

1 AN ACT relating to driver education.

2 WHEREAS, the possibilities of what may happen during a traffic stop can create a
3 rational amount of fear for both the peace officer and the driver; and

4 WHEREAS, the development of a course of instruction on driver and peace officer
5 interaction will help to bridge the gap by aligning the expectations of both parties; and

6 WHEREAS, this Act is an educational tool with the goal of increasing safety for
7 both the driver and the peace officer, during these interactions;

8 NOW, THEREFORE,

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

10 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) The Kentucky Justice and Public Safety Cabinet shall develop a course of
13 instruction on driver and peace officer interaction to be used in any driver's
14 education program administered by a school district and any driver training
15 school licensed under KRS Chapter 332.

16 (2) The course of instruction developed in this section shall include but not be
17 limited to the following:

18 (a) Recommended practices for civilians and peace officers during interactions;

19 (b) The role of law enforcement and the duties and responsibilities of peace
20 officers;

21 (c) What documentation a driver is obligated to produce to a peace officer; and

22 (d) How and where to file a complaint against or a compliment on behalf of a
23 peace officer.

24 (3) The course of instruction shall also include but not be limited to outlining the
25 answers to the following frequently asked questions:

26 (a) While the peace officer is getting out of his or her vehicle and approaching
27 my vehicle, should I reach for my license and registration to have it ready to

- 1 present, or is it better to wait until I've been asked to produce it?;
- 2 **(b) Once I have provided the necessary identification and information to the**
- 3 **peace officer during a motor vehicle stop, do I have the right to then remain**
- 4 **silent?;**
- 5 **(c) Can I request that a supervisor come to the scene of the traffic stop?;**
- 6 **(d) Can I ask why I am being stopped?;**
- 7 **(e) Can I use my cellphone to videotape the stop?**
- 8 **(f) Can my passenger use a cellphone to videotape the stop?;**
- 9 **(g) Can I ask for the peace officer's name and badge number?;**
- 10 **(h) What training do peace officers receive to prepare them to make safe and**
- 11 **lawful stops?;**
- 12 **(i) Are traffic stops recorded on video?;**
- 13 **(j) How do I file a complaint against a Kentucky State Trooper?;**
- 14 **(k) How do I file a complaint against a local peace officer or department?;**
- 15 **(l) Does every law enforcement agency have an internal affairs unit?;**
- 16 **(m) If I have an internal affairs complaint, does a peace officer need to take it?;**
- 17 **(n) How long does it take to investigate an internal affairs complaint?;**
- 18 **(o) Are law enforcement agencies required to let me know the results of the**
- 19 **investigation?;**
- 20 **(p) What can happen to a peace officer if he or she is found to have committed**
- 21 **misconduct?;**
- 22 **(q) Is there any public release of internal affairs information?;**
- 23 **(r) Will my name or the name of the peace officer be released to the public?;**
- 24 **and**
- 25 **(s) What can I do if I do not agree with an internal affairs decision or I never**
- 26 **receive a decision?**
- 27 **(4) The Kentucky Justice and Public Safety Cabinet shall provide written instruction**

1 on the issues listed in subsection (2) of this section and the questions identified in
2 subsection (3) of this section to be:

3 (a) Included in the Driver Manual in accordance with Section 2 of this Act;

4 and

5 (b) Published on the Web sites of the following agencies:

6 1. Department of Kentucky State Police; and

7 2. Transportation Cabinet.

8 (5) A local law enforcement agency may publish the content provided in subsection
9 (4) of this section on its Web site.

10 ➔Section 2. KRS 186.480 is amended to read as follows:

11 (1) The Department of Kentucky State Police shall make available in a printed or
12 electronic format a Driver Manual containing the information needed by an
13 applicant to prepare for an operator's license examination. The manual shall
14 have a section outlining the content provided in subsection (4) of Section 1 of this
15 Act.

16 (2) The Department of Kentucky State Police shall examine every applicant for an
17 operator's license as identified in KRS 186.635, except as otherwise provided in this
18 section. The examination shall be held in the county where the applicant resides
19 unless:

20 (a) The applicant is granted written permission by the circuit clerk of the county
21 in which he or she resides to take the examination in another county, and the
22 Department of Kentucky State Police agree to arrange for the examination in
23 the other county; or

24 (b) The applicant is tested using a bioptic telescopic device.

