

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

502 KAR 10:040. Training school facilities.

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

STATUTORY AUTHORITY: KRS 15A.160, ~~332.095, 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 332.202 and 332.204 require the department to establish a licensure process for driver training schools for instruction of persons in the operation of motor vehicles that are not commercial motor vehicles. This administrative regulation establishes the licensure process and standards for driver training schools. ~~[KRS 15A.160 and 332.216] [332.100] [authorize the department to establish]~~ [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 standards for driver training school facilities.]~~**

Section 1. **Driver training school standards.** ~~[The following standards shall apply to driver training school office facilities:]~~

- (1) The driver training school shall have and maintain an established place of business in the Commonwealth of Kentucky.
- (2) The established place of business of each driver training school shall be owned or leased by the driver training school and regularly occupied and primarily used by that driver training school for the business of giving driving instructions for hire, and the business of preparing members of the public for examination given by the department for a motor vehicle operator's license.
- (3) The established place of business of each driver training school shall be located in a district ~~[which is]~~ zoned for business or commercial purposes. The driver training school office shall have a permanent sign displaying the school name in letters at least six (6) inches in height and visible from the street or road on which the school is located. If the classroom is at a different address, the classroom~~[it too]~~ shall have a permanent sign meeting the same criteria. The hours during which the driver training is conducted shall also be displayed. If these requirements do not comply with local zoning laws, the department shall permit a sign of a type which does comply.
- (4) The established place of business or advertised address of any 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. The residence requirement of this rule shall not apply to compel the discontinuance of a driver training school which was already established and operational on or before June 16, 1966.
- (5) The place of business 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 cabinet during this time.
- (6) The place of business shall have a business telephone used exclusively for the operation of the driving school.
- (7) **A driver training school shall employ at least one (1) driver training instructor licensed pursuant to KRS 332.204 and 502 KAR 10:030.**

(8) A driver training school shall have at least one (1) motor vehicle registered in the name of the school pursuant to 502 KAR 10:070.

(9) A driver training school shall not transfer its license nor change its place of business without the prior approval of the department. A transfer of ownership shall be treated as an initial application for a driver training school license. ~~There will be a \$200 fee for transfer of ownership, which will be treated as an original application for license.~~

Section 2. Driver Training School License Application.

(1) A Driver Training School Application, KSP 106, shall be submitted to the Kentucky State Police Driver Testing Branch for a driver training school facility. If a school has more than one facility, it shall designate one of the facilities as the primary driver training school facility.

(2) The application fee set by KRS 332.204(2) shall be provided with the written application. The fee may be refunded if the application is denied.

(3) The application shall state:

(a) Name of the driver training school;

(b) Address of the driver training school;

(c) Telephone numbers of the driver training school;

(d) Whether the school is a sole proprietorship, corporation, or association; and

(e) Name, address, and telephone number of all owners, partners, associates, processing agents, officers; and managers.

(4) Each owner, partner, officer, and manager shall complete a Driver Training Instructor Application. The health history portion of the application shall not be required unless the applicant is applying for an instructor's license and to meet the requirements of 502 KAR 10:030.

Section 3. Driver Training School Branch Office.

(1) A driver training school branch office shall meet the standards of a driver training school as required in KRS 332.204 and this administrative regulation.

(2) A Driver Training School Application shall be submitted to the Kentucky State Police Driver Testing Branch, 1250 Louisville Road, Frankfort, Kentucky 40601 for each driver training school branch office. The branch office application fee shall be one hundred (100) dollars for each branch office. Payment shall be in the form of a certified check or money order made payable to the Kentucky State Treasurer. The fee shall be provided with the written application. The fee may be refunded if the application is denied.

(3) If the application is approved, the department shall issue a copy of the license of the primary driver training school facility, appropriately endorsed, for use at the branch office. This copy shall be conspicuously displayed in the branch office at all times.

(4) A branch office or its equipment shall not be moved to a new location without prior approval of the department.

Section 4. Change in License Information. A Driver Training School License Information Notice of Change, KSP 115, shall be submitted to the Drivers Testing Branch for a primary office or a branch office within ten (10) days for:

(1) Change of school name;

(2) Change of address;

(3) Change of contact information;

(4) Addition, change, or departure of owner, partner, officer, or manager;

(5) Closure of a school or branch office. The license shall be surrendered to the Drivers Testing Branch immediately at 1250 Louisville Road, Frankfort, Kentucky.

40601;

(6) Renewal of a driver training instructor license;

(7) Transfer of a driver training instructor license;

(8) Change of a driver training instructor's name or personal information on the license;

(9) Termination of a driver training instructor;

(10) Addition or removal of a fleet vehicle; or

(11) Change, renewal, cancellation, or termination of fleet liability insurance. The Driver Training School License Information Notice of Change shall be submitted ten (10) days prior to cancellation or termination of insurance.

