

**KRS CHAPTER 189A
DRIVING UNDER THE INFLUENCE
(Selected Sections)**

KRS 189A.005 Definitions for chapter – License suspensions

As used in this chapter, unless the context requires otherwise:

- (1) "**Alcohol concentration**" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath;
- (2) "**Ignition interlock device**" means a device, certified by the Transportation Cabinet for use in this Commonwealth under subsection (1) of KRS 189A.500, that connects a motor vehicle ignition system or motorcycle ignition system to a breath alcohol analyzer and prevents a motor vehicle ignition or motorcycle ignition from starting, and from continuing to operate, if a driver's breath alcohol concentration exceeds 0.02, as measured by the device;
- (3) "**Ignition Interlock Certification of Installation**" means a certificate providing that the installed ignition interlock device is certified for use in the Commonwealth under subsection (1) of Section 15 of this Act;
- (4) "**Ignition Interlock Device Provider**" means any person or company engaged in the business of manufacturing, selling, leasing, servicing, or monitoring ignition interlock devices within the Commonwealth;
- (5) "**Ignition interlock license**" means a motor vehicle or motorcycle operator's license issued or granted by the laws of the Commonwealth of Kentucky that, with limited exceptions, permits a person to drive only motor vehicles or motorcycles equipped with a functioning ignition interlock device;
- (6) "**License**" means any driver's or operator's license or any other license or permit to operate a motor vehicle issued under or granted by the laws of this state including:
 - (a) Any temporary license or instruction permit;
 - (b) The privilege of any person to obtain a valid license or instruction permit, or to drive a motor vehicle whether or not the person holds a valid license; and
 - (c) Any nonresident's operating privilege as defined in KRS Chapter 186 or 189;
- (7) "**Limited access highway**" has the same meaning as "limited access facility" does in KRS 177.220;
- (8) "**Refusal**" means declining to submit to any test or tests pursuant to KRS 189A.103. Declining may be either by word or by the act of refusal. If the breath testing instrument for any reason shows an insufficient breath sample and the alcohol concentration cannot be measured by the breath testing instrument, the law enforcement officer shall then request the defendant to take a blood or urine test in lieu of the breath test. If the defendant then declines either by word or by the act of refusal, he shall then be deemed to have refused if the refusal occurs at the site at which any alcohol concentration or substance test is to be administered;
- (9) When age is a factor, it shall mean age at the time of the commission of the offense; and
- (10) Unless otherwise provided, license suspensions under this chapter shall be imposed by the court. The court shall impose the applicable period of license suspension enumerated by this chapter and shall include in its order or judgment the length and terms of any suspension imposed. The license suspension shall be deemed effective on the date of entry of the court's order or judgment. The role of the Transportation Cabinet shall be limited to administering the suspension period under the terms and for the duration enumerated by the court in its order or judgment.

KRS 189A.010 Operating motor vehicle with alcohol concentration of or above 0.08, or of or above 0.02 for persons under age twenty-one, or while under the influence of alcohol, a controlled substance, or other substance which impairs driving ability prohibited – Admissibility of alcohol concentration test results – Presumptions – Penalties – Aggravating circumstances

- (1) A person shall not operate or be in physical control of a **motor vehicle** anywhere in this state:

EDITOR'S NOTE: See 189.520 for DUI of a vehicle that is not a motor vehicle and KRS 281A.210 for DUI of a Commercial Motor Vehicle.

SECTION 8 TRAFFIC

- (a) Having an alcohol concentration of 0.08 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a motor vehicle;
 - (b) While under the influence of alcohol;
 - (c) While under the influence of any other substance or combination of substances which impairs one's driving ability;
 - (d) While the presence of a controlled substance listed in subsection (12) of this section is detected in the blood, as measured by a scientifically reliable test, or tests, taken within two (2) hours of cessation of operation or physical control of a motor vehicle;
 - (e) While under the combined influence of alcohol and any other substance which impairs one's driving ability; or
 - (f) Having an alcohol concentration of 0.02 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a motor vehicle, if the person is under the age of twenty-one (21).
- (2) With the exception of the results of the tests administered pursuant to KRS 189A.103 (7), if the sample of the person's blood or breath that is used to determine the alcohol concentration thereof was obtained more than two (2) hours after cessation of operation or physical control of a motor vehicle, the results of the test or tests shall be inadmissible as evidence in a prosecution under subsections (1) (a) and (1) (f) of this section. The results of the test or tests, however, may be admissible in a prosecution under subsections (1) (b) and (1) (e).
- (3) In any prosecution for a violation of subsection (1) (b) or (e) of this section in which the defendant is charged with having operated or been in physical control of a motor vehicle while under the influence of alcohol, the alcohol concentration in the defendant's blood as determined at the time of making analysis of his blood or breath shall give rise to the following presumptions:
- (a) If there was an alcohol concentration of less than 0.05 based upon the definition of alcohol concentration in KRS 189A.005, it shall be presumed that the defendant was not under the influence of alcohol; and
 - (b) If there was an alcohol concentration of 0.05 or greater but less than 0.08 based upon the definition of alcohol concentration in KRS 189A.005, that fact shall not constitute a presumption that the defendant either was or was not under the influence of alcohol, but that fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant.
- The provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the questions of whether the defendant was under the influence of alcohol or other substances, in any prosecution for a violation of subsection (1)(b) or (e) of this section.
- (4) (a) Except as provided in paragraph (b) of this subsection, the fact that any person charged with violation of subsection (1) of this section is legally entitled to use any substance, including alcohol, shall not constitute a defense against any charge of violation of subsection (1) of this section.
- (b) A laboratory test or tests for a controlled substance shall be inadmissible as evidence in a prosecution under subsection (1)(d) of this section upon a finding by the court that the defendant consumed the substance under a valid prescription from a practitioner, as defined in KRS 218A.010, acting in the course of his or her professional practice.
- (5) Any person who violates the provisions of paragraphs (a), (b), (c), (d) or (e) of subsection (1) of this section shall:
- (a) For the first offense within a ten (10) year period, be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) or be imprisoned in the county jail for not less than forty-eight (48) hours nor more than thirty (30) days or both. Following sentencing, the defendant may apply to the judge for permission to enter a community labor program for not less than forty-eight (48) hours nor more than thirty (30) days in lieu of fine or imprisonment, or both. If any of the aggravating circumstances listed in subsection (11) of this section are present while the person was operating or in physical control of a motor vehicle, the mandatory minimum term of imprisonment shall be four (4) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release.

- (b) For the second offense within a ten (10) year period, be fined not less than three hundred fifty dollars (\$350) nor more than five hundred dollars (\$500) and shall be imprisoned in the county jail for not less than seven (7) days nor more than six (6) months and, in addition to fine and imprisonment, may be sentenced to community labor for not less than ten (10) days nor more than six (6) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be fourteen (14) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release.
- (c) For a third offense within a ten (10) year period, be fined not less than five hundred dollars (\$500) nor more than one thousand (\$1,000) and shall be imprisoned in the county jail for not less than thirty (30) days nor more than twelve (12) months and may, in addition to fine and imprisonment, be sentenced to community labor for not less than ten (10) days nor more than twelve (12) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be sixty (60) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release
- (d) For a fourth or subsequent offense within a ten (10) year period, be guilty of a Class D felony. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be two hundred forty (240) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of release.
- (e) For purposes of this subsection, prior offenses shall include all convictions in this state, and any other state, or jurisdiction for operating or being in control of a motor vehicle while under the influence of alcohol or other substances that impair one's driving ability, or any combination of alcohol and such substances, or while having an unlawful alcohol concentration, or driving while intoxicated, but shall not include convictions for violating subsection (1) (f) of this section. A court shall receive as proof of a prior conviction a copy of that conviction, certified by the court ordering the conviction
- (6) Any person who violates the provisions of subsection (1)(f) of this section shall have his driving privilege or operator's license suspended by the court for a period of no less than thirty (30) days but no longer than six (6) months, and the person shall be fined no less than one hundred dollars (\$100) and no more than five hundred dollars (\$500), or sentenced to twenty (20) hours of community service in lieu of a fine. A person subject to the penalties of this paragraph shall not be subject to the penalties established in subsection (5) of this section or any other penalty established pursuant to KRS Chapter 189A, except those established in KRS 189A.040(1).
- (7) If the person is under the age of twenty-one (21) and there was an alcohol concentration of 0.08 or greater based on the definition of alcohol concentration in KRS 189A.005, the person shall be subject to the penalties established pursuant to subsection (5) of this section.
- (8) For a second or third offense within a ten (10) year period, the minimum sentence of imprisonment or community labor shall not be suspended, probated, or subject to conditional discharge or other form of early release. For a fourth or subsequent offense under this section, the minimum term of imprisonment shall be one hundred twenty (120) days, and this term shall not be suspended, probated, or subject to conditional discharge or other form of early release. For a second or subsequent offense, at least forty-eight (48) hours of the mandatory sentence shall be served consecutively.
- (9) When sentencing persons under subsection (5) (a) of this section at least one (1) of the penalties shall be assessed and that penalty shall not be suspended, probated, or subject to conditional discharge or other form of early release.
- (10) In determining the ten (10) year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.
- (11) For purposes of this section, aggravating circumstances are any one (1) or more of the following:
 - (a) Operating a motor vehicle in excess of thirty (30) miles per hour above the speed limit;
 - (b) Operating a motor vehicle in the wrong direction on a limited access highway;
 - (c) Operating a motor vehicle that causes an accident resulting in death or serious physical injury as defined in KRS 500.080;
 - (d) Operating a motor vehicle while the alcohol concentration in the operator's blood or breath is