25 ~~(3)~~(2) The examination shall include a test of the applicant's eyesight to ensure
26 compliance with the visual acuity standards set forth in KRS 186.577. The
27 examination shall also include a test of the applicant's ability to read and understand

1 highway signs regulating, warning, and directing traffic, the applicant's knowledge
2 of traffic laws, and an actual demonstration of the applicant's ability to exercise
3 ordinary and reasonable control in the operation of a motor vehicle. An applicant
4 for a motorcycle operator's license shall be required to show his or her ability to
5 operate a motorcycle, in addition to other requirements of this section. The
6 provisions of this subsection shall not apply to an applicant who:

- 7 (a) At the time of application, holds a valid operator's license from another state,
8 provided that state affords a reciprocal exemption to a Kentucky resident; or
9 (b) Is a citizen of the Commonwealth who has been serving in the United States
10 military and has allowed his or her operator's license to expire.

11 ~~(4)~~~~(3)~~ Any person whose intermediate license or operator's license is denied,
12 suspended, or revoked for cause shall apply for reinstatement at the termination of
13 the period for which the license was denied, suspended, or revoked by submitting to
14 the examination. The provisions of this subsection shall not apply to any person
15 whose license was suspended for failure to meet the conditions described in KRS
16 186.411 when, within one (1) year of suspension, the driving privileges of such
17 individuals are reinstated.

18 ~~(5)~~~~(4)~~ An applicant shall not use an autocycle for road skills testing administered
19 under the provisions of this section.

20 ➔Section 3. KRS 186.574 is amended to read as follows:

- 21 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and
22 for traffic offenders. The school shall be composed of uniform education and
23 training elements designed to create a lasting influence on new drivers and a
24 corrective influence on traffic offenders. District Courts may in lieu of assessing
25 penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to
26 state traffic school and no other. The Transportation Cabinet shall enroll a person in
27 state traffic school who fails to complete a driver's education course pursuant to

- 1 KRS 186.410(5).
- 2 (2) If a District Court stipulates in its judgment of conviction that a person attend state
3 traffic school, the court shall indicate this in the space provided on the abstract of
4 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the
5 Transportation Cabinet, or its representative, shall schedule the person to attend
6 state traffic school. Failure of the person to attend and satisfactorily complete state
7 traffic school in compliance with the court order, may be punished as contempt of
8 the sentencing court. The Transportation Cabinet shall not assess points against a
9 person who satisfactorily completes state traffic school. However, if the person
10 referred to state traffic school holds or is required to hold a commercial driver's
11 license, the underlying offense shall appear on the person's driving history record.
- 12 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic
13 school, and shall promulgate administrative regulations pursuant to KRS Chapter
14 13A governing facilities, equipment, courses of instruction, instructors, and records
15 of the program. *The course of instruction for new drivers shall include the course*
16 *of instruction developed in Section 1 of this Act.* In the event a person sentenced
17 under subsection (1) of this section does not attend or satisfactorily complete state
18 traffic school, the Transportation Cabinet may deny that person a license or suspend
19 the license of that person until he reschedules attendance or completes state traffic
20 school, at which time a denial or suspension shall be rescinded.
- 21 (4) Persons participating in the state traffic school as provided in this section shall pay a
22 fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if
23 enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c),
24 a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that are
25 dedicated to the road fund for use in the state driver education program may be used
26 for the purposes of state traffic school.
- 27 (5) The following procedures shall govern persons attending state traffic school

1 pursuant to this section:

- 2 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters
3 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of
4 the trial judge, be sentenced to attend state traffic school. Upon payment of the
5 fee required by subsection (4) of this section, and upon successful completion
6 of state traffic school, the sentence to state traffic school shall be the person's
7 penalty in lieu of any other penalty, except for the payment of court costs;
- 8 (b) Except as provided in KRS 189.990(28), a person shall not be eligible to
9 attend state traffic school who has been cited for a violation of KRS Chapters
10 177, 186, or 189 that has a penalty of mandatory revocation or suspension of
11 an offender's driver's license;
- 12 (c) Except as provided in KRS 189.990(28), a person shall not be eligible to
13 attend state traffic school for any violation if, at the time of the violation, the
14 person did not have a valid driver's license or the person's driver's license was
15 suspended or revoked by the cabinet;
- 16 (d) Except as provided in KRS 189.990(28), a person shall not be eligible to
17 attend state traffic school more than once in any one (1) year period, unless
18 the person wants to attend state traffic school to comply with the driver
19 education requirements of KRS 186.410; and
- 20 (e) The cabinet shall notify the sentencing court regarding any person who was
21 sentenced to attend state traffic school who was ineligible to attend state
22 traffic school. A court notified by the cabinet pursuant to this paragraph shall
23 return the person's case to an active calendar for a hearing on the matter. The
24 court shall issue a summons for the person to appear and the person shall
25 demonstrate to the court why an alternative sentence should not be imposed.
- 26 (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may
27 operate a traffic safety program for traffic offenders prior to the adjudication

1 of the offense.

