

February 20, 2020

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541C-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 405 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 405 is respectfully submitted to your committee.

SB 405 would amend current law to prohibit persons with suspended driving privileges from operating motorized vehicles, permitting only individuals with a legal driver's license to operate a motorized vehicle.

The bill would allow an individual to complete the Ignition Interlock Device Program if the individual has had no more than three standard violations and no serious violation in the 90 consecutive days prior to application for reinstatement. A standard violation would mean the driver has: (1) blown a BrAC fail when attempting an initial engine start-up breath test or rolling retest; (2) failed to execute a valid rolling retest; (3) failed to submit a rolling retest by turning the vehicle off to avoid submitting the rolling test; or (4) has blown a high BrAC during an initial engine start-up breath test. An individual would be required complete the ignition interlock period by law and complete the program to apply for the return of any license.

The Secretary of Revenue would be required to adopt rules and regulations for the proper use and maintenance of the ignition interlock device by a person during any time period the person's license is restricted by the Division of Alcoholic Beverage Control, reporting requirements for the manufacturer, and requirements and guidelines for an individual to receive reduced program costs by submitting a request to the Division.

A person would be eligible if their annual household income is less than or equal to 300.0 percent of the federal poverty level or if the individual is eligible for the food assistance program under KSA 39-709. If the individual is qualified for reduced costs the person would be responsible for paying the following amounts:

1. With household income less than or equal to 300.0 percent, but greater than 200.0 percent of the federal poverty level, the individual would be responsible for 90.0 percent of program costs plus any additional costs due to non-compliance;
2. With household income less than or equal to 200.0 percent, but greater than 150.0 percent of the federal poverty level, the individual would be responsible for 75.0 percent of program costs plus any additional costs due to non-compliance;
3. With household income less than or equal to 150.0 percent, but greater than 100.0 percent of the federal poverty level, the individual would be responsible for 50.0 percent of program costs plus any additional costs due to non-compliance;
4. With household income less than or equal to 100.0 percent of the federal poverty level, the individual would be responsible for 25.0 percent of program costs plus any additional costs due to non-compliance; or
5. Any individual eligible for the food assistance program would be responsible for 25.0 percent of program costs plus any additional costs due to non-compliance.

The bill would reduce the number of days an individual under 21 years of age would have restricted driving privilege's after a first occurrence of failing a breath or blood alcohol test from 330 day to 180 days. The bill would strike a requirement that each manufacturer provide a credit of at least 2.0 percent of gross program revenues. The bill would outline other amendments related to the program and includes technical amendments.

The Department of Revenue estimates administrative costs of \$7,000 in FY 2021 would be required to implement the provisions of SB 405. However, if the combined effect of implementing this bill and other enacted legislation exceeds the Department's programming resources, or if the time for implementing the changes is too short, expenditures for outside contract programmer services beyond the Department's current budget may be required. Any fiscal effect associated with SB 405 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,



Larry L. Campbell  
Director of the Budget

cc: Mary Rinehart, Judiciary  
Lynn Robinson, Department of Revenue