GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 221

THURSDAY, JANUARY 26, 2012

The following bill was reported to the Senate from the House and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kim Perry

1 AN ACT relating to veteran's designations on operator's licenses.

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

3 ➔Section 1. KRS 186.412 is amended to read as follows:

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

10 (b) A person who has attained the age of eighteen (18) years and is under the age
11 of twenty-one (21) at the time of application for an instruction permit may
12 apply for an operator's license to operate a motor vehicle, motorcycle, or
13 moped if the person has possessed the valid instruction permit for at least one
14 hundred eighty (180) days.

15 (c) A person who is at least twenty-one (21) years of age at the time of
16 application for an instruction permit may apply for an operator's license to
17 operate a motor vehicle, motorcycle, or moped if the person has possessed the
18 valid instruction permit for at least thirty (30) days.

19 (2) Except as provided in subsection (4) of this section, a person shall apply for an
20 operator's license in the office of the circuit clerk of the county where the person
21 lives. Except as provided in subsection (8)(b) and (c) of this section, the application
22 form shall require the person's:

23 (a) Full legal name and signature;

24 (b) Date of birth;

25 (c) Social Security number, federal tax identification number, a letter from the
26 Social Security Administration declining to issue a Social Security number, or
27 a notarized affidavit from the applicant to the Transportation Cabinet swearing

1 that the person either does not have a Social Security number, or refuses to
2 divulge his or her Social Security number, based upon religious convictions;
3 (d) Sex;
4 (e) Present Kentucky resident address, exclusive of a post office box address
5 alone;
6 (f) Other information necessary to permit the application of United States citizens
7 to also serve as an application for voter registration;
8 (g) A brief physical description of the applicant;
9 (h) A statement if the person has previously been licensed as an operator in
10 another state;
11 (i) Proof of the person's Kentucky residency, including but not limited to a deed
12 or property tax bill, utility agreement or utility bill, or rental housing
13 agreement; and
14 (j) Other information the cabinet may require by administrative regulation
15 promulgated under KRS Chapter 13A.
16 (3) A permanent resident shall present one (1) of the following documents issued by the
17 United States Department of Homeland Security, United States Bureau of
18 Citizenship and Immigration Services:
19 (a) An I-551 card with a photograph of the applicant; or
20 (b) A form with the photograph of the applicant or a passport with a photograph
21 of the applicant on which the United States Department of Homeland
22 Security, United States Bureau of Citizenship and Immigration Services has
23 stamped the following: "Processed for I-551. Temporary evidence of lawful
24 admission for permanent residence. Valid until -----. Employment authorized."
25 (4) If the person is not a United States citizen and has not been granted status as a
26 permanent resident of the United States, the person's application for an original
27 operator's license shall be submitted to either the Transportation Cabinet in

1 Frankfort or a Transportation Cabinet field office.

2 (a) The application form shall be accompanied by the person's documentation
3 issued by the United States Department of Homeland Security, United States
4 Bureau of Citizenship and Immigration Services, authorizing the person to be
5 in the United States and, if applicable, the person's international driving
6 permit. The application form of a special status individual with a K-1 status
7 shall be accompanied by an original or certified copy of the person's
8 completed marriage license signed by the official who presided over the
9 marriage ceremony and two (2) witnesses. The application form of a special
10 status individual with a K-1 status shall also include the person's petition to
11 enter the United States for the purpose of marriage that contains the name of
12 the prospective spouse. If the name of the prospective spouse on the petition
13 does not match the name of the spouse on the marriage license, the
14 Transportation Cabinet shall not be required to issue an operator's license.

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

21 (c) If the cabinet determines the person may be issued an operator's license, the
22 cabinet shall issue the person an official form that the person shall take to the
23 office of the circuit clerk of the county where the person resides. The circuit
24 clerk shall review the person's documentation and the official form issued by
25 the Transportation Cabinet. If the documentation is verified as accurate, and if
26 the person successfully completes the examinations required under KRS
27 186.480, the circuit clerk shall issue the person a Kentucky operator's license.

