

SENATE BILL No. 146

By Committee on Transportation

2-4

1 AN ACT concerning drivers' licenses; relating to driving under the
2 influence of alcohol or drugs; providing that the highway patrol has
3 oversight of state certification ignition interlock manufacturers and
4 their service providers; amending K.S.A. 8-1016 and K.S.A. ~~2020~~
5 **{2021}** Supp. 8-241, 8-1014 and 8-1015 and repealing the existing
6 sections.

7

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

9 Section 1. K.S.A. ~~2020~~ **{2021}** Supp. 8-241 is hereby amended to
10 read as follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through
11 8-2,142, and amendments thereto, any person licensed to operate a motor
12 vehicle in this state shall submit to an examination whenever: (1) The
13 division of vehicles has good cause to believe that such person is
14 incompetent or otherwise not qualified to be licensed; or (2) the division of
15 vehicles has suspended such person's license pursuant to K.S.A. 8-1014,
16 and amendments thereto, as the result of a test refusal, test failure or
17 conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a
18 violation of a city ordinance or county resolution prohibiting the acts
19 prohibited by K.S.A. 8-1567, and amendments thereto, except that no
20 person shall have to submit to and successfully complete an examination
21 more than once as the result of separate suspensions arising out of the
22 same occurrence.

23 (b) When a person is required to submit to an examination pursuant
24 to subsection (a)(1), the fee for such examination shall be in the amount
25 provided by K.S.A. 8-240, and amendments thereto. When a person is
26 required to submit to an examination pursuant to subsection (a)(2), the fee
27 for such examination shall be \$25. In addition, any person required to
28 submit to an examination pursuant to subsection (a)(2) as the result of a
29 test failure, a conviction for a violation of K.S.A. 8-1567, and amendments
30 thereto, or a violation of a city ordinance or county resolution prohibiting
31 the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be
32 required, at the time of examination, to pay a reinstatement fee of \$200
33 after the first occurrence, \$400 after the second occurrence, \$600 after the
34 third occurrence and \$800 after the fourth or subsequent occurrence; and
35 as a result of a test refusal, shall be required, at the time of examination, to
36 pay a reinstatement fee of \$600 after the first occurrence, \$900 after the

1 second occurrence, \$1,200 after the third occurrence and \$1,500 after the
2 fourth or subsequent occurrence.

3 (1) All examination fees collected pursuant to this section shall be
4 remitted to the state treasurer, in accordance with the provisions of K.S.A.
5 75-4215, and amendments thereto, who shall deposit the entire amount in
6 the state treasury and credit 80% to the state highway fund and 20% shall
7 be disposed of as provided in K.S.A. 8-267, and amendments thereto.

8 (2) On and after July 1, 2014, through June 30, 2018, all
9 reinstatement fees collected pursuant to this section shall be remitted to the
10 state treasurer, in accordance with the provisions of K.S.A. 75-4215, and
11 amendments thereto, who shall deposit the entire amount in the state
12 treasury and credit 26% to the community alcoholism and intoxication
13 programs fund created pursuant to K.S.A. 41-1126, and amendments
14 thereto, 12% to the juvenile alternatives to detention fund created by
15 K.S.A. 79-4803, and amendments thereto, 12% to the forensic laboratory
16 and materials fee fund created by K.S.A. 28-176, and amendments thereto,
17 17% to the driving under the influence fund created by K.S.A. 75-5660,
18 and amendments thereto, and 33% to the judicial branch nonjudicial salary
19 adjustment fund created by K.S.A. 20-1a15, and amendments thereto.
20 Moneys credited to the forensic laboratory and materials fee fund as
21 provided herein shall be used to supplement existing appropriations and
22 shall not be used to supplant general fund appropriations to the Kansas
23 bureau of investigation.

