

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2303

As Amended by House Committee on
Transportation and Public Safety Budget

Brief*

HB 2303 amends the law regarding driving under the influence, drivers' license fees, and the breath alcohol program. The bill would rename the Driving Under the Influence Equipment Fund of the Kansas Department of Health and Environment (KDHE) to the Driving Under the Influence Fund. The bill would require KDHE to establish and maintain breath alcohol programs and use the money in the fund for this purpose. The bill also would require the fund to earn interest based on its average daily balance for the preceding month and the net earnings rate of the Pooled Money Investment Portfolio for the preceding month.

The bill also would increase reinstatement fees for the first and subsequent occurrences of violations of driving under the influence statutes. The fees for convictions resulting from test failure would increase as follows:

- From \$100 to \$200 after the first occurrence;
- From \$200 to \$400 after the second occurrence;
- From \$300 to \$600 after the third occurrence; and
- From \$400 to \$800 after the fourth or subsequent occurrence.

For convictions resulting from test refusal, the reinstatement fees would increase as follows:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- From \$400 to \$600 after the first occurrence;
- From \$600 to \$900 after the second occurrence;
- From \$800 to \$1,200 after the third occurrence;
and
- From \$1,000 to \$1,500 after the fourth or subsequent occurrence.

The bill would change the percentages of the fines collected credited to specific funds, as follows: from 50.0 percent to 35.0 percent to the Community Alcoholism and Intoxication Programs Fund; and from 10.0 percent to 25.0 percent for the Driving Under the Influence Fund.

Current law sets forth the provision for driver's license application and examination. Current law also requires specific percentages of reinstatement fee revenue to be distributed as follows: 50.0 percent to the Community Alcohol and Intoxication Program Fund of the Department for Aging and Disability Services (KDADS); 20.0 percent to the Juvenile Detention Facilities Fund of the Juvenile Justice Authority (JJA); 20.0 percent to the Forensic Laboratory and Materials Fee Fund of the Kansas Bureau of Investigation (KBI); and 10.0 percent to the Driving Under the Influence Fund of the KDHE.

Background

The bill was introduced by the House Committee on Health and Human Services. A KDHE representative provided testimony in support of the bill at the House Transportation and Public Safety Budget Committee hearing noting the importance of the program and having proper and standardized breath alcohol testing equipment. The agency proposed the \$1 fee in the legislation as a stable source of funding to support the program.

There were no opponents or neutral testimony provided on the bill at the House Committee hearing.

The House Transportation and Public Safety Budget Committee amended the the bill to delete the provision creating a driving under the influence fee of \$1 for an original or renewal license for all commercial driver's licenses; class A, B, C, or M driver's licenses; and farm permits. The Committee also amended the reinstatement fees for convictions resulting from test failure and from test refusal. Additionally, the Committee amended the percentages of the fines collected credited to specific funds as follows: from 50.0 percent to 35.0 percent to the Community Alcoholism and Intoxication Programs fund and from 10.0 percent to 25.0 percent for the Driving Under the Influence Fund.

The fiscal note prepared by the Division of the Budget on the original bill estimates an increase in state revenues of approximately \$6,250,000 in FY 2014. The estimate includes \$650,000 from the \$1 driving under the influence fee that would be assessed on new and renewed driver's licenses each year and \$5.6 million from increased reinstatement fees. (The House Committee amendment deletes the \$1 fee and amended the amount collected from reinstatement fees). Any fiscal effect associated with the bill is not reflected in the *The Governor's Budget Report for FY 2014*.