

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Department of Workforce Investment
Office of Vocational Rehabilitation
(Amendment)

782 KAR 1:070. Certified driver training program.

RELATES TO: KRS 186.480(1)(b), 186.576, 186.577(4), 186.578, 186.579, 189A.010
STATUTORY AUTHORITY: KRS 186.578(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186.578(7) requires the Office of Vocational Rehabilitation~~[Office for the Blind]~~ to promulgate administrative regulations setting the standards for a certified driver training program to serve persons with a visual impairment. This administrative regulation establishes standards and procedures for the certified driver training program.

Section 1. Definitions.

- (1) "Applicant" is defined by KRS 186.576(1).
- (2) "Bioptic telescopic device" is defined by KRS 186.576(3).
- (3) "Certified driver rehabilitation specialist" means a person who has met basic professional criteria, passed a written test, and maintained continuing education requirements to be certified by the Association for Driver Rehabilitation Specialists, ADED, for the purpose of evaluating, educating, and training persons with disabilities to operate or drive motor vehicles and to prepare for a driving skills test.
- (4) "Office" means the Office of Vocational Rehabilitation~~[is defined by KRS 186.576(8)]~~.

Section 2. Certified Driver Training Program Requirements.

- (1) Any person or entity may apply to the office to become a certified driver training program that satisfies the following requirements:
 - (a) At least one (1) instructor is a certified driver rehabilitation specialist or is supervised by a certified driver rehabilitation specialist;
 - (b) All instructors meet the requirements of subsection (4) of this section;
 - (c) Any vehicle utilized:
 1. Has a valid registration;
 2. Is in sound mechanical order;
 3. Has one (1) operable instructor brake;
 4. Has signage indicating student driver on two (2) sides and rear of vehicle; and
 5. Has adaptive equipment suitable for functional limitations of students;
 - (d) Maintains liability coverage that meets the minimum Kentucky insurance limits; and
 - (e) Uses a curriculum which meets the requirements of subsection (3) of this section.
- (2) The following shall be submitted to the office:
 - (a) Business name, address, telephone number, and office hours;
 - (b) Copy of the certifications and resumes of each proposed instructor;
 - (c) Description of the equipment, vehicles with adaptive devices, and facilities to be used in the certified driver training program;
 - (d) Copy of the valid vehicle registration;
 - (e) Copy of the liability insurance policy that includes a mandatory ten (10) day written cancellation notice by the insurer to the office;
 - (f) A detailed copy of the curriculum used; and
 - (g) The fees charged per hour, per lesson, or per course.
- (3) The curriculum to be used shall consist of the following sections:

- (a) A theoretical course of instruction that shall include:
1. Subject matter contained in the Kentucky Drivers Manual;
 2. Safe driving practices and traffic laws;
 3. The "SCAN, Identify, Predict, Decide, Execute" (SIPDE) approach to perceptive driving;
 4. Signs, signals, highway markings, and highway design features required for the safe operation of a motor vehicle;
 5. Driving emergencies such as brake or tire failure, skidding, stuck accelerator, and running off the roadway;
 6. Potential crash locations and situations such as intersections, hydroplaning, railroad crossings, multiple vehicle types in the traffic mix, and pedestrian traffic;
 7. Seatbelt usage;
 8. Speeding as a major contributing factor in vehicle crashes; and
 9. Driver responsibility and accident reporting.
- (b) A practical course instruction that shall include:
1. Demonstration, instruction, and practice in the use of the bioptic telescopic device; and
 2. Behind the wheel demonstration, instruction, and practice:
 - a. For a minimum of thirty (30) hours for applicants who have never had an operator's license and fifteen (15) hours for applicants who have had an operator's license; and
 - b. Consisting of:
 - (i) Stopping;
 - (ii) Starting;
 - (iii) Shifting;
 - (iv) Turning;
 - (v) Backing;
 - (vi) Parallel parking;
 - (vii) Steering; and
 - (viii) Driving in residential, medium city, and highway traffic.
- (4) Any instructor in an approved certified driver training program shall:
- (a) Be at least twenty-one (21) years of age;
 - (b) Have a four (4) year college degree. Experience as a professional driver education instructor shall substitute year-for-year for the college education if the individual is a high school graduate or equivalent;[
 - ~~(c) Be of good moral character;]~~
 - ~~(c)~~ ~~(d)~~ Never have been convicted of a felony;
 - ~~(d)~~ ~~(e)~~ Never have been convicted of a violation of KRS 189A.010 or its equivalent from another jurisdiction;
 - ~~(e)~~ ~~(f)~~ Never have been convicted or administratively found guilty of refusing to submit to a test to determine blood alcohol content or drugs in the system;
 - ~~(f)~~ ~~(g)~~ Possess a valid driver's license and have fewer than six (6) points assigned pursuant to 601 KAR 13:025 on his driving history record;
 - ~~(g)~~ ~~(h)~~ Not have had a suspended or terminated~~his~~ driving privilege ~~withdrawn~~ for any reason in the past five (5) years;
 - ~~(h)~~ ~~(i)~~ ~~Enroll in and~~ Successfully complete the bioptic driving instructor training course offered by the office; and
 - ~~(i)~~ ~~(j)~~ Obtain at least five (5) hours ~~annually~~ of continuing education in low vision rehabilitation each year.
- (5) The certified driver training program shall review the driving history record and continuing education requirements of its instructors annually.

