GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

SENATE BILL NO. 56

AS ENACTED

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to driving under the influence and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 189A.010 is amended to read as follows:

4 (1) A person shall not operate or be in physical control of a motor vehicle anywhere in
5 this state:

6 (a) Having an alcohol concentration of 0.08 or more as measured by a
7 scientifically reliable test or tests of a sample of the person's breath or blood
8 taken within two (2) hours of cessation of operation or physical control of a
9 motor vehicle;

10 (b) While under the influence of alcohol;

11 (c) While under the influence of any other substance or combination of
12 substances which impairs one's driving ability;

13 (d) While the presence of a controlled substance listed in subsection (12) of this
14 section is detected in the blood, as measured by a scientifically reliable test, or
15 tests, taken within two (2) hours of cessation of operation or physical control
16 of a motor vehicle;

17 (e) While under the combined influence of alcohol and any other substance which
18 impairs one's driving ability; or

19 (f) Having an alcohol concentration of 0.02 or more as measured by a
20 scientifically reliable test or tests of a sample of the person's breath or blood
21 taken within two (2) hours of cessation of operation or physical control of a
22 motor vehicle, if the person is under the age of twenty-one (21).

23 (2) With the exception of the results of the tests administered pursuant to KRS
24 189A.103(7), if the sample of the person's blood or breath that is used to determine
25 the alcohol concentration thereof was obtained more than two (2) hours after
26 cessation of operation or physical control of a motor vehicle, the results of the test
27 or tests shall be inadmissible as evidence in a prosecution under subsection (1)(a) or

1 (f) of this section. The results of the test or tests, however, may be admissible in a
2 prosecution under subsection (1)(b) or (e) of this section.
3 (3) In any prosecution for a violation of subsection (1)(b) or (e) of this section in which
4 the defendant is charged with having operated or been in physical control of a motor
5 vehicle while under the influence of alcohol, the alcohol concentration in the
6 defendant's blood as determined at the time of making analysis of his blood or
7 breath shall give rise to the following presumptions:
8 (a) If there was an alcohol concentration of less than 0.05 based upon the
9 definition of alcohol concentration in KRS 189A.005, it shall be presumed
10 that the defendant was not under the influence of alcohol; and
11 (b) If there was an alcohol concentration of 0.05 or greater but less than 0.08
12 based upon the definition of alcohol concentration in KRS 189A.005, that fact
13 shall not constitute a presumption that the defendant either was or was not
14 under the influence of alcohol, but that fact may be considered, together with
15 other competent evidence, in determining the guilt or innocence of the
16 defendant.
17 The provisions of this subsection shall not be construed as limiting the introduction
18 of any other competent evidence bearing upon the questions of whether the
19 defendant was under the influence of alcohol or other substances, in any prosecution
20 for a violation of subsection (1)(b) or (e) of this section.
21 (4) (a) Except as provided in paragraph (b) of this subsection, the fact that any person
22 charged with violation of subsection (1) of this section is legally entitled to
23 use any substance, including alcohol, shall not constitute a defense against any
24 charge of violation of subsection (1) of this section.
25 (b) A laboratory test or tests for a controlled substance shall be inadmissible as
26 evidence in a prosecution under subsection (1)(d) of this section upon a
27 finding by the court that the defendant consumed the substance under a valid

