

1 AN ACT relating to motor vehicles.

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

3 ➔Section 1. KRS 304.39-087 is amended to read as follows:

- 4 (1) (a) ~~[As used in this section, unless the context requires otherwise, "personal~~
 5 ~~motor vehicle" means:~~
- 6 ~~(a) A private passenger motor vehicle that is not used as a public or livery~~
 7 ~~conveyance for passengers, nor rented to others; and~~
- 8 ~~(b) Any other four wheel motor vehicle that weighs six thousand (6,000) pounds~~
 9 ~~or less which is not used in the occupation, profession, or business of the~~
 10 ~~insured.~~
- 11 ~~(2) Beginning January 1, 2006,]Every insurer[insurance company] that provides~~
 12 ~~security covering[writes liability insurance on personal] motor vehicles~~
 13 ~~registered in Kentucky shall, within fifteen (15) days of the date of the~~
 14 ~~coverage or termination[between the first and fifteenth day of each month],~~
 15 ~~send to the Department of Vehicle Regulation[a list of] the vehicle~~
 16 ~~identification number (VIN) of, and any other information required by the~~
 17 ~~department under paragraph (b) of this subsection for,[numbers (VINs) of]~~
 18 ~~each[personal] motor vehicle that:~~
- 19 ~~1. Becomes covered by security[liability insurance] issued by the insurer~~
 20 ~~for the first time or after a break in coverage; or~~
- 21 ~~2. Has security issued by the insurer terminated due to cancellation,~~
 22 ~~nonrenewal, or any other reason[as of the last day of the preceding~~
 23 ~~month and the name of each personal motor vehicle insurance~~
 24 ~~policyholder].~~
- 25 (b) The information required under paragraph (a) of this subsection shall be
 26 submitted~~[either] electronically to[or by paper copy at the option of] the~~
 27 Department of Vehicle Regulation, which shall establish by administrative

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regulation:

1. The format for the submission of information; and

2. Any information relating to the coverage or termination that insurers must submit to the department in addition to VINs.

~~(2)(3)~~ In the absence of malice, fraud, or gross negligence, ~~an~~^{any} insurer and any authorized employee of ~~the~~^{an} insurer shall not be subject to civil liability for libel, slander, or any other relevant tort, and no civil cause of action of any nature shall arise against the insurer or authorized employee, for submission of the information required by ~~subsection (2) of~~ this section, including submission of inaccurate or incomplete information.

➔Section 2. KRS 186A.040 is amended to read as follows:

(1) **(a) In accordance with this chapter and KRS Chapters 186 and 304,** the

Department of Vehicle Regulation shall:

1. Provide and receive information on the insurance status of **motor** vehicles registered in ~~the Commonwealth of~~ Kentucky; ~~pursuant to KRS 304.39-087 and 304.39-085. The department shall~~

2. Continuously review and reconcile the information received under subparagraph 1. of this paragraph to identify motor vehicles that are not in compliance with Section 15 of this Act; and

3. Indicate~~Provide~~ appropriate insurance information ~~to the Commonwealth Office of Technology for inclusion in the AVIS database~~ to assist **the department, county clerks, and law enforcement** in identifying ~~uninsured~~ motor vehicles **that are not in compliance with Section 15 of this Act.**

(b) If requested by the Department of Vehicle Regulation, the Commonwealth Office of Technology shall provide support and assistance to implement and effectuate this subsection.

- 1 (2) (a) Upon indication in AVIS that a motor vehicle owner is not in compliance
 2 with Section 15 of this Act~~notification to the Department of Vehicle~~
 3 ~~Regulation from an insurance company of cancellation or nonrenewal of a~~
 4 ~~policy pursuant to KRS 304.39-085, or on and after January 1, 2006, if the~~
 5 ~~vehicle identification number (VIN) of a personal motor vehicle does not~~
 6 ~~appear in the database created by KRS 304.39-087 for two (2) consecutive~~
 7 ~~reporting months~~, the department shall immediately make a ~~determination as~~
 8 ~~to the~~ notification under this subsection to the motor vehicle owner if one
 9 (1) of the following does not occur within fifteen (15) days of the AVIS
 10 indication:
- 11 1. AVIS lists the vehicle identification number of the motor vehicle as an
 12 insured vehicle; or
 - 13 2. AVIS indicates that an affidavit for the motor vehicle has been
 14 provided in accordance with Section 3 of this Act~~of the insured~~.
- 15 (b) The notification to the owner shall:
- 16 1. Be in writing;
 - 17 2. Specify the motor vehicle to which the notification pertains; and~~to the~~
 18 ~~insured shall]~~
 - 19 3. State that:
 - 20 a. The owner's insurance~~insured's~~ policy or affidavit is no longer
 21 ~~valid;] and that]~~
 - 22 b. The owner~~insured~~ shall have ten (10)~~thirty (30)~~ days to:
 - 23 i. Show proof of insurance in compliance with Section 15 of
 24 this Act to the county clerk or the department;
 - 25 ii. Present an affidavit in accordance with Section 3 of this
 26 Act to the county clerk or the department; or~~]. The~~
 27 ~~department shall further inform the insured that]~~

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

c. If ~~proof~~[evidence] of insurance in compliance with Section 15 of this Act, an affidavit in accordance with Section 3 of this Act, or the motor vehicle's license plate is not received by the county clerk or the department within ten (10) days of the date listed on the notification,[thirty (30) days] 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 registration for the owner's motor vehicle is revoked under subdivision c. of this subparagraph, the owner shall, within twenty (20) days from the date of revocation, either:

i. Reinstate the registration in accordance with subsection (4) of Section 11 of this Act; or

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

~~[2. 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 inoperable condition of the motor vehicle;~~

~~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 seasonal nature of the vehicle. The affidavit shall explain that when the vehicle is out of~~

1 ~~dormancy and when the seasonal use of the vehicle is resumed, the~~
2 ~~proper security will be obtained; or~~

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

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

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

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

26 ~~Upon notification by the department, a county attorney shall immediately~~
27 ~~begin prosecution of the person who had his or her motor vehicle registration~~

1 revoked three (3) times within any twelve (12) month period in accordance
2 with paragraph (a) of this subsection.

3 ~~(c) The certified copies sent by the department described in paragraph (b) of this~~
4 ~~subsection, shall be prima facie evidence of a violation of KRS 304.39-080.~~

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

8 (3) (a) In developing the mechanism to electronically transfer information pursuant
9 to KRS 304.39-083 and 304.39-087, the commissioner of the Department of
10 Vehicle Regulation shall:

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

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

20 (b) Notwithstanding any other provision of law: ~~[,]~~

21 1. Information obtained by the department pursuant to KRS 304.39-083
22 and 304.39-087 shall not be:

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

25 b. Disclosed, used, sold, accessed, or utilized in any manner, or
26 released by the department to any person, corporation, or state
27 or ~~[and]~~ local agency, except:

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i. In accordance with state law for the purposes specified by this section; or

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

2. The department shall institute measures to ensure that only authorized persons are permitted to access the information referenced in this paragraph for the purposes specified by this section; ~~and~~.

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

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

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

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO READ AS FOLLOWS:

(1) Subject to Section 4 of this Act, a person may provide to a county clerk or the Department of Vehicle Regulation, at any time:

(a) Proof of insurance on a motor vehicle in compliance with Section 15 of this Act in either a paper or an electronic format;

(b) An affidavit authorized under subsection (2) of this section for a motor vehicle in either a paper or an electronic format; or

(c) A motor vehicle license plate for surrender.

