

189A.070 License suspensions -- Time periods -- Completion of alcohol or substance abuse treatment or education program required before reinstatement. (Effective July 1, 2020)

- (1) (a) 1. Unless the person is under eighteen (18) years of age, in addition to the penalties specified in KRS 189A.010, the Transportation Cabinet shall suspend a person's license to operate a motor vehicle or motorcycle upon conviction of KRS 189A.010(1).
2. Upon conviction of KRS 189A.010(1)(a), (b), (c), (d), or (e), the Transportation Cabinet shall suspend a person's license to operate a motor vehicle or motorcycle as follows:
 - a. For the first offense within a ten (10) year period:
 - i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, four (4) months;
 - ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, until the person meets the ninety (90) consecutive day requirement or six (6) months, whichever is shorter; or
 - iii. For all others, six (6) months;
 - b. For the second offense within a ten (10) year period:
 - i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the one hundred twenty (120) consecutive day requirement within the first twelve (12) months of the issuance of the ignition interlock license, twelve (12) months;
 - ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the one hundred twenty (120) consecutive day requirement within the first twelve (12) months of the issuance of the ignition interlock license, until the person meets the one hundred twenty (120) consecutive day requirement or eighteen (18) months, whichever is shorter; or
 - iii. For all others, eighteen (18) months;
 - c. For a third offense within a ten (10) year period:
 - i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the one hundred twenty (120) consecutive day requirement within the first eighteen (18) months of the issuance of the ignition interlock license, eighteen (18) months;
 - ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the one hundred

- twenty (120) consecutive day requirement within the first eighteen (18) months of the issuance of the ignition interlock license, until the person meets the one hundred twenty (120) consecutive day requirement or thirty-six (36) months, whichever is shorter; or
 - iii. For all others, thirty-six (36) months;
 - d. For a fourth or subsequent offense within a ten (10) year period:
 - i. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the one hundred twenty (120) consecutive day requirement within the first thirty (30) months of the issuance of the ignition interlock license, thirty (30) months;
 - ii. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the one hundred twenty (120) consecutive day requirement within the first thirty (30) months of the issuance of the ignition interlock license, until the person meets the one hundred twenty (120) consecutive day requirement or sixty (60) months, whichever is shorter; or
 - iii. For all others, sixty (60) months;
 - e. If the conviction records transmitted to the Transportation Cabinet pursuant to subsection (3) of this section show that a person was convicted of a:
 - i. First offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision a. of this subparagraph;
 - ii. Second offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision b. of this subparagraph;
 - iii. Third offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision c. of this subparagraph; and
 - iv. Fourth or subsequent offense of KRS 189A.010, the person's license shall be suspended as provided in subdivision d. of this subparagraph; and
 - f. The license suspension shall be deemed effective on the date of entry of the court's order or judgement for a conviction of KRS 189A.010.
- 3. Upon conviction of KRS 189A.010(1)(f), the Transportation Cabinet shall suspend a person's license to operate a motor vehicle or motorcycle as follows:
 - a. For a person who is issued an ignition interlock license under KRS 189A.340 and who meets the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, four (4) months;

- b. For a person who is issued an ignition interlock license under KRS 189A.340 but does not meet the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, until the person meets the ninety (90) consecutive day requirement or six (6) months, whichever is shorter; or
 - c. For all others, six (6) months.
 - 4. For purposes of this paragraph, "ninety (90) consecutive day requirement" and "one hundred twenty (120) consecutive day requirement" mean the requirements established in KRS 189A.340(4)(b)2.
- (b) For a person under the age of eighteen (18), in addition to the penalties specified in KRS 189A.010, the Transportation Cabinet shall suspend the person's license to operate a motor vehicle or motorcycle upon conviction of KRS 189A.010(1). The person shall have his or her license suspended until he or she reaches the age of eighteen (18) or as provided in paragraph (a) of this subsection, whichever penalty will result in the longer period of suspension.
- (2) In addition to the period of license suspension set forth in subsection (1) of this section, no person shall be eligible for reinstatement of his or her full privilege to operate a motor vehicle or motorcycle until he or she has completed the alcohol or substance abuse education or treatment program ordered pursuant to KRS 189A.040.
- (3) Upon conviction of KRS 189A.010(1):
 - (a) A person shall surrender his or her license to operate a motor vehicle or motorcycle to the court. Should the person fail to surrender his or her license to the court, the court shall issue an order directing the sheriff or any other peace officer to seize the license forthwith and deliver it to the court. The court shall then forward the license to the Transportation Cabinet. This paragraph shall not apply to a person who has previously surrendered his or her license pursuant to KRS 189A.200; and
 - (b) The court shall immediately transmit the conviction records and other appropriate information to the Transportation Cabinet. A court shall not waive or stay this procedure.
- (4) In determining the ten (10) year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.

Effective: July 1, 2020

History: Repealed and reenacted 2019 Ky. Acts ch. 103, sec. 5, effective July 1, 2020. -- Amended 2016 Ky. Acts ch. 85, sec. 2, effective April 9, 2016. -- Amended 2015 Ky. Acts ch. 124, sec. 2, effective June 24, 2015. -- Amended 2010 Ky. Acts ch. 149, sec. 20, effective July 15, 2010. -- Amended 2002 Ky. Acts ch. 171, sec. 2, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 467, sec. 5, effective October 1, 2000. -- Amended 1996 Ky. Acts ch. 198, sec. 12, effective October 1, 1996. -- Amended 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 5, effective July 1, 1991. -- Created 1984 Ky. Acts ch. 165, sec. 7, effective July 13, 1984.

Legislative Research Commission Note (4/9/2016). 2016 Ky. Acts ch. 85, sec. 10

provided that that Act shall be known as the Brianna Taylor Act. This statute was amended in Section 2 of that Act.