

**CHAPTER 441 (SB 347)**

AN ACT relating to the registration of motor vehicles in counties required to have a vehicle emission control program.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

- (1) *The Department of Vehicle Regulation shall provide and receive information on the emissions test status of vehicles registered in the Commonwealth of Kentucky. The Department of Vehicle Regulation shall provide appropriate emissions test and compliance status to the Department of Information Systems for inclusion in the AVIS database.*
- (2) *Upon notification to the Department of Vehicle Regulation from a county air pollution control district or the Natural Resources and Environmental Protection Cabinet of expiration of a vehicle emissions compliance certificate, the Department of Vehicle Regulation shall immediately notify the person who owns the vehicle that unless evidence of compliance is received within thirty (30) days, the department shall revoke the registration of the motor vehicle until:*
  - (a) *The person presents an emissions certificate to the county clerk and pays the reinstatement fee required under Section 2 of this Act; or*
  - (b) *The person presents proof in the form of an affidavit stating, under penalty of perjury as set forth in KRS 523.030, that failure to obtain a current emissions certificate is the result of the inoperable condition of the motor vehicle.*
- (3) *The provisions of Sections 1, 2, 3, 4, and 5 of this Act shall not prevent the Transportation Cabinet, a county air pollution district, or the Natural Resources and Environmental Protection Cabinet from seeking the enforcement or operation of any other statute or ordinance that ensures the compliance of motor vehicles in the Commonwealth under KRS Chapter 186, KRS 224.20-710 to 224.20-765, or KRS Chapter 77.*
- (4) *The provisions of Sections 1, 2, 3, 4, and 5 of this Act shall apply to vehicles that are registered in a county authorized under KRS 224.20-710 to 224.20-765 or KRS Chapter 77 to conduct vehicle emissions tests.*

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

- (1) (a) If the owner loses his copy of a registration or transfer receipt, he may obtain a duplicate from the county clerk who issued the present owner's copy of the receipt by presenting the clerk proof of insurance on the motor vehicle in compliance with KRS 304.39-080, and by filing an affidavit, upon a form furnished by the cabinet. The owner shall pay to the clerk a fee of three dollars (\$3), except proof of insurance shall not be required for duplicates applied for by motor vehicle dealers as defined in KRS 190.010.
- (b) When the owner's copy of any registration or transfer receipt shows that the spaces provided thereon for noting and discharging security interests have been exhausted, the owner may apply to the county clerk who issued the receipt in order to obtain a duplicate thereof. The owner shall surrender his copy of the current receipt to the clerk and provide proof of insurance on the motor vehicle in compliance with KRS 304.39080, before a duplicate may be issued. The owner shall pay the clerk a fee of three dollars

(\$3), except proof of insurance shall not be required for duplicates applied for by motor vehicle dealers as defined in KRS 190.010.

- (c) Any security interest which has been discharged as shown by the records of the clerk or upon the owner's copy of the current receipt shall be omitted from the duplicate receipt to be issued by the clerk.
- (2) If the owner loses a registration plate, he shall surrender his registration receipt to the county clerk from whom it was obtained and file a written statement as to the loss of the plate. Upon presenting the clerk proof of insurance on the motor vehicle in compliance with KRS 304.39-080, and upon the payment of the sum of three dollars (\$3) for each plate and a fee of three dollars (\$3) to the clerk for his services, the owner shall be issued another registration receipt and a plate or plates which shall bear a different number from that of the lost plate. The clerk shall retain the owner's statement and a copy of the owner's proof of insurance, and shall make a notation on the triplicate copy of the surrendered registration receipt stating the number of the registration receipt replacing it. The original copy of the surrendered receipt shall be forwarded to the cabinet. The cabinet shall forthwith cancel the registration corresponding to the number of the lost plate. The cancellation shall be reported by the cabinet to the commissioner of the Department of State Police. Any person finding a lost registration plate shall deliver it to the Transportation Cabinet or to any county clerk for forwarding it to the cabinet.
- (3) If the owner moves from one (1) county into another county of the Commonwealth, he may obtain a registration plate bearing the name of the county of residence. In order to obtain a new registration plate, the owner shall surrender his current registration receipt and current registration plate to the county clerk. Upon being provided with proof of insurance on the motor vehicle in compliance with KRS 304.39-080, the clerk shall provide the owner with a new registration receipt and plate bearing the county name. The surrendered receipt and plate shall be forwarded to the Transportation Cabinet. The fee for this registration shall be five dollars (\$5) of which the clerk shall be entitled to three dollars (\$3) and the cabinet shall be entitled to two dollars (\$2).
- (4) If the owner's registration is revoked as a result of the provisions set forth in KRS 186A.040, the owner may have his registration reinstated by the county clerk who issued the present owner's copy of the receipt by presenting the clerk proof of:
- (a) Insurance on the motor vehicle in compliance with KRS 304.39-080 and by filing an affidavit upon a form furnished by the cabinet; *or*
  - (b) *A valid compliance or exemption certificate in compliance with KRS 224.20-720 or issued under the authority of an air pollution control district under Section 4 of this Act.*
- (5) The owner *of a motor vehicle that has the vehicle's registration revoked under Section 1 of this Act* shall pay to the clerk a fee of twenty dollars (\$20), which shall be equally divided between the county clerk and the cabinet.

