

AN ACT relating to certificates for driving.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) As used in Sections 1 to 3 of this Act, "certificate" or "certificate for driving" means a certificate that:

(a) Is issued by the Transportation Cabinet pursuant to Sections 1 to 3 of this Act to an individual who does not satisfy the provisions of KRS 186.412(2) which require applicants for operator's licenses to provide proof of United States citizenship or the provisions of KRS 186.412(3) or (4); and

(b) Authorizes the holder of the valid certificate for driving to legally operate a motor vehicle on the highways of the Commonwealth.

(2) A certificate for driving issued under Sections 1 to 3 of this Act shall be clearly distinguishable from a motor vehicle operator's license and shall:

(a) Bear a color photograph of the applicant;

(b) Clearly display on its face the phrase: "FOR DRIVING PURPOSES ONLY-NOT VALID FOR IDENTIFICATION."; and

(c) Clearly display on its face the phrase: "VALID IN KENTUCKY ONLY."

(3) Certificates for driving shall contain a unique identifying number, distinguishable from the number system for operator's licenses, and the cabinet shall keep a database of all certificate holders with their driving histories. This database shall be available at all times to the Department of Kentucky State Police and any peace officer charged with the duty of enforcing traffic laws, but shall not be used for the investigation or enforcement of immigration laws.

(4) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to provide standards for the application, issuance, denial, and revocation of certificates for driving.

➔SECTION 2. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) A person who is age eighteen (18) years or older and has resided in the Commonwealth for a minimum of three (3) years may apply for a certificate for driving on a form provided by the cabinet to the Transportation Cabinet's central office in Frankfort or to a Transportation Cabinet field office. The application form for a certificate for driving shall not require the applicant to reveal the applicant's Social Security number, but shall be accompanied by a birth certificate, passport, or other official identifying documents from the applicant's country of origin.
- (2) The cabinet shall, within fifteen (15) days of the receipt of the application and supporting proof of residency documents, review the documentation and determine if the person is eligible to be issued a certificate. If the cabinet determines that the person is eligible to be issued a certificate, the cabinet shall issue that person an official form that the applicant shall take to the office of the circuit clerk in the county where the person resides. The circuit clerk shall, upon presentation of a valid form and successful completion of the examinations required under subsection (3) of this section, issue a certificate for driving to the applicant.
- (3) The Department of Kentucky State Police shall examine every applicant for a certificate for driving. The examination shall be held in the county where the applicant resides, and shall include all of the components of the test given for an operator's license under KRS 186.480.
- (4) An applicant for a certificate for driving who does not possess a valid operator's license from another state or from a foreign jurisdiction recognized by the cabinet shall be granted a certificate with the instruction permit restrictions found in KRS 186.450. If the certificate holder is twenty-one (21) years of age or

older, the certificate holder shall wait thirty (30) days before taking the examination to receive an unrestricted certificate. If the certificate holder is under the age of twenty-one (21), the certificate holder shall wait one hundred eighty (180) days before taking the examination to receive an unrestricted certificate.

(5) The Transportation Cabinet shall examine the driving history records of any applicant to determine prior convictions and shall not issue a certificate for driving to a person whose driving was suspended for any reason other than a conviction of the following offenses:

(a) Failure to have in full force and effect the security required by Subtitle 39 of KRS Chapter 304; and

(b) Driving without an operator's license as required by KRS 186.410.

➔SECTION 3. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) A certificate for driving shall not be issued to any individual who is disqualified from receiving an operator's license under KRS 186.440.

(2) As part of the administrative regulations the cabinet is required to promulgate under Section 1 of this Act, the cabinet shall establish a system of points for violations of KRS Chapter 189 by certificate holders and a suspension procedure for accumulation of points similar to the points and suspension system in place for operator's licenses.

(3) The cabinet shall revoke the certificate of any person upon receiving record of the person's conviction under any of the offenses enumerated in KRS 186.560(1). The length of suspension under this subsection shall be the same as under KRS 186.560.

(4) A certificate holder who violates any provision of KRS Chapter 189A shall be subject to the suspensions and other penalties in that chapter.

- (5) A person who operates a motor vehicle while the person's certificate for driving has been suspended or revoked shall be subject to the prohibitions against driving on a suspended operator's license under KRS 186.620, and shall be subject to the same penalty as is imposed for violating KRS 186.620.
- (6) A certificate for driving shall be valid for a period of one (1) year and may be renewed.
- (7) A certificate holder shall have the certificate in his or her immediate possession at all times when operating a motor vehicle and shall display it on demand in accordance with KRS 186.510.
- (8) When a certificate holder moves from the address named in the application or certificate or when the name on the certificate is changed by marriage or otherwise, the certificate holder shall, within ten (10) days after the change, apply to the circuit clerk in the county of residence for the issuance of a corrected certificate.
- (9) The cost for an original, renewal, or duplicate certificate shall be the same as for an original, renewal, or duplicate operator's license under KRS 186.531. In addition, an applicant shall pay a one (1) time fee of one hundred dollars (\$100) upon his or her initial application under Sections 1 to 3 of this Act.
- (10) A person who possesses a certificate for driving may not possess an operator's license issued under KRS 186.412.
- (11) A person who possesses a certificate for driving may not operate any commercial motor vehicle for which a commercial driver's license issued under KRS Chapter 281A is required.