

**SENATE BILL No. 358**

By Committee on Transportation

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1 AN ACT concerning drivers' licenses; relating to driving under the  
2 influence of alcohol or drugs; providing that the highway patrol has  
3 oversight of state certification ignition interlock manufacturers and  
4 their service providers; amending K.S.A. 8-1016 and K.S.A. 2019  
5 Supp. 8-241, 8-1014 and 8-1015 and repealing the existing sections.  
6

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

8 Section 1. K.S.A. 2019 Supp. 8-241 is hereby amended to read as  
9 follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through 8-2,142,  
10 and amendments thereto, any person licensed to operate a motor vehicle in  
11 this state shall submit to an examination whenever: (1) The division of  
12 vehicles has good cause to believe that such person is incompetent or  
13 otherwise not qualified to be licensed; or (2) the division of vehicles has  
14 suspended such person's license pursuant to K.S.A. 8-1014, and  
15 amendments thereto, as the result of a test refusal, test failure or conviction  
16 for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of  
17 a city ordinance or county resolution prohibiting the acts prohibited by  
18 K.S.A. 8-1567, and amendments thereto, except that no person shall have  
19 to submit to and successfully complete an examination more than once as  
20 the result of separate suspensions arising out of the same occurrence.

21 (b) When a person is required to submit to an examination pursuant  
22 to subsection (a)(1), the fee for such examination shall be in the amount  
23 provided by K.S.A. 8-240, and amendments thereto. When a person is  
24 required to submit to an examination pursuant to subsection (a)(2), the fee  
25 for such examination shall be \$25. In addition, any person required to  
26 submit to an examination pursuant to subsection (a)(2) as the result of a  
27 test failure, a conviction for a violation of K.S.A. 8-1567, and amendments  
28 thereto, or a violation of a city ordinance or county resolution prohibiting  
29 the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be  
30 required, at the time of examination, to pay a reinstatement fee of \$200  
31 after the first occurrence, \$400 after the second occurrence, \$600 after the  
32 third occurrence and \$800 after the fourth or subsequent occurrence; and  
33 as a result of a test refusal, shall be required, at the time of examination, to  
34 pay a reinstatement fee of \$600 after the first occurrence, \$900 after the  
35 second occurrence, \$1,200 after the third occurrence and \$1,500 after the  
36 fourth or subsequent occurrence.

1 (1) All examination fees collected pursuant to this section shall be  
2 remitted to the state treasurer, in accordance with the provisions of K.S.A.  
3 75-4215, and amendments thereto, who shall deposit the entire amount in  
4 the state treasury and credit 80% to the state highway fund and 20% shall  
5 be disposed of as provided in K.S.A. 8-267, and amendments thereto.

6 (2) On and after July 1, 2014, through June 30, 2018, all  
7 reinstatement fees collected pursuant to this section shall be remitted to the  
8 state treasurer, in accordance with the provisions of K.S.A. 75-4215, and  
9 amendments thereto, who shall deposit the entire amount in the state  
10 treasury and credit 26% to the community alcoholism and intoxication  
11 programs fund created pursuant to K.S.A. 41-1126, and amendments  
12 thereto, 12% to the juvenile alternatives to detention fund created by  
13 K.S.A. 79-4803, and amendments thereto, 12% to the forensic laboratory  
14 and materials fee fund created by K.S.A. 28-176, and amendments thereto,  
15 17% to the driving under the influence fund created by K.S.A. 75-5660,  
16 and amendments thereto, and 33% to the judicial branch nonjudicial salary  
17 adjustment fund created by K.S.A. 20-1a15, and amendments thereto.  
18 Moneys credited to the forensic laboratory and materials fee fund as  
19 provided herein shall be used to supplement existing appropriations and  
20 shall not be used to supplant general fund appropriations to the Kansas  
21 bureau of investigation.

22 (3) On and after July 1, 2018, all reinstatement fees collected  
23 pursuant to this section shall be remitted to the state treasurer, in  
24 accordance with the provisions of K.S.A. 75-4215, and amendments  
25 thereto, who shall deposit the entire amount in the state treasury and credit  
26 35% to the community alcoholism and intoxication programs fund created  
27 pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile  
28 alternatives to detention fund created by K.S.A. 79-4803, and amendments  
29 thereto, 20% to the forensic laboratory and materials fee fund created by  
30 K.S.A. 28-176, and amendments thereto, and 25% to the driving under the  
31 influence fund created by K.S.A. 75-5660, and amendments thereto.  
32 Moneys credited to the forensic laboratory and materials fee fund as  
33 provided herein shall be used to supplement existing appropriations and  
34 shall not be used to supplant general fund appropriations to the Kansas  
35 bureau of investigation.