1 prescription from a practitioner, as defined in KRS 218A.010, acting in the
2 course of his or her professional practice.
3 (5) Any person who violates the provisions of paragraph (a), (b), (c), (d), or (e) of
4 subsection (1) of this section shall:
5 (a) For the first offense within a ***ten (10)***[~~five (5)~~] year period, be fined not less
6 than two hundred dollars ($200) nor more than five hundred dollars ($500), or
7 be imprisoned in the county jail for not less than forty-eight (48) hours nor
8 more than thirty (30) days, or both. Following sentencing, the defendant may
9 apply to the judge for permission to enter a community labor program for not
10 less than forty-eight (48) hours nor more than thirty (30) days in lieu of fine or
11 imprisonment, or both. If any of the aggravating circumstances listed in
12 subsection (11) of this section are present while the person was operating or in
13 physical control of a motor vehicle, the mandatory minimum term of
14 imprisonment shall be four (4) days, which term shall not be suspended,
15 probated, conditionally discharged, or subject to any other form of early
16 release;
17 (b) For the second offense within a ***ten (10)***[~~five (5)~~] year period, be fined not less
18 than three hundred fifty dollars ($350) nor more than five hundred dollars
19 ($500) and shall be imprisoned in the county jail for not less than seven (7)
20 days nor more than six (6) months and, in addition to fine and imprisonment,
21 may be sentenced to community labor for not less than ten (10) days nor more
22 than six (6) months. If any of the aggravating circumstances listed in
23 subsection (11) of this section are present, the mandatory minimum term of
24 imprisonment shall be fourteen (14) days, which term shall not be suspended,
25 probated, conditionally discharged, or subject to any other form of early
26 release;
27 (c) For a third offense within a ***ten (10)***[~~five (5)~~] year period, be fined not less

1 than five hundred dollars ($500) nor more than one thousand dollars ($1,000)
2 and shall be imprisoned in the county jail for not less than thirty (30) days nor
3 more than twelve (12) months and may, in addition to fine and imprisonment,
4 be sentenced to community labor for not less than ten (10) days nor more than
5 twelve (12) months. If any of the aggravating circumstances listed in
6 subsection (11) of this section are present, the mandatory minimum term of
7 imprisonment shall be sixty (60) days, which term shall not be suspended,
8 probated, conditionally discharged, or subject to any other form of early
9 release;
10 (d) For a fourth or subsequent offense within a ***ten (10)***[~~five (5)~~] year period, be
11 guilty of a Class D felony. If any of the aggravating circumstances listed in
12 subsection (11) of this section are present, the mandatory minimum term of
13 imprisonment shall be two hundred forty (240) days, which term shall not be
14 suspended, probated, conditionally discharged, or subject to any other form of
15 release; and
16 (e) For purposes of this subsection, prior offenses shall include all convictions in
17 this state, and any other state or jurisdiction, for operating or being in control
18 of a motor vehicle while under the influence of alcohol or other substances
19 that impair one's driving ability, or any combination of alcohol and such
20 substances, or while having an unlawful alcohol concentration, or driving
21 while intoxicated, but shall not include convictions for violating subsection
22 (1)(f) of this section. A court shall receive as proof of a prior conviction a
23 copy of that conviction, certified by the court ordering the conviction.
24 (6) Any person who violates the provisions of subsection (1)(f) of this section shall
25 have his driving privilege or operator's license suspended by the court for a period
26 of no less than thirty (30) days but no longer than six (6) months, and the person
27 shall be fined no less than one hundred dollars ($100) and no more than five

1 hundred dollars ($500), or sentenced to twenty (20) hours of community service in
2 lieu of a fine. A person subject to the penalties of this subsection shall not be
3 subject to the penalties established in subsection (5) of this section or any other
4 penalty established pursuant to KRS Chapter 189A, except those established in
5 KRS 189A.040(1).
6 (7) If the person is under the age of twenty-one (21) and there was an alcohol
7 concentration of 0.08 or greater based on the definition of alcohol concentration in
8 KRS 189A.005, the person shall be subject to the penalties established pursuant to
9 subsection (5) of this section.
10 (8) For a second or third offense within a ***ten (10)***[~~five (5)~~] year period, the minimum
11 sentence of imprisonment or community labor shall not be suspended, probated, or
12 subject to conditional discharge or other form of early release. For a fourth or
13 subsequent offense under this section, the minimum term of imprisonment shall be
14 one hundred twenty (120) days, and this term shall not be suspended, probated, or
15 subject to conditional discharge or other form of early release. For a second or
16 subsequent offense, at least forty-eight (48) hours of the mandatory sentence shall
17 be served consecutively.
18 (9) When sentencing persons under subsection (5)(a) of this section, at least one (1) of
19 the penalties shall be assessed and that penalty shall not be suspended, probated, or
20 subject to conditional discharge or other form of early release.
21 (10) In determining the ***ten (10)***[~~five (5)~~] year period under this section, the period shall
22 be measured from the dates on which the offenses occurred for which the judgments
23 of conviction were entered.
24 (11) For purposes of this section, aggravating circumstances are any one (1) or more of
25 the following:
26 (a) Operating a motor vehicle in excess of thirty (30) miles per hour above the
27 speed limit;

