

189A.090 Operating motor vehicle while license is suspended for driving under the influence prohibited -- Operating motor vehicle without ignition interlock license or hardship license prohibited -- Penalties.

- (1) No person shall operate or be in physical control of a motor vehicle or motorcycle while his or her license is suspended under this chapter, unless the person has a valid:
 - (a) Ignition interlock license in the person's possession and:
 1. The motor vehicle or motorcycle is equipped with a functioning ignition interlock device; or
 2. The person is operating or in physical control of an employer's motor vehicle or motorcycle in accordance with KRS 189A.340(6); or
 - (b) Hardship license in the person's possession.
- (2) In addition to the period of license suspension imposed by KRS 189A.070, 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 or her license suspended by the Transportation Cabinet 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 the person shall be guilty of a Class A misdemeanor and have his or her license suspended by the Transportation Cabinet 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 or her license suspended by the Transportation Cabinet 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 the person shall be guilty of a Class D felony and have his or her license suspended by the Transportation Cabinet for a period of two (2) years; and
 - (c) For a third or subsequent offense within a ten (10) year period, be guilty of a Class D felony and have his or her license suspended by the Transportation Cabinet 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 the person shall be guilty of a Class D felony and have his or her license suspended by the Transportation Cabinet for a period of five (5) years.
- (3) Any person who violates subsection (1) of this section may apply for an ignition interlock license for the remainder of the original period of suspension under KRS 189A.070 and for the entire period of the new suspension if the person is and remains otherwise eligible for such license pursuant to KRS 189A.340.
- (4) The ten (10) year period under this section shall be measured in the same manner as in KRS 189A.070.

Effective: July 1, 2020

History: Amended 2019 Ky. Acts ch. 103, sec. 7, effective July 1, 2020. -- Amended

2016 Ky. Acts ch. 85, sec. 3, effective April 9, 2016. -- Amended 2015 Ky. Acts ch. 124, sec. 4, effective June 24, 2015. -- Amended 2010 Ky. Acts ch. 149, sec. 22, effective July 15, 2010. -- Amended 2002 Ky. Acts ch. 171, sec. 3, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 467, sec. 7, effective October 1, 2000. -- Amended 1991 1st Extra. Sess. Acts ch. 15, sec. 22, effective July 1, 1991. -- Created 1984 Ky. Acts ch. 165, sec. 9, effective July 13, 1984.

Legislative Research Commission Note (4/9/2016). 2016 Ky. Acts ch. 85, sec. 10 provided that that Act shall be known as the Brianna Taylor Act. This statute was amended in Section 3 of that Act.