Section 5. Driver Training Motor Vehicles. A Driver Training School Fleet Information, KSP 118, shall be submitted with the application listing all motor vehicles owned, leased, registered, or insured in the name of the driver training school. All motor vehicles shall comply with the provisions of 502 KAR 10:070. [The following standards shall apply to driver training school branch offices:]

~~{(1)} [A driver training school desiring to open a branch office shall make application on a form prescribed by the department. Upon approval] [If application is approved] [, the department will issue a copy of the license of the principal place of business, appropriately endorsed, for use at the branch office. This copy shall be conspicuously displayed in such branch office at all times.]~~

~~{(2)} [A branch office or its equipment may not be moved to a new location without the prior approval of the department.]~~

~~{(3)} [~~If~~] [Should] [a branch office is] [be] [discontinued, the branch office copy of the license shall be surrendered immediately to the department.]~~

~~{(4)} [The branch office shall meet all of the requirements of the licensed principal place of business.]~~

~~{(5)} [There will be a fee of \$100 for licensure of each branch office.]~~

Section 6. [Section 3.] Classroom Facilities. [The following standards shall apply to driver training school classroom facilities:]

(1) The classroom facility of each 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 and equipment to carry on the business of giving classroom instruction for students enrolled in the driver training school, and preparing students for examination for a 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 providing writing surfaces for not less than eight (8) students;

(b) Adequate blackboards or whiteboards that~~[which]~~ are visible from all seating areas;

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

(d) Audio visual equipment consistent with modern technology. ~~[One (1) of the following:]~~

~~[1.] [A sixteen (16) millimeter sound movie projector and screen for showing driver training and sound films; or]~~

~~[2.] [A thirty-five (35) millimeter slide projector and slides; or]~~

~~[3.] [A video/audio display screen of not less than nineteen (19) inches diagonal measure, capable of being operated in conjunction with a video tape for showing driver training instruction]; and~~

- (e) A copy of this administrative regulation~~[these rules and administrative regulations]~~ displayed so as to be accessible to all students.
- (5) ~~In addition to the foregoing,~~ The following ~~are~~ suggested teaching aids may be used:
- (a) A reaction time testing device;
 - (b) Peripheral vision testing device;
 - (c) Magnetic traffic boards; and
 - (d) Other ~~[Such other]~~ devices that ~~[as]~~ may help to acquaint students with traffic laws and prepare them to safely operate motor vehicles.
- (6) A minimum of four ~~(4)~~~~[five (5)]~~ hours of classroom instruction shall be available to each student receiving driving training from a driver training school.

Section 7. ~~[Section 4.] Driver training schools shall make available the following~~
~~[both] Theoretical and practical instruction, [as follows]:~~

- (1) Practical instruction in driver training shall include the demonstration of, and actual instruction in, starting, stopping, shifting, turning, backing, parking, and steering in a training vehicle, which meets the regulatory requirements set forth herein.
- (2) Theoretical instruction in driver training shall include subject matter relating to 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~~[that meets the requirements set forth in 601 KAR 13:110, Section 4(a)-(d)]~~~~[relating to 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]~~.

Section 8. ~~[Section 5.] Student Fees and Charges.~~

(1) A ~~[Each]~~ school shall publish a schedule of fees or charges for behind-the-wheel lessons, classroom lessons, and all other fees or charges made by the school. A copy of this schedule shall be filed with the department at the address in Section 10 of this administrative regulation.

(2)

~~[Section 6.]~~ A ~~[Each]~~ school shall inform each student, prior to the time instruction commences, of the character and amount of any ~~[and all]~~ fees or charges made for enrollment ~~[or]~~ registration, tuition, and use of any other service,~~[or]~~ equipment or materials provided by the school.

Section 9. ~~[Section 7.] Relocation.~~ Prior to the relocation of a ~~[Before any]~~ driver training school office or branch office, or any equipment thereof, ~~[is moved to another location,]~~ the department shall be notified and the new location shall be inspected and approved.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Driver Training School Application", KSP 106, 2009 edition;

(b) "Driver Training School License Information Notice of Change", KSP 115, 2006 edition; and

(c) "Driver Training School Fleet Information", KSP-118, 2022 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. and at any KSP regional driver testing office. This material is also available on the agency Web site kentuckystatepolice.org under driver testing.

APPROVED BY AGENCY: January 6, 2022

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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 licensing procedures and standards for driver training schools.

(b) The necessity of this administrative regulation:

KRS 332.216 requires the department to promulgate administrative regulations to carry out the provisions of KRS Chapter 332. KRS 332.202 and 332.204 require the department to establish a licensure process for driver training schools for instruction of persons in the operation of motor vehicles which are not commercial motor vehicles. This administrative regulation establishes the licensure process and standards for driver training schools.

(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 15A.160 authorizes the secretary of the cabinet to adopt administrative regulations to administer the cabinet. KRS 332.202 and 332.204 require the department to establish a licensure process for driver training schools for instruction of persons in the operation of motor vehicles which are not commercial motor vehicles. This administrative regulation establishes the licensure process and standards for driver training schools.

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

This administrative regulation establishes the licensure process and standards for driver training schools.

(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 provides an application process for the primary office and for branch offices, adds the fee for a branch office, adds requirements for notification of changes to license information, adds requirements for registration of the driver training vehicle fleet, adds forms, and updates required classroom technology.

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

The amendment is necessary to update the licensing procedures and standards for the schools.

(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 332.202 and 332.204 require the department to establish a licensure process for driver training schools for instruction of persons in the operation of motor vehicles which are not commercial motor vehicles. The amendment addresses the licensure and standards for the schools.

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

The amendment adds procedures to accurately reflect the licensing process and inform applicants and licensees of the standards for operating a driver training

school.

(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:

The training school applicants will need to follow the new licensing requirements and standards.

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

A school will need to pay the fee for a branch office if it has one.

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

They will benefit from more clearly defined procedures and standards.

(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 branch office application.

(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; 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 15A.160, 332.202, 332.204, 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. There is currently one branch office for \$100.

(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. Approximately \$100 is anticipated unless new branch offices are opened.

(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: