

1 AN ACT relating to the regulation of motor vehicles.

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

3 ➔Section 1. KRS 186A.040 is amended to read as follows:

4 (1) The Department of Vehicle Regulation shall:

5 (a) Provide and receive information on the insurance status of vehicles registered
6 in the Commonwealth of Kentucky pursuant to KRS 304.39-087 and 304.39-
7 085; ~~and the department shall~~

8 (b) Provide appropriate insurance information to the Commonwealth Office of
9 Technology for inclusion in ~~the~~ AVIS ~~database~~ to assist in identifying
10 uninsured motor vehicles.

11 (2) (a) **The Department of Vehicle Regulation shall,** upon notification ~~to the~~
12 ~~Department of Vehicle Regulation~~ from an insurance company of
13 cancellation or nonrenewal of a **person's** policy pursuant to KRS 304.39-
14 085 ~~or on and after January 1, 2006,~~ if the vehicle identification number
15 (VIN) of a **person's** personal motor vehicle does not appear in the database
16 created by KRS 304.39-087 for two (2) consecutive reporting months, ~~the~~
17 ~~department shall~~ immediately make a ~~determination as to the~~ notification
18 **to the insured person in accordance with paragraph (b) of this**
19 **subsection, unless an affidavit under subsection (3) of this section is in**
20 **force for the person at the time notification is received by the department.**

21 (b) **The notification to the person shall:**

22 **1. Be in writing;**

23 **2. Specify the motor vehicle to which the notification pertains; and** ~~to the~~
24 ~~insured shall~~

25 **3. State that:**

26 **a.** The **person's** ~~insured's~~ policy is no longer valid; ~~and that~~

27 **b.** The **person** ~~insured~~ shall have thirty (30) days to:

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i. Show proof of insurance in compliance with Section 20 of this Act to the county clerk;

ii. Present an affidavit under subsection (3) of this section to the county clerk; or ~~The department shall further inform the insured that~~

iii. Surrender the motor vehicle's license plate to the county clerk;

c. If ~~proof~~^{evidence} of insurance in compliance with Section 20 of this Act, an affidavit under subsection (3) of this section, or the motor vehicle's license plate is not received by the county clerk within thirty (30) days of the date listed on the notification, the department shall revoke the registration of the motor vehicle; and ~~until~~

~~1. The person presents proof of insurance to the county clerk and pays the reinstatement fee required by KRS 186.180;~~

d. If the person's motor vehicle registration is revoked under subdivision c. of this subparagraph, the person shall, within thirty (30) days of the date of revocation, either:

i. Reinstate the registration under subsection (4) of Section 10 of this Act; or

ii. Surrender the motor vehicle's license plate to the county clerk.

~~(3)~~² (a) As authorized in this section or other applicable law, a^{the} ~~person may present~~^{presents proof in the form of} an affidavit, on the form promulgated by the cabinet under subsection (5)(a) of this section, ~~stating~~ ^{that} under penalty of perjury as set forth in KRS 523.030^{that};

1. ~~The failure to maintain motor vehicle insurance on the vehicle specified~~

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~~in the department's notification is the result of the inoperable condition of.]~~The motor vehicle ***is inoperable;***

2. ~~[3.— The person presents proof in the form of an affidavit stating, under penalty of perjury as set forth in KRS 523.030, that the failure to maintain motor vehicle insurance on the vehicle specified in the department's notification is the result of]~~The ***motor vehicle is operated seasonally, and***~~[seasonal nature of the vehicle. The affidavit shall explain] that when the vehicle is out of dormancy and[—when] the seasonal use of the vehicle is resumed, the proper security will be obtained;[—or]~~

3. ~~[4.— The person presents proof in the form of an affidavit stating, under penalty of perjury as set forth in KRS 523.030, that]~~He or she requires a registered motor vehicle in order to carry out his or her employment,~~[and that]~~ the motor vehicle that he or she drives during the course of his or her employment meets the security requirement of Subtitle 39 of KRS Chapter 304, ***and***~~[. The person shall also declare in the affidavit] that he or she will operate a motor vehicle only in the course of his or her employment;[. If a person has his or her motor vehicle registration revoked in accordance with this subsection three (3) times within any twelve (12) month period, the revocations shall constitute a violation of KRS 304.39 080. The department shall notify the county attorney to begin prosecution for violation of subtitle 39 of KRS Chapter 304.]~~

4. The motor vehicle is operated exclusively on farms and is only on the highway while being towed or hauled;

5. The motor vehicle is used for his or her employment, is operated exclusively off-road, and is transported to and from job sites by means other than being operated on the highway;

1 6. The motor vehicle is operated exclusively off-road on the person's
 2 property;

3 7. The motor vehicle is not being used due to any reasonable emergency,
 4 including but not limited to the person being unemployed due to injury
 5 or being laid off; or

6 8. The motor vehicle is not being operated on the highway, but the
 7 owner's property does not have off-street parking and is located in a
 8 jurisdiction with a local ordinance prohibiting the parking of
 9 inoperable vehicles on city or local roads.

10 (b) An affidavit referenced in paragraph (a) of this subsection and presented in
 11 accordance with this section shall expire twelve (12) months after the date
 12 of presentation

13 ~~[The Department of Vehicle Regulation shall be responsible~~
 14 ~~for notification to the appropriate county attorney that a motor vehicle is not~~
 15 ~~properly insured, if the insured does not respond to notification set out by~~
 16 ~~paragraph (a) of this subsection. The notice that the department gives to the~~
 17 ~~county attorney in accordance with paragraph (a) of this subsection shall~~
 18 ~~include a certified copy of the person's driving record which shall include:~~

19 ~~1. The notice that the department received from an insurance company that a~~
 20 ~~person's motor vehicle insurance policy has been canceled or has not been~~
 21 ~~renewed; and~~

22 ~~2. A dated notice that the department sent to the person requiring the person to~~
 23 ~~present proof of insurance to the county clerk.~~

24 ~~— Upon notification by the department, a county attorney shall immediately~~
 25 ~~begin prosecution of the person who had his or her motor vehicle registration~~
 26 ~~revoked three (3) times within any twelve (12) month period in accordance~~
 27 ~~with paragraph (a) of this subsection].~~

(c) For any affidavit referenced in paragraph (a) of this subsection, an affiant

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may:

1. Amend, replace, or revoke the affidavit prior to expiration; or

2. Present a new affidavit after expiration~~[The certified copies sent by the department described in paragraph (b) of this subsection, shall be prima facie evidence of a violation of KRS 304.39-080].~~

~~[(d) If the insured provides proof of insurance to the clerk within the thirty (30) day notification period, the department shall ensure action is taken to denote a valid insurance policy is in force.]~~

~~(4)~~~~(3)~~ (a) In developing the mechanism to electronically transfer information pursuant to KRS 304.39-087, the commissioner of the Department of Vehicle Regulation shall:

1. Consult with the commissioner of the Department of Insurance and insurers of personal motor vehicles to adopt a standardized system of organizing, recording, and transferring the information so as to minimize insurer administrative expenses; and~~[- The commissioner of vehicle regulation shall -]~~

2. To the maximum extent possible, utilize nationally recognized electronic data information systems such as those developed by the American National Standards Institute or the American Association of Motor Vehicle Administrators.

(b) Notwithstanding any other provision of law, information obtained by the department pursuant to KRS 304.39-087 shall not be:

1. Subject to the Kentucky Open Records Act, KRS 61.870~~[61.872]~~ to 61.884; or~~[- and shall not be -]~~

2. Disclosed, used, sold, accessed, or utilized in any manner, or released by the department to any person, corporation, or state and local agency, except:

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a. In accordance with this section; or

b. In response to a specific individual request for the information authorized pursuant to the ~~federal~~ Driver's Privacy Protection Act, 18 U.S.C. secs. 2721 et seq.

(c) The department shall institute measures to ensure that only authorized persons are permitted to access the information for the purposes specified by this section.

(d) Persons who knowingly release or disclose information from the database created by KRS 304.39-087 for a purpose other than those ~~described as~~ authorized by this section or to a person not entitled to receive it shall be guilty of a Class A misdemeanor for each release or disclosure.

(5) The cabinet shall:

(a) Create, through administrative regulations promulgated pursuant to KRS Chapter 13A:

1. Forms for the affidavits presented under subsection (3) of this section;

and

2. A notice to applicants seeking a renewal of their motor vehicle registration that:

a. Lists and explains the exceptions to maintaining continuous motor vehicle insurance under Section 20 of this Act; and

b. Informs the applicant that forms for completing an affidavit under subsection (3) of this section are available:

i. In the county clerk's office; and

ii. At a website address listed in the notice; and

(b) Make the forms described in paragraph (a) of this subsection available to the public in each county clerk's office and on the cabinet's website.

(6) (a) The Department of Vehicle Regulation shall:

1 1. Design a sticker for use on vehicles described in subsection (3)(a)8. of
 2 this section; and

3 2. Make the sticker described in subparagraph 1. of this paragraph
 4 available for distribution by each county clerk and the department to
 5 persons presenting an affidavit described in subsection (3)(a)8. of this
 6 section.

7 (b) City, county, or local governments shall be prohibited from towing a vehicle
 8 or citing a vehicle owner for violation of any local ordinance prohibiting the
 9 parking of an inoperable vehicle on a city or local road when the sticker
 10 referenced in paragraph (a) of this subsection is affixed to the vehicle.

11 (7) (a) The owner of a motor vehicle for which the registration has been revoked
 12 under this section shall be subject to a reinstatement fee of twenty dollars
 13 (\$20).

14 (b) The reinstatement fee shall be equally divided between the county clerk and
 15 the cabinet.

16 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO
 17 READ AS FOLLOWS:

18 (1) Notwithstanding any other law, a person may present to a county clerk or the
 19 Department of Vehicle Regulation, at any time:

20 (a) Proof of insurance on a motor vehicle in compliance with Section 20 of this
 21 Act in paper or electronic format;

22 (b) An affidavit under subsection (3) of Section 1 of this Act for a motor vehicle
 23 in paper or electronic format; or

24 (c) A motor vehicle license plate for surrender.

25 (2) When proof of insurance, an affidavit under subsection (3) of Section 1 of this
 26 Act, or a motor vehicle license plate is provided to a county clerk or the
 27 Department of Vehicle Regulation in accordance with this section, the clerk or

1 the department, as applicable, shall note in AVIS with respect to each motor
 2 vehicle, as applicable, that:

3 (a) Proof of insurance has been provided and the expiration date of the
 4 insurance policy or coverage;

5 (b) An affidavit under subsection (3) of Section 1 of this Act has been provided
 6 and the expiration date of the affidavit; or

7 (c) A motor vehicle license plate has been surrendered and the date the license
 8 plate was surrendered.

9 (3) A county clerk shall return any license plate received by the clerk to the cabinet.

10 (4) For purposes of this section:

11 (a) Proof of insurance or an affidavit in an electronic format means the display
 12 of an image on any electronic device, including a cellular phone or any
 13 other type of portable electronic device, depicting a current valid
 14 representation of the proof of insurance or affidavit; and

15 (b) The county clerk or the Department of Vehicle Regulation may require the
 16 person to e-mail the electronic proof of insurance or affidavit to the clerk or
 17 department, and the clerk or department may print a copy of the proof of
 18 insurance or affidavit for the clerk's or department's records.

