

## SENATE BILL No. 611

By Senator Journey

2-13

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9 AN ACT relating to driving under the influence; concerning penalties;  
10 amending K.S.A. 2007 Supp. 8-1014 and 8-1015 and repealing the  
11 existing sections.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2007 Supp. 8-1014 is hereby amended to read as  
15 follows: 8-1014. (a) Except as provided by subsection (e) and K.S.A. 8-  
16 2,142, and amendments thereto, if a person refuses a test, the division,  
17 pursuant to K.S.A. 8-1002, and amendments thereto, shall:

18 (1) On the person's first occurrence, suspend the person's driving  
19 privileges for one year and at the end of the suspension, restrict the  
20 person's driving privileges for one year to driving only a motor vehicle  
21 equipped with an ignition interlock device;

22 (2) on the person's second occurrence, suspend the person's driving  
23 privileges for two years;

24 (3) on the person's third occurrence, suspend the person's driving  
25 privileges for three years;

26 (4) on the person's fourth occurrence, suspend the person's driving  
27 privileges for 10 years; and

28 (5) on the person's fifth or subsequent occurrence, revoke the per-  
29 son's driving privileges permanently.

30 (b) (1) Except as provided by subsections (c) and (e) and K.S.A. 8-  
31 2,142, and amendments thereto, if a person fails a test or has an alcohol  
32 or drug-related conviction in this state, the division shall:

33 (A) On the person's first occurrence, suspend the person's driving  
34 privileges for 30 days, then restrict the person's driving privileges as pro-  
35 vided by K.S.A. 8-1015, and amendments thereto, for an additional 330  
36 days;

37 (B) on the person's second, ~~third or fourth~~ occurrence, suspend the  
38 person's driving privileges for one year and at the end of the suspension,  
39 restrict the person's driving privileges for one year to driving only a motor  
40 vehicle equipped with an ignition interlock device; ~~and~~

41 (C) *on the person's third occurrence, suspend the person's driving*  
42 *privileges for 18 months and at the end of the suspension, restrict the*  
43 *person's driving privileges for one year to driving only a motor vehicle*

1 *equipped with an ignition interlock device;*  
2 *(D) on the person's fourth occurrence, suspend the person's driving*  
3 *privileges for two years and at the end of the suspension, restrict the*  
4 *person's driving privileges for one year to driving only a motor vehicle*  
5 *equipped with an ignition interlock device; and*  
6 ~~(C)~~ *(E) on the person's fifth or subsequent occurrence, the person's*  
7 *driving privileges shall be permanently revoked.*  
8 (2) Except as provided by subsection (e) and K.S.A. 8-2,142, and  
9 amendments thereto, if a person fails a test or has an alcohol or drug-  
10 related conviction in this state and the person's blood or breath alcohol  
11 concentration is .15 or greater, the division shall:  
12 (A) On the person's first occurrence, suspend the person's driving  
13 privileges for ~~one year~~ *60 days* and at the end of the suspension, restrict  
14 the person's driving privileges for one year to driving only a motor vehicle  
15 equipped with an ignition interlock device;  
16 (B) on the person's second occurrence, suspend the person's driving  
17 privileges for one year and at the end of the suspension, restrict the  
18 person's driving privileges for two years to driving only a motor vehicle  
19 equipped with an ignition interlock device;  
20 (C) on the person's third occurrence, suspend the person's driving  
21 privileges for one year and at the end of the suspension restrict the per-  
22 son's driving privileges for three years to driving only a motor vehicle  
23 equipped with an ignition interlock device;  
24 (D) on the person's fourth occurrence, suspend the person's driving  
25 privileges for one year and at the end of the suspension, restrict the  
26 person's driving privileges for four years to driving only a motor vehicle  
27 equipped with an ignition interlock device; and  
28 (E) on the person's fifth or subsequent occurrence, the person's driv-  
29 ing privileges shall be permanently revoked.  
30 (3) Whenever a person's driving privileges have been restricted to  
31 driving only a motor vehicle equipped with an ignition interlock device,  
32 proof of the installation of such device, for the entire restriction period,  
33 shall be provided to the division before the person's driving privileges are  
34 fully reinstated.  
35 (c) Except as provided by subsection (e) and K.S.A. 8-2,142, and  
36 amendments thereto, if a person who is less than 21 years of age fails a  
37 test or has an alcohol or drug-related conviction in this state, the division  
38 shall:  
39 (1) On the person's first occurrence, suspend the person's driving  
40 privileges for ~~one year~~ *30 days, then restrict the person's driving privileges*  
41 *for one year to driving only a motor vehicle equipped with an ignition*  
42 *interlock device. If the person's blood or breath alcohol concentration is*  
43 *.15 or greater, the division shall suspend the person's driving privileges*

1 *for 60 days and* at the end of the suspension, restrict the person's driving  
2 privileges for one year to driving only a motor vehicle equipped with an  
3 ignition interlock device;

4 (2) on the person's second and subsequent occurrences, penalties  
5 shall be imposed pursuant to subsection (b).

