

AN ACT relating to enhanced secure identity documents and making an appropriation therefor.

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

➔Section 1. KRS 186.410 is amended to read as follows:

- (1) Every person except those exempted by KRS 186.420 and 186.430 shall, before operating a motor vehicle, motorcycle, or moped upon a highway, secure an operator's license as provided in this chapter.
- (2) Except as provided in **Section 3 of this Act**~~[KRS 186.412]~~, all original, renewal, and duplicate licenses for the operation of motor vehicles, motorcycles, or mopeds shall be **applied for with**~~issued by~~ the circuit clerk in the county of the applicant's residence, **or through alternative technology, and issued by the Transportation Cabinet. Subject to the provisions of Section 12 of this Act,** applications for renewal licenses shall be made every **eight (8)**~~[four (4)]~~ years within the birth month of the applicant. A license shall not be issued until the application has been certified by the cabinet and the applicant has, if required under **Section 29 of this Act**~~[KRS 186.6401]~~, successfully completed the examinations required under KRS 186.480.
- (3) All ~~color photo~~ personal identification cards shall be issued under the provisions of **Sections 4, 5, and 6 of this Act**~~[KRS 186.412]~~.
- (4) A person **under the age of eighteen (18) years who applies for an instruction permit shall**~~may~~, at any time between the age of sixteen (16) and before the person's eighteenth birthday, enroll in one (1) of the following driver training programs:
 - (a) A driver's education course administered by a school district;
 - (b) A driver training school licensed pursuant to KRS Chapter 332 which offers a course meeting or exceeding the minimum standards established by the Transportation Cabinet; or

- (c) State traffic school. The person may seek to enroll in state traffic school before the person's eighteenth birthday. Persons enrolling in state traffic school pursuant to this paragraph shall not be required to pay a fee.
- (5) If, for any reason, a person fails to successfully complete the required driver training pursuant to subsection (4) of this section within one (1) year of being issued an operator's license, the Transportation Cabinet shall enroll the person in state traffic school and cancel or suspend the operator's driving privileges until the person completes state traffic school.

➔SECTION 2. KRS 186.412 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) As used in this section, "applicant" means a person who is a citizen or permanent resident of the United States.
- (2) An applicant shall apply for an instruction permit or operator's license in the office of the circuit clerk of the county where the applicant lives. Except as provided in Section 7 of this Act, 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) In addition to the information identified in subsection (2) of this section, 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:

(a) An I-551 card with a photograph of the applicant; or

(b) 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."

(4) Upon application for an operator's license under this section, the circuit clerk shall capture a photograph of the applicant in accordance with the requirements of subsection (1) of Section 6 of this Act.

(5) The circuit clerk shall electronically scan the documents required for application under this section and shall electronically forward the application, supporting documents, and the photograph of the applicant to the Transportation Cabinet. Upon completion of any required examinations under Section 37 of this Act, the circuit clerk 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.

(6) An applicant shall swear an oath to the circuit clerk as to the truthfulness of the

statements contained in the form.

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

- (1) As used in this section, "applicant" means a person who is not a United States citizen and has not been granted status as a permanent resident of the United States.
- (2) An applicant shall apply for an instruction permit or operator's license to either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office. An applicant under this section shall complete the application identified in Section 2 of this Act, along with other documents required under this section. The cabinet shall keep an electronic copy of the documentation submitted with the application and shall capture a photograph of the applicant in accordance with subsection (1) of Section 6 of this Act.
- (3) The application form under this section shall be accompanied by the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, authorizing the person to be in the United States and, if applicable, the applicant's international driving permit. The Transportation Cabinet shall verify the information submitted under this subsection through the Systematic Alien Verification for Entitlements (SAVE) Program.
- (4) The application form of a special status individual with a K-1 status shall be accompanied by an original or certified copy of the applicant's completed marriage license signed by the official who presided over the marriage ceremony and two (2) witnesses. The application form of a special status individual with a K-1 status shall also include the applicant's petition to enter the United States for the purpose of marriage that contains the name of the prospective spouse. If the name of the prospective spouse on the petition does not match the name of the

spouse on the marriage license, the Transportation Cabinet shall not be required to issue an operator's license.

(5) (a) The Transportation Cabinet shall, within fifteen (15) days of receipt of the application, review the applicant's documentation and determine if the applicant may be issued an instruction permit or operator's license. If the review of an application will take longer than fifteen (15) days, the cabinet shall continue the review, but the cabinet shall be required to make a determination in all cases within thirty (30) days of receipt of the application.

(b) If the cabinet determines the applicant may be issued an instruction permit or operator's license, the cabinet shall notify the applicant to complete the application process at the office of the circuit clerk of the county where the applicant resides. The circuit clerk shall review the applicant's electronic documentation, including the applicant's photograph, in the cabinet database. If the documentation is verified as accurate, and if the applicant successfully completes the examinations required under Section 37 of this Act, the circuit clerk shall present the applicant with a temporary operator's license or instruction permit, which will be valid for thirty (30) days until a permanent operator's license or instruction permit is mailed to the applicant by the Transportation Cabinet.

(6) (a) An applicant shall apply to renew an operator's license, or obtain a duplicate operator's license, at the Transportation Cabinet in Frankfort or a Transportation Cabinet field office.

(b) If an applicant has any type of change in his or her immigration status, the applicant shall apply to update the operator's license with either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office within ten (10) days.

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

(8) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal operator's license issued to an applicant who is not a special status individual shall be valid for a period equal to the length of time the applicant's documentation from the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is valid, or eight (8) years, whichever time period is shorter.

(b) An initial or renewal operator's license shall be valid for a period of one (1) year if the applicant is not a special status individual and the person's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is issued for an indefinite period of time and does not have an expiration date. The fee shall be the same as for a regular operator's license.

➔SECTION 4. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "applicant" means a person who is a citizen or permanent resident of the United States.

(2) The Transportation Cabinet shall issue a personal identification card to an applicant who:

(a) Is a Kentucky resident;

(b) Applies in person in the office of the circuit clerk in his or her county of residence or through alternative technology ; and

(c) Complies with the provisions of this section.

(3) Upon application for a personal identification card under this section, the circuit clerk shall capture a photograph of the applicant in accordance with subsection (1) of Section 6 of this Act.

- (4) The circuit clerk shall electronically scan the documents required for application under this section and shall electronically forward the application, supporting documents, and the photograph of the applicant to the Transportation Cabinet. The circuit clerk shall present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification card is mailed to the applicant by the Transportation Cabinet.
- (5) (a) An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under Section 2 of this Act, except if an applicant does not have a fixed, permanent address, the applicant may use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky.
- (b) It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.
- (c) If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.
- (6) (a) Every applicant for a personal identification card under this section shall swear an oath to the circuit clerk as to the truthfulness of the statements contained on the application form.
- (b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the

cabinet when applying for the card.

(7) A personal identification card issued under this section shall be valid for a period of eight (8) years from the date of issuance, except that if the personal identification card is issued to a person who does not have a fixed, permanent address, then the personal identification card shall be valid for one (1) year from the date of issuance.

(8) (a) An applicant may be issued a personal identification card if the applicant currently holds a valid Kentucky instruction permit or operator's license, except that a person shall not hold more than one (1) license or personal identification card that is a voluntary enhanced secure identity document which indicates that it meets the requirements for federal identification under the REAL ID Act of 2005, Pub. L. No. 109-13 Title II, as referenced in subsection (8) of Section 6 of this Act.

(b) If a person's instruction permit or operator's license has been suspended or revoked, the person may be issued a temporary personal identification card. A temporary personal identification card shall be renewed annually and may be surrendered when the person applies to have his or her instruction permit or operator's license reinstated.

➔SECTION 5. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "applicant" means a person who is not a United States citizen and has not been granted status as a permanent resident of the United States.

(2) The Transportation Cabinet shall issue a personal identification card to an applicant who:

(a) Is a Kentucky resident;

(b) Applies in person to either the Transportation Cabinet in Frankfort or a

Transportation Cabinet field office; and

- (c) Complies with the provisions of this section.
- (3) Upon application for a personal identification card under this section, the cabinet shall capture a photograph of the applicant in accordance with subsection (1) of Section 6 of this Act.
- (4) The cabinet shall electronically scan the documents required for application under this section, supporting documents, and the photograph of the applicant into the cabinet's database.
- (5) (a) An application for a personal identification card shall be accompanied by the same information as is required for an operator's license under Section 2 of this Act, along with other documents required under this section, except if an applicant does not have a fixed, permanent address, the applicant may use as proof of residency a signed letter from a homeless shelter, health care facility, or social service agency currently providing the applicant treatment or services and attesting that the applicant is a resident of Kentucky.
- (b) It shall be permissible for the application form for a personal identification card to include as an applicant's most current resident address a mailing address or an address provided on a voter registration card.
- (c) If the applicant is not the legal owner or possessor of the address provided on the application form, the applicant shall swear that he or she has permission from the legal owner, authorized agent for the legal owner, or possessor to use the address for purposes of obtaining the personal identification card.
- (6) The application form under this section shall be accompanied by the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, authorizing the

applicant to be in the United States. The Transportation Cabinet shall verify the information submitted under this subsection through the Systematic Alien Verification for Entitlements (SAVE) Program.

(7) The application form of a special status individual with a K-1 status shall be accompanied by an original or certified copy of the applicant's completed marriage license signed by the official who presided over the marriage ceremony and two (2) witnesses. The application form of a special status individual with a K-1 status shall also include the applicant's petition to enter the United States for the purpose of marriage that contains the name of the prospective spouse. If the name of the prospective spouse on the petition does not match the name of the spouse on the marriage license, the Transportation Cabinet shall not be required to issue an operator's license.

(8) (a) The Transportation Cabinet shall, within fifteen (15) days of receipt of the application, review the applicant's documentation and determine if the applicant may be issued a Kentucky personal identification card. If the review of an application will take longer than fifteen (15) days, the cabinet shall continue the review, but the cabinet shall be required to make a determination in all cases within thirty (30) days of receipt of the application.

(b) If the cabinet determines the applicant may be issued a personal identification card, the cabinet shall notify the applicant to complete the application process at the office of the circuit clerk of the county where the person resides. The circuit clerk shall review the applicant's electronic documentation, including the applicant's photograph, in the cabinet database. If the documentation is verified as accurate, the circuit clerk shall present the applicant with a temporary personal identification card, which shall be valid for thirty (30) days until a permanent personal identification

card is mailed to the applicant by the Transportation Cabinet.

(9) (a) An applicant shall apply to renew a personal identification card, or obtain a duplicate personal identification card, at the Transportation Cabinet in Frankfort or a Transportation Cabinet field office.

(b) If a person has any type of change in his or her immigration status, the person shall apply to update with either the Transportation Cabinet in Frankfort or a Transportation Cabinet field office within ten (10) days.

