

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(Amendment)

502 KAR 10:070. Training vehicle, annual inspection.

RELATES TO: KRS 165A.460~~[332.030]~~

STATUTORY AUTHORITY: KRS 15A.160, 165A.460, 332.216~~[332.100]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 and 332.100 authorizes the department to promulgate~~[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 the annual inspection of driver training vehicles utilized by driver training schools.

Section 1. Driver training motor vehicles shall be presented to any authorized representative of the Kentucky State Police Driver Testing Branch~~[Section for inspection]~~ at least once a year for inspection.

Section 2. All motor vehicles used to give driver training instruction shall have a current safety inspection certificate issued by the department which shall be kept in the vehicle~~[glove compartment]~~.

Section 3. In order to be approved the motor vehicle shall be:

- (1) In a safe operating condition, not more than ten (10)~~[five (5)]~~ years old, except that truck/tractors shall not be more than ~~[ten (10) years old for on-the-road instruction and]~~ fifteen (15) years old for off-the-~~[]~~road instruction;
- (2) Insured as required in KRS 165A.475 ~~[332.030]~~;
- (3) Registered with the department in the name of a driver training school;
- (4) Equipped with dual controls on the foot brake, and on the clutch, if any, which will enable the instructor to bring the car under control in case of emergency. Dual controls are not required on a truck/tractor. In addition, it is suggested that the driver training school offer instruction in both manual gear shift and automatic transmission vehicles; and
- (5) Equipped with seat belts that shall~~[which should]~~ be used by both student and instructor.
- (6) Emergency ignition-kill toggle switch on instructor's side, except for tractor/trailers.
- (7) Equipped with outside mirror on both driver's side and instructor's side.
- (8) Owned or leased by the school.

Section 4. The full name of the driver training school shall be prominently displayed on both front and rear of such vehicle in letters at least two (2) inches high and in colors vividly contrasting with the color of the vehicle.

Section 5.

- (1) It shall be the responsibility of the driver training school and the duty of the driver training instructor to insure that all vehicle are~~[the vehicle is]~~ inspected annually.
- (2) If any items in Section 3 are found to be missing, or insufficient, the vehicle may be determined uncertifiable, and the driver training school may be directed to:
 - (a) Correct any condition that renders a vehicle unsafe for operation,
 - (b) Have mechanical or equipment deficiencies corrected by a certified mechanic, or
 - (c) Obtain insurance, registration, or ownership of the vehicle in compliance with Section

(3) Any vehicle that is determined to be uncertifiable shall be reinspected and have all corrections verified by the Driver Testing Branch prior to being approved for operation by the driver training school.

Section 6. It shall be the responsibility of the school to furnish written notice any time a vehicle is added to or deleted from the school's motor vehicle fleet.

PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

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

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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 annual inspection of driver training vehicles utilized by driver training schools.

(b) The necessity of this administrative regulation:

This regulation is necessary in order to carry out the provisions of KRS 165A.160 and 332.100.

(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 165A.160 and 332.100.

(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 the inspection of driver training vehicles.

(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 vehicles.

(b) The necessity of the amendment to this administrative regulation:

No answer provided.

(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 165A.160 and 332.100.

(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.

(4) Provide an analysis of how the entities identified in question (3) 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 that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No answer provided.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No answer provided.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

No answer provided.

(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 165A.160 and 332.100.

(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 estimates 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.