicle equipped with an ignition interlock
38 device if the records maintained by the division indicate that such person
39 has previously: ~~(A) (1) {{(A)}~~ Been convicted of a violation of K.S.A. 8-
40 1599, and amendments thereto; ~~(B) (2) {{(B)}~~ been convicted of a violation
41 of K.S.A. 41-727, and amendments thereto; ~~(C) (3) {{(C)}~~ been convicted
42 of any violations listed in subsection (a) of K.S.A. 8-285, and amendments
43 thereto; ~~(D) (4) {{(D)}~~ been convicted of three or more moving traffic

1 violations committed on separate occasions within a 12-month period; or
2 ~~(E) (5) (E)~~ had such person's driving privileges revoked, suspended,
3 canceled or withdrawn.

4 ~~(2) On and after July 1, 2015:~~

5 ~~(A) Except as provided in subsection (b)(2)(B), when a person has~~
6 ~~completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-~~
7 ~~1014, and amendments thereto, the division shall restrict the person's~~
8 ~~driving privileges to driving only under the circumstances provided by~~
9 ~~subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292, and amendments~~
10 ~~thereto.~~

11 ~~(B) In lieu of the restrictions set out in subsection (b)(2)(A), the~~
12 ~~division, upon request of the person whose driving privileges are to be~~
13 ~~restricted, may restrict the person's driving privileges to driving only a~~
14 ~~motor vehicle equipped with an ignition interlock device.~~

15 ~~(2) On and after July 1, 2020-2018:~~

16 ~~(A) Except as provided in subsection (b)(2)(B), when a person has~~
17 ~~completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-~~
18 ~~1014, and amendments thereto, the division shall restrict the person's~~
19 ~~driving privileges to driving only under the circumstances provided by~~
20 ~~subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292, and amendments~~
21 ~~thereto.~~

22 ~~(B) In lieu of the restrictions set out in subsection (b)(2)(A), the~~
23 ~~division, upon request of the person whose driving privileges are to be~~
24 ~~restricted, may restrict the person's driving privileges to driving only~~
25 ~~a motor vehicle equipped with an ignition interlock device.~~

26 (c) Except as provided in subsection (b), when a person has
27 completed the suspension pursuant to subsection (a) or (b) of K.S.A. 8-
28 1014, and amendments thereto, the division shall restrict the person's
29 driving privileges pursuant to subsection (a) or (b) of K.S.A. 8-1014, and
30 amendments thereto, to driving only a motor vehicle equipped with an
31 ignition interlock device. Upon restricting a person's driving privileges
32 pursuant to this subsection, the division shall issue a copy of the order
33 imposing the restrictions which is required to be carried by the person at
34 any time the person is operating a motor vehicle on the highways of this
35 state.

36 (d) Whenever an ignition interlock device is required by law, such
37 ignition interlock device shall be approved by the division and maintained
38 at the person's expense. Proof of the installation of such ignition interlock
39 device, for the entire period required by the applicable law, shall be
40 provided to the division before the person's driving privileges are fully
41 reinstated.

42 (e) Except as provided further, any person whose license is restricted
43 to operating only a motor vehicle with an ignition interlock device

1 installed may operate an employer's vehicle without an ignition interlock
2 device installed during normal business activities, provided that the person
3 does not partly or entirely own or control the employer's vehicle or
4 business. The provisions of this subsection shall not apply to any person
5 whose driving privileges have been restricted for the remainder of the one-
6 year suspension period as provided in subsection (a)(1) or (a)(3).

7 (f) Upon expiration of the period of time for which restrictions are
8 imposed pursuant to this section, the licensee may apply to the division for
9 the return of any license previously surrendered by the licensee. If the
10 license has expired, the person may apply to the division for a new license,
11 which shall be issued by the division upon payment of the proper fee and
12 satisfaction of the other conditions established by law, unless the person's
13 driving privileges have been suspended or revoked prior to expiration.

14 (g) Any person who has had the person's driving privileges
15 suspended, restricted or revoked pursuant to subsection (a), (b) or (c) of
16 K.S.A. 8-1014, prior to the amendments by ~~this act~~ *section 16 of chapter*
17 *172 of the 2012 Session Laws of Kansas* and section 14 of chapter 105 of
18 the 2011 Session Laws of Kansas, may apply to the division to have the
19 suspension, restriction or revocation penalties modified in conformity with
20 the provisions of subsection (a), (b) or (c) of K.S.A. 8-1014, and
21 amendments thereto. The division shall assess an application fee of \$100
22 for a person to apply to modify the suspension, restriction or revocation
23 penalties previously issued. The division shall modify the suspension,
24 restriction or revocation penalties, unless such person's driving privileges
25 have been restricted, suspended, revoked or disqualified pursuant to
26 another action by the division or a court.

27 (h) The division shall remit all application fees collected pursuant to
28 subsections (a) and (g) to the state treasurer in accordance with the
29 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
30 each such remittance, the state treasurer shall deposit the entire amount in
31 the state treasury and shall credit such moneys to the division of vehicles
32 operating fund until an aggregate amount of \$100,000 is credited to the
33 division of vehicles operating fund each fiscal year. On and after an
34 aggregate amount of \$100,000 is credited to such fund each fiscal year, the
35 entire amount of such remittance shall be credited to the community
36 corrections supervision fund created by K.S.A. 2013 Supp. 75-52,113, and
37 amendments thereto. The application fee established in this section shall
38 be the only fee collected or moneys in the nature of a fee collected for such
39 application. Such fee shall only be established by an act of the legislature
40 and no other authority is established by law or otherwise to collect a fee.

