

## CHAPTER 20

( HB 202 )

AN ACT relating to commercial driver's licenses.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 281A IS CREATED TO READ AS FOLLOWS:

(1) *The cabinet may waive the driving skills test for an applicant on active military service, or within ninety (90) days of separation of service, who:*

- (a) *Is currently licensed;*
- (b) *Has experience driving a vehicle in the military that would require a commercial driver's license to operate as a civilian;*
- (c) *Has a good driving record; and*
- (d) *Certifies and provides verification that, during the two (2) year period immediately prior to applying for a commercial driver's license, the applicant:*
  - 1. *Drove a motor vehicle in the military that was representative of the commercial driver's license class and endorsement for which he or she is applying;*
  - 2. *Has not had his or her operator's license or commercial driver's license suspended, revoked, or canceled, or been disqualified from operating a commercial motor vehicle;*
  - 3. *Has not been convicted of any of the disqualifying offenses in 49 C.F.R. sec. 383.51(b) while operating a commercial motor vehicle, or of any offense in a noncommercial vehicle that would be disqualifying under 49 C.F.R. sec. 383.51(b) if committed in a commercial motor vehicle;*
  - 4. *Has not been convicted of more than one (1) serious traffic violation, as defined in 49 C.F.R. sec. 383.5, while operating any type of motor vehicle;*
  - 5. *Has not been convicted of any violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a traffic accident;*
  - 6. *Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and*
  - 7. *Is or was regularly employed in a position in the Armed Forces of the United States requiring operation of a commercial motor vehicle of the group the applicant seeks to drive, and provides evidence of that employment in accordance with subsection (5) of this section.*

(2) *The skills test waiver process described in subsection (1) of this section shall be completed, and the commercial driver's license issued, within ninety (90) days of separation of service.*

(3) *Military personnel who obtain the skills test waiver under this section shall be required to take the knowledge test pursuant to Section 2 of this Act.*

(4) *Military personnel who obtain the skills test waiver under this section shall be required to pay the application fee as prescribed by KRS 281A.150, but shall not be charged the skills-testing fee as prescribed by KRS 281A.160.*

(5) *The cabinet shall promulgate administrative regulations under KRS Chapter 13A that establish an application form for waiver of the skills test by military personnel. As part of the application process, the applicant shall be required to provide:*

- (a) *A copy of the applicant's DD-214 form showing the applicant's military occupational specialty; or*
- (b) *A signed statement by the applicant's commanding officer or transportation officer, on a form provided by the cabinet, attesting to the fact that the applicant meets the requirements of this section.*

➔Section 2. KRS 281A.130 is amended to read as follows:

(1) A 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;
  - (c) Has complied with the provisions of KRS 281A.300;
  - (d) *Except as provided in Section 1 of this Act*, 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.
- (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 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.

**Signed by Governor March 16, 2011.**