

Driving Under the Influence—Advisories; Preliminary Screening; Test Refusal; HB 2104

HB 2104 amends the statute governing tests related to driving under the influence (DUI), effective July 1, 2019, to amend the oral and written notice a law enforcement officer must provide when requesting a person take such a test. Specifically, the bill clarifies in such notice that refusal to submit to and complete the test or tests will result in suspension of the person's driving privileges for a period of one year, and test failure will result in suspension of the person's driving privileges for a period of either 30 days or one year.

The bill also amends the statute governing preliminary screening tests related to DUI to remove provisions stating a person operating or attempting to operate a vehicle in Kansas is deemed to have given consent to such tests, setting forth the required notice when a person is requested to take such test, and stating refusal to take and complete such test is a traffic infraction. This statute also is amended to replace the word "saliva" with "oral fluid" and add a provision requiring any preliminary screening of a person's oral fluid be conducted in accordance with any rules and regulations approved pursuant to the authority granted to the Director of the Kansas Bureau of Investigation in a separate statute, which also is amended to reflect the "oral fluid" phrasing and to ensure consistency in other statutory phrasing.

The bill repeals the statute (and removes the associated fine from the uniform fine schedule) governing the offense of refusing to submit to a test to determine the presence of alcohol or drugs. [*Note:* This statute was repealed by 2018 House Sub. for SB 374, but due to another enactment, was not fully repealed.]

The bill takes effect upon publication in the *Kansas Register*.