

HOUSE BILL No. 2479

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning driving privileges; relating to suspension and
2 restriction for test failure or alcohol or drug-related conviction; ignition
3 interlock device; amending K.S.A. 2013 Supp. 8-1015 and repealing
4 the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2013 Supp. 8-1015 is hereby amended to read as
8 follows: 8-1015. (a) (1) Except as provided in subsection (a)(2), whenever
9 a person's driving privileges have been suspended for one year as provided
10 in subsection (a) of K.S.A. 8-1014, and amendments thereto, after 90 days
11 of such suspension, such person may apply to the division for such
12 person's driving privileges to be restricted for the remainder of the one-
13 year suspension period to driving only a motor vehicle equipped with an
14 ignition interlock device and only for the purposes of getting to and from:
15 Work, school or an alcohol treatment program; and the ignition interlock
16 provider for maintenance and downloading of data from the device.

17 (2) Whenever a person's driving privileges have been suspended for
18 one year as provided in subsection (a)(1) of K.S.A. 8-1014, and
19 amendments thereto, after 90 days of such suspension, such person may
20 apply to the division for such person's driving privileges to be restricted
21 for the remainder of the one-year suspension period to driving only a
22 motor vehicle equipped with an ignition interlock device and only under
23 the circumstances provided by subsections (a)(1), (2), (3) and (4) of
24 K.S.A. 8-292, and amendments thereto.

25 (3) Except as provided in subsection (a)(4), whenever a person's
26 driving privileges have been suspended for one year as provided in
27 subsection (b) of K.S.A. 8-1014, and amendments thereto, after 45 days of
28 such suspension, such person may apply to the division for such person's
29 driving privileges to be restricted for the remainder of the one-year
30 suspension period to driving only a motor vehicle equipped with an
31 ignition interlock device and only for the purposes of getting to and from:
32 Work, school or an alcohol treatment program; and the ignition interlock
33 provider for maintenance and downloading of data from the device.

34 (4) Whenever a person's driving privileges have been suspended for

1 one year as provided in subsection (b)(2)(A) of K.S.A. 8-1014, and
2 amendments thereto, after 45 days of such suspension, such person may
3 apply to the division for such person's driving privileges to be restricted
4 for the remainder of the one-year suspension period to driving only a
5 motor vehicle equipped with an ignition interlock device and only under
6 the circumstances provided by subsections (a)(1), (2), (3) and (4) of
7 K.S.A. 8-292, and amendments thereto.

8 (5) The division shall assess an application fee of \$100 for a person to
9 apply to modify the suspension to restricted ignition interlock status.

10 (6) The division shall approve the request for such restricted license
11 unless such person's driving privileges have been restricted, suspended,
12 revoked or disqualified pursuant to another action by the division or a
13 court. If the request is approved, upon receipt of proof of the installation of
14 such device, the division shall issue a copy of the order imposing such
15 restrictions on the person's driving privileges and such order shall be
16 carried by the person at any time the person is operating a motor vehicle
17 on the highways of this state. Except as provided in K.S.A. 8-1017, and
18 amendments thereto, if such person is convicted of a violation of the
19 restrictions, such person's driving privileges shall be suspended for an
20 additional year, in addition to any term of suspension or restriction as
21 provided in subsection (a) or (b) of K.S.A. 8-1014, and amendments
22 thereto.

23 (b) (1)—~~On and after July 1, 2011, through June 30, 2015: On and~~
24 ~~after July 1, 2011, through June 30, 2020~~ **2018:**

25 ~~(A)~~ **(A)** Except as provided in subsection ~~(b)(1)(B)~~ ~~(b)(2)~~ **(b)(1)(B)**,
26 when a person has completed the suspension pursuant to subsection (b)(1)
27 (A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict
28 the person's driving privileges for 180 days to driving only a motor vehicle
29 equipped with an ignition interlock device.

30 ~~(B)~~ ~~(2)~~ **(B)** When a person has completed the suspension pursuant to
31 subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the
32 division shall restrict the person's driving privileges for one year to driving
33 only a motor vehicle equipped with an ignition interlock device if the
34 records maintained by the division indicate that such person has
35 previously: ~~(A)~~ **(1)** Been convicted of a violation of K.S.A. 8-1599, and
36 amendments thereto; ~~(B)~~ **(2)** been convicted of a violation of K.S.A. 41-
37 727, and amendments thereto; ~~(C)~~ **(3)** been convicted of any violations
38 listed in subsection (a) of K.S.A. 8-285, and amendments thereto; ~~(D)~~ **(4)**
39 been convicted of three or more moving traffic violations committed on
40 separate occasions within a 12-month period; or ~~(E)~~ **(5)** had such person's
41 driving privileges revoked, suspended, canceled or withdrawn.

