

Suggested AMENDMENTS to Suspended License Bill HB2434

KSA 8-262 must be amended so that any previous driving on suspended convictions for failure to pay a traffic fine and/or court costs are expunged by the Court of jurisdiction. Otherwise, current law will not allow the DMV to reinstate a person's regular license to drive.

Also, on Page 4 Line 6—please REPEAL KSA 8-2110 (c)(2) regarding restricted licenses and reinstatement fees starting after “and (iv) the...” through Page 6 Line 5 and INSERT the following wording.

New Section 3:

(a) Any person who is financially unable to pay the full amount of their original traffic fine(s) and court costs may petition the court of jurisdiction for a hardship waiver to offset part or all of the balance owed. The waiver may include installment payments and/or credits earned by the defendant doing community service and/or attending court approved classes.

(b) A single page, uniform hardship waiver application form shall be made available to download from the Kansas Department of Revenue website plus provided in each jurisdiction's clerk of court office for defendants to submit to the Court. If the Court denies an economic hardship petition, a written explanation shall be provided to the defendant stating the reason(s) for the denial.

(c) Under the terms of the original traffic fine(s) and court costs payment agreement, the municipal or judicial district court shall order:

(1) The recall of any warrants directly related to the suspension of the person's driver's license;

(2) The waiver of any reinstatement and collection fees directly related to the suspension;

(3) The expungement of any previous driving on suspended convictions due to nonpayment of traffic fines and/or court costs or failure to appear; and

(4) The court may also order that a defendant who enters into a payment agreement shall receive credit against remaining traffic fines and court costs owed by performing community service and/or attending classes, including online courses, aimed at defensive and safe driving techniques or a state approved traffic school program. The court shall approve any classes and community service before the person will receive credit towards their original traffic fines or court costs. Once approved, the person shall receive a credit toward the balance owed in an amount equal to \$10 for each hour spent by the person doing community service and \$12 for each hour spent attending classes.

(d) After a hardship payment plan has been approved by the court, the court shall order the division of vehicles to issue a restricted license to the defendant to drive:

1. between their place of residence and their place of employment or potential employment;

2. during the scope and course of their employment;
3. between their place of residence and a school, college, university or technology center;
4. between their place of residence and a grocery store, clinic, pharmacy or fuel filling station;
5. between their place of residence and their child's school or day care provider;
6. between their place of residence and a place of worship; or
7. between their place of residence and any court-ordered treatment program.

(e) These rules pertaining to driving on a restricted license shall be published by the division of vehicles on the department of revenue website. Printed copies of these rules shall be handed to the defendant by the court plus made available in each municipal and district clerk of court's office. Such rules and procedures shall include the restrictions under (d) 1-7 plus the requirement of proof of vehicle liability insurance and proof of court approved course enrollment and/or community service.

(f) Any violation of law by the person holding a restricted license that would result in the suspension or revocation of a driver license shall result in the revocation of the restricted license.

(g) As soon as the original traffic fine(s) and court costs have been paid as agreed by the defendant, the district or municipal court shall electronically order the division of vehicles to immediately remove the restrictions on the defendant's driver's license and mail written notification to the defendant that their Kansas driver's privileges and license have been reinstated.

(i) The provisions of this section shall not apply to:

(1) non-traffic warrants; or

(2) persons whose driver's license has been suspended or revoked under the provisions of K.S.A. 8-2,144, 8-1567, 8-1567a, and amendments thereto, or K.S.A. 2016 Supp. 8-1025, and amendments thereto.

The wording on **Page 6 Lines 5-11** are the key provisions of this bill and must remain after inserting the payment plan and restricted license procedures shown above.

For follow-up questions or suggestions, please contact Dr. Walt Chappell, Vice-Chair of the Racial Profiling Advisory Board of Wichita – (316)854-0877 or equalenforcement@cox.net