

DUI Law Enforcement Quick Reference Guide

**KANSAS Traffic Safety
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Programs of the Kansas Department of Transportation

K.S.A.	STO	Driving under the Influence, including Charging Subsections				
8-1567	30	(a1) No person shall operate or attempt to operate any vehicle while alcohol concentration in the person's blood or breath, as defined in paragraph (1) of subsection (f) of KSA 8-1013, is .08 or greater	(2) alcohol concentration in the person's blood or breath as measured within two hours of time of operating or attempting to operate a vehicle is .08 or greater	(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle	(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle	(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle
8-1567h	30(f)	Child under 14 in vehicle	add one month to jail time			
8-2,144	30.1	.04-.079 BAC Driving commercial motor vehicle under the influence of alcohol or drugs	.08 and greater BAC charge under 8-1567			
8-1012	30.2	Refuse to submit to a preliminary breath test	Charge as traffic infraction			
			Other alcohol/drug offenses			
8-1599	106	Transporting open container of an alcoholic beverage accessible to driver				
8-260	199	Unlawful use of license (fake, borrowed or reproduced; or lending to a minor)				
65-4165		Abusing toxic vapors				
KSA	UPOC		Minors alcohol			
8-1567a		DUI by any person less than 21 years of age with BAC .02 or greater				
41-727	5.8	(g) Request a minor to submit to a preliminary breath test				
41-727	5.8	Person under 21 shall not possess, consume, obtain, or purchase alcoholic liquor or cereal malt beverages				
21-3610	5.2	Furnishing alcohol				
21-3610c	5.3	Hosting minors-residence, land, building, structure or rented room				

Administrative penalties		Administrative penalties		Failed test .08%	Failed test .15%
8-1001	30.2	Implied consent	One year suspended license for first occurrence Two year suspended for second occurrence Three year suspended for third occurrence Ten year suspended for fourth occurrence Permanent revocation for fifth & subsequent occurrences		
8-1567	30	Driving Under the Influence: First offense	Class B; \$500-\$1,000 fine; 48 hours to six months jail time; treatment program	Thirty days suspended; restricted 330 days	One year suspended; one year interlock
8-1567	30	Second offense	Class A; \$1,000-\$1,500 fine; 90 days to one year jail time; treatment program; vehicle impoundment	One year suspended; one year interlock	One year suspended; two years interlock
8-1567	30	Third offense	Felony; \$1,500-\$2,500 fine; 90 days to one year jail time; treatment; impoundment	One year suspended; one year interlock	One year suspended; three years interlock
8-1567	30	Fourth offense	Felony; \$2,500 fine; 90 days to one year jail time; treatment; impoundment	One year suspended; one year interlock	One year suspended; four years interlock
8-1567	30	Fifth offense	Felony	Permanent suspension	Permanent suspension
8-1567	30	Child under 14 in vehicle	Add one month to jail time		
8-2,144	30.1	Driving commercial motor vehicle under the influence of alcohol or drugs	Up to 6 months in jail, fine up to \$500	BAC .04% and up upon conviction shall disqualify the person from driving a commercial motor vehicle	
8-1012	30.2	Refuse to submit to a preliminary breath test	Traffic infraction		

KSA	UPOC	Administrative penalties for offenses by a minor	
8-1567a		A person driving who is less than 21 years of age with a BAC of .02 or greater	30 days suspended. Restricted 330 days
41-727g	5.8	Request a minor to submit to a preliminary breath test	
41-727	5.8	Minor in possession or consumption: First offense	30 days suspended
41-727	5.8	Second, third and subsequent offenses	One year suspended
21-3610	5.2	Furnishing alcohol	Class B; \$200 fine
21-3610c	5.3	Hosting minors at residence, land, building, structure or rented room	Class A; \$1,000 fine; up to one year in jail

All information contained in this brochure is intended for educational purposes only. Administrative actions (e.g. drivers license suspension) are the responsibility of the Department of Revenue, which may be reached at 785-296-3671. Online statute search is available at www.kslegislature.org