

**189A.005 Definitions for chapter. (Effective July 1, 2020)**

As used in this chapter, unless the context requires otherwise:

- (1) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath;
- (2) "Cabinet" means the Transportation Cabinet;
- (3) "Ignition interlock device" or "device" means a device, certified by the Transportation Cabinet for use in this Commonwealth under KRS 189A.350, that:
  - (a) Connects a motor vehicle ignition system or motorcycle ignition system to a breath alcohol analyzer and prevents a motor vehicle ignition or motorcycle ignition from starting, and from continuing to operate, if a driver's breath alcohol concentration exceeds 0.02, as measured by the device; and
  - (b) Has a fully functional camera that is equipped to record the date, time, and photo of all persons providing breath samples to the device;
- (4) "Ignition interlock certificate of installation" means a certificate providing that the installed ignition interlock device has been installed and is certified for use in the Commonwealth under KRS 189A.350;
- (5) "Ignition interlock device provider" or "provider" means any person or company certified by the Transportation Cabinet to engage in the business of manufacturing, selling, leasing, servicing, or monitoring ignition interlock devices within the Commonwealth;
- (6) "Ignition interlock license" means a motor vehicle or motorcycle operator's license issued or granted by the laws of the Commonwealth of Kentucky that, except for those with an employer exemption under KRS 189A.340, permits a person to drive only motor vehicles or motorcycles equipped with a functioning ignition interlock device;
- (7) "License" means any driver's or operator's license or any other license or permit to operate a motor vehicle issued under or granted by the laws of this state including:
  - (a) Any temporary license or instruction permit;
  - (b) The privilege of any person to obtain a valid license or instruction permit, or to drive a motor vehicle whether or not the person holds a valid license; and
  - (c) Any nonresident's operating privilege as defined in KRS Chapter 186 or 189;
- (8) "Limited access highway" has the same meaning as "limited access facility" does in KRS 177.220;
- (9) "Refusal" means declining to submit to any test or tests pursuant to KRS 189A.103. Declining may be either by word or by the act of refusal. If the breath testing instrument for any reason shows an insufficient breath sample and the alcohol concentration cannot be measured by the breath testing instrument, the law enforcement officer shall then request the defendant to take a blood or urine test in lieu of the breath test. If the defendant then declines either by word or by the act of refusal, he shall then be deemed to have

refused if the refusal occurs at the site at which any alcohol concentration or substance test is to be administered; and

- (10) When age is a factor, it shall mean age at the time of the commission of the offense.

**Effective:** July 1, 2020

**History:** Amended 2019 Ky. Acts ch. 103, sec. 1, effective July 1, 2020. -- Amended 2015 Ky. Acts ch. 124, sec. 1, effective June 24, 2015. -- Amended 2002 Ky. Acts ch. 171, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 467, sec. 1, effective October 1, 2000. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 1, effective July 1, 1991.