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TESTIMONY

TO: House Judiciary Committee

FROM: Ted Smith
Attorney, Legal Services
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DATE: March 9, 2015

RE: Senate Bill 23

Mr. Chairman and members of the committee, thank you for the opportunity to provide testimony today in support of Senate Bill 23.

This bill was proposed by the Kansas Department of Revenue to correct what appears to be an oversight in Section 17 of Senate Bill No. 60 in 2012.

In 2011 the Legislature amended K.S.A. 8-1015 to provide an opportunity for persons whose license had been suspended for one year, pursuant to K.S.A. 8-1014 and amendments thereto, to apply for a modification of that one-year suspension period after 45 days to allow the operation of a vehicle with an ignition interlock device to drive to and from: work, school or an alcohol treatment program; and to the ignition interlock provider for maintenance and downloading of data from the device.

In 2012 Senate Bill No. 60 made several changes in that modification provision. The mandatory suspension period prior to application for modification was increased for persons who had refused a test to 90 days instead of 45 days. In addition, the restricted driving privileges for persons with no prior occurrences was amended, in part to allow those individuals to drive during the course of employment, in addition to being able to drive to and from a place of employment. The method used to provide those additional driving privileges was by referring to the restrictions set out in K.S.A. 8-292(a)(1), (2), (3) and (4).

When those changes were made in 2012, however, the separate provisions for persons with no prior occurrences did not include the language allowing those individuals to drive to and from "the ignition interlock provider for maintenance and downloading of data from the device."

Since licensees required to install ignition interlock devices in their vehicles are also required by regulation to go to ignition interlock providers to have the devices serviced, the restricted driving privileges allowed in the statute should include language allowing that to be done. It seems clear that the failure to do this in Senate Bill No. 60 in 2012 was simply an oversight. This bill will correct that oversight.