

AOC-493 Doc. Code: OHL Rev. 4-01 Page 1 of 2 Commonwealth of Kentucky Court of Justice KRS 189A.400-.460; 601 KAR 12.060	 HARDSHIP DRIVER'S LICENSE ORDER	Case No. _____ Court _____ County _____ Citation No. _____
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COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

DEFENDANT

Name

Address

FINDINGS OF FACT

Defendant having applied for a hardship driver's license, and the Court having held a hearing on the application, the Court makes these FINDINGS OF FACT:

1. Defendant's Kentucky driver's license has been:
 - suspended for _____ days or _____ months for a first second third OR fourth or subsequent offense conviction under KRS 189A.010; **OR**
 - pretrial suspended pursuant to KRS 189A.200.
2. The offense was committed _____, _____. The conviction or suspension occurred _____, _____.
3. A Judicial finding of refusal to take an alcohol concentration or substance test was made. Yes No
4. There is reasonable cause to believe suspension of defendant's driver's license hinders his/her ability to: (Check all that apply): Continue his/her employment. Attend court-ordered counseling or other programs. Continue attending school or an educational institution. Obtain necessary medical care. Attend driver improvement, alcohol, or substance education programs.
5. Defendant has provided the Court **proof of motor vehicle insurance AND document(s)** stated on page 2 of this form required for obtaining a license for the following purposes: Employment; Educational; Medical; Alcohol or Substance Abuse Education or Treatment; OR Court-Ordered Counseling or other programs.

NOTICE TO DEFENDANT

1. If the Court grants your application, present this Order to the Circuit Court Clerk in your county of residence to receive your hardship driver's license. **THIS ORDER ALONE DOES NOT CONSTITUTE YOUR DRIVER'S LICENSE.** The Kentucky Transportation Cabinet reserves the right to refuse issuance of a hardship license should your driving history record reveal a current withdrawal, denial, suspension, cancellation or revocation of driving privilege in any state or licensing jurisdiction. 601 KAR 12.020(2).
2. Defendant must have the hardship license in his/her possession at all times during which he/she is operating or authorized to operate a motor vehicle. **Defendant shall not** operate a motor vehicle at any time or place or for any purpose other than those authorized above. Violation is a **Class A misdemeanor** resulting in revocation of his/her license for the initial period plus an additional six (6) months.

Distribution: White - Court File

Yellow - Defendant

Pink - Division of Driver Licensing

ORDER

IT IS HEREBY ORDERED defendant is **GRANTED** a hardship license subject to these conditions:

Use is limited to: Employment Educational Medical Court-ordered Counseling or other programs
 Alcohol or Substance Abuse Education or Treatment

Time of use: _____

Place of use: _____

Other: _____

Defendant must have a functioning **Ignition Interlock Device (IID)** installed on each vehicle he/she owns or leases.

a. While using a hardship license:

Defendant shall not operate a motor vehicle or motorcycle without a functioning IID;

Defendant shall not operate motor vehicle or motorcycle without a functioning IID, EXCEPT in the course of his/her job when the motor vehicle/motorcycle is employer-owned & employer has been notified of this prohibition.

b. Defendant shall provide proof of installation of functioning IID(s) to the Court and periodically report verification of proper functioning of IID(s) according to this schedule: _____

c. Defendant shall have IID(s) serviced and monitored at least every ninety (90) days for proper functioning by an entity approved by the Kentucky Transportation Cabinet;

d. Defendant shall be required to pay reasonable cost of leasing or buying, installing, servicing, and monitoring the IID(s). If defendant fails to submit required proof, the hardship license is subject to immediate revocation and defendant may be held in contempt of court.

Date: _____, 2____ Judge _____

INSTRUCTIONS TO JUDGE

Defendant must provide the following type of document(s) depending on the reason the defendant seeks a license:

1. For a license for **employment purposes**: A written, sworn statement from defendant's employer detailing defendant's job, hours of employment, and the necessity for defendant to use a motor vehicle either in work or in travel to and from work. If the defendant is self-employed, the above information must be accompanied by the defendant's sworn and notarized statement attesting to the truth of the information.
2. For a license for **educational purposes**: A written, sworn statement from the school or educational institution that defendant attends containing defendant's class schedule, courses being taken, and necessity for defendant to use a motor vehicle in travel to and from school or other educational institution. *A license for educational purposes shall not include participation in sports, social, extracurricular, fraternal, or other noneducational activities.*
3. For a license for **medical purposes**: A written, sworn statement from a physician or other medical professional licensed (but not certified) under Kentucky laws, attesting to defendant's normal hours of treatment, and the necessity to use a motor vehicle to travel to and from the treatment.
4. For a license for **alcohol or substance abuse education or treatment purposes**: A written, sworn statement from the director of any alcohol or substance abuse education or treatment program as to the hours in which defendant is expected to participate in the program, the nature of the program, and the necessity for defendant to use a motor vehicle to travel to and from the program.
5. For a license for **court-ordered counseling or other programs**: A copy of any court order relating to treatment, participation in driver improvement program, or other terms and conditions ordered by the court relating to the defendant which require the defendant to use a motor vehicle in traveling to and from the court-ordered program. The court order must include the necessity for use of a motor vehicle.
6. The court has the option of establishing a payment schedule.

INSTRUCTIONS TO CLERK

1. Assign same case number as underlying charges. Enter on case jacket or docket sheet. File in same case jacket or file as underlying charges.
2. If application is granted, driver's license clerk should issue a duplicate license and attach yellow copy of order to license.
3. In the event defendant does not submit to you the required documentation, a bench warrant shall issue.