- 0.15 or more as measured by a test or tests of a sample of the operator's blood or breath taken within two (2) hours of cessation of operation of the motor vehicle;
- (e) Refusing to submit to any test or tests of one's blood, breath, or urine requested by an officer having reasonable grounds to believe the person was operating or in physical control of a motor vehicle in violation of subsection (1) of this section; and
 - (f) Operating a motor vehicle that is transporting a passenger under the age of twelve (12) years old.
- (12) The substances applicable to a prosecution under subsection (1)(d) of this section are:
- (a) Any Schedule I controlled substance except marijuana;
 - (b) Alprazolam;
 - (c) Amphetamine;
 - (d) Buprenorphine;
 - (e) Butalbital;
 - (f) Carisoprodol;
 - (g) Cocaine;
 - (h) Diazepam;
 - (i) Hydrocodone;
 - (j) Meprobamate;
 - (k) Methadone;
 - (l) Methamphetamine;
 - (m) Oxycodone;
 - (n) Promethazine;
 - (o) Propoxyphene; and
 - (p) Zolidem.

KRS 189A.090 Operating motor vehicle while license is revoked or suspended for driving under the influence prohibited – Operating motor vehicle without required ignition interlock device prohibited – Penalties

- (1) No person shall operate or be in physical control of a motor vehicle while his or her license is revoked or suspended under KRS Chapter 189A, or upon the conclusion of a license revocation period pursuant to Section 8 of this Act unless the person has his or her valid ignition interlock license in the person's possession and the motor vehicle or motorcycle is equipped with a functioning ignition interlock device as required by KRS 189A.420.
- (2) In addition to any other penalty imposed by the court, any person who violates subsection (1) of this section shall:
 - (a) For a first offense within a ten (10) year period, be guilty of a Class B misdemeanor and have his license revoked by the court for six (6) months, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d) or (e), in which event he shall be guilty of a Class A misdemeanor and have his license revoked by the court for a period of one (1) year;
 - (b) For a second offense within a ten (10) year period, be guilty of a Class A misdemeanor and have his license revoked by the court for one (1) year, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d) or (e), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of two (2) years;
 - (c) For a third or subsequent offense within a ten (10) year period, be guilty of a Class D felony and have his license revoked by the court for two (2) years, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d) or (e), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of five (5) years.
 - (d) At the sole discretion of the court, in the interest of public safety and upon a written finding in the record for good cause shown, the court may order that, following any period of incarceration required for the conviction of an offense under paragraph (a), (b), or (c) of this subsection, the eligible person is authorized to apply for and the cabinet shall issue to the person an ignition interlock license for the remainder of the original period of suspension or

revocation and for the entire period of the new revocation if the person is and remains otherwise eligible for such license.

