

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 146

As Amended by Senate Committee of the Whole

Brief*

SB 146, as amended, would transfer oversight of state certification of ignition interlock device (IID) manufacturers and service providers from the Kansas Department of Revenue (KDOR) to the Kansas Highway Patrol (KHP).

The bill would:

- State moneys credited to the DUI-IID Designation Fund (from a \$10 fee paid for a driver's license with ignition interlock designation) would be used by the KHP to fund administration and oversight of state-certified ignition interlock manufacturers and their service providers (Section 1);
- Specify an IID must be approved by the KHP (Sections 2, 3, and 4);
- Transfer authority for adopting rules and regulations regarding approval of IIDs, calibration and maintenance of IIDs, ensuring each approved IID manufacturer provides a reasonable statewide service network for calibration and maintenance of the devices, and participant requirements for proper use and maintenance of IIDs to the superintendent of the KHP (Section 4); and
- Deem current rules and regulations on this subject to be rules and regulations of the superintendent of the KHP (Section 4).

*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>

The bill would require the KHP, rather than the Division of Vehicles (Division), KDOR, to require a manufacturer to provide credit for persons who have otherwise qualified for an IID license who are indigent, and an IID manufacturer to reimburse the KHP, rather than the Division, for any cost incurred in approving or disapproving such a device (Section 4).

Background

The bill was introduced by the Senate Committee on Transportation at the request of a representative of the Division.

Senate Committee on Transportation

In the Senate Committee hearing in 2021, representatives of the Division and the Coalition of Ignition Interlock Manufacturers provided **proponent** testimony, and the superintendent of the KHP provided written-only proponent testimony. Proponents stated the bill would codify current practices accomplished through a memorandum of understanding, and stated the system has worked well to ensure the devices are installed properly and all services are being provided correctly. They stated enactment of the bill would not change the Division's role in handling driver status and restriction periods. No other testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to update the date of rules and regulations that would be deemed to be those of the KHP and to update statutory references.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget in 2021, KDOR and the KHP indicate enactment of the bill would have no fiscal effect on statewide expenditures because the KHP already incurs the expenditures associated with administering the DUI-IID Program. The KHP notes reimbursements from KDOR totaled \$68,923 in FY 2020.

Ignition interlock; Kansas Highway Patrol; Department of Revenue; DUI