

**CHAPTER 204****(HB 189)**

AN ACT relating to protecting the public safety when licensing operators of commercial motor vehicles and declaring an emergency.

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

Section 1. KRS 281A.010 is amended to read as follows:

- (1) "Alcohol" means:
  - (a) Beer, ale, port, or stout and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percentum (0.5%) or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor;
  - (b) Wine of not less than one-half of one percentum (0.5%) of alcohol by volume; or
  - (c) Distilled spirits, which means that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced; or
  - (d) Any substance containing ethyl alcohol, hydrated oxide of ethyl, spirit of wine, or any distilled spirits including, but not limited to, ethanol, methanol, propanol, and isopropanol.
- (2) "Alcohol concentration" means:
  - (a) The number of grams of alcohol per one hundred (100) milliliters of blood;
  - (b) The number of grams of alcohol per two hundred ten (210) liters of breath; or
  - (c) The number of grams of alcohol per sixty-seven (67) milliliters of urine.
- (3) "Cabinet" means the Transportation Cabinet of the Commonwealth of Kentucky.
- (4) "Commerce" means:
  - (a) Any trade, traffic, or transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside of the United States; and
  - (b) Trade, traffic, and transportation in the United States that affects any trade, traffic, and transportation described in paragraph (a) of this subsection.
- (5) "Commercial driver's license," or CDL, means a license issued to an individual in accordance with the requirements of this chapter or, if the license is issued by another state in accordance with the Federal Commercial Motor Vehicle Safety Act, to an individual that authorizes the individual to drive any class of commercial motor vehicle.
- (6) "Commercial driver's license information system" or CDLIS means the national information system established to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.
- (7) "Commercial driver's instruction permit" means a permit issued pursuant to KRS 281A.120.
- (8) "Commercial motor vehicle," or CMV, means a motor vehicle or combination motor vehicle used in commerce that is:

- (a) Designed to carry property and has a gross vehicle weight rating as determined by federal regulation which has been adopted into cabinet administrative regulations pursuant to KRS Chapter 13A;
  - (b) Designed to transport sixteen (16) or more passengers, including the driver;
  - (c) Transporting hazardous materials and is required to be placarded in accordance with Title 49, Code of Federal Regulations, Part 172; or
  - (d) Any other vehicle that is required by cabinet administrative regulation, pursuant to KRS Chapter 13A, to be operated by a licensed commercial driver.
- (9) "Controlled substance" means any substance so classified under Section 102(6) of the Controlled Substances Act, 21 U.S.C. sec. 802(6), and includes all substances listed on Schedules I through V, of Title 21, Code of Federal Regulations, Part 1308, as adopted by the Transportation Cabinet by administrative regulation pursuant to KRS Chapter 13A. It shall also include those substances defined or listed in KRS Chapter 218A.
- (10) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.
- (11) "Disqualification" means a withdrawal, cancellation, suspension, or revocation of the privilege to drive a commercial motor vehicle.
- (12) "Drive" means to drive, operate, or be in physical control of a motor vehicle.
- (13) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a commercial driver's license.
- (14) "Driver's license" means a license issued by a state~~[or foreign jurisdiction]~~ to an individual that authorizes the individual to drive a motor vehicle.
- (15) "Employee" means any operator of a commercial motor vehicle, including full-time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent, owner-operator contractors while in the course of operating a commercial motor vehicle who are either directly employed by, under lease to, or operating in a manner indicating employment to an employer.
- (16) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.
- (17) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for at least one (1) year in a correctional facility.
- ~~(18) "Foreign" means outside the fifty (50) United States and the District of Columbia.~~
- ~~(19)~~ "Gross combination weight rating," or GCWR, is the gross vehicle weight rating of power unit plus the gross vehicle weight rating of any towed unit.
- ~~(19)~~~~(20)~~ "Gross vehicle weight rating," or GVWR, means the value specified by the manufacturer as the maximum loaded weight of a single, a combination or an articulated vehicle.

