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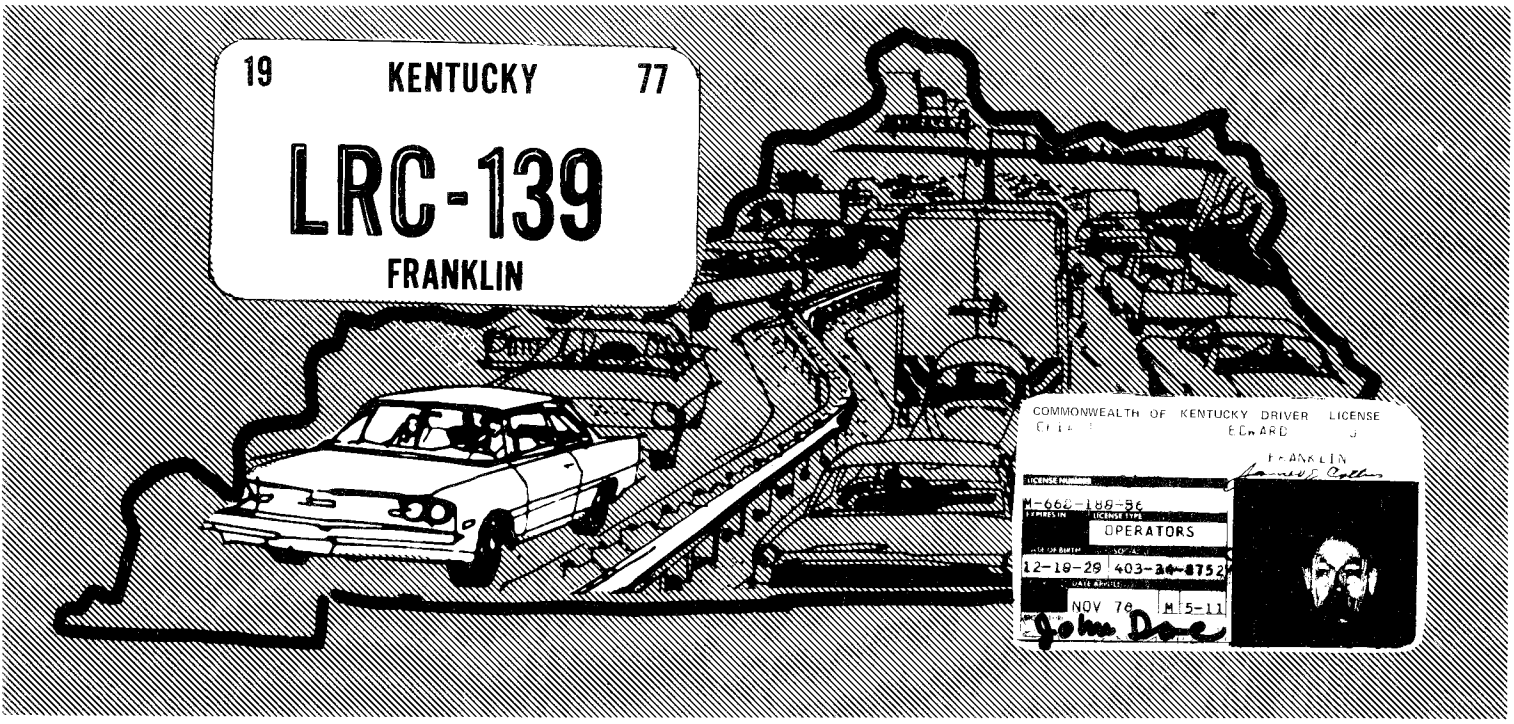
DRIVER LICENSING IN KENTUCKY



RESEARCH REPORT NO. 139
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FRANKFORT, KENTUCKY

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DRIVER LICENSING IN KENTUCKY

Prepared by

Prentice Harvey

Research Report No. 139

Legislative Research Commission

Frankfort, Kentucky

September, 1977

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F O R E W O R D

House Concurrent Resolution 26, passed during the 1976 Special Session of the General Assembly, directed the Legislative Research Commission to study Kentucky's driver licensing system. This report is the result of that directive.

The report describes the existing driver licensing system. Several issues relating to the place of license issuance are considered and some effects of a transfer of license issuance are examined. Attention is also given to various means of license fee disposition and their fiscal impact on state and county government.

Prentice Harvey of the LRC staff prepared this report. Although they are by no means responsible for its contents, F. E. Hodges, Kentucky Department of Transportation; Betty Jo Heick, Bourbon County Court Clerk; and John Kearns, Harrison County Circuit Court Clerk provided information for the study. The manuscript was typed by Billie Bradford and Garnett Evins.

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The Capitol
Frankfort, Kentucky
September, 1977

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SUMMARY AND FINDINGS

The question of whether circuit clerks should continue to issue drivers' licenses was raised subsequent to changes in that office brought about by the passage of the Judicial Article and related implementing legislation. This report examines various aspects of the issues--changes in the compensation of the circuit clerk and his new position as a state employe in the judicial system, a substantial increase in the duties of the circuit clerk, advantages of centralizing licensing in one office, planning for a computerized licensing system, and the disposition of license fees.

In the 1978 Regular Session, the General Assembly will undoubtedly be faced with the decision of leaving licensing with the circuit clerk or transferring that function to the office of the county clerk. The significant effects of each of these courses of actions are summarized below:

If driver's license issuance were left with the circuit court clerk:

1. The executive function of driver licensing would be performed by a state employe who is a part of the judicial branch.

2. There is the possibility that the circuit clerk and his staff would be overworked and hardpressed to continue to perform the licensing function at a customary level of service.

3. Any personnel needed by the circuit clerk to issue licenses would be state employes, salaried by the state.

4. The state would receive approximately $2 million per year in extra revenue from license fees formerly retained by circuit clerks.

5. Most less populous counties would not lose revenue from the loss of the license portion of excess fees, but some more populous counties would experience a loss of revenue.

6. Licensing would remain decentralized since several other types of licensing are performed by the county court clerk.

7. The cost of implementing a planned computer based licensing system would be increased due to the duplication of equipment and personnel training.

8. When the on-line computer system is established, the district court could have access through the circuit clerk to the driver's record of a defendant in a traffic case.

9. The circuit clerks would, through performance of licensing duties, have access to the general public other than solely through their judicial functions.

If licensing were transferred to the county court clerk:

1. All licensing would be centralized in the office of the county clerk.

2. The expenses of the county clerk for additional deputies and other expenses would increase; thus, a portion of the license fees would probably have to be retained by the county clerk.

3. Counties with both large and small populations would gain revenue from excess fees under the present fee structure.

4. The portion of license fees now retained by the circuit clerk might be reduced to more closely fit expenses associated with licensing.

5. The state would lose whatever portion of the license fees that is diverted to the county clerk.

6. The duplication of computer software and training of personnel would be eliminated, thereby reducing the cost of implementing the planned computer based licensing system.

7. Necessary personnel for the circuit clerk's office would be lessened; consequently, the state payroll would be reduced.

8. Circuit clerks would lose access to the general public. Their only exposure would be through their judicial duties, under mostly negative circumstances.

9. County clerks inexperienced in driver licensing would have to be trained to perform their new duties, and thus some disruption of the licensing system would occur for a time.

10. Some public confusion over where to obtain licenses would result from the change in offices.

I. INTRODUCTION

The Judicial Article, which established Kentucky's new Court of Justice, has had numerous effects on municipal, county, and state government. Many offices and traditional functions and duties have been influenced to a greater or lesser degree by the implementation of the Judicial Amendment. One of the more directly affected offices is that of the circuit court clerk.

As a consequence of passage of the Judicial Article and implementing legislation, the nature and duties of the circuit clerk will be greatly altered. Since the inception of the driver licensing system, the issuance of drivers' licenses has been a function of the circuit clerk. No criticism has been made of the work of the circuit clerk in issuing licenses. However, changes in the office of circuit clerk necessitate an examination of the proper place of issuance of drivers' licenses.

House Bill 12, introduced during the 1976 Special Session of the General Assembly, would have transferred license issuance to the office of county court clerk. That bill evoked a good deal of debate and controversy as well as intense lobbying efforts by some county and circuit clerks. House Bill 12 was reported favorably by the House Committee on Judiciary Courts, received two readings, and was then recommitted to the House Committee on Counties and Special Districts and was not reported out of that committee. House Concurrent Resolution 26 (Appendix 1) was passed, directing the Legislative Research Commission to "...study the drivers' licensing system in the Commonwealth, including proper placement of issuance power and the structure and distribution of fees." This study is the result of that directive.

Chapter II examines the statutory basis of the licensing system and briefly describes the way in which the system functions. In Chapter III, changes in the office of circuit clerk are considered. Chapter IV examines a number of issues related to the transfer of license issuance, including centralized licensing, planning for a computerized system, and some probable results of a transfer of licensing. Chapter V focuses on the fee system. The concluding chapter, Chapter VI, presents some alternative courses of legislative action and explores their implications.

II. THE LICENSING SYSTEM

Regulation of motor vehicle operators in Kentucky was initiated by a 1934 Act of the General Assembly. (Acts, 1934, Chapter 18, Special Session) Under the 1934 Act administrative control of the licensing system was vested in a state agency -- the State Tax Commission. The circuit court clerk of each county was designated to act for the state, essentially serving as a local licensing agent of the Tax Commission. Circuit clerks were authorized to accept applications, issue licenses, and collect fees for these operations. In the years since passage of this legislation, the number of licensed drivers has grown and the licensing system has become more sophisticated, but the licensing system has retained its basic form. The circuit clerks still serve as local licensing agents for the state administered system.

As presently constituted, the motor vehicle operators' licensing system is defined by KRS 186.400 through 186.640 and 601 KAR 12:020 - 12:040. Drivers' licenses are mandated by KRS 186.410 which states that, "Every person except those exempted by KRS 186.420 and KRS 186.430 shall before operating a motor vehicle on the highway secure an operator's license as provided in this chapter." Licensing of motor vehicle operators presently involves the State Department of Transportation, the Kentucky State Police, and circuit clerks in county seats throughout Kentucky.

Primary responsibility for the licensing system rests with the Department of Transportation and its Bureau of Vehicle Regulation. KRS 186.400 vests the department with administrative and financial control of the licensing system. This statute authorizes the Department of Transportation to, "prescribe regulations for the enforcement of KRS 186.400 to 186.640..." and to, "enforce regulations governing the acts of circuit clerks and motor vehicle operators." The statute also outlines several specific duties of the department in relation to motor vehicle operators' licenses. These duties include the provision of an adequate supply of forms to appropriate officials and the collection of, "all moneys due the state from the circuit clerks for operators' licenses issued."

The licensing duties of the office of circuit court clerk are spelled out in KRS 186.490. The clerk is directed to act for the Department of Transportation in issuing licenses and to comply with department rules and regulations issued pursuant to KRS 186.400. The circuit clerk must also act as a screening agent, detecting ineligible applicants and administering an oath on the truthfulness of applications. In regard to licensing fees the circuit clerk is required to keep records of all moneys collected and to weekly report and remit all moneys collected along with copies of all applications taken. Further, the circuit clerk is required to keep records of temporary licenses issued and denials, cancellations, suspensions, and revocations of licenses within his county.

The Kentucky State Police are involved in the licensing system as examiners of applicants for drivers' licenses as authorized by KRS 186.480. These examinations may include tests of the applicant's eyesight, ability to read and understand road signs, knowledge of traffic laws, and ability to operate a motor vehicle.

The functioning of the licensing system can be most easily understood by tracing the steps from the application for an instructional permit through the processing and issuance of an original license and its subsequent renewal. (See Figure 1.) This example will focus on the issuance of an automobile operator's license, although the Department of Transportation issues licenses of several types -- chauffer, military, non-driver identification cards, motorcycle, and combined motorcycle and automobile license. The process is essentially the same for each.

Persons of a minimum of 16 years of age who wish to obtain a driver's license must apply in person to the circuit clerk in the county of their residence. An application form (See Figure 2.) is completed which is used to gather data on birth date, sex, residence, and driving history of the applicant. In accordance with KRS 186.470, prior to the issuance of an instructional permit of license, persons under the age of 18 must also have the signature of a parent or legal guardian who will accept financial responsibility.

Upon the applicant's successful completion of tests of eyesight and written tests of knowledge of traffic laws and road signs administered by the state police, an instructional permit is issued. The circuit clerk collects and retains 50 cents for preparing the application and 50 cents for its issuance. Two copies of the application are filed in the clerk's office. A data processing copy of the application is forwarded to the Department of Transportation, along with the clerk's weekly report of license issuances.

This data processing copy is used to enter the application into the Department of Transportation's license master file and thus processing of a driver's license is begun. Each application is checked for errors and an operator's license number is developed based on the applicant's name and date of birth. After checks of the validity of the application, a permanent license is printed and forwarded to the circuit clerk.

The instructional permit allows the applicant to operate an automobile on the highway while accompanied by a licensed driver. Instructional permits are valid for 60 days and are renewable. Permit renewals are issued by the circuit clerk, who collects 50 cents for this operation. The renewal application is filed in the circuit clerk's office. Information regarding the permit renewal is not forwarded to the Department of Transportation.

By regulation (601 KAR 12:030) new drivers must possess an instructional permit for a minimum of one calendar month before taking a driving test. An application for a driver's license is also made to the circuit clerk. Following this period the applicant may submit to an examination by the State Police of his ability to operate an automobile.

Normally, the clerk will by this time have on file a permanent license form for the applicant supplied by the Department of Transportation. (See Figure 3.) Upon notification that the applicant has passed the driver's test, an oath attesting to the truthfulness of the application is administered by the clerk; and the license is completed by affixing a photograph of the applicant, taken by the clerk, through a process determined by KRS 186.413.

A fee of $4 is collected by the clerk for the issuance of the license, of which $1.75 is retained by the clerk, with the remainder going to the Depart-

Figure 1
The Licensing Process

A prospective driver applies to the circuit clerk in the county of his residence. On successful completion of eyesight and written tests, a learner's permit is issued. The clerk collects and retains a $1 fee, files a copy of the application and forwards a copy to the Department of Transportation along with his weekly report.

Upon receipt of the application, the department checks its validity, creates a file for the applicant, and prepares a permanent form license which is forwarded to the clerk.

Thirty days following the issuance of the learner's permit, application may be made to the circuit clerk for a driver's license. On passing this test, the driver's picture is affixed to the license form and the license, valid for 2 years is issued. The clerk collects a $4 fee, retaining $1.75 and forwarding the remainder of the fee to the Department along with a notice of the license issuance.

The Department accounts for license fees collected and updates the driver's file. Two years later, in the month prior to the licensee's birth month, the Department mails a license renewal notice to the licensee and a new permanent license is sent to the clerk. The licensee applies to the clerk, the $4 fee is collected, and the license form is validated or a manual license is prepared.

Figure 2

KENTUCKY

TEMPORARY DRIVING PERMIT

PERMIT NUMBER

SOCIAL SECURITY NUMBER

LAST NAME FIRST MIDDLE

STREET OR RURAL ROUTE

CITY ZIP CODE

KY

BIRTH DATE	HEIGHT	SEX	RESTR.	DATE ISSUED

APPLICANT SIGNATURE

EXPIRES DAYS FROM ABOVE

☐ INSTRUCTION PERMIT

☐ OPERATING PERMIT

☐ DUPLICATE PERMIT

☐ OPERATOR'S LICENSE

☐ MOTORCYCLE LICENSE

☐ COMBINATION LICENSE

☐ MILITARY LICENSE

CONTROL NO. 1007904

☐ MODIFICATION

☐ RENEWAL

RESTRICTIONS

1. Corrective Lenses
2. Left Outside R.V.Mirror
3. Automatic Transmission
4. Daylight Driving
5. Automatic Turn Indicator
6.
7. Licensed Driver Occupying Seat Beside Driver

ISSUED BY

COUNTY CIRCUIT COURT CLERK

LOCATION CODE

PREVIOUS DRIVER'S LICENSE

NUMBER STATE

MAIL LICENSE

As the applicant whose normal signature appears above, I affirm my driving privilege is not under suspension in any state, nor is my physical or emotional ability to operate a motor vehicle impaired in any way.

I understand in signing this application I become liable with the minor who is applying for the license for any damages caused by his negligence while driving a motor vehicle until the cancellation of the license or any renewal thereof.

PARENT OR GUARDIAN SIGNATURE

_____ personally appeared before me and was sworn to the facts given in this application,

this _____ day of _____ 19____ .

Notary or Commanding Officer

EXAMINATION RESULTS

EYES (Acuity)	Right	Left
With Glasses	20/	20/
Without	20/	20/
If Referred Dr's Reading With Glasses	20/	20/
Without	20/	20/

SIGNS MISSED:

RULES MISSED:

SIGNS ☐ RULES ☐ ROAD ☐

VOID

PASSED ROAD TEST _____

EXAMINER SIGNATURE

CLERK COPY

Figure 3

COMMONWEALTH OF KENTUCKY DRIVER LICENSE

CIRCUIT CLERK

LICENSE NUMBER			
EXPIRES IN	LICENSE TYPE		
DATE OF BIRTH	SOCIAL SECURITY NO.		
RESTR.	DATE APPLIED	SEX	HEIGHT
SIGNATURE			

RECORD OF LICENSE ISSUANCE

VOID

CLERK'S FILE COPY

3482857

NOTICE OF LICENSE ISSUE

DATE OF ISSUE

RETURN UPON ISSUANCE TO

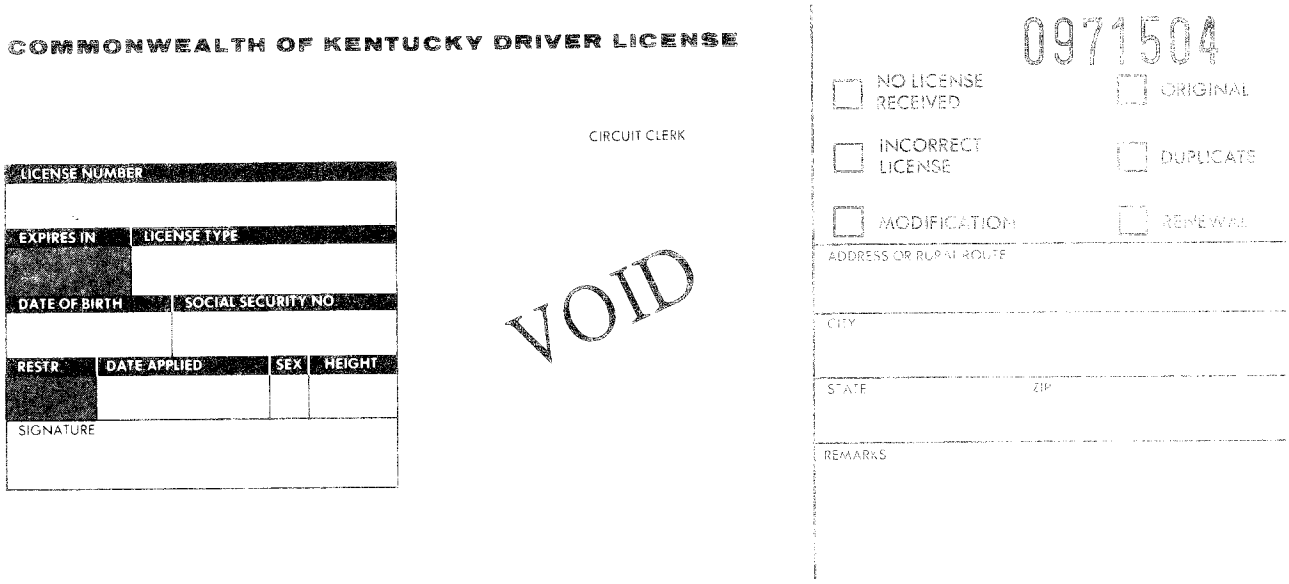
DIVISION OF DRIVER LICENSING
FRANKFORT, KENTUCKY 40601

ment of Transportation. A notice of license issuance is reported to the Department of Transportation the following Monday in the clerk's weekly report, along with other license issuances, spoiled forms, and an accounting for fees collected. This information is entered into the department's computerized system, updating the license master file.

