

SENATE BILL No. 23

By Committee on Judiciary

1-14

1 AN ACT concerning driving; relating to authorized restrictions of driving
2 privileges; ignition interlock device; amending K.S.A. 2014 Supp. 8-
3 1015 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 8-1015 is hereby amended to read as
7 follows: 8-1015. (a) (1) Except as provided in subsection (a)(2), whenever
8 a person's driving privileges have been suspended for one year as provided
9 in ~~subsection (a)~~ of K.S.A. 8-1014(a), and amendments thereto, after 90
10 days of such suspension, such person may apply to the division for such
11 person's driving privileges to be restricted for the remainder of the one-
12 year suspension period to driving only a motor vehicle equipped with an
13 ignition interlock device and only for the purposes of getting to and from:
14 Work, school or an alcohol treatment program; and the ignition interlock
15 provider for maintenance and downloading of data from the device.

16 (2) Whenever a person's driving privileges have been suspended for
17 one year as provided in ~~subsection (a)(1)~~ of K.S.A. 8-1014(a)(1), and
18 amendments thereto, after 90 days of such suspension, such person may
19 apply to the division for such person's driving privileges to be restricted
20 for the remainder of the one-year suspension period to driving only a
21 motor vehicle equipped with an ignition interlock device and only under
22 the circumstances provided by ~~subsections (a)(1), (2), (3) and (4)~~ of
23 K.S.A. 8-292(a)(1), (2), (3) and (4), and amendments thereto; *and getting*
24 *to and from the ignition interlock provider for maintenance and*
25 *downloading of data from the device.*

26 (3) Except as provided in subsection (a)(4), whenever a person's
27 driving privileges have been suspended for one year as provided in
28 ~~subsection (b)~~ of K.S.A. 8-1014(b), and amendments thereto, after 45 days
29 of such suspension, such person may apply to the division for such
30 person's driving privileges to be restricted for the remainder of the one-
31 year suspension period to driving only a motor vehicle equipped with an
32 ignition interlock device and only for the purposes of getting to and from:
33 Work, school or an alcohol treatment program; and the ignition interlock
34 provider for maintenance and downloading of data from the device.

35 (4) Whenever a person's driving privileges have been suspended for
36 one year as provided in ~~subsection (b)(2)(A)~~ of K.S.A. 8-1014(b)(2)(A),

1 and amendments thereto, after 45 days of such suspension, such person
2 may apply to the division for such person's driving privileges to be
3 restricted for the remainder of the one-year suspension period to driving
4 only a motor vehicle equipped with an ignition interlock device and only
5 under the circumstances provided by ~~subsections (a)(1), (2), (3) and (4) of~~
6 ~~K.S.A. 8-292(a)(1), (2), (3) and (4)~~, and amendments thereto; *and getting*
7 *to and from the ignition interlock provider for maintenance and*
8 *downloading of data from the device.*

9 (5) The division shall assess an application fee of \$100 for a person to
10 apply to modify the suspension to restricted ignition interlock status.

11 (6) The division shall approve the request for such restricted license
12 unless such person's driving privileges have been restricted, suspended,
13 revoked or disqualified pursuant to another action by the division or a
14 court. If the request is approved, upon receipt of proof of the installation of
15 such device, the division shall issue a copy of the order imposing such
16 restrictions on the person's driving privileges and such order shall be
17 carried by the person at any time the person is operating a motor vehicle
18 on the highways of this state. Except as provided in K.S.A. 8-1017, and
19 amendments thereto, if such person is convicted of a violation of the
20 restrictions, such person's driving privileges shall be suspended for an
21 additional year, in addition to any term of suspension or restriction as
22 provided in ~~subsection (a) or (b) of K.S.A. 8-1014(a) or (b)~~, and
23 amendments thereto.

24 (b) (1) Except as provided in subsection (b)(2), when a person has
25 completed the suspension pursuant to ~~subsection (b)(1)(A) of K.S.A. 8-~~
26 ~~1014(b)(1)(A)~~, and amendments thereto, the division shall restrict the
27 person's driving privileges for 180 days to driving only a motor vehicle
28 equipped with an ignition interlock device.

