

1 AN ACT relating to motor vehicles and making an appropriation.

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

3 ➔Section 1. KRS 281A.010 is amended to read as follows:

4 **As used in this chapter:**

5 (1) "Alcohol" means:

6 (a) Beer, ale, port, or stout and other similar fermented beverages, including sake
7 or similar products, of any name or description containing one-half of one
8 ~~percent~~^{percentum} (0.5%) or more of alcohol by volume, brewed or
9 produced from malt, wholly or in part, or from any substitute therefor;

10 (b) Wine of not less than one-half of one ~~percent~~^{percentum} (0.5%) of alcohol
11 by volume;

12 (c) Distilled spirits, which means that substance known as ethyl alcohol, ethanol,
13 or spirits of wine in any form, including all dilutions and mixtures thereof
14 from whatever source or by whatever process produced; or

15 (d) Any substance containing ethyl alcohol, hydrated oxide of ethyl, spirit of
16 wine, or any distilled spirits including but not limited to ethanol, methanol,
17 propanol, and isopropanol;~~[-]~~

18 (2) "Alcohol concentration" means:

19 (a) The number of grams of alcohol per one hundred (100) milliliters of blood;

20 (b) The number of grams of alcohol per two hundred ten (210) liters of breath; or

21 (c) The number of grams of alcohol per sixty-seven (67) milliliters of urine;~~[-]~~

22 (3) "Cabinet" means the Transportation Cabinet;~~[-of the Commonwealth of Kentucky.]~~

23 (4) "Commerce" means:

24 (a) Any trade, traffic, or transportation within the jurisdiction of the United States
25 between a place in a state and a place outside of the state, including a place
26 outside of the United States; and

27 (b) Trade, traffic, and transportation in the United States that affects any trade,

- 1 traffic, and transportation described in paragraph (a) of this subsection;[]
- 2 (5) "Commercial driver's license[]" or "CDL[]" means a license issued to an
3 individual in accordance with the requirements of this chapter or, if the license is
4 issued by another state in accordance with the Federal Commercial Motor Vehicle
5 Safety Act, to an individual that authorizes the individual to drive any class of
6 commercial motor vehicle;[]
- 7 (6) "Commercial driver's license information system" or "CDLIS" means the national
8 information system established to serve as a clearinghouse for locating information
9 related to the licensing and identification of commercial motor vehicle drivers;[]
- 10 (7) "Commercial learner's[driver's instruction] permit" *or* "CLP" means a permit
11 issued pursuant to KRS 281A.120;[]
- 12 (8) "Commercial motor vehicle[]" or "CMV[]" means a motor vehicle or combination
13 motor vehicle used in commerce that is:
- 14 (a) Designed to carry property and has a gross vehicle weight rating as
15 determined by federal regulation which has been adopted into cabinet
16 administrative regulations pursuant to KRS Chapter 13A;
- 17 (b) Designed to transport sixteen (16) or more passengers, including the driver;
- 18 (c) Transporting hazardous materials and is required to be placarded in
19 accordance with[Title] 49 C.F.R. pt.[Code of Federal Regulations, Part]
20 172; or
- 21 (d) Any other vehicle that is required by cabinet administrative regulation,
22 pursuant to KRS Chapter 13A, to be operated by a licensed commercial
23 driver;[]
- 24 (9) "Controlled substance" means any substance so classified under[Section 102(6) of
25 the Controlled Substances Act,] 21 U.S.C. sec. 802(6), and includes all substances
26 listed on Schedules I through V[], of[Title] 21 C.F.R. pt.[Code of Federal
27 Regulations, Part] 1308, as adopted by the Transportation Cabinet by administrative

- 1 regulation pursuant to KRS Chapter 13A. It shall also include those substances
2 defined or listed in KRS Chapter 218A;[]
- 3 (10) "Conviction" means an unvacated adjudication of guilt, or a determination that a
4 person has violated or failed to comply with the law in a court of original
5 jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail
6 or collateral deposited to secure the person's appearance in court, a plea of guilty, a
7 plea of nolo contendere, or Alford plea entered and accepted by the court, the
8 payment of a fine or court cost, or violation of a condition of release without bail,
9 regardless of whether or not the penalty is rebated, suspended, or probated;[]
- 10 (11) "Disqualification" means any of the following actions:
- 11 (a) The suspension, revocation, or cancellation of a CDL by the Commonwealth
12 or the jurisdiction of issuance;
- 13 (b) Any withdrawal of a person's privilege to drive a commercial motor vehicle
14 by the Commonwealth or another jurisdiction as a result of a violation of state
15 or local law relating to motor vehicle traffic control, other than parking,
16 vehicle weight, or vehicle defect violations; or
- 17 (c) A determination by the Federal Motor Carrier Safety Administration that a
18 person is not qualified to operate a commercial motor vehicle under 49 C.F.R.
19 pt. 391;[]
- 20 (12) "Drive" means to drive, operate, or be in physical control of a motor vehicle;[]
- 21 (13) "Driver" means any person who drives, operates, or is in physical control of a
22 commercial motor vehicle, or who is required to hold a commercial driver's
23 license;[]
- 24 (14) "Driver's license" **and "operator's license" mean**[means] a license issued by a state
25 to an individual that authorizes the individual to drive a motor vehicle;[]
- 26 (15) "Employee" means any operator of a commercial motor vehicle, including full-
27 time, regularly employed drivers; casual, intermittent, or occasional drivers; leased

- 1 drivers and independent, owner-operator contractors while in the course of
2 operating a commercial motor vehicle who are either directly employed by, under
3 lease to, or operating in a manner indicating employment to an employer;[]
- 4 (16) "Employer" means any person, including the United States, a state, or a political
5 subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a
6 person to drive a commercial motor vehicle;[]
- 7 (17) "Felony" means any offense under state or federal law that is punishable by death or
8 imprisonment for a term exceeding one (1) year;[]
- 9 (18) "Gross combination weight rating[]" or "GCWR[]" is the gross vehicle weight
10 rating of power unit plus the gross vehicle weight rating of any towed unit. In the
11 absence of a value specified by the manufacturer, GCWR shall be determined by
12 adding the gross vehicle weight rating of the power unit, ~~and~~ the total weight of
13 the towed unit, and ***the weight of the load being carried*** ~~therein~~;[]
- 14 (19) "Gross vehicle weight rating[]" or "GVWR[]" means the value specified by the
15 manufacturer as the maximum loaded weight of a single, a combination or an
16 articulated vehicle;[]
- 17 (20) "Hazardous materials" has the same meaning as in 49 C.F.R. sec. 383.5;[]
- 18 (21) "Highway" shall include any way or place of any nature when any part of it is open
19 to the use of the public as a matter of right, license, or privilege for the use of
20 vehicular traffic;[]
- 21 (22) "Imminent hazard" means a condition that presents a substantial likelihood that
22 death, serious illness, severe personal injury, or a danger to health, property, or the
23 environment exists;[]
- 24 (23) "Moped" shall have the same meaning as in KRS 186.010(5);[]
- 25 (24) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled
26 or drawn by mechanical power used on highways, or any other vehicle required to
27 be registered under the laws of this state, but shall not include any vehicle, machine,

- 1 tractor, trailer, or semitrailers operated exclusively on a rail:~~;~~
- 2 (25) "NDR" means the national driver register:~~;~~
- 3 (26) "Out-of-service order" means a declaration by an authorized enforcement officer of
4 a federal, state, Canadian, Mexican, or local jurisdiction that a driver, commercial
5 motor vehicle, or a motor carrier operation is out of service pursuant to 49 C.F.R.
6 ~~secs.~~~~[see.]~~ 386.72, 392.5, 395.13, or 396.9; comparable laws or regulations; or the
7 North American Uniform Out-of-Service Criteria:~~;~~
- 8 (27) "Resident" means a person who has established Kentucky as his or her state of
9 domicile. Proof of residency shall include but not be limited to a deed or property
10 tax bill, utility agreement or utility bill, or rental housing agreement:~~;~~
- 11 (28) "School bus" means a vehicle that meets the specification of KRS 156.153 used to
12 transport preprimary, primary, or secondary school students between school and
13 home, or to and from school-sponsored events. A school bus shall not include a bus
14 used as a common carrier:~~;~~
- 15 (29) "Serious traffic violation" means a conviction when operating a commercial motor
16 vehicle of:
- 17 (a) Excessive speeding, involving a single charge of any speed fifteen (15) miles
18 per hour or more, above the specified speed limit;
- 19 (b) Reckless driving, as defined under state or local law, including conviction of
20 driving a commercial motor vehicle in willful or wanton disregard for the
21 safety of persons or property;
- 22 (c) Improper or erratic traffic lane changes;
- 23 (d) Following the vehicle ahead too closely;
- 24 (e) A violation of any state or local law related to motor vehicle traffic control,
25 other than a parking violation, arising in connection with a fatal accident;
- 26 (f) Driving a commercial motor vehicle without a CDL;
- 27 (g) Driving a commercial motor vehicle without a CDL in one's possession or

1 refusing to display a CDL upon request;

2 (h) Driving a commercial motor vehicle without the proper class of CDL or
3 endorsements, or both, for the specific vehicle type or types being operated or
4 for the passengers or type or types of cargo being transported; or

5 (i) Any conviction of an offense that requires mandatory suspension under KRS
6 186.560 or a serious violation as defined by ~~Title~~ 49 C.F.R. pt. ~~of the Code~~
7 ~~of Federal Regulations Part~~ 383 ~~or as amended by the Federal Highway~~
8 ~~Administration~~; ~~and~~

9 (30) "Severe forms of trafficking in persons" has the same meaning as in 22 U.S.C.
10 sec. 7102";

11 (31) "State" means a state of the United States and the District of Columbia; ~~and~~

12 (32) ~~(31)~~ "State police" means the Department of Kentucky State Police; and ~~and~~

13 (33) ~~(32)~~ "Vehicle" means every device in, upon, or by which any person or property is
14 or may be transported or drawn along a public highway, except devices moved by
15 human or animal power, used exclusively upon stationary rails or tracks, or which
16 derives its power from overhead wires.

17 ➔Section 2. KRS 281A.120 is amended to read as follows:

18 (1) A commercial learner's ~~driver's instruction~~ permit may be issued to an individual
19 twenty-one (21) years and older who:

20 (a) Has complied with the criminal history background check required by KRS
21 281A.300;

22 (b) Holds a valid Kentucky Class D operator's license;

23 (c) Is a citizen or permanent resident of the United States, or can provide to the
24 cabinet documentation issued by the United States Citizenship and
25 Immigration Services in the United States Department of Homeland Security,
26 authorizing the person to be in the United States and to be employed while in
27 the United States; and

1 (d) Has passed the vision and knowledge tests required for a commercial driver's
2 license of the class vehicle to be driven. Commercial learner's~~[Instruction]~~
3 permits shall be class specific.

4 (2) A commercial learner's~~[driver's instruction]~~ permit may be issued to a resident
5 eighteen (18) years of age who:

6 (a) Has complied with the criminal history background check required by KRS
7 281A.300;

8 (b) Holds a valid Kentucky Class D operator's license;

9 (c) Is a citizen or permanent resident of the United States, or can provide to the
10 cabinet documentation issued by the United States Citizenship and
11 Immigration Services in the United States Department of Homeland Security,
12 authorizing the person to be in the United States and to be employed while in
13 the United States; and

14 (d) Has passed the vision and knowledge tests required for a commercial driver's
15 license of the class vehicle to be driven.

16 A commercial learner's~~[driver's license instruction]~~ permit issued under this
17 subsection shall be valid only for the operation of a commercial motor vehicle in
18 intrastate commerce that is not a school bus or a vehicle hauling hazardous material.
19 The CLP~~[instruction permit]~~ shall be class specific and shall contain~~[an]~~ "K"~~["I"]~~
20 restriction noting that the commercial driver is limited to Kentucky intrastate
21 commerce.

22 (3) A commercial learner's~~[driver's instruction]~~ permit shall not be issued to a resident
23 for a period to exceed one hundred eighty (180) days. Only one (1) renewal or
24 reissuance may be granted within a two (2) year period for the same class of
25 vehicle. The holder of a commercial learner's~~[driver's instruction]~~ permit may,
26 unless otherwise disqualified, drive a commercial motor vehicle on the highways of
27 Kentucky only when accompanied by the holder of a commercial driver's license

1 valid for the type of vehicle driven and who occupies a seat beside the permit
 2 holder for the purpose of giving instruction in driving the commercial motor
 3 vehicle.

