

1 AN ACT relating to driver education.

2 WHEREAS, the possibilities of what may happen during a traffic stop can create a
3 rational amount of fear for both the peace officer and the driver; and

4 WHEREAS, the development of a course of instruction on driver and peace officer
5 interaction will help to bridge the gap by aligning the expectations of both parties; and

6 WHEREAS, this Act is an educational tool with the goal of increasing safety for
7 both the driver and the peace officer, during these interactions;

8 NOW, THEREFORE,

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

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

12 *(1) The Kentucky Justice and Public Safety Cabinet shall develop a course of*
13 *instruction on driver and peace officer interaction to be used in any driver's*
14 *education program administered by a school district, and any driver training*
15 *school licensed under KRS Chapter 332.*

16 *(2) The course of instruction developed in this section shall include but shall not be*
17 *limited to the following:*

18 *(a) Recommended practices for civilians and peace officers during interactions;*

19 *(b) The role of law enforcement and the duties and responsibilities of peace*
20 *officers;*

21 *(c) What documentation a driver is obligated to produce to a peace officer; and*

22 *(d) How and where to file a complaint against or a compliment on behalf of a*
23 *peace officer.*

24 *(3) The course of instruction developed in subsection (1) of this section shall also*
25 *include but not be limited to outlining the answers to the following frequently*
26 *asked questions:*

27 *(a) While the peace officer is getting out of his or her vehicle and approaching*

- 1 my vehicle, should I reach for my license and registration to have it ready to
2 present, or is it better to wait until I've been asked to produce it?;
- 3 (b) Once I have provided the necessary identification and information to the
4 peace officer during a motor vehicle stop, do I have the right to then remain
5 silent?;
- 6 (c) Can I request that a supervisor come to the scene of the traffic stop?;
- 7 (d) Can I ask why I am being stopped?;
- 8 (e) Can I use my cellphone to video tape the stop?
- 9 (f) Can my passenger use a cellphone to video tape the stop?;
- 10 (g) Can I ask for the peace officer's name and badge number?;
- 11 (h) What training do peace officers receive to prepare them to make safe and
12 lawful stops?;
- 13 (i) Are traffic stops recorded on video?;
- 14 (j) How do I file a complaint against a Kentucky State Trooper?;
- 15 (k) How do I file a complaint against a local peace officer or department?;
- 16 (l) Does every law enforcement agency have an internal affairs unit?;
- 17 (m) If I have an internal affairs complaint, does a peace officer need to take it?;
- 18 (n) How long does it take to investigate an internal affairs complaint?;
- 19 (o) Are law enforcement agencies required to let me know the results of the
20 investigation?;
- 21 (p) What can happen to a peace officer if he or she is found to have committed
22 misconduct?;
- 23 (q) Is there any public release of internal affairs information?;
- 24 (r) Will my name or the name of the peace officer be released to the public?;
25 and
- 26 (s) What can I do if I do not agree with an internal affairs decision or I never
27 receive a decision?

1 **(4) The Kentucky Justice and Public Safety Cabinet shall provide written instruction**
 2 **on the issues listed in subsection (2) of this section and the questions identified in**
 3 **subsection (3) of this section to be:**

4 **(a) Included in the Driver Manual in accordance with Section 2 of this Act;**
 5 **and**

6 **(b) Published on the Web sites of the following agencies:**

7 **1. Kentucky State Police; and**

8 **2. Transportation Cabinet.**

9 **(5) A local law enforcement agency may publish the content provided in subsection**
 10 **(4) of this section on its Web site.**

11 ➔Section 2. KRS 186.480 is amended to read as follows:

12 (1) **The Department of Kentucky State Police shall make available in a printed or**
 13 **electronic format a Driver Manual containing the information needed by an**
 14 **applicant to prepare for an operator's license examination. The manual shall**
 15 **have a section outlining the content provided in subsection (4) of Section 1 of this**
 16 **Act.**

