TRANSPORTATION CABINET
Department of Highways
Office of Highway Safety
(Amendment)

601 KAR 14:050. Motorcycle Safety Education Program.

RELATES TO: KRS 176.5061-176.5069, 186.401, 186.450, 186.531, 186.535
STATUTORY AUTHORITY: KRS 176.5061, 176.5062, 176.5063, 176.5064, 176.5068
NECESSITY, FUNCTION, AND CONFORMITY: KRS 176.5063 and 176.5064 authorizes the Secretary of the Transportation Cabinet to promulgate administrative regulations that are reasonable and necessary to carry out the provisions of 176.5061-176.5069. This administrative regulation establishes the criteria and procedures required for approval of instructors for motorcycle safety education training, instructor training course provider requirements and selection criteria, training course requirements, fees for enrollment in a motorcycle rider training course, and training provider requirements and selection criteria.

Section 1. Definitions.
(1) "Cabinet" is defined by KRS 174.012.
(2) "Commission" means the Motorcycle Safety Education Commission established pursuant to KRS 176.5067.
(3) "Instructor" means a person recognized by the cabinet who conducts motorcycle rider training and may also be known as a rider coach.
(4) "Instructor training course" means a process recognized by the cabinet that prepares an individual to teach a motorcycle rider training course.
(5) "Instructor training course provider" means a person or entity recognized by the cabinet to conduct an instructor training course.
(6) "Instructor trainer" means a person approved by the cabinet to train instructors.
(7) "Program administrator" means the person designated or appointed by the secretary of the cabinet to administer the Motorcycle Safety Education Program.
(8) "Range" means a paved area approved for practicing motorcycle riding skills during a training course.
(9) "Training provider" means a person or entity approved by the cabinet to conduct a rider training course.

Section 2. Training, Approval, and Reporting Requirements of Instructors.
(1) To request approval to be an instructor, an individual shall:
(a) Meet the requirements of KRS 176.5063;
(b) Have a current motorcycle endorsement on the individual's driver's license;
(c) Provide a certified copy of the applicant's driving record for the previous five (5) years in Kentucky or other states~~[state]~~ in which the applicant has held~~[holds]~~ a driver's license;
(d) Not have been convicted of a felony sex offense in KRS Chapter 510;
(e) Be able to lift the motorcycle required to be used in the training of students;
(f) Be able to perform the motorcycle maneuvers required in the training to be provided;
(g) Complete the Instructor Application in full;
(h) Participate in at least one (1) full novice class as a coach assistant ~~[Successfully complete a recognized instructor training course listed on the Motorcycle Safety Education Commission Web site at www.ride.ky.gov]~~;

(i) Obtain a recommendation for approval from a current training provider ~~[Provide a diploma, certificate of completion, or other similar documentation from the instructor training course to verify completion of one (1) of the recognized training courses]~~;

(j) Successfully complete a recognized instructor training course listed on the Motorcycle Safety Education Commission Web site at www.ride.ky.gov; ~~[Have ridden a motorcycle for at least 1,000 miles within the previous twelve (12) months; and]~~

(k) Provide a diploma, certificate of completion, or other similar documentation from the instructor training course to verify completion of one (1) of the recognized training courses; ~~[Submit the application with all other required documents to the program administrator by mailing to Motorcycle Safety Education Commission, Program Administrator, Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40601.]~~

(l) Have ridden a motorcycle for at least 1,000 miles within the previous twelve (12) months; and

(m) Submit the application with all other required documents to the program administrator by electronic mail to program administrator inbox, available at www.ride.ky.gov, or mailing to Motorcycle Safety Education Commission, Program Administrator, Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622.

(2) If an instructor is currently approved and requests to be requalified as an instructor for another biennium~~[year]~~, the instructor shall:

(a) Not have had his driver's license suspended or revoked at any time during the preceding two (2) years or at any time within the preceding five (5) years for any alcohol or drug related offense; and

(b) Provide proof of teaching a minimum of two (2) motorcycle safety courses in the previous year; or

(c) Provide proof of teaching one (1) motorcycle safety course in the previous year; and

(d) Successfully complete in the previous year an approved instructor training course listed on the Motorcycle Safety Education Commission Web site; or

(e) Successfully complete in the previous year a teaching skills course provided by the cabinet or its designee.

(3) Instructor application review and processing.

(a) After review of the application:

1. If the application is missing information, the program administrator shall return the application to the applicant with a request for the missing information; or

2. If the application is missing required documentation, the program administrator shall send a request for the missing documentation to the applicant.

(b) Instructor Application Approval or Denial

1. If the application is complete, within thirty (30) days, the program administrator shall notify the applicant of:

a. Approval as an instructor if all ~~[of]~~ the requirements in this administrative regulation have been met in the application and the required documentation received; or

b. Denial of approval as an instructor if all ~~[of]~~ the requirements have not been met in the application.

2. Approval for an instructor shall be valid for one (1) year from the date of the approval notice.

(4) Instructor Required Notices. The instructor shall provide written notice with specific details concerning the matter to the program administrator:

(a) If the instructor's driver's license is suspended or revoked;

(b) If the instructor is convicted of a felony sex offense in KRS Chapter 510; or

(c) Of any change in contact information. ~~[Of teaching one (1) or two (2) motorcycle safety courses each year; and]~~

~~[(d)] [Any change in contact information.]~~

Section 3. Instructor Training Course Provider Responsibilities.

(1) An instructor training course provider shall:

(a) Provide training facilities and equipment required by the approved curriculum;

(b) Provide all course materials including handouts, books, and other items required by the approved curriculum to each participant;

(c) Obtain and maintain all certifications required to teach and certify new instructors within the curriculum being taught;

(d) Coordinate with new and existing ~~[instructor]~~training course providers to deliver training sessions in a specific region based on need and available instructors or candidates;

(e) Report the following participant and course data to the program administrator;~~[,]~~

1. Completion status of participants;
2. Contact information of participants; and
3. Instructor certification numbers, if available;

(f) Allow quality assurance inspections of its training courses at the request of the program administrator;~~[and]~~

(g) Conduct quality assurance visits at the request of the program administrator; and~~[.]~~

(h) Coordinate with the program administrator to provide continuing education programs for existing instructors.

(2) Instructor Training Course Provider Required Notices. The instructor training course provider shall notify the program administrator:

(a) If the instructor training course provider or its instructor trainer has lost certification from the appropriate curriculum governing body;

(b) If the instructor training course provider or its instructor trainer has lost his or her driver's license due to suspension or revocation;

(c) If the instructor training course provider or its instructor trainer is convicted of a felony sex offense in KRS Chapter 510; or~~[and]~~

(d) Of any change in contact information.

Section 4. Training Provider Responsibilities.

(1) A training provider shall:

(a) Follow a curriculum in compliance with the Model National Administrative Standards for State~~[Entry-Level]~~ Motorcycle Rider Training Programs published by the National Highway Traffic Safety Administration and recognized by the commission as described in Section 9(4) and 17(1)(b) of this administrative regulation;

(b) Ensure a sufficient number of courses and instructors are available to meet demand in the local geographic area;

(c) Schedule classes and instructors as needed;

(d) Upon request provide a schedule of classes to the program administrator and any schedule updates throughout the training season;

(e) Not use participant data, such as contact information, for any purpose outside of the provision of the rider education course ~~[Register students and take payment using the cabinet Web site or, if the Web site is unavailable, remit student tuition payments to the program administrator made payable to the Kentucky State Treasurer]~~;

(f) Keep all participant information confidential and not share with any third parties without prior approval from the cabinet ~~[Not use participant data, such as contact information, for any purpose outside of the provision of the rider education course]~~;

(g) Obtain and maintain a training range, motorcycles, safety equipment, classroom, and other course equipment according to Sections 6 through 8 of this administrative regulation ~~[Keep all participant information confidential and not share with any third parties without prior approval from the cabinet]~~;

