

**OFFICER'S CERTIFICATION AND NOTICE OF SUSPENSION
(SEE REVERSE SIDE FOR HEARING INFORMATION)**

INSTRUCTIONS: This form is to be used to certify a test refusal or test failure. A copy of the completed form is required to be served upon the person; a copy is to be forwarded to the Division of Vehicles within seven (7) days after service on the driver; and a copy should be retained by a certifying officer.

DRIVER INFORMATION

Name (Last)	(First)	(M/I)	Date of Birth
Current Address		City	
		State	
Driver's License No.	State of Issuance	Zip	

CDL YES NO

CMV YES NO (If yes, CDL-5 form required also)

HAZ MAT YES NO

ADDRESS: The above address will be treated as a change of address if different from that on file with the Division of Vehicles and will be used for all correspondence with the person unless the Division of Vehicles is notified by the person in writing of a different address or a change of address. You can change your address on the Internet, by mail or fax to Central Office Operations, or by going to any Kansas Driver's License Examining Station.

LAW ENFORCEMENT OFFICER'S CERTIFICATION

CERTIFICATION INSTRUCTIONS: To certify a test refusal or test failure, (1) each officer must complete the statement, if necessary, (2) at least one officer must initial on the line to the left of each of the statements intended to be certified and (3) each officer who initials a statement must sign in the space provided below.

____ 1. On _____, 20____, reasonable grounds existed to believe that the above-named person, within the State of Kansas in _____ County, had been operating a vehicle while under the influence of alcohol and/or drugs in violation of state statute, city ordinance or county resolution, or had been attempting to operate a vehicle while under the influence of alcohol and/or drugs in violation of state statute, city ordinance or county resolution (If certifying a failure of a test, the officer must certify that reasonable grounds existed to believe the person was operating a vehicle); and/or had been driving a commercial vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system; and/or is under 21 years of age while having alcohol or other drugs in such person's system.

____ 2. The person had been placed under arrest or otherwise taken into custody or had been involved in a vehicle accident or collision.

____ 3. The person was presented oral and written notice as required by K.S.A. 8-1001(k) and amendments thereto.

____ 4. Check one: The person refused to submit to or complete testing as requested by a law enforcement officer. The result of the test showed that the person had an alcohol concentration of .08 or greater in such person's blood or breath. NOTE: Please attach a readable copy of the test report.

____ 5. Reason(s) for the initial contact and/or stop: committed traffic violation(s) (explain below); officer arrived at scene of accident; vehicle already stopped; other (explain)

____ 6. Reasonable grounds for my belief that the person was operating or attempting to operate a vehicle: saw person operate; person identified self as driver; other (explain)

____ 7. Reasonable grounds for my belief that the person was under the influence of alcohol and/or drugs: odor of alcoholic beverages; alcoholic beverage containers found in vehicle; failed sobriety tests; slurred speech; bloodshot eyes; difficulty in communicating; poor balance or coordination; person stated alcohol/drugs consumed; failed preliminary breath test; other (explain) _____

____ 8. A copy of this document which contains a Notice of Driver's License Suspension is being served on the above-named person on _____, 20____ by (check one) personal service; mailing by first-class mail to the address shown above. NOTE: Personal service is required if a determination of refusal or failure is made while the person is in custody.

IF CERTIFYING A FAILURE OF A BREATH TEST, STATEMENTS 9, 10 AND 11 MUST ALSO BE COMPLETED AND CERTIFIED

____ 9. The testing equipment used was certified by the Kansas Department of Health and Environment.

____ 10. The testing procedures used were in accordance with the requirements set out by the Kansas Department of Health and Environment.

____ 11. The person who operated the testing equipment was certified by the Kansas Department of Health and Environment to operate such equipment.

I hereby certify to the Division of Vehicles that each of the statements I have initialed above are true and accurate, under penalty of K.S.A. 8-1002(b), and amendments thereto.

Title and name (printed): _____

Title and name (printed): _____

Agency name: _____

Agency name: _____

Agency address: _____

Agency address: _____

City/state/zip: _____

City/state/zip: _____

Signature of Law Enforcement Officer

Signature of Law Enforcement Officer

TEMPORARY DRIVER'S LICENSE

THIS NOTICE IS:

NOT VALID as a temporary license for the reason that your license: has expired; has been revoked; has been suspended; has been cancelled; or you have no driver's license.

VALID as a temporary license until the 30th day after the date of service of this document. You must carry this notice with you when driving. This temporary license allows the operation of the same classes of vehicles and is subject to the same restrictions as the driver's license surrendered.

Any temporary driver's license will end and your driving privileges will be suspended on the 30th day after service of this document unless an administrative hearing has been timely requested and the required \$50 hearing fee paid, as set out in the INSTRUCTIONS FOR REQUESTING AN ADMINISTRATIVE HEARING ON THE REVERSE SIDE OF THIS FORM.

Before a test or tests are administered, the officer is required by K.S.A. 8-1001, and amendments thereto, to provide the person the oral and written notices contained on the implied consent advisory (DC-70). If the person was driving a commercial motor vehicle, as defined by Kansas law, the oral and written notice required by K.S.A. 8-2,145 should also be given. If the person is under the age of 21, the oral and written notice required by K.S.A. 8-1567a should also be given.

