

1 AN ACT relating to operator's license testing.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *Any driver's education program administered by a school district shall include in the*
6 *course of instruction information on how a driver should act during interactions with*
7 *law enforcement officers.*

8 ➔Section 2. KRS 186.480 (Effective until January 1, 2019) is amended to read as
9 follows:

10 (1) *The Department of Kentucky State Police shall make available in a printed or*
11 *electronic format a Driver Manual containing the information needed by an*
12 *applicant to prepare for an operator's license examination. The manual shall*
13 *have a section regarding how a driver should act during interactions with law*
14 *enforcement officers.*

15 (2) The Department of Kentucky State Police shall examine every applicant for an
16 operator's license as identified in KRS 186.6401, except as otherwise provided in
17 this section. The examination shall be held in the county where the applicant resides
18 unless:

19 (a) The applicant is granted written permission by the circuit clerk of the county in
20 which he or she resides to take the examination in another county, and the
21 Department of Kentucky State Police agree to arrange for the examination in
22 the other county; or

23 (b) The applicant is tested using a bioptic telescopic device.

24 ~~(3)~~(2) The examination shall include a test of the applicant's eyesight to ensure
25 compliance with the visual acuity standards set forth in KRS 186.577. The
26 examination shall also include a test of the applicant's ability to read and understand
27 highway signs regulating, warning, and directing traffic, the applicant's knowledge of

1 traffic laws, *the applicant's knowledge regarding his or her conduct during*
2 *interactions with law enforcement officers,* and an actual demonstration of the
3 applicant's ability to exercise ordinary and reasonable control in the operation of a
4 motor vehicle. An applicant for a motorcycle operator's license shall be required to
5 show his or her ability to operate a motorcycle, in addition to other requirements of
6 this section. The provisions of this subsection shall not apply to an applicant who:

- 7 (a) At the time of application, holds a valid operator's license from another state,
8 provided that state affords a reciprocal exemption to a Kentucky resident; or
9 (b) Is a citizen of the Commonwealth who has been serving in the United States
10 military and has allowed his or her operator's license to expire.

11 ~~(4)(3)~~ Any person whose intermediate license or operator's license is denied,
12 suspended, or revoked for cause shall apply for reinstatement at the termination of
13 the period for which the license was denied, suspended, or revoked by submitting to
14 the examination. The provisions of this subsection shall not apply to any person
15 whose license was suspended for failure to meet the conditions described in KRS
16 186.411 when, within one (1) year of suspension, the driving privileges of such
17 individuals are reinstated.

18 ~~(5)(4)~~ An applicant shall not use an autocycle for road skills testing administered
19 under the provisions of this section.

20 ➔Section 3. KRS 186.480 (Effective January 1, 2019) is amended to read as
21 follows:

22 (1) *The Department of Kentucky State Police shall make available in a printed or*
23 *electronic format a Driver Manual containing the information needed by an*
24 *applicant to prepare for an operator's license examination. The manual shall*
25 *have a section regarding how a driver should act during interactions with law*
26 *enforcement officers.*

27 (2) The Department of Kentucky State Police shall examine every applicant for an

1 operator's license as identified in KRS 186.635, except as otherwise provided in this
2 section. The examination shall be held in the county where the applicant resides
3 unless:

4 (a) The applicant is granted written permission by the circuit clerk of the county in
5 which he or she resides to take the examination in another county, and the
6 Department of Kentucky State Police agree to arrange for the examination in
7 the other county; or

8 (b) The applicant is tested using a bioptic telescopic device.

9 ~~(3)(2)~~ The examination shall include a test of the applicant's eyesight to ensure
10 compliance with the visual acuity standards set forth in KRS 186.577. The
11 examination shall also include a test of the applicant's ability to read and understand
12 highway signs regulating, warning, and directing traffic, the applicant's knowledge of
13 traffic laws, *the applicant's knowledge regarding his or her conduct during*
14 *interactions with law enforcement officers.* and an actual demonstration of the
15 applicant's ability to exercise ordinary and reasonable control in the operation of a
16 motor vehicle. An applicant for a motorcycle operator's license shall be required to
17 show his or her ability to operate a motorcycle, in addition to other requirements of
18 this section. The provisions of this subsection shall not apply to an applicant who:

19 (a) At the time of application, holds a valid operator's license from another state,
20 provided that state affords a reciprocal exemption to a Kentucky resident; or

21 (b) Is a citizen of the Commonwealth who has been serving in the United States
22 military and has allowed his or her operator's license to expire.

