

1 AN ACT relating to the licensing of motor vehicles and operators.

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

3 ➔Section 1. KRS 138.715 is amended to read as follows:

- 4 (1) If any licensee neglects or refuses to make the return or pay the tax at the time
5 provided in KRS 138.685, a penalty of twenty percent (20%) of the tax and interest
6 at the tax interest rate as defined in KRS 131.010(6) from the date when due shall
7 be paid on the tax.
- 8 (2) If any licensee subject to the penalty provided in subsection (1) of this section
9 submits to the department in writing the reasons for failure to comply with KRS
10 138.660 to 138.7291 and if the department finds the reasons sufficient evidence or
11 justifiable cause for modifying the penalty provided in subsection (1) of this section,
12 it may modify the penalty enacted therein to five percent (5%) of the amount of the
13 tax due and delinquent, provided the five percent (5%) penalty may be reduced to
14 one percent (1%) if the violation is the first violation by the taxpayer within the
15 twelve (12) months.
- 16 (3) If the penalties provided by this section are collected by proceedings in court, an
17 additional penalty of twenty percent (20%) shall be collected and distributed as is
18 authorized by KRS 134.552. Whenever any licensee neglects or refuses to make and
19 file any report for any calendar quarter as required by KRS 138.685, or files an
20 incorrect or fraudulent report, the department shall determine after an investigation
21 the amount of the liability which the licensee has incurred under KRS 138.660 to
22 138.7291 for any particular quarter and assess and collect the amount of tax and
23 penalties due.
- 24 (4) Any licensee who fails to make any report required under the provisions of KRS
25 138.660 to 138.7291 within the time allowed may be required to pay a penalty of
26 ~~fifty dollars (\$50) for a first offense, two hundred fifty dollars (\$250) for a second~~
27 ~~offense, or]five hundred dollars (\$500) for any [subsequent]offense[within any~~

1 ~~four (4) year period~~. The penalty is to be assessed and collected in the manner
 2 provided for the assessment and collection of taxes, or the licensee may be
 3 proceeded against in a civil action instigated by the department. In addition, such
 4 licensee may be compelled to make the required return.

5 (5) In any action for the collection of taxes due under KRS 138.660 to 138.7291 and
 6 any penalties or interest imposed in connection therewith, an assessment by the
 7 department of the amount of tax due and the interest or penalties due to the state
 8 shall constitute prima facie evidence of the claim of the state and the burden of
 9 proof shall be on the licensee to show that the assessment was incorrect or contrary
 10 to law.

11 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 281A IS CREATED TO
 12 READ AS FOLLOWS:

13 **(1) The Commonwealth shall not mask, defer imposition of judgment, or allow an**
 14 **individual to enter into a diversion program that would prevent a CDL holder's**
 15 **conviction for any violation, in any type of motor vehicle, of a state or local traffic**
 16 **control law from appearing on the CDLIS driver record, whether the driver was**
 17 **convicted for an offense committed in the Commonwealth or another state.**

18 **(2) This section shall not apply to the following violations:**

19 **(a) Parking;**

20 **(b) Vehicle weight; or**

21 **(c) Vehicle defect.**

22 ➔Section 3. KRS 281A.165 is amended to read as follows:

23 (1) The cabinet may waive the driving skills test for an applicant on active **or reserve**
 24 military service, **or who is a member of the National Guard,** or within **one (1) year**
 25 ~~ninety (90) days~~ of separation of service, who:

26 (a) Is currently licensed;

27 (b) Has experience driving a vehicle in the military that would require a

- 1 commercial driver's license to operate as a civilian;
- 2 (c) Has a good driving record; and
- 3 (d) Certifies and provides verification that, during the two (2) year period
- 4 immediately prior to applying for a commercial driver's license, the applicant:
- 5 1. Drove a motor vehicle in the military that was representative of the
- 6 commercial driver's license class and endorsement for which he or she is
- 7 applying;
- 8 2. Has not had his or her operator's license or commercial driver's license
- 9 suspended, revoked, or canceled, or been disqualified from operating a
- 10 commercial motor vehicle;
- 11 3. Has not been convicted of any of the disqualifying offenses in 49 C.F.R.
- 12 sec. 383.51(b) while operating a commercial motor vehicle, or of any
- 13 offense in a noncommercial vehicle that would be disqualifying under
- 14 49 C.F.R. sec. 383.51(b) if committed in a commercial motor vehicle;
- 15 4. Has not been convicted of more than one (1) serious traffic violation, as
- 16 defined in 49 C.F.R. sec. 383.5, while operating any type of motor
- 17 vehicle;
- 18 5. Has not been convicted of any violation of *military*, state or local law
- 19 relating to motor vehicle traffic control, other than a parking violation,
- 20 arising in connection with a traffic accident, *and has no record of being*
- 21 *at fault in an accident while driving a vehicle in the military that*
- 22 *would require a commercial driver's license to operate as a civilian;*
- 23 6. Has not been convicted of any motor vehicle traffic violation that
- 24 resulted in an accident; and
- 25 7. Is or was regularly employed in a position in the Armed Forces of the
- 26 United States requiring operation of a commercial motor vehicle of the
- 27 group the applicant seeks to drive, and provides evidence of that