Distribution: 1st copy (white) copy to Division of Vehicles 2nd copy (yellow) for your file 3rd copy (pink) to licensee/driver

NOTICE OF DRIVER'S LICENSE SUSPENSION
(Pursuant to K.S.A. 8-1002)

Based upon the certification on the reverse side of this form, your driving privileges are hereby suspended, pursuant to K.S.A. 8-1014, effective the 30th day after the date of service of this notice, unless a timely request for hearing is made, together with timely payment of the required hearing fee (see below). The action taken on your license depends upon whether the officer(s) certified a test refusal or a test failure (a completed test result of .08 or greater) and whether you have any prior "occurrences" on your driving record. "Occurrence" is defined in K.S.A. 8-1013, and amendments thereto, as "a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest." Entry into a diversion agreement in lieu of prosecution on a prior occasion is treated as a prior "alcohol or drug-related conviction." You may request a copy of your driving record in writing from Driver Solutions Bureau, Division of Vehicles, Kansas Department of Revenue at PO Box 12021, Topeka, Kansas, 66601 or, visit <http://www.ksrevenue.org/recrequest.html> to request a copy of your driving record online.

If paragraph 4 of the certification on the reverse side indicates you refused to submit to or complete a test, the following action will be taken on your driving privileges:

First Occurrence: 1 year suspension & 2 year ignition interlock restriction
Second Occurrence: 1 year suspension & 3 year ignition interlock restriction
Third Occurrence: 1 year suspension & 4 year ignition interlock restriction
Fourth Occurrence: 1 year suspension & 5 year ignition interlock restriction
Fifth or Subsequent Occurrence: 1 year suspension & 10 year ignition interlock restriction

If paragraph 4 of the certification on the reverse side indicates you failed a test and the test result was .08 or above, but less than .15, the following action will be taken on your driving privileges:

First Occurrence: 30 day suspension & 180 days of ignition interlock restriction if you have not previously had your driving privileges revoked, suspended, canceled or withdrawn or been previously convicted of any of the following violations: (1) K.S.A. 8-1599; (2) K.S.A. 41-727; (3) any violations listed in K.S.A. 8-285(a) or (4) been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period. If your driving privileges have previously been revoked, suspended, canceled or withdrawn or your driving record contains convictions as set out above, you will receive a 30 day suspension & 1 year of ignition interlock restriction.
Second Occurrence: 1 year suspension & 1 year ignition interlock restriction
Third Occurrence: 1 year suspension & 2 year ignition interlock restriction
Fourth Occurrence: 1 year suspension & 3 year ignition interlock restriction
Fifth or Subsequent Occurrence: 1 year suspension & 10 year ignition interlock restriction

If paragraph 4 of the certification on the reverse side indicates you failed a test and the test result was .15 or above, the following action will be taken on your driving privileges:

First Occurrence: 1 year suspension & 1 year ignition interlock restriction
Second Occurrence: 1 year suspension & 2 year ignition interlock restriction
Third Occurrence: 1 year suspension & 3 year ignition interlock restriction
Fourth Occurrence: 1 year suspension & 4 year ignition interlock restriction
Fifth or Subsequent Occurrence: 1 year suspension & 10 year ignition interlock restriction

If you possess a commercial driver's license, the following additional action will be taken on your commercial driving privileges as a result of a conviction for violating K.S.A. 8-1567 or K.S.A. 8-1025 or upon a final determination that you have refused or failed a test: First Occurrence - 1 year suspension of commercial driving privileges; Second Occurrence - permanent revocation of commercial driving privileges. For more information, see K.S.A. 8-2,142, and amendments thereto.

PROCEDURE FOR REQUESTING AN ADMINISTRATIVE HEARING

- A hearing request may be made either by mailing a written request which is postmarked within 14 calendar days after the date of service of this form, or by sending a written request by electronic facsimile (fax) to the Division of Vehicles within 14 calendar days after the date of service of this form. If this form was served on you by mail, you will have an additional 3 days, pursuant to K.S.A. 60-206(d).
- The hearing request must include your full name, driver's license number, birth date and a telephone number at which you or your legal representative can be reached if necessary.
- Constitutional issues cannot be decided at the administrative hearing, but may be preserved and raised in a petition for review of the hearing to a State district court as provided in K.S.A. 8-1020(o) and (p), and amendments thereto.
- The hearing request must include your current address. If the address you provide in your written request for a hearing is different than the address on the reverse side of this form, the address in your hearing request will be treated as a change of address pursuant to K.S.A. 8-248. All correspondence will be sent to the address provided in the hearing request.
- The hearing request must state whether you want to have the certifying officer(s) subpoenaed to the administrative hearing. If you wish to contest the facts contained in the officer's certification at the administrative hearing, you have the burden of disproving those facts, and you may need to compel the appearance of the certifying officer(s) to do so. If you fail to request any officer's attendance at the time you make a hearing request, your right to compel that attendance by subpoena will be deemed waived and this law enforcement officer's certification will be admitted as evidence at the hearing.
- You must pay a nonrefundable hearing fee of \$50.00 within the time period for making a timely request for a hearing (check or money order preferred). The \$50 hearing fee must be postmarked within the time period for making a timely hearing request or your hearing request will be denied. (A faxed image of cash or of a check or money order will not be accepted.) Checks should be made payable to: Administrative Hearing Section, Kansas Department of Revenue.
- HEARING LOCATION. Upon receipt of your timely written hearing request and fee, a hearing will be scheduled by telephone conference call. You may request that the hearing be conducted in person before a representative of the Director of Vehicles. Any request for an in person hearing must be made at the time you request a hearing. A written notice will be mailed to you setting out the time, date and place of the hearing. Any temporary driving privileges granted on the reverse side of this document will be extended until a final determination is made.
- Mail hearing requests to: DL Administrative Hearing Section
Kansas Department of Revenue
P.O. Box 2744
Topeka, KS 66601-2744
(785) 296-6911
- Send electronic facsimile (fax) requests to: (785) 296-0275