(10) (a) Every applicant for a personal identification card under this section shall swear an oath to the Transportation Cabinet as to the truthfulness of the statements contained on the application form.

(b) A personal identification card may be suspended or revoked if the person who was issued the card presents false or misleading information to the cabinet when applying for the card.

(11) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal personal identification card issued to an applicant who is not a special status individual shall be valid for a period equal to the length of time the applicant's documentation from the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services is valid, or eight (8) years, whichever time period is shorter.

(b) An initial or renewal personal identification card shall be valid for a period of one (1) year if:

1. The applicant is not a special status individual and the applicant's documentation issued by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, is issued for an indefinite period of time and does not have an expiration date. The fee shall be the same as for a regular personal identification card; or

2. The personal identification card is issued to a person who does not have a fixed, permanent address.

➔SECTION 6. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) The Transportation Cabinet shall issue operator's licenses and personal identification cards bearing a color photograph of the applicant and other information the cabinet may deem appropriate to qualified applicants under this chapter. When taking the photograph, the applicant shall be prohibited from wearing sunglasses, veils, scarves, headdresses, or any other attire that obscures or creates shadows upon any features of the applicant's face as determined by the clerk. An applicant shall be required to remove eyewear that obstructs the iris or the pupil of the eyes and shall not take any action to obstruct a photograph of his or her facial features. The face shall be visible from the crown to the base of the chin and from ear to ear. Any person who refuses to remove attire prohibited by this subsection as directed by the person taking the application shall be prohibited from receiving an operator's license or personal identification card.

(2) An operator's license or personal identification card issued by the cabinet shall not contain the applicant's Social Security number. The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A that develop a numbering system that uses an identification system other than Social Security numbers. If an applicant submits adequate proof that he or she does not have a Social Security number, the Transportation Cabinet shall assign the applicant a unique identifying number.

(3) The license or personal identification card shall also designate by color coding and using the phrase "under 21" if the licensee or card holder is under the age of twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A; or "under 21 CDL" if the licensee holds a commercial driver's license issued

pursuant to KRS Chapter 281A and is under the age of twenty-one (21).

(4) The cabinet shall provide on each operator's license and personal identification card space for a notation that the holder of the license or personal identification card has expressed to the circuit clerk the person's willingness to make an anatomical gift under KRS 311.1917. If a person who has made a declaration under this subsection wishes to rescind that declaration, the person shall notify the Kentucky Circuit Court Clerks' Trust for Life, which shall remove the notation from his or her records.

(5) An operator's license issued pursuant to this chapter shall be designated a Class D license.

(6) A person shall not have more than one (1) operator's license.

(7) Upon marriage, dissolution of marriage, or any other qualifying event, if a person seeks to change his or her name, the person shall make a name change with the Social Security Administration prior to applying for an operator's license or a personal identification card and shall provide the circuit clerk with the person's marriage license, divorce decree, or other documentation. The name issued on the identity document shall match the person's name as recorded with the Social Security Administration. Unless a person is eligible to renew his or her identity document at the time of the name change, the fee charged under this section shall be for a corrected identity document as set forth in Section 21 of this Act.

(8) An identity document issued under this chapter shall contain a denotation that either:

(a) The identity document is a voluntary enhanced secure identity document that complies with the security standards set forth by the REAL ID Act of 2005, Pub. L. No. 109-13 Title II, and may be used for identification for federal purposes; or

(b) The identity document shall not be used for federal identification purposes.

➔SECTION 7. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) The Transportation Cabinet shall issue to any felony offender, if the felony offender is eligible, released from the Kentucky Department of Corrections or a Federal Bureau of Prisons facility located in Kentucky on home incarceration, parole, completed service of sentence, shock probation, or pardon, a personal identification card or, if the felony offender is eligible, an operator's license. An offender who wishes to obtain a personal identification card or operator's license shall provide proper documentation to comply with the provisions of this section.

(2) Proper documentation under this subsection (1) of this section shall consist of:

(a) The offender's certificate of birth, except for offenders born outside this state;

(b) A copy of the offender's resident record card and parole certificate or notice of discharge;

(c) A photograph of the offender, printed on plastic card or paper; and

(d) A release letter that shall contain the offender's:

1. Full legal name, subject to the information available to the Kentucky Department of Corrections or a Federal Bureau of Prisons facility located in Kentucky;

2. Discharge/release date;

3. Signature;

4. Social Security number;

5. Date of birth;

6. Present Kentucky address where he or she resides; and

7. Physical description.

(3) The Transportation Cabinet shall issue to any felony offender, if the felony

offender is eligible, probated or conditionally discharged by the court and under the supervision of the Division of Probation and Parole, a personal identification card or, if the felony offender is eligible, an operator's license. An offender who wishes to obtain a personal identification card or operator's license shall provide proper documentation to comply with the provisions of this section.

(4) Proper documentation under this subsection (3) of this section shall consist of:

(a) The offender's certificate of birth, except for offenders born outside this state;

(b) The offender's sentencing order;

(c) A photograph of the offender, printed on plastic card or paper; and

(d) A notarized release letter, signed by the supervising officer verifying the offender's status on supervision, that shall contain the offender's:

1. Full legal name, subject to the information available to the Division of Probation and Parole;

2. Signature;

3. Social Security number;

4. Date of birth;

5. Present Kentucky address where he or she resides; and

6. Physical description.

(5) The offender shall present the documentation identified in subsection (2) or (4) of this section to the circuit clerk within thirty (30) calendar days from the date of the release letter and shall be responsible for paying the fee for the personal identification card or operator's license pursuant to KRS 186.531.

(6) Except as provided in subsection (7) of this section, the circuit clerk shall process applications for operator's licenses and personal identification cards under this section in the same manner as in Sections 2 and 4 of this Act.

(7) The Transportation Cabinet may enter into an agreement with the Kentucky

Department of Corrections or the Federal Bureau of Prisons to use a mobile unit to begin the issuance process in this section.

➔SECTION 8. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) The Transportation Cabinet shall implement a voluntary statewide child identification program. The program shall issue a color photo personal identification card to a child two (2) to fifteen (15) years of age.
- (2) A parent or guardian may apply for a child identification card under this section at the circuit clerk's office in the county in which the child resides. Application for a child identification card shall be accompanied by a Social Security card and a birth certificate for the child or other proof of the child's date of birth as provided under Section 2 of this Act. The card shall not contain the child's Social Security number.
- (3) The circuit clerk shall scan the application and supporting documentation, capture a photograph of the child in accordance with the provisions of subsection (1) of Section 6 of this Act, and submit the application and photograph to the Transportation Cabinet, who shall issue the child identification card by mail.
- (4) A child identification card issued under this section shall contain the child's name and the toll-free number of the Kentucky Missing Persons Clearinghouse, Department of Kentucky State Police. The descriptive data and a photo image of the child shall be stored in the Kentucky Driver's License Information System and may be retrieved and used by public agencies subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. sec. 2721, and may also be used by the Kentucky Missing Persons Clearinghouse.
- (5) The fee for a child identification card shall be six dollars (\$6). Four dollars (\$4) of the fee shall be deposited into the KYTC photo license account established in Section 23 of this Act. Two dollars (\$2) of the fee shall be deposited in the circuit

court clerk salary account established in Section 22 of this Act.

(6) A child identification card shall expire every four (4) years on the child's birthday. Within the time period that the child identification card is valid, the card may be updated with a new photograph and information. The fee for an updated card shall be six dollars (\$6), with the fee distributed in the same manner as the fee for an initial card as described in subsection (5) of this section.

(7) If a parent or guardian complies with the requirements of Sections 10 and 11 of this Act, the parent or guardian may request that the child identification card issued to a minor child under this section be a voluntary enhanced secure identity document under Section 10 of this Act.

(8) A child identification card issued under this section shall contain a denotation that either:

(a) The child identification card is a voluntary enhanced secure identity document that complies with the security standards set forth by the REAL ID Act of 2005, Pub. L. No. 109-13, Title II, and may be used for identification for federal purposes; or

(b) The identity document shall not be used for federal identification purposes.

➔SECTION 9. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

(1) If a resident of the Commonwealth currently serving in the United States military is stationed or assigned to a base or other location outside the boundaries of the Commonwealth, the resident may renew a Class D operator's license issued under this section by mail. If the resident was issued an "under 21" operator's license, upon the date of his or her twenty-first birthday, the "under 21" operator's license may be renewed for an operator's license that no longer contains the outdated reference to being "under 21."

(2) A resident of the Commonwealth renewing an operator's license by mail under

subsection (1) of this section may have a personal designee apply to the circuit clerk on behalf of the resident to renew the resident's operator's license. An operator's license being renewed by mail under subsection (1) of this section shall be issued a license without a photograph. The license shall show in the space provided for the photograph the legend "valid without photo and signature."

- (3) (a) If a resident of the Commonwealth has been serving in the United States military stationed or assigned to a base or other location outside the boundaries of the Commonwealth and has allowed his or her operator's license to expire, he or she shall, within ninety (90) days of returning to the Commonwealth, be permitted to renew his or her license without having to take a written test or road test.
- (b) A person who meets the criteria in paragraph (a) of this subsection shall not be convicted or cited for driving on an expired license prior to license renewal during the ninety (90) days after the person's return to the Commonwealth if the person can provide proof of his or her out-of-state service and dates of assignment.
- (c) A person who meets the criteria in paragraph (a) of this subsection and who does not renew his or her license within ninety (90) days of returning to the Commonwealth shall be required to comply with the provisions of this chapter governing renewal of a license that has expired.
- (d) If a resident of the Commonwealth has been issued an "under 21" or "under 21 CDL" operator's license and the person is unable to renew the license on the date of his or her twenty-first birthday, the "under 21" or "under 21 CDL" operator's license shall be valid for ninety (90) days beyond the date of the person's twenty-first birthday.
- (4) Any person who served in the active Armed Forces of the United States, including the Coast Guard of the United States, and was released, separated, discharged, or

retired therefrom under conditions other than dishonorable, may, at the time of initial application or application for renewal or duplicate, request that an operator's license or a personal identification card issued under this section bear the word "veteran" on the face or the back of the license or personal identification card. The designation shall be in a style and format considered appropriate by the Transportation Cabinet. Prior to obtaining a designation requested under this subsection, the applicant shall present the circuit clerk with an original or copy of his or her DD-214 or DD-2 form as proof of veteran status. The circuit clerk shall not be liable for fraudulent or misread DD-214 or DD-2 forms presented.

