

**189A.107 License suspension for refusal to take alcohol or substance tests --
Hearing on alleged refusal -- Time period for suspension -- Notice to
Transportation Cabinet.**

- (1) A person who refuses to submit to an alcohol concentration or substance test requested by an officer having reasonable grounds to believe that the person violated KRS 189A.010(1) shall have his or her driver's license suspended during the pendency of the action as provided in KRS 189A.200.
- (2)
 - (a) In the event a defendant is not convicted of a violation of KRS 189A.010(1) in a case in which it is alleged that he or she refused to take an alcohol concentration or substance test, upon motion of the attorney for the Commonwealth, the court shall conduct a hearing, without a jury, to determine by clear and convincing evidence if the person actually refused the testing. However, the hearing shall not be required if the court has made a previous determination of the issue at a hearing held under KRS 189A.200 and 189A.220.
 - (b) If the court finds that the person did refuse to submit to a breath, blood, or urine test, the court shall suspend the person's driver's license for the period of time the license would have been suspended upon conviction as set forth in KRS 189A.070(1), except that the court may authorize the person to apply to the Transportation Cabinet for issuance of an ignition interlock license under KRS 189A.340 for the period of the suspension.
 - (c) When the court orders the suspension of a person's license pursuant to this subsection, the person shall surrender the license in the same manner prescribed by KRS 189A.200(4). In addition, notice of the suspension shall be immediately transmitted to the Transportation Cabinet.

Effective: April 6, 2022

History: Amended 2022 Ky. Acts ch. 83, sec. 5, effective April 6, 2022. -- Amended 2019 Ky. Acts ch. 103, sec. 10, effective July 1, 2020. -- Amended 2015 Ky. Acts ch. 124, sec. 6, effective June 24, 2015. -- Amended 2000 Ky. Acts ch. 467, sec. 10, effective October 1, 2000. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 16, effective July 1, 1991.