

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session**

Part I: Measure Information

Bill Request #:	444	Bill #:	HB 456/HCS 1
Document ID #:	5607	Sponsor:	Rep. Patrick Flannery
Bill Title:	AN ACT relating to driving under the influence		

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local

Office(s) Impacted: Department of Corrections, Jails

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 456/HCS 1 amends KRS 189A.010 to expand the list of controlled substances that qualify as a violation of driving under the influence. Substances added are clonazepam, cyclobenzaprine, and fentanyl. Section 1 also adds an aggravating circumstance for operating a motor vehicle while a person’s license is suspended for a previous violation. An operator’s license is suspended for a violation until the operator has their privilege to operate a motor vehicle reinstated following a conviction for a violation of this section or KRS 189A.090.

HB 456/HCS 1 would also amend KRS 189A.070 regarding durations of license suspension for those convicted of driving under the influence. Section 2 is amended as follows:

1. For a first offense within a 10-year period:
 - The bill as introduced says, for a person who is issued an ignition interlock license, the suspension lasts for six months unless the person commits a violation within the last 90 days of that period. If that happens, the

suspension will extend until they have completed a full 90 days without violations; or for all others is 9 months.

- Current statute says if a person meets the 90 consecutive day requirement within the first 4 months of getting an ignition interlock license, it's valid for 4 months. If a person does not meet the 90 consecutive day requirement within the first 4 months, the license is valid until they meet the requirement or for a maximum of 6 months, whichever is shorter.
2. For a second offense within a 10-year period:
 - The bill as introduced says, for a person who is issued an ignition interlock license, if a person does not meet the 90 consecutive day requirement within the first 4 months, the license is valid until they meet the requirement or for a maximum of 6 months, whichever is shorter.
 - Current statute says if a person meets the 120 consecutive day requirement within the first year of getting an ignition interlock license, they are subject to a 12-month term. If a person does not meet the 120 consecutive day requirement within the first year, they must continue until they meet that requirement or for a maximum of 18 months, whichever comes first.
 3. For a third offense within a 10-year period:
 - The bill as introduced says, for a person who is issued an ignition interlock license, the suspension will last for 18 months unless the person commits a violation mentioned in a specific section within the last 120 days of that period. If they do, the suspension will continue until they have met the requirement of 120 consecutive days.
 - Current statute says If a person meets the 120 consecutive day requirement within the first 18 months of their ignition interlock license, the requirement lasts for 18 months. If a person does not meet the 120 consecutive day requirement within the first 18 months, the requirement lasts until they meet the 120 days or for 36 months, whichever is shorter.
 4. For a fourth or subsequent offense within a 10-year period:
 - For a person who is issued an ignition interlock license, the suspension will last for 30 months unless the person breaks the rules in subsection (4)(b)2.b. of Section 3, within the last 120 days of that 30 month period. If that happens, the suspension will continue until the person completes a 120 consecutive day requirement.
 - If someone meets the 120 consecutive day requirement within the first 30 months of getting an ignition interlock license, they have 30 months. If they do not meet the 120 consecutive day requirement within the first 30 months, they must continue until they meet the requirement or for a maximum of 60 months, whichever comes first.

The bill as introduced states if someone is suspended under this section, including those with an ignition interlock license, the suspension period will pause while they are in

prison. A person is also required to apply for an ignition interlock license when having subsequent offenses.

The fiscal impact of HB 456/HCS 1 on local government is indeterminable but likely negative. With the expansion of controlled substances and additional aggravating circumstances for DUI violations, local law enforcement agencies may face increased costs related to the enforcement of these laws.

Data Source(s): LRC Staff

Preparer: HT **Reviewer:** TJ (MDA) **Date:** 2/27/25