

**CHAPTER 123****( SB 199 )**

AN ACT relating to motor vehicles and making an appropriation.

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

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

***As used in this chapter:***

- (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 ~~percent~~~~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 ~~percent~~~~percentum~~ (0.5%) of alcohol by volume;
  - (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 ~~learner's~~~~[driver's instruction]~~ permit" or "**CLP**" 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 **C.F.R.** ~~pt. [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 *C.F.R. pt.* ~~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, a plea of guilty, a plea of nolo contendere, or Alford plea entered and accepted by the 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 any of the following actions:
- (a) The suspension, revocation, or cancellation of a CDL by the Commonwealth or the jurisdiction of issuance;
  - (b) Any withdrawal of a person's privilege to drive a commercial motor vehicle by the Commonwealth or another jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control, other than parking, vehicle weight, or vehicle defect violations; or
  - (c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. pt. 391;{+}
- (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" *or "operator's license"* means a license issued by a state 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 a term exceeding one (1) year;{+}
- (18) "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. In the absence of a value specified by the manufacturer, GCWR shall be determined by *the combined actual physical weight of the vehicle, including passengers, cargo, fuel, all other items, and, if towing, the tongue weight;* ~~adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and load therein.~~
- (19) "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) "Hazardous materials" has the same meaning as in 49 C.F.R. sec. 383.5;{+}
- (21) "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) "Imminent hazard" means a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a danger to health, property, or the environment exists;{+}
- (23) "Moped" shall have the same meaning as in KRS 186.010(5);{+}

- (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; ~~;~~
- (25) "NDR" means the national driver register; ~~;~~
- (26) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, commercial motor vehicle, or a motor carrier operation is out of service pursuant to 49 C.F.R. ~~secs.~~ ~~see~~ 386.72, 392.5, 395.13, or 396.9; comparable laws or regulations; or the North American Uniform Out-of-Service Criteria; ~~;~~
- (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; ~~;~~
- (28) "School bus" means a vehicle that meets the specification of KRS 156.153 used to transport preprimary, primary, or secondary school students between school and home, or to and from school-sponsored events. A school bus shall not include a bus used as a common carrier; ~~;~~
- (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;
  - (f) Driving a commercial motor vehicle without a CDL;
  - (g) Driving a commercial motor vehicle without a CDL in one's possession or refusing to display a CDL upon request;
  - (h) Driving a commercial motor vehicle without the proper class of CDL or endorsements, or both, for the specific vehicle type or types being operated or for the passengers or type or types of cargo being transported; or
  - (i) Any conviction of an offense that requires mandatory suspension under KRS 186.560 or a serious violation as defined by ~~Title~~ 49 C.F.R. ~~pt.~~ ~~of the Code of Federal Regulations Part~~ 383 ~~or as amended by the Federal Highway Administration~~; ~~;~~
- (30) ***"Severe forms of trafficking in persons" has the same meaning as in 22 U.S.C. sec. 7102;***
- (31) "State" means a state of the United States and the District of Columbia; ~~;~~
- ~~(32)~~~~(31)~~ "State police" means the Department of Kentucky State Police; ~~and~~ ~~;~~
- ~~(33)~~~~(32)~~ "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn along a public highway, except devices moved by human or animal power, used exclusively upon stationary rails or tracks, or which derives its power from overhead wires.
- ➔Section 2. KRS 281A.120 is amended to read as follows:
- (1) A commercial ***learner's*** ~~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 KRS 281A.300;
    - (b) Holds a valid Kentucky Class D operator's license;
    - (c) Is a citizen or permanent resident of the United States, or can provide to the cabinet documentation issued by the United States Citizenship and Immigration Services in the United States Department of

Homeland Security, authorizing the person to be in the United States and to be employed while in the United States; and

- (d) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven. *Commercial learner's*~~Instruction~~ permits shall be class specific.
- (2) A commercial *learner's*~~driver's instruction~~ permit may be issued to a resident eighteen (18) years of age who:
- (a) Has complied with the criminal history background check required by KRS 281A.300;
  - (b) Holds a valid Kentucky Class D operator's license;
  - (c) Is a citizen or permanent resident of the United States, or can provide to the cabinet documentation issued by the United States Citizenship and Immigration Services in the United States Department of Homeland Security, authorizing the person to be in the United States and to be employed while in the United States; and
  - (d) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven.

A commercial *learner's*~~driver's license instruction~~ permit issued under this subsection shall be valid only for the operation of a commercial motor vehicle in intrastate commerce that is not a school bus or a vehicle hauling hazardous material. The *CLP*~~instruction permit~~ shall be class specific and shall contain~~an~~ a "K"~~["I"]~~ restriction noting that the commercial driver is limited to Kentucky intrastate commerce.

- (3) A commercial *learner's*~~driver's instruction~~ permit shall not be issued to a resident for a period to exceed one hundred eighty (180) days. 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 *learner's*~~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 *learner's*~~driver's instruction~~ permit shall contain *the same elements and meet the same*~~, in addition to other information required by the cabinet, those~~ requirements *as those for commercial driver's licenses* 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 3. KRS 281A.140 is amended to read as follows:

- (1) The application for a commercial driver's license or commercial *learner's*~~driver's instruction~~ permit shall include the following information:
  - (a) The *applicant's* full legal name, *any*~~including~~ nicknames *or other names by which he or she is known*, 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 *C.F.R.* ~~[Code of Federal Regulations,]~~ secs. 383.71, 383.73, and 384.206, 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 186.4102 and 186.412;
  - (i) A birth certificate if the applicant does not hold a valid operator's license at the time of application;
  - (j) The name of every jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the ten (10) year period immediately preceding the date of the application; and
  - (k) 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 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 *or her* 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 ~~a~~ ~~the first~~ duplicate within the time period for which the original license was issued ~~⌋~~ shall apply to the Transportation Cabinet. 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 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 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.
- (5) A person who is a resident of this state 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 *or her* commercial driver's license for a period of at least sixty (60) consecutive days.
- ➔Section 4. KRS 281A.160 is amended to read as follows:
- (1) (a) Except as provided in subsection (4) of this section, the State Police shall be responsible for administering both the knowledge and skills test required by KRS 281A.130.
  - (b) ***Prior to taking the knowledge test, a first-time applicant for a hazardous materials endorsement shall complete the entry level driver training required under 49 C.F.R. pt. 380.***
  - (c) 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 *or an applicant who holds an out-of-state operator's license and commercial learner's permit* shall pay a skills-testing fee of one hundred fifty dollars (\$150).
- ~~(b) —~~ A person applying under subsection (8) of this section shall pay a skills-testing fee of one hundred fifty dollars (\$150).

- ~~(e)~~ 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 *paragraph*~~paragraphs~~ (a) ~~and (b)~~ of this subsection and subsection (6)(e) 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)(d)~~ The State Police, upon request of an applicant who has passed both the vision and knowledge tests, **and has successfully completed all of the entry level driver training required under 49 C.F.R. pt. 380 for the license class and endorsements the applicant seeks**, 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 fourteen (14) 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)(e)~~ 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 and a valid CDL permit. 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:
- (a) An individual applying for a CDL with an "S" endorsement as defined in KRS 281A.170; or
  - (b) Military personnel applying for a CDL under KRS 281A.165.
- (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 *C.F.R. sec.* ~~Code of Federal Regulations, Part~~ 383.75, as adopted by the Transportation Cabinet.
- (5) The State Police shall promulgate administrative regulations **in accordance with**~~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.
- (6)
  - (a) Applicants shall be permitted to take the 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 before retaking a portion of this skills test again.
  - (d) Failure of an applicant to notify the State Police at least forty-eight (48) hours prior to missing an appointment for a skills test, or provide a written medical excuse from a licensed physician, advanced registered nurse practitioner, or physician's assistant, 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 paragraphs (c) and (e) of this subsection for individual applicants. The fees for a missed appointment failure shall be forfeited and retained in the State Police CDL skills-testing fund established under this section. If the forty-eight (48) hour notice or medical excuse is given, the fee shall be applied to the rescheduled test. A missed appointment failure under this paragraph shall not be reported as a failure to the board.

- (e) Except as provided for in paragraph (d) of this subsection, at the time of application for a retest under this subsection, the applicant shall pay a retesting fee of fifty dollars (\$50).
- (7) (a) 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(7) and shall receive his or her 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.
- (b) Subject to paragraphs (c) and (d) of this subsection, a person who possessed a Kentucky commercial driver's license that has expired for a period of less than five (5) years and was not subject to suspension, withdrawal, revocation, or disqualification for any reason at the time of expiration may have that license reinstated, with all endorsements, without submitting to the skills and knowledge tests by applying to the cabinet for renewal. Upon submission of medical certification, driver self-certifications required under KRS 281A.140(1)(f), successful completion of any necessary criminal background check, and review of the person's driving history record, the cabinet shall issue a renewal CDL, with all endorsements, to an applicant under this paragraph.
- (c) A person who otherwise meets the requirements of paragraph (b) of this subsection whose CDL was subject to suspension or revocation solely for failure to provide medical certification may apply for renewal of a CDL under paragraph (b) of this subsection.
- (d) If the CDL held by a person who otherwise meets the requirements of paragraph (b) of this subsection carried a hazardous materials endorsement, and the applicant wishes to retain that endorsement, he or she shall complete any examinations required for a hazardous materials endorsement renewal in KRS 281A.180(2) prior to renewing the CDL under paragraph (b) of this subsection.
- ~~(8) An applicant who is not a resident of the Commonwealth, possesses both a valid operator's license and a commercial driver's instruction permit, and has complied with all necessary federal requirements may take a commercial driver's license skills test under this section.~~
- ~~(9) (a) The commissioner of the Department of Kentucky State Police shall promulgate administrative regulations *in accordance with* [pursuant to the provisions of] KRS Chapter 13A to implement the provisions of this section.~~
- ~~(b) The State Police shall promulgate administrative regulations *in accordance with* [under] KRS Chapter 13A to set forth the qualifications for contract examiners retained under subsection (2)(b)(e) of this section.~~

