



KANSAS LEGISLATIVE
DIVISION *of*
POST AUDIT

A Limited-Scope Performance Audit Report Presented to the Legislative Post Audit Committee

Impacts and Financial Aspects of the Kansas Driver's License Suspension and Revocation Process

April 2022

Report Number: L-22-009

Introduction

Representative Gail Finney requested two limited-scope audits, which were authorized by the Legislative Post Audit Committee at its May 5, 2021 meeting.

Objectives, Scope, & Methodology

Our audit objective was to answer the following questions:

1. What are the financial aspects of Kansas' process for suspended and revoked licenses?
2. What's the impact of Kansas' process for suspended and revoked licenses on Kansas drivers?

Each question was originally a separate limited scope audit. For reporting purposes, we have combined them in one audit report.

To answer these questions, we reviewed driver's license suspension and revocation data from the Division of Vehicles from 2019 to 2021. We also reviewed the division's fee data from the same time. We also conducted a literature review and spoke with representatives from the Division of Vehicles and Kansas Appleseed.

More specific details about the scope of our work and the methods we used are included throughout the report as appropriate.

Important Disclosures

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. Overall, we believe the evidence obtained provides a reasonable basis for our findings and conclusions based on those audit objectives.

Audit standards require us to report limitations on the reliability or validity of our evidence. In this audit, we encountered some issues surrounding the state's driver's license reinstatement data. Specifically, the Division of Vehicles could not report fee revenue for violations related to driving without insurance. To account for this, we estimated the fee revenue for driving without insurance using reinstatement counts. Additionally, we relied on percentages established under state law to estimate fee revenue for certain state agencies and funds. We believe that these estimates are reasonable under the assumption that state law was adhered to during the fee collection process, but the exact amounts may differ somewhat from the fee totals presented in this audit.

Our audit reports and podcasts are available on our website (www.kslpa.org).

From 2019 to 2021, Kansas drivers paid about \$18 million in fees to have their driver's licenses reinstated.

Overseen by the Kansas Department of Revenue, the Division of Vehicles is responsible for suspending and revoking driver's licenses.

- The Division of Vehicles within the Kansas Department of Revenue is responsible for administering state law pertaining to driver's licenses. A component of the division is the Driver Solutions program, which handles driver's license suspensions, revocations, and reinstatements.
 - Statute defines a driver's license suspension as the temporary withdrawal of one's driving privileges. A license is either suspended for a predetermined timeframe (usually 90 days to 1 year) or indefinitely until certain criteria are fulfilled (e.g., paying a speeding ticket). If suspended for a predetermined timeframe, the driver will be automatically reinstated at the end of the timeframe.
 - Statute defines a driver's license revocation as the termination of one's driving privileges. Driver's license revocations are typically for more severe violations like eluding police and are less common than suspensions. Division of Vehicles officials told us that, in practice, revocations currently operate like suspensions. Individuals are required to wait a predetermined timeframe before their license is automatically reinstated.
 - A license reinstatement is the restoration of one's driving privileges. In some cases, a license reinstatement means that the driver has obtained their full driving privileges again. In other cases, a license reinstatement means that the driver has been granted restricted driving privileges. Restricted driving privileges generally allow someone to drive to work, school, and doctor appointments. Whether or not a driver receives full driving privileges or restricted driving privileges upon reinstatement depends on the specific process of the suspension or revocation.
- With a suspended or revoked license, drivers are not legally allowed to operate a motor vehicle. Suspensions and revocations are recorded in a database used by the Division of Vehicles. Drivers are notified of license suspensions and revocations from letters mailed by the division. If drivers are caught driving with a suspended or revoked license, they can face further suspensions, fines and fees, and prison time.
- Following a license suspension or revocation, drivers retain possession of their physical license card to use as identification. However, this card can be confiscated if they are caught driving while suspended or revoked, or in other rare circumstances. If the license card is confiscated or if the license expires while suspended or revoked, the driver can obtain a non-driver ID card from the Division of Vehicles to use for identification.

