

1 AN ACT relating to operator's licenses for certain inmates and declaring an
2 emergency.

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

4 ➔Section 1. KRS 186.417 (Effective January 1, 2019) is amended to read as
5 follows:

6 (1) The Transportation Cabinet shall issue to any felony offender, if the felony offender
7 is eligible, released from the Kentucky Department of Corrections or a Federal
8 Bureau of Prisons facility located in Kentucky on home incarceration, parole,
9 completed service of sentence, shock probation, or pardon, a personal identification
10 card or, if the felony offender is eligible, an operator's license. An offender who
11 wishes to obtain a personal identification card or operator's license shall provide
12 proper documentation to comply with the provisions of this section.

13 (2) Proper documentation under subsection (1) of this section shall consist of:

14 (a) The offender's certificate of birth;

15 (b) A copy of the offender's resident record card and parole certificate or notice of
16 discharge;

17 (c) A photograph of the offender, printed on plastic card or paper; and

18 (d) A release letter that shall contain the offender's:

19 1. Full legal name, subject to the information available to the Kentucky
20 Department of Corrections or a Federal Bureau of Prisons facility
21 located in Kentucky;

22 2. Discharge/release date;

23 3. Signature;

24 4. Social Security number;

25 5. Date of birth;

26 6. Present Kentucky address where he or she resides; and

27 7. Physical description.

- 1 (3) The Transportation Cabinet shall issue to any felony offender, if the felony offender
2 is eligible, probated or conditionally discharged by the court and under the
3 supervision of the Division of Probation and Parole or the United States Probation
4 Office, a personal identification card or, if the felony offender is eligible, an
5 operator's license. An offender who wishes to obtain a personal identification card
6 or operator's license shall provide proper documentation to comply with the
7 provisions of this section.
- 8 (4) Proper documentation under subsection (3) of this section shall consist of:
- 9 (a) The offender's certificate of birth;
- 10 (b) The offender's sentencing order;
- 11 (c) A photograph of the offender, printed on plastic card or paper; and
- 12 (d) A notarized release letter, signed by the supervising officer verifying the
13 offender's status on supervision, that shall contain the offender's:
- 14 1. Full legal name, subject to the information available to the Division of
15 Probation and Parole or the United States Probation Office;
- 16 2. Signature;
- 17 3. Social Security number;
- 18 4. Date of birth;
- 19 5. Present Kentucky address where he or she resides; and
- 20 6. Physical description.
- 21 (5) The offender shall present the documentation identified in subsection (2) or (4) of
22 this section to the circuit clerk within thirty (30) calendar days from the date of the
23 release letter and shall be responsible for paying the fee for the personal
24 identification card or operator's license pursuant to KRS 186.531.
- 25 (6) *The Transportation Cabinet shall promulgate administrative regulations in*
26 *accordance with KRS Chapter 13A to establish procedures for current inmates in*
27 *state and federal prisons, who are deemed eligible by prison officials, to be issued*

1 operator's licenses to engage in work release activities or reentry initiatives. The
 2 administrative regulations shall address, at a minimum:

3 (a) The information required for application, which shall include all
 4 information in paragraph (b) of this subsection which is germane to a
 5 current inmate. For purposes of this paragraph, the facility in which the
 6 inmate is housed shall be considered the inmate's residence;

7 (b) Required documentation from the Department of Corrections or the
 8 Federal Bureau of Prisons that the inmate meets the security criteria to be
 9 eligible for work outside of the facility;

10 (c) Procedures for license issuance; and

11 (d) Restrictions on use of the license, including a requirement that the inmate
 12 shall surrender the license to prison officials when the inmate is not
 13 engaged in work outside the facility.

14 (7) Except as provided in subsection (8)~~[(7)]~~ of this section, the circuit clerk shall
 15 process applications for operator's licenses and personal identification cards under
 16 this section in the same manner as in KRS 186.412 and 186.4122.

17 (8)~~[(7)]~~ The Transportation Cabinet may enter into an agreement with the Kentucky
 18 Department of Corrections, the United States Probation Office, or the Federal
 19 Bureau of Prisons to use a mobile unit to begin the issuance process in this section.

