

## SENATE BILL No. 280

By Committee on Ways and Means

2-17

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9 AN ACT concerning suspension and restriction of driving privileges; re-  
10 lating to persons less than 21 years of age; amending K.S.A. 2008 Supp.  
11 8-1014 and repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 8-1014 is hereby amended to read as  
15 follows: 8-1014. (a) Except as provided by subsection (e) and K.S.A. 8-  
16 2,142, and amendments thereto, if a person refuses a test, the division,  
17 pursuant to K.S.A. 8-1002, and amendments thereto, shall:

18 (1) On the person's first occurrence, suspend the person's driving  
19 privileges for one year and at the end of the suspension, restrict the  
20 person's driving privileges for one year to driving only a motor vehicle  
21 equipped with an ignition interlock device;

22 (2) on the person's second occurrence, suspend the person's driving  
23 privileges for two years;

24 (3) on the person's third occurrence, suspend the person's driving  
25 privileges for three years;

26 (4) on the person's fourth occurrence, suspend the person's driving  
27 privileges for 10 years; and

28 (5) on the person's fifth or subsequent occurrence, revoke the per-  
29 son's driving privileges permanently.

30 (b) (1) Except as provided by subsections (c) and (e) and K.S.A. 8-  
31 2,142, and amendments thereto, if a person fails a test or has an alcohol  
32 or drug-related conviction in this state, the division shall:

33 (A) On the person's first occurrence, suspend the person's driving  
34 privileges for 30 days, then restrict the person's driving privileges as pro-  
35 vided by K.S.A. 8-1015, and amendments thereto, for an additional 330  
36 days;

37 (B) on the person's second, third or fourth occurrence, suspend the  
38 person's driving privileges for one year and at the end of the suspension,  
39 restrict the person's driving privileges for one year to driving only a motor  
40 vehicle equipped with an ignition interlock device; and

41 (C) on the person's fifth or subsequent occurrence, the person's driv-  
42 ing privileges shall be permanently revoked.

43 (2) Except as provided by subsection (e) and K.S.A. 8-2,142, and

1 amendments thereto, if a person fails a test or has an alcohol or drug-  
 2 related conviction in this state and the person's blood or breath alcohol  
 3 concentration is .15 or greater, the division shall:

4 (A) On the person's first occurrence, suspend the person's driving  
 5 privileges for one year and at the end of the suspension, restrict the  
 6 person's driving privileges for one year to driving only a motor vehicle  
 7 equipped with an ignition interlock device;

8 (B) on the person's second occurrence, suspend the person's driving  
 9 privileges for one year and at the end of the suspension, restrict the  
 10 person's driving privileges for two years to driving only a motor vehicle  
 11 equipped with an ignition interlock device;

12 (C) on the person's third occurrence, suspend the person's driving  
 13 privileges for one year and at the end of the suspension restrict the per-  
 14 son's driving privileges for three years to driving only a motor vehicle  
 15 equipped with an ignition interlock device;

16 (D) on the person's fourth occurrence, suspend the person's driving  
 17 privileges for one year and at the end of the suspension, restrict the  
 18 person's driving privileges for four years to driving only a motor vehicle  
 19 equipped with an ignition interlock device; and

20 (E) on the person's fifth or subsequent occurrence, the person's driv-  
 21 ing privileges shall be permanently revoked.

22 ~~(3) Whenever a person's driving privileges have been restricted to~~  
 23 ~~driving only a motor vehicle equipped with an ignition interlock device,~~  
 24 ~~proof of the installation of such device, for the entire restriction period,~~  
 25 ~~shall be provided to the division before the person's driving privileges are~~  
 26 ~~fully reinstated.~~

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

31 (1) *On the person's first occurrence, restrict the person's driving priv-*  
 32 *ileges for one year to driving only a motor vehicle equipped with an*  
 33 *ignition interlock device;*

34 ~~(1)~~ (2) on the person's ~~first~~ *second* occurrence, suspend the person's  
 35 driving privileges for one year. If the person's blood or breath alcohol  
 36 concentration is .15 or greater, the division shall at the end of the sus-  
 37 pension, restrict the person's driving privileges for one year to driving  
 38 only a motor vehicle equipped with an ignition interlock device; *and*

39 ~~(2)~~ (3) on the person's ~~second~~ *third* and subsequent occurrences,  
 40 penalties shall be imposed pursuant to subsection (b).

41 (d) Whenever the division is notified by an alcohol and drug safety  
 42 action program that a person has failed to complete any alcohol and drug  
 43 safety action education or treatment program ordered by a court for a

1 conviction of a violation of K.S.A. 8-1567, and amendments thereto, the  
2 division shall suspend the person's driving privileges until the division  
3 receives notice of the person's completion of such program.

4 (e) Except as provided in K.S.A. 8-2,142, and amendments thereto,  
5 if a person's driving privileges are subject to suspension pursuant to this  
6 section for a test refusal, test failure or alcohol or drug-related conviction  
7 arising from the same arrest, the period of such suspension shall not  
8 exceed the longest applicable period authorized by subsection (a), (b) or  
9 (c), and such suspension periods shall not be added together or otherwise  
10 imposed consecutively. In addition, in determining the period of such  
11 suspension as authorized by subsection (a), (b) or (c), such person shall  
12 receive credit for any period of time for which such person's driving  
13 privileges were suspended while awaiting any hearing or final order au-  
14 thorized by this act.

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

21 (f) If the division has taken action under subsection (a) for a test  
22 refusal or under subsection (b) or (c) for a test failure and such action is  
23 stayed pursuant to K.S.A. 8-259, and amendments thereto, or if tempo-  
24 rary driving privileges are issued pursuant to K.S.A. 8-1020, and amend-  
25 ments thereto, the stay or temporary driving privileges shall not prevent  
26 the division from taking the action required by subsection (b) or (c) for  
27 an alcohol or drug-related conviction.

28 (g) Upon restricting a person's driving privileges pursuant to this sec-  
29 tion, the division shall issue a copy of the order imposing the restrictions  
30 which is required to be carried by the person at any time the person is  
31 operating a motor vehicle on the highways of this state.

32 (h) Any person whose license is restricted to operating only a motor  
33 vehicle with an ignition interlock device installed may operate an em-  
34 ployer's vehicle without an ignition interlock device installed during nor-  
35 mal business activities, provided that the person does not partly or entirely  
36 own or control the employer's vehicle or business.

37 (i) *Whenever a person's driving privileges have been restricted to*  
38 *driving only a motor vehicle equipped with an ignition interlock device,*  
39 *proof of the installation of such device, for the entire restriction period,*  
40 *shall be provided to the division before the person's driving privileges are*  
41 *fully reinstated.*

42 Sec. 2. K.S.A. 2008 Supp. 8-1014 is hereby repealed.

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1     Sec. 3. This act shall take effect and be in force from and after its  
2     publication in the statute book.