

**186.412 Application of United States citizen or permanent resident for instruction permit or operator's license -- Information and documents required -- Applicant without fixed residence -- Photograph -- Scanning and retaining of application information -- Temporary license or permit -- Birth certificate -- Oath.**

- (1) As used in this section, "applicant" means a person who:
  - (a) Is a citizen or permanent resident of the United States; or
  - (b) Meets the minimum requirements for federal recognition in Section 202 of the REAL ID ACT of 2005, as amended, in 49 U.S.C. sec. 30301 note, and has been admitted to the United States as a nonimmigrant pursuant to a compact of free association between the United States and the Republic of the Marshall Islands, the Republic of Palau, or the Federated States of Micronesia.
- (2) An applicant shall apply for an instruction permit or operator's license with the Transportation Cabinet, or through alternative technology. Except as provided in KRS 186.417, the application form shall require the applicant's:
  - (a) Full legal name and signature;
  - (b) Date of birth;
  - (c) Social Security number or a letter from the Social Security Administration declining to issue a Social Security number;
  - (d) Sex;
  - (e) Present Kentucky resident address, exclusive of a post office box address alone;
  - (f) Other information necessary to permit the application of United States citizens to also serve as an application for voter registration;
  - (g) A brief physical description of the applicant;
  - (h) Proof of the applicant's Kentucky residency, including but not limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement; and
  - (i) Other information the cabinet may require by administrative regulation promulgated under KRS Chapter 13A.
- (3)
  - (a) To satisfy the requirements of subsection (2)(e) and (h) of this section, an applicant seeking to obtain a renewal or duplicate operator's license may use a completed form attesting to the lack of an established and fixed nighttime residence of regular return as established in accordance with paragraph (b) of this subsection. The form developed under paragraph (b) of this subsection shall not be used by an applicant for an initial operator's license or instruction permit.
  - (b) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to develop forms and procedures whereby an applicant for a renewal or duplicate operator's license under this section or KRS 186.4121, or an applicant for an initial, renewal, or duplicate personal identification card under KRS 186.4122 or 186.4123, who does not have an established and fixed nighttime residence of regular return may use as proof of residency, a form,

attested to by a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services, that the applicant is a resident of Kentucky. An applicant who does not have an established and fixed nighttime residence of regular return shall not be issued a voluntary travel ID operator's license under this section or KRS 186.4121.

- (4) In addition to the information identified in subsection (2) of this section, a:
  - (a) Permanent resident shall present one (1) of the following documents issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services:
    1. An I-551 card with a photograph of the applicant; or
    2. A form with the photograph of the applicant or a passport with a photograph of the applicant on which the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, has stamped the following: "Processed for I-551. Temporary evidence of lawful admission for permanent residence. Valid until .... (Expiration Date). Employment authorized."; and
  - (b) Person who meets the definition in subsection (1)(b) of this section shall present a valid, unexpired passport from his or her country of origin, along with one (1) of the following documents issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services:
    1. Form I-94, Arrival/Departure Record number;
    2. Form I-766, Employment Authorization Document number; or
    3. Form I-797, Notice of Action receipt number.
- (5) Upon application for an operator's license under this section, the cabinet shall capture a photograph of the applicant in accordance with the requirements of KRS 186.4102(1).
- (6)
  - (a) Except as provided in paragraph (b) of this subsection, the cabinet shall electronically scan the documents required for application under this section and shall electronically retain the application, supporting documents, and the photograph of the applicant. Upon completion of any required examinations under KRS 186.480, the cabinet shall present the applicant with a temporary operator's license or instruction permit, which shall be valid for thirty (30) days until a permanent operator's license or instruction permit is mailed to the applicant by the Transportation Cabinet.
  - (b) The cabinet shall only electronically scan the birth certificate of an individual applying for a voluntary travel ID instruction permit or operator's license. If the applicant is not seeking such a permit or license, the cabinet shall not electronically scan the applicant's birth certificate.
  - (c) An applicant for an operator's license or instruction permit shall not be required to surrender the applicant's birth certificate for image capture, image storage, or image transmission to any entity, including the federal government, unless express consent is given by the applicant during the course of obtaining a voluntary travel ID license or permit.

- (7) An applicant shall swear an oath to the cabinet as to the truthfulness of the statements contained in the form.

**Effective:** July 1, 2025

**History:** Amended 2025 Ky. Acts ch. 95, sec. 18, effective July 1, 2025. -- Amended 2023 Ky. Acts ch. 185, sec. 1, effective July 1, 2025. -- Amended 2020 Ky. Acts ch. 51, sec. 6, effective March 27, 2020. -- Repealed and reenacted 2017 Ky. Acts ch. 100, sec. 2, effective January 1, 2019. -- Amended 2015 Ky. Acts ch. 126, sec. 2, effective June 24, 2015. -- Amended 2013 Ky. Acts ch. 110, sec. 1, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 11, sec. 1, effective July 12, 2012. -- Amended 2011 Ky. Acts ch. 59, sec. 5, effective June 8, 2011; and ch. 79, sec. 2, effective June 8, 2011. -- Amended 2010 Ky. Acts ch. 98, sec. 1, effective July 15, 2010; and ch. 161, sec. 32, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 46, sec. 2, effective June 25, 2009. -- Amended 2008 Ky. Acts ch. 2, sec. 1, effective July 15, 2008. -- Amended 2007 Ky. Acts ch. 85, sec. 192, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 65, sec. 4, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 55, sec. 1, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 96, sec. 1, effective July 15, 2002; ch. 261, sec. 1, effective January 1, 2003; and ch. 264, sec. 4, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 535, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 52, sec. 1, effective March 16, 1998; and ch. 192, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 185, sec. 1, effective July 15, 1996; and ch. 198, sec. 5, effective October 1, 1996. -- Amended 1994 Ky. Acts ch. 86, sec. 1, effective July 15, 1994; ch. 393, sec. 9, effective January 1, 1995; and ch. 481, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 455, sec. 29, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 165, sec. 1, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 142, sec. 1, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 402, sec. 2, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 236, sec. 1, effective July 15, 1982; ch. 243, sec. 1, effective July 15, 1982; and ch. 389, sec. 2, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 349, sec. 4, effective June 17, 1978; and ch. 434, sec. 2, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 15, sec. 1, effective January 1, 1975; and ch. 124, sec. 1. -- Amended 1970 Ky. Acts ch. 22, sec. 1; and ch. 103, sec. 1. -- Amended 1968 Ky. Acts ch. 63, sec. 3, effective June 13, 1968. -- Created 1958 Ky. Acts ch. 60, sec. 2.

**Legislative Research Commission Note (7/15/94).** This section was amended by 1994 Ky. Acts chs. 86, 393, and 481. Where these Acts are not in conflict, they have been codified together. Where Acts chs. 86 and 481 are in conflict, Acts ch. 481, which was the last enacted by the General Assembly, prevails under KRS 446.250. 1994 Ky. Acts ch. 393 amending this section is effective January 1, 1995, according to OAG 94-42.