

1 AN ACT relating to operator's licenses.

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

3 ➔Section 1. KRS 131.1817 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Attorney's license" means a license issued pursuant to the rules of the
6 Supreme Court of Kentucky authorizing the practice of law in the
7 Commonwealth;

8 (b) "Delinquent taxpayer" means:

9 1. A taxpayer with an overdue state tax liability:

10 a. That is not covered by a current installment payment agreement;

11 b. For which all protest and appeal rights under the law have expired;
12 and

13 c. About which the department has contacted the taxpayer; or

14 2. A taxpayer who:

15 a. Has not filed a required tax return within ninety (90) days
16 following the due date of the return, or if the due date was
17 extended, within ninety (90) days following the extended due date
18 of the return; and

19 b. Was contacted by the department about the delinquent return;

20 (c) ~~["Driver's license" means a license issued by the Transportation Cabinet;~~

21 ~~(d)]~~"License" means any occupational or professional certification, license,
22 registration, or certificate issued by a licensing agency that is required to
23 engage in an occupation, profession, or trade in the Commonwealth, other
24 than a license issued to an attorney; and

25 (d)~~(e)]~~ "Licensing agency" means any instrumentality, agency, board,
26 commission, or department established by statute that has the power and
27 authority within the Commonwealth to issue any license, except "licensing

1 agency" ~~does~~^{shall} not include the Supreme Court of Kentucky, relating to
2 licenses issued to attorneys to practice law in the Commonwealth.

3 (2) The department may identify licensing agencies from which it wants to obtain
4 information for the purpose of tax compliance.

5 (3) Any licensing agency identified by the department shall work with the department
6 to develop a process to provide the department with information about its licensees.

7 (4) Any delinquent taxpayer who:

8 (a) Holds a license;

9 (b) Is an attorney licensed to practice law in the Commonwealth; or

10 (c) ~~Holds a driver's license; or~~

11 ~~(d)~~ Owns a motor vehicle registered in the Commonwealth;

12 may have that license ~~or driver's license~~ suspended or revoked, and may be denied
13 the ability to register his or her motor vehicle in the Commonwealth as provided in
14 subsection (5) of this section.

15 (5) (a) To begin the process of revocation of a license, or suspension of the ability to
16 register a motor vehicle, the department shall notify the delinquent taxpayer
17 by certified mail at least twenty (20) days prior to submission of the name of a
18 delinquent taxpayer to the relevant agency that his or her name will be
19 submitted to:

20 1. The licensing agency, for revocation of a license;

21 2. The Transportation Cabinet, for ~~revocation of a driver's license or~~
22 denial of the ability to register a motor vehicle in the Commonwealth; or

23 3. The Kentucky Supreme Court, for the revocation of a license to practice
24 law in the Commonwealth.

25 (b) The notice shall:

26 1. State the reason for the action;

27 2. Set forth the amount of any overdue tax liability, including any

- 1 applicable penalties and interest;
- 2 3. Explain any other area of noncompliance that must be satisfied to
- 3 prevent the submission of the taxpayer's name to the licensing agency as
- 4 a delinquent taxpayer; and
- 5 4. List all licenses or registrations for which revocation will be sought.
- 6 (c) After the passage of at least twenty (20) days from the date the notice was
- 7 sent under paragraph (a) of this subsection, and if the issues identified in the
- 8 notice were not resolved to the satisfaction of the department, the department
- 9 may:
- 10 1. Submit the name of the delinquent taxpayer to the licensing agency or
- 11 the Transportation Cabinet; or
- 12 2. If the delinquent taxpayer is an attorney licensed to practice law in the
- 13 Commonwealth, submit the name of the attorney to the Kentucky
- 14 Supreme Court for appropriate action to enforce Supreme Court Rules.
- 15 (d) Upon notification by the department that the licensee or motor vehicle owner
- 16 is a delinquent taxpayer, the licensing agency~~[or Transportation Cabinet, as~~
- 17 ~~the case may be,]~~ shall deny or revoke any license held or applied for by the
- 18 licensee, and the Transportation Cabinet shall not allow the delinquent
- 19 taxpayer to register a motor vehicle in the Commonwealth.
- 20 (e) Any delinquent taxpayer who has had a license denied or revoked, or who has
- 21 been denied the ability to register a motor vehicle shall have the right to
- 22 appeal to the licensing agency or the Transportation Cabinet as authorized by
- 23 law, provided that appeals shall only be permitted based upon a mistake in
- 24 facts relied upon by the department, the licensing agency, or the
- 25 Transportation Cabinet that the licensee or motor vehicle owner is a
- 26 delinquent taxpayer.
- 27 (f) A license that has been denied or revoked under this section shall not be