42 ~~(2)—On and after July 1, 2015:~~

43 ~~(A)—Except as provided in subsection (b)(2)(B), when a person has~~

1 completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-
2 1014, and amendments thereto, the division shall restrict the person's
3 driving privileges to driving only under the circumstances provided by
4 subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292, and amendments
5 thereto.

6 (B) ~~In lieu of the restrictions set out in subsection (b)(2)(A), the~~
7 ~~division, upon request of the person whose driving privileges are to be~~
8 ~~restricted, may restrict the person's driving privileges to driving only a~~
9 ~~motor vehicle equipped with an ignition interlock device.~~

10 **(2) On and after July 1, ~~2020~~ 2018:**

11 **(A) Except as provided in subsection (b)(2)(B), when a person has**
12 **completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-**
13 **1014, and amendments thereto, the division shall restrict the person's**
14 **driving privileges to driving only under the circumstances provided by**
15 **subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292, and amendments**
16 **thereto.**

17 **(B) In lieu of the restrictions set out in subsection (b)(2)(A), the**
18 **division, upon request of the person whose driving privileges are to be**
19 **restricted, may restrict the person's driving privileges to driving only**
20 **a motor vehicle equipped with an ignition interlock device.**

21 (c) Except as provided in subsection (b), when a person has
22 completed the suspension pursuant to subsection (a) or (b) of K.S.A. 8-
23 1014, and amendments thereto, the division shall restrict the person's
24 driving privileges pursuant to subsection (a) or (b) of K.S.A. 8-1014, and
25 amendments thereto, to driving only a motor vehicle equipped with an
26 ignition interlock device. Upon restricting a person's driving privileges
27 pursuant to this subsection, the division shall issue a copy of the order
28 imposing the restrictions which is required to be carried by the person at
29 any time the person is operating a motor vehicle on the highways of this
30 state.

31 (d) Whenever an ignition interlock device is required by law, such
32 ignition interlock device shall be approved by the division and maintained
33 at the person's expense. Proof of the installation of such ignition interlock
34 device, for the entire period required by the applicable law, shall be
35 provided to the division before the person's driving privileges are fully
36 reinstated.

37 (e) Except as provided further, any person whose license is restricted
38 to operating only a motor vehicle with an ignition interlock device
39 installed may operate an employer's vehicle without an ignition interlock
40 device installed during normal business activities, provided that the person
41 does not partly or entirely own or control the employer's vehicle or
42 business. The provisions of this subsection shall not apply to any person
43 whose driving privileges have been restricted for the remainder of the one-

1 year suspension period as provided in subsection (a)(1) or (a)(3).

2 (f) Upon expiration of the period of time for which restrictions are
3 imposed pursuant to this section, the licensee may apply to the division for
4 the return of any license previously surrendered by the licensee. If the
5 license has expired, the person may apply to the division for a new license,
6 which shall be issued by the division upon payment of the proper fee and
7 satisfaction of the other conditions established by law, unless the person's
8 driving privileges have been suspended or revoked prior to expiration.

9 (g) Any person who has had the person's driving privileges
10 suspended, restricted or revoked pursuant to subsection (a), (b) or (c) of
11 K.S.A. 8-1014, prior to the amendments by ~~this act~~ *section 16 of chapter*
12 *172 of the 2012 Session Laws of Kansas* and section 14 of chapter 105 of
13 the 2011 Session Laws of Kansas, may apply to the division to have the
14 suspension, restriction or revocation penalties modified in conformity with
15 the provisions of subsection (a), (b) or (c) of K.S.A. 8-1014, and
16 amendments thereto. The division shall assess an application fee of \$100
17 for a person to apply to modify the suspension, restriction or revocation
18 penalties previously issued. The division shall modify the suspension,
19 restriction or revocation penalties, unless such person's driving privileges
20 have been restricted, suspended, revoked or disqualified pursuant to
21 another action by the division or a court.

22 (h) The division shall remit all application fees collected pursuant to
23 subsections (a) and (g) to the state treasurer in accordance with the
24 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
25 each such remittance, the state treasurer shall deposit the entire amount in
26 the state treasury and shall credit such moneys to the division of vehicles
27 operating fund until an aggregate amount of \$100,000 is credited to the
28 division of vehicles operating fund each fiscal year. On and after an
29 aggregate amount of \$100,000 is credited to such fund each fiscal year, the
30 entire amount of such remittance shall be credited to the community
31 corrections supervision fund created by K.S.A. 2013 Supp. 75-52,113, and
32 amendments thereto. The application fee established in this section shall
33 be the only fee collected or moneys in the nature of a fee collected for such
34 application. Such fee shall only be established by an act of the legislature
35 and no other authority is established by law or otherwise to collect a fee.

36 Sec. 2. K.S.A. 2013 Supp. 8-1015 is hereby repealed.

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