

Follow up

To: Chairman Petersen & Members of the Senate Transportation Committee
From: Jessica Ross, Manager Driver Solutions
Date: January 19th, 2017
RE: Follow up regarding Senate Bill 5: AN ACT concerning driver's licenses; relating to restricted driving privileges

Mr. Chairman & Members of the Committee,

I would like to thank you again for allowing me to provide testimony regarding Senate Bill 5. I was asked to provide follow up information regarding our current business processes and how those processes would be impacted with the passage of this bill. I also plan to follow up with the Revisor's Office to ensure the intent is reflected in this bill.

Currently, any customer who submits an application to our office for restricted driving privileges in lieu of their suspension for unpaid tickets and who has a stayed or pending suspension as a result of a Driving While Suspended (DWS) conviction, as defined in K.S.A 8-262, is not eligible for restricted driving privileges.

Each conviction of DWS requires a mandatory suspension of 90 days, which does not begin until the customer has cleared the violation they were suspended on at the time the DWS citation was issued. That is the reason for the existing language in K.S.A 8-2110. Striking this disqualifier would allow our office to begin the 90 day suspension period upon application, if all other eligibility requirements are met.

There was also a question regarding multiple applications for restricted privileges. We believe the existing language in K.S.A. 8-2110 (see below), supports our business process of only allowing a one-time application per traffic citation.

The statute reads as follows: "C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation".

As mentioned, striking this language would make this type of process similar to limited driving restrictions for alcohol occurrences, with an ignition interlock device, which can be found in K.S.A 8-1015.

I am attaching copies of both customer applications for informational purposes. Each application explains the current restricted driving programs in more detail. The DC-1015 form is for alcohol modifications and the DC-1020 form is for unpaid ticket restrictions.

If I can be of further assistance, please let me know.

A handwritten signature in black ink that reads "Jessica Ross". The signature is written in a cursive style with a large initial "J".

Jessica Ross
Kansas Division of Vehicles
Driver Solutions Manager
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Kansas Department of Revenue
Application to Modify Suspension
(Failure to Comply with a Traffic Citation)

Applicant Information:

(Printed Name)

(Driver's License Number)

(Date of Birth)

(Current Street Address)

(City)

(State)

(Zip)

I, the undersigned, hereby certify I have reviewed all sections of this application and am aware of and agree to the conditions of this application as detailed within the form. I acknowledge the \$25 application fee is nonrefundable. I further certify all information I have recorded on this application is true and correct.

(Signature)

(Date)

Instructions

- You may apply to the Division of Vehicles for a determination on whether you are eligible to have your driving suspension for failure to comply modification to a driving restriction for limited purposes. To be eligible for this modification you must meet all of the following criteria, ***otherwise your request will be denied:***
 - You must be licensed in Kansas;
 - Your driving privileges are not currently withdrawn for other violations that are unrelated to your failure to comply;
 - Your driving privileges are not currently withdrawn for failure to comply with violations in another state/ jurisdiction; and
 - Your driving record does not contain a stayed suspension period originating from a driving while suspended conviction.
- You will receive written notice of your application being approved or denied. Allow 7-10 business days to process after your application is received. If approved, you will receive a restricted notice (Form DC-24L) indicating the length and detail of your restriction. The duration of the restriction time will be no greater than 1 year. If you are able to resolve the underlying failure to comply notice, the restrictions imposed here will be removed upon notice from the court. The restrictions are as follows:
 - To and from work or school
 - To and from drug or alcohol counseling
 - To and from an appointment with a healthcare provider or during a medical emergency
 - In the course of your employment
 - Any place you are required to go by a court
- If you are a commercial licensed driver and your commercial driving privileges are currently disqualified for failure to comply, the restriction will only apply toward your regular and commercial driving privileges. For all other violations, your commercial driving privileges will remain disqualified.
- If the application is denied, you will be notified with the reason(s) for the denial.
- The failure to comply with a traffic suspension means failure either to:
 - Appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or
 - Otherwise comply with a traffic citation. (K.S.A. 8-2118)
- The failure to comply with a traffic citation may result in a misdemeanor conviction, regardless of the disposition of the charge for which such citation was originally issued. (K.S.A. 8-2110(a))
- The application fee of \$25 must accompany each written application for restricted driver privilege submitted and is nonrefundable. Please make payment by money order, cashier's check or personal check. Make checks payable