36 (c) When an examination is required pursuant to subsection (a), at  
37 least five days' written notice of the examination shall be given to the  
38 licensee. The examination administered hereunder shall be at least  
39 equivalent to the examination required by K.S.A. 8-247(e), and  
40 amendments thereto, with such additional tests as the division deems  
41 necessary. Upon the conclusion of such examination, the division shall  
42 take action as may be appropriate and may suspend or revoke the license  
43 of such person or permit the licensee to retain such license, or may issue a

1 license subject to restrictions as permitted under K.S.A. 8-245, and  
2 amendments thereto.

3 (d) Refusal or neglect of the licensee to submit to an examination as  
4 required by this section shall be grounds for suspension or revocation of  
5 the license.

6 (e) The division may issue a driver's license with a DUI-IID  
7 designation for a licensee that is operating under ignition interlock  
8 restrictions required by K.S.A. 8-1014, and amendments thereto. The  
9 reexamination requirement in subsection (a)(2) shall not require  
10 reexamination and payment of reinstatement fees until the end of the  
11 licensee's ignition interlock restriction period. If the applicant's Kansas  
12 driver's license has been expired for one year or more, the applicant must  
13 complete a reexamination and pay any applicable reinstatement fees before  
14 qualifying for a driver's license with an ignition interlock designation. All  
15 other requirements for issuance and renewal of a driver's license under  
16 K.S.A. 8-240, and amendments thereto, shall continue to apply. The  
17 renewal periods and other requirements in K.S.A. 8-247, and amendments  
18 thereto, shall apply. The fees charged for the driver's license with ignition  
19 interlock designation shall include: (1) The fee amounts set out in K.S.A.  
20 8-240(f), and amendments thereto; (2) fees prescribed by the secretary of  
21 revenue and required in K.S.A. 8-243(a), and amendments thereto; and (3)  
22 a \$10 fee to the DUI-IID designation fund. There is hereby created in the  
23 state treasury the DUI-IID designation fund. All moneys credited to the  
24 DUI-IID designation fund shall be used by the ~~department of revenue~~  
25 *highway patrol* only for the purpose of funding the administration and  
26 oversight of state certified ignition interlock manufacturers and their  
27 service providers.

28 Sec. 2. K.S.A. 2019 Supp. 8-1014 is hereby amended to read as  
29 follows: 8-1014. (a) Except as provided by subsection (e) and K.S.A. 8-  
30 2,142, and amendments thereto, if a person refuses a test, the division,  
31 pursuant to K.S.A. 8-1002, and amendments thereto, shall:

32 (1) On the person's first occurrence, suspend the person's driving  
33 privileges for one year and at the end of the suspension, restrict the  
34 person's driving privileges for two years to driving only a motor vehicle  
35 equipped with an ignition interlock device;

36 (2) on the person's second occurrence, suspend the person's driving  
37 privileges for one year and at the end of the suspension, restrict the  
38 person's driving privileges for three years to driving only a motor vehicle  
39 equipped with an ignition interlock device;

40 (3) on the person's third occurrence, suspend the person's driving  
41 privileges for one year and at the end of the suspension, restrict the  
42 person's driving privileges for four years to driving only a motor vehicle  
43 equipped with an ignition interlock device;

1 (4) on the person's fourth occurrence, suspend the person's driving  
2 privileges for one year and at the end of the suspension, restrict the  
3 person's driving privileges for five years to driving only a motor vehicle  
4 equipped with an ignition interlock device; and

5 (5) on the person's fifth or subsequent occurrence, suspend the  
6 person's driving privileges for one year and at the end of the suspension,  
7 restrict the person's driving privileges for 10 years to driving only a motor  
8 vehicle equipped with an ignition interlock device.