Drivers must fulfill violation-specific criteria to have their license reinstated.

- There are numerous violations that can lead to a driver's license suspension or revocation. Among them, failure to comply with a citation, driving under the influence (DUI), and driving without insurance are the most common.
 - Failure to comply suspensions are given to drivers who fail to pay traffic citations (e.g., speeding tickets) or fail to appear in court. These suspensions last until a driver has paid all outstanding citation fines and fulfilled any additional court requirements. Alternatively, drivers can apply for restricted driving privileges while they work to pay off their citations. If they still have not paid the fines and fulfilled the court requirements within 12 months of receiving restricted privileges, they are suspended.
 - DUI suspensions last 30 days to 1 year, depending on the specific circumstances and number of prior DUI violations. Following the suspension period, drivers must obtain an in-car breathalyzer called an ignition interlock device (IID). Once they have an IID, the driver is reinstated with restricted driving privileges. The duration of the restricted period depends on the specific circumstances and number of prior DUIs but can range from 6 months to 10 years.
 - Driving without insurance suspensions last until the driver submits proof of insurance to the Division of Vehicles. Unlike failure to comply and DUI violations, there is no restricted license option for this violation.
- Drivers can also have their license suspended or revoked for several other reasons, such as eluding police, habitual violations, reckless driving, and violating license restrictions. However, these are generally less common.

In most cases, drivers must pay a fee to have their license reinstated. From 2019 to 2021, those fees generated about \$18 million in revenue.

- In most cases, drivers must pay the Division of Vehicles or the court a fee before their license can be reinstated. **Figure 1** summarizes the fees drivers must pay, by violation, to get their license reinstated. As the figure shows, reinstatement fees vary by violation. For example, drivers must pay a \$100 reinstatement fee (per citation) for a failure to comply suspension. For a DUI suspension, drivers must pay a fee of \$200 to \$1,500 (depending on the number of prior DUIs).
- We reviewed Division of Vehicles fee data from 2019 to 2021. In total, drivers paid an estimated \$18 million in reinstatement fees over this time period. As **Figure 1** shows, fees for failure to comply with a citation generated the most revenue (about \$8.9 million). That was followed by the reinstatement fee for a DUI (about \$5.6 million). Together, those two accounted for about 81% of all fee revenue collected during this time.

- Our fee analysis is subject to a few caveats. First, we did not include other costs (e.g., attorney fees, court fees, etc.) that drivers may have incurred as part of the suspension or revocation process. In our opinion, those costs were separate from reinstatement fees, which is what we were required to review. Second, because of a lack of data, we estimated fee totals for failure to comply and driving without insurance. We used statutory percentages to estimate fee revenue for failure to comply. We multiplied the number of reinstatements for driving without insurance by the \$100 reinstatement fee to estimate that fee revenue. Reinstatement fees for this violation ranged from \$100 to \$300. We used the \$100 fee to remain conservative.

Figure 1. Drivers paid several different reinstatement fees from 2019-2021.

Reinstatement Fee	Amount	Total Paid (2019-2021)
Failure to Comply (1)	Up to \$100 per charge (2)	\$8,934,000
DUI	\$200-\$1,500	\$5,646,000
Insurance (3)	\$100 or \$300	\$2,246,000
Early Interlock Application	\$100	\$707,000
Driver Exam	\$25	\$292,000
Restricted License Application (4)	\$25	\$82,000
Moped Application	\$40	\$9,000
Theft of Motor Fuel	\$100	\$0

Notes: (1) Part of this total has been estimated based on statutory percentages, (2) There can be an additional \$22 per fee, (3) This total has been estimated based on number of reinstatements, (4) This fee was eliminated in 2021 and is no longer collected.

Source: 2019-2021 audited DOV fee data

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The \$18 million in reinstatement fee revenue was allocated to several different state agencies and programs.

