



122 S.W. 7th Street
Topeka, KS 66603

Colonel Erik Smith, Superintendent

phone: 785-296-6800
fax: 785-296-5956
www.KansasHighwayPatrol.gov

Laura Kelly, Governor

Testimony in Support of House Bill 2222 Senate Committee on Transportation

Lieutenant Matthew Payne
Kansas Highway Patrol

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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide testimony supporting House Bill 2222. The bill would require manufacturers of ignition interlock devices (IIDs) to pay a one-time \$10 fee for each IID installed in Kansas and a \$5 monthly fee for each device used and maintained by manufacturers. The bill also establishes the fund into which the fees would be deposited. The fund would support administration, oversight, and monitoring of the KHP's IID program.

The bill would not assess the monthly \$5 fee if the IID is used by a person eligible for reduced program costs. A person would be eligible for reduced costs if: their annual household income is less than or equal to 150% of the federal poverty level; the person is enrolled in food assistance, childcare subsidy, or cash assistance program; or if the person is currently eligible for the low-income energy assistance program.

KSA 8-1016 authorizes the KHP Superintendent to adopt rules and regulations regarding IIDs in Kansas. The statute also requires IID manufacturers to reimburse KHP for any cost incurred in approving or disapproving devices; however, there is no requirement for IID manufacturers to reimburse KHP for expenses incurred in the administration, oversight, and monitoring of the IID program. KHP attempted to require a fee from IID manufacturers via a change to Kansas Administrative Regulations (KAR), but a Kansas Attorney General's Office opinion interpreted statute such that we could not require a fee of manufacturers due to the narrow wording of KSA 8-1016. Therefore, we are requesting a change to the law to fund our statutory responsibilities.

An IID is a handheld breathalyzer installed in a vehicle that prevents the ignition from starting the engine, if alcohol is detected in a breath sample provided by the driver. IIDs are required by law for those convicted in court or an administrative hearing of driving under the influence of alcohol (DUI). As a testament to the effectiveness of IIDs, information at the time of this report shows that in 2024, IIDs in Kansas prevented 67,212 vehicle starts with alcohol concentration levels between 0.030 and 0.079 (the legal limit being 0.080). They prevented an additional 8,373 vehicle starts with alcohol concentrations of 0.080 or greater.

Kansas has required IIDs for those convicted of DUI since 2012. In 2022, the administrative responsibility for the program shifted to the KHP from the Kansas Department of Revenue. KHP's IID program consists of two sections: vendor compliance and customer compliance. The vendor compliance section consists of one employee responsible for approving IID manufacturers and ensuring those manufacturers comply with Kansas IID rules and regulations. This section oversees the compliance of approximately 300 service centers and 400 technicians who install and download data from IIDs. They also provide dispute resolution assistance between vendors and their customers. The customer compliance section consists of three troopers. These troopers are tasked with investigating non-

compliant drivers, conducting compliance reviews, and ensuring each person has completed their required restriction period. They also educate local officers and drivers about IID usage and compliance rules and regulations.

KHP’s IID program is currently funded by moneys transferred to the agency from the State Highway Fund (SHF). Funding for the SHF is primarily derived from the state motor fuels tax and the state sales tax. We believe it is more appropriate for the IID program to be funded by those who chose to violate the law by driving under the influence of alcohol, without whom IIDs would not be necessary. KHP fully anticipates the fees required of IID manufacturers under the provisions of House Bill 2222 would be passed onto the violator, as is the case with many other states with similarly established fee requirements.

Proposed Cost to Manufacturers Based on 2024 IID Numbers

	Number of Interlocks Installed	Number of Interlocks Removed	Total No. of Devices in Operation	Number of Indigent Customers
Totals	6,639	5,991	9,915	217
Less Indigent Customers			-217	
Proposed Fee	\$10 per install	-	\$5 per month (less indigent customers)	-
Annual Cost	\$66,390	-	\$581,880	-

KHP supports House Bill 2222, which aims to strengthen our agency’s IID program funding. We believe the program is a valuable tool supporting KHP’s mission to reduce the number and severity of traffic crashes by enforcing impaired driving laws. We sincerely thank the members of this Committee for considering our testimony and urge your support of this bill.

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