

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 -- Hearing -- Length of suspension -- When application for ignition interlock license required.

- (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 or her operator's license suspended on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the ten (10) year period immediately preceding his or her 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.
- (3) When the court orders the suspension of a license pursuant to:
 - (a) Subsection (1)(a) of this section, the court may, in addition to any other conditions the court may order, require that the person apply to the Transportation Cabinet for issuance of an ignition interlock license under KRS 189A.340 for the period of the suspension;
 - (b) Subsection (1)(b) or (c) of this section, the court shall, in addition to any other conditions the court may order, require that the person apply to the Transportation Cabinet for issuance of an ignition interlock license under KRS 189A.340 for the period of suspension; and
 - (c) Subsection (1) of this section and the person is required to apply for an ignition interlock license pursuant to paragraph (a) or (b) of this subsection, the person shall present the completed ignition interlock license application to the court.
- (4) When the court orders the suspension of a license pursuant to this section, the defendant shall immediately surrender his or her license to operate a motor vehicle or motorcycle to the court. Should the defendant 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. If the license is currently under suspension, the provisions of this subsection shall not apply.
- (5) The Circuit Court Clerk shall forthwith transmit to the Transportation Cabinet:
 - (a) Any license surrendered pursuant to this section; and

- (b) If the court ordered a person to apply for an ignition interlock device under subsection (3) of this section, notification of the order.
- (6) Licenses suspended under this section shall remain suspended until:
- (a) The person is acquitted;
 - (b) All pending or current charges relating to a violation of KRS 189A.010 have been dismissed; or
 - (c) The person is convicted and the Transportation Cabinet has suspended his or her license pursuant to KRS 189A.070;
- but in no event for a period longer than the license suspension period applicable to the person under KRS 189A.070 or 189A.107.
- (7) 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 suspension imposed under KRS 189A.070.

Effective: July 1, 2020

History: Amended 2019 Ky. Acts ch. 103, sec. 11, effective July 1, 2020. -- Amended 2016 Ky. Acts ch. 85, sec. 4, effective April 9, 2016. -- 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.

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 4 of that Act.