

281A.300 Criminal history background check for commercial driver's licenses and permits -- Administrative regulations -- Fees.

- (1) (a) Any person initially applying for, or renewing, a Kentucky CDL or CLP shall be required to undergo a state and national criminal history background check of state and federal wanted or "hot file" records conducted by the State Police.
- (b) All initial and renewal application forms for a Kentucky CDL or CLP shall conspicuously state the following: "STATE LAW REQUIRES A STATE AND NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF APPLYING FOR A KENTUCKY CDL. ANY PERSON WHO REFUSES TO SUBMIT TO A CRIMINAL HISTORY BACKGROUND CHECK SHALL NOT BE ELIGIBLE TO APPLY FOR, OR BE ISSUED, A KENTUCKY CDL."
- (2) The results of the state and national criminal history background checks shall be sent to the cabinet for review within seventy-two (72) hours. An applicant for a CLP may enroll in a commercial driver training program under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A, and may be issued a CLP upon enrollment, however the status of the applicant retaining the CLP shall not be determined until the results of the background checks are made available to the cabinet. The cabinet shall inform an applicant, based upon the criminal history background check, of the applicant's eligibility to be issued a CLP or CDL. The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to specify conditions that will cause a person to be denied a CLP or CDL based upon the person's criminal history background check.
- (3) Any fee charged by the State Police to conduct a criminal history background check shall be paid by the applicant and shall not be refundable. Any fee charged to conduct a criminal history background check shall be an amount not greater than the actual cost of processing the request and conducting the search.
- (4) The criminal history background checks required by this section shall be in addition to any type of background check that may be required by federal statute, rule, regulation, or order.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 123, sec. 14, effective July 15, 2024. -- Amended 2020 Ky. Acts ch. 51, sec. 32, effective March 27, 2020. -- Amended 2007 Ky. Acts ch. 85, sec. 289, effective June 26, 2007. -- Created 2002 Ky. Acts ch. 204, sec. 2, effective April 5, 2002.

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