➔Section 5. 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 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 *gross vehicle weight rating*. Licensees with a "B" classification may with the proper endorsements drive Class C vehicles;{+}
  3. Class C - Any single vehicle with a gross *vehicle* 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 *C.F.R. secs. 172.500 to 172.560{+}, ~~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, *including mopeds; and*{+}
  5. ~~{Class E - Moped only.~~
  6. ~~{Class M - Motorcycles. Licensees with a "M" classification may also drive mopeds}{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; *and*{+}
  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 *or she* has a "K"~~an "I"~~ restriction. A commercial driver with a "K"~~an "I"~~ restriction shall not drive a commercial motor vehicle in interstate commerce, unless he *or she* is exempt pursuant to 49 C.F.R. *sec.* 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. KRS 281A.165 is amended to read as follows:

- (1) The cabinet may waive the *written knowledge test, the* driving skills test, *or both*, for an applicant on active or reserve military service, or who is a member of the National Guard, or within one (1) year 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 ~~(4)~~~~(5)~~ of this section; *and*
  - (e) *If applying for a license endorsement, provides the verification for a testing waiver required under 49 C.F.R. sec. 838.77(c).*
- (2) The *written knowledge and* 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 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 *written knowledge and* 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.
- ~~(4)~~~~(5)~~ The cabinet shall promulgate administrative regulations *in accordance with*~~under~~ KRS Chapter 13A that establish an application form for waiver of the *written knowledge and* 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; *and*~~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 7. KRS 281A.190 is amended to read as follows:

- (1) A person who holds or is required to hold a CDL shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if convicted of:
- (a) Driving or being in physical control of a motor vehicle under the influence of alcohol or a controlled substance;
  - (b) Driving or being in physical control of a motor vehicle while the alcohol concentration of the person's blood or breath or urine is four hundredths (0.04) or more;
  - (c) Leaving the scene of an accident involving a motor vehicle driven by a person who holds or is required to hold a CDL;
  - (d) Using a motor vehicle in the commission of any felony listed in KRS 186.560;
  - (e) Refusing to submit to testing as required by KRS 281A.220 when driving a motor vehicle;
  - (f) Committing a first violation of driving a commercial motor vehicle while the person's commercial driver's license is revoked, suspended, or canceled, or when the person is disqualified from operating a commercial motor vehicle; or
  - (g) Causing a fatality through negligent or criminal operation of a commercial motor vehicle.
- (2) A person who holds or is required to hold a CDL shall be disqualified for life if convicted of two (2) or more violations of any of the offenses specified in subsection (1) of this section or any combination of those offenses~~[-]~~ arising from two (2) or more separate incidents. The provisions of this subsection shall only apply to convictions that occurred after the disqualification dates established by the Federal Motor Carrier Safety Administration. The Transportation Cabinet shall set forth those dates in an administrative regulation promulgated *in accordance with*~~[-]~~~~[-]~~~~[-]~~ KRS Chapter 13A.
- (3) If any violation specified in subsection (1) of this section occurred while transporting a hazardous material required to be placarded, the person who holds or is required to hold a CDL shall be disqualified for a period of three (3) years.
- (4) Notwithstanding any other provisions of law, a period of suspension, revocation, or disqualification imposed under the provisions of this chapter shall not be reduced. However, in accordance with the provisions of ~~[-]~~~~[-]~~~~[-]~~ *Title* 49 *C.F.R. pt. [-]*~~[-]~~~~[-]~~ *Code of Federal Regulations, Part* 383, the cabinet may establish guidelines including conditions under which a disqualification of not less than ten (10) years may be imposed.
- (5) A person who holds or is required to hold a CDL shall be disqualified from driving a commercial motor vehicle for life *if the person is convicted*~~[-]~~~~[-]~~~~[-]~~ *of any felony in which a commercial motor vehicle was used and that involved:*~~[-]~~~~[-]~~~~[-]~~
- (a) The manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance; *or*
  - (b) *An act or practice of severe forms of trafficking in persons.*
- (6) A person who holds or is required to hold a CDL shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations, or one hundred twenty (120) days consecutively if convicted of three (3) serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three (3) year period.
- (7) A person who holds or is required to hold a CDL shall be disqualified for the first offense from driving a commercial motor vehicle for six (6) months if the person has been convicted of committing any of those offenses enumerated in KRS 186.610 involving a commercial motor vehicle, commercial driver's license, or application for that license. For the second and each subsequent offense, the person shall be disqualified from operating a commercial motor vehicle for a period of one (1) year.
- (8) The cabinet shall deny a person a commercial driver's license or shall suspend, revoke, or cancel his *or her* commercial driving privilege, subject to a hearing conducted in accordance with KRS 189A.107, when the cabinet has reason to believe that the person refused to submit to a test to determine his *or her* alcohol concentration while driving a commercial motor vehicle.

- (9) If a person who holds or is required to hold a CDL is convicted of any of the railroad crossing offenses or conduct enumerated in KRS 189.500, 189.560, and 189.565, then the person shall be disqualified from operating a commercial motor vehicle for a period of:
- Sixty (60) days for the first offense;
  - One hundred twenty (120) days for the second offense within a three (3) year period; and
  - One (1) year for the third or subsequent offense within a three (3) year period.
- (10) If a person who holds or is required to hold a CDL violates an out-of-service order while transporting nonhazardous materials, then the person shall be disqualified from operating a commercial motor vehicle for a period of:
- One hundred eighty (180)**~~Ninety (90)~~ days for the first offense;
  - Two (2) years**~~One (1) year~~ for the second offense in a separate incident within a ten (10) year period; and
  - Three (3) years for the third or subsequent offense in a separate incident within a ten (10) year period.
- (11) If a person who holds or is required to hold a CDL violates an out-of-service order while transporting hazardous materials required to be placarded under the 49 U.S.C. sec. 5101 et seq., or operating a commercial motor vehicle designed to transport sixteen (16) or more passengers, including the driver, then the person shall be disqualified from operating a commercial motor vehicle for a period of:
- One hundred eighty (180) days for the first offense; and
  - Three (3) years for the second or subsequent offense in a separate incident within a ten (10) year period.
- (12) A person who violates the provisions of KRS 281A.205 shall be fined fifty dollars (\$50) for the first offense. For a subsequent offense, a violator shall be fined one hundred dollars (\$100) and shall have his or her school bus endorsement suspended for a period of six (6) months.
- (13) After disqualifying a commercial driver's license holder or suspending, revoking, or canceling a commercial driver's license, the Transportation Cabinet shall update its records to reflect that action within ten (10) days of receipt. After disqualifying a commercial driver's license holder or suspending, revoking, or canceling an out-of-state commercial driver's license holder's privilege to operate a commercial motor vehicle for at least sixty (60) days, the Transportation Cabinet shall notify the licensing authority of the state which issued the commercial driver's license or commercial **learner's**~~driver's instruction~~ permit with this information within ten (10) days. The notification shall include both the disqualification and the violation that resulted in the disqualification, suspension, cancellation, or revocation.
- (14) Upon notice from the Federal Motor Carrier Safety Administration that a driver has been determined to be an imminent hazard and has been disqualified from operating a commercial motor vehicle, the cabinet shall act in accordance with the provisions of 49 C.F.R. sec. 383.52. The cabinet shall notify the driver of the disqualification, which shall not exceed one (1) year in duration, and of the right to appeal to the Federal Motor Carrier Safety Administration in accordance with 49 C.F.R. sec. 383.52.

➔Section 8. KRS 281A.270 is amended to read as follows:

The Transportation Cabinet may adopt ~~in whole or in part~~ those federally mandated requirements set forth in ~~Title~~ 49 **C.F.R. pt. 383**~~, Code of Federal Regulations, Part~~ 383, notwithstanding the fact that the provisions may conflict with other provisions of this chapter.

➔Section 9. KRS 281A.185 is amended to read as follows:

- The Commonwealth shall not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a **CLP or** 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.
- This section shall not apply to the following violations:
  - Parking;
  - Vehicle weight; or

(c) Vehicle defect.

➔Section 10. KRS 281A.090 is amended to read as follows:

- (1) Except when driving under a commercial *learner's*~~[driver's instruction]~~ permit and accompanied by the holder of commercial driver's license valid for the vehicle being driven, no person shall drive a commercial motor vehicle on the highways of this state unless the person holds a valid commercial driver's license with applicable endorsements valid for the vehicle he or she is driving.
- (2) No person shall drive a commercial motor vehicle on the highways of this state while his or her driving privilege for a commercial or noncommercial motor vehicle is suspended, revoked, or canceled, or while he or she is subject to a disqualification, or in violation of an out-of-service order.
- (3) The licensee shall have in his or her immediate possession at all times when operating a motor vehicle his or her commercial driver's license, and shall display the license upon demand to the Transportation Cabinet, a license examiner, a peace officer, a State Police officer, or an inspector or officer of the Department of Vehicle Regulation. It shall be a defense to a violator of this subsection if the person so charged produces in court a commercial driver's license, issued to him or her before his or her arrest or violation and which was valid at that time.

➔Section 11. 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 KRS 281A.165, 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 C.F.R. pt. [, 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 *learner's*~~[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 *commercial learner's*~~[instruction]~~ permit complies with the requirements of subsections (2) and (3) of this section, the Transportation Cabinet 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 Transportation Cabinet 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.