20 ➔Section 2. KRS 186.412 (Effective until January 1, 2019) is amended to read as
 21 follows:

22 (1) (a) A person who was under the age of eighteen (18) years at the time of
 23 application for an instruction permit and is eighteen (18) years of age or older
 24 may apply for an operator's license to operate a motor vehicle, motorcycle, or
 25 moped if the person has possessed the valid instruction permit for at least one
 26 hundred eighty (180) days and has completed a driver training program under
 27 KRS 186.410(4).

- 1 (b) A person who has attained the age of eighteen (18) years and is under the age
2 of twenty-one (21) at the time of application for an instruction permit may
3 apply for an operator's license to operate a motor vehicle, motorcycle, or
4 moped if the person has possessed the valid instruction permit for at least one
5 hundred eighty (180) days.
- 6 (c) A person who is at least twenty-one (21) years of age at the time of
7 application for an instruction permit may apply for an operator's license to
8 operate a motor vehicle, motorcycle, or moped if the person has possessed the
9 valid instruction permit for at least thirty (30) days.
- 10 (2) Except as provided in subsection (4) of this section, a person shall apply for an
11 operator's license in the office of the circuit clerk of the county where the person
12 lives. Except as provided in subsection (8)(b) and (c) of this section, the application
13 form shall require the person's:
- 14 (a) Full legal name and signature;
- 15 (b) Date of birth;
- 16 (c) Social Security number, federal tax identification number, a letter from the
17 Social Security Administration declining to issue a Social Security number, or
18 a notarized affidavit from the applicant to the Transportation Cabinet swearing
19 that the person either does not have a Social Security number, or refuses to
20 divulge his or her Social Security number, based upon religious convictions;
- 21 (d) Sex;
- 22 (e) Present Kentucky resident address, exclusive of a post office box address
23 alone;
- 24 (f) Other information necessary to permit the application of United States citizens
25 to also serve as an application for voter registration;
- 26 (g) A brief physical description of the applicant;
- 27 (h) A statement if the person has previously been licensed as an operator in

1 another state;

2 (i) Proof of the person's Kentucky residency, including but not limited to a deed
3 or property tax bill, utility agreement or utility bill, or rental housing
4 agreement; and

5 (j) Other information the cabinet may require by administrative regulation
6 promulgated under KRS Chapter 13A.

7 (3) A permanent resident shall present one (1) of the following documents issued by the
8 United States Department of Homeland Security, United States Bureau of
9 Citizenship and Immigration Services:

10 (a) An I-551 card with a photograph of the applicant; or

11 (b) A form with the photograph of the applicant or a passport with a photograph
12 of the applicant on which the United States Department of Homeland
13 Security, United States Bureau of Citizenship and Immigration Services has
14 stamped the following: "Processed for I-551. Temporary evidence of lawful
15 admission for permanent residence. Valid until -----. Employment authorized."

16 (4) If the person is not a United States citizen and has not been granted status as a
17 permanent resident of the United States, the person's application for an original
18 operator's license shall be submitted to either the Transportation Cabinet in
19 Frankfort or a Transportation Cabinet field office.

20 (a) The application form shall be accompanied by the person's documentation
21 issued by the United States Department of Homeland Security, United States
22 Bureau of Citizenship and Immigration Services, authorizing the person to be
23 in the United States and, if applicable, the person's international driving
24 permit. The application form of a special status individual with a K-1 status
25 shall be accompanied by an original or certified copy of the person's
26 completed marriage license signed by the official who presided over the
27 marriage ceremony and two (2) witnesses. The application form of a special

1 status individual with a K-1 status shall also include the person's petition to
2 enter the United States for the purpose of marriage that contains the name of
3 the prospective spouse. If the name of the prospective spouse on the petition
4 does not match the name of the spouse on the marriage license, the
5 Transportation Cabinet shall not be required to issue an operator's license.

6 (b) The Transportation Cabinet shall, within fifteen (15) days of receipt of the
7 application, review the person's documentation and determine if the person
8 will be issued a Kentucky operator's license. If the review of an application
9 will take longer than fifteen (15) days, the cabinet shall continue the review,
10 but the cabinet shall be required to make a determination in all cases within
11 thirty (30) days of receipt of the application.

12 (c) If the cabinet determines the person may be issued an operator's license, the
13 cabinet shall issue the person an official form that the person shall take to the
14 office of the circuit clerk of the county where the person resides. The circuit
15 clerk shall review the person's documentation and the official form issued by
16 the Transportation Cabinet. If the documentation is verified as accurate, and if
17 the person successfully completes the examinations required under KRS
18 186.480, the circuit clerk shall issue the person a Kentucky operator's license.

19 (d) Except as provided in paragraphs (e) and (f) of this subsection, a person who
20 is not a United States citizen and who has not been granted status as a
21 permanent resident of the United States shall apply to renew an operator's
22 license, or obtain a duplicate operator's license, in the office of the circuit
23 clerk in the county in which the person resides.

24 (e) If a person is renewing an operator's license or is applying for a duplicate
25 license after July 15, 2002, and the person's documentation issued by the
26 United States Department of Homeland Security, United States Bureau of
27 Citizenship and Immigration Services, has not been reviewed by the either the

1 Transportation Cabinet in Frankfort or a Transportation Cabinet field office
2 under the provisions of this subsection, the person shall be required to apply
3 for the renewal or duplicate with either the Transportation Cabinet in
4 Frankfort or a Transportation Cabinet field office.

5 (f) If a person has any type of change in the person's immigration status, the
6 person shall apply to renew an operator's license with either the Transportation
7 Cabinet in Frankfort or a Transportation Cabinet field office.

8 (5) The circuit clerk shall issue an operator's license bearing a color photograph of the
9 applicant and other information the cabinet may deem appropriate. The photograph
10 shall be taken by the circuit clerk so that one (1) exposure will photograph the
11 applicant and the application simultaneously. When taking the photograph, the
12 applicant shall be prohibited from wearing sunglasses or any other attire that
13 obscures any features of the applicant's face as determined by the clerk. The clerk
14 shall require an applicant to remove sunglasses or other obscuring attire before
15 taking the photograph required by this subsection. Any person who refuses to
16 remove sunglasses or other attire prohibited by this section as directed by the clerk
17 shall be prohibited from receiving an operator's license. The operator's license
18 issued by the cabinet shall not contain the applicant's Social Security number. The
19 cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A
20 that develop a numbering system that uses an identification system other than Social
21 Security numbers. If an applicant does not have a Social Security number, or the
22 applicant has submitted a notarized affidavit refusing to divulge his or her Social
23 Security number based upon religious convictions, the Transportation Cabinet shall
24 assign the applicant a unique identifying number. The license shall also designate
25 by color coding and use the phrase "under 21" if the licensee is under the age of
26 twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A; or
27 "under 21 CDL" if the licensee holds a commercial driver's license issued pursuant

1 to KRS Chapter 281A and is under the age of twenty-one (21).

2 (6) Every applicant shall make oath to the circuit clerk as to the truthfulness of the
3 statements contained in the form.

4 (7) (a) Except as provided in subsection (8) of this section, the circuit clerk shall
5 issue a color photo personal identification card to any person who is a
6 Kentucky resident and who resides in the county who complies with the
7 provisions of this section and who applies in person in the office of the circuit
8 clerk. An application for a personal identification card shall be accompanied
9 by the same information as is required for an operator's license under
10 subsection (2) of this section, except if a person does not have a fixed,
11 permanent address, the person may use as proof of residency a signed letter
12 from a homeless shelter, health care facility, or social service agency currently
13 providing the person treatment or services and attesting that the person is a
14 resident of Kentucky.

15 (b) It shall be permissible for the application form for a personal identification
16 card to include as a person's most current resident address a mailing address,
17 post office box, or an address provided on a voter registration card.

18 (c) Every applicant for a personal identification card shall make an oath to the
19 circuit clerk as to the truthfulness of the statements contained on the
20 application form. If the applicant is not the legal owner or possessor of the
21 address provided on the application form, the applicant shall swear that he or
22 she has permission from the legal owner, authorized agent for the legal owner
23 or possessor to use the address for purposes of obtaining the personal
24 identification card. The personal identification card shall designate by color
25 coding and by use of the phrase "under 21" if the applicant is under the age of
26 twenty-one (21).

27 (d) A personal identification card shall be valid for a period of four (4) years from

1 the date of issuance, except that if the personal identification card is issued to
2 a person who does not have a fixed, permanent address, then the personal
3 identification card shall be valid for one (1) year from the date of issuance.
4 Except as provided in this subsection, an initial or renewal personal
5 identification card issued to a person who is not a United States citizen and
6 who has not been granted status as a permanent resident of the United States
7 and who is not a special status individual, but who is a Kentucky resident,
8 shall be valid for a period equal to the length of time the person's
9 documentation from the United States Department of Homeland Security,
10 United States Bureau of Citizenship and Immigration Services is issued, or
11 four (4) years, whichever time period is shorter. An initial or renewal personal
12 identification card shall be valid for a period of two (2) years if the person is
13 not a special status individual and the person's documentation issued by the
14 United States Department of Justice, Immigration and Naturalization Service,
15 is issued for an indefinite period of time and does not have an expiration date.
16 The fee shall be the same as for a regular personal identification card.

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

20 (8) (a) A person may be issued a personal identification card if the person currently
21 holds a valid Kentucky instruction permit or operator's license. If a person's
22 instruction permit or operator's license has been suspended or revoked, the
23 person may be issued a temporary personal identification card. A temporary
24 personal identification shall be renewed annually and may be surrendered
25 when the person applies to have his or her instruction permit or operator's
26 license reinstated.

27 (b) Upon receipt of proper documentation provided by the Department of

1 Corrections *or the Federal Bureau of Prisons*, the circuit clerk of the county
 2 in which a released felony offender resides *or the Transportation Cabinet*
 3 shall issue to any felony offender, if the felony offender is eligible, released
 4 from the Department of Corrections *or the Federal Bureau of Prisons* on
 5 home incarceration, parole, completed service of sentence, shock probation, or
 6 pardon, a personal identification card or, if the felony offender is eligible, an
 7 operator's license. Proper documentation under this paragraph shall consist of:

- 8 1. The offender's certificate of birth~~[, except for offenders born outside this~~
 9 ~~state]~~;
- 10 2. A copy of the offender's resident record card and parole certificate or
 11 notice of discharge;
- 12 3. A photograph of the offender, printed on plastic card or paper; and
- 13 4. A release letter that shall contain the offender's:
 - 14 a. Full legal name, subject to the information available to the
 15 Department of Corrections *or the Federal Bureau of Prisons*;
 - 16 b. Discharge/release date;
 - 17 c. Signature;
 - 18 d. Social Security number;
 - 19 e. Date of birth;
 - 20 f. Present Kentucky address where he or she resides; and
 - 21 g. Physical description.

22 The offender shall present this documentation to the circuit clerk within thirty
 23 (30) calendar days from the date of the release letter and shall be responsible
 24 for paying the fee for the personal identification card or operator's license
 25 pursuant to KRS 186.531. The provisions of this paragraph shall apply only to
 26 persons released on or after July 15, 2010.

- 27 (c) Upon receipt of proper documentation provided by the Department of

1 Corrections or the Federal Bureau of Prisons, the circuit clerk of the county
2 in which a felony offender resides or the Transportation Cabinet shall issue
3 to any felony offender, if the felony offender is eligible, probated or
4 conditionally discharged by the court and under the supervision of the
5 Division of Probation and Parole or the United States Probation Office, a
6 personal identification card or, if the felony offender is eligible, an operator's
7 license. Proper documentation under this paragraph shall consist of:

- 8 1. The offender's certificate of birth~~[, except for offenders born outside this~~
9 state];
- 10 2. The offender's sentencing order;
- 11 3. A photograph of the offender, printed on plastic card or paper; and
- 12 4. A notarized release letter, signed by the supervising officer verifying the
13 offender's status on supervision, that shall contain the offender's:
 - 14 a. Full legal name, subject to the information available to the
15 Division of Probation and Parole or the United States Probation
16 Office;
 - 17 b. Signature;
 - 18 c. Social Security number;
 - 19 d. Date of birth;
 - 20 e. Present Kentucky address where he or she resides; and
 - 21 f. Physical description.

22 The offender shall present this documentation to the circuit clerk or the
23 Transportation Cabinet within thirty (30) calendar days from the date of the
24 notarized release letter. The offender shall be responsible for paying the fee
25 for the personal identification card or operator's license pursuant to KRS
26 186.531. The provisions of this paragraph shall apply only to persons released
27 on or after July 15, 2010.

1 (d) The Transportation Cabinet shall promulgate administrative regulations in
 2 accordance with KRS Chapter 13A to establish procedures for current
 3 inmates in state and federal prisons, who are deemed eligible by prison
 4 officials, to be issued operator's licenses to engage in work release activities
 5 or reentry initiatives. Operator's licenses and personal identification cards
 6 issued under this paragraph and paragraphs (b) and (c) of this subsection
 7 may be issued directly by the Transportation Cabinet instead of the circuit
 8 clerk. The administrative regulations shall address, at a minimum:

9 1. The information required for application, which shall include all
 10 information in paragraph (b) of this subsection which is germane to a
 11 current inmate. For purposes of this paragraph, the facility in which
 12 the inmate is housed shall be considered the inmate's residence;

13 2. Required documentation from the Department of Corrections or the
 14 Federal Bureau of Prisons that the inmate meets the security criteria
 15 to be eligible for work outside of the facility;

16 3. Procedures for license issuance; and

17 4. Restrictions on use of the license, including a requirement that the
 18 inmate shall surrender the license to prison officials when the inmate
 19 is not engaged in work outside the facility.

20 (9) The Transportation Cabinet shall implement a voluntary statewide child
 21 identification program. The program shall issue a color photo personal
 22 identification card to a child two (2) to fifteen (15) years of age. Application for a
 23 child identification card shall be accompanied by a Social Security card and a birth
 24 certificate for the child or other proof of the child's date of birth as provided under
 25 subsection (2) of this section. The card shall contain the child's name and the toll-
 26 free number of the Kentucky Missing Persons Clearinghouse, Department of
 27 Kentucky State Police. The card shall not contain the child's Social Security

1 number. The cabinet shall set a four dollar (\$4) fee for the child identification card.
2 Two dollars (\$2) of the fee shall be used to cover the cabinet's cost for equipment
3 and supplies. Two dollars (\$2) of the fee shall be an administrative fee of the circuit
4 clerk for issuing the card which shall be deposited by the Administrative Office of
5 the Courts into a trust and agency account for the circuit clerks and used for the
6 purposes of hiring additional deputy clerks and providing salary adjustments to
7 deputy clerks. The card shall expire every four (4) years on the child's birthday.
8 Within the time period that the child identification card is valid, the card may be
9 updated with a new photograph and information. The fee for an updated card shall
10 be four dollars (\$4), with two dollars (\$2) of the fee going to the cabinet and two
11 dollars (\$2) going to the Administrative Office of the Courts in the same manner as
12 the fee for an initial card as described in this subsection. The descriptive data and a
13 photo image of the child shall be stored in the Kentucky Driver's License
14 Information System and may be retrieved and used by public agencies subject to the
15 provisions of the Driver Privacy Protection Act, 18 U.S.C. sec. 2721, and may also
16 be used by the Kentucky Missing Persons Clearinghouse.

17 (10) If a citizen of the Commonwealth currently serving in the United States military is
18 stationed or assigned to a base or other location outside the boundaries of the
19 Commonwealth, the citizen may renew a Class D operator's license issued under
20 this section by mail. If the citizen was issued an "under 21" operator's license, upon
21 the date of his or her twenty-first birthday, the "under 21" operator's license may be
22 renewed for an operator's license that no longer contains the outdated reference to
23 being "under 21."

24 (11) A citizen of the Commonwealth renewing an operator's license by mail under
25 subsection (10) of this section may have a personal designee apply to the circuit
26 clerk on behalf of the citizen to renew the citizen's operator's license. An operator's
27 license being renewed by mail under subsection (10) of this section shall be issued a

1 license without a photograph. The license shall show in the space provided for the
2 photograph the legend "valid without photo and signature."

