

## CHAPTER 237

## ( HB 490 )

AN ACT relating to transportation, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. KRS 434.415 is amended to read as follows:

(1) *As used in this section:*

- (a) *"Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system;*
- (b) *"Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component, including but not limited to an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier, respectively;*
- (c) *"Nonfunctional airbag" means a replacement airbag that meets any of the following criteria:*
  - 1. *The airbag was previously deployed or damaged;*
  - 2. *The airbag has an electric fault that is detected by the vehicle's airbag diagnostic system when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;*
  - 3. *The airbag includes a part or object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or*
  - 4. *The airbag is subject to the provisions of 49 U.S.C. sec. 30120(j); and*
- (d) *"Supplemental restraint system" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 C.F.R. sec. 571.209. A supplemental restraint system includes one (1) or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following:*
  - 1. *The airbag operates as designed in the event of a crash; and*
  - 2. *The airbag is designed to meet federal motor vehicle safety standards for the specific make, model, and year of the vehicle in which it is or will be installed.*

(2) *Notwithstanding KRS Chapter 534, a person who does any of the following shall be fined not more than five thousand dollars (\$5,000), or be confined in the county jail for not more than twelve (12) months, or both:*

- (a) *Knowingly imports, manufactures, sells, offers for sale, installs, or reinstalls in a motor vehicle, a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208 provided in 49 C.F.R. sec. 571.208 for the make, model, and year of the motor vehicle;*
- (b) *Knowingly sells, offers for sale, installs, or reinstalls in any motor vehicle a device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag; or*
- (c) *Knowingly sells, leases, trades, or transfers a motor vehicle if the person knows that a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208 provided in 49 C.F.R. sec. 571.208 for the make, model, and year of the motor vehicle has been installed as part of the motor vehicle's inflatable restraint system.*

- (3) ***This section shall not apply to an owner or employee of a motor vehicle dealership or the owner of a vehicle, who, before the sale of the vehicle, does not have knowledge that the vehicle's airbag, or another component of the vehicle's supplemental restraint system, is counterfeit or nonfunctioning***

~~{Any person who knowingly installs or reinstalls in a vehicle any object, in lieu of an air bag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle, as part of a vehicle inflatable restraint system, shall be fined not more than five thousand dollars (\$5,000), or be confined in the county jail for not more than twelve (12) months, or both}.~~

➔Section 2. There is hereby allocated from the Road Fund appropriation in the Highways budget unit \$421,300 in fiscal year 2023-2024 for GARVEE Bonds debt service payments relating to the Brent Spence Bridge project.

➔Section 3. The provisions of 2022 Regular Session HB 241/EN are amended to read as follows:

On page 4, line 12, delete "996,115,300" and insert in lieu thereof "995,115,300";

On page 7, line 8, delete "\$439,456,200" and insert in lieu thereof "\$438,456,200";

On page 13, line 1, delete "9,500,000" and insert in lieu thereof "10,500,000"; and

Adjust subsequent subtotals and totals accordingly.

➔Section 4. The provisions of 2022 Regular Session HB 242/EN are amended to read as follows:

On page 50, after item number 4309, insert the following information under the column indicated consistent with the existing format:

County: "Clinton";

Item No.: "8600";

Route: "US-127";

Description: "RELOCATION OF US 127 FROM KY 90 INTERSECTION TO AARON RIDGE ROAD (MP 11.7 TO MP 16.315)";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" in the Fund column in each of the DN and RW rows;

Insert "4,800,000" under the FY 2023 column in the DN row; and

On page 55, item number 10004, delete "36,500" and insert "360,000" in lieu thereof under the FY 2024 column in the CN row; and

On page 64, after the item number 80207, insert the following information under the column indicated consistent with the existing format:

County: "Fayette";

Item No.: "80253";

Route: "US-25";

Description: "Improve intersection of Innovation Drive and US-25 Georgetown RD. Contingent on \$200,000 provided to the City of Lexington by Commerce Lexington to go toward construction costs.";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" in the Fund column in the CN row;

Insert "426,648" under the FY 2023 column in the CN row; and

On page 122, item number 80101, delete "SPP" and "7,950,000" in the DN row; and

Delete "SPP" and "7,212,000" in the RW row; and

On page 124, after item number 162.4000, insert the following information under the column indicated consistent with the existing format:

County: "Kenton";

Item No.: "359";

Route: "KY-17";

Description: "Convert Scott Street/Greenup Street (KY 17) one-way couplet to two-way streets and upgrade Madison Pike in Covington.";

Phase: "PL DN RW UT CN Project Cost:";

Insert "STPF" in the Fund column in the CN row;

