

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Commission on Proprietary Education
(Amendment)

791 KAR 1:060. Application for renewal of license for commercial driver license training school.

RELATES TO: KRS 165A.330(1), 165A.370, 165A.460-165A.515, 49 C.F.R. 325

STATUTORY AUTHORITY: KRS 165A.340(6), 165A.400, 165A.485

NECESSITY, FUNCTION, AND CONFORMITY: KRS 165A.340(6) and 165A.400 authorize the Kentucky Commission on Proprietary Education to promulgate administrative regulations to administer the provisions of KRS Chapter 165A. KRS 165A.485 requires that the Kentucky Commission on Proprietary Education establish application forms for license renewal of commercial driver license training schools. This administrative regulation establishes the renewal procedures for commercial driver license training schools.

Section 1. Renewal Application for Kentucky Commercial Driver License Training School.

(1) On or before forty-five (45) days prior to the expiration date , a licensed Kentucky resident commercial driver license training school shall:

- (a) Complete and submit to the commission Form PE 32, Renewal Application to Operate a Resident Commercial Driver License Training School, with supporting documentation as listed on the form;
- (b) Pay the nonrefundable renewal application fee of \$200 established in KRS 165A.475(2);
- (c) Pay the nonrefundable renewal licensure fee required by 791 KAR 1:050, Section 3; and
- (d) Meet the requirements of Section 3 of this administrative regulation.

(2) All fees shall be paid by check or money order payable to the Kentucky State Treasurer.

Section 2. Renewal Application for Non-Resident Commercial Driver License Training School.

(1) On or before forty-five (45) days prior to the expiration date , a licensed non-resident commercial driver license training school not residing in Kentucky but recruiting, advertising, or otherwise doing business in Kentucky shall:

- (a) Complete and submit to the commission Form PE 33, Renewal Application to Operate a Non-Resident Commercial Driver License Training School, with supporting documentation as listed on the form;
- (b) Pay the nonrefundable renewal application fee of \$200 established in KRS 165A.475(2);
- (c) Pay the nonrefundable renewal licensure fee required by 791 KAR 1:050, Section 3; and
- (d) Meet the requirements of Section 3 of this administrative regulation.

(2) All fees shall be paid by check or money order made payable to the Kentucky State Treasurer.

Section 3. Evidence of Liability Insurance Coverage.

(1) Each renewal application to operate a commercial driver license training school shall be accompanied by verification of liability insurance coverage for the commercial driver license training school from a Kentucky-Licensed insurance carrier, as mandated by KRS 165A.475(1)(d).

(2) Verification of liability insurance coverage from the school's insurance carrier shall include on the policy a complete listing of all equipment, serial numbers, and vehicle

identification numbers covered by the liability insurance with subsequent liability insurance coverage changes filed with the commission in writing within thirty (30) days of the subsequent change.

Section 4. Denial of Renewal Application.

(1) The commission shall deny a renewal application to operate a commercial driver license training school for:

- (a) Failure to comply with the requirements of KRS 165A.460-165A.515;
- (b) Failure to comply with 791 KAR 1:040 to 791 KAR 1:160, governing the application and operation of a commercial driver license training school;
- (c) Failure to comply with KRS 165A.475(1)(d) regarding persons connected in any capacity with commercial driver license training schools; or
- (d) Failure to maintain all training vehicles in a safe operating condition, pursuant to 49 C.F.R. 325, as enforced by the Kentucky State Police.

(2) The commission may deny a renewal application to operate a commercial driver license training school for lack of good moral character, as determined by KRS 165A.475(7).

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) Form PE 32, "Renewal Application to Operate a Resident Commercial Driver License Training School", as provided in EdVera software version 2.1, edition 2021 ; and
- (b) Form PE 33, "Renewal Application to Operate a Non-Resident Commercial Driver License Training School", as provided in EdVera software version 2.1, edition 2021 .

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Commission on Proprietary Education, 500 Mero Street , Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

MISTY N. EDWARDS, Executive Director
For DAVID W. FLOYD, Chair

APPROVED BY AGENCY: August 4, 2021

FILED WITH LRC: August 4, 2021 at 11:10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 25, 2021, at 1:00 p.m. Eastern Time, at the Mayo-Underwood Building Hearing Room, 500 Mero Street, 1st Floor, Frankfort, KY. 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 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: Misty Edwards, Executive Director, Kentucky Commission on Proprietary Education, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601-1957, phone 502-564-4185, email kcpe@ky.gov.