

**As Amended by House Committee**

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*Session of 2020*

**SENATE BILL No. 405**

By Committee on Judiciary

2-11

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1 AN ACT concerning driving; relating to driving under the influence;  
2 motorized bicycle drivers' licenses; use of an ignition interlock device;  
3 powers and duties of the secretary of revenue; driving under the  
4 influence by any person less than 21 years of age; amending K.S.A. 8-  
5 1016 and K.S.A. 2019 Supp. 8-235, 8-1015 and 8-1567a and repealing  
6 the existing sections.  
7

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

9 Section 1. K.S.A. 2019 Supp. 8-235 is hereby amended to read as  
10 follows: 8-235. (a) No person, except those expressly exempted, shall  
11 drive any motor vehicle upon a highway in this state unless such person  
12 has a valid driver's license. No person shall receive a driver's license  
13 unless and until such person surrenders or with the approval of the  
14 division, lists to the division all valid licenses in such person's possession  
15 issued to such person by any other jurisdiction. All surrendered licenses or  
16 the information listed on foreign licenses shall be returned by the division  
17 to the issuing department, together with information that the licensee is  
18 now licensed in a new jurisdiction. No person shall be permitted to have  
19 more than one valid license at any time.

20 (b) Any person licensed under the motor vehicle drivers' license act  
21 may exercise the privilege granted upon all streets and highways in this  
22 state and shall not be required to obtain any other license to exercise such  
23 privilege by any local authority. Nothing herein shall prevent cities from  
24 requiring licenses of persons who drive taxicabs or municipally franchised  
25 transit systems for hire upon city streets, to protect the public from drivers  
26 whose character or habits make them unfit to transport the public. If a  
27 license is denied, the applicant may appeal such decision to the district  
28 court of the county in which such city is located by filing within 14 days  
29 after such denial, a notice of appeal with the clerk of the district court and  
30 by filing a copy of such notice with the city clerk of the involved city. The  
31 city clerk shall certify a copy of such decision of the city governing body  
32 to the clerk of the district court and the matter shall be docketed as any  
33 other cause and the applicant shall be granted a trial of such person's  
34 character and habits. The matter shall be heard by the court de novo in  
35 accordance with the code of civil procedure. The cost of such appeal shall  
36 be assessed in such manner as the court may direct.

1 (c) Any person operating in this state a motor vehicle shall be the  
2 holder of a driver's license that is classified for the operation of such motor  
3 vehicle, and any person operating in this state a motorcycle that is  
4 registered in this state shall be the holder of a class M driver's license.

5 (d) No person shall drive any motorized bicycle upon a highway of  
6 this state unless such person: (1) Has a valid driver's license that entitles  
7 the licensee to drive a motor vehicle in any class or classes; (2) is at least  
8 15 years of age and has passed the written and visual examinations  
9 required for obtaining a class C driver's license, in which case the division  
10 shall issue to such person a class C license, which shall clearly indicate  
11 that such license is valid only for the operation of motorized bicycles; *or*  
12 (3) ~~has had their driving privileges suspended, for a violation other than a~~  
13 ~~violation of K.S.A. 8-2,144, and amendments thereto, or a second or~~  
14 ~~subsequent violation of K.S.A. 8-1567 or 8-1567a, and amendments~~  
15 ~~thereto, and such person: (A) Has completed the mandatory period of~~  
16 ~~suspension as provided in K.S.A. 8-1014, and amendments thereto; and~~  
17 ~~(B) has made application and submitted a \$40 nonrefundable application~~  
18 ~~fee to the division for the issuance of a class C license for the operation of~~  
19 ~~motorized bicyeles, in accordance with paragraph (2), in which case the~~  
20 ~~division shall issue to such person a class C license, which shall clearly~~  
21 ~~indicate that such license is valid only for the operation of motorized~~  
22 ~~bicyeles; or (4) has had their driving privileges revoked under K.S.A. 8-~~  
23 ~~286, and amendments thereto, has not had a test refusal or test failure or~~  
24 ~~alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-~~  
25 ~~1013, and amendments thereto, in the last five years, has not been~~  
26 ~~convicted of a violation of K.S.A. 8-1568(b), and amendments thereto, in~~  
27 ~~the last five years and has made application to the division for issuance of~~  
28 ~~a class C license for the operation of motorized bicycles, in accordance~~  
29 ~~with paragraph (2), in which case the division shall issue such person a~~  
30 ~~class C license, which shall clearly indicate that such license is valid only~~  
31 ~~for the operation of motorized bicycles. As used in this subsection,~~  
32 ~~"motorized bicycle" shall have the meaning ascribed to it in K.S.A. 8-126,~~  
33 ~~and amendments thereto.~~

