

Instructions for filing a motion for removal or reduction of traffic fines, fees and reinstatement fees

1. If you owe money in more than one case, you need to do this for EACH case. You can check the status of your driver's license [here](#) to see what cases are suspending your driver's license. <https://www.kdor.ks.gov/Apps/DLStatus/login.aspx> . This process will only work for driver's licenses being held up for non-payment of fines, fees and reinstatement fees related to traffic offenses. DO NOT use it for other cases, as the Judge may not have authority to do this in other types of cases.
2. To complete this form, you are going to need to know the amount of fines and fees you owe for the case. You can get this information from the Clerk of the Court. (If you want to make only one trip to the Court, have these forms all completed except paragraph 3. Take the completed forms and 2 copies of the partially completed forms and fill in this one space when you are at the City Hall.)

You will need to calculate the driver's license reinstatement fee that you will owe. Count the number of charges in the case. If you were charged with no drivers license, no insurance and speeding – that is 3 charges. The reinstatement fee is \$100 for EACH charge. So, in this example, the reinstatement fee would be \$300. Put this information in paragraph 3. Checking the option that you don't know this information may result in the Judge not granting this or requiring you to come to Court for a hearing.

For paragraph 5, you need to write in a simple statement about why you have been unable to pay these fines and court costs. This might be struggles you have had to find or keep a job and the reason for that struggle.

For paragraph 7, you need to decide if you want a chance to explain your situation to the Judge, by requesting a hearing. Check whether you want a hearing or want the Judge to decide this just based on the papers, without hearing from you.

You will need to write in the City and the Address of the City Hall (or other address for the City Attorney). You will get instructions below (# 10) about how and when to mail this Petition

For the financial affidavit, you will need to give the Judge information about your current employment (or check unemployed). You need to list all your income and the things you have, such as money in the bank, a car, a house, jewelry, etc. If you have expenses that you consider "extra" you can list them under Other Reasons.

3. Complete the top part of each form with the City, your name (above the Defendant) and the Case number of the Case.
4. Fill in the information listed above in all the spaces. Sign the form above the word Defendant.
5. Look at the section of the Petition titled Certificate of Mailing. Make sure that you have put in the address of the City Attorney. Decide if you will mail this to the City Attorney or deliver it

by hand while you are at City Hall. Check the box you choose and put the date you will either mail it or deliver it to the City Attorney. Sign this form.

6. Complete the top of the Financial Affidavit form and all the space on the form. Sign the form. Write in the date you sign it.
7. You can complete the top of the Order at this time, but won't do anything to it until later.
8. Make at least 2 copies of each of these forms.
9. Go to the City Hall Court section and give the Clerk of the Court:
 - a. the Motion For Removal or Reduction of Traffic Fines, Fees and Reinstatement Fees;
 - b. the Financial Affidavit
10. You must notify the City Attorney that you have filed this Motion. Take whatever action you chose in the Certificate of Mailing. If you are hand delivering it, you can take it to the City Attorney office. You can hand a copy to the staff in that office. You should give them a copy of the Motion, the Financial Affidavit and a copy of the Order for Removal or Reduction of Traffic Fines, Fees and Reinstatement Fees
11. If you marked that you want a hearing, ask the Clerk of the Court to find out how to get a hearing date. You will need to let the City Attorney know when that hearing will occur, unless the Clerk tells you that the Clerk's office will notify them.
12. If you don't want a hearing, deliver your proposed Order for Removal or Reduction of Traffic Fines, Fees and Reinstatement Fees to the City Attorney (with the other papers) and the Judge. The Judge will consider your motion and complete the order, but this won't occur on any specific date.
13. Attend the hearing, taking with you:
 - a. The Order for Removal or Reduction of Traffic Fines, Fees and Reinstatement Fees that you have completed the top of.

Note: This order does give the Court the options to fully waive, partially waive or allow you to meet this cost by performing some community service work. Be prepared with some idea of how you might perform that work, given the hours you are required to work or search for work and places you might do that work.

14. If the City Attorney will sign the form, with boxes marked in a particular way, this could get the Judge to sign as an agreed order. This could avoid a Court hearing.
15. When you receive an order signed by the Judge, YOU MUST take it back to the Clerk of the Court to get it filed in your case. You should ask for a copy of the Order. They may charge a little bit for the copy. You can avoid that by taking your own copy to court with you and completing it exactly like the Judge does.

16. When a decision is made on the Order and you have met whatever terms are required (payment or community service), ask the Clerk of the Court when the notice of compliance will be sent to the Department of Revenue. This step must be taken before your driver's license will be reinstated.
17. You can check the status of your driver's license here:
<https://www.kdor.ks.gov/Apps/DLStatus/login.aspx> \

Please remember that this procedure is very new. The action you are requesting is allowed under Senate Bill 127, which just became effective May 6, 2021.

You might be the first person asking for this. You may need to ask the Judge or City Attorney to look at this law, so they know it is possible to make the changes you are requesting.

IN THE MUNICIPAL COURT

CITY OF _____ , _____ COUNTY, KANSAS

City of _____
Plaintiff,

v.