24 (3) On and after July 1, 2018, all reinstatement fees collected
25 pursuant to this section shall be remitted to the state treasurer, in
26 accordance with the provisions of K.S.A. 75-4215, and amendments
27 thereto, who shall deposit the entire amount in the state treasury and credit
28 35% to the community alcoholism and intoxication programs fund created
29 pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile
30 alternatives to detention fund created by K.S.A. 79-4803, and amendments
31 thereto, 20% to the forensic laboratory and materials fee fund created by
32 K.S.A. 28-176, and amendments thereto, and 25% to the driving under the
33 influence fund created by K.S.A. 75-5660, and amendments thereto.
34 Moneys credited to the forensic laboratory and materials fee fund as
35 provided herein shall be used to supplement existing appropriations and
36 shall not be used to supplant general fund appropriations to the Kansas
37 bureau of investigation.

38 (c) When an examination is required pursuant to subsection (a), at
39 least five days' written notice of the examination shall be given to the
40 licensee. The examination administered hereunder shall be at least
41 equivalent to the examination required by K.S.A. 8-247(e), and
42 amendments thereto, with such additional tests as the division deems
43 necessary. Upon the conclusion of such examination, the division shall

1 take action as may be appropriate and may suspend or revoke the license
2 of such person or permit the licensee to retain such license, or may issue a
3 license subject to restrictions as permitted under K.S.A. 8-245, and
4 amendments thereto.

5 (d) Refusal or neglect of the licensee to submit to an examination as
6 required by this section shall be grounds for suspension or revocation of
7 the license.

8 (e) The division may issue a driver's license with a DUI-IID
9 designation for a licensee that is operating under ignition interlock
10 restrictions required by K.S.A. 8-1014, and amendments thereto. The
11 reexamination requirement in subsection (a)(2) shall not require
12 reexamination and payment of reinstatement fees until the end of the
13 licensee's ignition interlock restriction period. If the applicant's Kansas
14 driver's license has been expired for one year or more, the applicant must
15 complete a reexamination and pay any applicable reinstatement fees before
16 qualifying for a driver's license with an ignition interlock designation. All
17 other requirements for issuance and renewal of a driver's license under
18 K.S.A. 8-240, and amendments thereto, shall continue to apply. The
19 renewal periods and other requirements in K.S.A. 8-247, and amendments
20 thereto, shall apply. The fees charged for the driver's license with ignition
21 interlock designation shall include: (1) The fee amounts set out in K.S.A.
22 8-240(f), and amendments thereto; (2) fees prescribed by the secretary of
23 revenue and required in K.S.A. 8-243(a), and amendments thereto; and (3)
24 a \$10 fee to the DUI-IID designation fund. There is hereby created in the
25 state treasury the DUI-IID designation fund. All moneys credited to the
26 DUI-IID designation fund shall be used by the ~~department of revenue~~
27 *highway patrol* only for the purpose of funding the administration and
28 oversight of state certified ignition interlock manufacturers and their
29 service providers.

30 Sec. 2. K.S.A. ~~2020~~ {2021} Supp. 8-1014 is hereby amended to read
31 as follows: 8-1014. (a) Except as provided by subsection (e) and K.S.A. 8-
32 2,142, and amendments thereto, if a person refuses a test, the division,
33 pursuant to K.S.A. 8-1002, and amendments thereto, shall:

34 (1) On the person's first occurrence, suspend the person's driving
35 privileges for one year and at the end of the suspension, restrict the
36 person's driving privileges for two years to driving only a motor vehicle
37 equipped with an ignition interlock device;

38 (2) on the person's second occurrence, suspend the person's driving
39 privileges for one year and at the end of the suspension, restrict the
40 person's driving privileges for three years to driving only a motor vehicle
41 equipped with an ignition interlock device;

42 (3) on the person's third occurrence, suspend the person's driving
43 privileges for one year and at the end of the suspension, restrict the

1 person's driving privileges for four years to driving only a motor vehicle
2 equipped with an ignition interlock device;

3 (4) on the person's fourth occurrence, suspend the person's driving
4 privileges for one year and at the end of the suspension, restrict the
5 person's driving privileges for five years to driving only a motor vehicle
6 equipped with an ignition interlock device; and

7 (5) on the person's fifth or subsequent occurrence, suspend the
8 person's driving privileges for one year and at the end of the suspension,
9 restrict the person's driving privileges for 10 years to driving only a motor
10 vehicle equipped with an ignition interlock device.

11 (b) (1) Except as provided by subsections (b)(2) and (e) and K.S.A. 8-
12 2,142, and amendments thereto, if a person fails a test or has an alcohol or
13 drug-related conviction in this state, the division shall:

14 (A) On the person's first occurrence, suspend the person's driving
15 privileges for 30 days and at the end of the suspension, restrict the person's
16 driving privileges as provided by K.S.A. 8-1015(b), and amendments
17 thereto;

18 (B) on the person's second occurrence, suspend the person's driving
19 privileges for one year and at the end of the suspension, restrict the
20 person's driving privileges for one year to driving only a motor vehicle
21 equipped with an ignition interlock device;

22 (C) on the person's third occurrence, suspend the person's driving
23 privileges for one year and at the end of the suspension, restrict the
24 person's driving privileges for two years to driving only a motor vehicle
25 equipped with an ignition interlock device;

26 (D) on the person's fourth occurrence, suspend the person's driving
27 privileges for one year and at the end of the suspension, restrict the
28 person's driving privileges for three years to driving only a motor vehicle
29 equipped with an ignition interlock device; and

30 (E) on the person's fifth or subsequent occurrence, suspend the
31 person's driving privileges for one year and at the end of the suspension,
32 restrict the person's driving privileges for 10 years to driving only a motor
33 vehicle equipped with an ignition interlock device.

34 (2) Except as provided by subsection (e) and K.S.A. 8-2,142, and
35 amendments thereto, if a person fails a test or has an alcohol or drug-
36 related conviction in this state and the person's blood or breath alcohol
37 concentration is 0.15 or greater, the division shall:

38 (A) On the person's first occurrence, suspend the person's driving
39 privileges for one year and at the end of the suspension, restrict the
40 person's driving privileges for one year to driving only a motor vehicle
41 equipped with an ignition interlock device;

42 (B) on the person's second occurrence, suspend the person's driving
43 privileges for one year and at the end of the suspension, restrict the

1 person's driving privileges for two years to driving only a motor vehicle
2 equipped with an ignition interlock device;

3 (C) on the person's third occurrence, suspend the person's driving
4 privileges for one year and at the end of the suspension restrict the person's
5 driving privileges for three years to driving only a motor vehicle equipped
6 with an ignition interlock device;

7 (D) on the person's fourth occurrence, suspend the person's driving
8 privileges for one year and at the end of the suspension, restrict the
9 person's driving privileges for four years to driving only a motor vehicle
10 equipped with an ignition interlock device; and

11 (E) on the person's fifth or subsequent occurrence, suspend the
12 person's driving privileges for one year and at the end of the suspension,
13 restrict the person's driving privileges for 10 years to driving only a motor
14 vehicle equipped with an ignition interlock device.

15 (3) Whenever a person's driving privileges have been restricted to
16 driving only a motor vehicle equipped with an ignition interlock device for
17 10 years under this section, such person may petition any district court for
18 relief from such restriction after five years of such restriction have been
19 served. The court shall consider, but not be limited to, whether: (A) Such
20 person's driving privileges have been restricted, suspended, revoked or
21 disqualified pursuant to another action by the division or a court; and (B)
22 such person proves installation, maintenance and use of an ignition
23 interlock device approved by the ~~division~~ *highway patrol* throughout the
24 five-year period. If the court finds that the person's driving privileges
25 should be restored, then the court shall electronically report such order to
26 the division. The division, upon receiving such order, shall restore such
27 person's driving privileges, unless such person's driving privileges have
28 been restricted, suspended, revoked or disqualified pursuant to another
29 action by the division or a court.

30 (c) Except as provided by subsection (e) and K.S.A. 8-2,142, and
31 amendments thereto, if a person who is less than 21 years of age fails a test
32 or has an alcohol or drug-related conviction in this state, penalties shall be
33 imposed pursuant to subsection (b).

34 (d) Whenever the division is notified by a provider, as defined in
35 K.S.A. 8-1008, and amendments thereto, or a court that the person has
36 failed to follow any recommendation made by the provider or otherwise
37 ordered by a court for a conviction of a violation of K.S.A. 8-1567, and
38 amendments thereto, the division shall suspend the person's driving
39 privileges until the division receives notice of the person's completion of
40 such recommendation.