- State law allocates reinstatement fee revenue across several different agencies and programs. Which programs or agencies receive reinstatement fee revenue, and how much they get, varies by violation type. For example, 35% of every DUI reinstatement fee must go to the Community Alcoholism

and Intoxication Programs fund, 20% goes to the Juvenile Alternatives to Detention fund, 20% goes to the Forensic Laboratory and Materials Fee fund, and the remaining 25% goes to the Driving Under the Influence fund. Conversely, 100% of fee revenue for driving without insurance is allocated to the State Highway fund. Almost all fee revenue is remitted to the state treasurer, who is then responsible for making these allocations.

- The \$18 million in fee revenue collected from 2019 to 2021 was allocated to several different agencies and programs. **Figure 2** lists total reinstatement fee revenue by state fund or program during this time. As the figure shows, the Judicial Branch Non-Judicial Salary Adjustment fund, which is used for compensating non-judicial court employees, received the most fee revenue (\$4 million). This was followed by the state’s Community Alcoholism and Intoxication Programs fund (\$3.6 million). The Division of Vehicles received \$2.4 million, which was credited to the division’s operating fund.

Figure 2. Drivers paid an estimated \$18 million in reinstatement fees from 2019-2021, \$2.4 million of which was credited to the DOV operating fund.



Notes: Revenue totals for some funds are estimated based on statutory percentages and number of reinstatements.

Source: 2019-2021 audited DOV fee data

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- Officials from the Division of Vehicles estimated that it costs about \$2.4 million per year to operate the Driver Solutions program. This includes costs for staff salaries, supplies, and postage for mailing letters. This amount should not be

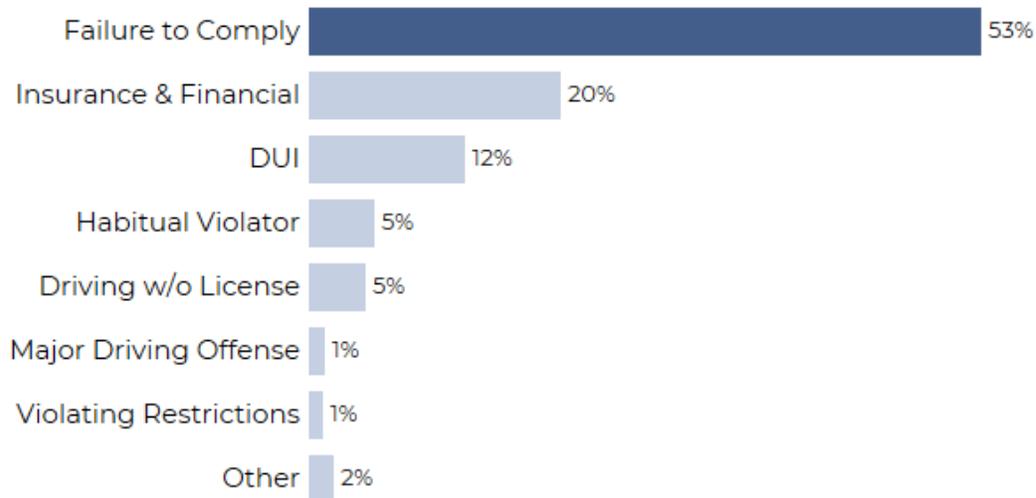
confused with the \$2.4 million in fee revenue that the division received from 2019-2021.

It's possible some Kansas drivers experienced financial or social hardships from a suspension or revocation, but recently proposed changes to the state's process could lessen that impact in certain cases.

From 2019 to 2021, the Division of Vehicles issued 176,000 driver's license suspensions or revocations.

