

Proposed

Commercial Motor Vehicle Office
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Topeka, KS 66612



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Nick Jordan, Secretary
Lisa Kaspar, Director

Sam Brownback, Governor

**State of Kansas
Department of Revenue
Notice of Hearing on Proposed Administrative Regulations**

A public hearing will be conducted by the Department of Revenue at 9:00 a.m. on Thursday, March 27, 2014, in Room 230, Secretary's Conference Room on the second floor of the Docking State Office Building, 915 SW Harrison, Topeka to consider amendments to ignition interlock device regulations. Copies of these proposed regulations may be found at www.ksrevenue.org.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments on the proposed regulations prior to the hearing to Kathleen Smith, Tax Specialist, Office of Policy and Research, Room 230, Docking State Office Building, 915 SW Harrison, Topeka, Kansas 66612 or through e-mail at kathleen.smith@kdor.ks.gov.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Kathleen Smith at (785) 296-3081 or TTY (785) 296-6461. Disabled parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The east entrance to the Docking Building is accessible.

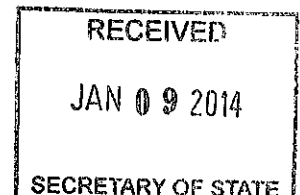
These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and the economic impacts follows:

**Kansas Department of Revenue
Article 56. Ignition Interlock Devices**

Amendments to K.A.R. 92-56-1. The proposed K.A.R. 92-56-1 modifies and adds defined terms to Article 56 of Chapter 92 of the Kansas Administrative Regulations.

Economic Impact:

The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.



Amendments to K.A.R. 92-56-2. The proposed K.A.R. 92-56-2 modifies required technical specifications for State approved breath alcohol ignition interlock device (BAIID) installation and manages the BAIID manufacturer once it is approved to do business within the State.

Economic Impact:

The adoption of this regulation will have an economic impact upon the Department of Revenue. The Department anticipates that changes to these regulations will require approximately 10 hours of work a week for the first year. The additional work shall be absorbed through existing positions.

The Department anticipates that there will be substantial economic impact on some of the State's currently approved BAIID Manufacturers. The Department anticipates that two or three of the BAIID manufacturers are close to having physical locations in all 31 State judicial districts. Other BAIID manufacturers may have to bear additional expenses as they try to develop additional physical locations to satisfy the requirements. The Department is softening the requirement by giving a grace period to all BAIID manufacturers for regulatory compliance to the new State judicial district rule.

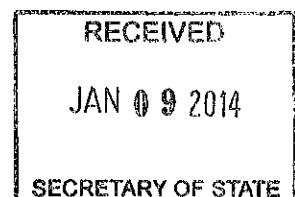
Amendments to K.A.R. 92-56-4. The proposed K.A.R. 92-56-4 modifies required installation, inspection, and calibration standards for BAIID service providers in the State. The modifications are described below:

- a. Reduction of the set point from .04 to .03. The set point is the amount of alcohol that is observed in a driver's breath wherein an amount equal to or greater in the driver's breath sample will result in the vehicle's ignition system being disabled.
- b. Provided instruction on when rolling BAIID retests of the driver are to occur.
- c. Shorten the default calibration cycle from 60 days to 30 days.
- d. Clarify the BAIID service providers' responsibility that the devices anti-circumvention features must be enabled unless the service provider has received approval from the Division of Vehicles.
- e. Create authority for the Division of Vehicles to conduct spot checks of BAIID manufacturers and their service providers.
- f. Creating standards for BAIID manufacturers when developing and maintaining the BAIID manufacturer's service providers.
- g. Creates a prohibition on BAIID service providers working on their own vehicles to satisfy State license sanction requirements.
- h. Prohibits BAIID manufacturers from compelling State customers to travel outside the State to receive BAIID services.

Economic Impact:

The adoption of this regulation will have an economic impact upon the Department of Revenue. The Department anticipates that changes to these regulations will require approximately 10 hours of work a week regarding the management and regulation of BAIID service providers. The Department anticipates that there will be little or slight economic impact to the Kansas Department of Revenue based on the other modifications to the regulation. The additional work shall be absorbed through existing positions.

The Department anticipates that there will be economic impact on some of the State's currently approved BAIID Manufacturers. The following describes those impacts:



a. Slight economic impact to BAIID industry. Because the set point is being reduced to .03 from .04 there will be a proportional increase in test failures and lockouts, and that will lead to an increase in customer visits to BAIID service providers to inspect and recalibrate the BAIID. The customer can avoid these visits by not attempting to start his or her vehicle while he or she has alcohol in his/her system.

b. No economic impact.

c. This shortening of the calibration period will have an economic impact on the BAIID service providers for it will require more work. Rather than a 10 to 30 minute calibration once every 60 days, the BAIID service provider will be required to perform the work more frequently. This cost is reduced somewhat by the new requirement that a BAIID manufacturer have a fixed location in the State's judicial districts. The cost to the consumer should remain about the same because some BAIID service providers were charging a greater amount for the 60 day calibration check.

d. No economic impact.

e. No economic impact.

f. No economic impact.

g. No economic impact.

h. No economic impact.

Amendments to K.A.R. 92-56-5. The proposed K.A.R. 92-56-5 modifies the Department of Revenue's revocation and suspension process for State approved BAIID manufacturers. The modifications are described below:

a. The insurance requirement contained in K.A.R. 92-56-3 remains a continuing requirement for State certification and does not need to be addressed in the regulation.

b. The regulation is modified to specifically incorporate the other ignition interlock regulations and to emphasis that the BAIID manufacturer is responsible for the actions of its representative and service providers.

c. The regulation is modified to specifically address failures of a BAIID manufacturer to maintain and support an indigency program.

d. The regulation is modified to specifically address the Department's authority to take action upon a BAIID manufacturer's failure to comply with the State wide coverage requirement of K.S.A. 8-1017.

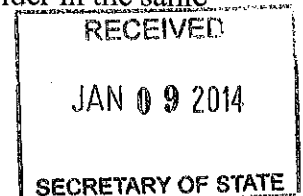
e. Provides the Department with authority to suspend a BAIID manufacturer rather than revoke such manufacturer. The modification also gives the Department authority to compel a BAIID manufacturer to terminate its relationship with a problematic BAIID service provider.

Economic Impact:

The adoption of this regulation will have little economic impact upon the Department of Revenue.

The Department anticipates that the most significant economic impact from this regulation will concern the new State judicial district requirement for BAIID manufacturers that will require all manufacturers have a greater physical location foot print throughout the State. Some BAIID manufacturers that do not currently promote a State wide network of service will have to undertake some expense to comply with the statute and these regulations.

Adoption of K.A.R. 92-56-6. Service provider; relocation and replacement. The proposed K.A.R. 92-56-6 is a new regulation that clarifies a BAIID manufacturer's responsibilities when its service provider terminates its relationship with the BAIID manufacturer or when such manufacturer replaces a service provider with another service provider in the same



State judicial district. The regulation provides the customer and Department of Revenue with direction when dealing with a BAIID manufacturer that temporarily or permanently moves out of a geographic area.

Economic Impact:

The adoption of this regulation will have little economic impact upon the Department of Revenue.

The Department does not anticipate this regulation will have significant negative economic impact on BAIID manufacturers. A version of this regulation is found in many other states and the BAIID manufacturers are familiar with the requirement.

Adoption of K.A.R. 92-56-7. Security; tampering prohibitions; conflict of interest.

The proposed K.A.R. 92-56-7 is a new regulation that increases the level of professionalism required of BAIID service providers and manufacturer's representatives. The first part of the regulation prohibits a service provider from tampering with or circumventing the BAIID to assist a customer in avoiding his or her BAIID restriction requirements. The regulation also requires a BAIID service provider to not permit a customer to directly observe the installation and/or service of the BAIID. The purpose of such prohibition is to avoid empowering the customer with knowledge to tamper with or circumvent security features contained in the BAIID. The second part of the regulation prohibits a service provider, service provider's employee, or manufacturer's representative from installing a BAIID in their own vehicle for purposes of satisfying Department of Revenue driver's license restriction requirements.

Economic Impact:

The adoption of this regulation will have no economic impact upon the Department of Revenue.

The Department does not anticipate this regulation will have significant economic impact on BAIID manufacturers. A version of this regulation is found in many other states and the BAIID manufacturers are familiar with the requirement.