1 reissued or renewed, and a motor vehicle registration that has been denied
2 under this section shall not be permitted, until a written tax clearance has been
3 received from the department by the licensing agency or the Transportation
4 Cabinet, as the case may be.

5 (g) The department may promulgate administrative regulations ***in accordance***
6 ***with***~~under~~ KRS Chapter 13A to implement the provisions of this section.

7 ➔Section 2. KRS 186.444 is amended to read as follows:

8 (1) ~~The Transportation Cabinet shall promulgate administrative regulations to~~
9 ~~establish]A medical review board~~ ***shall be established to***~~. The purpose of the~~
10 ~~medical review board shall be to~~ receive cases relating to the ability of an applicant
11 or holder of a motor vehicle operator's license to drive due to physical or mental
12 disability which may affect or limit a person's ability to safely operate a motor
13 vehicle.

14 (2) The secretary ***of the Transportation Cabinet*** shall appoint any number of
15 physicians, ***medical specialists, or rehabilitation specialists*** licensed in the
16 Commonwealth ***and any number of citizens at large of the Commonwealth*** to the
17 medical review board.~~Not less than~~ Three (3) ***physician, medical specialist, or***
18 ***rehabilitation specialist*** members ***and three (3) citizen at large members*** shall be
19 present in order to conduct an informal hearing. ***The physicians, medical***
20 ***specialists, or rehabilitation specialists present for an informal hearing shall be***
21 ***licensed in the area relevant to the case being heard by the board.*** Each member
22 shall receive two hundred dollars (\$200) per day for attending meetings of the
23 board and shall be reimbursed for necessary expenses incurred in attending
24 meetings. ***The board shall use reasonable efforts to minimize the costs to the***
25 ***person whose case is under review.***

26 (3) ***The following individuals may report a person to the medical review board:***

27 ***(a) A physician, medical specialist, or rehabilitation specialist;***

1 (b) A law enforcement officer;

2 (c) A Commonwealth's attorney, county attorney, county clerk, circuit clerk, or
3 judge; and

4 (d) An applicant or holder of a motor vehicle operator's license may report
5 himself or herself.

6 (4) The cabinet shall promulgate administrative regulations regarding the procedures of
7 the medical review board in conducting informal hearings.

8 ~~(5)(4)~~ The cabinet shall not promulgate administrative regulations for the purpose of
9 creating tests or other criteria that might limit a person's ability to obtain or retain
10 an operator's license because that person may be considered too old to drive.

11 ~~(6)(5)~~ Any person aggrieved by a decision made as a result of an informal hearing
12 conducted under authority of KRS 186.411 and this section may appeal, and upon
13 appeal an administrative hearing shall be conducted in accordance with KRS
14 Chapter 13B.