1 (b) Operating a motor vehicle in the wrong direction on a limited access highway;
2 (c) Operating a motor vehicle that causes an accident resulting in death or serious
3 physical injury as defined in KRS 500.080;
4 (d) Operating a motor vehicle while the alcohol concentration in the operator's
5 blood or breath is 0.15 or more as measured by a test or tests of a sample of
6 the operator's blood or breath taken within two (2) hours of cessation of
7 operation of the motor vehicle;
8 (e) Refusing to submit to any test or tests of one's blood, breath, or urine
9 requested by an officer having reasonable grounds to believe the person was
10 operating or in physical control of a motor vehicle in violation of subsection
11 (1) of this section; and
12 (f) Operating a motor vehicle that is transporting a passenger under the age of
13 twelve (12) years old.
14 (12) The substances applicable to a prosecution under subsection (1)(d) of this section
15 are:
16 (a) Any Schedule I controlled substance except marijuana;
17 (b) Alprazolam;
18 (c) Amphetamine;
19 (d) Buprenorphine;
20 (e) Butalbital;
21 (f) Carisoprodol;
22 (g) Cocaine;
23 (h) Diazepam;
24 (i) Hydrocodone;
25 (j) Meprobamate;
26 (k) Methadone;
27 (l) Methamphetamine;

1 (m) Oxycodone;
2 (n) Promethazine;
3 (o) Propoxyphene; and
4 (p) Zolpidem.
5 ➔Section 2. KRS 189A.070 is amended to read as follows:
6 (1) Unless the person is under eighteen (18) years of age, in addition to the penalties
7 specified in KRS 189A.010, a person convicted of violation of KRS
8 189A.010(1)(a), (b), (c), (d), or (e) shall have his or her license to operate a motor
9 vehicle or motorcycle revoked by the court as follows:
10 (a) For the first offense within a ***ten (10)***[~~five (5)~~] year period, for a period of not
11 less than thirty (30) days nor more than one hundred twenty (120) days;
12 (b) For the second offense within a ***ten (10)***[~~five (5)~~] year period, for a period of
13 not less than twelve (12) months nor more than eighteen (18) months;
14 (c) For a third offense within a ***ten (10)***[~~five (5)~~] year period, for a period of not
15 less than twenty-four (24) months nor more than thirty-six (36) months; and
16 (d) For a fourth or subsequent offense within a ***ten (10)***[~~five (5)~~] year period,
17 sixty (60) months.
18 (e) For purposes of this section, "offense" shall have the same meaning as
19 described in KRS 189A.010(5)(e).
20 (2) In determining the ***ten (10)***[~~five (5)~~] year period under this section, the period shall
21 be measured from the dates on which the offenses occurred for which the judgments
22 of conviction were entered.
23 (3) In addition to the period of license revocation set forth in subsection (1) or (7) of
24 this section, no person shall be eligible for reinstatement of his or her full privilege
25 to operate a motor vehicle until he has completed the alcohol or substance abuse
26 education or treatment program ordered pursuant to KRS 189A.040.
27 (4) A person under the age of eighteen (18) who is convicted of violation of KRS

