

1 AN ACT relating to driving under the influence.

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

3 ➔Section 1. KRS 189A.085 is amended to read as follows:

4 (1) Unless a person has been issued an ignition interlock license under KRS 189A.340  
5 or a hardship license under KRS 189A.410, a person who has been convicted of an  
6 offense under KRS 189A.010 shall have the license plate or plates on all of the  
7 motor vehicles or motorcycles owned by him or her, either solely or jointly,  
8 impounded by the court of competent jurisdiction in accordance with the following  
9 procedures:

10 (a) At the final sentencing hearing, or within forty-five (45) days thereafter, the  
11 person shall physically surrender any and all license plate or plates currently in  
12 force on any motor vehicle or motorcycle owned either individually or jointly  
13 by him or her to the court. **Should the person fail to surrender his or her**  
14 **license plate or plates at the final sentencing hearing, or within forty-five**  
15 **(45) days thereafter, the court shall issue an order directing the sheriff or**  
16 **any other peace officer to seize the license plate or plates and to deliver any**  
17 **seized license plate or plates to the court.** The order of the court suspending  
18 the license plate or plates shall not exceed the time for the suspension of the  
19 operator's license as specified in KRS 189A.070.

20 (b) The clerk of the court shall retain any surrendered plate or plates and transmit  
21 all surrendered plate or plates to the Transportation Cabinet in the manner set  
22 forth by the Transportation Cabinet in administrative regulations promulgated  
23 by the Transportation Cabinet.

24 (2) Upon application, the court may grant hardship exceptions to family members or  
25 other individuals affected by the surrender of any license plate or plates of any  
26 motor vehicle or motorcycle owned by the offender. Hardship exceptions may be  
27 granted by the court to the offender's family members or other affected individuals

1           only if the family members or other affected individuals prove to the court's  
2           satisfaction that their inability to utilize the surrendered motor vehicles or  
3           motorcycles would pose an undue hardship upon the family members or other  
4           affected individuals. Upon the court's granting of hardship exceptions, the clerk or  
5           the Transportation Cabinet as appropriate, shall return to the family members or  
6           other affected individuals the license plate or plates of the motor vehicles or  
7           motorcycles of the offender for their utilization. The offender shall not be permitted  
8           to operate a motor vehicle or motorcycle for which the license plate has been  
9           suspended or for which a hardship exception has been granted, unless the offender  
10          has been issued an ignition interlock license under KRS 189A.340 or a hardship  
11          license under KRS 189A.410.

12       (3) If the license plate of a jointly owned vehicle is impounded, this vehicle may be  
13          transferred to a joint owner of the vehicle who was not the violator.

14       (4) If the license plate of a motor vehicle is impounded, the vehicle may be transferred.