to Kansas Division of Vehicles. No refunds will be issued for application that are: 1) made in error, 2) withdrawn or rescinded by the applicant, 3) Cannot be associated with a file or driver, or 4) denied by the Division based on criteria set out by law.. **Send application and \$25 fee to:**

Division of Vehicles
Drivers Solutions
PO Box 12021
Topeka KS 66612-2021

Did you know that you can check the status of your Kansas driving privileges and also view notices our office has sent to you on-line and at no charge? The Kansas Department of Revenue website provides electronic, self-help tools for determining Kansas driver's license status at: ksrevenue.org/dlstatuscheck or by downloading the new Mobile App for free on your phone! You can download our app today to access these great tools and more. Search KS Vehicles Connect in your app store.

Kansas Department of Revenue
Application to Modify Alcohol Related Suspension or Revocation
www.ksrevenue.org

Applicant Information:

(Printed Name)	(Driver's License Number)	(Date of Birth)
(Current Street Address)	(City)	(State) (Zip)

If your suspension or revocation was imposed or occurred prior to July 1, 2011, answer the question below:

Have you operated a vehicle while you were suspended or revoked? Yes No

I, the undersigned, hereby certify I have reviewed all sections of this application and am aware of and agree to the conditions of this application as detailed within the form. I acknowledge the \$100 application fee is nonrefundable. I further certify all information I have recorded on this application is true and correct.

(Signature)	(Date)
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Instructions

- Beginning July 1, 2011, you may apply to the Division of Vehicles for a determination on whether you are eligible to have your driving privilege suspension or revocation modified to a restriction to operating a motor vehicle equipped with an ignition interlock device for limited driving purposes.
- To be eligible for the modification, your driving privileges must be suspended for one year as provided in subsection (a), (b) or (c) of K.S.A. 2011 Supp. 8-1014, and amendments thereto. If your suspension results from refusal of a chemical test, after 90 days of such suspension, you may apply to the division for your driving privileges to be restricted. If your suspension results from a test failure or alcohol or drug-related conviction, after 45 days of such suspension, you may apply to the division for your driving privileges to be restricted.
- ***If your suspension or revocation was imposed or occurred prior to July 1, 2011:***
Beginning July 1, 2011, you may apply to: 1) modify the current suspension or revocation against your driving privileges due to a DUI conviction, chemical test failure or chemical test refusal (imposed or occurring prior to July 1, 2011); and 2) determine whether you are eligible to have your driving privileges restricted to operating a motor vehicle equipped with an ignition interlock device for limited driving purposes after serving a mandatory period of suspension days. Beginning July 1, 2012, you may apply to modify your current ignition interlock restriction period to receive credit for previously served suspension or revocation time served in excess of one year. The basis for suspension or revocation must spring from K.S.A. 2011 Supp. 8-1014, or amendments thereto.

While an approved modification may permit the applicant to operate a vehicle equipped with ignition interlock for limited driving purposes, in lieu of suspension, the applicant should be aware that the subsequent ignition interlock period with full driving privileges may also be revised (potentially adding more ignition interlock time) if the applicant does not satisfy the requirements required for credit set out in Sec. 16(g) of House Substitute for SB 60 (2012). The requirements for crediting served suspension time (exceeding the first year of suspension) against the ignition interlock restriction period, are: 1) the applicant's driving record indicates no driving by the applicant during the applicable suspension or revocation period; 2) the applicant completes this form indicating that the applicant did not drive during the applicable suspension or revocation period; and 3) the applicant pays the appropriate fee.

