

1 AN ACT relating to operator's licenses.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO
4 READ AS FOLLOWS:

- 5 *(1) (a) If a person who has been reported as having overdosed on opioids applies*
6 *for an original, duplicate, modified, or renewal operator's license, or applies*
7 *for an instruction permit, he or she shall be required by the cabinet to*
8 *present to the Division of Driver Licensing certification by a physician or*
9 *advanced practice registered nurse that he or she has been opioid-free for*
10 *ninety (90) days; and*
- 11 *(b) If a person's opioid use is controlled by medication, the person shall be*
12 *required by the cabinet to provide to the Division of Driver Licensing:*
- 13 *1. A statement that he or she has been free of opioid use for ninety (90)*
14 *days before the date of application for any of the licenses described in*
15 *paragraph (a) of this subsection; and*
- 16 *2. A description of any medication and its dosages prescribed by the*
17 *person's physician or advanced practice registered nurse for the*
18 *purpose of controlling opioid use.*
- 19 *(2) Any person who has overdosed on opioids who cannot present the certification*
20 *that his or her opioid use is controlled by drugs or a statement that he or she has*
21 *been opioid-free for ninety (90) days shall be notified in writing by the cabinet*
22 *that the person's privilege to operate a motor vehicle is withdrawn and of his or*
23 *her right to have an informal hearing on the matter of whether he or she is an*
24 *unsafe driver as a result of his or her opioid use. The notice shall be mailed by*
25 *first-class mail to the address of record of the person. The hearing shall be*
26 *automatically waived if not requested within twenty (20) days after the cabinet*
27 *mails notice. The hearing shall be scheduled as early as practical after receipt of*

1 the request at a time and place designated by the cabinet.

2 (3) A person who has overdosed on opioids may present evidence to the Division of
3 Driver Licensing's medical review board as established under KRS 186.444,
4 including his or her own attested statement, physician's or advanced practice
5 registered nurse's statement, and medical dosage details, if applicable. If the
6 board determines that the person's previous opioid overdoses would not impair
7 his or her ability to operate a motor vehicle, the division shall issue the letter of
8 authorization required by subsection (1) of this section.

9 (4) On or after the effective date of this Act, a physician, advanced practice registered
10 nurse, paramedic, or emergency medical technician shall report to the
11 commissioner of the Department of Vehicle Regulation the name, address, date
12 of birth, and Social Security number, if known, of any person who overdoses on
13 opioids.

14 (5) Any physician, advanced practice registered nurse, paramedic, or emergency
15 medical technician shall not be subject to civil or criminal liability, absent a
16 showing of bad faith, for providing any reports, records, examinations, opinions,
17 or recommendations pursuant to this section.

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

19 (1) The Transportation Cabinet shall promulgate administrative regulations to establish
20 a medical review board. The purpose of the medical review board shall be to receive
21 cases relating to the ability of an applicant or holder of a motor vehicle operator's
22 license to drive due to physical or mental disability or an opioid overdose which
23 may affect or limit a person's ability to safely operate a motor vehicle.

24 (2) The secretary shall appoint any number of physicians licensed in the
25 Commonwealth to the medical review board. Not less than three (3) members shall
26 be present in order to conduct an informal hearing. Each member shall receive two
27 hundred dollars (\$200) per day for attending meetings of the board and shall be

1 reimbursed for necessary expenses incurred in attending meetings.

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

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

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

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

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

17 (a) That person has committed any offenses for the conviction of which
18 mandatory revocation of a license is provided by KRS 186.560.

19 (b) That person has, by reckless or unlawful operation of a motor vehicle, caused,
20 or contributed to an accident resulting in death or injury or serious property
21 damage.

22 (c) That person has a mental or physical disability **or opioid addiction** that makes
23 it unsafe for him to drive upon the highways.

24 The Transportation Cabinet shall, by administrative regulations promulgated
25 pursuant to KRS Chapter 13A, establish a medical review board to provide
26 technical assistance in the review of the driving ability of these persons. The
27 board shall consist of licensed medical and rehabilitation specialists.

- 1 (d) That person is an habitually reckless or negligent driver of a motor vehicle or
2 has committed a serious violation of the motor vehicle laws.
- 3 (e) That person has been issued a license without making proper application for
4 it, as provided in KRS 186.412 and administrative regulations promulgated
5 pursuant to KRS Chapter 13A.
- 6 (f) That person has presented false or misleading information as to the person's
7 residency, citizenship, religious convictions, or immigration status.
- 8 (g) A person required by KRS 186.480 to take an examination has been issued a
9 license without first having passed the examination.
- 10 (h) That person has been convicted of assault and battery resulting from the
11 operation of a motor vehicle.
- 12 (i) That person has failed to appear pursuant to a citation or summons issued by a
13 law enforcement officer of this Commonwealth or any other jurisdiction.
- 14 (j) That person has failed to appear pursuant to an order by the court to produce
15 proof of security required by KRS 304.39-010 and a receipt showing that a
16 premium for a minimum policy period of six (6) months has been paid.
- 17 (k) That person is a habitual violator of KRS 304.39-080. For purposes of this
18 section, a "habitual violator" shall mean any person who has operated a motor
19 vehicle without security on the motor vehicle as required by Subtitle 39 of this
20 chapter three (3) or more times within a five (5) year period, in violation of
21 KRS 304.99-060(2).
- 22 (2) The cabinet shall deny any person a license or shall suspend the license of an
23 operator of a motor vehicle upon receiving written notification from the Cabinet for
24 Health and Family Services that the person has a child support arrearage which
25 equals or exceeds the cumulative amount which would be owed after six (6) months
26 of nonpayment or failure, after receiving appropriate notice, to comply with a
27 subpoena or warrant relating to paternity or child support proceedings, as provided

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

14 (3) The cabinet or its agent designated in writing for that purpose shall deny any person
15 an operator's license or shall suspend the operator's license of any person, or, in the
16 case of a nonresident, withdraw the privilege of operating a motor vehicle in this
17 state:

18 (a) Where the person has been declared ineligible to operate a motor vehicle
19 under KRS 532.356 for the duration of the ineligibility, upon notification of
20 the court's judgment; or

21 (b) Upon receiving written notification from the Finance and Administration
22 Cabinet, Department of Revenue, that the person is a delinquent taxpayer as
23 provided in KRS 131.1817. The denial or suspension shall continue until a
24 written tax clearance has been received by the cabinet from the Finance and
25 Administration Cabinet, Department of Revenue. Notwithstanding the
26 provisions of subsection (4) of this section, a person whose license is denied
27 or suspended under this paragraph shall have thirty (30) days from the date the

1 cabinet mails the notice to request a hearing.

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

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

- 18 1. The conviction causing the suspension or revocation is more than five
19 (5) years old;
- 20 2. The conviction is for a traffic offense other than a felony traffic offense
21 or a habitual violator offense; and
- 22 3. The license holder complies with the provisions of KRS 186.442.

23 (b) If, at the time of application for an initial Kentucky operator's license, a
24 person's license is suspended or revoked in another state for a conviction that
25 is less than five (5) years old, the cabinet shall deny the person a license until
26 the person resolves the matter in the other state and complies with the
27 provisions of this chapter.

- 1 (c) The cabinet may, upon receiving a record of the conviction in this state of a
2 nonresident driver of a motor vehicle of any offense under the motor vehicle
3 laws, forward a notice of that person's conviction to the proper officer in the
4 state of which the convicted person is a resident.
- 5 (d) This subsection shall not apply to a commercial driver's license.
- 6 (6) The Transportation Cabinet is forbidden from suspending or revoking an operator's
7 license or assessing points or any other form of penalty against the license holder
8 for speeding violations or speeding convictions from other states. This subsection
9 shall apply only to speeding violations. This section shall not apply to a person who
10 holds or is required to hold a commercial driver's license.
- 11 (7) Each operator's license which has been canceled, suspended, or revoked shall be
12 surrendered to and retained by the cabinet. At the end of the period of cancellation,
13 suspension, or revocation, the license may be returned to the licensee after he has
14 complied with all requirements for the issuance or reinstatement of his driving
15 privilege.
- 16 (8) Insurance companies issuing motor vehicle policies in the Commonwealth shall be
17 prohibited from raising a policyholder's rates solely because the policyholder's
18 driving privilege has been suspended or denied pursuant to subsection (2) of this
19 section.