1 189A.010(1)(a), (b), (c), (d), or (e) shall have his license revoked by the court until
2 he reaches the age of eighteen (18) or shall have his license revoked as provided in
3 subsection (1) or (7) of this section, whichever penalty will result in the longer
4 period of revocation or court-ordered driving conditions.
5 (5) Licenses revoked pursuant to this chapter shall forthwith be surrendered to the court
6 upon conviction. The court shall transmit the conviction records, and other
7 appropriate information to the Transportation Cabinet. A court shall not waive or
8 stay this procedure.
9 (6) Should a person convicted under this chapter whose license is revoked fail to
10 surrender it to the court upon conviction, the court shall issue an order directing the
11 sheriff or any other peace officer to seize the license forthwith and deliver it to the
12 court.
13 (7) After a minimum of twelve (12) months from the effective date of the revocation, a
14 person whose license has been revoked pursuant to subsection (1)(b), (c), or (d) of
15 this section may move the court to reduce the period of revocation on a day-for-day
16 basis for each day the person held a valid ignition interlock license under KRS
17 189A.420, but in no case shall the reduction reduce the period of ignition interlock
18 use to less than twelve (12) months. The court may, upon a written finding in the
19 record for good cause shown, order such a period to be reduced to not less than
20 twelve (12) months, if:
21 (a) The person maintained a valid ignition interlock license and did not operate a
22 motor vehicle or motorcycle without a functioning ignition interlock device as
23 provided for in KRS 189A.420;
24 (b) The person did not operate a motor vehicle or motorcycle in violation of any
25 restrictions specified by the court; and
26 (c) The functioning ignition interlock device was installed on the motor vehicle or
27 motorcycle for a period of time not less than twelve (12) months under

1 subsection (1)(b), (c), or (d) of this section.
2 (8) Upon a finding of a violation of any of the conditions specified in subsection (7) of
3 this section or of the order permitting any reduction in a minimum period of
4 revocation that is issued pursuant thereto, the court shall dissolve such an order and
5 the person shall receive no credit toward the minimum period of revocation required
6 under subsection (1)(b), (c), or (d) of this section.
7 ➔Section 3. KRS 189A.090 is amended to read as follows:
8 (1) No person shall operate or be in physical control of a motor vehicle while his or her
9 license is revoked or suspended under this chapter, or upon the conclusion of a
10 license revocation period pursuant to KRS 189A.340 unless the person has his or
11 her valid ignition interlock license in the person's possession and the motor vehicle
12 or motorcycle is equipped with a functioning ignition interlock device as required
13 by KRS 189A.420.
14 (2) In addition to any other penalty imposed by the court, any person who violates
15 subsection (1) of this section shall:
16 (a) For a first offense within a ***ten (10)***[~~five (5)~~] year period, be guilty of a Class
17 B misdemeanor and have his license revoked by the court for six (6) months,
18 unless at the time of the offense the person was also operating or in physical
19 control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or
20 (e), in which event he shall be guilty of a Class A misdemeanor and have his
21 license revoked by the court for a period of one (1) year;
22 (b) For a second offense within a ***ten (10)***[~~five (5)~~] year period, be guilty of a
23 Class A misdemeanor and have his license revoked by the court for one (1)
24 year, unless at the time of the offense the person was also operating or in
25 physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b),
26 (c), (d), or (e), in which event he shall be guilty of a Class D felony and have
27 his license revoked by the court for a period of two (2) years;