Adoption of K.A.R. 92-56-8. Device removal. The proposed K.A.R. 92-56-8 is a new regulation that increases the level of professionalism required of BAIID service providers and manufacturer's representatives relating to the removal of the BAIID from the customer's vehicle.

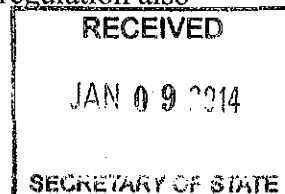
In addition, the regulation creates explicit notification requirements for the BAIID service provider that will assist the customer and Division of Vehicles to transition the customer's driver's license status to regular driving privileges upon the completion of required license sanctions and controls.

Economic Impact:

The adoption of this regulation will have no economic impact upon the Department of Revenue.

The Department does not anticipate this regulation will have significant economic impact on BAIID manufacturers. A version of this regulation is found in many other states and the BAIID manufacturers are familiar with the requirement.

Adoption of K.A.R. 92-56-9. Proof of installation. The proposed K.A.R. 92-56-9 is a new regulation that clarifies the requirement in K.S.A. 8-1015, and amendments thereto, that mandates the Division of Vehicles can only fully reinstate normal driving privileges once it has received proof of completion of any mandatory BAIID restriction period. The regulation also



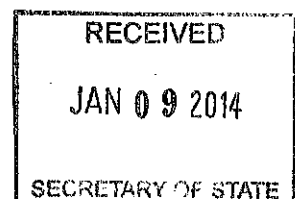
addresses rare instances wherein a customer is confronted with: 1) a disability that affects his or her ability to provide a normal breath sample; or 2) logistical problems based on the driver's state not having a BAID program or alternative.

Economic Impact:

The adoption of this regulation will have little economic impact upon the Department of Revenue. If there is any impact, it will be positive to the Department for the regulation will assist the State's disabled and help the Department address those cases on a case by case basis.

The Department does not anticipate this regulation will have significant economic impact on other government agencies, private businesses, or individuals.

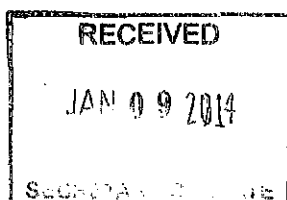
A copy of these regulations and the economic impact statements may be obtained from the Kansas Department of Revenue, Office of Policy and Research, Room 230, Docking State Office Building, 915 SW Harrison, Topeka, Kansas 66612-1588 or via our website: www.ksrevenue.org.



92-56-1. Ignition interlock device; definitions. As used in these regulations ~~this article~~, each of the following terms shall have these meanings the meaning specified in this regulation: (a) ~~“Ignition interlock device” and “Device” mean an electronic~~ means “ignition interlock device,” as defined in K.S.A. 8-1013 and amendments thereto. This device ~~using~~ uses microcomputer logic and internal memory and ~~having~~ has a breath alcohol analyzer as a major component that interconnects with the ignition and other control systems of a motor vehicle. This device measures the breath alcohol concentration (BrAC) of an intended driver to prevent the motor vehicle from being started if the BrAC exceeds a preset limit and to deter and record ~~attempts to circumvent~~ any instances of circumvention or ~~tamper with the device~~ tampering.

(b) “Alcohol setpoint” means the breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the normal lockpoint at which the ignition interlock device is set at the time of calibration. The alcohol setpoint shall be .03. The alcohol setpoint for retests shall be set at ~~.06 as a safety factor to preclude a false positive test result during the operation of the vehicle~~ .03.

(c) “BrAC” means the breath alcohol concentration expressed ~~in percent~~ by as weight divided by volume, based upon grams of alcohol per 210 liters of breath.



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(d) "BrAC fail" means the condition in which the ignition interlock device registers a BrAC value ~~in excess of~~ equal to or greater than the alcohol setpoint ~~limit~~ when the intended driver conducts an initial test or retest. This condition is recorded as a violation.

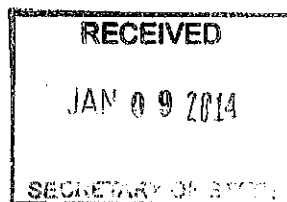
(e) "Breath sample" means the sample of alveolar or end-expiratory breath that is analyzed for the analysis of alcohol content after the expiration of a ~~minimum of~~ at least 1.2 liters of air.

(f) "Circumvention" means an overt, conscious attempt to bypass the ignition interlock device by any of the following:

- (1) Providing samples other than the natural, unfiltered breath of the driver;
- (2) starting the vehicle without using the ignition switch; or
- (3) performing any other act intended to start the vehicle without first taking and passing a breath test.

~~Circumvention permits a driver with a BrAC in excess of the alcohol setpoint to start the vehicle.~~

(g) "Director" means director of vehicles, division of vehicles of the department of revenue.



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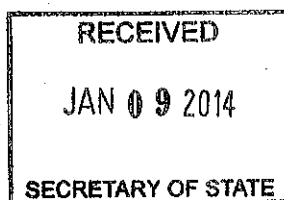
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(h) “Emergency bypass switch procedure” means the switch procedure that allows the driver to bypass the ignition interlock device in case of an emergency or failure of the device and that places the ignition interlock device in a run state mode so that no test is required when the ignition switch is turned on travel to a service provider and avoid a lockout. The bypass switch can be used only once. If used, the event shall be recorded in the event log, and the device shall be put into early service status. The emergency bypass procedure shall require the driver to provide a breath sample with a test result below the alcohol setpoint.

(h) (i) “Fail-safe” means a condition in which the ignition interlock device cannot operate properly due to a problem, including improper voltage and a dead sensor. In a fail-safe condition, the ignition interlock device will not permit the vehicle to be started.

(j) “High BrAC” means a BrAC fail result for an initial test or retest that registers an alcohol setpoint of .08 or greater.

(i) (k) “Lockout” means an instance in which the ignition interlock device will prevent the vehicle from starting. The vehicle cannot be operated until



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serviced by the service provider. A lockout occurs if any of the following events occurs:

(1) A driver incurs five or more violations between scheduled inspections with the service provider.

(2) A driver fails to submit to calibration and inspection as required by K.A.R. 92-56-4(b)(5), and the seven-day grace period has expired.

(3) A driver engages in circumvention or tampering.

(l) "Manufacturer" means the person, company, or corporation that produces an ignition interlock device and certifies to the division that the manufacturer's representative and the manufacturer's service providers are qualified to service and provide information on the manufacturer's state-approved ignition interlock device. To be a manufacturer, the division shall approve and certify the manufacturer's device for use in the state, and the approval and certification shall remain in effect.

(m) "Manufacturer's representative" means a single individual based in Kansas and designated by a manufacturer to act on behalf of or represent the manufacturer in matters relating to this article and K.S.A. 8-1001 et seq., and amendments thereto.

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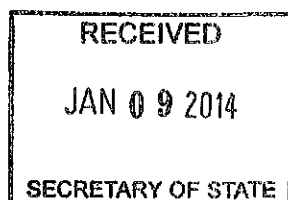
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(j) (n) "Rolling retest" means a subsequent breath test that must be conducted according to the preset conditions of the ignition interlock device for a fixed time period and must be completed while the motor vehicle is in operation. Failure to execute a valid retest will cause the vehicle ignition system to enter a lockout condition after a fixed time period. is required after the initial engine start-up breath test and while the engine is running. This term is also known as a retest or a running retest. The device shall require the driver of the vehicle to submit to a retest within 10 minutes of starting the vehicle. A rolling retest shall continue at randomized, variable intervals ranging from 10 to 45 minutes after the previous retest for the duration of the travel.

(o) "Service provider" means an ignition interlock device technician that is authorized by a manufacturer to service a certified device on behalf of the manufacturer or the manufacturer's representative. The ignition interlock device technician shall have a written agreement or authorization from a division-approved manufacturer or its manufacturer's representative to service the manufacturer's devices within Kansas.



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(p) "Services" means the installation, inspection, monitoring, calibration, maintenance, removal, replacement, and repair of division-approved ignition interlock devices within Kansas.

(q) "Tampering" means an overt, conscious attempt to physically disable, bypass, or otherwise disconnect an ignition interlock device from its power source.

(~~k~~) (r) "Violation" means either any of the following:

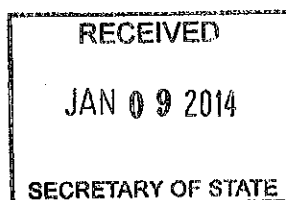
(1) The driver has blown a high BrAC and fails the initial breath test when attempting to start the vehicle-

(2) , and the driver fails a breath test within the allowable time after a subsequent retest has been requested.

