

1 AN ACT relating to operator's licenses and declaring an emergency.

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

3  Section 1. KRS 281A.160 is amended to read as follows:

- 4 (1) (a) Except as provided in subsection (4) of this section, the State Police shall be  
5 responsible for administering both the knowledge and skills test required by  
6 KRS 281A.130.
- 7 (b) Applicants who fail the written knowledge test shall be permitted to retake the  
8 written test on the next day the tests are administered. Applicants who fail the  
9 written test six (6) times shall be required to wait three (3) days before taking  
10 the knowledge test again. Applicants who subsequently fail the written test  
11 three (3) additional times shall be required to wait three (3) days prior to  
12 retaking the test.
- 13 (2) (a) Except as provided for in subsection (3) of this section, at the time a CDL  
14 permit is issued:
- 15 1. An applicant who has held a Kentucky operator's license for thirty (30)  
16 days or longer shall pay a skills-testing fee of fifty dollars (\$50); and
- 17 2. An applicant who has held a Kentucky operator's license for less than  
18 thirty (30) days shall pay a skills-testing fee of one hundred fifty dollars  
19 (\$150).
- 20 (b) There is created within the State Treasury a trust fund to be known as the State  
21 Police CDL skills-testing fund. The fund shall be administered by the State  
22 Police and shall receive all skills-testing and retesting fees collected under  
23 subsections (2)(a) and (6)(e) of this section, in addition to any grants, gifts, or  
24 appropriations of state or federal moneys and any interest earned on moneys in  
25 the fund. Moneys in the fund shall not lapse and shall be carried forward to  
26 the next succeeding fiscal year. The State Police CDL skills-testing fund shall  
27 be used by the State Police to contract with and train civilian CDL skills

1 examiners and to improve the logistics of the CDL skills-testing process.

2 (c) The State Police, upon request of an applicant who has passed both the vision  
3 and knowledge tests, may schedule the applicant for the skills test at the first  
4 available test date at a test site designated by the State Police but not less than  
5 fourteen (14) days after the applicant has filed the application and been issued  
6 a CDL permit. Except in extenuating circumstances, a retest for a failed  
7 portion of the skills test shall be given within three (3) days of a request of a  
8 retest.

9 (d) An applicant shall provide a class representative commercial vehicle, for the  
10 class of CDL for which the applicant is testing, in which to take the skills test.  
11 Unless the State Police grant an exemption at the time the application for  
12 testing is made, the vehicle supplied under this paragraph shall be unloaded.  
13 Upon arrival for the skills test, the applicant shall have in his or her possession  
14 a valid Kentucky operator's license and a valid CDL permit. A CDL-licensed  
15 driver who is at least twenty-one (21) years old shall accompany the applicant  
16 at all times the applicant is in operation of a commercial vehicle.

17 (3) A testing fee shall not be charged to:

18 (a) An individual applying for a CDL with an "S" endorsement as defined in KRS  
19 281A.170; or

20 (b) Military personnel applying for a CDL under KRS 281A.165.

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

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

24 (b) The third party has entered into an agreement with this Commonwealth which  
25 complies with requirements of Title 49, Code of Federal Regulations, Part  
26 383.75, as adopted by the Transportation Cabinet.

27 (5) The State Police shall promulgate administrative regulations under KRS Chapter

1 13A that establish procedures that ensure an arm's-length relationship is maintained  
2 between a third-party tester and any owner, officer, or employee of any program  
3 offering commercial truck driving under the Kentucky Community and Technical  
4 College System or a proprietary school licensed under KRS Chapter 165A.

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

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

14 (c) An applicant who fails any portion of the skills test four (4) times shall be  
15 notified by the State Police that the applicant is required to wait one (1) week  
16 before retaking a portion of this skills test again.

17 (d) Failure of an applicant to notify the State Police at least forty-eight (48) hours  
18 prior to missing an appointment for a skills test, or provide a written medical  
19 excuse from a licensed physician, advanced registered nurse practitioner, or  
20 physician's assistant, shall be considered a failure, on all parts of the skills test  
21 scheduled to be given, for the purposes of determining number of failures,  
22 waiting periods, and retesting fees under paragraphs (c) and (e) of this  
23 subsection for individual applicants. The fees for a missed appointment failure  
24 shall be forfeited and retained in the State Police CDL skills-testing fund  
25 established under this section. If the forty-eight (48) hour notice or medical  
26 excuse is given, the fee shall be applied to the rescheduled test. A missed  
27 appointment failure under this paragraph shall not be reported as a failure to

1 the board.

2 (e) Except as provided for in paragraph (d) of this subsection, at the time of  
3 application for a retest under this subsection, the applicant shall pay a retesting  
4 fee of fifty dollars (\$50).

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

13 (b) Subject to paragraphs (c) and (d) of this subsection, a person who possessed  
14 a Kentucky commercial driver's license that has expired for a period of less  
15 than five (5) years and was not subject to suspension, withdrawal,  
16 revocation, or disqualification for any reason at the time of expiration may  
17 have that license reinstated, with all endorsements, without submitting to  
18 the skills and knowledge tests by applying to the cabinet for renewal. Upon  
19 submission of medical certification, driver self-certifications required under  
20 KRS 281A.140(1)(f), successful completion of any necessary criminal  
21 background check, and review of the person's driving history record, the  
22 cabinet shall issue a renewal CDL, with all endorsements, to an applicant  
23 under this paragraph.

24 (c) A person who otherwise meets the requirements of paragraph (b) of this  
25 subsection whose CDL was subject to suspension or revocation solely for  
26 failure to provide medical certification may apply for renewal of a CDL  
27 under paragraph (b) of this subsection.

(d) If the CDL held by a person who otherwise meets the requirements of paragraph (b) of this subsection carried a hazardous materials endorsement, and the applicant wishes to retain that endorsement, he or she shall complete any examinations required for a hazardous materials endorsement renewal in KRS 281A.180(2) prior to renewing the CDL under paragraph (b) of this subsection.

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

(b) The State Police shall promulgate administrative regulations under KRS Chapter 13A to set forth the qualifications for contract examiners retained under subsection (2)(b) of this section.

➡ Section 2. KRS 186.635 is amended to read as follows:

(1) The following persons shall be required to successfully complete the examinations required under KRS 186.480 prior to being issued a Kentucky operator's license:

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

(b)~~+(2)~~ A person who has applied for a Kentucky operator's license under KRS 186.412 or 186.4121; and

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

(2) A person who possessed a Kentucky operator's license that has expired for a period of less than five (5) years and was not subject to suspension, withdrawal, revocation, or disqualification at the time of expiration may have that license reinstated without submitting to the examinations required under KRS 186.480 by applying to the cabinet for renewal. Upon submission of any vision testing

1 required under KRS 186.577 and review of the person's driving history record,  
 2 the cabinet shall issue a renewal operator's license to an applicant under this  
 3 paragraph.

4 ➔ Section 3. KRS 189.2226 is amended to read as follows:

5 (1) As used in this section:

6 (a) "Bill of lading" means a document evidencing the purchase of, or delivery  
 7 order for, building materials issued by a person engaged in a business that sold  
 8 or leased the building materials;

9 (b) "Building materials" means equipment or materials associated with new home  
 10 construction, home remodeling, or home maintenance, including but not  
 11 limited to:

- 12 1. Agriculture products;
- 13 2. Asphalt;
- 14 3. Concrete;
- 15 4. Crushed stone;
- 16 5. Excavation equipment;
- 17 6. Fill dirt and rock;
- 18 7. Glass;
- 19 8. Landscaping materials;
- 20 9. Lumber or other wood products;
- 21 10. Minerals;
- 22 11. Roofing materials; and
- 23 12. Steel products;

24 (c) "Home" means:

- 25 1. A site where a single or multi-family housing unit is being initially  
 26 constructed for which a building permit for construction has been  
 27 issued by the authorized local government in the city or county in

1                   *which construction will take place*; and

2                   2.    A site where construction of a single or multi-family housing unit is  
3                   complete and persons inhabit the housing unit; and

4                   (d)   "State road" means a state or federal highway but does not mean an interstate  
5                   or county road.

6                   (2)   Other statutes to the contrary in this chapter notwithstanding, any vehicle hauling  
7                   building materials to a home shall be allowed, subject to the provisions of this  
8                   section, to travel on any state road without a permit and without being subject to a  
9                   fine, if the weight of the vehicle is within the limits of the registration issued to the  
10                  vehicle and within the axle limits for the vehicle, even if the vehicle's gross weight  
11                  or length, including vehicle and load, exceed the limits prescribed by this chapter or  
12                  in other aspects fail to comply with this chapter.

13                  (3)   A vehicle hauling building materials under this section shall be allowed to travel the  
14                  most direct route, in the opinion of the operator, to the vehicle's point of destination,  
15                  provided any road traveled as the most direct route shall not be further than fifteen  
16                  (15) miles from a state road that is classified to carry the registered weight of the  
17                  vehicle. If a vehicle is traveling a road classified by the cabinet as a single "A"  
18                  highway, the vehicle or its load cannot exceed ninety-six (96) inches in width. If a  
19                  vehicle or its load exceed ninety-six (96) inches in width, the operator shall be  
20                  required to obtain the appropriate overdimensional permit required by this chapter  
21                  to travel the proposed route. The operator of a vehicle hauling building materials  
22                  under this section shall have in his or her possession a bill of lading.

23                  (4)   All vehicles hauling building materials under this section shall be prohibited from  
24                  exceeding the established width and posted bridge weight limits for any route the  
25                  vehicle travels. A vehicle that exceeds the width or bridge limits for its posted  
26                  routes shall be required to obtain the appropriate overdimensional or overweight  
27                  permit required by this chapter.

1        ➡ Section 4. KRS 189.230 is amended to read as follows:

- 2        (1) Except as provided in KRS 189.221(6), 189.222, and 189.2226, the department, in  
 3        respect to state and federal highways, and county judges/executive in respect to  
 4        county highways, may prescribe, by notice as provided in subsection ~~(4)~~~~(3)~~ of this  
 5        section, load and speed limits lower than the limits prescribed in KRS 189.221 and  
 6        subsection (4) of KRS 189.390, respectively, if in their judgment any highway may,  
 7        by reason of its design, deterioration, rain, or other natural causes, be damaged or  
 8        destroyed by motor trucks or semitrailer trucks, if their gross weight or speed  
 9        exceeds certain limits. The department or fiscal court may, by like notice, regulate  
 10       or prohibit the operation of motor trucks or semitrailer trucks on state highways or  
 11       county roads for limited periods of specified days, or parts of days, if their load and  
 12       speed exceed those limits, if in their judgment, the regulation or prohibition is  
 13       necessary, by reason of traffic density or intensive use by the traveling public, to  
 14       provide for the public safety and convenience on the highway.
- 15       (2) *A fiscal court may, by notice as provided in subsection (4) of this section,*  
 16       *regulate or prohibit the operation of motor trucks or semitrailer trucks on county*  
 17       *roads within the county if, in its judgment:*  
 18       *(a) A road may, by reason of its design, deterioration, rain, or other natural*  
 19       *cause, be damaged or destroyed by motor trucks or semitrailer trucks if*  
 20       *their gross weight or speed exceeds certain limits; and*  
 21       *(b) Regulation or prohibition is necessary to provide for the public safety and*  
 22       *convenience on the highway.*
- 23       (3) The department, in respect to bridges on the extended weight coal haul system  
 24       defined in KRS 177.9771, may prescribe, by notice, as provided in subsection (3) of  
 25       this section, gross weight limits lower than the limits prescribed in KRS 177.9771,  
 26       when in its judgment any bridge on the extended weight coal haul road system may,  
 27       by reason of its design or deterioration, be damaged or destroyed to the point of



1 catastrophic failure by motor vehicles, if their gross weight exceeds certain limits.  
 2 For the purposes of KRS 177.9771, all bridges shall conform with KRS  
 3 177.9771(4)(a) to (d).

