

1 AN ACT relating to commercial driver's licenses.

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) **A person applying under subsection (8) of this section shall pay a skills-**  
21 **testing fee of one hundred fifty dollars (\$150).**
- 22 (c) There is created within the State Treasury a trust fund to be known as the  
23 State Police CDL skills-testing fund. The fund shall be administered by the  
24 State Police and shall receive all skills-testing and retesting fees collected  
25 under subsections (2)(a) **and (b)** and (6)(e) of this section, in addition to any  
26 grants, gifts, or appropriations of state or federal moneys and any interest  
27 earned on moneys in the fund. Moneys in the fund shall not lapse and shall be

1 carried forward to the next succeeding fiscal year. The State Police CDL  
2 skills-testing fund shall be used by the State Police to contract with and train  
3 civilian CDL skills examiners and to improve the logistics of the CDL skills-  
4 testing process.

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

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

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

22 (a) An individual applying for a CDL with an "S" endorsement as defined in KRS  
23 281A.170; or

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

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

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

- 1 (b) The third party has entered into an agreement with this Commonwealth which  
2 complies with requirements of Title 49, Code of Federal Regulations, Part  
3 383.75, as adopted by the Transportation Cabinet.
- 4 (5) The State Police shall promulgate administrative regulations under KRS Chapter  
5 13A that establish procedures that ensure an arm's-length relationship is maintained  
6 between a third-party tester and any owner, officer, or employee of any program  
7 offering commercial truck driving under the Kentucky Community and Technical  
8 College System or a proprietary school licensed under KRS Chapter 165A.
- 9 (6) (a) Applicants shall be permitted to take the skills test for a particular class  
10 vehicle an unlimited number of times; however, an applicant shall not retest  
11 more than one (1) time in any twenty-four (24) hour period.
- 12 (b) The skills test shall consist of three (3) separate portions: pre-trip inspection,  
13 basic maneuvering, and road skills. An applicant must achieve a score of at  
14 least eighty percent (80%) on each portion of the skills test before a CDL may  
15 be issued to the applicant. An applicant who passes one (1) or more portions  
16 of the skills test but does not pass all portions of the skills test shall retest only  
17 on those portions of the skills test the applicant failed.
- 18 (c) An applicant who fails any portion of the skills test four (4) times shall be  
19 notified by the State Police that the applicant is required to wait one (1) week  
20 before retaking a portion of this skills test again.
- 21 (d) Failure of an applicant to notify the State Police at least forty-eight (48) hours  
22 prior to missing an appointment for a skills test, or provide a written medical  
23 excuse from a licensed physician, advanced registered nurse practitioner, or  
24 physician's assistant, shall be considered a failure, on all parts of the skills test  
25 scheduled to be given, for the purposes of determining number of failures,  
26 waiting periods, and retesting fees under paragraphs (c) and (e) of this  
27 subsection for individual applicants. The fees for a missed appointment failure

1 shall be forfeited and retained in the State Police CDL skills-testing fund  
2 established under this section. If the forty-eight (48) hour notice or medical  
3 excuse is given, the fee shall be applied to the rescheduled test. A missed  
4 appointment failure under this paragraph shall not be reported as a failure to  
5 the board.

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

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

17 (b) Subject to paragraphs (c) and (d) of this subsection, a person who possessed a  
18 Kentucky commercial driver's license that has expired for a period of less than  
19 five (5) years and was not subject to suspension, withdrawal, revocation, or  
20 disqualification for any reason at the time of expiration may have that license  
21 reinstated, with all endorsements, without submitting to the skills and  
22 knowledge tests by applying to the cabinet for renewal. Upon submission of  
23 medical certification, driver self-certifications required under KRS  
24 281A.140(1)(f), successful completion of any necessary criminal background  
25 check, and review of the person's driving history record, the cabinet shall  
26 issue a renewal CDL, with all endorsements, to an applicant under this  
27 paragraph.

- 1 (c) A person who otherwise meets the requirements of paragraph (b) of this  
2 subsection whose CDL was subject to suspension or revocation solely for  
3 failure to provide medical certification may apply for renewal of a CDL under  
4 paragraph (b) of this subsection.
- 5 (d) If the CDL held by a person who otherwise meets the requirements of  
6 paragraph (b) of this subsection carried a hazardous materials endorsement,  
7 and the applicant wishes to retain that endorsement, he or she shall complete  
8 any examinations required for a hazardous materials endorsement renewal in  
9 KRS 281A.180(2) prior to renewing the CDL under paragraph (b) of this  
10 subsection.
- 11 (8) **An applicant who is not a resident of the Commonwealth, possesses both a valid**  
12 **operator's license and a commercial driver's instruction permit, and has complied**  
13 **with all necessary federal requirements may take a commercial driver's license**  
14 **skills test under this section.**
- 15 **(9)** (a) The commissioner of the Department of Kentucky State Police shall  
16 promulgate administrative regulations pursuant to the provisions of KRS  
17 Chapter 13A to implement the provisions of this section.
- 18 (b) The State Police shall promulgate administrative regulations under KRS  
19 Chapter 13A to set forth the qualifications for contract examiners retained  
20 under subsection (2)~~(c)~~~~(b)~~ of this section.