

1 AN ACT relating to the training of commercial driver's license holders in  
2 identifying and reporting human trafficking.

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

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

5 (1) "Alcohol" means:

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

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

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

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

17 (2) "Alcohol concentration" means:

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

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

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

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

22 (4) "Commerce" means:

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

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

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

- 1 (10) "Conviction" means an unvacated adjudication of guilt, or a determination that a  
2 person has violated or failed to comply with the law in a court of original  
3 jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail  
4 or collateral deposited to secure the person's appearance in court, a plea of guilty, a  
5 plea of nolo contendere, or Alford plea entered and accepted by the court, the  
6 payment of a fine or court cost, or violation of a condition of release without bail,  
7 regardless of whether or not the penalty is rebated, suspended, or probated.
- 8 (11) "Disqualification" means any of the following actions:
- 9 (a) The suspension, revocation, or cancellation of a CDL by the Commonwealth  
10 or the jurisdiction of issuance;
- 11 (b) Any withdrawal of a person's privilege to drive a commercial motor vehicle by  
12 the Commonwealth or another jurisdiction as a result of a violation of state or  
13 local law relating to motor vehicle traffic control, other than parking, vehicle  
14 weight, or vehicle defect violations; or
- 15 (c) A determination by the Federal Motor Carrier Safety Administration that a  
16 person is not qualified to operate a commercial motor vehicle under 49 C.F.R.  
17 pt. 391.
- 18 (12) "Drive" means to drive, operate, or be in physical control of a motor vehicle.
- 19 (13) "Driver" means any person who drives, operates, or is in physical control of a  
20 commercial motor vehicle, or who is required to hold a commercial driver's license.
- 21 (14) "Driver's license" means a license issued by a state to an individual that authorizes  
22 the individual to drive a motor vehicle.
- 23 (15) "Employee" means any operator of a commercial motor vehicle, including full-time,  
24 regularly employed drivers; casual, intermittent, or occasional drivers; leased  
25 drivers and independent, owner-operator contractors while in the course of  
26 operating a commercial motor vehicle who are either directly employed by, under  
27 lease to, or operating in a manner indicating employment to an employer.

- 1 (16) "Employer" means any person, including the United States, a state, or a political  
2 subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a  
3 person to drive a commercial motor vehicle.
- 4 (17) "Felony" means any offense under state or federal law that is punishable by death or  
5 imprisonment for a term exceeding one (1) year.
- 6 (18) "Gross combination weight rating," or "GCWR," is the gross vehicle weight rating  
7 of power unit plus the gross vehicle weight rating of any towed unit. In the absence  
8 of a value specified by the manufacturer, GCWR shall be determined by adding the  
9 gross vehicle weight rating of the power unit and the total weight of the towed unit  
10 and load therein.
- 11 (19) "Gross vehicle weight rating," or "GVWR," means the value specified by the  
12 manufacturer as the maximum loaded weight of a single, a combination or an  
13 articulated vehicle.
- 14 (20) "Hazardous materials" has the same meaning as in 49 C.F.R. sec. 383.5.
- 15 (21) "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 (22) **"Human trafficking" has the same meaning as in KRS 529.010;**
- 19 **(23)** "Imminent hazard" means a condition that presents a substantial likelihood that  
20 death, serious illness, severe personal injury, or a danger to health, property, or the  
21 environment exists.
- 22 **(24)**~~(23)~~ "Moped" shall have the same meaning as in KRS 186.010(5).
- 23 **(25)**~~(24)~~ "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer  
24 propelled or drawn by mechanical power used on highways, or any other vehicle  
25 required to be registered under the laws of this state, but shall not include any  
26 vehicle, machine, tractor, trailer, or semitrailers operated exclusively on a rail.
- 27 **(26)**~~(25)~~ "NDR" means the national driver register.

1 ~~(27)~~~~(26)~~ "Out-of-service order" means a declaration by an authorized enforcement  
2 officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver,  
3 commercial motor vehicle, or a motor carrier operation is out of service pursuant to  
4 49 C.F.R. sec. 386.72, 392.5, 395.13, or 396.9; comparable laws or regulations; or  
5 the North American Uniform Out-of-Service Criteria.

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

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

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

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

1 endorsements, or both, for the specific vehicle type or types being operated or  
 2 for the passengers or type or types of cargo being transported; or

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

6 ~~(31)~~~~(30)~~ "State" means a state of the United States and the District of Columbia.