(2) The driver has blown a BrAC and fails the initial breath test when attempting a required rolling retest, and the driver fails a breath test within the allowable time after a subsequent rolling retest has been requested.

(3) The driver fails to execute a valid rolling retest after a five-minute period.

(4) The driver fails to submit to a requested rolling retest by turning the vehicle off to avoid submitting to the rolling retest.



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(5) The driver has blown a high BrAC during an initial breath test or rolling retest. (Authorized by and implementing K.S.A. 8-1016; effective Oct. 23, 1989; amended July 5, 2002; amended P-_____.)

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92-56-2. Ignition interlock device; certification and standards. (a)

Each manufacturer of an ignition interlock device ~~desiring~~ wanting to market the device in ~~this state~~ Kansas shall apply to the division of vehicles for certification of the device and submit the following information and equipment:

- (1) The name and address of the manufacturer;
- (2) the name and model number of the device;
- (3) certification that the device meets the following criteria:

(A) Offers safe operation of the vehicle in which installed, works reliably and accurately in an unsupervised environment, and, when in a fail-safe condition, prevents the vehicle from starting;

(B) offers protection against tampering and is able to detect and be resistant to circumvention;

(C) allows for a free restart of the vehicle's ignition within two minutes after the ignition has been turned off without requiring another breath test if the driver has not registered a BrAC fail or is not in the process of completing a retest;

(D) allows for a rolling retest of a subsequent breath test after the vehicle has been in operation;

(E) disables the ignition system if the BrAC of the person using the device equals or exceeds the alcohol setpoint of .04 .03;

(F) ~~contains~~ incorporates an emergency bypass ~~switch~~ procedure;

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(G) records each time the vehicle is started, the duration of the vehicle's operation, and any instances of tampering ~~or attempts to tamper with the device;~~

(H) displays to the driver all of the following:

(i) When the device is on;

(ii) when the device has enabled the ignition system; and

~~(iii) when a BrAC fail condition has occurred, along with the BrAC reading that caused the failure; and~~

~~(iv) the date that on which a lockout will occur; and~~

(I) alerts the driver with a ~~three-minute~~ five-minute warning light or tone that a rolling retest is required;

(4) a map and list of ~~ignition interlock device~~ service providers and the address where the device can be obtained, repaired, replaced, or serviced 24 hours a day by calling a toll-free phone number. ~~Service providers shall be located within 100 miles of all Kansas residents. Manufacturers shall be responsible for the quality of service provided by their service providers; and~~

(5) the name of an any insurance carrier authorized to do business in this state that has committed to issue a liability insurance policy for the manufacturer in the amounts specified in K.A.R. ~~92-56-3;~~

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(6) the name and address of the manufacturer's representative designated by the manufacturer to manage the manufacturer's statewide operations;

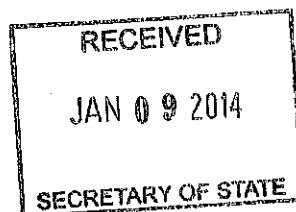
(7) not more than two ignition interlock devices for testing and review to the division upon the director's request; and

(8) a declaration on a form prescribed by the division that requires the following:

(A) The manufacturer, manufacturer's representative, and the manufacturer's service providers shall cooperate with the division, law enforcement, and court staff at all times, including the inspection of the manufacturer's installation, service, repair, calibration, use, removal, or performance of each ignition interlock device;

(B) the manufacturer shall provide all downloaded ignition interlock device data, reports, and information related to the ignition interlock device to the division, upon the director's request, in a division-approved electronic format;

(C) the manufacturer shall provide the alcohol reference value and type of calibration device used to check the ignition interlock device;



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(D) the manufacturer shall provide the division with inquiry access to the manufacturer's ignition interlock device system management software for the management of state drivers; and

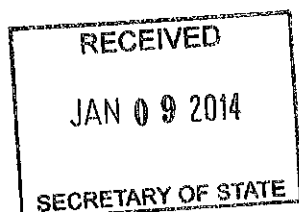
(E) the manufacturer or the manufacturer's representative shall provide a map of Kansas showing the area covered by each service provider's fixed site.

(b) Each certification issued by the division shall continue in effect for three years unless either of the following occurs:

(1) The manufacturer requests in writing that the certification be discontinued.

(2) The division informs the manufacturer and the manufacturer's representative in writing that the certification is suspended or revoked.

(c) If a manufacturer modifies a certified device, the manufacturer shall notify the division of the exact nature of the modification. A device may be required by the division to be recertified at any time. A modification shall mean a material change affecting the functionality, installation, communication, precision, or accuracy of a certified device.



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(d) Each manufacturer of a certified device shall notify the division of the failure of any device to function as designed. The manufacturer and the manufacturer's representative shall provide an explanation for the failure and shall identify the actions taken by the manufacturer or the manufacturer's representative to correct the malfunctions.

(e) The manufacturer's device shall meet or exceed the model specifications for ignition interlock devices, as specified by the national highway traffic safety administration. The provisions of 78 fed. reg. 26862-26867 (2013), beginning with the text titled "B. Terms" on page 26862, are hereby adopted by reference for purposes of this subsection. If state specifications vary from the federal specifications, the state specifications shall control.

(f) Each manufacturer of a certified device shall accumulate a credit of at least two percent of the gross revenues attributed to ~~installation, maintenance, calibration, and removal of ignition interlock devices~~ services provided in Kansas or to out-of-state services provided to Kansas residents. Any existing credit shall be made available to ~~people~~ drivers who are restricted to operating a vehicle with an ~~ignition interlock~~ a device and who are indigent as evidenced by eligibility for the federal food stamp program. The amount of the credit available shall be

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limited to the amount of the existing credit balance. The manufacturer and its service providers shall notify the manufacturer's customers of the existence of this indigent program by utilizing division notices and forms.

(f) (g) Each manufacturer of a certified device shall submit a report to the division ~~by~~ on or before January 31 of each year with the following information for the previous calendar year's activities:

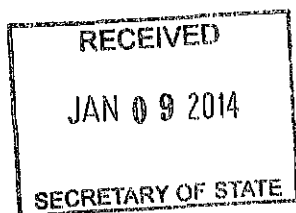
(1) The number of ignition interlock devices initially installed on vehicles for Kansas drivers who were restricted to driving only with an ignition interlock device;

(2) the number of vehicles that had devices removed due to failures a failure in the device, a malfunction of the device, or a defect in the device and, for each vehicle, the driver's name, the driver's license number, the specific failure or operational problem that occurred during the period installed, and the resolution of each situation; ~~and~~

(3) the total number of devices in operation in Kansas on December 31 of the previous calendar year;

(4) the total number of devices removed;

(5) the total number of instances of circumvention;



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(6) the total number of instances of tampering; and

(7) a chronological accounting summary of the following information:

(A) The beginning credit balance number of indigent drivers that qualified for reduced fees;

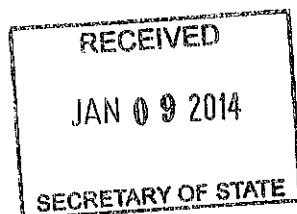
(B) two percent of the gross revenues attributable to installation, maintenance, calibration, and removal of ignition interlock devices; the number of drivers that applied for indigent classification and reduced fees but were denied;

(C) amounts credited to indigent drivers; and

(D) the ending credit balance.

(h) Each manufacturer and manufacturer's representative of a certified device shall make sales brochures and other informational materials available at no cost to the state's community corrections and court services officers, the district courts, magistrate courts, municipal courts, and the division for distribution to potential drivers. These brochures and informational materials may be provided through electronic means if approved by the director.

(i) Each manufacturer shall provide to the division, on or before January 31 of each year for that calendar year, documentation indicating the normal prices



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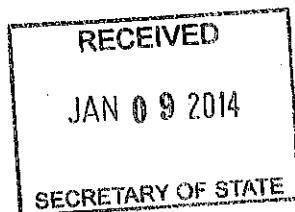
and fees charged to a driver that are associated with the manufacturer's Kansas installation of devices. If the documentation regarding normal prices and fees charged changes during the course of that calendar year, the manufacturer and manufacturer's representative shall provide amended documentation to the division within seven days of the change.

