

Kansas Administrative Regulations

Kansas Department of Revenue

Article 56.—Ignition Interlock Devices

92-56-9. Proof of installation.

(a) If a driver is unable to provide proof of installation of the device to the division for the full restriction period required by K.S.A. 8-1014 and amendments thereto, the director shall extend the ignition interlock device restriction period until the driver provides the division with proof that the driver has had a device installed in a vehicle for a period that is equal to or greater than the initial ignition interlock device restriction period required by K.S.A. 8-1014 and K.S.A. 8-1015(d), and amendments thereto.

(b) Any device may deviate from the breath sample requirement by accepting a breath sample of less than 1.2 liters of air if the deviation is approved in advance by the division to address valid accommodation requests under the Americans with disabilities act of 1990. Each request for accommodation shall be submitted on a form provided by the division. Each form shall require a certification by a licensed pulmonologist that the driver has a lung condition that will render the driver incapable of blowing a normal breath sample, 1.2 liters of air or more, into an ignition interlock device.

(c) If an accommodation that is requested pursuant to subsection (b) cannot be made for a driver that is a qualified individual with a disability as defined by 42 U.S.C. 12131(2), and amendments thereto, the director, upon the driver's request, may reinstate the driver's license after the initial ignition interlock device restriction period if the records maintained by the division have no indication of the occurrence of any of the following offenses during the entire initial ignition interlock device restriction period:

- (1) Conviction pursuant to K.S.A. 8-1599, and amendments thereto;
- (2) conviction pursuant to K.S.A. 41-727, and amendments thereto;
- (3) conviction of any violation listed in K.S.A. 8-285(a), and amendments thereto;
- (4) conviction of three or more moving traffic violations committed on separate occasions within a 12-month period; or

(5) revocation, suspension, cancellation, or withdrawal of the person's driving privileges due to an unrelated event.

If the driver that is requesting accommodation has any offenses during the initial ignition interlock device restriction period, the director shall not reinstate the driver's full driving privileges until the driver has no such offenses for the year before the driver's request for reinstatement of full driving privileges. This subsection shall not serve as a defense to allegations that the driver has violated K.S.A. 8-1017, and amendments thereto, during any required ignition interlock device restriction period.

(d) The director may waive the requirement for proof of ignition interlock device installation, upon a driver's request, if the director determines that all of the following conditions are met:

(1) The driver's ignition interlock device restriction period has been extended at least two years beyond the initial ignition interlock device restriction period due to the driver's failure to provide the division with proof of installation as required by subsection (a).

(2) The driver has not had an "alcohol or drug-related conviction" or "occurrence," as those terms are defined by K.S.A. 8-1013 and amendments thereto, a conviction pursuant to K.S.A. 8-1017 and amendments thereto, or a conviction of a violation of a law of another state that would constitute a violation similar to any violation specified in K.S.A. 8-1017 and amendments thereto, during the ignition interlock device restriction period.

(3) The driver has not had any violations specified in paragraphs (c)(1) through (c)(5) during the ignition interlock device restriction period.

(4) The driver has never held a driver's license issued by the state of Kansas.

(5) The driver provides the director with clear and compelling evidence that the driver does not reside in Kansas and did not reside in Kansas during the ignition interlock device restriction period.

(Authorized by K.S.A. 8-1016; implementing K.S.A. 2013 Supp. 8-1015 and K.S.A. 8-1016; effective May 2, 2014.)