

1 AN ACT relating to driving under the influence.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 189A.010 is amended to read as follows:

- 4 (1) A person shall not operate or be in physical control of a motor vehicle anywhere in
5 this state:
- 6 (a) Having an alcohol concentration of 0.08 or more as measured by a
7 scientifically reliable test or tests of a sample of the person's breath or blood
8 taken within two (2) hours of cessation of operation or physical control of a
9 motor vehicle;
- 10 (b) While under the influence of alcohol;
- 11 (c) While under the influence of any other substance or combination of
12 substances which impairs one's driving ability;
- 13 (d) While the presence of a controlled substance listed in subsection (12) of this
14 section is detected in the blood, as measured by a scientifically reliable test, or
15 tests, taken within two (2) hours of cessation of operation or physical control
16 of a motor vehicle;
- 17 (e) While under the combined influence of alcohol and any other substance which
18 impairs one's driving ability; or
- 19 (f) Having an alcohol concentration of 0.02 or more as measured by a
20 scientifically reliable test or tests of a sample of the person's breath or blood
21 taken within two (2) hours of cessation of operation or physical control of a
22 motor vehicle, if the person is under the age of twenty-one (21).
- 23 (2) With the exception of the results of the tests administered pursuant to KRS
24 189A.103(7):
- 25 (a) If the sample of the person's blood or breath that is used to determine the
26 alcohol concentration thereof was obtained more than two (2) hours after
27 cessation of operation or physical control of a motor vehicle, the results of the

1 test or tests shall be inadmissible as evidence in a prosecution under
2 subsection (1)(a) or (f) of this section. The results of the test or tests, however,
3 may be admissible in a prosecution under subsection (1)(b) or (e) of this
4 section; or

5 (b) If the sample of the person's blood that is used to determine the presence of a
6 controlled substance was obtained more than two (2) hours after cessation of
7 operation or physical control of a motor vehicle, the results of the test or tests
8 shall be inadmissible as evidence in a prosecution under subsection (1)(d) of
9 this section. The results of the test or tests, however, may be admissible in a
10 prosecution under subsection (1)(c) or (e) of this section.

11 (3) In any prosecution for a violation of subsection (1)(b) or (e) of this section in which
12 the defendant is charged with having operated or been in physical control of a
13 motor vehicle while under the influence of alcohol, the alcohol concentration in the
14 defendant's blood as determined at the time of making analysis of his or her blood
15 or breath shall give rise to the following presumptions:

16 (a) If there was an alcohol concentration of less than 0.04 ~~based upon the~~
17 ~~definition of alcohol concentration in KRS 189A.005~~, it shall be presumed
18 that the defendant was not under the influence of alcohol; and

19 (b) If there was an alcohol concentration of 0.04 or greater but less than 0.08 ~~based upon the definition of alcohol concentration in KRS 189A.005~~, that
20 ~~fact shall not constitute a presumption that the defendant either was or was not~~
21 ~~under the influence of alcohol, but that fact may be considered, together with~~
22 ~~other competent evidence, in determining the guilt or innocence of the~~
23 ~~defendant.~~

24
25 The provisions of this subsection shall not be construed as limiting the introduction
26 of any other competent evidence bearing upon the questions of whether the
27 defendant was under the influence of alcohol or other substances, in any

1 prosecution for a violation of subsection (1)(b) or (e) of this section.

2 (4) (a) Except as provided in paragraph (b) of this subsection, the fact that any person
3 charged with violation of subsection (1) of this section is legally entitled to
4 use any substance, including alcohol, shall not constitute a defense against
5 any charge of violation of subsection (1) of this section.

6 (b) A laboratory test or tests for a controlled substance shall be inadmissible as
7 evidence in a prosecution under subsection (1)(d) of this section upon a
8 finding by the court that the defendant consumed the substance under a valid
9 prescription from a practitioner, as defined in KRS 218A.010, acting in the
10 course of his or her professional practice. However, a laboratory test for a
11 controlled substance may be admissible as evidence in a prosecution under
12 subsection (1)(c) or (e) of this section.

