

**189A.220 Judicial review of pretrial license suspension for test refusal.**

In any judicial review of a pretrial suspension imposed for refusal to take an alcohol concentration or substance test, if the court determines, by the preponderance of the evidence, that:

- (1) The person was charged and arrested by a peace officer with violation of KRS 189A.010(1);
- (2) The officer had reasonable grounds to believe that the person was operating or in physical control of a motor vehicle in violation of KRS 189A.010(1);
- (3) The person was advised of the implied consent law pursuant to KRS 189A.103;
- (4) The peace officer requested the person to take the test or tests pursuant to KRS 189A.103; and then
- (5) The person refused to take a test requested by a peace officer pursuant to KRS 189A.103,

then the court shall continue the suspension of the person's operator's license or privilege to operate a motor vehicle during the pendency of the proceedings.

**Effective:** October 1, 2000

**History:** Amended 2000 Ky. Acts ch. 467, sec. 14, effective October 1, 2000. --  
Created 1991 (1st Extra. Sess.) Ky. Acts ch. 15, sec. 10, effective July 1, 1991.