

2023 Kansas Statutes

8-1016. Same; ignition interlock devices; approval by highway patrol; immunity from civil and criminal liability; rules and regulations; reduced ignition interlock device program costs, eligibility and procedures. (a) The superintendent of the highway patrol may adopt rules and regulations for:

- (1) The approval by the highway patrol of models and classes of ignition interlock devices suitable for use by persons whose driving privileges have been restricted to driving a vehicle equipped with such a device;
- (2) the calibration and maintenance of such devices, which shall be the responsibility of the manufacturer;
- (3) ensuring that each manufacturer provides a reasonable statewide service network where such devices may be obtained, repaired, replaced or serviced and such service network can be accessed 24 hours per day through a toll-free phone service;
- (4) the requirements for proper use and maintenance of a certified ignition interlock device by a person during any time period the person's license is restricted by the division to only operating a motor vehicle with an ignition interlock device installed; and
- (5) the reporting requirements for the manufacturer to the division and the highway patrol relating to a person's proper use and maintenance of a certified ignition interlock device.

(b) In adopting rules and regulations for approval of ignition interlock devices under subsection (a), the superintendent of the highway patrol shall require that the manufacturer or the manufacturer's representatives calibrate and maintain the devices at intervals not to exceed 60 days. Calibration and maintenance shall include, but not be limited to: Physical inspection of the device, the vehicle and wiring of the device to the vehicle for signs of tampering; calibration of the device and downloading of all data contained within the device's memory; and reporting of any violation or noncompliance to the division and the highway patrol.

(c) (1) If the highway patrol approves an ignition interlock device in accordance with rules and regulations adopted under subsection (a), the highway patrol shall give written notice of the approval to the manufacturer of the device. Such notice shall be admissible in any civil or criminal proceeding in this state.

(2) The manufacturer of an ignition interlock device shall reimburse the highway patrol for any cost incurred in approving or disapproving such device under this section.

(d) Neither the state nor any agency, officer or employee thereof shall be liable in any civil or criminal proceeding arising out of the use of an ignition interlock device approved under this section.

(e) All rules and regulations of the secretary of revenue adopted pursuant to this section, prior to its amendment by this act, that are described in subsection (a) and are in effect on June 30, 2022, shall be deemed to be the rules and regulations of the superintendent of the highway patrol and shall continue to be effective until amended, revoked or nullified pursuant to law.

(f) (1) Any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may request reduced ignition interlock device program costs by submitting a request to the division in a form and manner prescribed by the division. The division shall review each request submitted pursuant to this subsection to determine whether the person is eligible for reduced ignition interlock device program costs. A person shall be eligible for reduced ignition interlock device program costs if the:

(A) Person's annual household income is less than or equal to 150% of the federal poverty level;

(B) person is enrolled in the food assistance, child care subsidy or cash assistance program pursuant to K.S.A. 39-709, and amendments thereto; or

(C) person is currently eligible for the low income energy assistance program as determined by the department for children and families.

(2) If the division determines that the person is eligible for reduced ignition interlock

device program costs, the person shall be responsible for paying 50% of the program costs. The manufacturer providing the person's device shall adjust the manufacturer's charge for services accordingly.

(3) The secretary of revenue shall adopt rules and regulations prior to March 1, 2023, establishing the requirements and guidelines for receiving reduced ignition interlock device program costs pursuant to this subsection.

(g) As used in this section, "federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.

History: L. 1988, ch. 48, § 1; L. 1988, ch. 47, § 18; L. 1994, ch. 319, § 4; L. 2001, ch. 200, § 7; L. 2022, ch. 80, § 13; July 1.