➔SECTION 10. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) The Transportation Cabinet shall develop a system of issuing enhanced secure instruction permits, operator's licenses, commercial driver's licenses, and personal identification cards.
- (2) The development of the system identified in subsection (1) of this section shall include but not be limited to the:
 - (a) Acquisition of equipment and information technology systems and services;
 - (b) Modification, conversion, or upgrade of the cabinet's existing databases, equipment, and information technology systems;
 - (c) Establishment of electronic connectivity with any other state's driver licensing department, federal agency, national or regional association, or business. Electronic connectivity under this paragraph shall be limited to the sharing of the minimum amount of information necessary to validate information supplied by an applicant, process the application, and produce and distribute the identity document. The Transportation Cabinet shall limit any access to the databases developed under this chapter in accordance with

the Driver's Privacy Protection Act, 18 U.S.C. sec. 2721;

(d) Creation of a new design for operator's licenses, commercial driver's licenses, instruction permits, and personal identification cards that will meet the minimum content, design, and security standards required under this section;

(e) Collection, management, and retention of personal information and identity documents; and

(f) Development and implementation of a comprehensive security plan to ensure the security and integrity of the department's:

1. Employees;

2. Facilities;

3. Storage systems;

4. Production of operator's licenses, commercial driver's licenses, instruction permits, and personal identification cards; and

5. Collection and retention of personal information and identity documents.

(3) On or after January 1, 2019:

(a) A person who applies for an initial Kentucky instruction permit, operator's license, or personal identification card under Section 2, 3, 4, or 5 of this Act, including any person who establishes residency in the state, may apply for either a voluntary enhanced secure or a nonenhanced secure instruction permit, operator's license, or personal identification card.

(b) A person who applies for the renewal of a nonenhanced secure instruction permit, operator's license, or personal identification card under Section 2, 3, 4, or 5 of this Act may apply for either a voluntary enhanced secure or a nonenhanced secure instruction permit, operator's license, or personal identification card.

- (c) A person who holds a voluntary enhanced secure operator's license, and applies for and passes all necessary examinations for a commercial driver's license under KRS Chapter 281A, shall receive a voluntary enhanced secure commercial driver's license. This paragraph shall not apply to a person who is not a citizen or permanent resident of the United States.
- (4) The fee for an initial, renewal, duplicate, or corrected voluntary enhanced secure operator's license, instruction permit, or personal identification card shall be the same as for a corresponding nonenhanced secure identity document under Section 21 of this Act.
- (5) A voluntary enhanced secure identity document issued by the cabinet may be used for all state purposes authorized for identity documents otherwise issued under KRS 186.400 to 186.640 and KRS Chapter 281A.
- (6) The Transportation Cabinet shall promulgate administrative regulations under KRS Chapter 13A that set standards for the establishment of a voluntary enhanced secure identity document system, including but not limited to, the components of the system identified in subsection (2) of this section.

➔SECTION 11. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

- (1) In addition to the information required under Sections 2, 3, 4, and 5 of this Act, an applicant for a voluntary enhanced secure instruction permit, operator's license, or personal identification card under Section 10 of this Act shall present two (2) of the following documents upon application or renewal that show the name and physical residential address of the applicant:
- (a) Utility bill;
- (b) Current lease or rental agreement;
- (c) Bank statement;
- (d) Mortgage statement;

- (e) Telephone bill;
 - (f) Current insurance policy;
 - (g) State or federal tax return that is less than one (1) year old;
 - (h) Pay slip or salary statement;
 - (i) Record from an educational institution in Kentucky which establishes enrollment; or
 - (j) Kentucky voter registration card.
- (2) Any of the documents described in subsection (1) of this section that contains the name of the spouse of the applicant, together with a certified copy of the applicant's marriage license or marriage certificate, shall be considered acceptable documentation of proof of residence under subsection (1) of this section.
- (3) The Transportation Cabinet may promulgate administrative regulations under KRS Chapter 13A to identify additional documentation that would satisfy the proof of residence requirement under this section.
- (4) Unless otherwise specified, the documentation furnished under subsection (1) of this section must be less than sixty-one (61) days old.
- (5) A Kentucky post office box address is not sufficient proof of physical address for purposes of this section.
- (6) The cabinet may require additional proof of physical address if the cabinet questions the validity or authenticity of the proof of physical address submitted by the applicant.
- (7) In addition to the information required under Sections 2, 3, 4, and 5 of this Act, an applicant for a voluntary enhanced secure instruction permit, operator's license, or personal identification card under Section 10 of this Act shall present valid documentary evidence that the applicant:
- (a) Is a citizen or national of the United States;

- (b) Is an alien lawfully admitted for permanent or temporary residence in the United States;
- (c) Has conditional permanent resident status in the United States;
- (d) Has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (e) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (f) Has a pending application for asylum in the United States;
- (g) Has a pending or approved application for temporary protected status in the United States;
- (h) Has approved deferred action status; or
- (i) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

➔Section 12. KRS 186.401 is amended to read as follows:

As used in KRS 186.400 to 186.640:

- (1) "[, a]Driver's license " **means**[shall mean] an operator's license issued pursuant to **Sections 2, 3, and 6 of this Act;**
- (2) "Operator's license" unless otherwise indicated, includes a motor vehicle operator's license, a motorcycle operator's license, and a combination motor vehicle-motorcycle license; and
- (3) "[KRS 186.412 and a]Commercial driver's license " **means**[shall mean] a license issued pursuant to KRS Chapter 281A.

➔Section 13. KRS 186.4101 is amended to read as follows:

- (1) A license to operate a motor vehicle, motorcycle, or moped shall be renewed every **eight (8)**[four (4)] years **prior to its expiration**[during an applicant's birth month]. **Except as provided in Section 3 of this Act,** a person seeking to renew an operator's

license shall apply at the office of the circuit clerk in the county where the person~~he~~ resides in accordance with Section 2 of this Act~~on a form furnished by the cabinet~~.

(2) In order to accommodate the transition from a four (4) year licensing schedule to an eight (8) year licensing schedule, the Transportation Cabinet may, during the first four (4) years after the effective date of this Act, renew operator's licenses and personal identification cards with terms of both four (4) and eight (8) years.

(3) The fee to renew an operator's license shall be according to the schedule set forth in KRS 186.531.

➔Section 14. KRS 186.4125 is amended to read as follows:

(1) In order to apply for a voluntary enhanced secure identity document under Section 10 of this Act, the applicant shall present a copy of the applicant's certified birth certificate.

(2) For the purposes of KRS 186.400 to 186.640, an original hospital birth certificate signed by the attending physician shall be acceptable as certifying the birth date of an applicant for a nonenhanced secure~~an~~ instruction permit,~~or~~ operator's license, or personal identification card.

(3) The Transportation Cabinet shall apply to the United States Department of Homeland Security for an exception to allow birth certificates described in subsection (2) of this section to be used to apply for a voluntary enhanced secure identity document under Section 10 of this Act.

➔Section 15. KRS 186.430 is amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person over the age of sixteen (16) who is a United States citizen and who is not a resident of Kentucky may drive in Kentucky for a period of time not to exceed one (1) year from the date the person enters Kentucky if:

- (a) The person possesses a valid license issued by the person's home state;
 - (b) The person has the license in his or her immediate possession at all times when operating a vehicle on the highways; and
 - (c) The person's home state accords similar privileges to licensed residents of Kentucky.
- (2) A person who is a United States citizen but who is not a resident of Kentucky who is enrolled as a full-time or part-time student at a university, college, or technical college located in Kentucky may drive in Kentucky on a valid license issued by the person's state of domicile, and shall not be required to obtain a Kentucky operator's license under this chapter if the person has a student identification card from a university, college, or technical college located in Kentucky in his or her immediate possession at all times when driving in Kentucky.
- (3) A person over the age of sixteen (16) who is not a United States citizen and who is legally visiting this country for less than one (1) year may drive in Kentucky on a valid domestic license issued by the person's country of domicile and shall not be required to obtain a Kentucky driver's license.
- (4) A person over the age of sixteen (16) who is not a United States citizen, who has not been granted status as a permanent resident of the United States, but is a resident of Kentucky, shall be issued a Kentucky operator's license if the person complies with the requirements of Section 3 of this Act [KRS 186.412. ~~Except as provided in this subsection, an operator's license issued to a person who is not a United States citizen, who has not been granted status as a permanent resident of the United States, and who is not a special status individual but is a Kentucky resident, shall be valid for a period equal to the length of time the person's documentation from the United States Department of Justice, Immigration and Naturalization Service is issued, or four (4) years, whichever time period is shorter. An initial or renewal operator's license shall be valid for a period of two (2) years if the person is~~

~~not a special status individual and the person's documentation issued by the United States Department of Justice, Immigration and Naturalization Service, is issued for an indefinite period of time and does not have an expiration date. The fee shall be the same as for a regular operator's license].~~ The cabinet may at any time refuse or discontinue the exemptions authorized in this section for any grounds and may deny, cancel, suspend, or revoke an instruction permit or operator's license issued under this chapter.

- (5) A person whose operator's license or privilege to operate a motor vehicle, motorcycle, or moped in this state has been denied, withdrawn, canceled, suspended, or revoked as provided in KRS 186.400 to 186.640 shall not operate a motor vehicle, motorcycle, or moped in this state under a license, permit, or registration certificate issued by any other jurisdiction during the period of denial, withdrawal, cancellation, suspension, or revocation.

➔Section 16. KRS 186.435 is amended to read as follows:

- (1) **Except as provided in subsection (4) of this section,** a licensed driver who becomes a Kentucky resident shall, within thirty (30) days of establishing residency, apply for a Kentucky operator's license in the office of the circuit clerk in the county where the person has established his or her domicile.
- (2) The **Transportation Cabinet**~~[circuit clerk]~~ shall, before issuing a person a Kentucky operator's license, verify through the National Drivers Register that the person applying for a Kentucky operator's license does not currently have his or her operator's license or driving privilege suspended or revoked in another licensing jurisdiction.
- (3) A person who is not a United States citizen but who has been granted permanent resident status by the United States Department of **Homeland Security, United States Bureau of Citizenship and Immigration Services**~~[Justice, Immigration and Naturalization Service]~~, and who is a Kentucky resident, shall follow the same

procedures for applying for an original, renewal, transfer, or duplicate operator's license as persons who are United States citizens.

(4) A licensed driver who is not a United States citizen and who has not been granted permanent resident status by the United States Department of Homeland Security, United States Bureau of Citizenship and Immigration Services, and who becomes a Kentucky resident shall, within thirty (30) days of establishing residency, apply for a Kentucky operator's license under the provisions of Section 3 of this Act.

