

1 AN ACT relating to operator's licenses.

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

3 ➔Section 1. KRS 186.444 is amended to read as follows:

- 4 (1) ~~[(The Transportation Cabinet shall promulgate administrative regulations to~~
5 ~~establish]A medical review board ***shall be established to***~~]. The purpose of the~~
6 ~~medical review board shall be to~~ receive cases relating to the ability of an applicant
7 or holder of a motor vehicle operator's license to drive due to physical or mental
8 disability which may affect or limit a person's ability to safely operate a motor
9 vehicle.~~
- 10 (2) The secretary ***of the Transportation Cabinet*** shall appoint any number of
11 physicians ***authorized to practice medicine, osteopaths, optometrists, or advanced***
12 ***practice registered nurses*** licensed in the Commonwealth to the medical review
13 board. ***One (1) member***~~[Not less than Three (3) members]~~ shall be present in order
14 to conduct an informal hearing. ***The cabinet shall promulgate administrative***
15 ***regulations in accordance with KRS Chapter 13A to establish the amount*** each
16 member shall receive~~[two hundred dollars (\$200)]~~ per day for attending meetings
17 of the board, and ***each member*** shall be reimbursed for necessary expenses incurred
18 in attending meetings. ***The board shall use reasonable efforts to minimize the***
19 ***costs to the person whose case is under review.***
- 20 (3) The cabinet shall promulgate administrative regulations ***in accordance with KRS***
21 ***Chapter 13A to establish the medical review board forms, which shall include a***
22 ***signed sworn statement affirming that the person has a physical or mental***
23 ***condition that could impair his or her ability to operate a motor vehicle, the***
24 ***medical standards for operators of motor vehicles, and***~~[regarding]~~ the procedures
25 of the medical review board in conducting informal hearings.
- 26 ***(4) A person who is under review pursuant to a medical review board case shall,***
27 ***upon a request in writing, be furnished with a copy of the report alleging that the***

1 person has a physical or mental condition that could impair his or her ability to
 2 operate a motor vehicle.

3 (5) If the cabinet decides to take action to restrict a person's driving privileges, it
 4 shall:

5 (a) Provide written notice to the person of the decision to take licensing action;
 6 and

7 (b) Inform the person that the licensing action shall take place unless the
 8 person submits to and completes an examination in satisfaction of the
 9 medical standards set forth in administrative regulation.

10 (6) If the person is unable to satisfactorily complete the examination under
 11 subsection (5)(b) of this section, the cabinet shall, prior to the decision to take
 12 licensing action based on a person's physical or mental condition, consult with
 13 physicians on the medical review board who are licensed in the area relevant to
 14 the case.

15 (7) If the cabinet takes action to restrict a person's driving privileges, the person may
 16 request an informal hearing in front of the medical review board.

17 (8) At any time during the proceeding of a case, a properly submitted report in
 18 response to the medical review board from a person's licensed medical
 19 professional certifying that, based on the application of the medical review board
 20 standards set forth in administrative regulation and the vision standards for
 21 vision specialists set forth in KRS 186.577, the person does not have a condition
 22 that impairs his or her ability to operate a motor vehicle, may supersede the
 23 medical review board and the person may be approved to operate a motor vehicle
 24 unless other physical or mental conditions exist.

25 (9) [(4)] The cabinet shall not promulgate administrative regulations for the purpose of
 26 creating tests or other criteria that might limit a person's ability to obtain or retain
 27 an operator's license because that person may be considered too old to drive.

1 ~~(10)~~⁽⁵⁾ Any person aggrieved by a decision made as a result of an informal hearing
 2 conducted under authority of KRS 186.411 and this section may appeal, and upon
 3 appeal an administrative hearing shall be conducted in accordance with KRS
 4 Chapter 13B.