1 (d) Except as provided in paragraphs (e) and (f) of this subsection, a person who
2 is not a United States citizen and who has not been granted status as a
3 permanent resident of the United States shall apply to renew an operator's
4 license, or obtain a duplicate operator's license, in the office of the circuit
5 clerk in the county in which the person resides.
6 (e) If a person is renewing an operator's license or is applying for a duplicate
7 license after July 15, 2002, and the person's documentation issued by the
8 United States Department of Homeland Security, United States Bureau of
9 Citizenship and Immigration Services, has not been reviewed by the either the
10 Transportation Cabinet in Frankfort or a Transportation Cabinet field office
11 under the provisions of this subsection, the person shall be required to apply
12 for the renewal or duplicate with either the Transportation Cabinet in
13 Frankfort or a Transportation Cabinet field office.
14 (f) If a person has any type of change in the person's immigration status, the
15 person shall apply to renew an operator's license with either the Transportation
16 Cabinet in Frankfort or a Transportation Cabinet field office.
17 (5) The circuit clerk shall issue an operator's license bearing a color photograph of the
18 applicant and other information the cabinet may deem appropriate. The photograph
19 shall be taken by the circuit clerk so that one (1) exposure will photograph the
20 applicant and the application simultaneously. When taking the photograph, the
21 applicant shall be prohibited from wearing sunglasses or any other attire that
22 obscures any features of the applicant's face as determined by the clerk. The clerk
23 shall require an applicant to remove sunglasses or other obscuring attire before
24 taking the photograph required by this subsection. Any person who refuses to
25 remove sunglasses or other attire prohibited by this section as directed by the clerk
26 shall be prohibited from receiving an operator's license. The operator's license
27 issued by the cabinet shall not contain the applicant's Social Security number. The

1 cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A
2 that develop a numbering system that uses an identification system other than Social
3 Security numbers. If an applicant does not have a Social Security number, or the
4 applicant has submitted a notarized affidavit refusing to divulge his or her Social
5 Security number based upon religious convictions, the Transportation Cabinet shall
6 assign the applicant a unique identifying number. The license shall also designate
7 by color coding and use the phrase "under 21" if the licensee is under the age of
8 twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A; or
9 "under 21 CDL" if the licensee holds a commercial driver's license issued pursuant
10 to KRS Chapter 281A and is under the age of twenty-one (21).
11 (6) Every applicant shall make oath to the circuit clerk as to the truthfulness of the
12 statements contained in the form.
13 (7) (a) Except as provided in subsection (8) of this section, the circuit clerk shall
14 issue a color photo personal identification card to any person who is a
15 Kentucky resident and who resides in the county who complies with the
16 provisions of this section and who applies in person in the office of the circuit
17 clerk. An application for a personal identification card shall be accompanied
18 by the same information as is required for an operator's license under
19 subsection (2) of this section, except if a person does not have a fixed,
20 permanent address, the person may use as proof of residency a signed letter
21 from a homeless shelter, health care facility, or social service agency currently
22 providing the person treatment or services and attesting that the person is a
23 resident of Kentucky.
24 (b) It shall be permissible for the application form for a personal identification
25 card to include as a person's most current resident address a mailing address,
26 post office box, or an address provided on a voter registration card.
27 (c) Every applicant for a personal identification card shall make an oath to the

1 circuit clerk as to the truthfulness of the statements contained on the
2 application form. If the applicant is not the legal owner or possessor of the
3 address provided on the application form, the applicant shall swear that he or
4 she has permission from the legal owner, authorized agent for the legal owner
5 or possessor to use the address for purposes of obtaining the personal
6 identification card. The personal identification card shall designate by color
7 coding and by use of the phrase "under 21" if the applicant is under the age of
8 twenty-one (21).
9 (d) A personal identification card shall be valid for a period of four (4) years from
10 the date of issuance, except that if the personal identification card is issued to
11 a person who does not have a fixed, permanent address, then the personal
12 identification card shall be valid for one (1) year from the date of issuance.
13 Except as provided in this subsection, an initial or renewal personal
14 identification card issued to a person who is not a United States citizen and
15 who has not been granted status as a permanent resident of the United States
16 and who is not a special status individual, but who is a Kentucky resident,
17 shall be valid for a period equal to the length of time the person's
18 documentation from the United States Department of Homeland Security,
19 United States Bureau of Citizenship and Immigration Services is issued, or
20 four (4) years, whichever time period is shorter. An initial or renewal personal
21 identification card shall be valid for a period of two (2) years if the person is
22 not a special status individual and the person's documentation issued by the
23 United States Department of Justice, Immigration and Naturalization Service,
24 is issued for an indefinite period of time and does not have an expiration date.
25 The fee shall be the same as for a regular personal identification card.
26 (e) A personal identification card may be suspended or revoked if the person who
27 was issued the card presents false or misleading information to the cabinet

1 when applying for the card.

2 (8) (a) A person may be issued a personal identification card if the person currently
3 holds a valid Kentucky instruction permit or operator's license. If a person's
4 instruction permit or operator's license has been suspended or revoked, the
5 person may be issued a temporary personal identification card. A temporary
6 personal identification shall be renewed annually and may be surrendered
7 when the person applies to have his or her instruction permit or operator's
8 license reinstated.

