

1 AN ACT relating to enhanced secure identity documents and making an
2 appropriation therefor.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 186.410 is amended to read as follows:

- 5 (1) Every person except those exempted by KRS 186.420 and 186.430 shall, before
6 operating a motor vehicle, motorcycle, or moped upon a highway, secure an
7 operator's license as provided in this chapter.
- 8 (2) Except as provided in ***Section 3 of this Act***~~[KRS 186.412]~~, all original, renewal,
9 and duplicate licenses for the operation of motor vehicles, motorcycles, or mopeds
10 shall be ***applied for with***~~issued by~~ the circuit clerk in the county of the applicant's
11 residence, ***or through alternative technology, and issued by the Transportation***
12 ***Cabinet. Subject to the provisions of Section 13 of this Act***, applications for
13 renewal licenses shall be made every ***eight (8)***~~[four (4)]~~ years within the birth
14 month of the applicant. A license shall not be issued until the application has been
15 certified by the cabinet and the applicant has, if required under ***Section 29 of this***
16 ***Act***~~[KRS 186.6401]~~, successfully completed the examinations required under KRS
17 186.480.
- 18 (3) All~~color photo~~ personal identification cards shall be issued under the provisions
19 of ***Sections 4, 5, and 6 of this Act***~~[KRS 186.412]~~.
- 20 (4) A person ***under the age of eighteen (18) years who applies for an instruction***
21 ***permit shall***~~may~~, at any time between the age of sixteen (16) and before the
22 person's eighteenth birthday, enroll in one (1) of the following driver training
23 programs:
- 24 (a) A driver's education course administered by a school district;
- 25 (b) A driver training school licensed pursuant to KRS Chapter 332 which offers a
26 course meeting or exceeding the minimum standards established by the
27 Transportation Cabinet; or

1 (c) State traffic school. The person may seek to enroll in state traffic school
2 before the person's eighteenth birthday. Persons enrolling in state traffic
3 school pursuant to this paragraph shall not be required to pay a fee.

4 (5) If, for any reason, a person fails to successfully complete the required driver training
5 pursuant to subsection (4) of this section within one (1) year of being issued an
6 operator's license, the Transportation Cabinet shall enroll the person in state traffic
7 school and cancel or suspend the operator's driving privileges until the person
8 completes state traffic school.

9 ➔SECTION 2. KRS 186.412 IS REPEALED AND REENACTED TO READ AS
10 FOLLOWS:

11 (1) As used in this section, "applicant" means a person who is a citizen or
12 permanent resident of the United States.

13 (2) An applicant shall apply for an instruction permit or operator's license in the
14 office of the circuit clerk of the county where the applicant lives. Except as
15 provided in Section 7 of this Act, the application form shall require the
16 applicant's:

17 (a) Full legal name and signature;

18 (b) Date of birth;

19 (c) Social Security number or a letter from the Social Security Administration
20 declining to issue a Social Security number;

21 (d) Sex;

22 (e) Present Kentucky resident address, exclusive of a post office box address
23 alone;

24 (f) Other information necessary to permit the application of United States
25 citizens to also serve as an application for voter registration;

26 (g) A brief physical description of the applicant;

27 (h) Proof of the applicant's Kentucky residency, including but not limited to a

- 1 deed or property tax bill, utility agreement or utility bill, or rental housing
2 agreement; and
- 3 (i) Other information the cabinet may require by administrative regulation
4 promulgated under KRS Chapter 13A.
- 5 (3) In addition to the information identified in subsection (2) of this section, a
6 permanent resident shall present one (1) of the following documents issued by the
7 United States Department of Homeland Security, United States Bureau of
8 Citizenship and Immigration Services:
- 9 (a) An I-551 card with a photograph of the applicant; or
10 (b) A form with the photograph of the applicant or a passport with a
11 photograph of the applicant on which the United States Department of
12 Homeland Security, United States Bureau of Citizenship and Immigration
13 Services, has stamped the following: "Processed for I-551. Temporary
14 evidence of lawful admission for permanent residence. Valid until
15 (Expiration Date). Employment authorized."
- 16 (4) Upon application for an operator's license under this section, the circuit clerk
17 shall capture a photograph of the applicant in accordance with the requirements
18 of subsection (1) of Section 6 of this Act.
- 19 (5) The circuit clerk shall electronically scan the documents required for application
20 under this section and shall electronically forward the application, supporting
21 documents, and the photograph of the applicant to the Transportation Cabinet.
22 Upon completion of any required examinations under Section 37 of this Act, the
23 circuit clerk shall present the applicant with a temporary operator's license or
24 instruction permit, which shall be valid for thirty (30) days until a permanent
25 operator's license or instruction permit is mailed to the applicant by the
26 Transportation Cabinet.
- 27 (6) An applicant shall swear an oath to the circuit clerk as to the truthfulness of the

1 statements contained in the form.

2 ➔SECTION 3. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED
3 TO READ AS FOLLOWS:

4 (1) As used in this section, "applicant" means a person who is not a United States
5 citizen and has not been granted status as a permanent resident of the United
6 States.

7 (2) An applicant shall apply for an instruction permit or operator's license to either
8 the Transportation Cabinet in Frankfort or a Transportation Cabinet field office.
9 An applicant under this section shall complete the application identified in
10 Section 2 of this Act, along with other documents required under this section.
11 The cabinet shall keep an electronic copy of the documentation submitted with
12 the application and shall capture a photograph of the applicant in accordance
13 with subsection (1) of Section 6 of this Act.

14 (3) The application form under this section shall be accompanied by the applicant's
15 documentation issued by the United States Department of Homeland Security,
16 United States Bureau of Citizenship and Immigration Services, authorizing the
17 person to be in the United States and, if applicable, the applicant's international
18 driving permit. The Transportation Cabinet shall verify the information
19 submitted under this subsection through the Systematic Alien Verification for
20 Entitlements (SAVE) Program.

21 (4) The application form of a special status individual with a K-1 status shall be
22 accompanied by an original or certified copy of the applicant's completed
23 marriage license signed by the official who presided over the marriage ceremony
24 and two (2) witnesses. The application form of a special status individual with a
25 K-1 status shall also include the applicant's petition to enter the United States for
26 the purpose of marriage that contains the name of the prospective spouse. If the
27 name of the prospective spouse on the petition does not match the name of the

1 spouse on the marriage license, the Transportation Cabinet shall not be required
2 to issue an operator's license.

3 (5) (a) The Transportation Cabinet shall, within fifteen (15) days of receipt of the
4 application, review the applicant's documentation and determine if the
5 applicant may be issued an instruction permit or operator's license. If the
6 review of an application will take longer than fifteen (15) days, the cabinet
7 shall continue the review, but the cabinet shall be required to make a
8 determination in all cases within thirty (30) days of receipt of the
9 application.

10 (b) If the cabinet determines the applicant may be issued an instruction permit
11 or operator's license, the cabinet shall notify the applicant to complete the
12 application process at the office of the circuit clerk of the county where the
13 applicant resides. The circuit clerk shall review the applicant's electronic
14 documentation, including the applicant's photograph, in the cabinet
15 database. If the documentation is verified as accurate, and if the applicant
16 successfully completes the examinations required under Section 37 of this
17 Act, the circuit clerk shall present the applicant with a temporary operator's
18 license or instruction permit, which will be valid for thirty (30) days until a
19 permanent operator's license or instruction permit is mailed to the applicant
20 by the Transportation Cabinet.

21 (6) (a) An applicant shall apply to renew an operator's license, or obtain a
22 duplicate operator's license, at the Transportation Cabinet in Frankfort or a
23 Transportation Cabinet field office.

24 (b) If an applicant has any type of change in his or her immigration status, the
25 applicant shall apply to update the operator's license with either the
26 Transportation Cabinet in Frankfort or a Transportation Cabinet field
27 office within ten (10) days.

1 (7) An applicant shall swear an oath to the Transportation Cabinet as to the
 2 truthfulness of the statements contained in the form.

3 (8) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal
 4 operator's license issued to an applicant who is not a special status
 5 individual shall be valid for a period equal to the length of time the
 6 applicant's documentation from the United States Department of Homeland
 7 Security, United States Bureau of Citizenship and Immigration Services, is
 8 valid, or eight (8) years, whichever time period is shorter.

9 (b) An initial or renewal operator's license shall be valid for a period of one (1)
 10 year if the applicant is not a special status individual and the person's
 11 documentation issued by the United States Department of Homeland
 12 Security, United States Bureau of Citizenship and Immigration Services, is
 13 issued for an indefinite period of time and does not have an expiration date.
 14 The fee shall be the same as for a regular operator's license.

15 ➔SECTION 4. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED
 16 TO READ AS FOLLOWS:

17 (1) As used in this section, "applicant" means a person who is a citizen or
 18 permanent resident of the United States.

19 (2) The Transportation Cabinet shall issue a personal identification card to an
 20 applicant who:

21 (a) Is a Kentucky resident;

22 (b) Applies in person in the office of the circuit clerk in his or her county of
 23 residence or through alternative technology ; and

24 (c) Complies with the provisions of this section.

25 (3) Upon application for a personal identification card under this section, the circuit
 26 clerk shall capture a photograph of the applicant in accordance with subsection
 27 (1) of Section 6 of this Act.

- 1 (4) The circuit clerk shall electronically scan the documents required for application
2 under this section and shall electronically forward the application, supporting
3 documents, and the photograph of the applicant to the Transportation Cabinet.
4 The circuit clerk shall present the applicant with a temporary personal
5 identification card, which shall be valid for thirty (30) days until a permanent
6 personal identification card is mailed to the applicant by the Transportation
7 Cabinet.
- 8 (5) (a) An application for a personal identification card shall be accompanied by
9 the same information as is required for an operator's license under Section
10 2 of this Act, except if an applicant does not have a fixed, permanent
11 address, the applicant may use as proof of residency a signed letter from a
12 homeless shelter, health care facility, or social service agency currently
13 providing the applicant treatment or services and attesting that the applicant
14 is a resident of Kentucky.
- 15 (b) It shall be permissible for the application form for a personal identification
16 card to include as an applicant's most current resident address a mailing
17 address or an address provided on a voter registration card.
- 18 (c) If the applicant is not the legal owner or possessor of the address provided
19 on the application form, the applicant shall swear that he or she has
20 permission from the legal owner, authorized agent for the legal owner, or
21 possessor to use the address for purposes of obtaining the personal
22 identification card.
- 23 (6) (a) Every applicant for a personal identification card under this section shall
24 swear an oath to the circuit clerk as to the truthfulness of the statements
25 contained on the application form.
- 26 (b) A personal identification card may be suspended or revoked if the person
27 who was issued the card presents false or misleading information to the

1 cabinet when applying for the card.

2 (7) A personal identification card issued under this section shall be valid for a period
 3 of eight (8) years from the date of issuance, except that if the personal
 4 identification card is issued to a person who does not have a fixed, permanent
 5 address, then the personal identification card shall be valid for one (1) year from
 6 the date of issuance.

7 (8) (a) An applicant may be issued a personal identification card if the applicant
 8 currently holds a valid Kentucky instruction permit or operator's license,
 9 except that a person shall not hold more than one (1) license or personal
 10 identification card that is a voluntary enhanced secure identity document
 11 which indicates that it meets the requirements for federal identification
 12 under the REAL ID Act of 2005, Pub. L. No. 109-13 Title II, as referenced
 13 in subsection (8) of Section 6 of this Act.

14 (b) If a person's instruction permit or operator's license has been suspended or
 15 revoked, the person may be issued a temporary personal identification card.
 16 A temporary personal identification card shall be renewed annually and
 17 may be surrendered when the person applies to have his or her instruction
 18 permit or operator's license reinstated.

19 ➔SECTION 5. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED
 20 TO READ AS FOLLOWS:

21 (1) As used in this section, "applicant" means a person who is not a United States
 22 citizen and has not been granted status as a permanent resident of the United
 23 States.

24 (2) The Transportation Cabinet shall issue a personal identification card to an
 25 applicant who:

26 (a) Is a Kentucky resident;

27 (b) Applies in person to either the Transportation Cabinet in Frankfort or a

1 Transportation Cabinet field office; and

2 (c) Complies with the provisions of this section.

3 (3) Upon application for a personal identification card under this section, the cabinet
4 shall capture a photograph of the applicant in accordance with subsection (1) of
5 Section 6 of this Act.

6 (4) The cabinet shall electronically scan the documents required for application
7 under this section, supporting documents, and the photograph of the applicant
8 into the cabinet's database.

9 (5) (a) An application for a personal identification card shall be accompanied by
10 the same information as is required for an operator's license under Section
11 2 of this Act, along with other documents required under this section, except
12 if an applicant does not have a fixed, permanent address, the applicant may
13 use as proof of residency a signed letter from a homeless shelter, health
14 care facility, or social service agency currently providing the applicant
15 treatment or services and attesting that the applicant is a resident of
16 Kentucky.

17 (b) It shall be permissible for the application form for a personal identification
18 card to include as an applicant's most current resident address a mailing
19 address or an address provided on a voter registration card.

20 (c) If the applicant is not the legal owner or possessor of the address provided
21 on the application form, the applicant shall swear that he or she has
22 permission from the legal owner, authorized agent for the legal owner, or
23 possessor to use the address for purposes of obtaining the personal
24 identification card.

