

1 AN ACT relating to motor vehicle inspectors.

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

3 ➔Section 1. KRS 186A.115 is amended to read as follows:

- 4 (1) (a) Except as otherwise provided in this section, the owner of every vehicle
5 brought into this state and required to be titled in this state shall, before
6 submitting his or her application for title to the county clerk, have the vehicle
7 together with his or her application for title and its supporting documents
8 inspected by a certified inspector in the county in which the application for
9 title is to be submitted to the county clerk.
- 10 (b) An owner of a military surplus vehicle seeking title in this state shall, before
11 submitting his or her application for title to the county clerk, have the vehicle
12 together with his or her application for title and its supporting documents
13 inspected by a certified inspector in the county in which the application for
14 title is to be submitted to the county clerk.
- 15 (2) For inspections under this section:
- 16 (a) The certified inspector shall be certified through the Department of Vehicle
17 Regulation following requirements set forth by the department by regulation
18 and shall be designated by the county sheriff ***if the inspector is a current***
19 ***member of his or her office or a special inspector appointed pursuant to***
20 ***Section 3 of this Act.*** The certified inspector will be held responsible for all
21 certifications required pursuant to this chapter and will be liable for any and
22 all penalties prescribed in this chapter, and shall be available during regular
23 office hours at any and all offices and branches that issue applications for
24 titles;
- 25 (b) There shall be a ~~five dollar (\$5)~~ fee for this certification, payable to the
26 sheriff's office, ***and the fee shall be retained by the sheriff's office for***
27 ***official expenses of the office*** upon completion of certification, ***in the***

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

amount of:

1. Thirty dollars (\$30) for a motor vehicle dealer that qualifies to have an employee appointed as a special inspector under paragraph (d) of this section;
2. Fifteen dollars (\$15) for a motor vehicle dealer that does not qualify to have an employee appointed as a special inspector under paragraph (d) of this section; or
3. Fifteen dollars (\$15) for an individual person;

(c) There shall be an additional fee of ~~twenty~~^{ten} dollars ~~(\$20)~~^(\$10) per trip when it becomes necessary for the certified inspector to travel to the site of the vehicle rather than bringing the vehicle to the sheriff's inspection area;~~f~~ and

(d) A sheriff may appoint up to two (2) employees of a motor vehicle dealer, that is licensed under KRS Chapter 190 and doing business in the sheriff's county, as special inspectors if the motor vehicle dealer is:

1. A new motor vehicle dealer; or
2. A used motor vehicle dealer that has sold an average of one hundred (100) or more motor vehicles per month in the preceding twelve (12) months;

(e) A special inspector appointed under paragraph (d) of this subsection is only authorized to perform motor vehicle inspections and complete certified inspection forms under this section for vehicles purchased by that dealership for resale and shall have his or her special inspector status revoked if he or she is no longer an active employee of that dealership; and

(f) An inspection conducted in one (1) county within the Commonwealth of Kentucky under this subsection, and the fees paid for that inspection under this subsection, shall be honored by the certified inspector, sheriff, and county

1 clerk in all other counties within this state. A second inspection shall not be
2 required and additional fees shall not be required.

3 (3) The Transportation Cabinet may require that modifications be made to a military
4 surplus vehicle. Any modifications required by the cabinet under this section shall
5 be made to the military surplus vehicle prior to its inspection.

6 (4) The Transportation Cabinet shall promulgate administrative regulations pursuant to
7 KRS Chapter 13A to implement the provisions of subsections (1)(b) and (3) of this
8 section, including but not limited to vehicle modification requirements and the
9 creation of a separate electronic inspection form. The Transportation Cabinet shall
10 note that military vehicles were originally manufactured under the federally
11 mandated requirements set forth in 49 C.F.R. sec. 571.7 and shall only require these
12 vehicles to meet applicable federal motor vehicle safety standards.

13 (5) The following vehicles are excluded from the requirement of inspection by a
14 certified inspector prior to titling in this state:

15 (a) New motor vehicles sold by a dealer licensed in this state;

16 (b) Vehicles required to be registered in this state by reason of lack of a
17 reciprocity agreement with another state and for which a nonnegotiable
18 registration document is to be issued;

19 (c) Motor vehicles operated by a motor carrier under a nonnegotiable certificate
20 or permit issued by the Department of Vehicle Regulation;

21 (d) Motor vehicles owned by servicemen or servicewomen who are residents of
22 Kentucky stationed outside of Kentucky may be inspected by the post provost
23 or similar officer of the camp, post, or station. The post provost or similar
24 officer shall submit an affidavit stating the name of the owner, the
25 identification or serial number, the make, body style, current license or title
26 number, if any, and state in which currently registered or titled, if any, of the
27 motor vehicle;