2 (b) Offenders alleged to have violated KRS 189A.010 or 304.39-080, offenders
3 holding a commercial driver's license under KRS Chapter 281A, or offenders
4 coming within the provisions of subsection (5)(b) or (c) of this section shall be
5 excluded from participation in a county attorney-operated program.

6 (c) A county attorney that operates a traffic safety program:

- 7 1. May charge a reasonable fee to program participants, which shall only
8 be used for payment of county attorney office operating expenses; and
9 2. Shall, by October 1 of each year, report to the Prosecutors Advisory
10 Council the fee charged for the county attorney-operated traffic safety
11 program and the total number of traffic offenders diverted into the
12 county attorney-operated traffic safety program for the preceding fiscal
13 year categorized by traffic offense.

14 (d) Each participant in a county attorney-operated traffic safety program shall, in
15 addition to the fee payable to the county attorney, pay a twenty-five dollar
16 (\$25) fee to the court clerk, which shall be paid into a trust and agency
17 account with the Administrative Office of the Courts and is to be used by the
18 circuit clerks to hire additional deputy clerks and to enhance deputy clerk
19 salaries.

20 (e) Each participant in a county attorney-operated traffic safety program shall, in
21 addition to the fee payable to the county attorney and the fee required by
22 paragraph (d) of this subsection, pay a thirty dollar (\$30) fee to the county
23 attorney in lieu of court costs. On a monthly basis, the county attorney shall
24 forward the fees collected pursuant to this paragraph to the Finance and
25 Administration Cabinet to be distributed as follows:

- 26 1. Ten and eight-tenths percent (10.8%) to the spinal cord and head injury
27 research trust fund created in KRS 211.504;

- 1 2. Nine and one-tenth percent (9.1%) to the traumatic brain injury trust
- 2 fund created in KRS 211.476;
- 3 3. Five and eight-tenths percent (5.8%) to the special trust and agency
- 4 account set forth in KRS 42.320(2)(f) for the Department of Public
- 5 Advocacy;
- 6 4. Five and seven-tenths percent (5.7%) to the crime victims compensation
- 7 fund created in KRS 49.480;
- 8 5. One and two-tenths percent (1.2%) to the Justice and Public Safety
- 9 Cabinet to defray the costs of conducting record checks on prospective
- 10 firearms purchasers pursuant to the Brady Handgun Violence Prevention
- 11 Act and for the collection, testing, and storing of DNA samples;
- 12 6. Sixteen and eight-tenths percent (16.8%) to the county sheriff in the
- 13 county from which the fee was received;
- 14 7. Nine and one-tenth percent (9.1%) to the county treasurer in the county
- 15 from which the fee was received to be used by the fiscal court for the
- 16 purposes of defraying the costs of operation of the county jail and the
- 17 transportation of prisoners;
- 18 8. Thirty-three and two-tenths percent (33.2%) to local governments in
- 19 accordance with the formula set forth in KRS 24A.176(5); and
- 20 9. Eight and three-tenths percent (8.3%) to the Cabinet for Health and
- 21 Family Services for the implementation and operation of a telephonic
- 22 behavioral health jail triage system as provided in KRS 210.365 and
- 23 441.048.