Barring its suspension or revocation for traffic offenses, this license is valid for two years. During this period a licensed driver's file is updated by the Department of Transportation to reflect changes of address and traffic violations. Two years later in the month preceeding the licensee's birth month, a reminder of the need for a license renewal in his birth month is printed and mailed through a computerized process. Similarly, a new license is printed and forwarded to the circuit clerk in the licensee's last known county of residence.

Under normal circumstances a license will be on file in the clerk's office when the renewal application is made. Again, the applicant's photograph is affixed to the license and a fee is collected as with an original license. Should the driver have moved to another county without notifying the department, the license prepared by the Department of Transportation would not be on filed. The clerk can prepare a manual license in such cases. On a form which is similar to licenses produced by the computerized system, the clerk manually produces a permanent license and affixes a photograph of the applicant. (See Figure 4.)

Figure 4


COMMONWEALTH OF KENTUCKY DRIVER LICENSE
CIRCUIT CLERK
LICENSE NUMBER
EXPIRES IN
LICENSE TYPE
DATE OF BIRTH
SOCIAL SECURITY NO
RESTR.
DATE APPLIED
SEX
HEIGHT
SIGNATURE
VOID
0971504
NO LICENSE RECEIVED
ORIGINAL
INCORRECT LICENSE
DUPLICATE
MODIFICATION
RENEWAL
ADDRESS OR RURAL ROUTE
CITY
STATE
ZIP
REMARKS

III. THE CIRCUIT COURT CLERK - A CHANGING OFFICE

This chapter deals with the duties and nature of the office of circuit court clerk--at present and how it will become in the future. The major duties of the office are described, and then some changes in the office following from the implementation of the Judicial Article are considered. These changes include a change in the clerk's source of compensation, the clerk's new role as a state employe, and additional duties assigned to the circuit clerk.

Duties of the Office: Old and New

In addition to the circuit clerk's driver licensing duties which were described in Chapter II, the circuit court clerk, as the title of the office strongly suggests, is responsible for the clerical work of the circuit court. Although the number of varied minor duties makes a complete, detailed accounting of the position nearly impossible, it is possible to generally describe the major duties of the office.

The circuit clerk is responsible for receiving and preserving documents necessary for actions filed in the circuit court and for docketing all actions coming before the court. In criminal cases the clerk is required to keep a daily record of the proceedings of the court. Judgements of the circuit court are recorded and indexed by the circuit clerk. The clerk is also charged with retaining and filing various other court documents and papers. Additionally, the circuit clerk must collect fines imposed in the circuit court.

The circuit clerk has further duties in regard to juries in the circuit court. Between sessions of the circuit court, the clerk has custody of the jury drum and lists of potential jurors. Prior to a session of the circuit court and at the time that jurors are selected, the clerk has various duties involved with the selection of jurors. Finally, the circuit clerk must compensate all jurors for their services and make an accounting for this payment.

The circuit clerk is also required to perform substantial accounting duties and to make reports to the Executive Department for Finance and Administration. Records must be kept of all fines collected for the state. Following the close of a term of the circuit court, reports on fines and forfeitures must be filed with the Executive Department for Finance and Administration. Fines imposed under the fish and wildlife laws must be reported to the Commissioner of Fish and Wildlife, and these funds must be forwarded to the Commissioner.

Additionally, the Department of Finance requires an annual report on the number of actions and indictments filed in the circuit court each year.

In addition to his court related functions, the circuit clerk has several miscellaneous duties. Petitions contesting certain elections are filed with the clerk. Actions regarding deceptive trade practices must be forwarded by the clerk to the attorney general. Finally, the circuit clerk serves, ex officio, as the county law librarian. This duty requires indexing and making inventories of books, maps, and charts contained in the county law library.

With the restructuring of the court system, effective January 1, 1978, the circuit clerk will assume the duties of clerk of the district court, while retaining his present clerical duties in the circuit court, and while continuing to issue driver and boat licenses, and to perform other miscellaneous duties. The district court will be the bottom tier of Kentucky's new unified court system, and this court will assume the judicial functions formerly carried by the justice of peace and the county and quarterly, juvenile, police, and probate courts. Thus, the district court will have a broad jurisdiction including cases of the following categories: misdemeanors, felony preliminaries, traffic violations, juvenile actions, violations of city ordinances, probate, and civil cases. The circuit clerk will have the responsibility for the clerical and administrative operation of the district court.

KRS Chapter 30A sets the guidelines and enumerates the duties the circuit clerk will assume as the clerk of the district court. The circuit clerk is charged with the preparation of bonds given before the district court, taking affidavits in district court, and the maintenance of court dockets and records. Further, the circuit clerk will be responsible for assessing court costs and for their collection. Fines and forfeitures imposed in district court will be collected by the circuit clerk, who will also make deposits and semi-monthly reports and payments on these monies to the Executive Department for Finance and Administration. Finally, KRS 30A.140 states that, "Every clerk shall perform such additional duties as may be prescribed by statute or by court rule."

The 1976 Extraordinary Session of the General Assembly, in addition to the clerical and administrative duties of the district court, established other new responsibilities for the circuit clerk in connection with the public defense of indigent persons, the uniform traffic citation system, and the small claims court. KRS 31.150 provides that indigent persons shall pay such attorney fees as they are able. This section was amended (Acts 1976 Special Session, Chapter 24, Section 5) to require the circuit clerk to collect and submit such monies to the office of the Public Defender.

The uniform traffic citation system (KRS 431.450 - 431.455) will create a standard form for all traffic citations. The circuit clerk is directed to maintain a system for accounting for all forms issued in accordance with regulations issued by the Supreme Court to assure that citations are not wrongfully destroyed or altered.

The "Small Claims Act," KRS 24A.200 - 24A.360, was enacted to establish a court which will allow citizens to act on their own behalf in civil cases involving claims of $500 or less. The clerical duties of the small claims court were assigned to the circuit clerk. These clerical tasks include filing claims and counterclaims, notifying defendants, taking affidavits, and collecting fees.

Changes in the Compensation of the Circuit Clerk

The circuit clerk, like other county officers, is compensated through fees collected for specific duties. Until the driver licensing system was established, the circuit clerk depended solely on fees derived from court related duties.

On January 1, 1978, the dependence of the circuit clerk on licensing and other fees will end with the effective date of KRS 64.055, legislation related to the implementation of the Judicial Article. The fees from licensing and other duties will begin to flow directly to the state treasury. As KRS 64.055 provides, the circuit clerk will be paid from the state treasury according to county population. Moreover, the salaries of deputy clerks and the expenses of the clerk's office will also be paid from the state treasury.

The legislation (Acts, 1976 Special Session, Chapter 20) which established state salaries for the office of circuit clerk had a number of other dramatic effects on the office. In providing for the clerk's compensation from the state treasury and in freeing the circuit clerk from Constitutional (Section 246) limits on the compensation of county officials, the nature of the office was modified. KRS 30A.010(2) establishes that, "As personnel within the Court of Justice clerks are state officers whose duties are coextensive with the Commonwealth, and who are subject to the administrative control of the Chief Justice." Thus, the circuit clerk, formerly a county official, will become a state officer in the Court of Justice and under the administrative control of the judicial branch.

Other aspects of the affairs of the circuit clerk will also come under the administrative control of the judiciary and the Administrative Office of the Courts. KRS 30A.050 establishes that the number, qualifications, and salary of deputy clerks will be set by the Administrative Office of the Courts in consultation with the clerk. Additionally, the clerk will be dependent on the Administrative Office of the Courts for supplies and office expenses in accordance with KRS 30A.080(2).

Thus, the circuit clerk will clearly be assuming major new responsibilities. Although it is impossible to quantify exactly the amount of his increased work load, the Administrative Office of the Courts (1977, p. 5) has estimated that this work load will more than double in January, 1978.

IV. LOCATION OF LICENSE ISSUANCE

This chapter considers the proper place of issuance of drivers' licenses in the light of changes in the office of the circuit court clerk. Further, some possible advantages of centralized licensing are weighed. The consequences of long-range planning for a computer-based licensing system are assessed. Finally, some probable effects of a transfer of the place of issuance of drivers' licenses are examined.

As Chapter III demonstrated at length, the office of circuit court clerk will be significantly modified in January, 1978. One significant area of change with a potential impact on the issuance of drivers' licenses is a greatly increased workload as the circuit clerk takes on the duties of clerk of the district court as well as other new responsibilities given the circuit clerk during the 1976 Special Session of the General Assembly. However, the degree to which driver licensing will be influenced is difficult to assess.

The circuit clerk may upon assuming additional duties in January, 1978, find himself overworked and understaffed, and thus may find it difficult to perform all the various functions associated with licensing. Whether or not this will occur will apparently depend on the increase in the workload, the level of staffing, and the amount of time necessary to perform licensing duties. At present each of these factors is unknown and each is a matter for speculation.