9 (b) Upon receipt of proper documentation provided by the Department of
10 Corrections, the circuit clerk of the county in which a released felony offender
11 resides shall issue to any felony offender, if the felony offender is eligible,
12 released from the Department of Corrections on home incarceration, parole,
13 completed service of sentence, shock probation, or pardon, a personal
14 identification card or, if the felony offender is eligible, an operator's license.
15 Proper documentation under this paragraph shall consist of:

16 1. The offender's certificate of birth;

17 2. A copy of the offender's resident record card and parole certificate or
18 notice of discharge;

19 3. A photograph of the offender, printed on plastic card or paper; and

20 4. A release letter that shall contain the offender's:

21 a. Full legal name, subject to the information available to the
22 Department of Corrections;

23 b. Discharge/release date;

24 c. Signature;

25 d. Social Security number;

26 e. Date of birth;

27 f. Present Kentucky address where he or she resides; and

1 g. Physical description.
2 The offender shall present this documentation to the circuit clerk within thirty
3 (30) calendar days from the date of the release letter and shall be responsible
4 for paying the fee for the personal identification card or operator's license
5 pursuant to KRS 186.531. The provisions of this paragraph shall apply only to
6 persons released on or after July 15, 2010.
7 (c) Upon receipt of proper documentation provided by the Department of
8 Corrections, the circuit clerk of the county in which a felony offender resides
9 shall issue to any felony offender, if the felony offender is eligible, probated or
10 conditionally discharged by the court and under the supervision of the
11 Division of Probation and Parole, a personal identification card or, if the
12 felony offender is eligible, an operator's license. Proper documentation under
13 this paragraph shall consist of:
14 1. The offender's certificate of birth;
15 2. The offender's sentencing order;
16 3. A photograph of the offender, printed on plastic card or paper; and
17 4. A notarized release letter, signed by the supervising officer verifying the
18 offender's status on supervision, that shall contain the offender's:
19 a. Full legal name, subject to the information available to the
20 Division of Probation and Parole;
21 b. Signature;
22 c. Social Security number;
23 d. Date of birth;
24 e. Present Kentucky address where he or she resides; and
25 f. Physical description.
26 The offender shall present this documentation to the circuit clerk within thirty
27 (30) calendar days from the date of the notarized release letter. The offender

1 shall be responsible for paying the fee for the personal identification card or
2 operator's license pursuant to KRS 186.531. The provisions of this paragraph
3 shall apply only to persons released on or after July 15, 2010.
4 (9) The Transportation Cabinet shall implement a voluntary statewide child
5 identification program. The program shall issue a color photo personal
6 identification card to a child two (2) to fifteen (15) years of age. Application for a
7 child identification card shall be accompanied by a Social Security card and a birth
8 certificate for the child or other proof of the child's date of birth as provided under
9 subsection (2) of this section. The card shall contain the child's name and the toll-
10 free number of the Kentucky Missing Persons Clearinghouse, Department of
11 Kentucky State Police. The card shall not contain the child's Social Security
12 number. The cabinet shall set a four dollar ($4) fee for the child identification card.
13 Two dollars ($2) of the fee shall be used to cover the cabinet's cost for equipment
14 and supplies. Two dollars ($2) of the fee shall be an administrative fee of the circuit
15 clerk for issuing the card which shall be deposited by the Administrative Office of
16 the Courts into a trust and agency account for the circuit clerks and used for the
17 purposes of hiring additional deputy clerks and providing salary adjustments to
18 deputy clerks. The card shall expire every four (4) years on the child's birthday.
19 Within the time period that the child identification card is valid, the card may be
20 updated with a new photograph and information. The fee for an updated card shall
21 be four dollars ($4), with two dollars ($2) of the fee going to the cabinet and two
22 dollars ($2) going to the Administrative Office of the Courts in the same manner as
23 the fee for an initial card as described in this subsection. The descriptive data and a
24 photo image of the child shall be stored in the Kentucky Driver's License
25 Information System and may be retrieved and used by public agencies subject to the
26 provisions of the Driver Privacy Protection Act, 18 U.S.C. sec. 2721, and may also
27 be used by the Kentucky Missing Persons Clearinghouse.