4 (4) ~~{A person who is not a resident who is enrolled in a program offering commercial~~
 5 ~~truck driving under the Kentucky Community and Technical College System or a~~
 6 ~~proprietary school licensed under KRS Chapter 165A may be issued a provisional~~
 7 ~~Class D license that allows an applicant to include a commercial driver's instruction~~
 8 ~~permit into a single license that shall be valid for ninety (90) days. The fee for a~~
 9 ~~provisional Class D license shall be the same as for a regular Class D license. A~~
 10 ~~provisional Class D license may be renewed for one (1) ninety (90) day period. A~~
 11 ~~person issued a provisional Class D license under this subsection shall be required~~
 12 ~~to convert the license to a regular Kentucky CDL or return to the person's state of~~
 13 ~~domicile and transfer the Kentucky provisional Class D license to his or her state of~~
 14 ~~domicile. A provisional Class D license issued under this subsection shall not be~~
 15 ~~converted to a regular Class D license unless the applicant satisfies all Kentucky~~
 16 ~~residency requirements.}~~ A commercial *learner's*~~{driver's instruction}~~ permit shall
 17 contain **the same elements and meet the same**~~[, in addition to other information~~
 18 ~~required by the cabinet, those}~~ requirements **as those for commercial driver's**
 19 **licenses** set forth in KRS 281A.170~~]. The commercial driver's instruction permit~~
 20 ~~shall not contain the permit holder's Social Security number but shall include a~~
 21 ~~color photo of the permit holder}.~~

22 ➔Section 3. KRS 281A.140 is amended to read as follows:

23 (1) The application for a commercial driver's license or commercial *learner's*~~{driver's~~
 24 ~~instruction}~~ permit shall include the following information:

25 (a) The **applicant's** full legal name, **any**~~{including}~~ nicknames **or other names by**
 26 **which he or she is known**, and present Kentucky resident address~~{ of the~~
 27 ~~applicant}~~. If the applicant's mailing address is different from the resident

- 1 address, the mailing address shall also be included~~[- If the applicant is not a~~
2 ~~resident, the application shall include the person's resident address in the~~
3 ~~person's state of domicile and the address of the Kentucky driver training~~
4 ~~school where the applicant is currently enrolled];~~
- 5 (b) A physical description of the applicant including sex, height, weight, eye
6 color, and race;
- 7 (c) The applicant's date of birth;
- 8 (d) The applicant's Social Security number;
- 9 (e) The applicant's signature;
- 10 (f) Certifications including those required by~~[- Title]~~ 49 C.F.R.~~[- Code of Federal~~
11 ~~Regulations,]~~ secs. 383.71, 383.73, and 384.206, as adopted by the cabinet;
- 12 (g) A consent to release driving record information;
- 13 (h) A valid Class D operator's license issued pursuant to KRS 186.4102 and
14 186.412;
- 15 (i) A birth certificate if the applicant does not hold a valid operator's license at
16 the time of application;
- 17 (j) The name of every jurisdiction in which the applicant has previously been
18 licensed to drive any type of motor vehicle during the ten (10) year period
19 immediately preceding the date of the application; and
- 20 (k) Any other information required by the cabinet.
- 21 (2) The cabinet or state police may require any other information needed in order to
22 process the application.
- 23 (3) When the holder of a commercial driver's license changes his or her name or
24 residence, the information shall be reported to the cabinet within ten (10) days. The
25 holder of a Class A, B, or C license shall make an application for a duplicate license
26 within thirty (30) days of changing his or her name or address.
- 27 (4) Any person whose commercial driver's license has been legitimately lost or

1 destroyed shall make an application for a duplicate. ~~]~~

2 ~~(a)]~~ A person applying for ~~a~~ ~~[the first]~~ duplicate within the time period for which
 3 the original license was issued ~~]~~ shall apply to the Transportation Cabinet.
 4 The person shall provide the cabinet with proof of the person's identity and a
 5 notarized affidavit with a raised seal explaining in detail the loss or
 6 destruction of the original license.

7 ~~[(b) A person applying for a second or subsequent duplicate within the time period~~
 8 ~~for which the original license was issued, shall apply to the Transportation~~
 9 ~~Cabinet in Frankfort or a Transportation Cabinet field office. The person shall~~
 10 ~~provide the cabinet with proof of the person's identity and a notarized~~
 11 ~~affidavit explaining in detail the loss or destruction of the previous duplicate~~
 12 ~~issued. The Transportation Cabinet shall, within thirty (30) days of receipt of~~
 13 ~~the application, review the person's proof of identity and affidavit and~~
 14 ~~determine if the person will be issued a duplicate.]~~

15 (5) A person who is a resident of this state shall not drive a commercial motor vehicle
 16 under the authority of a commercial driver's license issued by another jurisdiction.

17 (6) Any person who knowingly falsifies information or certifications required to obtain
 18 a commercial driver's license, a commercial driver's license permit, or a duplicate
 19 commercial driver's license subsequent to an administrative hearing conducted in
 20 accordance with KRS 186.570, shall be subject to suspension, revocation, or
 21 cancellation of his ***or her*** commercial driver's license for a period of at least sixty
 22 (60) consecutive days.

23 ➔ Section 4. KRS 281A.160 is amended to read as follows:

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

27 (b) ***Prior to taking the knowledge test, a first-time applicant for a hazardous***

1 materials endorsement shall complete the entry level driver training
 2 required under 49 C.F.R. pt. 380.

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

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

- 11 1. An applicant who has held a Kentucky operator's license for thirty (30)
 12 days or longer shall pay a skills-testing fee of fifty dollars (\$50); and
- 13 2. An applicant who has held a Kentucky operator's license for less than
 14 thirty (30) days or an applicant who holds an out-of-state operator's
 15 license and commercial learner's permit shall pay a skills-testing fee of
 16 one hundred fifty dollars (\$150).

17 (b) ~~A person applying under subsection (8) of this section shall pay a skills-~~
 18 ~~testing fee of one hundred fifty dollars (\$150).~~

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

1 the logistics of the CDL skills-testing process.

2 ~~(c)~~~~(d)~~ The State Police, upon request of an applicant who has passed both the
3 vision and knowledge tests, **and has successfully completed all of the entry**
4 **level driver training required under 49 C.F.R. pt. 380 for the license class**
5 **and endorsements the applicant seeks**, may schedule the applicant for the
6 skills test at the first available test date at a test site designated by the State
7 Police but not less than fourteen (14) days after the applicant has filed the
8 application and been issued a CDL permit. Except in extenuating
9 circumstances, a retest for a failed portion of the skills test shall be given
10 within three (3) days of a request of a retest.

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

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

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

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

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

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

27 (b) The third party has entered into an agreement with this Commonwealth which

1 complies with requirements of ~~[Title]~~ 49 C.F.R. sec. ~~[Code of Federal~~
2 ~~Regulations, Part]~~ 383.75, as adopted by the Transportation Cabinet.

3 (5) The State Police shall promulgate administrative regulations in accordance
4 with ~~[under]~~ KRS Chapter 13A that establish procedures that ensure an arm's-length
5 relationship is maintained between a third-party tester and any owner, officer, or
6 employee of any program offering commercial truck driving under the Kentucky
7 Community and Technical College System or a proprietary school licensed under
8 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
25 test scheduled to be given ~~[]~~ for the purposes of determining number of
26 failures, waiting periods, and retesting fees under paragraphs (c) and (e) of
27 this subsection for individual applicants. The fees for a missed appointment

1 failure shall be forfeited and retained in the State Police CDL skills-testing
2 fund established under this section. If the forty-eight (48) hour notice or
3 medical excuse is given, the fee shall be applied to the rescheduled test. A
4 missed appointment failure under this paragraph shall not be reported as a
5 failure to 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 in accordance with [pursuant to the
17 provisions of] KRS Chapter 13A to implement the provisions of this section.~~

18 (b) The State Police shall promulgate administrative regulations in accordance
19 with [under] KRS Chapter 13A to set forth the qualifications for contract
20 examiners retained under subsection (2)(~~b~~)(~~c~~) of this section.

21 ➔Section 5. KRS 281A.170 is amended to read as follows:

22 (1) The commercial driver's license shall be marked "commercial driver's license" and
23 "CDL" and shall be, to the maximum extent practicable, tamper proof. It shall
24 include but is not limited to the following information:

25 (a) The name and present resident address of the licensee;

26 (b) The licensee's photograph;

27 (c) A physical description of the licensee including sex, height, weight, and eye

- 1 color;
- 2 (d) The licensee's date of birth;
- 3 (e) The licensee's signature;
- 4 (f) The class or type of commercial motor vehicle or vehicles that the person is
- 5 authorized to drive together with any endorsements or restrictions;
- 6 (g) The name of this state;
- 7 (h) The dates between which the license is valid; and
- 8 (i) Any other information required by the cabinet, except for a person's Social
- 9 Security number.

10 (2) A commercial driver's license issued under this chapter shall contain a denotation

11 that either:

- 12 (a) The commercial driver's license is a voluntary travel ID identity document
- 13 that complies with the security standards set forth by Pub. L. No. 109-13,
- 14 Title II, and may be used for identification for federal purposes; or
- 15 (b) The commercial driver's license shall not be used for federal identification
- 16 purposes.

17 (3) A commercial driver's license shall be issued with classifications, endorsements,

18 and restrictions. Vehicles that require an endorsement shall not be driven unless the

19 proper endorsement appears on the license and the applicant has passed the

20 knowledge and skills test required by the State Police.

21 (a) Classifications:

22 1. Class A - Any combination of vehicles with a gross vehicle weight

23 rating of twenty-six thousand and one (26,001) pounds or more, if the

24 gross vehicle weight rating of the vehicle being towed is in excess of ten

25 thousand (10,000) pounds. Licensees with an "A" classification may

26 with the proper endorsement drive Class B and C vehicles; ~~and~~

27 2. Class B - Any single vehicle with a gross vehicle weight rating of

- 1 twenty-six thousand and one (26,001) pounds or more, and any vehicle
 2 towing a vehicle not in excess of ten thousand (10,000) pounds **gross**
 3 **vehicle weight rating**. Licensees with a "B" classification may with the
 4 proper endorsements drive Class C vehicles;[~~]~~
- 5 3. Class C - Any single vehicle with a gross **vehicle** weight rating of less
 6 than twenty-six thousand and one (26,001) pounds or any vehicle
 7 towing a vehicle with a gross vehicle weight rating not in excess of ten
 8 thousand (10,000) pounds which includes:
- 9 a. Vehicles designed to transport sixteen (16) or more passengers,
 10 including the driver; or
- 11 b. Vehicles used in the transportation of hazardous materials which
 12 requires the vehicle to be placarded under[~~Title~~] 49 **C.F.R. secs.**
 13 **172.500 to 172.560**[~~, Code of Federal Regulations, Part 172, sub~~
 14 ~~part F~~], as adopted by administrative regulations of the cabinet,
 15 pursuant to KRS Chapter 13A;[~~]~~
- 16 4. Class D - All other vehicles not listed in any other class, **including**
 17 **mopeds; and**[~~]~~
- 18 5. [~~Class E - Moped only.~~
- 19 6.]Class M - Motorcycles. Licensees with a "M" classification may also
 20 drive **mopeds**[~~Class E vehicles~~].
- 21 (b) Endorsements:
- 22 1. "H" - Authorizes the driver to operate a vehicle transporting hazardous
 23 materials;[~~]~~
- 24 2. "T" - Authorizes operation of double trailers and triple trailers in those
 25 jurisdictions allowing the operation of triple trailers;[~~]~~
- 26 3. "P" - Authorizes operation of vehicles carrying passengers;[~~]~~
- 27 4. "N" - Authorizes operation of tank vehicles;[~~]~~

- 1 5. "X" - Authorizes operation of combination of hazardous materials and
2 tank vehicle endorsements;~~[-]~~
- 3 6. "R" - Authorizes operation of all other endorsements not otherwise
4 specified; and~~[-]~~
- 5 7. "S" - Authorizes operation of school buses.
- 6 (c) The Transportation Cabinet shall promulgate administrative regulations in
7 accordance with KRS Chapter 13A to outline restrictions on the operation of
8 commercial vehicles and the associated codes to identify such restrictions,
9 which shall appear on the face of the commercial driver's license.
- 10 (4) Within ten (10) days after issuing a commercial driver's license, the cabinet shall
11 notify the commercial driver's license information system of that fact, providing all
12 information required to ensure identification of the person.
- 13 (5) A commercial driver's license issued to a resident pursuant to this chapter shall
14 expire in eight (8) years unless the license was issued to a resident under the age of
15 twenty-one (21).~~[A commercial driver's license issued to a person who is not a~~
16 ~~resident shall be issued for one (1) year and shall not be renewable. The fee for a~~
17 ~~commercial driver's license issued to a nonresident shall be the same as the fee~~
18 ~~charged to a resident.]~~
- 19 (6) A person under the age of twenty-one (21) shall not be licensed to operate a Class
20 A, B, or C vehicle unless he has a "K"~~[an "I"]~~ restriction. A commercial driver
21 with a "K"~~[an "I"]~~ restriction shall not drive a commercial motor vehicle in
22 interstate commerce, unless he is exempt pursuant to 49 C.F.R. sec. 391.2. A
23 commercial driver under the age of twenty-one (21) shall not be allowed to operate
24 a school bus or a vehicle transporting hazardous material in intrastate commerce.
- 25 (7) The holder of a commercial driver's license shall be considered to hold a valid
26 Kentucky driver's license issued under the provisions of KRS 186.4102 and
27 186.412.

