

189A.340 Ignition interlock licenses -- Provider fees. (Effective July 1, 2020)

- (1)
 - (a) If a person's license is suspended pursuant to this chapter and the initial suspension was for a violation of KRS 189A.010(1)(a), (b), (e), or (f), the sole license the person shall be eligible for is an ignition interlock license pursuant to this section.
 - (b) If a person's license is suspended pursuant to this chapter and the initial suspension was for a violation of KRS 189A.010(1)(c) or (d), the person shall be eligible for an ignition interlock license pursuant to this section and may be eligible for a hardship license pursuant to KRS 189A.410.
- (2)
 - (a) A person may apply for an ignition interlock license anytime, including after receiving the notices under KRS 189A.105 or after his or her license has been suspended pursuant to this chapter.
 - (b) If at the time the person applies for an ignition interlock license, the person's license has been suspended pursuant to this chapter, the person shall be authorized to drive to:
 1. An ignition interlock device provider to have a functioning ignition interlock device installed in his or her motor vehicle or motorcycle; and
 2. The circuit clerk's office in the person's county of residence to obtain an ignition interlock license;

This paragraph shall only apply within fourteen (14) days of the date printed on the ignition interlock approval letter issued by the Transportation Cabinet and if the person has the ignition interlock approval letter in the motor vehicle or motorcycle.
- (3) Before the Transportation Cabinet shall issue an ignition interlock license, the person shall:
 - (a) Submit an application for an ignition interlock license;
 - (b) Provide proof of motor vehicle insurance;
 - (c) Provide an ignition interlock certificate of installation issued by an ignition interlock device provider; and
 - (d) Provide any other information required by administrative regulations promulgated by the Transportation Cabinet under KRS 189A.350.
- (4) An ignition interlock license shall restrict the person to operating only a motor vehicle or motorcycle equipped with a functioning ignition interlock device, unless the person qualifies for an employer exemption under subsection (6) of this section. This restriction shall remain in place for:
 - (a) If a person's license was suspended pretrial pursuant to KRS 189A.200, the required suspension period under KRS 189A.200(6);
 - (b) If a person's license was suspended pursuant to KRS 189A.070 or 189A.107:
 1. The required suspension period under KRS 189A.070(1); and
 2. a. If the maximum suspension period under KRS 189A.070(1)(a) has not yet been met, until the Transportation Cabinet has received a declaration from the person's ignition interlock

device provider, in a form provided or approved by the cabinet, certifying that none of the violations outlined in subdivision b. of this subparagraph has occurred:

- i. For a first offense within a ten (10) year period of KRS 189A.010(1)(a), (b), (c), (d), or (e) or for any offense of KRS 189A.010(1)(f), in the ninety (90) consecutive days; and
- ii. For all subsequent offenses within a ten (10) year period of KRS 189A.010(1)(a), (b), (c), (d), or (e), one hundred twenty (120) consecutive days;

prior to the date of releasing the ignition interlock device restriction.

b. If any of the following occur, it shall be a violation of the ninety (90) or one hundred twenty (120) consecutive day requirement:

- i. Failure to take any random breath alcohol concentration test unless a review of the digital image confirms that the motor vehicle or motorcycle was not occupied by a driver at the time of the missed test;
- ii. Failure to pass any random retest with a breath alcohol concentration of 0.02 or lower unless a subsequent test performed within ten (10) minutes registers a breath alcohol concentration lower than 0.02, and the digital image confirms the same person provided both samples;
- iii. Failure of the person, or his or her designee, to appear at the ignition interlock device provider when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device;
- iv. Failure of the person to pay fees established pursuant to subsection (7) of this section;
- v. Tampering with an installed ignition interlock device with the intent of rendering it defective; or
- vi. Altering, concealing, hiding, or attempting to alter, conceal, or hide, the person's identity from the ignition interlock device's camera while providing a breath sample;

(c) If a person's license was suspended pursuant to KRS 189A.090, for the required suspension period under KRS 189A.090(2); or

(d) If a person's license suspension was extended pursuant to KRS 189A.345, the required suspension period under KRS 189A.345(1).

(5) (a) The time period a person:

1. Holds a valid ignition interlock license pursuant to this section; or
2. Receives alcohol or substance abuse treatment in an inpatient residential facility;

shall apply on a day-for-day basis toward satisfying the suspension periods detailed in subsection (4) of this section.