Estimates of the increase in the workload of the circuit clerk are projections from the caseload study of lower courts performed by the consulting firm of Arthur Young and Company. Without questioning the accuracy of these projections, they can be only as good as the data on which they are based, and in some instances the records of circuit and lower courts were evidently inadequate. The caseload study stated: "...much of the 1972-75 (caseload) data upon which the predictions are based was inconsistent or incomplete, requiring some statistical estimation." (Arthur Young and Company, 1976, p. 21)

The projections of the caseload study were used in establishing guidelines for staffing the office of the circuit clerk. It was recommended that a minimum of 1,099 deputy clerks would be needed statewide to sufficiently staff the offices of circuit clerks in 1978. According to the Administrative Office of the Courts (1977, p. 3) present appropriations are sufficient to hire only an additional 668 deputy clerks. Additional funds which would permit the employment of more deputy clerks may be made available but at present it is uncertain if this will occur. Thus it is not known how many additional deputy clerks could be hired. Further, the estimates on which the projected number of deputy clerks are based did not consider the licensing duties of the circuit clerk or the other new duties of the clerk outside the district court added by the 1976 Special Session, such as small claims court, uniform traffic citation accounting system, and public defense.

It is also not possible to accurately estimate the amount of time spent on licensing by a circuit clerk. The weighted caseload study specifically excluded licensing duties from projections used in establishing staffing guidelines. Conversations with circuit clerks reveal that the time required for licensing often varies considerably between different offices and within

the same office. In urban counties some offices are organized so that a part of the staff works exclusively in the area of licensing. In more rural counties licensing is a part-time task performed by one or more deputy clerks according to demand. Further, within a given office, the flow of license applicants varies greatly from day to day and from week to week. On some days few licenses will be issued and on other days one or more clerks may spend a majority of their time issuing licenses.

It is therefore not possible to categorically state that the circuit clerk will be definitely overworked and unable to perform licensing functions after January, 1978. It is reasonable to suggest that the circuit clerk will be assuming substantial new duties, that he is unlikely to be overstaffed, and that licensing will be one of a long list of duties for which he is responsible.

Aside from the additional workload of the circuit clerk and the strain that may be encountered in his continuing to perform license duties, other changes to the office bring to question the proper place of license issuance. Again, as noted in the preceding chapter, the office of circuit court clerk will in January, 1978, change in nature. Office expenses and salaries of deputy clerks will be paid by the Administrative Office of the Courts. The circuit clerk, himself, will become "personnel within the court of justice...subject to the administrative control of the chief justice." [KRS 30A.010(2)] Although the circuit clerk and his deputies will not be judicial officers in the strict sense, they will essentially become employes of the judicial branch, administratively controlled by the judicial branch and dependent on it for salaries and expenses.

A continuation of the executive function of license issuance by the circuit clerk will mean that he, as personnel within the Court of Justice, will serve both the executive and judicial branches of state government. In essence, he will be required to serve two masters. Depending upon the eventual workload and size of the office staff, the demands of the clerk's judicial and executive functions may inevitably compete for the limited time and resources of the staff.

State Licensing by County Officials

The Commonwealth of Kentucky has long maintained several licensing systems which utilize certain county officials to perform a variety of state licensing functions. The circuit court clerk, of course, issues motor vehicle operators' licenses and motor boat licenses for the Department of Transportation. The majority of state licenses issued by county officials are, however, issued by the county court clerk. State license functions performed by the county court clerk include the issuance of marriage licenses, automobile license plates, hunting and fishing licenses, licenses for non-motor watercraft, registration of certain professional occupations licensed by the state, and several other types of licenses.

In 1976 the Special Advisory Commission on County Government, as one part of its review of numerous aspects of county government, examined the system of using county officials to perform state licensing functions. While the Advisory Commission commented that the system of utilizing county officers to issue state licenses is "...viable and should be retained.", it questioned the

absence of centralized licensing. The Advisory Commission recommended that, "As a means of making those (licensing) services more convenient and accessible to the public, non-judicial licensing functions should be centralized within the office of the county clerk." (Special Advisory Commission on County Government, 1977, p. 27) A transfer of boat and motor vehicle operators licensing to the county clerk would centralize licensing in one office, allowing the public to associate all licensing functions with that office. In addition to the advantages that centralization of licensing would have for public convenience, technological innovation in the form of a computerized licensing system provides a further impetus for a transfer of the place of issuing licenses.

On-Line License Issuance

The Department of Transportation and the consulting firm of McDonnell Douglas Automation Company are currently developing plans to "...implement an on-line IMS (Information Management System) that will computerize the storage, processing, and reporting of all available data involving drivers, motor vehicles, and traffic accidents." (McDonnell Douglas, 1977, p. 1) When fully implemented, this system will integrate the motor vehicle registration system, the accident information system, and the driver's license system. These three independent systems will become components or modules of one computer based traffic records system.

Plans for the motor vehicle registration system provide for the installment of remote terminals and printers in the offices of county clerks throughout the state, connected by telephone lines to a central computer in Frankfort. Such a system will allow the county clerk to key in the appropriate code and gain on-line access to the central data base. One advantage of this system is that it will allow the clerk to enter and receive information on auto registration and to print registration certificates.

Similarly, preliminary planning is underway to establish a computerized driver licensing system and to equip all circuit clerks' offices with remote terminals and printers connected to the same central computer. This system will provide clerks with on-line access to the state data base and will generally upgrade the licensing system by enabling on-line license issuance, improved control of issuances, and computerized accounting.

The integrated traffic records system that will replace three out-of-date systems will greatly improve the availability and accuracy of traffic information and is clearly necessary. Yet because auto registration is performed by the county clerk and driver licensing is carried out by the circuit clerk, the state will encounter added expense and duplication of computer hardware in implementing this much needed system. Unless driver licensing and auto registration are centralized in one office, it will be necessary to install and maintain expensive, sophisticated computer terminals and printers in 120 circuit clerks' offices and in 120 county clerks' offices. The cost of implementing the traffic records system would therefore be greatly increased.

The costs of training the necessary personnel to operate this relatively complicated equipment will also multiply if auto registration and driver licensing remain in separate offices. A significant amount of expertise is expected to be required to operate the remote terminals, and a large scale

training program is probable. Then the task of training personnel can be substantially reduced through centralization of licensing and auto registration.

A centralization of driver licensing and auto registration would also appear to contribute to a greater flexibility in the administration of these systems. One eventual possibility is the scheduling of auto license renewals and operator's license renewals in the birth month of the auto owner. Although the Department of Transportation has recently proposed a regulation that would stagger license tag renewals by the date of purchase of the automobile, with centralized licensing it would become feasible and more desirable to amend certain statutes that complicate such a plan and to set both renewals in the owner's birth month. Thus, when operator's license renewals are necessary, both purchases could be made in the same office at the same time, thereby increasing public convenience.

Centralized licensing would also permit other options in the administration of motor vehicle regulation which may be desirable in the future. For example, centralized licensing might facilitate the enforcement of laws mandating automobile liability insurance by requiring proof of insurance as a prerequisite for driver's license and auto license plate issuances. Further, centralized licensing would make possible a policy, now in effect in New York and some other states, of requiring the revocation of an automobile owner's license plate upon the revocation of his driver's license. Centralized licensing would apparently make the licensing system more tractable, allowing a broader range of alternatives in administering the system.

Effects of a Transfer of Licensing

As with any change to an established system, a transfer of driver licensing from the circuit clerk to the county clerk would have effects both on the system and on the respective offices. Several of these effects are discussed in this section.

One significant outcome of a transfer would be the assumption of licensing duties by personnel inexperienced in driver's license issuance. Hence, a training program for the county clerk and his deputies would obviously be necessary. Under normal circumstances the procedures involved in license issuance are not unduly complex and would not require an overly extensive amount of instruction. Moreover, the experience of the county clerk with other types of licensing may offset to a degree his inexperience with driver licensing. However, when problems arise from equipment malfunctions or unusual circumstances, the inexperience of the county clerk may initially be of some consequence. Some disruption of the normal functioning of the system would therefore be expected in the period following a transfer.

A change in the place of driver's license issuance could also be expected to create some confusion among the general public over where licenses are to be obtained. Further, in some counties, particularly in the more rural counties, the circuit clerk is closely identified with licensing and is called upon to answer questions concerning various aspects of the licensing system. Thus, at least initially, some uncertainty would be experienced by the public regarding the place of license issuance.

An additional consequence of a transfer of license issuance may be the complication of the flow of information relating driving records and convictions for traffic violations between the district court and the Department of Transportation. If license issuance remains with the circuit clerk and the proposed on-line computer system is established, the district court could - through the circuit clerk who will attend to the district court - have direct access to a defendant's driving record for use in sentencing in traffic cases. If license issuance is transferred to the county clerk and the computer terminal is placed in that office, the district court would have less direct access to driving records.

Similarly, the movement of information from the district court to the Department of Transportation would be affected by a transfer of license issuance. KRS 186.550 requires that notice of convictions for certain driving offenses be forwarded to the Department of Transportation by the clerk of the court having jurisdiction in such cases. With an on-line computer terminal in the office of the circuit clerk, this information could be more accurately and quickly forwarded to the Department of Transportation.

Finally, moving license issuance would affect the office of circuit court clerk by eliminating the circuit clerk's primary source of contact with the general public. If the circuit clerk no longer issues licenses, then he would meet the general public only through his judicial duties and, as circuit clerks point out, these meetings occur under generally negative circumstances, such as during the collection of fines.

V. DRIVER LICENSING FEES

This chapter deals with licensing fees and, generally, with the excess fees of the circuit clerk. The present operation of the fee system is described, and the implications of forthcoming modifications of the fee system for the revenue of county and state government are considered. Finally, some alternative means for the disposition of driver licensing fees are explored.