1 (c) For a third or subsequent offense within a ***ten (10)***[~~five (5)~~] year period, be
2 guilty of a Class D felony and have his license revoked by the court for two
3 (2) years, unless at the time of the offense the person was also operating or in
4 physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b),
5 (c), (d), or (e), in which event he shall be guilty of a Class D felony and have
6 his license revoked by the court for a period of five (5) years; and
7 (d) At the sole discretion of the court, in the interest of public safety and upon a
8 written finding in the record for good cause shown, the court may order that,
9 following any period of incarceration required for the conviction of an offense
10 under paragraph (a), (b), or (c) of this subsection, the eligible person is
11 authorized to apply for and the cabinet shall issue to the person an ignition
12 interlock license for the remainder of the original period of suspension or
13 revocation and for the entire period of the new revocation if the person is and
14 remains otherwise eligible for such license.
15 (3) The ***ten (10)***[~~five (5)~~] year period under this section shall be measured in the same
16 manner as in KRS 189A.070.
17 (4) Upon a finding of a violation of any of the requirements of an ignition interlock
18 license, the court shall dissolve such an order and the person shall receive no credit
19 toward the remaining period of revocation required under subsection (2)(b) or (c) of
20 this section.
21 ➔Section 4. KRS 189A.200 is amended to read as follows:
22 (1) The court shall at the arraignment or as soon as such relevant information becomes
23 available suspend the motor vehicle operator's license and motorcycle operator's
24 license and driving privileges of any person charged with a violation of KRS
25 189A.010(1) who:
26 (a) Has refused to take an alcohol concentration or substance test as reflected on
27 the uniform citation form;

1 (b) Has been convicted of one (1) or more prior offenses as described in KRS
2 189A.010(5)(e) or has had his operator's license revoked or suspended on one
3 (1) or more occasions for refusing to take an alcohol concentration or
4 substance test, in the ***ten (10)***[~~five (5)~~] year period immediately preceding his
5 arrest; or
6 (c) Was involved in an accident that resulted in death or serious physical injury as
7 defined in KRS 500.080 to a person other than the defendant.
8 (2) Persons whose licenses have been suspended pursuant to this section may file a
9 motion for judicial review of the suspension, and the court shall conduct the review
10 in accordance with this chapter within thirty (30) days after the filing of the motion.
11 The court shall, at the time of the suspension, advise the defendant of his rights to
12 the review. If the person files a motion with the court waiving the right to judicial
13 review of the suspension, the court, in its discretion, may authorize the person to
14 apply to the cabinet for issuance of an ignition interlock license under KRS
15 189A.420 for the period of the suspension. If the person complies with KRS
16 189A.420 and is otherwise eligible, the cabinet shall issue the person an ignition
17 interlock license for the remainder of the suspension period and apply the court-
18 determined credit on a day-for-day basis for any subsequent ignition interlock
19 requirement arising from the same incident.
20 (3) When the court orders the suspension of a license pursuant to this section, the
21 defendant shall immediately surrender the license to the Circuit Court clerk, and the
22 court shall retain the defendant in court or remand him into the custody of the
23 sheriff until the license is produced and surrendered. If the defendant has lost his
24 operator's license, other than due to a previous suspension or revocation, which is
25 still in effect, the sheriff shall take him to the office of the circuit clerk so that a new
26 license can be issued. If the license is currently under suspension or revocation, the
27 provisions of this subsection shall not apply.

1 (4) The Circuit Court Clerk shall forthwith transmit to the Transportation Cabinet any
2 license surrendered to him pursuant to this section.
3 (5) Licenses suspended under this section shall remain suspended until a judgment of
4 conviction or acquittal is entered in the case or until the court enters an order
5 terminating the suspension, but in no event for a period longer than the maximum
6 license suspension period applicable to the person under KRS 189A.070 and
7 189A.107. Nothing in this subsection shall prevent the person from filing a motion
8 for, the court from granting, or the cabinet from issuing an ignition interlock license
9 under subsection (2) of this section.
10 (6) Any person whose operator's license has been suspended pursuant to this section
11 shall be given credit for all pretrial suspension time against the period of revocation
12 imposed. Licenses suspended under this section shall remain suspended until a
13 judgment of conviction or acquittal is entered in the case or until the court enters an
14 order terminating the suspension, but in no event for a period longer than the
15 maximum license suspension period applicable to the person under KRS 189A.070
16 and 189A.107.
17 ➔Section 5. KRS 189A.240 is amended to read as follows:
18 In any judicial review of a pretrial suspension imposed under KRS 189A.200(1)(a), if the
19 court determines by a preponderance of the evidence that:
20 (1) The person was charged and arrested by a peace officer with a violation of KRS
21 189A.010(1)(a), (b), (c), (d), or (e);
22 (2) The peace officer had reasonable grounds to believe that the person was operating a
23 motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);
24 (3) There is probable cause to believe that the person committed the violation of KRS
25 189A.010(1)(a), (b), (c), (d), or (e) as charged; and
26 (4) The person has been convicted of one (1) or more prior offenses as described in
27 KRS 189A.010(5)(e) or has had his motor vehicle operator's license suspended or

1 revoked on one (1) or more occasions for refusing to take an alcohol concentration
2 or substance test, in the ***ten (10)***[~~five (5)~~] year period immediately preceding his
3 arrest, then the court shall continue to suspend the person's operator's license or
4 privilege to operate a motor vehicle. The provisions of this section shall not be
5 construed as limiting the person's ability to challenge any prior convictions or
6 license suspensions or refusals.
7 ➔Section 6. KRS 189A.330 is amended to read as follows:
8 (1) The clerk of the court in which hearings for violation of KRS 189A.010 are heard
9 shall report to the Administrative Office of the Courts on or within five (5) working
10 days of January 1, April 1, July 1, and October 1 of each year the cases involving
11 violations of KRS 189A.010 which have not resulted in a final ruling by the court
12 within ***one hundred eighty (180)***[~~ninety (90)~~] days of the date upon which the
13 person was charged with a violation of KRS 189A.010.
14 (2) The Administrative Office of the Courts shall forward a copy of the lists of these
15 cases to the Chief Justice and the Office of the Attorney General.
16 (3) Upon a determination that there is sufficient cause, the Office of the Attorney
17 General may appoint a special prosecutor or prosecutors to assist in the disposition
18 of these cases within a reasonable time period.
19 (4) The Chief Justice may take actions deemed necessary and reasonable to facilitate
20 the resolution of these cases within a reasonable time period.
21 ➔Section 7. KRS 189A.340 is amended to read as follows:
22 (1) (a) Except as provided in KRS 189A.420(4), at the time that the court revokes a
23 person's license under any provision of KRS 189A.070, for an offense in
24 violation of KRS 189A.010(1)(a),(b),(e), or (f), the court shall also order that,
25 at the conclusion of the license revocation, any license the person shall be
26 issued shall restrict the person to operating only a motor vehicle or motorcycle
27 equipped with a functioning ignition interlock device.

1 (b) The ignition interlock periods shall be as follows:
2 1. The first time in a ***ten (10)***[~~five (5)~~] year period, a functioning ignition
3 interlock device shall be installed for a period of six (6) months, if at the
4 time of offense, any of the aggravating circumstances listed under KRS
5 189A.010(11) were present while the person was operating or in
6 physical control of a motor vehicle.
7 2. The second time in a ***ten (10)***[~~five (5)~~] year period, a functioning
8 ignition interlock device shall be installed for a period of twelve (12)
9 months.
10 3. The third or subsequent time in a ***ten (10)***[~~five (5)~~] year period, a
11 functioning ignition interlock device shall be installed for a period of
12 thirty (30) months.
13 (c) In determining the ***ten (10)***[~~five (5)~~] year period under paragraph (b) of this
14 subsection, the period shall be measured from the dates on which the offenses
15 occurred for which the judgments of conviction were entered, resulting in the
16 license revocations described in KRS 189A.070.
17 (2) Nothing in this section limits:
18 (a) The person's right to apply for an ignition interlock license during any period
19 of suspension or revocation arising from the same incident;
20 (b) The cabinet's authority to issue an ignition interlock license during any period
21 of suspension or revocation arising from the same incident if the person meets
22 all application requirements and is otherwise eligible for such license; or
23 (c) The person from receiving credit on a day-for-day basis toward any ignition
24 interlock requirement in paragraph (a) of this subsection for any period the
25 person held a valid ignition interlock license during any period of suspension
26 or revocation arising from the same incident. A person prohibited from
27 operating any motor vehicle or motorcycle without a functioning ignition