1 ➔Section 6. KRS 281A.165 is amended to read as follows:

- 2 (1) The cabinet may waive the written knowledge test, the driving skills test, or both,
3 for an applicant on active or reserve military service, or who is a member of the
4 National Guard, or within one (1) year of separation of service, who:
- 5 (a) Is currently licensed;
 - 6 (b) Has experience driving a vehicle in the military that would require a
7 commercial driver's license to operate as a civilian;
 - 8 (c) Has a good driving record;~~and~~
 - 9 (d) Certifies and provides verification that, during the two (2) year period
10 immediately prior to applying for a commercial driver's license, the applicant:
 - 11 1. Drove a motor vehicle in the military that was representative of the
12 commercial driver's license class~~and endorsement~~ for which he or she
13 is applying;
 - 14 2. Has not had his or her operator's license or commercial driver's license
15 suspended, revoked, or canceled, or been disqualified from operating a
16 commercial motor vehicle;
 - 17 3. Has not been convicted of any of the disqualifying offenses in 49 C.F.R.
18 sec. 383.51(b) while operating a commercial motor vehicle, or of any
19 offense in a noncommercial vehicle that would be disqualifying under
20 49 C.F.R. sec. 383.51(b) if committed in a commercial motor vehicle;
 - 21 4. Has not been convicted of more than one (1) serious traffic violation, as
22 defined in 49 C.F.R. sec. 383.5, while operating any type of motor
23 vehicle;
 - 24 5. Has not been convicted of any violation of military, state, or local law
25 relating to motor vehicle traffic control, other than a parking violation,
26 arising in connection with a traffic accident, and has no record of being
27 at fault in an accident while driving a vehicle in the military that would

- 1 require a commercial driver's license to operate as a civilian;
- 2 6. Has not been convicted of any motor vehicle traffic violation that
- 3 resulted in an accident; and
- 4 7. Is or was regularly employed in a position in the Armed Forces of the
- 5 United States requiring operation of a commercial motor vehicle of the
- 6 group the applicant seeks to drive, and provides evidence of that
- 7 employment in accordance with subsection ~~(4)~~~~(5)~~ of this section; **and**
- 8 **(e) If applying for a license endorsement, provides the verification for a testing**
- 9 **waiver required under 49 C.F.R. Sec. 838.77(c).**
- 10 (2) The **written knowledge and** skills test waiver process described in subsection (1) of
- 11 this section shall be completed, and the commercial driver's license issued, within
- 12 one (1) year of separation of service.
- 13 ~~(3) Military personnel who obtain the skills test waiver under this section shall be~~
- 14 ~~required to take the knowledge test pursuant to KRS 281A.130.~~
- 15 ~~(4)~~ Military personnel who obtain the **written knowledge and** skills test waiver under
- 16 this section shall be required to pay the application fee as prescribed by KRS
- 17 281A.150, but shall not be charged the skills-testing fee as prescribed by KRS
- 18 281A.160.
- 19 ~~(4)~~~~(5)~~ The cabinet shall promulgate administrative regulations **in accordance**
- 20 ~~with~~~~under~~ KRS Chapter 13A that establish an application form for waiver of the
- 21 **written knowledge and** skills test by military personnel. As part of the application
- 22 process, the applicant shall be required to provide:
- 23 (a) A copy of the applicant's DD-214 form showing the applicant's military
- 24 occupational specialty; **and**~~or~~
- 25 (b) A signed statement by the applicant's commanding officer or transportation
- 26 officer, on a form provided by the cabinet, attesting to the fact that the
- 27 applicant meets the requirements of this section.

1 ➔Section 7. KRS 281A.190 is amended to read as follows:

- 2 (1) A person who holds or is required to hold a CDL shall be disqualified from driving
3 a commercial motor vehicle for a period of one (1) year if convicted of:
- 4 (a) Driving or being in physical control of a motor vehicle under the influence of
5 alcohol or a controlled substance;
- 6 (b) Driving or being in physical control of a motor vehicle while the alcohol
7 concentration of the person's blood or breath or urine is four hundredths (0.04)
8 or more;
- 9 (c) Leaving the scene of an accident involving a motor vehicle driven by a person
10 who holds or is required to hold a CDL;
- 11 (d) Using a motor vehicle in the commission of any felony listed in KRS 186.560;
- 12 (e) Refusing to submit to testing as required by KRS 281A.220 when driving a
13 motor vehicle;
- 14 (f) Committing a first violation of driving a commercial motor vehicle while the
15 person's commercial driver's license is revoked, suspended, or canceled, or
16 when the person is disqualified from operating a commercial motor vehicle;
17 or
- 18 (g) Causing a fatality through negligent or criminal operation of a commercial
19 motor vehicle.
- 20 (2) A person who holds or is required to hold a CDL shall be disqualified for life if
21 convicted of two (2) or more violations of any of the offenses specified in
22 subsection (1) of this section or any combination of those offenses~~[,]~~ arising from
23 two (2) or more separate incidents. The provisions of this subsection shall only
24 apply to convictions that occurred after the disqualification dates established by the
25 Federal Motor Carrier Safety Administration. The Transportation Cabinet shall set
26 forth those dates in an administrative regulation promulgated *in accordance*
27 *with*~~[pursuant to]~~ KRS Chapter 13A.

- 1 (3) If any violation specified in subsection (1) of this section occurred while
2 transporting a hazardous material required to be placarded, the person who holds or
3 is required to hold a CDL shall be disqualified for a period of three (3) years.
- 4 (4) Notwithstanding any other provisions of law, a period of suspension, revocation, or
5 disqualification imposed under the provisions of this chapter shall not be reduced.
6 However, in accordance with the provisions of ~~[Title]~~ 49 C.F.R. pt., ~~[Code of~~
7 ~~Federal Regulations, Part]~~ 383, the cabinet may establish guidelines including
8 conditions under which a disqualification of not less than ten (10) years may be
9 imposed.
- 10 (5) A person who holds or is required to hold a CDL shall be disqualified from driving
11 a commercial motor vehicle for life if the person is convicted ~~[who uses a~~
12 ~~commercial motor vehicle in the commission]~~ of any felony in which a commercial
13 motor vehicle was used and that involved: ~~[involving]~~
- 14 (a) The manufacture, distribution, or dispensing of a controlled substance, or
15 possession with intent to manufacture, distribute, or dispense a controlled
16 substance; or
- 17 (b) An act or practice of severe forms of trafficking in persons.
- 18 (6) A person who holds or is required to hold a CDL shall be disqualified from driving
19 a commercial motor vehicle for a period of sixty (60) days if convicted of two (2)
20 serious traffic violations, or one hundred twenty (120) days consecutively if
21 convicted of three (3) serious traffic violations, committed in a commercial motor
22 vehicle arising from separate incidents occurring within a three (3) year period.
- 23 (7) A person who holds or is required to hold a CDL shall be disqualified for the first
24 offense from driving a commercial motor vehicle for six (6) months if the person
25 has been convicted of committing any of those offenses enumerated in KRS
26 186.610 involving a commercial motor vehicle, commercial driver's license, or
27 application for that license. For the second and each subsequent offense, the person

1 shall be disqualified from operating a commercial motor vehicle for a period of one
2 (1) year.

3 (8) The cabinet shall deny a person a commercial driver's license or shall suspend,
4 revoke, or cancel his or her commercial driving privilege, subject to a hearing
5 conducted in accordance with KRS 189A.107, when the cabinet has reason to
6 believe that the person refused to submit to a test to determine his or her alcohol
7 concentration while driving a commercial motor vehicle.

8 (9) If a person who holds or is required to hold a CDL is convicted of any of the
9 railroad crossing offenses or conduct enumerated in KRS 189.500, 189.560, and
10 189.565, then the person shall be disqualified from operating a commercial motor
11 vehicle for a period of:

12 (a) Sixty (60) days for the first offense;

13 (b) One hundred twenty (120) days for the second offense within a three (3) year
14 period; and

15 (c) One (1) year for the third or subsequent offense within a three (3) year period.

16 (10) If a person who holds or is required to hold a CDL violates an out-of-service order
17 while transporting nonhazardous materials, then the person shall be disqualified
18 from operating a commercial motor vehicle for a period of:

19 (a) One hundred eighty (180)~~[Ninety (90)]~~ days for the first offense;

20 (b) Two (2) years~~[One (1) year]~~ for the second offense in a separate incident
21 within a ten (10) year period; and

22 (c) Three (3) years for the third or subsequent offense in a separate incident
23 within a ten (10) year period.

24 (11) If a person who holds or is required to hold a CDL violates an out-of-service order
25 while transporting hazardous materials required to be placarded under the 49 U.S.C.
26 sec. 5101 et seq., or operating a commercial motor vehicle designed to transport
27 sixteen (16) or more passengers, including the driver, then the person shall be

1 disqualified from operating a commercial motor vehicle for a period of:

2 (a) One hundred eighty (180) days for the first offense; and

3 (b) Three (3) years for the second or subsequent offense in a separate incident
4 within a ten (10) year period.

5 (12) A person who violates the provisions of KRS 281A.205 shall be fined fifty dollars
6 (\$50) for the first offense. For a subsequent offense, a violator shall be fined one
7 hundred dollars (\$100) and shall have his or her school bus endorsement suspended
8 for a period of six (6) months.

9 (13) After disqualifying a commercial driver's license holder or suspending, revoking, or
10 canceling a commercial driver's license, the Transportation Cabinet shall update its
11 records to reflect that action within ten (10) days of receipt. After disqualifying a
12 commercial driver's license holder or suspending, revoking, or canceling an out-of-
13 state commercial driver's license holder's privilege to operate a commercial motor
14 vehicle for at least sixty (60) days, the Transportation Cabinet shall notify the
15 licensing authority of the state which issued the commercial driver's license or
16 commercial learner's~~[driver's instruction]~~ permit with this information within ten
17 (10) days. The notification shall include both the disqualification and the violation
18 that resulted in the disqualification, suspension, cancellation, or revocation.

19 (14) Upon notice from the Federal Motor Carrier Safety Administration that a driver has
20 been determined to be an imminent hazard and has been disqualified from operating
21 a commercial motor vehicle, the cabinet shall act in accordance with the provisions
22 of 49 C.F.R. sec. 383.52. The cabinet shall notify the driver of the disqualification,
23 which shall not exceed one (1) year in duration, and of the right to appeal to the
24 Federal Motor Carrier Safety Administration in accordance with 49 C.F.R. sec.
25 383.52.

26 ➔Section 8. KRS 281A.270 is amended to read as follows:

27 The Transportation Cabinet shall~~[may]~~ adopt~~[in whole or in part]~~ those federally

1 mandated requirements set forth in ~~[Title] 49~~ C.F.R. pt., ~~Code of Federal Regulations,~~
2 ~~Part~~ 383, notwithstanding the fact that the provisions may conflict with other provisions
3 of this chapter.

4 ➔Section 9. KRS 281A.185 is amended to read as follows:

5 (1) The Commonwealth shall not mask, defer imposition of judgment, or allow an
6 individual to enter into a diversion program that would prevent a CLP or CDL
7 holder's conviction for any violation, in any type of motor vehicle, of a state or local
8 traffic control law from appearing on the CDLIS driver record, whether the driver
9 was convicted for an offense committed in the Commonwealth or another state.

10 (2) This section shall not apply to the following violations:

- 11 (a) Parking;
12 (b) Vehicle weight; or
13 (c) Vehicle defect.

14 ➔Section 10. KRS 281A.090 is amended to read as follows:

15 (1) Except when driving under a commercial learner's~~[driver's instruction]~~ permit and
16 accompanied by the holder of commercial driver's license valid for the vehicle
17 being driven, no person shall drive a commercial motor vehicle on the highways of
18 this state unless the person holds a valid commercial driver's license with applicable
19 endorsements valid for the vehicle he or she is driving.

20 (2) No person shall drive a commercial motor vehicle on the highways of this state
21 while his or her driving privilege for a commercial or noncommercial motor vehicle
22 is suspended, revoked, or canceled, or while he or she is subject to a
23 disqualification, or in violation of an out-of-service order.

24 (3) The licensee shall have in his or her immediate possession at all times when
25 operating a motor vehicle his or her commercial driver's license, and shall display
26 the license upon demand to the Transportation Cabinet, a license examiner, a peace
27 officer, a State Police officer, or an inspector or officer of the Department of

1 Vehicle Regulation. It shall be a defense to a violator of this subsection if the
2 person so charged produces in court a commercial driver's license, issued to him or
3 her before his or her arrest or violation and which was valid at that time.

4 ➔Section 11. KRS 281A.130 is amended to read as follows:

- 5 (1) A person shall not be issued a commercial driver's license unless that person:
- 6 (a) Is a resident of this state;
 - 7 (b) Holds a valid operator's license;
 - 8 (c) Has complied with the provisions of KRS 281A.300;
 - 9 (d) Except as provided in KRS 281A.165, has passed the knowledge and skills
10 tests for driving a commercial motor vehicle which comply with minimum
11 federal standards established by federal regulation enumerated in~~[Title]~~ 49
12 C.F.R. pt.~~[Code of Federal Regulations, Part]~~ 383, as adopted by the cabinet;
13 and
 - 14 (e) Has satisfied all other safety requirements including those requirements
15 imposed by state law or federal regulation. The tests shall be prescribed and
16 conducted as set forth in KRS 281A.160.
- 17 (2) A commercial driver's license~~[,]~~ or commercial learner's~~[driver's instruction]~~
18 permit shall not be issued to a person while the person is subject to a
19 disqualification from driving a commercial motor vehicle~~[,]~~ or while the person's
20 driver's license or driving privilege is suspended, revoked, or canceled in any state
21 or jurisdiction.
- 22 (3) A commercial driver's license shall not be issued to a person who has a commercial
23 driver's license issued by any other state unless the person first surrenders all such
24 licenses, which shall be returned to the issuing jurisdiction for cancellation.
- 25 (4) To ensure that an applicant for a commercial driver's license or commercial
26 learner's~~[instruction]~~ permit complies with the requirements of subsections (2) and
27 (3) of this section, the Transportation Cabinet shall verify through the commercial

1 driver's license information system and national driver register that the person
2 applying for a Kentucky CDL does not currently have his or her operator's license
3 or driving privilege suspended or revoked in another licensing jurisdiction. If the
4 person's operator's license or driving privilege is currently suspended or revoked in
5 another licensing jurisdiction, the Transportation Cabinet shall not issue the person
6 a Kentucky CDL until the person resolves the matter in the other licensing
7 jurisdiction and complies with the provisions of this chapter and KRS Chapter 186.

8 ➔Section 12. KRS 281A.150 is amended to read as follows:

- 9 (1) Every person seeking a commercial driver's license or a commercial
10 learner's~~driver's instruction~~ permit shall first apply in person to the cabinet. The
11 application shall be in the form prescribed by KRS 281A.140 as provided by the
12 cabinet. Except as provided in KRS 281A.160(6), each time a person applies for a
13 commercial driver's license, a commercial learner's~~an instruction~~ permit, or seeks
14 to upgrade or change his or her commercial driver's license, the person shall be
15 required to:
- 16 (a) Update the application; and
 - 17 (b) Submit the appropriate fee to the cabinet.
- 18 (2) In addition to the fees for an operator's license under KRS 186.531, the cabinet
19 shall set fees by administrative regulation, in accordance with~~pursuant to~~ KRS
20 Chapter 13A, for the following applications that shall not exceed:
- 21 (a) Forty dollars (\$40) for each application for a commercial driver's license. The
22 fee shall be based on the class, type of license, endorsement, restriction, or
23 tests to be taken;
 - 24 (b) Thirty-five dollars (\$35) for each application for a commercial
25 learner's~~driver's instruction~~ permit;
 - 26 (c) Fifteen dollars (\$15) for each application for a change or addition in class or
27 type of license, endorsement, or restriction; and

- 1 (d) Forty dollars (\$40) for each application for a duplicate if it is the first
2 duplicate applied for within the time period for which the original license was
3 issued. Sixty dollars (\$60) for a second or subsequent duplicate applied for
4 within the time period for which the original license was issued. The fees
5 required for a duplicate shall be in addition to fees charged under subsection
6 (2)(c) of this section.
- 7 (3) In addition to the fees for an operator's license KRS 186.531, the cabinet shall set
8 fees by administrative regulation in accordance with~~[, pursuant to]~~ KRS Chapter
9 13A, for the following commercial driver's licenses that shall not exceed:
- 10 (a) Forty-five dollars (\$45) for each initial or renewal of a commercial driver's
11 license;
- 12 (b) Sixty dollars (\$60) for each transfer of a commercial driver's license; and
- 13 (c) Thirty dollars (\$30) for each initial or renewal of a commercial driver's
14 license with an "S" endorsement.
- 15 (4) All fees remitted to the cabinet shall be nonrefundable regardless of whether the
16 applicant completes the requirements for a commercial driver's license or is tested.
- 17 (5) All fees collected for the issuance of a commercial driver's license or a commercial
18 learner's~~[driver's instruction]~~ permit shall be deposited into trust and agency
19 accounts to be used exclusively for the administration and implementation of this
20 chapter, except as prescribed in subsection (6) of this section. The accounts shall
21 not lapse but shall be continuing from year to year.
- 22 (6) All fees collected pursuant to this section~~[,]~~ shall be allocated between the
23 Transportation Cabinet and Department of Kentucky State Police, except a fifty
24 cent (\$0.50) issuance fee shall be allocated to the general fund from issuance of a
25 commercial driver's license permit and~~[,]~~ a three dollar (\$3) issuance fee shall be
26 allocated to the general fund from issuance of a commercial driver's license.
- 27 (7) Any applicant who seeks reinstatement of his or her commercial driving privilege

1 after a suspension, withdrawal, revocation, or disqualification shall pay a
 2 reinstatement fee of fifty dollars (\$50) in addition to those fees required by
 3 subsection (2) of this section and shall satisfy the requirements of KRS 281A.160.
 4 This fee shall not be required if his or her commercial driving privilege was
 5 withdrawn only as a result of the withdrawal of his or her privilege to drive a
 6 noncommercial motor vehicle.

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

- 9 (a) Shall accept cash and personal checks; and
- 10 (b) May accept other methods of payment in accordance with KRS 45.345.

11 ➔Section 13. KRS 281A.240 is amended to read as follows:

12 (1) Notwithstanding any law to the contrary, a person may drive a commercial motor
 13 vehicle in this state if the person has a valid commercial driver's license or
 14 commercial learner's~~driver's license instruction~~ permit issued by any state,
 15 Canada, or Mexico in accordance with the minimum federal standards for the
 16 issuance of commercial motor vehicle driver's licenses~~license~~, if:

- 17 (a) The person's driving privilege is not suspended, revoked, or canceled; and
- 18 (b) ~~if~~ The person is not disqualified from driving a commercial motor vehicle or
 19 subject to an out-of-service order.

20 (2) The Commonwealth of Kentucky shall give all out-of-state convictions full faith
 21 and credit and treat them for sanctioning purposes under this chapter as if they
 22 occurred in this state. Except as otherwise provided, when in this chapter reference
 23 is made to an offense which is a violation of a provision of this chapter or other
 24 Kentucky state law, the reference shall be deemed to include offenses under any
 25 local ordinance, any federal law, any law, or local ordinance of another state
 26 substantially similar to any provision of the Kentucky Revised Statutes.

27 ➔Section 14. KRS 281A.300 is amended to read as follows:

- 1 (1) (a) Any person initially applying for, or ~~initially~~ renewing, a Kentucky CDL
2 ~~[instruction permit] or~~ CLP~~[operator's license,]~~ shall be required to undergo a
3 state and national criminal history background check of state and federal
4 wanted or "hot file" records conducted by the State Police.
- 5 (b) All initial and renewal application forms for a Kentucky CDL or
6 CLP~~[instruction permit or operator's license]~~ shall conspicuously state the
7 following: "STATE LAW REQUIRES A STATE AND NATIONAL
8 CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF
9 APPLYING FOR A KENTUCKY CDL. ANY PERSON WHO REFUSES
10 TO SUBMIT TO A CRIMINAL HISTORY BACKGROUND CHECK
11 SHALL NOT BE ELIGIBLE TO APPLY FOR, OR BE ISSUED, A
12 KENTUCKY CDL."
- 13 (2) The results of the state and national criminal history background checks shall be
14 sent to the cabinet for review within seventy-two (72) hours. An applicant for a
15 CLP~~[CDL instruction permit]~~ may enroll in a commercial driver training program
16 under the Kentucky Community and Technical College System or a proprietary
17 school licensed under KRS Chapter 165A, and may be issued a CLP~~[CDL~~
18 ~~instruction permit]~~ upon enrollment, however the status of the applicant retaining
19 the CLP~~[CDL instruction permit]~~ shall not be determined until the results of the
20 background checks are made available to the cabinet. The cabinet shall inform an
21 applicant, based upon the criminal history background check, of the applicant's
22 eligibility to be issued a CLP~~[CDL instruction permit]~~ or CDL. The cabinet shall
23 promulgate administrative regulations in accordance with~~[under]~~ KRS Chapter
24 13A to specify conditions that will cause a person to be denied a CLP~~[CDL~~
25 ~~instruction permit]~~ or CDL based upon the person's criminal history background
26 check.
- 27 (3) Any fee charged by the State Police to conduct a criminal history background check

1 shall be paid by the applicant and shall not be refundable. Any fee charged to
2 conduct a criminal history background check shall be an amount not greater than
3 the actual cost of processing the request and conducting the search.

4 (4) The criminal history background checks required by this section shall be in addition
5 to any type of background check that may be required by federal statute, rule,
6 regulation, or order.

7 ➔Section 15. KRS 281A.020 is amended to read as follows:

8 (1) It is the purpose of this chapter to implement the Federal Commercial Motor
9 Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) and reduce or prevent
10 commercial vehicle accidents, fatalities and injuries by:

11 (a) Permitting commercial drivers to hold only one (1) license;

12 (b) Disqualifying commercial drivers who have committed certain serious traffic
13 violations, or other specified offenses as herein defined; and

14 (c) Strengthening commercial driver licensing and testing standards.

15 (2) This chapter shall be liberally construed to promote the public health, safety, and
16 welfare. As applied to commercial drivers, to the extent this chapter conflicts with
17 general driver licensing provisions this chapter prevails. If this chapter is silent,
18 general driver licensing provisions shall apply.

19 (3) The issuance of a Class D~~[, E,]~~ or M license as set forth in KRS 281A.170 shall be
20 in accordance with the general driver licensing statutes in KRS Chapter 186 and
21 shall be subject to the fees as set forth in KRS 186.531 in addition to any other fee
22 required by statute.

23 (4) Any administrative action taken pursuant to this chapter against a Class A, B, or C
24 license shall be in addition to any administrative action taken against a Class D~~[, E,]~~
25 or M license imposed under any other applicable statute.

26 ➔Section 16. KRS 186.410 is amended to read as follows:

27 (1) Every person except those exempted by KRS 186.420 and 186.430 shall, before

1 operating a motor vehicle, motorcycle, or moped upon a highway, secure an
2 operator's license as provided in this chapter.

3 (2) Except as provided in KRS 186.4121, all original, renewal, and duplicate personal
4 identification cards and licenses for the operation of motor vehicles, or
5 motorcycles~~, or mopeds~~ shall be applied for with the Transportation Cabinet, or
6 through alternative technology, and issued by the Transportation Cabinet. Subject to
7 the provisions of KRS 186.4101, applications for renewal licenses and personal
8 identification cards shall be made every eight (8) years within the birth month of the
9 applicant. A license shall not be issued until the application has been certified by
10 the cabinet and the applicant has, if required under KRS 186.635, successfully
11 completed the examinations required under KRS 186.480.