34 (e) ~~All moneys received under subsection (d) from the nonrefundable~~  
35 ~~application fee shall be applied by the division of vehicles for the~~  
36 ~~additional administrative costs to implement restricted driving privileges.~~  
37 ~~The division shall remit all restricted driving privilege application fees to~~  
38 ~~the state treasurer in accordance with the provisions of K.S.A. 75-4215,~~  
39 ~~and amendments thereto. Upon receipt of each such remittance, the state~~  
40 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~  
41 ~~of the division of vehicles operating fund.~~

42 (f) Violation of this section shall constitute a class B misdemeanor.

43 Sec. 2. K.S.A. 2019 Supp. 8-1015 is hereby amended to read as

1 follows: 8-1015. (a) (1) Except as provided in subsection (a)(2), whenever  
2 a person's driving privileges have been suspended for one year as provided  
3 in K.S.A. 8-1014(a), and amendments thereto, ~~after 90 days of such~~  
4 ~~suspension,~~ such person may apply to the division for such person's  
5 driving privileges to be restricted for the remainder of the one-year  
6 suspension period to driving only a motor vehicle equipped with an  
7 ignition interlock device and only for the purposes of getting to and from:  
8 Work, school or an alcohol treatment program; and the ignition interlock  
9 provider for maintenance and downloading of data from the device.

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

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

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

37 **(5) Whenever a person's driving privileges have been suspended**  
38 **for 30 days as provided in K.S.A. 8-1014(b)(1)(A), and amendments**  
39 **thereto, such person may apply to the division for such person's**  
40 **driving privileges to be restricted for the remainder of the 30-day**  
41 **suspension period to driving only a motor vehicle equipped with an**  
42 **ignition interlock device.**

43 (6) The division shall assess an application fee of \$100 for a person to

1 apply to modify the suspension to restricted ignition interlock status.

2 ~~(6)~~(7) The division shall approve the request for such restricted  
3 license unless such person's driving privileges have been restricted,  
4 suspended, revoked or disqualified pursuant to another action by the  
5 division or a court. If the request is approved, upon receipt of proof of the  
6 installation of such device, the division shall issue a copy of the order  
7 imposing such restrictions on the person's driving privileges and such  
8 order shall be carried by the person at any time the person is operating a  
9 motor vehicle on the highways of this state. Except as provided in K.S.A.  
10 8-1017, and amendments thereto, if such person is convicted of a violation  
11 of the restrictions, such person's driving privileges shall be suspended for  
12 an additional year, in addition to any term of suspension or restriction as  
13 provided in K.S.A. 8-1014(a) or (b), and amendments thereto.

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

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

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

40 (d) (1) Whenever an ignition interlock device is required by law, such  
41 ignition interlock device shall be approved by the division and maintained  
42 at the person's expense. Proof of the installation of such ignition interlock  
43 device, for the entire period required by the applicable law, shall be

1 provided to the division before the person's driving privileges are fully  
2 reinstated.

3 (2) Every person who has an ignition interlock device installed as  
4 required by law shall be required to complete the ignition interlock device  
5 program pursuant to *this section and* rules and regulations adopted by the  
6 secretary of revenue ~~and proof of completion shall be provided to the~~  
7 ~~division by.~~ *A person may only complete the ignition interlock device*  
8 *program if the person has no more than three standard violations and no*  
9 *serious violation in the 90 consecutive days prior to application for*  
10 *reinstatement, and the application occurs upon or after expiration of the*  
11 *applicable ignition interlock period required by law.* The approved service  
12 provider shall provide proof of completion to the division before the  
13 person's driving privileges are fully reinstated.

14 (3) *As used in this subsection:*

15 (A) *"Standard violation" means any of the following, as reported by*  
16 *the approved service provider:*

17 (i) *The driver has blown a BrAC fail when attempting an initial*  
18 *engine start-up breath test;*

19 (ii) *the driver has blown a BrAC fail when attempting a required*  
20 *rolling retest;*

21 (iii) *the driver fails to execute a valid rolling retest;*

22 (iv) *the driver fails to submit to a requested rolling retest by turning*  
23 *the vehicle off to avoid submitting to the rolling retest; or*

24 (v) *the driver has blown a high BrAC during an initial engine start-*  
25 *up breath test;*

26 (B) *"serious violation" means any of the following, as reported by the*  
27 *approved service provider:*

28 (i) *Tampering with the ignition interlock device;*

29 (ii) *circumventing the ignition interlock device; or*

30 (iii) *the driver has blown a high BrAC during a rolling retest;*

31 (C) *"BrAC" means the breath alcohol concentration expressed as*  
32 *weight divided by volume, based upon grams of alcohol per 210 liters of*  
33 *breath;*

34 (D) *"BrAC fail" means the ignition interlock device registers a BrAC*  
35 *value equal to or greater than the alcohol setpoint, as defined in rules and*  
36 *regulations adopted by the secretary of revenue, when the intended driver*  
37 *conducts an initial test or retest;*

38 (E) *"high BrAC" means a BrAC fail result that registers an alcohol*  
39 *setpoint of 0.08 or greater; and*

40 (F) *"rolling retest" means a breath test that is required after the*  
41 *initial engine start-up breath test and while the engine is running.*

42 (e) Except as provided further, any person whose license is restricted  
43 to operating only a motor vehicle with an ignition interlock device

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

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

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

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

42 Sec. 3. K.S.A. 8-1016 is hereby amended to read as follows: 8-1016.

43 (a) The secretary of revenue ~~may~~ *shall* adopt rules and regulations for:

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

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

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

10 (4) *the requirements for proper use and maintenance of a certified*  
11 *ignition interlock device by a person during any time period the person's*  
12 *license is restricted by the division to only operating a motor vehicle with*  
13 *an ignition interlock device installed;*

14 (5) *the reporting requirements for the manufacturer to the division*  
15 *relating to a person's proper use and maintenance of a certified ignition*  
16 *interlock device; and*

17 (6) *the requirements and guidelines for receiving reduced ignition*  
18 *interlock device program costs pursuant to subsection (e).*

19 (b) In adopting rules and regulations for approval of ignition interlock  
20 devices under this section, the secretary of revenue shall require that the  
21 manufacturer or the manufacturer's representatives calibrate and maintain  
22 the devices at intervals not to exceed 60 days. Calibration and maintenance  
23 shall include, but not be limited to: Physical inspection of the device, the  
24 vehicle and *the* wiring of the device to the vehicle for signs of tampering;;  
25 calibration of the device and downloading of all data contained within the  
26 device's memory; and reporting of any violation or noncompliance to the  
27 division.

28 ~~(4) The division shall adopt by rules and regulations participant~~  
29 ~~requirements for proper use and maintenance of a certified ignition~~  
30 ~~interlock device during any time period the person's license is restricted by~~  
31 ~~the division to only operating a motor vehicle with an ignition interlock~~  
32 ~~device installed and by rules and regulations the reporting requirements of~~  
33 ~~the approved manufacturer to the division relating to the person's proper~~  
34 ~~use and maintenance of a certified ignition interlock device.~~

35 (5) The division shall require that each manufacturer provide a credit  
36 of at least 2% of the gross program revenues in the state as a credit for  
37 those persons who have otherwise qualified to obtain an ignition interlock  
38 restricted license under this act who are indigent as evidenced by  
39 qualification and eligibility for the federal food stamp program.

40 ~~(b)(c)~~ (1) If the division approves an ignition interlock device in  
41 accordance with rules and regulations adopted under this section, the  
42 division shall give written notice of the approval to the manufacturer of the  
43 device. Such notice shall be admissible in any civil or criminal proceeding

1 in this state.

2 ~~(e)~~(2) The manufacturer of an ignition interlock device shall  
3 reimburse the division for any cost incurred in approving or disapproving  
4 such device under this section.

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

8 (e) (1) *Any person whose license is restricted to operating only a*  
9 *motor vehicle with an ignition interlock device installed may request*  
10 *reduced ignition interlock device program costs by submitting a request to*  
11 *the division in a form and manner prescribed by the division. The division*  
12 *shall review each request submitted pursuant to this subsection to*  
13 *determine whether the person is eligible for reduced ignition interlock*  
14 *device program costs. A person shall be eligible for reduced ignition*  
15 *interlock device program costs if the person's annual household income is*  
16 *less than or equal to ~~300%~~ 150% of the federal poverty level or the*  
17 *person is eligible for the food assistance program pursuant to K.S.A. 39-*  
18 *709, and amendments thereto.*

19 (2) *If the division determines that the person is eligible for reduced*  
20 *ignition interlock device program costs, the person shall be responsible*  
21 *for paying the following amounts, and the manufacturer providing the*  
22 *person's device shall adjust the manufacturer's charge for services*  
23 *accordingly:*

24 ~~(A) For a person whose household income is less than or equal to:~~  
25 ~~300% but greater than 200% of the federal poverty level, 90% of the~~  
26 ~~program costs plus any additional costs due to non-compliance;~~

27 ~~(B) for a person whose household income is less than or equal to:~~  
28 ~~200% but greater than 150% of the federal poverty level, 75% of the~~  
29 ~~program costs plus any additional costs due to non-compliance;~~

30 ~~(C) for a person whose household income is less than or equal to~~  
31 ~~150% but greater than 100% 125% of the federal poverty level, 50% 75%~~  
32 ~~of the program costs plus any additional costs due to non-compliance;~~

33 **(B) for a person whose household income is less than or equal to**  
34 **125% but greater than 100% of the federal poverty level, 50% of the**  
35 **program costs plus any additional costs due to non-compliance;**

36 ~~(D)(C) For a person whose household income is less than or equal to~~  
37 ~~100% of the federal poverty level, 25% of the program costs plus any~~  
38 ~~additional costs due to non-compliance; and~~

39 ~~(E)(D) for a person who is eligible for the food assistance program~~  
40 ~~pursuant to K.S.A. 39-709, and amendments thereto, 25% of the program~~  
41 ~~costs plus any additional costs due to non-compliance.~~

42 (3) *As used in this subsection, "federal poverty level" means the most*  
43 *recent poverty income guidelines published in the calendar year by the*



1 *United States department of health and human services.*

2 Sec. 4. K.S.A. 2019 Supp. 8-1567a is hereby amended to read as  
3 follows: 8-1567a. (a) It shall be unlawful for any person less than 21 years  
4 of age to operate or attempt to operate a vehicle in this state with a breath  
5 or blood alcohol content of 0.02 or greater.

6 (b) Whenever a law enforcement officer determines that a breath or  
7 blood alcohol test is to be required of a person less than 21 years of age  
8 pursuant to K.S.A. 8-1001 or K.S.A. 8-2,142, and amendments thereto, in  
9 addition to any other notices required by law, the law enforcement officer  
10 shall provide written and oral notice that: (1) It is unlawful for any person  
11 less than 21 years of age to operate or attempt to operate a vehicle in this  
12 state with a breath or blood alcohol content of 0.02 or greater; and (2) if  
13 the person is less than 21 years of age at the time of the test request and  
14 submits to and completes the test or tests and the test results show an  
15 alcohol concentration of 0.02 or greater, but less than 0.08, on the person's  
16 first occurrence, the person's driving privileges will be suspended for 30  
17 days and on the person's second or subsequent occurrence, the person's  
18 driving privileges shall be suspended for one year.

19 (c) Any suspension and restriction of driving privileges pursuant to  
20 this section shall be in addition to any disqualification from driving a  
21 commercial motor vehicle pursuant to K.S.A. 8-2,142, and amendments  
22 thereto.

