

1 AN ACT relating to reorganization and making an appropriation therefor.

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

3 ➔Section 1. KRS 15A.350 is repealed, reenacted as a new section of KRS
4 Chapter 176, and amended to read as follows:

5 (1) The **Transportation**~~[Justice and Public Safety]~~ Cabinet shall establish a motorcycle
6 safety education program. The program shall provide for instructor training courses,
7 instructor approval, and rider training courses for novice riders that shall be held at
8 locations **accessible to Kentucky residents**~~[throughout the state]~~. The program may
9 provide for the following:

- 10 (a) Rider training courses for **novice and** experienced riders;
- 11 (b) Activities to increase the awareness of a motorcyclist's knowledge of the
12 effects of alcohol and drug use;
- 13 (c) Driver improvement efforts;
- 14 (d) Licensing improvement efforts;
- 15 (e) Program promotion activities;
- 16 (f) Enhancement of the public's awareness of motorcycles; and
- 17 (g) Enhancement of motorcycle safety through education.

18 (2) The **Transportation**~~[Justice and Public Safety]~~ Cabinet shall promulgate
19 administrative regulations, pursuant to KRS Chapter 13A, governing the
20 development of standards for, and the administration of, a motorcycle safety
21 education program. Standards for the motorcycle rider training courses shall include
22 standards for course content, delivery, curriculum, materials, student evaluation,
23 and the training and approval of instructors. Standards shall meet or exceed
24 established national standards for motorcycle rider training courses prescribed by
25 the National Highway Traffic Safety Administration.

26 ➔Section 2. KRS 15A.352 is repealed and reenacted as a new section of KRS
27 Chapter 176, and amended to read as follows:

- 1 (1) The motorcycle safety education program shall offer motorcycle rider training
2 courses designed to develop and instill the knowledge, attitudes, habits, and skills
3 necessary for the proper operation of a motorcycle. The courses shall be taught by
4 instructors approved under Section 3 of this Act~~[KRS 15A.354]~~ and shall include
5 no fewer than eight (8) hours of hands-on instruction for a novice course.
- 6 (2) Rider training courses shall be open to a~~any~~ resident of any~~the~~ state who is
7 eligible for a motor vehicle instruction permit in the person's home state.
- 8 (3) Rider training courses shall be provided free of charge to applicants under eighteen
9 (18) years of age.
- 10 (4) The cabinet shall issue certificates of completion in a manner and form prescribed
11 by administrative regulations promulgated pursuant to KRS Chapter 13A to persons
12 who satisfactorily complete the requirements of a motorcycle rider training course
13 offered or authorized by the state program.
- 14 (5) The Transportation Cabinet shall exempt applicants for a motorcycle driver's license
15 or endorsement from the licensing skill test if they present satisfactory evidence of
16 successful completion of an approved rider training course that includes a similar
17 test of skill.
- 18 (6) (a) The Motorcycle Safety Education Commission shall publish a list of approved
19 rider training courses which meet the licensing requirements.
- 20 (b) The Motorcycle Safety Education Commission shall publish a list of approved
21 instructor training courses which meet the licensing requirements.
- 22 ➔Section 3. KRS 15A.354 is repealed, reenacted as a new section of KRS
23 Chapter 176, and amended to read as follows:
- 24 (1) The cabinet shall approve instructors for the motorcycle rider training courses. A
25 person shall not be approved as an instructor unless the person meets the
26 requirements of this section and administrative regulations of the cabinet and holds
27 a currently valid instructor certification issued by the governing body of a program

1 approved under subsection (6)(b) of Section 2 of this Act~~[KRS 15A.352(6)(b)]~~.

2 (2) The program shall offer instructor training courses to prepare instructors to teach
3 the motorcycle rider training courses. Successful completion of the instructor
4 training course shall require the participant to demonstrate knowledge of the course
5 material, knowledge of proper motorcycle operation, motorcycle riding proficiency,
6 and the necessary aptitude for instructing students. A person shall not be approved
7 as an instructor unless the person has successfully completed the instructor training
8 course or an equivalent course offered in another state.

9 (3) The cabinet shall establish additional requirements for the approval of instructors,
10 including but not limited to the following:

11 (a) The person shall have a high school diploma or its equivalent;

12 (b) The person shall be at least eighteen (18) years of age and hold a valid
13 motorcycle driver's license or endorsement;

14 (c) The person shall have at least two (2) years of recent motorcycle riding
15 experience; and

16 (d) The person's driver's license shall not have been suspended or revoked at any
17 time during the preceding two (2) years or at any time within the preceding
18 five (5) years for any alcohol or drug related offense.

19 (4) In the case of a nonresident, the cabinet shall obtain and review the person's driving
20 record from the state where the person is licensed prior to approval or reapproval of
21 the person as an instructor.

22 (5) The cabinet shall~~[-annually]~~ review the status of all approved instructors at least
23 once every two (2) years and shall withdraw approval from any instructor who is no
24 longer qualified under the requirements of this section. The cabinet shall
25 immediately withdraw approval of an instructor when it receives adequate notice of
26 any disqualification.