1 (2) (a) An owner, purchaser, or transferee of a motor vehicle may provide to a
2 county clerk or the Department of Vehicle Regulation an affidavit for the
3 motor vehicle, on the form promulgated under subsection (5) of this section,
4 stating under penalty of perjury as set forth in KRS 523.030 that:

5 1. The motor vehicle is inoperable;

6 2. The motor vehicle is operated seasonally, and that when the vehicle is
7 out of dormancy and the seasonal use of the vehicle is resumed, the
8 proper security will be obtained;

9 3. He or she requires a registered motor vehicle in order to carry out his
10 or her employment, the motor vehicle that he or she drives during the
11 course of his or her employment is in compliance with Section 15 of
12 this Act, and that he or she will operate the motor vehicle only in the
13 course of his or her employment;

14 4. The motor vehicle is operated exclusively on farms; or

15 5. The motor vehicle is only on the highway while being towed or hauled.

16 (b) An affidavit provided in accordance with this section:

17 1. Shall expire twelve (12) months after the date of presentation to the
18 clerk or department;

19 2. May be revoked by the affiant;

20 3. May be amended, replaced, or renewed at any time by the affiant by
21 providing a new affidavit in accordance with this section to the clerk
22 or the department; and

23 4. Shall not be in effect during any period when:

24 a. The affidavit is expired; or

25 b. The motor vehicle is owned, maintained, used, loaded, unloaded,
26 or operated in a manner that is inconsistent with the
27 circumstances set forth in the affidavit.

1 (c) A clerk or the department shall provide an affiant an original or copy of any
2 affidavit provided in accordance with this section, which shall be marked by
3 the clerk or the department as having been provided in accordance with this
4 section.

5 (3) When proof of insurance, an affidavit, or a motor vehicle license plate is provided
6 to a county clerk or the Department of Vehicle Regulation in accordance with
7 this section, the clerk or the department, as applicable, shall note in AVIS with
8 respect to each motor vehicle, as applicable, that:

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

11 (b) An affidavit authorized under this section has been provided and the
12 expiration date of the affidavit; or

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

15 (4) When proof of insurance or an affidavit is provided in an electronic format, the
16 county clerk or the Department of Vehicle Regulation may require the person to
17 email the electronic proof of insurance or affidavit to the clerk or department,
18 and the clerk or department may print a copy of the proof of insurance or
19 affidavit for the clerk's or department's records.

20 (5) The commissioner of the Department of Insurance shall:

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

23 1. Forms for the affidavits authorized under subsection (2) of this
24 section; and

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

27 a. Lists and explains the exceptions to maintaining continuous

- 1 motor vehicle insurance under Section 15 of this Act; and
- 2 b. Informs the applicant that forms for completing an affidavit
- 3 under subsection (2) of this section are available:
- 4 i. In the county clerk's office; and
- 5 ii. At a website address listed in the notice; and
- 6 (b) Make the forms described in paragraph (a) of this subsection available to
- 7 the public in each county clerk's office and on the Department of
- 8 Insurance's website.
- 9 (6) As used in this section:
- 10 (a) "Electronic format" means the display of an image on any electronic
- 11 device, including a cellular phone or any other type of portable electronic
- 12 device, depicting a current valid representation of the proof of insurance or
- 13 affidavit; and
- 14 (b) "Proof of insurance on a motor vehicle in compliance with Section 15 of
- 15 this Act" means that all of the following are satisfied:
- 16 1. Either of the following are provided to the clerk or the department:
- 17 a. An insurance card provided under Section 17 of this Act; or
- 18 b. Any other documentation determined by the commissioner of the
- 19 Department of Insurance through the promulgation of an
- 20 administrative regulation pursuant to KRS Chapter 13A;
- 21 2. The card or other documentation provided under subparagraph 1. of
- 22 this paragraph includes:
- 23 a. The vehicle identification number of the motor vehicle or
- 24 another indication that the motor vehicle is covered or secured;
- 25 and
- 26 b. A coverage or security period that indicates that the coverage or
- 27 security is currently in effect; and

1 3. At the time the card or other documentation is provided under
 2 subparagraph 1. of this paragraph, there is not an indication in AVIS
 3 that the coverage or security for the motor vehicle was terminated
 4 after the date when the card or documentation indicates that the
 5 coverage or security became effective.

6 ➔Section 4. KRS 186A.042 is amended to read as follows:

7 (1) (a) Except as otherwise provided in this section~~[On and after January 1, 2006], a~~
 8 county clerk shall not process an application for, nor issue, the following for
 9 any motor vehicle, as defined in KRS 304.39-020, unless one (1) of the
 10 circumstances in paragraph (b) of this subsection is satisfied~~[a]:~~

- 11 ~~1. [(a)]~~ A Kentucky title and registration or renewal of registration;
- 12 ~~2. [(b)]~~ A replacement plate, decal, or registration certificate;
- 13 ~~3. [(c)]~~ A duplicate registration;
- 14 ~~4. [(d)]~~ A transfer of registration; or
- 15 ~~5. [(e)]~~ A temporary tag.~~[:]~~

16 (b) At the time of the application:

17 1. AVIS:

- 18 a. Lists~~[— for any personal motor vehicle as defined in KRS~~
 19 ~~304.39-087(1) if AVIS does not list] the vehicle identification~~
 20 ~~number of the [personal] motor vehicle as an insured vehicle; or~~
 21 b. Indicates that an unexpired affidavit for the motor vehicle has
 22 been provided in accordance with Section 3 of this Act; or

23 2. The applicant provides an affidavit for the motor vehicle in
 24 accordance with Section 3 of this Act~~[, except as provided in subsection~~
 25 ~~(2) of this section].~~

26 (2) If none of the circumstances in subsection (1)(b) of this section are
 27 satisfied~~[AVIS does not list the vehicle identification number of the personal motor~~

1 ~~vehicle as an insured vehicle~~], the county clerk may process the application if:

2 (a) The applicant **presents proof of insurance in accordance with subsection**
 3 **(1)(a) of Section 3 of this Act**~~[has an insurance card in paper or electronic~~
 4 ~~format that indicates the required security is currently in full force on the~~
 5 ~~personal motor vehicle if the paper or electronic proof of insurance card was~~
 6 ~~effective no more than forty five (45) days before the application is submitted~~
 7 ~~to the county clerk]; or~~

8 (b) The owner of the motor vehicle:

- 9 **1.** Is serving in the Armed Forces outside of Kentucky;~~[,] and [the owner]~~
 10 **2.** Provides an affidavit by the provost marshal of the base where the
 11 owner is stationed stating that the motor vehicle is covered by security
 12 as required by Subtitle 39 of KRS Chapter 304.