9 (b) (1) Except as provided by subsections (b)(2) and (e) and K.S.A. 8-  
10 2,142, and amendments thereto, if a person fails a test or has an alcohol or  
11 drug-related conviction in this state, the division shall:

12 (A) On the person's first occurrence, suspend the person's driving  
13 privileges for 30 days and at the end of the suspension, restrict the person's  
14 driving privileges as provided by K.S.A. 8-1015(b), and amendments  
15 thereto;

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 one year 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  
22 person's driving privileges for two 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 three 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, suspend the  
29 person's driving privileges for one year and at the end of the suspension,  
30 restrict the person's driving privileges for 10 years to driving only a motor  
31 vehicle equipped with an ignition interlock device.

32 (2) Except as provided by subsection (e) and K.S.A. 8-2,142, and  
33 amendments thereto, if a person fails a test or has an alcohol or drug-  
34 related conviction in this state and the person's blood or breath alcohol  
35 concentration is 0.15 or greater, the division shall:

36 (A) On the person's first occurrence, suspend the person's driving  
37 privileges for one year and at the end of the suspension, restrict the  
38 person's driving privileges for one year to driving only a motor vehicle  
39 equipped with an ignition interlock device;

40 (B) on the person's second occurrence, suspend the person's driving  
41 privileges for one year and at the end of the suspension, restrict the  
42 person's driving privileges for two years to driving only a motor vehicle  
43 equipped with an ignition interlock device;

1 (C) on the person's third occurrence, suspend the person's driving  
2 privileges for one year and at the end of the suspension restrict the person's  
3 driving privileges for three years to driving only a motor vehicle equipped  
4 with an ignition interlock device;

5 (D) on the person's fourth occurrence, suspend the person's driving  
6 privileges for one year and at the end of the suspension, restrict the  
7 person's driving privileges for four years to driving only a motor vehicle  
8 equipped with an ignition interlock device; and

9 (E) on the person's fifth or subsequent occurrence, suspend the  
10 person's driving privileges for one year and at the end of the suspension,  
11 restrict the person's driving privileges for 10 years to driving only a motor  
12 vehicle equipped with an ignition interlock device.

13 (3) Whenever a person's driving privileges have been restricted to  
14 driving only a motor vehicle equipped with an ignition interlock device for  
15 10 years under this section, such person may petition any district court for  
16 relief from such restriction after five years of such restriction have been  
17 served. The court shall consider, but not be limited to, whether: (A) Such  
18 person's driving privileges have been restricted, suspended, revoked or  
19 disqualified pursuant to another action by the division or a court; and (B)  
20 such person proves installation, maintenance and use of an ignition  
21 interlock device approved by the ~~division~~ *highway patrol* throughout the  
22 five-year period. If the court finds that the person's driving privileges  
23 should be restored, then the court shall electronically report such order to  
24 the division. The division, upon receiving such order, shall restore such  
25 person's driving privileges, unless such person's driving privileges have  
26 been restricted, suspended, revoked or disqualified pursuant to another  
27 action by the division or a court.

28 (c) Except as provided by subsection (e) and K.S.A. 8-2,142, and  
29 amendments thereto, if a person who is less than 21 years of age fails a test  
30 or has an alcohol or drug-related conviction in this state, penalties shall be  
31 imposed pursuant to subsection (b).

32 (d) Whenever the division is notified by a provider, as defined in  
33 K.S.A. 8-1008, and amendments thereto, or a court that the person has  
34 failed to follow any recommendation made by the provider or otherwise  
35 ordered by a court for a conviction of a violation of K.S.A. 8-1567, and  
36 amendments thereto, the division shall suspend the person's driving  
37 privileges until the division receives notice of the person's completion of  
38 such recommendation.

39 (e) Except as provided in K.S.A. 8-2,142, and amendments thereto, if  
40 a person's driving privileges are subject to suspension pursuant to this  
41 section for a test refusal, test failure or alcohol or drug-related conviction  
42 arising from the same arrest, the period of such suspension shall not  
43 exceed the longest applicable period authorized by subsection (a) or (b),

1 and such suspension periods shall not be added together or otherwise  
2 imposed consecutively. In addition, in determining the period of such  
3 suspension as authorized by subsection (a) or (b), such person shall receive  
4 credit for any period of time for which such person's driving privileges  
5 were suspended while awaiting any hearing or final order authorized by  
6 this act.