Insert "2,500,000" under the FY 2023 column in the CN row; and

On page 160, item number 169, delete "5,300,000" and insert "1,000,000" in lieu thereof under the FY 2022 column; and

Insert "NH" in the Fund column in the RW, UT, and CN rows;

Insert "10,420,000" under the FY 2023 column in the RW row;

Insert "4,220,000" under the FY 2023 column in the UT row;

Insert "5,000,000" under the FY 2024 column in the CN row; and

On page 183, after item number 396.1000, insert the following information under the column indicated consistent with the existing format:

County: "Nelson";

Item No.: "8307.2000";

Route: "KY-245";

Description: "WIDEN KY-245 FROM FLAGET HOSPITAL (MP 7.722) THROUGH COUNTY LINE (MP12.261 NELSON/MP0.000 BULLITT) TO HAPPY HOLLOW RD (MP 4.425).";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" in the Fund column in the DN row;

Insert "3,000,000" under the FY 2023 column in the DN row; and

On page 192, after the Total for Owsley county, insert the following information under the column indicated consistent with the existing format:

County: "Pendleton";

Item No.: "80258";

Route: "KY-177";

Description: "RECONSTRUCTION FROM KY 3185 IN BUTLER TO KY 467";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" in the Fund column in the DN row;

Insert "1,996,800" under the FY 2023 column in the DN row; and

On page 200, item number 80250, delete "CONSTRUCT THE HAL ROGERS PARKWAY BRIDGE ON KY 11 (CAMPTON ROAD) MP 3.4 TO 3.85" and insert "Construct a bridge on KY 11 (Campton Rd MP 3.4 to 3.85) across the Bert T. Combs Mountain Parkway" in lieu thereof; and

On page 209, after item number 80102, insert the following information under the column indicated consistent with the existing format:

County: "Scott";

Item No.: "80254";

Route: "CR-1105";

Description: "Address condition of CR 1105 (MP 0.0 to MP 3.085) Project with Scott County Fiscal Court.";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" under the Fund column in the CN row;

Insert "400,000" under the FY 2023 column in the CN row; and

On page 222, item number 396.2000, insert "STPF" under the Fund column in the CN row;

Insert "1,000,000" under the FY 2024 column in the CN row; and

On page 240, item number 911.5000, delete ", AND SCHOOL SAFETY PROJECTS"; and

Adjust subsequent subtotals and totals accordingly.

➔Section 5. The provisions of 2022 Regular Session HJR 82/EN are amended to read as follows:

On page 48, after the Total for Clay county, insert the following information under the column indicated consistent with the existing format:

County: "Clinton";

Item No.: "8600";

Route: "US-127";

Description: "RELOCATION OF US 127 FROM KY 90 INTERSECTION TO AARON RIDGE ROAD (MP 11.7 TO MP 16.315)";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" under the Fund column in the RW row;

Insert "8,000,000" under the FY 2025 column in the RW row; and

On page 109, item number 80101, insert "SPP" under the Fund column in the DN and RW row;

Insert "7,950,000" under the FY 2025 column in the DN row;

Insert "7,212,000" under the FY 2026 column in the RW row; and

On page 111, delete item number 359 in its entirety; and

On page 145, item number 169, delete "NH" under the Fund column in the RW and UT rows;

Delete "10,420,000" under the FY 2025 column in the RW row;

Delete "4,220,000" under the FY 2025 column in the UT row;

Delete "99,770,000" under the FY 2027 column in the CN row;

Insert "15,000,000" under the FY 2025 column in the CN row;

Insert "15,000,000" under the FY 2026 column in the CN row; and

On page 171, after item number 4319, insert the following information under the column indicated consistent with the existing format:

County: "Nelson";

Item No.: "8307.2000";

Route: "KY-245";

Description: "WIDEN KY-245 FROM FLAGET HOSPITAL (MP 7.722) THROUGH COUNTY LINE (MP12.261 NELSON/MP0.000 BULLITT) TO HAPPY HOLLOW RD (MP 4.425).";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" under the Fund column in the RW, UT, and CN rows;

Insert "5,000,000" under the FY 2025 column in the RW row;

Insert "6,000,000" under the FY 2026 column in the UT row;

Insert "30,000,000" under the FY 2027 column in the CN row; and

On page 209, item number 396.2000, delete "10,000,000" and insert "9,000,000" in lieu thereof under the FY 2025 column in the CN row; and

On page 224, item number 911.5000, delete ", AND SCHOOL SAFETY PROJECTS"; and

Adjust subsequent subtotals and totals accordingly.

➔Section 6. Whereas budgetary changes need to take effect at the beginning of the fiscal year, an emergency is declared to exist, and Sections 2 to 5 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming law.

**Signed by Governor April 22, 2022.**