

1 AN ACT relating to the operation of a motor vehicle by a minor.

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

3 ➔Section 1. KRS 186.560 is amended to read as follows:

- 4 (1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle
5 upon receiving record of his or her:
- 6 (a) Conviction of any of the following offenses:
- 7 1. Murder or manslaughter resulting from the operation of a motor vehicle;
 - 8 2. Driving a vehicle which is not a motor vehicle while under the influence
9 of alcohol or any other substance which may impair one's driving ability;
 - 10 3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640
11 or any law requiring the registration of motor vehicles or regulating their
12 operation on highways;
 - 13 4. Any felony in the commission of which a motor vehicle is used;
 - 14 5. Conviction or forfeiture of bail upon three (3) charges of reckless
15 driving within the preceding twelve (12) months;
 - 16 6. Conviction of driving a motor vehicle involved in an accident and
17 failing to stop and disclose his identity at the scene of the accident;
 - 18 7. Conviction of theft of a motor vehicle or any of its parts, including the
19 conviction of any person under the age of eighteen (18) years;
 - 20 8. Failure to have in full force and effect the security required by Subtitle
21 39 of KRS Chapter 304 upon conviction of a second and each
22 subsequent offense within any five (5) year period;
 - 23 9. Conviction for fraudulent use of a driver's license or use of a fraudulent
24 driver's license to purchase or attempt to purchase alcoholic beverages,
25 as defined in KRS 241.010, in violation of KRS 244.085(4); and
 - 26 10. Conviction of operating a motor vehicle, motorcycle, or moped without
27 an operator's license as required by KRS 186.410; or

- 1 (b) Being found incompetent to stand trial under KRS Chapter 504.
- 2 (2) If the person convicted of any offense named in subsection (1) of this section or
3 who is found incompetent to stand trial is not the holder of a license, the cabinet
4 shall deny the person so convicted a license for the same period of time as though
5 he had possessed a license which had been revoked. If through an inadvertence the
6 defendant should be issued a license, the cabinet shall forthwith cancel it.
- 7 (3) The cabinet, upon receiving a record of the conviction of any person upon a charge
8 of operating a motor vehicle while the license of that person is denied, or
9 suspended, or revoked, or while his privilege to operate a motor vehicle is
10 withdrawn, shall immediately extend the period of the first denial, suspension,
11 revocation, or withdrawal for an additional like period.
- 12 (4) The revocation or denial of a license or the withdrawal of the privilege of operating
13 a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a
14 period of not less than five (5) years. Revocations or denials under this section shall
15 not be subject to any lessening of penalties authorized under any other provision of
16 this section or any other statute.
- 17 (5) Except as provided in subsections (3), (4), (8), and ~~(10)~~~~(9)~~ of this section, in all
18 other cases, the revocation or denial of a license or the withdrawal of the privilege
19 of operating a motor vehicle under this section shall be for a period of six (6)
20 months, except that if the same person has had one (1) previous conviction of any
21 offense enumerated in subsection (1) of this section, regardless of whether the
22 person's license was revoked because of the previous conviction, the period of the
23 revocation, denial, or withdrawal shall be one (1) year. If the person has had more
24 than one (1) previous conviction of the offenses considered collectively as
25 enumerated in subsection (1) of this section, regardless of whether the person's
26 license was revoked for any previous conviction, the period of revocation, denial, or
27 withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of the

1 written recommendation of the court in which any person has been convicted of
2 violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's
3 license or fraudulent driver's license was the identification used or attempted to be
4 used in the commission of the offense, who has had no previous conviction of said
5 offense, the person's operator's license shall not be revoked, but the person's
6 operator's license shall be restricted to any terms and conditions the secretary in his
7 discretion may require, provided the person has enrolled in an alcohol or substance
8 abuse education or treatment program as the cabinet shall require. If the person fails
9 to satisfactorily complete the education or treatment program or violates the
10 restrictions on his operator's license, the cabinet shall immediately revoke his
11 operator's license for a period of six (6) months.