(h) Provide classroom materials such as books, handouts, videos, and other items as needed for completion of the course ~~[Obtain and maintain a training range, motorcycles, safety equipment, classroom, and other course equipment according to Sections 6 through 8 of this administrative regulation]~~;

(i) Have access to a computer or other appropriate device with internet capability and printer for student and course management ~~[Provide classroom materials such as books, handouts, videos, and other items as needed for completion of the course]~~;

(j) Supervise and monitor adherence of instructors to course curriculum and course delivery ~~[Have access to a computer or other appropriate device with internet capability and printer for student and course management and printing course completion certificates]~~;

(k) Solicit student feedback and distribute course evaluations as prescribed by the cabinet ~~[Supervise and monitor adherence of instructors to course curriculum and course delivery]~~;

(l) Forward student feedback to the cabinet upon request ~~[Solicit student feedback and distribute course evaluations]~~;

(m) Maintain the following insurance: ~~[Forward student feedback to the cabinet upon request;]~~

1. General liability insurance in an amount not less than $1,000,000 underwritten by an insurance carrier licensed and approved by the Kentucky Department of Insurance, which shall include personal injury insurance for students and instructors;

2. Any insurance, including workers compensation and unemployment insurance, required by federal, state, or local law.

(n) Submit student information as required by contract for the purpose of reimbursement of services; ~~[Maintain the following insurance:]~~

~~[1.] [General liability insurance in an amount not less than $1,000,000 underwritten by an insurance carrier licensed and approved by the Kentucky Department of Insurance, which shall include personal injury insurance for students and instructors;]~~

~~[2.] [Any insurance, including workers compensation and unemployment insurance, required by federal, state, or local law.]~~

(o) Issue a course completion certificate as described in Section 9(5) of this administrative regulation to a student who has successfully completed the course; and ~~[Submit student information in a manner prescribed by the cabinet for the purpose of reimbursement of services;]~~

(p) Establish and implement policies and procedures for delivery of instruction and maintenance of site location and equipment. The training provider shall submit its policies and procedures regarding maintenance of site locations and equipment for written approval or denial to the program administrator before it or any part of it becomes effective and enforceable. ~~[Issue a course completion certificate as described in Section 9(5) of this administrative regulation to a student who has successfully completed the course; and]~~

~~[(q)] [Establish and implement policies and procedures for delivery of instruction and maintenance of site location and equipment. The training provider shall submit its policies and procedures regarding maintenance of site locations and equipment for written approval or denial to the program administrator before it or any part of it becomes effective and enforceable.]~~

(2) Training Provider Required Notices. The training provider shall notify the program administrator:

(a) If the training provider's range is no longer available or has lost certification from the appropriate curriculum governing body;

(b) Of loss or change in required insurance;

(c) If the training provider cannot deliver services due to availability of instructors or equipment;
(d) Of any accidents involving bodily injury that occur during course instruction;
(e) Of proposed changes to policy and procedures regarding maintenance of equipment or delivery of instruction prior to implementation;[.]
(f) Of any breach involving student data within seven (7) days of discovery of the breach; or[and]
(g) Of any change in contact information.

Section 5. Student-Instructor Ratio. The instructor to student ratio shall not exceed the following:
(1) An instructor shall not teach more than thirty-six (36) students during classroom instruction;
(2) An instructor shall not teach more than eight (8) students during range instruction if teaching alone; and
(3) Two instructors shall not teach more than twelve (12) students during range instruction.

Section 6. Training Course Range Requirements.
(1) A range shall include fifty-six (56) linear feet per student at the perimeter dimension and a minimum of twenty (20) feet paved run-off area on each side.
(2) A range shall be approved by the governing body of the recognized curriculum prior to use.
(3) Student range capacity shall be the total linear feet of the perimeter divided by fifty-six (56) and rounded down.
(4) A standard range shall be 120 feet by 220 feet with a minimum paved run-off area of twenty (20) feet on each side.
(5) A modified range may be used if it meets the requirements in subsections (1) through (3) of this section.

