

1 AN ACT relating to testing for commercial driver's license applicants and making
2 an appropriation therefor.

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

4 ➔Section 1. KRS 281A.160 (Effective January 1, 2019) is amended to read as
5 follows:

- 6 (1) (a) Except as provided in subsection (4) of this section, the State Police shall be
7 responsible for administering both the knowledge and skills test required by
8 KRS 281A.130.
- 9 (b) Applicants who fail the written knowledge test shall be permitted to retake the
10 written test on the next day the tests are administered. Applicants who fail the
11 written test six (6) times shall be required to wait three (3) days before taking
12 the knowledge test again. Applicants who subsequently fail the written test
13 three (3) additional times shall be required to wait three (3) days prior to
14 retaking the test.
- 15 (2) (a) Except as provided for in subsection (3) of this section, at the time a CDL
16 permit is issued:
- 17 1. An applicant who has held a Kentucky operator's license for thirty (30)
18 days or longer shall pay a skills-testing fee of fifty dollars (\$50); and
- 19 2. An applicant who has held a Kentucky operator's license for less than
20 thirty (30) days shall pay a skills-testing fee of one hundred fifty dollars
21 (\$150).
- 22 (b) There is created within the State Treasury a trust fund to be known as the State
23 Police CDL skills-testing fund. The fund shall be administered by the State
24 Police and shall receive all skills-testing and retesting fees collected under
25 subsections (2)(a) and (6)~~(e)~~~~(e)}~~ of this section, in addition to any grants,
26 gifts, or appropriations of state or federal moneys and any interest earned on
27 moneys in the fund. Moneys in the fund shall not lapse and shall be carried

1 forward to the next succeeding fiscal year. The State Police CDL skills-testing
2 fund shall be used by the State Police to contract with and train civilian CDL
3 skills examiners and to improve the logistics of the CDL skills-testing
4 process.

5 (c) The State Police, upon request of an applicant who has passed both the vision
6 and knowledge tests, may schedule the applicant for the skills test at the first
7 available test date at a test site designated by the State Police but not less than
8 ten (10) days after the applicant has filed the application and been issued a
9 CDL permit. Except in extenuating circumstances, a retest for a failed portion
10 of the skills test shall be given within three (3) days of a request of a retest.

11 (d) An applicant shall provide a class representative commercial vehicle, for the
12 class of CDL for which the applicant is testing, in which to take the skills test.
13 Unless the State Police grant an exemption at the time the application for
14 testing is made, the vehicle supplied under this paragraph shall be unloaded.
15 Upon arrival for the skills test, the applicant shall have in his or her possession
16 a valid Kentucky operator's license, a valid CDL permit, and a current U.S.
17 Department of Transportation physical card. A CDL-licensed driver who is at
18 least twenty-one (21) years old shall accompany the applicant at all times the
19 applicant is in operation of a commercial vehicle.

20 (3) A testing fee shall not be charged to:

21 (a) An individual applying for a CDL with an "S" endorsement as defined in KRS
22 281A.170; or

23 (b) *Military personnel applying for a CDL under KRS 281A.165.*

24 (4) The State Police may authorize a third party to administer the skills test specified by
25 this section if:

26 (a) The test is the same that would otherwise be administered by the state; and

27 (b) The third party has entered into an agreement with this Commonwealth which

1 complies with requirements of Title 49, Code of Federal Regulations, Part
2 383.75, as adopted by the Transportation Cabinet.

3 (5) The State Police shall promulgate administrative regulations under KRS Chapter
4 13A that establish procedures that ensure an arm's-length relationship is maintained
5 between a third-party tester and any owner, officer, or employee of any program
6 offering commercial truck driving under the Kentucky Community and Technical
7 College System or a proprietary school licensed under KRS Chapter 165A.

8 (6) (a) Applicants shall be permitted to take the skills test for a particular class
9 vehicle an unlimited number of times; however, an applicant shall not retest
10 more than one (1) time in any twenty-four (24) hour period.

11 (b) The skills test shall consist of three (3) separate portions: pre-trip inspection,
12 basic maneuvering, and road skills. An applicant must achieve a score of at
13 least eighty percent (80%) on each portion of the skills test before a CDL may
14 be issued to the applicant. An applicant who passes one (1) or more portions
15 of the skills test but does not pass all portions of the skills test shall retest only
16 on those portions of the skills test the applicant failed.

17 (c) An applicant who fails any portion of the skills test four (4) times shall be
18 notified by the State Police that the applicant is required to wait one (1) week~~†~~
19 ~~and pay a retest fee of fifty dollars (\$50)†~~ before retaking a portion of this
20 skills test again.

21 (d) Failure of an applicant to notify the State Police **at least forty-eight (48) hours**
22 prior to missing an appointment for a skills test shall be considered a failure,
23 on all parts of the skills test scheduled to be given, for the purposes of
24 determining number of failures, waiting periods, and retesting fees under
25 ~~paragraphs~~~~paragraph~~ (c) **and (e)** of this subsection for individual applicants.
26 **The fees for a missed appointment failure shall be forfeited and retained in**
27 **the State Police CDL skills-testing fund established under this section. If the**

1 forty-eight (48) hour notice is given, the fee shall be applied to the
2 rescheduled test. A missed appointment failure under this paragraph shall not
3 be reported as a failure to the board.

4 (e) Except as provided for in paragraph (d) of this subsection, at the time of
5 application for a retest under this subsection, the applicant shall pay a
6 retesting~~[The provisions of KRS 281A.150 notwithstanding, an application]~~
7 fee of fifty dollars (\$50)~~[shall not be charged for each test that is retaken as a~~
8 ~~result of a failing score].~~

9 (7) An applicant who seeks reinstatement of a commercial driver's license after a
10 suspension, withdrawal, revocation, or disqualification of less than one (1) year
11 shall pay the reinstatement fee as prescribed by KRS 281A.150(7) and shall receive
12 his or her commercial driver's license with all endorsement and restrictions that
13 were in effect at the time of suspension. An applicant who seeks reinstatement of a
14 commercial driver's license after a suspension, withdrawal, revocation, or
15 disqualification of one (1) year or more shall submit to the skills, knowledge, and
16 vision tests.

17 (8) (a) The commissioner of the Department of Kentucky State Police shall
18 promulgate administrative regulations pursuant to the provisions of KRS
19 Chapter 13A to implement the provisions of this section.

20 (b) ~~[Within ninety (90) days of April 22, 2006,]~~The State Police shall promulgate
21 administrative regulations under KRS Chapter 13A to set forth the
22 qualifications for contract examiners retained under subsection (2)(b) of this
23 section.