3 (12) (a) If a citizen of the Commonwealth has been serving in the United States
4 military stationed or assigned to a base or other location outside the
5 boundaries of the Commonwealth and has allowed his or her operator's license
6 to expire, he or she shall, within ninety (90) days of returning to the
7 Commonwealth, be permitted to renew his or her license without having to
8 take a written test or road test.

9 (b) A citizen who meets the criteria in paragraph (a) of this subsection shall not be
10 convicted or cited for driving on an expired license prior to license renewal
11 during the ninety (90) days after the person's return to the Commonwealth if
12 the person can provide proof of his or her out-of-state service and dates of
13 assignment.

14 (c) A citizen who meets the criteria in paragraph (a) of this subsection and who
15 does not renew his or her license within ninety (90) days of returning to the
16 Commonwealth shall be required to comply with the provisions of this chapter
17 governing renewal of a license that has expired.

18 (d) If a citizen of the Commonwealth has been issued an "under 21" or "under 21
19 CDL" operator's license and the person is unable to renew the license on the
20 date of his twenty-first birthday, the "under 21" or "under 21 CDL" operator's
21 license shall be valid for ninety (90) days beyond the date of the person's
22 twenty-first birthday.

23 (13) The cabinet shall provide on each license to operate motor vehicles, motorcycles,
24 and mopeds a space for the licensed driver's:

25 (a) Blood type;

26 (b) Medical insignia if the person provides evidence that a medical identification
27 bracelet noting specific physical ailments or a drug allergy is being worn or

1 other proof as may be required by the cabinet; and

2 (c) A statement whereby the owner of the license may certify in the presence of
3 two (2) witnesses his willingness to make an anatomical gift under KRS
4 311.1917.

5 (14) If the motor vehicle operator denotes a physical ailment or drug allergy on the
6 operator's license, he may apply for and shall receive, for a fee of two dollars (\$2)
7 paid to the circuit clerk, two (2) medical insignia decals that may be affixed to the
8 driver's side of the front windshield of a motor vehicle and to the driver's side of the
9 rear window of a motor vehicle.

10 (15) An operator's license pursuant to this section shall be designated a Class D license.

11 (16) A person shall not have more than one (1) license.

12 (17) Upon marriage, a woman applying for an operator's license or a color photo
13 personal identification card shall provide the circuit clerk with her marriage license
14 and complete an affidavit form provided by the circuit court clerk. She shall have
15 the following choices in regard to her full legal name as required in subsections (2)
16 and (7) of this section:

17 (a) Use her husband's last name;

18 (b) Retain her maiden name;

19 (c) Use her maiden name hyphenated with her husband's last name;

20 (d) Use her maiden name as a middle name and her husband's last name as her
21 last name; or

22 (e) In the case of a previous marriage, retain that husband's last name.

23 (18) Upon issuing an operator's license or personal identification card, the clerk shall
24 draw the recipient's attention to the location on the license relating to anatomical
25 gifts under subsection (13)(c) of this section and offer to allow personnel in the
26 clerk's office to serve as the witnesses to the recipient's certification of willingness
27 to make an anatomical gift if the recipient is the person to whom the license is

1 issued.

2 (19) Any person who served in the active Armed Forces of the United States, including
3 the Coast Guard of the United States, and was released, separated, discharged, or
4 retired therefrom under conditions other than dishonorable, may, at the time of
5 initial application or application for renewal or duplicate, request that an operator's
6 license or a personal identification card issued under this section bear the word
7 "veteran" on the face or the back of the license or personal identification card. The
8 designation shall be in a style and format considered appropriate by the
9 Transportation Cabinet. Prior to obtaining a designation requested under this
10 subsection, the applicant shall present the circuit clerk with an original or copy of
11 his or her DD-214 or DD-2 form as proof of veteran status. The circuit clerk shall
12 not be liable for fraudulent or misread DD-214 or DD-2 forms presented.

13 ➔Section 3. Whereas, the reintegration of offenders into society through these
14 programs should not be delayed any longer than necessary, an emergency is declared to
15 exist, and this Section 2 of this Act takes effect upon its passage and approval by the
16 Governor or upon its otherwise becoming a law.