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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 11, 2020
Subject: Bill Brief on SB 405

Senate Bill 405 would enact amendments related to driving under the influence concerning motorized bicycle drivers' licenses, ignition interlock devices, and driving under the influence by any person less than 21 years of age.

Section 1 amends K.S.A. 8-235, the statute requiring a valid driver's license to drive any motor vehicle in Kansas and providing exemptions. Current law in subsection (d) allows a person who has had their driving privileges suspended and meets certain criteria to receive a class C license for the operation of a motorized bicycle, which allows some first-time DUI offenders to receive such licenses. The bill removes this provision.

Section 2 amends K.S.A. 8-1015, part of the statutes governing administrative penalties on driving privileges for DUI-related offenses. Current law in subsection (d) requires a person who has an ignition interlock device installed to complete the ignition interlock device program and provide proof of completion to the division before the person's driving privileges are fully reinstated. The bill amends subsection (d) to create a compliance-based removal system, providing that a person may only complete the ignition interlock device program if the person has no more than three standard violations and no serious violation in the 90 consecutive days prior to application for reinstatement, and the application occurs upon or after expiration of the applicable ignition interlock period required by law. The bill also defines "standard violation," "serious violation," and related terms on page 5.

Section 3 amends K.S.A. 8-1016, the statute authorizing the secretary of revenue to adopt rules and regulations related to administration and oversight of the ignition interlock device program and ignition interlock device manufacturers and service providers. Subsections (a)(4) and (a)(5) are relocated from current law subsection (b), and subsection (a)(6) addresses new requirements and guidelines for receiving reduced ignition interlock device program costs from the division of vehicles of the department of revenue. New subsection (e) provides that any person required to have an ignition interlock device installed may request reduced ignition interlock device program costs by submitting a request to the division. A person shall be eligible for reduced costs if the person's annual household income is less than or equal to 300% of the federal poverty level or the person is eligible for the food assistance program. If the division determines that the person is eligible for reduced costs, the person will be responsible for paying only the amount specified in the statute on page 8 and the manufacturer providing the person's device is required to adjust the manufacturer's charge for services accordingly.

Finally, Section 4 amends K.S.A. 8-1567a, the statute concerning driving under the influence of alcohol or drugs by any person less than 21 years of age. The only substantive change is in subsection (f), which addresses the administrative penalties when a person less than 21 years of age submits to a breath or blood alcohol test and produces a test result of 0.02 or greater, but less than 0.08. The bill provides that, on the person's first occurrence, the person's driving privileges will be restricted as provided by K.S.A. 8-1015 for 180 days, rather than 330 days as required by current law. This change would make the law consistent with the administrative penalties for a first occurrence if the person under 21 has a test result of 0.08 to 0.1499 (see K.S.A. 8-1015(b)(1) on page 4).