7 If a person's driving privileges are subject to restriction pursuant to this  
8 section for a test failure or alcohol or drug-related conviction arising from  
9 the same arrest, the restriction periods shall not be added together or  
10 otherwise imposed consecutively. In addition, in determining the period of  
11 restriction, the person shall receive credit for any period of suspension  
12 imposed for a test refusal arising from the same arrest.

13 (f) If the division has taken action under subsection (a) for a test  
14 refusal or under subsection (b) for a test failure and such action is stayed  
15 pursuant to K.S.A. 8-259, and amendments thereto, or if temporary driving  
16 privileges are issued pursuant to K.S.A. 8-1020, and amendments thereto,  
17 the stay or temporary driving privileges shall not prevent the division from  
18 taking the action required by subsection (b) for an alcohol or drug-related  
19 conviction.

20 (g) The provisions of subsections (a), (b) and (c), as amended by this  
21 act and section 14 of chapter 105 of the 2011 Session Laws of Kansas,  
22 may be applied retroactively only if requested by a person who has had  
23 such person's driving privileges suspended or restricted pursuant to  
24 subsection (a), (b) or (c) prior to such amendment. Such person may apply  
25 to the division to have the penalties applied retroactively, as provided  
26 under K.S.A. 8-1015(g), and amendments thereto.

27 (h) When modifying penalties pursuant to subsection (g), the division  
28 shall credit any suspension or revocation time in excess of one year which  
29 was imposed and served prior to retroactive application of the provisions  
30 of subsections (a), (b) and (c), as amended by this act and section 14 of  
31 chapter 105 of the 2011 Session Laws of Kansas, toward the required  
32 ignition interlock restriction period imposed pursuant to the retroactive  
33 application of such provisions if: (1) The person's driving record indicates  
34 no driving by the person during the applicable suspension or revocation  
35 period; and (2) the person completes a form prescribed by the division  
36 indicating that the person did not drive during the applicable suspension or  
37 revocation period.

38 (i) As used in this section, "suspension" includes any period of  
39 suspension and any period of restriction as provided in K.S.A. 8-1015(a),  
40 and amendments thereto.

41 Sec. 3. K.S.A. 2019 Supp. 8-1015 is hereby amended to read as  
42 follows: 8-1015. (a) (1) Except as provided in subsection (a)(2), whenever  
43 a person's driving privileges have been suspended for one year as provided

1 in K.S.A. 8-1014(a), and amendments thereto, after 90 days of such  
2 suspension, such person may apply to the division for such person's  
3 driving privileges to be restricted for the remainder of the one-year  
4 suspension period to driving only a motor vehicle equipped with an  
5 ignition interlock device and only for the purposes of getting to and from:  
6 Work, school or an alcohol treatment program; and the ignition interlock  
7 provider for maintenance and downloading of data from the device.

8 (2) Whenever a person's driving privileges have been suspended for  
9 one year as provided in K.S.A. 8-1014(a)(1), and amendments thereto,  
10 after 90 days of such suspension, such person may apply to the division for  
11 such person's driving privileges to be restricted for the remainder of the  
12 one-year suspension period to driving only a motor vehicle equipped with  
13 an ignition interlock device and only: Under the circumstances provided  
14 by K.S.A. 8-292(a)(1), (2), (3) and (4), and amendments thereto; and for  
15 the purpose of getting to and from the ignition interlock provider for  
16 maintenance and downloading of data from the device.

17 (3) Except as provided in subsection (a)(4), whenever a person's  
18 driving privileges have been suspended for one year as provided in K.S.A.  
19 8-1014(b), and amendments thereto, after 45 days of such suspension, such  
20 person may apply to the division for such person's driving privileges to be  
21 restricted for the remainder of the one-year suspension period to driving  
22 only a motor vehicle equipped with an ignition interlock device and only  
23 for the purposes of getting to and from: Work, school or an alcohol  
24 treatment program; and the ignition interlock provider for maintenance and  
25 downloading of data from the device.

26 (4) Whenever a person's driving privileges have been suspended for  
27 one year as provided in K.S.A. 8-1014(b)(2)(A), and amendments thereto,  
28 after 45 days of such suspension, such person may apply to the division for  
29 such person's driving privileges to be restricted for the remainder of the  
30 one-year suspension period to driving only a motor vehicle equipped with  
31 an ignition interlock device and only: Under the circumstances provided  
32 by K.S.A. 8-292(a)(1), (2), (3) and (4), and amendments thereto; and for  
33 the purpose of getting to and from the ignition interlock provider for  
34 maintenance and downloading of data from the device.