1 interlock device under paragraph (a) of subsection (1) of this section shall
2 receive any court-determined credit on a day-for-day basis toward any such
3 ignition interlock requirement for any period the person holds a valid ignition
4 interlock license during any period of suspension or revocation arising from
5 the same incident.
6 ➔Section 8. KRS 189A.410 is amended to read as follows:
7 (1) At any time following the expiration of the minimum license suspension periods
8 enumerated in:
9 (a) KRS 189A.010(6); or
10 (b) KRS 189A.070 for a violation of:
11 1. KRS 189A.010(1)(c) or (d); or
12 2. KRS 189A.010(1)(a), (b), or (e) for a first offense within a ***ten (10)***[~~five~~
13 ~~(5)~~] year period if, at the time of the offense, none of the aggravating
14 circumstances enumerated under KRS 189A.010(11) were present while
15 the person was operating or in control of a motor vehicle;
16 the court may grant the person hardship driving privileges for the balance of
17 the suspension period imposed by the court, upon written petition of the
18 defendant, if the court finds reasonable cause to believe that revocation would
19 hinder the person's ability to continue his employment; continue attending
20 school or an educational institution; obtain necessary medical care; attend
21 driver improvement, alcohol, or substance abuse education programs; or
22 attend court-ordered counseling or other programs.
23 (2) Before granting hardship driving privileges, the court shall order the person to:
24 (a) Provide the court with proof of motor vehicle insurance;
25 (b) If necessary, provide the court with a written, sworn statement from his or her
26 employer, on a form provided by the cabinet, detailing his or her job, hours of
27 employment, and the necessity for the person to use the employer's motor

1 vehicle either in his or her work at the direction of the employer during
2 working hours, or in travel to and from work if the license is sought for
3 employment purposes; and
4 (c) If the person is self-employed, to provide the information required in
5 paragraph (b) of this subsection together with a sworn statement as to its truth;
6 (d) Provide the court with a written, sworn statement from the school or
7 educational institution which he attends, of his or her class schedule, courses
8 being undertaken, and the necessity for the person to use a motor vehicle in
9 his travel to and from school or other educational institution if the license is
10 sought for educational purposes. Licenses for educational purposes shall not
11 include participation in sports, social, extracurricular, fraternal, or other
12 noneducational activities;
13 (e) Provide the court with a written, sworn statement from a physician, or other
14 medical professional licensed but not certified under the laws of Kentucky,
15 attesting to the person's normal hours of treatment, and the necessity to use a
16 motor vehicle to travel to and from the treatment if the license is sought for
17 medical purposes;
18 (f) Provide the court with a written, sworn statement from the director of any
19 alcohol or substance abuse education or treatment program as to the hours in
20 which the person is expected to participate in the program, the nature of the
21 program, and the necessity for the person to use a motor vehicle to travel to
22 and from the program if the license is sought for alcohol or substance abuse
23 education or treatment purposes;
24 (g) Provide the court with a copy of any court order relating to treatment,
25 participation in driver improvement programs, or other terms and conditions
26 ordered by the court relating to the person which require him or her to use a
27 motor vehicle in traveling to and from the court-ordered program. The judge

1 shall include in the order the necessity for the use of the motor vehicle; and
2 (h) Provide to the court any information as may be required by administrative
3 regulation of the Transportation Cabinet.
4 (3) The court shall not issue a hardship license to a person who has refused to take an
5 alcohol concentration or substance test or tests offered by a law enforcement officer.
6 ➔Section 9. This Act shall be known as the Brianna Taylor Act.
7 ➔Section 10. Whereas all instances of driving under the influence pose an
8 immediate danger to the health, safety, and welfare of the citizens of the Commonwealth,
9 an emergency is declared to exist, and this Act takes effect upon its passage and approval
10 by the Governor or upon its otherwise becoming a law.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 9 APRIL 2016