27 ➔Section 4. KRS 15A.356 is repealed and reenacted as a new section of KRS

1 Chapter 176 to read as follows:

- 2 (1) The cabinet may enter into contracts with public or private entities for course
3 delivery and for the provision of services or materials necessary for implementation
4 of the program.
- 5 (2) The cabinet may offer motorcycle rider training courses directly and may approve
6 courses offered by independent public or private entities as authorized program
7 courses if they are administered and taught in full compliance with standards
8 established for the state program.
- 9 (3) The cabinet may establish by administrative regulation reasonable enrollment fees
10 to be charged for persons who participate in motorcycle rider training courses
11 offered by the cabinet and for persons who participate in approved courses offered
12 by independent public or private entities.
- 13 (4) The cabinet may utilize up to ten percent (10%) of available program funds each
14 fiscal year to defray its own expenses in offering motorcycle rider training courses
15 and may reimburse entities that offer approved courses for the expenses incurred in
16 offering the courses to minimize course enrollment fees charged to the students.
- 17 (5) The cabinet shall provide meeting facilities and administrative assistance and
18 support to the Motorcycle Safety Education Commission and the expenses shall be
19 paid from the budget of the cabinet. The cabinet shall prepare and maintain all
20 minutes of the commission's proceedings and shall be the custodian of all files and
21 records of the commission.

22 ➔Section 5. KRS 15A.358 is repealed, reenacted as a new section of KRS
23 Chapter 176, and amended to read as follows:

- 24 (1) The motorcycle safety education program fund is established as a restricted fund in
25 the State Treasury. Moneys in the fund are hereby appropriated for the purposes set
26 forth in Sections 1 to 9 of this Act~~[KRS 15A.350 to 15A.366]~~. Moneys in the fund
27 shall be utilized to provide motorcycle training courses as established in Section 2

1 of this Act~~[KRS 15A.352]~~ and for implementation of the program, including
2 reimbursement of entities that offer approved motorcycle rider education courses.
3 The Transportation~~[Justice and Public Safety]~~ Cabinet may deduct up to ten
4 percent (10%) of available program funds per fiscal year for administrative costs
5 from the motorcycle safety education program fund.

6 (2) If at the end of each fiscal year money remains in the fund, it shall be retained in the
7 fund. The interest and income earned on money in the fund, after deducting any
8 applicable charges, shall be credited to the motorcycle safety education program
9 fund.

10 (3) The following revenue shall be credited to the fund:

11 (a) Four dollars (\$4) of the annual registration fee for each registered motorcycle
12 as provided in Section 12 of this Act ~~[KRS 186.050]~~;

13 (b) Four dollars (\$4) of the application fee for a motorcycle instruction permit as
14 provided in KRS 186.531;

15 (c) Ten dollars (\$10) of the fee for each original or renewal motorcycle driver's
16 license or endorsement as provided in KRS 186.531; and

17 (d) Any federal or state motorcycle safety funds granted to the program.

18 ➔Section 6. KRS 15A.360 is repealed, reenacted as a new section of KRS
19 Chapter 176, and amended to read as follows:

20 The Transportation~~[Justice and Public Safety]~~ Cabinet shall report monthly to the
21 Interim Joint Committee on Appropriations and Revenue on the revenues deposited into
22 the motorcycle safety education program fund, the expenditures incurred, and the
23 available balance in the fund. In addition, the cabinet shall identify the safety programs
24 provided, the cost of the programs, location, and number of attendees. To facilitate the
25 timely reporting of data under this section, the cabinet shall enter into agreements with
26 entities that provide the training to require monthly billing and attendance records.

27 ➔Section 7. KRS 15A.362 is repealed, reenacted as a new section of KRS

1 Chapter 176, and amended to read as follows:

- 2 (1) The Motorcycle Safety Education Commission is established as an independent
3 body to help foster the growth and development of the motorcycle safety education
4 program established under KRS 15A.350.
- 5 (2) The Motorcycle Safety Education Commission shall be composed of seven (7)
6 members, appointed as follows:
- 7 (a) One (1) representative of the Department of Kentucky State Police, appointed
8 by the Governor;
- 9 (b) One (1) representative of the Transportation Cabinet, appointed by the
10 Governor;
- 11 (c) One (1) instructor in the motorcycle safety education program, appointed by
12 the Governor;
- 13 (d) Two (2) members of the Kentucky Motorcycle Association, to be appointed
14 by the Governor from a list of five (5) nominees selected by the association;
- 15 (e) One (1) member appointed by the Governor from a list of three (3) nominees
16 selected by the President of the Senate; and
- 17 (f) One (1) member appointed by the Governor from a list of three (3) nominees
18 selected by the Speaker of the House of Representatives.
- 19 (3) Members of the Motorcycle Safety Education Commission shall serve a term of
20 four (4) years. Sitting members shall be eligible to succeed themselves.
- 21 (4) Commission members shall receive no compensation for their services and shall not
22 be compensated for expenses incurred from travel or in connection with the
23 performance of their duties as commission members.
- 24 (5) The commission shall elect its chair and vice chair from its membership.
- 25 (6) The commission shall meet quarterly or upon the call of the chair or the request of
26 the secretary of the Transportation~~[Justice and Public Safety]~~ Cabinet.
- 27 (7) The commission may take action only at meetings where a quorum is present.

1 (8) The commission shall keep a record of its meetings and recommendations.