4 ~~(4)~~~~(3)~~ The notice or the substance of it shall be posted at conspicuous places at the  
 5 termini of and at all intermediate crossroads and road junctions with the section of  
 6 the highway to which the notice applies. After a notice has been posted, a person  
 7 shall not operate any motor truck or semitrailer truck contrary to its provisions.

8 ~~(5)~~~~(4)~~ A fiscal court shall require all persons applying for a permit issued under KRS  
 9 189.212 to enter into a cooperative agreement with the fiscal court. The cooperative  
 10 agreement shall provide for an equitable apportionment of the incremental costs for  
 11 design, maintenance, construction, or reconstruction of those roads and bridges on  
 12 which the person will be operating under the permit issued under KRS 189.212. A  
 13 fiscal court may require as part of a cooperative agreement for the person to give the  
 14 fiscal court a bond to ensure payment of the equitable costs associated with the  
 15 permit issued under KRS 189.212. All funds collected under this subsection shall be  
 16 expended on those roads covered by the cooperative agreement.

17 ~~(6)~~~~(5)~~ A fiscal court shall not be relieved of expending its normal routine  
 18 maintenance on all roads covered by cooperative agreements under the provisions  
 19 of this section.

20 ~~(7)~~~~(6)~~ A person who entered a cooperative agreement with a fiscal court under the  
 21 provisions of subsection (4) of this section may terminate the agreement by  
 22 submitting written notice to the fiscal court. If a person terminates a cooperative  
 23 agreement with a fiscal court, the permit issued under KRS 189.212 shall  
 24 immediately be revoked by the fiscal court.

25 ➡ Section 5. KRS 189.280 is amended to read as follows:

26 (1) KRS 189.221 to 189.230 and 189.280 shall not apply to motor trucks, semitrailer  
 27 trucks, or trailers owned by the United States, the Commonwealth of Kentucky, or

1 any agency of them, any county or city.

2 (2) If any motor truck, semitrailer truck, or trailer is lawfully licensed by a city pursuant  
 3 to KRS 186.270, then KRS 189.221 and subsection (1) of 189.222 shall not apply  
 4 thereto, within the limits of the city issuing the license, or within fifteen (15) miles  
 5 of the limits of the city,~~[if it is a city with a population equal to or greater than three~~  
 6 ~~thousand (3,000) based upon the most recent federal decennial census, or within~~  
 7 ~~five (5) miles of its limits if it is a city with a population of less than three thousand~~  
 8 ~~(3,000) based upon the most recent federal decennial census,]~~ except on such state-  
 9 maintained highways or portions thereof, including connecting-link streets, as may  
 10 be designated by the commissioner of highways, and on such county highways as  
 11 may be designated by the county judge/executive; provided, however, that in no  
 12 case shall any vehicle exceed the weight and size limitations established by the city  
 13 ordinance when those limitations are less stringent than those provided in the  
 14 aforementioned sections of the statutes. For the purposes of this subsection vehicles  
 15 exempt from the imposition of a city license tax by reason of subsection (2) of KRS  
 16 281.830 shall be entitled to the same exemptions as those so licensed.

17 (3) Cities may, by ordinance, provide maximum limits with respect to the weight,  
 18 height, width and length of motor trucks, semitrailer trucks, and trailers on city-  
 19 owned and maintained streets and roads~~[,]~~ within their respective boundaries~~[, not~~  
 20 ~~less, however, than the maximum limits prescribed in KRS 189.221 and subsection~~  
 21 ~~(1) of 189.222, and may authorize the operation of trailers].~~

22 ➔Section 6. Whereas facilitating the renewal of recently expired CDLs in good  
 23 standing will help increase the number of commercial truck drivers on the highway  
 24 during an unprecedented backlog in our nation's supply chain, an emergency is declared  
 25 to exist, and Sections 1 and 2 of this Act shall take effect upon their passage and approval  
 26 by the Governor or upon their otherwise becoming a law.