When licensing of motor vehicle operators was initiated in 1934, license issuance was placed with the circuit court clerk, aparently to supplement the income of this traditionally financially weak office through licensing fees. Additionally, in 1960 motor boat licensing was instituted and placed with the circuit clerk, further supplementing the income of the office. Over the years, fees derived from driver licensing and boat licensing have been a vital source of income for the circuit clerk. Examination of county audit reports discloses that in 1975 it was not uncommon for 40% to 60% of the receipts of the circuit clerk to have been derived from license fees. Appendix 2 presents data on fees earned from licensing by county.

At present, the circuit clerk essentially accepts license applications and issues licenses on the behalf of the Department of Transportation. A specific fee is collected by the circuit clerk for these functions. A portion of these fees is forwarded to the Department of Transportation; and a portion is retained, which becomes a part of the total fees collected by the office. The driver's license fee structure, set forth in detail by KRS 186.531, is summarized in table 1.

Table 1

Driver's License Fee Structure

Type of License	State Fee	Circuit Clerk's Fee	Total Fee
[illegible]	$1.75	$1.75	$4.00
[illegible]	0	1.00	1.00
[illegible]	.25	1.25	2.00
[illegible]	1.75	1.75	4.00
[illegible] Motorcycle and [illegible]	3.50	3.00	7.00
[illegible]	1.75	1.75	4.00
[illegible]	.75	1.25	2.00

Source: KRS 186.531

[illegible] issued except instructional permits 50 cents is credited a special account within the state road fund in accordance with KRS 186.531 for the purpose of issuing a photo license.

On January 1, 1978, the dependence of the circuit clerk on fees from driver licensing will end with the effective date of KRS 64.055, legislation related to the implementation of the Judicial Article. On that date the cir-

cuit clerk will begin to receive a state salary, and all fees derived from license issuance and other duties of the circuit clerk will begin to flow directly to the state treasury. Since fees in excess of the circuit clerk's maximum salary and office expense in the past have been turned over to the county, the loss of excess fees will potentially have an impact on the revenue of county government.

Excess Fees of the Circuit Court Clerk

At present, the circuit clerk, as well as other county officials, is compensated largely through fees collected for specific duties. The circuit clerk receives fees for a number of court related duties, many of which are enumerated in KRS 64.010, and for the issuance of driver and boat licenses. In addition, the circuit clerk receives a percentage of all fines and forfeitures collected in the circuit court. (KRS 28.180)

In counties with a population of less than 75,000 the fee system and the financial administration of the circuit clerk's office operate in a straight forward fashion. The fiscal court may set the number of deputies and office expenses of the circuit clerk. Salaries of deputy clerks are established by the circuit clerk within the statutory limits of KRS 64.530. Office expenses and salaries are paid from fees collected and from any funds appropriated by the fiscal court for the circuit clerk. The circuit clerk's compensation is yielded from the balance of these fees and appropriations up to a statutory maximum based on the rubber dollar principle. (KRS 64.527) Excess fees or fees in amounts greater than office expenses, deputies' salaries, and the maximum compensation of the circuit clerk are paid to the county and deposited in the county's general fund. In calendar years 1975 and 1976, as Table 1 demonstrates, approximately one-third of the counties of less than 75,000 population for which data was available received any excess fees from the office of the circuit clerk, and most of the circuit clerks for whom data was available had no excess fees and paid no money to the county. Moreover, the amount of excess fees was generally small in those counties which had excess fees. Appendix 2 presents excess fees for each county. Thus, based on data for 1975 and 1976, counties with a population of less than 75,000 have received little revenue from the circuit clerk's excess fees.

Table 2

Circuit Clerk's Excess Fees, 1975-1976
Counties of less than 75,000

Year	Number of Counties Reporting	Number with Excess Fees	Average Excess Fees
1975	95	35	$3,762
1976	105	28	3,887

Source: County Audit Reports

While counties have profited little from the excess fees of the circuit clerk, they also have contributed little to the operation of the office. Although appropriations from the county general fund to supplement salaries or

operating expenses are permitted, examination of county audit reports reveals that only approximately 15% actually did so. In the vast majority of counties the sole general fund appropriation for the circuit clerk is for the clerk's law librarian duties. In most cases such appropriations were at the statutory minimum of $50 per month. (KRS 172.110)

Therefore, in counties with a population of less than 75,000, the office of circuit clerk has been essentially self-sufficient, operating on funds from fees, fines, and forfeitures generated within the office. However, in most cases, neither has the circuit clerk contributed excess fees to the county general fund.

In counties with a population of 75,000 or greater, the structure of the fee system and the amount of excess fees yielded by the circuit clerk's office differ from less populous counties. The differences in the nature of the fee system are of constitutional origins, while the differences in excess fees are due to the greater volume of fees and economies of scale in the office of the circuit clerk in larger counties.

Section 106 of the Kentucky Constitution mandates that in counties with a population of 75,000 or more, the circuit clerk, as well as all other fee officers, shall pay to the state all fees collected. In turn, the state pays the salaries of these officers, their deputies' salaries, and all necessary office expenses from the state treasury in amounts not to exceed 75% of the fees collected by each office. Should the total salaries and expenses of an office be less than 75%, then this difference is paid to the county at the close of the officer's term. The balance or the remaining 25% of the fees collected is automatically paid to the county each year as provided by KRS 64.350.

Five Kentucky counties, Campbell, Davies, Fayette, Jefferson, and Kenton, have populations in excess of 75,000. In these counties the excess fees of the circuit clerk's office are more substantial than those of less populous counties and produce revenue for county government. The amount of the excess fees varies according to county size, ranging from $456,000 in Jefferson County to $32,000 in Campbell. (See Appendix 2.)

It may be concluded that KRS 64.055, which will channel all fees collected by the circuit clerk to the state treasury, will have negligible fiscal impact for most counties. The majority of counties, especially the less populous ones, will neither gain nor lose revenue, since few have contributed to the support of the circuit clerk's office and few have gained revenue through excess fees. Rather, fees collected by the circuit clerk generally financed only the operation of the office. However, more populous counties, especially those with a population of 75,000 or more, will experience some loss of revenue from the loss of the circuit clerk's excess fees.

While the majority of counties will be unaffected by changes in the fee system brought about by KRS 64.055, the state will experience an increase in revenue. According to data supplied by the Department of Transportation, in 1975 over 1 million licenses of various types were issued. The circuit clerk's portion of the fees for these issuances was roughly $1.8 million. Similarly, in 1976 approximately 1 million licenses were issued and the circuit clerk's share of driver's license fees amounted to nearly $1.9 million. Moreover, the state treasury will also begin to receive an indeterminable

amount of revenue from renewal fees for temporary drivers' permits which have been collected and retained by the circuit clerks but were not reported to the Department of Transportation.

Thus the state treasury will gain approximately $2 million per year from that portion of the license fees that are presently retained by the circuit clerk. It should be emphasized that the state will also be assuming, at that time, the salaries of the circuit clerk and deputies and their office expenses, as well as a number of other liabilities associated with the new Court of Justice.

Excess Fees of the County Clerk

A transfer of the issuance of drivers' licenses from the circuit court clerk to the county court clerk would, almost certainly, necessitate the amendment of KRS 186.531 to provide that a portion of licensing fees be retained by the county clerk to cover the expenses and additional personnel needed to perform the licensing function. If the present system of fee distribution is reinstated with the county clerk receiving the same portion of license fees formerly retained by the circuit clerk, several probable consequences may be noted.

The state treasury, which in January, 1978, will begin to receive all license fees, would of course be deprived of this additional revenue. Thus, approximately $2 million per year would be lost to the state treasury. However, at least a part of the state's financial burden for supporting the office of the circuit clerk would be relieved, since a transfer of licensing would allow some reduction of the circuit clerk's staff and consequently a reduction of the state payroll.

An additional consequence of the reinstatement of the present fee system with fees going to the county clerk would apparently be an increase in revenue for county government through excess fees. County audit reports for 1975 reveal that in counties with a population of less than 75,000 more than 80% of the county clerks for which data was available produced excess fees which were paid to the county general fund. By contrast, only about one-third of the circuit clerks paid excess fees. Moreover, the average amount of excess fees was much larger for county clerks than for circuit clerks, or around $20,000 for county clerks, compared with $3,800 for circuit clerks. A similar relationship holds for counties with populations of 75,000 or more. The excess fees of the county clerk in these more populous counties are substantially larger than those of the circuit clerk. (See Appendix 2.)

The experience of circuit clerks, under the present fee structure, indicates that driver licensing is essentially a money-making function, producing revenue beyond the expenses associated with the function. Thus the effect of transferring the issuance of driver's licenses to the county clerk and reinstating the present fee structure would be, in the majority of cases, to increase the excess fees of the office which would eventually be paid to the county general fund.

VI. CONCLUSIONS

This report has examined the place of issuance of drivers' licenses in light of recent changes in the office of the circuit court clerk. Consideration has been given to a number of issues which are related to license issuance including the administrative benefits of centralized licensing, the disposition of license fees, and some probable consequences of a transfer of license issuance.

In January, 1978, both the nature and duties of the office of the circuit court clerk, who has issued drivers' licenses since the licensing system was established, will be significantly altered. At that time the circuit clerk will become a state employe within the Court of Justice under the administrative control of the Chief Justice. Continuing the issuance of drivers' licenses will mean that the executive function of driver licensing will be performed by an employe of the judicial system.

The circuit clerk will also assume substantial new responsibilities in 1978. These include the clerical responsibilities for the district court as well as other new duties established during the 1976 Special Session of the General Assembly. As a consequence, driver licensing will become one of an expanded list of tasks the circuit clerk is required to perform.

