

1 AN ACT relating to commercial driver's licenses.

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

3 ➔Section 1. KRS 281A.010 is amended to read as follows:

4 (1) "Alcohol" means:

5 (a) Beer, ale, port, or stout and other similar fermented beverages, including sake
6 or similar products, of any name or description containing one-half of one
7 percentum (0.5%) or more of alcohol by volume, brewed or produced from
8 malt, wholly or in part, or from any substitute therefor;

9 (b) Wine of not less than one-half of one percentum (0.5%) of alcohol by volume;

10 (c) Distilled spirits, which means that substance known as ethyl alcohol, ethanol,
11 or spirits of wine in any form, including all dilutions and mixtures thereof
12 from whatever source or by whatever process produced; or

13 (d) Any substance containing ethyl alcohol, hydrated oxide of ethyl, spirit of
14 wine, or any distilled spirits including but not limited to ethanol, methanol,
15 propanol, and isopropanol.

16 (2) "Alcohol concentration" means:

17 (a) The number of grams of alcohol per one hundred (100) milliliters of blood;

18 (b) The number of grams of alcohol per two hundred ten (210) liters of breath; or

19 (c) The number of grams of alcohol per sixty-seven (67) milliliters of urine.

20 (3) "Cabinet" means the Transportation Cabinet of the Commonwealth of Kentucky.

21 (4) "Commerce" means:

22 (a) Any trade, traffic, or transportation within the jurisdiction of the United States
23 between a place in a state and a place outside of the state, including a place
24 outside of the United States; and

25 (b) Trade, traffic, and transportation in the United States that affects any trade,
26 traffic, and transportation described in paragraph (a) of this subsection.

27 (5) "Commercial driver's license," or "CDL," means a license issued to an individual in

- 1 accordance with the requirements of this chapter or, if the license is issued by
2 another state in accordance with the Federal Commercial Motor Vehicle Safety Act,
3 to an individual that authorizes the individual to drive any class of commercial
4 motor vehicle.
- 5 (6) "Commercial driver's license information system" or CDLIS means the national
6 information system established to serve as a clearinghouse for locating information
7 related to the licensing and identification of commercial motor vehicle drivers.
- 8 (7) "Commercial driver's instruction permit" means a permit issued pursuant to KRS
9 281A.120.
- 10 (8) "Commercial motor vehicle," or "CMV," means a motor vehicle or combination
11 motor vehicle used in commerce that is:
- 12 (a) Designed to carry property and has a gross vehicle weight rating as determined
13 by federal regulation which has been adopted into cabinet administrative
14 regulations pursuant to KRS Chapter 13A;
- 15 (b) Designed to transport sixteen (16) or more passengers, including the driver;
- 16 (c) Transporting hazardous materials and is required to be placarded in
17 accordance with Title 49, Code of Federal Regulations, Part 172; or
- 18 (d) Any other vehicle that is required by cabinet administrative regulation,
19 pursuant to KRS Chapter 13A, to be operated by a licensed commercial
20 driver.
- 21 (9) "Controlled substance" means any substance so classified under Section 102(6) of
22 the Controlled Substances Act, 21 U.S.C. sec. 802(6), and includes all substances
23 listed on Schedules I through V, of Title 21, Code of Federal Regulations, Part
24 1308, as adopted by the Transportation Cabinet by administrative regulation
25 pursuant to KRS Chapter 13A. It shall also include those substances defined or
26 listed in KRS Chapter 218A.
- 27 (10) "Conviction" means an unvacated adjudication of guilt, or a determination that a

1 person has violated or failed to comply with the law in a court of original
2 jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail
3 or collateral deposited to secure the person's appearance in court, a plea of guilty, a
4 plea of nolo contendere, or Alford plea entered and accepted by the court, the
5 payment of a fine or court cost, or violation of a condition of release without bail,
6 regardless of whether or not the penalty is rebated, suspended, or probated.

7 (11) "Disqualification" means any of the following actions:

8 (a) The suspension, revocation, or cancellation of a CDL by the Commonwealth
9 or the jurisdiction of issuance;

10 (b) Any withdrawal of a person's privilege to drive a commercial motor vehicle by
11 the Commonwealth or another jurisdiction as a result of a violation of state or
12 local law relating to motor vehicle traffic control, other than parking, vehicle
13 weight, or vehicle defect violations; or

14 (c) A determination by the Federal Motor Carrier Safety Administration that a
15 person is not qualified to operate a commercial motor vehicle under 49 C.F.R.
16 pt. 391.