2 **(9) The commission shall be attached to the Office of Highway Safety within the**
3 **Department of Highways for administrative purposes.**

4 ➔Section 8. KRS 15A.364 is repealed and reenacted as a new section of KRS
5 Chapter 176 to read as follows:

6 The Motorcycle Safety Education Commission shall have the following responsibilities:

- 7 (1) Approve any administrative regulation relating to the motorcycle safety education
8 program promulgated by the cabinet prior to the administrative regulation being
9 filed with the Legislative Research Commission pursuant to KRS Chapter 13A;
- 10 (2) Approve any proposal by the cabinet to contract for services pursuant to KRS
11 Chapter 45A or any interagency agreement for services relating to the motorcycle
12 safety education program prior to the issuance of the contract or the agreement;
- 13 (3) Approve all expenditures of money relating to the motorcycle safety education
14 program which has not been specifically authorized in the biennial budget;
- 15 (4) Establish for the cabinet the short-range and long-range goals to promote the
16 continued growth and expansion of the motorcycle safety education program;
- 17 (5) Make recommendations regarding the administration of the motorcycle safety
18 education program;
- 19 (6) Ensure that the cabinet and the motorcycle safety education program is informed on
20 the views and philosophies of interested parties; and
- 21 (7) Act as a communication channel between the relevant state agencies and
22 motorcyclists and the general public.

23 ➔Section 9. KRS 15A.366 is repealed and reenacted as a new section of KRS
24 Chapter 176 to read as follows:

25 The cabinet shall prepare an annual report on the program to be submitted to the
26 Governor and the Legislative Research Commission and made available to the public for
27 review during the cabinet's normal business hours. The report shall include:

- 1 (1) The number and location of courses offered;
- 2 (2) The number of:
 - 3 (a) Applicants that have applied to be instructors during the previous year;
 - 4 (b) Applicants approved to be instructors during the previous year; and
 - 5 (c) Active instructors during the previous year;
- 6 (3) The number of students that registered for the various courses and the number of
- 7 students that completed the various courses successfully;
- 8 (4) The number of permits, licenses, and registrations issued;
- 9 (5) The amount of money collected by category for permits, licenses, and registrations;
- 10 (6) Other information about program implementation as the cabinet shall deem
- 11 appropriate; and
- 12 (7) An assessment of the overall impact of the program on motorcycle safety in the
- 13 state.

14 The report shall also provide a complete accounting of revenue receipts of the motorcycle
15 safety education program fund and of all moneys expended under the program.

16 ➔Section 10. KRS 186.450 is amended to read as follows:

- 17 (1) A person who is at least sixteen (16) years of age may apply for an instruction
- 18 permit to operate a motor vehicle. A person who possesses a valid intermediate
- 19 motor vehicle operator's license issued under KRS 186.452 or a person who is at
- 20 least eighteen (18) years of age may apply for an instruction permit to operate a
- 21 motorcycle. A holder of either a motor vehicle or motorcycle instruction permit may
- 22 also operate a moped under that permit. A person applying for an instruction permit
- 23 under this section shall make application to the Transportation Cabinet. A person
- 24 applying for an instruction permit shall be required to comply with the following:
 - 25 (a) If the person is under the age of eighteen (18), the instruction permit
 - 26 application shall be signed by the applicant's parent or legal guardian. If the
 - 27 person does not have a living parent or does not have a legal guardian, the

- 1 instruction permit application shall be signed by a person willing to assume
2 responsibility for the applicant pursuant to KRS 186.590;
- 3 (b) If the person is under the age of eighteen (18) and in the custody of the
4 Cabinet for Health and Family Services, the instruction permit application
5 shall be signed by:
- 6 1. The applicant's parent, legal guardian, grandparent, adult sibling, aunt,
7 or uncle if the parental rights have not been terminated in accordance
8 with KRS Chapter 625;
 - 9 2. The foster parent with whom the applicant resides;
 - 10 3. Another person who is at least age eighteen (18) and is willing to
11 assume responsibility for the applicant pursuant to KRS 186.590; or
 - 12 4. The applicant, without another person, upon verification by the Cabinet
13 for Health and Family Services in accordance with KRS 605.102 that
14 shall include proof of financial responsibility in accordance with KRS
15 186.590(2); and
- 16 (c) All applicants for an instruction permit shall comply with the examinations
17 required by KRS 186.480.
- 18 (2) If an applicant successfully passes the examinations required by KRS 186.480, the
19 applicant shall be issued an instruction permit upon payment of the fee set forth in
20 KRS 186.531.
- 21 (3) (a) An instruction permit to operate a motor vehicle shall be valid for three (3)
22 years and may be renewed. An instruction permit to operate a motorcycle shall
23 be valid for one (1) year and may be renewed one (1) time.
- 24 (b) Except as provided in KRS 186.415, a person who has attained the age of
25 sixteen (16) years and is under the age of eighteen (18) years shall have the
26 instruction permit a minimum of one hundred eighty (180) days before
27 applying for an intermediate license and shall have an intermediate license for

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

3 (c) A person who was under eighteen (18) years of age at the time of application
4 for an instruction permit and is eighteen (18) years of age or older shall have
5 the instruction permit a minimum of one hundred eighty (180) days and
6 complete a driver training program under KRS 186.410(4) before applying for
7 an operator's license.

8 (d) A person who is at least eighteen (18) years of age and is under the age of
9 twenty-one (21) years at the time of application for an instruction permit shall
10 have the instruction permit a minimum of one hundred eighty (180) days
11 before applying for an operator's license.