29 (2) When a person has completed the suspension pursuant to
30 ~~subsection (b)(1)(A) of K.S.A. 8-1014(b)(1)(A)~~, and amendments thereto,
31 the division shall restrict the person's driving privileges for one year to
32 driving only a motor vehicle equipped with an ignition interlock device if
33 the records maintained by the division indicate that such person has
34 previously: (A) Been convicted of a violation of K.S.A. 8-1599, and
35 amendments thereto; (B) been convicted of a violation of K.S.A. 41-727,
36 and amendments thereto; (C) been convicted of any violations listed in
37 ~~subsection (a) of K.S.A. 8-285(a)~~, and amendments thereto; (D) been
38 convicted of three or more moving traffic violations committed on separate
39 occasions within a 12-month period; or (E) had such person's driving
40 privileges revoked, suspended, canceled or withdrawn.

41 (c) Except as provided in subsection (b), when a person has
42 completed the suspension pursuant to ~~subsection (a) or (b) of K.S.A. 8-~~
43 ~~1014(a) or (b)~~, and amendments thereto, the division shall restrict the

1 person's driving privileges pursuant to ~~subsection (a) or (b)~~ of K.S.A. 8-
2 1014(a) or (b), and amendments thereto, to driving only a motor vehicle
3 equipped with an ignition interlock device. Upon restricting a person's
4 driving privileges pursuant to this subsection, the division shall issue a
5 copy of the order imposing the restrictions which is required to be carried
6 by the person at any time the person is operating a motor vehicle on the
7 highways of this state.

8 (d) Whenever an ignition interlock device is required by law, such
9 ignition interlock device shall be approved by the division and maintained
10 at the person's expense. Proof of the installation of such ignition interlock
11 device, for the entire period required by the applicable law, shall be
12 provided to the division before the person's driving privileges are fully
13 reinstated.

14 (e) Except as provided further, any person whose license is restricted
15 to operating only a motor vehicle with an ignition interlock device
16 installed may operate an employer's vehicle without an ignition interlock
17 device installed during normal business activities, provided that the person
18 does not partly or entirely own or control the employer's vehicle or
19 business. The provisions of this subsection shall not apply to any person
20 whose driving privileges have been restricted for the remainder of the one-
21 year suspension period as provided in subsection (a)(1) or (a)(3).

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

29 (g) Any person who has had the person's driving privileges
30 suspended, restricted or revoked pursuant to ~~subsection (a), (b) or (c)~~ of
31 K.S.A. 8-1014(a), (b) or (c), prior to the amendments by section 16 of
32 chapter 172 of the 2012 Session Laws of Kansas and section 14 of chapter
33 105 of the 2011 Session Laws of Kansas, may apply to the division to have
34 the suspension, restriction or revocation penalties modified in conformity
35 with the provisions of ~~subsection (a), (b) or (c)~~ of K.S.A. 8-1014(a), (b) or
36 (c), and amendments thereto. The division shall assess an application fee
37 of \$100 for a person to apply to modify the suspension, restriction or
38 revocation penalties previously issued. The division shall modify the
39 suspension, restriction or revocation penalties, unless such person's driving
40 privileges have been restricted, suspended, revoked or disqualified
41 pursuant to another action by the division or a court.

42 (h) The division shall remit all application fees collected pursuant to
43 subsections (a) and (g) to the state treasurer in accordance with the

1 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
2 each such remittance, the state treasurer shall deposit the entire amount in
3 the state treasury and shall credit such moneys to the division of vehicles
4 operating fund until an aggregate amount of \$100,000 is credited to the
5 division of vehicles operating fund each fiscal year. On and after an
6 aggregate amount of \$100,000 is credited to such fund each fiscal year, the
7 entire amount of such remittance shall be credited to the community
8 corrections supervision fund created by K.S.A. 2014 Supp. 75-52,113, and
9 amendments thereto. The application fee established in this section shall
10 be the only fee collected or moneys in the nature of a fee collected for such
11 application. Such fee shall only be established by an act of the legislature
12 and no other authority is established by law or otherwise to collect a fee.

13 Sec. 2. K.S.A. 2014 Supp. 8-1015 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.