The Commonwealth of Kentucky presently utilizes locally elected officials to issue several types of state licenses. All such state licensing, with the exception of drivers and boat licensing, is presently implemented by the county court clerk. A centralization of all state licensing in one office would permit the public to associate all licensing functions with one office. Several administrative advantages of centralized auto registration and driver licensing are also apparent. These include the reduction of the cost of implementing a planned computer based licensing system and greater flexibility in administering licensing programs.

Alternative means for the disposition of license fees were also examined. Although driver's license fees have been an important source of income for the office of circuit court clerk, the circuit clerk, beginning in January, 1978, will be salaried by the state, and all license fees will be deposited in the state treasury. Since in most rural counties the circuit clerk's office does not produce excess fees, the loss of license fees will have a negligible impact on most counties. However, in the more populous counties, especially those with populations of 75,000 or more, the circuit clerk has paid excess fees to the county; and these counties would experience some loss of revenue.

A transfer of licensing to the county court clerk would probably necessitate some retention of license fees by the county clerk to meet the expenses associated with license issuance. Under the present fee structure, most counties would gain excess fees since licensing has been a revenue producing function and since most county clerks already produce excess fees. Clearly, the state would lose any portion of the driver's license fees retained by the county clerk. This loss of state revenue could be partially offset since the staff of circuit clerk offices in some counties might be reduced if licensing were transferred, thereby reducing the state's payroll. Further, the present fee structure might be modified to more closely fit the expenses associated with license issuance.

A transfer of licensing would also affect the offices of circuit clerk and county clerk and would further affect the functioning of the licensing system. Circuit clerks would lose their primary access to the public other than through their court related functions. Further, a transfer in the office of license issuance would necessitate the training of county clerks to issue drivers' licenses. At least in the short term, some public confusion over where drivers' licenses are issued and some disruption of the functioning of the system would be expected as inexperienced county clerks assumed their new duties.

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APPENDIXES

1. House Concurrent Resolution 26, 1976 Special Session, Kentucky General Assembly

2. Fees Collected by Circuit and County Clerks - Calendar Year 1975

3. House Bill 12, 1976 Special Session, Kentucky General Assembly

APPENDIX 1

GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

EXTRAORDINARY SESSION 1976

HOUSE RESOLUTION NO. 26

FRIDAY, DECEMBER 17, 1976

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

A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a study of the drivers licensing system in the Commonwealth.

WHEREAS, the issuance of drivers licenses is now the responsibility of the circuit court clerk; and

WHEREAS, the Judicial Article makes the circuit court clerk a judicial officer; and

WHEREAS, the issuance of drivers licenses is properly the function of the executive branch;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

1 Section 1. The Legislative Research Commission is
2 directed to study the drivers licensing system in the
3 Commonwealth, including proper placement of issuance
4 power and the structure and distribution of fees.
5 Section 2. The results of the study along with any
6 recommendations shall be made available to the members of
7 the General Assembly not later than September 1, 1977.
8 Section 3. Staff services to be utilized in
9 completing this study are estimated to cost $10,000.
10 These staff services shall be provided from the regular
11 Commission budget and are subject to the limitations and

1 other research responsibilities of the Commission.

APPENDIX 2

FEES COLLECTED BY CIRCUIT & COUNTY CLERKS

CALENDAR YEAR 1975

	Auto License[1] Fees Total	Temporary Drivers Permit Fees	Circuit Clerks Excess Fee	County Clerks Excess Fees
Adair	7,502	832	[5]	19,991
Allen	7,893	627		13,174
Anderson	6,628	448		7,860
Ballard	5,773	372		8,405
Barren	18,472	1,497	1,202	132,535
Bath	5,078	406		0
Bell[3]	11,008	2,104		
Boone[4]	26,693[2]		0	
Bourbon	11,995[2]		456	12,602
Boyd	24,691		3,830	28,526
Boyle	15,338[2]		152	29,626
Bracken	4,200[2]			0
Breathitt	6,985	1,200		15,054
Breckinridge	9,226		9,746	12,329
Bullitt	20,989			15,053
Butler	5,473	558		
Caldwell	8,825	540		14,459
Calloway				56,711
Campbell	53,851		31,556	91,416
Carlisle[3]	2,798	498		0
Carroll	5,283	360		1,333
Carter				
Casey	8,521	909		17,942

	Auto License[1] Fees Total	Temporary Drivers Permit Fees	Circuit Clerks Excess Fees	County Clerks Excess Fees
Christian	31,402		21,329	182,154
Clark	15,101	1,838	2,521	43,530
Clay	8,675			
Clinton[4]	5,103[2]		0	
Crittenden	3,980	392	0	3,657
Cumberland[4]	3,888[2]		0	6,935
Daviess	55,322	5,350	54,075	76,758
Edmonson	5,355	364		5,002
Elliott	3,256		0	0
Estill	7,674	548	413	16,038
Fayette[3]	87,924		139,270	
Fleming	6,147		0	17,660
Floyd	15,864	4,085	2,156	
Franklin				
Fulton	5,267	435		3,450
Gallatin	2,589[2]	131	0	0
Garrard	6,436		0	2,264
Grant	7,350		381	10,190
Graves	21,039	1,357	1,161	91,130
Grayson	11,054	1,079	11,206	
Green	6,314	592	0	0
Greenup	22,114	1,914	4,894	36,044
Hancock	4,724	440	0	2,885
Hardin	37,666	5,267	25,886	

	Auto License[1] Fees Total	Temporary Drivers Permit Fees	Circuit Clerks Excess Fees	County Clerks Excess Fees
Harlan				
Harrison	21,836		0	
Hart	8,993	726	0	3
Henderson	25,675	1,886	9,679	60,216
Henry	7,352		0	10,592
Hickman	3,627	224	0	0
Hopkins	27,035	2,382	11,134	
Jackson	5,243	459	0	1,093
Jefferson[4]	454,171[2]	0	455,619	564,031
Jessamine	13,154	1,573	2,901	9,028
Johnson	12,330	2,002	0	14,976
Kenton[4]	80,634		45,976	184,734
Knott[3]	5,904	1,480	0	0
Knox[3]	8,600	1,607	0	8,626
Larue	7,366	679	0	2,409
Laurel	43,548[2]		3,785	
Lawrence				
Lee	3,954	631	0	6,079
Leslie	5,993	1,073	0	
Letcher	9,971		0	25,381
Lewis	15,024		0	11,994
Lincoln	9,603		2,842	20,655
Livingston	5,260	264	0	8,712
Logan	14,035	1,433	961	59,613
Lyon	3,308	222	0	1,221
McCracken				

	Auto License[1] Fees Total	Temporary Drivers Permit Fees	Circuit Clerks Excess Fees	County Clerks Excess Fees
McCreary	7,126	1,145	0	5,828
McLean	6,047	310	0	1,957
Madison	25,682		13,528	24,167
Magoffin	12,582[2]		0	0
Marion	10,170	997	103	10,581
Marshall	15,007	816	36	50,290
Martin	14,079		492	5,034
Mason	10,291		0	2,615
Meade	8,740	823	1,074	823
Menifee	2,439	240	0	0
Mercer	11,402	953	5,728	14,851
Metcalfe	4,155[2]		0	3,567
Monroe	4,531[2]		0	5,988
Montgomery	10,455		0	33,435
Morgan	5,939		0	144
Muhlenberg[3]	12,354	1,536	6,695	34,120
Nelson	14,990		3,997	14,174
Nicholas	2,317		0	1,438
Ohio	12,070	1,110	3,732	
Oldham	11,409	975	1,185	15,255
Owen	4,838		1,129	5,548
Owsley[4]	2,693[2]		0	0
Pendleton	13,498[2]		0	0
Perry	18,297		0	
Pike[4]	36,611[2]			
Powell	5,393		174	8,037

	Auto License[1] Fees Total	Temporary Drivers Permit Fees	Circuit Clerks Excess Fee	County Clerks Excess Fees
Pulaski				
Robertson	1,259	86	0	0
Rockcastle	7,354	921	0	11,375
Rowan	8,817	1,487	44	4,145
Russell	6,824	552	0	10,514
Scott	27,922[2]		905	48,120
Shelby	13,895[2]		4,116	40,244
Simpson	9,095	817	1,502	21,067
Spencer	4,107		0	0
Taylor	11,423	767	897	25,204
Todd	6,171	481	0	0
Trigg	5,859	545	0	7,743
Trimble	4,076[2]		0	0
Union	11,732	1,404	0	12,536
Warren				
Washington	6,356	557	0	0
Wayne[4]	9,608[2]		0	
Webster	9,046	783	0	66,144
Whitley	10,536	962	3,448	12,943
Wolfe	3,461	566	0	0
Woodford	10,775		0	11,083

[1] Includes fees for renewals and original licenses, temporary permits, motorcycle licenses, chauffeur licenses, and non-driver identification cards.

[2] Includes motor boat license fees.

[3] Data for 1974 calendar year.

[4] Data for 1976 calendar year.

[5] A blank indicates missing data.

Source: Auditor of Public Accounts, County Audit Reports, Excess Fee Audits.

APPENDIX 3

IN HOUSE

EXTRAORDINARY SESSION 1976

HOUSE BILL NO. 12

WEDNESDAY, DECEMBER 1, 1976

Representative Gross C. Lindsay introduced the following bill which was ordered to be printed.

AN ACT relating to court clerks.

