

281.6301 Criminal background checks -- Prohibition against engaging, permitting, or employing persons convicted of certain offenses -- Administrative regulations.

- (1) A person granted a taxicab, limousine, disabled persons vehicle, transportation network company, household goods, charter bus, or bus certificate shall obtain and retain for a period of at least three (3) years a nationwide criminal background check of each certificate holder, owner, official, employee, independent contractor, or agent operating a passenger or household goods vehicle, or whose duties may require in person contact with the public or entry into a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods.
- (2) A certificate holder shall not engage, permit, or employ any person, including the certificate holder, to perform any of the duties outlined in subsection (1) of this section if that person has been convicted of any of the following offenses:
 - (a) A Class A felony;
 - (b) A Class B felony; or
 - (c) A sex crime as defined in KRS 17.500.
- (3) A certificate holder shall not engage, permit, or employ any person, including the certificate holder, to operate a motor carrier vehicle if that person has been convicted of any of the following offenses:
 - (a) Leaving the scene of a traffic accident;
 - (b) Causing a fatality or fatalities through negligent operation of a vehicle; or
 - (c) Using a vehicle in the commission of a felony involving the manufacture or distribution of a controlled substance.
- (4) A certificate holder shall not engage, permit, or employ any person, including the certificate holder, to operate a motor carrier vehicle if that person has been convicted of any of the following offenses in the past three (3) years:
 - (a) Operating a motor vehicle on a suspended license in violation of KRS 186.620(2);
 - (b) Operating a motor vehicle twenty-six (26) miles per hour or more in excess of the speed limit in violation of KRS 189.390; or
 - (c) Racing.
- (5) A certificate holder shall not engage, permit, or employ any person, including the certificate holder, to operate a motor carrier vehicle if that person has four (4) convictions in the past three (3) years for operating a motor vehicle in excess of the speed limit in violation of KRS 189.390 or for any offense which requires the assessment of penalty points by the department.
- (6) Criminal background checks under this section shall be:
 - (a) Performed at the expense of the certificate holder;
 - (b) Completed prior to the employment of or contracting with an applicant; and
 - (c) Completed using an entity from an approved list issued by the department.

- (7) The department shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section.

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 19, sec. 11, effective June 24, 2015. -- Created 2014 Ky. Acts ch. 21, sec. 6, effective July 15, 2014.