

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2019 REGULAR SESSION
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Amend printed copy of **SB 85/HCS 1**

On page 13, delete from line 20 through page 15, line 12;

Renumber subsequent sections accordingly;

On page 1, line 10, delete "18" and insert "17" in lieu thereof;

On page 1, line 20, delete "18" and insert "17" in lieu thereof;

On page 2, line 1, delete "16" and insert "15" in lieu thereof;

On page 7, line 14, delete "6" and insert "5" in lieu thereof;

On page 15, delete from line 22 through page 16, line 8 and insert the following in lieu thereof:

"a. For the first offense within a ten (10) year period:

i. For a person who is issued an ignition interlock license under Section 15 of this Act and who meets the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, four (4) months;

ii. For a person who is issued an ignition interlock license under Section 15 of this Act but does not meet the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, until the person meets the ninety (90) consecutive day requirement or six (6) months, whichever is

Amendment No. _____

Rep. Rep. Richard Heath _____

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRD Drafter: Comstock, Katie _____

Adopted: _____

Date: _____

Rejected: _____

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shorter; or

iii. For all others, six (6) months;"

On page 16, line 11, delete "**16**" and insert "**15**" in lieu thereof;

On page 16, line 16, delete "**16**" and insert "**15**" in lieu thereof;

On page 16, line 25, delete "**16**" and insert "**15**" in lieu thereof;

On page 17, line 3, delete "**16**" and insert "**15**" in lieu thereof;

On page 17, line 12, delete "**16**" and insert "**15**" in lieu thereof;

On page 17, line 17, delete "**16**" and insert "**15**" in lieu thereof;

On page 18, delete from line 18 through page 19, line 1 and insert the following in lieu thereof:

"a. For a person who is issued an ignition interlock license under Section 15 of this Act and who meets the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, four (4) months;

b. For a person who is issued an ignition interlock license under Section 15 of this Act but does not meet the ninety (90) consecutive day requirement within the first four (4) months of the issuance of the ignition interlock license, until the person meets the ninety (90) consecutive day requirement or six (6) months, whichever is shorter; or"

On page 19, delete lines 3 through 5 and insert the following in lieu thereof:

"4. For purposes of this paragraph, "ninety (90) consecutive day requirement" and "one hundred twenty (120) consecutive day requirement" mean the requirements established in subsection (4)(b)2. of Section 15 of this Act."

On page 19, line 25, delete "**12**" and insert "**11**" in lieu thereof;

- On page 20, line 6, delete "16" and insert "15" in lieu thereof;
- On page 20, line 7, delete "22" and insert "21" in lieu thereof;
- On page 21, line 12, delete "16" and insert "15" in lieu thereof;
- On page 21, line 13, delete "22" and insert "21" in lieu thereof;
- On page 21, line 27, delete "16" and insert "15" in lieu thereof;
- On page 22, line 3, delete "6" and insert "5" in lieu thereof;
- On page 22, line 27, delete "C~~H~~" and insert "D" in lieu thereof;
- On page 23, line 9, delete "6" and insert "5" in lieu thereof;
- On page 23, line 11, delete "16" and insert "15" in lieu thereof;
- On page 29, line 1, delete "12" and insert "11" in lieu thereof;
- On page 29, line 24, delete "16" and insert "15" in lieu thereof;
- On page 30, line 5, delete "12" and insert "11" in lieu thereof;
- On page 31, line 5, delete "16" and insert "15" in lieu thereof;
- On page 31, line 10, delete "16" and insert "15" in lieu thereof;
- On page 32, line 13, delete "6" and insert "5" in lieu thereof;
- On page 32, line 23, delete "6" and insert "5" in lieu thereof;
- On page 33, line 3, delete "12" and insert "11" in lieu thereof;
- On page 33, line 18, delete "6 and 11" and insert "5 and 10" in lieu thereof;
- On page 34, line 8, delete "6 and 11" and insert "5 and 10" in lieu thereof;
- On page 34, line 26, delete "6 and 11" and insert "5 and 10" in lieu thereof;
- On page 35, line 10, delete "22" and insert "21" in lieu thereof;
- On page 35, line 12, delete "10" and insert "9" in lieu thereof;
- On page 36, line 6, delete "18" and insert "17" in lieu thereof;
- On page 36, line 11, delete "12" and insert "11" in lieu thereof;
- On page 36, line 12, delete "12" and insert "11" in lieu thereof;

On page 36, line 14, delete "6" and insert "5" in lieu thereof;

On page 36, line 15, delete "11" and insert "10" in lieu thereof;

On page 36, line 16, delete "6" and insert "5" in lieu thereof;

On page 36, delete from line 18 through page 37, line 17 and insert the following in lieu thereof:

"2. a. If the maximum suspension period under subsection (1)(a) of Section 5 of this Act 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 subsection (1)(a), (b), (c), (d), or (e) of Section 2 of this Act or for any offense of subsection (1)(f) of Section 2 of this Act, in the ninety (90) consecutive days; and

ii. For all subsequent offenses within a ten (10) year period of subsection (1)(a), (b), (c), (d), or (e) of Section 2 of this Act, 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;

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- 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;"

On page 37, line 18, delete "8" and insert "7" in lieu thereof;

On page 37, line 19, delete "8" and insert "7" in lieu thereof;

On page 37, line 20, delete "17" and insert "16" in lieu thereof;

On page 37, line 21, delete "17" and insert "16" in lieu thereof;

On page 40, line 9, delete "16" and insert "15" in lieu thereof;

On page 40, line 12, delete "16" and insert "15" in lieu thereof;

On page 40, line 17, delete "6" and insert "5" in lieu thereof;