(j) Each manufacturer shall have a service provider with a fixed site within each state judicial district on and after January 1, 2015, unless the following conditions are met:

(1) At least two manufacturers have a service provider located in the same judicial district.

(2) The director determines that a competitive market exists for ignition interlock services in the state judicial district and the absence of a manufacturer's service provider in the state judicial district specified in paragraph (j)(1) does not create a competitive advantage for that manufacturer.

(3) The director approves the manufacturer to be absent from that state judicial district.



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(k) If a driver completes six months of calibrations without the driver's device generating a lockout or high BrAC, the service provider shall extend the driver's calibration period interval from 30 days to 60 days.

(l) Each device shall be capable of uniquely identifying and recording all of the following:

(1) Each time the vehicle is attempted to be started;

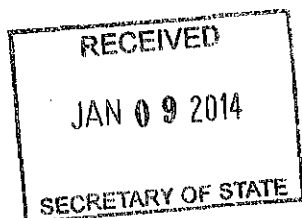
(2) each time the vehicle is started;

(3) the results of all tests, retests, or failures as being a malfunction of the device or a result of the driver not meeting the requirements;

(4) the length of time the vehicle was operated; and

(5) any indication of tampering.

The features required of the manufacturer's installed device shall be enabled to capture the information required by this subsection. (Authorized by and implementing K.S.A. 8-1016; effective Oct. 23, 1989; amended July 5, 2002; amended P-_____.)



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92-56-4. Installation, inspection, and calibration standards. (a) Each ignition interlock device installed at the direction of the division shall be done at the driver's own expense, except as allowed by K.A.R. 92-56-2(e) 92-56-2.

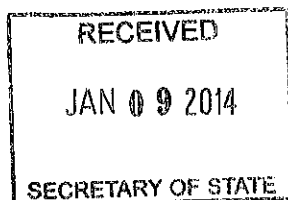
(b) A manufacturer shall ensure that each service provider shall meet meets the following requirements:

(1) Install each device in accordance with the manufacturer's instructions. Each service provider shall, within two weeks of installation, inform the division each time a device has been installed;

(2) install each device so that the device will be deactivated if the driver has a BrAC of .04 .03 or higher until a successful retest occurs;

(3) set each device so that if the driver fails ~~an~~ the initial ignition interlock device test, a retest cannot be done for 15 minutes;

(4) set each device so that a rolling retest will ~~occur after the vehicle has~~ been in operation for 10 minutes be required of the driver of the vehicle within 10 minutes of starting the vehicle. Subsequent rolling retests shall occur at 30-minute intervals as described in K.A.R. 92-56-1(n). ~~A three-minute warning light or tone shall be set to come on to alert the driver that a retest is coming.~~ The driver shall have five minutes to complete the retest. The free restart shall not be operative when the device is waiting for a rolling retest sample;



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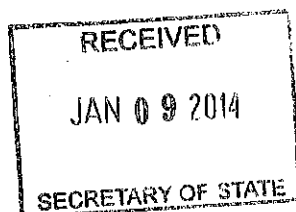
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(5) calibrate each device at least every ~~60~~ 30 days at the driver's own expense, except as allowed by K.A.R. ~~92-56-2(e)~~ 92-56-2(k), and maintain an inspection and calibration record with the following information:

- (A) The name of the person performing the calibration;
- (B) the date of the inspection and calibration;
- (C) the method by which the calibration was performed;
- (D) the name and model number of the device calibrated;
- (E) a description of the vehicle in which the device is installed, including the license plate number, make, model, year, and color; and
- (F) a statement by the ~~installer~~ service provider indicating whether there is any evidence ~~that attempts have been made to circumvent the device of~~ circumvention or tampering; and

(6) set each device so that a lockout will occur no later than seven days after any of the following events occurs:

- (A) The ~~60-day~~ 30-day calibration and service requirement has been reached;
- (B) five or more violations are recorded;
- (C) the emergency bypass ~~switch~~ procedure has been used;



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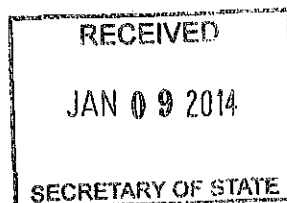
(D) a hardware failure or evidence of tampering is recorded; or

(E) the events log has exceeded 90 percent of capacity.

(c) Each driver restricted to driving a vehicle equipped with an ignition interlock device shall keep a copy of the inspection and calibration records in the vehicle at all times. The manufacturer shall retain the original record for each current driver for a period of one year after the device is removed. The manufacturer shall notify the division within seven days after a device has been serviced due to a lockout that occurred for any of the reasons specified in paragraph ~~(b)(6)(B), (b)(6)(C), or (b)(6)(D)~~ of this regulation.

(d) The service provider shall enable each device's anticircumvention features when installing a device and keep the features enabled during the ignition interlock device period. Within two business days, a service provider shall notify the division of any evidence of tampering or circumvention. The evidence shall be preserved by the manufacturer or the manufacturer's representative until otherwise notified by the division.

(e) The division may conduct or have conducted independent checks on any of the approved ignition interlock devices to determine whether the devices are operating in a manner consistent with the manufacturer's specifications.



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manufacturer's certifications, or these regulations. The director may require the manufacturer or the manufacturer's representative to correct any abnormality found in the installation, calibration, maintenance checks, or usage records of the device. The manufacturer and the manufacturer's representative shall report in writing to the division within 30 days after receiving notification of any abnormality. In conducting these checks, the manufacturer shall install the device in a vehicle chosen by the division, and the manufacturer shall waive any costs to the division for the installation, calibration, or testing of the device.

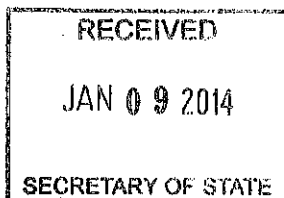
(f) Each manufacturer shall ensure that its service providers meet all of the following requirements:

(1) Follow certified manufacturer's standards and specifications for service associated with the manufacturer's state approved ignition interlock device;

(2) have the skills, equipment, and facilities necessary to comply with all of the certification and operational requirements specified in this article;

(3) comply with any division reporting requirements; and

(4) have a fixed site to provide each driver with access to an enclosed building that is open for business and has a separate waiting area.



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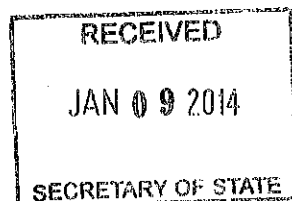
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(g) Each manufacturer shall provide the division with written evidence of that manufacturer's statewide network of service providers within seven days of a request by the division. Written evidence shall include lease and ownership documents associated with each manufacturer's service providers in the required state judicial districts.

(h) A manufacturer, manufacturer's representative, or service provider shall not compel any driver to travel out of Kansas to receive services.

(i) A manufacturer shall not permit its service provider to install any device in that service provider's vehicle for the purpose of satisfying K.S.A. 8-1014, and amendments thereto. (Authorized by and implementing K.S.A. 8-1016; effective Oct. 23, 1989; amended July 5, 2002; amended P-_____.)



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92-56-5. Revocation of certification; penalties. (a) A certification for any ignition interlock device may be revoked for any of the following reasons:

(a) (1) The device fails to comply with specifications or requirements provided by the division.

~~(b) The policy of product liability insurance required by K.A.R. 92-56-3 is canceled or not renewed.~~

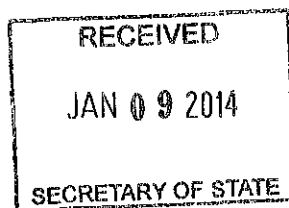
~~(e) (2) The manufacturer, the manufacturer's representative, or the manufacturer's service provider has failed to make adequate provisions for the installation, maintenance, inspection, calibration, repair, and removal service of the device, as required by K.A.R. 92-56-2, K.A.R. 92-56-4, and K.A.R. 92-56-6.~~

~~(d) (3) The manufacturer has failed to provide statewide service network coverage or 24-hour, seven-day service support, as required by K.S.A. 8-1016(a)(3) and amendments thereto and K.A.R. 92-56-2(a)(4) and (j).~~

~~(e) (4) The manufacturer is no longer in the business of manufacturing ignition interlock devices.~~

~~(5) The manufacturer or the manufacturer's representative fails to comply with the reporting and testing requirements of K.A.R. 92-56-4.~~

~~(6) The manufacturer, the manufacturer's representative, or the manufacturer's service provider fails to comply with K.A.R. 92-56-7.~~



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(7) The manufacturer, the manufacturer's representative, or the manufacturer's service provider fails to promote, implement, and sustain the indigent program required by K.A.R. 92-56-2(f).