- (20)~~(21)~~ "Hazardous materials" means the definition found in Section 103 of the Hazardous Materials Transportation Act, 49 U.S.C. secs. 1801 et seq.
- (21)~~(22)~~ "Highway" shall include any way or place of any nature when any part of it is open to the use of the public as a matter of right, license, or privilege for the use of vehicular traffic.
- (22)~~(23)~~ "Moped" shall have the same meaning as in KRS 186.010(5).
- (23)~~(24)~~ "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but shall not include any vehicle, machine, tractor, trailer, or semitrailers operated exclusively on a rail.
- (24)~~(25)~~ "NDR" means the national driver register.
- (25)~~(26)~~ "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.
- (26)~~(27)~~ "Resident" means a person who has *established Kentucky as his or her state of domicile. Proof of residency shall include, but not be limited to, a deed or property tax bill, utility agreement or utility bill, or rental housing agreement*~~[his actual or habitual place of abode in this state].~~
- (27)~~(28)~~ "School bus" means a vehicle that meets the specification of KRS 156.153 and is designed to transport sixteen (16) or more passengers including the driver.
- (28)~~(29)~~ "Serious traffic violation" means a conviction when operating a commercial motor vehicle of:
- (a) Excessive speeding, involving a single charge of any speed fifteen (15) miles per hour or more, above the specified speed limit;
  - (b) Reckless driving, as defined under state or local law, including conviction of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;
  - (c) Improper or erratic traffic lane changes;
  - (d) Following the vehicle ahead too closely;
  - (e) A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident; or
  - (f) Any conviction of an offense that requires mandatory suspension under KRS 186.560 or a serious violation as defined by Title 49 of the Code of Federal Regulations Part 383 or as amended by the Federal Highway Administration.
- (29)~~(30)~~ "State" means a state of the United States and the District of Columbia.
- (30)~~(31)~~ "State police" means the Department of State Police of the Commonwealth of Kentucky.

SECTION 2. A NEW SECTION OF KRS CHAPTER 281A IS CREATED TO READ AS FOLLOWS:

- (1) *Any person initially applying for, or initially renewing, a Kentucky CDL instruction permit or operator's license, 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 Kentucky State Police. All initial and renewal application forms for a Kentucky CDL instruction permit or operator's license 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 CDL instruction permit 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 CDL instruction permit upon enrollment, however the status of the applicant retaining the CDL instruction permit shall not be determined until the results of the background checks are made available to the cabinet. The cabinet shall inform the applicant and the circuit clerk of persons who, based upon the criminal history background check, are either eligible or ineligible to be issued a CDL instruction permit or CDL. The cabinet shall promulgate administrative regulations under KRS Chapter 13A to specify conditions that will cause a person to be denied a CDL instruction permit or CDL based upon the person's criminal history background check.*
- (3) *Any fee charged by the Kentucky 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.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 281A IS CREATED TO READ AS FOLLOWS:

*A person who is not a resident of Kentucky may be issued a commercial driver's instruction permit and commercial driver's license if the person is currently enrolled in a program offering commercial truck driving under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A.*

Section 4. KRS 281A.120 is amended to read as follows:

- (1) A commercial driver's instruction permit may be issued to an individual twenty-one (21) years and older who:
  - (a) *Has complied with the criminal history background check required by Section 2 of this Act;*
  - (b) Holds a valid automobile~~[Class D]~~ driver's license; and~~[who]~~
  - (c) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven. Instruction permits shall be class specific.
- (2) A commercial driver's instruction permit may be issued to *a resident*~~[an individual]~~ eighteen (18) years of age who:
  - (a) *Has complied with the criminal history background check required by Section 2 of this Act;*

- (b) Holds a valid automobile Class D driver's license; ~~and~~ ~~who~~
  - (c) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven, if the individual only drives a commercial motor vehicle in intrastate commerce and does not drive a school bus or a vehicle hauling hazardous material. The instruction permit shall be class specific and shall contain an "I" restriction noting that the commercial driver is limited to Kentucky intrastate commerce.
- (3) A commercial driver's instruction permit shall not be issued *to a resident* for a period to exceed six (6) months. Only one (1) renewal or reissuance may be granted within *a* two (2) year period for the same class of vehicle. The holder of a commercial driver's instruction permit may, unless otherwise disqualified, drive a commercial motor vehicle on the highways of Kentucky only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven and who occupies a seat beside the permit holder for the purpose of giving instruction in driving the commercial motor vehicle.
- (4) *A person who is not a resident who is enrolled in a program offering commercial truck driving under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A may be issued a provisional Class D license that allows an applicant to include a commercial driver's instruction permit into a single license that shall be valid for ninety (90) days. The fee for a provisional Class D license shall be the same as for a regular Class D license. A provisional Class D license may be renewed for one (1) ninety (90) day period. A person issued a provisional Class D license under this subsection shall be required to convert the license to a regular Kentucky CDL or return to the person's state of domicile and transfer the Kentucky provisional Class D license to his or her state of domicile. A provisional Class D license issued under this subsection shall not be converted to a regular Class D license unless the applicant satisfies all Kentucky residency requirements.* A commercial driver's instruction permit shall contain, in addition to other information required by the cabinet, those requirements set forth in KRS 281A.170. The commercial driver's instruction permit shall not contain the permit holder's Social Security number but shall include a color photo of the permit holder.

Section 5. KRS 281A.130 is amended to read as follows:

- (1) ~~A~~ ~~no~~ person shall **not** be issued a commercial driver's license unless that person:
- (a) Is a resident of this state; ~~;~~
  - (b) Holds a valid operator's license; ~~issued pursuant to KRS 186.412 and~~
  - (c) ***Has complied with the provisions of Section 2 of this Act;***
  - (d) Has passed the knowledge and skills tests for driving a commercial motor vehicle which comply with minimum federal standards established by federal regulation enumerated in Title 49, Code of Federal Regulations, Part 383, as adopted by the cabinet; ~~;~~ and
  - (e) Has satisfied all other safety requirements including those requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted as set forth in KRS 281A.160. ~~The skills test may be waived only in those circumstances where the applicant has complied with KRS 281A.200.~~

- (2) A commercial driver's license, or commercial driver's instruction permit shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license or driving privilege is suspended, revoked, or canceled in any state or jurisdiction.
- (3) A commercial driver's license shall not be issued to a person who has a commercial driver's license issued by any other state ~~or foreign jurisdiction~~ unless the person first surrenders all such licenses, which shall be returned to the issuing jurisdiction for cancellation.
- (4) To ensure that an applicant for a commercial driver's license or instruction permit complies with the requirements of subsections (2) and (3) of this section, ***the circuit clerk shall verify through the commercial driver's license information system and national driver register that the person applying for a Kentucky CDL does not currently have his or her operator's license or driving privilege suspended or revoked in another licensing jurisdiction. If the person's operator's license or driving privilege is currently suspended or revoked in another licensing jurisdiction, the circuit clerk shall not issue the person a Kentucky CDL until the person resolves the matter in the other licensing jurisdiction and complies with the provisions of this chapter and KRS Chapter 186*** ~~shall be contacted prior to the issuance of the license or permit.~~

Section 6. KRS 281A.140 is amended to read as follows:

- (1) The application for a commercial driver's license or commercial driver's instruction permit shall include the following information:
  - (a) The full ***legal*** name, including nicknames, and present ***Kentucky*** resident address of the applicant. If the applicant's mailing address is different from the resident address, the mailing address shall also be included. ***If the applicant is not a resident, the application shall include the person's resident address in the person's state of domicile and the address of the Kentucky driver training school where the applicant is currently enrolled;***~~;~~
  - (b) A physical description of the applicant including sex, height, weight, eye color, and race;
  - (c) The applicant's date of birth;
  - (d) The applicant's Social Security number;
  - (e) The applicant's signature;
  - (f) Certifications including those required by Title 49, Code of Federal Regulations, Part 383.71, paragraph (a) as adopted by the cabinet;
  - (g) A consent to release driving record information;
  - (h) A valid Class D operator's license issued pursuant to KRS 186.412;
  - (i) A birth certificate if the applicant does not hold a valid operator's license at the time of application;
  - (j) ***A statement that the applicant has previously been licensed as an operator in another state, if applicable;*** and
  - (k)~~(j)~~ Any other information required by the cabinet.

- (2) The cabinet or state police may require any other information needed in order to process the application.
- (3) When the holder of a commercial driver's license changes his *or her* name or residence, ~~the~~<sup>this</sup> information shall be reported to the cabinet within ten (10) days. The holder of a Class A, B, or C license shall make an application for a duplicate license within thirty (30) days of changing his name or address.
- (4) Any person whose commercial driver's license has been legitimately lost or destroyed shall make an application for a duplicate:
  - (a) *A person applying for the first duplicate within the time period for which the original license was issued, shall apply in the office of the circuit clerk in the county where the person resides. The person shall provide the clerk with proof of the person's identity and a notarized affidavit with a raised seal explaining in detail the loss or destruction of the original license.*
  - (b) *A person applying for a second or subsequent duplicate within the time period for which the original license was issued, shall apply to the Transportation Cabinet in Frankfort or a Transportation Cabinet field office. The person shall provide the cabinet with proof of the person's identity and a notarized affidavit with a raised seal explaining in detail the loss or destruction of the previous duplicate issued. The Transportation Cabinet shall, within thirty (30) days of receipt of the application, review the person's proof of identity and affidavit and determine if the person will be issued a duplicate.* ~~He shall furnish by affidavit satisfactory proof substantiating the loss or destruction.~~
- (5) A person who ~~is~~<sup>has been</sup> a resident of this state ~~for thirty (30) days~~ shall not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.
- (6) Any person who knowingly falsifies information or certifications required to obtain a commercial driver's license, a commercial driver's license permit, or a duplicate commercial driver's license subsequent to an administrative hearing conducted in accordance with KRS 186.570, shall be subject to suspension, revocation, or cancellation of his commercial driver's license for a period of at least sixty (60) consecutive days.

Section 7. KRS 281A.150 is amended to read as follows:

- (1) Every person seeking a commercial driver's license or a commercial driver's instruction permit shall first apply in person to the circuit clerk of the county in which the applicant resides *or in the county where the person is enrolled in a driver training school if the applicant is not a resident.* The application shall be in the form prescribed by KRS 281A.140 as provided by the cabinet. *Except as provided in subsection (6) of Section 8 of this Act,* each time a person applies for a commercial driver's license, an instruction permit, or seeks to upgrade or change his commercial driver's license, ~~the person~~<sup>he</sup> shall *be required to:*
  - (a) Update ~~the~~<sup>this</sup> application; and
  - (b) Submit the appropriate fee to the circuit clerk.
- (2) The cabinet shall set fees by administrative regulation, pursuant to KRS Chapter 13A, for the following applications that shall not exceed:

- (a) Forty dollars (\$40) for each application for a commercial driver's license. The fee shall be based on the class, type of license, endorsement, restriction, or tests to be taken;
  - (b) Thirty-five dollars (\$35) for each application for a commercial driver's instruction permit;
  - (c) Fifteen dollars (\$15) for each application for a change or addition in class or type of license, endorsement, or restriction;
  - (d) *Forty dollars (\$40) for each application for a duplicate if it is the first duplicate applied for within the time period for which the original license was issued. Sixty dollars (\$60) for a second or subsequent duplicate applied for within the time period for which the original license was issued. The fees required for a duplicate shall be in addition to fees charged under subsection (2)(c) of this section* ~~[Ten dollars (\$10) for each application for a duplicate commercial driver's license];~~
  - (e) Thirty-five dollars (\$35) for each application for renewal of a commercial driver's license;
  - (f) Sixty dollars (\$60) for each application for a transfer of a commercial driver's license; and
  - (g) Twenty dollars (\$20) for each application for a commercial driver's license with an "S" restriction for the following persons:
    - 1. A person who operates a school bus;
    - 2. A person who is employed by a mass transit authority created under the provisions of KRS Chapter 96A;
    - 3. A person who drives a vehicle that is operated under a nonprofit bus certificate established pursuant to KRS 281.619;
    - 4. A person who drives a vehicle registered pursuant to KRS 186.050(6); or
    - 5. A person who drives a fixed route bus system vehicle that is operated by a public entity pursuant to the provisions of KRS Chapter 281.
- (3) All fees remitted to the clerk shall be nonrefundable regardless of whether the applicant completes the requirements for a commercial driver's license or is tested.
- (4) All fees collected for the issuance of a commercial driver's license or a commercial driver's instruction permit shall be deposited into trust and agency accounts to be used exclusively for the administration and implementation of this chapter, except as prescribed in subsection (5) of this section. The accounts shall not lapse but shall be continuing from year to year.
- (5) All fees collected pursuant to this section, shall be allocated between the Transportation Cabinet and Department of State Police, except a fifty cent (\$0.50) issuance fee shall be allocated during the first two (2) years following the effective date of January 1, 1991, to the Administrative Office of the Courts in a trust and agency account for the use of the circuit clerks and thereafter allocated to the general fund from issuance of a commercial driver's license permit. A three dollar (\$3) issuance fee shall be allocated during the first two (2) years following the effective date of January 1, 1991, to the Administrative Office of the Courts in a trust and agency account for the use of the circuit clerks and thereafter allocated to the general fund from issuance of a commercial driver's license.

- (6) Any applicant who seeks reinstatement of his commercial driving privilege after a suspension, withdrawal, revocation, or disqualification shall pay a reinstatement fee of fifty dollars (\$50) in addition to those fees required by subsection (2) of this section and shall satisfy the requirements of KRS 281A.160. This fee shall not be required if his commercial driving privilege was withdrawn only as a result of the withdrawal of his privilege to drive a noncommercial motor vehicle.

~~[(7) Any person who qualifies for a commercial driver's license under the provisions of KRS 281A.200 shall pay a fee not to exceed sixty two dollars (\$62).]~~

Section 8. KRS 281A.160 is amended to read as follows:

- (1) Except as provided in subsection (3) of this section, the State Police shall be responsible for administering both the knowledge and skills test required by KRS 281A.130.
- (2) The State Police, upon request of an applicant who has passed both the vision and knowledge tests, may schedule the applicant for the skills test at the first available test date at a test site designated by the State Police but not less than ten (10) days after the applicant has filed *the*~~[his]~~ application.
- (3) The State Police *may*~~[shall]~~ authorize a *third party*~~[person, including an agency of this or another state, an employer, a private driver training facility, a private institution, or a department, agency, or instrumentality of local government,]~~ to administer the skills test specified by this section, if:
  - (a) The test is the same that would otherwise be administered by the state;~~[and]~~
  - (b) The third party has entered into an agreement with this Commonwealth which complies with requirements of Title 49, Code of Federal Regulations, Part 383.75, as adopted by the Transportation Cabinet; *and*
  - (c) *The third party enters a written agreement with the State Police that the State Police shall determine the entity that shall administer the skills test to applicants if:*
    1. *The third party offers a program in commercial truck driving by certificate or contract program through the Kentucky Community and Technical College System; or*
    2. *The third party is licensed under KRS Chapter 165A to offer a program in commercial truck driving.*
- (4) *The State Police shall promulgate administrative regulations under KRS Chapter 13A that establish procedures that ensure an "arms-length" relationship is maintained between a third-party tester and any owner, officer, or employee of any program offering commercial truck driving under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A.*
- ~~(5)~~~~[(4)]~~ A third-party tester authorized by subsection (3) of this section may provide a vehicle for a person to use during the skills portion of the commercial driver's license exam. If the third-party tester provides a vehicle, he may charge the person taking the skills test a fee of twenty-five dollars (\$25) for use of the vehicle.
- ~~(6)~~~~[(5)]~~ Applicants shall be permitted to take the knowledge or skills test for a particular class vehicle an unlimited number of times; however, an applicant shall not retest more than one (1) time in any twenty-four (24) hour period.~~[Subject to]~~ The provisions of KRS 281A.150

*notwithstanding*, a fee shall *not* be charged for each test that is retaken as a result of a failing score.

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

~~(8)(7)~~ The commissioner of the Kentucky State Police shall promulgate administrative regulations pursuant to the provisions of KRS Chapter 13A to implement the provisions of this section.

Section 9. KRS 281A.170 is amended to read as follows:

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

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

(2) A commercial driver's license shall be issued with classifications, endorsements, and restrictions. Vehicles that require an endorsement shall not be driven unless the proper endorsement appears on the license and the applicant has passed the knowledge and skills test required by the State Police.

(a) Classifications:

1. Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, if the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds. Licensees with an "A" classification may with the proper endorsement drive Class B and C vehicles.
2. Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, and any vehicle towing a vehicle not in excess of ten thousand (10,000) pounds. Licensees with a "B" classification may with the proper endorsements drive Class C vehicles.

3. Class C - Any single vehicle with a gross weight rating of less than twenty-six thousand and one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds which includes:
    - a. Vehicles designed to transport sixteen (16) or more passengers, including the driver; or
    - b. Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under Title 49, Code of Federal Regulations, Part 172, sub-part F, as adopted by administrative regulations of the cabinet, pursuant to KRS Chapter 13A.
  4. Class D - All other vehicles not listed in any other class.
  5. Class E - Moped only.
  6. Class M - Motorcycles. Licensees with a "M" classification may also drive Class E vehicles.
- (b) Endorsements:
1. "H" - Authorizes the driver to operate a vehicle transporting hazardous materials.
  2. "T" - Authorizes operation of double trailers and triple trailers in those jurisdictions allowing the operation of triple trailers.
  3. "P" - Authorizes operation of vehicles carrying passengers.
  4. "N" - Authorizes operation of tank vehicles.
  5. "X" - Authorizes operation of combination of hazardous materials and tank vehicle endorsements.
  6. "R" - Authorizes operation of all other endorsements not otherwise specified.
- (c) Restrictions:
1. "K" - Restricts the driver to operation of vehicles not equipped with airbrakes.
  2. "I" - Restricts the driver to Kentucky intrastate commerce driving.
  3. "S" - Restricts the driver to school buses, church buses, buses operated by a mass transit authority created under the provisions of KRS Chapter 96A, buses operated under a nonprofit bus certificate established pursuant to KRS 281.619, and fixed route buses operated by a public entity pursuant to the provisions of KRS Chapter 281.
  4. "L" - Shall not include a Class "A" bus.
  5. "J" - Shall not include a Class "A" or "B" bus.
  6. "O" - Shall not include tractor, semitrailer style vehicles.
  7. "Z" - Exempt intracity zones for commercial vehicles.
  8. "1-13" - Other restrictions.
  9. ***"14" - Restricts the driver to operation of vehicles equipped with an automatic transmission because the person conducted the required skills test in a commercial vehicle equipped with an automatic transmission. A person***

***wanting to remove this restriction in order to operate a vehicle with a manual transmission shall be required to successfully complete a skills test while operating a commercial vehicle equipped with a manual transmission.***

- (3) Within ten (10) days after issuing a commercial driver's license, the cabinet shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the person.
- (4) A commercial driver's license issued ***to a resident*** pursuant to this chapter shall expire in four (4) years unless the license was issued ~~pursuant to the terms of KRS 281A.200, or unless the license was issued~~ to a ***resident*** ~~person~~ under the age of twenty-one (21). ***A commercial driver's license issued to a person who is not a resident shall be issued for one (1) year and shall not be renewable. The fee for a commercial driver's license issued to a nonresident shall be the same as the fee charged to a resident.***
- (5) A person under the age of twenty-one (21) shall not be licensed to operate a Class A, B, or C vehicle unless he has an "I" restriction. A commercial driver with an "I" restriction shall not drive a commercial motor vehicle in interstate commerce, unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age of twenty-one (21) shall not be allowed to operate a school bus or a vehicle transporting hazardous material in intrastate commerce.
- (6) The holder of a commercial driver's license shall be considered to hold a valid Kentucky driver's license issued under the provisions of KRS 186.412.

Section 10. KRS 281A.180 is amended to read as follows:

- (1) Every person applying for renewal or transfer of a commercial driver's license from another issuing jurisdiction, shall complete an application as required by KRS 281A.140, providing updated information, testing, and required certifications.
- (2) If ***a person applies*** ~~the applicant~~ for a renewal or transfer ***of a*** commercial driver's license or ~~if the applicant~~ seeks to add an endorsement, ***or*** has a hazardous materials endorsement and applies to retain the endorsement, he shall provide the required medical certificate and ***take*** the knowledge test for a hazardous materials endorsement ~~shall be taken~~ again, unless he provides proof that he has taken and passed the hazardous materials knowledge test within the preceding two (2) years.
- (3) Every person applying to add an endorsement to his existing commercial driver's license shall complete an application as required by KRS 281A.140, providing updated information and certifications. If the endorsement originally would have required a special knowledge or skills test, he shall successfully complete the test or tests prior to the endorsement being added to his commercial driver's license.

SECTION 11. A NEW SECTION OF KRS CHAPTER 281A IS CREATED TO READ AS FOLLOWS:

***Any person initially renewing a commercial driver's license or adding an endorsement after September 30, 2002, shall apply for the renewal at least thirty (30) days prior to the expiration date of the license. The purpose of the early renewal procedures is to ensure the criminal history background check required under Section 2 of this Act may be completed prior to the expiration date on the license. A person may obtain the information necessary to conduct the criminal history background check from the circuit clerk. If the person has a law enforcement agency other than the Kentucky State Police conduct the background check, the law enforcement agency may charge the person a nonrefundable fee for the service. Any fee***

*charged by any law enforcement agency 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.*

Section 12. The following KRS section is repealed:

281A.200 Application made between January 1, 1991, and April 1, 1992 -- Expiration -- Fees prorated -- Medical waiver.

Section 13. Section 11 of this Act takes effect September 30, 2002.

Section 14. Whereas the terrorist attacks of September 11, 2001, unveiled a war being waged on America and all Americans, both at home and abroad, by a wide spectrum of terrorists. And whereas United States Government officials have credible information that these cowardly terrorists are attempting to surreptitiously obtain commercial drivers licenses in order to commit criminal acts against the nation's infrastructure by using commercial motor vehicles as weapons of mass destruction. And whereas because the identities of these and future terrorists remain unknown, it is crucial for the Commonwealth to act as quickly as possible to protect its citizens, and by doing so protect all fellow Americans, through the strengthening of state laws governing operators of commercial motor vehicles, an emergency is declared to exist, and Sections 1 to 10 and Section 12 of this Act take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**Approved April 5, 2002**