- (3) The ten (10) year period under this section shall be measured in the same manner as in KRS 189A.070.
- (4) Upon a finding of a violation of any of the requirements of an ignition interlock license the court shall dissolve such an order and the person shall receive no credit toward the remaining period of revocation required under subsection (2) (b) or (c) of this section.

KRS 189A.103 Consent to tests for alcohol concentration or substance which may impair driving ability – Test procedures – Who may administer – Personal testing

The following provisions shall apply to any person who operates or is in physical control of a motor vehicle or a vehicle that is not a motor vehicle in this Commonwealth:

- (1) He has given his consent to one (1) or more tests of his blood, breath, and urine, or combination thereof, for the purpose of determining alcohol concentration or presence of a substance which may impair one's driving ability, if an officer has reasonable grounds to believe that a violation of KRS 189A.010(1) or 189.520(1) has occurred.
- (2) Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal is deemed not to have withdrawn the consent provided in subsection (1) of this section, and the test may be given.
- (3) The breath, blood, and urine tests administered pursuant to this section shall be administered at the direction of a peace officer having reasonable grounds to believe the person has committed a violation of KRS 189A.010(1) or 189.520(1).
 - (a) Tests of the person's breath, blood, or urine, to be valid pursuant to this section, shall have been performed according to the administrative regulations promulgated by the secretary of the Justice Cabinet, and shall have been performed, as to breath tests, only after a peace officer has had the person under personal observation at the location of the test for a minimum of twenty (20) minutes.
 - (b) All breath tests shall be administered by a peace officer holding a certificate, as an operator of a breath analysis instrument, issued by the secretary of the Justice Cabinet or his designee.
- (4) A breath test shall consist of a test which is performed in accordance with the manufacturer's instructions for the use of the instrument. The secretary of the Justice Cabinet shall keep available for public inspection copies of these manufacturer's instructions for all models of breath testing devices in use by the Commonwealth of Kentucky.
- (5) When the preliminary breath test, breath test, or other evidence gives the peace officer reasonable grounds to believe there is impairment by a substance which is not subject to testing by a breath test, then blood or urine tests, or both, may be required in addition to a breath test, or in lieu of a breath test.
- (6) Only a physician, registered nurse, phlebotomist, medical technician, or medical technologist not otherwise prohibited by law can withdraw any blood of any person submitting to a test under this section.
- (7) After the person has submitted to all alcohol concentration tests and substance tests requested by the officer the person tested shall be permitted to have a person listed in subsection (6) of this section of his own choosing administer a test or tests in addition to any tests administered at the direction of the peace officer. Tests conducted under this section shall be conducted within a reasonable length of time. Provided, however, the nonavailability of the person chosen to administer a test or tests in addition to those administered at the direction of the peace officer within a reasonable time shall not be grounds for rendering inadmissible as evidence the results of the test or tests administered at the direction of the peace officer.

KRS 189A.104 Alcohol or substance testing subject to refusal or enhancement of penalties under KRS Chapter 189A

- (1) The only alcohol or substance testing that is subject to refusal or enhancement of penalties provided for in this chapter is:

- (a) Breath analysis testing by a machine installed, tested, and maintained by the Commonwealth for that specific purpose at a police station or detention facility;
 - (b) Blood or urine testing at the request of the officer at a police station, detention facility, or medical facility; or
 - (c) Combination of tests required in paragraphs (a) or (b) of this subsection.
- (2) The results of any breath analysis by an instrument other than one specified in subsection (1) of this section shall be inadmissible in court.

KRS 189A.105 Effect of refusal to submit to tests – Information required to be provided when tests requested – Ignition interlock device - Court-ordered testing – Right to consult attorney before submitting to tests – Personal testing option

- (1) A person's refusal to submit to tests under KRS 189A.103 shall result in revocation of his driving privilege as provided in this chapter.
- (2) (a) At the time a breath, blood, or urine test is requested, the person shall be informed:
1. That, if the person refuses to submit to such tests, the fact of this refusal may be used against him in court as evidence of violating KRS 189A.010 and will result in revocation of his driver's license, and if the person refuses to submit to the tests and is subsequently convicted of violating KRS 189A.010(1) then he will be subject to a mandatory minimum jail sentence which is twice as long as the mandatory minimum jail sentence imposed if he submits to the tests, and that if the person refuses to submit to the tests his or her license will be suspended by the court at the time of arraignment, and he or she will be unable to obtain an ignition interlock license during the suspension period; and
 2. That, if a test is taken, the results of the test may be used against him in court as evidence of violating KRS 189A.010 (1), and that although his or her license will be suspended, he or she may be eligible immediately for an ignition interlock license allowing him or her to drive during the period of suspension and, if he or she is convicted, he or she will receive a credit toward any other ignition interlock requirement arising from this arrest; and
 3. That if the person first submits to the requested alcohol and substance tests, the person has the right to have a test or tests of his blood performed by a person of his choosing described in KRS 189A.103 within a reasonable time of his arrest at the expense of the person arrested.
- (b) Nothing in this subsection shall be construed to prohibit a judge of a court of competent jurisdiction from issuing a search warrant or other court order requiring a blood or urine test, or a combination thereof, of a defendant charged with a violation of KRS 189A.010, or other statutory violation arising from the incident, when a person is killed or suffers physical injury, as defined in KRS 500.080, as a result of the incident in which the defendant has been charged. However, if the incident involves a motor vehicle accident in which there was a fatality, the investigating officer shall seek such a search warrant for blood, breath, or urine testing unless the testing has already been done by consent. If testing done pursuant to a warrant reveals the presence of alcohol or any other substance that impaired the driving ability of a person who is charged with and convicted of an offense arising from the accident, the sentencing court shall require, in addition to any other sentencing provision, that the defendant make restitution to the state for the cost of the testing.
- (3) During the period immediately preceding the administration of any test, the person shall be afforded an opportunity of at least ten (10) minutes but not more than fifteen (15) minutes to attempt to contact and communicate with an attorney, and shall be informed of this right. Inability to communicate with an attorney during this period shall not be deemed to relieve the person of his obligation to submit to the tests and the penalties specified by KRS 189A.010 and 189A.107 shall remain applicable to the person upon refusal. Nothing in this section shall be deemed to create a right to have an attorney present during the administration of the tests, but the person's attorney may be present if the attorney can physically appear at the location where the test is to be administered within the time period established in this section.
- (4) Immediately following the administration of the final test requested by the officer, the person shall again be informed of his right to have a test or tests of his blood performed by a person of his

choosing described in KRS 189A.103 within a reasonable time of his arrest at the expense of the person arrested. He shall then be asked "Do you want such a test?" The officer shall make reasonable efforts to provide transportation to the tests.

KRS 189A.107 License suspension for refusal to take alcohol or substance tests – Ignition interlock device - Hearing on alleged refusal - Time period for suspension

- (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 driver's license suspended by the court for the pendency of the action under KRS 189A.200 unless, at the time of arraignment, the person files a motion with the court waiving the right to judicial review of the suspension, after which the court, in its discretion, may authorize the person to apply to the cabinet for issuance of an ignition interlock license under Section 11 of this Act for the period of the suspension. If the person complies with the requirements of Section 11 of this Act and is otherwise eligible, the cabinet shall issue the person an ignition interlock license for the remainder of the suspension period and apply the court-determined credit on a day-for-day basis for any subsequent ignition interlock requirement arising from the same incident.
- (2) In the event a defendant is not convicted of a violation of KRS 189A.010(1) . . . the court shall conduct a hearing, without a jury, to determine by clear and convincing evidence if the person actually refused the testing. . . . If the court finds that the person did refuse to submit to the testing, the court shall suspend the person's driver's license for a period of time within the time range specified that the license would have been suspended upon conviction as set forth in KRS 189A.070(1), except that the court, in its discretion, may authorize the person to apply to the cabinet for issuance of an ignition interlock license under Section 11 of this Act for the period of the suspension. If the person complies with the requirements of Section 11 of this Act and is otherwise eligible, the cabinet shall issue the person an ignition interlock license for the remainder of the suspension period and grant the person day-for-day credit for any subsequent ignition interlock requirement arising from the same incident.