7 ~~(32)~~~~(31)~~ "State police" means the Department of Kentucky State Police.

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

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

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

15 (a) Has complied with the criminal history background check required by KRS  
 16 281A.300;

17 (b) Holds a valid Kentucky Class D operator's license;

18 (c) Is a citizen or permanent resident of the United States;~~and~~

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

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

27 (2) A commercial driver's instruction permit may be issued to a resident eighteen (18)

1 years of age who:

2 (a) Has complied with the criminal history background check required by KRS  
3 281A.300;

4 (b) Holds a valid Kentucky Class D operator's license;

5 (c) Is a citizen or permanent resident of the United States;~~and~~

6 (d) Has passed the vision and knowledge tests required for a commercial driver's  
7 license of the class vehicle to be driven; **and**

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

13 A commercial driver's license instruction permit issued under this subsection shall  
14 be valid only for the operation of a commercial motor vehicle in intrastate  
15 commerce that is not a school bus or a vehicle hauling hazardous material. The  
16 instruction permit shall be class specific and shall contain an "I" restriction noting  
17 that the commercial driver is limited to Kentucky intrastate commerce.

18 (3) A commercial driver's instruction permit shall not be issued to a resident for a  
19 period to exceed one hundred eighty (180) days. Only one (1) renewal or reissuance  
20 may be granted within a two (2) year period for the same class of vehicle. The  
21 holder of a commercial driver's instruction permit may, unless otherwise  
22 disqualified, drive a commercial motor vehicle on the highways of Kentucky only  
23 when accompanied by the holder of a commercial driver's license valid for the type  
24 of vehicle driven and who occupies a seat beside the permit holder for the purpose  
25 of giving instruction in driving the commercial motor vehicle.

26 (4) A person who is not a resident who is enrolled in a program offering commercial  
27 truck driving under the Kentucky Community and Technical College System or a

1       proprietary school licensed under KRS Chapter 165A may be issued a provisional  
2       Class D license that allows an applicant to include a commercial driver's instruction  
3       permit into a single license that shall be valid for ninety (90) days. The fee for a  
4       provisional Class D license shall be the same as for a regular Class D license. A  
5       provisional Class D license may be renewed for one (1) ninety (90) day period. A  
6       person issued a provisional Class D license under this subsection shall be required  
7       to convert the license to a regular Kentucky CDL or return to the person's state of  
8       domicile and transfer the Kentucky provisional Class D license to his or her state of  
9       domicile. A provisional Class D license issued under this subsection shall not be  
10      converted to a regular Class D license unless the applicant satisfies all Kentucky  
11      residency requirements. A commercial driver's instruction permit shall contain, in  
12      addition to other information required by the cabinet, those requirements set forth in  
13      KRS 281A.170. The commercial driver's instruction permit shall not contain the  
14      permit holder's Social Security number but shall include a color photo of the permit  
15      holder.

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

- 17      (1) A person shall not be issued a commercial driver's license unless that person:
- 18          (a) Is a resident of this state;
  - 19          (b) Holds a valid operator's license;
  - 20          (c) Has complied with the provisions of KRS 281A.300;
  - 21          (d) Except as provided in KRS 281A.165, has passed the knowledge and skills  
22              tests for driving a commercial motor vehicle which comply with minimum  
23              federal standards established by federal regulation enumerated in Title 49,  
24              Code of Federal Regulations, Part 383, as adopted by the cabinet;~~and~~
  - 25          (e) Has satisfied all other safety requirements including those requirements  
26              imposed by state law or federal regulation. The tests shall be prescribed and  
27              conducted as set forth in KRS 281A.160; ***and***



1        (f) Has completed training related to identifying and reporting human  
2        trafficking in accordance with KRS 281A.120.

3        (2) A commercial driver's license, or commercial driver's instruction permit shall not be  
4        issued to a person while the person is subject to a disqualification from driving a  
5        commercial motor vehicle, or while the person's driver's license or driving privilege  
6        is suspended, revoked, or canceled in any state or jurisdiction.

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

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

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

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

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

25       (b) The licensee's photograph;

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

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

1 towing a vehicle not in excess of ten thousand (10,000) pounds.  
2 Licensees with a "B" classification may with the proper endorsements  
3 drive Class C vehicles.