Case No. _____

Defendant

MOTION FOR REMOVAL OR REDUCTION OF TRAFFIC FINES, FEES and REINSTATEMENT FEES

By filing this Petition, I ask the court for an order of removal or reduction of fines and fee related to this traffic offense, pursuant to Senate Bill 127 (effective May 6, 2021), and driver's license reinstatement fees pursuant to K.S.A. 8-2110(e).

In support of this request, I state to the court the following evidence of the manifest hardship that full payment of these fines, fees and driver's license reinstatement fees would cause me::

1. I seek a reduction of fines and fees related to a traffic offense and reinstatement fees required to restore my driver's license in Kansas;
2. I have completed and attached a financial affidavit showing my full personal income and expenses;
3. I owe the following regarding this case:

Fines: \$ _____ Fees: \$ _____

Driver's License reinstatement fee \$ _____
(\$100 times the total number of charges in this case)

OR (check here) _____ I am unable to get this information prior to filing this Petition.

4. My inability to drive an automobile limits my ability to work, meet my own health needs and other factors that are important to my household's well-being.
5. I present the following reasons for making the request I make in paragraph 4: (add information on a second sheet, if needed)

All available income is spent on meeting my basic monthly needs AND _____

6. Check all that apply to your request: I request a full reduction of any unpaid portion of all fines, fees and driver's license reinstatement fees AND a full reduction of any driver's license reinstatement fees associated with the reinstatement of my Kansas driver's license and;
7. I request (check one) _____ **OR** does not request _____ a court hearing on this matter.

I certify under the penalty of perjury that the foregoing is true and correct.

Defendant

Certificate of Mailing

A copy of this motion and the financial affidavit attached were ____ mailed or ____ hand delivered to:

City Attorney

City of _____

Addressed to:

Street: _____

City, State Zip: _____

On _____, 20__.

Defendant

Note to Defendant: The ORDER in this packet does not need to be mailed. It is designed to be given to the Judge. However, if submitted to and signed by the City Attorney, the Judge may be willing to sign the order as an agreed order, without a hearing.

IN THE MUNICIPAL COURT

CITY OF _____, _____ COUNTY, KANSAS

City of _____
Plaintiff,

v.

Case No. _____

Defendant

FINANCIAL AFFIDAVIT

I, _____, am unable to pay fines and fees and driver's license reinstatement fee in this matter by reason of my current financial situation.

Employment: I am unemployed/employed. My employer is _____. My employer's address is _____.

Income: I receive income from the following sources (**list amount per month**):

Employment income (after withholdings):	\$ _____
Rental income:	\$ _____
Interest and / or dividends:	\$ _____
Spousal support and / or child support:	\$ _____
Retirement, pension, social security:	\$ _____
Disability, workers compensation:	\$ _____
Unemployment benefits:	\$ _____
Other Income (Describe) _____	\$ _____
TOTAL monthly income from all sources:	\$ _____

Assets on Hand: I presently have the following assets (list value):

Cash (including bank accounts and electronic accounts):	\$ _____
Automobile, truck or other vehicle:	\$ _____
Real property (home, building or land):	\$ _____
Other assets (jewelry, watches, etc.)	\$ _____

Other Assets: Are you a beneficiary of any current estate, trust, annuity, or life insurance policy? If so, please provide the details.

Other Reasons: Explain any other facts or reasons why you cannot afford to pay all the fines and fees ordered in your case.

My monthly income goes to pay my regular living expenses. Additionally,

I, _____, declare under penalty of perjury that the information set forth in this affidavit is true and correct.

Executed on _____

Signature of Defendant

IN THE MUNICIPAL COURT

CITY OF _____ , _____ COUNTY, KANSAS

City of _____
Plaintiff,

v.

Case No. _____

Defendant

ORDER FOR REMOVAL OR REDUCTION OF TRAFFIC FINES, FEES and REINSTATEMENT FEES

The Court, after reviewing the motion and financial affidavit of the Defendant in this case, finds as follows:

1. The Defendant provides evidence that payment of the fines, fees and driver's license reinstatement fees creates an economic burden and manifest household on the Defendant and their immediate family.

2. The Court finds, consistent with K.S.A. 8-2110(e)(2) and Senate Bill 127 (effective May 6, 2021), a reduction of these fines, fees and driver's license reinstatement fees are in the interests of justice.

Therefore, the Court makes the following orders with regard to the following:

Fines imposed in this case are: _____ fully waived
_____ reduced to \$_____.
_____ reduced by _____%
_____ modified to be considered paid upon the performance of _____ hours of community service work.

Fees and Court costs imposed in this case are: _____ fully waived
_____ reduced to \$_____.
_____ reduced by _____%
_____ modified to be considered paid upon the performance of _____ hours of community service work.

Driver's license reinstatement fees imposed by the Kansas Department of Revenue in this case are:

_____ fully waived

_____ reduced to \$_____.

_____ reduced by _____%

_____ modified to be considered paid upon the performance of _____ hours of community service work.

IT IS SO ORDERED.

Judge

Submitted by:

Defendant

Approved by:

City Attorney