25 (6) The application form under this section shall be accompanied by the applicant's
26 documentation issued by the United States Department of Homeland Security,
27 United States Bureau of Citizenship and Immigration Services, authorizing the

1 applicant to be in the United States. The Transportation Cabinet shall verify the
2 information submitted under this subsection through the Systematic Alien
3 Verification for Entitlements (SAVE) Program.

4 (7) The application form of a special status individual with a K-1 status shall be
5 accompanied by an original or certified copy of the applicant's completed
6 marriage license signed by the official who presided over the marriage ceremony
7 and two (2) witnesses. The application form of a special status individual with a
8 K-1 status shall also include the applicant's petition to enter the United States for
9 the purpose of marriage that contains the name of the prospective spouse. If the
10 name of the prospective spouse on the petition does not match the name of the
11 spouse on the marriage license, the Transportation Cabinet shall not be required
12 to issue an operator's license.

13 (8) (a) The Transportation Cabinet shall, within fifteen (15) days of receipt of the
14 application, review the applicant's documentation and determine if the
15 applicant may be issued a Kentucky personal identification card. If the
16 review of an application will take longer than fifteen (15) days, the cabinet
17 shall continue the review, but the cabinet shall be required to make a
18 determination in all cases within thirty (30) days of receipt of the
19 application.

20 (b) If the cabinet determines the applicant may be issued a personal
21 identification card, the cabinet shall notify the applicant to complete the
22 application process at the office of the circuit clerk of the county where the
23 person resides. The circuit clerk shall review the applicant's electronic
24 documentation, including the applicant's photograph, in the cabinet
25 database. If the documentation is verified as accurate, the circuit clerk shall
26 present the applicant with a temporary personal identification card, which
27 shall be valid for thirty (30) days until a permanent personal identification

1 card is mailed to the applicant by the Transportation Cabinet.

2 (9) (a) An applicant shall apply to renew a personal identification card, or obtain a
3 duplicate personal identification card, at the Transportation Cabinet in
4 Frankfort or a Transportation Cabinet field office.

5 (b) If a person has any type of change in his or her immigration status, the
6 person shall apply to update with either the Transportation Cabinet in
7 Frankfort or a Transportation Cabinet field office within ten (10) days.

8 (10) (a) Every applicant for a personal identification card under this section shall
9 swear an oath to the Transportation Cabinet as to the truthfulness of the
10 statements contained on the application form.

11 (b) A personal identification card may be suspended or revoked if the person
12 who was issued the card presents false or misleading information to the
13 cabinet when applying for the card.

14 (11) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal
15 personal identification card issued to an applicant who is not a special
16 status individual shall be valid for a period equal to the length of time the
17 applicant's documentation from the United States Department of Homeland
18 Security, United States Bureau of Citizenship and Immigration Services, is
19 valid, or eight (8) years, whichever time period is shorter.

20 (b) An initial or renewal personal identification card shall be valid for a period
21 of one (1) year if:

22 1. The applicant is not a special status individual and the applicant's
23 documentation issued by the United States Department of Homeland
24 Security, United States Bureau of Citizenship and Immigration
25 Services, is issued for an indefinite period of time and does not have
26 an expiration date. The fee shall be the same as for a regular personal
27 identification card; or

1 2. The personal identification card is issued to a person who does not
2 have a fixed, permanent address.

3 ➔SECTION 6. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED
4 TO READ AS FOLLOWS:

5 (1) The Transportation Cabinet shall issue operator's licenses and personal
6 identification cards bearing a color photograph of the applicant and other
7 information the cabinet may deem appropriate to qualified applicants under this
8 chapter. When taking the photograph, the applicant shall be prohibited from
9 wearing sunglasses, veils, scarves, headdresses, or any other attire that obscures
10 or creates shadows upon any features of the applicant's face as determined by the
11 clerk. An applicant shall be required to remove eyewear that obstructs the iris or
12 the pupil of the eyes and shall not take any action to obstruct a photograph of his
13 or her facial features. The face shall be visible from the crown to the base of the
14 chin and from ear to ear. Any person who refuses to remove attire prohibited by
15 this subsection as directed by the person taking the application shall be prohibited
16 from receiving an operator's license or personal identification card.

17 (2) An operator's license or personal identification card issued by the cabinet shall
18 not contain the applicant's Social Security number. The cabinet shall promulgate
19 administrative regulations in accordance with KRS Chapter 13A that develop a
20 numbering system that uses an identification system other than Social Security
21 numbers. If an applicant submits adequate proof that he or she does not have a
22 Social Security number, the Transportation Cabinet shall assign the applicant a
23 unique identifying number.

24 (3) The license or personal identification card shall also designate by color coding
25 and using the phrase "under 21" if the licensee or card holder is under the age of
26 twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A;
27 or "under 21 CDL" if the licensee holds a commercial driver's license issued

1 pursuant to KRS Chapter 281A and is under the age of twenty-one (21).

2 (4) The cabinet shall provide on each operator's license and personal identification
3 card space for a notation that the holder of the license or personal identification
4 card has expressed to the circuit clerk the person's willingness to make an
5 anatomical gift under KRS 311.1917. If a person who has made a declaration
6 under this subsection wishes to rescind that declaration, the person shall notify
7 the Kentucky Circuit Court Clerks' Trust for Life, which shall remove the
8 notation from his or her records.

9 (5) An operator's license issued pursuant to this chapter shall be designated a Class
10 D license.

11 (6) A person shall not have more than one (1) operator's license.

12 (7) Upon marriage, dissolution of marriage, or any other qualifying event, if a
13 person seeks to change his or her name, the person shall make a name change
14 with the Social Security Administration prior to applying for an operator's license
15 or a personal identification card and shall provide the circuit clerk with the
16 person's marriage license, divorce decree, or other documentation. The name
17 issued on the identity document shall match the person's name as recorded with
18 the Social Security Administration. Unless a person is eligible to renew his or her
19 identity document at the time of the name change, the fee charged under this
20 section shall be for a corrected identity document as set forth in Section 21 of this
21 Act.

22 (8) An identity document issued under this chapter shall contain a denotation that
23 either:

24 (a) The identity document is a voluntary enhanced secure identity document
25 that complies with the security standards set forth by the REAL ID Act of
26 2005, Pub. L. No. 109-13 Title II, and may be used for identification for
27 federal purposes; or

1 **(b) The identity document shall not be used for federal identification purposes.**

2 ➔SECTION 7. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED
3 TO READ AS FOLLOWS:

4 **(1) The Transportation Cabinet shall issue to any felony offender, if the felony**
5 **offender is eligible, released from the Kentucky Department of Corrections or a**
6 **Federal Bureau of Prisons facility located in Kentucky on home incarceration,**
7 **parole, completed service of sentence, shock probation, or pardon, a personal**
8 **identification card or, if the felony offender is eligible, an operator's license. An**
9 **offender who wishes to obtain a personal identification card or operator's license**
10 **shall provide proper documentation to comply with the provisions of this section.**

11 **(2) Proper documentation under subsection (1) of this section shall consist of:**

12 **(a) The offender's certificate of birth, except for offenders born outside this**
13 **state;**

14 **(b) A copy of the offender's resident record card and parole certificate or notice**
15 **of discharge;**

16 **(c) A photograph of the offender, printed on plastic card or paper; and**

17 **(d) A release letter that shall contain the offender's:**

18 **1. Full legal name, subject to the information available to the Kentucky**
19 **Department of Corrections or a Federal Bureau of Prisons facility**
20 **located in Kentucky;**

21 **2. Discharge/release date;**

22 **3. Signature;**

23 **4. Social Security number;**

24 **5. Date of birth;**

25 **6. Present Kentucky address where he or she resides; and**

26 **7. Physical description.**

27 **(3) The Transportation Cabinet shall issue to any felony offender, if the felony**

1 offender is eligible, probated or conditionally discharged by the court and under
2 the supervision of the Division of Probation and Parole or the United States
3 Probation Office, a personal identification card or, if the felony offender is
4 eligible, an operator's license. An offender who wishes to obtain a personal
5 identification card or operator's license shall provide proper documentation to
6 comply with the provisions of this section.

7 (4) Proper documentation under subsection (3) of this section shall consist of:

8 (a) The offender's certificate of birth, except for offenders born outside this
9 state;

10 (b) The offender's sentencing order;

11 (c) A photograph of the offender, printed on plastic card or paper; and

12 (d) A notarized release letter, signed by the supervising officer verifying the
13 offender's status on supervision, that shall contain the offender's:

14 1. Full legal name, subject to the information available to the Division of
15 Probation and Parole or the United States Probation Office;

16 2. Signature;

17 3. Social Security number;

18 4. Date of birth;

19 5. Present Kentucky address where he or she resides; and

20 6. Physical description.

21 (5) The offender shall present the documentation identified in subsection (2) or (4) of
22 this section to the circuit clerk within thirty (30) calendar days from the date of
23 the release letter and shall be responsible for paying the fee for the personal
24 identification card or operator's license pursuant to KRS 186.531.

25 (6) Except as provided in subsection (7) of this section, the circuit clerk shall process
26 applications for operator's licenses and personal identification cards under this
27 section in the same manner as in Sections 2 and 4 of this Act.

1 (7) The Transportation Cabinet may enter into an agreement with the Kentucky
2 Department of Corrections, the United States Probation Office, or the Federal
3 Bureau of Prisons to use a mobile unit to begin the issuance process in this
4 section.

5 ➔SECTION 8. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED
6 TO READ AS FOLLOWS:

7 (1) The Transportation Cabinet shall implement a voluntary statewide child
8 identification program. The program shall issue a color photo personal
9 identification card to a child two (2) to fifteen (15) years of age.

10 (2) A parent or guardian may apply for a child identification card under this section
11 at the circuit clerk's office in the county in which the child resides. Application
12 for a child identification card shall be accompanied by a Social Security card and
13 a birth certificate for the child or other proof of the child's date of birth as
14 provided under Section 2 of this Act. The card shall not contain the child's Social
15 Security number.

16 (3) The circuit clerk shall scan the application and supporting documentation,
17 capture a photograph of the child in accordance with the provisions of subsection
18 (1) of Section 6 of this Act, and submit the application and photograph to the
19 Transportation Cabinet, who shall issue the child identification card by mail.

20 (4) A child identification card issued under this section shall contain the child's
21 name and the toll-free number of the Kentucky Missing Persons Clearinghouse,
22 Department of Kentucky State Police. The descriptive data and a photo image of
23 the child shall be stored in the Kentucky Driver's License Information System
24 and may be retrieved and used by public agencies subject to the provisions of the
25 Driver Privacy Protection Act, 18 U.S.C. sec. 2721, and may also be used by the
26 Kentucky Missing Persons Clearinghouse.

27 (5) The fee for a child identification card shall be six dollars (\$6). Four dollars (\$4)

1 of the fee shall be deposited into the KYTC photo license account established in
 2 Section 23 of this Act. Two dollars (\$2) of the fee shall be deposited in the circuit
 3 court clerk salary account established in Section 22 of this Act.

4 (6) A child identification card shall expire every four (4) years on the child's
 5 birthday. Within the time period that the child identification card is valid, the
 6 card may be updated with a new photograph and information. The fee for an
 7 updated card shall be six dollars (\$6), with the fee distributed in the same manner
 8 as the fee for an initial card as described in subsection (5) of this section.

9 (7) If a parent or guardian complies with the requirements of Sections 10 and 11 of
 10 this Act, the parent or guardian may request that the child identification card
 11 issued to a minor child under this section be a voluntary enhanced secure identity
 12 document under Section 10 of this Act.

13 (8) A child identification card issued under this section shall contain a denotation
 14 that either:

15 (a) The child identification card is a voluntary enhanced secure identity
 16 document that complies with the security standards set forth by the REAL
 17 ID Act of 2005, Pub. L. No. 109-13, Title II, and may be used for
 18 identification for federal purposes; or

19 (b) The identity document shall not be used for federal identification purposes.

20 ➔SECTION 9. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED
 21 TO READ AS FOLLOWS:

22 (1) If a resident of the Commonwealth currently serving in the United States military
 23 is stationed or assigned to a base or other location outside the boundaries of the
 24 Commonwealth, the resident may renew a Class D operator's license issued
 25 under this section by mail. If the resident was issued an "under 21" operator's
 26 license, upon the date of his or her twenty-first birthday, the "under 21"
 27 operator's license may be renewed for an operator's license that no longer

1 contains the outdated reference to being "under 21."

2 (2) A resident of the Commonwealth renewing an operator's license by mail under
3 subsection (1) of this section may have a personal designee apply to the circuit
4 clerk on behalf of the resident to renew the resident's operator's license. An
5 operator's license being renewed by mail under subsection (1) of this section shall
6 be issued a license without a photograph. The license shall show in the space
7 provided for the photograph the legend "valid without photo and signature."

8 (3) (a) If a resident of the Commonwealth has been serving in the United States
9 military stationed or assigned to a base or other location outside the
10 boundaries of the Commonwealth and has allowed his or her operator's
11 license to expire, he or she shall, within ninety (90) days of returning to the
12 Commonwealth, be permitted to renew his or her license without having to
13 take a written test or road test.

14 (b) A person who meets the criteria in paragraph (a) of this subsection shall not
15 be convicted or cited for driving on an expired license prior to license
16 renewal during the ninety (90) days after the person's return to the
17 Commonwealth if the person can provide proof of his or her out-of-state
18 service and dates of assignment.