1 (10) If a citizen of the Commonwealth currently serving in the United States military is
2 stationed or assigned to a base or other location outside the boundaries of the
3 Commonwealth, the citizen may renew a Class D operator's license issued under
4 this section by mail. If the citizen was issued an "under 21" operator's license, upon
5 the date of his or her twenty-first birthday, the "under 21" operator's license may be
6 renewed for an operator's license that no longer contains the outdated reference to
7 being "under 21."
8 (11) A citizen of the Commonwealth renewing an operator's license by mail under
9 subsection (10) of this section may have a personal designee apply to the circuit
10 clerk on behalf of the citizen to renew the citizen's operator's license. An operator's
11 license being renewed by mail under subsection (10) of this section shall be issued a
12 license without a photograph. The license shall show in the space provided for the
13 photograph the legend "valid without photo and signature."
14 (12) (a) If a citizen of the Commonwealth has been serving in the United States
15 military stationed or assigned to a base or other location outside the
16 boundaries of the Commonwealth and has allowed his or her operator's license
17 to expire, he or she shall, within ninety (90) days of returning to the
18 Commonwealth, be permitted to renew his or her license without having to
19 take a written test or road test.
20 (b) A citizen who meets the criteria in paragraph (a) of this subsection shall not be
21 convicted or cited for driving on an expired license prior to license renewal
22 during the ninety (90) days after the person's return to the Commonwealth if
23 the person can provide proof of his or her out-of-state service and dates of
24 assignment.
25 (c) A citizen who meets the criteria in paragraph (a) of this subsection and who
26 does not renew his or her license within ninety (90) days of returning to the
27 Commonwealth shall be required to comply with the provisions of this chapter

1 governing renewal of a license that has expired.
2 (d) If a citizen of the Commonwealth has been issued an "under 21" or "under 21
3 CDL" operator's license and the person is unable to renew the license on the
4 date of his twenty-first birthday, the "under 21" or "under 21 CDL" operator's
5 license shall be valid for ninety (90) days beyond the date of the person's
6 twenty-first birthday.
7 (13) The cabinet shall provide on each license to operate motor vehicles, motorcycles,
8 and mopeds a space for the licensed driver's:
9 (a) Blood type;
10 (b) Medical insignia if the person provides evidence that a medical identification
11 bracelet noting specific physical ailments or a drug allergy is being worn or
12 other proof as may be required by the cabinet; and
13 (c) A statement whereby the owner of the license may certify in the presence of
14 two (2) witnesses his willingness to make an anatomical gift under KRS
15 311.1917.
16 (14) If the motor vehicle operator denotes a physical ailment or drug allergy on the
17 operator's license, he may apply for and shall receive, for a fee of two dollars ($2)
18 paid to the circuit clerk, two (2) medical insignia decals that may be affixed to the
19 driver's side of the front windshield of a motor vehicle and to the driver's side of the
20 rear window of a motor vehicle.
21 (15) An operator's license pursuant to this section shall be designated a Class D license.
22 (16) A person shall not have more than one (1) license.
23 (17) Upon marriage, a woman applying for an operator's license or a color photo
24 personal identification card shall provide the circuit clerk with her marriage license
25 and complete an affidavit form provided by the circuit court clerk. She shall have
26 the following choices in regard to her full legal name as required in subsections (2)
27 and (7) of this section:

1 (a) Use her husband's last name;
2 (b) Retain her maiden name;
3 (c) Use her maiden name hyphenated with her husband's last name;
4 (d) Use her maiden name as a middle name and her husband's last name as her
5 last name; or
6 (e) In the case of a previous marriage, retain that husband's last name.
7 (18) Upon issuing an operator's license or personal identification card, the clerk shall
8 draw the recipient's attention to the location on the license relating to anatomical
9 gifts under subsection (13)(c) of this section and offer to allow personnel in the
10 clerk's office to serve as the witnesses to the recipient's certification of willingness
11 to make an anatomical gift if the recipient is the person to whom the license is
12 issued.
13 ***(19) Any person who served in the active Armed Forces of the United States, including***
14 ***the Coast Guard of the United States, and was released, separated, discharged, or***
15 ***retired therefrom under conditions other than dishonorable, may, at the time of***
16 ***initial application or application for renewal or duplicate, request that an***
17 ***operator's license or a personal identification card issued under this section bear***
18 ***the word "veteran" on the face or the back of the license or personal***
19 ***identification card. The designation shall be in a style and format considered***
20 ***appropriate by the Transportation Cabinet. Prior to obtaining a designation***
21 ***requested under this subsection, the applicant shall present the circuit clerk with***
22 ***an original or copy of his or her DD-214 form as proof of veteran status. The***
23 ***Circuit Clerk shall not be liable for fraudulent or misread DD-214 forms***
24 ***presented.***

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 3-28-12