➔Section 12. KRS 281A.150 is amended to read as follows:

- (1) Every person seeking a commercial driver's license or a commercial *learner's*~~[driver's instruction]~~ permit shall first apply in person to the cabinet. The application shall be in the form prescribed by KRS 281A.140 as provided by the cabinet. Except as provided in KRS 281A.160(6), each time a person applies for a commercial driver's license, *a commercial learner's*~~[an instruction]~~ permit, or seeks to upgrade or change his or her commercial driver's license, the person shall be required to:
  - (a) Update the application; and
  - (b) Submit the appropriate fee to the cabinet.

- (2) In addition to the fees for an operator's license under KRS 186.531, the cabinet shall set fees by administrative regulation, *in accordance with* ~~in accordance with~~ ~~pursuant to~~ KRS Chapter 13A, for the following applications that shall not exceed:
- 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;
  - Thirty-five dollars (\$35) for each application for a commercial *learner's* ~~driver's instruction~~ permit;
  - Fifteen dollars (\$15) for each application for a change or addition in class or type of license, endorsement, or restriction; and
  - 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.
- (3) In addition to the fees for an operator's license KRS 186.531, the cabinet shall set fees by administrative regulation *in accordance with* ~~in accordance with~~ ~~pursuant to~~ KRS Chapter 13A, for the following commercial driver's licenses that shall not exceed:
- Forty-five dollars (\$45) for each initial or renewal of a commercial driver's license;
  - Sixty dollars (\$60) for each transfer of a commercial driver's license; and
  - Thirty dollars (\$30) for each initial or renewal of a commercial driver's license with an "S" endorsement.
- (4) All fees remitted to the cabinet shall be nonrefundable regardless of whether the applicant completes the requirements for a commercial driver's license or is tested.
- (5) All fees collected for the issuance of a commercial driver's license or a commercial *learner's* ~~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 (6) of this section. The accounts shall not lapse but shall be continuing from year to year.
- (6) All fees collected pursuant to this section ~~and~~ shall be allocated between the Transportation Cabinet and Department of Kentucky State Police, except a fifty cent (\$0.50) issuance fee shall be allocated to the general fund from issuance of a commercial driver's license permit *and* ~~and~~ a three dollar (\$3) issuance fee shall be allocated to the general fund from issuance of a commercial driver's license.
- (7) Any applicant who seeks reinstatement of his or her 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 or her commercial driving privilege was withdrawn only as a result of the withdrawal of his or her privilege to drive a noncommercial motor vehicle.
- (8) ~~Beginning July 1, 2020,~~ As payment for any fee identified in this section, the cabinet:
- Shall accept cash and personal checks; and
  - May accept other methods of payment in accordance with KRS 45.345.

➔ Section 13. KRS 281A.240 is amended to read as follows:

- Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle in this state if the person has a valid commercial driver's license or commercial *learner's* ~~driver's license instruction~~ permit issued by any state, Canada, or Mexico in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's *licenses* ~~license~~, if:
  - The person's driving privilege is not suspended, revoked, or canceled; and
  - ~~if~~ The person is not disqualified from driving a commercial motor vehicle or subject to an out-of-service order.
- The Commonwealth of Kentucky shall give all out-of-state convictions full faith and credit and treat them for sanctioning purposes under this chapter as if they occurred in this state. Except as otherwise provided, when in this chapter reference is made to an offense which is a violation of a provision of this chapter or other

Kentucky state law, the reference shall be deemed to include offenses under any local ordinance, any federal law, any law, or local ordinance of another state substantially similar to any provision of the Kentucky Revised Statutes.

➔Section 14. KRS 281A.300 is amended to read as follows:

- (1) (a) Any person initially applying for, or ~~initially~~ renewing, a Kentucky CDL ~~{instruction permit} or CLP{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 State Police.
- (b) All initial and renewal application forms for a Kentucky CDL ~~or CLP{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 ~~CLP{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 ~~CLP{CDL instruction permit}~~ upon enrollment, however the status of the applicant retaining the ~~CLP{CDL instruction permit}~~ shall not be determined until the results of the background checks are made available to the cabinet. The cabinet shall inform an applicant, based upon the criminal history background check, of the applicant's eligibility to be issued a ~~CLP{CDL instruction permit}~~ or CDL. The cabinet shall promulgate administrative regulations *in accordance with* ~~under~~ KRS Chapter 13A to specify conditions that will cause a person to be denied a ~~CLP{CDL instruction permit}~~ or CDL based upon the person's criminal history background check.
- (3) Any fee charged by the 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 15. KRS 281A.020 is amended to read as follows:

- (1) It is the purpose of this chapter to implement the Federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of *Pub. L. No.* ~~{Public Law}~~ 99-570) and reduce or prevent commercial vehicle accidents, fatalities and injuries by:
  - (a) Permitting commercial drivers to hold only one (1) license;
  - (b) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses as herein defined; and
  - (c) Strengthening commercial driver licensing and testing standards.
- (2) This chapter shall be liberally construed to promote the public health, safety, and welfare. As applied to commercial drivers, to the extent this chapter conflicts with general driver licensing provisions this chapter prevails. If this chapter is silent, general driver licensing provisions shall apply.
- (3) The issuance of a Class D~~, E,~~ or M license as set forth in KRS 281A.170 shall be in accordance with the general driver licensing statutes in KRS Chapter 186 and shall be subject to the fees as set forth in KRS 186.531 in addition to any other fee required by statute.
- (4) Any administrative action taken pursuant to this chapter against a Class A, B, or C license shall be in addition to any administrative action taken against a Class D~~, E,~~ or M license imposed under any other applicable statute.

➔Section 16. KRS 186.410 is amended to read as follows:

- (1) Every person except those exempted by KRS 186.420 and 186.430 shall, before operating a motor vehicle, motorcycle, or moped upon a highway, secure an operator's license as provided in this chapter.
- (2) Except as provided in KRS 186.4121, all original, renewal, and duplicate personal identification cards and licenses for the operation of motor vehicles, *or* motorcycles~~{or mopeds}~~ shall be applied for with the

Transportation Cabinet, or through alternative technology, and issued by the Transportation Cabinet. Subject to the provisions of KRS 186.4101, applications for renewal licenses and personal identification cards shall be made every eight (8) years within the birth month of the applicant. A license shall not be issued until the application has been certified by the cabinet and the applicant has, if required under KRS 186.635, successfully completed the examinations required under KRS 186.480.

- (3) All personal identification cards shall be issued under the provisions of KRS 186.4102, 186.4122, and 186.4123.
- (4) A person under the age of eighteen (18) years who applies for an instruction permit shall, at any time between the age of sixteen (16) and before the person's eighteenth birthday, enroll in one (1) of the following driver training programs:
  - (a) A driver's education course administered by a school district;
  - (b) A driver training school licensed pursuant to KRS Chapter 332 which offers a course meeting or exceeding the minimum standards established by the Transportation Cabinet; or
  - (c) State traffic school. The person may seek to enroll in state traffic school before the person's eighteenth birthday. Persons enrolling in state traffic school pursuant to this paragraph shall not be required to pay a fee.
- (5) Any applicant for any initial or renewal instruction permit, operator's license, or personal identification card under KRS 186.400 to 186.640 may apply for either:
  - (a) A voluntary travel ID document; or
  - (b) A standard document that does not meet standards for federal identification purposes.

➔Section 17. KRS 186.018 is amended to read as follows:

- (1) For purposes of maintaining driving history records of operators of motor vehicles of the Commonwealth, the files of the Transportation Cabinet shall be used to ascertain the driving history record of each person who is licensed to operate a motor vehicle within the Commonwealth.
- (2) Except as provided in *subsections (3) and (4)*~~subsection (2)~~ of this section, the Transportation Cabinet shall destroy, and shall not maintain, records of moving traffic convictions that are more than five (5) years old.
- (3) ~~Notwithstanding,~~ For any licensee who now holds, who has applied for, or has ever held a *commercial driver's license or commercial learner's permit*~~(Class A, B, or C license)~~ issued pursuant to *Section 2 of this Act* or KRS 281A.170, the cabinet shall keep conviction records indefinitely.
- ~~(4)(2)~~ The Transportation Cabinet shall not release information on the driving history record of a person under the age of twenty-one (21) whose operator license has been suspended pursuant to KRS 189A.010(6). The cabinet shall destroy, and shall not maintain, the record of the suspension of a person's operator's license if the license was suspended pursuant to KRS 189A.010(6), within five (5) working days of the person's operator's license being reinstated. This subsection shall not apply to a person who holds, or is required to hold, a commercial driver's license *or commercial learner's permit*.
- ~~(5)(3)~~ The cabinet shall charge a fee of three dollars (\$3) for any driving history record, ten cents (\$0.10) of which shall be deposited in a special account within the road fund to be used exclusively by the Transportation Cabinet for the state driver education program as designated in KRS 186.535.

➔Section 18. KRS 186.4122 is amended to read as follows:

- (1) As used in this section, "applicant" means a person who is a citizen or permanent resident of the United States.
- (2) The Transportation Cabinet shall issue a personal identification card to an applicant who:
  - (a) Is a Kentucky resident;
  - (b) Applies in person to the cabinet or through alternative technology; and
  - (c) Complies with the provisions of this section.
- (3) Upon application for a personal identification card under this section, the cabinet shall capture a photograph of the applicant in accordance with KRS 186.4102(1).