Section 7. Training Motorcycles.
(1) A training motorcycle shall be a 500cc motorcycle or smaller, three (3) wheel motorcycles shall be exempt from this requirement.[;]
(2) One (1) motorcycle shall be available for each student participating in the range session, three-wheel motorcycles may be shared in accordance with the curriculum's governing body guidelines.[;]
(3) A motorcycle shall be intended by the manufacturer for street use, but may have:
(a) The headlight disabled for use on the range; or
(b) A speed or RPM limiting device installed.[; and]
(4) A motorcycle used in the training course shall be maintained in safe operating condition according to the manufacturer's specifications.

Section 8. Training Course Range Equipment.
(1) Protective Equipment. A rider shall wear the following protective equipment during range instruction:
(a) A full face or three-quarter helmet certified by its manufacturer to meet US DOT Federal Motor Vehicle Safety Standard No. 218 in good condition;
(b) A face shield, goggles, or glasses;
(c) Leather or other abrasion-resistant, full-fingered gloves;
(d) A weather appropriate, long-sleeved shirt or jacket that fully covers the arms;
(e) Long pants that fully cover the legs; and
(f) Boots or other sturdy, over-the-ankle footwear.
(2) Safety equipment. A range shall have and maintain the following equipment in close proximity to the riding area during range instruction:

(a) Class A fire extinguisher;
(b) First aid kit; and
(c) An appropriate number of cones or other markers for the outline of riding exercises.

Section 9. Rider Training Courses for Novice Riders.

(1) A rider training course for novice riders shall:
(a) Meet the requirements of KRS 176.5062;
(b) Meet or exceed the Model National Standards for Entry-Level Motorcycle Rider Training published by the National Highway Traffic Safety Administration as incorporated by reference in Section 17(1)(a) of this administrative regulation;
(c) Follow a curriculum recognized by the commission as described in subsection (4) of this section;
(d) Not be less than eight (8) hours of hands-on instruction for a novice course;
(e) Be provided by instructors approved by the cabinet; and
(f) Meet the training course requirements in this administrative regulation.

(2) Course materials shall include the Kentucky Motorcycle Manual maintained by the Kentucky State Police http://kentuckystatepolice.org/driver-testing/ and a diagram of the motorcycle with basic parts for driving identified. Materials may also include those specific to the curriculum being taught and required by the governing body of the curriculum.

(3) Novice course student ~~[Student]~~ evaluation shall include~~[a]~~:
(a) A written exam that addresses:
1. Current traffic laws with a focus on motorcycles; and
2. Best practices of motorcycle operation; and
(b) A skills test that demonstrates safe operation of the motorcycle in numerous situations.

(4) Training courses for novice riders recognized by the cabinet shall be listed on the Motorcycle Safety Education Commission Web site at www.ride.ky.gov.

(5) Certificate of Completion.
(a) Upon successful completion of a course that meets the requirements in this section ~~[of this administrative regulation]~~and is included on the list of training courses for novice riders recognized by the cabinet, the student shall be issued a certificate of completion in physical or electronic format that shall include:
1. Date of course completion;
2. Provider of course taken;
3. Curriculum used in course;~~[and]~~
4. Certificate number~~[.]~~; and
5. Designation if completing a three (3) wheel course.
(b) The student shall present this certificate to the Kentucky Transportation Cabinet Driver Licensing Regional Office~~[Circuit Clerk in his county of residence]~~ to be used for an exemption of the skills portion of the motorcycle endorsement testing.

Section 10. Students.

(1) Enrollment and Registration Requirements. A student shall:
(a) Have a valid Kentucky driver's license or Kentucky motor vehicle instructional permit;
(b) Complete and sign a liability waiver form. A student under the age of eighteen (18) shall have a liability waiver from his or her parent or legal guardian, signed on-site or notarized, authorizing the student to take the course;
(c) Complete the registration process; and
(d) Pay any required fee.

(2) Course Completion. A student shall:
(a) Attend, participate in, and complete all required training sessions;~~[and]~~

(b) Achieve passing scores on required tests[.]; and

(c) Upon successful completion of the program, receive a course completion certificate as prescribed in Section 9(5) of this administration regulation.