6 (d) Whenever the division is notified by an alcohol and drug safety  
7 action program that a person has failed to complete any alcohol and drug  
8 safety action education or treatment program ordered by a court for a  
9 conviction of a violation of K.S.A. 8-1567, and amendments thereto, the  
10 division shall suspend the person's driving privileges until the division  
11 receives notice of the person's completion of such program.

12 (e) Except as provided in K.S.A. 8-2,142, and amendments thereto,  
13 if a person's driving privileges are subject to suspension pursuant to this  
14 section for a test refusal, test failure or alcohol or drug-related conviction  
15 arising from the same arrest, the period of such suspension shall not  
16 exceed the longest applicable period authorized by subsection (a), (b) or  
17 (c), and such suspension periods shall not be added together or otherwise  
18 imposed consecutively. In addition, in determining the period of such  
19 suspension as authorized by subsection (a), (b) or (c), such person shall  
20 receive credit for any period of time for which such person's driving  
21 privileges were suspended while awaiting any hearing or final order au-  
22 thorized by this act.

23 If a person's driving privileges are subject to restriction pursuant to  
24 this section for a test failure or alcohol or drug-related conviction arising  
25 from the same arrest, the restriction periods shall not be added together  
26 or otherwise imposed consecutively. In addition, in determining the pe-  
27 riod of restriction, the person shall receive credit for any period of sus-  
28 pension imposed for a test refusal arising from the same arrest.

29 (f) If the division has taken action under subsection (a) for a test  
30 refusal or under subsection (b) or (c) for a test failure and such action is  
31 stayed pursuant to K.S.A. 8-259, and amendments thereto, or if tempo-  
32 rary driving privileges are issued pursuant to K.S.A. 8-1020, and amend-  
33 ments thereto, the stay or temporary driving privileges shall not prevent  
34 the division from taking the action required by subsection (b) or (c) for  
35 an alcohol or drug-related conviction.

36 (g) Upon restricting a person's driving privileges pursuant to this sec-  
37 tion, the division shall issue a copy of the order imposing the restrictions  
38 which is required to be carried by the person at any time the person is  
39 operating a motor vehicle on the highways of this state.

40 (h) Any person whose license is restricted to operating only a motor  
41 vehicle with an ignition interlock device installed may operate an em-  
42 ployer's vehicle without an ignition interlock device installed during nor-  
43 mal business activities, provided that the person does not partly or entirely

1 own or control the employer's vehicle or business.

2 Sec. 2. K.S.A. 2007 Supp. 8-1015 is hereby amended to read as fol-  
3 lows: 8-1015. (a) When ~~subsection (b)(1) of~~ K.S.A. 8-1014, and amend-  
4 ments thereto, requires or authorizes the division to place restrictions on  
5 a person's driving privileges, the division shall restrict the person's driving  
6 privileges to driving only under the circumstances provided by subsec-  
7 tions (a)(1), (2), (3) and (4) of K.S.A. 8-292 and amendments thereto.

8 (b) In lieu of the restrictions set out in subsection (a), the division,  
9 upon request of the person whose driving privileges are to be restricted,  
10 may restrict the person's driving privileges to driving only a motor vehicle  
11 equipped with an ignition interlock device, approved by the division and  
12 obtained, installed and maintained at the person's expense. Prior to is-  
13 suing such restricted license, the division shall receive proof of the in-  
14 stallation of such device.

15 (c) When a person has completed the ~~one-year~~ *required* suspension  
16 pursuant to ~~subsection (b)(2) of~~ K.S.A. 8-1014, and amendments thereto,  
17 the division shall restrict the person's driving privileges ~~for one year in~~  
18 *accordance with the provisions of K.S.A. 8-1014, and amendments*  
19 *thereto*, to driving only a motor vehicle equipped with an ignition inter-  
20 lock device, approved by the division and maintained at the person's ex-  
21 pense. Proof of the installation of such device, for the full year of the  
22 restricted period, shall be provided to the division before the person's  
23 driving privileges are fully reinstated.

24 (d) Upon expiration of the period of time for which restrictions are  
25 imposed pursuant to this section, the licensee may apply to the division  
26 for the return of any license previously surrendered by the licensee. If  
27 the license has expired, the person may apply to the division for a new  
28 license, which shall be issued by the division upon payment of the proper  
29 fee and satisfaction of the other conditions established by law, unless the  
30 person's driving privileges have been suspended or revoked prior to  
31 expiration.

32 Sec. 3. K.S.A. 2007 Supp. 8-1014 and 8-1015 are hereby repealed.

33 Sec. 4. This act shall take effect and be in force from and after its  
34 publication in the statute book.