

INTERIM JOINT COMMITTEE ON TRANSPORTATION

Minutes of the 6th Meeting of the 2024 Interim

November 22, 2024

Call to Order and Roll Call

The sixth meeting of the Interim Joint Committee on Transportation was held on November 22, 2024, at 11:00 AM in Room 149 of the Capitol Annex. Senator Jimmy Higdon, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Jimmy Higdon, Co-Chair; Representative John Blanton, Co-Chair; Senators Karen Berg, Robby Mills, Brandon J. Storm, and David Yates; Representatives Randy Bridges, Adrielle Camuel, Daniel Elliott, Keturah Herron, Thomas Huff, Mary Beth Imes, Bobby McCool, Kimberly Poore Moser, Amy Neighbors, Ruth Ann Palumbo, Tom Smith, Ashley Tackett Laferty, Walker Thomas, and Ken Upchurch.

Guests: Matthew Cole, Commissioner, Department of Vehicle Regulation, Kentucky Transportation Cabinet (KYTC).

LRC Staff: John Snyder, Dana Fugazzi, Ashley Nash, and Christina Williams.

Approval of Minutes

The minutes for the November 8, 2024, meeting were approved.

Medical Review Board Discussion

Chairman Jimmy Higdon presented Bill Request (BR) 110 for the 2025 Session, which would change procedures for KYTC's Medical Review Board (MRB). The MRB reviews cases of drivers who may have conditions that impair their ability to safely operate a motor vehicle. Matthew Cole, Commissioner, Department of Vehicle Regulation, KYTC, briefed members on MRB procedures and discussed upcoming changes to MRB regulations regarding vision standards.

Several members including Representative Walker Thomas, Representative Daniel Elliott, and Representative Ashley Tackett Laferty, voiced concerns after constituent issues with medical review board procedures were brought to their attention.

In response to Senator Karen Berg, Commissioner Cole stated, if a physician attests to a person's driving ability, that indicates they would assume the liability if that person was found deficient of state established standards. He added that everything required uses a

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measurable test. Senator Yates stated, in his professional opinion as a lawyer, if a physician conducts the review, they are going to do so based on a reasonable degree of medical probability on what is submitted to them at that time, and would write the review as such. In the event that the physician breaches the standard of care, then there would be a malpractice concern.

Chairman John Blanton suggested the MRB form to include a portion specifying, at the time of the exam, the findings.

In response to Representative Moser, Commissioner Cole stated the MRB does not take a person's personal physician's opinion as the final ruling. However, it is taken into consideration, along with the test results that are submitted, in making the final recommendation. Commissioner Cole stated, under the proposed language in BR 110, the reduction in physicians is only for the quorum in the hearing, not a reduction in physicians on the board itself. In response to Representative Moser concerning the changing of vision screening parameters, Commissioner Cole stated there is currently a 35-degree vision field but they are looking to change it to 30, which is more in line with other states' standards.

Representative Smith likened losing a driver's license to losing a professional license due to the inability of a person to obtain and maintain an income without them. He thanked Commissioner Cole and Chairman Higdon for their attention to the matter.

In response to Senator Storm concerning how frequently claims are reviewed, Commissioner Cole stated there have been times they were inundated with cases, especially during the middle of the COVID -19 pandemic, as medical professionals were needed elsewhere and were over capacity as is. However, currently, they are processing all submissions within two to three days of receiving them. There are 13 people awaiting a hearing, and all 13 hearings are scheduled for December.

Representative Ruth Ann Palumbo raised concerns about the cost of the MRB test and urged for that to be reconsidered.

Recognition of Departing Committee Members

Chairman Blanton recognized Representative Dixon, Representative Roberts, and Representative Palumbo for their service to the General Assembly, as they will not be returning in the 2025 Regular Session. He also recognized Representative Herron as she is now Senator-Elect Herron.

Adjournment

With no further business to come before the committee, Chairman Blanton adjourned the meeting at 1:57 PM.