- (4) (a) Except as provided in paragraph (b) of this subsection, the cabinet shall electronically scan the documents required for application under this section and shall electronically retain the application, supporting documents, and the photograph of the applicant. The cabinet shall present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification card is mailed to the applicant by the Transportation Cabinet.
- (b) The cabinet shall only electronically scan the birth certificate of an individual applying for a voluntary travel ID personal identification card. If the applicant is not seeking such a document, the cabinet shall not electronically scan the applicant's birth certificate.
- (c) An applicant for a personal identification card shall not be required to surrender the applicant's birth certificate for image capture, image storage, or image transmission to any entity, including the federal government, unless express consent is given by the applicant during the course of obtaining a voluntary travel ID personal identification card.
- (5) (a) An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under KRS 186.412, except if an applicant does not have an established and fixed nighttime residence of regular return, the applicant may:
1. Until July 1, 2025, use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky; or
  2. On or after July 1, 2025, follow the procedures outlined in KRS 186.412(3).
- (b) An applicant who does not have an established and fixed nighttime residence of regular return shall not be issued a voluntary travel ID personal identification card.
- (c) An applicant for a personal identification card who is at least sixteen (16) years of age but less than eighteen (18) years of age shall not be required to obtain a signature of a parent or legal guardian on the application if the applicant has been verified as a homeless child or youth, as defined in 42 U.S.C. sec. 11434a(2), by at least one (1) of the following:
1. A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless people;
  2. A local educational agency liaison for homeless children and youths designated pursuant to 42 U.S.C. sec. 11432(g)(1)(J)(ii), or a school social worker or school counselor;
  3. The director or director's designee of a federal TRIO Program or a Gaining Early Awareness and Readiness for Undergraduate Program; or
  4. A financial aid administrator for an institution of higher education.
- (d) It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.
- (e) If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.
- (6) (a) Every applicant for a personal identification card under this section shall swear an oath to the cabinet as to the truthfulness of the statements contained on the application form.
- (b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the cabinet when applying for the card.
- (7) A personal identification card issued under this section shall be valid for a period of eight (8) years from the date of issuance, except that if the personal identification card is issued to a person who does not have an established and fixed nighttime residence of regular return, then the personal identification card shall be valid for one (1) year from the date of issuance.
- (8) (a) An applicant ~~shall not~~~~may~~ be issued a personal identification card if the applicant currently holds a valid Kentucky instruction permit or operator's license. ~~except that~~ A person shall not hold more than one (1) license or personal identification card ~~that is a voluntary travel ID identity document which~~



~~indicates that it meets the requirements for federal identification under Pub. L. No. 109-13, Title II, as referenced in KRS 186.4102(8)}.~~

- (b) If a person's instruction permit or operator's license has been suspended or revoked, the person may be issued a personal identification card. ~~Subject to the limitations in paragraph (a) of this subsection,~~ A personal identification card ~~shall~~~~may~~ be surrendered when the person applies to have his or her instruction permit or operator's license reinstated.

➔Section 19. KRS 186.4123 is amended to read as follows:

- (1) As used in this section, "applicant" means a person who is not a United States citizen and has not been granted status as a permanent resident of the United States.
- (2) The Transportation Cabinet shall issue a personal identification card to an applicant who:
  - (a) Is a Kentucky resident;
  - (b) Applies in person to either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office; and
  - (c) Complies with the provisions of this section.
- (3) Upon application for a personal identification card under this section, the cabinet shall capture a photograph of the applicant in accordance with KRS 186.4102(1).
- (4) The cabinet shall electronically scan the documents required for application under this section, supporting documents, and the photograph of the applicant into the cabinet's database.
- (5) (a) An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under KRS 186.412, along with other documents required under this section, except if an applicant does not have an established and fixed nighttime residence of regular return, the applicant may:
  1. Until July 1, 2025, use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky; or
  2. On or after July 1, 2025, follow the procedures outlined in KRS 186.412(3).
- (b) An applicant who does not have an established and fixed nighttime residence of regular return shall not be issued a voluntary travel ID personal identification card.
- (c) It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.
- (d) If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.
- (6) The application form under this section shall be accompanied by the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, authorizing the applicant to be in the United States. The Transportation Cabinet shall verify the information submitted under this subsection through the Systematic Alien Verification for Entitlements (SAVE) program.
- (7) The application form of a special status individual with a K-1 status shall be accompanied by an original or certified copy of the applicant's completed marriage license signed by the official who presided over the marriage ceremony and two (2) witnesses. The application form of a special status individual with a K-1 status shall also include the applicant's petition to enter the United States for the purpose of marriage that contains the name of the prospective spouse. If the name of the prospective spouse on the petition does not match the name of the spouse on the marriage license, the Transportation Cabinet shall not be required to issue an operator's license.
- (8) (a) The Transportation Cabinet shall verify and validate the immigration status and personal identity of an applicant under this section through federal government systems and databases.

- (b) If an applicant's identity and immigration status is validated, the cabinet shall capture a photograph of the applicant, ~~and~~ scan the required documents into the cabinet's database, and ~~shall~~ present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification card is mailed to the applicant.
- (c) An applicant under this section shall only be issued a standard personal identification card.
- (9) (a) An applicant shall apply to renew a personal identification card, or obtain a duplicate personal identification card, at the Transportation Cabinet in Frankfort or a Transportation Cabinet field office.
- (b) If a person has any type of change in his or her immigration status, the person shall apply to update with either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office within ten (10) days.
- (10) (a) Every applicant for a personal identification card under this section shall swear an oath to the Transportation Cabinet as to the truthfulness of the statements contained on the application form.
- (b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the cabinet when applying for the card.
- (11) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal personal identification card issued to an applicant who is not a special status individual shall be valid for a period equal to the length of time the applicant's documentation from the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is valid, or eight (8) years, whichever time period is shorter.
- (b) ~~A~~~~An initial or renewal~~ personal identification card shall be valid for a period of one (1) year if:
  1. The applicant is not a special status individual and the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is issued for an indefinite period of time and does not have an expiration date. The fee shall be the same as for a regular personal identification card; or
  2. The personal identification card is issued to a person who does not have an established and fixed nighttime residence of regular return.

➔Section 20. KRS 186.4125 is amended to read as follows:

~~{(1)—}~~In order to apply for a voluntary travel ID identity document under KRS 186.403, the applicant shall present the applicant's certified birth certificate or a valid, unexpired, United States passport or Permanent Resident Card (Form I-551).

~~{(2)—}~~For the purposes of KRS 186.400 to 186.640, an original hospital birth certificate signed by the attending physician shall be acceptable as certifying the birth date of an applicant for a standard instruction permit, operator's license, or personal identification card.

~~{(3)—}~~The Transportation Cabinet shall apply to the United States Department of Homeland Security for an exception to allow birth certificates described in subsection (2) of this section to be used to apply for a voluntary travel ID identity document under KRS 186.403.

➔Section 21. KRS 186.060 is amended to read as follows:

- (1) Applications for registration of motor vehicles leased or owned by a county, city, urban-county, or board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state or by the state or federal government shall be **submitted to the county clerk, who shall enter the application into AVIS and** ~~accompanied by a statement from the head of the department of the governmental unit that leases or owns the motor vehicle, certifying that the motor vehicle is leased or owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the cabinet, which shall give special authority to the clerk to register it. Upon receiving that authority, the clerk shall~~ issue a registration receipt and the official **license**~~number~~ plate described in KRS 186.240. **If the cabinet subsequently determines the registration should not have processed under this section, it may revoke**~~{(6), and report the registration to the head of the department authorizing}~~ the registration. For **providing the**~~his~~ services, **the entity requesting the registration under this section shall pay the fees described in Section 23 of this Act** ~~in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of three dollars (\$3) in each instance, to be paid by the department upon whose authorization such license was issued~~.

- (2) After *the issuance of a license plate under subsection (1) of this section* ~~[such registration of any vehicle leased or owned by a county, city, urban county, or board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or by the state or federal government and after issuance of such number plate for such vehicle so leased or owned]~~, no subsequent registration or renewal ~~[of same, and no subsequent renewal of a number plate of the vehicle]~~ shall be necessary so long as the vehicle is leased or owned by the governmental unit, except in the case of loss or destruction of the license plate. In the event of loss or destruction *of the license plate*, the *license* ~~[number]~~ plate shall be replaced in the same manner as if no plate had ever been issued.
- (3) When a motor vehicle leased or owned by *an entity allowed to use an official plate under this section* ~~[a county, city, urban county, or board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or by the state or federal government]~~ is transferred or sold to another governmental unit, a new license plate shall be issued for the vehicle in the same manner as provided for in subsection (1) of this section and shall have the same effect as given to such license plates in subsection (2) of this section.
- (4) ~~A~~ ~~[No]~~ person shall *not* use *any license plate that has been issued for use on a motor vehicle leased or owned by a governmental unit* on a motor vehicle *that is* ~~[ ]~~ not leased or owned by *an entity allowed to use an official plate under this section* ~~[a county, city, urban county, board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or the state or federal government, any license plate that has been issued for use on a motor vehicle leased or owned by the governmental unit]~~.
- (5) Notwithstanding the provisions of KRS 186.020 and 186.050, a governmental entity which leases a motor vehicle may have that vehicle equipped with an official plate under this section. Upon termination of the lease agreement, if ownership of the motor vehicle does not revert to an entity allowed to use an official plate under this section, the owner of the motor vehicle shall surrender the official plates and apply for registration under the provisions of KRS 186.050.

➔Section 22. KRS 186.1911 is amended to read as follows:

- (1) In any instance where a transfer of a motor vehicle ~~is~~ ~~[shall be]~~ accompanied by a certificate of title or registration and *the* ~~[such]~~ vehicle ~~:-~~
- (1) ~~—~~ has had the vehicle identification number removed, ~~or~~
- (2) ~~—~~ Has had the vehicle identification number altered, ~~or~~
- (3) ~~—~~ Has had the vehicle identification number defaced, or
- (4) ~~—~~ Has had the vehicle identification number covered,

the owner ~~thereof~~ shall, before delivery of the vehicle to any other person, obtain a replacement vehicle identification number from the manufacturer and affix it to the vehicle at the places specified by the Department of Vehicle Regulation or obtain a Kentucky identification number from the department and affix it to the vehicle at the places specified by the Department of Vehicle Regulation.