41 (e) Except as provided in K.S.A. 8-2,142, and amendments thereto, if
42 a person's driving privileges are subject to suspension pursuant to this
43 section for a test refusal, test failure or alcohol or drug-related conviction

1 arising from the same arrest, the period of such suspension shall not
2 exceed the longest applicable period authorized by subsection (a) or (b),
3 and such suspension periods shall not be added together or otherwise
4 imposed consecutively. In addition, in determining the period of such
5 suspension as authorized by subsection (a) or (b), such person shall receive
6 credit for any period of time for which such person's driving privileges
7 were suspended while awaiting any hearing or final order authorized by
8 this act.

9 If a person's driving privileges are subject to restriction pursuant to this
10 section for a test failure or alcohol or drug-related conviction arising from
11 the same arrest, the restriction periods shall not be added together or
12 otherwise imposed consecutively. In addition, in determining the period of
13 restriction, the person shall receive credit for any period of suspension
14 imposed for a test refusal arising from the same arrest.

15 (f) If the division has taken action under subsection (a) for a test
16 refusal or under subsection (b) for a test failure and such action is stayed
17 pursuant to K.S.A. 8-259, and amendments thereto, or if temporary driving
18 privileges are issued pursuant to K.S.A. 8-1020, and amendments thereto,
19 the stay or temporary driving privileges shall not prevent the division from
20 taking the action required by subsection (b) for an alcohol or drug-related
21 conviction.

22 (g) The provisions of subsections (a), (b) and (c), as amended by this
23 act and section 14 of chapter 105 of the 2011 Session Laws of Kansas,
24 may be applied retroactively only if requested by a person who has had
25 such person's driving privileges suspended or restricted pursuant to
26 subsection (a), (b) or (c) prior to such amendment. Such person may apply
27 to the division to have the penalties applied retroactively, as provided
28 under K.S.A. 8-1015(g), and amendments thereto.

29 (h) When modifying penalties pursuant to subsection (g), the division
30 shall credit any suspension or revocation time in excess of one year which
31 was imposed and served prior to retroactive application of the provisions
32 of subsections (a), (b) and (c), as amended by this act and section 14 of
33 chapter 105 of the 2011 Session Laws of Kansas, toward the required
34 ignition interlock restriction period imposed pursuant to the retroactive
35 application of such provisions if: (1) The person's driving record indicates
36 no driving by the person during the applicable suspension or revocation
37 period; and (2) the person completes a form prescribed by the division
38 indicating that the person did not drive during the applicable suspension or
39 revocation period.

40 (i) As used in this section, "suspension" includes any period of
41 suspension and any period of restriction as provided in K.S.A. 8-1015(a),
42 and amendments thereto.

43 Sec. 3. K.S.A. ~~2020~~ {2021} Supp. 8-1015 is hereby amended to read

1 as follows: 8-1015. (a) (1) Except as provided in subsection (a)(2),
2 whenever a person's driving privileges have been suspended for one year
3 as provided in K.S.A. 8-1014(a), and amendments thereto, after 90 days of
4 such 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) The division shall assess an application fee of \$100 for a person to
38 apply to modify the suspension to restricted ignition interlock status.

39 (6) The division shall approve the request for such restricted license
40 unless such person's driving privileges have been restricted, suspended,
41 revoked or disqualified pursuant to another action by the division or a
42 court. If the request is approved, upon receipt of proof of the installation of
43 such device, the division shall issue a copy of the order imposing such

1 restrictions on the person's driving privileges and such order shall be
2 carried by the person at any time the person is operating a motor vehicle
3 on the highways of this state. Except as provided in K.S.A. 8-1017, and
4 amendments thereto, if such person is convicted of a violation of the
5 restrictions, such person's driving privileges shall be suspended for an
6 additional year, in addition to any term of suspension or restriction as
7 provided in K.S.A. 8-1014(a) or (b), and amendments thereto.