➔Section 17. KRS 186.442 is amended to read as follows:

- (1) The **Transportation Cabinet**~~clerk~~ shall, before issuing or renewing a Kentucky operator's license, verify through the National Drivers Register that the person applying for an initial or renewal Kentucky operator's license does not currently have his or her operator's license or driving privilege suspended or revoked in another licensing jurisdiction.
- (2) If the person's operator's license or driving privilege is currently suspended or revoked in another licensing jurisdiction for a traffic offense where the conviction for the offense is less than five (5) years old, the **Transportation Cabinet**~~clerk~~ shall not issue the person an initial or renewal Kentucky operator's license until the person resolves the matter in the other licensing jurisdiction and complies with the provisions of this chapter.
- (3) A person whose operator's license has been suspended or revoked in another licensing jurisdiction, or the holder of a Kentucky operator's license whose driving privileges have been suspended in another licensing jurisdiction, may be issued a Kentucky license, or may renew a Kentucky license if:
 - (a) The conviction causing the suspension or revocation is more than five (5) years old;
 - (b) The conviction is for a traffic offense other than a felony traffic offense or a

- habitual violator offense; and
- (c) The person has been a resident of the Commonwealth for at least five (5) years prior to the date of application for issuance or renewal.
- (4) (a) A person applying for an operator's license under subsection (3) of this section shall submit an application to the *circuit clerk in the person's county of residence, who shall electronically scan the application and supporting documents, along with a photograph of the applicant captured in accordance with subsection (1) of Section 6 of this Act, into the cabinet database*~~[Transportation Cabinet in Frankfort or a Transportation Cabinet field office]~~.
- (b) *The circuit clerk shall review the person's documentation, including the person's photograph, in the cabinet database. If the documentation is verified as accurate, and if the person successfully completes any examinations required under Section 37 of this Act and pays the reinstatement fee required under Section 24 of this Act, the circuit clerk shall present the applicant with a temporary operator's license, which shall be valid for thirty (30) days, until a permanent operator's license is mailed to the applicant by the Transportation Cabinet*~~[The Transportation Cabinet shall, within fifteen (15) days of receipt of the application, determine if the person is eligible to receive a license under subsection (3) of this section.~~
- ~~(c) If the Transportation Cabinet determines the person may be issued a license under subsection (3) of this section, the cabinet shall issue the person an official form that the applicant shall present to the circuit clerk of the county where the person resides. Upon receipt of this notice, and completion of any examinations required under KRS 186.480, the circuit clerk shall issue the applicant a license under subsection (3) of this section]~~.
- (5) A person issued a Kentucky operator's license in accordance with subsection (3) of

this section shall be issued an operator's license marked "Valid in Kentucky Only" and shall sign a statement that the person understands that he or she may be subject to arrest and detention if stopped by a law enforcement officer in another state while operating a motor vehicle on this restricted license.

- (6) If a person granted a license under subsection (3) of this section satisfies the requirements to have the suspension or revocation in another state lifted, the person shall apply to the circuit clerk to be issued a new license without the restrictions outlined in subsection (3) of this section.
- (7) The provisions of subsection (3) of this section shall not apply to a commercial driver's license.

➔Section 18. KRS 186.450 is amended to read as follows:

- (1) A person who is at least sixteen (16) years of age may apply for an instruction permit to operate a motor vehicle. A person who possesses a valid intermediate motor vehicle operator's license issued under KRS 186.452 or a person who is at least eighteen (18) years of age may apply for an instruction permit to operate a motorcycle. A holder of either a motor vehicle or motorcycle instruction permit may also operate a moped under that permit. A person applying for an instruction permit under this section shall make application in the office of the circuit clerk in the county where the person lives. A person applying for an instruction permit shall be required to comply with the following:
 - (a) If the person is under the age of eighteen (18), the instruction permit application shall be signed by the applicant's parent or legal guardian. If the person does not have a living parent or does not have a legal guardian, the instruction permit application shall be signed by a person willing to assume responsibility for the applicant pursuant to KRS 186.590; and
 - (b) All applicants for an instruction permit shall comply with the examinations required by KRS 186.480.

- (2) If an applicant successfully passes the examinations required by KRS 186.480, the applicant shall be issued an instruction permit upon payment of a six dollar (\$6) fee pursuant to KRS 186.531.
- (3) (a) An instruction permit to operate a motor vehicle shall be valid for three (3) years and may be renewed. An instruction permit to operate a motorcycle shall be valid for one (1) year and may be renewed one (1) time. *The fee for a motor vehicle or motorcycle instruction permit shall be as set forth in Section 21 of this Act.*
- (b) Except as provided in KRS 186.415, a person who has attained the age of sixteen (16) years and is under the age of eighteen (18) years shall have the instruction permit a minimum of one hundred eighty (180) days before applying for an intermediate license and shall have an intermediate license for a minimum of one hundred eighty (180) days before applying for an operator's license.
- (c) A person who was under eighteen (18) years of age at the time of application for an instruction permit and is eighteen (18) years of age or older shall have the instruction permit a minimum of one hundred eighty (180) days and complete a driver training program under KRS 186.410(4) before applying for an operator's license.
- (d) A person who is at least eighteen (18) years of age and is under the age of twenty-one (21) years at the time of application for an instruction permit shall have the instruction permit a minimum of one hundred eighty (180) days before applying for an operator's license.
- (e) A person who is at least twenty-one (21) years of age at the time of application for an instruction permit shall have the instruction permit a minimum of thirty (30) days before applying for an operator's license.
- (f) In accordance with KRS 15A.352(5), a person whose motorcycle instruction

permit has expired may apply to the circuit clerk to receive a motorcycle operator's license or endorsement if the person presents proof of successful completion of a motorcycle safety education course approved by the Justice and Public Safety Cabinet under KRS 15A.350 to 15A.366.

- (4)
 - (a) A person shall have the instruction permit in his possession at all times when operating a motor vehicle, motorcycle, or moped upon the highway.
 - (b) When operating a motor vehicle, a motor vehicle instruction permit holder shall be accompanied by a person with a valid operator's license who is at least twenty-one (21) years of age occupying the seat beside the operator at all times.
 - (c) The requirements of paragraph (b) of this subsection shall not apply to a motor vehicle instruction permit holder being supervised on a multiple-vehicle driving range by a driver training instructor affiliated with a driver training school licensed under KRS Chapter 332 or a public or nonpublic secondary school.
- (5) A person with an instruction permit who is under the age of eighteen (18) shall not operate a motor vehicle, motorcycle, or moped between the hours of 12 midnight and 6 a.m. unless the person can demonstrate good cause for driving, including but not limited to emergencies, involvement in school-related activities, or involvement in work-related activities.
- (6) Except when accompanied by a driver training instructor affiliated with a driver training school licensed under KRS Chapter 332 or a public or nonpublic secondary school, a person with an instruction permit who is under the age of eighteen (18) years shall not operate a motor vehicle at any time when accompanied by more than one (1) unrelated person who is under the age of twenty (20) years. A peace officer shall not stop or seize a person nor issue a uniform citation for a violation of this subsection if the officer has no other cause to stop or seize the person other than a

violation of this subsection. This subsection shall not apply to any operator of a vehicle registered under the provisions of KRS 186.050(4) who is engaged in agricultural activities.

- (7) A violation under subsection (4), (5), or (6) of this section, a conviction for a moving violation under KRS Chapter 189 for which points are assessed by the cabinet, or a conviction for a violation of KRS 189A.010(1) shall add an additional minimum of one hundred eighty (180) days from the date of the violation before a person who is under the age of eighteen (18) years may apply for an intermediate license to operate a motor vehicle, motorcycle, or moped.
- (8) A person under the age of eighteen (18) who accumulates more than six (6) points against his driving privilege may have the driving privilege suspended pursuant to KRS Chapter 186 or probated by the court.
- (9) An applicant for relicensing after revocation shall pay the clerk a fee of twenty-five dollars (\$25). The twenty-five dollar (\$25) fee shall not apply to any person whose license was suspended for failure to meet the conditions described in KRS 186.411 when, within one (1) year of suspension, the driving privileges of such individuals are reinstated and persons reinstated pursuant to KRS 159.051.

➔Section 19. KRS 186.490 is amended to read as follows:

The circuit clerk of each county shall:

- (1) Comply with all rules and regulations issued by the cabinet under KRS 186.400 relating to his *or her* duties;
- (2) Act for the cabinet for the purpose of issuing temporary operator's licenses, ~~and~~ instruction permits, *and personal identification cards*;
- (3) Administer the oath required by *Sections 2 and 4 of this Act* ~~[KRS 186.412]~~ to the applicant without fee;
- (4) Report and remit monthly to the state all moneys collected during the preceding month and remit a copy of all applications taken by him during the same period to

the Transportation Cabinet. Upon failure of any clerk to report and remit therefor more than seven (7) days after the due date, he shall pay, in addition to the amount due, a penalty of ten percent (10%) of the amount due. Penalties collected under this section shall be paid into the State Treasury as a part of the revenue collected under KRS 186.531; *and*

- (5) Keep adequate records of all moneys collected and remitted to the state~~[-; and~~
- ~~(6) Keep in his office at all times available to the cabinet a record of all temporary licenses issued in his county, all denials, cancellations, suspensions, revocations or withdrawals of operator's licenses or motorcycle operator's licenses within his county and, to the extent that he is advised, of all other withdrawals of the privilege to operate a motor vehicle on the highways].~~

➔Section 20. KRS 186.520 is amended to read as follows:

- (1) A person whose license has been legitimately lost or destroyed, shall apply to the circuit clerk in the county in which the most recent permanent license was obtained in order to make application for a duplicate license. *The person*~~[He]~~ shall furnish satisfactory proof by affidavit substantiating the loss or destruction when applying for a duplicate license.
- ~~(2) [A person whose chauffeur's license has been legitimately lost or destroyed shall apply to the circuit clerk in the county in which the most recent permanent license was obtained in order to make application for a duplicate license. He shall furnish satisfactory proof by affidavit substantiating the loss or destruction when applying for a duplicate license.]~~The fee for a duplicate license shall be according to the schedule set forth in KRS 186.531~~[-, and fifty cents (\$0.50) shall be submitted to the Transportation Cabinet in compliance with KRS 186.400 through 186.490].~~

➔SECTION 21. KRS 186.531 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "AOC Fund" means the circuit court clerk salary account created in Section 22 of this Act;

(b) "GF" means the general fund;

(c) "IP" means instruction permit;

(d) "License Fund" means the KYTC photo license account created in Section 23 of this Act;

(e) "MC" means motorcycle;

(f) "MC Fund" means the motorcycle safety education program fund established in KRS 15A.358;

(g) "OL" means operator's license; and

(h) "PIDC" means personal identification card.