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

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

18 ~~[(4) For purposes of this section:~~

19 ~~(a) An insurance card in an electronic format means the display of an image~~
 20 ~~subject to immediate download or transmission from the applicant's insurer or~~
 21 ~~agent to the applicant on any portable electronic device, including a cellular~~
 22 ~~phone or any other type of portable electronic device, but shall not include a~~
 23 ~~photographic copy of a paper insurance card on a portable electronic device;~~
 24 ~~and~~

25 ~~(b) The county clerk may require the applicant to e-mail the electronic insurance~~
 26 ~~card to the clerk, and the clerk may print a copy of the card for the clerk's~~
 27 ~~records.]~~

1 ➔Section 5. KRS 186A.100 is amended to read as follows:

- 2 (1) (a) A motor vehicle dealer licensed under KRS 186.070 who sells a vehicle for
3 use upon the highways of this state shall equip the vehicle with a temporary
4 tag executed in the manner prescribed below, which shall be valid for sixty
5 (60) days from the date the vehicle is delivered to the purchaser.
- 6 (b) The cost of the tag shall be two dollars (\$2), of which the county clerk shall
7 retain one dollar (\$1).
- 8 (c) A motor vehicle dealer licensed under KRS 186.070 shall apply to the county
9 clerk of the county in which the dealer maintains his or her principal place of
10 business for issuance of temporary tags. Application shall be made for such
11 tags on forms supplied to the county clerk by the Transportation Cabinet.
- 12 (2) The county clerk of any county who receives a proper application for issuance of
13 temporary tags shall record the number of each tag issued upon the application of
14 the dealer for such tags, or if a group of consecutively numbered temporary tags are
15 issued to a dealer in connection with a single application, record the beginning and
16 ending numbers of the group on the application.
- 17 (3) The clerk shall retain, for a period of two (2) years, one (1) copy of the dealer's
18 temporary tag application, and ensure that it reflects the numbers appearing on the
19 tags issued with respect to such application.
- 20 (4) (a) If the owner of a motor vehicle submits to the county clerk a properly
21 completed application for Kentucky certificate of title and registration
22 pursuant to KRS 186A.120, any motor vehicle required to be registered and
23 titled in Kentucky, that is not currently registered and titled in Kentucky, may
24 be equipped with a temporary tag, which shall be valid for sixty (60) days
25 from the date of issuance, issued by the county clerk for the purpose of
26 operating the vehicle in Kentucky while assembling the necessary documents
27 in order to title and register the vehicle in Kentucky.

1 **(b)** The Transportation Cabinet may *promulgate*~~[establish]~~ administrative
 2 regulations *in accordance with KRS Chapter 13A* governing this
 3 *subsection*~~[section]~~.

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

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

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

12 **(d)** A county clerk shall not issue a temporary tag authorized by this subsection
 13 unless~~[the owner of the motor vehicle applying for the tag presents]~~ proof of~~[~~
 14 ~~motor vehicle]~~ insurance *or an affidavit for the motor vehicle is presented to,*
 15 *or confirmed in AVIS by, the clerk in compliance with Sections 3 and 4 of*
 16 *this Act*~~[pursuant to KRS 304.39-080. On and after January 1, 2006, If the~~
 17 ~~motor vehicle is a personal motor vehicle as defined in KRS 304.39-087,~~
 18 ~~proof of insurance shall be determined by the county clerk as provided in~~
 19 ~~KRS 186A.042]~~.

20 **(e)** A temporary tag issued pursuant to this subsection shall not be reissued by the
 21 county clerk for the same owner and same motor vehicle within one (1) year
 22 of issuance of a temporary tag.

23 ➔Section 6. KRS 186A.115 is amended to read as follows:

24 (1) (a) Except as otherwise provided in this section, the owner of every vehicle
 25 brought into this state and required to be titled in this state shall, before
 26 submitting his or her application for title to the county clerk, have the vehicle
 27 together with his or her application for title and its supporting documents

1 inspected by a certified inspector in the county in which the application for
2 title is to be submitted to the county clerk.

3 (b) An owner of a military surplus vehicle seeking title in this state shall, before
4 submitting his or her application for title to the county clerk, have the vehicle
5 together with his or her application for title and its supporting documents
6 inspected by a certified inspector in the county in which the application for
7 title is to be submitted to the county clerk.

8 (2) For inspections under this section:

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

16 (b) There shall be a five dollar (\$5) fee for this certification, payable to the
17 sheriff's office, upon completion of certification;

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

21 (d) An inspection conducted in one (1) county within the Commonwealth of
22 Kentucky under this subsection, and the fees paid for that inspection under
23 this subsection, shall be honored by the certified inspector, sheriff, and county
24 clerk in all other counties within this state. A second inspection shall not be
25 required and additional fees shall not be required.

26 (3) (a) The Transportation Cabinet may require that modifications be made to a
27 military surplus vehicle.

- 1 **(b)** Any modifications required by the cabinet under this **subsection**~~[section]~~ shall
2 be made to the military surplus vehicle prior to its inspection.
- 3 (4) **(a)** The Transportation Cabinet shall promulgate administrative regulations
4 pursuant to KRS Chapter 13A to implement the provisions of subsections
5 (1)(b) and (3) of this section, including but not limited to vehicle modification
6 requirements and the creation of a separate inspection form.
- 7 **(b)** The Transportation Cabinet shall note that military vehicles were originally
8 manufactured under the federally mandated requirements set forth in 49
9 C.F.R. sec. 571.7 and shall only require these vehicles to meet applicable
10 federal motor vehicle safety standards.
- 11 (5) The following vehicles are excluded from the requirement of inspection by a
12 certified inspector prior to titling in this state:
- 13 (a) New motor vehicles sold by a dealer licensed in this state;
- 14 (b) Vehicles required to be registered in this state by reason of lack of a
15 reciprocity agreement with another state and for which a nonnegotiable
16 registration document is to be issued;
- 17 (c) Motor vehicles operated by a motor carrier under a nonnegotiable certificate
18 or permit issued by the Department of Vehicle Regulation;
- 19 (d) Motor vehicles owned by servicemen or servicewomen who are residents of
20 Kentucky stationed outside of Kentucky may be inspected by the post provost
21 or similar officer of the camp, post, or station. The post provost or similar
22 officer shall submit an affidavit stating the name of the owner, the
23 identification or serial number, the make, body style, current license or title
24 number, if any, and state in which currently registered or titled, if any, of the
25 motor vehicle;
- 26 (e) Motor vehicles purchased in another state by persons who are residents of
27 Kentucky but are temporarily residing out of state for at least thirty (30) days,

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

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

23 (6) When presented to a certified inspector for inspection or to a county clerk for
24 processing, the owner's application for a first certificate of registration or title in his
25 or her name shall be accompanied by proof of insurance or an affidavit for the
26 motor vehicle, which shall be presented to, or confirmed in AVIS by, the clerk in
27 compliance with Sections 3 and 4 of this Act,~~[KRS 304.39-080]~~ and one (1) of the

1 following documents as applicable:

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

5 (b) If the vehicle was last registered in this state, and is a vehicle for which a title
6 is not required in this state, a certificate of registration, or if the vehicle is one
7 for which a certificate of title is required in this state, a properly assigned
8 certificate of title;

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

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

13 (e) If the application refers to a vehicle last previously registered in another
14 country by a person on active duty in the Armed Forces of the United States,
15 the county clerk may accept on behalf of the Department of Vehicle
16 Regulation evidence of ownership provided the applicant by the United States
17 Department of Defense; and

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

23 (7) When registration or title is sought in this state and the certified inspector is
24 requested to inspect a vehicle pursuant to this section, the ~~certified~~ inspector shall:

25 (a) Personally and physically inspect the vehicle; ~~when registration or title is~~
26 ~~sought in this state, on the following points:}~~

27 (b) ~~(a)~~ ~~{He or she shall }~~ Ensure that the application is legible and properly

1 executed to the extent required at the time of execution;

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

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

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

- 22 (8) The certified inspector shall refrain from executing the certificate of inspection if:
- 23 (a) He or she has not personally and physically inspected the vehicle in
24 accordance with this section;
- 25 (b) He or she has reason to believe that the vehicle displays an unlawfully altered
26 vehicle identification number;
- 27 (c) The application and any of its copies are illegible or otherwise improperly

1 executed, or contain information reasonably believed to be inaccurate or
2 fraudulent;

3 (d) The documentation required in support of any application is not present, or
4 not consistent with the vehicle and the owner's application or appears
5 fraudulent; or

6 (e) He or she has probable cause to believe the vehicle is stolen.

