

**189A.107 License suspension for refusal to take alcohol or substance tests --
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 during the pendency of the action under KRS 189A.200.
- (2) In the event a defendant is not convicted of a violation of KRS 189A.010(1) in a case in which it is alleged that he refused to take an alcohol concentration or substance test, upon motion of the attorney for the Commonwealth, the court shall conduct a hearing, without a jury, to determine by clear and convincing evidence if the person actually refused the testing. However, the hearing shall not be required if the court has made a previous determination of the issue at a hearing held under KRS 189A.200 and 189A.220. 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).

Effective: October 1, 2000

History: Amended 2000 Ky. Acts ch. 467, sec. 10, effective October 1, 2000. --
Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 16, effective July 1, 1991.