

SENATE BILL No. 206

By Committee on Judiciary

2-1

AN ACT relating to driving under the influence of alcohol or drugs; concerning penalties; amending K.S.A. 2000 Supp. 8-1014 and 8-1015 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 8-1014 is hereby amended to read as follows: 8-1014. (a) Except as provided by subsection ~~(e)~~ (f) and K.S.A. 8-2,142, and amendments thereto, if a person refuses a test, the division, pursuant to K.S.A. 8-1002, and amendments thereto, shall suspend the person's driving privileges for one year.

(b) Except as provided by subsections ~~(e)~~ (d) and (e) and K.S.A. 8-2,142, and amendments thereto, if a person fails a test ~~or has an alcohol or drug-related conviction~~ in this state, the division shall:

(1) On the person's first ~~occurrence~~ test failure, suspend the person's driving privileges for 30 days, then restrict the person's driving privileges as provided by K.S.A. 8-1015, and amendments thereto, for an additional 330 days; and

(2) on the person's second or a subsequent ~~occurrence~~ test failure, suspend the person's driving privileges for one year.

(c) *Except as provided by subsections (d) and (e) and K.S.A. 8-2,142, and amendments thereto, if a person has an alcohol or drug-related conviction in this state, the division shall:*

(1) *On the person's first drug-related conviction, suspend the person's driving privileges for 30 days, then restrict the person's driving privileges as provided by K.S.A. 8-1015, and amendments thereto, for an additional 330 days; and*

(2) *on the person's second or a subsequent drug-related conviction, suspend the person's driving privileges for one year, then at the conclusion of the one-year suspension, the person's driving privileges shall be restricted to driving only a motor vehicle equipped with an ignition interlock device, approved by the division and obtained, installed and maintained at the person's expense.*

~~(e)~~ (d) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person who is less than 21 years of age fails a test or has an alcohol or drug-related conviction in this state, the division

1 shall ~~(1)~~ suspend the person's driving privileges for one year, ~~or~~
2 ~~— (2) —~~ if such person has entered a diversion agreement under K.S.A.
3 ~~12-4412 et seq.~~, and amendments thereto, or K.S.A. ~~22-2006 et seq.~~, and
4 amendments thereto, suspend the person's driving privileges for the term
5 of such diversion agreement.

6 ~~(d)~~ (e) Whenever the division is notified by an alcohol and drug safety
7 action program that a person has failed to complete any alcohol and drug
8 safety action education or treatment program ordered by a court for a
9 conviction of a violation of K.S.A. 8-1567, and amendments thereto, the
10 division shall suspend the person's driving privileges until the division
11 receives notice of the person's completion of such program.

12 ~~(e)~~ (f) Except as provided in K.S.A. 8-2,142, and amendments
13 thereto, if a person's driving privileges are subject to suspension pursuant
14 to this section for a test refusal, test failure or alcohol or drug-related
15 conviction arising from the same arrest, the period of such suspension
16 shall not exceed the longest applicable period authorized by subsection
17 (a), (b) ~~or~~, (c) *or* (d), and such suspension periods shall not be added
18 together or otherwise imposed consecutively. In addition, in determining
19 the period of such suspension as authorized by subsection (a), (b) ~~or~~, (c)
20 *or* (d), such person shall receive credit for any period of time for which
21 such person's driving privileges were suspended while awaiting any hear-
22 ing or final order authorized by this act.

23 If a person's driving privileges are subject to restriction pursuant to
24 this section for a test failure or alcohol or drug-related conviction arising
25 from the same arrest, the restriction periods shall not be added together
26 or otherwise imposed consecutively. In addition, in determining the pe-
27 riod of restriction, the person shall receive credit for any period of sus-
28 pension imposed for a test refusal arising from the same arrest.

29 ~~(f)~~ (g) If the division has taken action under subsection (a) for a test
30 refusal or under subsection (b) or (c) for a test failure and such action is
31 stayed pursuant to K.S.A. 8-259, and amendments thereto, or if tempo-
32 rary driving privileges are issued pursuant to subsection (k) of K.S.A. 8-
33 1002, and amendments thereto, the stay or temporary driving privileges
34 shall not prevent the division from taking the action required by subsec-
35 tion (b) ~~or~~, (c) *or* (d) for an alcohol or drug-related conviction.

36 ~~(g)~~ (h) Upon restricting a person's driving privileges pursuant to this
37 section, the division shall issue without charge a driver's license which
38 shall indicate on the face of the license that restrictions have been im-
39 posed on the person's driving privileges and that a copy of the order
40 imposing the restrictions is required to be carried by the person for whom
41 the license was issued any time the person is operating a motor vehicle
42 on the highways of this state.

43 Sec. 2. K.S.A. 2000 Supp. 8-1015 is hereby amended to read as fol-

1 lows: 8-1015. (a) When subsection (b)(1) *or* (c)(1) of K.S.A. 8-1014, and
2 amendments thereto, requires or authorizes the division to place restric-
3 tions on a person's driving privileges, the division shall restrict the per-
4 son's driving privileges to driving only under the circumstances provided
5 by subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292 and amendments
6 thereto.

7 (b) In lieu of the restrictions set out in subsection (a), the division,
8 upon request of the person whose driving privileges are to be restricted,
9 may restrict the person's driving privileges to driving only a motor vehicle
10 equipped with an ignition interlock device, approved by the division and
11 obtained, installed and maintained at the person's expense.

12 ~~(c) Upon a person's second or subsequent conviction for an alcohol~~
13 ~~related offense, if the person had an alcohol concentration of .15 or more~~
14 ~~in the person's blood or breath, the convicting court shall restrict the~~
15 ~~person's driving privileges to driving only a motor vehicle equipped with~~
16 ~~an ignition interlock device, approved by the division and obtained, in-~~
17 ~~stalled and maintained at the person's expense.~~

18 ~~(d)~~ (c) Upon expiration of the period of time for which restrictions
19 are imposed pursuant to this section, the licensee may apply to the divi-
20 sion for the return of any license previously surrendered by the licensee.
21 If the license has expired, the person may apply to the division for a new
22 license, which shall be issued by the division upon payment of the proper
23 fee and satisfaction of the other conditions established by law, unless the
24 person's driving privileges have been suspended or revoked prior to
25 expiration.

26 Sec. 3. K.S.A. 2000 Supp. 8-1014 and 8-1015 are hereby repealed.

27 Sec. 4. This act shall take effect and be in force from and after its
28 publication in the statute book.

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