601 KAR 13:040. Motor vehicle accident prevention course.

RELATES TO: KRS 304.13-063
STATUTORY AUTHORITY: KRS 304.13-063(5)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.13-063(1) requires that standards for a "motor vehicle accident prevention course" be set by the Transportation Cabinet, and furthermore, requires that such course include a minimum number of hours of either classroom and/or field driving instruction. This administrative regulation is necessary to set standards for the motor vehicle accident prevention course.

Section 1. Definition. "Course" or "motor vehicle accident prevention course" means a course, approved by the Transportation Cabinet pursuant to KRS 304.13-063, that shall be open to any licensed driver of this state who is fifty-five (55) years of age or older for the purpose of qualifying for an insurance premium reduction.

Section 2. No person shall offer, conduct or engage in the business of offering or conducting a motor vehicle accident prevention course pursuant to KRS 304.13-063 without obtaining the prior approval of the Transportation Cabinet pursuant to the provisions of this administrative regulation. A person shall file an application for approval of a course with the Transportation Cabinet; and the application shall be on the form furnished by the Transportation Cabinet and shall contain the information required by the Transportation Cabinet. Said application forms can be obtained from the Transportation Cabinet, Division of Driver Licensing, State Office Building, 2nd Floor, Frankfort, Kentucky 40622.

Section 3. The completed application shall be accompanied by the following:
(1) A copy of the proposed motor vehicle prevention course materials, curriculum, and promotional documents;
(2) The name, address, and Social Security number of each instructor who shall conduct the course; and
(3) A copy of the manual and course materials for the instructor's preparation course.

Section 4. In the event the course application is approved, the course approval shall be valid for not more than a two (2) year period. Any person who has obtained approval for a course shall comply with the following requirements:
(1) Apply to the Transportation Cabinet for approval if there are any proposed additions or deletions to a previously approved course or its curriculum;
(2) Perform all necessary administrative functions in connection with the course;
(3) Obtain approval from the Transportation Cabinet of the form of the certificate which shall be issued upon course completion as specified in subsection (4) of this section;
(4) Provide each participant satisfactorily completing the course with an approved certificate of course completion;
(5) Maintain records which indicate the name, address, Social Security number and date of course of those individuals who have completed the course within the previous three (3) years;
(6) Provide and train instructors to conduct courses;
(7) Conduct the course in accordance with the description and curriculum approved by the Transportation Cabinet;
(8) Provide the Transportation Cabinet with a schedule of class dates, times, and locations; and
(9) Authorize and permit the Transportation Cabinet to audit the records of the approved course and to monitor and evaluate any and all portions of the course including but not limited to the class-

room facility, field driving, the use of the instructional materials, the qualifications of instructors and the actual presentation of the course.

Section 5. No course shall be approved unless the course shall have a minimum of four (4) hours of classroom or field driving instruction; and the curriculum of the course shall at least include but shall not be limited to the following subject matters:

(1) Concept of accident preventability including a discussion of the magnitude of traffic accident problems;

(2) Techniques for defensive driving and handling critical situations, including but not limited to:

(a) Interpreting events that require evasive action;

(b) Determining the appropriate response to situations caused by mechanical failure of the motor vehicle;

(c) Determining risk factors created by a variety of psychological, social, and physical factors that can facilitate or inhibit the functions required in driving, including but not limited to:

1. The effects and compensatory measures concerning the relationships between alcohol, drugs, or medication and driving performances;

2. The negative stresses and compensatory measures associated with physical, mental, and social conditions as they relate to driver performances; and

3. The age-related physical changes of drivers fifty-five (55) years of age and older.

(3) Kentucky traffic laws and regulations, vehicle dynamics, capabilities, limitations, and highway environmental factors including but not limited to:

(a) Traffic laws and regulations, such as signs, signals, markings, right-of-way requirements, and speed;

(b) Vehicle capabilities, such as stopping distances and passing abilities; and

(c) Highway settings, operating environments and adverse conditions, including but not limited to conditions affected by illumination, obstructions, or the weather, such as snow, ice, or rain.

Section 6. The certified agency may charge a reasonable fee for the course. The Transportation Cabinet may require an audit by an independent firm of the fees collected and expenditure of those fees.

Section 7. Upon written notice the Transportation Cabinet may rescind and cancel the certification of approval of any agency conducting the course prior to the two (2) year time period established by Section 4 of this administrative regulation for good cause, including but not limited to any of the following reasons:

(1) Deletions or additions have been made to the curriculum which have not been specifically approved by the Transportation Cabinet;

(2) The person or any instructor has failed to comply with any of the provisions of this regulation. (11 Ky.R. 335; eff. 9-11-1984; Crt eff. 2-25-2019.)