

Amendment  
HB 2377

1 use and maintenance of a certified ignition interlock device.

2 ~~(5) The division shall require that each manufacturer provide a credit~~  
3 ~~of at least 2% of the gross program revenues in the state as a credit for~~  
4 ~~those persons who have otherwise qualified to obtain an ignition interlock~~  
5 ~~restricted license under this act who are indigent as evidenced by~~  
6 ~~qualification and eligibility for the federal food stamp program.~~

7 ~~(b)(c) (1) If the division approves an ignition interlock device in~~  
8 ~~accordance with rules and regulations adopted under this section, the~~  
9 ~~division shall give written notice of the approval to the manufacturer of the~~  
10 ~~device. Such notice shall be admissible in any civil or criminal proceeding~~  
11 ~~in this state.~~

12 ~~(e)(2) The manufacturer of an ignition interlock device shall~~  
13 ~~reimburse the division for any cost incurred in approving or disapproving~~  
14 ~~such device under this section.~~

15 (d) Neither the state nor any agency, officer or employee thereof shall  
16 be liable in any civil or criminal proceeding arising out of the use of an  
17 ignition interlock device approved under this section.

18 (e) (1) *Any person whose license is restricted to operating only a*  
19 *motor vehicle with an ignition interlock device installed may request*  
20 *reduced ignition interlock device program costs by submitting a request to*  
21 *the division in a form and manner prescribed by the division. The division*  
22 *shall review each request submitted pursuant to this subsection to*  
23 *determine whether the person is eligible for reduced ignition interlock*  
24 *device program costs. A person shall be eligible for reduced ignition*  
25 *interlock device program costs if the:*

26 (A) *Person's annual household income is less than or equal to ~~300%~~ 150% of*  
27 *the federal poverty level;*

28 (B) *person is enrolled in the food assistance, child care subsidy or*  
29 *cash assistance program pursuant to K.S.A. 39-709, and amendments*  
30 *thereto; or*

31 (C) *person is currently eligible for the low income energy assistance*  
32 *program as determined by the department for children and families.*

33 (2) *If the division determines that the person is eligible for reduced*  
34 *ignition interlock device program costs, the person shall be responsible*  
35 *for paying the following amounts, and the manufacturer providing the*  
36 *person's device shall adjust the manufacturer's charge for services*  
37 *accordingly:*

38 ~~(A) Except as provided in subsection (e)(2)(B), for a person whose~~  
39 ~~household income is less than or equal to:~~

40 ~~(i) 300% but greater than 200% of the federal poverty level, 90% of~~  
41 ~~the program costs;~~

42 ~~(ii) 200% but greater than 150% of the federal poverty level, 75% of~~  
43 ~~the program costs;~~

(iii) ~~150% but greater than 100% of the federal poverty level, 50% of the program costs; and~~

(iv) ~~100% of the federal poverty level, 25% of the program costs; and~~  
(B) ~~for a person who is enrolled in the food assistance, child care subsidy or cash assistance program pursuant to K.S.A. 39-709, and amendments thereto, or currently eligible for the low income energy assistance program as determined by the department for children and families; 25% of the program costs.~~

(f) *As used in this section, "federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.*

Sec. 7. K.S.A. 2020 Supp. 8-1567 is hereby amended to read as follows: 8-1567. (a) Driving under the influence is operating or attempting to operate any vehicle within this state while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) (1) Driving under the influence is:

(A) On a first conviction, a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000. ~~The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2020 Supp. 21-6609, and amendments thereto, to serve the remainder of the sentence only after such person has served 48 consecutive hours' imprisonment;~~

(B) on a second conviction, a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. ~~The person convicted shall serve at least five consecutive days'~~