(8) The manufacturer, the manufacturer's representative, or the manufacturer's service provider fails to have a fixed location in every state judicial district on and after January 1, 2015, as required by K.A.R. 92-56-2(j).

(9) The manufacturer, the manufacturer's representative, or the manufacturer's service provider compels a driver to travel out of state to receive services, in violation of K.A.R. 92-56-4(h).

(b) Each manufacturer's device certification shall be subject to suspension, revocation, nonrenewal, or cancellation if the division determines that the manufacturer or its representatives have violated any requirement in this article.

(c) In lieu of revoking a manufacturer's device certification, the director may require a manufacturer to terminate its relationship with a service provider.

(Authorized by and implementing K.S.A. 8-1016; effective Oct. 23, 1989; amended July 5, 2002; amended P-_____.)

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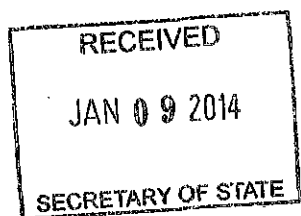
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92-56-6. Service provider; relocation and replacement. (a) Each manufacturer and manufacturer's representative shall be responsible for providing uninterrupted service of the manufacturer's installed devices if one of the manufacturer's service providers moves out of the manufacturer's judicial district or goes out of business. If a service provider is moving or going out of business, the manufacturer or the manufacturer's representative shall indicate to the division whether or not the manufacturer will replace the service provider. The manufacturer and the manufacturer's representative shall notify the division electronically or in writing of all changes in the status of any service provider and any additions, deletions, or other changes to the manufacturer's complete listing of service providers, which shall include for each service provider the name, location, phone number, contact name, and hours of operation. Notification shall occur on a quarterly basis or more frequently if required by the division.

(b) If the manufacturer or manufacturer's representative replaces a service provider, the manufacturer and manufacturer's representative shall make all reasonable efforts to obtain driver records and data from the original service provider and provide the records and data to the new service provider. If the manufacturer or manufacturer's representative does not replace the service provider, the manufacturer and manufacturer's representative shall make all reasonable efforts to obtain driver records and data from the original service



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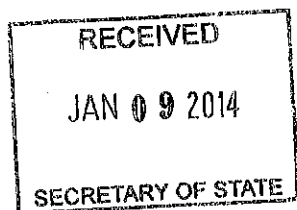
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provider, maintain the records and data at the main business office of the manufacturer's representative, and provide the records and data to the division as required by this regulation.

(c) Each manufacturer and manufacturer's representative shall notify all affected drivers of the change of service provider or replacement of the device as soon as possible but not later than 30 days before the change of service provider or replacement will occur. (Authorized by and implementing K.S.A. 8-1016; effective P-_____.)



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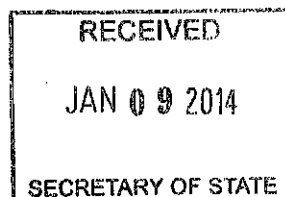
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92-56-7. Security; tampering prohibitions; conflict of interest. (a)

Each manufacturer and each manufacturer's representative shall be responsible for ensuring that the manufacturer's service providers comply with all of the following security requirements:

- (1) Only authorized employees of a service provider may observe the installation of a device.
- (2) Reasonable security measures shall be taken to prevent the driver from observing the installation of a device and from obtaining access to installation materials.
- (3) Service providers shall be prohibited from assisting with, in any manner, tampering or circumvention.
- (4) Manufacturer's representatives and service providers shall not install or service a device on a vehicle owned or operated by the manufacturer's representative or service provider, or any of the service provider's employees, for division-required installations.

(b) Nothing in this regulation shall prohibit a manufacturer, manufacturer's representative, or service provider from installing a device in that entity's vehicles for demonstration and testing purposes. (Authorized by and implementing K.S.A. 8-1016; effective P-_____.)



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92-56-8. Device removal. Whenever a service provider removes a device, the following requirements shall apply:

(a) The only persons allowed to remove or observe the removal of the device shall be service providers or a manufacturer's representative associated with the manufacturer of that device.

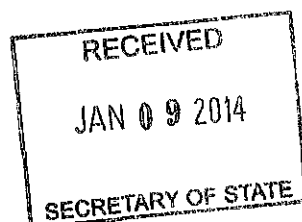
(b) Adequate security measures shall be taken to ensure that unauthorized personnel cannot gain access to proprietary materials and to the files of drivers.

(c) Upon removal of the device, the service provider shall ensure that both of the following occur:

(1) The driver is provided with a report showing the removal of the device.

(2) The division is notified, in the form and format designated by the division.

(d) The service provider and the manufacturer shall restore the driver's vehicle to its original condition after removal of the device. (Authorized by and implementing K.S.A. 8-1016; effective P-_____.)



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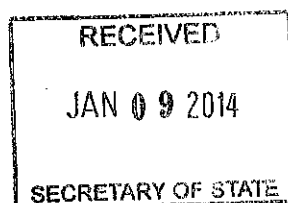
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92-56-9. Proof of installation. (a) If a driver is unable to provide proof of installation of the device to the division for the full restriction period required by K.S.A. 8-1014 and amendments thereto, the director shall extend the ignition interlock 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



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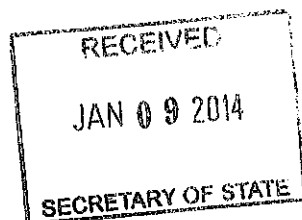
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no indication of the occurrence of any of the following offenses during the entire initial ignition interlock device restriction period:

- (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.



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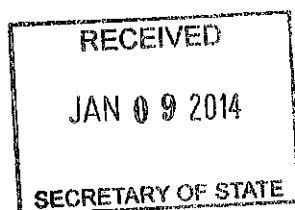
(d) The director may waive the requirement for proof of ignition interlock device installation, upon a driver's request, if the director determines that all of the following conditions are met:

(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.



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(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 P-
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Nick Jordan, Secretary
Lisa Kaspar, Director

Sam Brownback, Governor

**KANSAS DEPARTMENT OF REVENUE
ECONOMIC IMPACT STATEMENT
K.A.R. 92-56-1**

I. Summary of Proposed Regulation.

The proposed K.A.R. 92-56-1 modifies and adds defined terms to Article 56 of Chapter 92 of the Kansas Administrative Regulations.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

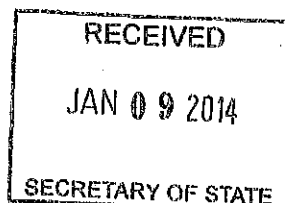
Due to the Kansas DUI Commission recommendations, and resulting legislation Senate Bill 6 (2011) and Senate Bill 60 (2012), there has been a significant increase in the number of drivers with breath alcohol ignition interlock devices (BAIID) installed. These regulations have been proposed to manage the quality and service provided by State certified BAIID providers to the citizens of Kansas. These proposed regulations will improve services to Kansas citizen by achieving the following objectives:

1. Increase geographic coverage of BAIID providers throughout the entire State.
2. Assist the Department of Revenue in supervising the BAIID providers indigency programs.
3. Assist the BAIID providers by giving them clearer instructions on required customer service.
4. Require BAIID providers to provide tools to Department of Revenue staff to evaluate the BAIID provider's performance and the performance of its customers.
5. Clarify to drivers that service of BAIID restrictions periods must be evidenced by documentation from BAIID providers before such restriction will be withdrawn by the Department of Revenue.

These proposed regulations track with Federal recommendations made by the National Highway and Traffic Safety Administration. Where State law or regulation varies from Federal recommendations, the State law and/or regulation shall control. In such circumstances, variance from Federal recommendations will not impact State/Federal relations nor affect any Federal/State income streams.

III. Anticipated Economic Impact upon the Kansas Department of Revenue.

The adoption of this regulation will not have any economic impact upon the Department of Revenue.

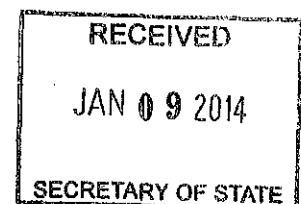


IV. Anticipated Financial Impact upon Other Government Agencies and upon Private Business or Individuals.

The Kansas Department of Revenue does not anticipate that these proposed definitional changes in proposed K.A.R. 92-56-1 will have substantial impact on any economic impact upon other government agencies, private businesses or individuals.

