

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

791 KAR 1:100. Standards for Kentucky resident commercial driver training school facilities.

RELATES TO: KRS 165A.330(1), 165A.370, 165A.510(1)

STATUTORY AUTHORITY: KRS 165A.340(3), 165A.510

NECESSITY, FUNCTION, AND CONFORMITY: KRS 165A.510(1) authorizes the commission to promulgate administrative regulations to set standards for CDL training school facilities. This administrative regulation establishes the commission's policy regarding standards for Kentucky resident commercial driver training school facilities.

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

- (1) A Kentucky resident CDL training school location shall have and maintain an established place of business in the Commonwealth of Kentucky.
- (2) The established place of business of each Kentucky resident CDL training school shall:
 - (a) Be owned or leased by the driver training school;
 - (b) Regularly occupied; and
 - (c) Solely used by that driver training school for the business of:
 1. CDL training instructions for hire;
 2. Preparing members of the public for examination for a commercial motor vehicle operator's license; and
 3. Instruction of knowledge and skills for entry level tractor and trailer drivers or commercial motor vehicle operators.
- (3) The established place of business of each Kentucky resident CDL driver training school shall be located in a district zoned for business or commercial purposes. The Kentucky resident CDL driver training school office shall have a permanent sign displaying the licensed school name. If the classroom or training yard is at a different address, it shall also have a permanent sign meeting the same criteria.
- (4) The established place of business or advertised address of any Kentucky resident CDL 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. Furthermore, a modular building or structure for use as a classroom or office shall be permanently affixed to the property and meet all applicable building codes.
- (5) The Kentucky resident CDL training school, office, and classes 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 commission during this time.
- (6) The Kentucky resident CDL training school shall have a business telephone used exclusively for the operation of the driving school and operational during the stated office hours.
- (7) A Kentucky resident CDL driver training school shall not transfer its license without filing the Application to Transfer Ownership of a Proprietary School, incorporated by reference, for prior approval of the commission. There will be a \$500 fee for a transfer of ownership.
- (8) Should a Kentucky resident CDL driver training school discontinue operations, the license and applicable student records shall be surrendered to the commission, at the

expense of the licensee, in accordance with 791 KAR 1:155.

(9) A branch or satellite Kentucky resident CDL driver training school shall be licensed as an independent Kentucky resident CDL driver training school and meet all of the requirements of the commission as provided for in KRS Chapter 165A and 791 KAR 1:040 to 791 KAR 1:090.

Section 2. The following standards shall apply to Kentucky resident CDL driver training school classroom facilities:

(1) The classroom facility of each Kentucky resident CDL 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, equipment, and seating to carry on the business of classroom instruction for students enrolled in the Kentucky resident CDL training school, and preparation of students for examination for a commercial 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 with writing surfaces that, if required, could accommodate up to thirty (30) classroom students, or the school's maximum, number, if less than thirty (30) classroom students, based on available space and occupancy limits established by applicable fire code;

(b) Adequate blackboards or whiteboards which are visible from student seating areas;

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

(d) Other devices that may aid in acquainting students with state and federal traffic laws and prepare them to safely operate commercial motor vehicles;

(e) All Kentucky Revised Statutes and administrative regulations governing CDL training schools, commercial motor vehicle operator license requirements and federal motor carrier rules and regulations, shall be prominently displayed so as to be accessible to applicants for enrollment and 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 devices that may aid in acquainting students with state and federal traffic laws and prepare them to safely operate commercial motor vehicles.

Section 3. Location Change of a Licensed CDL Training School. Prior to relocating any CDL training school office, classroom facility, behind-the-wheel training facility or location, or equipment thereof, the CDL training school shall:

(1) Submit a completed Application to Change the Location of a School Form PE-23, incorporated by reference in 791 KAR 1:010 Section 12;

(2) Submit documentation indicating the new location is in compliance with all fire and safety codes;

(3) Submit the required change of school location application fee of \$500 by certified check or money order made payable to the Kentucky State Treasurer; and

(4) Complete a successful inspection by the Kentucky State Police pursuant to the procedures outlined by KRS 165A.475(4).

Section 4. 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.