

Implied Testing Consent

Any person who operates or attempts to operate a vehicle is deemed to have given consent to submit to one or more tests of their blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. **K.S.A. 8-1001**

Preliminary Breath Test

A law enforcement officer may request a person to submit to a preliminary breath test if the officer has reasonable suspicion to believe the person a) has alcohol in their body; b) has committed a traffic infraction; c) has been involved in a motor vehicle accident or collision. **K.S.A. 8-1012**

DUI with Child Under 14

The punishment of a person convicted of a DUI while transporting a passenger under the age of 14 shall be increased by one month of imprisonment. **K.S.A. 8-1567**

Involuntary Manslaughter

If convicted of involuntary manslaughter while driving under the influence, the drunk driver will likely receive imprisonment, ranging from 38 to 172 months. **K.S.A. 21-3442**

Vehicle Impoundment

Effective July 1, 2003, state court judges and/or municipal court judges may order a vehicle to be impounded or immobilized for up to a year if the vehicle was being operated by an individual who was under the influence of alcohol or drugs and the operator was stopped for DUI and subsequently convicted. **K.S.A. 8-1567**



A Program of The Kansas Department of Transportation

Bringing Home the Costs

On an average day in Kansas, six persons are killed or injured in alcohol-related crashes, and 48 are arrested for DUI. Pain and loss ripples out from each incident, indiscriminately striking spouse, child, sibling, friend, employer and co-worker. The rest of us are affected as well: alcohol-related crashes in Kansas cost its citizens nearly \$469 million annually in lost productivity, medical costs, property damage, and other direct expenditures.*

*Kansas Department of Transportation

This information is available in alternative accessible formats.

For more information, contact:

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DUI

2005 KANSAS FACTS*

- **93 persons died in 3,039 alcohol-related crashes on Kansas roadways — one person every four days.**
- **1,932 people received injuries in alcohol-related crashes; that's five persons each day.**
- **17,672 DUI arrests were made on Kansas roads.**

*Kansas Department of Transportation

PENALTIES

In Kansas, it's against the law to operate or attempt to operate a motor vehicle while having a blood or breath alcohol concentration (BAC) of .08 or above. K.S.A. 8-1567

First Offense

- Minimum mandatory imprisonment is 48 consecutive hours (maximum of 6 months) or 100 hours of community service, at the court's discretion.
- Court ordered completion of an alcohol and drug safety action education program and/or treatment program (violator expense).
- Fines from \$500 to \$1,000, plus court costs, probation and evaluation fees.
- Suspension of driving privileges for 30 days, then restricted for an additional 330 days.
- Possible impoundment of vehicle for up to one year.

Second Offense

- 90 days to one year in prison.
- Fines from \$1,000 to \$1,500, plus court costs, probation and evaluation fees.
- Suspension of driving privileges for a period of one year and until the offender completes the court ordered treatment program for alcohol and drug abuse (violator expense).
- After a one-year suspension of driving privileges is completed, the offender is restricted to driving only a motor vehicle equipped with an ignition interlock device for one year. Proof of such device's installation and use shall be provided to the Division of Motor Vehicles before driving privileges are fully reinstated.
- Possible impoundment of vehicle for up to one year.

Third Offense

- 90 days to one year in prison.
- Fines from \$1,500 to \$2,500, plus court costs, probation and evaluation fees.
- Suspension of driving privileges for a period of one year and until the offender completes the court ordered treatment program for alcohol and drug abuse (violator expense).
- After a one-year suspension of driving privileges is completed, the offender is restricted to driving only a motor vehicle equipped with an ignition interlock device for one year. Proof of such device's installation and use shall be provided to the Division of Motor Vehicles before driving privileges are fully reinstated.
- Classified as a felony offense.
- Possible impoundment of vehicle for up to one year.

Fourth Offense

- 90 days to one year in prison.
- Fine of \$2,500 plus court costs, probation and evaluation fees.
- Suspension of driving privileges for a period of one year. Any court may revoke a person's license plate or temporary registration for a period of one year.
- After a one-year suspension of driving privileges is completed, the offender is restricted to driving only a motor vehicle equipped with an ignition interlock device for one year. Proof of such device's installation and use shall be provided to the Division of Motor Vehicles before driving privileges are fully reinstated.
- At the end of the incarceration/work release program, the offender will be placed in the custody of the Secretary of the Kansas Department of Corrections for a one-year period of post-release supervision which shall be required to include completion of a drug/alcohol treatment program (violator expense).
- Classified as a felony offense.
- Possible impoundment of vehicle for up to one year.

Fifth and Subsequent Offense

- Penalties same as fourth offense with the stipulation that an offender's driving privileges will be permanently revoked.

Zero Tolerance for Youth

If you are under 21 years of age, this law makes it illegal to operate or attempt to operate a motor vehicle in Kansas with a breath or blood alcohol content of .02 or above. **K.S.A. 8-1567a, K.S.A. 8-1001**

- **First Offense:** Driving privileges suspended for 30 days and restricted for 330 days (.02-.07 BAC); driving privileges suspended for up to one year (.08 or greater BAC).
- **Second and Subsequent Offense:** Driving privileges suspended for one year.

Minor in Possession

If you are under 21 and found to be drinking or in possession of cereal malt beverages or alcoholic liquor, your driver's license will be suspended for 30 days on a first offense, 90 days on a second offense and one year on a third offense. **K.S.A. 41-727**

All information intended for educational purposes only. Administrative actions are the responsibility of the Kansas Department of Revenue which may be reached at (785) 296-3671. Online statute search is available at www.kslegislature.org.