41 ***{Sec. 2. K.S.A. 2013 Supp. 8-2110 is hereby amended to read as***
42 ***follows: 8-2110. (a) Failure to comply with a traffic citation means***
43 ***failure either to: (1) Appear before any district or municipal court in***

1 *response to a traffic citation and pay in full any fine and court costs*
2 *imposed; or (2) otherwise comply with a traffic citation as provided in*
3 *K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic*
4 *citation is a misdemeanor, regardless of the disposition of the charge for*
5 *which such citation was originally issued.*

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

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

37 *(B) A person whose driver's license has expired during the period*
38 *when such person's driver's license has been suspended for failure to pay*
39 *fines for traffic citations, the driver may submit to the division of vehicles*
40 *a written request for restricted driving privileges, with a non-refundable*
41 *\$25 application fee, to be applied by the division of vehicles for additional*
42 *administrative costs to implement restricted driving privileges. The*
43 *division shall remit all restricted driving privilege application fees to the*

1 *state treasurer in accordance with the provisions of K.S.A. 75-4215, and*
2 *amendments thereto. Upon receipt of each such remittance, the state*
3 *treasurer shall deposit the entire amount in the state treasury to the credit*
4 *of the division of vehicles operating fund. An individual shall not qualify*
5 *for restricted driving privileges pursuant to this section unless the*
6 *following conditions are met: (i) The suspended license that expired was*
7 *issued by the division of vehicles; (ii) the suspended license resulted from*
8 *the individual's failure to comply with a traffic citation pursuant to*
9 *subsection (b)(1); (iii) the traffic citation that resulted in the failure to*
10 *comply pursuant to subsection (b)(1) was issued in this state; and (iv) the*
11 *individual has not previously received a stayed suspension as a result of a*
12 *driving while suspended conviction.*

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

33 (c) *Except as provided in subsection (d), when the district or*
34 *municipal court notifies the division of vehicles of a failure to comply*
35 *with a traffic citation pursuant to subsection (b), the court shall assess a*
36 *reinstatement fee of \$59 for each charge on which the person failed to*
37 *make satisfaction regardless of the disposition of the charge for which*
38 *such citation was originally issued and regardless of any application for*
39 *restricted driving privileges. Such reinstatement fee shall be in addition*
40 *to any fine, restricted driving privilege application fee, district or*
41 *municipal court costs and other penalties. The court shall remit all*
42 *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*
2 *in the state treasury and shall credit 42.37% of such moneys to the*
3 *division of vehicles operating fund, 31.78% to the community alcoholism*
4 *and intoxication programs fund created by K.S.A. 41-1126, and*
5 *amendments thereto, 10.59% to the juvenile detention facilities fund*
6 *created by K.S.A. 79-4803, and amendments thereto, and 15.26% to the*
7 *judicial branch nonjudicial salary adjustment fund created by K.S.A.*
8 *2013 Supp. 20-1a15, and amendments thereto.*

9 *(d) The district court or municipal court shall waive the*
10 *reinstatement fee provided for in subsection (c), if the failure to comply*
11 *with a traffic citation was the result of such person enlisting in or being*
12 *drafted into the armed services of the United States, being called into*
13 *service as a member of a reserve component of the military service of the*
14 *United States, or volunteering for such active duty, or being called into*
15 *service as a member of the state of Kansas national guard, or*
16 *volunteering for such active duty, and being absent from Kansas*
17 *because of such military service. In any case of a failure to comply with*
18 *a traffic citation which occurred on or after August 1, 1990, and prior to*
19 *the effective date of this act, in which a person was assessed and paid a*
20 *reinstatement fee and the person failed to comply with a traffic citation*
21 *because the person was absent from Kansas because of any such*
22 *military service, the reinstatement fee shall be reimbursed to such*
23 *person upon application therefor. The state treasurer and the director of*
24 *accounts and reports shall prescribe procedures for all such*
25 *reimbursement payments and shall create appropriate accounts, make*
26 *appropriate accounting entries and issue such appropriate vouchers and*
27 *warrants as may be required to make such reimbursement payments.*

28 *(e) Except as provided further, the reinstatement fee established in*
29 *this section shall be the only fee collected or moneys in the nature of a*
30 *fee collected for such reinstatement. Such fee shall only be established*
31 *by an act of the legislature and no other authority is established by law*
32 *or otherwise to collect a fee. On and after the effective date of this act*
33 *through June 30, 2013–July 1, 2013, through July 1, 2015, the supreme*
34 *court may impose an additional charge, not to exceed \$22 per*
35 *reinstatement fee, to fund the costs of non-judicial personnel.}*

36 *Sec. ~~2~~ {3.} K.S.A. 2013 Supp. 8-1015 is, 8-2110 and 8-2110a are}*
37 *hereby repealed.}*

38 *Sec. ~~3~~ {4.} This act shall take effect and be in force from and after its*
39 *publication in the statute book.*