- (b) Except as provided in paragraph (c) of this subsection, the Transportation Cabinet shall give the person a day-for-day credit for any time period the person:
 - 1. Held a valid ignition interlock license; or
 - 2. Received alcohol or substance abuse treatment in an inpatient residential facility.
 - (c) A person shall not receive day-for-day credit for days the person utilized the employer exemption in accordance with subsection (6) of this section and drove an employer's motor vehicle or motorcycle not equipped with a functioning ignition interlock device.
- (6) (a) A person with an ignition interlock license may operate a motor vehicle or motorcycle not equipped with a functioning ignition interlock device if:
- 1. The person is required to operate an employer's motor vehicle or motorcycle in the course and scope of employment; and
 - 2. The business entity that owns the motor vehicle or motorcycle is not owned or controlled by the person.
- (b) To qualify for the employer exemption, the person shall provide the Transportation Cabinet with a sworn statement from his or her employer stating that the person and business entity meet the requirements of paragraph (a) of this subsection.
- (7) (a) Except as provided in paragraph (c) of this subsection, an ignition interlock device provider may charge the following fees:
- 1. An installation fee for an alternative fuel vehicle or a vehicle with a push button starter not to exceed one hundred thirty dollars (\$130), an installation fee for all other vehicles not to exceed one hundred dollars (\$100);
 - 2. A monthly fee not to exceed one hundred dollars (\$100);
 - 3. A removal fee not to exceed thirty dollars (\$30);
 - 4. A reset fee not to exceed fifty dollars (\$50); or
 - 5. A missed appointment fee not to exceed thirty-five dollars (\$35).
- (b) A person who is issued an ignition interlock license shall pay fees as established in his or her lease agreement with the ignition interlock device provider for any ignition interlock device installed in his or her motor vehicle or motorcycle. However, the fees shall never be more than allowed under paragraph (a) of this subsection and are subject to paragraph (c) of this subsection.
- (c) Any person who has an income:
- 1. At or below two hundred percent (200%) but above one hundred fifty percent (150%) of the federal poverty guidelines, shall pay only seventy-five percent (75%) of fees established pursuant to paragraph (a) of this subsection;
 - 2. At or below one hundred fifty percent (150%) but above one hundred percent (100%) of the federal poverty guidelines, shall pay only fifty percent (50%) of fees established pursuant to paragraph (a) of this subsection; or

3. At or below one hundred percent (100%) of the federal poverty guidelines, shall pay only twenty-five percent (25%) of fees established pursuant to paragraph (a) of this subsection;

As used in this paragraph, "federal poverty guidelines" has the same meaning as in KRS 205.5621. The Transportation Cabinet shall determine the person's income and where that income places the person on the federal poverty guidelines.

- (d) Neither the Commonwealth, the Transportation Cabinet, nor any unit of state or local government shall be responsible for payment of any costs associated with an ignition interlock device.
- (8) For a person issued an ignition interlock license under this section who is residing outside of Kentucky, the Transportation Cabinet may accept an ignition interlock certificate of installation from an ignition interlock device provider authorized to do business in the state where the person resides if the ignition interlock device meets the requirements of that state.

Effective: July 1, 2020

History: Repealed and reenacted 2019 Ky. Acts ch. 103, sec. 15, effective July 1, 2020. -- Amended 2016 Ky. Acts ch. 85, sec. 7, effective April 9, 2016. -- Amended 2015 Ky. Acts ch. 124, sec. 8, effective June 24, 2015. -- Amended 2002 Ky. Acts ch. 171, sec. 4, effective July 15, 2002. -- Created 2000 Ky. Acts ch. 467, sec. 27, effective October 1, 2000.

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 7 of that Act.

Legislative Research Commission Note (6/24/2015). During codification, the Reviser of Statutes has changed the numbering of subsection (1) of this statute from the way it appeared in 2015 Ky. Acts ch. 124, sec. 8. None of the text of the subsection was changed.

Legislative Research Commission Note (6/24/2015). During codification, the Reviser of Statutes has corrected a manifest clerical or typographical error in subsection (1) of this statute from the way it appeared in 2015 Ky. Acts ch. 124, sec. 8 by changing a citation to "KRS 189A.010(a), (b), (e), or (f)" to read "KRS 189A.010(1)(a), (b), (e), or (f)." None of the text of the subsection was changed.