17 **(2)** The Department of Kentucky State Police shall examine every applicant for an
 18 operator's license as identified in KRS 186.635, except as otherwise provided in this
 19 section. The examination shall be held in the county where the applicant resides
 20 unless:

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

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

26 **(3) [(2)]** The examination shall include a test of the applicant's eyesight to ensure
 27 compliance with the visual acuity standards set forth in KRS 186.577. The

1 examination shall also include a test of the applicant's ability to read and understand
2 highway signs regulating, warning, and directing traffic, the applicant's knowledge
3 of traffic laws, and an actual demonstration of the applicant's ability to exercise
4 ordinary and reasonable control in the operation of a motor vehicle. An applicant
5 for a motorcycle operator's license shall be required to show his or her ability to
6 operate a motorcycle, in addition to other requirements of this section. The
7 provisions of this subsection shall not apply to an applicant who:

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

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

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

21 ➔Section 3. KRS 186.574 is amended to read as follows:

- 22 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and
23 for traffic offenders. The school shall be composed of uniform education and
24 training elements designed to create a lasting influence on new drivers and a
25 corrective influence on traffic offenders. District Courts may in lieu of assessing
26 penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to
27 state traffic school and no other. The Transportation Cabinet shall enroll a person in

1 state traffic school who fails to complete a driver's education course pursuant to
2 KRS 186.410(5).

3 (2) If a District Court stipulates in its judgment of conviction that a person attend state
4 traffic school, the court shall indicate this in the space provided on the abstract of
5 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the
6 Transportation Cabinet, or its representative, shall schedule the person to attend
7 state traffic school. Failure of the person to attend and satisfactorily complete state
8 traffic school in compliance with the court order, may be punished as contempt of
9 the sentencing court. The Transportation Cabinet shall not assess points against a
10 person who satisfactorily completes state traffic school. However, if the person
11 referred to state traffic school holds or is required to hold a commercial driver's
12 license, the underlying offense shall appear on the person's driving history record.

13 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic
14 school, and shall promulgate administrative regulations pursuant to KRS Chapter
15 13A governing facilities, equipment, courses of instruction, instructors, and records
16 of the program. **The course of instruction for new drivers shall include the course**
17 **of instruction developed in Section 1 of this Act.** In the event a person sentenced
18 under subsection (1) of this section does not attend or satisfactorily complete state
19 traffic school, the Transportation Cabinet may deny that person a license or suspend
20 the license of that person until he reschedules attendance or completes state traffic
21 school, at which time a denial or suspension shall be rescinded.

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

- 1 (5) The following procedures shall govern persons attending state traffic school
2 pursuant to this section:
- 3 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters
4 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of
5 the trial judge, be sentenced to attend state traffic school. Upon payment of the
6 fee required by subsection (4) of this section, and upon successful completion
7 of state traffic school, the sentence to state traffic school shall be the person's
8 penalty in lieu of any other penalty, except for the payment of court costs;
- 9 (b) Except as provided in KRS 189.990(28), a person shall not be eligible to
10 attend state traffic school who has been cited for a violation of KRS Chapters
11 177, 186, or 189 that has a penalty of mandatory revocation or suspension of
12 an offender's driver's license;
- 13 (c) Except as provided in KRS 189.990(28), a person shall not be eligible to
14 attend state traffic school for any violation if, at the time of the violation, the
15 person did not have a valid driver's license or the person's driver's license was
16 suspended or revoked by the cabinet;
- 17 (d) Except as provided in KRS 189.990(28), a person shall not be eligible to
18 attend state traffic school more than once in any one (1) year period, unless
19 the person wants to attend state traffic school to comply with the driver
20 education requirements of KRS 186.410; and
- 21 (e) The cabinet shall notify the sentencing court regarding any person who was
22 sentenced to attend state traffic school who was ineligible to attend state
23 traffic school. A court notified by the cabinet pursuant to this paragraph shall
24 return the person's case to an active calendar for a hearing on the matter. The
25 court shall issue a summons for the person to appear and the person shall
26 demonstrate to the court why an alternative sentence should not be imposed.
- 27 (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may

1 operate a traffic safety program for traffic offenders prior to the adjudication
2 of the offense.