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

13 (2) When a person has completed the suspension pursuant to K.S.A.
14 8-1014(b)(1)(A), and amendments thereto, the division shall restrict the
15 person's driving privileges for one year to driving only a motor vehicle
16 equipped with an ignition interlock device if the records maintained by the
17 division indicate that such person has previously: (A) Been convicted of a
18 violation of K.S.A. 8-1599, and amendments thereto; (B) been convicted
19 of a violation of K.S.A. 41-727, and amendments thereto; (C) been
20 convicted of any violations listed in K.S.A. 8-285(a), and amendments
21 thereto; (D) been convicted of three or more moving traffic violations
22 committed on separate occasions within a 12-month period; or (E) had
23 such person's driving privileges revoked, suspended, canceled or
24 withdrawn.

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

34 (d) Whenever an ignition interlock device is required by law, such
35 ignition interlock device shall be approved by the ~~division~~ *highway patrol*
36 and maintained at the person's expense. Proof of the installation of such
37 ignition interlock device, for the entire period required by the applicable
38 law, shall be provided to the division before the person's driving privileges
39 are fully reinstated. Every person who has an ignition interlock device
40 installed as required by law shall be required to complete the ignition
41 interlock device program pursuant to rules and regulations adopted by the
42 secretary of revenue and proof of completion shall be provided to the
43 division by the approved service provider before the person's driving

1 privileges are fully reinstated.

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

10 (f) Upon expiration of the period of time for which restrictions are
11 imposed pursuant to this section, the licensee may apply to the division for
12 the return of any license previously surrendered by the licensee. If the
13 license has expired, the person may apply to the division for a new license,
14 which shall be issued by the division upon payment of the proper fee and
15 satisfaction of the other conditions established by law, unless the person's
16 driving privileges have been suspended or revoked prior to expiration.

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

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

43 Sec. 4. K.S.A. 8-1016 is hereby amended to read as follows: 8-1016.

1 (a) (1) ~~The secretary of revenue~~ *superintendent of the highway patrol* may
2 adopt rules and regulations for:

3 ~~(1)(A)~~ (A) The approval by the ~~division~~ *highway patrol* of models and
4 classes of ignition interlock devices suitable for use by persons whose
5 driving privileges have been restricted to driving a vehicle equipped with
6 such a device;

7 ~~(2)(B)~~ (B) the calibration and maintenance of such devices, which shall
8 be the responsibility of the manufacturer; and

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

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

23 ~~(4)(3)~~ (3) The ~~division~~ *superintendent of the highway patrol* shall adopt
24 by rules and regulations participant requirements for proper use and
25 maintenance of a certified ignition interlock device during any time period
26 the person's license is restricted by the ~~division~~ *highway patrol* to only
27 operating a motor vehicle with an ignition interlock device installed and ~~by~~
28 ~~rules and regulations~~ the reporting requirements of the approved
29 manufacturer to the ~~division~~ *highway patrol* relating to the person's proper
30 use and maintenance of a certified ignition interlock device.

31 ~~(5)(4)~~ (4) The ~~division~~ *highway patrol* shall require that each
32 manufacturer provide a credit of at least 2% of the gross program revenues
33 in the state as a credit for those persons who have otherwise qualified to
34 obtain an ignition interlock restricted license under this act who are
35 indigent as evidenced by qualification and eligibility for the federal food
36 stamp program.

37 (b) If the ~~division~~ *highway patrol* approves an ignition interlock
38 device in accordance with rules and regulations adopted under this section,
39 the ~~division~~ *highway patrol* shall give written notice of the approval to the
40 manufacturer of the device. Such notice shall be admissible in any civil or
41 criminal proceeding in this state.

42 (c) The manufacturer of an ignition interlock device shall reimburse
43 the ~~division~~ *highway patrol* for any cost incurred in approving or

1 disapproving such device under this section.

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

5 (e) *All rules and regulations of either the secretary of revenue or the*
6 *division of vehicles adopted pursuant to this section that are in effect on*
7 *June 30, ~~2021~~ {2022}, shall be deemed to be the rules and regulations of*
8 *the superintendent of the highway patrol and shall continue to be effective*
9 *until amended, revoked or nullified pursuant to law.*

10 Sec. 5. K.S.A. 8-1016 and K.S.A. ~~2020~~ {2021} Supp. 8-241, 8-1014
11 and 8-1015 are hereby repealed.

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