

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. Whereas recently enacted federal requirements for entry-level driver  
4 training have exacerbated already existing shortages of qualified commercial vehicle  
5 operators, an emergency is declared to exist, and this Act takes effect upon its passage  
6 and approval by the Governor or upon its otherwise becoming a law.