

To: House Judiciary Committee

From: John Goodyear, Staff Attorney

Date: February 18, 2020

RE: Opposition Testimony to HB 2434

I want to thank Chairman Patton and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in opposition to HB 2434.

HB 2434 removes the ability of courts to suspend driving privileges for the non-payment of fines and court costs. The League stands opposed to this bill because it eliminates an important tool used to ensure compliance with the traffic code. Without the prospect of a suspension for the non-payment of fines, there is nothing to keep an offender from refusing to pay the fines for traffic citations and continuing to drive.

It is important to note that current law allows the court to waive the fee associated with license reinstatement when an offender can demonstrate that the fee would result in manifest hardship to them or their immediate family. This important change allowing municipal court judges the discretion to waive fines and fees when an individual is unable to pay was only made last year. Before making further changes, it is important to allow this change a chance to fulfill its goal and get individuals who truly cannot pay due to manifest hardship, out of the cycle of nonpayment suspensions. The suspension of driving privileges for failure to pay fines is not designed to pile on fines for those who are unable to pay them. Rather, it serves as a mechanism to get the attention of offenders and ensure payment for the violation of traffic infractions.

Traffic citations are issued to ensure compliance with the traffic code and make sure that our roads are safe. Fines are used as a deterrent to continued violation. If there is no means of ensuring that these fines are paid other than contempt of court charges, there will be no effective way to ensure that traffic citations are serving their intended purpose.

The League opposes HB 2434 and respectfully ask that the Committee not recommend this bill to the full House for consideration.