

MINUTES

2023 SPECIAL COMMITTEE ON RESTRICTED DRIVING PRIVILEGES

October 10, 2023
Room 346-S—Statehouse

Members Present

Senator Rick Wilborn, Chairperson
Representative Fred Patton, Vice-chairperson
Senator Elaine Bowers
Senator Brenda Dietrich
Senator Oletha Faust-Goudeau
Senator Mike Petersen
Representative Avery Anderson
Representative Sydney Carlin
Representative Shannon Francis
Representative Lynn Melton
Representative Lance Neelly

Members Absent

All members present.

Staff Present

Eric Adell, Kansas Legislative Research Department (KLRD)
Elizabeth Cohn, KLRD
Martin de Boer, KLRD
Adam Siebers, Office of Revisor of Statutes
Chris Waggoner, Office of Revisor of Statutes
Debra Heideman, Committee Assistant

Conferees

Ed Klumpp, Kansas Association of Chiefs of Police; Kansas Sheriffs Association; Kansas Peace Officers Association
Lacey Black, Manager of Driver Solutions, Division of Vehicles, Kansas Department of Revenue
Marilyn Harp, private citizen, retired Executive Director, Kansas Legal Services
Marisa Bayless, Deputy Special Counsel, Kansas Judicial Branch

**Tuesday, October 10
Morning Session**

Call to Order and Welcome

Chairperson Wilborn called the meeting to order and thanked the staff for all their work for this Committee.

Review of Follow-Up Information from Previous Meeting

Eric Adell, Research Analyst, Kansas Legislative Research Department, presented data on license suspension and revocation ([Attachment 1](#)), reviewed recommendations that the Committee and conferees made during the previous meeting ([Attachment 2](#)), and provided information requested by the Committee. Topics reviewed included information on other states' processes for sending out suspension notices ([Attachment 3](#)), other states' implementation of payment plans for traffic-related debts ([Attachment 4](#)), Kansas courts' utilization of payment plans, and differences between suspension and revocation in current law and administrative practice.

Mr. Adell stated Information on Kansas courts' utilization of payment plans was obtained by correspondence with the Judicial Branch and through a survey of information publicly available on web pages of each of the district courts and a sample of municipal courts. Information on suspension and revocation in current law and administrative practice was obtained via correspondence with the Division of Vehicles, Kansas Department of Revenue.

Mr. Adell responded to questions regarding SR-22 insurance [**Note:** "SR-22" refers to a form providing proof the form-carrier's insurance meets minimum requirements in state law], requirements of payment plans in Montana, judicial discretion regarding waiving of fines, certain provisions of 2023 SB 2, clarification of the meaning of conviction in motor vehicle records, and the relationship between court-ordered payment plans and the duration of driver's license suspensions.

Adam Siebers, Assistant Revisor of Statutes, Office of Revisor of Statutes, reviewed traffic citations that can result in a suspension of driving privileges due to failure to comply with a traffic citation. ([Attachment 5](#))

Mr. Siebers responded to questions regarding statutory definitions related to failure to comply with a traffic citation.

Conferee Panel Discussion with Committee

Conferees from the previous meeting were present and answered follow-up questions from the Committee.

Lacey Black, Manager of Driver Solutions, Division of Vehicles, answered questions about eligibility for the restricted license program and the potential effect of provisions of SB 2, and provided an explanation of SR-22 insurance requirements.

Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association, responded to questions regarding his recommendation that outstanding traffic debts not be required to be paid in full before restoration of driving privileges and the necessity of a three-year revocation period for certain individuals even after paying off any outstanding debts.

Marisa Bayless, Deputy Special Counsel, Kansas Judicial Branch, answered questions about the Judicial Council providing input on possible expansion of judicial discretion, the process of petitioning the courts for waiver or reduction of fines, and the possibility of the Judicial Branch providing a report on the progress of the development of a universal form for making such a petition.

Marilyn Harp, private citizen and retired Executive Director, Kansas Legal Services, responded to questions regarding a form made available by Kansas Legal Services used to petition the courts for a waiver of fines, fees, and court costs.

Committee Discussion and Recommendations

Committee members discussed and adopted recommendations to be included in their final report.

Representative Francis, seconded by Senator Petersen, moved to recommend the Office of Judicial Administration report progress to the Legislature on the development of a uniform Statewide form for petitioning the court for waiver or reduction of traffic debts at the beginning of the 2024 legislative session. Motion carried.

Senator Faust-Goudeau, seconded by Representative Melton, moved to recommend, with regard to an individual whose license has been revoked solely for driving while their privilege to do so was canceled, suspended, or revoked due to failure to comply with a traffic citation, the Legislature provide for full restoration of driving privileges once outstanding fines, fees and court obligations have been met. Motion carried.

Representative Patton, seconded by Representative Neelly, moved the Committee recommend the Legislature consider or review topics as recommended by the Committee in the previous meeting, as follows:

- Consider a change in the suspension process to allow for an initial period during which a person's driver's license would not be immediately suspended;
- Explore the possibility of providing for repayment plans and improved communication between the Kansas Department of Revenue and the courts;
- Review traffic citations that could be excluded from citations that, if fines are not paid, could result in a driver's license suspension;
- Consider limiting reinstatement fees to a single administrative fee per reinstatement, rather than a reinstatement fee for each charge;

- Consider providing judicial discretion with regard to suspension and revocation; and
- Review the requirement that certain drivers maintain SR-22 insurance.

Motion carried.

Senator Petersen, seconded by Representative Carlin, moved to recommend that one of the standing legislative committees request the Judicial Council review traffic violations that could be excluded as grounds for suspension for failure to comply. Motion carried.

Senator Wilborn, seconded by Senator Dietrich, moved with regard to license restrictions, that the Legislature:

- Provide restricted driver's licenses for drivers making attempts to comply and be accountable;
- Limit the number of opportunities an individual has to apply for restrictions; and
- Reform law pertaining to failure to comply to begin with restrictions, with suspension subsequent to continued non-compliance.

Motion carried.

Senator Petersen, seconded by Senator Dietrich, moved that the Committee recommend a person on a restricted license for failure to comply be able to drive children to and from child care. Motion carried.

Representative Francis, seconded by Representative Neelly, moved to recommend the Legislature request a municipal courts association review policies related to payment of traffic-related debt. Motion carried.

Senator Faust-Goudeau, seconded by Representative Carlin, moved that Kansas Legal Services be asked to share with the Judicial Branch its form for filing a motion to petition to have fines and fees waived. Motion carried.

Adjourn

Chairperson Wilborn thanked the Committee and staff members and recognized Representative Patton, who recently tendered his resignation from the Legislature, for his ten years of service to the Kansas Legislature and the people of Kansas. Representative Patton thanked the Committee, staff, and those present in the audience.

Chairperson Wilborn adjourned the meeting at 11:58 a.m.

Prepared by Deborah Heideman
 Edited by Eric Adell

Approved by the Committee on:

December 20, 2023
(Date)