

## **601 KAR 11:050. Adoption of 49 CFR Part 383.**

RELATES TO: KRS Chapter 281A, 49 CFR Part 383

STATUTORY AUTHORITY: KRS 281A.010, 281A.040, 281A.130, 281A.140, 281A.160, 281A.270, 49 CFR Part 383

NECESSITY, FUNCTION, AND CONFORMITY: At many places in KRS Chapter 281, 49 CFR Part 383 is referred to as adopted by the Transportation Cabinet. However, many of the provisions of 49 CFR Part 383 are spelled out in KRS Chapter 281A. To avoid any possibility of conflict, the Transportation Cabinet in this administrative regulation is specifically setting forth those sections of 49 CFR Part 383 which in addition to KRS Chapter 281A, shall govern commercial driver's licenses in Kentucky.

Section 1. Notification of Convictions for Driver Violations. 49 CFR 383.31, effective July 21, 1988 shall govern a commercial driver's notice of conviction to the Kentucky Transportation Cabinet and his employer.

Section 2. Disqualification. (1) 49 CFR Part 383.51(b)(3)(v) effective October 4, 1988 shall govern second convictions of any of the offenses listed in KRS 281A.190(1).

(2) The disqualification period shall be for ten (10) years.

(3) Prior to being eligible to have his driving privilege restored after serving the ten (10) year disqualification the person shall submit proof to the Transportation Cabinet's Division of Driver Licensing of having attended and successfully completed an alcohol or substance abuse treatment program which was approved by the Cabinet for Human Resources.

Section 3. Requirements for Issuance of License. An applicant for a commercial driver's license shall meet the requirements of 49 CFR 383.71 effective July 21, 1988. An applicant who operates exclusively in intrastate commerce shall meet all of the same requirements as an applicant operating in interstate commerce except that the exemptions to 49 CFR Part 391 provided to intrastate drivers in 601 KAR 1:005 shall be applicable for commercial drivers also.

Section 4. Required Knowledge and Skills. The knowledge and skills test administered by the Kentucky State Police in accordance with KRS 281A.160 shall meet the standards set forth in 49 CFR 383 Subpart G effective July 21, 1988. (17 Ky.R. 2573; eff. 4-5-1991; Crt eff. 2-25-2019.)