7 (9) (a) Inspections on motor vehicles that meet the definition of a "historic vehicle"
8 under KRS 186.043(2) and are brought into this state shall be limited to
9 verification of the vehicle identification number with supporting
10 documentation for purposes of titling.

11 (b) Inspections on motor vehicles that meet the definition of a classic motor
12 vehicle project as set forth in KRS 186A.510 shall be limited to verification of
13 the vehicle identification number with supporting documentation for purposes
14 of issuing a classic motor vehicle project certificate of title under KRS
15 186A.535(1).

16 ➔Section 7. KRS 186A.220 is amended to read as follows:

17 (1) Except as otherwise provided in this chapter, when any motor vehicle dealer
18 licensed in this state buys or accepts~~[such]~~ a **motor** vehicle in trade, which has been
19 previously registered or titled for use in this or another state, and which **the**
20 **dealer**~~[he]~~ holds for resale, **the dealer**~~[he]~~ shall not be required to obtain a
21 certificate of title for it, but shall, within fifteen (15) days after acquiring **the**~~[such]~~
22 vehicle, notify the county clerk of the assignment of the motor vehicle to **the**~~[his]~~
23 dealership and pay the required transferor fee.

24 (2) Upon purchasing~~[such]~~ a **motor** vehicle or accepting it in trade, the dealer shall
25 obtain from **the**~~[his]~~ transferor, properly executed, all documents required by KRS
26 186A.215, to include the odometer disclosure statement thereon, together with a
27 properly assigned certificate of title.

- 1 (3) The dealer shall execute his or her application for assignment upon documents
2 designated by the Department of Vehicle Regulation[,] to the county clerk of the
3 county in which the dealer[he] maintains his or her principal place of business.
4 The[Such] clerk shall enter the assignment upon the automated system.
- 5 (4) (a) The dealer shall retain the properly assigned certificate of title received from
6 the[his] transferor[,] and may make any reassignments thereon until the forms
7 for dealer assignment on the certificate of title are exhausted.
- 8 (b) The Department of Vehicle Regulation may, if it deems it warranted, provide
9 a special document to allow for additional dealer assignments without
10 requiring system generated documents.
- 11 (5) (a) When a dealer assigns the vehicle to a purchaser for use, the dealer[he] shall
12 deliver the properly assigned certificate of title, and other documents if
13 appropriate, to the[such] purchaser, who shall make application for
14 registration and a certificate of title thereon.
- 15 (b) The dealer may, with the consent of the purchaser, deliver the assigned
16 certificate of title, and other appropriate documents of a new or used vehicle,
17 directly to the county clerk, and on behalf of the purchaser, make application
18 for registration and a certificate of title. In so doing, the dealer shall require
19 from the purchaser proof of insurance in compliance with[as mandated by]
20 KRS 304.39-080 or an affidavit authorized under Section 3 of this Act
21 before delivering possession of the vehicle.
- 22 (c) Notwithstanding the provisions of KRS 186.020, 186A.065, 186A.095,
23 186A.215, and 186A.300, if a dealer elects to deliver the title documents to
24 the county clerk and has not received a clear certificate of title from a prior
25 owner, the dealer shall retain the documents in his or her possession until the
26 certificate of title is obtained.
- 27 (d) When a dealer assigns a vehicle to a purchaser for use under paragraph (a) of

1 this subsection, the transfer and delivery of the vehicle is effective
2 immediately upon the delivery of all necessary legal documents, or copies
3 thereof, including proof of insurance *in compliance with*~~[as mandated by]~~
4 KRS 304.39-080 *or an affidavit authorized under Section 3 of this Act.*

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

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

13 ➔Section 8. KRS 186A.990 is amended to read as follows:

14 (1) Any person who knowingly gives false, fraudulent, or erroneous information in
15 connection with an application for the registration, and when required, titling of a
16 vehicle, or any application for assignment of a vehicle identification number, or
17 replacement documents, or gives information in connection with his *or her* review
18 of applications, or falsely certifies the truthfulness and accuracy of information
19 supplied in connection with the registration and when required, titling of a vehicle,
20 shall be guilty of forgery in the second degree.

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

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

25 (4) Any person who operates a motor vehicle or trailer upon the highways of this state
26 without a temporary tag when one is required, or with one that is expired,
27 improperly executed, or displayed on a vehicle other than the one~~[(1)]~~ to which it

1 was legitimately and lawfully issued, shall be guilty of a Class B misdemeanor.

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

4 (6) (a) The Department of Vehicle Regulation shall make a notification in AVIS of
5 a violation of subsection (2)(b)3.d. of Section 2 of this Act relating to a
6 motor vehicle, as soon as practicable after the violation occurs, unless at the
7 time of entry:

8 1. The motor vehicle's registration has been reinstated in accordance
9 with subsection (4) of Section 11 of this Act; or

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

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

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

15 2. The motor vehicle's registration has not been reinstated under
16 subsection (4) of Section 11 of this Act.

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

20 (8)~~(7)~~ Criminal remedies or sanctions provided in this chapter are in addition to, and
21 not exclusive of, any other criminal remedies or sanctions provided elsewhere in the
22 statutes.

23 ➔Section 9. KRS 186.021 is amended to read as follows:

24 (1) Except as provided in subsection (2) of this section, a county clerk shall not issue a
25 replacement plate, decal, or registration certificate as provided in KRS 186.180~~(1)~~ or
26 a registration for renewal to any person who on January 1 of any year owned a
27 motor vehicle on which state, county, city, urban-county government, school, or

1 special taxing district ad valorem taxes are delinquent.

- 2 (2) **(a)** Pursuant to KRS 134.810(4), the owner, as defined in KRS 186.010(7)(a) and
 3 (c), on January 1 of any year shall be liable for taxes due on a motor vehicle.
 4 **(b)** A person other than the owner of record who applies to a county clerk to
 5 transfer the registration of a motor vehicle may pay any delinquent ad valorem
 6 taxes due on the motor vehicle to facilitate the county clerk's transferring
 7 registration of the motor vehicle.
 8 **(c)** The person applying shall not, ***as a condition of registration,*** be required to
 9 pay delinquent ad valorem taxes due on any other motor vehicle owned by the
 10 owner of record from which ***the applicant*** ~~he~~ is purchasing ***the*** ~~his~~ motor
 11 vehicle ~~as a condition of registration~~.

