

### **165A.310 Definitions for chapter.**

As used in this chapter:

- (1) "Agent" means any person employed by a proprietary school to act as agent, solicitor, broker, or independent contractor to procure students for the school by solicitation of enrollment in any form made at any place other than the main office or principal place of business of the school;
- (2) "CDL" means a commercial driver's license as defined in KRS 281A.010;
- (3) "CDL driver training" means a course of study that complies with the provisions of KRS 332.095 governing the instruction of persons in the operation of commercial motor vehicles;
- (4) "CDL driver training school" means any person, firm, partnership, association, educational institution, establishment, agency, organization, or corporation that offers CDL driver training to persons desiring to obtain a Kentucky CDL in order to operate a commercial motor vehicle and for which a fee or tuition is charged;
- (5) "Commercial motor vehicle" has the same meaning as in KRS 281A.010;
- (6) "Commission" means the Kentucky Commission on Proprietary Education;
- (7) "Formal complaint" means a written statement filed on a form specified by the commission in which the complainant alleges that a school has violated a Kentucky statute or administrative regulation and has negatively impacted the complainant, and resolution is requested by the commission;
- (8) "License" means authorization issued by the commission to operate or to contract to operate a proprietary school in Kentucky as described in this chapter and does not reflect accreditation, supervision, endorsement, or recommendation by the commission;
- (9) "Person" means an individual, corporation, business trust, estate, partnership, unincorporated association, two (2) or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;
- (10) "Proprietary school" or "school" means a privately owned for-profit educational institution, establishment, agency, organization, or person offering or administering a plan, course, or program of instruction in business, trade, technical, industrial, or related areas for which a fee or tuition is charged whether conducted in person, by mail, or by any other method, and does not include:
  - (a) A school or educational institution supported entirely or partly by taxation from either a local or state source;
  - (b) A parochial, denominational, or eleemosynary school or institution;
  - (c) A training program which offers instruction for payment by participants primarily in pursuit of a hobby, recreation, or entertainment, and does not result in the granting of postsecondary credits nor lead to an industry-recognized credential, academic certificate, or degree;
  - (d) A course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees for the benefit of the employer and without charge to the employee; or

- (e) A school or educational institution licensed or approved by or a course or courses of study or instruction sponsored by the Kentucky Board of Barbering established by KRS 317.430, the Kentucky Board of Cosmetology established by KRS 317A.030, the Kentucky Board of Nursing established by KRS 314.121, the Kentucky Board of Embalmers and Funeral Directors established by KRS 316.170, or the Kentucky Council on Postsecondary Education established by KRS 164.011;
- (11) "Resident" means any person who has established Kentucky as his or her state of domicile. Proof of residency shall include but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement;
- (12) "School year" is beginning the first day of July and ending the thirtieth day of June next following, except when approval shall be suspended or canceled pursuant to KRS 165A.350; and
- (13) "Statement of quality assurance" means a statement required by the commission from a non-degree granting institution, in a form and manner determined by the commission, that attests to the institution meeting the minimum standards required for receiving and maintaining a license.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 46, sec. 31, effective March 30, 2018; and repealed and reenacted 2018 Ky. Acts ch. 99, sec. 1, effective July 14, 2018. -- Amended 2012 Ky. Acts ch. 76, sec. 1, effective July 12, 2012. -- Amended 2002 Ky. Acts ch. 280, sec. 1, effective April 9, 2002. -- Amended 1990 Ky. Acts ch. 470, sec. 58, effective July 1, 1990. -- Amended 1982 Ky. Acts ch. 31, sec. 1, effective July 15, 1982. -- Created 1976 Ky. Acts ch. 363, sec. 1, effective July 1, 1976.

**Legislative Research Commission Note (7/14/2018).** This statute was amended by 2018 Ky. Acts chs. 46 and 99, which do not appear to be in conflict and have been codified together.