17 (12) "Drive" means to drive, operate, or be in physical control of a motor vehicle.

18 (13) "Driver" means any person who drives, operates, or is in physical control of a
19 commercial motor vehicle, or who is required to hold a commercial driver's license.

20 (14) "Driver's license" means a license issued by a state to an individual that authorizes
21 the individual to drive a motor vehicle.

22 (15) "Employee" means any operator of a commercial motor vehicle, including full-time,
23 regularly employed drivers; casual, intermittent, or occasional drivers; leased
24 drivers and independent, owner-operator contractors while in the course of
25 operating a commercial motor vehicle who are either directly employed by, under
26 lease to, or operating in a manner indicating employment to an employer.

27 (16) "Employer" means any person, including the United States, a state, or a political

1 subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a
2 person to drive a commercial motor vehicle.

3 (17) "Felony" means any offense under state or federal law that is punishable by death or
4 imprisonment for a term exceeding one (1) year.

5 (18) "Gross combination weight rating," or "GCWR," is the gross vehicle weight rating
6 of power unit plus the gross vehicle weight rating of any towed unit. In the absence
7 of a value specified by the manufacturer, GCWR shall be determined by adding the
8 gross vehicle weight rating of the power unit and the total weight of the towed unit
9 and load therein.

10 (19) "Gross vehicle weight rating," or "GVWR," means the value specified by the
11 manufacturer as the maximum loaded weight of a single, a combination or an
12 articulated vehicle.

13 (20) "Hazardous materials" has the same meaning as in 49 C.F.R. sec. 383.5.

14 (21) **"Human trafficking" has the same meaning as in KRS 529.010.**

15 **(22)** "Highway" shall include any way or place of any nature when any part of it is open
16 to the use of the public as a matter of right, license, or privilege for the use of
17 vehicular traffic.

18 **(23)**~~(22)~~ "Imminent hazard" means a condition that presents a substantial likelihood
19 that death, serious illness, severe personal injury, or a danger to health, property, or
20 the environment exists.

21 **(24)**~~(23)~~ "Moped" shall have the same meaning as in KRS 186.010(5).

22 **(25)**~~(24)~~ "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer
23 propelled or drawn by mechanical power used on highways, or any other vehicle
24 required to be registered under the laws of this state, but shall not include any
25 vehicle, machine, tractor, trailer, or semitrailers operated exclusively on a rail.

26 **(26)**~~(25)~~ "NDR" means the national driver register.

27 **(27)**~~(26)~~ "Out-of-service order" means a declaration by an authorized enforcement

1 officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver,
2 commercial motor vehicle, or a motor carrier operation is out of service pursuant to
3 49 C.F.R. sec. 386.72, 392.5, 395.13, or 396.9; comparable laws or regulations; or
4 the North American Uniform Out-of-Service Criteria.

5 ~~(28)~~~~(27)~~ "Resident" means a person who has established Kentucky as his or her state of
6 domicile. Proof of residency shall include but not be limited to a deed or property
7 tax bill, utility agreement or utility bill, or rental housing agreement.

8 ~~(29)~~~~(28)~~ "School bus" means a vehicle that meets the specification of KRS 156.153
9 used to transport preprimary, primary, or secondary school students between school
10 and home, or to and from school-sponsored events. A school bus shall not include a
11 bus used as a common carrier.

12 ~~(30)~~~~(29)~~ "Serious traffic violation" means a conviction when operating a commercial
13 motor vehicle of:

- 14 (a) Excessive speeding, involving a single charge of any speed fifteen (15) miles
15 per hour or more, above the specified speed limit;
- 16 (b) Reckless driving, as defined under state or local law, including conviction of
17 driving a commercial motor vehicle in willful or wanton disregard for the
18 safety of persons or property;
- 19 (c) Improper or erratic traffic lane changes;
- 20 (d) Following the vehicle ahead too closely;
- 21 (e) A violation of any state or local law related to motor vehicle traffic control,
22 other than a parking violation, arising in connection with a fatal accident;
- 23 (f) Driving a commercial motor vehicle without a CDL;
- 24 (g) Driving a commercial motor vehicle without a CDL in one's possession or
25 refusing to display a CDL upon request;
- 26 (h) Driving a commercial motor vehicle without the proper class of CDL or
27 endorsements, or both, for the specific vehicle type or types being operated or

1 for the passengers or type or types of cargo being transported; or

2 (i) Any conviction of an offense that requires mandatory suspension under KRS
3 186.560 or a serious violation as defined by Title 49 of the Code of Federal
4 Regulations Part 383 or as amended by the Federal Highway Administration.

