

Testimony in Support of Senate Bill 493 Senate Committee on Judiciary

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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony in support of Senate Bill 493, and we respectfully request the Committee consider our agency's concurrence.

Senate Bill 493 would require manufacturers of ignition interlock devices to pay a one-time \$10 fee for each device installed in Kansas on and after July 1, 2024, and a \$5 per month fee for each device in use and maintained by manufacturers in Kansas. The \$5 monthly fee would not be assessed if the ignition interlock device is installed for and used by a person eligible for reduced ignition interlock program costs. The bill establishes the fund into which the fees would be deposited and requires that all moneys credited to the fund will only be used to fund the administration, oversight, and monitoring of the Kansas Highway Patrol's ignition interlock program. The mission of the KHP and the Division of Vehicles Ignition Interlock Program is to enhance public safety through reducing subsequent drinking and driving behavior by administrating and regulating impaired driving breath alcohol and blood testing programs in the state of Kansas.

The ignition interlock device (IID) is a proven piece of highway safety required by law for those who have been convicted in court, or convicted in an administrative hearing, that they drove under the influence of alcohol. As a testament to the effectiveness of IIDs, two companies – Intoxalock, L.L.C. and Smart Start, Inc. – reported that in 2022 and 2023 in Kansas, their devices prevented 41,480 vehicle starts with alcohol concentration levels between 0.030 and 0.079 (the legal limit being 0.080). They prevented an additional 5,802 vehicle starts with alcohol concentrations of 0.080 or greater. The IID program in the state has grown since statute was passed in 2012 which required these devices in violators' vehicles. In 2022, a majority of the administrative responsibility for the program shifted to the KHP.

The KHP's IID program consists of two distinct sections: vendor compliance and customer compliance. The vendor compliance section is comprised of one person who is responsible for the approval of IID manufacturers and ensuring those manufacturers comply with Kansas IID rules and regulations. This individual is also responsible for overseeing the compliance of approximately 300 service centers and 400 service technicians who install and download data from IIDs, as well as providing dispute resolution assistance between vendors and their customers. The customer compliance section is comprised of three troopers. These troopers are tasked with investigating non-compliant drivers, conducting compliance reviews, and ensuring each individual has successfully completed their required restriction period. Additionally, this section educates both officers and drivers on IID usage and the rules and regulations of compliance.

K.S.A. 8-1016 grants the Superintendent of the Kansas Highway Patrol authority to adopt rules and regulations for the approval, calibration, and maintenance of IIDs; the proper use and maintenance of IIDs by restricted drivers; the reporting requirements from the manufacturer to the Division of Vehicles and the KHP on a restricted driver’s proper use and maintenance of an IID; and ensuring that each manufacture provides a service network for IIDs. The statute also requires IID manufacturers to reimburse the KHP for any cost incurred in approving or disapproving devices; however, there is no requirement for IID manufacturers to reimburse KHP for costs incurred in the administration, oversight, and monitoring of the ignition interlock program. Our agency attempted to require a fee of these manufacturers via a change to Kansas Administrative Regulations. A Kansas Attorney General’s Office opinion provided that we are unable to require a fee under a K.A.R. due to the narrow wording of K.S.A. 8-1016, and we therefore are respectfully requesting this change to statute to fund our statutory responsibilities.

Proposed Cost to Manufacturers Based on 2023 Ignition Interlock Device Numbers

	Devices Installed	Devices Removed	Devices in Operation	Reduced Cost Drivers
Totals	6609	5604	9581	183
Proposed Fee	\$10 per install	-	\$5 per month	-
Less Reduced Cost Drivers	-	-	-183	
2023 Fees	\$66,090.00	-	\$563,880	-

As previously mentioned, Senate Bill 493 would not assess the monthly \$5 fee from manufacturers if the ignition interlock device is installed for and used by a person eligible for reduced ignition interlock program costs. A person would be eligible for reduced costs if their annual household income is less than or equal 150% of the federal poverty level, if the person is enrolled in food assistance, childcare subsidy, or cash assistance program, or if the person is currently eligible for the low-income energy assistance program. We believe this provision is important so as to not pass on an unfair financial burden to those restricted drivers facing financial hardship.

The KHP supports Senate Bill 493 and its efforts to support our agency’s ignition interlock program. We believe the program is a valuable tool in the KHP’s mission to reduce the number and severity of traffic crashes through the enforcement of impaired driving laws. We sincerely thank the members of this Committee for their consideration of our testimony, and we urge your support of this bill.

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