

1 AN ACT relating to motor vehicle inspections.

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. The certified inspector will be  
19 held responsible for all certifications required pursuant to this chapter and will  
20 be liable for any and all penalties prescribed in this chapter, and shall be  
21 available during regular office hours at any and all offices and branches that  
22 issue applications for titles;
- 23 (b) There shall be a five dollar (\$5) fee for this certification, payable to the  
24 sheriff's office, upon completion of certification;
- 25 (c) There shall be an additional fee of ten dollars (\$10) per trip when it becomes  
26 necessary for the certified inspector to travel to the site of the vehicle rather  
27 than bringing the vehicle to the sheriff's inspection area;~~and~~

- 1 (d) An inspection conducted in one (1) county within the Commonwealth of  
2 Kentucky under this subsection, and the fees paid for that inspection under  
3 this subsection, shall be honored by the certified inspector, sheriff, and county  
4 clerk in all other counties within this state. A second inspection shall not be  
5 required and additional fees shall not be required; and
- 6 (e) Except as provided for in subsection (3) of this section, a licensed motor  
7 vehicle dealer or an employee of a motor vehicle dealership shall not be  
8 eligible to become a certified motor vehicle inspector.
- 9 (3) A licensed motor vehicle dealer or an employee of a motor vehicle dealership may  
10 be certified as an inspector under this section if the individual meets all of the  
11 following conditions and requirements:
- 12 (a) The sheriff of the county in which the dealer is licensed shall approve the  
13 certification of a dealer or dealership employee as an inspector;
- 14 (b) The dealer or employee shall be designated by the sheriff and shall meet all  
15 the qualifications and requirements for certification under subsection (2) of  
16 this section and the administrative regulations promulgated under the  
17 authority granted by that subsection;
- 18 (c) 1. The certification of a dealer as an inspector shall be contingent upon  
19 the dealer's continued valid licensing status as a motor vehicle dealer  
20 in that county;
- 21 2. The certification of a dealer's employee as an inspector shall be  
22 contingent upon the employee's continued employment with that  
23 motor vehicle dealer;
- 24 3. If a dealer is no longer licensed in the county under which the dealer  
25 obtained certification, or an employee is no longer employed by the  
26 dealership under which the employee obtained certification, the  
27 certification shall cease to be valid;

1 (d) In order for a dealer or dealer's employee to be certified as an inspector, the  
 2 dealer shall have sold at least two hundred fifty (250) motor vehicles in the  
 3 previous calendar year;

4 (e) A dealer who seeks certification for the dealer or an employee shall post the  
 5 bond or surety described in, and under the same conditions as set forth in,  
 6 KRS 190.030(9) to ensure compliance with the provisions of this section;

7 (f) The sheriff shall have the right to inspect a dealership where the dealer or  
 8 an employee is certified as an inspector at all times during the normal  
 9 business hours of that dealership;

10 (g) A dealer, or employee of a dealer, who is certified as an inspector shall only  
 11 inspect vehicles in the possession of that dealer and shall be prohibited from  
 12 inspecting any other vehicles; and

13 (h) A dealer or employee certified as an inspector shall transmit to the sheriff,  
 14 on a weekly basis:

15 1. All inspection forms and paperwork, including a photograph of the  
 16 vehicle identification number of each vehicle inspected; and

17 2. All fees collected.

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

21 ~~(5)~~~~(4)~~ The Transportation Cabinet shall promulgate administrative regulations  
 22 pursuant to KRS Chapter 13A to implement the provisions of subsections (1)(b) and  
 23 ~~(4)~~~~(3)~~ of this section, including but not limited to vehicle modification  
 24 requirements and the creation of a separate inspection form. The Transportation  
 25 Cabinet shall note that military vehicles were originally manufactured under the  
 26 federally mandated requirements set forth in 49 C.F.R. sec. 571.7 and shall only  
 27 require these vehicles to meet applicable federal motor vehicle safety standards.

- 1 ~~(6)~~(5) The following vehicles are excluded from the requirement of inspection by a  
2 certified inspector prior to titling in this state:
- 3 (a) New motor vehicles sold by a dealer licensed in this state;
  - 4 (b) Vehicles required to be registered in this state by reason of lack of a  
5 reciprocity agreement with another state and for which a nonnegotiable  
6 registration document is to be issued;
  - 7 (c) Motor vehicles operated by a motor carrier under a nonnegotiable certificate  
8 or permit issued by the Department of Vehicle Regulation;
  - 9 (d) Motor vehicles owned by servicemen or servicewomen who are residents of  
10 Kentucky stationed outside of Kentucky may be inspected by the post provost  
11 or similar officer of the camp, post, or station. The post provost or similar  
12 officer shall submit an affidavit stating the name of the owner, the  
13 identification or serial number, the make, body style, current license or title  
14 number, if any, and state in which currently registered or titled, if any, of the  
15 motor vehicle;
  - 16 (e) Motor vehicles purchased in another state by persons who are residents of  
17 Kentucky but are temporarily residing out of state for at least thirty (30) days,  
18 but not longer than nine (9) months, may after the purchase of the vehicle be  
19 inspected by the state police, a local law enforcement agency, or the vehicle  
20 inspection program of another state. If an inspector in another state examines a  
21 vehicle under this paragraph, the purchaser may request the inspector to  
22 complete an affidavit stating the name of the owner, the vehicle identification  
23 number, the vehicle make and body style, the current state of registration, if  
24 any, and the current vehicle license or title number, if any. The Transportation  
25 Cabinet shall create an affidavit form containing at a minimum this  
26 information and shall post the form on the cabinet's Internet Web site. A  
27 person using an inspector in another state under this paragraph shall comply