(2) The fees imposed for operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

<u>Card</u>	<u>Fee</u>	<u>Road</u>	<u>License</u>	<u>AOC</u>	<u>GF</u>	<u>MC</u>
<u>Type</u>		<u>Fund</u>	<u>Fund</u>	<u>Fund</u>		<u>Fund</u>
<u>OL</u>						
<u>(initial/renewal)</u>	<u>\$48</u>	<u>\$31</u>	<u>\$7</u>	<u>\$10</u>	<u>\$0</u>	<u>\$0</u>
<u>OL (Under 21)</u>						
<u>(Up to 4 years)</u>	<u>\$15</u>	<u>\$7.50</u>	<u>\$4</u>	<u>\$3.50</u>	<u>\$0</u>	<u>\$0</u>
<u>Any OL, MC OL</u>						
<u>or combination</u>						
<u>(duplicate /corrected)</u>	<u>\$15</u>	<u>\$5.25</u>	<u>\$4</u>	<u>\$4</u>	<u>\$1.75</u>	<u>\$0</u>
<u>Motor vehicle IP</u>						
<u>(3 years)</u>	<u>\$15</u>	<u>\$5</u>	<u>\$4</u>	<u>\$4</u>	<u>\$2</u>	<u>\$0</u>
<u>Motorcycle IP</u>						

(1 year) \$15 \$5 \$4 \$1 \$1 \$4

Motorcycle OL

(initial/renewal) \$45 \$18.50 \$8 \$8.50 \$0 \$10

Combination

vehicle/MC OL

(initial/renewal) \$58 \$28 \$7 \$13 \$0 \$10

PIDC

(initial/renewal) \$28 \$11 \$8 \$6 \$3 \$0

PIDC

(duplicate/corrected) \$15 \$6 \$4 \$3.50 \$1.50 \$0

PIDC

(no fixed address)

(Sections 4(5) and

5(5) of this Act) \$10 \$0 \$5 \$5 \$0 \$0

(3) The fee for a second or subsequent duplicate personal identification card for a person who does not have a fixed, permanent address, as allowed under subsection (5) of Section 4 of this Act and subsection (5) of Section 5 of this Act shall be the same as for a duplicate regular personal identification card.

(4) The fee for a four (4) year original or renewal license issued pursuant to Section 13 of this Act shall be fifty percent (50%) of the amount shown in subsection (2) of this section. The distribution of fees shown in subsection (2) of this section shall also be reduced by fifty percent (50%) for licenses that are issued for four (4) years.

(5) Any fee for any identity document applied for using alternative technology under Sections 1 and 4 of this Act shall be distributed in the same manner as a document applied for with the circuit clerk.

(6) (a) An applicant for an original or renewal operator's license, commercial

driver's license, motorcycle operator's license, or personal identification card shall be requested by the clerk to make a donation to promote an organ donor program.

(b) A donation under this subsection shall be two dollars (\$2) for any license or card with an eight (8) year term, and one dollar (\$1) for any license or card with a term of less than eight (8) years.

(c) The donation under this subsection shall be added to the regular fee for an original or renewal motor vehicle operator's license, commercial driver's license, motorcycle operator's license, or personal identification card. One (1) donation may be made per issuance or renewal of a license or any combination thereof.

(d) The fee shall be paid to the circuit clerk and shall be forwarded by the clerk on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal.

➔SECTION 22. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

(1) The circuit court clerk salary account is created as a trust and agency account in the State Treasury to be administered by the Administrative Office of the Courts. The account shall consist of the portion of fees directed to the account under Sections 21 and 24 of this Act and any other proceeds from grants, contributions, appropriations, or other moneys made available for the purposes of the account.

(2) Notwithstanding KRS 45.229, any moneys remaining in the account not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.

(3) Any interest earnings of the account shall become a part of the account and shall not lapse.

(4) Moneys in the account shall be used for the purposes of hiring additional deputy circuit clerks and providing salary adjustments to deputy circuit clerks and are hereby appropriated for these purposes.

➔SECTION 23. A NEW SECTION OF KRS CHAPTER 174 IS CREATED TO READ AS FOLLOWS:

(1) The KYTC photo license account is created within the road fund, to be administered by the Transportation Cabinet. The account shall consist of the portion of fees directed to the account under Section 21 of this Act and any other proceeds from grants, contributions, appropriations, or other moneys made available for the purposes of the account.

(2) Notwithstanding KRS 45.229, any moneys remaining in the account not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.

(3) Any interest earnings of the account shall become a part of the account and shall not lapse.

(4) Moneys in the account shall be used for the purposes of verifying, creating, and distributing secure photo instruction permits, operator's licenses, and personal identification cards and are hereby appropriated for these purposes.

➔Section 24. KRS 186.440 is amended to read as follows:

An operator's license shall not be granted to:

- (1) Any person who is not a resident of Kentucky;
- (2) Any person under the age of sixteen (16);
- (3) Any person under the age of eighteen (18) who holds a valid Kentucky instruction permit issued pursuant to KRS 186.450, but who has not graduated from high school or who is not enrolled and successfully participating in school or who is not

- being schooled at home, except those persons who satisfy the District Court of appropriate venue pursuant to KRS 159.051(3) that revocation of their license would create an undue hardship. Persons under the age of eighteen (18) shall present proof of complying with the requirements of KRS 159.051;
- (4) Any person whose operator's license has been suspended, during the period of suspension, subject to the limitations of KRS 186.442;
 - (5) Any person whose operator's license has been revoked, nor to any nonresident whose privilege of exemption under KRS 186.430 has been refused or discontinued, until the expiration of the period for which the license was revoked, or for which the privilege was refused or discontinued;
 - (6) Any applicant adjudged incompetent by judicial decree;
 - (7) Any person who in the opinion of the Department of Kentucky State Police, after examination, is unable to exercise reasonable and ordinary control over a motor vehicle upon the highways;
 - (8) Any person who is unable to understand highway warnings or direction signs in the English language;
 - (9) Any person required by KRS 186.480 to take an examination who has not successfully passed the examination;
 - (10) Any person required by KRS Chapter 187 to deposit proof of financial responsibility, who has not deposited that proof;
 - (11) Any person who has not filed a correct and complete application attested to in the presence of a person authorized to administer oaths;
 - (12) Any person who cannot meet the requirements set forth in KRS 186.411(1) or (3);
or
 - (13) Any person whose operator's license has been suspended or revoked under the provisions of KRS Chapter 186, 187, or 189A until the person has forwarded to the cabinet a reinstatement fee of fifteen dollars (\$15). The fee shall be paid by certified

check or money order payable to the State Treasurer who shall deposit five dollars (\$5) of the fee in a trust and agency fund to be used in defraying the costs and expenses of administering a driver improvement program for problem drivers. Ten dollars (\$10) of the fee shall be deposited by the State Treasurer **into the circuit court clerk salary account established in Section 22 of this Act**~~[in a trust and agency account to the credit of the Administrative Office of the Courts and shall be used to assist circuit clerks in hiring additional employees, providing salary adjustments for employees, providing training for employees, and purchasing additional equipment used in administering the issuance of driver's licenses].~~ The provisions of this subsection shall not apply to any person whose license was suspended for failure to meet the conditions set out in KRS 186.411 when, within one (1) year of suspension, the driving privileges of the individuals are reinstated or to any student who has had his or her license revoked pursuant to KRS 159.051.

➔Section 25. KRS 186.535 is amended to read as follows:

- (1) From the **portion of the** fee for each **eight (8)**~~[four (4)]~~ year original or renewal operator's license **which is assigned to the road fund under Section 21 of this Act, two dollars (\$2)**~~[fifty cents (\$0.50)]~~ shall be credited to a special account within the road fund, and shall be used exclusively by the Transportation Cabinet for the purpose of expanding the state driver education program, and **two dollars (\$2)**~~[fifty cents (\$0.50)]~~ shall be paid to the fiscal court of the county where the driver's license is issued to be used by the fiscal court for county road purposes. **The distribution of fees under this subsection shall be reduced by fifty percent (50%) for licenses issued for a four (4) year term in accordance with Section 13 of this Act.**
- (2) From the fee for each annual registration of a motorcycle pursuant to KRS 186.050, four dollars (\$4) shall be credited to a special account within the road fund and shall be used exclusively for the purpose of the motorcycle safety education program

fund pursuant to KRS 186.050.

➔Section 26. KRS 186.540 is amended to read as follows:

- (1) Except as provided in subsections~~[subsection]~~ (2) and (3) of this section, when any person, after applying for or receiving an operator's license or personal identification card, moves from the address named in the application or on the identity document~~[license]~~ issued to the person,~~[him]~~ or when the name of a identity document holder~~[licensee]~~ is changed, by marriage or otherwise, the person shall within ten (10) days after the change apply to the circuit clerk in the person's~~[his]~~ county of residence for the issuance of a corrected license. The fee for a corrected license shall be as set forth in Section 21 of this Act.
- (2) If an identity document~~[a license]~~ holder's street name or postal address is changed and the person~~[license holder]~~ has not moved to a new residence, the person~~[license holder]~~ shall apply to the circuit clerk for a corrected identity document~~[license]~~, which shall be issued free of charge.
- (3) If a person receives an identity document that contains an error, the person shall apply to the circuit clerk for a corrected identity document, which shall be issued free of charge.

➔Section 27. KRS 186.570 is amended to read as follows:

- (1) The cabinet or its agent designated in writing for that purpose may deny any person an operator's license or may suspend the operator's license of any person, or, in the case of a nonresident, withdraw the privilege of operating a motor vehicle in this state, subject to a hearing and with or without receiving a record of conviction of that person of a crime, if the cabinet has reason to believe that:
 - (a) That person has committed any offenses for the conviction of which mandatory revocation of a license is provided by KRS 186.560.
 - (b) That person has, by reckless or unlawful operation of a motor vehicle, caused, or contributed to an accident resulting in death or injury or serious property

damage.

- (c) That person has a mental or physical disability that makes it unsafe for him to drive upon the highways. The Transportation Cabinet shall, by administrative regulations promulgated pursuant to KRS Chapter 13A, establish a medical review board to provide technical assistance in the review of the driving ability of these persons. The board shall consist of licensed medical and rehabilitation specialists.
- (d) That person is an habitually reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws.
- (e) That person has been issued a license without making proper application for it, as provided in Section 2 or 3 of this Act~~[KRS 186.412]~~ and administrative regulations promulgated pursuant to KRS Chapter 13A.
- (f) That person has presented false or misleading information as to the person's residency, citizenship, religious convictions, or immigration status.
- (g) A person required by KRS 186.480 to take an examination has been issued a license without first having passed the examination.
- (h) That person has been convicted of assault and battery resulting from the operation of a motor vehicle.
- (i) That person has failed to appear pursuant to a citation or summons issued by a law enforcement officer of this Commonwealth or any other jurisdiction.
- (j) That person has failed to appear pursuant to an order by the court to produce proof of security required by KRS 304.39-010 and a receipt showing that a premium for a minimum policy period of six (6) months has been paid.
- (k) That person is a habitual violator of KRS 304.39-080. For purposes of this section, a "habitual violator" shall mean any person who has operated a motor vehicle without security on the motor vehicle as required by Subtitle 39 of this chapter three (3) or more times within a five (5) year period, in violation of

KRS 304.99-060(2).

