

189A.370 Administrative appeals process for ignition interlock license.

- (1) (a) In every instance where the Transportation Cabinet takes action which affects:
1. A person's eligibility for an ignition interlock license;
 2. The calculation of a person's ninety (90) or one hundred twenty (120) consecutive days;
 3. The calculation of a person's day-for-day credit;
 4. A person's eligibility for an employer exemption; or
 5. The calculation of a person's income and where that income places the person on the federal poverty guidelines;
- under KRS 189A.340, that action shall include a letter that notifies the person of the action, informs the person of the basis of the action, and informs the person of his or her right to request an informal hearing within twenty (20) days of receiving the notice.
- (b) The informal hearing shall be scheduled as early as practical within twenty (20) days after receipt of the request at a time and place designated by the cabinet.
- (c) The informal hearing shall be conducted by a hearing officer designated by the commissioner and shall adhere to the requirements of KRS 13B.090. At the hearing, the complainant shall be given a statement of why the cabinet took the action, and both the cabinet and the complainant shall have the right to be advised by an attorney with the burden of proof resting with the complainant. After the hearing, the hearing officer shall prepare a written report of the hearing with a recommended decision to the commissioner. The final decision shall be made by the commissioner. As used in this paragraph, "commissioner" means the commissioner of the cabinet's Office of Vehicle Regulation.
- (2) An aggrieved party may file a request for reconsideration of the commissioner's final decision with the cabinet's Office of Legal Services within twenty (20) days after receipt of the informal hearing decision. The Office of Legal Services shall issue a decision within twenty (20) days after receipt of the request.
- (3) An aggrieved party may appeal the Office of Legal Services' decision within twenty (20) days after receipt of the decision, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

Effective: July 1, 2020

History: Created 2019 Ky. Acts ch. 103, sec. 19, effective July 1, 2020.