1 with all requirements of that state's inspection program, including payment of  
2 fees charged in that state. A person registering a motor vehicle for the first  
3 time in Kentucky under this paragraph shall transmit the application for  
4 registration, all supporting documentation, and payment for registration and  
5 usage tax to the county clerk of the county in which the person resides, and  
6 upon receipt of the appropriate documentation, the county clerk shall register  
7 the vehicle; and

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

13 ~~(Z)(6)~~ When presented to a certified inspector for inspection or to a county clerk for  
14 processing, the owner's application for a first certificate of registration or title in his  
15 or her name shall be accompanied by proof of insurance in compliance with KRS  
16 304.39-080 and one (1) of the following documents as applicable:

17 (a) If the vehicle is a new vehicle not previously registered in this state, the  
18 properly assigned manufacturer's statement of origin for the vehicle for which  
19 registration or title is sought;

20 (b) If the vehicle was last registered in this state, and is a vehicle for which a title  
21 is not required in this state, a certificate of registration, or if the vehicle is one  
22 for which a certificate of title is required in this state, a properly assigned  
23 certificate of title;

24 (c) If the vehicle was last previously titled in another state, a properly assigned  
25 certificate of title;

26 (d) If the application refers to a vehicle previously registered in another country,  
27 the documents of that country establishing ownership of the vehicle;

- 1 (e) If the application refers to a vehicle last previously registered in another  
2 country by a person on active duty in the Armed Forces of the United States,  
3 the county clerk may accept on behalf of the Department of Vehicle  
4 Regulation evidence of ownership provided the applicant by the United States  
5 Department of Defense; and
- 6 (f) Except as provided in KRS 186A.072(2)(c) governing custom-built  
7 motorcycles, if the application relates to a vehicle which has been specially  
8 constructed or reconstructed, that fact shall be stated in the application, and  
9 the application shall be accompanied by the documents specified by  
10 administrative regulations of the Department of Vehicle Regulation.
- 11 ~~(8)~~ When requested to inspect a vehicle pursuant to this section, the certified  
12 inspector shall personally and physically inspect the vehicle, when registration or  
13 title is sought in this state, on the following points:
- 14 (a) He or she shall ensure that the application is legible and properly executed to  
15 the extent required at the time of execution;
- 16 (b) He or she shall compare the vehicle identification number as appearing on  
17 both the vehicle identification number plate, and the federal safety standards  
18 label of the vehicle which is sought to be registered or titled, with the  
19 corresponding number inscribed on the application, and its supporting  
20 documentation, and ensure that the vehicle identification number appearing at  
21 each described location appears legitimate and that they are consistent with  
22 each other;
- 23 (c) He or she shall examine the primary odometer of the vehicle and legibly  
24 record the reading in the space provided in the inspection section of the  
25 application; and
- 26 (d) After exercising due diligence in inspecting the vehicle, the application, and  
27 its supporting documentation, and finding that they appear to be in order, the

1 certified inspector shall execute the preprinted certificate of inspection  
2 according to its terms by printing in the spaces provided his or her first name,  
3 middle initial, and last name, and his or her title; the name of the county in  
4 which he serves; and the telephone number including the telephone area code  
5 of his or her agency, and sign in ink his or her signature in the space provided,  
6 and print the month, day, and year in which his or her inspection was made,  
7 certifying under penalty of forgery in the second degree the character,  
8 accuracy, and date of his or her inspection.

9 ~~(9)~~<sup>(8)</sup> The certified inspector shall refrain from executing the certificate of  
10 inspection if:

- 11 (a) He or she has not personally and physically inspected the vehicle in  
12 accordance with this section;
- 13 (b) He or she has reason to believe that the vehicle displays an unlawfully altered  
14 vehicle identification number;
- 15 (c) The application and any of its copies are illegible or otherwise improperly  
16 executed, or contain information reasonably believed to be inaccurate or  
17 fraudulent;
- 18 (d) The documentation required in support of any application is not present, or  
19 not consistent with the vehicle and the owner's application or appears  
20 fraudulent; or
- 21 (e) He or she has probable cause to believe the vehicle is stolen.

22 ~~(10)~~<sup>(9)</sup> (a) Inspections on motor vehicles that meet the definition of a "historic  
23 vehicle" under KRS 186.043(2) and are brought into this state shall be limited  
24 to verification of the vehicle identification number with supporting  
25 documentation for purposes of titling.

- 26 (b) Inspections on motor vehicles that meet the definition of a classic motor  
27 vehicle project as set forth in KRS 186A.510 shall be limited to verification of

1           the vehicle identification number with supporting documentation for purposes  
2           of issuing a classic motor vehicle project certificate of title under KRS  
3           186A.535(1).