- (2) *Each application for a Kentucky identification number from the department shall be assessed a five dollar (\$5) fee, which shall be retained by the department to defray the costs of processing, producing, and transmitting the plates to the applicant.*

➔Section 23. KRS 186.040 is amended to read as follows:

- (1) Upon receiving the application and fee, the county clerk shall issue to the owner a certificate of registration containing the information required by subsection (2) of this section and a registration plate. If the cabinet finds that there is a shortage of materials suitable for making plates, or that a substantial saving will result, it may require by *an administrative regulation promulgated in accordance with KRS Chapter 13A and* with the approval of the Governor that *the* previously issued plates continue to be used for a designated period. Except as provided in subsection (3) of this section and in KRS 186.162, for services performed, the owner shall pay the county clerk the sum of six dollars (\$6) for each registration, or if the registration exceeds a twelve (12) month period, the clerk shall receive a fee of nine dollars (\$9).
- (2) The certificate of registration shall contain the registration number, the name and post office address of the owner, and such other information as the cabinet may require.

- (3) An owner who registers a vehicle under KRS 186.050 that has a declared gross vehicle weight with any towed unit of forty-four thousand and one (44,001) pounds or greater shall pay the county clerk thirty dollars (\$30) for each registration. The clerk shall retain the thirty dollar (\$30) fee for services performed under this subsection.
- (4) Any person requesting a certificate of registration or renewal of registration of any type of motor vehicle shall have the opportunity to donate one dollar (\$1) to the child care assistance account. The one dollar (\$1) donation shall be added to the regular fee for vehicle registration. One (*I*) donation may be made per issuance or renewal of vehicle registration. Donation to the child care assistance account shall be voluntary and may be refused by the applicant at the time of the issuance or renewal of any vehicle registration.
- (5) The county clerk may retain five percent (5%) of fees collected for the child care assistance account under subsection (4) of this section. The remaining funds shall be deposited into a trust and agency account in the State Treasury to the credit of the Cabinet for Health and Family Services for the exclusive use as follows:
  - (a) Funds shall be made available to the agencies that administer child care subsidy funds; and
  - (b) Funds shall be used as determined by the cabinet for working families whose income exceeds the state income eligibility limits for child day care assistance.
- (6) Except as provided in KRS 186.162, in addition to the registration fee provided for county clerks in subsections (1) and (3) of this section, an additional three dollars (\$3) per registration shall be collected by the county clerk at the time of registration. This additional fee shall be distributed as follows:
  - (a) One dollar (\$1) shall be placed in an agency fund to provide additional funds exclusively for technological improvements or replacement of the AVIS system. The operation and maintenance of AVIS shall remain as currently provided for from the operational budget of the Transportation Cabinet and shall not be reduced below the 2005-2006 funding level;
  - (b) One dollar (\$1) shall be placed in an agency trust fund to provide funds exclusively for technological improvements to the hardware and software in county clerk offices related to the collection and administration of road fund taxes. The Transportation Cabinet, in consultation with county clerks, shall allocate funds as necessary from this fund to be used for this exclusive purpose; and
  - (c) One dollar (\$1) shall be placed in a trust fund to be maintained by the Transportation Cabinet to provide an unrestricted revenue supplement, for operations of the office related to the collection and administration of road fund taxes, to county clerk offices in counties containing a population of less than twenty thousand (20,000), as determined by the decennial census, and for no other purpose. Annually, by March 1, the Transportation Cabinet shall calculate the amount collected in the previous calendar year and distribute the entire fund proportionate to each county that qualifies under this paragraph based on population. This revenue shall be considered current year revenue when paid to the clerk and shall not be identified as excess fees from the previous year.
- (7) *Any motor vehicle registration cancelled for nonrenewal shall be subject to the provisions of KRS 186.181.*
- (8) *The owner of a motor vehicle for which the registration has been cancelled under this section shall be subject to a reinstatement fee of forty dollars (\$40), payable to the county clerk. The county clerk shall retain twenty dollars (\$20) of the reinstatement fee and forward the remaining twenty dollars (\$20) to the cabinet.*

➔Section 24. KRS 186.050 is amended to read as follows:

- (1) The annual registration fee shall be eleven dollars fifty cents (\$11.50) for:
  - (a) Motor vehicles, including pickup trucks and passenger vans; and
  - (b) Motor carrier vehicles, as defined in KRS 281.010, primarily designed for carrying passengers or passengers for hire and having been designed or constructed to transport not more than fifteen (15) passengers, including the operator.
- (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for each motorcycle shall be nine dollars (\$9).
- (3) (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of **more than** ten thousand (10,000) pounds ~~or less, except those mentioned in subsections (1) and (2) of this section,~~ are classified as commercial vehicles and the annual registration fee ~~, except as provided in subsections~~

~~(4) to (14) of this section~~, shall be *as set forth in paragraph (b) of this subsection* ~~{eleven dollars and fifty cents (\$11.50)}~~.

- (b) **The registration fee for** all motor vehicles ~~{, except those mentioned in subsections (1) and (2) of this section, and those}~~ engaged in hauling passengers for hire which are designed or constructed to transport more than fifteen (15) passengers including the operator, ~~{whose registration fee}~~ shall be one hundred dollars (\$100). **The registration fee for all other** ~~{, are classified as}~~ commercial vehicles ~~{and the annual registration fee}~~, except as provided in subsections ~~{(3)(a) and}~~ (4) to ~~(10){(14)}~~ **and (13)** of this section, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-55,000	669.00
55,001-62,000	1,007.00
62,001-73,280	1,250.00
73,281-80,000	1,410.00

- (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six thousand (26,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that **the applicant** ~~{he}~~ is a farmer engaged in the production of crops, livestock, or dairy products, that **the applicant** ~~{he}~~ owns a truck of the gross weight of twenty-six thousand (26,000) pounds or less, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for **the applicant's** ~~{his}~~ farming operation, and the products grown on **the applicant's** ~~{his}~~ farm.
2. Any farmer owning a truck having a gross weight of twenty-six thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that **the applicant** ~~{he}~~ is a farmer engaged in the production of crops, livestock, or dairy products, that **the applicant** ~~{he}~~ owns a truck of the gross weight between twenty-six thousand one (26,001) pounds and thirty-eight thousand (38,000) pounds, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for **the applicant's** ~~{his}~~ farming operation and the products grown on **the applicant's** ~~{his}~~ farm.
- (b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the registration receipt shall be considered to be a certification that **the applicant** ~~{he}~~ is a farmer engaged solely in the production of crops, livestock, or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed, and machinery used in operating **the applicant's** ~~{his}~~ farm and the products grown on **the applicant's** ~~{his}~~ farm.

- (c) An initial applicant for, or an applicant renewing, his or her registration pursuant to this subsection, may at the time of application make a voluntary contribution to be deposited into the agricultural program trust fund established in KRS 246.247. The recommended voluntary contribution shall be set at ten dollars (\$10) and automatically added to the cost of registration or renewal unless the individual registering or renewing the vehicle opts out of contributing the recommended amount. The county clerk shall collect and forward the voluntary contribution to the cabinet for distribution to the Department of Agriculture.
- (5) Any person owning a ~~truck or~~ bus used solely in transporting school children and school employees may have the truck or bus registered as a school bus and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the ~~truck or~~ bus is used solely in the transportation of school children and persons employed in the schools of the district, that **the words "School Bus" are** ~~he has caused to be~~ printed on each side of the ~~truck or~~ bus and on the rear door ~~the words "School Bus"~~ in letters at least six (6) inches high, and of a conspicuous color, and the ~~truck or~~ bus will be used during the next twelve (12) months only for the purpose stated.
- (6) Any church or religious organization owning a ~~truck or~~ bus used solely in transporting persons to and from a place of worship or for other religious work may have the ~~truck or~~ bus registered as a church bus and obtain a license for eleven dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the ~~truck or~~ bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the ~~truck or~~ bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the ~~truck or~~ bus, and that during the next twelve (12) months the ~~truck or~~ bus will be used only for the purpose stated.
- (7) Any person owning a motor vehicle with a gross weight of fourteen thousand (14,000) pounds or less on which a wrecker crane or other equipment suitable for wrecker service has been permanently mounted may register the vehicle and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit that a wrecker crane or other equipment suitable for wrecker service has been permanently mounted on **the** ~~such~~ vehicle and that during the next twelve (12) months the vehicle will be used only in wrecker service. If the gross weight of the vehicle exceeds fourteen thousand (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of this section. The gross weight of a vehicle used in wrecker service shall not include the weight of the vehicle being towed by the wrecker.
- (8) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten (10) miles of the city limits of the city if it is a city with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census, or within five (5) miles of its limits if it is a city with a population of less than three thousand (3,000) based upon the most recent federal decennial census, or anywhere within a county containing an urban-county government, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay seventy-five percent (75%) of the fee set forth in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.
- (9) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where **the** ~~such~~ mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area or which are used exclusively for the transportation of concrete blocks or ready-mixed concrete from the point at which **the** ~~such~~ concrete blocks or ready-mixed concrete is produced to a construction site where **the** ~~such~~ concrete blocks or ready-mixed concrete is to be used, where **the** ~~such~~ construction site is located at a point not more than thirty (30) air miles from the point at which **the** ~~such~~ concrete blocks or ready-mixed concrete is produced shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent (75%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752.