12 (3) All personal identification cards shall be issued under the provisions of KRS
13 186.4102, 186.4122, and 186.4123.

14 (4) A person under the age of eighteen (18) years who applies for an instruction permit
15 shall, at any time between the age of sixteen (16) and before the person's eighteenth
16 birthday, enroll in one (1) of the following driver training programs:

17 (a) A driver's education course administered by a school district;

18 (b) A driver training school licensed pursuant to KRS Chapter 332 which offers a
19 course meeting or exceeding the minimum standards established by the
20 Transportation Cabinet; or

21 (c) State traffic school. The person may seek to enroll in state traffic school
22 before the person's eighteenth birthday. Persons enrolling in state traffic
23 school pursuant to this paragraph shall not be required to pay a fee.

24 (5) Any applicant for any initial or renewal instruction permit, operator's license, or
25 personal identification card under KRS 186.400 to 186.640 may apply for either:

26 (a) A voluntary travel ID document; or

27 (b) A standard document that does not meet standards for federal identification

1 purposes.

2 ➔Section 17. KRS 186.018 is amended to read as follows:

3 (1) For purposes of maintaining driving history records of operators of motor vehicles
4 of the Commonwealth, the files of the Transportation Cabinet shall be used to
5 ascertain the driving history record of each person who is licensed to operate a
6 motor vehicle within the Commonwealth.

7 (2) Except as provided in subsections (3) and (4)~~subsection (2)~~ of this section, the
8 Transportation Cabinet shall destroy, and shall not maintain, records of moving
9 traffic convictions that are more than five (5) years old.

10 (3) ~~Notwithstanding,~~ For any licensee who now holds, who has applied for, or has
11 ever held a commercial driver's license or commercial learner's permit~~Class A,~~
12 ~~B, or C license~~ issued pursuant to Section 2 of this Act or KRS 281A.170, the
13 cabinet shall keep conviction records indefinitely.

14 (4)~~(2)~~ The Transportation Cabinet shall not release information on the driving
15 history record of a person under the age of twenty-one (21) whose operator license
16 has been suspended pursuant to KRS 189A.010(6). The cabinet shall destroy, and
17 shall not maintain, the record of the suspension of a person's operator's license if the
18 license was suspended pursuant to KRS 189A.010(6), within five (5) working days
19 of the person's operator's license being reinstated. This subsection shall not apply to
20 a person who holds, or is required to hold, a commercial driver's license or
21 commercial learner's permit.

22 (5)~~(3)~~ The cabinet shall charge a fee of three dollars (\$3) for any driving history
23 record, ten cents (\$0.10) of which shall be deposited in a special account within the
24 road fund to be used exclusively by the Transportation Cabinet for the state driver
25 education program as designated in KRS 186.535.

26 ➔Section 18. KRS 186.4122 is amended to read as follows:

27 (1) As used in this section, "applicant" means a person who is a citizen or permanent

1 resident of the United States.

2 (2) The Transportation Cabinet shall issue a personal identification card to an applicant
3 who:

4 (a) Is a Kentucky resident;

5 (b) Applies in person to the cabinet or through alternative technology; and

6 (c) Complies with the provisions of this section.

7 (3) Upon application for a personal identification card under this section, the cabinet
8 shall capture a photograph of the applicant in accordance with KRS 186.4102(1).

9 (4) (a) Except as provided in paragraph (b) of this subsection, the cabinet shall
10 electronically scan the documents required for application under this section
11 and shall electronically retain the application, supporting documents, and the
12 photograph of the applicant. The cabinet shall present the applicant with a
13 temporary personal identification card, which shall be valid for thirty (30)
14 days until a permanent personal identification card is mailed to the applicant
15 by the Transportation Cabinet.

16 (b) The cabinet shall only electronically scan the birth certificate of an individual
17 applying for a voluntary travel ID personal identification card. If the applicant
18 is not seeking such a document, the cabinet shall not electronically scan the
19 applicant's birth certificate.

20 (c) An applicant for a personal identification card shall not be required to
21 surrender the applicant's birth certificate for image capture, image storage, or
22 image transmission to any entity, including the federal government, unless
23 express consent is given by the applicant during the course of obtaining a
24 voluntary travel ID personal identification card.

25 (5) (a) An application for a personal identification card shall be accompanied by the
26 same information as is required for an operator's license under KRS 186.412,
27 except if an applicant does not have an established and fixed nighttime

1 residence of regular return, the applicant may:

2 1. Until July 1, 2025, use as proof of residency a signed letter from a
3 homeless shelter, health care facility, or social service agency currently
4 providing the applicant treatment or services and attesting that the
5 applicant is a resident of Kentucky; or

6 2. On or after July 1, 2025, follow the procedures outlined in KRS
7 186.412(3).

8 (b) An applicant who does not have an established and fixed nighttime residence
9 of regular return shall not be issued a voluntary travel ID personal
10 identification card.

11 (c) An applicant for a personal identification card who is at least sixteen (16)
12 years of age but less than eighteen (18) years of age shall not be required to
13 obtain a signature of a parent or legal guardian on the application if the
14 applicant has been verified as a homeless child or youth, as defined in 42
15 U.S.C. sec. 11434a(2), by at least one (1) of the following:

16 1. A director or designee of a governmental or nonprofit agency that
17 receives public or private funding to provide services to homeless
18 people;

19 2. A local educational agency liaison for homeless children and youths
20 designated pursuant to 42 U.S.C. sec. 11432(g)(1)(J)(ii), or a school
21 social worker or school counselor;

22 3. The director or director's designee of a federal TRIO Program or a
23 Gaining Early Awareness and Readiness for Undergraduate Program; or

24 4. A financial aid administrator for an institution of higher education.

25 (d) It shall be permissible for the application form for a personal identification
26 card to include as an applicant's most current resident address a mailing
27 address or an address provided on a voter registration card.

- 1 (e) If the applicant is not the legal owner or possessor of the address provided on
2 the application form, the applicant shall swear that he or she has permission
3 from the legal owner, authorized agent for the legal owner, or possessor to use
4 the address for purposes of obtaining the personal identification card.
- 5 (6) (a) Every applicant for a personal identification card under this section shall
6 swear an oath to the cabinet as to the truthfulness of the statements contained
7 on the application form.
- 8 (b) A personal identification card may be suspended or revoked if the person who
9 was issued the card presents false or misleading information to the cabinet
10 when applying for the card.
- 11 (7) A personal identification card issued under this section shall be valid for a period of
12 eight (8) years from the date of issuance, except that if the personal identification
13 card is issued to a person who does not have an established and fixed nighttime
14 residence of regular return, then the personal identification card shall be valid for
15 one (1) year from the date of issuance.
- 16 (8) (a) An applicant ~~shall not~~may be issued a personal identification card if the
17 applicant currently holds a valid Kentucky instruction permit or operator's
18 license.~~[, except that] A person shall not hold more than one (1) license or~~
19 ~~personal identification card[that is a voluntary travel ID identity document~~
20 ~~which indicates that it meets the requirements for federal identification under~~
21 ~~Pub. L. No. 109-13, Title II, as referenced in KRS 186.4102(8)].~~
- 22 (b) If a person's instruction permit or operator's license has been suspended or
23 revoked, the person may be issued a personal identification card.~~[Subject to~~
24 ~~the limitations in paragraph (a) of this subsection,] A personal identification~~
25 card ~~shall~~may be surrendered when the person applies to have his or her
26 instruction permit or operator's license reinstated.

27 ➔Section 19. KRS 186.4123 is amended to read as follows:

- 1 (1) As used in this section, "applicant" means a person who is not a United States
2 citizen and has not been granted status as a permanent resident of the United States.
- 3 (2) The Transportation Cabinet shall issue a personal identification card to an applicant
4 who:
- 5 (a) Is a Kentucky resident;
- 6 (b) Applies in person to either the Transportation Cabinet in Frankfort or a
7 Transportation Cabinet field office; and
- 8 (c) Complies with the provisions of this section.
- 9 (3) Upon application for a personal identification card under this section, the cabinet
10 shall capture a photograph of the applicant in accordance with KRS 186.4102(1).
- 11 (4) The cabinet shall electronically scan the documents required for application under
12 this section, supporting documents, and the photograph of the applicant into the
13 cabinet's database.
- 14 (5) (a) An application for a personal identification card shall be accompanied by the
15 same information as is required for an operator's license under KRS 186.412,
16 along with other documents required under this section, except if an applicant
17 does not have an established and fixed nighttime residence of regular return,
18 the applicant may:
- 19 1. Until July 1, 2025, use as proof of residency a signed letter from a
20 homeless shelter, health care facility, or social service agency currently
21 providing the applicant treatment or services and attesting that the
22 applicant is a resident of Kentucky; or
- 23 2. On or after July 1, 2025, follow the procedures outlined in KRS
24 186.412(3).
- 25 (b) An applicant who does not have an established and fixed nighttime residence
26 of regular return shall not be issued a voluntary travel ID personal
27 identification card.

- 1 (c) It shall be permissible for the application form for a personal identification
2 card to include as an applicant's most current resident address a mailing
3 address or an address provided on a voter registration card.
- 4 (d) If the applicant is not the legal owner or possessor of the address provided on
5 the application form, the applicant shall swear that he or she has permission
6 from the legal owner, authorized agent for the legal owner, or possessor to use
7 the address for purposes of obtaining the personal identification card.
- 8 (6) The application form under this section shall be accompanied by the applicant's
9 documentation issued by the United States Department of Homeland Security,
10 United States Bureau of Citizenship and Immigration Services, authorizing the
11 applicant to be in the United States. The Transportation Cabinet shall verify the
12 information submitted under this subsection through the Systematic Alien
13 Verification for Entitlements (SAVE) program.
- 14 (7) The application form of a special status individual with a K-1 status shall be
15 accompanied by an original or certified copy of the applicant's completed marriage
16 license signed by the official who presided over the marriage ceremony and two (2)
17 witnesses. The application form of a special status individual with a K-1 status shall
18 also include the applicant's petition to enter the United States for the purpose of
19 marriage that contains the name of the prospective spouse. If the name of the
20 prospective spouse on the petition does not match the name of the spouse on the
21 marriage license, the Transportation Cabinet shall not be required to issue an
22 operator's license.
- 23 (8) (a) The Transportation Cabinet shall verify and validate the immigration status
24 and personal identity of an applicant under this section through federal
25 government systems and databases.
- 26 (b) If an applicant's identity and immigration status is validated, the cabinet shall
27 capture a photograph of the applicant, ~~and~~ scan the required documents into

1 the cabinet's database, and shall present the applicant with a temporary
2 personal identification card, which shall be valid for thirty (30) days until a
3 permanent personal identification card is mailed to the applicant.

4 (c) An applicant under this section shall only be issued a standard personal
5 identification card.

6 (9) (a) An applicant shall apply to renew a personal identification card, or obtain a
7 duplicate personal identification card, at the Transportation Cabinet in
8 Frankfort or a Transportation Cabinet field office.

9 (b) If a person has any type of change in his or her immigration status, the person
10 shall apply to update with either the Transportation Cabinet in Frankfort or a
11 Transportation Cabinet field office within ten (10) days.

12 (10) (a) Every applicant for a personal identification card under this section shall
13 swear an oath to the Transportation Cabinet as to the truthfulness of the
14 statements contained on the application form.

15 (b) A personal identification card may be suspended or revoked if the person who
16 was issued the card presents false or misleading information to the cabinet
17 when applying for the card.

18 (11) (a) Except as provided in paragraph (b) of this subsection, an initial or renewal
19 personal identification card issued to an applicant who is not a special status
20 individual shall be valid for a period equal to the length of time the applicant's
21 documentation from the United States Department of Homeland Security,
22 United States Bureau of Citizenship and Immigration Services, is valid, or
23 eight (8) years, whichever time period is shorter.

24 (b) ~~An initial or renewal~~ personal identification card shall be valid for a period
25 of one (1) year if:

26 1. The applicant is not a special status individual and the applicant's
27 documentation issued by the United States Department of Homeland

1 Security, United States Bureau of Citizenship and Immigration Services,
2 is issued for an indefinite period of time and does not have an expiration
3 date. The fee shall be the same as for a regular personal identification
4 card; or

5 2. The personal identification card is issued to a person who does not have
6 an established and fixed nighttime residence of regular return.

7 ➔Section 20. KRS 186.4125 is amended to read as follows:

8 ~~[(1)]~~In order to apply for a voluntary travel ID identity document under KRS 186.403,
9 the applicant shall present the applicant's certified birth certificate or a valid, unexpired,
10 United States passport or Permanent Resident Card (Form I-551).