13 (5) Any person who violates the provisions of paragraph (a), (b), (c), (d), or (e) of
14 subsection (1) of this section shall:

15 (a) For the first offense within a ten (10) year period, be fined not less than two
16 hundred dollars (\$200) nor more than five hundred dollars (\$500), or be
17 imprisoned in the county jail for not less than forty-eight (48) hours nor more
18 than thirty (30) days, or both. Following sentencing, the defendant may apply
19 to the judge for permission to enter a community labor program for not less
20 than forty-eight (48) hours nor more than thirty (30) days in lieu of fine or
21 imprisonment, or both. If any of the aggravating circumstances listed in
22 subsection (11) of this section are present while the person was operating or in
23 physical control of a motor vehicle, the mandatory minimum term of
24 imprisonment shall be four (4) days, which term shall not be suspended,
25 probated, conditionally discharged, or subject to any other form of early
26 release;

27 (b) For the second offense within a ten (10) year period, be fined not less than

1 three hundred fifty dollars (\$350) nor more than five hundred dollars (\$500)
2 and shall be imprisoned in the county jail for not less than seven (7) days nor
3 more than six (6) months and, in addition to fine and imprisonment, may be
4 sentenced to community labor for not less than ten (10) days nor more than
5 six (6) months. If any of the aggravating circumstances listed in subsection
6 (11) of this section are present, the mandatory minimum term of
7 imprisonment shall be fourteen (14) days, which term shall not be suspended,
8 probated, conditionally discharged, or subject to any other form of early
9 release;

10 (c) For a third offense within a ten (10) year period, be fined not less than five
11 hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and shall
12 be imprisoned in the county jail for not less than thirty (30) days nor more
13 than twelve (12) months and may, in addition to fine and imprisonment, be
14 sentenced to community labor for not less than thirty (30) days nor more than
15 twelve (12) months. If any of the aggravating circumstances listed in
16 subsection (11) of this section are present, the mandatory minimum term of
17 imprisonment shall be sixty (60) days, which term shall not be suspended,
18 probated, conditionally discharged, or subject to any other form of early
19 release;

20 (d) For a fourth or subsequent offense within a ten (10) year period, be guilty of a
21 Class D felony. If any of the aggravating circumstances listed in subsection
22 (11) of this section are present, the mandatory minimum term of
23 imprisonment shall be two hundred forty (240) days, which term shall not be
24 suspended, probated, conditionally discharged, or subject to any other form of
25 release; and

26 (e) For purposes of this subsection, prior offenses shall include all convictions in
27 this state, and any other state or jurisdiction, for operating or being in control

1 of a motor vehicle while under the influence of alcohol or other substances
2 that impair one's driving ability, or any combination of alcohol and such
3 substances, or while having an unlawful alcohol concentration, or driving
4 while intoxicated, but shall not include convictions for violating subsection
5 (1)(f) of this section. A court shall receive as proof of a prior conviction a
6 copy of that conviction, certified by the court ordering the conviction.

7 (6) (a) Any person who violates the provisions of subsection (1)(f) of this section
8 shall:

9 1. For the first offense, be fined no less than *two hundred dollars*
10 ~~(\$200)~~~~[one hundred dollars (\$100)]~~ and no more than five hundred
11 dollars (\$500), or sentenced to twenty (20) hours of community service
12 in lieu of a fine;

13 2. For the second offense, be fined no less than *three hundred fifty*
14 *dollars (\$350) and no more than five hundred dollars (\$500) and shall*
15 *be sentenced to twenty (20) hours of community service; and*

16 3. For the third or subsequent offense, be fined no less than *five hundred*
17 *dollars (\$500) and no more than one thousand dollars (\$1,000) and*
18 *shall be sentenced to forty (40) hours of community service.*

19 (b) A person subject to the penalties of this subsection shall not be subject to the
20 penalties established in subsection (5) of this section or any other penalty
21 established pursuant to KRS Chapter 189A, except those established in KRS
22 189A.040(1) and KRS 189A.070.