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

15 (f) In accordance with subsection (5) of Section 2 of this Act~~[KRS 15A.352(5)]~~,
16 a person whose motorcycle instruction permit has expired may apply to the
17 cabinet to receive a motorcycle operator's license or endorsement if the person
18 presents proof of successful completion of a motorcycle safety education
19 course approved by the Transportation~~[Justice and Public Safety]~~ Cabinet
20 under Sections 1 to 9 of this Act~~[KRS 15A.350 to 15A.366]~~.

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

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

27 (c) The requirements of paragraph (b) of this subsection shall not apply to a motor

1 vehicle instruction permit holder being supervised on a multiple-vehicle
2 driving range by a driver training instructor affiliated with a driver training
3 school licensed under KRS Chapter 332 or a public or nonpublic secondary
4 school.

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

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

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

26 (8) A person under the age of eighteen (18) who accumulates more than six (6) points
27 against his driving privilege may have the driving privilege suspended pursuant to

1 KRS Chapter 186 or probated by the court.

2 ➔Section 11. KRS 186.531 is amended to read as follows:

3 (1) As used in this section:

4 (a) "AOC Fund" means the circuit court clerk salary account created in KRS
5 27A.052;

6 (b) "GF" means the general fund;

7 (c) "IP" means instruction permit;

8 (d) "License Fund" or "LF" means the KYTC photo license account created in
9 KRS 174.056;

10 (e) "MC" means motorcycle;

11 (f) "MC Fund" or "MCF" means the motorcycle safety education program fund
12 established in Section 5 of this Act~~[KRS 15A.358]~~;

13 (g) "OL" means operator's license; and

14 (h) "PIDC" means personal identification card.

15 (2) The fees imposed for voluntary travel ID operator's licenses, instruction permits,
16 and personal identification cards shall be as follows. The fees received shall be
17 distributed as shown in the table. The fees shown, unless otherwise noted, are for an
18 eight (8) year period:

19 Card Type	Fee	LF	GF	MCF
20 OL (initial/renewal)	\$48	\$48	\$0	\$0
21 OL (Under 21) (Up to 4 years)	\$18	\$18	\$0	\$0
22 Any OL, MC, or combination				
23 (duplicate/corrected)	\$15	\$13.25	\$1.75	\$0
24 Motor vehicle IP (3 years)	\$18	\$16	\$2	\$0
25 Motorcycle IP (1 year)	\$18	\$13	\$1	\$4
26 Motorcycle OL (initial/renewal)	\$48	\$38	\$0	\$10
27 Combination vehicle/MC OL				

1	(initial/renewal)	\$58	\$48	\$0	\$10
2	PIDC (initial/renewal)	\$28	\$25	\$3	\$0
3	PIDC (duplicate/corrected)	\$15	\$13.50	\$1.50	\$0

4 (3) Except as provided in subsection (11) of this section, the fees imposed for standard
 5 operator's licenses, instruction permits, and personal identification cards shall be as
 6 follows:

7 (a) If the identity document is issued through a circuit clerk's office, the fees
 8 received shall be distributed as shown in the table. The fees shown, unless
 9 otherwise noted, are for an eight (8) year period:

10	Card	Fee	Road	License	AOC	GF	MC
11	Type		Fund	Fund	Fund		Fund
12	OL						
13	(initial/renewal)	\$43	\$28	\$7	\$8	\$0	\$0
14	OL (Under 21)						
15	(Up to 4 years)	\$15	\$7.50	\$4	\$3.50	\$0	\$0
16	Any OL, MC OL						
17	or combination						
18	(duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
19	Motor vehicle IP						
20	(3 years)	\$15	\$5	\$4	\$4	\$2	\$0
21	Motorcycle IP						
22	(1 year)	\$15	\$5	\$4	\$1	\$1	\$4
23	Motorcycle OL						
24	(initial/renewal)	\$43	\$17.50	\$8	\$7.50	\$0	\$10
25	Combination						
26	vehicle/MC OL						
27	(initial/renewal)	\$53	\$25	\$7	\$11	\$0	\$10

1	PIDC						
2	(initial/renewal)	\$23	\$8	\$8	\$4	\$3	\$0
3	PIDC						
4	(duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0
5	PIDC						
6	(no fixed address)						
7	KRS 186.4122(5) and						
8	186.4123(5)	\$10	\$0	\$5	\$5	\$0	\$0

9 (b) If the identity document is issued through a Transportation Cabinet office, the
 10 fees received shall be distributed as shown in the table. The fees shown,
 11 unless otherwise noted, are for an eight (8) year period:

12	Card Type	Fee	LF	GF	MCF
13	OL(initial/renewal)	\$43	\$43	\$0	\$0
14	OL (Under 21) (Up to 4 years)	\$15	\$15	\$0	\$0
15	Any OL, MC, or combination				
16	(duplicate/corrected)	\$15	\$13.25	\$1.75	\$0
17	Motor vehicle IP (3 years)	\$15	\$13	\$2	\$0
18	Motorcycle IP (1 year)	\$15	\$10	\$1	\$4
19	Motorcycle OL (initial/renewal)	\$43	\$33	\$0	\$10
20	Combination vehicle/MC OL				
21	(initial/renewal)	\$53	\$43	\$0	\$10
22	PIDC (initial/renewal)	\$23	\$20	\$3	\$0
23	PIDC (duplicate/corrected)	\$15	\$13.50	\$1.50	\$0
24	PIDC (no fixed address) under				
25	KRS 186.4122(5)/186.4123(5)	\$10	\$10	\$0	\$0

26 (4) The fee for a second or subsequent duplicate personal identification card for a
 27 person who does not have a fixed, permanent address, as allowed under KRS

1 186.4122(5) and 186.4123(5), shall be the same as for a duplicate regular personal
2 identification card.

