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WRITTEN TESTIMONY

To: Chairman Richard E. Wilborn and Members of the Senate Judiciary Committee
From: Ted Smith, Deputy General Counsel for the Kansas Department of Revenue
Date: March 19, 2019
Re: Testimony in Support of House Bill 2211 – Allowing Judges to Waive or Reduce Driver’s License Reinstatement Fees

Good Morning Chairman and Members of the Committee:

My name is Ted Smith and I represent the Kansas Department of Revenue. Some of my responsibilities with the Department are: 1) removing alcohol and drug impaired drivers from Kansas roads and highways; 2) returning driving authority when such drivers are no longer a risk to themselves or others; and 3) collecting necessary fees and proof of insurance coverage as a condition of any driver’s license reinstatement.

The Kansas Department of Revenue (KDOR) supports House Bill 2211, and believes the amendment achieves a reasonable middle ground between ensuring that all drivers follow the rule of law and permitting otherwise safe drivers to be reinstated to full license status by waiving some, but not all, of the costs for reinstatement if there are economic limitations on the driver.

Process: How a Failure to Appear or Unpaid Traffic Citation Results in Extra Fines, Fees, and License Suspension.

Most Kansans have been through the process of receiving a traffic citation. The bad feeling one has when he or she sees the lights and siren turn on, and then the officer asks for license and registration information. The part most Kansans may be not aware of is what happens after one receives the traffic citation.

The officer will normally present a notice to appear and explain the process. The notice to appear will have information about the fine and the process for paying such fine or contesting the citation in court. Unfortunately, many Kansans will lose, misunderstand, or simply ignore the citation and notice to appear. A State or municipal court will eventually take up the matter in a traffic/criminal court forum and call on the cited Kansan to appear and answer for the traffic offense. If the Kansan (or out of state driver) does not appear or has not provided payment and plea to the charge, the court will routinely order a “30-day letter” be issued to the

Kansas's official mailing address, the address provided to the Division of Vehicles. In many circumstances, the driver will have failed to notify the Division of a change of address, as required by law, so the court's notice will go to an old address without mail forwarding. Even if the Court's notice is received by the driver, the notice does not describe what the driver can do if he or she does not have money immediately available to pay the fine. Without knowing that community service, reduced fines, or payment plans are possibilities, people often think their only option is to pay. When some drivers cannot pay, they do nothing – not realizing that doing nothing can set in motion a financially disastrous chain of events.

Effect

When someone's driver's license is suspended due to failure to appear or pay off a traffic citation or due to economic reasons, the justice system has not removed a dangerous driver from the streets. In many cases, it has simply added another hurdle to the indigent acquiring and maintaining a sufficient level of employment and financial security. For the suspension to be removed, the driver must now resolve the traffic ticket with the court and pay a reinstatement fee to the State. This reinstatement fee is assessed by charge, so one traffic stop may result in two or more reinstatement fees being charged. This amendment would provide the court with authority to waive its imposed reinstatement fee upon a showing of economic hardship.

In these cases, the suspension of a driver's license may serve to disconnect an economically distressed person from their family, from their community, and in many cases, from their job. These K.S.A. 8-2110 suspensions can have long-lasting, widely-felt consequences, none of which directly impact community safety. Having a driver's license suspended for failing to appear or timely pay a ticket for expired license plates may seem extreme on its own. But when added to the reality of why people often fail to pay those tickets—that they are low-income workers struggling to make ends meet and take care of a family with wages from an hourly job—it can become tragic.

When a suspended license leads to multiple convictions for driving while suspended, jail time will result, and that in turn can lead to loss of employment, making it even more difficult to pay mounting fines and consequently to find another job. A five-day absence, via mandatory jail term for driving while suspended, from the home can add further strain and stress on a parent struggling to be present for their children, and can result in trauma for children who can't understand why a parent was taken away.

Conclusion

On behalf of KDOR, I would like to thank the Chief Justice and the Office of Judicial Administration, specifically the Ad Hoc Committee on Bonding Practices, Fines and Fees in Municipal Courts, for their important work on this topic. KDOR would ask that House Bill 2211 be considered by this Committee as a positive step forward and approve House Bill 2211 favorably out of Committee

Thank you for your consideration.