19 (c) A person who meets the criteria in paragraph (a) of this subsection and who
20 does not renew his or her license within ninety (90) days of returning to the
21 Commonwealth shall be required to comply with the provisions of this
22 chapter governing renewal of a license that has expired.

23 (d) If a resident of the Commonwealth has been issued an "under 21" or
24 "under 21 CDL" operator's license and the person is unable to renew the
25 license on the date of his or her twenty-first birthday, the "under 21" or
26 "under 21 CDL" operator's license shall be valid for ninety (90) days
27 beyond the date of the person's twenty-first birthday.

1 (4) Any person who served in the active Armed Forces of the United States, including
 2 the Coast Guard of the United States, and was released, separated, discharged, or
 3 retired therefrom under conditions other than dishonorable, may, at the time of
 4 initial application or application for renewal or duplicate, request that an
 5 operator's license or a personal identification card issued under this section bear
 6 the word "veteran" on the face or the back of the license or personal
 7 identification card. The designation shall be in a style and format considered
 8 appropriate by the Transportation Cabinet. Prior to obtaining a designation
 9 requested under this subsection, the applicant shall present the circuit clerk with
 10 an original or copy of his or her DD-214 or DD-2 form as proof of veteran status.
 11 The circuit clerk shall not be liable for fraudulent or misread DD-214 or DD-2
 12 forms presented.

13 ➔SECTION 10. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED
 14 TO READ AS FOLLOWS:

15 (1) The Transportation Cabinet shall develop a system of issuing enhanced secure
 16 instruction permits, operator's licenses, commercial driver's licenses, and
 17 personal identification cards.

18 (2) The development of the system identified in subsection (1) of this section shall
 19 include but not be limited to the:

20 (a) Acquisition of equipment and information technology systems and services;

21 (b) Modification, conversion, or upgrade of the cabinet's existing databases,
 22 equipment, and information technology systems;

23 (c) Establishment of electronic connectivity with any other state's driver
 24 licensing department, federal agency, national or regional association, or
 25 business. Electronic connectivity under this paragraph shall be limited to
 26 the sharing of the minimum amount of information necessary to validate
 27 information supplied by an applicant, process the application, and produce

1 and distribute the identity document. The Transportation Cabinet shall limit
2 any access to the databases developed under this chapter in accordance with
3 the Driver's Privacy Protection Act, 18 U.S.C. sec. 2721;

4 (d) Creation of a new design for operator's licenses, commercial driver's
5 licenses, instruction permits, and personal identification cards that will
6 meet the minimum content, design, and security standards required under
7 this section;

8 (e) Collection, management, and retention of personal information and identity
9 documents; and

10 (f) Development and implementation of a comprehensive security plan to
11 ensure the security and integrity of the department's:

12 1. Employees;

13 2. Facilities;

14 3. Storage systems;

15 4. Production of operator's licenses, commercial driver's licenses,
16 instruction permits, and personal identification cards; and

17 5. Collection and retention of personal information and identity
18 documents.

19 (3) On or after January 1, 2019:

20 (a) A person who applies for an initial Kentucky instruction permit, operator's
21 license, or personal identification card under Section 2, 3, 4, or 5 of this
22 Act, including any person who establishes residency in the state, may apply
23 for either a voluntary enhanced secure or a nonenhanced secure instruction
24 permit, operator's license, or personal identification card.

25 (b) A person who applies for the renewal of a nonenhanced secure instruction
26 permit, operator's license, or personal identification card under Section 2,
27 3, 4, or 5 of this Act may apply for either a voluntary enhanced secure or a

1 nonenhanced secure instruction permit, operator's license, or personal
 2 identification card.

3 (c) A person who holds a voluntary enhanced secure operator's license, and
 4 applies for and passes all necessary examinations for a commercial driver's
 5 license under KRS Chapter 281A, shall receive a voluntary enhanced secure
 6 commercial driver's license. This paragraph shall not apply to a person who
 7 is not a citizen or permanent resident of the United States.

8 (4) The fee for an initial, renewal, duplicate, or corrected voluntary enhanced secure
 9 operator's license, instruction permit, or personal identification card shall be the
 10 same as for a corresponding nonenhanced secure identity document under
 11 Section 21 of this Act.

12 (5) A voluntary enhanced secure identity document issued by the cabinet may be
 13 used for all state purposes authorized for identity documents otherwise issued
 14 under KRS 186.400 to 186.640 and KRS Chapter 281A.

15 (6) The Transportation Cabinet shall promulgate administrative regulations under
 16 KRS Chapter 13A that set standards for the establishment of a voluntary
 17 enhanced secure identity document system, including but not limited to, the
 18 components of the system identified in subsection (2) of this section.

19 ➔SECTION 11. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED
 20 TO READ AS FOLLOWS:

21 (1) In addition to the information required under Sections 2, 3, 4, and 5 of this Act,
 22 an applicant for a voluntary enhanced secure instruction permit, operator's
 23 license, or personal identification card under Section 10 of this Act shall present
 24 two (2) of the following documents upon application or renewal that show the
 25 name and physical residential address of the applicant:

26 (a) Utility bill;

27 (b) Current lease or rental agreement;

- 1 (c) Bank statement;
- 2 (d) Mortgage statement;
- 3 (e) Telephone bill;
- 4 (f) Current insurance policy;
- 5 (g) State or federal tax return that is less than one (1) year old;
- 6 (h) Pay slip or salary statement;
- 7 (i) Record from an educational institution in Kentucky which establishes
- 8 enrollment; or
- 9 (j) Kentucky voter registration card.
- 10 (2) Any of the documents described in subsection (1) of this section that contains the
- 11 name of the spouse of the applicant, together with a certified copy of the
- 12 applicant's marriage license or marriage certificate, shall be considered
- 13 acceptable documentation of proof of residence under subsection (1) of this
- 14 section.
- 15 (3) The Transportation Cabinet may promulgate administrative regulations under
- 16 KRS Chapter 13A to identify additional documentation that would satisfy the
- 17 proof of residence requirement under this section.
- 18 (4) Unless otherwise specified, the documentation furnished under subsection (1) of
- 19 this section must be less than sixty-one (61) days old.
- 20 (5) A Kentucky post office box address is not sufficient proof of physical address for
- 21 purposes of this section.
- 22 (6) The cabinet may require additional proof of physical address if the cabinet
- 23 questions the validity or authenticity of the proof of physical address submitted by
- 24 the applicant.
- 25 (7) In addition to the information required under Sections 2, 3, 4, and 5 of this Act,
- 26 an applicant for a voluntary enhanced secure instruction permit, operator's
- 27 license, or personal identification card under Section 10 of this Act shall present

1 valid documentary evidence that the applicant:

2 (a) Is a citizen or national of the United States;

3 (b) Is an alien lawfully admitted for permanent or temporary residence in the
4 United States;

5 (c) Has conditional permanent resident status in the United States;

6 (d) Has an approved application for asylum in the United States or has entered
7 into the United States in refugee status;

8 (e) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for
9 entry into the United States;

10 (f) Has a pending application for asylum in the United States;

11 (g) Has a pending or approved application for temporary protected status in the
12 United States;

13 (h) Has approved deferred action status; or

14 (i) Has a pending application for adjustment of status to that of an alien
15 lawfully admitted for permanent residence in the United States or
16 conditional permanent resident status in the United States.

17 ➔Section 12. KRS 186.401 is amended to read as follows:

18 As used in KRS 186.400 to 186.640:

19 (1) "[, a]Driver's license" means[shall mean] an operator's license issued pursuant to
20 Sections 2, 3, and 6 of this Act;

21 (2) "Operator's license" unless otherwise indicated, includes a motor vehicle
22 operator's license, a motorcycle operator's license, and a combination motor
23 vehicle-motorcycle license; and

24 (3) "[KRS 186.412 and a]Commercial driver's license" means[shall mean] a license
25 issued pursuant to KRS Chapter 281A.

26 ➔Section 13. KRS 186.4101 is amended to read as follows:

27 (1) A license to operate a motor vehicle, motorcycle, or moped shall be renewed every

1 eight (8)~~[four (4)]~~ years prior to its expiration~~[during an applicant's birth month]~~.
 2 Except as provided in Section 3 of this Act, a person seeking to renew an operator's
 3 license shall apply at the office of the circuit clerk in the county where the
 4 person~~[he]~~ resides in accordance with Section 2 of this Act~~[on a form furnished by~~
 5 ~~the cabinet]~~.

6 (2) In order to accommodate the transition from a four (4) year licensing schedule
 7 to an eight (8) year licensing schedule, the Transportation Cabinet may, during
 8 the first four (4) years after the effective date of this Act, renew operator's
 9 licenses and personal identification cards with terms of both four (4) and eight
 10 (8) years.

11 (3) The fee to renew an operator's license shall be according to the schedule set forth in
 12 KRS 186.531.

13 ➔Section 14. KRS 186.4125 is amended to read as follows:

14 (1) In order to apply for a voluntary enhanced secure identity document under
 15 Section 10 of this Act, the applicant shall present a copy of the applicant's
 16 certified birth certificate.

17 (2) For the purposes of KRS 186.400 to 186.640, an original hospital birth certificate
 18 signed by the attending physician shall be acceptable as certifying the birth date of
 19 an applicant for a nonenhanced secure~~[an]~~ instruction permit,~~[or]~~ operator's
 20 license, or personal identification card.

21 (3) The Transportation Cabinet shall apply to the United States Department of
 22 Homeland Security for an exception to allow birth certificates described in
 23 subsection (2) of this section to be used to apply for a voluntary enhanced secure
 24 identity document under Section 10 of this Act.

25 ➔Section 15. KRS 186.430 is amended to read as follows:

26 (1) Except as provided in subsection (2) of this section, a person over the age of sixteen
 27 (16) who is a United States citizen and who is not a resident of Kentucky may drive

1 in Kentucky for a period of time not to exceed one (1) year from the date the person
2 enters Kentucky if:

3 (a) The person possesses a valid license issued by the person's home state;

4 (b) The person has the license in his or her immediate possession at all times
5 when operating a vehicle on the highways; and

6 (c) The person's home state accords similar privileges to licensed residents of
7 Kentucky.

8 (2) A person who is a United States citizen but who is not a resident of Kentucky who
9 is enrolled as a full-time or part-time student at a university, college, or technical
10 college located in Kentucky may drive in Kentucky on a valid license issued by the
11 person's state of domicile, and shall not be required to obtain a Kentucky operator's
12 license under this chapter if the person has a student identification card from a
13 university, college, or technical college located in Kentucky in his or her immediate
14 possession at all times when driving in Kentucky.

15 (3) A person over the age of sixteen (16) who is not a United States citizen and who is
16 legally visiting this country for less than one (1) year may drive in Kentucky on a
17 valid domestic license issued by the person's country of domicile and shall not be
18 required to obtain a Kentucky driver's license.

19 (4) A person over the age of sixteen (16) who is not a United States citizen, who has
20 not been granted status as a permanent resident of the United States, but is a
21 resident of Kentucky, shall be issued a Kentucky operator's license if the person
22 complies with the requirements of Section 3 of this Act [KRS 186.412. Except as
23 ~~provided in this subsection, an operator's license issued to a person who is not a~~
24 ~~United States citizen, who has not been granted status as a permanent resident of the~~
25 ~~United States, and who is not a special status individual but is a Kentucky resident,~~
26 ~~shall be valid for a period equal to the length of time the person's documentation~~
27 ~~from the United States Department of Justice, Immigration and Naturalization~~

1 ~~Service is issued, or four (4) years, whichever time period is shorter. An initial or~~
 2 ~~renewal operator's license shall be valid for a period of two (2) years if the person is~~
 3 ~~not a special status individual and the person's documentation issued by the United~~
 4 ~~States Department of Justice, Immigration and Naturalization Service, is issued for~~
 5 ~~an indefinite period of time and does not have an expiration date. The fee shall be~~
 6 ~~the same as for a regular operator's license].~~ The cabinet may at any time refuse or
 7 discontinue the exemptions authorized in this section for any grounds and may
 8 deny, cancel, suspend, or revoke an instruction permit or operator's license issued
 9 under this chapter.

10 (5) A person whose operator's license or privilege to operate a motor vehicle,
 11 motorcycle, or moped in this state has been denied, withdrawn, canceled,
 12 suspended, or revoked as provided in KRS 186.400 to 186.640 shall not operate a
 13 motor vehicle, motorcycle, or moped in this state under a license, permit, or
 14 registration certificate issued by any other jurisdiction during the period of denial,
 15 withdrawal, cancellation, suspension, or revocation.

16 ➔Section 16. KRS 186.435 is amended to read as follows:

17 (1) **Except as provided in subsection (4) of this section,** a licensed driver who becomes
 18 a Kentucky resident shall, within thirty (30) days of establishing residency, apply
 19 for a Kentucky operator's license in the office of the circuit clerk in the county
 20 where the person has established his or her domicile.

21 (2) The **Transportation Cabinet**~~[circuit clerk]~~ shall, before issuing a person a Kentucky
 22 operator's license, verify through the National Drivers Register that the person
 23 applying for a Kentucky operator's license does not currently have his or her
 24 operator's license or driving privilege suspended or revoked in another licensing
 25 jurisdiction.

26 (3) A person who is not a United States citizen but who has been granted permanent
 27 resident status by the United States Department of **Homeland Security, United**

1 States Bureau of Citizenship and Immigration Services~~[Justice, Immigration and~~
 2 ~~Naturalization Service]~~, and who is a Kentucky resident, shall follow the same
 3 procedures for applying for an original, renewal, transfer, or duplicate operator's
 4 license as persons who are United States citizens.

5 **(4) A licensed driver who is not a United States citizen and who has not been granted**
 6 **permanent resident status by the United States Department of Homeland**
 7 **Security, United States Bureau of Citizenship and Immigration Services, and who**
 8 **becomes a Kentucky resident shall, within thirty (30) days of establishing**
 9 **residency, apply for a Kentucky operator's license under the provisions of Section**
 10 **3 of this Act.**

11 ➔Section 17. KRS 186.442 is amended to read as follows:

12 (1) The Transportation Cabinet~~[circuit clerk]~~ shall, before issuing or renewing a
 13 Kentucky operator's license, verify through the National Drivers Register that the
 14 person applying for an initial or renewal Kentucky operator's license does not
 15 currently have his or her operator's license or driving privilege suspended or
 16 revoked in another licensing jurisdiction.

17 (2) If the person's operator's license or driving privilege is currently suspended or
 18 revoked in another licensing jurisdiction for a traffic offense where the conviction
 19 for the offense is less than five (5) years old, the Transportation Cabinet~~[circuit~~
 20 ~~clerk]~~ shall not issue the person an initial or renewal Kentucky operator's license
 21 until the person resolves the matter in the other licensing jurisdiction and complies
 22 with the provisions of this chapter.

23 (3) A person whose operator's license has been suspended or revoked in another
 24 licensing jurisdiction, or the holder of a Kentucky operator's license whose driving
 25 privileges have been suspended in another licensing jurisdiction, may be issued a
 26 Kentucky license, or may renew a Kentucky license if:

27 (a) The conviction causing the suspension or revocation is more than five (5)

- 1 years old;
- 2 (b) The conviction is for a traffic offense other than a felony traffic offense or a
- 3 habitual violator offense; and
- 4 (c) The person has been a resident of the Commonwealth for at least five (5)
- 5 years prior to the date of application for issuance or renewal.
- 6 (4) (a) A person applying for an operator's license under subsection (3) of this section
- 7 shall submit an application to the *circuit clerk in the person's county of*
- 8 *residence, who shall electronically scan the application and supporting*
- 9 *documents, along with a photograph of the applicant captured in*
- 10 *accordance with subsection (1) of Section 6 of this Act, into the cabinet*
- 11 *database*~~[Transportation Cabinet in Frankfort or a Transportation Cabinet~~
- 12 ~~field office].~~
- 13 (b) *The circuit clerk shall review the person's documentation, including the*
- 14 *person's photograph, in the cabinet database. If the documentation is*
- 15 *verified as accurate, and if the person successfully completes any*
- 16 *examinations required under Section 37 of this Act and pays the*
- 17 *reinstatement fee required under Section 24 of this Act, the circuit clerk*
- 18 *shall present the applicant with a temporary operator's license, which shall*
- 19 *be valid for thirty (30) days, until a permanent operator's license is mailed*
- 20 *to the applicant by the Transportation Cabinet*~~[The Transportation Cabinet~~
- 21 ~~shall, within fifteen (15) days of receipt of the application, determine if the~~
- 22 ~~person is eligible to receive a license under subsection (3) of this section.~~
- 23 ~~(c) If the Transportation Cabinet determines the person may be issued a license~~
- 24 ~~under subsection (3) of this section, the cabinet shall issue the person an~~
- 25 ~~official form that the applicant shall present to the circuit clerk of the county~~
- 26 ~~where the person resides. Upon receipt of this notice, and completion of any~~
- 27 ~~examinations required under KRS 186.480, the circuit clerk shall issue the~~

1 ~~applicant a license under subsection (3) of this section].~~

2 (5) A person issued a Kentucky operator's license in accordance with subsection (3) of
3 this section shall be issued an operator's license marked "Valid in Kentucky Only"
4 and shall sign a statement that the person understands that he or she may be subject
5 to arrest and detention if stopped by a law enforcement officer in another state while
6 operating a motor vehicle on this restricted license.

7 (6) If a person granted a license under subsection (3) of this section satisfies the
8 requirements to have the suspension or revocation in another state lifted, the person
9 shall apply to the circuit clerk to be issued a new license without the restrictions
10 outlined in subsection (3) of this section.

11 (7) The provisions of subsection (3) of this section shall not apply to a commercial
12 driver's license.

13 ➔Section 18. KRS 186.450 is amended to read as follows:

14 (1) A person who is at least sixteen (16) years of age may apply for an instruction
15 permit to operate a motor vehicle. A person who possesses a valid intermediate
16 motor vehicle operator's license issued under KRS 186.452 or a person who is at
17 least eighteen (18) years of age may apply for an instruction permit to operate a
18 motorcycle. A holder of either a motor vehicle or motorcycle instruction permit may
19 also operate a moped under that permit. A person applying for an instruction permit
20 under this section shall make application in the office of the circuit clerk in the
21 county where the person lives. A person applying for an instruction permit shall be
22 required to comply with the following:

23 (a) If the person is under the age of eighteen (18), the instruction permit
24 application shall be signed by the applicant's parent or legal guardian. If the
25 person does not have a living parent or does not have a legal guardian, the
26 instruction permit application shall be signed by a person willing to assume
27 responsibility for the applicant pursuant to KRS 186.590; and

- 1 (b) All applicants for an instruction permit shall comply with the examinations
2 required by KRS 186.480.
- 3 (2) If an applicant successfully passes the examinations required by KRS 186.480, the
4 applicant shall be issued an instruction permit upon payment of a six dollar (\$6) fee
5 pursuant to KRS 186.531.
- 6 (3) (a) An instruction permit to operate a motor vehicle shall be valid for three (3)
7 years and may be renewed. An instruction permit to operate a motorcycle shall
8 be valid for one (1) year and may be renewed one (1) time. *The fee for a*
9 *motor vehicle or motorcycle instruction permit shall be as set forth in*
10 *Section 21 of this Act.*
- 11 (b) Except as provided in KRS 186.415, a person who has attained the age of
12 sixteen (16) years and is under the age of eighteen (18) years shall have the
13 instruction permit a minimum of one hundred eighty (180) days before
14 applying for an intermediate license and shall have an intermediate license for
15 a minimum of one hundred eighty (180) days before applying for an operator's
16 license.
- 17 (c) A person who was under eighteen (18) years of age at the time of application
18 for an instruction permit and is eighteen (18) years of age or older shall have
19 the instruction permit a minimum of one hundred eighty (180) days and
20 complete a driver training program under KRS 186.410(4) before applying for
21 an operator's license.
- 22 (d) A person who is at least eighteen (18) years of age and is under the age of
23 twenty-one (21) years at the time of application for an instruction permit shall
24 have the instruction permit a minimum of one hundred eighty (180) days
25 before applying for an operator's license.
- 26 (e) A person who is at least twenty-one (21) years of age at the time of
27 application for an instruction permit shall have the instruction permit a

1 minimum of thirty (30) days before applying for an operator's license.

2 (f) In accordance with KRS 15A.352(5), a person whose motorcycle instruction
3 permit has expired may apply to the circuit clerk to receive a motorcycle
4 operator's license or endorsement if the person presents proof of successful
5 completion of a motorcycle safety education course approved by the Justice
6 and Public Safety Cabinet under KRS 15A.350 to 15A.366.

7 (4) (a) A person shall have the instruction permit in his possession at all times when
8 operating a motor vehicle, motorcycle, or moped upon the highway.

9 (b) When operating a motor vehicle, a motor vehicle instruction permit holder
10 shall be accompanied by a person with a valid operator's license who is at
11 least twenty-one (21) years of age occupying the seat beside the operator at all
12 times.

13 (c) The requirements of paragraph (b) of this subsection shall not apply to a motor
14 vehicle instruction permit holder being supervised on a multiple-vehicle
15 driving range by a driver training instructor affiliated with a driver training
16 school licensed under KRS Chapter 332 or a public or nonpublic secondary
17 school.

18 (5) A person with an instruction permit who is under the age of eighteen (18) shall not
19 operate a motor vehicle, motorcycle, or moped between the hours of 12 midnight
20 and 6 a.m. unless the person can demonstrate good cause for driving, including but
21 not limited to emergencies, involvement in school-related activities, or involvement
22 in work-related activities.

23 (6) Except when accompanied by a driver training instructor affiliated with a driver
24 training school licensed under KRS Chapter 332 or a public or nonpublic secondary
25 school, a person with an instruction permit who is under the age of eighteen (18)
26 years shall not operate a motor vehicle at any time when accompanied by more than
27 one (1) unrelated person who is under the age of twenty (20) years. A peace officer

1 shall not stop or seize a person nor issue a uniform citation for a violation of this
 2 subsection if the officer has no other cause to stop or seize the person other than a
 3 violation of this subsection. This subsection shall not apply to any operator of a
 4 vehicle registered under the provisions of KRS 186.050(4) who is engaged in
 5 agricultural activities.

6 (7) A violation under subsection (4), (5), or (6) of this section, a conviction for a
 7 moving violation under KRS Chapter 189 for which points are assessed by the
 8 cabinet, or a conviction for a violation of KRS 189A.010(1) shall add an additional
 9 minimum of one hundred eighty (180) days from the date of the violation before a
 10 person who is under the age of eighteen (18) years may apply for an intermediate
 11 license to operate a motor vehicle, motorcycle, or moped.

12 (8) A person under the age of eighteen (18) who accumulates more than six (6) points
 13 against his driving privilege may have the driving privilege suspended pursuant to
 14 KRS Chapter 186 or probated by the court.

15 (9) An applicant for relicensing after revocation shall pay the clerk a fee of twenty-five
 16 dollars (\$25). The twenty-five dollar (\$25) fee shall not apply to any person whose
 17 license was suspended for failure to meet the conditions described in KRS 186.411
 18 when, within one (1) year of suspension, the driving privileges of such individuals
 19 are reinstated and persons reinstated pursuant to KRS 159.051.

20 ➔Section 19. KRS 186.490 is amended to read as follows:

21 The circuit clerk of each county shall:

- 22 (1) Comply with all rules and regulations issued by the cabinet under KRS 186.400
 23 relating to his ***or her*** duties;
- 24 (2) Act for the cabinet for the purpose of issuing temporary operator's licenses, ~~and~~
 25 instruction permits, ***and personal identification cards;***
- 26 (3) Administer the oath required by ***Sections 2 and 4 of this Act*** ~~[KRS 186.412]~~ to the
 27 applicant without fee;

1 (4) Report and remit monthly to the state all moneys collected during the preceding
 2 month and remit a copy of all applications taken by him during the same period to
 3 the Transportation Cabinet. Upon failure of any clerk to report and remit therefor
 4 more than seven (7) days after the due date, he shall pay, in addition to the amount
 5 due, a penalty of ten percent (10%) of the amount due. Penalties collected under this
 6 section shall be paid into the State Treasury as a part of the revenue collected under
 7 KRS 186.531; ***and***

8 (5) Keep adequate records of all moneys collected and remitted to the state~~[-; and~~

9 ~~(6) Keep in his office at all times available to the cabinet a record of all temporary~~
 10 ~~licenses issued in his county, all denials, cancellations, suspensions, revocations or~~
 11 ~~withdrawals of operator's licenses or motorcycle operator's licenses within his~~
 12 ~~county and, to the extent that he is advised, of all other withdrawals of the privilege~~
 13 ~~to operate a motor vehicle on the highways].~~

14 ➔Section 20. KRS 186.520 is amended to read as follows:

15 (1) A person whose license has been legitimately lost or destroyed, shall apply to the
 16 circuit clerk in the county in which the most recent permanent license was obtained
 17 in order to make application for a duplicate license. ***The person***~~[He]~~ shall furnish
 18 satisfactory proof by affidavit substantiating the loss or destruction when applying
 19 for a duplicate license.

20 ~~(2) [A person whose chauffeur's license has been legitimately lost or destroyed shall~~
 21 ~~apply to the circuit clerk in the county in which the most recent permanent license~~
 22 ~~was obtained in order to make application for a duplicate license. He shall furnish~~
 23 ~~satisfactory proof by affidavit substantiating the loss or destruction when applying~~
 24 ~~for a duplicate license.]~~The fee for a duplicate license shall be according to the
 25 schedule set forth in KRS 186.531~~[-, and fifty cents (\$0.50) shall be submitted to the~~
 26 ~~Transportation Cabinet in compliance with KRS 186.400 through 186.490].~~

27 ➔SECTION 21. KRS 186.531 IS REPEALED AND REENACTED TO READ

1 AS FOLLOWS:

2 (1) As used in this section:

3 (a) "AOC Fund" means the circuit court clerk salary account created in
 4 Section 22 of this Act;

5 (b) "GF" means the general fund;

6 (c) "IP" means instruction permit;

7 (d) "License Fund" means the KYTC photo license account created in Section
 8 23 of this Act;

9 (e) "MC" means motorcycle;

10 (f) "MC Fund" means the motorcycle safety education program fund
 11 established in KRS 15A.358;

12 (g) "OL" means operator's license; and

13 (h) "PIDC" means personal identification card.