11 ~~[(2)]~~ For the purposes of KRS 186.400 to 186.640, an original hospital birth certificate
12 signed by the attending physician shall be acceptable as certifying the birth date of
13 an applicant for a standard instruction permit, operator's license, or personal
14 identification card.

15 ~~[(3)]~~ The Transportation Cabinet shall apply to the United States Department of
16 Homeland Security for an exception to allow birth certificates described in
17 subsection (2) of this section to be used to apply for a voluntary travel ID identity
18 document under KRS 186.403.]

19 ➔Section 21. KRS 186.531 is amended to read as follows:

20 (1) As used in this section:

21 (a) "GF" means the general fund;

22 (b) "IP" means instruction permit;

23 (c) "License Fund" or "LF" means the KYTC photo license account created in
24 KRS 174.056;

25 (d) "MC" means motorcycle;

26 (e) "MC Fund" or "MCF" means the motorcycle safety education program fund
27 established in KRS 176.5065;

- 1 (f) "OL" means operator's license; and
- 2 (g) "PIDC" means personal identification card.

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

7 Card Type	Fee	LF	GF	MCF
8 OL (initial/renewal)	\$48	\$48	\$0	\$0
9 OL (Under 21) (Up to 4 years)	\$18	\$18	\$0	\$0
10 Any OL, MC, or combination				
11 (duplicate/corrected)	\$15	\$13.25	\$1.75	\$0
12 Motor vehicle IP (3 years)	\$18	\$16	\$2	\$0
13 Motorcycle IP (1 year)	\$18	\$13	\$1	\$4
14 Motorcycle OL (initial/renewal)	\$48	\$38	\$0	\$10
15 Combination vehicle/MC OL				
16 (initial/renewal)	\$58	\$48	\$0	\$10
17 PIDC (initial/renewal)	\$28	\$25	\$3	\$0
18 PIDC (duplicate/corrected)	\$15	\$13.50	\$1.50	\$0

19 (3) Except as provided in subsection (10) of this section, the fees imposed for standard
 20 operator's licenses, instruction permits, and personal identification cards shall be as
 21 follows and, unless otherwise noted, are for an eight (8) year period:

22 Card Type	Fee	LF	GF	MCF
23 OL (initial/renewal)	\$43	\$43	\$0	\$0
24 OL (Under 21) (Up to 4 years)	\$15	\$15	\$0	\$0
25 Any OL, MC, or combination				
26 (duplicate/corrected)	\$15	\$13.25	\$1.75	\$0
27 Motor vehicle IP (3 years)	\$15	\$13	\$2	\$0

1	Motorcycle IP (1 year)	\$15	\$10	\$1	\$4
2	Motorcycle OL (initial/renewal)	\$43	\$33	\$0	\$10
3	Combination vehicle/MC OL				
4	(initial/renewal)	\$53	\$43	\$0	\$10
5	PIDC (initial/renewal)	\$23	\$20	\$3	\$0
6	PIDC (duplicate/corrected)	\$15	\$13.50	\$1.50	\$0
7	PIDC (no fixed address) under				
8	KRS 186.4122(5)/186.4123(5)				
9	(initial, duplicate, or corrected)	\$10	\$5	\$10	\$5
10	\$0				\$0

11 (4) The fee for a four (4) year original or renewal license issued pursuant to KRS
 12 186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and
 13 (3) of this section. The distribution of fees shown in subsections (2) and (3) of this
 14 section shall also be reduced by fifty percent (50%) for licenses that are issued for
 15 four (4) years.

16 (5) Any fee for any identity document applied for using alternative technology under
 17 KRS 186.410 and 186.4122 shall be distributed in the same manner as a document
 18 applied for in person with the cabinet.

19 (6) (a) An applicant for an original or renewal operator's license, permit, commercial
 20 driver's license, motorcycle operator's license, or personal identification card
 21 shall be requested by the cabinet to make a donation to promote an organ
 22 donor program.

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

- 1 (c) The fee shall be paid to the cabinet and shall be forwarded by the cabinet on a
2 monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such
3 moneys are hereby appropriated to be used exclusively for the purpose of
4 promoting an organ donor program. A donation under this subsection shall be
5 voluntary and may be refused by the applicant at the time of issuance or
6 renewal.
- 7 (7) In addition to the fees outlined in this section, the following individuals, upon
8 application for an initial or renewal operator's license, instruction permit, or
9 personal identification card, shall pay an additional application fee of thirty dollars
10 (\$30), which shall be deposited in the photo license account:
- 11 (a) An applicant who is not a United States citizen or permanent resident and who
12 applies under KRS 186.4121 or 186.4123; or
- 13 (b) An applicant who is applying for a instruction permit, operator's license, or
14 personal identification card without a photo under KRS 186.4102(9).
- 15 (8) (a) Except for individuals exempted under paragraph (c) of this subsection, an
16 applicant for relicensing after revocation or suspension shall pay a
17 reinstatement fee of forty dollars (\$40).
- 18 (b) The reinstatement fee under this subsection shall be distributed by the State
19 Treasurer as follows:
- 20 1. Thirty-five dollars (\$35) shall be deposited into the photo license
21 account; and
- 22 2. Five dollars (\$5) shall be deposited into a trust and agency fund to be
23 used in defraying the costs and expenses of administering a driver
24 improvement program for problem drivers.
- 25 (c) This subsection shall not apply to:
- 26 1. Any person whose license was suspended for failure to meet the
27 conditions set out in KRS 186.411 when, within one (1) year of

1 suspension, the driving privileges of the individual are reinstated; or

2 2. A student who has had his or her license revoked pursuant to KRS
3 159.051.

4 (9) As payment for any fee identified in this section, the cabinet:

5 (a) Shall accept cash and personal checks;

6 (b) May accept other methods of payment in accordance with KRS 45.345; and

7 (c) May enter into billing agreements with homeless shelters, health care
8 facilities, or social service agencies that serve individuals without an
9 established and fixed nighttime residence of regular return.

10 (10) There shall be no fee assessed for the initial, renewal, or duplicate standard personal
11 identification card to an individual, if the individual:

12 (a) Does not possess a valid operator's license or a commercial driver's license;
13 and

14 (b) Is at least eighteen (18) years of age on or before the next regular election.

15 ➔Section 22. KRS 186.060 is amended to read as follows:

16 (1) Applications for registration of motor vehicles leased or owned by a county, city,
17 urban-county, or board of education, or emergency and ambulance vehicles
18 operated by nonprofit corporations organized by units of government in the state or
19 by the state or federal government shall be **submitted to the county clerk, who shall**
20 **enter the application into AVIS for final approval by**~~accompanied by a statement~~
21 ~~from the head of the department of the governmental unit that leases or owns the~~
22 ~~motor vehicle, certifying that the motor vehicle is leased or owned and operated by~~
23 ~~the governmental unit. The application and statement shall be forwarded by the~~
24 ~~county clerk to} the cabinet[, which shall give special authority to the clerk to~~
25 ~~register it]. Upon receiving **final approval from the cabinet**~~[that authority], the~~
26 clerk shall issue a registration receipt and the official **license**~~number} plate
27 described in KRS 186.240~~[(6), and report the registration to the head of the~~~~~~

1 department authorizing the registration. For his services in issuing such certificate
2 of registration and number plate and reporting the same, the county clerk shall be
3 entitled to a fee of three dollars (\$3) in each instance, to be paid by the department
4 upon whose authorization such license was issued].

5 (2) After **the issuance of a license plate under subsection (1) of this section**[such
6 registration of any vehicle leased or owned by a county, city, urban county, or
7 board of education, or emergency and ambulance vehicles operated by nonprofit
8 corporations organized by units of government in the state, or by the state or federal
9 government and after issuance of such number plate for such vehicle so leased or
10 owned], no subsequent registration or renewal[of same, and no subsequent renewal
11 of a number plate of the vehicle] shall be necessary so long as the vehicle is leased
12 or owned by the governmental unit, except in the case of loss or destruction of the
13 license plate. In the event of loss or destruction **of the license plate**, the
14 **license**[number] plate shall be replaced in the same manner as if no plate had ever
15 been issued.

16 (3) When a motor vehicle leased or owned by **an entity allowed to use an official plate**
17 **under this section**[a county, city, urban county, or board of education, or
18 emergency and ambulance vehicles operated by nonprofit corporations organized
19 by units of government in the state, or by the state or federal government] is
20 transferred or sold to another governmental unit, a new license plate shall be issued
21 for the vehicle in the same manner as provided for in subsection (1) of this section
22 and shall have the same effect as given to such license plates in subsection (2) of
23 this section.

24 (4) ~~A~~[No] person shall **not** use **any license plate that has been issued for use on a**
25 **motor vehicle leased or owned by a governmental unit** on a motor vehicle **that is**[
26 not leased or owned by **an entity allowed to use an official plate under this**
27 **section**[a county, city, urban county, board of education, or emergency and

1 ~~ambulance vehicles operated by nonprofit corporations organized by units of~~
2 ~~government in the state, or the state or federal government, any license plate that~~
3 ~~has been issued for use on a motor vehicle leased or owned by the governmental~~
4 ~~unit].~~

5 (5) Notwithstanding the provisions of KRS 186.020 and 186.050, a governmental
6 entity which leases a motor vehicle may have that vehicle equipped with an official
7 plate under this section. Upon termination of the lease agreement, if ownership of
8 the motor vehicle does not revert to an entity allowed to use an official plate under
9 this section, the owner of the motor vehicle shall surrender the official plates and
10 apply for registration under the provisions of KRS 186.050.

11 ➔Section 23. KRS 186.1911 is amended to read as follows:

12 **(1)** In any instance where a transfer of a motor vehicle ~~is~~~~[shall be]~~ accompanied by a
13 certificate of title or registration and ~~the~~~~[such]~~ vehicle:

14 ~~(1)] has had the vehicle identification number removed, [or~~

15 ~~(2) Has had the vehicle identification number] altered, [or~~

16 ~~(3) Has had the vehicle identification number] defaced, or [~~

17 ~~(4) Has had the vehicle identification number] covered,~~

18 the owner~~[thereof]~~ shall, before delivery of the vehicle to any other person, obtain
19 a replacement vehicle identification number from the manufacturer and affix it to
20 the vehicle at the places specified by the Department of Vehicle Regulation or
21 obtain a Kentucky identification number from the department and affix it to the
22 vehicle at the places specified by the Department of Vehicle Regulation.

23 **(2) Each application for a Kentucky identification number from the department shall**
24 **be assessed a five dollar (\$5) fee, which shall be retained by the department to**
25 **defray the costs of processing, producing, and transmitting the plates to the**
26 **applicant.**

27 ➔Section 24. KRS 186.040 is amended to read as follows:

- 1 (1) Upon receiving the application and fee, the county clerk shall issue to the owner a
2 certificate of registration containing the information required by subsection (2) of
3 this section and a registration plate. If the cabinet finds that there is a shortage of
4 materials suitable for making plates, or that a substantial saving will result, it may
5 require by administrative regulation promulgated in accordance with KRS
6 Chapter 13A and with the approval of the Governor that the previously issued
7 plates continue to be used for a designated period. Except as provided in subsection
8 (3) of this section and in KRS 186.162, for services performed, the owner shall pay
9 the county clerk the sum of six dollars (\$6) for each registration, or if the
10 registration exceeds a twelve (12) month period, the clerk shall receive a fee of nine
11 dollars (\$9).
- 12 (2) The certificate of registration shall contain the registration number, the name and
13 post office address of the owner, and such other information as the cabinet may
14 require.
- 15 (3) An owner who registers a vehicle under KRS 186.050 that has a declared gross
16 vehicle weight with any towed unit of forty-four thousand and one (44,001) pounds
17 or greater shall pay the county clerk thirty dollars (\$30) for each registration. The
18 clerk shall retain the thirty dollar (\$30) fee for services performed under this
19 subsection.
- 20 (4) Any person requesting a certificate of registration or renewal of registration of any
21 type of motor vehicle shall have the opportunity to donate one dollar (\$1) to the
22 child care assistance account. The one dollar (\$1) donation shall be added to the
23 regular fee for vehicle registration. One (1) donation may be made per issuance or
24 renewal of vehicle registration. Donation to the child care assistance account shall
25 be voluntary and may be refused by the applicant at the time of the issuance or
26 renewal of any vehicle registration.
- 27 (5) The county clerk may retain five percent (5%) of fees collected for the child care

1 assistance account under subsection (4) of this section. The remaining funds shall
2 be deposited into a trust and agency account in the State Treasury to the credit of
3 the Cabinet for Health and Family Services for the exclusive use as follows:

4 (a) Funds shall be made available to the agencies that administer child care
5 subsidy funds; and

6 (b) Funds shall be used as determined by the cabinet for working families whose
7 income exceeds the state income eligibility limits for child day care
8 assistance.

