

HOUSE BILL No. 2586

By Representative Owens

1-11

9 AN ACT concerning driving under the influence; relating to test refusal;
10 amending K.S.A. 8-1014 and repealing the existing section.

11

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

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

17 (1) *Except as provided by subsection (i)*, on the person's first occur-
18 rence, suspend the person's driving privileges for one year;

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

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

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

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

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

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

34 (2) on the person's second, third or fourth occurrence, suspend the
35 person's driving privileges for one year and, commencing July 1, 2001,
36 then at the end of the suspension for an alcohol-related conviction, restrict
37 the person's driving privileges for one year to driving only a motor vehicle
38 equipped with an ignition interlock device; and

39 (3) on the person's fifth or subsequent occurrence, the person's driv-
40 ing privileges shall be permanently revoked.

41 (c) Except as provided by subsection (e) and K.S.A. 8-2,142, and
42 amendments thereto, if a person who is less than 21 years of age fails a
43 test or has an alcohol or drug-related conviction in this state, the division

1 shall suspend the person's driving privileges for one year.

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

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

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

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

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

36 (h) Any person whose license is restricted to operating only a motor
37 vehicle with an ignition interlock device installed may operate an em-
38 ployer's vehicle without an ignition interlock device installed during nor-
39 mal business activities, provided that the person does not partly or entirely
40 own or control the employer's vehicle or business. The provisions of this
41 subsection shall be effective on and after July 1, 2001.

42 (i) *If a person refuses a test on the first occurrence and has entered*
43 *into a diversion agreement in lieu of further criminal proceedings pur-*

1 *suant to K.S.A. 8-1567, and amendments thereto, the division, pursuant*
2 *to K.S.A. 8-1002, and amendments thereto, shall suspend the person's*
3 *driving privileges for 30 days, and restrict the person's driving privileges*
4 *to driving only under the circumstances provided by subsection (a)(1),*
5 *(a)(2), (a)(3) and (a)(4) of K.S.A. 8-292, and amendments thereto, for an*
6 *additional 330 days.*

7 Sec. 2. K.S.A. 8-1014 is hereby repealed.

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