

SESSION OF 2003

SUPPLEMENTAL NOTE ON SENATE BILL NO. 33

As Amended by House Committee of the Whole

Brief*

SB 33 would add impoundment of a person's motor vehicle to the list of potential penalties for conviction of driving under the influence of alcohol or drugs. A person convicted of driving under the influence would be responsible for payment of any associated expenses before the vehicle would be released. If payment is not made, then the vehicle could be disposed of or auctioned. Local governments would be authorized to adopt similar provisions by ordinance or resolution.

The Senate Committee amended the bill to: (1) establish certain situations under which the court could not order impoundment of the vehicle; and (2) establish certain criteria which the court must consider prior to ordering the impoundment of the vehicle.

The House Committee amended the bill as follows:

- ! Limited the term of impoundment to one year.
- ! Deleted two of the provisions whereby impoundment could not be ordered; namely, the provisions that: (1) the owner did not know and could not have been expected to know the vehicle was driven in violation of DUI laws, and (2) the owner took all reasonable steps to stop the person from driving in violation of DUI laws.
- ! Added leased vehicles to those that could be impounded. Time of impoundment is limited to the time remaining on the lease if the time remaining on the lease is less than one year.
- ! Added a new section to the bill to make it unlawful to allow a person to drive an owner's vehicle when the owner knows the

*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.kslegislature.org/kldr>

person is driving in violation of a restriction for test refusal, test failure, or alcohol or drug-related conviction. A violation would be punishable as an unclassified misdemeanor with a fine of not less than \$500 but no more than \$1,000. Impoundment, for up to a year, could also be ordered with an allowance for the retrieval of personal property.

The House Committee of the Whole made changes to the bill that amends the statute regarding speed limits for school buses. Under the change, the bill allows a board of education in a school district to establish, by board policy, lower maximum speed limits regarding school buses. Current law specifically designates speed limits for school buses.

Background

Testifying in support of the bill were: Senators Barnett and Adkins; Emporians for Drug Awareness; the Atchison County Sheriff; Kansas Wine and Spirits Wholesalers Association; and a number of private citizens. Written testimony in support of the bill was submitted by a city attorney; a district court judge; a court services supervisor; and Mothers Against Drunk Driving. There was no testimony in opposition to the bill.

The fiscal note states that the Department of Revenue and the Judicial Branch have indicated that the bill would have no fiscal effect.