19 ➔Section 3. KRS 186A.042 is amended to read as follows:

20 (1) (a) Except as otherwise provided in this section~~[On and after January 1, 2006],~~ a
 21 county clerk shall not process an application for, nor issue, the following for
 22 any personal motor vehicle as defined in KRS 304.39-087 unless one (1) of
 23 the circumstances in paragraph (b) of this subsection is satisfied~~[a]:~~

24 1.~~[(a)]~~ A Kentucky title and registration or renewal of registration;

25 2.~~[(b)]~~ A replacement plate, decal, or registration certificate;

26 3.~~[(c)]~~ A duplicate registration;

27 4.~~[(d)]~~ A transfer of registration; or

1 ~~5.[(e)]~~ A temporary tag.[:]

2 **(b) At the time of the application:**

3 **1. AVIS:**

4 **a. Lists**~~[— for any personal motor vehicle as defined in KRS~~
5 ~~304.39-087(1) if AVIS does not list]~~ the vehicle identification
6 number of the personal motor vehicle as an insured vehicle; **or**

7 **b. Indicates that an affidavit under subsection (3) of Section 1 of**
8 **this Act is in force for the personal motor vehicle; or**

9 **2. The applicant presents an affidavit under subsection (3) of Section 1**
10 **of this Act, in paper or electronic format, for the personal motor**
11 **vehicle**~~[, except as provided in subsection (2) of this section].~~

12 (2) If **none of the circumstances in subsection (1)(b) of this section are**
13 **satisfied**~~[AVIS does not list the vehicle identification number of the personal motor~~
14 ~~vehicle as an insured vehicle]~~, the county clerk may process the application if:

15 (a) The applicant has an insurance card in paper or electronic format that
16 indicates the required security is currently in full force on the personal motor
17 vehicle if the paper or electronic~~[proof of]~~ insurance card was effective no
18 more than forty-five (45) days before the application is submitted to the
19 county clerk; or

20 (b) The owner of the motor vehicle:

21 **1.** Is serving in the Armed Forces outside of Kentucky;[:] and~~[the owner]~~

22 **2.** Provides an affidavit by the provost marshal of the base where the
23 owner is stationed stating that the motor vehicle is covered by security
24 as required by Subtitle 39 of KRS Chapter 304.

25 (3) **When processing an application for renewal of a motor vehicle registration, a**
26 **county clerk shall provide the applicant with a copy of the notice promulgated**
27 **under subsection (5)(a)2. of Section 1 of this Act.**

1 **(4)** This section shall not apply to any transactions involving Kentucky motor vehicle
2 dealers who are licensed as required by KRS 190.030.

3 **(5)**~~(4)~~ For purposes of this section:

- 4 (a) An insurance card **or affidavit** in an electronic format means the display of an
5 image~~[subject to immediate download or transmission from the applicant's~~
6 ~~insurer or agent to the applicant]~~ on any~~[portable]~~ electronic device,
7 including a cellular phone or any other type of portable electronic device,
8 **depicting a current valid representation of the card or affidavit**~~[but shall not~~
9 ~~include a photographic copy of a paper insurance card on a portable electronic~~
10 ~~device]; and~~
- 11 (b) The county clerk may require the applicant to e-mail the electronic insurance
12 card **or affidavit** to the clerk, and the clerk may print a copy of the card **or**
13 **affidavit** for the clerk's records.

14 ➔Section 4. KRS 186A.100 is amended to read as follows:

- 15 (1) **(a)** A motor vehicle dealer licensed under KRS 186.070 who sells a vehicle for
16 use upon the highways of this state shall equip the vehicle with a temporary
17 tag executed in the manner prescribed below, which shall be valid for sixty
18 (60) days from the date the vehicle is delivered to the purchaser.
- 19 **(b)** The cost of the tag shall be two dollars (\$2), of which the **county** clerk shall
20 retain one dollar (\$1).
- 21 **(c)** A motor vehicle dealer licensed under KRS 186.070 shall apply to the county
22 clerk of the county in which the dealer maintains his **or her** principal place of
23 business for issuance of temporary tags. Application shall be made for such
24 tags on forms supplied to the county clerk by the Transportation Cabinet.
- 25 (2) The county clerk of any county who receives a proper application for issuance of
26 temporary tags shall record the number of each tag issued upon the application of
27 the dealer for such tags, or if a group of consecutively numbered temporary tags are

1 issued to a dealer in connection with a single application, record the beginning and
2 ending numbers of the group on the application.

3 (3) The clerk shall retain, for a period of two (2) years, one (1) copy of the dealer's
4 temporary tag application, and ensure that it reflects the numbers appearing on the
5 tags issued with respect to such application.

6 (4) (a) If the owner of a motor vehicle submits to the county clerk a properly
7 completed application for Kentucky certificate of title and registration
8 pursuant to KRS 186A.120, any motor vehicle required to be registered and
9 titled in Kentucky, that is not currently registered and titled in Kentucky, may
10 be equipped with a temporary tag, which shall be valid for sixty (60) days
11 from the date of issuance, issued by the county clerk for the purpose of
12 operating the vehicle in Kentucky while assembling the necessary documents
13 in order to title and register the vehicle in Kentucky.

14 (b) The Transportation Cabinet may promulgate~~establish~~ administrative
15 regulations in accordance with KRS Chapter 13A governing this
16 subsection~~section~~.

17 (5) (a) The county clerk may issue a temporary tag to the owner of a motor vehicle
18 that is currently registered and titled in Kentucky.

19 (b) A temporary tag authorized by this subsection shall be used for emergency or
20 unusual purposes as determined by the county clerk for the purpose of
21 maintaining the owner's current registration.

22 (c) A temporary tag authorized by this subsection may only be issued by the
23 county clerk and shall be valid for a period of between twenty-four (24) hours
24 and seven (7) days, as determined is necessary by the clerk.

25 (d) A county clerk shall not issue a temporary tag authorized by this subsection
26 unless the owner of the motor vehicle applying for the tag presents proof of
27 ~~motor vehicle~~ insurance in compliance with~~pursuant to~~ KRS 304.39-080 or

1 *an affidavit under subsection (3) of Section 1 of this Act.*

2 (e) ~~[On and after January 1, 2006,]~~If the motor vehicle is a personal motor
3 vehicle as defined in KRS 304.39-087, proof of insurance, *if required*, shall
4 be determined by the county clerk as provided in KRS 186A.042.

5 (f) A temporary tag issued pursuant to this subsection shall not be reissued by the
6 county clerk for the same owner and same motor vehicle within one (1) year
7 of issuance of a temporary tag.

8 ➔Section 5. KRS 186A.115 is amended to read as follows:

9 (1) (a) Except as otherwise provided in this section, the owner of every vehicle
10 brought into this state and required to be titled 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 (b) An owner of a military surplus vehicle seeking title in this state shall, before
16 submitting his or her application for title to the county clerk, have the vehicle
17 together with his or her application for title and its supporting documents
18 inspected by a certified inspector in the county in which the application for
19 title is to be submitted to the county clerk.

20 (2) For inspections under this section:

21 (a) The certified inspector shall be certified through the Department of Vehicle
22 Regulation following requirements set forth by the department by regulation
23 and shall be designated by the county sheriff. The certified inspector will be
24 held responsible for all certifications required pursuant to this chapter and will
25 be liable for any and all penalties prescribed in this chapter, and shall be
26 available during regular office hours at any and all offices and branches that
27 issue applications for titles;

- 1 (b) There shall be a five dollar (\$5) fee for this certification, payable to the
2 sheriff's office, upon completion of certification;
- 3 (c) There shall be an additional fee of ten dollars (\$10) per trip when it becomes
4 necessary for the certified inspector to travel to the site of the vehicle rather
5 than bringing the vehicle to the sheriff's inspection area; and
- 6 (d) An inspection conducted in one (1) county within the Commonwealth of
7 Kentucky under this subsection, and the fees paid for that inspection under
8 this subsection, shall be honored by the certified inspector, sheriff, and county
9 clerk in all other counties within this state. A second inspection shall not be
10 required and additional fees shall not be required.
- 11 (3) (a) The Transportation Cabinet may require that modifications be made to a
12 military surplus vehicle.
- 13 (b) Any modifications required by the cabinet under this subsection~~[section]~~ shall
14 be made to the military surplus vehicle prior to its inspection.
- 15 (4) (a) The Transportation Cabinet shall promulgate administrative regulations
16 pursuant to KRS Chapter 13A to implement the provisions of subsections
17 (1)(b) and (3) of this section, including but not limited to vehicle modification
18 requirements and the creation of a separate inspection form.
- 19 (b) The Transportation Cabinet shall note that military vehicles were originally
20 manufactured under the federally mandated requirements set forth in 49
21 C.F.R. sec. 571.7 and shall only require these vehicles to meet applicable
22 federal motor vehicle safety standards.
- 23 (5) The following vehicles are excluded from the requirement of inspection by a
24 certified inspector prior to titling in this state:
- 25 (a) New motor vehicles sold by a dealer licensed in this state;
- 26 (b) Vehicles required to be registered in this state by reason of lack of a
27 reciprocity agreement with another state and for which a nonnegotiable

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

1 and upon receipt of the appropriate documentation, the county clerk shall
2 register the vehicle; and

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

8 (6) When presented to a certified inspector for inspection or to a county clerk for
9 processing, the owner's application for a first certificate of registration or title in his
10 or her name shall be accompanied by proof of insurance in compliance with KRS
11 304.39-080 or an affidavit under subsection (3) of Section 1 of this Act and one
12 (1) of the following documents as applicable:

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

16 (b) If the vehicle was last registered in this state, and is a vehicle for which a title
17 is not required in this state, a certificate of registration, or if the vehicle is one
18 for which a certificate of title is required in this state, a properly assigned
19 certificate of title;

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

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

24 (e) If the application refers to a vehicle last previously registered in another
25 country by a person on active duty in the Armed Forces of the United States,
26 the county clerk may accept on behalf of the Department of Vehicle
27 Regulation evidence of ownership provided the applicant by the United States

1 Department of Defense; and

2 (f) Except as provided in KRS 186A.072(2)(c) governing custom-built
3 motorcycles, if the application relates to a vehicle which has been specially
4 constructed or reconstructed, that fact shall be stated in the application, and
5 the application shall be accompanied by the documents specified by
6 administrative regulations of the Department of Vehicle Regulation.

7 (7) When requested to inspect a vehicle pursuant to this section, the certified inspector
8 shall personally and physically inspect the vehicle, when registration or title is
9 sought in this state, and shall~~[on the following points]~~:

10 (a) ~~[He or she shall]~~ Ensure that the application is legible and properly executed
11 to the extent required at the time of execution;

12 (b) ~~[He or she shall]~~ Compare the vehicle identification number as appearing on
13 both the vehicle identification number plate, and the federal safety standards
14 label of the vehicle which is sought to be registered or titled, with the
15 corresponding number inscribed on the application, and its supporting
16 documentation, and ensure that the vehicle identification number appearing at
17 each described location appears legitimate and that they are consistent with
18 each other;

19 (c) ~~[He or she shall]~~ Examine the primary odometer of the vehicle and legibly
20 record the reading in the space provided in the inspection section of the
21 application; and

22 (d) After exercising due diligence in inspecting the vehicle, the application, and
23 its supporting documentation, and finding that they appear to be in order, ~~[the~~
24 ~~certified inspector shall]~~ execute the preprinted certificate of inspection
25 according to its terms by printing in the spaces provided his or her first name,
26 middle initial, and last name, and his or her title; the name of the county in
27 which he or she serves; and the telephone number including the telephone

1 area code of his or her agency, and sign in ink his or her signature in the space
2 provided, and print the month, day, and year in which his or her inspection
3 was made, certifying under penalty of forgery in the second degree the
4 character, accuracy, and date of his or her inspection.