23 (7) If the person is under the age of twenty-one (21) and there was an alcohol
24 concentration of 0.08 or greater~~[based on the definition of alcohol concentration in~~
25 ~~KRS 189A.005]~~, the person shall be subject to the penalties established pursuant to
26 subsection (5) of this section.

27 (8) (a) For a second or third offense *under subsection (5) of this section* within a ten

1 (10) year period, the minimum sentence of imprisonment or community labor
2 shall not be suspended, probated, or subject to conditional discharge or other
3 form of early release.

4 **(b)** For a fourth or subsequent offense under **subsection (5) of** this section, the
5 minimum term of imprisonment shall be one hundred twenty (120) days, and
6 this term shall not be suspended, probated, or subject to conditional discharge
7 or other form of early release.

8 **(c)** For a second or subsequent offense **under subsection (5) of this section,** at
9 least forty-eight (48) hours of the mandatory sentence shall be served
10 consecutively.

11 (9) When sentencing persons under subsection (5)(a) of this section, at least one (1) of
12 the penalties shall be assessed and that penalty shall not be suspended, probated, or
13 subject to conditional discharge or other form of early release.

14 (10) In determining the ten (10) year period under this section, the period shall be
15 measured from the dates on which the offenses occurred for which the judgments of
16 conviction were entered.

17 (11) For purposes of this section, aggravating circumstances are any one (1) or more of
18 the following:

19 (a) Operating a motor vehicle in excess of thirty (30) miles per hour above the
20 speed limit;

21 (b) Operating a motor vehicle in the wrong direction on a limited access highway;

22 (c) Operating a motor vehicle that causes an accident resulting in death or serious
23 physical injury as defined in KRS 500.080;

24 (d) Operating a motor vehicle while the alcohol concentration in the operator's
25 blood or breath is 0.15 or more as measured by a test or tests of a sample of
26 the operator's blood or breath taken within two (2) hours of cessation of
27 operation of the motor vehicle;

- 1 (e) Refusing to submit to any test or tests of one's blood, breath, or urine
2 requested by an officer having reasonable grounds to believe the person was
3 operating or in physical control of a motor vehicle in violation of subsection
4 (1) of this section, except it shall not be considered an aggravating
5 circumstance for a first offense under subsection (5)(a) of this section; and
6 (f) Operating a motor vehicle that is transporting a passenger under the age of
7 twelve (12) years old.

8 (12) The substances applicable to a prosecution under subsection (1)(d) of this section
9 are:

- 10 (a) Any Schedule I controlled substance except marijuana;
11 (b) Alprazolam;
12 (c) Amphetamine;
13 (d) Buprenorphine;
14 (e) Butalbital;
15 (f) Carisoprodol;
16 (g) Cocaine;
17 (h) Diazepam;
18 (i) Hydrocodone;
19 (j) Meprobamate;
20 (k) Methadone;
21 (l) Methamphetamine;
22 (m) Oxycodone;
23 (n) Promethazine;
24 (o) Propoxyphene; and
25 (p) Zolpidem.

26 ➔Section 2. KRS 189A.070 is amended to read as follows:

- 27 (1) (a) 1. Unless the person is under eighteen (18) years of age, in addition to the

1 penalties specified in KRS 189A.010, the Transportation Cabinet shall
2 suspend a person's license to operate a motor vehicle or motorcycle
3 upon conviction of KRS 189A.010(1).