5 ➔Section 2. KRS 186.570 is amended to read as follows:

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

11 (a) That person has committed any offenses for the conviction of which
 12 mandatory revocation of a license is provided by KRS 186.560;~~[-]~~

13 (b) That person has, by reckless or unlawful operation of a motor vehicle, caused,
 14 or contributed to an accident resulting in death or injury or serious property
 15 damage;~~[-]~~

16 (c) That person has a mental or physical disability that makes it unsafe for him or
 17 her to drive upon the highways. ~~The Transportation Cabinet shall, by~~
 18 ~~administrative regulations promulgated pursuant to KRS Chapter 13A,~~
 19 ~~establish a]~~ medical review board ***established in Section 1 of this Act***
 20 ***shall***~~to]~~ provide technical assistance in the review of the driving ability of
 21 these persons;~~[-. The board shall consist of licensed medical and rehabilitation~~
 22 ~~specialists.]~~

23 (d) That person is an habitually reckless or negligent driver of a motor vehicle or
 24 has committed a serious violation of the motor vehicle laws;~~[-]~~

25 (e) That person has been issued a license without making proper application for
 26 it, as provided in KRS 186.412 or 186.4121 and administrative regulations
 27 promulgated ***in accordance with***~~[-pursuant to]~~ KRS Chapter 13A;~~[-]~~

- 1 (f) That person has presented false or misleading information as to the person's
2 residency, citizenship, religious convictions, or immigration status;~~[-]~~
- 3 (g) A person required by KRS 186.480 to take an examination has been issued a
4 license without first having passed the examination;~~[-]~~
- 5 (h) That person has been convicted of assault and battery resulting from the
6 operation of a motor vehicle;~~[-]~~
- 7 (i) That person has failed to appear pursuant to a citation or summons issued by a
8 law enforcement officer of this Commonwealth or any other jurisdiction;~~[-]~~
- 9 (j) That person has failed to appear pursuant to an order by the court to produce
10 proof of security required by KRS 304.39-010 and a receipt showing that a
11 premium for a minimum policy period of six (6) months has been paid;~~or~~~~[-]~~
- 12 (k) That person is a habitual violator of KRS 304.39-080. For purposes of this
13 section, a "habitual violator" ***means***~~shall mean~~ any person who has operated
14 a motor vehicle without security on the motor vehicle as required by Subtitle
15 39 of ***KRS Chapter 304***~~this chapter~~ three (3) or more times within a five (5)
16 year period, in violation of KRS 304.99-060(2).
- 17 (2) The cabinet shall deny any person a license or shall suspend the license of an
18 operator of a motor vehicle upon receiving written notification from the Cabinet for
19 Health and Family Services that the person has a child support arrearage which
20 equals or exceeds the cumulative amount which would be owed after six (6) months
21 of nonpayment or failure, after receiving appropriate notice, to comply with a
22 subpoena or warrant relating to paternity or child support proceedings, as provided
23 by 42 U.S.C. ***sec.***~~secs.~~ 651 et seq.; except that any child support arrearage which
24 exists prior to January 1, 1994, shall not be included in the calculation to determine
25 whether the license of an operator of a motor vehicle shall be denied or suspended.
26 The denial or suspension shall continue until the arrearage has been eliminated,
27 payments on the child support arrearage are being made in accordance with a court

1 or administrative order, or the person complies with the subpoena or warrant
 2 relating to paternity or child support. Before the license may be reinstated, proof of
 3 elimination of the child support arrearage or proof of compliance with the subpoena
 4 or warrant relating to paternity or child support proceedings as provided by 42
 5 U.S.C. sec. 666(a)(16) from the court where the action is pending or the Cabinet for
 6 Health and Family Services shall be received by the Transportation Cabinet as
 7 prescribed by administrative regulations promulgated by the Cabinet for Health and
 8 Family Services and the Transportation Cabinet.

