601 KAR 12:060. Hardship driver's license.

RELATES TO: KRS 189A.010, 189A.070, 189A.107, 189A.400-189A.460, 434.650-670, 434.690, 506.120, 514.030-060, 514.070-090, 514.110, 514.120

STATUTORY AUTHORITY: KRS 189A.400-189A.460, 532.356

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189A.400 through 189A.460 authorizes the issuance of a hardship driver's license to a person whose driving privilege has been withdrawn for a conviction of KRS 189A.010. KRS 532.356 authorizes the issuance of a hardship driver's license to a person whose driving privilege has been withdrawn until restitution is paid due to a conviction under the following statutes: KRS 434.650-670, 434.690, 506.120, 514.030-060, 514.070-090, 514.110, and 514.120. The court withdrawing the person's driving privilege has exclusive jurisdiction to decide whether the person shall be issued a hardship driver's license, and the hardship driver's license shall be issued by the Transportation Cabinet. The circuit court clerks, acting on behalf of the Kentucky Transportation Cabinet, shall issue the hardship driver's license. KRS 189A.460 requires the Transportation Cabinet to promulgate administrative regulations relating to the implementation of the hardship driver's license provisions of KRS Chapter 189A. This administrative regulation sets forth procedures to be followed in applying to the circuit court clerk for a hardship driver's license and for the circuit clerk to issue the license. It further sets forth the fee for the hardship driver's license, provides for cancellation of a hardship driver's license, and allows for a replacement or a renewed hardship driver's license to be issued.

Section 1. Issuance of Hardship Driver's License.

(1) A person who has been given a court order authorizing the issuance of a hardship driver's license shall apply for the license at the driver licensing issuance office of the circuit court clerk in his or her county of residence.

(2) The license shall be a photo license clearly designated "hardship" on the front of the license.

(3) A person arrested for an alcohol or substance offense shall not be issued a hardship driver's license sooner than the expiration of the minimum license suspension period imposed by the court as established in KRS 189A.010(6), 189A.070, 189A.107, or 189A.410.

(4)

(a) A hardship order may be issued immediately after a license suspension for failure to pay restitution as established in KRS 532.356.

(b) The hardship license shall be valid for one (1) year and may be renewed yearly from the date of issuance until restitution is completed.

(5) If the court requires an ignition interlock device as a condition of the hardship license, 601 KAR 2:030 shall be applicable.

Section 2. Submission of Withdrawal Notice.

(1) If applying for the issuance of the hardship driver's license, the applicant shall present:

(a) The court order granting hardship driving privilege;

(b) Except as established in subsection (2) of this section, the driving privilege withdrawal notice from the Transportation Cabinet, Division of Driver Licensing; and

(c) Some form of identification to the driver licensing issuance office.

(2) If the applicant does not have the withdrawal notice from the Transportation Cabinet, Division of Driver Licensing, the circuit court clerk shall contact the Division of Driver Licensing to determine the date of expiration of the hardship driver's license.

Section 3. Eligibility.

(1) A person whose Kentucky operator's license has been suspended or revoked as a result of the current charge of driving while under the influence of alcohol or other impairing substances or a person required to make restitution after a conviction of KRS 434.650-670, 434.690, 506.120, 514.030-060, 514.070-090, 514.110, or 514.120 may be issued a hardship driver's license.

(2) If the applicant for a hardship driver's license is a new Kentucky resident whose driving privilege has been withdrawn in another jurisdiction, he or she shall not be eligible for a hardship driver's license until the jurisdiction imposing the driving privilege withdrawal provides a statement that the person is eligible to have his or her driving privilege restored.

Section 4. Hardship Driver's License Fee.

(1)

(a) The applicant for a hardship driver's license shall pay a five (5) dollar fee pursuant to KRS 189A.450 to the circuit court clerk for his photo hardship driver's license.

(b) The circuit court clerk shall forward the fee to the Transportation Cabinet in accordance with KRS 186.490.

(2)

(a) A renewed hardship license shall be available at a cost of five (5) dollars per year for a driver who has not completed restitution as required in KRS 532.356.

(b) A driver whose driving privilege has been suspended for five (5) years or more because he or she has failed to make restitution shall not be required to start over as a new driver.

Section 5. Hardship Driver's License Attachments. The circuit court clerk shall:

(1)

(a) Attach the yellow copy of the court order to the hardship driver's photo license before it is given to the applicant; and

(b) The hardship driver's license shall not be considered complete or official unless the copy of the court order is attached;

(2) Attach a copy of the court order requiring interlock device installation, if applicable; and

(3) Note on the court order form that additional instructions are attached if the orders, instructions, or restrictions of the court are so extensive that they cannot be written in full. The additional instructions shall be certified or attested and attached to the hardship driver's license in addition to the yellow copy of the court order form in order for the license to be considered complete or official.

Section 6. Replacement Hardship Driver's License. If a valid hardship driver's license is lost or destroyed, the licensee may apply for a replacement photo license by presenting another copy of the court order and a five (5) dollar fee to the circuit court clerk in the county of residence.

Section 7. Cancellation of Hardship Driver's License.

(1) The court withdrawing the licensee's driving privilege has exclusive jurisdiction over the issuance of a hardship driver's license.

(2) If the person is convicted of an additional offense that would cause the withdrawal of his or her driving privilege, or reported by a court to have not satisfied an outstanding citation that would cause the withdrawal of the licensee's driving privilege, the Transportation Cabinet shall cancel the hardship driver's license and notify the licensee.

Section 8. Decal Requirements.

(1) The decal required by KRS 189A.430 shall be placed in the lower corner of the rear window on the driver's side in a motor vehicle that has a rear window.

(2) If the motor vehicle does not have a rear window, the decal shall be placed so that it is plainly visible from the rear of the motor vehicle.

(601 KAR 012:060. 18 Ky.R. 567; 1007; eff. 10-1-1991; 27 Ky.R. 2576; 3085; eff. 5-14-2001; 36 Ky.R. 1116; 2325; eff. 7-2-2010; Crt eff. 10-8-2018; Crt eff. 2-25-2019; Crt. eff. 1-9-2026.)