4 3. Class C - Any single vehicle with a gross weight rating of less than  
5 twenty-six thousand and one (26,001) pounds or any vehicle towing a  
6 vehicle with a gross vehicle weight rating not in excess of ten thousand  
7 (10,000) pounds which includes:

8 a. Vehicles designed to transport sixteen (16) or more passengers,  
9 including the driver; or

10 b. Vehicles used in the transportation of hazardous materials which  
11 requires the vehicle to be placarded under Title 49, Code of  
12 Federal Regulations, Part 172, sub-part F, as adopted by  
13 administrative regulations of the cabinet, pursuant to KRS Chapter  
14 13A.

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

16 5. Class E - Moped only.

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

19 (b) Endorsements:

20 1. "H" - Authorizes the driver to operate a vehicle transporting hazardous  
21 materials.

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

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

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

26 5. "X" - Authorizes operation of combination of hazardous materials and  
27 tank vehicle endorsements.

1           6. "R" - Authorizes operation of all other endorsements not otherwise  
2           specified.

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

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

8           (4) **The commercial driver's license shall be issued with a wallet card that outlines**  
9           **the signs of human trafficking and how to report it, including the telephone**  
10           **number for the National Human Trafficking Hotlins.**

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

14           (6)~~(5)~~ A commercial driver's license issued to a resident pursuant to this chapter  
15           shall expire in eight (8) years unless the license was issued to a resident under the  
16           age of twenty-one (21). A commercial driver's license issued to a person who is not  
17           a resident shall be issued for one (1) year and shall not be renewable. The fee for a  
18           commercial driver's license issued to a nonresident shall be the same as the fee  
19           charged to a resident.

20           (7)~~(6)~~ A person under the age of twenty-one (21) shall not be licensed to operate a  
21           Class A, B, or C vehicle unless he has an "I" restriction. A commercial driver with  
22           an "I" restriction shall not drive a commercial motor vehicle in interstate commerce,  
23           unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age  
24           of twenty-one (21) shall not be allowed to operate a school bus or a vehicle  
25           transporting hazardous material in intrastate commerce.

26           (8)~~(7)~~ The holder of a commercial driver's license shall be considered to hold a valid  
27           Kentucky driver's license issued under the provisions of KRS 186.4102 and

1 186.412.

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

3 (1) Any person initially renewing a commercial driver's license or adding an  
4 endorsement~~[after September 30, 2002,]~~ shall apply for the renewal at least thirty  
5 (30) days prior to the expiration date of the license. The purpose of the early  
6 renewal procedures is to ensure the criminal history background check required  
7 under KRS 281A.300 may be completed prior to the expiration date on the license.  
8 A person may obtain the information necessary to conduct the criminal history  
9 background check from the circuit clerk. If the person has a law enforcement agency  
10 other than the State Police conduct the background check, the law enforcement  
11 agency may charge the person a nonrefundable fee for the service. Any fee charged  
12 by any law enforcement agency to conduct a criminal history background check  
13 shall be an amount not greater than the actual cost of processing the request and  
14 conducting the search.

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

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

20 (1) The Department of Kentucky State Police or any other peace officer designated by  
21 the department may at any time or place make an inspection of any motor vehicle  
22 operating under the provisions of this chapter. They may enter into and upon any  
23 such motor vehicle for the purpose of ascertaining whether or not any provision of  
24 this chapter or any order or rule or regulation of the department relating to such  
25 motor vehicles has been violated. Willful refusal to stop any such motor vehicle,  
26 when ordered to do so by any representative of the Department of Kentucky State  
27 Police, or to permit the representative to enter into or upon the motor vehicle for the

1           purpose of inspection, shall be sufficient ground for the revocation or suspension of  
2           the certificate or permit of the motor carrier.

3   (2) In the event that a peace officer orders a commercial motor vehicle to be taken to a  
4           storage or impoundment facility as a result of a violation which requires the vehicle  
5           to be moved, the driver of the commercial motor vehicle shall be granted the ability  
6           to drive the commercial motor vehicle to the storage or impoundment facility. If the  
7           driver elects to drive to the storage or impoundment facility, a peace officer shall  
8           escort the vehicle to the facility. This subsection shall not apply if the commercial  
9           motor vehicle is required to be impounded as a result of a violation of KRS  
10          281A.210~~[,]~~ or an out-of-service order~~[ as defined in KRS 281A.010(26),]~~ or~~[ a]~~  
11          serious traffic violation as defined in KRS 281A.010~~[(29)]~~.