23 (d) Whenever a breath or blood alcohol test is requested pursuant to  
24 K.S.A. 8-1001, and amendments thereto, from a person less than 21 years  
25 of age, and results in a test result of 0.02 or greater, but less than 0.08, a  
26 law enforcement officer's certification under this section shall be prepared.  
27 The certification required by this section shall be signed by one or more  
28 officers to certify that:

29 (1) (A) There existed reasonable grounds to believe the person was  
30 operating a vehicle while under the influence of alcohol or drugs, or both,  
31 or to believe that the person had been driving a commercial motor vehicle,  
32 as defined in K.S.A. 8-2,128, and amendments thereto, while having  
33 alcohol or other drugs in such person's system or was under the age of 21  
34 years and was operating or attempting to operate a vehicle while having  
35 alcohol or other drugs in such person's system; (B) the person had been  
36 placed under arrest, was in custody or had been involved in a vehicle  
37 accident or collision; (C) a law enforcement officer had presented the  
38 person with the oral and written notice required by K.S.A. 8-1001, and  
39 amendments thereto, and the oral and written notice required by this  
40 section; (D) that the person was less than 21 years of age at the time of the  
41 test request; and (E) the result of the test showed that the person had an  
42 alcohol concentration of 0.02 or greater in such person's blood or breath.

43 (2) With regard to a breath test, in addition to those matters required

1 to be certified under subsection (d)(1), that: (A) The testing equipment  
2 used was certified by the Kansas department of health and environment;  
3 (B) the testing procedures used were in accordance with the requirements  
4 set out by the Kansas department of health and environment; and (C) the  
5 person who operated the testing equipment was certified by the Kansas  
6 department of health and environment to operate such equipment.

7 (e) If a hearing is requested as a result of a law enforcement officer's  
8 certification under this section, the scope of the hearing shall be limited to  
9 whether: (1) A law enforcement officer had reasonable grounds to believe  
10 the person was operating a vehicle while under the influence of alcohol or  
11 drugs, or both, or to believe that the person had been driving a commercial  
12 motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto,  
13 while having alcohol or other drugs in such person's system or was under  
14 the age of 21 years and was operating or attempting to operate a vehicle  
15 while having alcohol or other drugs in such person's system; (2) the person  
16 had been placed under arrest, was in custody or was involved in a motor  
17 vehicle accident or collision resulting in property damage, personal injury  
18 or death; (3) a law enforcement officer had presented the person with the  
19 oral and written notice required by K.S.A. 8-1001, and amendments  
20 thereto, and the oral and written notice required by this section; (4) the  
21 testing equipment used was reliable; (5) the person who operated the  
22 testing equipment was qualified; (6) the testing procedures used were  
23 reliable; (7) the test result determined that the person had an alcohol  
24 concentration of 0.02 or greater in such person's blood or breath; (8) the  
25 person was operating a vehicle; and (9) the person was less than 21 years  
26 of age at the time a test was requested.

27 (f) If a person less than 21 years of age submits to a breath or blood  
28 alcohol test requested pursuant to K.S.A. 8-1001 or K.S.A. 8-2,142, and  
29 amendments thereto, and produces a test result of 0.02 or greater, but less  
30 than 0.08, on the person's first occurrence, the person's driving privileges  
31 shall be suspended for 30 days and then restricted as provided by K.S.A.  
32 8-1015, and amendments thereto, for an additional ~~330~~ 180 days, and on  
33 the person's second or subsequent occurrence, the person's driving  
34 privileges shall be suspended for one year.

35 (g) Except where there is a conflict between this section and K.S.A.  
36 8-1001 and 8-1002, and amendments thereto, the provisions of K.S.A. 8-  
37 1001 and 8-1002, and amendments thereto, shall be applicable to  
38 proceedings under this section.

39 (h) Any determination under this section that a person less than 21  
40 years of age had a test result of 0.02 or greater, but less than 0.08, and any  
41 resulting administrative action upon the person's driving privileges, upon  
42 the first occurrence of such test result and administrative action, shall not  
43 be considered by any insurance company in determining the rate charged

1 for any automobile liability insurance policy or whether to cancel any such  
2 policy under the provisions of ~~subsection (4)(a)~~ of K.S.A. 40-277(4)(a),  
3 and amendments thereto.

4 Sec. 5. K.S.A. 8-1016 and K.S.A. 2019 Supp. 8-235, 8-1015 and 8-  
5 1567a are hereby repealed.

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