4 2. Upon conviction of KRS 189A.010(1)(a), (b), (c), (d), or (e), the
5 Transportation Cabinet shall suspend a person's license to operate a
6 motor vehicle or motorcycle as follows:

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

8 i. For a person who is issued an ignition interlock license under
9 KRS 189A.340 and who meets the ninety (90) consecutive
10 day requirement within the first four (4) months of the
11 issuance of the ignition interlock license, four (4) months;

12 ii. For a person who is issued an ignition interlock license under
13 KRS 189A.340 but does not meet the ninety (90)
14 consecutive day requirement within the first four (4) months
15 of the issuance of the ignition interlock license, until the
16 person meets the ninety (90) consecutive day requirement or
17 six (6) months, whichever is shorter; or

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

19 b. For the second offense within a ten (10) year period:

20 i. For a person who is issued an ignition interlock license under
21 KRS 189A.340 and who meets the one hundred twenty (120)
22 consecutive day requirement within the first twelve (12)
23 months of the issuance of the ignition interlock license,
24 twelve (12) months;

25 ii. For a person who is issued an ignition interlock license under
26 KRS 189A.340 but does not meet the one hundred twenty
27 (120) consecutive day requirement within the first twelve

- 1 (12) months of the issuance of the ignition interlock license,
2 until the person meets the one hundred twenty (120)
3 consecutive day requirement or eighteen (18) months,
4 whichever is shorter; or
- 5 iii. For all others, eighteen (18) months;
- 6 c. For a third offense within a ten (10) year period:
- 7 i. For a person who is issued an ignition interlock license under
8 KRS 189A.340 and who meets the one hundred twenty (120)
9 consecutive day requirement within the first eighteen (18)
10 months of the issuance of the ignition interlock license,
11 eighteen (18) months;
- 12 ii. For a person who is issued an ignition interlock license under
13 KRS 189A.340 but does not meet the one hundred twenty
14 (120) consecutive day requirement within the first eighteen
15 (18) months of the issuance of the ignition interlock license,
16 until the person meets the one hundred twenty (120)
17 consecutive day requirement or thirty-six (36) months,
18 whichever is shorter; or
- 19 iii. For all others, thirty-six (36) months;
- 20 d. For a fourth or subsequent offense within a ten (10) year period:
- 21 i. For a person who is issued an ignition interlock license under
22 KRS 189A.340 and who meets the one hundred twenty (120)
23 consecutive day requirement within the first thirty (30)
24 months of the issuance of the ignition interlock license, thirty
25 (30) months;
- 26 ii. For a person who is issued an ignition interlock license under
27 KRS 189A.340 but does not meet the one hundred twenty

- 1 (120) consecutive day requirement within the first thirty (30)
2 months of the issuance of the ignition interlock license, until
3 the person meets the one hundred twenty (120) consecutive
4 day requirement or sixty (60) months, whichever is shorter;
5 or
6 iii. For all others, sixty (60) months;
- 7 e. If the conviction records transmitted to the Transportation Cabinet
8 pursuant to subsection (3) of this section show that a person was
9 convicted of a:
- 10 i. First offense of KRS 189A.010, the person's license shall be
11 suspended as provided in subdivision a. of this subparagraph;
12 ii. Second offense of KRS 189A.010, the person's license shall
13 be suspended as provided in subdivision b. of this
14 subparagraph;
15 iii. Third offense of KRS 189A.010, the person's license shall be
16 suspended as provided in subdivision c. of this subparagraph;
17 and
18 iv. Fourth or subsequent offense of KRS 189A.010, the person's
19 license shall be suspended as provided in subdivision d. of
20 this subparagraph; and
- 21 f. The license suspension shall be deemed effective on the date of
22 entry of the court's order or judgement for a conviction of KRS
23 189A.010.
- 24 3. Upon conviction of KRS 189A.010(1)(f), the Transportation Cabinet
25 shall suspend a person's license to operate a motor vehicle or motorcycle
26 as follows:
- 27 a. **For the first offense:**

1 *i.* For a person who is issued an ignition interlock license under
2 KRS 189A.340 and who meets the ninety (90) consecutive
3 day requirement within the first four (4) months of the
4 issuance of the ignition interlock license, four (4) months;