15 ➔Section 3. KRS 186.570 is amended to read as follows:

16 (1) The cabinet or its agent designated in writing for that purpose may deny any person
17 an operator's license or may suspend the operator's license of any person, or, in the
18 case of a nonresident, withdraw the privilege of operating a motor vehicle in this
19 state, subject to a hearing and with or without receiving a record of conviction of
20 that person of a crime, if the cabinet has reason to believe that:

21 (a) That person has committed any offenses for the conviction of which
22 mandatory revocation of a license is provided by KRS 186.560;[-]

23 (b) That person has, by reckless or unlawful operation of a motor vehicle, caused,
24 or contributed to an accident resulting in death or injury or serious property
25 damage;[-]

26 (c) That person has a mental or physical disability that makes it unsafe for him or
27 her to drive upon the highways. The~~[- Transportation Cabinet shall, by~~

- 1 ~~administrative regulations promulgated pursuant to KRS Chapter 13A,~~
2 ~~establish a~~ medical review board **established under Section 2 of this Act**
3 **shall**~~[to]~~ provide technical assistance in the review of the driving ability of
4 these persons;~~[. The board shall consist of licensed medical and rehabilitation~~
5 ~~specialists.]~~
- 6 (d) That person is an habitually reckless or negligent driver of a motor vehicle or
7 has committed a serious violation of the motor vehicle laws;~~].~~
- 8 (e) That person has been issued a license without making proper application for
9 it, as provided in KRS 186.412 or 186.4121 and administrative regulations
10 promulgated **in accordance with**~~[pursuant to] KRS Chapter 13A;[.]~~
- 11 (f) That person has presented false or misleading information as to the person's
12 residency, citizenship, religious convictions, or immigration status;~~[.]~~
- 13 (g) A person required by KRS 186.480 to take an examination has been issued a
14 license without first having passed the examination;~~[.]~~
- 15 (h) That person has been convicted of assault and battery resulting from the
16 operation of a motor vehicle;~~[.]~~
- 17 (i) That person has failed to appear pursuant to a citation or summons issued by a
18 law enforcement officer of this Commonwealth or any other jurisdiction;~~[.]~~
- 19 (j) That person has failed to appear pursuant to an order by the court to produce
20 proof of security required by KRS 304.39-010 and a receipt showing that a
21 premium for a minimum policy period of six (6) months has been paid; ~~**or**[.]~~
- 22 (k) That person is a habitual violator of KRS 304.39-080. For purposes of this
23 section, a "habitual violator" shall mean any person who has operated a motor
24 vehicle without security on the motor vehicle as required by Subtitle 39 of
25 **KRS Chapter 304**~~[this chapter]~~ three (3) or more times within a five (5) year
26 period, in violation of KRS 304.99-060(2).
- 27 (2) The cabinet shall deny any person a license or shall suspend the license of an

1 operator of a motor vehicle upon receiving written notification from the Cabinet for
 2 Health and Family Services that the person has a child support arrearage which
 3 equals or exceeds the cumulative amount which would be owed after six (6) months
 4 of nonpayment or failure, after receiving appropriate notice, to comply with a
 5 subpoena or warrant relating to paternity or child support proceedings, as provided
 6 by 42 U.S.C. ~~sec.~~^{secs.} 651 et seq.; except that any child support arrearage which
 7 exists prior to January 1, 1994, shall not be included in the calculation to determine
 8 whether the license of an operator of a motor vehicle shall be denied or suspended.
 9 The denial or suspension shall continue until the arrearage has been eliminated,
 10 payments on the child support arrearage are being made in accordance with a court
 11 or administrative order, or the person complies with the subpoena or warrant
 12 relating to paternity or child support. Before the license may be reinstated, proof of
 13 elimination of the child support arrearage or proof of compliance with the subpoena
 14 or warrant relating to paternity or child support proceedings as provided by 42
 15 U.S.C. sec. 666(a)(16) from the court where the action is pending or the Cabinet for
 16 Health and Family Services shall be received by the Transportation Cabinet as
 17 prescribed by administrative regulations promulgated by the Cabinet for Health and
 18 Family Services and the Transportation Cabinet.