Section 11. Approval of Courses for Exemption from the Licensing Skill Test.

(1) [In order]For a course to be approved for exemption from the licensing skill test pursuant to KRS 176.5062(5), a course shall:

(a) Meet the curriculum standards of and receive any approvals required by the Motorcycle Safety Foundation for motorcycle rider education or instructor training, but shall not include an online course without hands on training on a motorcycle;

(b) Meet the curriculum standards of and receive any approvals required by Total Control Training, Inc. for motorcycle rider education, but shall not include an online course without hands on training on a motorcycle;

(c) Be a rider education training course administered by an approved training provider in another state which is recognized for exemption from the motorcycle licensing skill test in that state; or

(d) Be submitted to and approved by the commission for inclusion on the list based on consideration of the following:[.]

1. Compliance with National Highway Traffic Administration (NHTSA) standards;
2. Reasonableness of enrollment fee for participants;
3. Availability of trainers;
4. Effectiveness data; and
5. Other similar criteria that are relevant to determining the course's safety and effectiveness.

(2) The courses approved for exemption by the commission shall be published on the commission's Web site at www.ride.ky.gov.

Section 12. Data and Reporting.

(1) All reports shall be submitted electronically to the Cabinet [through the commission's Web site. If the program Web site is unavailable, reports shall be sent by electronic mail]or by mailing to Motorcycle Safety Education Program, Program Administrator, Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622[40601].

(2) A training provider shall report to the program administrator:

(a) Course schedules and updates;
(b) Student attendance;
(c) Student contact information;
(d) Student driver's or permit license information;
(e) Course completion date;
(f) Whether student passed or failed course;
(g) Skills waiver card number if issued;
(h) Student feedback evaluations [when requested]; and
(i) Evaluations of instructors and the instructor training course provider.

(3) An instructor training course provider shall report to the program administrator:

(a) Student attendance;

(b) Results and recommendations for instructor candidates upon completion of training; and

(c) Results of quality assurance visits for both instructors and training providers.

Section 13. Quality Assurance.

(1) An instructor shall:

(a) Maintain all appropriate certifications required by the governing body of the recognized curriculum; and

(b) Participate in all required professional development activities as prescribed by the governing body of the recognized curriculum or cabinet.

(2) Instructor training course providers shall:

(a) Conduct periodic audits and provide feedback to instructors for the purpose of professional development at the request of the program administrator; and

(b) Maintain all appropriate certifications required by the governing body of the recognized curriculum.

(3) Portions of student evaluation form results may be made available for professional development to the following:

(a) Instructors;

(b) Instructor training course providers; and

(c) Training providers.

(4) The cabinet program administrator or designee may conduct audits as needed to review quality of instruction, range condition, equipment condition, and compliance with financial and other reporting requirements.

Section 14. Fees.

(1) A fee shall not be required for an individual who is less than eighteen (18) years of age.~~[:]~~

~~[(a)] [At least sixteen (16) years of age;]~~

~~[(b)] [Less than eighteen (18) years of age]~~;

~~[(c)] [A Kentucky resident; and]~~

~~[(d)] [Has a valid motor vehicle instructional permit or driver's license.]~~

(2) A fee not to exceed $200~~[$150]~~ may be required for an individual who is:

(a) At least eighteen (18) years of age; and

(b) Has a valid motor vehicle instructional permit or driver's license. ~~[A Kentucky resident; and]~~

~~[(c)] [Eligible for a motor vehicle instruction permit.]~~

(3) Any fee shall be paid upon registration and shall not be refundable.

~~[(4)] [Any fee shall be paid by check or money order made payable to the Kentucky State Treasurer or other means established through the Transportation Cabinet Web site.]~~

Section 15. Training Provider Selection Criteria.

(1) To request to be a training provider, the applicant shall:

(a) Complete the Training Provider Application in full;

(b) Submit evidence showing the person or entity has the ability to meet the required responsibilities as prescribed in this administrative regulation. This shall include:

1. Description of expertise in offering this or a similar type of program;
2. Range approval certification or application for certification;
3. Schedule of range availability or proposed course schedule;
4. List of training motorcycles including VIN ~~[number]~~or plan to acquire them;
5. Maintenance records of owned motorcycles, if available;
6. Copies of policies or quotes to obtain required insurance;
7. Business plan showing anticipated costs and revenues to determine viability; and
8. Policy and procedures manual for course delivery, site, and equipment maintenance.

(c) Submit the application with all other required documents to the program administrator by electronic mail or by mailing to Motorcycle Safety Education Program, Program Administrator, Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622~~[40601]~~.

(2) Application review and processing.

(a) After review of the application:

1. If the application is missing information, the program administrator shall return the application to the applicant with a request for the missing information; or

2. If the application is missing required documentation, the program administrator shall send a request for the missing documentation to the applicant.

(b) Application approval or denial.

1. If the application is complete, within thirty (30) days, the program administrator shall notify the applicant of:

a. Approval as a training provider if all ~~[of]~~ the requirements have been met in the application and send a certificate of approval. A contract between the cabinet and training provider shall also be sent for the training provider to sign and return to the cabinet within thirty (30) days of receipt; or

b. Denial of approval as a training provider if all ~~[of]~~ the requirements have not been met in the application.

2. Approval for a training provider shall be valid for two (2) years from the date of the approval notice.

Section 16. Instructor Training Course Provider Selection Criteria.

(1) To request to be an instructor training course provider, the person or entity shall:

(a) Complete the instructor training course provider application in full;

(b) Provide a diploma, certificate of completion, or other similar documentation from the instructor training course to verify completion of one (1) of the approved training courses for each instructor trainer;

(c) Submit evidence showing the person or entity has the ability to meet the required responsibilities and course requirements in this administrative regulation. This shall include:

1. Description of expertise in offering this or a similar type of program;

2. Copies of policies or quotes to obtain all required insurance;

3. Business plan showing anticipated costs and revenues to determine viability;

4. Policy and procedure manual or plan for new instructor training, quality assurance, and existing instructor professional development; and

5. Cost schedule for each type of class including number of participants, if applicable, and quality assurance visits.

(d) Submit the application with all other required documents to the program administrator by electronic mail or by mailing to Motorcycle Safety Education Program, Program Administrator, Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622~~[40601]~~.

(2) Application review and processing. After review of the application:

(a) If the application is missing information, the program administrator shall return the application to the applicant with a request for the missing information; or

(b) If the application is missing required documentation, the program administrator shall send a request for the missing documentation to the applicant.

(3) If the application is complete, within thirty (30) days, the program administrator shall notify the applicant of: ~~[Application approval or denial:]~~

(a) Approval as an instructor training course provider if all ~~[of]~~ the requirements have been met in the application and send a certificate of approval. A contract between the cabinet and instructor training course provider shall also be sent for the instructor training course provider to sign and return to the cabinet within thirty (30) days of receipt; or ~~[If the application is complete, within thirty (30) days, the program administrator shall notify the applicant of:]~~

(b) Denial of approval as a trainer if all ~~[of]~~ the requirements have not been met in the application. ~~[Approval as an instructor training course provider if all of the requirements have been met in the application and send a certificate of approval. A~~

~~contract between the cabinet and instructor training course provider shall also be sent for the instructor training course provider to sign and return to the cabinet within thirty (30) days of receipt; or]~~

~~[(c)] [Denial of approval as a trainer if all of the requirements have not been met in the application.]~~

(4) Approval for instructor training course provider shall be valid for two (2) years from the date of the approval notice.

Section 17. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Model National Standards for Entry-Level Motorcycle Rider Training", NHTSA, DOT HS 811 503, August 2011;~~[.]~~

(b) "Model National Administrative Standards for State Motorcycle Rider Training Programs" NHTSA, November 2014, Report No. DOT HS 812 071;~~[.]~~

(c) "Training Instructor Application", viewed at https://ride.ky.gov/Pages/Instructors.aspx;~~[Motorcycle Safety Education Program, 2022.]~~

(d) "Instructor Training Course Provider Application", Motorcycle Safety Education Program, 2022; and~~[.]~~

(e) "Training Provider Application", viewed at https://ride.ky.gov/Pages/Providers.aspx~~[Motorcycle Safety Education Program, 2022]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet, Motorcycle Safety Education Program, Office of the Secretary, 200 Mero Street, Frankfort, Kentucky 40622,~~[40601]~~ phone (502) 564-1568, Monday through Friday, 8 a.m. to 4:30 p.m. The standards~~[applications]~~ may also be obtained from the Motorcycle Safety Education Commission Web site at www.ride.ky.gov. The standards may also be obtained from the U.S. Department of Transportation, National Highway Traffic Safety Administration Web site in the Motorcycle Safety area at https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/811503.pdf and https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812071-modelnatladmin~~[]~~motorcycle.pdf.

(46 Ky.R. 3355; eff. 6-5-2020; Recodified from 500 KAR 15:010, 3-2-2022; 49 Ky.R. 1826; eff. 7-18-2023.)

JIM GRAY, Secretary
JAMES BALLINGER, State Highway Engineer

APPROVED BY AGENCY: February 9, 2022

FILED WITH LRC: February 14, 2023 at 2:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 21, 2023, at 10:00 a.m. EST, at the Transportation Cabinet, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing,

you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. EST on April 30, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 782-8180, fax (502) 564-5238, email Jon.Johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jon Johnson

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation changes procedural components to KRS 176.5061, 176.5062, 176.5063, 176.5064.

(b) The necessity of this administrative regulation:
This administrative regulation adopts changes necessitated by HB 125 from 2021 RS.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
This administrative regulation conforms to the content of the authorizing statute contained in KRS 176.5061, 176.5062, 176.5063, 176.5064.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation will streamline the process.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
This amendment will remove requirements to use a cabinet website.

(b) The necessity of the amendment to this administrative regulation:
This amendment is necessary because of HB 125 from 2021 RS.

(c) How the amendment conforms to the content of the authorizing statutes:
The establishment will remove requirements to use a cabinet website and streamline procedures.

(d) How the amendment will assist in the effective administration of the statutes:
The establishment will remove requirements to use a cabinet website and streamline procedures.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
It may impact motorcycle riders, site providers, training providers, and instructors. (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:
Training Providers will provide notice of taking a 3-wheel course in order to comply with the restrictions adopted under HB 125 of 2021 RS.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):
There are no costs or fees associated with this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

This amendment will streamline the safety training process.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There are no costs associated with these amendments.

(b) On a continuing basis:

There are no continuing costs associated with these amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

No funding is necessary.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No new fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

Yes. Due to increased costs associated with the program, ie: fuel, tires, motor fuel, parts for maintenance, etc., the amendment will allow the safety training providers to charge up to $200 instead of $150.

(9) TIERING: Is tiering applied?

No tiering is applied to this amendment.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Office of Highway Safety in the Kentucky Transportation Cabinet.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 176.5061, 176.5062, 176.5063, 176.5064.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

This amendment should not have any effect on expenditures and revenues of a state or local government agency.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

Revenue will not be generated by this regulation for state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

Revenue will not be generated by this regulation for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year?

There is no cost to administer this regulation in the first year.

(d) How much will it cost to administer this program for subsequent years?

There is no cost to administer this regulation in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):n/a

Expenditures (+/-):n/a

Other Explanation:

n/a

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

The effect of expenditures and costs savings for the first full year is negligible.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

Cost savings for the first year will be negligible.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

Cost savings for subsequent years will be negligible.

(c) How much will it cost the regulated entities for the first year?
No additional costs are expected for the first year.

(d) How much will it cost the regulated entities for subsequent years?
No additional costs are expected for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):n/a

Expenditures (+/-):n/a

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.
"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This amendment should not have a major economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.
n/a

(2) State compliance standards.
n/a

(3) Minimum or uniform standards contained in the federal mandate.
n/a

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?
n/a

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.
n/a