

189A.200 Pretrial suspension of license of person charged with driving under the influence for refusing to take test, for being a repeat offender, and for causing accident resulting in death or serious physical injury to another person for being a repeat offender -- Hearing -- Length of suspension -- Availability of ignition interlock license to person waiving right to judicial review of suspension.

- (1) The court shall at the arraignment or as soon as such relevant information becomes available suspend the motor vehicle operator's license and motorcycle operator's license and driving privileges of any person charged with a violation of KRS 189A.010(1) who:
 - (a) Has refused to take an alcohol concentration or substance test as reflected on the uniform citation form;
 - (b) Has been convicted of one (1) or more prior offenses as described in KRS 189A.010(5)(e) or has had his operator's license revoked or suspended on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the five (5) year period immediately preceding his arrest; or
 - (c) Was involved in an accident that resulted in death or serious physical injury as defined in KRS 500.080 to a person other than the defendant.
- (2) Persons whose licenses have been suspended pursuant to this section may file a motion for judicial review of the suspension, and the court shall conduct the review in accordance with this chapter within thirty (30) days after the filing of the motion. The court shall, at the time of the suspension, advise the defendant of his rights to the review. If the person files a motion with the court waiving the right to judicial review of the suspension, the court, in its discretion, may authorize the person to apply to the cabinet for issuance of an ignition interlock license under KRS 189A.420 for the period of the suspension. If the person complies with KRS 189A.420 and is otherwise eligible, the cabinet shall issue the person an ignition interlock license for the remainder of the suspension period and apply the court-determined credit on a day-for-day basis for any subsequent ignition interlock requirement arising from the same incident.
- (3) When the court orders the suspension of a license pursuant to this section, the defendant shall immediately surrender the license to the Circuit Court clerk, and the court shall retain the defendant in court or remand him into the custody of the sheriff until the license is produced and surrendered. If the defendant has lost his operator's license, other than due to a previous suspension or revocation, which is still in effect, the sheriff shall take him to the office of the circuit clerk so that a new license can be issued. If the license is currently under suspension or revocation, the provisions of this subsection shall not apply.
- (4) The Circuit Court Clerk shall forthwith transmit to the Transportation Cabinet any license surrendered to him pursuant to this section.
- (5) Licenses suspended under this section shall remain suspended until a judgment of conviction or acquittal is entered in the case or until the court enters an order terminating the suspension, but in no event for a period longer than the maximum

license suspension period applicable to the person under KRS 189A.070 and 189A.107. Nothing in this subsection shall prevent the person from filing a motion for, the court from granting, or the cabinet from issuing an ignition interlock license under subsection (2) of this section.

- (6) Any person whose operator's license has been suspended pursuant to this section shall be given credit for all pretrial suspension time against the period of revocation imposed. Licenses suspended under this section shall remain suspended until a judgment of conviction or acquittal is entered in the case or until the court enters an order terminating the suspension, but in no event for a period longer than the maximum license suspension period applicable to the person under KRS 189A.070 and 189A.107.

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 124, sec. 7, effective June 24, 2015. -- Amended 2000 Ky. Acts ch. 467, sec. 13, effective October 1, 2000. -- Amended 1996 Ky. Acts ch. 198, sec. 14, effective October 1, 1996. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 9, effective July 1, 1991.