

CHAPTER 11

(HB 192)

AN ACT relating to foster youth operator's license.

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

➔Section 1. KRS 186.450 is amended to read as follows:

- (1) A person who is at least sixteen (16) years of age may apply for an instruction permit to operate a motor vehicle. A person who possesses a valid intermediate motor vehicle operator's license issued under KRS 186.452 or a person who is at least eighteen (18) years of age may apply for an instruction permit to operate a motorcycle. A holder of either a motor vehicle or motorcycle instruction permit may also operate a moped under that permit. A person applying for an instruction permit under this section shall make application in the office of the circuit clerk in the county where the person lives. A person applying for an instruction permit shall be required to comply with the following:
 - (a) If the person is under the age of eighteen (18), the instruction permit application shall be signed by the applicant's parent or legal guardian. If the person does not have a living parent or does not have a legal guardian, the instruction permit application shall be signed by a person willing to assume responsibility for the applicant pursuant to KRS 186.590;~~and~~
 - (b) ***If the person is under the age of eighteen (18) and in the custody of the Cabinet for Health and Family Services, the instruction permit application shall be signed by:***
 1. ***The applicant's parent, legal guardian, grandparent, adult sibling, aunt, or uncle if the parental rights have not been terminated in accordance with KRS Chapter 625;***
 2. ***The foster parent with whom the applicant resides;***
 3. ***Another person who is at least age eighteen (18) and is willing to assume responsibility for the applicant pursuant to Section 3 of this Act; or***
 4. ***The applicant, without another person, upon verification by the Cabinet for Health and Family Services in accordance with Section 4 of this Act that shall include proof of financial responsibility in accordance with subsection (2) of Section 3 of this Act; and***
 - (c) All applicants for an instruction permit shall comply with the examinations required by KRS 186.480.
- (2) If an applicant successfully passes the examinations required by KRS 186.480, the applicant shall be issued an instruction permit upon payment of a six dollar (\$6) fee pursuant to KRS 186.531.
- (3)
 - (a) An instruction permit to operate a motor vehicle shall be valid for three (3) years and may be renewed. An instruction permit to operate a motorcycle shall be valid for one (1) year and may be renewed one (1) time.
 - (b) Except as provided in KRS 186.415, a person who has attained the age of sixteen (16) years and is under the age of eighteen (18) years shall have the instruction permit a minimum of one hundred eighty (180) days before applying for an intermediate license and shall have an intermediate license for a minimum of one hundred eighty (180) days before applying for an operator's license.
 - (c) A person who was under eighteen (18) years of age at the time of application for an instruction permit and is eighteen (18) years of age or older shall have the instruction permit a minimum of one hundred eighty (180) days and complete a driver training program under KRS 186.410(4) before applying for an operator's license.
 - (d) A person who is at least eighteen (18) years of age and is under the age of twenty-one (21) years at the time of application for an instruction permit shall have the instruction permit a minimum of one hundred eighty (180) days before applying for an operator's license.
 - (e) A person who is at least twenty-one (21) years of age at the time of application for an instruction permit shall have the instruction permit a minimum of thirty (30) days before applying for an operator's license.

- (f) In accordance with KRS 15A.352(5), a person whose motorcycle instruction permit has expired may apply to the circuit clerk to receive a motorcycle operator's license or endorsement if the person presents proof of successful completion of a motorcycle safety education course approved by the Justice and Public Safety Cabinet under KRS 15A.350 to 15A.366.
- (4) (a) A person shall have the instruction permit in his *or her* possession at all times when operating a motor vehicle, motorcycle, or moped upon the highway.
- (b) When operating a motor vehicle, a motor vehicle instruction permit holder shall be accompanied by a person with a valid operator's license who is at least twenty-one (21) years of age occupying the seat beside the operator at all times.
- (c) The requirements of paragraph (b) of this subsection shall not apply to a motor vehicle instruction permit holder being supervised on a multiple-vehicle driving range by a driver training instructor affiliated with a driver training school licensed under KRS Chapter 332 or a public or nonpublic secondary school.
- (5) A person with an instruction permit who is under the age of eighteen (18) shall not operate a motor vehicle, motorcycle, or moped between the hours of 12 midnight and 6 a.m. unless the person can demonstrate good cause for driving, including but not limited to emergencies, involvement in school-related activities, or involvement in work-related activities.
- (6) Except when accompanied by a driver training instructor affiliated with a driver training school licensed under KRS Chapter 332 or a public or nonpublic secondary school, a person with an instruction permit who is under the age of eighteen (18) years shall not operate a motor vehicle at any time when accompanied by more than one (1) unrelated person who is under the age of twenty (20) years. A peace officer shall not stop or seize a person nor issue a uniform citation for a violation of this subsection if the officer has no other cause to stop or seize the person other than a violation of this subsection. This subsection shall not apply to any operator of a vehicle registered under the provisions of KRS 186.050(4) who is engaged in agricultural activities.
- (7) A violation under subsection (4), (5), or (6) of this section, a conviction for a moving violation under KRS Chapter 189 for which points are assessed by the cabinet, or a conviction for a violation of KRS 189A.010(1) shall add an additional minimum of one hundred eighty (180) days from the date of the violation before a person who is under the age of eighteen (18) years may apply for an intermediate license to operate a motor vehicle, motorcycle, or moped.
- (8) A person under the age of eighteen (18) who accumulates more than six (6) points against his *or her* driving privilege may have the driving privilege suspended pursuant to KRS Chapter 186 or probated by the court.
- (9) An applicant for relicensing after revocation shall pay the clerk a fee of twenty-five dollars (\$25). The twenty-five dollar (\$25) fee shall not apply to any person whose license was suspended for failure to meet the conditions described in KRS 186.411 when, within one (1) year of suspension, the driving privileges of such individuals are reinstated and persons reinstated pursuant to KRS 159.051.