- 5 (8) The certified inspector shall refrain from executing the certificate of inspection if:
- 6 (a) He or she has not personally and physically inspected the vehicle in
7 accordance with this section;
- 8 (b) He or she has reason to believe that the vehicle displays an unlawfully altered
9 vehicle identification number;
- 10 (c) The application and any of its copies are illegible or otherwise improperly
11 executed, or contain information reasonably believed to be inaccurate or
12 fraudulent;
- 13 (d) The documentation required in support of any application is not present, or
14 not consistent with the vehicle and the owner's application or appears
15 fraudulent; or
- 16 (e) He or she has probable cause to believe the vehicle is stolen.
- 17 (9) (a) Inspections on motor vehicles that meet the definition of a "historic vehicle"
18 under KRS 186.043(2) and are brought into this state shall be limited to
19 verification of the vehicle identification number with supporting
20 documentation for purposes of titling.
- 21 (b) Inspections on motor vehicles that meet the definition of a classic motor
22 vehicle project as set forth in KRS 186A.510 shall be limited to verification of
23 the vehicle identification number with supporting documentation for purposes
24 of issuing a classic motor vehicle project certificate of title under KRS
25 186A.535(1).

26 ➔Section 6. KRS 186A.220 is amended to read as follows:

- 27 (1) Except as otherwise provided in this chapter, when any motor vehicle dealer

1 licensed in this state buys or accepts~~[such]~~ a **motor** vehicle in trade, which has been
2 previously registered or titled for use in this or another state, and which **the**
3 **dealer**~~[he]~~ holds for resale, **the dealer**~~[he]~~ shall not be required to obtain a
4 certificate of title for it, but shall, within fifteen (15) days after acquiring **the**~~[such]~~
5 vehicle, notify the county clerk of the assignment of the motor vehicle to **the**~~[his]~~
6 dealership and pay the required transferor fee.

7 (2) Upon purchasing~~[such]~~ a **motor** vehicle or accepting it in trade, the dealer shall
8 obtain from **the**~~[his]~~ transferor, properly executed, all documents required by KRS
9 186A.215, to include the odometer disclosure statement thereon, together with a
10 properly assigned certificate of title.

11 (3) The dealer shall execute his **or her** application for assignment upon documents
12 designated by the Department of Vehicle Regulation~~[,]~~ to the county clerk of the
13 county in which **the dealer**~~[he]~~ maintains his **or her** principal place of business.
14 **The**~~[Such]~~ clerk shall enter the assignment upon the automated system.

15 (4) (a) The dealer shall retain the properly assigned certificate of title received from
16 **the**~~[his]~~ transferor~~[,]~~ and may make any reassignments thereon until the forms
17 for dealer assignment on the certificate of title are exhausted.

18 (b) The Department of Vehicle Regulation may, if it deems it warranted, provide
19 a special document to allow for additional dealer assignments without
20 requiring system generated documents.

21 (5) (a) When a dealer assigns the vehicle to a purchaser for use, **the dealer**~~[he]~~ shall
22 deliver the properly assigned certificate of title, and other documents if
23 appropriate, to **the**~~[such]~~ purchaser, who shall make application for
24 registration and a certificate of title thereon.

25 (b) The dealer may, with the consent of the purchaser, deliver the assigned
26 certificate of title, and other appropriate documents of a new or used vehicle,
27 directly to the county clerk, and on behalf of the purchaser, make application

1 for registration and a certificate of title. In so doing, the dealer shall require
2 from the purchaser proof of insurance in compliance with~~[as mandated by]~~
3 KRS 304.39-080 or an affidavit under subsection (3) of Section 1 of this Act
4 before delivering possession of the vehicle.

5 (c) Notwithstanding the provisions of KRS 186.020, 186A.065, 186A.095,
6 186A.215, and 186A.300, if a dealer elects to deliver the title documents to
7 the county clerk and has not received a clear certificate of title from a prior
8 owner, the dealer shall retain the documents in his or her possession until the
9 certificate of title is obtained.

10 (d) When a dealer assigns a vehicle to a purchaser for use under paragraph
11 (a) of this subsection, the transfer and delivery of the vehicle is effective
12 immediately upon the delivery of all necessary legal documents, or copies
13 thereof, including proof of insurance in compliance with~~[as mandated by]~~
14 KRS 304.39-080 or an affidavit under subsection (3) of Section 1 of this
15 Act.

16 (6) The department may make available, upon proper application from a licensed motor
17 vehicle dealer, electronic means by which the dealer can interface directly with
18 AVIS and the department. If the department grants this access, all fees currently
19 required for the issuance of a certificate of title shall continue to be charged and
20 remitted to the appropriate parties as provided by statute.

21 (7) The Department of Vehicle Regulation shall assure that the automated system is
22 capable of accepting instructions from the county clerk that a certificate of title
23 shall not be produced under a dealer registration situation.

24 ➔Section 7. KRS 186A.990 is amended to read as follows:

25 (1) Any person who knowingly gives false, fraudulent, or erroneous information in
26 connection with an application for the registration, and when required, titling of a
27 vehicle, or any application for assignment of a vehicle identification number, or

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

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

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

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

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

15 (6) (a) The Department of Vehicle Regulation shall make a notification in AVIS of
16 a violation of subsection (2)(b)3.d. of Section 1 of this Act relating to a
17 motor vehicle, unless at the time of entry, AVIS indicates that:

18 1. Proof of insurance in compliance with Section 20 of this Act or an
19 affidavit under subsection (3) of Section 1 of this Act has been
20 provided on the motor vehicle; or

21 2. The motor vehicle license plate has been surrendered.

22 (b) Members of the Department of Kentucky State Police and local police
23 agencies may seize a motor vehicle license plate if, at the time of seizure:

24 1. AVIS indicates a violation of subsection (2)(b)3.d. of Section 1 of this
25 Act relating to the motor vehicle; and

26 2. The motor vehicle's registration has not been reinstated under
27 subsection (4) of Section 10 of this Act.

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

4 (8)~~(7)~~ Criminal remedies or sanctions provided in this chapter are in addition to, and
5 not exclusive of, any other criminal remedies or sanctions provided elsewhere in the
6 statutes.

7 ➔Section 8. KRS 186.021 is amended to read as follows:

8 (1) Except as provided in subsection (2) of this section, a county clerk shall not issue a
9 replacement plate, decal, or registration certificate as provided in KRS 186.180~~(1)~~ or
10 a registration for renewal to any person who on January 1 of any year owned a
11 motor vehicle on which state, county, city, urban-county government, school, or
12 special taxing district ad valorem taxes are delinquent.

13 (2) (a) Pursuant to KRS 134.810(4), the owner, as defined in KRS 186.010(7)(a) and
14 (c), on January 1 of any year shall be liable for taxes due on a motor vehicle.

15 (b) A person other than the owner of record who applies to a county clerk to
16 transfer the registration of a motor vehicle may pay any delinquent ad valorem
17 taxes due on the motor vehicle to facilitate the county clerk's transferring
18 registration of the motor vehicle.

19 (c) The person applying shall not, **as a condition of registration**, be required to
20 pay delinquent ad valorem taxes due on any other motor vehicle owned by the
21 owner of record from which **the applicant**~~he~~ is purchasing **the**~~his~~ motor
22 vehicle ~~as a condition of registration~~.

23 (3) (a) A county clerk shall not issue a replacement plate, decal, or registration
24 certificate as provided in KRS 186.180~~(1)~~ or a registration renewal for any
25 motor vehicle that is not~~insured~~ in compliance with KRS 304.39-080.

26 (b) Each applicant for registration renewal shall present proof of compliance **with**
27 **Section 20 of this Act** to the county clerk in a manner prescribed in

1 administrative regulations issued by the Department of Insurance.

2 ~~(c) [On and after January 1, 2006,]~~If the motor vehicle is a personal motor
3 vehicle as defined in KRS 304.39-087, proof of insurance, **if required**, shall
4 be determined by the county clerk as provided in KRS 186A.042.

5 ➔Section 9. KRS 186.068 is amended to read as follows:

6 (1) **(a)** Individual sellers or owners of motor vehicles that would ordinarily be
7 registered under KRS 186.050(3) may obtain a transit tag from the
8 Transportation Cabinet in order to transport the motor vehicle out of state.

9 **(b)** The fee for each transit tag issued shall be five dollars (\$5).

10 (2) A transit tag issued under this section shall be issued only for a motor vehicle which
11 is ineligible for:

12 (a) Registration under KRS 186.050; or

13 (b) Temporary registration under KRS 186A.100.

14 (3) **(a)** The Transportation Cabinet shall promulgate administrative regulations
15 pursuant to KRS Chapter 13A to establish application forms and procedures
16 for the issuance of transit tags.

17 **(b)** The application for a transit tag under this section shall be accompanied by
18 proof of vehicle ownership and:

19 **1.** Proof of insurance coverage in compliance with KRS 304.39-080; **or**

20 **2. *An affidavit under subsection (3) of Section 1 of this Act.***

21 (4) A transit tag issued under this section shall be placed on a motor vehicle in the same
22 manner as a regular license plate.

23 (5) Transit tags issued under this section shall:

24 **(a)** Expire fifteen (15) days from the date of issuance; ~~[,] and [shall]~~

25 **(b)** Be designed in a manner that clearly identifies the expiration date on the face
26 of the tag in a tamper-resistant manner.

27 (6) This section shall not apply to motor vehicle dealers or distributors licensed under

1 KRS Chapter 190.

2 ➔Section 10. KRS 186.180 is amended to read as follows:

3 (1) (a) If ~~an~~the owner loses his or her copy of a registration or transfer receipt, the
4 owner~~he or she~~ may obtain a duplicate from the county clerk who issued the
5 present owner's copy of the receipt by:

6 1. Presenting the clerk proof of insurance~~[on the motor vehicle]~~ in
7 compliance with KRS 304.39-080 or an affidavit under subsection (3)
8 of Section 1 of this Act on the motor vehicle, except that proof of
9 insurance or an affidavit under subsection (3) of Section 1 of this Act
10 shall not be required for duplicates applied for by motor vehicle
11 dealers as defined in KRS 190.010;~~[, and by]~~

12 2. Filing an affidavit, upon a form furnished by the cabinet; and

13 3. Paying~~[. The owner shall pay to]~~ the clerk a fee of three dollars (\$3)~~;~~
14 ~~except proof of insurance shall not be required for duplicates applied for~~
15 ~~by motor vehicle dealers as defined in KRS 190.010].~~

16 (b) When ~~an~~the owner's copy of any registration or transfer receipt shows that
17 the spaces provided thereon for noting and discharging security interests have
18 been exhausted, the owner may obtain a duplicate from~~[apply to]~~ the county
19 clerk who issued the receipt by~~[in order to obtain a duplicate thereof.]~~

20 1. Surrendering~~[The owner shall surrender]~~ his or her copy of the current
21 receipt to the clerk;~~[and provide]~~

22 2. Presenting proof of insurance~~[on the motor vehicle]~~ in compliance with
23 KRS 304.39-080 or an affidavit under subsection (3) of Section 1 of
24 this Act on the motor vehicle, except that proof of insurance or an
25 affidavit under subsection (3) of Section 1 of this Act shall not be
26 required for duplicates applied for by motor vehicle dealers as defined
27 in KRS 190.010; and~~[, before a duplicate may be issued.]~~

1 **3. Paying**~~[The owner shall pay]~~ the clerk a fee of three dollars (\$3)~~],~~
 2 ~~except proof of insurance shall not be required for duplicates applied for~~
 3 ~~by motor vehicle dealers as defined in KRS 190.010].~~

4 (c) Any security interest which has been discharged as shown by the records of
 5 the clerk or upon the owner's copy of the current receipt shall be omitted from
 6 the duplicate receipt to be issued by the clerk.

