

1 AN ACT relating to training for commercial driver's license holders and declaring
2 an emergency.

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

4 ➔Section 1. KRS 165A.310 is amended to read as follows:

5 As used in this chapter:

- 6 (1) "Agent" means any person employed by a proprietary school to act as agent,
7 solicitor, broker, or independent contractor to procure students for the school by
8 solicitation of enrollment in any form made at any place other than the main office
9 or principal place of business of the school;
- 10 (2) "CDL" means a commercial driver's license as defined in KRS 281A.010;
- 11 (3) "CDL driver training" means a course of study that complies with the provisions of
12 KRS 332.095 governing the instruction of persons in the operation of commercial
13 motor vehicles;
- 14 (4) "CDL driver training school" means any person, firm, partnership, association,
15 educational institution, establishment, agency, organization, or corporation, ***with the***
16 ***exception of an entry-level driver training provider***, that offers CDL driver training
17 to persons desiring to obtain a Kentucky CDL in order to operate a commercial
18 motor vehicle and for which a fee or tuition is charged;
- 19 (5) "Commercial motor vehicle" has the same meaning as in KRS 281A.010;
- 20 (6) "Commission" means the Kentucky Commission on Proprietary Education;
- 21 (7) ***"Entry-level driver training" means a federally mandated course of instruction***
22 ***for new CDL applicants as outlined in 49 C.F.R. secs. 380.600 to 380.609;***
- 23 (8) ***"Entry-level driver training provider" means an entity that is certified by the***
24 ***Federal Motor Carrier Safety Administration as a training provider under 49***
25 ***C.F.R. secs. 380.700 to 380.725 that is limited solely to providing entry-level***
26 ***driver training;***
- 27 (9) "Formal complaint" means a written statement filed on a form specified by the

1 commission in which the complainant alleges that a school has violated a Kentucky
2 statute or administrative regulation and has negatively impacted the complainant,
3 and resolution is requested by the commission;

4 ~~(10)~~~~(8)~~ "License" means authorization issued by the commission to operate or to
5 contract to operate a proprietary school in Kentucky as described in this chapter and
6 does not reflect accreditation, supervision, endorsement, or recommendation by the
7 commission;

8 ~~(11)~~~~(9)~~ "Person" means an individual, corporation, business trust, estate, partnership,
9 unincorporated association, two (2) or more of any of the foregoing having a joint
10 or common interest, or any other legal or commercial entity;

11 ~~(12)~~~~(10)~~ "Proprietary school" or "school" means a privately owned educational
12 institution, establishment, agency, organization, or person maintained on either a
13 for-profit or not-for-profit basis, offering or administering a plan, course, or
14 program of instruction in business, trade, technical, industrial, or related areas for
15 which a fee or tuition is charged whether conducted in person, by mail, or by any
16 other method, and does not include:

17 (a) A school or educational institution supported entirely or partly by taxation
18 from either a local or state source;

19 (b) A parochial, denominational, or eleemosynary school or institution;

20 (c) A training program which offers instruction for payment by participants
21 primarily in pursuit of a hobby, recreation, or entertainment, and does not
22 result in the granting of postsecondary credits nor lead to an industry-
23 recognized credential, academic certificate, or degree;

24 (d) A course or courses of instruction or study sponsored by an employer for the
25 training and preparation of its own employees for the benefit of the employer
26 and without charge to the employee; or

27 (e) A school or educational institution licensed or approved by or a course or

1 courses of study or instruction sponsored by the Kentucky Board of Barbering
2 established by KRS 317.430, the Kentucky Board of Cosmetology established
3 by KRS 317A.030, the Kentucky Board of Nursing established by KRS
4 314.121, the Kentucky Board of Embalmers and Funeral Directors established
5 by KRS 316.170, or the Kentucky Council on Postsecondary Education
6 established by KRS 164.011;

7 ~~(13)~~~~(11)~~ "Resident" means any person who has established Kentucky as his or her state
8 of domicile. Proof of residency shall include but not be limited to a deed or property
9 tax bill, utility agreement or utility bill, or rental housing agreement;

10 ~~(14)~~~~(12)~~ "School year" is beginning the first day of July and ending the thirtieth day of
11 June next following, except when approval shall be suspended or canceled pursuant
12 to KRS 165A.350; and

13 ~~(15)~~~~(13)~~ "Statement of quality assurance" means a statement required by the
14 commission from a non-degree granting institution, in a form and manner
15 determined by the commission, that attests to the institution meeting the minimum
16 standards required for receiving and maintaining a license.

17 ➔Section 2. KRS 165A.460 is amended to read as follows:

18 **(1) Except as provided in subsection (2) of this section,** all proprietary schools located
19 or doing business in this state that offer CDL driver training shall be governed by
20 the provisions of this chapter, except for matters governing:

21 ~~(a)~~~~(1)~~ The curriculum, which shall be established by the commission in
22 consultation with the Department of Kentucky State Police and the Kentucky
23 Community and Technical College System; and

24 ~~(b)~~~~(2)~~ The inspection of CDL driver training school facilities, which shall be
25 under the authority of the Department of Kentucky State Police pursuant to
26 KRS 165A.475 and 332.095.

27 **(2) Entry-level driver training providers are exempt from the provisions of this**

1 *chapter and shall instead comply with the requirements set forth in 49 C.F.R.*
2 *secs. 380.600 to 380.609 and 380.700 to 380.725.*

3 ➔Section 3. KRS 281A.160 is amended to read as follows:

4 (1) (a) Except as provided in subsection (4) of this section, the State Police shall be
5 responsible for administering both the knowledge and skills test required by
6 KRS 281A.130.

7 (b) Applicants who fail the written knowledge test shall be permitted to retake the
8 written test on the next day the tests are administered. Applicants who fail the
9 written test six (6) times shall be required to wait three (3) days before taking
10 the knowledge test again. Applicants who subsequently fail the written test
11 three (3) additional times shall be required to wait three (3) days prior to
12 retaking the test.

13 (2) (a) Except as provided for in subsection (3) of this section, at the time a CDL
14 permit is issued:

15 1. An applicant who has held a Kentucky operator's license for thirty (30)
16 days or longer shall pay a skills-testing fee of fifty dollars (\$50); and

17 2. An applicant who has held a Kentucky operator's license for less than
18 thirty (30) days shall pay a skills-testing fee of one hundred fifty dollars
19 (\$150).

20 (b) There is created within the State Treasury a trust fund to be known as the State
21 Police CDL skills-testing fund. The fund shall be administered by the State
22 Police and shall receive all skills-testing and retesting fees collected under
23 subsections (2)(a) and (6)(e) of this section, in addition to any grants, gifts, or
24 appropriations of state or federal moneys and any interest earned on moneys in
25 the fund. Moneys in the fund shall not lapse and shall be carried forward to
26 the next succeeding fiscal year. The State Police CDL skills-testing fund shall
27 be used by the State Police to contract with and train civilian CDL skills

1 examiners and to improve the logistics of the CDL skills-testing process.

2 (c) The State Police, upon request of an applicant who has passed both the vision
3 and knowledge tests, may schedule the applicant for the skills test at the first
4 available test date at a test site designated by the State Police but not less than
5 fourteen (14) days after the applicant has filed the application and been issued
6 a CDL permit. Except in extenuating circumstances, a retest for a failed
7 portion of the skills test shall be given within three (3) days of a request of a
8 retest.

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

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

18 (a) An individual applying for a CDL with an "S" endorsement as defined in KRS
19 281A.170; or

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

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

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

24 (b) The third party has entered into an agreement with this Commonwealth which
25 complies with requirements of Title 49, Code of Federal Regulations, Part
26 383.75, as adopted by the Transportation Cabinet.

27 (5) The State Police shall promulgate administrative regulations under KRS Chapter

1 13A that establish procedures that ensure an arm's-length relationship is maintained
2 between a third-party tester and any owner, officer, or employee of any program
3 offering commercial truck driving under the Kentucky Community and Technical
4 College System or a proprietary school licensed under KRS Chapter 165A.

- 5 (6) (a) Applicants shall be permitted to take the skills test for a particular class
6 vehicle an unlimited number of times; however, an applicant shall not retest
7 more than one (1) time in any twenty-four (24) hour period.
- 8 (b) The skills test shall consist of three (3) separate portions: pre-trip inspection,
9 basic maneuvering, and road skills. An applicant must achieve a score of at
10 least eighty percent (80%) on each portion of the skills test before a CDL may
11 be issued to the applicant. An applicant who passes one (1) or more portions
12 of the skills test but does not pass all portions of the skills test shall retest only
13 on those portions of the skills test the applicant failed.
- 14 (c) An applicant who fails any portion of the skills test four (4) times shall be
15 notified by the State Police that the applicant is required to wait one (1) week
16 before retaking a portion of this skills test again.
- 17 (d) Failure of an applicant to notify the State Police at least forty-eight (48) hours
18 prior to missing an appointment for a skills test, or provide a written medical
19 excuse from a licensed physician, advanced registered nurse practitioner, or
20 physician's assistant, shall be considered a failure, on all parts of the skills test
21 scheduled to be given, for the purposes of determining number of failures,
22 waiting periods, and retesting fees under paragraphs (c) and (e) of this
23 subsection for individual applicants. The fees for a missed appointment failure
24 shall be forfeited and retained in the State Police CDL skills-testing fund
25 established under this section. If the forty-eight (48) hour notice or medical
26 excuse is given, the fee shall be applied to the rescheduled test. A missed
27 appointment failure under this paragraph shall not be reported as a failure to

1 the board.

2 (e) Except as provided for in paragraph (d) of this subsection, at the time of
3 application for a retest under this subsection, the applicant shall pay a retesting
4 fee of fifty dollars (\$50).

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

13 (b) Subject to paragraphs (c) and (d) of this subsection, a person who possessed
14 a Kentucky commercial driver's license that has expired for a period of less
15 than five (5) years and was not subject to suspension, withdrawal,
16 revocation, or disqualification for any reason at the time of expiration may
17 have that license reinstated, with all endorsements, without submitting to
18 the skills and knowledge tests by applying to the cabinet for renewal. Upon
19 submission of medical certification, driver self-certifications required under
20 KRS 281A.140(1)(f), successful completion of any necessary criminal
21 background check, and review of the person's driving history record, the
22 cabinet shall issue a renewal CDL, with all endorsements, to an applicant
23 under this paragraph.

24 (c) A person who otherwise meets the requirements of paragraph (b) of this
25 subsection whose CDL was subject to suspension or revocation solely for
26 failure to provide medical certification may apply for renewal of a CDL
27 under paragraph (b) of this subsection.

1 *(d) If the CDL held by a person who otherwise meets the requirements of*
 2 *paragraph (b) of this subsection carried a hazardous materials*
 3 *endorsement, and the applicant wishes to retain that endorsement, he or she*
 4 *shall complete any examinations required for a hazardous materials*
 5 *endorsement renewal in KRS 281A.180(2) prior to renewing the CDL under*
 6 *paragraph (b) of this subsection.*

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

10 (b) The State Police shall promulgate administrative regulations under KRS
 11 Chapter 13A to set forth the qualifications for contract examiners retained
 12 under subsection (2)(b) of this section.

13 ➔Section 4. KRS 186.635 is amended to read as follows:

14 *(1)* The following persons shall be required to successfully complete the examinations
 15 required under KRS 186.480 prior to being issued a Kentucky operator's license:

16 *(a)*~~*(1)*~~ A person who has been issued a Kentucky instruction permit or
 17 intermediate license;

18 *(b)*~~*(2)*~~ A person who has applied for a Kentucky operator's license under KRS
 19 186.412 or 186.4121; and

20 *(c)*~~*(3)*~~ Other persons as identified in an administrative regulation promulgated
 21 by the Department of Kentucky State Police or the Transportation Cabinet
 22 under KRS Chapter 13A.

23 *(2) A person who possessed a Kentucky operator's license that has expired for a*
 24 *period of less than five (5) years and was not subject to suspension, withdrawal,*
 25 *revocation, or disqualification at the time of expiration may have that license*
 26 *reinstated without submitting to the examinations required under KRS 186.480*
 27 *by applying to the cabinet for renewal. Upon submission of any vision testing*

1 *required under KRS 186.577 and review of the person's driving history record,*
2 *the cabinet shall issue a renewal operator's license to an applicant under this*
3 *subsection.*

4 ➔Section 5. Whereas recently enacted federal requirements for entry-level driver
5 training have exacerbated already existing shortages of qualified commercial vehicle
6 operators, and whereas facilitating the renewal of recently expired CDLs in good standing
7 will help increase the number of commercial truck drivers on the highway during an
8 unprecedented backlog in our nation's supply chain, an emergency is declared to exist,
9 and this Act takes effect upon its passage and approval by the Governor or upon its
10 otherwise becoming a law.