9 (3) The cabinet or its agent designated in writing for that purpose shall deny any person
 10 an operator's license or shall suspend the operator's license of any person, or, in the
 11 case of a nonresident, withdraw the privilege of operating a motor vehicle in this
 12 state~~;~~

13 ~~(a) —~~ where the person has been declared ineligible to operate a motor vehicle
 14 under KRS 532.356 for the duration of the ineligibility, upon notification of
 15 the court's judgment~~;~~ ~~or~~

16 ~~(b) — Upon receiving written notification from the Finance and Administration~~
 17 ~~Cabinet, Department of Revenue, that the person is a delinquent taxpayer as~~
 18 ~~provided in KRS 131.1817. The denial or suspension shall continue until a~~
 19 ~~written tax clearance has been received by the cabinet from the Finance and~~
 20 ~~Administration Cabinet, Department of Revenue. Notwithstanding the~~
 21 ~~provisions of subsection (4) of this section, a person whose license is denied~~
 22 ~~or suspended under this paragraph shall have thirty (30) days from the date~~
 23 ~~the cabinet mails the notice to request a hearing].~~

24 (4) The cabinet or its agent designated in writing for that purpose shall provide any
 25 person subject to the suspension, revocation, or withdrawal of his or her~~their~~
 26 ~~]~~driving privileges, under provisions of this section, an informal hearing. Upon
 27 determining that the action is warranted, the cabinet shall notify the person in

1 writing by mailing the notice to the person by first-class mail to the last known
2 address of the person. The hearing shall be automatically waived if not requested
3 within twenty (20) days after the cabinet mails the notice. The hearing shall be
4 scheduled as early as practical within twenty (20) days after receipt of the request at
5 a time and place designated by the cabinet. An aggrieved party may appeal a
6 decision rendered as a result of an informal hearing, and upon appeal an
7 administrative hearing shall be conducted in accordance with KRS Chapter 13B.

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

- 13 1. The conviction causing the suspension or revocation is more than five
14 (5) years old;
- 15 2. The conviction is for a traffic offense other than a felony traffic offense
16 or a habitual violator offense; and
- 17 3. The license holder complies with the provisions of KRS 186.442.

18 (b) If, at the time of application for an initial Kentucky operator's license, a
19 person's license is suspended or revoked in another state for a conviction that
20 is less than five (5) years old, the cabinet shall deny the person a license until
21 the person resolves the matter in the other state and complies with the
22 provisions of this chapter.

23 (c) The cabinet may, upon receiving a record of the conviction in this state of a
24 nonresident driver of a motor vehicle of any offense under the motor vehicle
25 laws, forward a notice of that person's conviction to the proper officer in the
26 state of which the convicted person is a resident.

27 (d) This subsection shall not apply to a commercial driver's license.

1 (6) The Transportation Cabinet is forbidden from suspending or revoking an operator's
 2 license or assessing points or any other form of penalty against the license holder
 3 for speeding violations or speeding convictions from other states. This subsection
 4 shall apply only to speeding violations. This section shall not apply to a person who
 5 holds or is required to hold a commercial driver's license.

6 (7) Each operator's license which has been canceled, suspended, or revoked shall be
 7 surrendered to and destroyed by the cabinet. At the end of the period of
 8 cancellation, suspension, or revocation, the license holder may reapply under KRS
 9 186.412 or 186.4121, after the licensee has complied with all requirements for the
 10 issuance or reinstatement of his or her driving privilege.

11 (8) Insurance companies issuing motor vehicle policies in the Commonwealth shall be
 12 prohibited from raising a policyholder's rates solely because the policyholder's
 13 driving privilege has been suspended or denied pursuant to subsection (2) of this
 14 section.

15 ➔Section 3. KRS 131.1817 is amended to read as follows:

16 (1) As used in this section:

17 (a) "Attorney's license" means a license issued pursuant to the rules of the
 18 Supreme Court of Kentucky authorizing the practice of law in the
 19 Commonwealth;

20 (b) "Delinquent taxpayer" means:

21 1. A taxpayer with an overdue state tax liability:

22 a. That is not covered by a current installment payment agreement;

23 b. For which all protest and appeal rights under the law have expired;
 24 and

25 c. About which the department has contacted the taxpayer; or

26 2. A taxpayer who:

27 a. Has not filed a required tax return within ninety (90) days

1 following the due date of the return, or if the due date was
 2 extended, within ninety (90) days following the extended due date
 3 of the return; and

4 b. Was contacted by the department about the delinquent return;

5 (c) ~~["Driver's license" means a license issued by the Transportation Cabinet;~~

6 ~~(d) —~~ "License" means any occupational or professional certification, license,
 7 registration, or certificate issued by a licensing agency that is required to
 8 engage in an occupation, profession, or trade in the Commonwealth, other
 9 than a license issued to an attorney; and

10 ~~(d)~~^(e) "Licensing agency" means any instrumentality, agency, board,
 11 commission, or department established by statute that has the power and
 12 authority within the Commonwealth to issue any license, except "licensing
 13 agency" does~~shall~~ not include the Supreme Court of Kentucky, relating to
 14 licenses issued to attorneys to practice law in the Commonwealth.