The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

- (10) Any owner of a commercial vehicle registered for a declared gross weight in excess of eighteen thousand (18,000) pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056(2), may reregister ~~the[such]~~ vehicle and obtain a "For Sale" certificate of registration and ownership for one dollar (\$1). Title to a vehicle so registered may be transferred, but ~~the[such]~~ registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056(2) until ~~such time as~~ the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of ~~the[such]~~ vehicle to any purchaser thereof.
- (11) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be designated "Recreational vehicle." The foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any sleeping or eating facilities, or any commercial vehicle having sleeping facilities.
- (12) The registration fee on any vehicle registered under this section shall be increased fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.
- (13)
  - (a) The Department of Vehicle Regulation is authorized to negotiate and execute an agreement or agreements for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through, or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate administrative regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under ~~the[such]~~ agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in this section.
  - (b) Any owner of a commercial vehicle who is required to title his *or her* motor vehicle under this section shall first title ~~the[such]~~ vehicle with the county clerk pursuant to KRS 186.020 for a state fee of one dollar (\$1). Title to ~~the[such]~~ vehicle may be transferred; however title without proper registration shall not authorize the operation or use of the vehicle on any public highway. Any commercial vehicle properly titled in Kentucky may also be registered in Kentucky, and, upon payment of the required fees, the department may issue an apportioned registration plate to ~~the[such]~~ commercial vehicle.
  - (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which vehicle is subject to apportioned registration, as provided in paragraph (a) of this subsection, may be registered in Kentucky, and, upon proof of proper title and payment of the required fees, the department may issue an apportioned registration plate to the commercial vehicle. The department shall promulgate administrative regulations in accordance with this section.
- (14) Any person seeking to obtain a special license plate for an automobile that has been provided to him *or her* pursuant to an occupation shall meet both of the following requirements:
  - (a) The automobile shall be provided for the full-time exclusive use of the applicant; and
  - (b) The applicant shall obtain permission in writing from the vehicle owner or lessee on a form provided by the cabinet to use the vehicle and for the vehicle to bear the special license plate.
- (15) An applicant for any motor vehicle registration issued pursuant to this section shall have the opportunity to make a donation of two dollars (\$2) to promote a hunger relief program through specific wildlife management and conservation efforts by the Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an applicant elects to make a contribution under this subsection, the two dollar (\$2) donation shall be added to the regular fee for any motor vehicle registration issued pursuant to this section. One (1) donation may be made per issuance of each registration. The fee shall be paid to the county clerk and shall be transmitted by the State Treasurer to the Department of Fish and Wildlife Resources to be used exclusively for the purpose of

wildlife management and conservation activities in support of hunger relief. The county clerk may retain up to five percent (5%) of the fees collected under this subsection for administrative costs associated with the collection of this donation. Any donation requested under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal of a license plate.

- (16) In addition to the fees outlined in this section, the county clerk shall collect from the registrants of electric vehicles, electric motorcycles, and hybrid vehicles the electric vehicle ownership fees imposed in KRS 138.475. ***The county clerk may retain one dollar (\$1) of the fee collected under this subsection.***

➔Section 25. KRS 186A.035 is amended to read as follows:

- (1) (a) ***Except for vehicles described in paragraph (b) of this subsection,*** all motor vehicles, including motorcycles, with a gross vehicular weight of ***ten thousand (10,000)***~~six thousand (6,000)~~ pounds or less, first registered, or for which the registration is renewed~~in this state on or after January 1, 1983,~~ shall be placed in a system of year-round registration based upon the birth ~~date~~~~month~~ of the owner, in order to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve (12) months of the year.
- (b) ***Owners of the following motor vehicles may elect to register these vehicles on an annual registration schedule of April 1 to March 31:***
1. ***Farm vehicles registered under subsection (4) of Section 24 of this Act; or***
  2. ***Motor vehicles with a gross vehicular weight of ten thousand (10,000) pounds or less that are owned by a business.***
- (2) (a) If the owner of a motor vehicle is other than an individual, the month in which the owning entity came into being shall be used for purposes of this section.
- (b) If a motor vehicle is jointly owned, the owners shall indicate to the county clerk the birth ***date of the designated owner***~~month of one (1) of them~~ to be used for purposes of this section.
- (c) ~~In addition,~~ If a motor vehicle is jointly owned by a ***married couple***~~husband and wife~~, the ownership shall exist as a joint tenancy with right of survivorship, unless the registration expressly states to the contrary and gives an alternative specific status. ***One (1) of the owners shall indicate to the county clerk his or her birth date to be used for purposes of this section.*** Upon the death of one (1) of the spouses, the jointly-owned vehicle shall transfer to the surviving spouse free from payment of any state-required ~~transfer~~~~transferal~~ fees.
- (3) The certificate of registration and license plate issued for a motor vehicle first registered, renewed, or titled in this state~~on or after January 1, 1983,~~ shall be valid ***until the expiration date on the registration receipt,*** unless revoked in accordance with KRS 186A.040 or canceled by the cabinet in accordance with KRS Chapter 186 or this chapter~~, upon payment of the required fee, for a period beginning on the first day of the month of the year in which registration is applied for, and expiring on the last day of the next birth month of the owner following the month during which registration is applied for. Upon the owner's request, and after payment of the proper prorated fee, an owner may obtain a certificate of registration and license plate valid through the last day of his second birth month following the month and year in which he applied for a certificate of registration.~~ Any transaction relating to registration or registration renewal which would cause an unexpired Kentucky motor vehicle license plate to be surrendered shall have that unexpired fee prorated or credited against any additional fee required by a subsequent registration.
- (4) ***Except for vehicles registered under subsection (1)(b) of this section, KRS 186.041, 186.042, and 186.162 that have a specified, universal expiration date,*** after a motor vehicle has been initially placed in the system of year-round registration, the owner shall renew the registration annually during the owner's birth month, ***either*** by making application to the county clerk ***or on the cabinet's website,*** and paying the fee required for twelve (12) consecutive months of registration, which shall take effect on the first day of the month succeeding the owner's birth month and shall expire on the last day of the owner's next birth month. The county clerk shall ***collect the fees set forth in subsections (1) and (6) of Section 23 of this Act for each renewal***~~be entitled to a registration fee of two dollars (\$2) for each registration, or if the registration exceeds a twelve (12) month period, the clerk shall receive a fee of three dollars (\$3).~~
- (5) At least forty-five (45) days prior to the expiration of the registration of any motor vehicle previously registered in the Commonwealth as provided by subsection (1) of this section, the owner of the vehicle shall be notified by mail ***or email*** on the same notice required by KRS 134.805(5) of the date of expiration. Nonreceipt of the notice required by this subsection shall not constitute a defense to any registration-related offense.



- (6) Any owner who fails to renew the registration of a motor vehicle during the month in which the previous registration expired shall, if he *or she* applies for renewal of the registration in some later month, pay the same fees that would have been required if the registration had been renewed in the month which the previous registration expired, **and, if applicable, the reinstatement fee for a cancelled registration required under Section 23 of this Act.**
- (7) Fees which must be prorated in carrying out the intent of this section shall be prorated on the basis of twelfths of the annual registration fee. Any vehicle which is registered at any time during a month shall pay the fee required for that whole month plus any additional months of registration purchased consistent with the intent of the section.
- (8) The county clerk shall ensure that the certificate of registration issued to an owner displays the month and year in which the registration period begins and the month and year of its expiration, and shall issue to the owner a decal or decals corresponding to the month and year of expiration shown in the certificate of registration which shall be placed upon the corresponding license plate by the owner in the manner required by administrative regulations of the Department of Vehicle Regulation.

➔Section 26. KRS 281.720 is amended to read as follows:

Except for vehicles operating under a TNC, *peer-to-peer*, household goods, property, or U-Drive-It certificate, the department shall prescribe and furnish a motor carrier license plate, which shall at all times be displayed on each motor carrier vehicle authorized to be operated under a certificate. A person shall not transfer a motor carrier license plate from one (1) motor vehicle to another, except by the authority and with the consent of the department.

➔Section 27. KRS 138.655 is amended to read as follows:

As used in KRS 138.660 to 138.7291 and 138.990(13) and (14), unless the context requires otherwise:

- (1) "Cabinet" means the Transportation Cabinet;
- (2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof;
- (3) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair, or reconstruction; also including all city streets, alleys, and any way or place on which a toll is charged for using such way or place;
- (4) "Motor vehicle" means any vehicle, machine, or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semitrailer attached to or having its front end supported by such motor vehicle;
- (5) "Motor carrier" means every person who operates or causes to be operated on any highway in this state, any bus engaged in hauling passengers for hire operating under a certificate of convenience and necessity and any commercial truck or commercial tractor-trailer combination having a total of two (2) or more axles and a declared gross weight above twenty-six thousand (26,000) pounds. The number of axles shall include not only those axles on the power unit but if a tractor-trailer combination is involved, also those axles on the trailer or semitrailer:
  - (a) "Axle" means any two (2) or more load-carrying wheels mounted in a single transverse vertical plane;
  - (b) "Trailers and semitrailers" are those as defined in KRS 186.650(1) and (2), except that it does not include those trailers defined in KRS 186.650(3) and (4) and those exempted from regulation under KRS 186.675. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus;
  - (c) "Commercial" refers to any activity for business purposes; **and**
  - (d) For the purposes of KRS 138.660(3) motor carriers, trailers, and semitrailers shall not mean a farm vehicle as defined in KRS 186.050(4) or under another jurisdiction's law as a farm vehicle;
- (6) ~~"City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten (10) miles of its limits over a regular route and exclusively within the boundaries of this state;~~

- ~~(7)~~ "Heavy equipment motor carrier" means any person who operates on the public highways of this state as a "motor carrier" as defined in subsection (5) of this section, except that it shall not include motor vehicles used to transport persons for hire;
- ~~(7)~~~~(8)~~ "Trip permit" means a permit for the operating during a ten (10) consecutive day period of any motor vehicle of any "heavy equipment motor carrier" not licensed under KRS 138.665;
- ~~(8)~~~~(9)~~ "Licensee" means for purposes of KRS 138.660 to 138.7291 any person who has been granted a license as a "motor carrier" or a "heavy equipment motor carrier," or any motor vehicle in which a valid trip permit is carried;
- ~~(9)~~~~(10)~~ "Use" means the consumption of gasoline and special fuels in propelling motor vehicles on the public highways;
- ~~(10)~~~~(11)~~ "Gasoline" has the same meaning as in KRS 138.210;
- ~~(11)~~~~(12)~~ "Special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline;
- ~~(12)~~~~(13)~~ "Quarterly" for the purposes of KRS 138.660 to 138.7291 means a calendar quarter; **and**
- ~~(13)~~~~(14)~~ "Combined licensed weight" shall mean the greater of:
- (a) The declared combined maximum gross weight of the vehicle and any towed unit for registration purposes for the current registration period; or
  - (b) The highest actual combined gross weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration period.