➔Section 2. KRS 186.470 is amended to read as follows:

- (1) (a) ***Except as provided in paragraphs (b) and (c) of this subsection***, the application of any minor under the age of eighteen (18) for an operator's license, motorcycle operator's license, intermediate license, or any instruction permit shall not be granted unless the application is signed by a parent or legal guardian of the applicant. Regardless of which parent signs the application, both parents shall be responsible as provided in KRS 186.590.†
- (b) ***The application of a minor who is under the age of eighteen (18) and in the custody of the Cabinet for Health and Family Services shall be signed by:***
1. ***The applicant's parent, legal guardian, grandparent, adult sibling, aunt, or uncle if the parental rights have not been terminated in accordance with KRS Chapter 625;***
 2. ***The foster parent with whom the applicant resides;***
 3. ***Another person who is at least age eighteen (18) and is willing to assume responsibility for the applicant pursuant to Section 3 of this Act; or***
 4. ***The applicant, without another person, upon verification by the Cabinet for Health and Family Services in accordance with Section 4 of this Act that shall include proof of financial responsibility in accordance with subsection (2) of Section 3 of this Act.***

- (c) If the minor does not have a father, mother, or guardian, **and has not applied under paragraph (b) of this subsection**, an operator's license, intermediate license, or instruction permit shall not be granted to the minor unless his **or her** application is signed by a person willing to assume the obligation imposed by KRS 186.590 upon a person signing the application of a minor. ~~†~~
- (d) A signature shall not be required in the case of the renewal of a minor's license but the signature on the original application shall continue to make the parent, guardian, or other person liable under the provisions of KRS 186.590 on all renewals of the minor's license until he **or she** reaches the age of eighteen (18) unless the license, or any renewal thereof, is canceled as provided in subsection (3) of this section.
- (2) The application shall include parental consent **or the minor's consent** for the receipt and release of the information as set forth in KRS 159.051 regarding the attendance and academic requirements for a minor to acquire and keep an operator's license, intermediate license, instructional permit, or privilege to operate a motor vehicle.
- (3) (a) A parent or a guardian of a minor applicant, **or a person who signed for a minor applicant under subsection (1)(b) or (1)(c) of this section**, may file with the cabinet a verified written request that the license of the minor be canceled. **A minor's foster parent shall share a request made in accordance with this paragraph with the Cabinet for Health and Family Services.**
- (b) **A representative of the Cabinet for Health and Family Services may file with the cabinet a verified written request that the license of a minor child in the custody of the Cabinet for Health and Family Services be canceled.**
- (c) **Upon the filing of a request under paragraph (a) or (b) of this subsection**, ~~Thereupon~~ the license of the minor shall be canceled and ~~any~~ ~~the~~ person who signed the application shall be relieved as to subsequent acts of the minor from the liability imposed by subsection (1) of KRS 186.590.
- (4) ~~The cabinet~~ Upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license, **the cabinet** shall have the license canceled and no new license shall be issued to the minor until a new application, signed and verified, is made as required by this section.

➔Section 3. KRS 186.590 is amended to read as follows:

- (1) Any negligence of a minor under the age of eighteen (18) who has been licensed upon an application signed as provided by KRS 186.470, when driving any motor vehicle upon a highway, shall be imputed to the person who signed the application, **if required**, of the minor for the license. That person shall be jointly and severally liable with the minor for any damages caused by the negligence.
- (2) If a minor deposits or there is deposited in his **or her** behalf, a proof of financial responsibility in form and amounts required by KRS ~~304.39-110~~ ~~Chapter 187~~, the person who signed the application shall not, while such proof is maintained, be subject to the liability imposed by subsection (1). If the minor is the owner of a motor vehicle, the proof of financial responsibility shall be with respect to the operation of that motor vehicle; if not an owner, then with respect to the operation of any motor vehicle.
- (3) Every motor vehicle owner who causes or knowingly permits a minor under the age of eighteen (18) to drive the vehicle upon a highway, and any person who gives or furnishes a motor vehicle to the minor shall be jointly and severally liable with the minor for damage caused by the negligence of the minor in driving the vehicle.

➔Section 4. KRS 605.102 is amended to read as follows:

- (1) For the purposes of this section, "caregiver" has the same meaning as in 42 U.S.C. sec. 675(10)(B).
- (2) In accordance with 42 U.S.C. sec. 671, a caregiver shall use the reasonable and prudent parent standard to determine whether to allow a child in the custody of the cabinet to participate in an age or developmentally appropriate extracurricular, enrichment, or social activity.
- (3) A caregiver shall not be liable as a result of the caregiver's approval of the participation of a child who is in the custody of the cabinet in an age or developmentally appropriate activity, so long as the caregiver acts in accordance with the reasonable and prudent parent standard. No provision in any agreement between the cabinet and a caregiver shall diminish the standard of care as set forth by this statute.

- (4) Nothing in this section is intended to abrogate or diminish the immunities of a cabinet official acting in the course and scope of the cabinet official's employment or create a legal duty on the part of a cabinet official.
- (5) ***The cabinet, in conjunction with the child's caregiver, shall utilize the reasonable and prudent parent standard to:***
- (a) ***Verify that a child is in the custody of the cabinet and is age or developmentally appropriate to apply for an operator's license, motorcycle operator's license, intermediate license, or any instruction permit in accordance with Section 1 or 2 of this Act; or***
 - (b) ***Request that a child's operator's license, motorcycle license, intermediate license, or any instruction permit be cancelled in accordance with Section 2 of this Act.***
- (6) ***The cabinet shall promulgate an administrative regulation to implement subsection (5) of this section.***

Signed by Governor March 10, 2017.