12 (6) In order to secure the reinstatement of a license to operate a motor vehicle or
13 motorcycle restored following a period of suspension or revocation pursuant to KRS
14 189A.070, 189A.080, and 189A.090, the person whose license is suspended or
15 revoked shall comply with the fees and other procedures of the Transportation
16 Cabinet with regard to the reinstatement of suspended or revoked licenses.

17 (7) The cabinet shall revoke the license of any operator of a motor vehicle upon
18 receiving notification that the person is under age eighteen (18) and has dropped out
19 of school or is academically deficient, as defined in KRS 159.051(1).

20 (8) A person under the age of eighteen (18) who is convicted of the offenses of
21 subsections (1) or (3) of this section, except for subsection (1)(a)8. or 9. of this
22 section, shall have his license revoked until he reaches the age of eighteen (18) or
23 shall have his license revoked as provided in this section, whichever penalty will
24 result in the longer period of revocation.

25 (9) *The Transportation Cabinet shall suspend the driving privilege, for a period of*
26 *thirty (30) days, of any holder of an instruction permit, intermediate license, or*
27 *operator's license who is under the age of eighteen (18) and accumulates more*

1 than three (3) points against his or her driving privilege.

2 (10) A revocation or denial of a license or the withdrawal of the privilege of operating a
3 motor vehicle under this section due to a person being found incompetent to stand
4 trial shall extend until the person is found competent to stand trial or the criminal
5 case is dismissed.

6 ➔Section 2. KRS 186.450 is amended to read as follows:

7 (1) A person who is at least sixteen (16) years of age may apply for an instruction
8 permit to operate a motor vehicle. A person who possesses a valid intermediate
9 motor vehicle operator's license issued under KRS 186.452 or a person who is at
10 least eighteen (18) years of age may apply for an instruction permit to operate a
11 motorcycle. A holder of either a motor vehicle or motorcycle instruction permit may
12 also operate a moped under that permit. A person applying for an instruction permit
13 under this section shall make application in the office of the circuit clerk in the
14 county where the person lives. A person applying for an instruction permit shall be
15 required to comply with the following:

16 (a) If the person is under the age of eighteen (18), the instruction permit
17 application shall be signed by the applicant's parent or legal guardian. If the
18 person does not have a living parent or does not have a legal guardian, the
19 instruction permit application shall be signed by a person willing to assume
20 responsibility for the applicant pursuant to KRS 186.590;

21 (b) If the person is under the age of eighteen (18) and in the custody of the
22 Cabinet for Health and Family Services, the instruction permit application
23 shall be signed by:

24 1. The applicant's parent, legal guardian, grandparent, adult sibling, aunt,
25 or uncle if the parental rights have not been terminated in accordance
26 with KRS Chapter 625;

27 2. The foster parent with whom the applicant resides;

- 1 3. Another person who is at least age eighteen (18) and is willing to
2 assume responsibility for the applicant pursuant to KRS 186.590; or
- 3 4. The applicant, without another person, upon verification by the Cabinet
4 for Health and Family Services in accordance with KRS 605.102 that
5 shall include proof of financial responsibility in accordance with KRS
6 186.590(2); and
- 7 (c) All applicants for an instruction permit shall comply with the examinations
8 required by KRS 186.480.
- 9 (2) If an applicant successfully passes the examinations required by KRS 186.480, the
10 applicant shall be issued an instruction permit upon payment of the fee set forth in
11 KRS 186.531.
- 12 (3) (a) An instruction permit to operate a motor vehicle shall be valid for three (3)
13 years and may be renewed. An instruction permit to operate a motorcycle shall
14 be valid for one (1) year and may be renewed one (1) time.
- 15 (b) Except as provided in KRS 186.415, a person who has attained the age of
16 sixteen (16) years and is under the age of eighteen (18) years shall have the
17 instruction permit a minimum of one hundred eighty (180) days before
18 applying for an intermediate license and shall have an intermediate license for
19 a minimum of one hundred eighty (180) days before applying for an operator's
20 license.
- 21 (c) A person who was under eighteen (18) years of age at the time of application
22 for an instruction permit and is eighteen (18) years of age or older shall have
23 the instruction permit a minimum of one hundred eighty (180) days and
24 complete a driver training program under KRS 186.410(4) before applying for
25 an operator's license.
- 26 (d) A person who is at least eighteen (18) years of age and is under the age of
27 twenty-one (21) years at the time of application for an instruction permit shall