5 ~~(31)~~~~(30)~~ "State" means a state of the United States and the District of Columbia.

6 ~~(32)~~~~(31)~~ "State police" means the Department of Kentucky State Police.

7 ~~(33)~~~~(32)~~ "Vehicle" means every device in, upon, or by which any person or property is
8 or may be transported or drawn along a public highway, except devices moved by
9 human or animal power, used exclusively upon stationary rails or tracks, or which
10 derives its power from overhead wires.

11 ➔Section 2. KRS 281A.120 is amended to read as follows:

12 (1) A commercial driver's instruction permit may be issued to an individual twenty-one
13 (21) years and older who:

14 (a) Has complied with the criminal history background check required by KRS
15 281A.300;

16 (b) Holds a valid automobile driver's license;~~and~~

17 (c) Has passed the vision and knowledge tests required for a commercial driver's
18 license of the class vehicle to be driven. Instruction permits shall be class
19 specific; **and**

20 **(d) Has completed training related to identifying and reporting human**
21 **trafficking as evidenced by a certificate of completion from the online**
22 **Truckers Against Trafficking training program or a successor program**
23 **identified in administrative regulations promulgated in accordance with**
24 **KRS 281A.040.**

25 (2) A commercial driver's instruction permit may be issued to a resident eighteen (18)
26 years of age who:

27 (a) Has complied with the criminal history background check required by KRS

1 281A.300;

2 (b) Holds a valid automobile Class D driver's license;~~[-and]~~

3 (c) Has passed the vision and knowledge tests required for a commercial driver's
4 license of the class vehicle to be driven, if the individual only drives a
5 commercial motor vehicle in intrastate commerce and does not drive a school
6 bus or a vehicle hauling hazardous material. The instruction permit shall be
7 class specific and shall contain an "I" restriction noting that the commercial
8 driver is limited to Kentucky intrastate commerce; and

9 (d) Has completed training related to identifying and reporting human
10 trafficking as evidenced by a certificate of completion from the online
11 Truckers Against Trafficking training program or a successor program
12 identified in administrative regulations promulgated in accordance with
13 KRS 281A.040.

14 (3) A commercial driver's instruction permit shall not be issued to a resident for a
15 period to exceed six (6) months. Only one (1) renewal or reissuance may be granted
16 within a two (2) year period for the same class of vehicle. The holder of a
17 commercial driver's instruction permit may, unless otherwise disqualified, drive a
18 commercial motor vehicle on the highways of Kentucky only when accompanied by
19 the holder of a commercial driver's license valid for the type of vehicle driven and
20 who occupies a seat beside the permit holder for the purpose of giving instruction in
21 driving the commercial motor vehicle.

22 (4) A person who is not a resident who is enrolled in a program offering commercial
23 truck driving under the Kentucky Community and Technical College System or a
24 proprietary school licensed under KRS Chapter 165A may be issued a provisional
25 Class D license that allows an applicant to include a commercial driver's instruction
26 permit into a single license that shall be valid for ninety (90) days. The fee for a
27 provisional Class D license shall be the same as for a regular Class D license. A

1 provisional Class D license may be renewed for one (1) ninety (90) day period. A
2 person issued a provisional Class D license under this subsection shall be required
3 to convert the license to a regular Kentucky CDL or return to the person's state of
4 domicile and transfer the Kentucky provisional Class D license to his or her state of
5 domicile. A provisional Class D license issued under this subsection shall not be
6 converted to a regular Class D license unless the applicant satisfies all Kentucky
7 residency requirements. A commercial driver's instruction permit shall contain, in
8 addition to other information required by the cabinet, those requirements set forth in
9 KRS 281A.170. The commercial driver's instruction permit shall not contain the
10 permit holder's Social Security number but shall include a color photo of the permit
11 holder.