On page 40, line 18, delete "16" and insert "15" in lieu thereof;

On page 40, line 25, delete "16" and insert "15" in lieu thereof;

- On page 41, line 6, delete "16" and insert "15" in lieu thereof;
- On page 42, line 6, delete "16" and insert "15" in lieu thereof;
- On page 43, line 25, delete "16" and insert "15" in lieu thereof;
- On page 44, line 5, delete "16" and insert "15" in lieu thereof;
- On page 45, delete from line 25 through page 46, line 7;
- On page 46, after line 7, insert the following:

"➔Section 18. KRS 189A.420 is repealed, reenacted, amended, and renumbered as KRS 189A.360 to read as follows:

~~{(1) A person shall be eligible for an ignition interlock license:~~

- ~~(a) During a period of license suspension under this chapter or upon the conclusion of a license revocation period pursuant to KRS 189A.340; or~~
- ~~(b) If he or she was convicted pursuant to KRS 189A.010(1)(a), (b), (c), or (f) and has enrolled in and is actively participating or has completed, alcohol or substance treatment.~~

~~(2) Before authorizing a person to apply for an ignition interlock license, 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 employer, on a form provided by the cabinet, detailing the necessity for the defendant to use the employer's motor vehicle in his work at the direction of the employer during working hours, and acknowledging that the person is restricted from using an employer's nonignition interlock equipped vehicle until the expiration of thirty (30) days from the date of issuance of an ignition interlock license for a first offense or twelve (12) months from the date of issuance of an ignition interlock license for a second or subsequent offense in violation of KRS 189A.010; and~~

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- ~~(c) Provide to the court such other information as may be required by administrative regulation of the Transportation Cabinet.~~
- ~~(3) No court shall grant authorization for a person to operate only motor vehicles or motorcycles equipped with a functioning ignition interlock device, unless and until the person:~~
- ~~(a) Provides proof that the person has been issued or has filed a completed application with the Transportation Cabinet for issuance of an ignition interlock license pursuant to KRS 189A.500; and~~
- ~~(b) Provides a certificate of installation of an ignition interlock device issued by a certified ignition interlock device provider pursuant to KRS 189A.500.~~
- ~~(4) Whenever the court grants authorization to apply for an ignition interlock license pursuant to this section, the court through court order, shall:~~
- ~~(a) Prohibit the person from operating any motor vehicle or motorcycle without a functioning ignition interlock device;~~
- ~~(b) Require that within the first thirty (30) days of installation of an ignition interlock device and every sixty (60) days thereafter, the person shall have the device serviced pursuant to the administrative regulations promulgated by the cabinet under KRS 189A.500; and~~
- ~~(c) If the requirements of paragraph (b) of subsection (2) of this section are met, allow that after the expiration of thirty (30) days from the date of issuance of an ignition interlock license for a first offense or twelve (12) months from the date of issuance of an ignition interlock license for a second or subsequent offense in violation of KRS 189A.010, the person may use an employer's nonignition interlock equipped vehicle as part of the employee's job duties if the person is to be authorized by the cabinet to use a nonignition interlock vehicle owned or leased by the employer as part of the~~

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employee's job duties.

~~(5) Upon authorizing a person to operate only motor vehicles or motorcycles equipped with a functioning ignition interlock device, the court, without a waiver or a stay of the following procedure, shall:~~

~~(a) Transmit its order and other appropriate information to the Transportation Cabinet;~~

~~(b) Direct that the Transportation Cabinet records reflect:~~

~~1. That during the applicable suspension or revocation period or upon the conclusion of a license revocation period, the person shall not operate a motor vehicle or motorcycle without a functioning ignition interlock device;~~

~~2. Whether the court has expressly permitted the person to operate a motor vehicle or motorcycle without a functioning ignition interlock device, as provided in subsection (2)(b) of this section; and~~

~~3. Direct the Transportation Cabinet to issue to any person restricted pursuant to this section an ignition interlock license that states the person shall operate only a motor vehicle or motorcycle equipped with a functioning ignition interlock device. However, if the exception provided for in subsection (2)(b) of this section applies, the license shall indicate the exception.~~

~~(6) All persons applying for an ignition interlock license shall pay a nonrefundable application fee to the Transportation Cabinet in an amount not to exceed the actual cost to the cabinet for issuing the ignition interlock license, but not to exceed two hundred dollars (\$200).~~

~~(7) The court shall require the person to pay the reasonable cost of leasing or buying, installing, servicing, and monitoring the device. If the court determines that a defendant is indigent, the court may, based on a sliding scale established by the Supreme Court of Kentucky by rule, require the defendant to pay the costs imposed under this section in an amount that is less than the full amount of the costs associated with the lease, purchase, or installation of~~

~~an ignition interlock device and associated servicing and monitoring fees. If a defendant pays to an ignition interlock provider the amount ordered by the court under this subsection, the provider shall accept the amount as payment in full. Neither the Commonwealth, Transportation Cabinet, or any unit of state or local government shall be responsible for payment of any costs associated with an ignition interlock device.];~~

On page 46, line 8, delete "189A.350" and insert "189A.360" in lieu thereof;

On page 46, line 13, after "*person's*", insert "*ninety (90) or*";

On page 46, line 19, delete "16" and insert "15" in lieu thereof;

On page 47, delete from line 16 through page 48, line 4;

Renumber subsequent sections accordingly;

On page 48, line 14, delete "6" and insert "5" in lieu thereof;

On page 48, line 16, delete "8" and insert "7" in lieu thereof;

On page 50, line 21, delete "6" and insert "5" in lieu thereof;

On page 54, delete lines 12 to 14; and

On page 54, line 18, delete "January" and insert "July" in lieu thereof.