19 (3) The cabinet or its agent designated in writing for that purpose shall deny any person
 20 an operator's license or shall suspend the operator's license of any person, or, in the
 21 case of a nonresident, withdraw the privilege of operating a motor vehicle in this
 22 state~~;~~

23 ~~(a)~~ where the person has been declared ineligible to operate a motor vehicle
 24 under KRS 532.356 for the duration of the ineligibility, upon notification of
 25 the court's judgment~~;~~ ~~or~~

26 ~~(b) Upon receiving written notification from the Finance and Administration~~
 27 ~~Cabinet, Department of Revenue, that the person is a delinquent taxpayer as~~

1 ~~provided in KRS 131.1817. The denial or suspension shall continue until a~~
2 ~~written tax clearance has been received by the cabinet from the Finance and~~
3 ~~Administration Cabinet, Department of Revenue. Notwithstanding the~~
4 ~~provisions of subsection (4) of this section, a person whose license is denied~~
5 ~~or suspended under this paragraph shall have thirty (30) days from the date~~
6 ~~the cabinet mails the notice to request a hearing].~~

7 (4) The cabinet or its agent designated in writing for that purpose shall provide any
8 person subject to the suspension, revocation, or withdrawal of their driving
9 privileges, under provisions of this section, an informal hearing. Upon determining
10 that the action is warranted, the cabinet shall notify the person in writing by mailing
11 the notice to the person by first-class mail to the last known address of the person.
12 The hearing shall be automatically waived if not requested within twenty (20) days
13 after the cabinet mails the notice. The hearing shall be scheduled as early as
14 practical within twenty (20) days after receipt of the request at a time and place
15 designated by the cabinet. An aggrieved party may appeal a decision rendered as a
16 result of an informal hearing, and upon appeal an administrative hearing shall be
17 conducted in accordance with KRS Chapter 13B.

18 (5) (a) The cabinet may suspend the operator's license of any resident upon receiving
19 notice of the conviction of that person in another state of an offense there
20 which, if committed in this state, would be grounds for the suspension or
21 revocation of an operator's license. The cabinet shall not suspend an operator's
22 license under this paragraph if:

- 23 1. The conviction causing the suspension or revocation is more than five
24 (5) years old;
- 25 2. The conviction is for a traffic offense other than a felony traffic offense
26 or a habitual violator offense; and
- 27 3. The license holder complies with the provisions of KRS 186.442.

- 1 (b) If, at the time of application for an initial Kentucky operator's license, a
2 person's license is suspended or revoked in another state for a conviction that
3 is less than five (5) years old, the cabinet shall deny the person a license until
4 the person resolves the matter in the other state and complies with the
5 provisions of this chapter.
- 6 (c) The cabinet may, upon receiving a record of the conviction in this state of a
7 nonresident driver of a motor vehicle of any offense under the motor vehicle
8 laws, forward a notice of that person's conviction to the proper officer in the
9 state of which the convicted person is a resident.
- 10 (d) This subsection shall not apply to a commercial driver's license.
- 11 (6) The Transportation Cabinet is forbidden from suspending or revoking an operator's
12 license or assessing points or any other form of penalty against the license holder
13 for speeding violations or speeding convictions from other states. This subsection
14 shall apply only to speeding violations. This section shall not apply to a person who
15 holds or is required to hold a commercial driver's license.
- 16 (7) Each operator's license which has been canceled, suspended, or revoked shall be
17 surrendered to and destroyed by the cabinet. At the end of the period of
18 cancellation, suspension, or revocation, the license holder may reapply under KRS
19 186.412 or 186.4121, after the licensee has complied with all requirements for the
20 issuance or reinstatement of his or her driving privilege.
- 21 (8) Insurance companies issuing motor vehicle policies in the Commonwealth shall be
22 prohibited from raising a policyholder's rates solely because the policyholder's
23 driving privilege has been suspended or denied pursuant to subsection (2) of this
24 section.