- (2) The cabinet shall deny any person a license or shall suspend the license of an operator of a motor vehicle upon receiving written notification from the Cabinet for Health and Family Services that the person has a child support arrearage which equals or exceeds the cumulative amount which would be owed after six (6) months of nonpayment or failure, after receiving appropriate notice, to comply with a subpoena or warrant relating to paternity or child support proceedings, as provided by 42 U.S.C. secs. 651 et seq.; except that any child support arrearage which exists prior to January 1, 1994, shall not be included in the calculation to determine whether the license of an operator of a motor vehicle shall be denied or suspended. The denial or suspension shall continue until the arrearage has been eliminated, payments on the child support arrearage are being made in accordance with a court or administrative order, or the person complies with the subpoena or warrant relating to paternity or child support. Before the license may be reinstated, proof of elimination of the child support arrearage or proof of compliance with the subpoena or warrant relating to paternity or child support proceedings as provided by 42 U.S.C. sec. 666(a)(16) from the court where the action is pending or the Cabinet for Health and Family Services shall be received by the Transportation Cabinet as prescribed by administrative regulations promulgated by the Cabinet for Health and Family Services and the Transportation Cabinet.
- (3) The cabinet or its agent designated in writing for that purpose shall deny any person an operator's license or shall suspend the operator's license of any person, or, in the case of a nonresident, withdraw the privilege of operating a motor vehicle in this state:
 - (a) Where the person has been declared ineligible to operate a motor vehicle under KRS 532.356 for the duration of the ineligibility, upon notification of the court's judgment; or

- (b) Upon receiving written notification from the Finance and Administration Cabinet, Department of Revenue, that the person is a delinquent taxpayer as provided in KRS 131.1817. The denial or suspension shall continue until a written tax clearance has been received by the cabinet from the Finance and Administration Cabinet, Department of Revenue. Notwithstanding the provisions of subsection (4) of this section, a person whose license is denied or suspended under this paragraph shall have thirty (30) days from the date the cabinet mails the notice to request a hearing.
- (4) The cabinet or its agent designated in writing for that purpose shall provide any person subject to the suspension, revocation, or withdrawal of their driving privileges, under provisions of this section, an informal hearing. Upon determining that the action is warranted, the cabinet shall notify the person in writing by mailing the notice to the person by first-class mail to the last known address of the person. The hearing shall be automatically waived if not requested within twenty (20) days after the cabinet mails the notice. The hearing shall be scheduled as early as practical within twenty (20) days after receipt of the request at a time and place designated by the cabinet. An aggrieved party may appeal a decision rendered as a result of an informal hearing, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- (5) (a) The cabinet may suspend the operator's license of any resident upon receiving notice of the conviction of that person in another state of an offense there which, if committed in this state, would be grounds for the suspension or revocation of an operator's license. The cabinet shall not suspend an operator's license under this paragraph if:
1. The conviction causing the suspension or revocation is more than five (5) years old;
 2. The conviction is for a traffic offense other than a felony traffic offense

or a habitual violator offense; and

3. The license holder complies with the provisions of KRS 186.442.
- (b) If, at the time of application for an initial Kentucky operator's license, a person's license is suspended or revoked in another state for a conviction that is less than five (5) years old, the cabinet shall deny the person a license until the person resolves the matter in the other state and complies with the provisions of this chapter.
- (c) The cabinet may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws, forward a notice of that person's conviction to the proper officer in the state of which the convicted person is a resident.
- (d) This subsection shall not apply to a commercial driver's license.
- (6) The Transportation Cabinet is forbidden from suspending or revoking an operator's license or assessing points or any other form of penalty against the license holder for speeding violations or speeding convictions from other states. This subsection shall apply only to speeding violations. This section shall not apply to a person who holds or is required to hold a commercial driver's license.
- (7) Each operator's license which has been canceled, suspended, or revoked shall be surrendered to and ~~destroyed~~retained by the cabinet. At the end of the period of cancellation, suspension, or revocation, the license holder may reapply under Section 2 or 4 of this Act, after~~be returned to~~ the licensee ~~after he~~ has complied with all requirements for the issuance or reinstatement of his or her driving privilege.
- (8) Insurance companies issuing motor vehicle policies in the Commonwealth shall be prohibited from raising a policyholder's rates solely because the policyholder's driving privilege has been suspended or denied pursuant to subsection (2) of this section.

➔Section 28. KRS 186.579 is amended to read as follows:

- (1) The Transportation Cabinet~~[circuit clerk]~~ shall issue, to an applicant who successfully passes the operator's license examination outlined in KRS 186.578(4), an operator's license with the following restrictions:
 - (a) Required use of a bioptic telescopic device;
 - (b) Restricted to daytime driving upon the recommendation of a vision specialist;
and
 - (c) Restricted to vehicles with left and right outside mirrors.
- (2) A restriction to daytime driving in accordance with subsection (1) of this section shall be removed if the licensed driver:
 - (a) Obtains a recommendation from a vision specialist;
 - (b) Successfully completes additional evaluation and training specifically designed for night driving from a certified driver training program; and
 - (c) Passes a comprehensive night driving examination.
- (3) An operator's license issued under KRS 186.578 and 186.579 shall be effective for one (1) year and shall expire on the last day of the birth month of the license holder. The license holder shall undergo a comprehensive visual examination by a vision specialist before a license can be renewed. If the vision specialist certifies that the conditions causing the visual impairment are stable, then the circuit clerk shall issue a renewal license. If the conditions causing the visual impairment are unstable or deteriorating, the license holder may be required to undergo additional testing as required by the department before a renewal license may be issued.

➔Section 29. KRS 186.6401 is repealed, reenacted as a new section of KRS Chapter 186 to be numbered as KRS 186.635, and amended to read as follows:

The following persons shall be required to successfully complete the examinations required under KRS 186.480 prior to being issued a Kentucky operator's license:

- (1) A person who has been issued a Kentucky instruction permit or intermediate

license;

- (2) A person who has applied for a Kentucky operator's license under Section 2 or 3 of this Act~~[KRS 186.412(4)]~~; and
- (3) Other persons as identified in an administrative regulation promulgated by the Department of Kentucky State Police or the Transportation Cabinet under KRS Chapter 13A.

➔Section 30. KRS 189.011 is amended to read as follows:

- (1) As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them:
 - (a) "Authorized emergency vehicle" shall mean any vehicle designated as such by KRS 189.910.
 - (b) "Wrecker" shall mean a motor vehicle on which a wrecking crane and other equipment suitable for motor vehicle wrecker service has been permanently mounted.
- (2) Provided, however, that the regulations in reference to lights shall not apply to common carrier motor vehicles whose equipment is regulated by the rules of the Interstate Commerce Commission.
- (3) As used in this chapter, a driver's license shall mean an operator's license issued pursuant to Sections 2, 3, and 6 of this Act~~[KRS 186.412]~~ and a commercial driver's license means a license issued pursuant to KRS Chapter 281A.

➔Section 31. KRS 281A.140 is amended to read as follows:

- (1) The application for a commercial driver's license or commercial driver's instruction permit shall include the following information:
 - (a) The full legal name, including nicknames, and present Kentucky resident address of the applicant. If the applicant's mailing address is different from the resident address, the mailing address shall also be included. If the applicant is not a resident, the application shall include the person's resident address in the

- person's state of domicile and the address of the Kentucky driver training school where the applicant is currently enrolled;
- (b) A physical description of the applicant including sex, height, weight, eye color, and race;
 - (c) The applicant's date of birth;
 - (d) The applicant's Social Security number;
 - (e) The applicant's signature;
 - (f) Certifications including those required by Title 49, Code of Federal Regulations, secs. 383.71, 383.73, and 384.206, as adopted by the cabinet;
 - (g) A consent to release driving record information;
 - (h) A valid Class D operator's license issued pursuant to Sections 2 and 6 of this Act~~[KRS 186.412]~~;
 - (i) A birth certificate if the applicant does not hold a valid operator's license at the time of application;
 - (j) The name of every jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the ten (10) year period immediately preceding the date of the application; and
 - (k) Any other information required by the cabinet.
- (2) The cabinet or state police may require any other information needed in order to process the application.
- (3) When the holder of a commercial driver's license changes his or her name or residence, the information shall be reported to the cabinet within ten (10) days. The holder of a Class A, B, or C license shall make an application for a duplicate license within thirty (30) days of changing his name or address.
- (4) Any person whose commercial driver's license has been legitimately lost or destroyed shall make an application for a duplicate:
- (a) A person applying for the first duplicate within the time period for which the

original license was issued, shall apply in the office of the circuit clerk in the county where the person resides. The person shall provide the clerk with proof of the person's identity and a notarized affidavit with a raised seal explaining in detail the loss or destruction of the original license.

- (b) A person applying for a second or subsequent duplicate within the time period for which the original license was issued, shall apply to the Transportation Cabinet in Frankfort or a Transportation Cabinet field office. The person shall provide the cabinet with proof of the person's identity and a notarized affidavit ~~with a raised seal~~ explaining in detail the loss or destruction of the previous duplicate issued. The Transportation Cabinet shall, within thirty (30) days of receipt of the application, review the person's proof of identity and affidavit and determine if the person will be issued a duplicate.
- (5) A person who is a resident of this state shall not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.
- (6) Any person who knowingly falsifies information or certifications required to obtain a commercial driver's license, a commercial driver's license permit, or a duplicate commercial driver's license subsequent to an administrative hearing conducted in accordance with KRS 186.570, shall be subject to suspension, revocation, or cancellation of his commercial driver's license for a period of at least sixty (60) consecutive days.

➔Section 32. KRS 281A.170 is amended to read as follows:

- (1) The commercial driver's license shall be marked "commercial driver's license" and "CDL" and shall be, to the maximum extent practicable, tamper proof. It shall include but is not limited to the following information:
- (a) The name and present resident address of the licensee;
 - (b) The licensee's color photograph;
 - (c) A physical description of the licensee including sex, height, weight, and eye

color;

- (d) The licensee's date of birth;
 - (e) The licensee's signature;
 - (f) The class or type of commercial motor vehicle or vehicles that the person is authorized to drive together with any endorsements or restrictions;
 - (g) The name of this state;
 - (h) The dates between which the license is valid; and
 - (i) Any other information required by the cabinet, except for a person's Social Security number.
- (2) *A commercial driver's license issued under this chapter shall contain a denotation that either:*
- (a) The commercial driver's license is a voluntary enhanced secure identity document that complies with the security standards set forth by the REAL ID Act of 2005, Pub. L. No. 109-13, Title II, and may be used for identification for federal purposes; or*
 - (b) The commercial driver's license shall not be used for federal identification purposes.*
- (3) A commercial driver's license shall be issued with classifications, endorsements, and restrictions. Vehicles that require an endorsement shall not be driven unless the proper endorsement appears on the license and the applicant has passed the knowledge and skills test required by the State Police.
- (a) Classifications:
 - 1. Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, if the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds. Licensees with an "A" classification may with the proper endorsement drive Class B and C vehicles.

2. Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, and any vehicle towing a vehicle not in excess of ten thousand (10,000) pounds. Licensees with a "B" classification may with the proper endorsements drive Class C vehicles.
 3. Class C - Any single vehicle with a gross weight rating of less than twenty-six thousand and one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds which includes:
 - a. Vehicles designed to transport sixteen (16) or more passengers, including the driver; or
 - b. Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under Title 49, Code of Federal Regulations, Part 172, sub-part F, as adopted by administrative regulations of the cabinet, pursuant to KRS Chapter 13A.
 4. Class D - All other vehicles not listed in any other class.
 5. Class E - Moped only.
 6. Class M - Motorcycles. Licensees with a "M" classification may also drive Class E vehicles.
- (b) Endorsements:
1. "H" - Authorizes the driver to operate a vehicle transporting hazardous materials.
 2. "T" - Authorizes operation of double trailers and triple trailers in those jurisdictions allowing the operation of triple trailers.
 3. "P" - Authorizes operation of vehicles carrying passengers.
 4. "N" - Authorizes operation of tank vehicles.

5. "X" - Authorizes operation of combination of hazardous materials and tank vehicle endorsements.
 6. "R" - Authorizes operation of all other endorsements not otherwise specified.
 7. "S" - Authorizes operation of school buses.
- (c) The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to outline restrictions on the operation of commercial vehicles and the associated codes to identify such restrictions, which shall appear on the face of the commercial driver's license.
- ~~(4)~~~~(3)~~ Within ten (10) days after issuing a commercial driver's license, the cabinet shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the person.
- ~~(5)~~~~(4)~~ A commercial driver's license issued to a resident pursuant to this chapter shall expire in eight (8)~~four (4)~~ years unless the license was issued to a resident under the age of twenty-one (21). A commercial driver's license issued to a person who is not a resident shall be issued for one (1) year and shall not be renewable. The fee for a commercial driver's license issued to a nonresident shall be the same as the fee charged to a resident.
- ~~(6)~~~~(5)~~ A person under the age of twenty-one (21) shall not be licensed to operate a Class A, B, or C vehicle unless he has an "I" restriction. A commercial driver with an "I" restriction shall not drive a commercial motor vehicle in interstate commerce, unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age of twenty-one (21) shall not be allowed to operate a school bus or a vehicle transporting hazardous material in intrastate commerce.
- ~~(7)~~~~(6)~~ The holder of a commercial driver's license shall be considered to hold a valid Kentucky driver's license issued under the provisions of Sections 2 and 6 of this Act~~[KRS 186.412]~~.

➔Section 33. KRS 281A.120 is amended to read as follows:

- (1) A commercial driver's instruction permit may be issued to an individual twenty-one (21) years and older who:
 - (a) Has complied with the criminal history background check required by KRS 281A.300;
 - (b) Holds a valid Kentucky Class D operator's~~[automobile driver's]~~ license;~~[- and]~~
 - (c) Is a citizen or permanent resident of the United States; and
 - (d) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven. Instruction permits shall be class specific.
- (2) A commercial driver's instruction permit may be issued to a resident eighteen (18) years of age who:
 - (a) Has complied with the criminal history background check required by KRS 281A.300;
 - (b) Holds a valid Kentucky~~[automobile]~~ Class D operator's~~[driver's]~~ license; and
 - (c) Has passed the vision and knowledge tests required for a commercial driver's license of the class vehicle to be driven, if the individual only drives a commercial motor vehicle in intrastate commerce and does not drive a school bus or a vehicle hauling hazardous material. The instruction permit shall be class specific and shall contain an "I" restriction noting that the commercial driver is limited to Kentucky intrastate commerce.
- (3) A commercial driver's instruction permit shall not be issued to a resident for a period to exceed one hundred eighty (180) days~~[six (6) months]~~. Only one (1) renewal or reissuance may be granted within a two (2) year period for the same class of vehicle. The holder of a commercial driver's instruction permit may, unless otherwise disqualified, drive a commercial motor vehicle on the highways of Kentucky only when accompanied by the holder of a commercial driver's license

valid for the type of vehicle driven and who occupies a seat beside the permit holder for the purpose of giving instruction in driving the commercial motor vehicle.

- (4) A person who is not a resident who is enrolled in a program offering commercial truck driving under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A may be issued a provisional Class D license that allows an applicant to include a commercial driver's instruction permit into a single license that shall be valid for ninety (90) days. The fee for a provisional Class D license shall be the same as for a regular Class D license. A provisional Class D license may be renewed for one (1) ninety (90) day period. A person issued a provisional Class D license under this subsection shall be required to convert the license to a regular Kentucky CDL or return to the person's state of domicile and transfer the Kentucky provisional Class D license to his or her state of domicile. A provisional Class D license issued under this subsection shall not be converted to a regular Class D license unless the applicant satisfies all Kentucky residency requirements. A commercial driver's instruction permit shall contain, in addition to other information required by the cabinet, those requirements set forth in KRS 281A.170. The commercial driver's instruction permit shall not contain the permit holder's Social Security number but shall include a color photo of the permit holder.

➔Section 34. KRS 281A.150 is amended to read as follows:

- (1) Every person seeking a commercial driver's license or a commercial driver's instruction permit shall first apply in person to the circuit clerk of the county in which the applicant resides or in the county where the person is enrolled in a driver training school if the applicant is not a resident. The application shall be in the form prescribed by KRS 281A.140 as provided by the cabinet. Except as provided in KRS 281A.160(6), each time a person applies for a commercial driver's license, an instruction permit, or seeks to upgrade or change his or her commercial driver's

license, the person shall be required to:

- (a) Update the application; and
- (b) Submit the appropriate fee to the circuit clerk.

(2) **In addition to the fees for an operator's license under Section 21 of this Act,** the cabinet shall set fees by administrative regulation, pursuant to KRS Chapter 13A, for the following applications that shall not exceed:

- (a) ~~Except as provided in paragraph (g) of this subsection,~~ Forty dollars (\$40) for each application for a commercial driver's license. The fee shall be based on the class, type of license, endorsement, restriction, or tests to be taken;
- (b) Thirty-five dollars (\$35) for each application for a commercial driver's instruction permit;
- (c) Fifteen dollars (\$15) for each application for a change or addition in class or type of license, endorsement, or restriction; **and**
- (d) Forty dollars (\$40) for each application for a duplicate if it is the first duplicate applied for within the time period for which the original license was issued. Sixty dollars (\$60) for a second or subsequent duplicate applied for within the time period for which the original license was issued. The fees required for a duplicate shall be in addition to fees charged under subsection (2)(c) of this section. ~~;~~

(3) **In addition to the fees for an operator's license under Section 21 of this Act, the cabinet shall set fees by administrative regulation, pursuant to KRS Chapter 13A, for the following commercial driver's licenses that shall not exceed:**

- (a) **Forty-five dollars (\$45)** ~~(e) Thirty five dollars (\$35)}~~ for each **initial** ~~or application for~~ renewal of a commercial driver's license;
- (b) ~~(f)}~~ Sixty dollars (\$60) for each ~~application for a~~ transfer of a commercial driver's license; and
- (c) **Thirty dollars (\$30)** ~~(g) Twenty dollars (\$20)}~~ for each ~~application for~~

~~an~~ initial ~~or~~~~and~~ renewal of a commercial driver's license with an "S" endorsement.

~~(4)~~~~(3)~~ All fees remitted to the clerk shall be nonrefundable regardless of whether the applicant completes the requirements for a commercial driver's license or is tested.

~~(5)~~~~(4)~~ All fees collected for the issuance of a commercial driver's license or a commercial driver's instruction permit shall be deposited into trust and agency accounts to be used exclusively for the administration and implementation of this chapter, except as prescribed in subsection (5) of this section. The accounts shall not lapse but shall be continuing from year to year.

~~(6)~~~~(5)~~ All fees collected pursuant to this section, shall be allocated between the Transportation Cabinet and Department of Kentucky State Police, except a fifty cent (\$0.50) issuance fee shall be allocated~~[during the first two (2) years following the effective date of January 1, 1991, to the Administrative Office of the Courts in a trust and agency account for the use of the circuit clerks and thereafter allocated]~~ to the general fund from issuance of a commercial driver's license permit. A three dollar (\$3) issuance fee shall be allocated~~[during the first two (2) years following the effective date of January 1, 1991, to the Administrative Office of the Courts in a trust and agency account for the use of the circuit clerks and thereafter allocated]~~ to the general fund from issuance of a commercial driver's license.

~~(7)~~~~(6)~~ Any applicant who seeks reinstatement of his or her commercial driving privilege after a suspension, withdrawal, revocation, or disqualification shall pay a reinstatement fee of fifty dollars (\$50) in addition to those fees required by subsection (2) of this section and shall satisfy the requirements of KRS 281A.160. This fee shall not be required if his or her commercial driving privilege was withdrawn only as a result of the withdrawal of his or her privilege to drive a noncommercial motor vehicle.

➔Section 35. KRS 186.010 is amended to read as follows:

As used in this chapter, unless otherwise indicated:

- (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet; except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270, means the Transportation Cabinet only with respect to motor vehicles, other than commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the Department of Vehicle Regulation when used with respect to commercial vehicles.
- (2) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license, or privilege, for the purpose of vehicular traffic.
- (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will, under normal conditions during the year, manufacture or assemble at least ten (10) new motor vehicles.
- (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in paragraph (a) of subsection (8) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (8) of this section, which are self-propelled. "Motor vehicle" shall not include a moped as defined in this section, but shall include low-speed vehicles as defined in this section.
- (5) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.
- (6) "Operator" means any person in actual control of a motor vehicle upon a highway.
- (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who

pursuant to a bona fide sale has received physical possession of the vehicle subject to any applicable security interest.

- (b) A vehicle is the subject of an agreement for the conditional sale or lease, with the vendee or lessee entitled to possession of the vehicle, upon performance of the contract terms, for a period of three hundred sixty-five (365) days or more and with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the owner.
 - (c) A licensed motor vehicle dealer who transfers physical possession of a motor vehicle to a purchaser pursuant to a bona fide sale, and complies with the requirements of KRS 186A.220, shall not be deemed the owner of that motor vehicle solely due to an assignment to his dealership or a certificate of title in the dealership's name. Rather, under these circumstances, ownership shall transfer upon delivery of the vehicle to the purchaser, subject to any applicable security interest.
- (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five (5) miles

beyond the city limit of any municipality.