7 (2) **(a)** If **an**~~[the]~~ owner loses a registration plate, **the owner**~~[he or she]~~ shall:
 8 **1.** Surrender his or her registration receipt to the county clerk from whom
 9 it was obtained; and

10 **2.** File a written statement as to the loss of the plate.

11 **(b)** Upon presenting the clerk proof of insurance~~[on the motor vehicle]~~ in
 12 compliance with KRS 304.39-080 **or an affidavit under subsection (3) of**
 13 **Section 1 of this Act on the motor vehicle**, and upon the payment of the sum
 14 of three dollars (\$3) for each plate and a fee of three dollars (\$3) to the clerk
 15 for his or her services, the owner shall be issued another registration receipt
 16 and a plate or plates which shall bear a different number from that of the lost
 17 plate.

18 **(c)** The clerk shall:

19 **1.** Retain the owner's statement;~~[and]~~

20 **2. Retain, as applicable,** a copy of the owner's proof of insurance **or**
 21 **affidavit under subsection (3) of Section 1 of this Act;**~~[, and shall]~~

22 **3.** Make a notation on the triplicate copy of the surrendered registration
 23 receipt stating the number of the registration receipt replacing it; **and**~~[.]~~

24 **4. Forward** the original copy of the surrendered receipt~~[shall be~~
 25 ~~forwarded]~~ to the cabinet.

26 **(d)** The cabinet shall:

27 **1. Immediately**~~[forthwith]~~ cancel the registration corresponding to the

1 number of the lost plate; and
 2 **2. Report** ~~[-] the cancellation[- shall be reported by the cabinet]~~ to the
 3 commissioner of the Department of Kentucky State Police.

4 **(e)** Any person finding a lost registration plate shall deliver it to the
 5 Transportation Cabinet or to any county clerk for forwarding it to the cabinet.

6 (3) **(a)** If ~~an~~the owner moves from one (1) county into another county of the
 7 Commonwealth, ~~the owner~~the owner may obtain from the county clerk of
 8 his or her county of residence a new registration receipt and registration
 9 plate bearing the name of the county of residence ~~by~~by. ~~In order to obtain a~~
 10 ~~new registration plate, the owner shall surrender [-]~~

11 **1. Surrendering** his or her current registration receipt and current
 12 registration plate to the county clerk; ~~[- Upon being provided with -]~~

13 **2. Presenting** proof of insurance ~~[- on the motor vehicle]~~ in compliance with
 14 KRS 304.39-080 or an affidavit under subsection (3) of Section 1 of
 15 this Act on the motor vehicle, to the county clerk; ~~and~~ ~~[- shall provide~~
 16 ~~the owner with a new registration receipt and plate bearing the county~~
 17 ~~name]~~

18 **3. Paying a fee of five dollars (\$5) to the county clerk, of which the clerk**
 19 **shall be entitled to three dollars (\$3) and the cabinet shall be entitled**
 20 **to two dollars (\$2).**

21 **(b)** The surrendered receipt and plate shall be forwarded by the county clerk to
 22 the ~~Transportation~~ cabinet. ~~The fee for this registration shall be five dollars~~
 23 ~~(\$5) of which the clerk shall be entitled to three dollars (\$3) and the cabinet~~
 24 ~~shall be entitled to two dollars (\$2).~~

25 (4) If ~~an~~the owner's registration is revoked as a result of the provisions set forth in
 26 KRS 186A.040**(2)**, the owner may have his or her registration reinstated by the
 27 county clerk who issued the present owner's copy of the receipt by ~~presenting the~~

1 clerk proof of]:

2 (a) **Paying the reinstatement fee required under Section 1 of this Act; and**

3 **(b) Presenting to the county clerk:**

4 **1. Proof of** insurance~~[on the motor vehicle]~~ in compliance with KRS
5 304.39-080 **or an affidavit under subsection (3) of Section 1 of this Act**
6 **on the motor vehicle;** and~~[by filing]~~

7 **2.** An affidavit upon a form furnished by the cabinet~~;~~ ~~or~~

8 ~~(b) A valid compliance or exemption certificate in compliance with KRS~~
9 ~~224.20-720 or issued under the authority of an air pollution control~~
10 ~~district under KRS 224.20-760].~~

11 ~~(5) [The owner of a motor vehicle that has the vehicle's registration revoked under KRS~~
12 ~~186.290 shall pay to the clerk a fee of twenty dollars (\$20), which shall be equally~~
13 ~~divided between the county clerk and the cabinet.~~

14 ~~(6) On and after January 1, 2006,~~ If the motor vehicle is a personal motor vehicle as
15 defined in KRS 304.39-087, **the** proof of insurance required under this section shall
16 be determined by the county clerk as provided in KRS 186A.042.

17 ➔Section 11. KRS 186.232 is amended to read as follows:

18 (1) The county clerk shall not transfer the registration on any motor vehicle or trailer
19 against which a tax lien has been filed until the taxes have been paid and the lien
20 has been released.

21 (2) The county clerk shall not transfer the registration of any motor vehicle unless the
22 transferee presents proof of insurance in compliance with KRS 304.39-080 and
23 KRS 186.190 **or an affidavit under subsection (3) of Section 1 of this Act on the**
24 **motor vehicle.**

25 (3) **(a)** If a notarized affidavit is required and available under KRS 138.450, the
26 county clerk shall not transfer the registration of a motor vehicle unless the
27 notarized affidavit attesting to the total and actual consideration paid or to be

1 paid for the motor vehicle is presented to the clerk at the time of the transfer.

2 **(b)** If a notarized affidavit is required but is not available, the county clerk shall
3 contact the Department of Revenue to determine the "retail price" of the
4 vehicle and any taxes due prior to transferring the vehicle.

5 (4) The county clerk shall not transfer title on a motor vehicle if there are delinquent ad
6 valorem taxes on the motor vehicle.

7 ➔Section 12. KRS 186.190 is amended to read as follows:

8 (1) (a) Except as provided for in paragraph (e) of this subsection, when a motor
9 vehicle that has been previously registered changes ownership, the registration
10 plate shall not remain upon the motor vehicle, but shall be retained by the
11 seller and may be transferred to another vehicle owned or leased by the seller
12 in accordance with paragraph (b) or (c) of this subsection.

13 (b) An individual who sells a motor vehicle which has a valid registration plate
14 may transfer that plate to another vehicle of the same classification at the time
15 the individual transfers the vehicle. If the individual does not have a vehicle to
16 transfer the plate to at the time the individual sells a vehicle, the individual
17 may hold the registration plate for the period of registration. At any time
18 during the period of registration, the individual shall notify the county clerk
19 and transfer the plate to a vehicle of the same classification that he or she has
20 obtained prior to operating that vehicle on a public highway. If the plate
21 transfer occurs in the final month in which the existing registration is still
22 valid, the individual shall be required to renew the registration on the newly
23 acquired vehicle.

24 (c) An individual who trades in a motor vehicle with a valid registration plate
25 during the purchase of a motor vehicle from a licensed motor vehicle dealer
26 shall remove the plate from the vehicle offered in trade. A photocopy of the
27 valid certificate of registration shall be included with the application for title

1 and registration for the purchased vehicle, and the plate shall be retained by
 2 the purchaser. The dealer shall equip the purchased vehicle with a temporary
 3 tag in accordance with KRS 186A.100 before the buyer may operate it on the
 4 highway. When the buyer receives a valid certificate of registration from the
 5 county clerk, the buyer shall remove the temporary tag and affix the
 6 registration plate to the vehicle.

7 (d) All vehicle transfers and registration plate transfers shall be initiated within
 8 the fifteen (15) day period established under KRS 186.020 and 186A.070.

9 (e) This subsection shall not apply to transfers between motor vehicle dealers
 10 licensed under KRS Chapter 190. A secured party who repossesses a vehicle
 11 shall comply with KRS 186.045(6).

12 (2) (a) A person shall not purchase, sell, or trade any motor vehicle without
 13 delivering to the county clerk of the county in which the sale or trade is made:

14 1. The title;~~;~~ and

15 2. A notarized affidavit, if required and available under KRS 138.450,
 16 attesting to the total and actual consideration paid or to be paid for the
 17 motor vehicle.

18 (b) Except for transactions handled by a motor vehicle dealer licensed pursuant to
 19 KRS Chapter 190, the person who is purchasing the vehicle shall present
 20 proof of insurance in compliance with KRS 304.39-080 or an affidavit under
 21 subsection (3) of Section 1 of this Act on the motor vehicle to the county
 22 clerk before the clerk transfers the registration on the vehicle.

23 (c) Proof of compliance with Section 20 of this Act~~[insurance]~~ shall be in the
 24 manner prescribed in administrative regulations promulgated by the
 25 Department of Insurance pursuant to KRS Chapter 13A.

26 (d) ~~[On and after January 1, 2006,]~~If the motor vehicle is a personal motor
 27 vehicle as defined in KRS 304.39-087, proof of insurance, if required, shall

1 be determined by the county clerk as provided in KRS 186A.042.

2 (3) (a) Upon delivery of the title~~[,]~~ and a notarized affidavit~~,~~ if required and available
3 under KRS 138.450~~,~~ attesting to the total and actual consideration paid or to
4 be paid for the motor vehicle to the county clerk of the county in which the
5 sale or trade was made, the seller shall pay to the county clerk a transfer fee of
6 two dollars (\$2), which shall be remitted to the Transportation Cabinet.

7 (b) If an affidavit is required, and available, the signatures on the affidavit shall
8 be individually notarized before the county clerk shall issue to the purchaser a
9 transfer of registration bearing the same data and information as contained on
10 the original registration receipt, except the change in name and address.

11 (c) The seller shall pay to the county clerk a fee of six dollars (\$6) for the
12 clerk's~~[his]~~ services.

13 (4) (a) If the owner junks or otherwise renders a motor vehicle unfit for future use,
14 the owner~~[he]~~ shall deliver the registration plate and registration receipt to the
15 county clerk of the county in which the motor vehicle is junked.

16 (b) The county clerk shall return the plate and motor vehicle registration receipt
17 to the Transportation Cabinet.

18 (c) The owner shall pay to the county clerk one dollar (\$1) for the clerk's~~[his]~~
19 services.

20 (5) A licensed motor vehicle dealer shall not be required to pay the transfer fee
21 provided by this section, but shall be required to pay the county clerk's fee provided
22 by this section.

23 (6) The motor vehicle registration receipt issued by the clerk under this section shall
24 contain information required by the Department of Vehicle Regulation.

