



State:

Kentucky

Statute/Law:

Section 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.*

Per Se Law?:

No

Statute/Law Language:

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

Penalties Following Conviction:

For the first offense within a five (5) year period, be fined \$200-\$500, or be imprisoned in the county jail for 48 hours-30 days, or both.

For the second offense within a five (5) year period, be fined \$350-\$500 and shall be imprisoned in the county jail for 7-6 months and, in addition to fine and imprisonment, may be sentenced to community labor for 10 days-6 months.

For a third offense within a five (5) year period, be fined \$500-\$1,000 and shall be imprisoned in the county jail for 30 days -12 months and may, in addition to fine and imprisonment, be sentenced to community labor for 10 days- 12 months.

For a fourth or subsequent offense within a five (5) year period, be guilty of a Class D felony. Mandatory minimum term of imprisonment shall be 240 days.

Discretionary Court-Ordered Penalties:

Community labor program in lieu of fines or imprisonment





For more information:

<http://www.lrc.ky.gov/Statutes/statute.aspx?id=44872>

Current as of August 2016

