

JUSTICE AND PUBLIC SAFETY CABINET
Department of Kentucky State Police
(Amended After Comments)

502 KAR 10:030. Instructor's license.

RELATES TO: KRS 332.204~~[332.030]~~

STATUTORY AUTHORITY: KRS 15A.160, 332.204, 332.216 ~~[332.100]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 332.216 requires the department to promulgate administrative regulations to carry out the provisions of KRS Chapter 332. KRS 15A.160 authorizes the secretary of the cabinet to adopt administrative regulations to administer the cabinet. KRS 332.204(3) requires the department to establish an application process for the licensing of instructors for driver training in the operation of noncommercial motor vehicles. This administrative regulation establishes the requirements for the application and licensing for a driver training instructor. ~~[KRS 15A.160 and 332.100 provide] [] [that the department] [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 licensing of driver training instructor.]~~

Section 1. A person seeking ~~[Each person desiring]~~ to be licensed as a driver training instructor shall submit an application with required documents to the Kentucky State Police Drivers Testing Branch at the address in Section 12 of this administrative regulation~~[on the department's website.]~~ ~~[Additional materials may also be submitted online, including the supporting documentation and the fingerprint background check]~~ ~~[must make application on forms furnished by the department. The forms shall consist of sections dealing with the personal history of the applicant and include a physical examination report signed by an examining physician].~~

Section 2. The driver training instructor license application shall~~[must]~~ indicate the name and address of the driver training school employing the applicant and shall~~[must]~~ be signed by an agent or representative of the driver training school. The application shall~~[must]~~ be verified under oath and signed by the applicant.

Section 3. The driver training instructor license applicant shall submit to the Drivers Testing Branch at the address in Section 12 of this administrative regulation ~~[may be licensed as an instructor upon]~~ ~~[Upon]~~ ~~[receipt by the department of]~~ the following:

- (1) A ~~[a]~~ duly completed driver training instructor application, KSP 107;
- (2) The fee set in KRS 332.204(4) ~~[A refundable fifty (50)]~~ ~~[together with a nonrefundable twenty (20)]~~ ~~[dollar fee]~~ in the form of a certified check or money order made payable to the Kentucky State Treasurer;~~;~~
- (3) Three (3) identical photographs that:
 - (a) Are one and one-half (1 1/2) inches by one and one-half (1 1/2) inches; and
 - (b) Show a full face view of the applicant's neck and uncovered head;~~[(3)]~~ ~~[A refundable twenty (20) dollar background check fee in the form of a certified check or money order made payable to the Kentucky State Treasurer;]~~
~~[(4)]~~ ~~[Three (3) one]~~ ~~[one (1) set of fingerprints of each digit on right and left hands, three (3) one]~~ ~~[and one-half (1 1/2) inch by one and one-half (1 1/2) inch identical photographs which show a full face view of his or her neck and uncovered head;]~~
- (4) ~~[(5)]~~ A physical examination report, including the following:
 - (a) Results of an eye examination showing the visual acuity of the applicant to be at least 20/20 in one (1) eye and 20/40 in the other, or 20/30 in each eye separately with

or without corrective lenses;~~and~~

(b) Showing that the applicant has at least~~is not lacking~~ one (1) functional:

1. Eye;

2. Hand; and

3. Foot; and

(c) Would not be disqualified for a driver's license pursuant to 601 KAR 13:010; ~~hand, or foot.~~

(5) ~~(6)~~ Proof ~~[proof]~~ of age by copy of birth certificate or valid driver's license;~~and~~

(6) ~~(7)~~ Proof of education~~by copy of diploma or GED certificate;~~ and

(7) ~~(8)~~ A Driver Training Instructor's Examination Report, KSP 110 ~~[The] [the] [results of the department's examination], if the applicant has obtained a passing score~~~~[favorable, the applicant may then be licensed as an instructor].~~

Section 4. The driver training instructor examination shall be administered by the department.~~[consist of]~~

(1) The examination shall consist of a written theoretical examination prepared and administered by the department and embracing subject matter pertinent to the care, operation, and use of a motor vehicle on the highways, and to general safety principles and practices, both for the purpose of testing an applicant's competency and fitness in the operation of a motor vehicle and in providing classroom instruction, including rules of the road, safe driving practices, pedestrian safety, mechanics of motor vehicles, driver responsibility, the Kentucky point system, types of automobile insurance, and use of automobile safety devices. The results of the examination shall be recorded on the Drivers Training Instructors Examination Report, KSP 110.

(2) The department may also test the applicant for depth perception, peripheral vision, and reaction time.

Section 5. All applicants who pass the instructor's examination and who are ~~otherwise~~ qualified pursuant to KRS 332.204(3) and this administrative regulation shall~~will~~ be issued a driver training instructor license certifying the instructor for both classroom and practical instruction and containing the instructor's photograph, the name and address of the licensee, and the name and address of the driver training school by whom the instructor~~he~~ is employed. The license shall be:

(1) Nontransferable;

(2) Carried and displayed in compliance with KRS 332.206; and

(3) Surrendered to the Drivers Testing Branch upon expiration, revocation, suspension, mutilation of the physical license, or the instructor's separation from employment with the driver training school listed on the license.

Section 6. A driver training instructor license shall expire on June 30 of each year or upon separation from employment by the driver training school listed on the license. License renewal shall require submission of a new application pursuant to Section 3 of this administrative regulation, including payment of fees. A renewal application, supporting documents, and fees shall be submitted to the Drivers Testing Branch by June 30 of each year.

Section 7. ~~Section 6.~~ If ~~Should~~ a license ~~is~~~~be~~ lost, mutilated, or destroyed, a duplicate license will be issued upon proof of the date the license was lost or destroyed and the circumstances involving ~~the~~~~such~~ loss, mutilation, or destruction. ~~If a license is mutilated, it shall be surrendered to the department.~~~~[In the case of a mutilated license, the surrender of such license is necessary.]~~ A five (5) dollar replacement fee shall be paid~~charge will be made~~ for a duplicate license~~[all duplicates]~~.

~~{Section 7.} {All expired, revoked, or suspended licenses shall} {must} {be surrendered to the department at the time of expiration, revocation, or suspension.}~~

Section 8. Any applicant who has previously been licensed as a driver training instructor but has not been so employed within two (2) years preceding application shall apply~~{will be treated}~~ as an original applicant.

Section 9. Any instructor who has had the instructor's~~{his or her}~~ license suspended or revoked or any applicant denied a license may apply~~{will be eligible to make application}~~ again six (6) months following the suspension, revocation, or denial.

Section 10. The department shall~~{will}~~ not issue a driver training instructor license to any applicant who has been convicted of two (2) or more moving hazardous traffic violations within the two (2) year period immediately preceding the date of application.

Section 11. A driver training school shall complete a Driver Training School License Information Notice of Change, KSP 115, within ten (10) days of~~{is required to notify the department, in writing, of the}~~ termination of employment of an instructor or agent, or if there is any change in the address of any owner, partner, officer, or driving instructor.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Driver Training Instructor Application". KSP 107, 2009 edition;

(b) "Driver Training Instructor's Examination Report", KSP 110, 2001 edition; and

(c) "Driver Training School License Information Notice of Change", KSP 115, 2006 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Police, Drivers Testing Branch, 1250 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or at any KSP regional driver testing office. This material is also available on the agency Web site kentuckystatepolice.org under drivers testing.

(1 Ky.R. 1032; Am. 2 Ky.R. 123; eff. 8-13-1975; 12 Ky.R. 1620; 1831; eff. 5-6-1986; 48 Ky.R. 1263, 2241; eff. 8-16-2022.)

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: January 6, 2022

FILED WITH LRC: January 11, 2022 at 1:30 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 requirements for the licensing of driver training instructors.

(b) The necessity of this administrative regulation:

This administrative regulation informs applicants for a driver training instructor license of the requirements and procedures to apply for a license pursuant to KRS 332.204(3) and 332.216.

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

KRS 332.216 requires the department to promulgate administrative regulations to carry out the provisions of KRS Chapter 332. KRS 332.204(3) requires the department to establish an application process for the licensing of instructors for driver training in the operation of noncommercial motor vehicles. This administrative regulation establishes the requirements for the application for and the licensing of a driver training instructor.

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

The administrative regulation details the requirements, procedures, and fees to apply for a driver training instructor license. It also informs licensees of the expiration period, renewal procedures, and surrender requirements.

(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 updates statutory references, adds license display requirements, adds expiration and renewal information, adds surrender requirements, and incorporates forms by reference.

(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:

KRS 332.216 requires the department to promulgate administrative regulations to carry out the provisions of KRS Chapter 332. KRS 332.204(3) requires the department to establish an application process for the licensing of instructors for driver training in the operation of noncommercial motor vehicles. The amendment revises application requirements for a driver training instructor.

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

The amendment clarifies the existing language and adds necessary procedures to inform applicants and licensees and to accurately reflect the licensing process.

(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, 16 driver training schools, 17 driver training facilities, 50 driver training school instructors, and any potential applicants.

(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:

Applicants and instructors renewing a driver training instructor license will have to follow the procedures stated in the amendment.

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

No additional cost is anticipated.

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

The department, driver training schools, applicants, and licensees will benefit from more clearly defined procedures that will assist in the administration of the licenses.

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

(a) Initially:

No additional cost is anticipated.

(b) On a continuing basis:

No additional cost is anticipated.

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

Funds budgeted to the department.

(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:

A fee is stated for a duplicate license copy.

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

Yes.

(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.

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

: KRS 15A.160, 332.202, 332.204, 332.206, and 332.216.

(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?

The majority of revenue is from statutory fees. A small amount may be received from a few instructors requesting duplicate license copies.

(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?

The majority of revenue is from statutory fees. A small amount may be received from a few instructors requesting duplicate license copies.

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

No additional cost is anticipated.

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

No additional cost is anticipated.

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: