

CHAPTER 233

(HB 707)

AN ACT relating to commercial driver's licenses and declaring an emergency.

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

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

- (1) (a) Except as provided in subsection ~~(4)~~~~(3)~~ of this section, the State Police shall be responsible for administering both the knowledge and skills test required by KRS 281A.130.
- (b) *Applicants who fail the written knowledge test shall be permitted to retake the written test on the next day the tests are administered. Applicants who fail the written test six (6) times shall be required to wait three (3) days before taking the knowledge test again. Applicants who subsequently fail the written test three (3) additional times shall be required to wait three (3) days prior to retaking the test.*
- (2) (a) *Except as provided for in subsection (3) of this section, at the time a CDL permit is issued:*
 1. *An applicant who has held a Kentucky operator's license for thirty (30) days or longer shall pay a skills testing fee of fifty dollars (\$50); and*
 2. *An applicant who has held a Kentucky operator's license for less than thirty (30) days shall pay a skills testing fee of one hundred fifty dollars (\$150).*
- (b) *There is created within the State Treasury a trust fund to be known as the State Police CDL skills testing fund. The fund shall be administered by the State Police and shall receive all skills testing and retesting fees collected under subsections (2)(a) and (6)(c) of this section, in addition to any grants, gifts, or appropriations of state or federal moneys, and any interest earned on moneys in the fund. Moneys in the fund shall not lapse and shall be carried forward to the next succeeding fiscal year. The State Police CDL skills testing fund shall be used by the State Police to contract with and train civilian CDL skills examiners and to improve the logistics of the CDL skills testing process.*
- (c) 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 application *and been issued a CDL permit. Except in extenuating circumstances, a retest for a failed portion of the skills test shall be given within three (3) days of a request of a retest.*
- (d) *An applicant shall provide a class representative commercial vehicle, for the class of CDL for which the applicant is testing, in which to take the skills test. Unless the State Police grant an exemption at the time the application for testing is made, the vehicle supplied under this paragraph shall be unloaded. Upon arrival for the skills test, the applicant shall have in his or her possession a valid Kentucky operator's license, a valid CDL permit, and a current Department of Transportation physical card. A CDL licensed driver who is at least twenty-one (21) years old shall accompany the applicant at all times the applicant is in operation of a commercial vehicle.*
- (3) *A testing fee shall not be charged to an individual applying for a CDL with an "S" restriction as defined in KRS 281A.170.*
- (4) The State Police may authorize a third party 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.~~

(5)~~(4)~~ The State Police shall promulgate administrative regulations under KRS Chapter 13A that establish procedures that ensure an arm's-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) 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) (a) 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.

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

(c) *An applicant who fails any portion of the skills test four (4) times shall be notified by the State Police that the applicant is required to wait one (1) week and pay a retest fee of fifty dollars (\$50) before retaking a portion of this skills test again.*

(d) *Failure of an applicant to notify the State Police prior to missing an appointment for a skills test shall be considered a failure, on all parts of the skills test scheduled to be given, for the purposes of determining number of failures, waiting periods, and retesting fees under paragraph (c) of this subsection for individual applicants. A missed appointment failure under this paragraph shall not be reported as a failure to the board.*

(e) The provisions of KRS 281A.150 notwithstanding, *an application*~~a~~ fee shall not be charged for each test that is retaken as a result of a failing score.

(7) 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) (a) 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.

(b) *Within ninety (90) days of the effective date of this Act, 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. Whereas the Kentucky State Police do not currently have the manpower to provide CDL testing on a timely and efficient basis, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or its otherwise becoming law.

Approved April 22, 2006.