

1 AN ACT relating to operator's licenses and declaring an emergency.

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

3 ➔Section 1. 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 2. 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 paragraph.

4 ➔Section 3. 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 4. 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 5. KRS 189.2226 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Bill of lading" means a document evidencing the purchase of, or delivery
6 order for, building materials issued by a person engaged in a business that sold
7 or leased the building materials;

8 (b) "Building materials" means equipment or materials associated with new home
9 construction, home remodeling, or home maintenance, including but not
10 limited to:

- 11 1. Agriculture products;
- 12 2. Asphalt;
- 13 3. Concrete;
- 14 4. Crushed stone;
- 15 5. Excavation equipment;
- 16 6. Fill dirt and rock;
- 17 7. Glass;
- 18 8. Landscaping materials;
- 19 9. Lumber or other wood products;
- 20 10. Minerals;
- 21 11. Roofing materials; and
- 22 12. Steel products;

23 (c) "Home" means:

- 24 1. A site where a single or multi-family housing unit is being initially
25 constructed *for which a building permit for construction has been*
26 *issued by the authorized local government in the city or county in*
27 *which construction will take place*; and

1 2. A site where construction of a single or multi-family housing unit is
2 complete and persons inhabit the housing unit; and

3 (d) "State road" means a state or federal highway but does not mean an interstate
4 or county road.

5 (2) Other statutes to the contrary in this chapter notwithstanding, any vehicle hauling
6 building materials to a home shall be allowed, subject to the provisions of this
7 section, to travel on any state road without a permit and without being subject to a
8 fine, if the weight of the vehicle is within the limits of the registration issued to the
9 vehicle and within the axle limits for the vehicle, even if the vehicle's gross weight
10 or length, including vehicle and load, exceed the limits prescribed by this chapter or
11 in other aspects fail to comply with this chapter.

12 (3) A vehicle hauling building materials under this section shall be allowed to travel the
13 most direct route, in the opinion of the operator, to the vehicle's point of destination,
14 provided any road traveled as the most direct route shall not be further than fifteen
15 (15) miles from a state road that is classified to carry the registered weight of the
16 vehicle. If a vehicle is traveling a road classified by the cabinet as a single "A"
17 highway, the vehicle or its load cannot exceed ninety-six (96) inches in width. If a
18 vehicle or its load exceed ninety-six (96) inches in width, the operator shall be
19 required to obtain the appropriate overdimensional permit required by this chapter
20 to travel the proposed route. The operator of a vehicle hauling building materials
21 under this section shall have in his or her possession a bill of lading.

22 (4) All vehicles hauling building materials under this section shall be prohibited from
23 exceeding the established width and posted bridge weight limits for any route the
24 vehicle travels. A vehicle that exceeds the width or bridge limits for its posted
25 routes shall be required to obtain the appropriate overdimensional or overweight
26 permit required by this chapter.

27 ➔Section 6. KRS 189.230 is amended to read as follows:

1 (1) Except as provided in KRS 189.221(6), 189.222, and 189.2226, the department, in
2 respect to state and federal highways, and county judges/executive in respect to
3 county highways, may prescribe, by notice as provided in subsection ~~(4)~~~~(3)~~ of this
4 section, load and speed limits lower than the limits prescribed in KRS 189.221 and
5 subsection (4) of KRS 189.390, respectively, if in their judgment any highway may,
6 by reason of its design, deterioration, rain, or other natural causes, be damaged or
7 destroyed by motor trucks or semitrailer trucks, if their gross weight or speed
8 exceeds certain limits. The department or fiscal court may, by like notice, regulate
9 or prohibit the operation of motor trucks or semitrailer trucks on state highways or
10 county roads for limited periods of specified days, or parts of days, if their load and
11 speed exceed those limits, if in their judgment, the regulation or prohibition is
12 necessary, by reason of traffic density or intensive use by the traveling public, to
13 provide for the public safety and convenience on the highway.

14 (2) *A fiscal court may, by notice as provided in subsection (4) of this section,*
15 *regulate or prohibit the operation of motor trucks or semitrailer trucks on county*
16 *roads within the county if, in its judgment:*

17 *(a) A road may, by reason of its design, deterioration, rain, or other natural*
18 *cause, be damaged or destroyed by motor trucks or semitrailer trucks if*
19 *their gross weight or speed exceeds certain limits; and*

20 *(b) Regulation or prohibition is necessary to provide for the public safety and*
21 *convenience on the highway.*

22 (3) The department, in respect to bridges on the extended weight coal haul system
23 defined in KRS 177.9771, may prescribe, by notice, as provided in subsection (3) of
24 this section, gross weight limits lower than the limits prescribed in KRS 177.9771,
25 when in its judgment any bridge on the extended weight coal haul road system may,
26 by reason of its design or deterioration, be damaged or destroyed to the point of
27 catastrophic failure by motor vehicles, if their gross weight exceeds certain limits.

1 For the purposes of KRS 177.9771, all bridges shall conform with KRS
2 177.9771(4)(a) to (d).

3 ~~(4)~~~~(3)~~ The notice or the substance of it shall be posted at conspicuous places at the
4 termini of and at all intermediate crossroads and road junctions with the section of
5 the highway to which the notice applies. After a notice has been posted, a person
6 shall not operate any motor truck or semitrailer truck contrary to its provisions.

7 ~~(5)~~~~(4)~~ A fiscal court shall require all persons applying for a permit issued under KRS
8 189.212 to enter into a cooperative agreement with the fiscal court. The cooperative
9 agreement shall provide for an equitable apportionment of the incremental costs for
10 design, maintenance, construction, or reconstruction of those roads and bridges on
11 which the person will be operating under the permit issued under KRS 189.212. A
12 fiscal court may require as part of a cooperative agreement for the person to give the
13 fiscal court a bond to ensure payment of the equitable costs associated with the
14 permit issued under KRS 189.212. All funds collected under this subsection shall be
15 expended on those roads covered by the cooperative agreement.

16 ~~(6)~~~~(5)~~ A fiscal court shall not be relieved of expending its normal routine
17 maintenance on all roads covered by cooperative agreements under the provisions
18 of this section.

19 ~~(7)~~~~(6)~~ A person who entered a cooperative agreement with a fiscal court under the
20 provisions of subsection (4) of this section may terminate the agreement by
21 submitting written notice to the fiscal court. If a person terminates a cooperative
22 agreement with a fiscal court, the permit issued under KRS 189.212 shall
23 immediately be revoked by the fiscal court.

24 ➔Section 7. KRS 189.280 is amended to read as follows:

25 (1) KRS 189.221 to 189.230 and 189.280 shall not apply to motor trucks, semitrailer
26 trucks, or trailers owned by the United States, the Commonwealth of Kentucky, or
27 any agency of them, any county or city.

1 (2) If any motor truck, semitrailer truck, or trailer is lawfully licensed by a city pursuant
 2 to KRS 186.270, then KRS 189.221 and subsection (1) of 189.222 shall not apply
 3 thereto, within the limits of the city issuing the license, or within fifteen (15) miles
 4 of the limits of the city, ~~[if it is a city with a population equal to or greater than three~~
 5 ~~thousand (3,000) based upon the most recent federal decennial census, or within~~
 6 ~~five (5) miles of its limits if it is a city with a population of less than three thousand~~
 7 ~~(3,000) based upon the most recent federal decennial census,]~~ except on such state-
 8 maintained highways or portions thereof, including connecting-link streets, as may
 9 be designated by the commissioner of highways, and on such county highways as
 10 may be designated by the county judge/executive; provided, however, that in no
 11 case shall any vehicle exceed the weight and size limitations established by the city
 12 ordinance when those limitations are less stringent than those provided in the
 13 aforementioned sections of the statutes. For the purposes of this subsection vehicles
 14 exempt from the imposition of a city license tax by reason of subsection (2) of KRS
 15 281.830 shall be entitled to the same exemptions as those so licensed.

16 (3) Cities may, by ordinance, provide maximum limits with respect to the weight,
 17 height, width and length of motor trucks, semitrailer trucks, and trailers **on city-**
 18 **owned and maintained streets and roads** ~~[,]~~ within their respective boundaries ~~[, not~~
 19 ~~less, however, than the maximum limits prescribed in KRS 189.221 and subsection~~
 20 ~~(1) of 189.222, and may authorize the operation of trailers].~~

21 ➔Section 8. KRS 189.221 is amended to read as follows:

22 A person shall not operate on any highway, except those highways designated by the
 23 secretary of transportation under the provisions of KRS 189.222, or those locally
 24 maintained highways under the provisions of KRS 189.222(11) or KRS 189.230~~(5)~~~~(4)~~,
 25 any of the following trucks, trailers, manufactured homes, or vehicles:

26 (1) Any motor truck, semitrailer, trailer, manufactured home, or vehicle which exceeds
 27 eleven and one-half (11-1/2) feet in height or ninety-six (96) inches in width,

1 including any part of the body or load;

2 (2) Any motor truck, except a semitrailer truck, which exceeds twenty-six and one half
3 (26-1/2) feet in length, including any part of the body or load;

4 (3) Any semitrailer truck which exceeds thirty (30) feet in length, including any part of
5 the body or load;

6 (4) Any truck, semitrailer truck, or truck and trailer unit which exceeds 36,000 pounds
7 gross weight, including the load;

8 (5) Any truck, semitrailer truck, or tractor-trailer unit which exceeds a gross weight
9 equal to the sum of six hundred (600) pounds per inch of the combined width of the
10 tires upon which the vehicle may be propelled, but no more than thirty-six thousand
11 (36,000) pounds.

12 (6) Notwithstanding the provisions of this section, any truck hauling building materials
13 under KRS 189.2226, or to a road construction project on a highway rated less than
14 the maximum weight provided above, may haul up to eighty thousand (80,000)
15 pounds gross weight, including the load, without a permit.

16 ➔Section 9. Whereas facilitating the renewal of recently expired CDLs in good
17 standing will help increase the number of commercial truck drivers on the highway
18 during an unprecedented backlog in our nation's supply chain, and recently enacted
19 federal requirements for entry-level driver training have exacerbated already existing
20 shortages of qualified commercial vehicle operators, an emergency is declared to exist,
21 and Sections 1 to 4 of this Act shall take effect upon their passage and approval by the
22 Governor or upon their otherwise becoming a law.