Section 3. Certification.

- (1) The office shall issue a certificate to an approved certified driver training program.
- (2) Each certificate shall be valid for three (3) years from the date of issue. Certificates are not transferable. If there is a change of ownership, a new application shall be submitted.

Section 4. Performance Inspections.

- (1) The office may conduct a random or routine performance inspection of a certified driver training program.
- (2) The certified driver training program shall be notified in writing of any deficiency discovered in the performance inspection.
- (3) The deficiency shall be corrected prior to the next scheduled student or the certified driver training program's approval shall be withdrawn by the office.

Section 5. Acceptance Into a Certified Driver Training Program.

- (1) An eligible applicant shall:
 - (a) Meet the minimum visual requirements of KRS 186.578(1);
 - (b) Obtain the bioptic telescopic device; and
 - (c) Successfully complete a functional visual assessment by the office.
- (2) An eligible applicant may be accepted into a certified driver training program.

CORA MCNABB, Executive Director

APPROVED BY AGENCY: August 11, 2021

FILED WITH LRC: August 11, 2021 at 1:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 26, 2021, at 1:00 p.m. Eastern Time, at the Mayo-Underwood Building Hearing Room, 500 Mero Street, 1st Floor, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing of their intent to attend at least five workdays prior to the hearing. 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 October 31, 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: Susie Edwards, Vocational Rehabilitation Administrator, Office of Vocational Rehabilitation, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601-1957, phone 502-782-3456, fax 502-564-6745, email SusieM.Edwards@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Susie Edwards

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes guidelines for developing and maintaining the standards for a certified driver training program to service persons with a visual impairment required by KRS 186.578(7).. Act and regulation, 34 C.F.R. § 361.49.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to implement provisions of Section 723(b)(1) of the Rehabilitation Act and regulation, 34 C.F.R. § 361.49. (c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides information necessary for specific guidance and operation of the state's certified driver training program as set out in, and mandated by, Section 723(b)(1) of the Rehabilitation Act and regulation, 34 C.F.R. § 361.49.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

No answer provided.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation provides specific administrative guidance for the implementation of the state's certified driver training program to serve persons with a visual impairment. .

(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 change reflects the change to the Office for Vocational Rehabilitation from the Office for the Blind due to the recent merger of the two offices. The proposed amendments are made to adapt the regulations to provide better guidance to individuals with visual disabilities and to provide for the operation of a certified driver training program..

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

Changes to the regulations were needed to move the regulation to the Office of Vocational Rehabilitation after merging with the Office for the Blind. (c) How the amendment conforms to the content of the authorizing statute: This amendment conforms to the authorizing statute by specifying guidance for the standards for a certified driver training program to serve persons with a visual impairment.

(c) How the amendment conforms to the content of the authorizing statutes:

No answer provided.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment provides specific guidance to the requirements of operating a certified driver training program to serve persons with a visual impairment.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

individuals with visual impairments seeking training from a certified driver training program to allow them better access to community and employment opportunities.

(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:

Agency will need to use this guidance to standardize and operate a certified driver training program for individuals with a visual impairment.

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

There are no new costs to the staff affected..

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

It is anticipated that agency staff will be able to maintain legislated standards for the operation of a certified driver training program for individuals with visual impairment.

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

(a) Initially:

No additional costs are expected.

(b) On a continuing basis:

The proposed amendment does not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Federal Rehabilitation Funds received by the Office of Vocational Rehabilitation.

(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:

There is no increase in fees or funding necessary to implement this amendment to the existing regulation. (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No answer provided.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all consumers.

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 Education and Workforce Development Cabinet, Department of Workforce Investment, Office of Vocational Rehabilitation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 186.578(7)

(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.

(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?

No revenue will be generated.

(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?

No revenue will be generated.

(c) How much will it cost to administer this program for the first year?

There shall be no cost associated with this amendment.

(d) How much will it cost to administer this program for subsequent years?

There shall be no cost associated with this amendment.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation: