

1 AN ACT relating to the licensing of motor vehicles and operators.

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

3 ➔Section 1. KRS 138.715 is amended to read as follows:

- 4 (1) If any licensee neglects or refuses to make the return or pay the tax at the time  
5 provided in KRS 138.685, a penalty of twenty percent (20%) of the tax and interest  
6 at the tax interest rate as defined in KRS 131.010(6) from the date when due shall  
7 be paid on the tax.
- 8 (2) If any licensee subject to the penalty provided in subsection (1) of this section  
9 submits to the department in writing the reasons for failure to comply with KRS  
10 138.660 to 138.7291 and if the department finds the reasons sufficient evidence or  
11 justifiable cause for modifying the penalty provided in subsection (1) of this section,  
12 it may modify the penalty enacted therein to five percent (5%) of the amount of the  
13 tax due and delinquent, provided the five percent (5%) penalty may be reduced to  
14 one percent (1%) if the violation is the first violation by the taxpayer within the  
15 twelve (12) months.
- 16 (3) If the penalties provided by this section are collected by proceedings in court, an  
17 additional penalty of twenty percent (20%) shall be collected and distributed as is  
18 authorized by KRS 134.552. Whenever any licensee neglects or refuses to make and  
19 file any report for any calendar quarter as required by KRS 138.685, or files an  
20 incorrect or fraudulent report, the department shall determine after an investigation  
21 the amount of the liability which the licensee has incurred under KRS 138.660 to  
22 138.7291 for any particular quarter and assess and collect the amount of tax and  
23 penalties due.
- 24 (4) Any licensee who fails to make any report required under the provisions of KRS  
25 138.660 to 138.7291 within the time allowed may be required to pay a penalty of  
26 ~~[fifty dollars (\$50) for a first offense, two hundred fifty dollars (\$250) for a second~~  
27 ~~offense, or ]~~five hundred dollars (\$500) for any ~~[subsequent ]~~offense~~[ within any~~

1       ~~four (4) year period~~. The penalty is to be assessed and collected in the manner  
2       provided for the assessment and collection of taxes, or the licensee may be  
3       proceeded against in a civil action instigated by the department. In addition, such  
4       licensee may be compelled to make the required return.

5       (5) In any action for the collection of taxes due under KRS 138.660 to 138.7291 and  
6       any penalties or interest imposed in connection therewith, an assessment by the  
7       department of the amount of tax due and the interest or penalties due to the state  
8       shall constitute prima facie evidence of the claim of the state and the burden of  
9       proof shall be on the licensee to show that the assessment was incorrect or contrary  
10      to law.

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

12      (1) For purposes of maintaining driving history records of operators of motor vehicles  
13      of the Commonwealth, the files of the Transportation Cabinet shall be used to  
14      ascertain the driving history record of each person who is licensed to operate a  
15      motor vehicle within the Commonwealth. Except as provided in subsection (2) of  
16      this section, the Transportation Cabinet shall destroy, and shall not maintain,  
17      records of moving traffic convictions that are more than ***ten (10)***~~five (5)~~ years old.  
18      Notwithstanding, for any licensee who now holds, who has applied for, or has ever  
19      held a Class A, B, or C license issued pursuant to KRS 281A.170, the cabinet shall  
20      keep conviction records indefinitely.

21      (2) The Transportation Cabinet shall not release information on the driving history  
22      record of a person under the age of twenty-one (21) whose operator license has been  
23      suspended pursuant to KRS 189A.010(6). The cabinet shall destroy, and shall not  
24      maintain, the record of the suspension of a person's operator's license if the license  
25      was suspended pursuant to KRS 189A.010(6), within five (5) working days of the  
26      person's operator's license being reinstated. This subsection shall not apply to a  
27      person who holds, or is required to hold, a commercial driver's license.

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

5 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 281A IS CREATED TO  
 6 READ AS FOLLOWS:

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

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

13 **(a) Parking;**

14 **(b) Vehicle weight; or**

15 **(c) Vehicle defect.**

16 ➔Section 4. KRS 281A.165 is amended to read as follows:

17 (1) The cabinet may waive the driving skills test for an applicant on active military  
 18 service, or within **one (1) year** [~~ninety (90) days~~] of separation of service, who:

19 (a) Is currently licensed;

20 (b) Has experience driving a vehicle in the military that would require a  
 21 commercial driver's license to operate as a civilian;

22 (c) Has a good driving record; and

23 (d) Certifies and provides verification that, during the two (2) year period  
 24 immediately prior to applying for a commercial driver's license, the applicant:

25 1. Drove a motor vehicle in the military that was representative of the  
 26 commercial driver's license class and endorsement for which he or she is  
 27 applying;

- 1           2. Has not had his or her operator's license or commercial driver's license  
2           suspended, revoked, or canceled, or been disqualified from operating a  
3           commercial motor vehicle;
- 4           3. Has not been convicted of any of the disqualifying offenses in 49 C.F.R.  
5           sec. 383.51(b) while operating a commercial motor vehicle, or of any  
6           offense in a noncommercial vehicle that would be disqualifying under  
7           49 C.F.R. sec. 383.51(b) if committed in a commercial motor vehicle;
- 8           4. Has not been convicted of more than one (1) serious traffic violation, as  
9           defined in 49 C.F.R. sec. 383.5, while operating any type of motor  
10          vehicle;
- 11          5. Has not been convicted of any violation of military, state or local law  
12          relating to motor vehicle traffic control, other than a parking violation,  
13          arising in connection with a traffic accident, and has no record of being  
14          at fault in an accident while driving a vehicle in the military that  
15          would require a commercial driver's license to operate as a civilian;
- 16          6. Has not been convicted of any motor vehicle traffic violation that  
17          resulted in an accident; and
- 18          7. Is or was regularly employed in a position in the Armed Forces of the  
19          United States requiring operation of a commercial motor vehicle of the  
20          group the applicant seeks to drive, and provides evidence of that  
21          employment in accordance with subsection (5) of this section.
- 22 (2) The skills test waiver process described in subsection (1) of this section shall be  
23          completed, and the commercial driver's license issued, within one (1) year~~ninety~~  
24          ~~(90) days~~ of separation of service.
- 25 (3) Military personnel who obtain the skills test waiver under this section shall be  
26          required to take the knowledge test pursuant to KRS 281A.130.
- 27 (4) Military personnel who obtain the skills test waiver under this section shall be

1 required to pay the application fee as prescribed by KRS 281A.150, but shall not be  
2 charged the skills-testing fee as prescribed by KRS 281A.160.

3 (5) The cabinet shall promulgate administrative regulations under KRS Chapter 13A  
4 that establish an application form for waiver of the skills test by military personnel.  
5 As part of the application process, the applicant shall be required to provide:

- 6 (a) A copy of the applicant's DD-214 form showing the applicant's military  
7 occupational specialty; or  
8 (b) A signed statement by the applicant's commanding officer or transportation  
9 officer, on a form provided by the cabinet, attesting to the fact that the  
10 applicant meets the requirements of this section.

11 ➔Section 5. KRS 281A.170 (Effective until January 1, 2019) is amended to read  
12 as follows:

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

- 16 (a) The name and present resident address of the licensee;  
17 (b) The licensee's ~~color~~ photograph;  
18 (c) A physical description of the licensee including sex, height, weight, and eye  
19 color;  
20 (d) The licensee's date of birth;  
21 (e) The licensee's signature;  
22 (f) The class or type of commercial motor vehicle or vehicles that the person is  
23 authorized to drive together with any endorsements or restrictions;  
24 (g) The name of this state;  
25 (h) The dates between which the license is valid; and  
26 (i) Any other information required by the cabinet, except for a person's Social  
27 Security number.

1 (2) A commercial driver's license shall be issued with classifications, endorsements,  
2 and restrictions. Vehicles that require an endorsement shall not be driven unless the  
3 proper endorsement appears on the license and the applicant has passed the  
4 knowledge and skills test required by the State Police.

5 (a) Classifications:

- 6 1. Class A - Any combination of vehicles with a gross vehicle weight  
7 rating of twenty-six thousand and one (26,001) pounds or more, if the  
8 gross vehicle weight rating of the vehicle being towed is in excess of ten  
9 thousand (10,000) pounds. Licensees with an "A" classification may  
10 with the proper endorsement drive Class B and C vehicles.
- 11 2. Class B - Any single vehicle with a gross vehicle weight rating of  
12 twenty-six thousand and one (26,001) pounds or more, and any vehicle  
13 towing a vehicle not in excess of ten thousand (10,000) pounds.  
14 Licensees with a "B" classification may with the proper endorsements  
15 drive Class C vehicles.
- 16 3. Class C - Any single vehicle with a gross weight rating of less than  
17 twenty-six thousand and one (26,001) pounds or any vehicle towing a  
18 vehicle with a gross vehicle weight rating not in excess of ten thousand  
19 (10,000) pounds which includes:
  - 20 a. Vehicles designed to transport sixteen (16) or more passengers,  
21 including the driver; or
  - 22 b. Vehicles used in the transportation of hazardous materials which  
23 requires the vehicle to be placarded under Title 49, Code of  
24 Federal Regulations, Part 172, sub-part F, as adopted by  
25 administrative regulations of the cabinet, pursuant to KRS Chapter  
26 13A.
- 27 4. Class D - All other vehicles not listed in any other class.

- 1           5.    Class E - Moped only.
- 2           6.    Class M - Motorcycles. Licensees with a "M" classification may also
- 3           drive Class E vehicles.
- 4       (b) Endorsements:
- 5           1.    "H" - Authorizes the driver to operate a vehicle transporting hazardous
- 6           materials.
- 7           2.    "T" - Authorizes operation of double trailers and triple trailers in those
- 8           jurisdictions allowing the operation of triple trailers.
- 9           3.    "P" - Authorizes operation of vehicles carrying passengers.
- 10          4.    "N" - Authorizes operation of tank vehicles.
- 11          5.    "X" - Authorizes operation of combination of hazardous materials and
- 12          tank vehicle endorsements.
- 13          6.    "R" - Authorizes operation of all other endorsements not otherwise
- 14          specified.
- 15          7.    "S" - Authorizes operation of school buses.
- 16       (c) The Transportation Cabinet shall promulgate administrative regulations in
- 17       accordance with KRS Chapter 13A to outline restrictions on the operation of
- 18       commercial vehicles and the associated codes to identify such restrictions,
- 19       which shall appear on the face of the commercial driver's license.
- 20   (3) Within ten (10) days after issuing a commercial driver's license, the cabinet shall
- 21       notify the commercial driver's license information system of that fact, providing all
- 22       information required to ensure identification of the person.
- 23   (4) A commercial driver's license issued to a resident pursuant to this chapter shall
- 24       expire in four (4) years unless the license was issued to a resident under the age of
- 25       twenty-one (21). A commercial driver's license issued to a person who is not a
- 26       resident shall be issued for one (1) year and shall not be renewable. The fee for a
- 27       commercial driver's license issued to a nonresident shall be the same as the fee

1 charged to a resident.

2 (5) A person under the age of twenty-one (21) shall not be licensed to operate a Class  
3 A, B, or C vehicle unless he has an "I" restriction. A commercial driver with an "I"  
4 restriction shall not drive a commercial motor vehicle in interstate commerce,  
5 unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age  
6 of twenty-one (21) shall not be allowed to operate a school bus or a vehicle  
7 transporting hazardous material in intrastate commerce.

8 (6) The holder of a commercial driver's license shall be considered to hold a valid  
9 Kentucky driver's license issued under the provisions of KRS 186.412.

10 ➔Section 6. KRS 281A.170 (Effective January 1, 2019) is amended to read as  
11 follows:

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

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

16 (b) The licensee's ~~color~~ photograph;

17 (c) A physical description of the licensee including sex, height, weight, and eye  
18 color;

19 (d) The licensee's date of birth;

20 (e) The licensee's signature;

21 (f) The class or type of commercial motor vehicle or vehicles that the person is  
22 authorized to drive together with any endorsements or restrictions;

23 (g) The name of this state;

24 (h) The dates between which the license is valid; and

25 (i) Any other information required by the cabinet, except for a person's Social  
26 Security number.

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

1 that either:

2 (a) The commercial driver's license is a voluntary travel ID identity document that  
3 complies with the security standards set forth by Pub. L. No. 109-13, Title II,  
4 and may be used for identification for federal purposes; or

5 (b) The commercial driver's license shall not be used for federal identification  
6 purposes.

7 (3) A commercial driver's license shall be issued with classifications, endorsements,  
8 and restrictions. Vehicles that require an endorsement shall not be driven unless the  
9 proper endorsement appears on the license and the applicant has passed the  
10 knowledge and skills test required by the State Police.

11 (a) Classifications:

12 1. Class A - Any combination of vehicles with a gross vehicle weight  
13 rating of twenty-six thousand and one (26,001) pounds or more, if the  
14 gross vehicle weight rating of the vehicle being towed is in excess of ten  
15 thousand (10,000) pounds. Licensees with an "A" classification may  
16 with the proper endorsement drive Class B and C vehicles.

17 2. Class B - Any single vehicle with a gross vehicle weight rating of  
18 twenty-six thousand and one (26,001) pounds or more, and any vehicle  
19 towing a vehicle not in excess of ten thousand (10,000) pounds.  
20 Licensees with a "B" classification may with the proper endorsements  
21 drive Class C vehicles.

22 3. Class C - Any single vehicle with a gross weight rating of less than  
23 twenty-six thousand and one (26,001) pounds or any vehicle towing a  
24 vehicle with a gross vehicle weight rating not in excess of ten thousand  
25 (10,000) pounds which includes:

26 a. Vehicles designed to transport sixteen (16) or more passengers,  
27 including the driver; or

- 1                   b.   Vehicles used in the transportation of hazardous materials which  
2                   requires the vehicle to be placarded under Title 49, Code of  
3                   Federal Regulations, Part 172, sub-part F, as adopted by  
4                   administrative regulations of the cabinet, pursuant to KRS Chapter  
5                   13A.
- 6                   4.   Class D - All other vehicles not listed in any other class.  
7                   5.   Class E - Moped only.  
8                   6.   Class M - Motorcycles. Licensees with a "M" classification may also  
9                   drive Class E vehicles.
- 10               (b) Endorsements:
- 11               1.   "H" - Authorizes the driver to operate a vehicle transporting hazardous  
12               materials.  
13               2.   "T" - Authorizes operation of double trailers and triple trailers in those  
14               jurisdictions allowing the operation of triple trailers.  
15               3.   "P" - Authorizes operation of vehicles carrying passengers.  
16               4.   "N" - Authorizes operation of tank vehicles.  
17               5.   "X" - Authorizes operation of combination of hazardous materials and  
18               tank vehicle endorsements.  
19               6.   "R" - Authorizes operation of all other endorsements not otherwise  
20               specified.  
21               7.   "S" - Authorizes operation of school buses.
- 22               (c) The Transportation Cabinet shall promulgate administrative regulations in  
23               accordance with KRS Chapter 13A to outline restrictions on the operation of  
24               commercial vehicles and the associated codes to identify such restrictions,  
25               which shall appear on the face of the commercial driver's license.
- 26               (4) Within ten (10) days after issuing a commercial driver's license, the cabinet shall  
27               notify the commercial driver's license information system of that fact, providing all

1 information required to ensure identification of the person.

2 (5) A commercial driver's license issued to a resident pursuant to this chapter shall  
3 expire in eight (8) years unless the license was issued to a resident under the age of  
4 twenty-one (21). A commercial driver's license issued to a person who is not a  
5 resident shall be issued for one (1) year and shall not be renewable. The fee for a  
6 commercial driver's license issued to a nonresident shall be the same as the fee  
7 charged to a resident.

8 (6) A person under the age of twenty-one (21) shall not be licensed to operate a Class  
9 A, B, or C vehicle unless he has an "I" restriction. A commercial driver with an "I"  
10 restriction shall not drive a commercial motor vehicle in interstate commerce,  
11 unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age  
12 of twenty-one (21) shall not be allowed to operate a school bus or a vehicle  
13 transporting hazardous material in intrastate commerce.

14 (7) The holder of a commercial driver's license shall be considered to hold a valid  
15 Kentucky driver's license issued under the provisions of KRS 186.4102 and  
16 186.412.

17 ➔Section 7. The following KRS section is repealed:

18 138.670 Amount and conditions of bond -- Cabinet may require new bond -- Additional  
19 bond -- Release of surety.