12 ➔Section 3. KRS 281A.130 is amended to read as follows:

13 (1) A person shall not be issued a commercial driver's license unless that person:

14 (a) Is a resident of this state;

15 (b) Holds a valid operator's license;

16 (c) Has complied with the provisions of KRS 281A.300;

17 (d) Except as provided in KRS 281A.165, has passed the knowledge and skills
18 tests for driving a commercial motor vehicle which comply with minimum
19 federal standards established by federal regulation enumerated in Title 49,
20 Code of Federal Regulations, Part 383, as adopted by the cabinet;~~and~~

21 (e) Has satisfied all other safety requirements including those requirements
22 imposed by state law or federal regulation. The tests shall be prescribed and
23 conducted as set forth in KRS 281A.160; **and**

24 **(f) Has completed training on identifying and reporting human trafficking in**
25 **accordance with Section 2 of this Act.**

26 (2) A commercial driver's license, or commercial driver's instruction permit shall not be
27 issued to a person while the person is subject to a disqualification from driving a

1 commercial motor vehicle, or while the person's driver's license or driving privilege
2 is suspended, revoked, or canceled in any state or jurisdiction.

3 (3) A commercial driver's license shall not be issued to a person who has a commercial
4 driver's license issued by any other state unless the person first surrenders all such
5 licenses, which shall be returned to the issuing jurisdiction for cancellation.

6 (4) To ensure that an applicant for a commercial driver's license or instruction permit
7 complies with the requirements of subsections (2) and (3) of this section, the circuit
8 clerk shall verify through the commercial driver's license information system and
9 national driver register that the person applying for a Kentucky CDL does not
10 currently have his or her operator's license or driving privilege suspended or
11 revoked in another licensing jurisdiction. If the person's operator's license or driving
12 privilege is currently suspended or revoked in another licensing jurisdiction, the
13 circuit clerk shall not issue the person a Kentucky CDL until the person resolves the
14 matter in the other licensing jurisdiction and complies with the provisions of this
15 chapter and KRS Chapter 186.

16 ➔Section 4. KRS 281A.170 is amended to read as follows:

17 (1) The commercial driver's license shall be marked "commercial driver's license" and
18 "CDL" and shall be, to the maximum extent practicable, tamper proof. It shall
19 include but is not limited to the following information:

20 (a) The name and present resident address of the licensee;

21 (b) The licensee's color photograph;

22 (c) A physical description of the licensee including sex, height, weight, and eye
23 color;

24 (d) The licensee's date of birth;

25 (e) The licensee's signature;

26 (f) The class or type of commercial motor vehicle or vehicles that the person is
27 authorized to drive together with any endorsements or restrictions;

- 1 (g) The name of this state;
- 2 (h) The dates between which the license is valid; and
- 3 (i) Any other information required by the cabinet, except for a person's Social
- 4 Security number.

5 (2) A commercial driver's license shall be issued with classifications, endorsements,

6 and restrictions. Vehicles that require an endorsement shall not be driven unless the

7 proper endorsement appears on the license and the applicant has passed the

8 knowledge and skills test required by the State Police.

9 (a) Classifications:

- 10 1. Class A - Any combination of vehicles with a gross vehicle weight
- 11 rating of twenty-six thousand and one (26,001) pounds or more, if the
- 12 gross vehicle weight rating of the vehicle being towed is in excess of ten
- 13 thousand (10,000) pounds. Licensees with an "A" classification may
- 14 with the proper endorsement drive Class B and C vehicles.
- 15 2. Class B - Any single vehicle with a gross vehicle weight rating of
- 16 twenty-six thousand and one (26,001) pounds or more, and any vehicle
- 17 towing a vehicle not in excess of ten thousand (10,000) pounds.
- 18 Licensees with a "B" classification may with the proper endorsements
- 19 drive Class C vehicles.
- 20 3. Class C - Any single vehicle with a gross weight rating of less than
- 21 twenty-six thousand and one (26,001) pounds or any vehicle towing a
- 22 vehicle with a gross vehicle weight rating not in excess of ten thousand
- 23 (10,000) pounds which includes:
- 24 a. Vehicles designed to transport sixteen (16) or more passengers,
- 25 including the driver; or
- 26 b. Vehicles used in the transportation of hazardous materials which
- 27 requires the vehicle to be placarded under Title 49, Code of

1 Federal Regulations, Part 172, sub-part F, as adopted by
2 administrative regulations of the cabinet, pursuant to KRS Chapter
3 13A.

- 4 4. Class D - All other vehicles not listed in any other class.
- 5 5. Class E - Moped only.
- 6 6. Class M - Motorcycles. Licensees with a "M" classification may also
7 drive Class E vehicles.

8 (b) Endorsements:

- 9 1. "H" - Authorizes the driver to operate a vehicle transporting hazardous
10 materials.
- 11 2. "T" - Authorizes operation of double trailers and triple trailers in those
12 jurisdictions allowing the operation of triple trailers.
- 13 3. "P" - Authorizes operation of vehicles carrying passengers.
- 14 4. "N" - Authorizes operation of tank vehicles.
- 15 5. "X" - Authorizes operation of combination of hazardous materials and
16 tank vehicle endorsements.
- 17 6. "R" - Authorizes operation of all other endorsements not otherwise
18 specified.
- 19 7. "S" - Authorizes operation of school buses.

