

189A.240 Judicial review of pretrial license suspension for repeat offender.

In any judicial review of a pretrial suspension imposed under KRS 189A.200(1)(b), if the court determines by a preponderance of the evidence that:

- (1) The person was charged and arrested by a peace officer with a violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);
- (2) The peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e);
- (3) There is probable cause to believe that the person committed the violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) as charged; and
- (4) The person has been convicted of one (1) or more prior offenses as described in KRS 189A.010(5)(e) or has had his motor vehicle operator's license suspended or revoked on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the five (5) year period immediately preceding his arrest, then the court shall continue to suspend the person's operator's license or privilege to operate a motor vehicle. The provisions of this section shall not be construed as limiting the person's ability to challenge any prior convictions or license suspensions or refusals.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 149, sec. 24, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 467, sec. 21, effective October 1, 2000. -- Amended 1996 Ky. Acts ch. 198, sec. 15, effective October 1, 1996. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 12, effective July 1, 1991.