14 (2) The fees imposed for operator's licenses, instruction permits, and personal
 15 identification cards shall be as follows. The fees received shall be distributed as
 16 shown in the table. The fees shown, unless otherwise noted, are for an eight (8)
 17 year period:

<u>Card</u>	<u>Fee</u>	<u>Road</u>	<u>License</u>	<u>AOC</u>	<u>GF</u>	<u>MC</u>
<u>Type</u>		<u>Fund</u>	<u>Fund</u>	<u>Fund</u>		<u>Fund</u>
<u>OL</u>						
<u>(initial/renewal)</u>	<u>\$48</u>	<u>\$31</u>	<u>\$7</u>	<u>\$10</u>	<u>\$0</u>	<u>\$0</u>
<u>OL (Under 21)</u>						
<u>(Up to 4 years)</u>	<u>\$15</u>	<u>\$7.50</u>	<u>\$4</u>	<u>\$3.50</u>	<u>\$0</u>	<u>\$0</u>
<u>Any OL, MC OL</u>						
<u>or combination</u>						
<u>(duplicate /corrected)</u>	<u>\$15</u>	<u>\$5.25</u>	<u>\$4</u>	<u>\$4</u>	<u>\$1.75</u>	<u>\$0</u>
<u>Motor vehicle IP</u>						

1	<u>(3 years)</u>	<u>\$15</u>	<u>\$5</u>	<u>\$4</u>	<u>\$4</u>	<u>\$2</u>	<u>\$0</u>
2	<u>Motorcycle IP</u>						
3	<u>(1 year)</u>	<u>\$15</u>	<u>\$5</u>	<u>\$4</u>	<u>\$1</u>	<u>\$1</u>	<u>\$4</u>
4	<u>Motorcycle OL</u>						
5	<u>(initial/renewal)</u>	<u>\$45</u>	<u>\$18.50</u>	<u>\$8</u>	<u>\$8.50</u>	<u>\$0</u>	<u>\$10</u>
6	<u>Combination</u>						
7	<u>vehicle/MC OL</u>						
8	<u>(initial/renewal)</u>	<u>\$58</u>	<u>\$28</u>	<u>\$7</u>	<u>\$13</u>	<u>\$0</u>	<u>\$10</u>
9	<u>PIDC</u>						
10	<u>(initial/renewal)</u>	<u>\$28</u>	<u>\$11</u>	<u>\$8</u>	<u>\$6</u>	<u>\$3</u>	<u>\$0</u>
11	<u>PIDC</u>						
12	<u>(duplicate/corrected)</u>	<u>\$15</u>	<u>\$6</u>	<u>\$4</u>	<u>\$3.50</u>	<u>\$1.50</u>	<u>\$0</u>
13	<u>PIDC</u>						
14	<u>(no fixed address)</u>						
15	<u>(Sections 4(5) and</u>						
16	<u>5(5) of this Act)</u>	<u>\$10</u>	<u>\$0</u>	<u>\$5</u>	<u>\$5</u>	<u>\$0</u>	<u>\$0</u>

17 (3) The fee for a second or subsequent duplicate personal identification card for a
18 person who does not have a fixed, permanent address, as allowed under
19 subsection (5) of Section 4 of this Act and subsection (5) of Section 5 of this Act,
20 shall be the same as for a duplicate regular personal identification card.

21 (4) The fee for a four (4) year original or renewal license issued pursuant to Section
22 13 of this Act shall be fifty percent (50%) of the amount shown in subsection (2)
23 of this section. The distribution of fees shown in subsection (2) of this section
24 shall also be reduced by fifty percent (50%) for licenses that are issued for four
25 (4) years.

26 (5) Any fee for any identity document applied for using alternative technology under
27 Sections 1 and 4 of this Act shall be distributed in the same manner as a

1 document applied for with the circuit clerk.

2 (6) (a) An applicant for an original or renewal operator's license, commercial
 3 driver's license, motorcycle operator's license, or personal identification
 4 card shall be requested by the clerk to make a donation to promote an organ
 5 donor program.

6 (b) A donation under this subsection shall be two dollars (\$2) for any license or
 7 card with an eight (8) year term, and one dollar (\$1) for any license or card
 8 with a term of less than eight (8) years.

9 (c) The donation under this subsection shall be added to the regular fee for an
 10 original or renewal motor vehicle operator's license, commercial driver's
 11 license, motorcycle operator's license, or personal identification card. One
 12 (1) donation may be made per issuance or renewal of a license or any
 13 combination thereof.

14 (d) The fee shall be paid to the circuit clerk and shall be forwarded by the clerk
 15 on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and
 16 such moneys are hereby appropriated to be used exclusively for the purpose
 17 of promoting an organ donor program. A donation under this subsection
 18 shall be voluntary and may be refused by the applicant at the time of
 19 issuance or renewal.

20 ➔SECTION 22. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO
 21 READ AS FOLLOWS:

22 (1) The circuit court clerk salary account is created as a trust and agency account in
 23 the State Treasury to be administered by the Administrative Office of the Courts.
 24 The account shall consist of the portion of fees directed to the account under
 25 Sections 21 and 24 of this Act and any other proceeds from grants, contributions,
 26 appropriations, or other moneys made available for the purposes of the account.

27 (2) Notwithstanding KRS 45.229, any moneys remaining in the account not

1 expended at the close of a fiscal year shall not lapse but shall be carried forward
 2 to the next fiscal year.

3 (3) Any interest earnings of the account shall become a part of the account and shall
 4 not lapse.

5 (4) Moneys in the account shall be used for the purposes of hiring additional deputy
 6 circuit clerks and providing salary adjustments to deputy circuit clerks and are
 7 hereby appropriated for these purposes.

8 ➔SECTION 23. A NEW SECTION OF KRS CHAPTER 174 IS CREATED TO
 9 READ AS FOLLOWS:

10 (1) The KYTC photo license account is created within the road fund, to be
 11 administered by the Transportation Cabinet. The account shall consist of the
 12 portion of fees directed to the account under Section 21 of this Act and any other
 13 proceeds from grants, contributions, appropriations, or other moneys made
 14 available for the purposes of the account.

15 (2) Notwithstanding KRS 45.229, any moneys remaining in the account not
 16 expended at the close of a fiscal year shall not lapse but shall be carried forward
 17 to the next fiscal year.

18 (3) Any interest earnings of the account shall become a part of the account and shall
 19 not lapse.

20 (4) Moneys in the account shall be used for the purposes of verifying, creating, and
 21 distributing secure photo instruction permits, operator's licenses, and personal
 22 identification cards and are hereby appropriated for these purposes.

23 ➔Section 24. KRS 186.440 is amended to read as follows:

24 An operator's license shall not be granted to:

- 25 (1) Any person who is not a resident of Kentucky;
 26 (2) Any person under the age of sixteen (16);
 27 (3) Any person under the age of eighteen (18) who holds a valid Kentucky instruction

- 1 permit issued pursuant to KRS 186.450, but who has not graduated from high
2 school or who is not enrolled and successfully participating in school or who is not
3 being schooled at home, except those persons who satisfy the District Court of
4 appropriate venue pursuant to KRS 159.051(3) that revocation of their license
5 would create an undue hardship. Persons under the age of eighteen (18) shall
6 present proof of complying with the requirements of KRS 159.051;
- 7 (4) Any person whose operator's license has been suspended, during the period of
8 suspension, subject to the limitations of KRS 186.442;
- 9 (5) Any person whose operator's license has been revoked, nor to any nonresident
10 whose privilege of exemption under KRS 186.430 has been refused or discontinued,
11 until the expiration of the period for which the license was revoked, or for which the
12 privilege was refused or discontinued;
- 13 (6) Any applicant adjudged incompetent by judicial decree;
- 14 (7) Any person who in the opinion of the Department of Kentucky State Police, after
15 examination, is unable to exercise reasonable and ordinary control over a motor
16 vehicle upon the highways;
- 17 (8) Any person who is unable to understand highway warnings or direction signs in the
18 English language;
- 19 (9) Any person required by KRS 186.480 to take an examination who has not
20 successfully passed the examination;
- 21 (10) Any person required by KRS Chapter 187 to deposit proof of financial
22 responsibility, who has not deposited that proof;
- 23 (11) Any person who has not filed a correct and complete application attested to in the
24 presence of a person authorized to administer oaths;
- 25 (12) Any person who cannot meet the requirements set forth in KRS 186.411(1) or (3);
26 or
- 27 (13) Any person whose operator's license has been suspended or revoked under the

1 provisions of KRS Chapter 186, 187, or 189A until the person has forwarded to the
 2 cabinet a reinstatement fee of fifteen dollars (\$15). The fee shall be paid by certified
 3 check or money order payable to the State Treasurer who shall deposit five dollars
 4 (\$5) of the fee in a trust and agency fund to be used in defraying the costs and
 5 expenses of administering a driver improvement program for problem drivers. Ten
 6 dollars (\$10) of the fee shall be deposited by the State Treasurer **into the circuit**
 7 **court clerk salary account established in Section 22 of this Act**~~in a trust and~~
 8 ~~agency account to the credit of the Administrative Office of the Courts and shall be~~
 9 ~~used to assist circuit clerks in hiring additional employees, providing salary~~
 10 ~~adjustments for employees, providing training for employees, and purchasing~~
 11 ~~additional equipment used in administering the issuance of driver's licenses]. The~~
 12 provisions of this subsection shall not apply to any person whose license was
 13 suspended for failure to meet the conditions set out in KRS 186.411 when, within
 14 one (1) year of suspension, the driving privileges of the individuals are reinstated or
 15 to any student who has had his or her license revoked pursuant to KRS 159.051.

16 ➔Section 25. KRS 186.535 is amended to read as follows:

- 17 (1) From the **portion of the** fee for each **eight (8)**~~four (4)~~ year original or renewal
 18 operator's license **which is assigned to the road fund under Section 21 of this Act,**
 19 **two dollars (\$2)**~~fifty cents (\$0.50)] shall be credited to a special account within the~~
 20 road fund, and shall be used exclusively by the Transportation Cabinet for the
 21 purpose of expanding the state driver education program, and **two dollars (\$2)**~~fifty~~
 22 ~~cents (\$0.50)] shall be paid to the fiscal court of the county where the driver's~~
 23 license is issued to be used by the fiscal court for county road purposes. **The**
 24 **distribution of fees under this subsection shall be reduced by fifty percent (50%)**
 25 **for licenses issued for a four (4) year term in accordance with Section 13 of this**
 26 **Act.**
- 27 (2) From the fee for each annual registration of a motorcycle pursuant to KRS 186.050,

1 four dollars (\$4) shall be credited to a special account within the road fund and shall
 2 be used exclusively for the purpose of the motorcycle safety education program
 3 fund pursuant to KRS 186.050.

4 ➔Section 26. KRS 186.540 is amended to read as follows:

5 (1) Except as provided in subsections~~[subsection]~~ (2) **and (3)** of this section, when any
 6 person, after applying for or receiving an operator's license **or personal**
 7 **identity card**, moves from the address named in the application or **on the**
 8 **identity document**~~[license]~~ issued to **the person**,~~[him]~~ or when the name of a
 9 **identity document holder**~~[licensee]~~ is changed, by marriage or otherwise, the
 10 person shall within ten (10) days after the change apply to the circuit clerk in **the**
 11 **person's**~~[his]~~ county of residence for the issuance of a corrected license. **The fee for**
 12 **a corrected license shall be as set forth in Section 21 of this Act.**

13 (2) If **an identity document**~~[a license]~~ holder's street name or postal address is changed
 14 and the **person**~~[license holder]~~ has not moved to a new residence, the
 15 **person**~~[license holder]~~ shall apply to the circuit clerk for a corrected **identity**
 16 **document**~~[license]~~, **which shall be issued** free of charge.

17 **(3) If a person receives an identity document that contains an error, the person shall**
 18 **apply to the circuit clerk for a corrected identity document, which shall be issued**
 19 **free of charge.**

20 ➔Section 27. KRS 186.570 is amended to read as follows:

21 (1) The cabinet or its agent designated in writing for that purpose may deny any person
 22 an operator's license or may suspend the operator's license of any person, or, in the
 23 case of a nonresident, withdraw the privilege of operating a motor vehicle in this
 24 state, subject to a hearing and with or without receiving a record of conviction of
 25 that person of a crime, if the cabinet has reason to believe that:

26 (a) That person has committed any offenses for the conviction of which
 27 mandatory revocation of a license is provided by KRS 186.560.

- 1 (b) That person has, by reckless or unlawful operation of a motor vehicle, caused,
2 or contributed to an accident resulting in death or injury or serious property
3 damage.
- 4 (c) That person has a mental or physical disability that makes it unsafe for him to
5 drive upon the highways. The Transportation Cabinet shall, by administrative
6 regulations promulgated pursuant to KRS Chapter 13A, establish a medical
7 review board to provide technical assistance in the review of the driving
8 ability of these persons. The board shall consist of licensed medical and
9 rehabilitation specialists.
- 10 (d) That person is an habitually reckless or negligent driver of a motor vehicle or
11 has committed a serious violation of the motor vehicle laws.
- 12 (e) That person has been issued a license without making proper application for
13 it, as provided in Section 2 or 3 of this Act~~[KRS 186.412]~~ and administrative
14 regulations promulgated pursuant to KRS Chapter 13A.
- 15 (f) That person has presented false or misleading information as to the person's
16 residency, citizenship, religious convictions, or immigration status.
- 17 (g) A person required by KRS 186.480 to take an examination has been issued a
18 license without first having passed the examination.
- 19 (h) That person has been convicted of assault and battery resulting from the
20 operation of a motor vehicle.
- 21 (i) That person has failed to appear pursuant to a citation or summons issued by a
22 law enforcement officer of this Commonwealth or any other jurisdiction.
- 23 (j) That person has failed to appear pursuant to an order by the court to produce
24 proof of security required by KRS 304.39-010 and a receipt showing that a
25 premium for a minimum policy period of six (6) months has been paid.
- 26 (k) That person is a habitual violator of KRS 304.39-080. For purposes of this
27 section, a "habitual violator" shall mean any person who has operated a motor

1 vehicle without security on the motor vehicle as required by Subtitle 39 of this
2 chapter three (3) or more times within a five (5) year period, in violation of
3 KRS 304.99-060(2).

4 (2) The cabinet shall deny any person a license or shall suspend the license of an
5 operator of a motor vehicle upon receiving written notification from the Cabinet for
6 Health and Family Services that the person has a child support arrearage which
7 equals or exceeds the cumulative amount which would be owed after six (6) months
8 of nonpayment or failure, after receiving appropriate notice, to comply with a
9 subpoena or warrant relating to paternity or child support proceedings, as provided
10 by 42 U.S.C. secs. 651 et seq.; except that any child support arrearage which exists
11 prior to January 1, 1994, shall not be included in the calculation to determine
12 whether the license of an operator of a motor vehicle shall be denied or suspended.
13 The denial or suspension shall continue until the arrearage has been eliminated,
14 payments on the child support arrearage are being made in accordance with a court
15 or administrative order, or the person complies with the subpoena or warrant
16 relating to paternity or child support. Before the license may be reinstated, proof of
17 elimination of the child support arrearage or proof of compliance with the subpoena
18 or warrant relating to paternity or child support proceedings as provided by 42
19 U.S.C. sec. 666(a)(16) from the court where the action is pending or the Cabinet for
20 Health and Family Services shall be received by the Transportation Cabinet as
21 prescribed by administrative regulations promulgated by the Cabinet for Health and
22 Family Services and the Transportation Cabinet.

23 (3) The cabinet or its agent designated in writing for that purpose shall deny any person
24 an operator's license or shall suspend the operator's license of any person, or, in the
25 case of a nonresident, withdraw the privilege of operating a motor vehicle in this
26 state:

27 (a) Where the person has been declared ineligible to operate a motor vehicle

1 under KRS 532.356 for the duration of the ineligibility, upon notification of
2 the court's judgment; or

3 (b) Upon receiving written notification from the Finance and Administration
4 Cabinet, Department of Revenue, that the person is a delinquent taxpayer as
5 provided in KRS 131.1817. The denial or suspension shall continue until a
6 written tax clearance has been received by the cabinet from the Finance and
7 Administration Cabinet, Department of Revenue. Notwithstanding the
8 provisions of subsection (4) of this section, a person whose license is denied
9 or suspended under this paragraph shall have thirty (30) days from the date the
10 cabinet mails the notice to request a hearing.

11 (4) The cabinet or its agent designated in writing for that purpose shall provide any
12 person subject to the suspension, revocation, or withdrawal of their driving
13 privileges, under provisions of this section, an informal hearing. Upon determining
14 that the action is warranted, the cabinet shall notify the person in writing by mailing
15 the notice to the person by first-class mail to the last known address of the person.
16 The hearing shall be automatically waived if not requested within twenty (20) days
17 after the cabinet mails the notice. The hearing shall be scheduled as early as
18 practical within twenty (20) days after receipt of the request at a time and place
19 designated by the cabinet. An aggrieved party may appeal a decision rendered as a
20 result of an informal hearing, and upon appeal an administrative hearing shall be
21 conducted in accordance with KRS Chapter 13B.

22 (5) (a) The cabinet may suspend the operator's license of any resident upon receiving
23 notice of the conviction of that person in another state of an offense there
24 which, if committed in this state, would be grounds for the suspension or
25 revocation of an operator's license. The cabinet shall not suspend an operator's
26 license under this paragraph if:

27 1. The conviction causing the suspension or revocation is more than five

- 1 (5) years old;
- 2 2. The conviction is for a traffic offense other than a felony traffic offense
3 or a habitual violator offense; and
- 4 3. The license holder complies with the provisions of KRS 186.442.
- 5 (b) If, at the time of application for an initial Kentucky operator's license, a
6 person's license is suspended or revoked in another state for a conviction that
7 is less than five (5) years old, the cabinet shall deny the person a license until
8 the person resolves the matter in the other state and complies with the
9 provisions of this chapter.
- 10 (c) The cabinet may, upon receiving a record of the conviction in this state of a
11 nonresident driver of a motor vehicle of any offense under the motor vehicle
12 laws, forward a notice of that person's conviction to the proper officer in the
13 state of which the convicted person is a resident.
- 14 (d) This subsection shall not apply to a commercial driver's license.
- 15 (6) The Transportation Cabinet is forbidden from suspending or revoking an operator's
16 license or assessing points or any other form of penalty against the license holder
17 for speeding violations or speeding convictions from other states. This subsection
18 shall apply only to speeding violations. This section shall not apply to a person who
19 holds or is required to hold a commercial driver's license.
- 20 (7) Each operator's license which has been canceled, suspended, or revoked shall be
21 surrendered to and **destroyed**~~retained~~ by the cabinet. At the end of the period of
22 cancellation, suspension, or revocation, the license **holder** may **reapply under**
23 **Section 2 or 3 of this Act, after**~~be returned to~~ the licensee ~~after he~~ has complied
24 with all requirements for the issuance or reinstatement of his **or her** driving
25 privilege.
- 26 (8) Insurance companies issuing motor vehicle policies in the Commonwealth shall be
27 prohibited from raising a policyholder's rates solely because the policyholder's

1 driving privilege has been suspended or denied pursuant to subsection (2) of this
2 section.

3 ➔Section 28. KRS 186.579 is amended to read as follows:

4 (1) The Transportation Cabinet~~[circuit clerk]~~ shall issue, to an applicant who
5 successfully passes the operator's license examination outlined in KRS 186.578(4),
6 an operator's license with the following restrictions:

7 (a) Required use of a bioptic telescopic device;

8 (b) Restricted to daytime driving upon the recommendation of a vision specialist;
9 and

10 (c) Restricted to vehicles with left and right outside mirrors.

11 (2) A restriction to daytime driving in accordance with subsection (1) of this section
12 shall be removed if the licensed driver:

13 (a) Obtains a recommendation from a vision specialist;

14 (b) Successfully completes additional evaluation and training specifically
15 designed for night driving from a certified driver training program; and

16 (c) Passes a comprehensive night driving examination.

17 (3) An operator's license issued under KRS 186.578 and 186.579 shall be effective for
18 one (1) year and shall expire on the last day of the birth month of the license holder.

19 The license holder shall undergo a comprehensive visual examination by a vision
20 specialist before a license can be renewed. If the vision specialist certifies that the
21 conditions causing the visual impairment are stable, then the circuit clerk shall issue
22 a renewal license. If the conditions causing the visual impairment are unstable or
23 deteriorating, the license holder may be required to undergo additional testing as
24 required by the department before a renewal license may be issued.

25 ➔Section 29. KRS 186.6401 is repealed, reenacted as a new section of KRS
26 Chapter 186 to be numbered as KRS 186.635, and amended to read as follows:

27 The following persons shall be required to successfully complete the examinations

1 required under KRS 186.480 prior to being issued a Kentucky operator's license:

2 (1) A person who has been issued a Kentucky instruction permit or intermediate
3 license;

4 (2) A person who has applied for a Kentucky operator's license under Section 2 or 3 of
5 this Act~~[KRS 186.412(4)]~~; and

6 (3) Other persons as identified in an administrative regulation promulgated by the
7 Department of Kentucky State Police or the Transportation Cabinet under KRS
8 Chapter 13A.

9 ➔Section 30. KRS 189.011 is amended to read as follows:

10 (1) As used in this chapter, the following words and phrases shall have the meanings
11 respectively ascribed to them:

12 (a) "Authorized emergency vehicle" shall mean any vehicle designated as such by
13 KRS 189.910.

14 (b) "Wrecker" shall mean a motor vehicle on which a wrecking crane and other
15 equipment suitable for motor vehicle wrecker service has been permanently
16 mounted.

17 (2) Provided, however, that the regulations in reference to lights shall not apply to
18 common carrier motor vehicles whose equipment is regulated by the rules of the
19 Interstate Commerce Commission.

20 (3) As used in this chapter, a driver's license shall mean an operator's license issued
21 pursuant to Sections 2, 3, and 6 of this Act~~[KRS 186.412]~~ and a commercial
22 driver's license means a license issued pursuant to KRS Chapter 281A.

23 ➔Section 31. KRS 281A.140 is amended to read as follows:

24 (1) The application for a commercial driver's license or commercial driver's instruction
25 permit shall include the following information:

26 (a) The full legal name, including nicknames, and present Kentucky resident
27 address of the applicant. If the applicant's mailing address is different from the

- 1 resident address, the mailing address shall also be included. If the applicant is
2 not a resident, the application shall include the person's resident address in the
3 person's state of domicile and the address of the Kentucky driver training
4 school where the applicant is currently enrolled;
- 5 (b) A physical description of the applicant including sex, height, weight, eye
6 color, and race;
- 7 (c) The applicant's date of birth;
- 8 (d) The applicant's Social Security number;
- 9 (e) The applicant's signature;
- 10 (f) Certifications including those required by Title 49, Code of Federal
11 Regulations, secs. 383.71, 383.73, and 384.206, as adopted by the cabinet;
- 12 (g) A consent to release driving record information;
- 13 (h) A valid Class D operator's license issued pursuant to Sections 2 and 6 of this
14 Act~~[KRS 186.412]~~;
- 15 (i) A birth certificate if the applicant does not hold a valid operator's license at
16 the time of application;
- 17 (j) The name of every jurisdiction in which the applicant has previously been
18 licensed to drive any type of motor vehicle during the ten (10) year period
19 immediately preceding the date of the application; and
- 20 (k) Any other information required by the cabinet.
- 21 (2) The cabinet or state police may require any other information needed in order to
22 process the application.
- 23 (3) When the holder of a commercial driver's license changes his or her name or
24 residence, the information shall be reported to the cabinet within ten (10) days. The
25 holder of a Class A, B, or C license shall make an application for a duplicate license
26 within thirty (30) days of changing his name or address.
- 27 (4) Any person whose commercial driver's license has been legitimately lost or

1 destroyed shall make an application for a duplicate:

2 (a) A person applying for the first duplicate within the time period for which the
3 original license was issued, shall apply in the office of the circuit clerk in the
4 county where the person resides. The person shall provide the clerk with proof
5 of the person's identity and a notarized affidavit with a raised seal explaining
6 in detail the loss or destruction of the original license.

7 (b) A person applying for a second or subsequent duplicate within the time period
8 for which the original license was issued, shall apply to the Transportation
9 Cabinet in Frankfort or a Transportation Cabinet field office. The person shall
10 provide the cabinet with proof of the person's identity and a notarized
11 affidavit~~[with a raised seal]~~ explaining in detail the loss or destruction of the
12 previous duplicate issued. The Transportation Cabinet shall, within thirty (30)
13 days of receipt of the application, review the person's proof of identity and
14 affidavit and determine if the person will be issued a duplicate.

15 (5) A person who is a resident of this state shall not drive a commercial motor vehicle
16 under the authority of a commercial driver's license issued by another jurisdiction.

17 (6) Any person who knowingly falsifies information or certifications required to obtain
18 a commercial driver's license, a commercial driver's license permit, or a duplicate
19 commercial driver's license subsequent to an administrative hearing conducted in
20 accordance with KRS 186.570, shall be subject to suspension, revocation, or
21 cancellation of his commercial driver's license for a period of at least sixty (60)
22 consecutive days.

23 ➔Section 32. KRS 281A.170 is amended to read as follows:

24 (1) The commercial driver's license shall be marked "commercial driver's license" and
25 "CDL" and shall be, to the maximum extent practicable, tamper proof. It shall
26 include but is not limited to the following information:

27 (a) The name and present resident address of the licensee;

- 1 (b) The licensee's color photograph;
- 2 (c) A physical description of the licensee including sex, height, weight, and eye
- 3 color;
- 4 (d) The licensee's date of birth;
- 5 (e) The licensee's signature;
- 6 (f) The class or type of commercial motor vehicle or vehicles that the person is
- 7 authorized to drive together with any endorsements or restrictions;
- 8 (g) The name of this state;
- 9 (h) The dates between which the license is valid; and
- 10 (i) Any other information required by the cabinet, except for a person's Social
- 11 Security number.

12 (2) *A commercial driver's license issued under this chapter shall contain a*

13 *denotation that either:*

14 *(a) The commercial driver's license is a voluntary enhanced secure identity*

15 *document that complies with the security standards set forth by the REAL*

16 *ID Act of 2005, Pub. L. No. 109-13, Title II, and may be used for*

17 *identification for federal purposes; or*

18 *(b) The commercial driver's license shall not be used for federal identification*

19 *purposes.*

20 (3) A commercial driver's license shall be issued with classifications, endorsements,

21 and restrictions. Vehicles that require an endorsement shall not be driven unless the

22 proper endorsement appears on the license and the applicant has passed the

23 knowledge and skills test required by the State Police.

24 (a) Classifications:

- 25 1. Class A - Any combination of vehicles with a gross vehicle weight
- 26 rating of twenty-six thousand and one (26,001) pounds or more, if the
- 27 gross vehicle weight rating of the vehicle being towed is in excess of ten

- 1 thousand (10,000) pounds. Licensees with an "A" classification may
2 with the proper endorsement drive Class B and C vehicles.
- 3 2. Class B - Any single vehicle with a gross vehicle weight rating of
4 twenty-six thousand and one (26,001) pounds or more, and any vehicle
5 towing a vehicle not in excess of ten thousand (10,000) pounds.
6 Licensees with a "B" classification may with the proper endorsements
7 drive Class C vehicles.
- 8 3. Class C - Any single vehicle with a gross weight rating of less than
9 twenty-six thousand and one (26,001) pounds or any vehicle towing a
10 vehicle with a gross vehicle weight rating not in excess of ten thousand
11 (10,000) pounds which includes:
- 12 a. Vehicles designed to transport sixteen (16) or more passengers,
13 including the driver; or
- 14 b. Vehicles used in the transportation of hazardous materials which
15 requires the vehicle to be placarded under Title 49, Code of
16 Federal Regulations, Part 172, sub-part F, as adopted by
17 administrative regulations of the cabinet, pursuant to KRS Chapter
18 13A.
- 19 4. Class D - All other vehicles not listed in any other class.
- 20 5. Class E - Moped only.
- 21 6. Class M - Motorcycles. Licensees with a "M" classification may also
22 drive Class E vehicles.
- 23 (b) Endorsements:
- 24 1. "H" - Authorizes the driver to operate a vehicle transporting hazardous
25 materials.
- 26 2. "T" - Authorizes operation of double trailers and triple trailers in those
27 jurisdictions allowing the operation of triple trailers.

- 1 3. "P" - Authorizes operation of vehicles carrying passengers.
- 2 4. "N" - Authorizes operation of tank vehicles.
- 3 5. "X" - Authorizes operation of combination of hazardous materials and
- 4 tank vehicle endorsements.
- 5 6. "R" - Authorizes operation of all other endorsements not otherwise
- 6 specified.
- 7 7. "S" - Authorizes operation of school buses.

8 (c) The Transportation Cabinet shall promulgate administrative regulations in
9 accordance with KRS Chapter 13A to outline restrictions on the operation of
10 commercial vehicles and the associated codes to identify such restrictions,
11 which shall appear on the face of the commercial driver's license.

12 ~~(4)~~~~(3)~~ Within ten (10) days after issuing a commercial driver's license, the cabinet
13 shall notify the commercial driver's license information system of that fact,
14 providing all information required to ensure identification of the person.

15 ~~(5)~~~~(4)~~ A commercial driver's license issued to a resident pursuant to this chapter
16 shall expire in eight (8)~~four (4)~~ years unless the license was issued to a resident
17 under the age of twenty-one (21). A commercial driver's license issued to a person
18 who is not a resident shall be issued for one (1) year and shall not be renewable.
19 The fee for a commercial driver's license issued to a nonresident shall be the same
20 as the fee charged to a resident.

21 ~~(6)~~~~(5)~~ A person under the age of twenty-one (21) shall not be licensed to operate a
22 Class A, B, or C vehicle unless he has an "I" restriction. A commercial driver with
23 an "I" restriction shall not drive a commercial motor vehicle in interstate commerce,
24 unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age
25 of twenty-one (21) shall not be allowed to operate a school bus or a vehicle
26 transporting hazardous material in intrastate commerce.

27 ~~(7)~~~~(6)~~ The holder of a commercial driver's license shall be considered to hold a valid

1 Kentucky driver's license issued under the provisions of Sections 2 and 6 of this
 2 Act~~[KRS 186.412]~~.

3 ➔Section 33. KRS 281A.120 is amended to read as follows:

- 4 (1) A commercial driver's instruction permit may be issued to an individual twenty-one
 5 (21) years and older who:
- 6 (a) Has complied with the criminal history background check required by KRS
 7 281A.300;
- 8 (b) Holds a valid Kentucky Class D operator's~~[automobile driver's]~~ license;~~[- and]~~
- 9 (c) Is a citizen or permanent resident of the United States; and
- 10 (d) Has passed the vision and knowledge tests required for a commercial driver's
 11 license of the class vehicle to be driven. Instruction permits shall be class
 12 specific.
- 13 (2) A commercial driver's instruction permit may be issued to a resident eighteen (18)
 14 years of age who:
- 15 (a) Has complied with the criminal history background check required by KRS
 16 281A.300;
- 17 (b) Holds a valid Kentucky~~[automobile]~~ Class D operator's~~[driver's]~~ license; and
- 18 (c) Has passed the vision and knowledge tests required for a commercial driver's
 19 license of the class vehicle to be driven, if the individual only drives a
 20 commercial motor vehicle in intrastate commerce and does not drive a school
 21 bus or a vehicle hauling hazardous material. The instruction permit shall be
 22 class specific and shall contain an "I" restriction noting that the commercial
 23 driver is limited to Kentucky intrastate commerce.
- 24 (3) A commercial driver's instruction permit shall not be issued to a resident for a
 25 period to exceed one hundred eighty (180) days~~[six (6) months]~~. Only one (1)
 26 renewal or reissuance may be granted within a two (2) year period for the same
 27 class of vehicle. The holder of a commercial driver's instruction permit may, unless

1 otherwise disqualified, drive a commercial motor vehicle on the highways of
2 Kentucky only when accompanied by the holder of a commercial driver's license
3 valid for the type of vehicle driven and who occupies a seat beside the permit holder
4 for the purpose of giving instruction in driving the commercial motor vehicle.

5 (4) A person who is not a resident who is enrolled in a program offering commercial
6 truck driving under the Kentucky Community and Technical College System or a
7 proprietary school licensed under KRS Chapter 165A may be issued a provisional
8 Class D license that allows an applicant to include a commercial driver's instruction
9 permit into a single license that shall be valid for ninety (90) days. The fee for a
10 provisional Class D license shall be the same as for a regular Class D license. A
11 provisional Class D license may be renewed for one (1) ninety (90) day period. A
12 person issued a provisional Class D license under this subsection shall be required
13 to convert the license to a regular Kentucky CDL or return to the person's state of
14 domicile and transfer the Kentucky provisional Class D license to his or her state of
15 domicile. A provisional Class D license issued under this subsection shall not be
16 converted to a regular Class D license unless the applicant satisfies all Kentucky
17 residency requirements. A commercial driver's instruction permit shall contain, in
18 addition to other information required by the cabinet, those requirements set forth in
19 KRS 281A.170. The commercial driver's instruction permit shall not contain the
20 permit holder's Social Security number but shall include a color photo of the permit
21 holder.

22 ➔Section 34. KRS 281A.150 is amended to read as follows:

23 (1) Every person seeking a commercial driver's license or a commercial driver's
24 instruction permit shall first apply in person to the circuit clerk of the county in
25 which the applicant resides or in the county where the person is enrolled in a driver
26 training school if the applicant is not a resident. The application shall be in the form
27 prescribed by KRS 281A.140 as provided by the cabinet. Except as provided in

1 KRS 281A.160(6), each time a person applies for a commercial driver's license, an
 2 instruction permit, or seeks to upgrade or change his or her commercial driver's
 3 license, the person shall be required to:

- 4 (a) Update the application; and
- 5 (b) Submit the appropriate fee to the circuit clerk.

6 (2) **In addition to the fees for an operator's license under Section 21 of this Act, the**
 7 **cabinet shall set fees by administrative regulation, pursuant to KRS Chapter 13A,**
 8 **for the following applications that shall not exceed:**

- 9 (a) ~~Except as provided in paragraph (g) of this subsection,~~ Forty dollars (\$40)
 10 for each application for a commercial driver's license. The fee shall be based
 11 on the class, type of license, endorsement, restriction, or tests to be taken;
- 12 (b) Thirty-five dollars (\$35) for each application for a commercial driver's
 13 instruction permit;
- 14 (c) Fifteen dollars (\$15) for each application for a change or addition in class or
 15 type of license, endorsement, or restriction; **and**
- 16 (d) Forty dollars (\$40) for each application for a duplicate if it is the first
 17 duplicate applied for within the time period for which the original license was
 18 issued. Sixty dollars (\$60) for a second or subsequent duplicate applied for
 19 within the time period for which the original license was issued. The fees
 20 required for a duplicate shall be in addition to fees charged under subsection
 21 (2)(c) of this section. ~~;~~

22 (3) **In addition to the fees for an operator's license under Section 21 of this Act, the**
 23 **cabinet shall set fees by administrative regulation, pursuant to KRS Chapter 13A,**
 24 **for the following commercial driver's licenses that shall not exceed:**

- 25 (a) **Forty-five dollars (\$45)** ~~(e) Thirty five dollars (\$35)~~ for each **initial**
 26 **or** ~~application for~~ renewal of a commercial driver's license;
- 27 (b) ~~(f)~~ Sixty dollars (\$60) for each ~~application for a~~ transfer of a commercial

1 driver's license; and

2 (c) *Thirty dollars (\$30)*~~[(g) — Twenty dollars (\$20)]~~ for each ~~application for~~
3 ~~an~~ initial *or*~~and~~ renewal *of a* commercial driver's license with an "S"
4 endorsement.

5 (4)~~[(3)]~~ All fees remitted to the clerk shall be nonrefundable regardless of whether the
6 applicant completes the requirements for a commercial driver's license or is tested.

7 (5)~~[(4)]~~ All fees collected for the issuance of a commercial driver's license or a
8 commercial driver's instruction permit shall be deposited into trust and agency
9 accounts to be used exclusively for the administration and implementation of this
10 chapter, except as prescribed in subsection (6)~~[(5)]~~ of this section. The accounts
11 shall not lapse but shall be continuing from year to year.

12 (6)~~[(5)]~~ All fees collected pursuant to this section, shall be allocated between the
13 Transportation Cabinet and Department of Kentucky State Police, except a fifty cent
14 (\$0.50) issuance fee shall be allocated ~~during the first two (2) years following the~~
15 ~~effective date of January 1, 1991, to the Administrative Office of the Courts in a~~
16 ~~trust and agency account for the use of the circuit clerks and thereafter allocated~~ to
17 the general fund from issuance of a commercial driver's license permit. A three
18 dollar (\$3) issuance fee shall be allocated ~~during the first two (2) years following~~
19 ~~the effective date of January 1, 1991, to the Administrative Office of the Courts in a~~
20 ~~trust and agency account for the use of the circuit clerks and thereafter allocated~~ to
21 the general fund from issuance of a commercial driver's license.

22 (7)~~[(6)]~~ Any applicant who seeks reinstatement of his or her commercial driving
23 privilege after a suspension, withdrawal, revocation, or disqualification shall pay a
24 reinstatement fee of fifty dollars (\$50) in addition to those fees required by
25 subsection (2) of this section and shall satisfy the requirements of KRS 281A.160.
26 This fee shall not be required if his or her commercial driving privilege was
27 withdrawn only as a result of the withdrawal of his or her privilege to drive a

1 noncommercial motor vehicle.

2 ➔Section 35. KRS 186.010 is amended to read as follows:

3 **As used in this chapter, unless otherwise indicated:**

- 4 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;
5 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,
6 means the Transportation Cabinet only with respect to motor vehicles, other than
7 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the
8 Department of Vehicle Regulation when used with respect to commercial vehicles.
- 9 (2) "Highway" means every way or place of whatever nature when any part of it is open
10 to the use of the public, as a matter of right, license, or privilege, for the purpose of
11 vehicular traffic.
- 12 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who
13 will, under normal conditions during the year, manufacture or assemble at least ten
14 (10) new motor vehicles.
- 15 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in
16 paragraph (a) of subsection (8) of this section, which are propelled otherwise than
17 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as
18 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.
19 "Motor vehicle" shall not include a moped as defined in this section, but shall
20 include low-speed vehicles as defined in this section.
- 21 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)
22 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a
23 motorized bicycle with a step-through type frame which may or may not have
24 pedals rated no more than two (2) brake horsepower, a cylinder capacity not
25 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring
26 clutching or shifting by the operator after the drive system is engaged, and capable
27 of a maximum speed of not more than thirty (30) miles per hour.

- 1 (6) "Operator" means any person in actual control of a motor vehicle upon a highway.
- 2 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who
3 pursuant to a bona fide sale has received physical possession of the vehicle
4 subject to any applicable security interest.
- 5 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with
6 the vendee or lessee entitled to possession of the vehicle, upon performance of
7 the contract terms, for a period of three hundred sixty-five (365) days or more
8 and with the right of purchase upon performance of the conditions stated in
9 the agreement and with an immediate right of possession vested in the
10 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to
11 possession, the conditional vendee or lessee or mortgagor shall be deemed the
12 owner.
- 13 (c) A licensed motor vehicle dealer who transfers physical possession of a motor
14 vehicle to a purchaser pursuant to a bona fide sale, and complies with the
15 requirements of KRS 186A.220, shall not be deemed the owner of that motor
16 vehicle solely due to an assignment to his dealership or a certificate of title in
17 the dealership's name. Rather, under these circumstances, ownership shall
18 transfer upon delivery of the vehicle to the purchaser, subject to any
19 applicable security interest.
- 20 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the
21 transportation of persons or property over or upon the public highways of this
22 Commonwealth and all vehicles passing over or upon said highways,
23 excepting road rollers, road graders, farm tractors, vehicles on which power
24 shovels are mounted, such other construction equipment customarily used
25 only on the site of construction and which is not practical for the
26 transportation of persons or property upon the highways, such vehicles as
27 travel exclusively upon rails, and such vehicles as are propelled by electric

1 power obtained from overhead wires while being operated within any
2 municipality or where said vehicles do not travel more than five (5) miles
3 beyond the city limit of any municipality.

