

**8-2,136. Same; prohibiting driving with alcohol in person's system; out-of-service order.** (a) Notwithstanding any other provisions of this act, a driver shall not drive, operate or be in physical control of a commercial motor vehicle while having alcohol in such driver's system.

(b) A driver who drives, operates or is in physical control of a commercial motor vehicle while having alcohol in such driver's system or who refuses to take a test to determine their alcohol content as provided by K.S.A. 8-2,142, and amendments thereto, shall be placed out-of-service for 24 hours.

(c) A driver convicted of violating an out-of-service order while driving or operating a commercial motor vehicle shall be subject to the following disqualifications:

- (1) First conviction, the driver is disqualified for 90 days;
- (2) second conviction, the driver is disqualified for one year;
- (3) third and subsequent conviction, the driver is disqualified for three years.

**History:** L. 1989, ch. 38, § 12; L. 1995, ch. 190, § 6; July 1.