

SENATE BILL No. 405

By Committee on Judiciary

2-11

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) 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) (1) Whenever an ignition interlock device is required by law, such
35 ignition interlock device shall be approved by the division and maintained
36 at the person's expense. Proof of the installation of such ignition interlock
37 device, for the entire period required by the applicable law, shall be
38 provided to the division before the person's driving privileges are fully
39 reinstated.

40 (2) Every person who has an ignition interlock device installed as
41 required by law shall be required to complete the ignition interlock device
42 program pursuant to *this section and* rules and regulations adopted by the
43 secretary of revenue ~~and proof of completion shall be provided to the~~

1 ~~division by~~. *A person may only complete the ignition interlock device*
2 *program if the person has no more than three standard violations and no*
3 *serious violation in the 90 consecutive days prior to application for*
4 *reinstatement, and the application occurs upon or after expiration of the*
5 *applicable ignition interlock period required by law. The approved service*
6 *provider shall provide proof of completion to the division before the*
7 *person's driving privileges are fully reinstated.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (3) ensuring that each manufacturer ~~approved~~ provides a reasonable

1 statewide service network where such devices may be obtained, repaired,
2 replaced or serviced and such service network can be accessed 24 hours
3 per day through a toll-free phone service;

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

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

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

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

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

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

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

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

42 (d) Neither the state nor any agency, officer or employee thereof shall
43 be liable in any civil or criminal proceeding arising out of the use of an

1 ignition interlock device approved under this section.

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

13 (2) If the division determines that the person is eligible for reduced
14 ignition interlock device program costs, the person shall be responsible
15 for paying the following amounts, and the manufacturer providing the
16 person's device shall adjust the manufacturer's charge for services
17 accordingly:

18 (A) For a person whose household income is less than or equal to
19 300% but greater than 200% of the federal poverty level, 90% of the
20 program costs plus any additional costs due to non-compliance;

21 (B) for a person whose household income is less than or equal to
22 200% but greater than 150% of the federal poverty level, 75% of the
23 program costs plus any additional costs due to non-compliance;

24 (C) for a person whose household income is less than or equal to
25 150% but greater than 100% of the federal poverty level, 50% of the
26 program costs plus any additional costs due to non-compliance;

27 (D) for a person whose household income is less than or equal to
28 100% of the federal poverty level, 25% of the program costs plus any
29 additional costs due to non-compliance; and

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

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

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

40 (b) Whenever a law enforcement officer determines that a breath or
41 blood alcohol test is to be required of a person less than 21 years of age
42 pursuant to K.S.A. 8-1001 or K.S.A. 8-2,142, and amendments thereto, in
43 addition to any other notices required by law, the law enforcement officer

1 shall provide written and oral notice that: (1) It is unlawful for any person
2 less than 21 years of age to operate or attempt to operate a vehicle in this
3 state with a breath or blood alcohol content of 0.02 or greater; and (2) if
4 the person is less than 21 years of age at the time of the test request and
5 submits to and completes the test or tests and the test results show an
6 alcohol concentration of 0.02 or greater, but less than 0.08, on the person's
7 first occurrence, the person's driving privileges will be suspended for 30
8 days and on the person's second or subsequent occurrence, the person's
9 driving privileges shall be suspended for one year.

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

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

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

34 (2) With regard to a breath test, in addition to those matters required
35 to be certified under subsection (d)(1), that: (A) The testing equipment
36 used was certified by the Kansas department of health and environment;
37 (B) the testing procedures used were in accordance with the requirements
38 set out by the Kansas department of health and environment; and (C) the
39 person who operated the testing equipment was certified by the Kansas
40 department of health and environment to operate such equipment.

41 (e) If a hearing is requested as a result of a law enforcement officer's
42 certification under this section, the scope of the hearing shall be limited to
43 whether: (1) A law enforcement officer had reasonable grounds to believe

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

18 (f) If a person less than 21 years of age submits to a breath or blood
19 alcohol test requested pursuant to K.S.A. 8-1001 or K.S.A. 8-2,142, and
20 amendments thereto, and produces a test result of 0.02 or greater, but less
21 than 0.08, on the person's first occurrence, the person's driving privileges
22 shall be suspended for 30 days and then restricted as provided by K.S.A.
23 8-1015, and amendments thereto, for an additional ~~330~~ 180 days, and on
24 the person's second or subsequent occurrence, the person's driving
25 privileges shall be suspended for one year.

26 (g) Except where there is a conflict between this section and K.S.A.
27 8-1001 and 8-1002, and amendments thereto, the provisions of K.S.A. 8-
28 1001 and 8-1002, and amendments thereto, shall be applicable to
29 proceedings under this section.

30 (h) Any determination under this section that a person less than 21
31 years of age had a test result of 0.02 or greater, but less than 0.08, and any
32 resulting administrative action upon the person's driving privileges, upon
33 the first occurrence of such test result and administrative action, shall not
34 be considered by any insurance company in determining the rate charged
35 for any automobile liability insurance policy or whether to cancel any such
36 policy under the provisions of ~~subsection (4)(a) of~~ K.S.A. 40-277(4)(a),
37 and amendments thereto.

38 Sec. 5. K.S.A. 8-1016 and K.S.A. 2019 Supp. 8-235, 8-1015 and 8-
39 1567a are hereby repealed.

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