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

37 (6) The division shall approve the request for such restricted license  
38 unless such person's driving privileges have been restricted, suspended,  
39 revoked or disqualified pursuant to another action by the division or a  
40 court. If the request is approved, upon receipt of proof of the installation of  
41 such device, the division shall issue a copy of the order imposing such  
42 restrictions on the person's driving privileges and such order shall be  
43 carried by the person at any time the person is operating a motor vehicle

1 on the highways of this state. Except as provided in K.S.A. 8-1017, and  
2 amendments thereto, if such person is convicted of a violation of the  
3 restrictions, such person's driving privileges shall be suspended for an  
4 additional year, in addition to any term of suspension or restriction as  
5 provided in K.S.A. 8-1014(a) or (b), and amendments thereto.

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

11 (2) When a person has completed the suspension pursuant to K.S.A.  
12 8-1014(b)(1)(A), and amendments thereto, the division shall restrict the  
13 person's driving privileges for one year to driving only a motor vehicle  
14 equipped with an ignition interlock device if the records maintained by the  
15 division indicate that such person has previously: (A) Been convicted of a  
16 violation of K.S.A. 8-1599, and amendments thereto; (B) been convicted  
17 of a violation of K.S.A. 41-727, and amendments thereto; (C) been  
18 convicted of any violations listed in K.S.A. 8-285(a), and amendments  
19 thereto; (D) been convicted of three or more moving traffic violations  
20 committed on separate occasions within a 12-month period; or (E) had  
21 such person's driving privileges revoked, suspended, canceled or  
22 withdrawn.

23 (c) Except as provided in subsection (b), when a person has  
24 completed the suspension pursuant to K.S.A. 8-1014(a) or (b), and  
25 amendments thereto, the division shall restrict the person's driving  
26 privileges pursuant to K.S.A. 8-1014(a) or (b), and amendments thereto,  
27 to driving only a motor vehicle equipped with an ignition interlock device.  
28 Upon restricting a person's driving privileges pursuant to this subsection,  
29 the division shall issue a copy of the order imposing the restrictions which  
30 is required to be carried by the person at any time the person is operating a  
31 motor vehicle on the highways of this state.

32 (d) Whenever an ignition interlock device is required by law, such  
33 ignition interlock device shall be approved by the ~~division~~ *highway patrol*  
34 and maintained at the person's expense. Proof of the installation of such  
35 ignition interlock device, for the entire period required by the applicable  
36 law, shall be provided to the division before the person's driving privileges  
37 are fully reinstated. Every person who has an ignition interlock device  
38 installed as required by law shall be required to complete the ignition  
39 interlock device program pursuant to rules and regulations adopted by the  
40 secretary of revenue and proof of completion shall be provided to the  
41 division by the approved service provider before the person's driving  
42 privileges are fully reinstated.

43 (e) Except as provided further, any person whose license is restricted



1 to operating only a motor vehicle with an ignition interlock device  
2 installed may operate an employer's vehicle without an ignition interlock  
3 device installed during normal business activities, provided that the person  
4 does not partly or entirely own or control the employer's vehicle or  
5 business. The provisions of this subsection shall not apply to any person  
6 whose driving privileges have been restricted for the remainder of the one-  
7 year suspension period as provided in subsection (a)(1) or (a)(3).

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

15 (g) Any person who has had the person's driving privileges  
16 suspended, restricted or revoked pursuant to K.S.A. 8-1014(a), (b) or (c),  
17 prior to the amendments by section 16 of chapter 172 of the 2012 Session  
18 Laws of Kansas and section 14 of chapter 105 of the 2011 Session Laws of  
19 Kansas, may apply to the division to have the suspension, restriction or  
20 revocation penalties modified in conformity with the provisions of K.S.A.  
21 8-1014(a), (b) or (c), and amendments thereto. The division shall assess an  
22 application fee of \$100 for a person to apply to modify the suspension,  
23 restriction or revocation penalties previously issued. The division shall  
24 modify the suspension, restriction or revocation penalties, unless such  
25 person's driving privileges have been restricted, suspended, revoked or  
26 disqualified pursuant to another action by the division or a court.

