

189A.410 Hardship license -- Prohibition against issuance when alcohol or substance test refused.

(1) At any time during the suspension periods enumerated in:

- (a) KRS 189A.070 for violation of KRS 189A.010(1)(c) or (d); or
- (b) KRS 189A.090 relating to a violation of KRS 189A.010(1)(c) or (d);

the court may grant the person hardship driving privileges for the balance of the suspension period imposed by the Transportation Cabinet, if the court finds reasonable cause to believe that revocation would hinder the person's ability to continue his or her employment; continue attending school or an educational institution; obtain necessary medical care; attend driver improvement, alcohol, or substance abuse education programs; or attend court-ordered counseling or other programs.

(2) Before granting hardship driving privileges, the court shall order the person to:

- (a) Provide the court with proof of motor vehicle insurance;
- (b) If necessary, provide the court with a written, sworn statement from his or her employer, on a form provided by the cabinet, detailing his or her job, hours of employment, and the necessity for the person to use the employer's motor vehicle either in his or her work at the direction of the employer during working hours, or in travel to and from work if the license is sought for employment purposes; and
- (c) If the person is self-employed, to provide the information required in paragraph (b) of this subsection together with a sworn statement as to its truth;
- (d) Provide the court with a written, sworn statement from the school or educational institution which he attends, of his or her class schedule, courses being undertaken, and the necessity for the person to use a motor vehicle in his travel to and from school or other educational institution if the license is sought for educational purposes. Licenses for educational purposes shall not include participation in sports, social, extracurricular, fraternal, or other noneducational activities;
- (e) Provide the court with a written, sworn statement from a physician, or other medical professional licensed but not certified under the laws of Kentucky, attesting to the person's normal hours of treatment, and the necessity to use a motor vehicle to travel to and from the treatment if the license is sought for medical purposes;
- (f) Provide the court with a written, sworn statement from the director of any alcohol or substance abuse education or treatment program as to the hours in which the person is expected to participate in the program, the nature of the program, and the necessity for the person to use a motor vehicle to travel to and from the program if the license is sought for alcohol or substance abuse education or treatment purposes;
- (g) Provide the court with a copy of any court order relating to treatment, participation in driver improvement programs, or other terms and conditions ordered by the court relating to the person which require him or her to use a

motor vehicle in traveling to and from the court-ordered program. The judge shall include in the order the necessity for the use of the motor vehicle; and

- (h) Provide to the court any information as may be required by administrative regulation of the Transportation Cabinet.
- (3) The court shall not issue a hardship license to a person who has refused to take an alcohol concentration or substance test or tests offered by a law enforcement officer.

Effective: July 1, 2020

History: Amended 2019 Ky. Acts ch. 103, sec. 21, effective July 1, 2020. -- Amended 2016 Ky. Acts ch. 85, sec. 8, effective April 9, 2016. -- Amended 2015 Ky. Acts ch. 124, sec. 16, effective June 24, 2015. -- Amended 2002 Ky. Acts ch. 171, sec. 6, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 467, sec. 17, effective October 1, 2000. -- Amended 1996 Ky. Acts ch. 198, sec. 16, effective October 1, 1996. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 25, 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 8 of that Act.