20 (c) The Transportation Cabinet shall promulgate administrative regulations in
21 accordance with KRS Chapter 13A to outline restrictions on the operation of
22 commercial vehicles and the associated codes to identify such restrictions,
23 which shall appear on the face of the commercial driver's license.

24 (3) **The commercial driver's license shall be issued with a wallet card that outlines**
25 **the signs of human trafficking and how to report it, including the telephone**
26 **number for the National Human Trafficking Hotline.**

27 (4) Within ten (10) days after issuing a commercial driver's license, the cabinet shall

1 notify the commercial driver's license information system of that fact, providing all
2 information required to ensure identification of the person.

3 ~~(5)~~~~(4)~~ A commercial driver's license issued to a resident pursuant to this chapter
4 shall expire in four (4) years unless the license was issued to a resident under the
5 age of twenty-one (21). A commercial driver's license issued to a person who is not
6 a resident shall be issued for one (1) year and shall not be renewable. The fee for a
7 commercial driver's license issued to a nonresident shall be the same as the fee
8 charged to a resident.

9 ~~(6)~~~~(5)~~ A person under the age of twenty-one (21) shall not be licensed to operate a
10 Class A, B, or C vehicle unless he has an "I" restriction. A commercial driver with
11 an "I" restriction shall not drive a commercial motor vehicle in interstate commerce,
12 unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age
13 of twenty-one (21) shall not be allowed to operate a school bus or a vehicle
14 transporting hazardous material in intrastate commerce.

15 ~~(7)~~~~(6)~~ The holder of a commercial driver's license shall be considered to hold a valid
16 Kentucky driver's license issued under the provisions of KRS 186.412.

17 ➔Section 5. KRS 281A.320 is amended to read as follows:

18 (1) Any person initially renewing a commercial driver's license or adding an
19 endorsement ~~[after September 30, 2002,]~~ shall apply for the renewal at least thirty
20 (30) days prior to the expiration date of the license. The purpose of the early
21 renewal procedures is to ensure the criminal history background check required
22 under KRS 281A.300 may be completed prior to the expiration date on the license.
23 A person may obtain the information necessary to conduct the criminal history
24 background check from the circuit clerk. If the person has a law enforcement agency
25 other than the State Police conduct the background check, the law enforcement
26 agency may charge the person a nonrefundable fee for the service. Any fee charged
27 by any law enforcement agency to conduct a criminal history background check

1 shall be an amount not greater than the actual cost of processing the request and
2 conducting the search.

3 **(2) Each commercial driver's license issued because of application for renewal or**
4 **adding an endorsement shall be issued with a wallet card that outlines the signs**
5 **of human trafficking and how to report it, including the telephone number for**
6 **the National Human Trafficking Hotline.**

7 ➔Section 6. KRS 281.755 is amended to read as follows:

8 (1) The Department of Kentucky State Police or any other peace officer designated by
9 the department may at any time or place make an inspection of any motor vehicle
10 operating under the provisions of this chapter. They may enter into and upon any
11 such motor vehicle for the purpose of ascertaining whether or not any provision of
12 this chapter or any order or rule or regulation of the department relating to such
13 motor vehicles has been violated. Willful refusal to stop any such motor vehicle,
14 when ordered to do so by any representative of the Department of Kentucky State
15 Police, or to permit the representative to enter into or upon the motor vehicle for the
16 purpose of inspection, shall be sufficient ground for the revocation or suspension of
17 the certificate or permit of the motor carrier.

18 (2) In the event that a peace officer orders a commercial motor vehicle to be taken to a
19 storage or impoundment facility as a result of a violation which requires the vehicle
20 to be moved, the driver of the commercial motor vehicle shall be granted the ability
21 to drive the commercial motor vehicle to the storage or impoundment facility. If the
22 driver elects to drive to the storage or impoundment facility, a peace officer shall
23 escort the vehicle to the facility. This subsection shall not apply if the commercial
24 motor vehicle is required to be impounded as a result of a violation of KRS
25 281A.210, an out-of-service order as defined in KRS 281A.010 ~~(27)~~, or a
26 serious traffic violation as defined in KRS 281A.010 ~~(30)~~.