➔Section 28. KRS 138.665 is amended to read as follows:

- (1) (a) ***Except as provided in paragraph (b) of this subsection,*** a license shall be required of each motor carrier or heavy equipment motor carrier subject to the provisions of KRS 138.660 before he ***or she*** uses or continues to use the public highways of this state.
- (b) ~~Notwithstanding the requirement in subsection (1)(a), the cabinet may issue a trip permit for each motor vehicle subject to KRS 138.660(1) for a fee of twenty dollars (\$20) for each permit. If the vehicle is subject to those taxes in KRS 138.660(1) to (3), the cabinet may issue a trip permit for each motor vehicle for a fee of forty dollars (\$40) for each permit.~~
- (2) Application for a license or trip permit shall be made to the cabinet ***by using the motor carrier portal***~~and shall contain such information as the cabinet deems necessary~~.
- (3) (a) ***Except as provided for in paragraph (b) of this subsection, if an***~~The~~ application in proper form ~~has~~~~having~~ been accepted for filing~~, the bond, if required, having been accepted~~ and approved, and the other conditions and requirements of this section ~~have~~~~having~~ been complied with, the cabinet shall issue a license.
- (b) ***The cabinet may refuse to issue a license:***
  1. ~~To~~~~However, if an application for a license is filed by~~ any person whose license has, at any time previously, been revoked for cause by the cabinet;~~;~~ or
  2. If the cabinet is of the opinion that:
    - a. The person who ~~made~~~~makes~~ the application ~~did~~~~does~~ so as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause;~~;~~ or
    - b. That the application is not for any other reason filed in good faith or is not sufficient cause~~, the cabinet may, after a hearing of which the applicant shall be given ten (10) days' notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person~~.
- (c) ***Any person who has been denied a license by the cabinet under paragraph (b) of this subsection may appeal that decision by requesting an administrative hearing, which shall be conducted in accordance with KRS Chapter 13B.***

- (4) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise canceled.
- (5) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.
- (6) ~~{The cabinet shall keep and file all applications and bonds, with an alphabetical index thereof.~~
- (7) ~~Each holder of a license required by subsection (1) shall display his license number or other identification on or in each vehicle subject to the taxes imposed by KRS 138.655 to 138.7291 in the manner prescribed by the cabinet.}~~The cabinet may require the license number or other identifier to be displayed so that it can be readily recorded either manually or electronically by cabinet representatives. In addition, the cabinet may require each individual unit in the license holder's fleet of vehicles subject to these taxes to be uniquely identified.
- (7)(8) The provisions of this section shall not apply to a nonresident motor carrier engaged in transporting passengers for hire in irregular route interstate charter or special operations, provided reciprocal privileges are granted to similar nonresident carriers by the laws and regulations of his *or her* state.

➔Section 29. KRS 138.675 is amended to read as follows:

- (1) If a licensee at any time files a false quarterly report of the information required or fails or refuses to file the quarterly report or to pay the full amount of the tax or violates any other provisions of KRS 138.655 to 138.725, inclusive, without a showing that such failure was due to reasonable cause, the cabinet may cancel his *or her* license.
- (2) Upon voluntary surrender of the license certificate or upon receipt of a written request by a licensee, the cabinet may cancel his *or her* license, effective sixty (60) days from the date of the request, but no such license shall be canceled upon surrender or request unless the licensee has, prior to the date of cancellation, paid to this state all taxes, penalties, interest and fines that are due or have accrued, and unless the licensee has surrendered to the cabinet his *or her* license certificate.
- (3) ~~{If upon investigation the cabinet ascertains that any motor carrier or heavy equipment motor carrier to whom a license has been issued is no longer engaged as such and has not been so engaged for a period of six (6) months, the cabinet may cancel such license by giving the motor carrier or heavy equipment motor carrier sixty (60) days' notice of cancellation mailed to his last known address in which event the license certificate shall be surrendered to the cabinet.}~~
- (4) ~~Whenever a licensee ceases to engage in business within this state, he *or she* shall notify the cabinet in writing within fifteen (15) days after discontinuance. All taxes that have accrued under KRS 138.655 to 138.725, inclusive, whether or not then due, shall become due and payable concurrently with such discontinuance. The licensee shall make a report and pay all such taxes and any interest and penalties thereon, and shall surrender to the cabinet his *or her* license certificate.~~
- (4)(5) If the license of a motor carrier or heavy equipment motor carrier is canceled by the cabinet as provided in this section and if the licensee has paid to this state all of the taxes, interest and penalties due under KRS 138.655 to 138.725 and 138.990(13) and (14), the cabinet shall cancel the bond filed by the licensee.

➔Section 30. KRS 138.680 is amended to read as follows:

- (1) Every licensee shall maintain complete records on all motor vehicles, by type, operating on Kentucky highways, weight and number of axles, mileage records and records of all purchases, use, and other dispositions of gasoline and special fuels. Such records, together with manifests of lading, invoices, and other papers pertaining to gasoline or special fuels consumption, shall be retained for a period of five (5) years~~{}~~ and shall be made available to the Transportation Cabinet upon request for examination.
- (2) If any licensee fails or refuses upon~~{ written}~~ request to furnish any information to the Transportation Cabinet concerning an audit, assessment, or verification of tax information, the cabinet may make an estimate of the licensee's tax due and issue an assessment against the licensee based upon the estimated tax due. Such assessment may be used by the cabinet in any legal proceeding for collection of the tax. The cabinet may, at any subsequent proceeding, require the taxpayer to file any reports or additional information it deems necessary.

➔Section 31. KRS 138.685 is amended to read as follows:

- (1) Every licensee shall file **a quarterly tax return and pay any taxes due using the motor carrier portal**~~[with the cabinet, in the format prescribed by the cabinet, a quarterly tax return]~~. The return shall be made under penalty of perjury and shall show such information as the cabinet may require.
- (2) The licensee shall file the return **required under this section** on or before the last day of the next succeeding calendar month following the quarterly period to which it relates.

~~[(2) The quarterly tax return shall be accompanied by a remittance covering the tax due.]~~

➔Section 32. KRS 138.710 is amended to read as follows:

- (1) The **payments due from returns**~~[reports]~~ required by KRS 138.685 shall be **made by credit card, debit card, or**~~[accompanied by a certified,] electronic **fund transfer** [, or cashier's check payable to the State Treasurer]~~ for the amount of tax due for the preceding calendar quarter computed as provided in KRS 138.690~~[, except that the cabinet may waive this requirement and accept the check of the licensee if he is of sound financial condition and has established a good record of compliance with the requirements of KRS 138.655 to 138.725, inclusive].~~
- (2) ~~[The Transportation Cabinet may promulgate administrative regulations providing for the payment by credit card of any tax or fee that it collects. The administrative regulation may require the] A payee **shall be required** to add to his **or her** tax or fee~~[,] the administrative charge of the financial institution.~~~~

➔Section 33. 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 **shall**~~[may]~~ be required to pay a penalty of five hundred dollars (\$500) for any offense. 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 34. KRS 281.752 is amended to read as follows:

For motor carriers **and heavy equipment motor carriers as** defined ~~by~~~~[under]~~ KRS 138.655~~[(5) and (7)]~~ and for the purposes of tax collection, the department may charge a fee of ten dollars (\$10) in each instance for the issuance of such identifying plates, decals, cards, signs, or papers~~[,] for the identification of motor vehicles~~~~[,] operated within the state.~~

➔Section 35. KRS 138.513 is amended to read as follows:

- (1) (a) Beginning August 1, 2014, but before August 1, 2022, an excise tax is imposed on all advance deposit account wagering licensees licensed under KRS 230.260 at a rate of one-half of one percent (0.5%) of all amounts wagered through the licensee by Kentucky residents; and

- (b) Beginning August 1, 2022, an excise tax is imposed on all advance deposit account wagering licenses licensed under KRS ~~230.260~~~~[138.675]~~ at a rate of one and one-half percent (1.5%) of all amounts wagered through the licensee by Kentucky residents.
- (2) The tax imposed by this section shall be paid, collected, administered, and distributed as provided in KRS 138.530.

➔Section 36. KRS 174.990 is amended to read as follows:

~~{(1) Any person who willfully hauls, transports, or causes to be transported any hazardous material into, out of, within, or through the Commonwealth in violation of the provisions of KRS 174.400 to 174.425, or contrary to an order, or regulation issued or promulgated under KRS 174.400 to 174.425, shall be fined not less than two hundred fifty dollars (\$250) nor more than twenty-five thousand dollars (\$25,000), for each day of violation.~~

~~{(2) Any person who operates a vehicle which transports municipal solid waste in violation of KRS 174.450 and administrative regulations promulgated by the cabinet pursuant to KRS 174.450 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each day of violation.}~~

➔Section 37. KRS 224.43-350 is amended to read as follows:

- (1) In addition to its other powers, the cabinet may suspend the authority of a municipal solid waste management facility to accept waste streams upon any of the following grounds:
- The cabinet finds that any shipment of waste contains waste excluded by law from municipal solid waste disposal facilities in the Commonwealth;
  - Any part of the waste streams in question are being transported by transporters *whose vehicles and drivers do not comply with the provisions of KRS Chapter 281 or 281A*~~[who are not registered or certified in the Commonwealth in accordance with KRS 174.450].~~
- (2) The suspension described in subsection (1) of this section shall terminate upon the cabinet's determination that the basis for the suspension has been corrected.