23 ~~(4)(3)~~ Any person whose intermediate license or operator's license is denied,
24 suspended, or revoked for cause shall apply for reinstatement at the termination of
25 the period for which the license was denied, suspended, or revoked by submitting to
26 the examination. The provisions of this subsection shall not apply to any person
27 whose license was suspended for failure to meet the conditions described in KRS

1 186.411 when, within one (1) year of suspension, the driving privileges of such
2 individuals are reinstated.

3 ~~(5)~~~~(4)~~ An applicant shall not use an autocycle for road skills testing administered
4 under the provisions of this section.

5 ➔Section 4. KRS 186.574 is amended to read as follows:

6 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and
7 for traffic offenders. The school shall be composed of uniform education and training
8 elements designed to create a lasting influence on new drivers and a corrective
9 influence on traffic offenders. District Courts may in lieu of assessing penalties for
10 traffic offenses, other than for KRS 189A.010, sentence offenders to state traffic
11 school and no other. The Transportation Cabinet shall enroll a person in state traffic
12 school who fails to complete a driver's education course pursuant to KRS
13 186.410(5).

14 (2) If a District Court stipulates in its judgment of conviction that a person attend state
15 traffic school, the court shall indicate this in the space provided on the abstract of
16 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the
17 Transportation Cabinet, or its representative, shall schedule the person to attend
18 state traffic school. Failure of the person to attend and satisfactorily complete state
19 traffic school in compliance with the court order, may be punished as contempt of
20 the sentencing court. The Transportation Cabinet shall not assess points against a
21 person who satisfactorily completes state traffic school. However, if the person
22 referred to state traffic school holds or is required to hold a commercial driver's
23 license, the underlying offense shall appear on the person's driving history record.

24 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic
25 school, and shall promulgate administrative regulations pursuant to KRS Chapter
26 13A governing facilities, equipment, courses of instruction, instructors, and records
27 of the program. *The course of instruction for new drivers shall include*

1 **information on how a driver should act during interactions with law enforcement**
2 **officers.** In the event a person sentenced under subsection (1) of this section does

3 not attend or satisfactorily complete state traffic school, the Transportation Cabinet
4 may deny that person a license or suspend the license of that person until he
5 reschedules attendance or completes state traffic school, at which time a denial or
6 suspension shall be rescinded.

7 (4) Persons participating in the state traffic school as provided in this section shall pay a
8 fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if
9 enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c),
10 a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that are
11 dedicated to the road fund for use in the state driver education program may be used
12 for the purposes of state traffic school.

13 (5) The following procedures shall govern persons attending state traffic school
14 pursuant to this section:

15 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters
16 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of
17 the trial judge, be sentenced to attend state traffic school. Upon payment of the
18 fee required by subsection (4) of this section, and upon successful completion
19 of state traffic school, the sentence to state traffic school shall be the person's
20 penalty in lieu of any other penalty, except for the payment of court costs;

21 (b) Except as provided in KRS 189.990(28), a person shall not be eligible to
22 attend state traffic school who has been cited for a violation of KRS Chapters
23 177, 186, or 189 that has a penalty of mandatory revocation or suspension of
24 an offender's driver's license;

25 (c) Except as provided in KRS 189.990(28), a person shall not be eligible to
26 attend state traffic school for any violation if, at the time of the violation, the
27 person did not have a valid driver's license or the person's driver's license was

