



State of Kansas

Office of Judicial Administration

Kansas Judicial Center

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February 15, 2017

Senate Bill No. 181

Bill Number: SB 181 Due Date: February 14, 2017
 Responding Agency: Judicial Branch
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Fiscal Impact

State—Would this bill have a fiscal effect on your agency? Yes X No
 Local—Would this bill have a fiscal effect on local government? Yes No X
 Tax Revenue—Would this bill affect State General Fund revenues? Yes X No
 Fee or Other Revenue—Would this bill affect revenues to other state funds? Yes X No

	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
Expenditures			
State General Fund		\$144,384	\$157,020
Fee Fund(s)			
Federal Fund			
Total Expenditures		\$144,384	\$157,020
Revenues			
State General Fund			
Fee Fund(s)			
Federal Fund			
Total Revenues			
FTE Positions		4.0	4.0

Bill Description

SB 181 would allow any person whose driving privileges have been suspended because of a failure to appear in court (or otherwise comply with a citation) to enter into an amnesty agreement with the district court. The court would recall related warrants, waive certain fees related to the suspension, and offer repayment plans to those unable to pay in full. The terms of the amnesty agreement could also allow the driver to apply to the division of vehicles for a restricted license. Persons unable to pay would also be permitted to enter into a separate agreement with the court wherein they would receive credit against fines imposed by performing community service or attending classes aimed at developing job skills and gaining employment. This law would not apply to non-traffic warrants, driver's license suspensions issued by other courts, or certain violations including driving while license is cancelled, DUI, driving a commercial vehicle under the influence, refusing to submit to alcohol/drug test, or driving without insurance.

Assumptions for Fiscal Effect Estimate

Expenditures: Passage of SB 181 would have a significant effect on expenditures by the Judicial Branch. There would need to be significant additional district court staff time devoted to setting up the amnesty agreements, tracking compliance with the agreements, approving and tracking a person's community service or class attendance and the related credits received towards any fines, receipting the multiple payments throughout the amnesty time period, and recalling warrants once a person enters an amnesty agreement.

The Judicial Branch's current case management system does not have the functionality to monitor payment arrangements, so all checking of payment compliance would have to be done manually. In addition, if a reinstatement fee is waived, the system does not track this future waiver so the district court staff would not know to not collect this fee once the last amnesty agreement payment is made – again, that would also have to be a manual process. It would be extremely costly to make this programming change to the current case management system. If the district court staff performs this process manually, the additional workload would increase significantly.

We are working with Kansas Department of Revenue (KDOR) to determine the number of suspensions and license reinstatements that were granted during 2016. At this time, we do not have that information. We have been told that in 2016, there were 47,902 events where there were unpaid traffic citations or failure to appear. In addition, we have been told that there were 885 applications for restricted licenses in 2016. We expect that this number would substantially increase if the provisions of SB 181 went into effect.

Even if we were to assume that 885 individuals would enter into amnesty agreements under SB 181, there would be a substantial increase in workload where the clerks of the district court would spend additional time setting up the amnesty agreements, tracking compliance with the agreements, and approving and tracking a person's community service or class attendance and the related credits received towards any fines. If each of these cases took approximately 45 minutes of additional time each month (9 hours in a 12-month period), it is estimated that 4.0

additional Trial Clerk II positions would be needed. (Please note that this does not include the time needed to receive, receipt, and account for payments, which are included in the ongoing duties of clerks, but which arguably could increase in frequency from these licensees.) The FY 2016 State General Fund (SGF) cost for these positions would be \$144,384 for FY 2018 and \$157,020 for FY 2019 for both wages and employer-provided benefits.

Revenues: Passage of SB 181 could have a significant effect on revenues to the Judicial Branch and other state funds. The bill provisions allow the courts to waive the \$59 reinstatement fee which would decrease the revenue to the Judicial Branch non-judicial salary adjustment fund as well as other state funds. However, by allowing persons to enter into an amnesty agreement, there could be an increase in revenue (albeit delayed) without a payment plan option. However, until the Judicial Branch has had an opportunity to operate under the provisions of SB 181, an accurate estimate of the fiscal effect on revenues cannot be determined.

Long-Term Fiscal Considerations

Passage of SB 181 would have a significant long-term fiscal effect on the Judicial Branch as noted above.

Local Government Fiscal Effect

None.

References/Sources