➔Section 38. KRS 186A.520 is amended to read as follows:

- (1) Except as provided in KRS 186A.555, a salvage title shall be obtained by the owner of a motor vehicle that meets the following definition of a salvage vehicle:
- A vehicle which has been wrecked, destroyed, or damaged, to the extent that the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its preaccident condition and for legal operation on the roads or highways, not including the cost of parts and labor to reinstall a deployed airbag system, exceeds seventy-five percent (75%) of the retail value of the vehicle, as *prescribed by a nationally accepted used car valuation guide identified by the Department of Revenue by administrative regulation*~~[set forth in a current edition of the National Automobile Dealer's Association price guide].~~
  - The value of repair parts for purposes of this definition shall be determined by using the current published retail cost of the parts equal in kind and quality to the parts to be replaced or the actual retail cost of the repair parts used in repair.
  - The labor costs of repairs for purposes of this section shall be computed by using the hourly labor rate and time allocations which are reasonable and customary in the automobile repair industry in the community where the repairs are performed.
  - Airbag reinstallation costs which are excluded from the seventy-five percent (75%) computation as set forth in paragraph (a) of this subsection shall be included by an insurer in the computation of the total physical damage estimate according to the terms and conditions of individual policies, provided that the total costs payable by an insurer do not exceed the total retail value of the vehicle.
- (2) The owner or an authorized agent of a motor vehicle that meets the definition of a salvage vehicle as set forth in subsection (1) of this section shall, within fifteen (15) days from the receipt of all necessary paperwork required by this chapter, submit an application to the county clerk, on a form prescribed by the Department of Vehicle Regulation, for a salvage title, accompanied by a properly endorsed certificate of title and any lien satisfactions, if any appear, as may be required.

- (3) The county clerk shall retain a copy of each salvage title application received and shall forward the original and its supporting documents to the Department of Vehicle Regulation in a manner similar to that for handling of an application for a title.
- (4) The county clerk shall rely on the information provided by the owner or authorized agent, including a county of residence designation, on:
  - (a) Any approved, notarized state form utilized in lien titling or the title transfer process signed by the owner or authorized agent; and
  - (b) Any document submitted during the transfer of a salvage vehicle from an owner to an insurer.

Reliance on the foregoing by the county clerk shall relieve the office of the county clerk from liability to any third party claiming failure to comply with this section.
- (5) The Department of Vehicle Regulation shall process the salvage title application in a manner similar to that used in processing a title application and the salvage title shall be delivered in a like manner of a title. Salvage titles shall be construed as proof of ownership of a vehicle in a state as to be unusable upon the highways of the Commonwealth.
- (6) A vehicle shall not be issued a registration for highway use as long as a salvage title is in force. The only time a vehicle with a salvage title may be operated upon the highways of the Commonwealth is when it is in route to or from an inspection by the certified inspector prior to obtaining a certificate of title after having been rebuilt as per KRS 186.115.
- (7) Notwithstanding the provisions of KRS 369.103, when a salvage vehicle is transferred from an owner to an insurer, the following shall be exempted from the requirements of notarization, including exemption from the notarization of electronic signature requirements of KRS Chapter 423:
  - (a) The transfer of ownership on the certificate of title;
  - (b) Any power of attorney required in connection with the transfer of ownership to the insurer;
  - (c) Any required odometer disclosure statement;
  - (d) The application for a salvage certificate of title; and
  - (e) The transfer of ownership on the salvage certificate of title issued.
- (8) Subsections (2) to (5) of this section shall not apply to applications for salvage title using the electronic title application and registration system established under KRS 186A.017.

➔Section 39. KRS 186A.555 is amended to read as follows:

- (1) The provisions of KRS 186A.500 to 186A.550 notwithstanding, the owner of a motor vehicle that has been damaged solely by hail shall have the regular title of the vehicle branded as follows "Hail Damage" if:
  - (a) The vehicle is in a condition that it can be legally operated on the highway;
  - (b) The total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its pre-hail condition exceeds seventy-five percent (75%) of the retail value of the vehicle, as **prescribed by a nationally accepted used car valuation guide identified by the Department of Revenue by administrative regulation** ~~[set forth in a current edition of the National Automobile Dealer's Association price guide]~~; and
  - (c) The owner intends to retain ownership of the vehicle.
- (2) A person seeking to have the title of a vehicle branded for hail damage under subsection (1) of this section shall present the sheriff with a statement from the person's insurance company that the damage exceeds seventy-five percent (75%) of the retail value of the vehicle and is solely the result of hail damage, and shall have the vehicle inspected by the sheriff of the county in which the vehicle is registered. Upon completion of inspection of the vehicle, the sheriff shall indicate on the vehicle transaction record form if he or she has received a statement from the person's insurance company that the damage to the vehicle is the result of hail damage and if the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its pre-hail condition exceeds seventy-five percent (75%) of the retail value of the vehicle, as **prescribed by a nationally accepted used car valuation guide identified by the Department of Revenue by administrative regulation** ~~[set forth in a current edition of the National Automobile Dealer's Association price guide]~~. The sheriff shall be paid a fee of five dollars (\$5) to conduct an inspection under this subsection.

- (3) Upon completion of the inspection required under subsection (2) of this section, a person shall take the vehicle transaction record form and the title to the vehicle to the office of the county clerk in the county in which the vehicle is registered. If the sheriff has certified on the vehicle transaction record form that the damage to the vehicle is the result of hail damage and if the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its pre-hail condition exceeds seventy-five percent (75%) of the retail value of the vehicle, as *prescribed by a nationally accepted used car valuation guide identified by the Department of Revenue by administrative regulation*~~[set forth in a current edition of the National Automobile Dealer's Association price guide]~~, the title shall not be surrendered to the clerk, but the clerk shall stamp on the face of the title "Hail Damage". The clerk shall also enter into the Automated Motor Vehicle Registration System (AVIS) the information that the title has been branded in the clerk's office "Hail Damage". The county clerk shall be paid a fee of three dollars (\$3) to carry out the provisions of this subsection.
- (4) A title branded "Hail Damage" under the provisions of subsection (3) of this section shall retain the brand for as long as the person holds title to the vehicle, and upon the sale or transfer of the vehicle, the new title issued shall continue to carry the brand "Hail Damage".
- (5) An insurance company shall not render payment on a vehicle damaged solely by hail in excess of seventy-five percent (75%) of the retail value of the vehicle until the title has been branded "Hail Damage".

➔Section 40. KRS 186A.120 is amended to read as follows:

- (1) Except for applications for title or salvage title using the electronic title application and registration system established under KRS 186A.017, application for a first certificate of registration or title and plate shall be made by the owner to the county clerk of the county in which the owner resides, except that, if a vehicle is purchased from:
  - (a) A dealer other than in the county in which the purchaser for use resides, the purchaser, or the dealer on behalf of the purchaser, may make application for registration to the county clerk in either the county in which the purchaser resides, or in the county in which the dealer's principal place of business is located;  
*or*
  - (b) *An individual who resides in a county in which the purchaser does not reside, application for registration may be made in to the county clerk in either the county where the seller resides or the purchaser resides.*
- (2) (a) When purchaser of a vehicle upon which a lien is to be recorded is a resident of a county other than that of the dealer, the application for registration or title may be made to the county clerk in either county. The lien must be recorded in the county of the purchaser's residence.
  - (b) If vehicle application for registration or title is presented to the county clerk of dealer's location rather than purchaser's residence, the clerk shall process documents in a manner similar to that of any application, with the exception that the AVIS system shall be programmed in a manner that the title shall not be issued from Frankfort until the lien information has been entered by the county clerk of the purchaser's residence.
- (3) (a) A new vehicle, when first registered or titled in this state, shall be registered or titled in the name of the first owner for use rather than in the name of a dealer who held the vehicle for sale.
  - (b) Except as otherwise provided in this chapter, a used vehicle not previously registered or titled in this state shall be registered or titled in the name of the first owner for use rather than in the name of a dealer who held the vehicle for resale.
- (4) If the owner of a vehicle required to be registered or titled in this state does not reside in the Commonwealth, the vehicle shall be registered or titled with the county clerk of the county in which the vehicle is principally operated.
- (5) The Transportation Cabinet shall not require a member of the Armed Forces who is stationed in the Commonwealth to obtain a Kentucky operator's license in order to register a motor vehicle in the Commonwealth.
- (6) If the owner of a vehicle is other than an individual and resides in the Commonwealth, the vehicle shall be registered or titled with the county clerk in either the county in which the owner resides or in the county in which the vehicle is principally operated.

➔SECTION 41. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) *Beginning no later than October 1, 2024, and annually thereafter, the cabinet shall report to the Legislative Research Commission for referral to the Interim Joint Committee on Transportation on identity document issuance at each regional licensing office.*
- (2) *The report required under subsection (1) of this section shall include the:*
  - (a) *Number of identity documents, by type, issued at each location;*
  - (b) *Total cost to operate the office; and*
  - (c) *Total receipts collected.*

➔Section 42. The following KRS sections are repealed:

174.450 License to operate a municipal solid waste transportation vehicle -- Application procedures -- Placard for display -- Exemption -- Registration fees.

281A.310 Commercial driver's licenses and permits for nonresidents enrolled in instruction programs.

➔Section 43. Section 24 of this Act takes effect January 1, 2025.

**Signed by Governor April 9, 2024.**