25 ➔Section 13. KRS 189.281 is amended to read as follows:

26 After June 29, 2021, and until July 1, 2024:

27 (1) As used in this section:

- 1 (a) "Local government" means a city, county, charter county government, urban-
2 county government, consolidated local government, or unified local
3 government that is located within the boundaries of a regional authority, or
4 the Kentucky Mountain Regional Recreation Authority established under
5 KRS 148.0222, acting on behalf of a local government that is part of the
6 authority;
- 7 (b) "Off-highway vehicle" or "OHV" means a motorized vehicle that:
- 8 1. Is designed to be primarily used for recreational purposes;
 - 9 2. Has a maximum speed that is greater than thirty-five (35) miles per
10 hour;
 - 11 3. Is equipped with the following:
 - 12 a. Four (4) to six (6) highway or nonhighway tires;
 - 13 b. A steering wheel or steering mechanism;
 - 14 c. Brakes;
 - 15 d. Headlamps;
 - 16 e. Tail lamps;
 - 17 f. Brake lights;
 - 18 g. One (1) red reflex reflector on each side as far to the rear as
19 practicable and one (1) red reflex reflector on the rear;
 - 20 h. A working muffler;
 - 21 i. A parking brake;
 - 22 j. A spark arrestor; and
 - 23 k. For multi-passenger vehicles, an exterior mirror mounted on the
24 driver's side of the vehicle, either an interior mirror or an exterior
25 mirror mounted on the passenger's side of the vehicle, and for each
26 designated seating position, a seatbelt assembly that conforms to
27 the federal motor vehicle safety standard provided in 49 C.F.R.

1 sec. 571.209; and

2 (c) "Regional authority" means:

3 1. The Kentucky Mountain Regional Recreation Authority established in
4 KRS 148.0222; and

5 2. Any other authority established in Kentucky Revised Statutes, prior to
6 June 29, 2021, that oversees lands in two (2) or more contiguous
7 counties, on which there is a system of recreational trails, including
8 streams, rivers, and other waterways, and appurtenant facilities,
9 including trailhead centers, parking areas, camping facilities, picnic
10 areas, recreational areas, historic or cultural interpretive sites, and other
11 facilities in Kentucky and designated by the regional authority.

12 (2) (a) The legislative body of a local government that is currently or formerly
13 located within the boundaries of a regional authority, or which currently
14 operates a public OHV trail system, may establish a pilot program, by
15 ordinance, to authorize and regulate the operation of an OHV on any public
16 roadway or any section of city or county roadway for which it bears
17 responsibility.

18 (b) Prior to enacting an OHV ordinance under paragraph (a) of this subsection,
19 the legislative body of a local government shall notify the public of its plans
20 to allow OHV use on roadways under its jurisdiction. Public notice under this
21 paragraph shall:

22 1. Notify the public of the time, subject, and location of the public meeting
23 and shall be posted in both a local newspaper, if any, and a newspaper of
24 general circulation in the county;

25 2. Include a list and map of all roadways and connecting trails that the
26 local government intends to designate for OHV use; and

27 3. Be placed on the website~~[Web site]~~ of the local government.

- 1 (c) A local government may petition the Transportation Cabinet to include, in an
2 OHV ordinance adopted under paragraph (a) of this subsection, state-
3 maintained roadways or sections of state-maintained roadways located within
4 the local government's jurisdictional boundaries. The local government shall
5 submit the following to the Transportation Cabinet for approval:
- 6 1. The minutes from the public meeting or meetings held prior to adoption
7 of an OHV ordinance under this subsection;
 - 8 2. A list and map of all roadways and connecting trails that the local
9 government intends to designate for OHV use;
 - 10 3. An enforcement plan to ensure that all OHVs operating on roadways
11 under this section meet all of the requirements established under this
12 section, including verification of required insurance coverage;
 - 13 4. A plan to notify the public and OHV users of the operation of OHVs on
14 state and local roadways within the boundaries of the local government;
 - 15 5. A safety plan for OHV roadway use; and
 - 16 6. Any other requirements established by the Transportation Cabinet under
17 subsection (16) of this section.
- 18 (d) The Transportation Cabinet shall, within ninety (90) days of receipt of a
19 petition and all information required in paragraph (c) of this subsection,
20 respond to the local government with approval or denial of the request
21 submitted.
- 22 (e) Any OHV ordinance adopted under this section shall be adopted at a public
23 meeting.
- 24 (3) A fully controlled access highway shall not be designated for OHV use under this
25 section.
- 26 (4) A local government that has enacted an OHV ordinance under this section shall
27 notify the Transportation Cabinet of any collision involving an OHV that occurred

- 1 on any roadway approved for OHV use under this section.
- 2 (5) A person may operate an OHV on a public roadway pursuant to subsection (2) of
3 this section if the:
- 4 (a) Operator is eighteen (18) years of age or older;
- 5 (b) Operator has a valid operator's license in his or her possession;
- 6 (c) OHV is *in compliance with Section 20 of this Act*~~insured by the owner or~~
7 ~~operator,~~ for the payment of tort liabilities in the same form and amounts as
8 set forth in KRS 304.39-110 for motorcycles;
- 9 (d) Proof of *compliance with Section 20 of this Act*~~insurance~~ is inside the OHV
10 at all times of operation on a public roadway; and
- 11 (e) OHV is equipped with all safety equipment required under this section.
- 12 (6) Any person operating an OHV on a public roadway under this section shall be
13 subject to the same traffic regulations of this chapter as a motor vehicle, including
14 KRS 189.520 prohibiting the operation of a vehicle that is not a motor vehicle,
15 while under the influence of intoxicants or substances which may impair driving.
- 16 (7) A person shall not operate an OHV under this section on any public roadway:
- 17 (a) Between one (1) hour after sunset and one (1) hour before sunrise, unless the
18 person can demonstrate cause for driving, including but not limited to
19 emergencies; or
- 20 (b) While carrying passengers on a trailer or any other towed unit.
- 21 (8) Any passenger of an OHV that is under the age of sixteen (16) shall be required to
22 wear a helmet that meets the national standards prescribed by the United States
23 Department of Transportation.
- 24 (9) An operator and any passengers shall wear eye protection when operating or riding
25 an OHV that is not equipped with a windshield.
- 26 (10) (a) The Transportation Cabinet shall be responsible for the cost, placement, and
27 maintenance of signage denoting state highways that have been authorized for

- 1 OHV use under this section.
- 2 (b) The local government shall be responsible for the cost, placement, and
3 maintenance of signage denoting local roadways that have been designated for
4 OHV use under this section.
- 5 (c) The local government shall be responsible for monthly inspection of state and
6 local OHV signage.
- 7 (11) An OHV operating on a public roadway designated by a local government under
8 subsection (2) of this section is not considered to be a motor vehicle and shall be
9 exempt from:
- 10 (a) Vehicle registration requirements of KRS 186.050; and
11 (b) Emissions compliance certificates pursuant to KRS 224.20-720.
- 12 (12) A local government may adopt more stringent local ordinances governing OHV
13 safety equipment and operation than specified in this section.
- 14 (13) If deemed in the interest of public safety, the Transportation Cabinet may:
- 15 (a) Prohibit the operation of an OHV on any public roadway designated under
16 subsection (2) of this section that crosses a state-maintained roadway; or
17 (b) Rescind approval given under subsection (2)(d) of this section.
- 18 (14) This section shall not apply to:
- 19 (a) An OHV operated on any private or public recreational trail or area;
20 (b) An OHV operating under the exemptions for highway use under KRS
21 189.515; or
22 (c) A publicly owned and operated OHV used for wildlife management, law
23 enforcement, emergency services, or other governmental purposes.
- 24 (15) Nothing in this section shall be interpreted or construed to require an insurance
25 company to provide OHV insurance coverage.
- 26 (16) The Transportation Cabinet shall promulgate administrative regulations pursuant to
27 KRS Chapter 13A to implement this section, including but not limited to:

- 1 (a) Prescribing of any forms or applications needed;
- 2 (b) Establishing criteria for OHV ordinances;
- 3 (c) Establishing OHV enforcement requirements;
- 4 (d) Establishing criteria for rescinding approval pursuant to subsection (13) of
5 this section;
- 6 (e) Establishing OHV safety requirements;
- 7 (f) Establishing OHV safety equipment verification protocol; and
- 8 (g) Establishing OHV safety plan requirements.

9 ➔Section 14. KRS 189.282 is amended to read as follows:

- 10 (1) As used in this section, "low-speed vehicle" shall have the same meaning as in KRS
11 186.010.
- 12 (2) A person may operate a low-speed vehicle on a highway if:
 - 13 (a) The vehicle meets the federal motor vehicle safety standards for low-speed
14 vehicles set forth in 49 C.F.R. sec. 571.500;
 - 15 (b) The vehicle displays a seventeen (17) character vehicle identification number
16 that meets the requirements set forth in 49 C.F.R. 565;
 - 17 (c) The posted speed limit of the highway is thirty-five (35) miles per hour or
18 less;
 - 19 (d) The operator of the low-speed vehicle does not cross a roadway at an at-grade
20 intersection where the roadway being crossed has a posted speed limit of more
21 than thirty-five (35) miles per hour unless the intersection is equipped with an
22 electronic traffic signal;
 - 23 (e) The operator has a valid operator's license in his or her possession; and
 - 24 (f) The low-speed vehicle has not been modified to increase its speed above its
25 original standard manufactured limit.
- 26 (3) A low-speed vehicle operating on a highway shall be ~~insured~~ in compliance with
27 KRS 304.39-080 ~~by the owner or operator~~, and ~~the~~ proof of

1 compliance~~[insurance]~~ shall be inside the vehicle at all times of operation on a
2 highway.

3 (4) A low-speed vehicle operating on a highway is considered to be a motor vehicle as
4 defined in KRS 186.010 and shall be:

5 (a) Titled in accordance with KRS Chapter 186A; and

6 (b) Registered as a motor vehicle in accordance with KRS 186.050(3)(a).

7 (5) An operator of a low-speed vehicle operating on a highway shall:

8 (a) Comply with the traffic regulations of KRS Chapter 189; and~~[shall]~~

9 (b) Be subject to the provisions of KRS Chapter 189A.

10 ➔Section 15. KRS 189.284 is amended to read as follows:

11 (1) As used in this section, "alternative-speed motorcycle" shall have the same meaning
12 as in KRS 186.010.

13 (2) A person may operate an alternative-speed motorcycle on a highway if:

14 (a) The motorcycle bears a sticker, affixed by the manufacturer or dealer, on the
15 left side of the rear window that indicates the vehicle's maximum speed
16 rating;

17 (b) The motorcycle is equipped with:

18 1. Headlights, front and rear turn signal lights, taillights, and brake lights;

19 2. Three (3) red reflectors, two (2) of which must be placed on each side as
20 far to the rear of the vehicle as practicable, and one (1) of which must be
21 placed on the rear of the vehicle;

22 3. An exterior mirror mounted on the driver's side of the vehicle and either
23 an exterior mirror mounted on the passenger's side of the vehicle or an
24 interior mirror;

25 4. A parking brake;

26 5. A windshield that conforms to the federal motor vehicle safety standard
27 provided in 49 C.F.R. 571.205;

- 1 6. A seatbelt assembly that conforms to the federal motor vehicle safety
2 standard provided in 49 C.F.R. 571.209; and
- 3 7. A roll bar, roll cage, or crushproof body design;
- 4 (c) The posted speed limit of the highway is thirty-five (35) miles per hour or
5 less;
- 6 (d) The operator of the alternative-speed vehicle does not cross a roadway at an
7 at-grade intersection where the roadway being crossed has a posted speed
8 limit of more than thirty-five (35) miles per hour unless the intersection is
9 equipped with an electronic traffic signal;
- 10 (e) The operator has a valid motorcycle operator's license in his or her
11 possession; and
- 12 (f) The alternative-speed motorcycle has not been modified to increase its speed
13 above its original standard manufactured limit.
- 14 (3) An alternative-speed motorcycle operating on a highway shall be ~~insured~~ in
15 compliance with KRS 304.39-080 ~~by the owner or operator~~, and ~~the~~ proof of
16 compliance ~~insurance~~ shall be inside the vehicle at all times of operation on a
17 highway.
- 18 (4) An alternative-speed motorcycle operating on a highway is considered to be a
19 motorcycle as defined in KRS 186.010 and shall be:
- 20 (a) Titled in accordance with KRS Chapter 186A; and
- 21 (b) Registered as a motorcycle in accordance with KRS 186.050(2).
- 22 (5) An operator of an alternative-speed motorcycle shall be exempt from the protective
23 headgear requirements of KRS 189.285.
- 24 (6) Except as provided in this section, an operator of an alternative-speed motorcycle
25 operating on a highway shall comply with the traffic regulations of KRS Chapter
26 189 and shall be subject to the provisions of KRS Chapter 189A.
- 27 ➔Section 16. KRS 189.2851 is amended to read as follows:

- 1 (1) As used in this section, "motor scooter" has the same meaning as in KRS 186.010.
- 2 (2) A person may operate a motor scooter on a highway if the operator has a valid
3 motorcycle operator's license or motorcycle instructional permit in his or her
4 possession.
- 5 (3) A motor scooter operating on a highway is considered to be a motorcycle as defined
6 in KRS 186.010 and shall be:
- 7 (a) Titled in accordance with KRS Chapter 186A; and
- 8 (b) Registered as a motorcycle in accordance with KRS 186.050(2).
- 9 (4) A motor scooter operating on a highway shall be ~~insured~~ in compliance with
10 Section 20 of this Act ~~KRS 304.39-110 by the owner or operator~~, and ~~the~~ proof
11 of compliance ~~insurance~~ shall be in possession of the operator at all times of
12 operation on a highway.
- 13 (5) A person operating a motor scooter on a highway shall:
- 14 (a) Comply with the traffic regulations of this chapter; ~~and~~
- 15 (b) Meet the same equipment standards as those for motorcycles in this
16 chapter; ~~and shall~~
- 17 (c) Be subject to the provisions of KRS Chapter 189A.
- 18 (6) A person operating a motor scooter shall be subject to the protective headgear
19 requirements of KRS 189.285.
- 20 ➔Section 17. KRS 189.286 is amended to read as follows:
- 21 (1) As used in this section:
- 22 (a) "Golf cart" means any self-propelled vehicle that:
- 23 1. Is designed for the transportation of players or maintaining equipment
24 on a golf course, while engaged in the playing of golf, supervising the
25 play of golf, or maintaining the condition of the grounds on a golf
26 course;
- 27 2. Has a minimum of four (4) wheels;

- 1 3. Is designed to operate at a speed of not more than thirty-five (35) miles
2 per hour;
- 3 4. Is designed to carry not more than six (6) persons, including the driver;
- 4 5. Has a maximum gross vehicle weight of two thousand five hundred
5 (2,500) pounds;
- 6 6. Has a maximum rated payload capacity of one thousand two hundred
7 (1,200) pounds; and
- 8 7. Is equipped with the following:
- 9 a. Headlamps;
- 10 b. Tail lamps;
- 11 c. Stop lamps;
- 12 d. Front and rear turn signals;
- 13 e. One (1) red reflex reflector on each side as far to the rear as
14 practicable, and one (1) red reflex reflector on the rear;
- 15 f. An exterior mirror mounted on the driver's side of the vehicle and
16 either an exterior mirror mounted on the passenger's side of the
17 vehicle or an interior mirror;
- 18 g. A parking brake;
- 19 h. For each designated seating position, a seatbelt assembly that
20 conforms to the federal motor vehicle safety standard provided in
21 49 C.F.R. sec. 571.209; and
- 22 i. A horn that meets the requirements of KRS 189.080; and
- 23 (b) "Local government" means a city, county, charter county government, urban-
24 county government, consolidated local government, unified local government,
25 or special district.
- 26 (2) The governing body of a local government may authorize and regulate the operation
27 of a golf cart on any public roadway under its jurisdiction if the local government

- 1 adopts an ordinance specifying each roadway that is open for golf cart use.
- 2 (3) An ordinance created under subsection (2) of this section shall require that a golf
3 cart operated on a designated public roadway:
- 4 (a) Be issued a permit for the golf cart by the local government;
- 5 (b) Display a sticker or permit that identifies that the golf cart is allowed to be
6 operated on specific roadways within the local government; and
- 7 (c) Be inspected by a certified inspector designated by the county sheriff and
8 certified through the Department of Vehicle Regulation to ensure that the golf
9 cart complies with the requirements of this section. The inspection fee under
10 this paragraph shall not exceed five dollars (\$5) with an additional fee not to
11 exceed ten dollars (\$10) per trip charged if it becomes necessary for the
12 certified inspector to travel to the site of the golf cart rather than having the
13 golf cart brought to the sheriff's inspection area.
- 14 (4) A person may operate a golf cart on a public roadway pursuant to subsection (2) of
15 this section if:
- 16 (a) The posted speed limit of the designated public roadway is thirty-five (35)
17 miles per hour or less;
- 18 (b) The operator of the golf cart does not cross a roadway at an intersection where
19 the roadway being crossed has a posted speed limit of more than thirty-five
20 (35) miles per hour;
- 21 (c) The operator has a valid operator's license in his or her possession; and
- 22 (d) The golf cart displays a slow-moving vehicle emblem in compliance with
23 KRS 189.820.
- 24 (5) A golf cart operating on a public roadway under subsection (2) of this section shall
25 be ~~insured~~ in compliance with KRS 304.39-080 ~~by the owner or operator~~, and ~~the~~
26 proof of compliance ~~insurance~~ shall be inside the golf cart at all times of
27 operation on a public roadway.

- 1 (6) Any person operating a golf cart on a public roadway under the provisions of this
2 section shall be subject to the traffic regulations of KRS Chapter 189.
- 3 (7) A golf cart operating on a public roadway designated by a local government under
4 subsection (2) of this section is not considered to be motor a vehicle and is exempt
5 from:
- 6 (a) Title requirements of KRS 186.020;
7 (b) Vehicle registration requirements of KRS 186.050; and
8 (c) Emissions compliance certificates pursuant to KRS 224.20-720.
- 9 (8) A local government may adopt more stringent local ordinances governing golf cart
10 safety equipment and operation than specified in this section.
- 11 (9) The Transportation Cabinet may prohibit the operation of a golf cart on a public
12 roadway designated under subsection (2) of this section that crosses a state-
13 maintained highway under its jurisdiction if it determines that such prohibition is
14 necessary in the interest of public safety.
- 15 (10) The provisions of this section shall not apply to a golf cart that is not used on a
16 public roadway except to cross a roadway while following a golf cart path on a golf
17 course.
- 18 ➔Section 18. KRS 189.288 is amended to read as follows:
- 19 (1) As used in this section, "autocycle" has the same meaning as in KRS 186.010.
- 20 (2) (a) A person may operate an autocycle on a highway if the operator has a valid
21 operator's license in his or her possession.
22 (b) An operator of an autocycle shall not be required to obtain a motorcycle
23 license or endorsement.
- 24 (3) An autocycle operating on a highway shall be ~~insured~~ in compliance with **Section**
25 **20 of this Act** ~~[KRS 304.39-110 by the owner or operator]~~, and ~~the~~ proof of
26 **compliance** ~~[insurance]~~ shall be inside the vehicle at all times of operation on a
27 highway.

1 (4) An autocycle operating on a highway is considered to be a motorcycle as defined in
2 KRS 186.010 and shall be:

3 (a) Titled in accordance with KRS Chapter 186A; and

4 (b) Registered as a motorcycle in accordance with KRS 186.050(2).

5 (5) A person operating an autocycle on a highway shall:

6 (a) Comply with the traffic regulations of KRS Chapter 189; and~~[-shall-]~~

7 (b) Be subject to the provisions of KRS Chapter 189A.

8 (6) An operator of an autocycle shall be exempt from the protective headgear
9 requirements of KRS 189.285.

10 ➔Section 19. KRS 189.636 is amended to read as follows:

11 If, in the investigation of any motor vehicle accident or traffic violation it appears that
12 any vehicle involved therein is **not in compliance with Section 20 of this Act**~~[uninsured]~~,
13 the law enforcement officer making the investigation shall issue a citation to the owner of
14 the vehicle requiring ~~that~~such owner to appear in a court of proper jurisdiction for
15 violation of **Section 20 of this Act**~~[KRS 304.39-110]~~.

16 ➔Section 20. KRS 304.39-080 is amended to read as follows:

17 (1) (a) "Security covering the vehicle" is the insurance or other security so provided.

18 (b) The vehicle for which the security is so provided is the "secured vehicle."

19 (2) "Basic reparation insurance" includes a contract, self-insurance, or other legal
20 means under which the obligation to pay basic reparation benefits arises.

21 (3) This Commonwealth, its political subdivisions, municipal corporations, and public
22 agencies may continuously provide, pursuant to subsection (6) of this section,
23 security for the payment of basic reparation benefits in accordance with this subtitle
24 for injury arising from maintenance or use of motor vehicles owned by those
25 entities and operated with their permission.

26 (4) The United States and its public agencies and any other state, its political
27 subdivisions, municipal corporation, and public agencies may provide, pursuant to

1 subsection (6) of this section, security for the payment of basic reparation benefits
2 in accordance with this subtitle for injury arising from maintenance or use of motor
3 vehicles owned by those entities and operated with their permission.

4 (5) **(a)** Except for entities described in subsections (3) and (4) of this section **and**
5 **except as provided in paragraph (b) of this subsection,** every owner or
6 operator of a motor vehicle registered in this Commonwealth or operated in
7 this Commonwealth with an owner's permission shall continuously provide
8 with respect to the motor vehicle while it is either present or registered in this
9 Commonwealth, and any other person may provide with respect to any motor
10 vehicle, by a contract of insurance or by qualifying as a self-insurer, security
11 for the payment of basic reparation benefits in accordance with this subtitle
12 and security for payment of tort liabilities, arising from maintenance or use of
13 the motor vehicle.

14 **(b) The security described in paragraph (a) of this subsection shall not be**
15 **required during any period that an affidavit presented under subsection (3)**
16 **of Section 1 of this Act is in effect.**

17 **(c)** The owner of a motor vehicle who fails to maintain security on a motor
18 vehicle in accordance with this subsection shall have his or her motor vehicle
19 registration revoked in accordance with KRS 186A.040 and shall be subject to
20 the penalties in KRS 304.99-060.

21 **(d)** An owner who permits another person to operate a motor vehicle without
22 security on the motor vehicle as required by this subtitle shall be subject to the
23 penalties in KRS 304.99-060.

24 (6) Security may be provided by a contract of insurance or by qualifying as a self-
25 insurer or obligated government in compliance with this subtitle.

