



STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

November 5, 1975

**Curt T. Schneider**  
Attorney General

ATTORNEY GENERAL OPINION NO. 75- 416

Mr. Marsh D. Doctor  
Assistant City Attorney  
204 South Washington Ave.  
Wellington, Kansas 67152

RE:           Automobiles--Rules of the Road--Restriction of  
              Driver's License for Driving While Intoxicated

SYNOPSIS:   A court may modify the duration of a restricted  
              driver's license within the maximum time limit.

A court may restrict that license to such uses,  
places and conditions as the judge deems neces-  
sary.

Dear Mr. Doctor:

You inquire whether a court order restricting operation of a motor vehicle on the highways of this state under K.S.A. 8-1567(e) may be modified, with such modification changing either the conditions or the duration of the restriction order.

Courts of general and limited jurisdiction are vested with broad discretionary power to relieve parties of the effects of orders, K.S.A. 60-260(b)(6), K.S.A. 1974 Supp. 61-1725(i). Therefore, we feel that if the modified order of restriction contains provisions which could have been made in the first instance, then the order is allowable. The only limitation upon the court's power to vary the length of time a license may be restricted is found in the language of K.S.A. 1974 Supp. 8-1567(e) that, "Any such order shall prescribe the

Mr. Marsh  
Page Two  
November 5, 1975

duration of the restrictions imposed, which in no event shall be for a period of more than one (1) year." Thus, the court could modify the duration of the restriction within the maximum time limit.

Likewise, we feel that the court is given discretionary power to restrict the license to such uses, places and conditions as the judge deems necessary in addition to transportation to and from work or while performing the duties of employment. Specifically, we do not feel that a restriction order allowing a person to operate a vehicle in going to or returning from his place of employment and in going to and returning from a medical appointment for himself or a close relative dependent upon him for such transportation would do violence to K.S.A. 8-1567(e).

If you have any further questions concerning this matter, please do not hesitate to contact this office.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS/DLW/ksn