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

1 Section 1. KRS 186.400 is amended to read as fol-
2 lows:
3 (1) The administration of the provisions of KRS
4 186.400 to 186.640 not specifically vested in the depart-
5 ment of revenue or the county [circuit] clerks shall be
6 vested in the department of transportation. The depart-
7 ment of transportation may prescribe regulations for the
8 enforcement of KRS 186.400 to 186.640, except that rules
9 concerned with the functions and duties of the department
10 of revenue provided in subsection (3) of this section
11 shall be prescribed by the department of revenue. The
12 department of transportation also shall enforce regula-
13 tions governing the acts of the county [circuit] clerks
14 and motor vehicle operators under KRS 186.400 to 186.640
15 and require reports which it deems necessary.
16 (2) The department shall provide or cause to be
17 provided to appropriate persons or officials an adequate
18 supply of forms for the administration of KRS 186.400 to
19 186.640. The style of those forms and the method of
20 their use shall be prescribed by the department and shall

1 be adequate to protect the safety interests of the state.
2 The department of revenue shall prescribe the method of
3 financial control.
4 (3) (a) The department of revenue shall collect
5 all moneys due the state from the county [circuit] clerks
6 for operators' licenses issued, and shall deposit those
7 moneys with the state treasurer.
8 (b) At least once each year the commissioner of
9 revenue and the commissioner of transportation shall
10 cause a reconciliation to be made between the record of
11 receipts by the department of revenue and the receipt of
12 applications by the department of transportation.
13 Section 2. KRS 186.411 is amended to read as fol-
14 lows:
15 Whenever a person with an epileptic condition
16 applies for a driver's license, or applies for a renewal
17 of a driver's license, he shall present to the division
18 of driver licensing certification by a physician that his
19 condition is controlled by drugs, a detailment of the
20 drugs and dosages of same which the person takes, his own
21 statement that he has been free of any seizures for one
22 year before the date of the application, and that he is
23 taking the medication prescribed by his physician. The
24 division will then issue him a letter of authorization to
25 present to the county [circuit] court clerk.
26 Section 3. KRS 186.412 is amended to read as fol-

1 lows:

2 (1) Every person seeking a license for operation of
3 a motor vehicle or a non-driver identification card shall
4 apply in person to the county [circuit] court clerk of
5 the county in which he resides and make application upon
6 a form furnished by the department. The application
7 shall contain the full name and signature, date of birth,
8 sex, and present resident address of the applicant and
9 briefly describe him. It shall also state whether the
10 applicant has previously been licensed as an operator and
11 if so, when and by what state or county, whether any li-
12 cense has ever been canceled, suspended, revoked or
13 refused, and if so, the date of and reason for the
14 cancellation, suspension, revocation or refusal, and such
15 other information as may be required.

16 (2) The department of transportation shall issue a
17 plastic laminated operator's license bearing thereon a
18 color photograph of the licensee, which photograph shall
19 be taken by the county [circuit] clerk in such a manner
20 that one exposure will photograph the applicant and the
21 application simultaneously, using the process determined
22 under provisions of KRS 186.413.

23 (3) Every applicant shall make oath to the county
24 [circuit] clerk as to the truthfulness of the statements
25 contained in the form.

26 (4) The clerk may, after determining that the

1 applicant has fully complied with the law governing
2 applications, issue a temporary operator's license to be
3 valid for not more than ninety (90) days. Such temporary
4 license shall be valid in lieu of the permanent license
5 during the certification period and must be destroyed
6 upon receipt of the permanent operator's license.
7 (5) Every person seeking a license for operating a
8 motorcycle shall apply in person to the county [circuit]
9 court clerk of the county in which he resides and make
10 application in the same manner as in applying for a li-
11 cense for operation of a motor vehicle.
12 (6) Every person seeking a color photo non-driver
13 identification card may apply in person to the county
14 [circuit] clerk in the county in which he resides. Every
15 applicant shall make oath to the county [circuit] clerk
16 as to the truthfulness of the statements contained on the
17 form.
18 (7) Military personnel and other licensed drivers
19 temporarily out-of-county may be issued a license without
20 a photograph. The license shall show in the space pro-
21 vided for the photograph the legend "valid without
22 photo."
23 (8) The department shall provide on each license to
24 operate motor vehicles or motorcycles issued a statement
25 whereby the owner of such license may certify in the
26 presence of two witnesses his willingness to make an ana-

1 tomical gift under KRS 311.195.

2 Section 4. KRS 186.413 is amended to read as fol-
3 lows:

4 (1) To implement provisions of KRS 186.412 there is
5 hereby created a commission composed of the commissioner
6 of the executive department for finance and administra-
7 tion, the secretary of the department of transportation,
8 two persons chosen by the county [circuit] clerk's asso-
9 ciation, and one person designated by the speaker of the
10 house of representatives, to determine which color photo
11 process shall be employed in issuing the licenses pre-
12 scribed by KRS 186.412.

13 (2) The process or processes selected shall, as
14 nearly as practical, prohibit reproduction or alteration
15 of the license or the ability to superimpose a photograph
16 upon such license without ready detection.

17 (3) To assist the commission in making its determi-
18 nation, the department of transportation shall promulgate
19 regulations and standards for evaluating various
20 processes and equipment available for such purpose, and
21 shall afford an opportunity to each reliable and finan-
22 cially responsible company with such a process an oppor-
23 tunity to demonstrate its process and equipment.

24 (4) After making such studies and examining such
25 processes and equipment, the commission shall determine
26 the best available process and equipment at the most

1 economical price and shall select said process and equip-
2 ment for use under provisions of KRS 186.412.
3 Section 5. KRS 186.414 is amended to read as fol-
4 lows:
5 Applications for renewal licenses shall be according
6 to the following schedule:
7 (1) Persons whose family names begin with the
8 letters "A" through "K" inclusive, shall before August 1,
9 1958, apply at the office of the county [circuit] court
10 clerk in the county in which he resides, and make appli-
11 cation upon a form furnished by the department for a
12 renewal license, which will expire on his birth month in
13 the year 1960, and shall be renewed every two (2) years
14 during the applicant's birth month thereafter.
15 (2) Persons whose family names begin with the
16 letters "L" through "Z" inclusive shall, before August 1,
17 1959, apply at the office of the county [circuit] court
18 clerk in the county in which he resides, and make appli-
19 cation upon a form furnished by the department for a
20 renewal license, which will expire on his birth month in
21 the year 1961, and shall be renewed every two (2) years
22 during the applicant's birth month thereafter.
23 (3) Any person who is a resident of this state and
24 who has obtained an operator's license in the manner pro-
25 vided for in this chapter, which has not been canceled,
26 suspended or revoked for any reason provided for in this

1 chapter, and who is in the active service of the armed
2 forces of the United States shall, upon written applica-
3 tion to the county [circuit] court clerk of the county in
4 which he resides, be granted an extension of his
5 operator's license beyond the periods set forth in sub-
6 sections (1) and (2) of this section. Upon application
7 the county [circuit] court clerk shall issue to the
8 applicant a written certification of operator's license
9 extension. The extension so granted shall be effective
10 so long as the applicant is an active member of the armed
11 forces or six (6) years from the date of the application
12 whichever is less.
13 (4) The procedure for renewing or extending a
14 motorcycle operator's license shall be the same as
15 required by this section for other operator's licenses.
16 A motorcycle operator's license shall be renewed in the
17 same manner as an operator's license.
18 Section 6. KRS 186.450 is amended to read as fol-
19 lows:
20 (1) Any person who, except for his lack of instruc-
21 tion in operating a motor vehicle, would otherwise be
22 qualified to obtain a permanent operator's license, may
23 make application for and obtain an instruction permit, to
24 be issued by the county [circuit] court clerk in the
25 county of the applicant's residence, and such permit
26 shall be valid for not more than sixty (60) days. The

1 permit holder shall have this permit in his possession
2 and be accompanied by a licensed operator occupying the
3 seat beside the operator at all times while operating a
4 motor vehicle upon the highway.
5 (2) Any person who, except for his lack of instruc-
6 tion in operating a motorcycle, would otherwise be quali-
7 fied to obtain a permanent motorcycle operator's license,
8 may make application for and obtain an instruction
9 permit, to be issued by the county [circuit] court clerk
10 in the county of the applicant's residence, and such
11 permit shall be valid for not more than sixty (60) days.
12 The permit holder shall have this permit in his posses-
13 sion at all times while operating a motorcycle upon the
14 highway.
15 Section 7. KRS 186.480 is amended to read as fol-
16 lows:
17 (1) The state police may examine every applicant
18 for an operator's license or renewal of an operator's li-
19 cense except as otherwise provided in this section. The
20 examination shall be held in the county where the appli-
21 cant resides unless the applicant is granted written
22 permission by the county [circuit] clerk of the county in
23 which he resides, to take the examination in another
24 county, and the state police agrees to arrange for the
25 examination in the other county. The examination may
26 include a test of the applicant's eyesight, his ability

1 to read and understand highway signs regulating, warning
2 and directing traffic, his knowledge of traffic laws and
3 an actual demonstration of ability to exercise ordinary
4 and reasonable control in the operation of a motor vehi-
5 cle. An applicant for a motorcycle operator's license
6 shall be required to show his ability to operate a motor-
7 cycle, in addition to other requirements of this section.
8 (2) Any person whose operator's license is denied,
9 suspended or revoked for cause, shall apply for rein-
10 statement at the termination of the period for which the
11 license was denied, suspended or revoked by submitting to
12 the examination.
13 Section 8. KRS 186.490 is amended to read as fol-
14 lows:
15 The <u>county</u> [circuit] clerk of each county shall:
16 (1) Comply with all rules and regulations issued by
17 the department under KRS 186.400 relating to his duties;
18 (2) Act for the department for the purpose of issu-
19 ing temporary operator's licenses and instruction per-
20 mits;
21 (3) Administer the oath required by KRS 186.412 to
22 the applicant without fee;
23 (4) Report and remit each Monday all moneys col-
24 lected during the preceding week and remit a copy of all
25 applications taken by him during the same period to the
26 Department of Transportation. Upon failure of any clerk

to report and remit therefor more than seven (7) days after the due date, he shall pay, in addition to the amount due, a penalty of ten per cent (10%) of the amount due. Penalties collected under this section shall be paid into the state treasury as a part of the revenue collected under KRS 186.531;

(5) Keep adequate records of all moneys collected and remitted to the department; and

(6) Keep in his office at all times available to the department a record of all temporary licenses issued in his county, all denials, cancellations, suspensions, revocations or withdrawals of operator's licenses or motorcycle operator's licenses within his county and, to the extent that he is advised, of all other withdrawals of the privilege to operate a motor vehicle on the highways.