Section 3. KRS 186.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045(2), 186.050, 186.056, 186.060, 186.110, 186.130, 186.140, 186.160, 186.170,

186.180(1) to (4)(a), 186.210, 186.230, or KRS 186.655 to 186.680 shall be guilty of a violation.

- (2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be guilty of a Class A misdemeanor.
- (3) A person who violates the provisions of KRS 186.450(4) or (5) shall be guilty of a violation. A person who violates any of the other provisions of KRS 186.400 to 186.640 shall be guilty of a Class B misdemeanor.
- (4) Any clerk or judge failing to comply with KRS 186.550(1) shall be guilty of a violation.
- (5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have ~~it~~ on his or her person or misplaced or lost ~~it~~, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment, or cost.
- (6) Any person who steals a motor vehicle registration plate or renewal decal shall be guilty of a Class D felony. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.
- (7) Any person who violates the provisions of KRS 186.1911 shall be guilty of a Class A misdemeanor.
- (8) Any person who makes a false affidavit to secure a license plate under KRS 186.172 shall be guilty of a Class A misdemeanor.
- (9) Any person who violates any provision of KRS 186.070 or 186.150 shall be guilty of a Class A misdemeanor.
- (10) Any person who operates a vehicle bearing a dealer's plate upon the highways of this Commonwealth with intent to evade the motor vehicle usage tax or registration fee shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.
- (11) Any person, other than a licensed dealer or manufacturer, who procures a dealer's plate with intent to evade the motor vehicle usage tax or registration fee shall be guilty of a Class D felony.
- (12) Any resident who unlawfully registers, titles, or licenses a motor vehicle in any state other than Kentucky with intent to evade the motor vehicle usage tax or the registration fee shall be guilty of a Class A misdemeanor if the amount of tax due is less than one hundred dollars (\$100), or of a Class D felony if the amount of tax due is more than one hundred dollars (\$100), and in addition shall be liable for all taxes so evaded with applicable interest and penalties.

Section 4. KRS 224.20-760 is amended to read as follows:

- (1) ***Except as provided in subsection (2) of this section,*** the provisions of KRS 224.20-710 to 224.20-765 shall not detract from the authority provided air pollution control districts in KRS Chapters 77 and 224.
- (2) The authority in KRS 224.20-720 is provided to air pollution control districts provided:

- (a) The air pollution control district may function and exercise its powers pursuant to resolution or ordinance as provided in *this section, Sections 1, 2, 3, and 5 of this Act, and* KRS Chapter 77; and
  - (b) The air pollution control district has been granted concurrent jurisdiction by the cabinet pursuant to KRS 224.20-130.
- (3) Actions taken by an air pollution control district for violations of KRS 224.20-710 to 224.20-765 shall be enforced in accordance with the provisions of KRS 224.20-130(5).

Section 5. KRS 224.20-765 is amended to read as follows:

- (1) *A person shall not be guilty of a criminal offense for failure to obtain a valid compliance or exemption certificate.*
- (2) A person convicted of knowingly violating any *statutory* provision of, *or administrative regulation promulgated under KRS Chapter 13A to implement*, KRS 224.20-710 to 224.20-765, *other than KRS 224.20-720*, [~~or any administrative regulation adopted pursuant to KRS 224.20-710 to 224.20-765~~] shall be guilty of a Class B misdemeanor.
- ~~(3)(2)~~ A person who is convicted of knowingly demanding or collecting a fee for the inspection of a vehicle other than the fees established pursuant to KRS 224.20-710 to 224.20-765 shall be guilty of a Class A misdemeanor.
- ~~(4)(3)~~ A person convicted of knowingly making or issuing any imitation of a compliance certificate or exemption certificate shall be guilty of a Class D felony.
- ~~(5)(4)~~ A person convicted of willful improper issuance or use of an inspection certificate shall be guilty of a Class A misdemeanor.

**Approved April 21, 2000**