1 (e) Motor vehicles purchased in another state by persons who are residents of
2 Kentucky but are temporarily residing out of state for at least thirty (30) days,
3 but not longer than nine (9) months, may after the purchase of the vehicle be
4 inspected by the state police, a local law enforcement agency, or the vehicle
5 inspection program of another state. If an inspector in another state examines
6 a vehicle under this paragraph, the purchaser may request the inspector to
7 complete an affidavit stating the name of the owner, the vehicle identification
8 number, the vehicle make and body style, the current state of registration, if
9 any, and the current vehicle license or title number, if any. The Transportation
10 Cabinet shall create an affidavit form containing at a minimum this
11 information and shall post the form on the cabinet's internet ~~website~~
12 ~~site~~. A person using an inspector in another state under this paragraph shall
13 comply with all requirements of that state's inspection program, including
14 payment of fees charged in that state. A person registering a motor vehicle for
15 the first time in Kentucky under this paragraph shall transmit the application
16 for registration, all supporting documentation, and payment for registration
17 and usage tax to the county clerk of the county in which the person resides,
18 and upon receipt of the appropriate documentation, the county clerk shall
19 register the vehicle; and

20 (f) Motor vehicles no longer located in Kentucky but which require inspection in
21 order to issue a corrected Kentucky title due to error in vehicle identification
22 or serial number may be inspected by an inspector authorized to inspect
23 vehicle identification or serial number by the laws of the state or foreign
24 country where application for a new title has been submitted.

25 (6) When presented to a certified inspector for inspection ~~and~~ to a county clerk for
26 processing, the owner's application for a first certificate of registration or title in his
27 or her name shall be accompanied by a current operator's license ~~proof of~~

1 ~~insurance in compliance with KRS 304.39-080]~~ and one (1) of the following
2 documents as applicable:

- 3 (a) If the vehicle is a new vehicle not previously registered in this state, the
4 properly assigned manufacturer's statement of origin for the vehicle for which
5 registration or title is sought;
- 6 (b) If the vehicle was last registered in this state, and is a vehicle for which a title
7 is not required in this state, a certificate of registration, or if the vehicle is one
8 for which a certificate of title is required in this state, a properly assigned
9 certificate of title;
- 10 (c) If the vehicle was last previously titled in another state, a properly assigned
11 certificate of title;
- 12 (d) If the application refers to a vehicle previously registered in another country,
13 the documents of that country establishing ownership of the vehicle;
- 14 (e) If the application refers to a vehicle last previously registered in another
15 country by a person on active duty in the Armed Forces of the United States,
16 the county clerk may accept on behalf of the Department of Vehicle
17 Regulation evidence of ownership provided the applicant by the United States
18 Department of Defense; and
- 19 (f) Except as provided in KRS 186A.072(2)(c) governing custom-built
20 motorcycles, if the application relates to a vehicle which has been specially
21 constructed or reconstructed, that fact shall be stated in the application, and
22 the application shall be accompanied by the documents specified by
23 administrative regulations of the Department of Vehicle Regulation.
- 24 (7) When requested to inspect a vehicle pursuant to this section, the certified inspector
25 shall personally and physically inspect the vehicle, when registration or title is
26 sought in this state, on the following points:
- 27 (a) ~~He or she shall ensure that the application is legible and properly executed to~~

1 ~~the extent required at the time of execution;~~

2 ~~(b)~~—]He or she shall compare the vehicle identification number as appearing on
3 both the vehicle identification number plate, and the federal safety standards
4 label of the vehicle which is sought to be registered or titled, with the
5 corresponding number inscribed on the application, and its supporting
6 documentation, and ensure that the vehicle identification number appearing at
7 each described location appears legitimate and that they are consistent with
8 each other;

9 ~~(b)~~~~(c)~~ He or she shall examine the primary odometer of the vehicle and
10 electronically~~[legibly]~~ record the reading in the space provided in the
11 inspection section of the application;~~[and]~~

12 ~~(c)~~~~(d)~~ After exercising due diligence in inspecting the vehicle~~[, the~~
13 ~~application,]~~ and its supporting documentation, and finding that they appear to
14 be in order, the certified inspector shall execute the electronic~~[preprinted]~~
15 certificate of inspection according to its terms by electronically
16 inputting~~[printing]~~ in the spaces provided his or her first name, middle initial,
17 and last name, certified inspector number,~~[and]~~ his or her title; the name of
18 the county in which he or she serves; and the telephone number including the
19 telephone area code of his or her agency, ~~[and sign in ink his or her signature~~
20 ~~in the space provided,]~~ and enter~~[print]~~ the month, day, and year in which his
21 or her inspection was made, certifying under penalty of forgery in the second
22 degree the character, accuracy, and date of his or her inspection; and

23 *(d) A certified inspector number shall not be subject to an open records request*
24 *under KRS 61.870 to 61.884 unless otherwise required by a court order.*

25 (8) The certified inspector shall refrain from executing the certificate of inspection if:

26 (a) He or she has not personally and physically inspected the vehicle in
27 accordance with this section;

- 1 (b) He or she has reason to believe that the vehicle displays an unlawfully altered
2 vehicle identification number;
- 3 (c) The application and any of its copies are illegible or otherwise improperly
4 executed, or contain information reasonably believed to be inaccurate or
5 fraudulent;
- 6 (d) The documentation required in support of any application is not present, or
7 not consistent with the vehicle and the owner's application or appears
8 fraudulent; or
- 9 (e) He or she has probable cause to believe the vehicle is stolen.
- 10 (9) (a) Inspections on motor vehicles that meet the definition of a "historic vehicle"
11 under KRS 186.043(2) and are brought into this state shall be limited to
12 verification of the vehicle identification number with supporting
13 documentation for purposes of titling.
- 14 (b) Inspections on motor vehicles that meet the definition of a classic motor
15 vehicle project as set forth in KRS 186A.510 shall be limited to verification of
16 the vehicle identification number with supporting documentation for purposes
17 of issuing a classic motor vehicle project certificate of title under KRS
18 186A.535(1).

