

Lawmakers may change Kansas law on revoked driver's licenses



Can't afford your traffic tickets but still need to drive? Kansas lawmakers consider help

Jason Alatidd, [Topeka Capital-Journal](#) September 8, 2023

Kansas lawmakers are looking for ways to help low-income people avoid losing their driving privileges if they can't afford to pay a traffic ticket.

"Here today my goal was to talk about revoked driver's license drivers to see how we can help them," said Oletha Faust-Goudeau, D-Wichita, who has long championed efforts to help people with driver's license issues due to unpaid tickets and associated fees.

Faust-Goudeau's legislative proposal calls for, among other provisions, allowing people with revoked licenses to get restricted driving privileges that legally permit

them to go get groceries, take children to school and go to work.

Kansas Department of Revenue data show about 208,000 drivers have a suspended license, with roughly 59% of those due to unpaid tickets. About 13,000 drivers have a revoked license, of which about 13% are due to driving while suspended or without insurance and unpaid tickets.

The Legislature's Special Committee on Restricted Driving Privileges, which met last week, was largely in agreement that something should be done to make sure people in poverty don't have their lives upended by a traffic ticket. But legislators and their conferees didn't have a consensus on exactly how to proceed and asked staff for more information prior to an Oct. 10 meeting.

"By then, I hope we all have a framework of which direction we want to go," said Senate Vice President Rick Wilborn, who chairs the special committee.

'In Kansas, you either drive or you starve'

License suspensions and revocations can upend the lives of people, even when intended to be temporary.

"If you ask some of the families in Kansas, this has been a permanent life sentence," said Sheila Officer, chair of Wichita's Racial Profiling Advisory Board.

Officer has worked with people who attended workshops on the issue, and some of the people have had their license suspended for more than 15 years.

"Now I don't know about you, but I can't imagine doing my daily tasks without a driver's license, being able to drive," she said.

Richard Harris, a former Wichita traffic commissioner who now works with unhoused people, said driver's license issues can lead to homelessness.

"It is extremely common to find out that somebody lost their driver's license, couldn't drive, lost their job, lost their home, (in) some cases lost their family in the cascading series of disasters that falls out from this extremely bureaucratic and costly process," Harris said. "It's something that we need to look at not only for simply humanity, but as a practical business decision."

Harris has first-hand experience.

When he was a younger man, he didn't pay a traffic ticket, which led to him driving without knowing there was a warrant, getting pulled over and arrested with his car towed and impounded.

"The judge made some effort to work with me, but I just simply didn't have any income because I'd lost my car," Harris said. "And guess what, I lost my job. ... The situation snowballed to the point that I lost my home."

Walking, biking and taking a bus to work are impractical for many people, he said.

"It is simply unrealistic to expect people to get by without a car in Kansas," Harris said. "In Kansas, you either drive or you starve. And what we're looking at here today is creating a system where people don't starve and where businesses aren't deprived of the necessary resources and human capital to get the job done."

Kansas lawmakers look for solutions

The special committee has brought together influential legislators with leadership roles in transportation, judicial, commerce and local government committees in an attempt to find solutions before the legislative session starts in January.

Sedgwick County Commissioner Jim Howell told lawmakers that Kansas laws should be more accommodating.

"For someone who is trying to do the right thing, I think we ought to have some way for them to become legal," he said.

"I think a restricted license so they can continue to go to work and take care of their kids is really the right answer."

Howell said despite widespread support for addressing the issue, it has failed to gain much traction in the Legislature. He thinks politicians are "worried about the politics of this, saying we're soft on crime."

Some legislators were interested in proposals by retired Topeka police Chief Ed Klumpp, who now lobbies for a trio of law enforcement organizations. He suggested giving courts more discretion to implement affordable payment plans or community service, among other ideas.

"I think there's something to that if we dig into it a little bit," said Rep. Fred Patton, R-Topeka and vice chair of the special committee. "So maybe there's a solution there."

Rep. Shannon Francis, R-Liberal, voiced support for some of Klumpp's proposals, including giving courts flexibility to make arrangements for payment plans, but wanted more information on what other states are doing.

"It's setting up something where they can be successful and yet also be responsible for their actions," he said.

Howell, who previously served as a state representative, said Faust-Goudeau tried to bring the issue to his attention.

"Honestly, as a legislator, I did not really see the importance of it back then," Howell said. "Now, as a county commissioner, I see the other side."

He said people who don't have the money to pay for a ticket choose to drive illegally out of desperation.

"This issue, I believe, is really about poverty," Howell said. "It's really not a partisan issue. Most of us in this room, myself, if I get a speeding ticket, I'm going to pay my ticket. I think for us, we have the money, we have the wherewithal, to pay our tickets and we learn our lesson and we move on."

Francis said he tries to think of what it would be like to be in the shoes of people who experience the challenges.

"I think about the anxiety I would have if I had \$600 worth of fines and no way to pay it and I still need to get to work," he said.

Government bureaucracy creates challenges

People face bureaucratic challenges as they try to address suspended and revoked driver's licenses, said Matt Keenan, executive director of Kansas Legal Services.

"Extracting our citizens from this quagmire requires a command of a labyrinth of state statutes, regulations, municipal and county ordinances," Keenan said. "Along the way Kansas are dealing with fees, fines, reinstatement costs, waiting periods and special rules to return to the road."

The court system can also be difficult to navigate, said Micah Tempel, a Kansas Legal Services attorney. People may take time off of work to try to address the issue with a judge, only to discover they went in on a day the judge is not in.

"The reality of the situation on the ground isn't as simple as these people are just not going to the courthouse and taking care of their business," Tempel said.

"It's that there are barriers erected, especially for people who are working minimum wage and working full-time jobs to take those that time off."

Implementing legislative changes may also be difficult as the Department of Revenue and the courts have separate systems, said Marisa Bayless, deputy special counsel to the chief justice.

"Thousands of traffic citations are issued every day," she said. "So we potentially have hundreds and hundreds of payment plans, if they are approved. Right now, there's not a method to just automate this immediately."

Prosecutor raises public safety concerns

Aaron Breitenbach, a Sedgwick County deputy district attorney, raised public safety concerns with removing financial consequences for people who fail to comply with the law.

"We need to have some of these incentives to make sure that people will get into compliance, that they will make that difficult choice of buying insurance for their car instead of, you know, that pack of cigarettes or the Netflix subscription, or the new pair of shoes or whatever," Breitenbach said. "And I know sometimes it's even more

desperate than that, it's how many meals I'm going to eat today, so I don't mean to make light of it.

"But at the end of the day, if someone's going to drive on the roadway where they can run into me or someone that I know or even someone I don't know and cause that person financial harm, then and I want that person to have to have insurance."

Still, Breitenbach said, he supports efforts to prevent people from "being habitually in a suspended driving status, because once you get there, it is hard to get out" and make recommendations for legal changes.

He also expressed concern that granting judges discretion over whether to suspend driver's licenses, while well-intentioned, could disproportionately some people.

A judge's own life experience may mean some people have a more compelling explanation of why they drove, Brietenbach said, while for others, the story of their situation "may not resonate as much with our bench."

Jason Alatidd is a statehouse reporter for the Topeka Capital-Journal.

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