

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Julie L. Lorenz, Secretary
Brendan Yorkey, Chief



Phone: 785-296-3640
Fax: 785-368-7415
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

MEMO TO: Adam Proffitt
Director of the Budget

ATTENTION: Leyton Gunn

FROM: Brendan Yorkey, Chief
Office of Finance and Budget

DATE: March 3, 2022

SUBJECT: HB 2377, as amended

A BRIEF ANALYSIS OF THE PROPOSED LEGISLATION

HB 2377, as amended, would make several changes to Driving Under the Influence (DUI) laws. The bill would enact a compliance-based removal of an ignition interlock device for those convicted on DUI and sanctioned with an ignition interlock device. The bill would also eliminate the current 90-day waiting period to get an ignition interlock device installed. Furthermore, the bill would move the conviction of a felony DUI conviction to the sentencing grid. In addition, the bill would remove the opportunity for someone convicted of a DUI to receive a motorized bicycle license.

A STATEMENT ABOUT HOW THE BILL WOULD AFFECT AGENCY RESPONSIBILITIES

As amended, the State of Kansas should remain in compliance with the provisions of 23 U.S.C. 164 minimum penalties for repeat offenders for driving under the influence.

Removing of the opportunity for a DUI offender to receive a motorized bicycle license may qualify the state for an estimated \$250,000 in funding from the National Highway Traffic Safety Administration. Any state that requires all DUI offenders receive an ignition interlock is eligible for this annual allotment. The annual funding could be used to support any behavioral traffic safety program under 23 U.S.C. Section 402.

THE DOLLAR EFFECT ON THE AGENCY BUDGET (EXPENDITURES AND RECEIPTS) BY FUNDING SOURCE

As amended, the State of Kansas should remain in compliance with the provisions of 23 U.S.C. 164 minimum penalties for repeat offenders for driving under the influence and, therefore, the current federal transportation obligations and KDOT budget should not be impacted.

The implementation of HB 2377, as amended, should increase federal funding to support behavioral safety programs under 23 U.S.C. Section 402 by an estimated \$250,000.

THE ASSUMPTIONS USED TO DEVELOP COST ESTIMATES OR ANTICIPATED REVENUES

Annual funding allotments for a state that has an all-offender ignition interlock law are based upon the number of states that qualify and reasonable estimates based on previous allocations to other states.

WHETHER THE BILL COULD BE IMPLEMENTED WITHIN THE CURRENTLY APPROVED STAFFING AND OPERATING EXPENDITURE LEVELS, OR WHETHER ADDITIONAL STAFF OR EXPENDITURES WILL BE REQUESTED

The bill could be administered within current staffing and operating expenditure levels.

THE LONG-RANGE FISCAL EFFECT OF THE BILL, INCLUDING ESTIMATES FOR THREE FISCAL YEARS, FOLLOWING THE BUDGET YEAR

As amended, this bill should not impact current federal transportation funding obligations for the Kansas Department of Transportation.

Enacting laws that require every DUI offender to have an ignition interlock sanction on their license could provide an estimated \$750,000 over the next three years to support traffic safety programs focused on reducing death and injury on Kansas roads.