

SENATE BILL No. 74

By Committee on Judiciary

1-26

1 AN ACT concerning the motor vehicles drivers' license act; disposition of
2 drivers' license reinstatement fees; amending K.S.A. 2014 Supp. 8-241
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 8-241 is hereby amended to read as
7 follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through 8-2,142,
8 and amendments thereto, any person licensed to operate a motor vehicle in
9 this state shall submit to an examination whenever: (1) The division of
10 vehicles has good cause to believe that such person is incompetent or
11 otherwise not qualified to be licensed; or (2) the division of vehicles has
12 suspended such person's license pursuant to K.S.A. 8-1014, and
13 amendments thereto, as the result of a test refusal, test failure or conviction
14 for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of
15 a city ordinance or county resolution prohibiting the acts prohibited by
16 K.S.A. 8-1567, and amendments thereto, except that no person shall have
17 to submit to and successfully complete an examination more than once as
18 the result of separate suspensions arising out of the same occurrence.

19 (b) When a person is required to submit to an examination pursuant to
20 subsection (a)(1), the fee for such examination shall be in the amount
21 provided by K.S.A. 8-240, and amendments thereto. When a person is
22 required to submit to an examination pursuant to subsection (a)(2), the fee
23 for such examination shall be \$25. In addition, any person required to
24 submit to an examination pursuant to subsection (a)(2) as the result of a
25 test failure, a conviction for a violation of K.S.A. 8-1567, and amendments
26 thereto, or a violation of a city ordinance or county resolution prohibiting
27 the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be
28 required, at the time of examination, to pay a reinstatement fee of \$200
29 after the first occurrence, \$400 after the second occurrence, \$600 after the
30 third occurrence and \$800 after the fourth or subsequent occurrence; and
31 as a result of a test refusal, a conviction for a violation of K.S.A. 2014
32 Supp. 8-1025, and amendments thereto, or a violation of a city ordinance
33 or county resolution prohibiting the acts prohibited by K.S.A. 2014 Supp.
34 8-1025, and amendments thereto, shall be required, at the time of
35 examination, to pay a reinstatement fee of \$600 after the first occurrence,
36 \$900 after the second occurrence, \$1,200 after the third occurrence and

1 \$1,500 after the fourth or subsequent occurrence.

2 (1) All examination fees collected pursuant to this section shall be
3 remitted to the state treasurer, in accordance with the provisions of K.S.A.
4 75-4215, and amendments thereto, who shall deposit the entire amount in
5 the state treasury and credit 80% to the state highway fund and 20% shall
6 be disposed of as provided in K.S.A. 8-267, and amendments thereto.

7 (2) On and after July 1, ~~2014~~ 2015, through June 30, ~~2018~~ 2020, all
8 reinstatement fees collected pursuant to this section shall be remitted to the
9 state treasurer, in accordance with the provisions of K.S.A. 75-4215, and
10 amendments thereto, who shall deposit the entire amount in the state
11 treasury and credit 26% to the community alcoholism and intoxication
12 programs fund created pursuant to K.S.A. 41-1126, and amendments
13 thereto, 12% to the juvenile detention facilities fund created by K.S.A. 79-
14 4803, and amendments thereto, 12% to the forensic laboratory and
15 materials fee fund created by K.S.A. 28-176, and amendments thereto,
16 17% to the driving under the influence fund created by K.S.A. 75-5660,
17 and amendments thereto, and 33% to the judicial branch nonjudicial salary
18 adjustment fund created by K.S.A. 20-1a15, and amendments thereto.
19 Moneys credited to the forensic laboratory and materials fee fund as
20 provided herein shall be used to supplement existing appropriations and
21 shall not be used to supplant general fund appropriations to the Kansas
22 bureau of investigation.

23 (3) On and after July 1, ~~2018~~ 2020, all reinstatement fees collected
24 pursuant to this section shall be remitted to the state treasurer, in
25 accordance with the provisions of K.S.A. 75-4215, and amendments
26 thereto, who shall deposit the entire amount in the state treasury and credit
27 35% to the community alcoholism and intoxication programs fund created
28 pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile
29 detention facilities fund created by K.S.A. 79-4803, and amendments
30 thereto, 20% to the forensic laboratory and materials fee fund created by
31 K.S.A. 28-176, and amendments thereto, and 25% to the driving under the
32 influence fund created by K.S.A. 75-5660, and amendments thereto.
33 Moneys credited to the forensic laboratory and materials fee fund as
34 provided herein shall be used to supplement existing appropriations and
35 shall not be used to supplant general fund appropriations to the Kansas
36 bureau of investigation.

37 (c) When an examination is required pursuant to subsection (a), at
38 least five days' written notice of the examination shall be given to the
39 licensee. The examination administered hereunder shall be at least
40 equivalent to the examination required by ~~subsection (e) of~~ K.S.A. 8-
41 247(e), and amendments thereto, with such additional tests as the division
42 deems necessary. Upon the conclusion of such examination, the division
43 shall take action as may be appropriate and may suspend or revoke the

1 license of such person or permit the licensee to retain such license, or may
2 issue a license subject to restrictions as permitted under K.S.A. 8-245, and
3 amendments thereto.

4 (d) Refusal or neglect of the licensee to submit to an examination as
5 required by this section shall be grounds for suspension or revocation of
6 the license.

7 Sec. 2. K.S.A. 2014 Supp. 8-241 is hereby repealed.

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