26 (7) Self-insurance, subject to approval of the commissioner~~[of insurance]~~, is effected
27 by filing with the commissioner in satisfactory form:

- 1 (a) A continuing undertaking by the owner or other appropriate person to pay tort
2 liabilities or basic reparation benefits, or both, and to perform all other
3 obligations imposed by this subtitle;
- 4 (b) Evidence that appropriate provision exists for prompt and efficient
5 administration of all claims, benefits, and obligations provided by this
6 subtitle; and
- 7 (c) Evidence that reliable financial arrangements, deposits, or commitments exist
8 providing assurance, substantially equivalent to that afforded by a policy of
9 insurance, complying with this subtitle, for payment of tort liabilities, basic
10 reparation benefits, and all other obligations imposed by this subtitle.
- 11 (8) An entity described in subsection (3) or (4) of this section may provide security by
12 lawfully obligating itself to pay basic reparation benefits in accordance with this
13 subtitle.
- 14 (9) (a) A person providing security pursuant to subsection (7) of this section is a
15 "self-insurer."
- 16 (b) An entity described in subsection (3) or (4) of this section that has provided
17 security pursuant to subsection (6) of this section is an "obligated
18 government."
- 19 ➔Section 21. KRS 304.39-110 is amended to read as follows:
- 20 (1) **Except as provided in this section,** the requirement of security for payment of **basic**
21 **reparation benefits and** tort liabilities **under Section 20 of this Act** is fulfilled by
22 providing:
- 23 (a) Either:
- 24 1. Split limits liability coverage of not less than twenty-five thousand
25 dollars (\$25,000) for all damages arising out of bodily injury sustained
26 by any one (1) person, and not less than fifty thousand dollars (\$50,000)
27 for all damages arising out of bodily injury sustained by all persons

- 1 injured as a result of any one (1) accident, plus liability coverage of not
2 less than twenty-five thousand dollars (\$25,000) for all damages arising
3 out of damage to or destruction of property, including the loss of use
4 thereof, as a result of any one (1) accident arising out of ownership,
5 maintenance, use, loading, or unloading, of the secured vehicle; or
- 6 2. Single limits liability coverage of not less than sixty thousand dollars
7 (\$60,000) for all damages whether arising out of bodily injury or
8 damage to property as a result of any one (1) accident arising out of
9 ownership, maintenance, use, loading, or unloading, of the secured
10 vehicle;
- 11 (b) That the liability coverages apply to accidents during the contract period in a
12 territorial area not less than the United States of America, its territories and
13 possessions, and Canada; and
- 14 (c) Basic reparation benefits, as defined in KRS 304.39-020(2), **in accordance**
15 **with this subtitle.**
- 16 (2) (a) Subject to the provisions on approval of terms and forms, the requirement of
17 security for payment of tort liabilities may be met by a contract the coverage
18 of which is secondary or excess to other applicable valid and collectible
19 liability insurance.
- 20 (b) To the extent ~~the~~ secondary or excess coverage applies to liability within the
21 minimum security required by this subtitle, **the coverage** ~~it~~ must be subject
22 to conditions consistent with the system of required liability insurance
23 established by this subtitle.
- 24 (3) Security for a motorcycle is fulfilled by providing only the coverages set forth in
25 subsections (1)(a) and (b) of this section.
- 26 **(4) Each insurer that offers an insurance contract that provides security covering a**
27 **motor vehicle shall offer, upon request, a policy period of twelve (12) months.**

1 ➔Section 22. KRS 304.39-117 is amended to read as follows:

2 (1) (a) Each insurer issuing an insurance contract ~~that~~~~[which]~~ provides security
3 covering a motor vehicle shall provide to the insured, in compliance with
4 administrative regulations promulgated by the commissioner~~[department]~~,
5 written proof in the form of an insurance card that the insured has in effect an
6 insurance contract providing security in conformity with this subtitle.

7 (b) An insurer may provide an insurance card in either a paper or an electronic
8 format.

9 (2) If an owner enters into an insurance contract on a newly acquired motor vehicle, or
10 changes insurance carriers on an existing motor vehicle, the owner shall:

11 (a) Keep the~~[paper]~~ insurance card for the motor vehicle in either a paper or an
12 electronic format~~for a portable electronic device to download the insurance~~
13 card] in the~~[his or her]~~ motor vehicle;~~[for forty five (45) days from the date~~
14 the coverage took effect as prima facie evidence that the required security is
15 currently in full force and effect,] and~~[shall]~~

16 (b) Show the insurance card for the motor vehicle in either a paper or an
17 electronic format to a peace officer upon request.

18 (3) ~~A[As to personal motor vehicles as defined in KRS 304.39-087, the paper or~~
19 ~~electronic insurance card or the database created by KRS 304.39-087 shall be~~
20 ~~evidence to a peace officer who requests the card if the peace officer has access to~~
21 ~~the database through AVIS. If AVIS does not list the vehicle identification number~~
22 ~~of the personal motor vehicle as an insured vehicle, the] peace officer shall~~~~[may]~~
23 accept the following~~[a paper or electronic insurance card]~~ as prima facie evidence
24 that the~~[required]~~ security required under this subtitle is currently in full force and
25 effect on a~~[the personal]~~ motor vehicle;

26 (a) An insurance card in either a paper or electronic format for the motor
27 vehicle, if:

1 1. The card was effective no more than forty-five (45) days before the date
2 on which the peace officer requests the card; or

3 2. *The peace officer does not have access to information about the motor*
4 *vehicle's compliance with Section 20 of this Act in AVIS;*

5 (b) *An affidavit under subsection (3) of Section 1 of this Act in either a paper or*
6 *electronic format for the motor vehicle if the peace officer does not have*
7 *access to information about the motor vehicle's compliance with Section 20*
8 *of this Act in AVIS; or*

9 (c) *If the peace officer has access to information about the motor vehicle's*
10 *compliance with Section 20 of this Act in AVIS;*

11 1. *For personal motor vehicles as defined in KRS 304.39-087, AVIS lists*
12 *the vehicle identification number of the personal motor vehicle as an*
13 *insured vehicle;*

14 2. *For motor vehicles that are not personal motor vehicles as defined in*
15 *KRS 304.39-087, there is not an indication in AVIS that the*
16 *Department of Vehicle Regulation has received a notification for the*
17 *motor vehicle under subsection (2)(a) of Section 1 of this Act; or*

18 3. *AVIS indicates that an affidavit under subsection (3) of Section 1 of*
19 *this Act is in force for the motor vehicle.*

20 (4) For purposes of this section:

21 (a) An insurance card or affidavit in an electronic format means the display of an
22 image on any [~~portable~~] electronic device, including a cellular phone or any
23 other type of portable electronic device, depicting a current valid
24 representation of the card or affidavit;

25 (b) Whenever a person presents an [~~a mobile~~] electronic device pursuant to this
26 section, that person assumes all liability for any damage to the [~~mobile~~]
27 electronic device; and

1 (c) When a person provides evidence of financial responsibility using an~~a~~
 2 ~~mobile~~ electronic device to a peace officer, the peace officer shall only view
 3 the electronic image of the insurance card or affidavit and is prohibited from
 4 viewing any other content on the ~~mobile~~ electronic device.

5 ➔Section 23. KRS 304.99-060 is amended to read as follows:

- 6 (1) (a) The owner of any vehicle who fails to have in full force and effect the security
 7 required by Subtitle 39 of this chapter shall:
- 8 1. *a. For the first offense within any three (3) year period, produce*
 9 *proof of security and a receipt showing that a premium for a*
 10 *minimum policy period of six (6) months has been paid.*
 - 11 *b. If the owner fails to produce the proof of security required under*
 12 *this subparagraph, the court may fine the owner not more*~~be~~
 13 ~~fined not less~~ than five hundred dollars (\$500) ~~nor more than one~~
 14 ~~thousand dollars (\$1,000), or sentenced to not more than ninety~~
 15 ~~(90) days in jail, or both~~; *or*
 - 16 2. *a.* ~~[Have the registration of the motor vehicle revoked and the license~~
 17 ~~plates of the vehicle suspended for a period of one (1) year or until~~
 18 ~~such time as proof, in a form satisfactory to the commissioner, is~~
 19 ~~furnished that the security is then and will remain in effect; and~~
 - 20 3. ~~—~~ *For the second and each subsequent offense within any* *three*
 21 *(3)*~~[five (5)]~~ year period, *produce proof of security and a receipt*
 22 *showing that a premium for a minimum policy period of twelve*
 23 *(12) months has been paid.*
 - 24 *b. If the owner fails to produce the proof of security required under*
 25 *this subparagraph, the court may fine the owner not more*~~have~~
 26 ~~his or her operator's license revoked in accordance with KRS~~
 27 ~~186.560, and may be sentenced to one hundred and eighty (180)~~

1 days in jail, or fined not less} than one thousand dollars (\$1,000){
2 nor more than two thousand five hundred dollars (\$2,500), or
3 both}.

4 (b) ~~[Penalties under paragraph (a) of this subsection for the first offense are~~
5 subject to conditional discharge, suspension, or other forms of reduction of
6 penalty by judicial discretion upon production of proof of security.

7 (c) ~~For the second and each subsequent offense, minimum fines, suspensions, and~~
8 penalties under paragraph (a) of this subsection are subject to conditional
9 discharge, suspension, or other forms of reduction of penalty, by judicial
10 discretion only upon production of proof of security and a receipt showing
11 that a premium for a minimum policy period of six (6) months has been paid.

12 (d) ~~Upon expiration of the minimum six (6) month policy period, the court shall~~
13 order the vehicle owner to appear before it to verify renewal of the security
14 required by Subtitle 39 of this chapter by production of proof of security and a
15 receipt showing that a premium for a minimum six (6) month policy period
16 has been paid.

17 (e) ~~]~~**Except as provided in subsection (6) of this section,** failure to appear shall
18 result in the suspension of the vehicle owner's operator's license pursuant to
19 KRS 186.570.

20 (f) ~~Unless uninterrupted coverage is maintained, cancellation or expiration of the~~
21 procured security before the end of the minimum six (6) month policy period
22 shall be a Class B misdemeanor.

23 (g) ~~Unless the requirement of paragraph (d) of this subsection is satisfied, the~~
24 court shall revoke any conditional discharge, suspension, or other form of
25 reduction of penalty granted under paragraph (c) of this subsection.]

26 (2) (a) A person who operates a motor vehicle without security on the motor vehicle
27 as required by Subtitle 39 of this chapter shall **be subject to the same**

1 penalties as owners under subsection (1) of this section.

2 (a) ~~Be fined not less than five hundred dollars (\$500) nor more than one thousand~~
3 ~~dollars (\$1,000) or sentenced to not more than ninety (90) days in jail, or both;~~
4 ~~and]~~

5 (b) For purposes of this subsection, "without security on the motor vehicle"
6 means without security provided under an insurance contract or self-
7 insurance maintained by either the owner or the operator of the motor
8 vehicle~~[For the second and each subsequent offense within any five (5) year~~
9 ~~period, have his or her operator's license revoked in accordance with KRS~~
10 ~~186.560, and may be sentenced to not more than one hundred eighty (180)~~
11 ~~days in jail or fined not less than one thousand dollars (\$1,000) nor more than~~
12 ~~two thousand five hundred dollars (\$2,500), or both].~~

13 (3) If the person who operates a motor vehicle without security on the motor vehicle as
14 required by Subtitle 39 of this chapter is also the owner of the motor vehicle, the
15 person shall be subject to penalties under both subsection (1) and subsection (2) of
16 this section.

