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January 29, 2014

ATTORNEY GENERAL OPINION NO. 2014- 05

The Honorable Scott Schwab  
State Representative, 49<sup>th</sup> District  
State Capitol, Room 151-S  
Topeka, KS 66612

Re: Automobiles and Other Vehicles—Driving Under Influence of Alcohol or  
Drugs; Related Provisions—Ignition Interlock Devices

Synopsis: When a person's driver's license has been restricted pursuant to K.S.A. 2013 Supp. 8-1014 to driving only with an ignition interlock device for a specific period of time, K.S.A. 2013 Supp. 8-1015(d) requires that the person install an ignition interlock device for the entire restriction period in order to obtain full reinstatement of the license. If the person never installs an ignition interlock device, K.S.A. 2013 Supp. 8-1015(d) requires that the person's license remain restricted indefinitely. Cited herein: K.S.A. 2013 Supp. 8-1014 and 8-1015.

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Dear Representative Schwab:

As State Representative for the 49<sup>th</sup> District, you ask for an Attorney General opinion on ignition interlock device restriction periods. Your question relates to K.S.A. 2013 Supp. 8-1014, which provides that drivers who refuse to submit to tests to determine their blood alcohol concentration, fail these tests, or incur certain alcohol or drug related convictions shall be restricted to driving vehicles equipped with ignition interlock devices for certain periods of time. For example, K.S.A. 2013 Supp. 8-1014(a)(1) states that the first time an individual refuses to submit to a test, the Division of Motor Vehicles shall "suspend the person's driving privileges for one year and at the end of the suspension, restrict the person's driving privileges for two years to driving only a motor vehicle equipped with an ignition interlock device."

You ask whether an individual whose driver's license has been restricted under this statute may obtain full reinstatement of the license by simply not driving during the ignition interlock restriction period, or whether the individual is actually required to install an ignition interlock device on a vehicle. You give the example of a person who does not own a vehicle and is therefore unable to install an ignition interlock device.

Standing alone, the provisions of K.S.A. 2013 Supp. 8-1014 suggest that individuals may obtain reinstatement of their licenses by not driving during the restriction period. But a rule of statutory interpretation requires that the various provisions of an act must be construed as a whole, rather than as isolated parts, "with a view to reconciling and bringing the provisions into workable harmony, if possible."<sup>1</sup> And in this case, another statutory provision, K.S.A. 2013 Supp. 8-1015(d), states that "[p]roof of the installation of [an] 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."

Given the plain language of K.S.A. 2013 Supp. 8-1015(d), we opine that individuals must install an ignition interlock device for the entire ignition interlock restriction period in order to obtain full reinstatement of their driver's licenses. If an individual never installs an ignition interlock device, K.S.A. 2013 Supp. 8-1015(d) requires that the individual's license remain restricted indefinitely.

Sincerely,

Derek Schmidt  
Attorney General

Dwight Carswell  
Assistant Attorney General

DS:AA:DC:sb

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<sup>1</sup> See, e.g., *State v. Coman*, 294 Kan. 84, 93 (2012).