24 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 332 IS CREATED TO
25 READ AS FOLLOWS:

26 **Any person operating a driver training school licensed pursuant to this chapter shall**
27 **include in the course of instruction for new drivers the course of instruction developed**

1 *in Section 1 of this Act.*

2 ➔Section 5. KRS 15.334 is amended to read as follows:

3 (1) The Kentucky Law Enforcement Council shall approve mandatory training subjects
4 to be taught to all students attending a law enforcement basic training course that
5 include but are not limited to:

6 (a) Abuse, neglect, and exploitation of the elderly and other crimes against the
7 elderly, including the use of multidisciplinary teams in the investigation and
8 prosecution of crimes against the elderly;

9 (b) The dynamics of domestic violence, pediatric abusive head trauma, as defined
10 in KRS 620.020, child physical and sexual abuse, and rape; child
11 development; the effects of abuse and crime on adult and child victims,
12 including the impact of abuse and violence on child development; legal
13 remedies for protection; lethality and risk issues; profiles of offenders and
14 offender treatment; model protocols for addressing domestic violence, rape,
15 pediatric abusive head trauma, as defined in KRS 620.020, and child abuse;
16 available community resources and victim services; and reporting
17 requirements. This training shall be developed in consultation with legal,
18 victim services, victim advocacy, and mental health professionals with
19 expertise in domestic violence, child abuse, and rape. Training in recognizing
20 pediatric abusive head trauma may be designed in collaboration with
21 organizations and agencies that specialize in the prevention and recognition of
22 pediatric abusive head trauma approved by the secretary of the Cabinet for
23 Health and Family Services;

24 (c) Human immunodeficiency virus infection and acquired immunodeficiency
25 virus syndrome;

26 (d) Identification and investigation of, responding to, and reporting bias-related
27 crime, victimization, or intimidation that is a result of or reasonably related to

1 race, color, religion, sex, or national origin;

- 2 (e) The characteristics and dynamics of human trafficking, state and federal laws
3 relating to human trafficking, the investigation of cases involving human
4 trafficking, including but not limited to screening for human trafficking, and
5 resources for assistance to the victims of human trafficking;

6 (f) *Peace officer and driver interaction that includes but is not limited to:*

7 1. *Recommended practices for civilians and peace officers during*
8 *interactions;*

9 2. *The role of law enforcement and the duties and responsibilities of*
10 *peace officers;*

11 4. *What documentation a driver is obligated to provide to a peace officer;*
12 *and*

13 5. *How and where to file a complaint against or a compliment on behalf*
14 *of a peace officer;* and

15 (g)~~[(f)]~~ ~~[Beginning January 1, 2017,]~~The council shall require that a law
16 enforcement basic training course include at least eight (8) hours of training
17 relevant to sexual assault.

- 18 (2) (a) The council shall develop and approve mandatory in-service training courses
19 to be presented to all certified peace officers. The council may promulgate
20 administrative regulations in accordance with KRS Chapter 13A setting forth
21 the deadlines by which all certified peace officers shall attend the mandatory
22 in-service training courses.

23 (b) ~~[Beginning January 1, 2017,]~~The council shall establish a forty (40) hour
24 sexual assault investigation training course. ~~[After January 1, 2019,]~~Agencies
25 shall maintain officers on staff who have completed the forty (40) hour sexual
26 assault investigation training course in accordance with the following:

- 27 1. Agencies with more than ten (10) but fewer than twenty-one (21) full-

- 1 time officers shall maintain one (1) officer who has completed the forty
2 (40) hour sexual assault investigation training course;
- 3 2. Agencies with twenty-one (21) or more but fewer than fifty-one (51)
4 full-time officers shall maintain at least two (2) officers who have
5 completed the forty (40) hour sexual assault investigation training
6 course; and
- 7 3. Agencies with fifty-one (51) or more full-time officers shall maintain at
8 least four (4) officers who have completed the sexual assault
9 investigation course.
- 10 (c) An agency shall not make an officer directly responsible for the investigation
11 or processing of sexual assault offenses unless that officer has completed the
12 forty (40) hour sexual assault investigation training course.
- 13 (d) The council may, upon application by any agency, grant an exemption from
14 the training requirements set forth in paragraph (b) of this subsection if that
15 agency, by limitations arising from its scope of authority, does not conduct
16 sexual assault investigations.
- 17 (e) Any agency failing to comply with paragraph (b) or (c) of this subsection
18 shall, from the date the noncompliance commences, have one (1) year to
19 reestablish the minimum number of trained officers required.
- 20 (3) The Justice and Public Safety Cabinet shall provide training on the subjects of
21 domestic violence and abuse and may do so utilizing currently available technology.
22 All certified peace officers shall be required to complete this training at least once
23 every two (2) years.
- 24 (4) The council shall promulgate administrative regulations in accordance with KRS
25 Chapter 13A to establish mandatory basic training and in-service training courses.
- 26 ➔Section 6. This Act takes effect January 1, 2021.