3 (5) The fee for a four (4) year original or renewal license issued pursuant to KRS
4 186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and
5 (3) of this section. The distribution of fees shown in subsections (2) and (3) of this
6 section shall also be reduced by fifty percent (50%) for licenses that are issued for
7 four (4) years.

8 (6) Any fee for any identity document applied for using alternative technology under
9 KRS 186.410 and 186.4122 shall be distributed in the same manner as a document
10 applied for in person with the cabinet.

11 (7) (a) An applicant for an original or renewal operator's license, permit, commercial
12 driver's license, motorcycle operator's license, or personal identification card
13 shall be requested by the cabinet to make a donation to promote an organ
14 donor program.

15 (b) The donation under this subsection shall be added to the regular fee for an
16 original or renewal motor vehicle operator's license, permit, commercial
17 driver's license, motorcycle operator's license, or personal identification card.
18 One (1) donation may be made per issuance or renewal of a license or any
19 combination thereof.

20 (c) The fee shall be paid to the cabinet and shall be forwarded by the cabinet on a
21 monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such
22 moneys are hereby appropriated to be used exclusively for the purpose of
23 promoting an organ donor program. A donation under this subsection shall be
24 voluntary and may be refused by the applicant at the time of issuance or
25 renewal.

26 (8) In addition to the fees outlined in this section, the following individuals, upon
27 application for an initial or renewal operator's license, instruction permit, or

1 personal identification card, shall pay an additional application fee of thirty dollars
2 (\$30), which shall be deposited in the photo license account:

3 (a) An applicant who is not a United States citizen or permanent resident and who
4 applies under KRS 186.4121 or 186.4123; or

5 (b) An applicant who is applying for a instruction permit, operator's license, or
6 personal identification card without a photo under KRS 186.4102(9).

7 (9) (a) Except for individuals exempted under paragraph (c) of this subsection, an
8 applicant for relicensing after revocation or suspension shall pay a
9 reinstatement fee of forty dollars (\$40).

10 (b) The reinstatement fee under this subsection shall be distributed by the State
11 Treasurer as follows:

12 1. Thirty-five dollars (\$35) shall be deposited into the photo license
13 account; and

14 2. Five dollars (\$5) shall be deposited into a trust and agency fund to be
15 used in defraying the costs and expenses of administering a driver
16 improvement program for problem drivers.

17 (c) This subsection shall not apply to:

18 1. Any person whose license was suspended for failure to meet the
19 conditions set out in KRS 186.411 when, within one (1) year of
20 suspension, the driving privileges of the individual are reinstated; or

21 2. A student who has had his or her license revoked pursuant to KRS
22 159.051.

23 (10) ~~Beginning July 1, 2020,~~ As payment for any fee identified in this section, the
24 cabinet:

25 (a) Shall accept cash and personal checks; and

26 (b) May accept other methods of payment in accordance with KRS 45.345.

27 (11) There shall be no fee assessed for the initial, renewal, or duplicate standard personal

1 identification card to an individual, if the individual:

- 2 (a) Does not possess a valid operator's license or a commercial driver's license;
 3 and
 4 (b) Is at least eighteen (18) years of age on or before the next regular election.

5 ➔Section 12. KRS 186.535 is amended to read as follows:

6 (1) From the portion of the fee for each eight (8) year original or renewal operator's
 7 license which is assigned to the photo license account under KRS 186.531, two
 8 dollars (\$2) shall be credited to a special account within the road fund, and shall be
 9 used exclusively by the Transportation Cabinet for the purpose of expanding the
 10 state driver education program, and two dollars (\$2) shall be paid to the fiscal court
 11 of the county where the driver's license is issued to be used by the fiscal court for
 12 county road purposes. The distribution of fees under this subsection shall be
 13 reduced by fifty percent (50%) for licenses issued for a four (4) year term in
 14 accordance with KRS 186.4101.

15 (2) From the fee for each annual registration of a motorcycle pursuant to KRS 186.050,
 16 four dollars (\$4) shall be credited to ~~a special account within the road fund and~~
 17 ~~shall be used exclusively for the purpose of~~ the motorcycle safety education
 18 program fund pursuant to **Section 5 of this Act and shall be used exclusively for**
 19 **the purposes outlined in Sections 1 to 9 of this Act**~~[KRS 186.050].~~

20 ➔Section 13. KRS 176.010 is amended to read as follows:

21 As used in this chapter, unless the context requires otherwise:

- 22 (1) "Biennial highway construction plan" means the specifically identified individual
 23 transportation projects or portions thereof identified for funding during the
 24 upcoming biennium, which correspond to the first two (2) years of the six (6) year
 25 road plan;
- 26 (2) "Department" means Department of Highways;
- 27 (3) **"Cabinet" means the Transportation Cabinet;**

1 **(4)** "Lowest and best bidder" includes the reciprocal resident bidder preference
2 described in KRS 176.082;

3 **(5)**~~[(4)]~~ "Project" means the design, right-of-way, utility, or construction phase of a
4 highway construction project;

5 **(6)**~~[(5)]~~ "Roads" includes highways, bridges, and bridge approaches; and

6 **(7)**~~[(6)]~~ "Six (6) year road plan" means the plan developed under KRS 176.430.