5 ~~*ii.*~~~~*b.*~~ For a person who is issued an ignition interlock license under
6 KRS 189A.340 but does not meet the ninety (90)
7 consecutive day requirement within the first four (4) months
8 of the issuance of the ignition interlock license, until the
9 person meets the ninety (90) consecutive day requirement or
10 six (6) months, whichever is shorter; or

11 ~~*ii.*~~~~*c.*~~ For all others, six (6) months;

12 **b. For the second offense:**

13 *i.* For a person who is issued an ignition interlock license
14 under KRS 189A.340 and who meets the one hundred
15 twenty (120) consecutive day requirement within the first
16 twelve (12) months of the issuance of the ignition interlock
17 license, twelve (12) months;

18 *ii.* For a person who is issued an ignition interlock license
19 under KRS 189A.340 but does not meet the one hundred
20 twenty (120) consecutive day requirement within the first
21 twelve (12) months of the issuance of the ignition interlock
22 license, until the person meets the one hundred twenty
23 (120) consecutive day requirement or eighteen (18) months,
24 whichever is shorter; or

25 *iii.* For all others, eighteen (18) months;

26 **c. For a third offense or subsequent offense:**

27 *i.* For a person who is issued an ignition interlock license

1 under KRS 189A.340 and who meets the one hundred
2 twenty (120) consecutive day requirement within the first
3 eighteen (18) months of the issuance of the ignition
4 interlock license, eighteen (18) months;

5 ii. For a person who is issued an ignition interlock license
6 under KRS 189A.340 but does not meet the one hundred
7 twenty (120) consecutive day requirement within the first
8 eighteen (18) months of the issuance of the ignition
9 interlock license, until the person meets the one hundred
10 twenty (120) consecutive day requirement or thirty-six (36)
11 months, whichever is shorter; or

12 iii. For all others, thirty-six (36) months.

13 4. For purposes of this paragraph, "ninety (90) consecutive day
14 requirement" and "one hundred twenty (120) consecutive day
15 requirement" mean the requirements established in KRS
16 189A.340(4)(b)2.

17 (b) For a person under the age of eighteen (18), in addition to the penalties
18 specified in KRS 189A.010, the Transportation Cabinet shall suspend the
19 person's license to operate a motor vehicle or motorcycle upon conviction of
20 KRS 189A.010(1). The person shall have his or her license suspended until he
21 or she reaches the age of eighteen (18) or as provided in paragraph (a) of this
22 subsection, whichever penalty will result in the longer period of suspension.

23 (2) In addition to the period of license suspension set forth in subsection (1) of this
24 section, no person shall be eligible for reinstatement of his or her full privilege to
25 operate a motor vehicle or motorcycle until he or she has completed the alcohol or
26 substance abuse education or treatment program ordered pursuant to KRS
27 189A.040.

1 (3) Upon conviction of KRS 189A.010(1):

2 (a) A person shall surrender his or her license to operate a motor vehicle or
3 motorcycle to the court. Should the person fail to surrender his or her license
4 to the court, the court shall issue an order directing the sheriff or any other
5 peace officer to seize the license ~~forthwith~~ and deliver it to the court. The
6 court shall then forward the license to the Transportation Cabinet. This
7 paragraph shall not apply to a person who has previously surrendered his or
8 her license pursuant to KRS 189A.200; and

9 (b) The court shall immediately transmit the conviction records and other
10 appropriate information to the Transportation Cabinet. A court shall not waive
11 or stay this procedure.

12 (4) In determining the ten (10) year period under this section, the period shall be
13 measured from the dates on which the offenses occurred for which the judgments of
14 conviction were entered.

15 ➔Section 3. KRS 189A.340 is amended to read as follows:

16 (1) (a) If a person's license is suspended pursuant to this chapter and the initial
17 suspension was for a violation of KRS 189A.010(1)(a), (b), (e), or (f), the sole
18 license the person shall be eligible for is an ignition interlock license pursuant
19 to this section.