- 12 (3) A county clerk shall not issue a replacement plate, decal, or registration certificate
 13 as provided in KRS 186.180~~[-]~~ or a registration renewal for any motor vehicle
 14 ***unless proof of insurance or an affidavit for the motor vehicle is provided to, or***
 15 ***confirmed in AVIS by, the clerk in compliance with Sections 3 and 4 of this***
 16 ***Act*** ~~that is not insured in compliance with KRS 304.39-080. Each applicant for~~
 17 ~~registration renewal shall present proof of compliance to the county clerk in a~~
 18 ~~manner prescribed in administrative regulations issued by the Department of~~
 19 ~~Insurance. On and after January 1, 2006, if the motor vehicle is a personal motor~~
 20 ~~vehicle as defined in KRS 304.39-087, proof of insurance shall be determined by~~
 21 ~~the county clerk as provided in KRS 186A.042].~~

22 ➔Section 10. KRS 186.068 is amended to read as follows:

- 23 (1) **(a)** Individual sellers or owners of motor vehicles that would ordinarily be
 24 registered under KRS 186.050(3) may obtain a transit tag from the
 25 Transportation Cabinet in order to transport the motor vehicle out of state.
 26 **(b)** The fee for each transit tag issued shall be five dollars (\$5).
 27 (2) A transit tag issued under this section shall be issued only for a motor vehicle which

1 is ineligible for:

2 (a) Registration under KRS 186.050; or

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

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

7 (b) The application for a transit tag under this section shall be accompanied by:

8 1. Proof of vehicle ownership; and

9 2. *Either:*

10 a. Proof of insurance~~[coverage]~~ in compliance with KRS 304.39-
11 080; or

12 b. *An affidavit authorized under Section 3 of this Act.*

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

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

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

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

19 (6) This section shall not apply to motor vehicle dealers or distributors licensed under
20 KRS Chapter 190.

21 ➔Section 11. KRS 186.180 is amended to read as follows:

22 (1) (a) If ~~an~~~~[the]~~ owner loses his or her copy of a registration or transfer receipt, the
23 owner~~[he or she]~~ may obtain a duplicate from the county clerk who issued the
24 present owner's copy of the receipt if~~;~~~~[by]~~

25 1. ~~[Presenting the clerk]~~Proof of insurance or an affidavit for~~[on]~~ the
26 motor vehicle is provided to, or confirmed in AVIS by, the clerk in
27 compliance with Sections 3 and 4 of this Act, except that proof of

1 *insurance or an affidavit shall not be required for duplicates applied*
 2 *for by motor vehicle dealers as defined in KRS 190.010;*~~[KRS 304.39-~~
 3 ~~080, and by]~~

4 2. *The owner files*~~[Filing]~~ an affidavit, upon a form furnished by the
 5 cabinet; *and*~~[.]~~

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

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

13 1. The owner *surrenders*~~[shall surrender]~~ his or her copy of the current
 14 receipt to the clerk;~~[and provide]~~

15 2. Proof of insurance *or an affidavit for*~~[on]~~ the motor vehicle *is provided*
 16 *to, or confirmed in AVIS by, the clerk* in compliance with *Sections 3*
 17 *and 4 of this Act, except that proof of insurance or an affidavit shall*
 18 *not be required for duplicates applied for by motor vehicle dealers as*
 19 *defined in KRS 190.010; and*~~[KRS 304.39-080, before a duplicate may~~
 20 ~~be issued.]~~

21 3. The owner *pays*~~[shall pay]~~ the clerk a fee of three dollars (\$3)~~;~~
 22 ~~proof of insurance shall not be required for duplicates applied for by~~
 23 ~~motor vehicle dealers as defined in KRS 190.010].~~

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

27 (2) *(a)* If *an*~~[the]~~ owner loses a registration plate, *the owner*~~[he or she]~~ shall:

1 commissioner of the Department of Kentucky State Police.

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

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

9 1. The owner surrenders his or her current registration receipt and current
10 registration plate to the ~~county~~ clerk. ~~Upon being provided with~~

11 2. Proof of insurance or an affidavit for ~~on~~ the motor vehicle is provided
12 to, or confirmed in AVIS by, the clerk in compliance with Sections 3
13 and 4 of this Act ~~[KRS 304.39-080, the clerk]; and~~ ~~shall provide the~~
14 ~~owner with a new registration receipt and plate bearing the county~~
15 ~~name~~

16 3. The owner pays a fee of five dollars (\$5) to the clerk, of which the
17 clerk shall be entitled to three dollars (\$3) and the cabinet shall be
18 entitled to two dollars (\$2).

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

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

27 (a) The owner pays the clerk the reinstatement fee required under Section 2 of

1 *this Act; and*

2 *(b) Proof of insurance or an affidavit* on the motor vehicle *is provided to, or*
 3 *confirmed in AVIS by, the clerk* in compliance with *Sections 3 and 4 of this*
 4 *Act*~~[KRS 304.39-080 and by filing an affidavit upon a form furnished by the~~
 5 cabinet; or

6 ~~(b) A valid compliance or exemption certificate in compliance with KRS 224.20-~~
 7 ~~720 or issued under the authority of an air pollution control district under~~
 8 ~~KRS 224.20-760.~~

9 ~~(5) The owner of a motor vehicle that has the vehicle's registration revoked under KRS~~
 10 ~~186.290 shall pay to the clerk a fee of twenty dollars (\$20), which shall be equally~~
 11 ~~divided between the county clerk and the cabinet.~~

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

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

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

21 (b) An individual who sells a motor vehicle which has a valid registration plate
 22 may transfer that plate to another vehicle of the same classification at the time
 23 the individual transfers the vehicle. If the individual does not have a vehicle to
 24 transfer the plate to at the time the individual sells a vehicle, the individual
 25 may hold the registration plate for the period of registration. At any time
 26 during the period of registration, the individual shall notify the county clerk
 27 and transfer the plate to a vehicle of the same classification that he or she has

1 obtained prior to operating that vehicle on a public highway. If the plate
2 transfer occurs in the final month in which the existing registration is still
3 valid, the individual shall be required to renew the registration on the newly
4 acquired vehicle.

5 (c) An individual who trades in a motor vehicle with a valid registration plate
6 during the purchase of a motor vehicle from a licensed motor vehicle dealer
7 shall remove the plate from the vehicle offered in trade. A photocopy of the
8 valid certificate of registration shall be included with the application for title
9 and registration for the purchased vehicle, and the plate shall be retained by
10 the purchaser. The dealer shall equip the purchased vehicle with a temporary
11 tag in accordance with KRS 186A.100 before the buyer may operate it on the
12 highway. When the buyer receives a valid certificate of registration from the
13 county clerk, the buyer shall remove the temporary tag and affix the
14 registration plate to the vehicle.

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

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

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

22 1. The title;~~;~~ and

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

26 (b) Except for transactions handled by a motor vehicle dealer licensed pursuant to
27 KRS Chapter 190,~~[the person who is purchasing the vehicle shall present]~~

1 proof of insurance *or an affidavit shall be provided to, or confirmed in AVIS*
 2 *by, the county clerk* in compliance with *Sections 3 and 4 of this Act*~~[KRS~~
 3 ~~304.39-080 to the county clerk]~~ before the clerk transfers the registration on
 4 the vehicle.~~[Proof of insurance shall be in the manner prescribed in~~
 5 ~~administrative regulations promulgated by the Department of Insurance~~
 6 ~~pursuant to KRS Chapter 13A. On and after January 1, 2006, If the motor~~
 7 ~~vehicle is a personal motor vehicle as defined in KRS 304.39-087, proof of~~
 8 ~~insurance shall be determined by the county clerk as provided in KRS~~
 9 ~~186A.042.]~~

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

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

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

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

24 *(b)* The county clerk shall return the plate and motor vehicle registration receipt
 25 to the Transportation Cabinet.

