

SESSION OF 2002

SUPPLEMENTAL NOTE ON SENATE BILL NO. 392

As Amended by House Committee on
Judiciary

Brief*

SB 392 expands the scope of the habitual violator law to also include convictions under the habitual violator statute, *i.e.*, KSA 8-287, itself.

The House Committee amended the bill to do the following:

- ! The bill would eliminate the temporary drivers license that is currently issued when a person either refuses to submit to a blood alcohol (BAC) test or fails a BAC test. Under current law, the license is seized and a temporary license that is effective until the Division of Motor Vehicles suspends or revokes the license, or until the Division returns the original license is issued. Under the bill the person is allowed to keep the drivers license. The Division will be notified within five days that the individual has either refused to take or failed a BAC test. This would start the license suspension process for that individual. A person's driving privileges will remain in effect until an order of suspension is entered unless otherwise restricted, suspended, revoked, or canceled.

- ! The bill would add a provision regarding the reinstatement of a license to the effect that a suspension or revocation will remain in effect until it is determined that the other party to an accident situation cannot be located.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>

Background

The bill was supported by the Kansas Division of Vehicles. The impact of the bill is to count convictions under the habitual violator law to be used in a second or later habitual violator determination.

Under current law, habitual violators are drivers who have had their driving privileges revoked for three years because they have been convicted of three or more violations within a five-year period of vehicular homicide, DUI, or driving while suspended or revoked.

The bill has no fiscal impact.