3 (b) Offenders alleged to have violated KRS 189A.010 or 304.39-080, offenders
4 holding a commercial driver's license under KRS Chapter 281A, or offenders
5 coming within the provisions of subsection (5)(b) or (c) of this section shall be
6 excluded from participation in a county attorney-operated program.

7 (c) A county attorney that operates a traffic safety program:

- 8 1. May charge a reasonable fee to program participants, which shall only
9 be used for payment of county attorney office operating expenses; and
- 10 2. Shall, by October 1 of each year, report to the Prosecutors Advisory
11 Council the fee charged for the county attorney-operated traffic safety
12 program and the total number of traffic offenders diverted into the
13 county attorney-operated traffic safety program for the preceding fiscal
14 year categorized by traffic offense.

15 (d) Each participant in a county attorney-operated traffic safety program shall, in
16 addition to the fee payable to the county attorney, pay a twenty-five dollar
17 (\$25) fee to the court clerk, which shall be paid into a trust and agency
18 account with the Administrative Office of the Courts and is to be used by the
19 circuit clerks to hire additional deputy clerks and to enhance deputy clerk
20 salaries.

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

- 27 1. Ten and eight-tenths percent (10.8%) to the spinal cord and head injury

- 1 research trust fund created in KRS 211.504;
- 2 2. Nine and one-tenth percent (9.1%) to the traumatic brain injury trust
- 3 fund created in KRS 211.476;
- 4 3. Five and eight-tenths percent (5.8%) to the special trust and agency
- 5 account set forth in KRS 42.320(2)(f) for the Department of Public
- 6 Advocacy;
- 7 4. Five and seven-tenths percent (5.7%) to the crime victims compensation
- 8 fund created in KRS 49.480;
- 9 5. One and two-tenths percent (1.2%) to the Justice and Public Safety
- 10 Cabinet to defray the costs of conducting record checks on prospective
- 11 firearms purchasers pursuant to the Brady Handgun Violence Prevention
- 12 Act and for the collection, testing, and storing of DNA samples;
- 13 6. Sixteen and eight-tenths percent (16.8%) to the county sheriff in the
- 14 county from which the fee was received;
- 15 7. Nine and one-tenth percent (9.1%) to the county treasurer in the county
- 16 from which the fee was received to be used by the fiscal court for the
- 17 purposes of defraying the costs of operation of the county jail and the
- 18 transportation of prisoners;
- 19 8. Thirty-three and two-tenths percent (33.2%) to local governments in
- 20 accordance with the formula set forth in KRS 24A.176(5); and
- 21 9. Eight and three-tenths percent (8.3%) to the Cabinet for Health and
- 22 Family Services for the implementation and operation of a telephonic
- 23 behavioral health jail triage system as provided in KRS 210.365 and
- 24 441.048.

25 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 332 IS CREATED TO
26 READ AS FOLLOWS:

27 *Any person operating a driver training school licensed pursuant to this chapter shall*

1 *include in the course of instruction for new drivers, the course of instruction developed*
2 *in Section 1 of this Act.*

3 ➔Section 5. KRS 15.334 is amended to read as follows:

- 4 (1) The Kentucky Law Enforcement Council shall approve mandatory training subjects
5 to be taught to all students attending a law enforcement basic training course that
6 include but are not limited to:
- 7 (a) Abuse, neglect, and exploitation of the elderly and other crimes against the
8 elderly, including the use of multidisciplinary teams in the investigation and
9 prosecution of crimes against the elderly;
- 10 (b) The dynamics of domestic violence, pediatric abusive head trauma, as defined
11 in KRS 620.020, child physical and sexual abuse, and rape; child
12 development; the effects of abuse and crime on adult and child victims,
13 including the impact of abuse and violence on child development; legal
14 remedies for protection; lethality and risk issues; profiles of offenders and
15 offender treatment; model protocols for addressing domestic violence, rape,
16 pediatric abusive head trauma, as defined in KRS 620.020, and child abuse;
17 available community resources and victim services; and reporting
18 requirements. This training shall be developed in consultation with legal,
19 victim services, victim advocacy, and mental health professionals with
20 expertise in domestic violence, child abuse, and rape. Training in recognizing
21 pediatric abusive head trauma may be designed in collaboration with
22 organizations and agencies that specialize in the prevention and recognition of
23 pediatric abusive head trauma approved by the secretary of the Cabinet for
24 Health and Family Services;
- 25 (c) Human immunodeficiency virus infection and acquired immunodeficiency
26 virus syndrome;
- 27 (d) Identification and investigation of, responding to, and reporting bias-related

1 crime, victimization, or intimidation that is a result of or reasonably related to
 2 race, color, religion, sex, or national origin;

3 (e) The characteristics and dynamics of human trafficking, state and federal laws
 4 relating to human trafficking, the investigation of cases involving human
 5 trafficking, including but not limited to screening for human trafficking, and
 6 resources for assistance to the victims of human trafficking;

7 **(f) Peace officer and driver interaction that includes but is not limited to:**

8 **1. Recommended practices for civilians and peace officers during**
 9 **interactions;**

10 **2. The role of law enforcement and the duties and responsibilities of**
 11 **peace officers;**

12 **4. What documentation a driver is obligated to provide to a peace officer;**
 13 **and**

14 **5. How and where to file a complaint against or a compliment on behalf**
 15 **of a peace officer;** and

16 ~~(g)(f) [Beginning January 1, 2017, the council shall require that a law~~
 17 ~~enforcement basic training course include]~~At least eight (8) hours of training
 18 relevant to sexual assault.

19 (2) (a) The council shall develop and approve mandatory professional development
 20 training courses to be presented to all certified peace officers. A mandatory
 21 professional development training course shall be first taken by a certified
 22 peace officer in the training year following its approval by the council and
 23 biennially thereafter. A certified peace officer shall be required to take these
 24 courses no more than two (2) times in eight (8) years.

25 (b) ~~[Beginning January 1, 2011,]~~The council shall require that one and one-half
 26 (1.5) hours of professional development covering the recognition and
 27 prevention of pediatric abusive head trauma be included in the curriculum of

1 all mandatory professional development training courses~~[such that all officers~~
2 ~~shall receive this training at least once by December 31, 2013]~~. The one and
3 one-half (1.5) hours required under this section shall be included in the current
4 number of required continuing education hours.

5 (c) Beginning January 1, 2017, the council shall establish a forty (40) hour sexual
6 assault investigation training course. By January 1, 2019, agencies shall have
7 one (1) or more officers trained in this curriculum, as follows:

8 1. Agencies with five (5) or fewer officers shall have at least one (1) officer
9 trained in sexual assault investigation;

10 2. Agencies with more than five (5) officers but fewer than thirty (30)
11 officers shall have at least two (2) officers trained in sexual assault
12 investigation; and

13 3. Agencies with thirty (30) or more officers shall have at least four (4)
14 officers trained in sexual assault investigation.

15 (3) The Justice and Public Safety Cabinet shall provide training on the subjects of
16 domestic violence and abuse and may do so utilizing currently available technology.
17 All certified peace officers shall be required to complete this training at least once
18 every two (2) years.

19 (4) The council shall promulgate administrative regulations in accordance with KRS
20 Chapter 13A to establish mandatory basic training and professional development
21 training courses.

22 (5) The council shall make an annual report by December 31 each year to the
23 Legislative Research Commission that details the subjects and content of mandatory
24 professional development training courses established during the past year and the
25 subjects under consideration for future mandatory training.

26 ➔Section 6. This Act takes effect January 1, 2020.