

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2015 REGULAR SESSION
Unofficial Document

Amend printed copy of SB 133/SCS 1

On page 5, line 3, by deleting "convicted of an", and inserting in lieu thereof "convicted of a second or subsequent offense"; and

On page 14, line 1, delete "(3)", and insert in lieu thereof "(4)"; and

On page 16, line 13, by deleting line 13; and inserting in lieu thereof "(2) Nothing in this section limits:"; and

On page 16, line 14, by deleting "a.", and inserting "(a)"; and

On page 16, line 17, by deleting "b.", and inserting "(b)"; and

On page 16, line 21, by deleting "c.", and inserting "(c)"; and

On page 16, line 27 through page 17, line 1, by deleting "paragraph (a) of this subsection"; and inserting "paragraph (a) of subsection (1) of this section"; and

On Page 18, line 24, after "interlock", insert "and", and remove the opening and closing bracket around "hardship", and delete intervening strikethroughs", and

On page 18, line 26, after "of", delete "an", and after "interlock", insert "and", remove the opening and closing brackets around "hardship", and delete intervening strikethroughs, and place brackets around and strikethrough "license", and insert in lieu thereof "licenses"; and

On page 19, line 5, by deleting "KRS 189.010(a)", and inserting "KRS 189A.010(1)(a)"; and

Amendment No. SFA 1

Sponsor: Wil R. Schroder

Committee Amendment: _____

Signed: _____

Floor Amendment: _____

LRC Drafter: Jones, Chandani

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXXX

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On page 23, line 3, after "interlock" insert "license under Section 11 of this Act or a"; and

On page 23, line 3, by placing a closing bracket after "a"; and

On page 23, line 4, by removing the bracket and strikethroughs in "hardship"; and

On page 23, line 5, after "interlock", insert "or"; and remove the opening and closing brackets around "hardship", and delete intervening strikethroughs, and

On page 23, line 6, after "license", insert "issued under Section 16 of this Act"; and

On page 27, between lines 4 and 5, by inserting the following

"➔Section 16. KRS 189A.410 is amended to read as follows:

(1) At any time following the expiration of the minimum license suspension periods enumerated in KRS 189A.010(6), or 189A.070, ~~and 189A.107,~~ for 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 court, upon written petition of the defendant, if it finds reasonable cause to believe that revocation would hinder the person's ability to:

- (a) Continue his employment;
- (b) Continue attending school or an educational institution;
- (c) Obtain necessary medical care;
- (d) Attend driver improvement, alcohol, or substance abuse education programs; or
- (e) 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.

~~[Whenever the court grants a person hardship driving privileges under subsection (1) of this section, the court through court order, may:~~

~~(a) Prohibit the person from operating any motor vehicle or motorcycle without a functioning ignition interlock device;~~

~~(b) Require that the person comply with all of the requirements of KRS 189A.340, except for the requirements found in KRS 189A.340(1); and~~

~~(c) Require the person to install an ignition interlock device on every vehicle owned or leased by the person who is permitted to operate a motor vehicle under this section.~~

~~(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."; and~~

On page 27, lines 5 through 16, by deleting same.