- (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human and animal power or used exclusively upon stationary rails or tracks, or which derives its power from overhead wires.
- (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operator's licenses.
- (10) "Dealer" means any person engaging in the business of buying or selling motor vehicles.
- (11) "Commercial vehicles" means all motor vehicles that are required to be registered under the terms of KRS 186.050, but not including vehicles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers (including driver), motorcycles, sidecar attachments, pickup trucks and passenger vans which are not being used for commercial or business purposes, and motor vehicles registered under KRS 186.060.
- (12) "Resident" means any person who has established Kentucky as his or her state of domicile. Proof of residency shall include but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement. The possession by an operator of a vehicle of a valid Kentucky operator's license shall be prima-facie evidence that the operator is a resident of Kentucky.
- (13) "Special status individual" means:
 - (a) "Asylee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "asylum status granted indefinitely pursuant to Section 208 of the Immigration & Nationality Act";

- (b) "K-1 status" means the status of any person lawfully present in the United States who has been granted permission by the United States Department of Justice, Immigration and Naturalization Service to enter the United States for the purpose of marrying a United States citizen within ninety (90) days from the date of that entry;
 - (c) "Refugee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "admitted as a refugee pursuant to Section 207 of the Immigration & Nationality Act"; and
 - (d) "Paroled in the Public Interest" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "paroled pursuant to Section 212 of the Immigration & Nationality Act for an indefinite period of time."
- (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle instruction permits.
- (15) "Motorcycle" means any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, including vehicles on which the operator and passengers ride in an enclosed cab. "Motorcycle" shall include an alternative-speed motorcycle as defined in this section, but shall not include a tractor or a moped as defined in this section.
- (16) "Low-speed vehicle" means a motor vehicle that:
- (a) Is self-propelled using an electric motor, combustion-driven motor, or a combination thereof;
 - (b) Is four (4) wheeled; and
 - (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour as certified by the manufacturer.

- (17) "Alternative-speed motorcycle" means a motorcycle that:
- (a) Is self-propelled using an electric motor, combustion-driven motor, or a combination thereof;
 - (b) Is three (3) wheeled;
 - (c) Has a fully enclosed cab and includes at least one (1) door for entry; and
 - (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as certified by the manufacturer.
- (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a highway or otherwise open to the public on which a number of motor vehicles may be used simultaneously to provide driver training under the supervision of one (1) or more driver training instructors.

(19) "Identity document" means an instruction permit, operator's license, or personal identification card issued under Sections 2, 3, 4, 5, and 6 of this Act or a commercial driver's license issued under KRS Chapter 281A.

(20) "Enhanced secure," as refers to an identity document, means a document that complies with the REAL ID Act of 2005, Pub. L. No. 109-13 Title II.

➔Section 36. KRS 15A.358 is amended to read as follows:

- (1) The motorcycle safety education program fund is established as a restricted fund in the State Treasury. Moneys in the fund are hereby appropriated for the purposes set forth in KRS 15A.350 to 15A.366. Moneys in the fund shall be utilized to provide motorcycle training courses as established in KRS 15A.352 and for implementation of the program, including reimbursement of entities that offer approved motorcycle rider education courses. The Justice and Public Safety Cabinet shall not deduct administrative costs from the motorcycle safety education program fund.
- (2) If at the end of each fiscal year money remains in the fund, it shall be retained in the fund. The interest and income earned on money in the fund, after deducting any applicable charges, shall be credited to the motorcycle safety education program

fund.

- (3) The following revenue shall be credited to the fund:
- (a) Four dollars (\$4) of the annual registration fee for each registered motorcycle as provided in KRS 186.050;
 - (b) Four dollars (\$4) of the application fee for a motorcycle instruction permit as provided in KRS 186.531;
 - (c) ~~Ten~~~~Four~~ dollars ~~(\$10)~~~~(\$4)~~ of the fee for each original or renewal motorcycle driver's license or endorsement as provided in KRS 186.531; and
 - (d) Any federal or state motorcycle safety funds granted to the program.

➔Section 37. KRS 186.480 is amended to read as follows:

- (1) The Department of Kentucky State Police shall examine every applicant for an operator's license as identified in Section 29 of this Act~~[KRS 186.6401]~~, except as otherwise provided in this section. The examination shall be held in the county where the applicant resides unless:
- (a) The applicant is granted written permission by the circuit clerk of the county in which he or she resides to take the examination in another county, and the Department of Kentucky State Police agree to arrange for the examination in the other county; or
 - (b) The applicant is tested using a bioptic telescopic device.
- (2) The examination shall include a test of the applicant's eyesight to ensure compliance with the visual acuity standards set forth in KRS 186.577. The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning and directing traffic, the applicant's knowledge of traffic laws and an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle. An applicant for a motorcycle operator's license shall be required to show his or her ability to operate a motorcycle, in addition to other requirements of this section. The provisions of this

subsection shall not apply to an applicant who:

- (a) At the time of application, holds a valid operator's license from another state, provided that state affords a reciprocal exemption to a Kentucky resident; or
 - (b) Is a citizen of the Commonwealth who has been serving in the United States military and has allowed his or her operator's license to expire.
- (3) Any person whose intermediate license or operator's license is denied, suspended, or revoked for cause shall apply for reinstatement at the termination of the period for which the license was denied, suspended, or revoked by submitting to the examination. The provisions of this subsection shall not apply to any person whose license was suspended for failure to meet the conditions described in KRS 186.411 when, within one (1) year of suspension, the driving privileges of such individuals are reinstated.

➔Section 38. KRS 281A.160 is amended to read as follows:

- (1) (a) Except as provided in subsection (4) of this section, the State Police shall be responsible for administering both the knowledge and skills test required by KRS 281A.130.
 - (b) Applicants who fail the written knowledge test shall be permitted to retake the written test on the next day the tests are administered. Applicants who fail the written test six (6) times shall be required to wait three (3) days before taking the knowledge test again. Applicants who subsequently fail the written test three (3) additional times shall be required to wait three (3) days prior to retaking the test.
- (2) (a) Except as provided for in subsection (3) of this section, at the time a CDL permit is issued:
- 1. An applicant who has held a Kentucky operator's license for thirty (30) days or longer shall pay a skills-testing fee of fifty dollars (\$50); and
 - 2. An applicant who has held a Kentucky operator's license for less than

thirty (30) days shall pay a skills-testing fee of one hundred fifty dollars (\$150).

- (b) There is created within the State Treasury a trust fund to be known as the State Police CDL skills-testing fund. The fund shall be administered by the State Police and shall receive all skills-testing and retesting fees collected under subsections (2)(a) and (6)(c) of this section, in addition to any grants, gifts, or appropriations of state or federal moneys and any interest earned on moneys in the fund. Moneys in the fund shall not lapse and shall be carried forward to the next succeeding fiscal year. The State Police CDL skills-testing fund shall be used by the State Police to contract with and train civilian CDL skills examiners and to improve the logistics of the CDL skills-testing process.
 - (c) The State Police, upon request of an applicant who has passed both the vision and knowledge tests, may schedule the applicant for the skills test at the first available test date at a test site designated by the State Police but not less than ten (10) days after the applicant has filed the application and been issued a CDL permit. Except in extenuating circumstances, a retest for a failed portion of the skills test shall be given within three (3) days of a request of a retest.
 - (d) An applicant shall provide a class representative commercial vehicle, for the class of CDL for which the applicant is testing, in which to take the skills test. Unless the State Police grant an exemption at the time the application for testing is made, the vehicle supplied under this paragraph shall be unloaded. Upon arrival for the skills test, the applicant shall have in his or her possession a valid Kentucky operator's license, a valid CDL permit, and a current U.S. Department of Transportation physical card. A CDL-licensed driver who is at least twenty-one (21) years old shall accompany the applicant at all times the applicant is in operation of a commercial vehicle.
- (3) A testing fee shall not be charged to an individual applying for a CDL with an "S"

endorsement as defined in KRS 281A.170.

- (4) The State Police may authorize a third party to administer the skills test specified by this section if:
 - (a) The test is the same that would otherwise be administered by the state; and
 - (b) The third party has entered into an agreement with this Commonwealth which complies with requirements of Title 49, Code of Federal Regulations, Part 383.75, as adopted by the Transportation Cabinet.
- (5) The State Police shall promulgate administrative regulations under KRS Chapter 13A that establish procedures that ensure an arm's-length relationship is maintained between a third-party tester and any owner, officer, or employee of any program offering commercial truck driving under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A.
- (6)
 - (a) Applicants shall be permitted to take the skills test for a particular class vehicle an unlimited number of times; however, an applicant shall not retest more than one (1) time in any twenty-four (24) hour period.
 - (b) The skills test shall consist of three (3) separate portions: pre-trip inspection, basic maneuvering, and road skills. An applicant must achieve a score of at least eighty percent (80%) on each portion of the skills test before a CDL may be issued to the applicant. An applicant who passes one (1) or more portions of the skills test but does not pass all portions of the skills test shall retest only on those portions of the skills test the applicant failed.
 - (c) An applicant who fails any portion of the skills test four (4) times shall be notified by the State Police that the applicant is required to wait one (1) week and pay a retest fee of fifty dollars (\$50) before retaking a portion of this skills test again.
 - (d) Failure of an applicant to notify the State Police prior to missing an appointment for a skills test shall be considered a failure, on all parts of the

skills test scheduled to be given, for the purposes of determining number of failures, waiting periods, and retesting fees under paragraph (c) of this subsection for individual applicants. A missed appointment failure under this paragraph shall not be reported as a failure to the board.

- (e) The provisions of KRS 281A.150 notwithstanding, an application fee shall not be charged for each test that is retaken as a result of a failing score.
- (7) An applicant who seeks reinstatement of a commercial driver's license after a suspension, withdrawal, revocation, or disqualification of less than one (1) year shall pay the reinstatement fee as prescribed by KRS 281A.150~~(7)~~~~(6)~~ and shall receive his or her commercial driver's license with all endorsement and restrictions that were in effect at the time of suspension. An applicant who seeks reinstatement of a commercial driver's license after a suspension, withdrawal, revocation, or disqualification of one (1) year or more shall submit to the skills, knowledge, and vision tests.
- (8) (a) The commissioner of the Department of Kentucky State Police shall promulgate administrative regulations pursuant to the provisions of KRS Chapter 13A to implement the provisions of this section.
- (b) Within ninety (90) days of April 22, 2006, the State Police shall promulgate administrative regulations under KRS Chapter 13A to set forth the qualifications for contract examiners retained under subsection (2)(b) of this section.

➔Section 39. The following KRS sections are repealed:

186.495 Alphabetical index of operators' licenses.

186.5315 Posting of notice about 1994 increases in fees of circuit clerks.

➔Section 40. Sections 1 to 9 and 11 to 39 of this Act take effect January 1, 2019.