- 1 employment in accordance with subsection (5) of this section.
- 2 (2) The skills test waiver process described in subsection (1) of this section shall be
3 completed, and the commercial driver's license issued, within one (1) year~~ninety~~
4 ~~(90) days~~ of separation of service.
- 5 (3) Military personnel who obtain the skills test waiver under this section shall be
6 required to take the knowledge test pursuant to KRS 281A.130.
- 7 (4) Military personnel who obtain the skills test waiver under this section shall be
8 required to pay the application fee as prescribed by KRS 281A.150, but shall not be
9 charged the skills-testing fee as prescribed by KRS 281A.160.
- 10 (5) The cabinet shall promulgate administrative regulations under KRS Chapter 13A
11 that establish an application form for waiver of the skills test by military personnel.
12 As part of the application process, the applicant shall be required to provide:
- 13 (a) A copy of the applicant's DD-214 form showing the applicant's military
14 occupational specialty; or
- 15 (b) A signed statement by the applicant's commanding officer or transportation
16 officer, on a form provided by the cabinet, attesting to the fact that the
17 applicant meets the requirements of this section.
- 18 ➔Section 4. KRS 281A.170 (Effective until January 1, 2019) is amended to read
19 as follows:
- 20 (1) The commercial driver's license shall be marked "commercial driver's license" and
21 "CDL" and shall be, to the maximum extent practicable, tamper proof. It shall
22 include but is not limited to the following information:
- 23 (a) The name and present resident address of the licensee;
- 24 (b) The licensee's ~~color~~ photograph;
- 25 (c) A physical description of the licensee including sex, height, weight, and eye
26 color;
- 27 (d) The licensee's date of birth;

- 1 (e) The licensee's signature;
- 2 (f) The class or type of commercial motor vehicle or vehicles that the person is
3 authorized to drive together with any endorsements or restrictions;
- 4 (g) The name of this state;
- 5 (h) The dates between which the license is valid; and
- 6 (i) Any other information required by the cabinet, except for a person's Social
7 Security number.
- 8 (2) A commercial driver's license shall be issued with classifications, endorsements,
9 and restrictions. Vehicles that require an endorsement shall not be driven unless the
10 proper endorsement appears on the license and the applicant has passed the
11 knowledge and skills test required by the State Police.
- 12 (a) Classifications:
- 13 1. Class A - Any combination of vehicles with a gross vehicle weight
14 rating of twenty-six thousand and one (26,001) pounds or more, if the
15 gross vehicle weight rating of the vehicle being towed is in excess of ten
16 thousand (10,000) pounds. Licensees with an "A" classification may
17 with the proper endorsement drive Class B and C vehicles.
- 18 2. Class B - Any single vehicle with a gross vehicle weight rating of
19 twenty-six thousand and one (26,001) pounds or more, and any vehicle
20 towing a vehicle not in excess of ten thousand (10,000) pounds.
21 Licensees with a "B" classification may with the proper endorsements
22 drive Class C vehicles.
- 23 3. Class C - Any single vehicle with a gross weight rating of less than
24 twenty-six thousand and one (26,001) pounds or any vehicle towing a
25 vehicle with a gross vehicle weight rating not in excess of ten thousand
26 (10,000) pounds which includes:
- 27 a. Vehicles designed to transport sixteen (16) or more passengers,

1 including the driver; or

2 b. Vehicles used in the transportation of hazardous materials which
3 requires the vehicle to be placarded under Title 49, Code of
4 Federal Regulations, Part 172, sub-part F, as adopted by
5 administrative regulations of the cabinet, pursuant to KRS Chapter
6 13A.

7 4. Class D - All other vehicles not listed in any other class.

8 5. Class E - Moped only.

9 6. Class M - Motorcycles. Licensees with a "M" classification may also
10 drive Class E vehicles.

11 (b) Endorsements:

12 1. "H" - Authorizes the driver to operate a vehicle transporting hazardous
13 materials.

14 2. "T" - Authorizes operation of double trailers and triple trailers in those
15 jurisdictions allowing the operation of triple trailers.

16 3. "P" - Authorizes operation of vehicles carrying passengers.

17 4. "N" - Authorizes operation of tank vehicles.

18 5. "X" - Authorizes operation of combination of hazardous materials and
19 tank vehicle endorsements.