27 (h) The division shall remit all application fees collected pursuant to  
28 subsections (a) and (g) to the state treasurer in accordance with the  
29 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
30 each such remittance, the state treasurer shall deposit the entire amount in  
31 the state treasury and shall credit such moneys to the division of vehicles  
32 operating fund until an aggregate amount of \$100,000 is credited to the  
33 division of vehicles operating fund each fiscal year. On and after an  
34 aggregate amount of \$100,000 is credited to such fund each fiscal year, the  
35 entire amount of such remittance shall be credited to the community  
36 corrections supervision fund created by K.S.A. 75-52,113, and  
37 amendments thereto. The application fee established in this section shall  
38 be the only fee collected or moneys in the nature of a fee collected for such  
39 application. Such fee shall only be established by an act of the legislature  
40 and no other authority is established by law or otherwise to collect a fee.

41 Sec. 4. K.S.A. 8-1016 is hereby amended to read as follows: 8-1016.  
42 (a) (1) ~~The secretary of revenue~~ *superintendent of the highway patrol* may  
43 adopt rules and regulations for:

1       ~~(1)~~(A) The approval by the ~~division~~ *highway patrol* of models and  
2 classes of ignition interlock devices suitable for use by persons whose  
3 driving privileges have been restricted to driving a vehicle equipped with  
4 such a device;

5       ~~(2)~~(B) the calibration and maintenance of such devices, which shall  
6 be the responsibility of the manufacturer; and

7       ~~(3)~~(C) ensuring that each manufacturer approved provides a  
8 reasonable statewide service network where such devices may be obtained,  
9 repaired, replaced or serviced and such service network can be accessed 24  
10 hours per day through a toll-free phone service.

11       (2) In adopting rules and regulations for approval of ignition interlock  
12 devices under this section, the ~~secretary of revenue~~ *superintendent of the*  
13 *highway patrol* shall require that the manufacturer or the manufacturer's  
14 representatives calibrate and maintain the devices at intervals not to  
15 exceed 60 days. Calibration and maintenance shall include, but not be  
16 limited to: Physical inspection of the device, the vehicle and wiring of the  
17 device to the vehicle for signs of tampering;; calibration of the device and  
18 downloading of all data contained within the device's memory; and  
19 reporting of any violation or noncompliance to the ~~division~~ *highway*  
20 *patrol*.

21       ~~(4)~~(3) The division shall adopt by rules and regulations participant  
22 requirements for proper use and maintenance of a certified ignition  
23 interlock device during any time period the person's license is restricted by  
24 the division to only operating a motor vehicle with an ignition interlock  
25 device installed and ~~by rules and regulations~~ the reporting requirements of  
26 the approved manufacturer to the division relating to the person's proper  
27 use and maintenance of a certified ignition interlock device.

28       ~~(5)~~(4) The ~~division~~ *highway patrol* shall require that each  
29 manufacturer provide a credit of at least 2% of the gross program revenues  
30 in the state as a credit for those persons who have otherwise qualified to  
31 obtain an ignition interlock restricted license under this act who are  
32 indigent as evidenced by qualification and eligibility for the federal food  
33 stamp program.

34       (b) If the ~~division~~ *highway patrol* approves an ignition interlock  
35 device in accordance with rules and regulations adopted under this section,  
36 the ~~division~~ *highway patrol* shall give written notice of the approval to the  
37 manufacturer of the device. Such notice shall be admissible in any civil or  
38 criminal proceeding in this state.

39       (c) The manufacturer of an ignition interlock device shall reimburse  
40 the ~~division~~ *highway patrol* for any cost incurred in approving or  
41 disapproving such device under this section.

42       (d) Neither the state nor any agency, officer or employee thereof shall  
43 be liable in any civil or criminal proceeding arising out of the use of an

1 ignition interlock device approved under this section.

2 *(e) All rules and regulations of either the secretary of revenue or the*  
3 *division of vehicles adopted pursuant to this section that are in effect on*  
4 *June 30, 2020, shall be deemed to be the rules and regulations of the*  
5 *superintendent of the highway patrol and shall continue to be effective*  
6 *until amended, revoked or nullified pursuant to law.*

7 Sec. 5. K.S.A. 8-1016 and K.S.A. 2019 Supp. 8-241, 8-1014 and 8-  
8 1015 are hereby repealed.

9 Sec. 6. This act shall take effect and be in force from and after its  
10 publication in the statute book.