

189A.240 Judicial review of pretrial license suspension for repeat offender.

In any judicial review of a pretrial suspension imposed under KRS 189A.200(1)(b), if the court determines by a preponderance of the evidence that:

- (1) The person was charged and arrested by a peace officer with a violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);
- (2) The peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);
- (3) There is probable cause to believe that the person committed the violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) as charged; and
- (4) The person has been convicted of one (1) or more prior offenses as described in KRS 189A.010(5)(e) or has had his or her motor vehicle operator's license suspended on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the ten (10) year period immediately preceding his or her arrest;

then the court shall continue to suspend the person's operator's license or privilege to operate a motor vehicle, but in no event for a period longer than the license suspension period applicable to the person under KRS 189A.070 and 189A.107. The provisions of this section shall not be construed as limiting the person's ability to challenge any prior convictions or license suspensions or refusals.

Effective: July 1, 2020

History: Amended 2019 Ky. Acts ch. 103, sec. 13, effective July 1, 2020. -- Amended 2016 Ky. Acts ch. 85, sec. 5, effective April 9, 2016. -- Amended 2015 Ky. Acts ch. 124, sec. 13, effective June 24, 2015. -- Amended 2010 Ky. Acts ch. 149, sec. 24, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 467, sec. 21, effective October 1, 2000. -- Amended 1996 Ky. Acts ch. 198, sec. 15, effective October 1, 1996. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 12, effective July 1, 1991.

Legislative Research Commission Note (4/9/2016). 2016 Ky. Acts ch. 85, sec. 10 provided that that Act shall be known as the Brianna Taylor Act. This statute was amended in Section 5 of that Act.