20 6. "R" - Authorizes operation of all other endorsements not otherwise
21 specified.

22 7. "S" - Authorizes operation of school buses.

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

27 (3) 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 (4) A commercial driver's license issued to a resident pursuant to this chapter shall
4 expire in four (4) years unless the license was issued to a resident under the age of
5 twenty-one (21). A commercial driver's license issued to a person who is not a
6 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 (5) A person under the age of twenty-one (21) shall not be licensed to operate a Class
10 A, B, or C vehicle unless he has an "I" restriction. A commercial driver with an "I"
11 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 (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.170 (Effective January 1, 2019) is amended to read as
18 follows:

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

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

23 (b) The licensee's ~~color~~ photograph;

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

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

27 (e) The licensee's signature;

- 1 (f) The class or type of commercial motor vehicle or vehicles that the person is
2 authorized to drive together with any endorsements or restrictions;
- 3 (g) The name of this state;
- 4 (h) The dates between which the license is valid; and
- 5 (i) Any other information required by the cabinet, except for a person's Social
6 Security number.
- 7 (2) A commercial driver's license issued under this chapter shall contain a denotation
8 that either:
- 9 (a) The commercial driver's license is a voluntary travel ID identity document that
10 complies with the security standards set forth by Pub. L. No. 109-13, Title II,
11 and may be used for identification for federal purposes; or
- 12 (b) The commercial driver's license shall not be used for federal identification
13 purposes.
- 14 (3) A commercial driver's license shall be issued with classifications, endorsements,
15 and restrictions. Vehicles that require an endorsement shall not be driven unless the
16 proper endorsement appears on the license and the applicant has passed the
17 knowledge and skills test required by the State Police.
- 18 (a) Classifications:
- 19 1. Class A - Any combination of vehicles with a gross vehicle weight
20 rating of twenty-six thousand and one (26,001) pounds or more, if the
21 gross vehicle weight rating of the vehicle being towed is in excess of ten
22 thousand (10,000) pounds. Licensees with an "A" classification may
23 with the proper endorsement drive Class B and C vehicles.
- 24 2. Class B - Any single vehicle with a gross vehicle weight rating of
25 twenty-six thousand and one (26,001) pounds or more, and any vehicle
26 towing a vehicle not in excess of ten thousand (10,000) pounds.
27 Licensees with a "B" classification may with the proper endorsements

- 1 drive Class C vehicles.
- 2 3. Class C - Any single vehicle with a gross weight rating of less than
3 twenty-six thousand and one (26,001) pounds or any vehicle towing a
4 vehicle with a gross vehicle weight rating not in excess of ten thousand
5 (10,000) pounds which includes:
- 6 a. Vehicles designed to transport sixteen (16) or more passengers,
7 including the driver; or
- 8 b. Vehicles used in the transportation of hazardous materials which
9 requires the vehicle to be placarded under Title 49, Code of
10 Federal Regulations, Part 172, sub-part F, as adopted by
11 administrative regulations of the cabinet, pursuant to KRS Chapter
12 13A.
- 13 4. Class D - All other vehicles not listed in any other class.
- 14 5. Class E - Moped only.
- 15 6. Class M - Motorcycles. Licensees with a "M" classification may also
16 drive Class E vehicles.
- 17 (b) Endorsements:
- 18 1. "H" - Authorizes the driver to operate a vehicle transporting hazardous
19 materials.
- 20 2. "T" - Authorizes operation of double trailers and triple trailers in those
21 jurisdictions allowing the operation of triple trailers.
- 22 3. "P" - Authorizes operation of vehicles carrying passengers.
- 23 4. "N" - Authorizes operation of tank vehicles.
- 24 5. "X" - Authorizes operation of combination of hazardous materials and
25 tank vehicle endorsements.
- 26 6. "R" - Authorizes operation of all other endorsements not otherwise
27 specified.

1 7. "S" - Authorizes operation of school buses.

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

6 (4) Within ten (10) days after issuing a commercial driver's license, the cabinet shall
7 notify the commercial driver's license information system of that fact, providing all
8 information required to ensure identification of the person.

9 (5) A commercial driver's license issued to a resident pursuant to this chapter shall
10 expire in eight (8) years unless the license was issued to a resident under the age of
11 twenty-one (21). A commercial driver's license issued to a person who is not a
12 resident shall be issued for one (1) year and shall not be renewable. The fee for a
13 commercial driver's license issued to a nonresident shall be the same as the fee
14 charged to a resident.

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

21 (7) The holder of a commercial driver's license shall be considered to hold a valid
22 Kentucky driver's license issued under the provisions of KRS 186.4102 and
23 186.412.

24 ➔Section 6. The following KRS section is repealed:

25 138.670 Amount and conditions of bond -- Cabinet may require new bond -- Additional
26 bond -- Release of surety.