



State:

Kansas

Statute/Law:

Section 8-1567: *Driving under influence of alcohol or drugs.*

Per Se Law?:

No

Statute/Law Language:

- (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;
- (2) The alcohol concentration in the person's blood or breath, as measured within two hours of the time of operating or attempting to operate a vehicle, is .08 or more;
- (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
- (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
- (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.
 - (b) No person shall operate or attempt to operate any vehicle within this state if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.

Penalties Following Conviction:

- (1) Upon a first conviction, sentenced to at least 48 consecutive hours but not more than six months' imprisonment or in the court's discretion 100 hours of public service, and fined \$500-\$1,000.
- (2) On a second conviction, sentenced to at least 90 days but not more than one year's imprisonment and fined \$1,000-\$1,500.
- (3) On the third conviction, sentenced to at least 90 days but not than one year's imprisonment and fined \$1,500-\$2,500.





Discretionary Court-Ordered Penalties:

Community service, work release, or house arrest instead of incarceration.

For more information:

<http://rvpolicy.kdor.ks.gov/Pilots/Ntrntpil/IPILv1x0.NSF/0054dea677fc8aa586257a7e0057b460/daea0b75c81e510086257d90005a5f85?OpenDocument>

Current as of August 2016

