

1 AN ACT relating to operators permits.

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

3 ➔Section 1. KRS 189A.090 is amended to read as follows:

- 4 (1) No person shall operate or be in physical control of a motor vehicle while his or her
5 license is revoked or suspended under this chapter, or upon the conclusion of a
6 license revocation period pursuant to KRS 189A.340 unless the person has his or
7 her valid ignition interlock license in the person's possession and the motor vehicle
8 or motorcycle is equipped with a functioning ignition interlock device as required
9 by KRS 189A.420.
- 10 (2) In addition to any other penalty imposed by the court, any person who violates
11 subsection (1) of this section shall:
- 12 (a) For a first offense within a ten (10) year period, be guilty of a Class B
13 misdemeanor and have his license revoked by the court for six (6) months,
14 unless at the time of the offense the person was also operating or in physical
15 control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or
16 (e), in which event he shall be guilty of a Class A misdemeanor and have his
17 license revoked by the court for a period of one (1) year;
- 18 (b) For a second offense within a ten (10) year period, be guilty of a Class A
19 misdemeanor and have his license revoked by the court for one (1) year,
20 unless at the time of the offense the person was also operating or in physical
21 control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or
22 (e), in which event he shall be guilty of a Class D felony and have his license
23 revoked by the court for a period of two (2) years;
- 24 (c) For a third or subsequent offense within a ten (10) year period, be guilty of a
25 Class D felony and have his license revoked by the court for two (2) years,
26 unless at the time of the offense the person was also operating or in physical
27 control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or

- 1 (e), in which event he shall be guilty of a Class D felony and have his license
2 revoked by the court for a period of five (5) years; and
- 3 (d) At the sole discretion of the court, in the interest of public safety and upon a
4 written finding in the record for good cause shown, the court may order that,
5 following any period of incarceration required for the conviction of an offense
6 under paragraph (a), (b), or (c) of this subsection, the eligible person is
7 authorized to apply for and the cabinet shall issue to the person an ignition
8 interlock license for the remainder of the original period of suspension or
9 revocation and for the entire period of the new revocation if the person is and
10 remains otherwise eligible for such license.
- 11 (3) The ten (10) year period under this section shall be measured in the same manner as
12 in KRS 189A.070.
- 13 (4) Upon a finding of a violation of any of the requirements of an ignition interlock
14 license, the court shall dissolve such an order and the person shall receive no credit
15 toward the remaining period of revocation required under subsection (2)(b) or (c) of
16 this section.
- 17 **(5) The vehicle used in a violation of subsection (1) of this section may be forfeited to**
18 **the state in a manner consistent with procedures for forfeiture set forth in KRS**
19 **500.090.**