1 have the instruction permit a minimum of one hundred eighty (180) days
2 before applying for an operator's license.

3 (e) A person who is at least twenty-one (21) years of age at the time of
4 application for an instruction permit shall have the instruction permit a
5 minimum of thirty (30) days before applying for an operator's license.

6 (f) In accordance with KRS 15A.352(5), a person whose motorcycle instruction
7 permit has expired may apply to the circuit clerk to receive a motorcycle
8 operator's license or endorsement if the person presents proof of successful
9 completion of a motorcycle safety education course approved by the Justice
10 and Public Safety Cabinet under KRS 15A.350 to 15A.366.

11 (4) (a) A person shall have the instruction permit in his possession at all times when
12 operating a motor vehicle, motorcycle, or moped upon the highway.

13 (b) When operating a motor vehicle, a motor vehicle instruction permit holder
14 shall be accompanied by a person with a valid operator's license who is at
15 least twenty-one (21) years of age occupying the seat beside the operator at all
16 times.

17 (c) The requirements of paragraph (b) of this subsection shall not apply to a motor
18 vehicle instruction permit holder being supervised on a multiple-vehicle
19 driving range by a driver training instructor affiliated with a driver training
20 school licensed under KRS Chapter 332 or a public or nonpublic secondary
21 school.

22 (5) A person with an instruction permit who is under the age of eighteen (18) shall not
23 operate a motor vehicle, motorcycle, or moped between the hours of 12 midnight
24 and 6 a.m. unless the person can demonstrate good cause for driving, including but
25 not limited to emergencies, involvement in school-related activities, or involvement
26 in work-related activities.

27 (6) Except when accompanied by a driver training instructor affiliated with a driver

1 training school licensed under KRS Chapter 332 or a public or nonpublic secondary
2 school, a person with an instruction permit who is under the age of eighteen (18)
3 years shall not operate a motor vehicle at any time when accompanied by more than
4 one (1) unrelated person who is under the age of twenty (20) years. A peace officer
5 shall not stop or seize a person nor issue a uniform citation for a violation of this
6 subsection if the officer has no other cause to stop or seize the person other than a
7 violation of this subsection. This subsection shall not apply to any operator of a
8 vehicle registered under the provisions of KRS 186.050(4) who is engaged in
9 agricultural activities.

10 (7) A violation under subsection (4), (5), or (6) of this section, a conviction for a
11 moving violation under KRS Chapter 189 for which points are assessed by the
12 cabinet, or a conviction for a violation of KRS 189A.010(1) shall add an additional
13 minimum of one hundred eighty (180) days from the date of the violation before a
14 person who is under the age of eighteen (18) years may apply for an intermediate
15 license to operate a motor vehicle, motorcycle, or moped.

16 (8) ~~[A person under the age of eighteen (18) who accumulates more than six (6) points~~
17 ~~against his driving privilege may have the driving privilege suspended pursuant to~~
18 ~~KRS Chapter 186 or probated by the court.~~

19 ~~(9)~~—]An applicant for relicensing after revocation shall pay the clerk a fee of twenty-five
20 dollars (\$25). The twenty-five dollar (\$25) fee shall not apply to any person whose
21 license was suspended for failure to meet the conditions described in KRS 186.411
22 when, within one (1) year of suspension, the driving privileges of such individuals
23 are reinstated and persons reinstated pursuant to KRS 159.051.