7 ➔Section 14. KRS 190.030 is amended to read as follows:

8 (1) **(a)** A motor vehicle dealer, new, used, or auction motor vehicle dealer, nonprofit
9 motor vehicle dealer, motor vehicle leasing dealer, restricted motor vehicle
10 dealer, motorcycle dealer, broker, wholesaler, automotive recycling dealer,
11 new recreational vehicle dealer, a salesperson of motor vehicles, or a
12 salesperson of new recreational vehicles shall not engage in business in this
13 state at any location without a license issued for that location as provided in
14 KRS 190.010 to 190.080.

15 **(b)** If a person **licensed as a motor vehicle dealer or new recreational vehicle**
16 **dealer** acts as a motor vehicle salesperson or a new recreational vehicle
17 salesperson, **that person**~~he~~ shall secure a motor vehicle salesperson's license
18 or a new recreational vehicle salesperson's license in addition to a license for a
19 motor vehicle dealer or for a new recreational vehicle dealer.

20 **(c)** **In addition to the authority granted under subsection (6) of this section,** the
21 motor vehicle commission may **promulgate**~~provide by~~ administrative
22 **regulations in accordance with KRS Chapter 13A to establish licenses and**
23 **appropriate fees**~~regulation~~ for other licensee activities~~and an appropriate~~
24 ~~fee~~.

25 (2) A manufacturer of motor vehicles, recreational vehicles, factory branch, distributor,
26 distributor branch, or wholesaler shall not engage in business in this state without a
27 license as provided in KRS 190.010 to 190.080.

- 1 (3) A factory representative or distributor representative shall not engage in business in
2 this state without a license as provided in KRS 190.010 to 190.080.
- 3 (4) Application for license shall be made to the licensor, at a time, in a form, and
4 containing information the licensor shall require and shall be accompanied by the
5 required fee. The licensor may require, as part of ~~in~~ the application process, ~~or~~
6 ~~otherwise,~~ information relating to the applicant's solvency, ~~his~~ financial standing,
7 or other pertinent matter commensurate with the safeguarding of the public interest
8 in the locality in which the applicant proposes to engage in business. The
9 information may be considered by the licensor in determining the fitness of the
10 applicant to engage in business as set forth in this section.
- 11 (5) All licenses shall be granted or refused within thirty (30) days after submission of a
12 complete application and shall expire, unless revoked or suspended, on December
13 31 of the calendar year for which they are granted. If a complaint of unfair
14 cancellation of dealer franchise is in the process of being heard, a replacement
15 application for the franchise shall not be considered until a decision is rendered by
16 the commission.
- 17 (6) (a) The commission shall promulgate administrative regulations in accordance
18 with KRS Chapter 13A to establish annual license fees, not to exceed five
19 hundred dollars (\$500), ~~fee~~ for:
20 1. New motor vehicle dealers;
21 2. Used motor vehicle dealers;
22 3. Motor vehicle leasing dealers;
23 4. Restricted motor vehicle dealers;
24 5. Motorcycle dealers;
25 6. Motor vehicle manufacturers and factory branches;
26 7. Distributors, motor vehicle auction dealers, and wholesalers;
27 8. Factory representatives and distributor branch representatives;

1 **9. Automotive mobility dealers;**

2 **10. Recreational vehicle manufacturers and distributors; and**

3 **11. New recreational vehicle dealers.**

4 **(b) The commission shall promulgate administrative regulations in accordance**
 5 **with KRS Chapter 13A to establish annual license fees, not to exceed fifty**
 6 **dollars (\$50), for motor vehicle salespersons and new recreational vehicle**
 7 **salespersons.**

8 **(c) The license fee imposed on motor vehicle salespersons and new recreational**
 9 **vehicle salespersons shall be paid by the licensed dealer for every**
 10 **salesperson the dealer employs.**

11 **(d) A license fee shall not be imposed on nonprofit motor vehicle dealer**
 12 **salespersons** ~~for a calendar year, or part thereof, shall be as follows:~~

13 ~~(a) For new motor vehicle dealers, one hundred dollars (\$100) for each office or~~
 14 ~~branch or agent thereof, plus one hundred dollars (\$100) for a supplemental~~
 15 ~~license for each used car lot not immediately adjacent to the office or to a~~
 16 ~~branch;~~

17 ~~(b) For used motor vehicle dealers, one hundred dollars (\$100) for each office or~~
 18 ~~branch or agent thereof;~~

19 ~~(c) For motor vehicle leasing dealers, one hundred dollars (\$100) for each office~~
 20 ~~or branch or agent thereof;~~

21 ~~(d) For restricted motor vehicle dealers, one hundred dollars (\$100) for each~~
 22 ~~office or branch or agent thereof;~~

23 ~~(e) For motorcycle dealers, one hundred dollars (\$100) for each office, branch, or~~
 24 ~~agent thereof;~~

25 ~~(f) For motor vehicle manufacturers, one hundred dollars (\$100); and for each~~
 26 ~~factory branch in this state, one hundred dollars (\$100);~~

27 ~~(g) For distributors, motor vehicle auction dealers or wholesalers, the same as for~~

1 dealers;

2 ~~(h) For motor vehicle or recreational vehicle salespersons, twenty dollars (\$20), to~~
3 ~~be paid by the licensed dealer for every salesperson the dealer employs;~~