4 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or
5 by which any person or property is or may be transported or drawn upon a
6 public highway, excepting devices moved by human and animal power or
7 used exclusively upon stationary rails or tracks, or which derives its power
8 from overhead wires.

9 (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640
10 apply to operator's licenses.

11 (10) "Dealer" means any person engaging in the business of buying or selling motor
12 vehicles.

13 (11) "Commercial vehicles" means all motor vehicles that are required to be registered
14 under the terms of KRS 186.050, but not including vehicles primarily designed for
15 carrying passengers and having provisions for not more than nine (9) passengers
16 (including driver), motorcycles, sidecar attachments, pickup trucks and passenger
17 vans which are not being used for commercial or business purposes, and motor
18 vehicles registered under KRS 186.060.

19 (12) "Resident" means any person who has established Kentucky as his or her state of
20 domicile. Proof of residency shall include but not be limited to a deed or property
21 tax bill, utility agreement or utility bill, or rental housing agreement. The possession
22 by an operator of a vehicle of a valid Kentucky operator's license shall be prima-
23 facie evidence that the operator is a resident of Kentucky.

24 (13) "Special status individual" means:

25 (a) "Asylee" means any person lawfully present in the United States who
26 possesses an I-94 card issued by the United States Department of Justice,
27 Immigration and Naturalization Service, on which it states "asylum status

1 granted indefinitely pursuant to Section 208 of the Immigration & Nationality
2 Act";

3 (b) "K-1 status" means the status of any person lawfully present in the United
4 States who has been granted permission by the United States Department of
5 Justice, Immigration and Naturalization Service to enter the United States for
6 the purpose of marrying a United States citizen within ninety (90) days from
7 the date of that entry;

8 (c) "Refugee" means any person lawfully present in the United States who
9 possesses an I-94 card issued by the United States Department of Justice,
10 Immigration and Naturalization Service, on which it states "admitted as a
11 refugee pursuant to Section 207 of the Immigration & Nationality Act"; and

12 (d) "Paroled in the Public Interest" means any person lawfully present in the
13 United States who possesses an I-94 card issued by the United States
14 Department of Justice, Immigration and Naturalization Service, on which it
15 states "paroled pursuant to Section 212 of the Immigration & Nationality Act
16 for an indefinite period of time."

17 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle
18 instruction permits.

19 (15) "Motorcycle" means any motor driven vehicle having a seat or saddle for the use of
20 the operator and designed to travel on not more than three (3) wheels in contact
21 with the ground, including vehicles on which the operator and passengers ride in an
22 enclosed cab. "Motorcycle" shall include an alternative-speed motorcycle as defined
23 in this section, but shall not include a tractor or a moped as defined in this section.

24 (16) "Low-speed vehicle" means a motor vehicle that:

25 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
26 combination thereof;

27 (b) Is four (4) wheeled; and

1 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour
2 as certified by the manufacturer.

3 (17) "Alternative-speed motorcycle" means a motorcycle that:

4 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
5 combination thereof;

6 (b) Is three (3) wheeled;

7 (c) Has a fully enclosed cab and includes at least one (1) door for entry; and

8 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as
9 certified by the manufacturer.

10 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a
11 highway or otherwise open to the public on which a number of motor vehicles may
12 be used simultaneously to provide driver training under the supervision of one (1) or
13 more driver training instructors.

14 **(19) "Identity document" means an instruction permit, operator's license, or personal**
15 **identification card issued under Sections 2, 3, 4, 5, and 6 of this Act or a**
16 **commercial driver's license issued under KRS Chapter 281A.**

17 **(20) "Enhanced secure," as it refers to an identity document, means a document that**
18 **complies with the REAL ID Act of 2005, Pub. L. No. 109-13 Title II.**

19 ➔Section 36. KRS 15A.358 is amended to read as follows:

20 (1) The motorcycle safety education program fund is established as a restricted fund in
21 the State Treasury. Moneys in the fund are hereby appropriated for the purposes set
22 forth in KRS 15A.350 to 15A.366. Moneys in the fund shall be utilized to provide
23 motorcycle training courses as established in KRS 15A.352 and for implementation
24 of the program, including reimbursement of entities that offer approved motorcycle
25 rider education courses. The Justice and Public Safety Cabinet shall not deduct
26 administrative costs from the motorcycle safety education program fund.

27 (2) If at the end of each fiscal year money remains in the fund, it shall be retained in the

1 fund. The interest and income earned on money in the fund, after deducting any
 2 applicable charges, shall be credited to the motorcycle safety education program
 3 fund.

4 (3) The following revenue shall be credited to the fund:

5 (a) Four dollars (\$4) of the annual registration fee for each registered motorcycle
 6 as provided in KRS 186.050;

7 (b) Four dollars (\$4) of the application fee for a motorcycle instruction permit as
 8 provided in KRS 186.531;

9 (c) ~~Ten~~~~Four~~ dollars ~~(\$10)~~~~(\$4)~~ of the fee for each original or renewal
 10 motorcycle driver's license or endorsement as provided in KRS 186.531; and

11 (d) Any federal or state motorcycle safety funds granted to the program.

12 ➔Section 37. KRS 186.480 is amended to read as follows:

13 (1) The Department of Kentucky State Police shall examine every applicant for an
 14 operator's license as identified in Section 29 of this Act~~[KRS 186.6401]~~, except as
 15 otherwise provided in this section. The examination shall be held in the county
 16 where the applicant resides unless:

17 (a) The applicant is granted written permission by the circuit clerk of the county
 18 in which he or she resides to take the examination in another county, and the
 19 Department of Kentucky State Police agree to arrange for the examination in
 20 the other county; or

21 (b) The applicant is tested using a bioptic telescopic device.

22 (2) The examination shall include a test of the applicant's eyesight to ensure compliance
 23 with the visual acuity standards set forth in KRS 186.577. The examination shall
 24 also include a test of the applicant's ability to read and understand highway signs
 25 regulating, warning and directing traffic, the applicant's knowledge of traffic laws
 26 and an actual demonstration of the applicant's ability to exercise ordinary and
 27 reasonable control in the operation of a motor vehicle. An applicant for a

1 motorcycle operator's license shall be required to show his or her ability to operate a
2 motorcycle, in addition to other requirements of this section. The provisions of this
3 subsection shall not apply to an applicant who:

4 (a) At the time of application, holds a valid operator's license from another state,
5 provided that state affords a reciprocal exemption to a Kentucky resident; or

6 (b) Is a citizen of the Commonwealth who has been serving in the United States
7 military and has allowed his or her operator's license to expire.

8 (3) Any person whose intermediate license or operator's license is denied, suspended, or
9 revoked for cause shall apply for reinstatement at the termination of the period for
10 which the license was denied, suspended, or revoked by submitting to the
11 examination. The provisions of this subsection shall not apply to any person whose
12 license was suspended for failure to meet the conditions described in KRS 186.411
13 when, within one (1) year of suspension, the driving privileges of such individuals
14 are reinstated.

15 ➔Section 38. KRS 281A.160 is amended to read as follows:

16 (1) (a) Except as provided in subsection (4) of this section, the State Police shall be
17 responsible for administering both the knowledge and skills test required by
18 KRS 281A.130.

19 (b) Applicants who fail the written knowledge test shall be permitted to retake the
20 written test on the next day the tests are administered. Applicants who fail the
21 written test six (6) times shall be required to wait three (3) days before taking
22 the knowledge test again. Applicants who subsequently fail the written test
23 three (3) additional times shall be required to wait three (3) days prior to
24 retaking the test.

25 (2) (a) Except as provided for in subsection (3) of this section, at the time a CDL
26 permit is issued:

27 1. An applicant who has held a Kentucky operator's license for thirty (30)

- 1 days or longer shall pay a skills-testing fee of fifty dollars (\$50); and
- 2 2. An applicant who has held a Kentucky operator's license for less than
- 3 thirty (30) days shall pay a skills-testing fee of one hundred fifty dollars
- 4 (\$150).
- 5 (b) There is created within the State Treasury a trust fund to be known as the State
- 6 Police CDL skills-testing fund. The fund shall be administered by the State
- 7 Police and shall receive all skills-testing and retesting fees collected under
- 8 subsections (2)(a) and (6)(c) of this section, in addition to any grants, gifts, or
- 9 appropriations of state or federal moneys and any interest earned on moneys in
- 10 the fund. Moneys in the fund shall not lapse and shall be carried forward to
- 11 the next succeeding fiscal year. The State Police CDL skills-testing fund shall
- 12 be used by the State Police to contract with and train civilian CDL skills
- 13 examiners and to improve the logistics of the CDL skills-testing process.
- 14 (c) The State Police, upon request of an applicant who has passed both the vision
- 15 and knowledge tests, may schedule the applicant for the skills test at the first
- 16 available test date at a test site designated by the State Police but not less than
- 17 ten (10) days after the applicant has filed the application and been issued a
- 18 CDL permit. Except in extenuating circumstances, a retest for a failed portion
- 19 of the skills test shall be given within three (3) days of a request of a retest.
- 20 (d) An applicant shall provide a class representative commercial vehicle, for the
- 21 class of CDL for which the applicant is testing, in which to take the skills test.
- 22 Unless the State Police grant an exemption at the time the application for
- 23 testing is made, the vehicle supplied under this paragraph shall be unloaded.
- 24 Upon arrival for the skills test, the applicant shall have in his or her possession
- 25 a valid Kentucky operator's license, a valid CDL permit, and a current U.S.
- 26 Department of Transportation physical card. A CDL-licensed driver who is at
- 27 least twenty-one (21) years old shall accompany the applicant at all times the

1 applicant is in operation of a commercial vehicle.

2 (3) A testing fee shall not be charged to an individual applying for a CDL with an "S"
3 endorsement as defined in KRS 281A.170.

4 (4) The State Police may authorize a third party to administer the skills test specified by
5 this section if:

6 (a) The test is the same that would otherwise be administered by the state; and

7 (b) The third party has entered into an agreement with this Commonwealth which
8 complies with requirements of Title 49, Code of Federal Regulations, Part
9 383.75, as adopted by the Transportation Cabinet.

10 (5) The State Police shall promulgate administrative regulations under KRS Chapter
11 13A that establish procedures that ensure an arm's-length relationship is maintained
12 between a third-party tester and any owner, officer, or employee of any program
13 offering commercial truck driving under the Kentucky Community and Technical
14 College System or a proprietary school licensed under KRS Chapter 165A.

15 (6) (a) Applicants shall be permitted to take the skills test for a particular class
16 vehicle an unlimited number of times; however, an applicant shall not retest
17 more than one (1) time in any twenty-four (24) hour period.

18 (b) The skills test shall consist of three (3) separate portions: pre-trip inspection,
19 basic maneuvering, and road skills. An applicant must achieve a score of at
20 least eighty percent (80%) on each portion of the skills test before a CDL may
21 be issued to the applicant. An applicant who passes one (1) or more portions
22 of the skills test but does not pass all portions of the skills test shall retest only
23 on those portions of the skills test the applicant failed.

24 (c) An applicant who fails any portion of the skills test four (4) times shall be
25 notified by the State Police that the applicant is required to wait one (1) week
26 and pay a retest fee of fifty dollars (\$50) before retaking a portion of this skills
27 test again.

1 (d) Failure of an applicant to notify the State Police prior to missing an
2 appointment for a skills test shall be considered a failure, on all parts of the
3 skills test scheduled to be given, for the purposes of determining number of
4 failures, waiting periods, and retesting fees under paragraph (c) of this
5 subsection for individual applicants. A missed appointment failure under this
6 paragraph shall not be reported as a failure to the board.

7 (e) The provisions of KRS 281A.150 notwithstanding, an application fee shall not
8 be charged for each test that is retaken as a result of a failing score.

9 (7) An applicant who seeks reinstatement of a commercial driver's license after a
10 suspension, withdrawal, revocation, or disqualification of less than one (1) year
11 shall pay the reinstatement fee as prescribed by KRS 281A.150~~(7)~~~~(6)~~ and shall
12 receive his or her commercial driver's license with all endorsement and restrictions
13 that were in effect at the time of suspension. An applicant who seeks reinstatement
14 of a commercial driver's license after a suspension, withdrawal, revocation, or
15 disqualification of one (1) year or more shall submit to the skills, knowledge, and
16 vision tests.

17 (8) (a) The commissioner of the Department of Kentucky State Police shall
18 promulgate administrative regulations pursuant to the provisions of KRS
19 Chapter 13A to implement the provisions of this section.

20 (b) Within ninety (90) days of April 22, 2006, the State Police shall promulgate
21 administrative regulations under KRS Chapter 13A to set forth the
22 qualifications for contract examiners retained under subsection (2)(b) of this
23 section.

24 ➔Section 39. The following KRS sections are repealed:

25 186.495 Alphabetical index of operators' licenses.

26 186.5315 Posting of notice about 1994 increases in fees of circuit clerks.

27 ➔Section 40. Sections 1 to 9 and 11 to 39 of this Act take effect January 1, 2019.