KRS 189A.340 Ignition interlock devices

- (1) Except as provided in subsection (4) of KRS 189A.420, at the time that the court revokes a person's license under any provision of KRS 189A.070, for an offense in violation of KRS 189A.010(a),(b), (e), or (f) the court shall also order that, at the conclusion of the license revocation, any license the person shall be issued shall restrict the person to operating only a motor vehicle or motorcycle equipped with a functioning ignition interlock device.
 - (a) The ignition interlock periods shall be as follows:
 - 1. The first time in a ten (10) year period a functioning ignition interlock device shall be installed for a period of six (6) months, if at the time of offense, any of the aggravating circumstances listed under subsection (11) of KRS 189A.010 were present while the person was operating or in physical control of a motor vehicle.
 - 2. The second time in a ten (10) year period a functioning ignition interlock device shall be installed for a period of twelve (12) months.
 - 3. The third or subsequent time in a ten (10) year period a functioning ignition interlock device shall be installed for a period of thirty (30) months.
 - (b) In determining the five (5) year period under paragraph (a) of this subsection, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered, resulting in the license revocations described in KRS 189A.070.

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KRS 189A.345 Penalties for violation of KRS 189A.410 and 189A.340 governing ignition interlock devices

- (1) No person shall operate a motor vehicle or motorcycle without a functioning ignition interlock device when prohibited to do so under KRS 189A.420.
- (2) (a) No person shall start a motor vehicle or motorcycle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle or motorcycle to a person subject to

the prohibition established in KRS 189A.420.

- (b) Any person who violates paragraph (a) of this subsection shall:
 - 1. For a first offense, be guilty of a Class B misdemeanor; and
 - 2. For a second or subsequent offense, be guilty of a Class A misdemeanor.
- (3) (a) No person shall:
 - 1. Knowingly install a defective ignition interlock device on a motor vehicle or motorcycle; or
 - 2. Tamper with an installed ignition interlock device with the intent of rendering it defective.
- (b) Any person who violates paragraph (a) of this subsection shall:
 - 1. For a first offense, be guilty of a Class B misdemeanor; and
 - 2. For a second or subsequent offense, be guilty of a Class A misdemeanor and be prohibited from installing ignition interlock devices or directing others in the installation of ignition interlock devices.
- (4) (a) No person shall direct another person to install a defective ignition interlock device on a motor vehicle or motorcycle when the person giving the direction knows that the ignition interlock device is defective.
- (b) Any person who violates paragraph (a) of this subsection shall:
 - 1. For a first offense, be guilty of a Class B misdemeanor; and
 - 2. For a second or subsequent offense, be guilty of a Class A misdemeanor and be prohibited from directing others in the installation of ignition interlock devices or installing ignition interlock devices.

KRS 189A.430 Permit card and window decal for hardship driving privileges - Requirement to carry permit - Penalty for failure to display decal

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- (3) The cabinet shall issue a decal, two (2) inches by three (3) inches, to be placed on the rear window of the vehicle to be operated by the defendant. Failure to display the decal shall be a Class B misdemeanor.

KRS 189A.440 Prohibition against use of vehicle other than for purpose authorized by hardship license – Penalty - Penalty for false application statement

- (1) No person who is issued an ignition interlock license under KRS 189A.420 a hardship license shall operate a motor vehicle at any time, place, or for any purpose other than those authorized upon the face of the ignition interlock or hardship license issued under KRS 189A.410.
- (2) Any defendant who violates the provisions of subsection (1) of this section is guilty of a Class A misdemeanor, and shall have his license revoked for the initial period of revocation plus an additional six (6) months.
- (3) Any defendant or any other person who knowingly assists the defendant in making a false application statement is guilty of a Class A misdemeanor and shall have his motor vehicle or motorcycle operator's license revoked for six (6) months.