

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

- (1) Unless the person is under eighteen (18) years of age, in addition to the penalties specified in KRS 189A.010, a person convicted of violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) shall have his or her license to operate a motor vehicle or motorcycle revoked by the court as follows:
 - (a) For the first offense within a ten (10) year period, for a period of not less than thirty (30) days nor more than one hundred twenty (120) days;
 - (b) For the second offense within a ten (10) year period, for a period of not less than twelve (12) months nor more than eighteen (18) months;
 - (c) For a third offense within a ten (10) year period, for a period of not less than twenty-four (24) months nor more than thirty-six (36) months; and
 - (d) For a fourth or subsequent offense within a ten (10) year period, sixty (60) months.
 - (e) For purposes of this section, "offense" shall have the same meaning as described in KRS 189A.010(5)(e).
- (2) 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.
- (3) In addition to the period of license revocation set forth in subsection (1) or (7) of this section, no person shall be eligible for reinstatement of his or her full privilege to operate a motor vehicle until he has completed the alcohol or substance abuse education or treatment program ordered pursuant to KRS 189A.040.
- (4) A person under the age of eighteen (18) who is convicted of violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) shall have his license revoked by the court until he reaches the age of eighteen (18) or shall have his license revoked as provided in subsection (1) or (7) of this section, whichever penalty will result in the longer period of revocation or court-ordered driving conditions.
- (5) Licenses revoked pursuant to this chapter shall forthwith be surrendered to the court upon conviction. The court shall transmit the conviction records, and other appropriate information to the Transportation Cabinet. A court shall not waive or stay this procedure.
- (6) Should a person convicted under this chapter whose license is revoked fail to surrender it to the court upon conviction, 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.
- (7) After a minimum of twelve (12) months from the effective date of the revocation, a person whose license has been revoked pursuant to subsection (1)(b), (c), or (d) of this section may move the court to reduce the period of revocation on a day-for-day basis for each day the person held a valid ignition interlock license under KRS 189A.420, but in no case shall the reduction reduce the period of ignition interlock use to less than twelve (12) months. The court may, upon a written finding in the

record for good cause shown, order such a period to be reduced to not less than twelve (12) months, if:

- (a) The person maintained a valid ignition interlock license and did not operate a motor vehicle or motorcycle without a functioning ignition interlock device as provided for in KRS 189A.420;
 - (b) The person did not operate a motor vehicle or motorcycle in violation of any restrictions specified by the court; and
 - (c) The functioning ignition interlock device was installed on the motor vehicle or motorcycle for a period of time not less than twelve (12) months under subsection (1)(b), (c), or (d) of this section.
- (8) Upon a finding of a violation of any of the conditions specified in subsection (7) of this section or of the order permitting any reduction in a minimum period of revocation that is issued pursuant thereto, the court shall dissolve such an order and the person shall receive no credit toward the minimum period of revocation required under subsection (1)(b), (c), or (d) of this section.

Effective: April 9, 2016

History: 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.