24 ➔Section 3. KRS 186.4122 is amended to read as follows:

25 (1) As used in this section, "applicant" means a person who is a citizen or permanent
26 resident of the United States.

27 (2) The Transportation Cabinet shall issue a personal identification card to an applicant

1 who:

2 (a) Is a Kentucky resident;

3 (b) Applies in person in the office of the circuit clerk in his or her county of
4 residence or through alternative technology; and

5 (c) Complies with the provisions of this section.

6 (3) Upon application for a personal identification card under this section, the circuit
7 clerk shall capture a photograph of the applicant in accordance with KRS
8 186.4102(1).

9 (4) (a) Except as provided in paragraph (b) of this subsection, the circuit clerk shall
10 electronically scan the documents required for application under this section
11 and shall electronically forward the application, supporting documents, and
12 the photograph of the applicant to the Transportation Cabinet. The circuit
13 clerk shall present the applicant with a temporary personal identification card,
14 which shall be valid for thirty (30) days until a permanent personal
15 identification card is mailed to the applicant by the Transportation Cabinet.

16 (b) The circuit clerk shall only electronically scan the birth certificate of an
17 individual applying for a voluntary travel ID personal identification card. If
18 the applicant is not seeking such a document, the circuit clerk shall not
19 electronically scan the applicant's birth certificate.

20 (c) An applicant for a personal identification card shall not be required to
21 surrender the applicant's birth certificate for image capture, image storage, or
22 image transmission to any entity, including the federal government, unless
23 express consent is given by the applicant during the course of obtaining a
24 voluntary travel ID personal identification card.

25 (5) (a) An application for a personal identification card shall be accompanied by the
26 same information as is required for an operator's license under KRS 186.412,
27 except if an applicant does not have a fixed, permanent address, the applicant

1 may use as proof of residency a signed letter from a homeless shelter, health
2 care facility, or social service agency currently providing the applicant
3 treatment or services and attesting that the applicant is a resident of Kentucky.
4 An applicant who does not have a fixed, permanent address shall not be issued
5 a voluntary travel ID personal identification card.

6 (b) It shall be permissible for the application form for a personal identification
7 card to include as an applicant's most current resident address a mailing
8 address or an address provided on a voter registration card.

9 (c) If the applicant is not the legal owner or possessor of the address provided on
10 the application form, the applicant shall swear that he or she has permission
11 from the legal owner, authorized agent for the legal owner, or possessor to use
12 the address for purposes of obtaining the personal identification card.

13 (6) (a) Every applicant for a personal identification card under this section shall
14 swear an oath to the circuit clerk as to the truthfulness of the statements
15 contained on the application form.

16 (b) A personal identification card may be suspended or revoked if the person who
17 was issued the card presents false or misleading information to the cabinet
18 when applying for the card.

19 (7) A personal identification card issued under this section shall be valid for a period of
20 eight (8) years from the date of issuance, except that if the personal identification
21 card is issued to a person who does not have a fixed, permanent address, then the
22 personal identification card shall be valid for one (1) year from the date of issuance.

23 (8) (a) An applicant may be issued a personal identification card if the applicant
24 currently holds a valid Kentucky instruction permit or operator's license,
25 except that a person shall not hold more than one (1) license or personal
26 identification card that is a voluntary travel ID identity document which
27 indicates that it meets the requirements for federal identification under Pub. L.

- 1 No. 109-13, Title II, as referenced in KRS 186.4102(8).
- 2 (b) If a person's instruction permit, *intermediate license*, or operator's license has
- 3 been suspended or revoked, the person may be issued a temporary personal
- 4 identification card. A temporary personal identification card shall be renewed
- 5 annually and may be surrendered when the person applies to have his or her
- 6 instruction permit or operator's license reinstated.