20 (b) If a person's license is suspended pursuant to this chapter and the initial
21 suspension was for a violation of KRS 189A.010(1)(c) or (d), the person shall
22 be eligible for an ignition interlock license pursuant to this section and may be
23 eligible for a hardship license pursuant to KRS 189A.410.

24 (2) (a) A person may apply for an ignition interlock license anytime, including after
25 receiving the notices under KRS 189A.105 or after his or her license has been
26 suspended pursuant to this chapter.

27 (b) If at the time the person applies for an ignition interlock license, the person's

1 license has been suspended pursuant to this chapter, the person shall be
2 authorized to drive to:

- 3 1. An ignition interlock device provider to have a functioning ignition
4 interlock device installed in his or her motor vehicle or motorcycle; and
- 5 2. The Transportation Cabinet to obtain an ignition interlock license;

6 This paragraph shall only apply within fourteen (14) days of the date printed
7 on the ignition interlock approval letter issued by the Transportation Cabinet
8 and if the person has the ignition interlock approval letter in the motor vehicle
9 or motorcycle.

10 (3) Before the Transportation Cabinet shall issue an ignition interlock license, the
11 person shall:

- 12 (a) Submit an application for an ignition interlock license;
- 13 (b) Provide proof of motor vehicle insurance;
- 14 (c) Provide an ignition interlock certificate of installation issued by an ignition
15 interlock device provider; and
- 16 (d) Provide any other information required by administrative regulations
17 promulgated by the Transportation Cabinet under KRS 189A.350.

18 (4) An ignition interlock license shall restrict the person to operating only a motor
19 vehicle or motorcycle equipped with a functioning ignition interlock device, unless
20 the person qualifies for an employer exemption under subsection (6) of this section.

21 This restriction shall remain in place for:

- 22 (a) If a person's license was suspended pretrial pursuant to KRS 189A.200, the
23 required suspension period under KRS 189A.200(6);
- 24 (b) If a person's license was suspended pursuant to KRS 189A.070 or 189A.107:
 - 25 1. The required suspension period under KRS 189A.070(1); and
 - 26 2. a. If the maximum suspension period under KRS 189A.070(1)(a) has
27 not yet been met, until the Transportation Cabinet has received a

1 declaration from the person's ignition interlock device provider, in
2 a form provided or approved by the cabinet, certifying that none of
3 the violations outlined in subdivision b. of this subparagraph has
4 occurred:

5 i. For a first offense within a ten (10) year period of KRS
6 189A.010(1)(a), (b), (c), (d), or (e) or for the first~~any~~
7 offense of KRS 189A.010(1)(f), in the ninety (90)
8 consecutive days; and

9 ii. For all subsequent offenses within a ten (10) year period of
10 KRS 189A.010(1)(a), (b), (c), (d), or (e) or for all
11 subsequent offenses of subsection (1)(f) of Section 1 of this
12 Act, one hundred twenty (120) consecutive days;

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

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

17 i. Failure to take any random breath alcohol concentration test
18 unless a review of the digital image confirms that the motor
19 vehicle or motorcycle was not occupied by a driver at the
20 time of the missed test;

21 ii. Failure to pass any random retest with a breath alcohol
22 concentration of 0.02 or lower unless a subsequent test
23 performed within ten (10) minutes registers a breath alcohol
24 concentration lower than 0.02, and the digital image
25 confirms the same person provided both samples;

26 iii. Failure of the person, or his or her designee, to appear at the
27 ignition interlock device provider when required for