4 ~~(i) For factory representatives, or distributor branch representatives, one hundred~~
5 ~~dollars (\$100);~~

6 ~~(j) For automotive mobility dealers, one hundred dollars (\$100);~~

7 ~~(k) For nonprofit motor vehicle dealers, one hundred dollars (\$100);~~

8 ~~(l) For nonprofit motor vehicle dealer salespersons, a license fee shall not be~~
9 ~~imposed;~~

10 ~~(m) For recreational vehicle manufacturers or distributors, one hundred dollars~~
11 ~~(\$100); and~~

12 ~~(n) For new recreational vehicle dealers, one hundred dollars (\$100)].~~

13 (7) (a) The licenses of dealers, manufacturers, factory branches, distributors, and
14 distributor branches shall specify the location of the office or branch and shall
15 be conspicuously displayed there. If the location is changed, the licensor shall
16 endorse the change of location on the license. A licensee shall not be charged
17 a fee for changing locations. A change of location shall require a new
18 application.

19 (b) 1. A motor vehicle dealer who is not a new motor vehicle dealer may
20 conduct a temporary sale or display in the county where the dealer is
21 licensed to conduct business.

22 2. A new motor vehicle dealer may conduct a temporary sale or display in
23 the dealer's market as defined in KRS 190.047(6).

24 3. A recreational vehicle dealer may conduct a temporary sale or display in
25 the county where the dealer is licensed to conduct business or in any
26 other county where there is no licensed recreational vehicle dealer.

27 (c) A temporary sale or display may be conducted under this subsection if the

1 temporary sale or display is permitted under an enabling ordinance enacted by
2 the city, county, urban-county, or consolidated local government within whose
3 boundaries the temporary sale or display is to be conducted. A temporary sale
4 or display shall be advertised as temporary in nature and shall consist of a
5 representative sampling of the inventory of each participating licensee.

6 (d) The provisions of this subsection shall not apply to a nonprofit motor vehicle
7 dealer.

8 (8) Every salesperson, factory representative, or distributor representative shall carry
9 his license when engaged in business, and display it upon request. The license shall
10 name his employer; and in case of a change of employer, the salesperson shall
11 immediately mail his license to the licensor who shall endorse the change on the
12 license without charge.

13 (9) If the licensor has reasonable cause to doubt the financial responsibility or the
14 compliance by the applicant or licensee with the provisions of this statute, the
15 licensor may require the applicant or licensee to furnish and maintain a bond in a
16 form, amount and with sureties up to one hundred thousand dollars (\$100,000),
17 conditioned upon the applicant or licensee complying with the provisions of the
18 statutes applicable to the licensee. The bonds shall be executed in the name of the
19 State of Kentucky for the benefit of any aggrieved parties, but the penalty of the
20 bond shall not be invoked except after a court adjudication. The commission may
21 promulgate administrative regulations to permit the applicant to submit evidence, in
22 lieu of posting bond, that reliable financial arrangements, deposits, or commitments
23 exist providing assurance, substantially equivalent to that afforded by a bond
24 complying with this subsection, for payment on conditions and indemnity set forth
25 in this subsection. The bonding requirements of this subsection shall not apply to
26 manufacturers, factory branches, and their agents.

27 (10) Application for dealer's license shall be submitted to the commission and contain

1 information the commission may require. A motor vehicle dealer, unless licensed
2 under KRS 190.010 to 190.080, shall not be permitted to register, receive, or use
3 any motor vehicle registration plates.

4 (11) Every motor vehicle dealer or new recreational vehicle dealer licensed in
5 accordance with the provisions of this section shall make reports to the licensor at
6 intervals and show information the licensor may require.

7 ➔Section 15. KRS 186.574 is amended to read as follows:

8 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and for
9 traffic offenders. The school shall be composed of uniform education and training
10 elements designed to create a lasting influence on new drivers and a corrective influence
11 on traffic offenders. District Courts may in lieu of assessing penalties for traffic offenses,
12 other than for KRS 189A.010, sentence offenders to state traffic school and no other.

13 (2) If a District Court stipulates in its judgment of conviction that a person attend state traffic
14 school, the court shall indicate this in the space provided on the abstract of conviction filed
15 with the Transportation Cabinet. Upon receipt of an abstract, the Transportation Cabinet,
16 or its representative, shall schedule the person to attend state traffic school. Failure of the
17 person to attend and satisfactorily complete state traffic school in compliance with the
18 court order, may be punished as contempt of the sentencing court. The Transportation
19 Cabinet shall not assess points against a person who satisfactorily completes state traffic
20 school. However, if the person referred to state traffic school holds or is required to hold a
21 commercial driver's license, the underlying offense shall appear on the person's driving
22 history record.

23 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic school,
24 and shall promulgate administrative regulations pursuant to KRS Chapter 13A governing
25 facilities, equipment, courses of instruction, instructors, and records of the program. In the
26 event a person sentenced under subsection (1) of this section does not attend or
27 satisfactorily complete state traffic school, the Transportation Cabinet may deny that

1 person a license or suspend the license of that person until he reschedules attendance or
2 completes state traffic school, at which time a denial or suspension shall be rescinded.

3 (4) Persons participating in the state traffic school as provided in this section shall pay a fee of
4 fifteen dollars (\$15) to defray the cost of operating the school, except that if enrollment in
5 state traffic school is to satisfy the requirement of KRS 186.410(4)(c), a fee shall not be
6 assessed. Any funds collected pursuant to KRS 186.535(1) that are dedicated to the photo
7 license account for use in the state driver education program may be used for the purposes
8 of state traffic school.