19 **(10) The electronic certificate of inspection shall not be handled by any person or**
20 **persons other than those designated individuals within the offices of the sheriff,**
21 **county clerk, or other state office.**

22 **(11) The Transportation Cabinet shall promulgate administrative regulations**
23 **pursuant to KRS Chapter 13A to implement the provisions of this section,**
24 **including but not limited to special inspectors classified as dealer inspectors only**
25 **and the creation of an electronic certified vehicle inspection form and receipt.**

26 ➔Section 2. KRS 186A.990 is amended to read as follows:

- 27 (1) Any person who knowingly gives false, fraudulent, or erroneous information in

1 connection with an application for the registration, and when required, titling of a
2 vehicle, or any application for assignment of a vehicle identification number, or
3 replacement documents, or gives information in connection with his or her review
4 of applications, or falsely certifies the truthfulness and accuracy of information
5 supplied in connection with the registration and when required, titling of a vehicle,
6 shall be guilty of forgery in the second degree.

7 (2) Any person who violates KRS 186A.260 or KRS 186A.275 to 186A.285 shall be
8 guilty of a Class D felony.

9 (3) Any person who violates KRS 186A.300 to 186A.315 shall be guilty of a Class D
10 felony.

11 (4) Any person who operates a motor vehicle or trailer upon the highways of this state
12 without a temporary tag when one is required, or with one that is expired,
13 improperly executed, or displayed on a vehicle other than the one (1) to which it
14 was legitimately and lawfully issued, shall be guilty of a Class B misdemeanor.

15 (5) Any person who violates the disclosure provisions of KRS 186A.530(8) shall be
16 guilty of a Class A misdemeanor.

17 (6) Any person who violates any provisions of this chapter, or regulations promulgated
18 pursuant thereto, and for which a specific penalty is not prescribed by statute, shall
19 be guilty of a Class A misdemeanor.

20 (7) Criminal remedies or sanctions provided in this chapter are in addition to, and not
21 exclusive of, any other criminal remedies or sanctions provided elsewhere in the
22 statutes.

23 **(8) Any person who intentionally or willfully divulges his, her, or another person's**
24 **certified inspector number to any person other than those designated individuals**
25 **within the offices of the sheriff, county clerk, or other state office, except in the**
26 **course of his or her official assigned duties, shall be guilty of a Class A**
27 **misdemeanor.**

1 (9) Any person who intentionally or willfully sells his, her, or another person's
2 certified inspector number to any person or persons shall be guilty of a Class D
3 felony.

4 ➔Section 3. KRS 70.030 is amended to read as follows:

5 (1) The sheriff may appoint his or her own deputies and may revoke the appointment at
6 his or her pleasure, except where that revocation is prohibited by the provisions of
7 KRS 70.260 to 70.273. Any law to the contrary notwithstanding, a sheriff may
8 appoint a deputy who resides outside the Commonwealth. In a county containing a
9 consolidated local government or city of the first class with a deputy sheriff merit
10 board, the term of office of a deputy shall continue from sheriff to sheriff unless a
11 deputy is removed according to the provisions of KRS 70.260 to 70.273. Before any
12 deputy executes the duties of his or her office, he or she shall take the oath required
13 to be taken by the sheriff.

14 (2) The sheriff may appoint his or her own certified court security officers and may
15 revoke the appointment at his or her pleasure. A certified court security officer shall
16 take an oath to faithfully perform the duties of his or her office and that he or she
17 possesses the minimum qualifications under KRS 15.3971.

18 (3) The sheriff may appoint nonsworn clerical, technical, professional, and support
19 personnel to assist him or her in the performance of the duties of his or her office.
20 All nonsworn personnel shall serve at the pleasure of the sheriff.

21 (4) No sheriff whose county has adopted a deputy sheriff merit board under KRS
22 70.260 shall appoint a deputy who is a member of the immediate family of the
23 sheriff. The term "member of the immediate family" has the meaning given in KRS
24 70.260.

25 (5) Except for certified court security officers, a sheriff's office may, upon the written
26 request of the sheriff, participate in the Kentucky Law Enforcement Foundation
27 Program Fund authorized by KRS 15.410 to 15.510 without the county establishing

1 a deputy sheriff merit board. This subsection shall not prohibit the sheriff from
2 requesting the consolidated local government or the fiscal court to establish a
3 deputy sheriff merit board.

4 **(6) The sheriff may appoint nonsworn special inspectors solely to perform motor**
5 **vehicle inspections under Section 1 of this Act.**