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

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

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

6 ➔Section 13. KRS 186.232 is amended to read as follows:

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

10 (2) The county clerk shall not transfer the registration of any motor vehicle unless~~the~~
 11 ~~transferee presents~~ proof of insurance **or an affidavit is provided to, or confirmed**
 12 **in AVIS by, the clerk** in compliance with **Sections 3 and 4 of this Act**~~[KRS 304.39-~~
 13 ~~080]~~ and KRS 186.190.

14 (3) **(a)** If a notarized affidavit is required and available under KRS 138.450, the
 15 county clerk shall not transfer the registration of a motor vehicle unless the
 16 notarized affidavit attesting to the total and actual consideration paid or to be
 17 paid for the motor vehicle is presented to the clerk at the time of the transfer.

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

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

23 ➔Section 14. KRS 189.636 is amended to read as follows:

24 If, in the investigation of any motor vehicle accident or traffic violation it appears that
 25 any **operator of a motor** vehicle involved therein is **not in compliance with Section 15 of**
 26 **this Act**~~[uninsured]~~, the law enforcement officer making the investigation shall issue a
 27 citation to the **operator**~~[owner of the vehicle requiring such owner]~~ to appear in a court of

1 proper jurisdiction for violation of Section 15 of this Act~~[KRS 304.39-110]~~.

2 ➔Section 15. KRS 304.39-080 is amended to read as follows:

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

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

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

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

12 (4) The United States and its public agencies and any other state, its political
13 subdivisions, municipal corporation, and public agencies may provide, pursuant to
14 subsection (6) of this section, security for the payment of basic reparation benefits
15 in accordance with this subtitle for injury arising from maintenance or use of motor
16 vehicles owned by those entities and operated with their permission.

17 (5) (a) Except for entities described in subsections (3) and (4) of this section **and**
18 **except as provided in paragraph (b) of this subsection**, every owner or
19 operator of a motor vehicle registered in Kentucky~~[this Commonwealth]~~ or
20 operated in Kentucky~~[this Commonwealth]~~ with an owner's permission shall
21 continuously provide with respect to the motor vehicle while it is either
22 present or registered in Kentucky~~[this Commonwealth]~~, and any other person
23 may provide with respect to any motor vehicle, by a contract of insurance or
24 by qualifying as a self-insurer, security for the payment of basic reparation
25 benefits in accordance with this subtitle and security for payment of tort
26 liabilities, arising from maintenance or use of the motor vehicle.

27 **(b) The security described in paragraph (a) of this subsection shall not be**

1 *required during any period when an affidavit provided in accordance with*
2 *Section 3 of this Act is in effect.*

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

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

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

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

14 (a) A continuing undertaking by the owner or other appropriate person to pay tort
15 liabilities or basic reparation benefits, or both, and to perform all other
16 obligations imposed by this subtitle;

17 (b) Evidence that appropriate provision exists for prompt and efficient
18 administration of all claims, benefits, and obligations provided by this
19 subtitle; and

20 (c) Evidence that reliable financial arrangements, deposits, or commitments exist
21 providing assurance, substantially equivalent to that afforded by a policy of
22 insurance, complying with this subtitle, for payment of tort liabilities, basic
23 reparation benefits, and all other obligations imposed by this subtitle.

24 (8) An entity described in subsection (3) or (4) of this section may provide security by
25 lawfully obligating itself to pay basic reparation benefits in accordance with this
26 subtitle.

27 (9) (a) A person providing security pursuant to subsection (7) of this section is a

1 "self-insurer."

2 **(b)** An entity described in subsection (3) or (4) of this section that has provided
3 security pursuant to subsection (6) of this section is an "obligated
4 government."

5 ➔Section 16. KRS 304.39-110 is amended to read as follows:

6 (1) **Except as provided in this section,** the requirement of security for payment of **basic**
7 **reparation benefits and** tort liabilities **under Section 15 of this Act** is fulfilled by
8 providing:

9 (a) Either:

10 1. Split limits liability coverage of not less than twenty-five thousand
11 dollars (\$25,000) for all damages arising out of bodily injury sustained
12 by any one (1) person, and not less than fifty thousand dollars (\$50,000)
13 for all damages arising out of bodily injury sustained by all persons
14 injured as a result of any one (1) accident, plus liability coverage of not
15 less than twenty-five thousand dollars (\$25,000) for all damages arising
16 out of damage to or destruction of property, including the loss of use
17 thereof, as a result of any one (1) accident arising out of ownership,
18 maintenance, use, loading, or unloading, of the secured vehicle; or

19 2. Single limits liability coverage of not less than sixty thousand dollars
20 (\$60,000) for all damages whether arising out of bodily injury or
21 damage to property as a result of any one (1) accident arising out of
22 ownership, maintenance, use, loading, or unloading, of the secured
23 vehicle;

24 (b) That the liability coverages apply to accidents during the contract period in a
25 territorial area not less than the United States of America, its territories and
26 possessions, and Canada; and

27 (c) Basic reparation benefits, as defined in KRS 304.39-020(2), **in accordance**

1 with this subtitle.

2 (2) (a) Subject to the provisions on approval of terms and forms, the requirement of
3 security for payment of tort liabilities may be met by a contract the coverage
4 of which is secondary or excess to other applicable valid and collectible
5 liability insurance.

6 (b) To the extent~~[the]~~ secondary or excess coverage applies to liability within the
7 minimum security required by this subtitle, the coverage~~[it]~~ must be subject
8 to conditions consistent with the system of required liability insurance
9 established by this subtitle.

10 (3) Security for a motorcycle is fulfilled by providing~~[only]~~ the coverages set forth in
11 subsections (1)(a) and (b) of this section.

12 (4) Each insurer that provides security covering a motor vehicle may offer a policy or
13 contract period of twelve (12) months.

14 ➔Section 17. KRS 304.39-117 is amended to read as follows:

15 (1) (a) Each insurer that~~[issuing an insurance contract which]~~ provides security
16 covering a motor vehicle shall provide to the insured, in compliance with
17 administrative regulations promulgated by the commissioner~~[department]~~,
18 written proof in the form of an insurance card that the insured has in full force
19 and effect the~~[an insurance contract providing]~~ security required under~~[in~~
20 ~~conformity with]~~ this subtitle.

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

23 ~~(2) [If an owner enters into an insurance contract on a newly acquired motor vehicle, or~~
24 ~~changes insurance carriers on an existing motor vehicle, the owner shall keep the~~
25 ~~paper insurance card or a portable electronic device to download the insurance card~~
26 ~~in his or her motor vehicle for forty five (45) days from the date the coverage took~~
27 ~~effect as prima facie evidence that the required security is currently in full force and~~

1 effect, and shall show the card to a peace officer upon request.