15 (2) The department may identify licensing agencies from which it wants to obtain
 16 information for the purpose of tax compliance.

17 (3) Any licensing agency identified by the department shall work with the department
 18 to develop a process to provide the department with information about its licensees.

19 (4) Any delinquent taxpayer who:

20 (a) Holds a license;

21 (b) Is an attorney licensed to practice law in the Commonwealth; or

22 (c) ~~Holds a driver's license; or~~

23 ~~(d) —~~ Owns a motor vehicle registered in the Commonwealth;

24 may have that license ~~or driver's license~~ suspended or revoked, and may be denied
 25 the ability to register his or her motor vehicle in the Commonwealth as provided in
 26 subsection (5) of this section.

27 (5) (a) To begin the process of revocation of a license, or suspension of the ability to

1 register a motor vehicle, the department shall notify the delinquent taxpayer
2 by certified mail at least twenty (20) days prior to submission of the name of a
3 delinquent taxpayer to the relevant agency that his or her name will be
4 submitted to:

- 5 1. The licensing agency, for revocation of a license;
- 6 2. The Transportation Cabinet, for ~~revocation of a driver's license or~~
7 denial of the ability to register a motor vehicle in the Commonwealth; or
- 8 3. The Kentucky Supreme Court, for the revocation of a license to practice
9 law in the Commonwealth.

10 (b) The notice shall:

- 11 1. State the reason for the action;
- 12 2. Set forth the amount of any overdue tax liability, including any
13 applicable penalties and interest;
- 14 3. Explain any other area of noncompliance that must be satisfied to
15 prevent the submission of the taxpayer's name to the licensing agency as
16 a delinquent taxpayer; and
- 17 4. List all licenses or registrations for which revocation will be sought.

18 (c) After the passage of at least twenty (20) days from the date the notice was
19 sent under paragraph (a) of this subsection, and if the issues identified in the
20 notice were not resolved to the satisfaction of the department, the department
21 may:

- 22 1. Submit the name of the delinquent taxpayer to the licensing agency or
23 the Transportation Cabinet; or
- 24 2. If the delinquent taxpayer is an attorney licensed to practice law in the
25 Commonwealth, submit the name of the attorney to the Kentucky
26 Supreme Court for appropriate action to enforce Supreme Court Rules.

27 (d) Upon notification by the department that the licensee or motor vehicle owner

1 is a delinquent taxpayer, the licensing agency~~[or Transportation Cabinet, as~~
 2 ~~the case may be,]~~ shall deny or revoke any license held or applied for by the
 3 licensee, and the Transportation Cabinet shall not allow the delinquent
 4 taxpayer to register a motor vehicle in the Commonwealth.

5 (e) Any delinquent taxpayer who has had a license denied or revoked, or who has
 6 been denied the ability to register a motor vehicle shall have the right to
 7 appeal to the licensing agency or the Transportation Cabinet as authorized by
 8 law, provided that appeals shall only be permitted based upon a mistake in
 9 facts relied upon by the department, the licensing agency, or the
 10 Transportation Cabinet that the licensee or motor vehicle owner is a
 11 delinquent taxpayer.

12 (f) A license that has been denied or revoked under this section shall not be
 13 reissued or renewed, and a motor vehicle registration that has been denied
 14 under this section shall not be permitted, until a written tax clearance has been
 15 received from the department by the licensing agency or the Transportation
 16 Cabinet, as the case may be.

17 (g) The department may promulgate administrative regulations *in accordance*
 18 *with*~~[under]~~ KRS Chapter 13A to implement the provisions of this section.