

189A.420 Required information for issuance of hardship license -- Prerequisite to court authorization for person seeking to operate motor vehicle or motorcycle equipped with ignition interlock device -- Fees and costs.

- (1) A person shall be eligible for an ignition interlock license:
 - (a) During a period of license suspension under this chapter or upon the conclusion of a license revocation period pursuant to KRS 189A.340; or
 - (b) If he or she was convicted pursuant to KRS 189A.010(1)(a), (b), (e), or (f) and has enrolled in and is actively participating or has completed, alcohol or substance treatment.
- (2) Before authorizing a person to apply for an ignition interlock license, the court shall order the person to:
 - (a) Provide the court with proof of motor vehicle insurance;
 - (b) If necessary, provide the court with a written, sworn statement from his employer, on a form provided by the cabinet, detailing the necessity for the defendant to use the employer's motor vehicle in his work at the direction of the employer during working hours, and acknowledging that the person is restricted from using an employer's nonignition interlock-equipped vehicle until the expiration of thirty (30) days from the date of issuance of an ignition interlock license for a first offense or twelve (12) months from the date of issuance of an ignition interlock license for a second or subsequent offense in violation of KRS 189A.010; and
 - (c) Provide to the court such other information as may be required by administrative regulation of the Transportation Cabinet.
- (3) No court shall grant authorization for a person to operate only motor vehicles or motorcycles equipped with a functioning ignition interlock device, unless and until the person:
 - (a) Provides proof that the person has been issued or has filed a completed application with the Transportation Cabinet for issuance of an ignition interlock license pursuant to KRS 189A.500; and
 - (b) Provides a certificate of installation of an ignition interlock device issued by a certified ignition interlock device provider pursuant to KRS 189A.500.
- (4) Whenever the court grants authorization to apply for an ignition interlock license pursuant to this section, the court through court order, shall:
 - (a) Prohibit the person from operating any motor vehicle or motorcycle without a functioning ignition interlock device;
 - (b) Require that within the first thirty (30) days of installation of an ignition interlock device and every sixty (60) days thereafter, the person shall have the device serviced pursuant to the administrative regulations promulgated by the cabinet under KRS 189A.500; and
 - (c) If the requirements of paragraph (b) of subsection (2) of this section are met, allow that after the expiration of thirty (30) days from the date of issuance of an ignition interlock license for a first offense or twelve (12) months from the

date of issuance of an ignition interlock license for a second or subsequent offense in violation of KRS 189A.010, the person may use an employer's nonignition interlock-equipped vehicle as part of the employee's job duties if the person is to be authorized by the cabinet to use a nonignition interlock vehicle owned or leased by the employer as part of the employee's job duties.

- (5) Upon authorizing a person to operate only motor vehicles or motorcycles equipped with a functioning ignition interlock device, the court, without a waiver or a stay of the following procedure, shall:
 - (a) Transmit its order and other appropriate information to the Transportation Cabinet;
 - (b) Direct that the Transportation Cabinet records reflect:
 1. That during the applicable suspension or revocation period or upon the conclusion of a license revocation period, the person shall not operate a motor vehicle or motorcycle without a functioning ignition interlock device;
 2. Whether the court has expressly permitted the person to operate a motor vehicle or motorcycle without a functioning ignition interlock device, as provided in subsection (2)(b) of this section; and
 3. Direct the Transportation Cabinet to issue to any person restricted pursuant to this section an ignition interlock license that states the person shall operate only a motor vehicle or motorcycle equipped with a functioning ignition interlock device. However, if the exception provided for in subsection (2)(b) of this section applies, the license shall indicate the exception.
- (6) All persons applying for an ignition interlock license shall pay a nonrefundable application fee to the Transportation Cabinet in an amount not to exceed the actual cost to the cabinet for issuing the ignition interlock license, but not to exceed two hundred dollars (\$200).
- (7) The court shall require the person to pay the reasonable cost of leasing or buying, installing, servicing, and monitoring the device. If the court determines that a defendant is indigent, the court may, based on a sliding scale established by the Supreme Court of Kentucky by rule, require the defendant to pay the costs imposed under this section in an amount that is less than the full amount of the costs associated with the lease, purchase, or installation of an ignition interlock device and associated servicing and monitoring fees. If a defendant pays to an ignition interlock provider the amount ordered by the court under this subsection, the provider shall accept the amount as payment in full. Neither the Commonwealth, Transportation Cabinet, or any unit of state or local government shall be responsible for payment of any costs associated with an ignition interlock device.

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 124, sec. 11, effective June 24, 2015. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 26, effective July 1, 1991.

Legislative Research Commission Note (6/24/2015). Under the authority of KRS 7.136(1)(h), during codification of 2015 Ky. Acts ch. 124, sec. 11 (this statute), the

Reviser of Statutes has corrected a reference in subsection (3) to "Section 14 of this Act" to read instead "Section 15 of this Act" since the text of subsection (3) is referring to the establishment and issuance of ignition interlock devices and licenses which are addressed in Section 15 of that Act, not Section 14. As codified, Section 15 became KRS 189A.500.