V. Description of any Less Costly or Less Intrusive Methods that were Considered by the Department of Revenue for Achieving the State Purpose of the Regulation and the Reason that those Methods were Rejected in Favor of the Proposed Regulation.

The Kansas Department of Revenue has determined that the proposed regulation is the least costly method for achieving its purpose. The Department has conducted a series of meetings with BAID providers and affected government stakeholders (Kansas Attorney General's Office and Kansas Department of Health and Environment) to explore the repercussions of proposed regulations and have developed this proposed regulation with their feedback.





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Lisa Kaspar, Director

Sam Brownback, Governor

**KANSAS DEPARTMENT OF REVENUE
ECONOMIC IMPACT STATEMENT
K.A.R. 92-56-2**

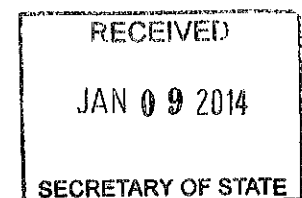
I. Summary of Proposed Regulation.

The proposed K.A.R. 92-56-2 modifies required technical specifications for State approved breath alcohol ignition interlock device (BAIID) installation and manages the BAIID manufacturer once it is approved to do business within the State.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

Due to the Kansas DUI Commission recommendations, and resulting legislation Senate Bill 6 (2011) and Senate Bill 60 (2012), there has been a significant increase in the number of drivers with breath alcohol ignition interlock devices (BAIID) installed. These regulations have been proposed to manage the quality and service provided by State certified BAIID providers to the citizens of Kansas. The following reasons justify modifications to the existing regulation:

1. The State's existing regulations set the breath alcohol level wherein the BAIID disables the vehicle's ignition at .04. The Department of Revenue believes the level should be reduced to .03 to better conform to National Highway and Traffic Safety Administration standards and to reduce the level below the criminal breath alcohol level of .04 associated with operation of a commercial motor vehicle.
2. The proposed regulation will require the BAIID manufacturer to identify a sole source of contact with the Department of Revenue and require such contact to closely cooperate with the Department and State law enforcement agencies regarding any BAIID issues that arise.
3. The Department is incorporating Federal recommendations into its evaluation criteria for determining whether a BAIID manufacturer should remain in operation in the State and for new participants that many want to enter the Kansas market. The Federal government has not mandated that the State adopted its recommendations. The Department is referencing such Federal standards in its evaluation criteria because such benchmarks will help the Department ensure that legitimate, serious BAIID manufacturers are permitted to operate within the State.
4. The proposed regulation imposed a notice requirement upon the BAIID provider to inform every customer of the existence of an indigency program. The Department wants to increase utilization of the indigency program required by statute and believes that mandatory notice to all customers will ensure the BAIID providers distribute available funds.



5. The proposed regulation creates clearer regulatory standards for geographic coverage in the State. The Department believes that there is currently inconsistent coverage of the State by all BAIID manufacturers with some manufacturers focusing on larger urban areas. This leads to BAIID manufacturers that are covering the State, including its rural areas, to be at a competitive and economic disadvantage for following the law. The Department must create fair regulatory incentives for all BAIID manufacturers to have locations throughout the State.

III. Anticipated Economic Impact upon the Kansas Department of Revenue.

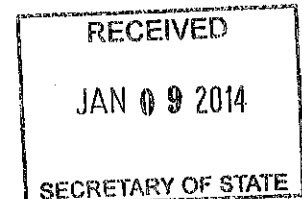
The adoption of this regulation will have an economic impact upon the Department of Revenue. The Department anticipates that changes to these regulations will require approximately 10 hours of work a week for the first year. The additional work shall be absorbed through existing positions.

IV. Anticipated Financial Impact upon Other Government Agencies and upon Private Business or Individuals.

The Department anticipates that there will be substantial economic impact on some of the State's currently approved BAIID Manufacturers. The Department anticipates that two or three of the BAIID manufacturers are close to having physical locations in all 31 State judicial districts. Other BAIID manufacturers may have to bear additional expenses as they try to develop additional physical locations to satisfy the requirements. The Department is softening the requirement by giving a grace period to all BAIID manufacturers for regulatory compliance to the new State judicial district rule.

V. Description of any Less Costly or Less Intrusive Methods that were Considered by the Department of Revenue for Achieving the State Purpose of the Regulation and the Reason that those Methods were Rejected in Favor of the Proposed Regulation.

The Kansas Department of Revenue has determined that the proposed regulation is the least costly method for achieving its purpose. The Department has conducted a series of meetings with BAIID providers and affected government stakeholders (Kansas Attorney General's Office and Kansas Department of Health and Environment) to explore the repercussions of proposed regulations and have developed this proposed regulation with their feedback.



**KANSAS DEPARTMENT OF REVENUE
ECONOMIC IMPACT STATEMENT
K.A.R. 92-56-4**

I. Summary of Proposed Regulation.

The proposed K.A.R. 92-56-4 modifies required installation, inspection, and calibration standards for BAIID service providers in the State. The modifications are described below:

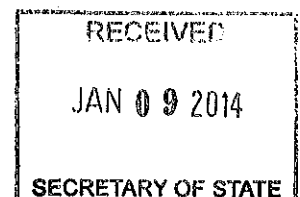
- a. Reduction of the set point from .04 to .03. The set point is the amount of alcohol that is observed in a driver's breath wherein an amount equal to or greater in the driver's breath sample will result in the vehicle's ignition system being disabled.
- b. Provided instruction on when rolling BAIID retests of the driver are to occur.
- c. Shorten the default calibration cycle from 60 days to 30 days.
- d. Clarify the BAIID service providers' responsibility that the devices anti-circumvention features must be enabled unless the service provider has received approval from the Division of Vehicles.
- e. Create authority for the Division of Vehicles to conduct spot checks of BAIID manufacturers and their service providers.
- f. Creating standards for BAIID manufacturers when developing and maintaining the BAIID manufacturer's service providers.
- g. Creates a prohibition on BAIID service providers working on their own vehicles to satisfy State license sanction requirements.
- h. Prohibits BAIID manufacturers from compelling State customers to travel outside the State to receive BAIID services.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

Due to the Kansas DUI Commission recommendations, and resulting legislation Senate Bill 6 (2011) and Senate Bill 60 (2012), there has been a significant increase in the number of drivers with breath alcohol ignition interlock devices (BAIID) installed. These regulations have been proposed to manage the quality and service provided by State certified BAIID providers to the citizens of Kansas.

The following reasons justify modification of the existing regulation:

- a. The State's existing regulations set the breath alcohol level wherein the BAIID disables the vehicle's ignition at .04. The Department of Revenue believes the level should be reduced to .03 to better conform with National Highway and Traffic Safety Administration standards and to reduce the level below the criminal breath alcohol level of .04 associated with operation of a commercial motor vehicle.



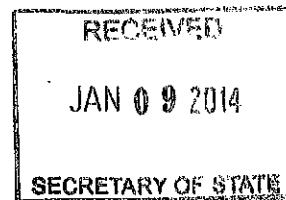
- b. The current regulations provide conflicting instruction on when a BAIID ~~manufacturer~~ ^{proposed} manufacturer is to require rolling retests. The modification makes the Division's requirements more consistent.
- c. The shortening of the required calibration period is being made to create better and timelier driver alcohol consumption information for the Division and applicable probation/parole supervisors. Because the BAIID manufacturers will be required to have physical locations in all 31 judicial districts, any customer's travel concerns are being addressed. Many BAIID manufacturers already have 30 day calibration windows because the time period permits the BAIID service provider to better manage its program.
- d. The Division has suggested modifications to the regulations tampering and circumvention requirements to put more responsibility on the BAIID service providers to report incidents of tampering and circumvention.
- e. The current regulations do not spell out a BAIID manufacturer or service provider's responsibility to assist and cooperate with Division or State inspections of their machines or program during the certification period. The proposed changes give the Division broader authority to inspect such machines and/or programs.
- f. The Division is amending the regulation to give the Division oversight over the quality of BAIID service providers contracted with by the BAIID manufacturer. The Division is setting a standard that BAIID manufacturers may look to when evaluating potential contractors. By imposing these standards, customers will enjoy a higher level of professionalism and consistency from the State's BAIID manufacturers and service providers.
- g. BAIID service providers may not service their own vehicles for purposes of BAIID license sanction requirements.
- h. There have been complaints received from the Kansas City area wherein State of Kansas customers were required to travel across the Missouri border to receive BAIID service provider services. This creates concerns for the Division of Vehicles for the Division's ability to regulate such out of state entities and ensure that the indigency fund is being properly administered is much reduced by the entities out of state location.

