

**189A.050 Service fee -- Amount -- Payment -- Remedies for nonpayment -- Use of revenue from fees collected.**

- (1) All persons convicted of violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) shall be sentenced to pay a service fee of three hundred seventy-five dollars (\$375), which shall be in addition to all other penalties authorized by law.
- (2) The fee shall be imposed in all cases but shall be subject to the provisions of KRS 534.020 relating to the method of imposition and KRS 534.060 as to remedies for nonpayment of the fee.
- (3) The first fifty dollars (\$50) of each service fee imposed by this section shall be paid into the general fund, and the remainder of the revenue collected from the service fee imposed by this section shall be utilized as follows:
  - (a) Twelve percent (12%) of the amount collected shall be transferred to the Department of Kentucky State Police forensic laboratory for the acquisition, maintenance, testing, and calibration of alcohol concentration testing instruments and the training of laboratory personnel to perform these tasks;
  - (b) Twenty percent (20%) of the service fee collected pursuant to this section shall be allocated to the Department for Public Advocacy;
  - (c) One percent (1%) shall be transferred to the Prosecutor's Advisory Council for training of prosecutors for the prosecution of persons charged with violations of this chapter and for obtaining expert witnesses in cases involving the prosecution of persons charged with violations of this chapter or any other offense in which driving under the influence is a factor in the commission of the offense charged;
  - (d) Sixteen percent (16%) of the amount collected shall be transferred as follows:
    1. Fifty percent (50%) shall be credited to the traumatic brain injury trust fund established under KRS 211.476; and
    2. Fifty percent (50%) shall be credited to the Cabinet for Health and Family Services, Department for Behavioral Health, Developmental and Intellectual Disabilities, for the purposes of providing direct services to individuals with brain injuries that may include long-term supportive services and training and consultation to professionals working with individuals with brain injuries. As funding becomes available under this subparagraph, the cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the services permitted by this subparagraph;
  - (e) Any amount specified by a specific statute shall be transferred as provided in that statute;
  - (f) Forty-six percent (46%) of the amount collected shall be transferred to be utilized to fund enforcement of this chapter and for the support of jails, recordkeeping, treatment, and educational programs authorized by this chapter and by the Department for Public Advocacy; and
  - (g) The remainder of the amount collected shall be transferred to the general fund.

- (4) The amounts specified in subsection (3)(a), (b), (c), and (d) of this section shall be placed in trust and agency accounts that shall not lapse.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 146, sec. 16, effective July 12, 2012; and ch. 158, sec. 11, effective July 12, 2012. -- Amended 2010 Ky. Acts ch. 149, sec. 19, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 158, sec. 6, effective July 1, 2008. -- Amended 2007 Ky. Acts ch. 85, sec. 213, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 99, sec. 147, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 137, sec. 1, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 467, sec. 4, effective October 1, 2000. -- Amended 1994 Ky. Acts ch. 395, sec. 3, effective July 15, 1994. -- Created 1984 Ky. Acts ch. 165, sec. 5, effective July 13, 1984.

**2016-2018 Budget Reference.** See State/Executive Branch Budget, 2016 Ky. Acts ch. 149, Pt. I, H, 4, (3) at 1080.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 146 and 158, which are in conflict. Under KRS 446.250, Acts. ch. 146, which was last enacted by the General Assembly, prevails.

**Legislative Research Commission Note (6/26/2007).** 2007 Ky. Acts ch. 85, relating to the creation and organization of the Justice and Public Safety Cabinet, instructs the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in that Act. Such a correction has been made in this section.