

CHAPTER 135**(HB 277)**

AN ACT relating to the licensing of motor vehicles and operators.

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

➔Section 1. KRS 138.715 is amended to read as follows:

- (1) If any licensee neglects or refuses to make the return or pay the tax at the time provided in KRS 138.685, a penalty of twenty percent (20%) of the tax and interest at the tax interest rate as defined in KRS 131.010(6) from the date when due shall be paid on the tax.
- (2) If any licensee subject to the penalty provided in subsection (1) of this section submits to the department in writing the reasons for failure to comply with KRS 138.660 to 138.7291 and if the department finds the reasons sufficient evidence or justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty enacted therein to five percent (5%) of the amount of the tax due and delinquent, provided the five percent (5%) penalty may be reduced to one percent (1%) if the violation is the first violation by the taxpayer within the twelve (12) months.
- (3) If the penalties provided by this section are collected by proceedings in court, an additional penalty of twenty percent (20%) shall be collected and distributed as is authorized by KRS 134.552. Whenever any licensee neglects or refuses to make and file any report for any calendar quarter as required by KRS 138.685, or files an incorrect or fraudulent report, the department shall determine after an investigation the amount of the liability which the licensee has incurred under KRS 138.660 to 138.7291 for any particular quarter and assess and collect the amount of tax and penalties due.
- (4) Any licensee who fails to make any report required under the provisions of KRS 138.660 to 138.7291 within the time allowed may be required to pay a penalty of ~~fifty dollars (\$50) for a first offense, two hundred fifty dollars (\$250) for a second offense, or five hundred dollars (\$500) for any subsequent offense~~ within any ~~four (4) year period~~. The penalty is to be assessed and collected in the manner provided for the assessment and collection of taxes, or the licensee may be proceeded against in a civil action instigated by the department. In addition, such licensee may be compelled to make the required return.
- (5) In any action for the collection of taxes due under KRS 138.660 to 138.7291 and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state and the burden of proof shall be on the licensee to show that the assessment was incorrect or contrary to law.

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

- (1) *The Commonwealth shall not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CDL holder's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law from appearing on the CDLIS driver record, whether the driver was convicted for an offense committed in the Commonwealth or another state.*
- (2) *This section shall not apply to the following violations:*
 - (a) *Parking;*
 - (b) *Vehicle weight; or*
 - (c) *Vehicle defect.*

➔Section 3. KRS 281A.165 is amended to read as follows:

- (1) The cabinet may waive the driving skills test for an applicant on active *or reserve* military service, *or who is a member of the National Guard*, or within *one (1) year* ~~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 *military*, state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a traffic accident, *and has no record of being at fault in an accident while driving a vehicle in the military that would require a commercial driver's license to operate as a civilian*;
 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 *one (1) year* [~~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 KRS 281A.130.
- (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 4. KRS 281A.170 (Effective until January 1, 2019) 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.
 7. "S" - Authorizes operation of school buses.
- (c) The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to outline restrictions on the operation of commercial vehicles and the associated codes to identify such restrictions, which shall appear on the face of the commercial driver's license.
- (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 to a resident 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 5. KRS 281A.170 (Effective January 1, 2019) 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 ~~feeler~~ 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 issued under this chapter shall contain a denotation that either:
- (a) The commercial driver's license is a voluntary travel ID identity document that complies with the security standards set forth by Pub. L. No. 109-13, Title II, and may be used for identification for federal purposes; or
 - (b) The commercial driver's license shall not be used for federal identification purposes.
- (3) 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.
 7. "S" - Authorizes operation of school buses.
- (c) The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to outline restrictions on the operation of commercial vehicles and the associated codes to identify such restrictions, which shall appear on the face of the commercial driver's license.
- (4) 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.
 - (5) A commercial driver's license issued to a resident pursuant to this chapter shall expire in eight (8) years unless the license was issued to a resident 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.
 - (6) 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.
 - (7) 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 186.4102 and 186.412.

➔Section 6. The following KRS section is repealed:

138.670 Amount and conditions of bond -- Cabinet may require new bond -- Additional bond -- Release of surety.

Signed by Governor April 10, 2018.