- You will receive written notice of your application being approved or denied. If approved, you will be required to provide proof of installation of a State-approved ignition interlock device before a restricted driver's license is issued. If the application is denied, the reason(s) for the denial will be stated.
- Not all applicants will be eligible for modification to the new suspension and restriction framework. Retroactive modification of previously imposed suspensions and revocations will only apply to those applicants that are solely suspended or revoked for a DUI conviction, chemical test failure, or chemical test refusal. Reasons for the denial of an application may include, but not be limited to, the following suspension types existing on the applicant's record: 1) failure to appear in court on a traffic citation; 2) conviction for failure to maintain required liability insurance coverage on a vehicle at the time of an accident or traffic stop; 3)

failure to file or maintain evidence of liability insurance on record with the Driver Control Bureau; 4) failure to comply with a child support order; 5) conviction for driving while suspended; 6) conviction of reckless driving; 7) conviction for failure to stop and render aid in some circumstances; 8) previous or subsequent DUI conviction or test failure; 9) previous or subsequent refusal conviction or test refusal; 10) out of state suspension; and/or 11) determined to be a habitual violator.

- Proof of the installation of the Ignition Interlock device, for the entire period required by the applicable law, shall be provided to the Division before the person's driving privileges will be fully reinstated. Reinstatement requirements relating to, but not limited to, retesting, reinstatement fees, and proof of insurance also remain as pre-requisites to full re-instatement. Please be advised, any time spent serving a restriction to ignition interlock with limited driving privileges counts towards required suspension time and does not count towards unrestricted ignition interlock periods that follow the suspension period.
- If you are a commercial licensed driver and your commercial driving privileges are currently disqualified, the modification and restriction will only apply toward your regular driving privileges. Your commercial driving privileges will remain disqualified.
- For first occurrences, limited ignition interlock driving privileges shall permit operation with an ignition interlock device and only under circumstances provided by subsections (a)(1), (2), (3), and (4) of K.S.A. 8-292. For second or subsequent occurrences, limited ignition interlock driving privileges shall permit operation with an ignition interlock device and only for the purposes of getting to and from: work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device.
- If this application is denied, any subsequent application will require another \$100.00 application fee.
- Suspension and ignition interlock periods beginning July 1, 2011:

Table 1 –Chemical Test Failure (alcohol Under .15) and DUI Conviction

<u>Occurrence</u>	<u>Suspension</u>	<u>Restriction</u>
1 st	30 days	6 months/1yr
2 nd	1 year	1 year
3 rd	1 year	2 years
4 th	1 year	3 years
5 th or more	1 year	10 years

Table 2 –chemical Test Failure (alcohol .15 or greater)

<u>Occurrence</u>	<u>Suspension</u>	<u>Restriction</u>
1 st	1 year	1 year
2 nd	1 year	2 year
3 rd	1 year	3 year
4 th	1 year	4 year
5 th or more	1 year	10 years

Table 3 –Refusal of an Evidentiary Chemical Test

<u>Occurrence</u>	<u>Suspension</u>	<u>Restriction</u>
1 st	1 year	2 years
2 nd	1 year	3 years
3 rd	1 year	4 years
4 th	1 year	5 years
5 th or more	1 year	10 years

Send this application, along with the \$100 fee, to:

Division of Vehicles
 Driver Solutions
 P O Box 12021
 Topeka KS 66612-2021

Did you know that you can check the status of your Kansas driving privileges and also view notices our office has sent to you on-line and at no charge? The Kansas Department of Revenue website provides electronic, self-help tools for determining Kansas driver's license status at: ksrevenue.org/dlstatuscheck or by downloading the new Mobile App for free on your phone! You can download our app today to access these great tools and more. Search KS Vehicles Connect in your app store.