17 (4) The following shall be subject to a civil penalty of not less than one thousand
18 dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation:

19 (a) Any person or entity that presents, causes to be presented, or collects payment
20 on a bill or claim for health care services that the person or entity knows or
21 should know were referred in violation of KRS 304.39-215; and

22 (b) Any person or entity that knowingly fails to make a timely refund required by
23 KRS 304.39-215.

24 (5) A health care provider or other person or entity that enters into an arrangement or
25 scheme that the provider, person, or entity knows or should know has a principal
26 purpose of assuring referrals by the provider that, if made directly by the provider,
27 would be in violation of KRS 304.39-215 shall be subject to a civil penalty of not

1 less than five thousand dollars (\$5,000) nor more than twenty-five thousand dollars
2 (\$25,000) per arrangement or scheme.

3 (6) (a) Any person who can show proof of insurance on a motor vehicle in
4 compliance with Section 20 of this Act, or that an affidavit under subsection
5 (3) of Section 1 of this Act was in effect for a motor vehicle, at the time that
6 a citation or other charge was issued against the person for violation of
7 subsection (1), (2), or (3) of this section with respect to the motor vehicle
8 may present, in person or by paper or electronic mail, the proof of
9 insurance or affidavit to the circuit clerk of the county where the citation or
10 charge was issued.

11 (b) Upon receipt of the proof of insurance or affidavit under paragraph (a) of
12 this subsection, the charge or charges against the person shall be dismissed
13 and no fees or costs shall be imposed.

14 (c) A person presenting proof of insurance or an affidavit under paragraph (a)
15 of this subsection:

16 1. May present the proof of insurance or affidavit in paper or electronic
17 format; and

18 2. Shall not be required to appear in court to present the proof of
19 insurance or affidavit.

20 (d) For purposes of this section:

21 1. Proof of insurance or an affidavit in an electronic format means the
22 display of an image on any electronic device, including a cellular
23 phone or any other type of portable electronic device, depicting a
24 current valid representation of the proof of insurance or affidavit; and

25 2. The circuit clerk may require the person to e-mail the electronic proof
26 of insurance or affidavit to the clerk, and the clerk may print a copy of
27 the proof of insurance or affidavit for the clerk's records.

1 ➔Section 24. KRS 431.078 is amended to read as follows:

2 (1) Any person who has been convicted of:

3 (a) A misdemeanor, a violation, or a traffic infraction not otherwise classified as a
4 misdemeanor or violation, or a series of misdemeanors, violations, or traffic
5 infractions arising from a single incident; or

6 (b) A series of misdemeanors, violations, or traffic infractions not arising from a
7 single incident;

8 may petition the court in which he *or she* was convicted for expungement of *the*
9 person's~~[his]~~ misdemeanor or violation record within that judicial district, including
10 a record of any charges for misdemeanors, violations, or traffic infractions that were
11 dismissed or amended in the criminal action. The person shall be informed of the
12 right at the time of adjudication.

13 (2) (a) Except as provided in KRS 218A.275(8),~~[and]~~ 218A.276(8), and paragraph
14 (b) of this subsection, the petition shall be filed no sooner than five (5) years
15 after the completion of the person's sentence or five (5) years after the
16 successful completion of the person's probation, whichever occurs later.

17 (b) A petition seeking expungement of any conviction referenced in subsection
18 (6) of this section shall be filed no sooner than two (2) years after the date
19 of the conviction.

20 (3) Upon the filing of a petition, the court shall set a date for a hearing, no sooner than
21 thirty (30) days after the filing of the petition, and shall notify the county attorney;
22 the victim of the crime, if there was an identified victim; and any other person
23 whom the person filing the petition has reason to believe may have relevant
24 information related to the expungement of the record. Inability to locate the victim
25 shall not delay the proceedings in the case or preclude the holding of a hearing or
26 the issuance of an order of expungement.

27 (4) Except as provided in subsection (6) of this section, for a petition brought under

1 subsection (1)(a) of this section, the court shall order expunged all records in the
2 custody of the court and any records in the custody of any other agency or official,
3 including law enforcement records, if at the hearing the court finds that:

- 4 (a) The offense was not a sex offense or an offense committed against a child;
5 (b) The person had not in the five (5) years prior to the filing of the petition for
6 expungement been convicted of a felony or a misdemeanor;
7 (c) No proceeding concerning a felony or misdemeanor is pending or being
8 instituted against the person; and
9 (d) The offense is not one subject to enhancement for a second or subsequent
10 offense or the time for such an enhancement has expired.

11 (5) **Except as provided in subsection (6) of this section,** for a petition brought under
12 subsection (1)(b) of this section, the court may order expunged all records in the
13 custody of the court and any records in the custody of any other agency or official,
14 including law enforcement records, if at the hearing the court finds that:

- 15 (a) The offense was not a sex offense or an offense committed against a child;
16 (b) The person had not in the five (5) years prior to the filing of the petition for
17 expungement been convicted of a felony or a misdemeanor;
18 (c) No proceeding concerning a felony or misdemeanor is pending or being
19 instituted against the person; and
20 (d) The offense is not one subject to enhancement for a second or subsequent
21 offense or the time for such an enhancement has expired.

22 (6) **(a) If a petition brought under subsection (1)(a) or (b) of this section includes**
23 **one (1) or more convictions under subsection (1), (2), or (3) of Section 23 of**
24 **this Act, the court shall order expunged all records in the custody of the**
25 **court and any records in the custody of any other agency or official,**
26 **including law enforcement records, of the conviction or convictions if, at**
27 **the hearing, the court finds that the person has not, in the two (2) years**

1 prior to the filing of the petition, been convicted under subsection (1), (2), or
2 (3) of Section 23 of this Act.

3 (b) This subsection shall be retroactively and prospectively applied to
4 convictions occurring prior to and after the effective date of this Act.

5 ~~(7)~~ Upon the entry of an order to expunge the records, the proceedings in the case shall
6 be deemed never to have occurred; the court and other agencies shall cause records
7 to be deleted or removed from their computer systems so that the matter shall not
8 appear on official state-performed background checks; the persons and the court
9 may properly reply that no record exists with respect to the persons upon any
10 inquiry in the matter; and the person whose record is expunged shall not have to
11 disclose the fact of the record or any matter relating thereto on an application for
12 employment, credit, or other type of application.

13 ~~(8)~~~~(7)~~ The filing fee for a petition under this section shall be one hundred dollars
14 (\$100). The first fifty dollars (\$50) of each fee collected pursuant to this subsection
15 shall be deposited into a trust and agency account for deputy clerks and shall not be
16 refundable.

17 ~~(9)~~~~(8)~~ Copies of the order shall be sent to each agency or official named therein.

18 ~~(10)~~~~(9)~~ Inspection of the records included in the order may thereafter be permitted by
19 the court only upon petition by the person who is the subject of the records and only
20 to those persons named in the petition.

21 ~~(11)~~~~(10)~~ This section shall be deemed to be retroactive, and any person who has been
22 convicted of a misdemeanor prior to July 14, 1992, may petition the court in which
23 he or she was convicted, or if he was convicted prior to the inception of the District
24 Court to the District Court in the county where he now resides, for expungement of
25 the record of one (1) misdemeanor offense or violation or a series of misdemeanor
26 offenses or violations arising from a single incident, provided that the offense was
27 not one specified in subsection (4) and that the offense was not the precursor

1 offense of a felony offense for which he was subsequently convicted. This section
2 shall apply only to offenses against the Commonwealth of Kentucky.

3 ~~(12)~~~~(11)~~ As used in this section, "violation" has the same meaning as in KRS 500.080.

4 ~~(13)~~~~(12)~~ Any person denied an expungement prior to June 25, 2013, due to the
5 presence of a traffic infraction on his or her record may file a new petition for
6 expungement of the previously petitioned offenses, which the court shall hear and
7 decide under the terms of this section. No court costs or other fees, from the court
8 or any other agency, shall be required of a person filing a new petition under this
9 subsection.

10 ➔Section 25. KRS 186.990 is amended to read as follows:

11 (1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040,
12 186.045(4), 186.050, 186.056, 186.060, 186.073, 186.110, 186.130, 186.140,
13 186.160, 186.170, 186.180(1) to (4)~~(a)~~, 186.210(1), 186.230, or KRS 186.655 to
14 186.680 shall be guilty of a violation.

15 (2) Any person who violates any of the provisions of KRS 138.465, 186.072, 186.190,
16 186.200, or 186.210(2) shall be guilty of a Class A misdemeanor.

17 (3) A person who violates the provisions of KRS 186.450(4), (5), or (6) or 186.452(3),
18 (4), or (5) shall be guilty of a violation. A person who violates any of the other
19 provisions of KRS 186.400 to 186.640 shall be guilty of a Class B misdemeanor.

20 (4) Any clerk or judge failing to comply with KRS 186.550(1) shall be guilty of a
21 violation.

22 (5) If it appears to the satisfaction of the trial court that any offender under KRS
23 186.400 to 186.640 has a driver's license but in good faith failed to have it on his or
24 her person or misplaced or lost it, the court may, in its discretion, dismiss the
25 charges against the defendant without fine, imprisonment, or cost.

26 (6) Any person who steals a motor vehicle registration plate or renewal decal shall be
27 guilty of a Class D felony. Displaying a canceled registration plate on a motor

1 vehicle shall be prima facie evidence of guilt under this section.

2 (7) Any person who violates the provisions of KRS 186.1911 shall be guilty of a Class
3 A misdemeanor.

4 (8) Any person who makes a false affidavit to secure a license plate under KRS
5 186.172 shall be guilty of a Class A misdemeanor.

6 (9) Any person who violates any provision of KRS 186.070 or 186.150 shall be guilty
7 of a Class A misdemeanor.

8 (10) Any person who operates a vehicle bearing a dealer's plate upon the highways of
9 this Commonwealth with intent to evade the motor vehicle usage tax or registration
10 fee shall be guilty of a Class A misdemeanor for the first offense and a Class D
11 felony for each subsequent offense.

12 (11) Any person, other than a licensed dealer or manufacturer, who procures a dealer's
13 plate with intent to evade the motor vehicle usage tax or registration fee shall be
14 guilty of a Class D felony.

15 (12) Any resident who unlawfully registers, titles, or licenses a motor vehicle in any
16 state other than Kentucky with intent to evade the motor vehicle usage tax or the
17 registration fee shall be guilty of a Class A misdemeanor if the amount of tax due is
18 less than one hundred dollars (\$100), or of a Class D felony if the amount of tax due
19 is more than one hundred dollars (\$100), and in addition shall be liable for all taxes
20 so evaded with applicable interest and penalties.

21 ➔Section 26. (1) The Transportation Cabinet shall, within 30 days of the
22 effective date of this Act:

23 (a) Promulgate emergency administrative regulations in accordance with KRS
24 Chapter 13A to implement the requirements of Section 1 of this Act; and

25 (b) Provide and make available all forms required under subsection (5) of Section
26 1 of this Act and the sticker required under subsection (6) of Section 1 of this Act.

27 (2) Notwithstanding any provision of this Act to the contrary:

1 (a) A person may submit an affidavit under subsection (3) of Section 1 of this Act
2 without using a form required by the Transportation Cabinet during any period prior to
3 the availability of the applicable form to the public; and

4 (b) A person shall not be required to affix the sticker required under subsection
5 (6) of Section 1 of this Act during any period prior to the availability of the sticker to
6 each county clerk's office and the Department of Vehicle Regulation.