

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 10:040. Training school facilities.

RELATES TO: KRS ~~332.204~~[~~332.030~~]

STATUTORY AUTHORITY: KRS 15A.160, ~~332.095, 332.204, 332.216~~ [~~332.100~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 and ~~332.216~~ [~~332.100~~] authorize the department to establish [~~provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such~~] administrative regulations necessary to carry out the provisions of KRS Chapter 332. This administrative regulation establishes the department's policy regarding standards for driver training school facilities.

Section 1. The following standards shall apply to driver training school office facilities:

(1) The driver training school shall have and maintain an established place of business in the Commonwealth of Kentucky.

(2) The established place of business of each driver training school shall be owned or leased by the driver training school and regularly occupied and primarily used by that driver training school for the business of giving driving instructions for hire, and the business of preparing members of the public for examination given by the department for a motor vehicle operator's license.

(3) The established place of business of each driver training school shall be located in a district [~~which is~~] zoned for business or commercial purposes. The driver training school office shall have a permanent sign displaying the school name in letters at least six (6) inches in height and visible from the street or road on which the school is located. If the classroom is at a different address, the classroom [~~it too~~] shall have a permanent sign meeting the same criteria. The hours during which the driver training is conducted shall also be displayed. If these requirements do not comply with local zoning laws, the department shall permit a sign of a type which does comply.

(4) The established place of business or advertised address of any driver training school shall not consist of or include a house trailer, residence, tent, temporary address, office space only, a room or rooms in a hotel, rooming house or apartment house, or premises occupied by a single or multiple unit dwelling house. The residence requirement of this rule shall not apply to compel the discontinuance of a driver training school which was already established and operational on or before June 16, 1966.

(5) The place of business shall be operated by responsible personnel during stated office hours and shall be open to inspection of the premises, facilities, records and vehicles by any authorized representative of the cabinet during this time.

(6) The place of business shall have a business telephone used exclusively for the operation of the driving school.

(7) A driver training school shall not transfer its license nor change its place of business without the prior approval of the department. There will be a \$200 fee for transfer of ownership, which will be treated as an original application for license.

Section 2. The following standards shall apply to driver training school branch offices: (1) A driver training school desiring to open a branch office shall make application on a form prescribed by the department. Upon approval [~~if application is approved~~], the department will is-

sue a copy of the license of the principal place of business, appropriately endorsed, for use at the branch office. This copy shall be conspicuously displayed in such branch office at all times.

(2) A branch office or its equipment may not be moved to a new location without the prior approval of the department.

(3) ~~If [Should]~~ a branch office is [be] discontinued, the branch office copy of the license shall be surrendered immediately to the department.

(4) The branch office shall meet all of the requirements of the licensed principal place of business.

(5) There will be a fee of \$100 for licensure of each branch office.

Section 3. The following standards shall apply to driver training school classroom facilities:

(1) The classroom facility of each driver training school shall be reasonably near its office facility and within thirty (30) minutes normal driving time of that facility.

(2) The classroom shall contain sufficient space and equipment to carry on the business of giving classroom instruction for students enrolled in the driver training school, and preparing students for examination for a motor vehicle operator's license.

(3) The classroom facility shall have adequate lighting, heating, ventilation, sanitation facilities, and shall comply with all state and local laws relating to public health, safety and sanitation.

(4) The classroom facility shall contain the following equipment and supplies:

(a) Individual desks or tables providing writing surfaces for not less than eight (8) students;

(b) Adequate blackboards or whiteboards that [which] are visible from all seating areas;

(c) Adequate charts and diagrams or pictures relating to the operation of motor vehicles and traffic laws;

(d) Audio visual equipment consistent with modern technology [One (1) of the following:

~~1. A sixteen (16) millimeter sound movie projector and screen for showing driver training and sound films; or~~

~~2. A thirty-five (35) millimeter slide projector and slides; or~~

~~3. A video/audio display screen of not less than nineteen (19) inches diagonal measure, capable of being operated in conjunction with a video tape for showing driver training instruction]; and~~

(e) A copy of these rules and administrative regulations displayed so as to be accessible to all students.

(5) In addition to the foregoing, the following are suggested teaching aids:

(a) A reaction time testing device;

(b) Peripheral vision testing device;

(c) Magnetic traffic boards; and

(d) Other [Such other] devices that [as] may help to acquaint students with traffic laws and prepare them to safely operate motor vehicles.

(6) A minimum of four (4) [five (5)] hours of classroom instruction shall be available to each student receiving driving training from a driver training school.

Section 4. Driver training schools shall make available the following [both] theoretical and practical instruction ~~[as follows]~~:

(1) Practical instruction in driver training shall include the demonstration of, and actual instruction in, starting, stopping, shifting, turning, backing, parking, and steering in a training vehicle which meets the regulatory requirements set forth herein.

(2) Theoretical instruction in driver training shall include subject matter that meets the requirements set forth in 601 KAR 13:110, Section 4(a)-(d) [relating to rules of the road, safe

~~driving practices, pedestrian safety, mechanics of motor vehicles, driver responsibility, the Kentucky point system, types of automobile insurance, and use of automobile safety devices].~~

Section 5. Each school shall publish a schedule of fees or charges for behind-the-wheel lessons, classroom lessons, and all other fees or charges made by the school. A copy of this schedule shall be filed with the department.

Section 6. Each school shall inform each student, prior to the time instruction commences, of the character and amount of any ~~[and all]~~ fees or charges made for enrollment ~~[or]~~ registration, tuition, and use of any other service, ~~[or]~~ equipment or materials provided by the school.

Section 7. Prior to the relocation of a ~~[Before any]~~ driver training school office or branch office, or any equipment thereof, ~~[is moved to another location,]~~ the department shall be notified and the new location shall be inspected and approved.

PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 8:00 a.m. on November 22, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email amy.barker@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the department's policy regarding the standards for driver training school facilities.

(b) The necessity of this administrative regulation: This regulation is necessary in order to carry out the provisions of KRS 15A.160,332.095, 332.204, and 332.216.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statute by providing guidance to the promulgated regulations implementing KRS 15A.160,332.095, 332.204, and 332.216.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the administration of the statutes by clarifying the statutory authority and the standards for driver training school facilities.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment accurately reflects the statutory authority and clarifies the standards for driver training school facilities.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statute by providing guidance to the promulgated regulations implementing KRS 15A.160,332.095, 332.204, and 332.216.

(d) How the amendment will assist in the effective administration of the statutes: The amendment clarifies the statutory authority.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Kentucky State Police; driver training schools; driver training school instructors; driver training school facilities.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new or additional actions will have to be taken by the regulated entities in order to effectively comply with this amended regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: They will benefit from having the correct statutory authority cited.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No, this regulation does not establish any new fees; nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Kentucky State Police; driver training schools; driver training school instructors; driver training school facilities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15A.160,332.095, 332.204, and 332.216.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar esti-

mates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.