Section 9. KRS 186.495 is amended to read as follows:

The <u>county</u> [circuit] clerk of each county shall maintain an alphabetical index of all persons to whom operator's licenses and motorcycle operator's licenses have been issued in his county, which index shall be sufficient to enable the prompt locating of the complete license record of each of such persons. Such index shall at all times be available for inspection by the state police and other officers charged with the duty of

1 enforcing highway laws.

2 Section 10. KRS 186.510 is amended to read as fol-

3 lows:

4 The licensee shall have his license in his immediate

5 possession at all times when driving a motor vehicle and

6 shall display it upon demand to the county [circuit]

7 clerk or examiner, a justice of the peace, a peace offi-

8 cer, a member of the Kentucky state police, or a field

9 deputy or inspector of the department of motor trans-

10 portation or department of revenue. It shall be a

11 defense to any charge under this section if the person so

12 charged produces in court an operator's license, issued

13 to him before his arrest and valid at the time of his

14 arrest.

15 Section 11. KRS 186.531 is amended to read as fol-

16 lows:

17 (1) The cost of operator's licenses, motorcycle

18 operator's license and permits shall be as follows:

19 (a) The fee for any original or renewal license,

20 including motorcycle operator's license, shall be $4.00,

21 except that the fee for a combination motor

22 vehicle-motorcycle operator's license shall be $7.00;

23 (b) The fee for any instruction permit shall be

24 fifty cents plus fifty cents (50¢) for preparing and

25 acknowledging such application;

26 (c) The fee for a duplicate license shall be $2.00;

1 and

2 (d) The fee for a non-driver's identification card

3 shall be $2.00.

4 (2) The county [circuit] clerk shall retain fees

5 pertaining to applications and license fees in the

6 following manner:

7 (a) One dollar and seventy-five cents ($1.75) of

8 any original and renewal license, except that the fee

9 retained for a combination motor vehicle-motorcycle

10 operator's license shall be $3.00;

11 (b) Fifty cents (50¢) for issuance of any instruc-

12 tion permit;

13 (c) Fifty cents (50¢) for preparing and acknowledg-

14 ing an application for an instruction permit;

15 (d) One dollar and twenty-five ($1.25) cents for

16 preparing and acknowledging an application for a dupli-

17 cate;

18 (e) One dollar and twenty-five cents ($1.25) for

19 each non-driver's identification card; and

20 (f) For each original, renewal, duplicate license

21 and non-driver's identification card, fifty cents (50¢)

22 shall be credited to a special account within the state

23 road fund and shall be used by the department of trans-

24 portation exclusively for the purpose of issuing a photo

25 license.

26 (3) The remainder of all fees, and other moneys

1 collected by the <u>county</u> [circuit] court clerk shall be
2 forwarded to the department of transportation.
3 (4) The photo licenses shall be in use and the
4 procedures prescribed by KRS 186.412 and 186.413 shall be
5 fully implemented by January 1, 1975.
6 Section 12. KRS 235.010 is amended to read as fol-
7 lows:
8 As used in this chapter unless the context clearly
9 requires a different meaning:
10 (1) "Vessel" means every description of watercraft,
11 other than a seaplane on the water, used or capable of
12 being used as a means of transportation on water;
13 (2) "Motorboat" means any vessel propelled by
14 machinery, whether or not such machinery is the principal
15 source of propulsion;
16 (3) "Owner" means a person, other than a lien-
17 holder, having the property in or title to a motorboat.
18 The term includes a person entitled to the use or posses-
19 sion of a motorboat subject to an interest in another
20 person, reserved or created by agreement and securing
21 payment or performance of an obligation, but the term
22 excludes a lessee under a lease not intended as security;
23 (4) "Waters of this state" means any waters within
24 the territorial limits of this state;
25 (5) "Person" means an individual, partnership,
26 firm, corporation, association, or other entity;

1 (6) "Operate" means to navigate or otherwise use a
2 motorboat or a vessel;
3 (7) "Department" means the department of trans-
4 portation;
5 (8) "Bureau" means the bureau of vehicle regulation
6 within the department of transportation;
7 (9) "License" and "certificate of number" as used
8 herein are synonymous;
9 (10) "Clerk" means county [circuit] court clerk.
10 Section 13. KRS 235.050 is amended to read as fol-
11 lows:
12 (1) Except as otherwise provided in this chapter,
13 before the owner or operator of each motorboat required
14 to be registered and numbered by KRS 235.040 may operate
15 it or permit its operation upon the waters of this state,
16 the owner shall apply for registration to the county
17 [circuit] court clerk of the county in which he resides,
18 except, if the motorboat is to be operated principally in
19 a county other than the county of the owner's residence
20 the owner may apply for registration to the county
21 [circuit] court clerk of the county in which the motor-
22 boat is to be principally operated. A motorboat last
23 registered in another state and purchased by a person for
24 operation in this state shall be first registered in this
25 state by and in the name of the purchaser and not in the
26 name of the seller. The application shall be in tripli-

cate with one copy to be retained by the county [circuit] court clerk, one copy to be forwarded to the division of driver licensing, and the original to constitute a temporary registration certificate valid for not more than ninety days and to be destroyed upon receipt of the permanent certified certificate. The application shall be accompanied by:

(a) A bill of sale, if the application is for registration of a new motorboat; or

(b) The owner's registration receipt if the motorboat was last registered in this state; or

(c) A bill of sale and the previous registration receipt if last registered in another state; and

(d) The annual registration fee.

(2) Motorboats shall be registered annually.

Section 14. KRS 235.070 is amended to read as follows:

(1) Every person making a license or certificate of number or renewal for operation of a motorboat shall apply in person to the county [circuit] court clerk of the county as provided in KRS 235.050 and make application on a form furnished by the division of driver licensing. The application shall contain the full name and signature, citizenship of applicant, date of birth, sex, present resident address, the make of the boat, hull identification number (HIN), if any, length, beam, motive

1 power, maximum capacity, type of hull material, and
2 intended use of boat. The application shall state
3 whether the motorboat is equipped with toilet facilities
4 and shall describe the number and type of such facilities
5 and shall state whether the storage container or treat-
6 ment or disposal system for such facilities is a type
7 approved by regulations promulgated pursuant to KRS
8 chapter 224. It shall also state whether the applicant
9 has been previously licensed or registered as an owner,
10 and if so, when and by what state or county, whether any
11 license registration or certificate number has been can-
12 celed, suspended, revoked, refused, and if so, the date
13 of and reason for cancellation, suspension, revocation or
14 refusal and such other information as may be required.
15 (2) Every applicant shall make oath as to the
16 truthfulness of the statements contained in the form.
17 (3) The clerk shall, after determining that the
18 applicant has complied with the law concerning applica-
19 tions, issue a temporary license, certificate of number
20 or renewal thereof to be valid for not more than ninety
21 days. Such temporary license shall be valid in lieu of
22 the permanent license during the certification period and
23 must be destroyed upon receipt of the permanent certif-
24 icate from the division of driver licensing.
25 (4) No license for the operation of a motorboat
26 shall be issued, if the motorboat is equipped with toilet

1 facilities but is not equipped with a storage container
2 or treatment or disposal system of a type approved under
3 regulations promulgated pursuant to KRS Chapter 224.
4 Section 15. KRS 235.090 is amended to read as fol-
5 lows:
6 On Monday of each week the county [circuit] court
7 clerk shall make a written report to the division of
8 driver licensing which shall include the name and address
9 of those persons who have applied for registration of
10 motorboats, the length and type of such motorboat, and
11 the registration fee charged and the amount of registra-
12 tion fee collected from the applicant. This report shall
13 cover the period of the calendar week preceding the
14 report. The applications for registration and the fees
15 collected by the clerk shall be forwarded with the said
16 report to the division of driver licensing. The clerk
17 shall collect from each owner a fee in the sum of fifty
18 cents for each registration in addition to the registra-
19 tion fee.
20 Section 16. KRS 235.130 is amended to read as fol-
21 lows:
22 (1) No person acting for himself or another shall
23 buy or trade for any motorboat without receiving the
24 certificate of number issued for that boat for the cur-
25 rent period with a certificate of transfer indorsed
26 thereon.

1 (2) It shall be the duty of the purchaser to record
2 the indorsed certificate of number with the county
3 [circuit] court clerk of the county of the purchaser's
4 residence or in which the motorboat is to be principally
5 operated and to pay a transfer fee of one dollar. The
6 clerk thereupon shall forward the indorsed certificate of
7 number and the transfer fee to the division of driver
8 licensing. Upon receipt of the indorsed certificate the
9 division shall thereupon issue a new certificate of
10 number bearing the same date and information required on
11 the original certificate of number except the change in
12 owner's name and address. The clerk shall charge the
13 purchaser a fee of fifty cents.
14 Section 17. KRS 235.180 is amended to read as fol-
15 lows:
16 The owner shall furnish the county [circuit] court
17 clerk notice of the transfer of all or any part of his
18 interest other than the creation of a security interest
19 in a motorboat numbered in this state pursuant to the
20 provisions of this chapter or of the destruction or aban-
21 donment of such motorboat, within fifteen (15) days
22 thereof. Such transfer, destruction, or abandonment
23 shall terminate the certificate of number for such motor-
24 boat, except, that in the case of a part interest which
25 does not affect the owner's right to operate such motor-
26 boat, such transfer shall not terminate the certificate

1 of number.

2 Section 18. This Act shall become effective January

3 1, 1978.