

AOC-495.5 Doc. Code: POI
Rev. 7-15
Page 1 of 2
Commonwealth of Kentucky
Court of Justice *www.courts.ky.gov*
KRS 189A.107; 189A.200; 189A.340;
189A.420



**PRETRIAL ORDER AUTHORIZING
APPLICATION FOR IGNITION INTERLOCK
LICENSE & DEVICE**

Case No. _____
Court _____
County _____
Division _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

DEFENDANT

Address: _____

Having reviewed the Defendant's Application for Authorization to Apply for an Ignition Interlock License and Device, the Court finds:

The Defendant's privilege to operate a motor vehicle in the Commonwealth of Kentucky is currently subject to pretrial license suspension under KRS 189A.200(1)(a)-(c).

The Defendant has waived the right to judicial review of the license suspension in KRS 189A.200(2) pursuant to KRS 189A.107(1). The Defendant has provided proof of insurance.

Having made the above findings, the Court hereby GRANTS defendant's application for authorization to apply for an ignition interlock license and ORDERS defendant to comply with all of the conditions listed below:

1. Defendant shall apply to the Transportation Cabinet for an ignition interlock license by completing the Transportation Cabinet's application form. The defendant shall pay the nonrefundable fee to the Transportation Cabinet with the application.
2. If the Transportation Cabinet indicates he/she is eligible, the Defendant shall have a functioning ignition interlock device (IID) installed on the following vehicle(s) by a provider approved pursuant to regulation promulgated by the Cabinet: *(List make, Model, Year and VIN number if known)* _____

3. The Defendant is responsible for the reasonable cost of leasing or purchasing, installing, servicing and monitoring the device.
OR
 Having reviewed the Affidavit of Indigency form AOC-495.8 and/or other attested information provided by the Defendant, the Court finds that the Defendant is indigent. Based on the sliding scale established by the Administrative Procedures of the Court of Justice, Part XVI, the provider is hereby ordered to accept _____% of the total amount as payment in full for the leasing or purchasing, installing, servicing and monitoring of the device.
4. Defendant **shall NOT** operate a motor vehicle or motorcycle unless and until the Transportation Cabinet issues an ignition interlock license and a functioning IID is installed on all vehicles/motorcycles owned by the defendant.
5. Defendant shall provide proof to the Transportation Cabinet of the installation of an IID by filing a certificate of installation for the designated vehicle(s)/motorcycle(s) he/she owns. Upon filing of this proof, the Transportation Cabinet shall issue an ignition interlock license to the Defendant.
6. Following the issuance of an ignition interlock license, the Defendant shall operate only motor vehicles/motorcycles equipped with a functioning IID.

7. **PERIOD OF INTERLOCK USAGE:** Any ignition interlock license issued to the Defendant by the Transportation Cabinet shall be in effect for the following period until a judgment of conviction or acquittal is entered in the case or until the court enters an order terminating the suspension or the ignition interlock license, but in no event longer than the maximum license suspension period applicable to the person under KRS 189A.070 and 189A.107 (*check applicable.*)

<p style="text-align: center;">Suspension/Revocation Periods – KRS 189A.070</p> <ul style="list-style-type: none"><input type="checkbox"/> 1st Offense – 30 to 120 days<input type="checkbox"/> 2nd Offense – 12 – 18 months<input type="checkbox"/> 3rd Offense - 24 – 36 months<input type="checkbox"/> 4th or Subsequent Offense – 60 months

8. (*check if applicable*) Defendant is GRANTED a **WORK EXCEPTION**. After thirty (30) days for a first offense with aggravating circumstances or twelve (12) months for a second or subsequent offense of the issuance of an ignition interlock license, the Defendant IS permitted to operate an employer-provided motor vehicle or motorcycle which is not equipped with a functioning IID at the direction of the employer during working hours. Defendant is instructed to carry a copy of this court order showing he/she has been granted a work exception.
9. Within the first thirty (30) days of installation of an IID, and every sixty days thereafter, the person shall have the device serviced pursuant to administrative regulations promulgated by the Transportation Cabinet.

THE COURT ALSO DIRECTS:

- (a) Transportation Cabinet records shall reflect required use of functioning IID(s) and any work exception; AND
- (b) Transportation Cabinet shall attach or imprint a notation on the driver's license of the Defendant named in this Order reflecting the required use of the IID(s).

WHEREFORE, Defendant's request for authorization to apply for an ignition interlock license is GRANTED.

_____, 2_____.
Date

Judge