9 (6) Except as provided in KRS 186.162, in addition to the registration fee provided for
10 county clerks in subsections (1) and (3) of this section, an additional three dollars
11 (\$3) per registration shall be collected by the county clerk at the time of
12 registration. This additional fee shall be distributed as follows:

13 (a) One dollar (\$1) shall be placed in an agency fund to provide additional funds
14 exclusively for technological improvements or replacement of the AVIS
15 system. The operation and maintenance of AVIS shall remain as currently
16 provided for from the operational budget of the Transportation Cabinet and
17 shall not be reduced below the 2005-2006 funding level;

18 (b) One dollar (\$1) shall be placed in an agency trust fund to provide funds
19 exclusively for technological improvements to the hardware and software in
20 county clerk offices related to the collection and administration of road fund
21 taxes. The Transportation Cabinet, in consultation with county clerks, shall
22 allocate funds as necessary from this fund to be used for this exclusive
23 purpose; and

24 (c) One dollar (\$1) shall be placed in a trust fund to be maintained by the
25 Transportation Cabinet to provide an unrestricted revenue supplement, for
26 operations of the office related to the collection and administration of road
27 fund taxes, to county clerk offices in counties containing a population of less

1 than twenty thousand (20,000), as determined by the decennial census, and for
 2 no other purpose. Annually, by March 1, the Transportation Cabinet shall
 3 calculate the amount collected in the previous calendar year and distribute the
 4 entire fund proportionate to each county that qualifies under this paragraph
 5 based on population. This revenue shall be considered current year revenue
 6 when paid to the clerk and shall not be identified as excess fees from the
 7 previous year.

8 **(7) Any motor vehicle registration cancelled for nonrenewal shall be subject to the**
 9 **provisions of KRS 186.181.**

10 **(8) The owner of a motor vehicle for which the registration has been cancelled under**
 11 **this section shall be subject to a reinstatement fess of forty dollars (\$40), payable**
 12 **to the county clerk. The county clerk shall retain twenty dollars (\$20) of the**
 13 **reinstatement fee and forward the remaining twenty dollars (\$20) to the cabinet.**

14 ➔Section 25. KRS 186A.035 is amended to read as follows:

15 (1) All motor vehicles, including motorcycles, with a gross vehicular weight of **ten**
 16 **thousand (10,000)**~~six thousand (6,000)~~ pounds or less, first registered, or for
 17 which the registration is renewed~~in this state on or after January 1, 1983~~, shall be
 18 placed in a system of year-round registration based upon the birth **date**~~month~~ of
 19 the owner, in order to distribute the work of registering motor vehicles as uniformly
 20 as practicable throughout the twelve (12) months of the year.

21 (2) **(a)** If the owner of a motor vehicle is other than an individual, the month in which
 22 the owning entity came into being shall be used for purposes of this section.

23 **(b)** If a motor vehicle is jointly owned, the owners shall indicate to the county
 24 clerk the birth **date of the primary owner**~~month of one (1) of them~~ to be
 25 used for purposes of this section.

26 **(c)** ~~In addition,~~ If a motor vehicle is jointly owned by a **married**
 27 **couple**~~husband and wife~~, the ownership shall exist as a joint tenancy with

1 right of survivorship, unless the registration expressly states to the contrary
2 and gives an alternative specific status. **One (1) of the owners shall indicate**
3 **to the county clerk his or her birth date to be used for purposes of this**
4 **section.** Upon the death of one (1) of the spouses, the jointly-owned vehicle
5 shall transfer to the surviving spouse free from payment of any state-required
6 **transfer**~~[transferral]~~ fees.

7 (3) The certificate of registration and license plate issued for a motor vehicle first
8 registered, renewed, or titled in this state~~[on or after January 1, 1983,]~~ shall be
9 valid **for twelve (12) consecutive months,** unless revoked in accordance with KRS
10 186A.040 or canceled by the cabinet in accordance with KRS Chapter 186 or this
11 chapter~~[, upon payment of the required fee, for a period beginning on the first day~~
12 ~~of the month of the year in which registration is applied for, and expiring on the last~~
13 ~~day of the next birth month of the owner following the month during which~~
14 ~~registration is applied for. Upon the owner's request, and after payment of the~~
15 ~~proper prorated fee, an owner may obtain a certificate of registration and license~~
16 ~~plate valid through the last day of his second birth month following the month and~~
17 ~~year in which he applied for a certificate of registration].~~ Any transaction relating to
18 registration or registration renewal which would cause an unexpired Kentucky
19 motor vehicle license plate to be surrendered shall have that unexpired fee prorated
20 or credited against any additional fee required by a subsequent registration.

21 (4) **Except for vehicles registered under KRS 186.041, 186.042, and 186.162 that**
22 **have a specified, universal expiration date,** after a motor vehicle has been initially
23 placed in the system of year-round registration, the owner shall renew the
24 registration annually during the owner's birth month, **either** by making application
25 to the county clerk **or on the cabinet's website,** and paying the fee required for
26 twelve (12) consecutive months of registration, which shall take effect on the first
27 day of the month succeeding the owner's birth month and shall expire on the last

1 day of the owner's next birth month. The county clerk shall be entitled to a
2 registration fee of two dollars (\$2) for each registration~~[, or if the registration~~
3 ~~exceeds a twelve (12) month period, the clerk shall receive a fee of three dollars~~
4 ~~(\$3)]~~.

5 (5) At least forty-five (45) days prior to the expiration of the registration of any motor
6 vehicle previously registered in the Commonwealth as provided by subsection (1)
7 of this section, the owner of the vehicle shall be notified by mail ***or email*** on the
8 same notice required by KRS 134.805(5) of the date of expiration. Nonreceipt of
9 the notice required by this subsection shall not constitute a defense to any
10 registration-related offense.

11 (6) Any owner who fails to renew the registration of a motor vehicle during the month
12 in which the previous registration expired shall, if he ***or she*** applies for renewal of
13 the registration in some later month, pay the same fees that would have been
14 required if the registration had been renewed in the month which the previous
15 registration expired, ***and, if applicable, the reinstatement fee required under***
16 ***Section 24 of this Act.***

17 (7) Fees which must be prorated in carrying out the intent of this section shall be
18 prorated on the basis of twelfths of the annual registration fee. Any vehicle which is
19 registered at any time during a month shall pay the fee required for that whole
20 month plus any additional months of registration purchased consistent with the
21 intent of the section.

22 (8) The county clerk shall ensure that the certificate of registration issued to an owner
23 displays the month and year in which the registration period begins and the month
24 and year of its expiration, and shall issue to the owner a decal or decals
25 corresponding to the month and year of expiration shown in the certificate of
26 registration which shall be placed upon the corresponding license plate by the
27 owner in the manner required by administrative regulations of the Department of

1 Vehicle Regulation.

2 ➔Section 26. KRS 281.720 is amended to read as follows:

3 Except for vehicles operating under a TNC, peer-to-peer, household goods, property, or
4 U-Drive-It certificate, the department shall prescribe and furnish a motor carrier license
5 plate, which shall at all times be displayed on each motor carrier vehicle authorized to be
6 operated under a certificate. A person shall not transfer a motor carrier license plate from
7 one (1) motor vehicle to another, except by the authority and with the consent of the
8 department.

9 ➔Section 27. KRS 138.655 is amended to read as follows:

10 As used in KRS 138.660 to 138.7291 and 138.990(13) and (14), unless the context
11 requires otherwise:

12 (1) "Cabinet" means the Transportation Cabinet;

13 (2) "Person" includes every natural person, fiduciary, association, state or political
14 subdivision, or corporation. Whenever used in any clause describing and imposing
15 imprisonment the term "person" as applied to an association means and includes the
16 partners or members thereof, and as applied to a corporation the officers thereof;

17 (3) "Public highway" means every way or place generally open to the use of the public
18 as a matter of right for the purpose of vehicular travel notwithstanding that it may
19 be temporarily closed or travel thereon restricted for the purpose of construction,
20 maintenance, repair, or reconstruction; also including all city streets, alleys, and any
21 way or place on which a toll is charged for using such way or place;

22 (4) "Motor vehicle" means any vehicle, machine, or mechanical contrivance propelled
23 by an internal combustion engine and licensed for operation and operated upon the
24 public highways and any trailer or semitrailer attached to or having its front end
25 supported by such motor vehicle;

26 (5) "Motor carrier" means every person who operates or causes to be operated on any
27 highway in this state, any bus engaged in hauling passengers for hire operating

1 under a certificate of convenience and necessity and any commercial truck or
2 commercial tractor-trailer combination having a total of two (2) or more axles and a
3 declared gross weight above twenty-six thousand (26,000) pounds. The number of
4 axles shall include not only those axles on the power unit but if a tractor-trailer
5 combination is involved, also those axles on the trailer or semitrailer:

6 (a) "Axle" means any two (2) or more load-carrying wheels mounted in a single
7 transverse vertical plane;

8 (b) "Trailers and semitrailers" are those as defined in KRS 186.650(1) and (2),
9 except that it does not include those trailers defined in KRS 186.650(3) and
10 (4) and those exempted from regulation under KRS 186.675. The term "motor
11 carrier" shall not mean or shall not include any person operating or causing to
12 be operated a city bus;

13 (c) "Commercial" refers to any activity for business purposes; *and*

14 (d) For the purposes of KRS 138.660(3) motor carriers, trailers, and semitrailers
15 shall not mean a farm vehicle as defined in KRS 186.050(4) or under another
16 jurisdiction's law as a farm vehicle;

17 ~~(6) "City bus" means any motor vehicle used for the transportation of persons for hire~~
18 ~~exclusively within the limits of any city or within ten (10) miles of its limits over a~~
19 ~~regular route and exclusively within the boundaries of this state;~~

20 ~~(7) "Heavy equipment motor carrier" means any person who operates on the public~~
21 ~~highways of this state as a "motor carrier" as defined in subsection (5) of this~~
22 ~~section, except that it shall not include motor vehicles used to transport persons for~~
23 ~~hire;~~

24 ~~(7)(8) "Trip permit" means a permit for the operating during a ten (10) consecutive~~
25 ~~day period of any motor vehicle of any "heavy equipment motor carrier" not~~
26 ~~licensed under KRS 138.665;~~

27 ~~(8)(9) "Licensee" means for purposes of KRS 138.660 to 138.7291 any person who~~

1 has been granted a license as a "motor carrier" or a "heavy equipment motor
2 carrier," or any motor vehicle in which a valid trip permit is carried;

3 ~~(9)~~~~(10)~~ "Use" means the consumption of gasoline and special fuels in propelling
4 motor vehicles on the public highways;

5 ~~(10)~~~~(11)~~ "Gasoline" has the same meaning as in KRS 138.210;

6 ~~(11)~~~~(12)~~ "Special fuels" means and includes all combustible gases and liquids used for
7 the generation of power in an internal combustion engine to propel vehicles of any
8 kind upon the public highways, except that it does not include gasoline;

9 ~~(12)~~~~(13)~~ "Quarterly" for the purposes of KRS 138.660 to 138.7291 means a calendar
10 quarter; **and**

11 ~~(13)~~~~(14)~~ "Combined licensed weight" shall mean the greater of:

12 (a) The declared combined maximum gross weight of the vehicle and any towed
13 unit for registration purposes for the current registration period; or

14 (b) The highest actual combined gross weight of the vehicle and any towed unit
15 when operated on the public highways of the state during the current
16 registration period.

17 ➔Section 28. KRS 138.665 is amended to read as follows:

18 (1) (a) **Except as provided in paragraph (b) of this subsection,** a license shall be
19 required of each motor carrier or heavy equipment motor carrier subject to the
20 provisions of KRS 138.660 before he **or she** uses or continues to use the
21 public highways of this state.

22 (b) ~~[Notwithstanding the requirement in subsection (1)(a), the cabinet may issue a~~
23 ~~trip permit for each motor vehicle subject to KRS 138.660(1) for a fee of~~
24 ~~twenty dollars (\$20) for each permit.]~~ If the vehicle is subject to those taxes in
25 KRS 138.660(1) to (3), the cabinet may issue a trip permit for each motor
26 vehicle for a fee of forty dollars (\$40) for each permit.