- We reviewed the Division of Vehicles driver's license suspension and revocation data from 2019 to 2021. The data included all driver license suspensions and revocations, the date the suspension or revocation began, the type of violation, and the license reinstatement date (if applicable).
- Our analysis focused exclusively on individual suspensions and revocations, on a violation-by-violation basis. Some drivers received multiple suspensions or revocations during this time. For example, some drivers received concurrent suspensions or revocations for a single event (e.g., DUI while driving without insurance). In other cases, drivers incurred a new suspension or revocation following an existing one (e.g., driving while suspended). However, we analyzed each violation individually, regardless of whether it occurred concurrently or overlapped with a prior violation. We did this because different suspensions and revocations carry different penalties and timeframes. By analyzing them individually, we were better able to account for the impacts and timeframes associated with each violation.
- From 2019 to 2021, there were roughly 176,000 driver's license suspensions or revocations in Kansas. That affected roughly 94,000 drivers (some drivers received multiple suspensions or revocations). About 164,000 (93%) of these cases were suspensions. Only about 12,000 (7%) were revocations.
- **Figure 3** lists the total number of suspensions or revocations from 2019 to 2021 by the category of violation. As the figure shows, failure to comply with a citation (e.g., speeding ticket), driving without insurance, and DUI violations accounted for 86% of suspensions or revocations. On its own, failure to comply with a citation accounted for about half (53%) of all suspensions or revocations during this time.
- Generally, male drivers were more likely to receive a suspension or revocation than female drivers. Male drivers accounted for 63% of all suspensions and revocations from 2019-2021, while female drivers accounted for only 37%. The vast majority of suspensions and revocations were given to drivers between the ages of 18 and 50 (85%). Only 2% of suspensions and revocations were given to drivers over 65 years old.

Figure 3. Over half of all suspensions or revocations from 2019-2021 were imposed for failure to comply violations.



Source: 2019-2021 audited DOV license data

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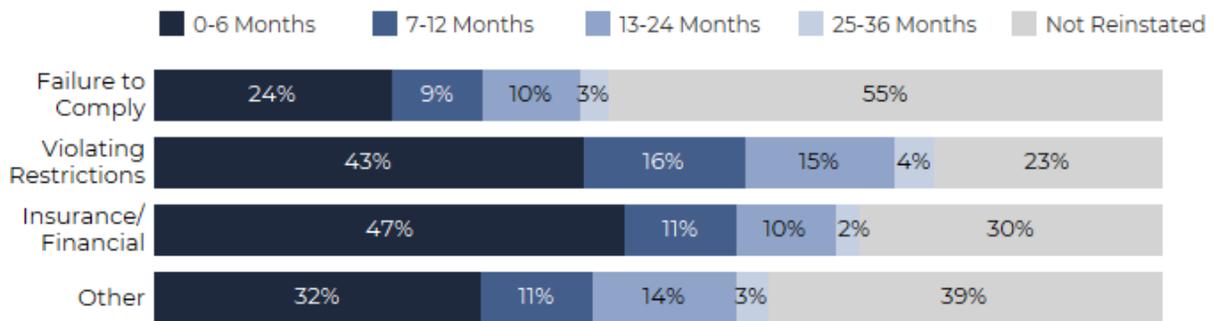
Having to pay a citation, fee, or other financial obligations may have limited some drivers' ability to get their license reinstated for less-severe violations.

- A driver must be reinstated from every ongoing suspension or revocation before they regain their full driving privileges. We used the Division of Vehicles driver's license data to evaluate whether reinstatements occurred and how long they took to happen. We analyzed reinstatements for individual violations only. As such, it's possible that some people fulfilled the requirements for one, but not all, of their active suspensions or revocations. We only included suspensions and revocations that began in 2019 or 2020. We did this to allow at least 12 months for suspensions with indefinite timeframes to be reinstated.
- From 2019 to 2021, suspensions and revocations for DUIs, habitual violations, and other high-risk violations had a very high reinstatement rate (99%). The reason this reinstatement rate is so high is likely because statute defines the timeframe for these violations, and drivers are able to wait it out before being automatically reinstated. Under state law, driver's licenses are usually suspended or revoked for a period of 30 days to 3 years for these kinds of violations. The average time until reinstatement was about six months. In some cases, drivers are required to have a restricted license following these

suspensions. For example, drivers may have a restricted license for 6 months to 10 years following a reinstatement for a DUI.

