

Kansas DUI / DWI Regulations

DUI / DWI Statutes	§8-1008 , §8-1014 , §8-1567 , §8-1567a
Criteria for DUI / DWI	BAC ≥ 0.02 if under 21 years old BAC ≥ 0.04 while operating a commercial motor vehicle BAC ≥ 0.08 for all non-commercial drivers aged 21 years or older BAC ≥ 0.15 enhanced penalties
Penalties for 1 st offense	<ul style="list-style-type: none"> ✧ Charged as a class B non-person misdemeanor ✧ 48 hours-6 months in jail ✧ \$500-1,000 fine ✧ 1-year driver's license suspension ✧ Up to 100 hours of community service ✧ 1-year use of ignition interlock device ✧ Completion of alcohol/drug safety education program
"Look back" period	3 rd offense within 10 years – non-person felony 4 th or subsequent offense – non-person felony
Penalties for repeat offender	<p>Second Conviction:</p> <ul style="list-style-type: none"> ✧ Charged as class A non-person misdemeanor ✧ 90 days - 1 year in jail ✧ \$1,000 - \$1,500 fine ✧ 2 year use of ignition interlock device ✧ 1 year driver's license suspension ✧ Completion of drug/alcohol abuse treatment program <p>Third Conviction:</p> <ul style="list-style-type: none"> ✧ Charged as a non-person felony ✧ 90 days - 1 year in jail ✧ \$1,500 - \$2,500 fine ✧ 3 year use of ignition interlock device ✧ 1 year driver's license suspension ✧ Completion of drug/alcohol abuse treatment program <p>Penalties for Breath Test Refusal:</p> <ul style="list-style-type: none"> ✧ First refusal: 1 year driver's license suspension and installation of ignition interlock device ✧ Second refusal: 2 year driver's license suspension ✧ Third refusal: 3 year driver's license suspension ✧ Fourth refusal: 10 year driver's license suspension ✧ Fifth refusal: Permanent revocation of driver's license
License suspensions	<p>1st offense: 30 days + 330 days restricted</p> <p>2nd offense: 1 year + 1 year restricted</p> <p>3rd offense: 1 year + 1 year restricted</p> <p>4th offense: 1 year + 1 year restricted</p>

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	5 th offense: permanently revoked
Ignition interlocks	<p>First offense, BAC over 0.08: a 30-day suspension followed by 6 months of ignition interlock device if your record is clear OR 12 months of interlock if you have a prior open container violation or three or more moving violations.</p> <p>Failure of a breath test with a result of BAC over 0.15 the first time, or over 0.08 on a second or subsequent occurrence is a 1 year suspension followed by ignition interlock (length of interlock is dependent on priors).</p> <p>Refusal of a breath, blood or urine test is a 1 year suspension, followed by ignition interlock requirement (length of interlock is dependent on priors), regardless of how many prior Kansas DUI occurrences a person has.</p> <p>Those that are required to install ignition interlocks for 10 years may petition the court after 5 years to have it removed.</p> <p>Driver with an ignition interlock can drive vehicle only for the purposes of getting to and from: Work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device.</p> <p>Tampering or circumventing the ignition interlock device is a class A, nonperson misdemeanor: first conviction, restriction extended 90 days; second or subsequent conviction, restart the original restriction period.</p> <p>Exemptions: Employer</p>
Vehicle impoundment	Up to one year (all offenses)
Open Container laws:	Open container must be in trunk or otherwise inaccessible to driver and passengers, but does not apply to passengers of hired vehicles.

Sources

<http://www.ksdot.org/burTrafficSaf/brochures/pdf/ksduilaws.pdf>

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