27 (2) Application for a license or trip permit shall be made to the cabinet **by using the**

1 motor carrier portal~~[and shall contain such information as the cabinet deems~~
2 ~~necessary].~~

3 (3) (a) Except as provided for in paragraph (b) of this subsection, if an~~[The]~~
4 application in proper form has~~[having]~~ been accepted for filing~~[, the bond, if~~
5 ~~required, having been accepted]~~ and approved, and the other conditions and
6 requirements of this section have~~[having]~~ been complied with, the cabinet
7 shall issue a license.

8 (b) The cabinet may refuse to issue a license:

9 1. To~~[However, If an application for a license is filed by]~~ any person
10 whose license has, at any time previously, been revoked for cause by the
11 cabinet;~~[,] or~~

12 2. If the cabinet is of the opinion that:

13 a. The person who made~~[makes]~~ the application did~~[does]~~ so as a
14 subterfuge for the real party in interest whose license, prior to the
15 time of filing the application, has been revoked for cause;~~[,] or~~

16 b. That the application is not for any other reason filed in good faith
17 or is not sufficient cause~~[, the cabinet may, after a hearing of~~
18 ~~which the applicant shall be given ten (10) days' notice in writing~~
19 ~~and in which he shall have the right to appear in person or by~~
20 ~~counsel and present testimony, refuse to issue a license to that~~
21 ~~person].~~

22 (4) All licenses shall be valid and remain in full force and effect until suspended or
23 revoked for cause or otherwise canceled.

24 (5) A license shall not be assignable or transferable and shall be valid only for the
25 person in whose name it is issued.

26 (6) ~~[The cabinet shall keep and file all applications and bonds, with an alphabetical~~
27 ~~index thereof.~~

1 ~~(7) Each holder of a license required by subsection (1) shall display his license number~~
2 ~~or other identification on or in each vehicle subject to the taxes imposed by KRS~~
3 ~~138.655 to 138.7291 in the manner prescribed by the cabinet.]The cabinet may~~
4 require the license number or other identifier to be displayed so that it can be
5 readily recorded either manually or electronically by cabinet representatives. In
6 addition, the cabinet may require each individual unit in the license holder's fleet of
7 vehicles subject to these taxes to be uniquely identified.

8 ~~(7)(8)~~ The provisions of this section shall not apply to a nonresident motor carrier
9 engaged in transporting passengers for hire in irregular route interstate charter or
10 special operations, provided reciprocal privileges are granted to similar nonresident
11 carriers by the laws and regulations of his state.

12 ➔Section 29. KRS 138.675 is amended to read as follows:

13 (1) If a licensee at any time files a false quarterly report of the information required or
14 fails or refuses to file the quarterly report or to pay the full amount of the tax or
15 violates any other provisions of KRS 138.655 to 138.725, inclusive, without a
16 showing that such failure was due to reasonable cause, the cabinet may cancel his
17 or her license.

18 (2) Upon voluntary surrender of the license certificate or upon receipt of a written
19 request by a licensee, the cabinet may cancel his or her license, effective sixty (60)
20 days from the date of the request, but no such license shall be canceled upon
21 surrender or request unless the licensee has, prior to the date of cancellation, paid to
22 this state all taxes, penalties, interest and fines that are due or have accrued, and
23 unless the licensee has surrendered to the cabinet his or her license certificate.

24 ~~(3) If upon investigation the cabinet ascertains that any motor carrier or heavy~~
25 ~~equipment motor carrier to whom a license has been issued is no longer engaged as~~
26 ~~such and has not been so engaged for a period of six (6) months, the cabinet may~~
27 ~~cancel such license by giving the motor carrier or heavy equipment motor carrier~~

1 ~~sixty (60) days' notice of cancellation mailed to his last known address in which~~
2 ~~event the license certificate shall be surrendered to the cabinet.~~

3 ~~(4)~~ Whenever a licensee ceases to engage in business within this state, he or she shall
4 notify the cabinet in writing within fifteen (15) days after discontinuance. All taxes
5 that have accrued under KRS 138.655 to 138.725, inclusive, whether or not then
6 due, shall become due and payable concurrently with such discontinuance. The
7 licensee shall make a report and pay all such taxes and any interest and penalties
8 thereon, and shall surrender to the cabinet his license certificate.

9 ~~(4)~~~~(5)~~ If the license of a motor carrier or heavy equipment motor carrier is canceled
10 by the cabinet as provided in this section and if the licensee has paid to this state all
11 of the taxes, interest and penalties due under KRS 138.655 to 138.725 and
12 138.990(13) and (14), the cabinet shall cancel the bond filed by the licensee.

13 ➔Section 30. KRS 138.680 is amended to read as follows:

14 (1) Every licensee shall maintain complete records on all motor vehicles, by type,
15 operating on Kentucky highways, weight and number of axles, mileage records and
16 records of all purchases, use, and other dispositions of gasoline and special fuels.
17 Such records, together with manifests of lading, invoices, and other papers
18 pertaining to gasoline or special fuels consumption, shall be retained for a period of
19 five (5) years~~;~~ and shall be made available to the Transportation Cabinet upon
20 request for examination.

21 (2) If any licensee fails or refuses upon ~~written~~ request to furnish any information to
22 the Transportation Cabinet concerning an audit, assessment, or verification of tax
23 information, the cabinet may make an estimate of the licensee's tax due and issue an
24 assessment against the licensee based upon the estimated tax due. Such assessment
25 may be used by the cabinet in any legal proceeding for collection of the tax. The
26 cabinet may, at any subsequent proceeding, require the taxpayer to file any reports
27 or additional information it deems necessary.

1 ➔Section 31. KRS 138.685 is amended to read as follows:

2 (1) Every licensee shall file *a quarterly tax return and pay any taxes due using the*
3 *motor carrier portal*~~[with the cabinet, in the format prescribed by the cabinet, a~~
4 ~~quarterly tax return].~~ The return shall be made under penalty of perjury and shall
5 show such information as the cabinet may require.

6 (2) The licensee shall file the return *required under this section* on or before the last
7 day of the next succeeding calendar month following the quarterly period to which
8 it relates.

9 ~~[(2) The quarterly tax return shall be accompanied by a remittance covering the tax~~
10 ~~due.]~~

11 ➔Section 32. KRS 138.710 is amended to read as follows:

12 (1) The *payments due from returns*~~[reports]~~ required by KRS 138.685 shall be *made*
13 *by credit card, debit card, or*~~[accompanied by a certified,]~~ electronic *fund*
14 *transfer*~~[, or cashier's check payable to the State Treasurer]~~ for the amount of tax
15 due for the preceding calendar quarter computed as provided in KRS 138.690~~],~~
16 ~~except that the cabinet may waive this requirement and accept the check of the~~
17 ~~licensee if he is of sound financial condition and has established a good record of~~
18 ~~compliance with the requirements of KRS 138.655 to 138.725, inclusive].~~

19 (2) ~~[The Transportation Cabinet may promulgate administrative regulations providing~~
20 ~~for the payment by credit card of any tax or fee that it collects. The administrative~~
21 ~~regulation may require the]A payee *shall be required* to add to his *or her* tax or
22 ~~fee[.]~~ the administrative charge of the financial institution.~~

23 ➔Section 33. KRS 138.715 is amended to read as follows:

24 (1) If any licensee neglects or refuses to make the return or pay the tax at the time
25 provided in KRS 138.685, a penalty of twenty percent (20%) of the tax and interest
26 at the tax interest rate as defined in KRS 131.010(6) from the date when due shall
27 be paid on the tax.

- 1 (2) If any licensee subject to the penalty provided in subsection (1) of this section
2 submits to the department in writing the reasons for failure to comply with KRS
3 138.660 to 138.7291 and if the department finds the reasons sufficient evidence or
4 justifiable cause for modifying the penalty provided in subsection (1) of this
5 section, it may modify the penalty enacted therein to five percent (5%) of the
6 amount of the tax due and delinquent, provided the five percent (5%) penalty may
7 be reduced to one percent (1%) if the violation is the first violation by the taxpayer
8 within the twelve (12) months.
- 9 (3) If the penalties provided by this section are collected by proceedings in court, an
10 additional penalty of twenty percent (20%) shall be collected and distributed as is
11 authorized by KRS 134.552. Whenever any licensee neglects or refuses to make
12 and file any report for any calendar quarter as required by KRS 138.685, or files an
13 incorrect or fraudulent report, the department shall determine after an investigation
14 the amount of the liability which the licensee has incurred under KRS 138.660 to
15 138.7291 for any particular quarter and assess and collect the amount of tax and
16 penalties due.
- 17 (4) Any licensee who fails to make any report required under the provisions of KRS
18 138.660 to 138.7291 within the time allowed ~~shall~~may be required to pay a
19 penalty of five hundred dollars (\$500) for any offense. The penalty is to be assessed
20 and collected in the manner provided for the assessment and collection of taxes, or
21 the licensee may be proceeded against in a civil action instigated by the department.
22 In addition, such licensee may be compelled to make the required return.
- 23 (5) In any action for the collection of taxes due under KRS 138.660 to 138.7291 and
24 any penalties or interest imposed in connection therewith, an assessment by the
25 department of the amount of tax due and the interest or penalties due to the state
26 shall constitute prima facie evidence of the claim of the state and the burden of
27 proof shall be on the licensee to show that the assessment was incorrect or contrary

1 to law.

2 ➔Section 34. KRS 281.752 is amended to read as follows:

3 For motor carriers and heavy equipment motor carriers as defined under KRS
4 138.655~~[(5) and (7)]~~ and for the purposes of tax collection, the department may charge a
5 fee of ten dollars (\$10) in each instance for the issuance of such identifying plates, decals,
6 cards, signs, or papers~~[,]~~ for the identification of motor vehicles~~[,]~~ operated within the
7 state.

8 ➔Section 35. KRS 138.513 is amended to read as follows:

9 (1) (a) Beginning August 1, 2014, but before August 1, 2022, an excise tax is
10 imposed on all advance deposit account wagering licensees licensed under
11 KRS 230.260 at a rate of one-half of one percent (0.5%) of all amounts
12 wagered through the licensee by Kentucky residents; and

13 (b) Beginning August 1, 2022, an excise tax is imposed on all advance deposit
14 account wagering licensees licensed under KRS 230.260~~[138.675]~~ at a rate of
15 one and one-half percent (1.5%) of all amounts wagered through the licensee
16 by Kentucky residents.

17 (2) The tax imposed by this section shall be paid, collected, administered, and
18 distributed as provided in KRS 138.530.

19 ➔Section 36. KRS 174.990 is amended to read as follows:

20 ~~[(1)]~~ Any person who willfully hauls, transports, or causes to be transported any
21 hazardous material into, out of, within, or through the Commonwealth in violation of the
22 provisions of KRS 174.400 to 174.425, or contrary to an order, or regulation issued or
23 promulgated under KRS 174.400 to 174.425, shall be fined not less than two hundred
24 fifty dollars (\$250) nor more than twenty-five thousand dollars (\$25,000), for each day of
25 violation.

26 ~~[(2)]~~ Any person who operates a vehicle which transports municipal solid waste in
27 violation of KRS 174.450 and administrative regulations promulgated by the

1 cabinet pursuant to ~~KRS 174.450 shall be fined not less than one hundred dollars~~
2 ~~(\$100) nor more than one thousand dollars (\$1,000) for each day of violation.]~~

3 ➔Section 37. KRS 224.43-350 is amended to read as follows:

4 (1) In addition to its other powers, the cabinet may suspend the authority of a municipal
5 solid waste management facility to accept waste streams upon any of the following
6 grounds:

7 (a) The cabinet finds that any shipment of waste contains waste excluded by law
8 from municipal solid waste disposal facilities in the Commonwealth;

9 (b) Any part of the waste streams in question are being transported by
10 transporters **whose vehicles and drivers do not comply with the provisions of**
11 **KRS Chapters 281 or 281A**~~[who are not registered or certified in the~~
12 ~~Commonwealth in accordance with KRS 174.450].~~

13 (2) The suspension described in subsection (1) of this section shall terminate upon the
14 cabinet's determination that the basis for the suspension has been corrected.

15 ➔Section 38. The following KRS sections are repealed:

16 174.450 License to operate a municipal solid waste transportation vehicle -- Application
17 procedures -- Placard for display -- Exemption -- Registration fees.

18 281A.310 Commercial driver's licenses and permits for nonresidents enrolled in
19 instruction programs.