III. Anticipated Economic Impact upon the Kansas Department of Revenue.

The adoption of this regulation will have an economic impact upon the Department of Revenue. The Department anticipates that changes to these regulations will require approximately 10 hours of work a week regarding the management and regulation of BAIID service providers. (see II(f) above). The Department anticipates that there will be little or slight economic impact to the Kansas Department of Revenue based on the other modifications to the regulation. The additional work shall be absorbed through existing positions.

IV. Anticipated Financial Impact upon Other Government Agencies and upon Private Business or Individuals.

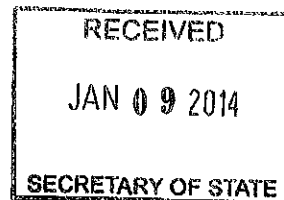
The Department anticipates that there will be economic impact on some of the State's currently approved BAIID Manufacturers regarding categories II(a)-(h) above. The following describes those impacts:



- a. Slight economic impact to BAIID industry. Because the set point is being reduced to .03 from .04 there will be a proportional increase in test failures and lockouts, and that will lead to an increase in customer visits to BAIID service providers to inspect and recalibrate the BAIID. The customer can avoid these visits by not attempting to start his or her vehicle while he or she has alcohol in his/her system.
- b. No economic impact.
- c. This shortening of the calibration period will have an economic impact on the BAIID service providers for it will require more work. Rather than a 10 to 30 minute calibration once every 60 days, the BAIID service provider will be required to perform the work more frequently. This cost is reduced somewhat by the new requirement that a BAIID manufacturer have a fixed location in the State's judicial districts. The cost to the consumer should remain about the same because some BAIID service providers were charging a greater amount for the 60 day calibration check.
- d. No economic impact.
- e. No economic impact.
- f. No economic impact.
- g. No economic impact.
- h. No economic impact.

V. Description of any Less Costly or Less Intrusive Methods that were Considered by the Department of Revenue for Achieving the State Purpose of the Regulation and the Reason that those Methods were Rejected in Favor of the Proposed Regulation.

The Kansas Department of Revenue has determined that the proposed regulation is the least costly method for achieving its purpose. The Department has conducted a series of meetings with BAIID providers and affected government stakeholders (Kansas Attorney General's Office and Kansas Department of Health and Environment) to explore the repercussions of proposed regulations and have developed this proposed regulation with their feedback.



Nick Jordan, Secretary
Lisa Kaspar, Director

Sam Brownback, Governor

**KANSAS DEPARTMENT OF REVENUE
ECONOMIC IMPACT STATEMENT
K.A.R. 92-56-5**

I. Summary of Proposed Regulation.

The proposed K.A.R. 92-56-5 modifies the Department of Revenue's revocation and suspension process for State approved BAIID manufacturers. The modifications are described below:

- a. The insurance requirement contained in K.A.R. 92-56-3 remains a continuing requirement for State certification and does not need to be addressed in the regulation.
- b. The regulation is modified to specifically incorporate the other ignition interlock regulations and to emphasize that the BAIID manufacturer is responsible for the actions of its representative and service providers.
- c. The regulation is modified to specifically address failures of a BAIID manufacturer to maintain and support an indigency program.
- d. The regulation is modified to specifically address the Department's authority to take action upon a BAIID manufacturer's failure to comply with the State wide coverage requirement of K.S.A. 8-1017.
- e. Provides the Department with authority to suspend a BAIID manufacturer rather than revoke such manufacturer. The modification also gives the Department authority to compel a BAIID manufacturer to terminate its relationship with a problematic BAIID service provider.

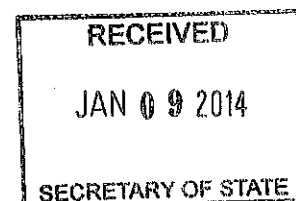
II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

Due to the Kansas DUI Commission recommendations, and resulting legislation Senate Bill 6 (2011) and Senate Bill 60 (2012), there has been a significant increase in the number of drivers with breath alcohol ignition interlock devices (BAIID) installed. These regulations have been proposed to manage the quality and service provided by State certified BAIID providers to the citizens of Kansas.

Enforcement priorities have changed in the years since these initial regulations were drafted. The modifications better address current issues confronted by customers, the Kansas Department of Revenue, BAIID manufacturers, and BAIID service providers.

III. Anticipated Economic Impact upon the Kansas Department of Revenue.

The adoption of this regulation will have little economic impact upon the Department of Revenue.

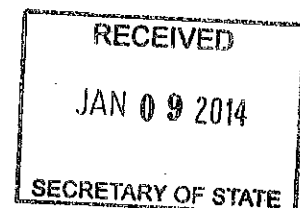


IV. Anticipated Financial Impact upon Other Government Agencies and upon Private Business or Individuals.

The Department anticipates that the most significant economic impact from this regulation will concern the new State judicial district requirement for BAIID manufacturers that will require all manufacturers have a greater physical location foot print throughout the State. Some BAIID manufacturers that do not currently promote a State wide network of service will have to undertake some expense to comply with the statute and these regulations.

V. Description of any Less Costly or Less Intrusive Methods that were Considered by the Department of Revenue for Achieving the State Purpose of the Regulation and the Reason that those Methods were Rejected in Favor of the Proposed Regulation.

The Kansas Department of Revenue has determined that the proposed regulation is the least costly method for achieving its purpose. The Department has conducted a series of meetings with BAIID providers and affected government stakeholders (Kansas Attorney General's Office and Kansas Department of Health and Environment) to explore the repercussions of proposed regulations and have developed this proposed regulation with their feedback.



**KANSAS DEPARTMENT OF REVENUE
ECONOMIC IMPACT STATEMENT
K.A.R. 92-56-6**

I. Summary of Proposed Regulation.

The proposed K.A.R. 92-56-6 is a new regulation that clarifies a BAIID manufacturer's responsibilities when its service provider terminates its relationship with the BAIID manufacturer or when such manufacturer replaces a service provider with another service provider in the same State judicial district. The regulation provides the customer and Department of Revenue with direction when dealing with a BAIID manufacturer that temporarily or permanently moves out of a geographic area.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

Due to the Kansas DUI Commission recommendations, and resulting legislation Senate Bill 6 (2011) and Senate Bill 60 (2012), there has been a significant increase in the number of drivers with breath alcohol ignition interlock devices (BAIID) installed. These regulations have been proposed to manage the quality and service provided by State certified BAIID providers to the citizens of Kansas.

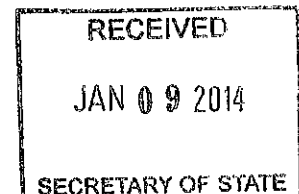
This new regulation is needed to address new State judicial district requirements for BAIID manufacturers. The Department of Revenue has observed there to be no small amount of turnover and change between the BAIID manufacturers and their service providers. This regulation will create notice requirements and other logistical support for customers if their BAIID service provider stops providing service.

III. Anticipated Economic Impact upon the Kansas Department of Revenue.

The adoption of this regulation will have little economic impact upon the Department of Revenue.

IV. Anticipated Financial Impact upon Other Government Agencies and upon Private Business or Individuals.

The Department does not anticipate this regulation will have significant negative economic impact on BAIID manufacturers. A version of this regulation is found in many other states and the BAIID manufacturers are familiar with the requirement.



V. Description of any Less Costly or Less Intrusive Methods that were Considered by the Department of Revenue for Achieving the State Purpose of the Regulation and the Reason that those Methods were Rejected in Favor of the Proposed Regulation.

The Kansas Department of Revenue has determined that the proposed regulation is the least costly method for achieving its purpose. The Department has conducted a series of meetings with BAID providers and affected government stakeholders (Kansas Attorney General's Office and Kansas Department of Health and Environment) to explore the repercussions of proposed regulations and have developed this proposed regulation with their feedback.