- 1 maintenance, repair, calibration, monitoring, inspection, or
2 replacement of the device;
- 3 iv. Failure of the person to pay fees established pursuant to
4 subsection (7) of this section;
- 5 v. Tampering with an installed ignition interlock device with
6 the intent of rendering it defective; or
- 7 vi. Altering, concealing, hiding, or attempting to alter, conceal,
8 or hide, the person's identity from the ignition interlock
9 device's camera while providing a breath sample;
- 10 (c) If a person's license was suspended pursuant to KRS 189A.090, for the
11 required suspension period under KRS 189A.090(2); or
- 12 (d) If a person's license suspension was extended pursuant to KRS 189A.345, the
13 required suspension period under KRS 189A.345(1).
- 14 (5) (a) The time period a person:
- 15 1. Holds a valid ignition interlock license pursuant to this section; or
16 2. Receives alcohol or substance abuse treatment in an inpatient residential
17 facility;
- 18 shall apply on a day-for-day basis toward satisfying the suspension periods
19 detailed in subsection (4) of this section.
- 20 (b) Except as provided in paragraph (c) of this subsection, the Transportation
21 Cabinet shall give the person a day-for-day credit for any time period the
22 person:
- 23 1. Held a valid ignition interlock license; or
24 2. Received alcohol or substance abuse treatment in an inpatient residential
25 facility.
- 26 (c) A person shall not receive day-for-day credit for days the person utilized the
27 employer exemption in accordance with subsection (6) of this section and

1 drove an employer's motor vehicle or motorcycle not equipped with a
2 functioning ignition interlock device.

3 (6) (a) A person with an ignition interlock license may operate a motor vehicle or
4 motorcycle not equipped with a functioning ignition interlock device if:

- 5 1. The person is required to operate an employer's motor vehicle or
6 motorcycle in the course and scope of employment; and
- 7 2. The business entity that owns the motor vehicle or motorcycle is not
8 owned or controlled by the person.

9 (b) To qualify for the employer exemption, the person shall provide the
10 Transportation Cabinet with a sworn statement from his or her employer
11 stating that the person and business entity meet the requirements of paragraph
12 (a) of this subsection.

13 (7) (a) Except as provided in paragraph (c) of this subsection, an ignition interlock
14 device provider may charge the following fees:

- 15 1. An installation fee for an alternative fuel vehicle or a vehicle with a
16 push button starter not to exceed one hundred thirty dollars (\$130), an
17 installation fee for all other vehicles not to exceed one hundred dollars
18 (\$100);
- 19 2. A monthly fee not to exceed one hundred dollars (\$100);
- 20 3. A removal fee not to exceed thirty dollars (\$30);
- 21 4. A reset fee not to exceed fifty dollars (\$50); or
- 22 5. A missed appointment fee not to exceed thirty-five dollars (\$35).

23 (b) A person who is issued an ignition interlock license shall pay fees as
24 established in his or her lease agreement with the ignition interlock device
25 provider for any ignition interlock device installed in his or her motor vehicle
26 or motorcycle. However, the fees shall never be more than allowed under
27 paragraph (a) of this subsection and are subject to paragraph (c) of this

1 subsection.

2 (c) Any person who has an income:

3 1. At or below two hundred percent (200%) but above one hundred fifty
4 percent (150%) of the federal poverty guidelines, shall pay only
5 seventy-five percent (75%) of fees established pursuant to paragraph (a)
6 of this subsection;

7 2. At or below one hundred fifty percent (150%) but above one hundred
8 percent (100%) of the federal poverty guidelines, shall pay only fifty
9 percent (50%) of fees established pursuant to paragraph (a) of this
10 subsection; or

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

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

18 (d) Neither the Commonwealth, the Transportation Cabinet, nor any unit of state
19 or local government shall be responsible for payment of any costs associated
20 with an ignition interlock device.

21 (8) For a person issued an ignition interlock license under this section who is residing
22 outside of Kentucky, the Transportation Cabinet may accept an ignition interlock
23 certificate of installation from an ignition interlock device provider authorized to do
24 business in the state where the person resides if the ignition interlock device meets
25 the requirements of that state.