

REVISED
SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2479

As Amended by Senate Committee of the Whole

Brief*

HB 2479, as amended, would revise administrative restrictions applicable to driving under the influence (DUI) and related offenses to remove the July 1, 2015, sunset date for a provision requiring the use of a breath alcohol ignition interlock device after the first test failure or conviction.

The bill also would amend the statute governing failure to comply with a traffic citation to allow an individual whose driver's license expires while that license has been suspended for failure to pay fines for traffic citations to apply for a restricted license. The bill would require the applicant to pay a \$25 application fee and to meet the following conditions:

- The suspended expired license was issued by the Kansas Division of Vehicles;
- The suspension must have resulted from a failure to comply with a traffic citation;
- The traffic citation was issued in Kansas; and
- The driver has not previously had a suspension stayed due to being convicted of driving with a suspended license.

(Note: the bill also appears to extend until July 1, 2015, the authorization for the Supreme Court to impose an

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

additional charge of up to \$22 to fund the costs of non-judicial personnel whenever a district or municipal court assesses a reinstatement fee for failure to comply with a traffic citation. This provision was passed in 2013 HB 2204 and is included here for conflict cleanup purposes.)

Background

As part of a comprehensive DUI reform package, 2011 House Sub. for SB 6 added an ignition interlock restriction as a required administrative penalty for a first test failure or first DUI-related conviction. The provision included a July 1, 2015, sunset date, so that through June 30, 2015, for a first occurrence, driving privileges are suspended for 30 days for any first-time offender, followed by a 180-day ignition interlock restriction, or a one-year ignition interlock restriction for an offender with certain previous violations on the offender's record. Under current law, on and after July 1, 2015, the penalty for a first occurrence will return to the former provision, which was a 30-day suspension and a 330-day restriction to driving for certain purposes, with an ignition interlock option.

HB 2479 was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of Mothers Against Drunk Driving (MADD) Kansas. As introduced, the bill would have removed the sunset date entirely. In the House Committee, a representative of the Kansas County and District Attorneys Association and MADD Kansas and a representative of the Kansas Ignition Interlock Association testified in support of the bill. There was no opponent testimony.

The House Committee amended the bill to extend the sunset date for five years, until July 1, 2020, instead of removing it entirely.

In the Senate Committee on Judiciary, the same conferees testified. The Senate Committee amended the bill to extend the sunset date for three years, until July 1, 2018.

The Senate Committee of the Whole amended the bill to remove the ignition interlock sunset date entirely and to add language from SB 393, as amended by the Senate Committee on Transportation, related to failure to comply with a traffic citation.

According to the fiscal note provided by the Division of the Budget on the bill, the Department of Revenue expects, if the bill is not enacted, negligible increases in expenditures for FY 2015 in order to educate its business staff and incorporate old rules related to driver's license restrictions for DUI violations.

Background of SB 393

SB 393 was introduced by the Senate Committee on Federal and State Affairs. At the Senate Committee on Transportation hearing, Senator Faust-Goudeau testified legislation passed last year permitted a person with a driver's license suspended for failure to pay fines for traffic citations to apply for a restricted driver's license to drive to work, school, a health appointment, or a court-ordered appointment, but the bill did not allow a person whose license expired while suspended to apply for a restricted license. The Senator testified that allowing drivers to apply for restricted licenses would allow them to work while on suspension. Representative Carmichael testified in support of the bill and stated the authorization of the court's reinstatement charge would fund the costs of non-judicial personnel involved in implementing the law. The Committee also heard testimony in support of the bill from representatives of Counseling, Inc.; Kansas Legal Services; and Wilkinson Consulting Group LLC. The Committee received written testimony in support of the bill from a representative of Sunflower Community Action and a private citizen.

A representative of the Department of Revenue provided neutral testimony on the bill and suggested the bill be amended to require four conditions prior to receiving a renewed restricted license. The Senate Committee on Transportation amended the bill to include the four conditions recommended by the Department of Revenue.

There was no opponent testimony.

According to the fiscal note prepared by the Division of the Budget on SB 393, as introduced, the bill would increase revenues to the Division of Vehicles Operating Fund by approximately \$7,500 in FY 2015. The estimate is based on approximately 300 transactions which occurred in FY 2013 and would have been subject to the provisions of the bill. Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.