2 (3) ~~As to personal motor vehicles as defined in KRS 304.39-087, the paper or~~
 3 ~~electronic insurance card or the database created by KRS 304.39-087 shall be~~
 4 ~~evidence to a peace officer who requests the card if the peace officer has access to~~
 5 ~~the database through AVIS. If AVIS does not list the vehicle identification number~~
 6 ~~of the personal motor vehicle as an insured vehicle, the]A peace officer shall[may]~~
 7 ~~accept the following[a paper or electronic insurance card] as prima facie evidence~~
 8 ~~that a[the required security is currently in full force and effect on the personal]~~
 9 ~~motor vehicle is in compliance with Section 15 of this Act:~~

10 (a) If the peace officer has access to information about the motor vehicle's
 11 compliance with Section 15 of this Act in AVIS:

12 1. AVIS lists the vehicle identification number of the motor vehicle as an
 13 insured vehicle;

14 2. Both of the following are satisfied:

15 a. AVIS indicates that an affidavit for the motor vehicle has been
 16 provided in accordance with Section 3 of this Act; and

17 b. The affidavit referenced in subdivision a. of this subparagraph is
 18 in effect; or

19 3. An insurance card, or other proof of insurance determined by the
 20 insurance commissioner under Section 3 of this Act, in either a paper
 21 or an electronic format for the motor vehicle if:

22 a. The card or other proof of insurance indicates that coverage or
 23 security for the motor vehicle is currently in effect; and

24 b. At the time the card or other proof of insurance is provided,
 25 there is not an indication in AVIS that the coverage or security
 26 was terminated; or

27 (b) If the peace officer does not have access to information about the motor

1 vehicle's compliance with Section 15 of this Act in AVIS:

- 2 1. An insurance card, or other proof of insurance determined by the
 3 insurance commissioner under Section 3 of this Act, in either a paper
 4 or an electronic format for the motor vehicle that indicates that
 5 coverage or security for the motor vehicle is currently in effect; or
 6 2. An affidavit provided to, and marked by, a county clerk or the
 7 Department of Vehicle Regulation in accordance with Section 3 of this
 8 Act in either a paper or an electronic format that is in effect for the
 9 motor vehicle~~[if the card was effective no more than forty five (45) days~~
 10 ~~before the date on which the peace officer requests the card].~~

11 ~~(3)~~~~(4)~~ For purposes of this section:

- 12 (a) An insurance card, other proof of insurance, or affidavit in an electronic
 13 format means the display of an image on any~~[portable]~~ electronic device,
 14 including a cellular phone or any other type of portable electronic device,
 15 depicting a current valid representation of the card, other proof of insurance,
 16 or affidavit;
 17 (b) Whenever a person presents an~~[a mobile]~~ electronic device pursuant to this
 18 section, that person assumes all liability for any damage to the~~[mobile]~~
 19 electronic device; and
 20 (c) When a person provides evidence of financial responsibility using an~~[a~~
 21 ~~mobile]~~ electronic device to a peace officer, the peace officer shall only view
 22 the electronic image of the insurance card, other proof of insurance, or
 23 affidavit and is prohibited from viewing any other content on the~~[mobile]~~
 24 electronic device.

25 ➔Section 18. KRS 304.99-060 is amended to read as follows:

- 26 (1) (a) The owner of any vehicle who fails to have in full force and effect the security
 27 required by Subtitle 39 of this chapter shall:

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

1 *c. When producing proof of security under subdivision a.ii. of this*
2 *subparagraph, a receipt for the subsequent six (6) month period*
3 *shall be produced to the circuit clerk of the county where the*
4 *citation or charge was issued not later than ten (10) days prior to*
5 *the expiration of the first six (6) month period. If an owner fails*
6 *to comply with this subdivision, the court shall order the owner*
7 *to appear before it and may take appropriate action in*
8 *accordance with this subsection.*

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

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

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

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

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

- 1 ~~(g) Unless the requirement of paragraph (d) of this subsection is satisfied, the~~
2 ~~court shall revoke any conditional discharge, suspension, or other form of~~
3 ~~reduction of penalty granted under paragraph (c) of this subsection.]~~
- 4 (2) (a) A person who operates a motor vehicle without security on the motor vehicle
5 as required by Subtitle 39 of this chapter shall ***be subject to the same***
6 ***penalties as owners under subsection (1) of this section.***~~;~~
- 7 ~~(a) Be fined not less than five hundred dollars (\$500) nor more than one thousand~~
8 ~~dollars (\$1,000) or sentenced to not more than ninety (90) days in jail, or both;~~
9 ~~and]~~
- 10 (b) ***For purposes of this subsection, "without security on the motor vehicle"***
11 ***means without security provided under an insurance contract or self-***
12 ***insurance maintained by either the owner or the operator of the motor***
13 ***vehicle.***~~[For the second and each subsequent offense within any five (5) year~~
14 ~~period, have his or her operator's license revoked in accordance with KRS~~
15 ~~186.560, and may be sentenced to not more than one hundred eighty (180)~~
16 ~~days in jail or fined not less than one thousand dollars (\$1,000) nor more than~~
17 ~~two thousand five hundred dollars (\$2,500), or both].~~
- 18 (3) If the person who operates a motor vehicle without security on the motor vehicle as
19 required by Subtitle 39 of this chapter is also the owner of the motor vehicle, the
20 person shall be subject to penalties under both subsection (1) and subsection (2) of
21 this section.
- 22 (4) The following shall be subject to a civil penalty of not less than one thousand
23 dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation:
- 24 (a) Any person or entity that presents, causes to be presented, or collects payment
25 on a bill or claim for health care services that the person or entity knows or
26 should know were referred in violation of KRS 304.39-215; and
- 27 (b) Any person or entity that knowingly fails to make a timely refund required by

1 KRS 304.39-215.

2 (5) A health care provider or other person or entity that enters into an arrangement or
3 scheme that the provider, person, or entity knows or should know has a principal
4 purpose of assuring referrals by the provider that, if made directly by the provider,
5 would be in violation of KRS 304.39-215 shall be subject to a civil penalty of not
6 less than five thousand dollars (\$5,000) nor more than twenty-five thousand dollars
7 (\$25,000) per arrangement or scheme.

8 **(6) (a) Any person who can show proof of insurance on a motor vehicle in**
9 **compliance with Section 15 of this Act, or that an affidavit provided in**
10 **accordance with Section 3 of this Act was in effect for a motor vehicle, at**
11 **the time that a citation or other charge was issued against the person for**
12 **violation of subsection (1), (2), or (3) of this section with respect to the**
13 **motor vehicle may provide, in person or by paper or electronic mail, the**
14 **proof of insurance or affidavit to the circuit clerk of the county where the**
15 **citation or charge was issued.**

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

19 **(c) A person providing proof of insurance or an affidavit under paragraph (a)**
20 **of this subsection:**

21 **1. May present the proof of insurance or affidavit in either a paper or an**
22 **electronic format; and**

23 **2. Shall not be required to appear in court to provide the proof of**
24 **insurance or affidavit.**

25 **(d) For purposes of this section:**

26 **1. "Electronic format" means the display of an image on any electronic**
27 **device, including a cellular phone or any other type of portable**

1 electronic device, depicting a valid representation of the proof of
 2 insurance or affidavit; and
 3 2. The circuit clerk may require the person to email the electronic proof
 4 of insurance or affidavit to the clerk, and the clerk may print a copy of
 5 the proof of insurance or affidavit for the clerk's records.