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**KANSAS DEPARTMENT OF REVENUE
ECONOMIC IMPACT STATEMENT
K.A.R. 92-56-7**

I. Summary of Proposed Regulation.

The proposed K.A.R. 92-56-7 is a new regulation that increases the level of professionalism required of BAIID service providers and manufacturer's representatives. The first part of the regulation prohibits a service provider from tampering with or circumventing the BAIID to assist a customer in avoiding his or her BAIID restriction requirements. The regulation also requires a BAIID service provider to not permit a customer to directly observe the installation and/or service of the BAIID. The purpose of such prohibition is to avoid empowering the customer with knowledge to tamper with or circumvent security features contained in the BAIID. The second part of the regulation prohibits a service provider, service provider's employee, or manufacturer's representative from installing a BAIID in their own vehicle for purposes of satisfying Department of Revenue driver's license restriction requirements.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

Due to the Kansas DUI Commission recommendations, and resulting legislation Senate Bill 6 (2011) and Senate Bill 60 (2012), there has been a significant increase in the number of drivers with breath alcohol ignition interlock devices (BAIID) installed. These regulations have been proposed to manage the quality and service provided by State certified BAIID providers to the citizens of Kansas.

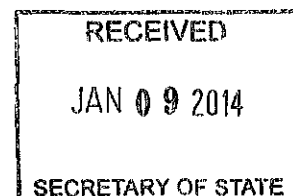
This new regulation is needed to improve the level of professionalism of the State's certified BAIID manufacturers and their service providers.

III. Anticipated Economic Impact upon the Kansas Department of Revenue.

The adoption of this regulation will have no economic impact upon the Department of Revenue.

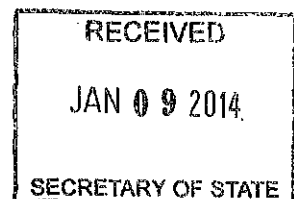
IV. Anticipated Financial Impact upon Other Government Agencies and upon Private Business or Individuals.

The Department does not anticipate this regulation will have significant economic impact on BAIID manufacturers. A version of this regulation is found in many other states and the BAIID manufacturers are familiar with the requirement.



V. Description of any Less Costly or Less Intrusive Methods that were Considered by the Department of Revenue for Achieving the State Purpose of the Regulation and the Reason that those Methods were Rejected in Favor of the Proposed Regulation.

The Kansas Department of Revenue has determined that the proposed regulation is the least costly method for achieving its purpose. The Department has conducted a series of meetings with BAID providers and affected government stakeholders (Kansas Attorney General's Office and Kansas Department of Health and Environment) to explore the repercussions of proposed regulations and have developed this proposed regulation with their feedback.



Nick Jordan, Secretary
Lisa Kaspar, Director

Sam Brownback, Governor

**KANSAS DEPARTMENT OF REVENUE
ECONOMIC IMPACT STATEMENT
K.A.R. 92-56-8**

I. Summary of Proposed Regulation.

The proposed K.A.R. 92-56-8 is a new regulation that increases the level of professionalism required of BAIID service providers and manufacturer's representatives relating to the removal of the BAIID from the customer's vehicle.

In addition, the regulation creates explicit notification requirements for the BAIID service provider that will assist the customer and Division of Vehicles to transition the customer's driver's license status to regular driving privileges upon the completion of required license sanctions and controls.

II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

Due to the Kansas DUI Commission recommendations, and resulting legislation Senate Bill 6 (2011) and Senate Bill 60 (2012), there has been a significant increase in the number of drivers with breath alcohol ignition interlock devices (BAIID) installed. These regulations have been proposed to manage the quality and service provided by State certified BAIID providers to the citizens of Kansas.

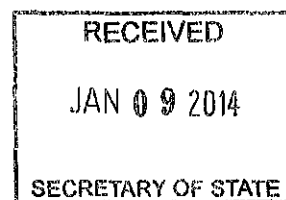
This new regulation is needed to improve the level of professionalism of the State's certified BAIID manufacturers and their service providers and will improve the efficiency of a driver's reinstatement once he or she has completed the required BAIID restriction period(s).

III. Anticipated Economic Impact upon the Kansas Department of Revenue.

The adoption of this regulation will have no economic impact upon the Department of Revenue.

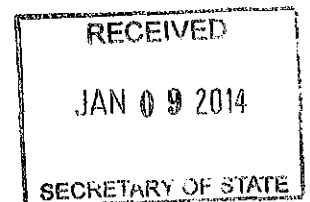
IV. Anticipated Financial Impact upon Other Government Agencies and upon Private Business or Individuals.

The Department does not anticipate this regulation will have significant economic impact on BAIID manufacturers. A version of this regulation is found in many other states and the BAIID manufacturers are familiar with the requirement.



V. Description of any Less Costly or Less Intrusive Methods that were Considered by the Department of Revenue for Achieving the State Purpose of the Regulation and the Reason that those Methods were Rejected in Favor of the Proposed Regulation.

The Kansas Department of Revenue has determined that the proposed regulation is the least costly method for achieving its purpose. The Department has conducted a series of meetings with BAIID providers and affected government stakeholders (Kansas Attorney General's Office and Kansas Department of Health and Environment) to explore the repercussions of proposed regulations and have developed this proposed regulation with their feedback.



Nick Jordan, Secretary
Lisa Kaspar, Director

Sam Brownback, Governor

**KANSAS DEPARTMENT OF REVENUE
ECONOMIC IMPACT STATEMENT
K.A.R. 92-56-9**

I. Summary of Proposed Regulation.

The proposed K.A.R. 92-56-9 is a new regulation that clarifies the requirement in K.S.A. 8-1015, and amendments thereto, that mandates the Division of Vehicles can only fully reinstate normal driving privileges once it has received proof of completion of any mandatory BAIID restriction period. The regulation also addresses rare instances wherein a customer is confronted with: 1) a disability that affects his or her ability to provide a normal breath sample; or 2) logistical problems based on the driver's state not having a BAIID program or alternative.

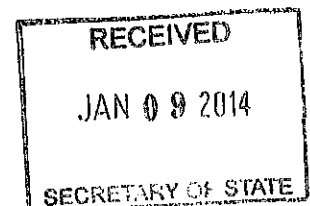
II. Reason or Reasons the Proposed Regulation is Required, Including Whether or not the Regulation is Mandated by Federal Law.

Due to the Kansas DUI Commission recommendations, and resulting legislation Senate Bill 6 (2011) and Senate Bill 60 (2012), there has been a significant increase in the number of drivers with breath alcohol ignition interlock devices (BAIID) installed. These regulations have been proposed to manage the quality and service provided by State certified BAIID providers to the citizens of Kansas.

This regulation is required by K.S.A. 2012 Supp. 8-1015(d), because many Kansas drivers have argued that "[P]roof of the installation of such ignition interlock device, for the entire period required by the applicable law, shall be provided to the division before the person's driving privileges are fully reinstated" is not clear enough. This regulation would spell out to the customer why his or her license is not being fully reinstated until the Division has received proof of installation for the entire BAIID restriction period.

The Department has been confronted with numerous requests and one lawsuit regarding the application of the Americans with Disabilities Act to this BAIID program. This regulation incorporates many of the lessons learned in those experiences and applies them to the Department's overall management of the program.

Finally, the Department has carved out a special process for out of state drivers with no connection to Kansas, except for driving in the State at one time, regarding the reinstatement of their driving privileges. Some states have no BAIID program and if a driver lives in such state, he or she is in a difficult position regarding compliance with Kansas rules. This proposed regulation would assist the Department in resolving those small handfuls of cases.



III. Anticipated Economic Impact upon the Kansas Department of Revenue.
The adoption of this regulation will have little economic impact upon the Department of Revenue. If there is any impact, it will be positive to the Department for the regulation will assist the State's disabled and help the Department address those cases on a case by case basis.

IV. Anticipated Financial Impact upon Other Government Agencies and upon Private Business or Individuals.
The Department does not anticipate this regulation will have significant economic impact on other government agencies, private businesses, or individuals.

V. Description of any Less Costly or Less Intrusive Methods that were Considered by the Department of Revenue for Achieving the State Purpose of the Regulation and the Reason that those Methods were Rejected in Favor of the Proposed Regulation.
The Kansas Department of Revenue has determined that the proposed regulation is the least costly method for achieving its purpose. The Department has conducted a series of meetings with BAIID providers and affected government stakeholders (Kansas Attorney General's Office and Kansas Department of Health and Environment) to explore the repercussions of proposed regulations and have developed this proposed regulation with their feedback.

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