

**TESTIMONY BEFORE THE
SENATE JUDICIARY COMMITTEE**

**REGARDING SENATE BILL 405
RELATING TO IMPAIRED DRIVING**

February 20, 2020

Mr. Chairman and Members of the Committee:

The Kansas Department of Transportation (KDOT) is providing written testimony in support of Senate Bill 405 targeting impaired driving and ignition interlocks. This proposed legislation will remove the opportunity for a first time DUI offender to receive a motorized bicycle license, define compliance-based removal for an ignition interlock and provide income thresholds for offenders to receive reduced ignition interlock program costs.

Annually, about 100 people lose their lives on Kansas roads due to an impaired driver. This equates to about 25 to 30 percent of Kansas motor vehicle fatalities. Through the use of ignition interlocks, the state is using a proven countermeasure to change driving behavior and increase public safety.

SB 405 removes the opportunity for first time DUI offender to apply for and receive a motorized bicycle license. Removing this opportunity could allow the state to qualify for additional funding from the National Highway Traffic Safety Administration. This funding could be used for additional education and enforcement efforts targeting impaired driving. Qualification under Section 405(d) an all-offender, ignition interlock program, with current funding levels, is estimated at \$250,000 annually.

Current legislation regulating the removal of an ignition interlock is purely time-based, or once an offender's ignition interlock suspension period has ended, the offender can seek reinstatement of their driver's license even if they have violations of the program. SB 405 provides a compliance-based program for removal of an ignition interlock. This program is designed to provide structured guidance to the offender before an ignition interlock device is removed. Upon completion of the program, the offender will provide a record to the Department of Motor Vehicles outlining their performance during the restricted period. If the offender has less than three standard violations and no serious violations during the last 90 days of the suspension period, the offender can seek reinstatement of their driving privileges. This information will provide feedback to the Department of Motor Vehicles and provide the base for potential reinstatement. A standard violation is outlined as: driver has blown a positive BAC during start-up or rolling retest, failure to execute a rolling retest, failure to execute rolling retest by turning off the vehicle or driver blows a high BAC during initial start-up. A serious violation is defined as tampering or circumventing a device or driver blows a high BAC (.08 or higher) during a rolling retest.

This bill also removes the current indigent program where an offender could subjectively seek reduced costs for the ignition interlock program. SB 405 provides clear guidelines, based upon income, for an offender to qualify for reduced program costs.

An impaired driver is a danger not only to themselves, but everyone else on the road. SB 405 assists in further defining the sanctions around an impaired driving offender and is a positive step to eliminating the impaired driver.

Thank you for the opportunity to provide written testimony in support of SB 405.