6 ➔Section 19. KRS 431.078 is amended to read as follows:

- 7 (1) Any person who has been convicted of:
- 8 (a) A misdemeanor, a violation, or a traffic infraction not otherwise classified as a
- 9 misdemeanor or violation, or a series of misdemeanors, violations, or traffic
- 10 infractions arising from a single incident; or
- 11 (b) A series of misdemeanors, violations, or traffic infractions not arising from a
- 12 single incident;
- 13 may petition the court in which he or she was convicted for expungement of the
- 14 person's~~[his]~~ misdemeanor or violation record within that judicial district, including
- 15 a record of any charges for misdemeanors, violations, or traffic infractions that were
- 16 dismissed or amended in the criminal action. The person shall be informed of the
- 17 right at the time of adjudication.
- 18 (2) (a) Except as provided in KRS 218A.275(8) and 218A.276(8) and paragraph (b)
- 19 of this subsection, the petition shall be filed no sooner than five (5) years after
- 20 the completion of the person's sentence or five (5) years after the successful
- 21 completion of the person's probation, whichever occurs later.
- 22 (b) A petition seeking expungement of any conviction referenced in subsection
- 23 (6) of this section shall be filed no sooner than two (2) years after the date
- 24 of the conviction.
- 25 (3) Upon the filing of a petition, the court shall set a date for a hearing, no sooner than
- 26 thirty (30) days after the filing of the petition, and shall notify the county attorney;
- 27 the victim of the crime, if there was an identified victim; and any other person

1 whom the person filing the petition has reason to believe may have relevant
2 information related to the expungement of the record. Inability to locate the victim
3 shall not delay the proceedings in the case or preclude the holding of a hearing or
4 the issuance of an order of expungement.

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

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

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

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

27 (6) **(a) If a petition brought under subsection (1)(a) or (b) of this section includes**

1 one (1) or more convictions under subsection (1), (2), or (3) of Section 18 of
2 this Act, the court shall order expunged all records in the custody of the
3 court and any records in the custody of any other agency or official,
4 including law enforcement records, of the conviction or convictions if, at
5 the hearing, the court finds that the person has not, in the two (2) years
6 prior to the filing of the petition, been convicted under subsection (1), (2), or
7 (3) of Section 18 of this Act.

8 (b) This subsection shall be retroactively and prospectively applied to
9 convictions occurring prior to and after the effective date of this section.

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

18 ~~(8)~~~~(7)~~ The filing fee for a petition under this section shall be one hundred dollars
19 (\$100). The first fifty dollars (\$50) of each fee collected pursuant to this subsection
20 shall be deposited into a trust and agency account for deputy clerks and shall not be
21 refundable.

22 ~~(9)~~~~(8)~~ Copies of the order shall be sent to each agency or official named therein.

23 ~~(10)~~~~(9)~~ Inspection of the records included in the order may thereafter be permitted by
24 the court only upon petition by the person who is the subject of the records and only
25 to those persons named in the petition.

26 ~~(11)~~~~(10)~~ This section shall be deemed to be retroactive, and any person who has been
27 convicted of a misdemeanor prior to July 14, 1992, may petition the court in which

1 he or she was convicted, or if he or she was convicted prior to the inception of the
2 District Court to the District Court in the county where he now resides, for
3 expungement of the record of one (1) misdemeanor offense or violation or a series
4 of misdemeanor offenses or violations arising from a single incident, provided that
5 the offense was not one specified in subsection (4) and that the offense was not the
6 precursor offense of a felony offense for which he or she was subsequently
7 convicted. This section shall apply only to offenses against the Commonwealth of
8 Kentucky.

9 ~~(12)~~~~(11)~~ As used in this section, "violation" has the same meaning as in KRS 500.080.

10 ~~(13)~~~~(12)~~ Any person denied an expungement prior to June 25, 2013, due to the
11 presence of a traffic infraction on his or her record may file a new petition for
12 expungement of the previously petitioned offenses, which the court shall hear and
13 decide under the terms of this section. No court costs or other fees, from the court
14 or any other agency, shall be required of a person filing a new petition under this
15 subsection.

16 ➔Section 20. KRS 186.990 is amended to read as follows:

17 (1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040,
18 186.045(4), 186.050, 186.056, 186.060, 186.073, 186.110, 186.130, 186.140,
19 186.160, 186.170, 186.180(1) to (4)~~(a)~~, 186.210(1), 186.230, or KRS 186.655 to
20 186.680 shall be guilty of a violation.

21 (2) Any person who violates any of the provisions of KRS 138.465, 186.072, 186.190,
22 186.200, or 186.210(2) shall be guilty of a Class A misdemeanor.

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

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

- 1 (5) If it appears to the satisfaction of the trial court that any offender under KRS
2 186.400 to 186.640 has a driver's license but in good faith failed to have it on his or
3 her person or misplaced or lost it, the court may, in its discretion, dismiss the
4 charges against the defendant without fine, imprisonment, or cost.
- 5 (6) Any person who steals a motor vehicle registration plate or renewal decal shall be
6 guilty of a Class D felony. Displaying a canceled registration plate on a motor
7 vehicle shall be prima facie evidence of guilt under this section.
- 8 (7) Any person who violates the provisions of KRS 186.1911 shall be guilty of a Class
9 A misdemeanor.
- 10 (8) Any person who makes a false affidavit to secure a license plate under KRS
11 186.172 shall be guilty of a Class A misdemeanor.
- 12 (9) Any person who violates any provision of KRS 186.070 or 186.150 shall be guilty
13 of a Class A misdemeanor.
- 14 (10) Any person who operates a vehicle bearing a dealer's plate upon the highways of
15 this Commonwealth with intent to evade the motor vehicle usage tax or registration
16 fee shall be guilty of a Class A misdemeanor for the first offense and a Class D
17 felony for each subsequent offense.
- 18 (11) Any person, other than a licensed dealer or manufacturer, who procures a dealer's
19 plate with intent to evade the motor vehicle usage tax or registration fee shall be
20 guilty of a Class D felony.
- 21 (12) Any resident who unlawfully registers, titles, or licenses a motor vehicle in any
22 state other than Kentucky with intent to evade the motor vehicle usage tax or the
23 registration fee shall be guilty of a Class A misdemeanor if the amount of tax due is
24 less than one hundred dollars (\$100), or of a Class D felony if the amount of tax due
25 is more than one hundred dollars (\$100), and in addition shall be liable for all taxes
26 so evaded with applicable interest and penalties.
- 27 ➔Section 21. The following KRS section is repealed:

1 304.39-085 Notification by insurance company to Department of Vehicle Regulation of
2 persons insured whose policy was terminated -- Exception.

3 ➔Section 22. Sections 1 to 21 of this Act take effect on January 1, 2025.

4 ➔Section 23. The Department of Vehicle Regulation shall, within 30 days of the
5 effective date of this section, promulgate emergency and ordinary administrative
6 regulations in accordance with KRS Chapter 13A to implement the requirements of
7 Sections 1 and 2 of this Act beginning on January 1, 2025.

8 ➔Section 24. (1) The commissioner of the Department of Insurance shall:

9 (a) Within 30 days of the effective date of this section, promulgate emergency
10 and ordinary administrative regulations in accordance with KRS Chapter 13A to
11 implement the requirements of Section 3 of this Act beginning on January 1, 2025; and

12 (b) Provide and make available all forms required under subsection (5) of Section
13 3 of this Act on or before January 1, 2025.

14 (2) Notwithstanding any provision of this Act to the contrary, a person may
15 submit an affidavit under subsection (2) of Section 3 of this Act without using a form
16 required by the commissioner of the Department of Insurance during any period prior to
17 the availability of the applicable form to the public.