9 (5) The following procedures shall govern persons attending state traffic school pursuant to
10 this section:

11 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters
12 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of
13 the trial judge, be sentenced to attend state traffic school. Upon payment of the
14 fee required by subsection (4) of this section, and upon successful completion
15 of state traffic school, the sentence to state traffic school shall be the person's
16 penalty in lieu of any other penalty, except for the payment of court costs;

17 (b) Except as provided in KRS 189.990(28), a person shall not be eligible to
18 attend state traffic school who has been cited for a violation of KRS Chapters
19 177, 186, or 189 that has a penalty of mandatory revocation or suspension of
20 an offender's driver's license;

21 (c) Except as provided in KRS 189.990(28), a person shall not be eligible to
22 attend state traffic school for any violation if, at the time of the violation, the
23 person did not have a valid driver's license or the person's driver's license was
24 suspended or revoked by the cabinet;

25 (d) Except as provided in KRS 189.990(28), a person shall not be eligible to
26 attend state traffic school more than once in any one (1) year period, unless
27 the person wants to attend state traffic school to comply with the driver

1 education requirements of KRS 186.410; and

2 (e) The cabinet shall notify the sentencing court regarding any person who was
3 sentenced to attend state traffic school who was ineligible to attend state
4 traffic school. A court notified by the cabinet pursuant to this paragraph shall
5 return the person's case to an active calendar for a hearing on the matter. The
6 court shall issue a summons for the person to appear and the person shall
7 demonstrate to the court why an alternative sentence should not be imposed.

8 (6) (a) Except as provided in paragraph (b) of this subsection, and subject to the
9 provisions of subsection (7) of this section, a county attorney may operate a
10 traffic safety program for traffic offenders prior to the adjudication of the
11 offense.

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

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

- 17 1. May charge a reasonable fee to program participants, which shall only
18 be used for payment of county attorney office operating expenses; and
- 19 2. Shall, by October 1 of each year, report to the Prosecutors Advisory
20 Council the fee charged for the county attorney-operated traffic safety
21 program and the total number of traffic offenders diverted into the
22 county attorney-operated traffic safety program for the preceding fiscal
23 year categorized by traffic offense.

24 (d) Each participant in a county attorney-operated traffic safety program shall, in
25 addition to the fee payable to the county attorney, pay a twenty-five dollar
26 (\$25) fee to the court clerk, which shall be paid into a trust and agency
27 account with the Administrative Office of the Courts and is to be used by the

1 circuit clerks to hire additional deputy clerks and to enhance deputy clerk
2 salaries.

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

- 9 1. Ten and eight-tenths percent (10.8%) to the spinal cord and head injury
10 research trust fund created in KRS 211.504;
- 11 2. Nine and one-tenth percent (9.1%) to the traumatic brain injury trust
12 fund created in KRS 211.476;
- 13 3. Five and eight-tenths percent (5.8%) to the special trust and agency
14 account set forth in KRS 42.320(2)(f) for the Department of Public
15 Advocacy;
- 16 4. Five and seven-tenths percent (5.7%) to the crime victims compensation
17 fund created in KRS 49.480;
- 18 5. One and two-tenths percent (1.2%) to the Justice and Public Safety
19 Cabinet to defray the costs of conducting record checks on prospective
20 firearms purchasers pursuant to the Brady Handgun Violence Prevention
21 Act and for the collection, testing, and storing of DNA samples;
- 22 6. Sixteen and eight-tenths percent (16.8%) to the county sheriff in the
23 county from which the fee was received;
- 24 7. Nine and one-tenth percent (9.1%) to the county treasurer in the county
25 from which the fee was received to be used by the fiscal court for the
26 purposes of defraying the costs of operation of the county jail and the
27 transportation of prisoners;

- 1 8. Thirty-three and two-tenths percent (33.2%) to local governments in
2 accordance with the formula set forth in KRS 24A.176(5); and
- 3 9. Eight and three-tenths percent (8.3%) to the Cabinet for Health and
4 Family Services for the implementation and operation of a telephonic
5 behavioral health jail triage system as provided in KRS 210.365 and
6 441.048.

7 **(7) A traffic safety program for traffic offenders operated by a county attorney shall**
8 **be composed of uniform education and training elements designed to have a**
9 **corrective influence on traffic offenders. The Transportation Cabinet shall**
10 **promulgate administrative regulations, in accordance with KRS Chapter 13A, to:**
11 **(a) Establish required elements of a traffic safety program;**
12 **(b) Require county attorneys to submit the curriculum of a traffic safety**
13 **program operated under subsection (6) of this section; and**
14 **(c) Establish a process for Transportation Cabinet approval of traffic safety**
15 **program curricula.**

16 ➔Section 16. A traffic safety program for traffic offenders operated by a county
17 attorney that was in operation on the effective date of this Act shall be allowed to
18 continue operation, during the information submission and curriculum approval process
19 outlined by the regulations promulgated under Section 3 of this Act, until December 31,
20 2021.

21 ➔Section 17. The General Assembly hereby confirms Executive Order 2020-992,
22 which transfers the Motorcycle Safety Education Commission and the Motorcycle Safety
23 Education Program from the Justice and Public Safety Cabinet to the Transportation
24 Cabinet.