- 1 suspended or revoked by the cabinet;
- 2 (d) Except as provided in KRS 189.990(28), a person shall not be eligible to
- 3 attend state traffic school more than once in any one (1) year period, unless the
- 4 person wants to attend state traffic school to comply with the driver education
- 5 requirements of KRS 186.410; and
- 6 (e) The cabinet shall notify the sentencing court regarding any person who was
- 7 sentenced to attend state traffic school who was ineligible to attend state traffic
- 8 school. A court notified by the cabinet pursuant to this paragraph shall return
- 9 the person's case to an active calendar for a hearing on the matter. The court
- 10 shall issue a summons for the person to appear and the person shall
- 11 demonstrate to the court why an alternative sentence should not be imposed.
- 12 (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may
- 13 operate a traffic safety program for traffic offenders prior to the adjudication
- 14 of the offense.
- 15 (b) Offenders alleged to have violated KRS 189A.010 or 304.39-080, offenders
- 16 holding a commercial driver's license under KRS Chapter 281A, or offenders
- 17 coming within the provisions of subsection (5)(b) or (c) of this section shall be
- 18 excluded from participation in a county attorney-operated program.
- 19 (c) A county attorney that operates a traffic safety program:
- 20 1. May charge a reasonable fee to program participants, which shall only be
- 21 used for payment of county attorney office operating expenses; and
- 22 2. Shall, by October 1 of each year, report to the Prosecutors Advisory
- 23 Council the fee charged for the county attorney-operated traffic safety
- 24 program and the total number of traffic offenders diverted into the
- 25 county attorney-operated traffic safety program for the preceding fiscal
- 26 year categorized by traffic offense.
- 27 (d) Each participant in a county attorney-operated traffic safety program shall, in

1 addition to the fee payable to the county attorney, pay a twenty-five dollar
2 (\$25) fee to the court clerk, which shall be paid into a trust and agency
3 account with the Administrative Office of the Courts and is to be used by the
4 circuit clerks to hire additional deputy clerks and to enhance deputy clerk
5 salaries.

6 (e) Each participant in a county attorney-operated traffic safety program shall, in
7 addition to the fee payable to the county attorney and the fee required by
8 paragraph (d) of this subsection, pay a thirty dollar (\$30) fee to the county
9 attorney in lieu of court costs. On a monthly basis, the county attorney shall
10 forward the fees collected pursuant to this paragraph to the Finance and
11 Administration Cabinet to be distributed as follows:

- 12 1. Ten and eight-tenths percent (10.8%) to the spinal cord and head injury
13 research trust fund created in KRS 211.504;
- 14 2. Nine and one-tenth percent (9.1%) to the traumatic brain injury trust
15 fund created in KRS 211.476;
- 16 3. Five and eight-tenths percent (5.8%) to the special trust and agency
17 account set forth in KRS 42.320(2)(f) for the Department of Public
18 Advocacy;
- 19 4. Five and seven-tenths percent (5.7%) to the crime victims compensation
20 fund created in KRS 49.480;
- 21 5. One and two-tenths percent (1.2%) to the Justice and Public Safety
22 Cabinet to defray the costs of conducting record checks on prospective
23 firearms purchasers pursuant to the Brady Handgun Violence Prevention
24 Act and for the collection, testing, and storing of DNA samples;
- 25 6. Sixteen and eight-tenths percent (16.8%) to the county sheriff in the
26 county from which the fee was received;
- 27 7. Nine and one-tenth percent (9.1%) to the county treasurer in the county

1 from which the fee was received to be used by the fiscal court for the
2 purposes of defraying the costs of operation of the county jail and the
3 transportation of prisoners;

4 8. Thirty-three and two-tenths percent (33.2%) to local governments in
5 accordance with the formula set forth in KRS 24A.176(5); and

6 9. Eight and three-tenths percent (8.3%) to the Cabinet for Health and
7 Family Services for the implementation and operation of a telephonic
8 behavioral health jail triage system as provided in KRS 210.365 and
9 441.048.

10 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 332 IS CREATED TO
11 READ AS FOLLOWS:

12 *Any person operating a driver training school licensed pursuant to this chapter shall*
13 *include in the course of instruction for new drivers information on how a driver should*
14 *act during interactions with law enforcement officers.*