- Less than half (40%) of suspensions for driving without insurance, failure to comply with a citation, and other low-risk violations were reinstated within one year. Unlike more severe violations, state law does not define a specific timeframe for these suspensions. Instead, drivers must fulfil specific criteria (e.g., show proof of insurance, pay a citation, etc.) to have their license reinstated. These violations could last indefinitely until all necessary criteria are met.
- It's possible that drivers' inability to pay outstanding citations, pay reinstatement fees, or purchase insurance could have prolonged their suspensions. From 2019 to 2021, most suspensions with indefinite timeframes were either reinstated within 6 months or not reinstated at all. **Figure 4** summarizes the time to reinstatement for these kinds of suspensions. As the figure shows, the likelihood of reinstatements after 6 months dropped significantly. For example, 24% of suspensions for failure to comply were reinstated within 6 months. However, only 9% more were reinstated after a year. Only 13% more were reinstated in the 2 years following that. The remaining suspensions (55%) were not reinstated at all. We saw similar trends for other similar violations. This suggests that most people who were able to pay the citations, fees, and fulfill the obligations of their suspension did so within 6 months. Additional time did significantly improve the number of reinstatements.

Figure 4. Suspensions for failure to comply had the lowest rates of reinstatement.



Notes: This graph shows the rate of reinstatement for violations with indefinite timeframes. It shows the percent reinstated within 4 different timeframes as well as the percent that were not reinstated. Due to rounding, percentages may not add up to 100%.

Source: 2019-2021 audited DOV license data

Most of the academic research we reviewed suggested that the loss of driving privileges had a negative financial and social impact on people.

- We reviewed a total of 8 academic studies for this audit. These studies evaluated the financial and social impacts that the loss of driving privileges can have on individuals. Most of these studies were conducted in the broader United States, but none were conducted in Kansas. See **Appendix A** for a complete list of all studies included in this audit.
- 6 studies evaluated the financial and economic impacts of the loss of driving privileges. Of these, 5 studies found that loss of driving privileges had a negative financial impact on drivers, including making it more difficult for them to get to work and maintain a job, access healthcare, or pay off fines and fees.
 - 4 of these studies also found that the negative financial and economic impacts of the loss of driving privileges disproportionately affected low-income drivers. These studies found that, on average, drivers with lower incomes were more likely to have had a license suspension and to have experienced financial strain during a suspension.
 - 1 study, however, found that there were no statistically significant differences in income levels between drivers that had received a license suspension and those that had not.
- 6 studies found that the loss of driving privileges can have negative social and emotional impacts on drivers. 2 studies noted that the lack of autonomy and reliance on friends or family introduced a social and psychological strain, and in some cases caused depressive emotions. 2 other studies found that the challenges imposed by loss of license compelled some people to continue driving anyway.

Recently proposed changes to the state’s suspension and revocation process could reduce penalties and fees for some violations.

- Introduced during the 2022 Legislative Session, Senate Bill 371 would have eliminated all suspensions for failure to comply with a citation. The bill would have also retroactively removed any ongoing suspensions for this violation. However, at the time of this audit, the bill had not passed, and no further action had been taken on it.
- Introduced during the 2021 Legislative Session, House Bill 2377 would change many of the rules pertaining to IID (in-car breathalyzer) timeframes and the reinstatement of full driving privileges from an IID restriction. At the time of this audit, the bill was being reviewed by a conference committee.
- Passed during the 2021 Legislative Session, Senate Bill 127 eliminated the

additional 90-day suspension for driving with a failure to comply suspension. This additional suspension is normally served following the completion of the driver's ongoing suspension or revocation if they were caught driving during this time. Now, however, no additional suspension is given for driving while suspended for a failure to comply violation. Senate Bill 127 also eliminated a \$25 fee to apply for a restricted license following a failure to comply suspension.

- A 2017 Kansas supreme court decision rendered a \$50 fee for a DUI administrative hearing unconstitutional. This hearing can be requested by drivers who have been suspended for failing or refusing a breathalyzer test. The hearing is held with a representative from the Division of Vehicles, and it allows the driver to review the evidence and contest their suspension. The removal of this fee may make it easier for some drivers to request this hearing and possibly avoid suspension.

Stakeholders we spoke to agreed that the loss of driving privileges could have a negative impact on Kansans, but the recent changes in state law could help lessen that impact.

- We met with representatives from Kansas Appleseed, a Kansas nonprofit advocacy organization, and the Division of Vehicles to discuss the impacts of driver's license suspensions and revocations on Kansans.
- Officials from Kansas Appleseed told us that the current suspension process can cause financial hardship for some individuals. In their opinion, having to pay fines and fees for a lower-risk offense like a traffic violation should not result in a suspension or additional fees. They said that, in some cases, people are unable to pay their citation and reinstatement fees, which can limit their ability to get to work, school, or other obligations. They said this is especially the case in Kansas, where a lack of public transportation makes driving privileges all the more valuable. They suggested that Kansas make the reinstatement process easier for less-severe violations. They proposed eliminating or reducing fees (especially the failure to comply fees) or introducing a payment plan system that would allow drivers to pay off traffic fines in monthly installments instead of being suspended or restricted for not being able to pay it all immediately.
- Officials from the Division of Vehicles agreed that suspensions and fees could have some unintended negative effects, such as making it more difficult for some drivers to get to work. However, they said that there must be consequences for violating traffic laws. They said the division has a duty to enforce these laws, even if there are unintended negative effects. They believe that the recent changes to state law have reduced some of the hardships associated with suspensions and fees. They noted, for example, that the changes brought about by Senate Bill 127 have helped reduce the financial strain of failure to comply suspensions and have made it easier for drivers to avoid suspension.

Recommendations

We did not make any recommendations for this audit.

Potential Issues for Further Consideration

There are some ambiguities in the wording of state law and the practical differences between driver's license suspensions and revocations. Definitionally, a revocation seems to be intended as a harsher form of suspension. Under state law, a revocation is defined as the termination of one's license without the possibility of restoration. Conversely, suspensions are defined as the temporary loss of license and driving privileges. Beyond this definition, however, statute does not clarify exactly what meaningful differences are supposed to exist between the two. In practice, revocations are currently treated like suspensions with predefined timeframes. Generally, drivers do not have to apply for a new license following a revocation.

Agency Response

On April 7, 2022 we provided the draft audit report to the Kansas Department of Revenue. Agency officials generally agreed with our findings and conclusions.

Appendix A – Cited References

This appendix lists the major publications we relied on for this report.

1. Driver's License Suspensions, Impacts and Fairness Study. (August, 2007). *Jon Carnegie*.
2. Understanding the Impact of Driver's License Suspension: Lay Opinion in Impacted and Non-Impacted Populations. (October, 2021). *William Crozier, Brandon Garrett, and Karima Modjadidi*.
3. Health, social, and economic impacts of non-driving related suspensions: A qualitative study. (August 2021). *Emma Sartin, Dominique Ruggieri, Adrian Diogo, Lauren O'Malley, Lakhaya London, Allison Curry*.

4. Driver's License Suspension Policies as a Barrier to Health Care. (December, 2019). *Nina Joyce, Andrew Zullo, Jasjit Ahluwalia, Melissa Pfeiffer, and Allison Curry.*
 5. Effects of Administrative Revocation on Employment. (May, 1996). *Kathleen Knoebel and Laurence Ross.*
 6. Means of transport and ontological security: Do cars provide psycho-social benefits to their users? (2002). *Rosemary Hiscock, Sally Macintyre, Ade Kearns, and Anne Ellaway.*
 7. A Driving Factor in Mobility? Transportation's Role in Connecting Subsidized Housing and Employment Outcomes in the Moving to Opportunity (MTO) Program. (August, 2014). *Evelyn Blumenberg and Gregory Pierce.*
 8. Recidivist drink drivers' self reported reasons for driving whilst unlicensed – a qualitative analysis. (March, 2010). *Simon Lenton, James Fetherston, and Rina Cercarelli.*
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