

### **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 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) "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;
- (4) "Limited access highway" has the same meaning as "limited access facility" does in KRS 177.220;
- (5) "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;
- (6) When age is a factor, it shall mean age at the time of the commission of the offense; and
- (7) 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.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 171, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 467, sec. 1, effective October 1, 2000. -- Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 1, effective July 1, 1991.