

CHAPTER 15

(HB 110)

AN ACT relating to the misuse of military status.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 434 IS CREATED TO READ AS FOLLOWS:

- (1) *A person is guilty of misrepresenting current or former military status when he or she, with intent to defraud, obtain employment, or be elected or appointed to public office, intentionally makes:*
- (a) *A claim, orally, in writing, or by any fraudulent display, that he or she is entitled to wear military awards, military decorations, or military rank;*
 - (b) *A claim that he or she served in the United States Armed Forces, a Reserve Component thereof, or the National Guard; or*
 - (c) *A claim that he or she served in the military during a wartime era, whether or not there was a declared war, or served in a combat zone, or makes any misrepresentation of actual military service.*
- (2) *This section shall not apply to a person who or an organization which:*
- (a) *Is reenacting military history or a military event;*
 - (b) *Is playing the part of a member of the Armed Forces of the United States, a Reserve Component thereof, or the National Guard in a play, motion picture television production, or other dramatic production, or at a patriotic or civic event;*
 - (c) *Is a member of the Armed Forces of the United States, a Reserve Component thereof, or the National Guard and, as part of a military assignment, is representing a member of the Armed Forces in a previous war or time period for ceremonial, recruiting, or training purposes;*
 - (d) *Is an employee of or volunteer for a museum and, as a part of their duties, is representing a member of the Armed Forces of the United States, a Reserve Component thereof, or the National Guard for ceremonial, historical, or training purposes;*
 - (e) *Owns, displays, purchases, sells, or trades militaria, including but not limited to medals, ribbons, and rank insignia, and does not claim to have personally earned them unless he or she is legally entitled to do so;*
 - (f) *Is a natural person using his or her given name that includes a military rank, so long as he or she does not use the name to defraud another in a manner prohibited by this section;*
 - (g) *Uses a name or honorary military or military-like rank which has been bestowed upon him or her by a public officer, public employee, or public agency, in the name of a public officer or public agency;*
 - (h) *Uses a corporate, partnership, sole proprietorship, or other name for a business or product which includes a military rank, so long as the name is not used to defraud another in a manner prohibited by this section; or*
 - (i) *Holds a registered trademark which includes a military rank or honorary rank, so long as the trademark is not used to defraud another in a manner prohibited by this section.*
- (3) *Misrepresenting current or former military status is:*
- (a) *A violation of KRS 514.040 if the defendant, by the misrepresentation, obtains money or property;*
 - (b) *If the defendant, by the misrepresentation, obtains a public benefit, a violation of the applicable statute that prohibits obtaining that public benefit and provides a specific penalty; and*
 - (c) *If a violation of paragraph (a) or (b) of this subsection is not involved, the defendant shall be fined an amount not to exceed five thousand dollars (\$5,000) or be imprisoned in the county jail for not more than twelve (12) months, or both.*

(4) ***KRS 431.100 to the contrary notwithstanding, any fine assessed as a penalty for conviction under this section shall be transferred by the circuit clerk and deposited with the veterans program trust fund established by KRS 40.460(2)(b).***

(5) ***This section shall be cited as the Kentucky Stolen Valor Act.***

➔Section 2. KRS 186.210 is amended to read as follows:

(1) No person shall make any false statement in an application for registration, application for duplicate receipt or plate, bill of sale, registration receipt, motor number or vehicle identification number. ~~[-The penalty provided for violation of this section by KRS 186.990 shall be printed prominently on every form or blank used for these purposes and furnished by the cabinet.]~~ No person shall use, display or keep registration plates or registration receipts that do not belong or have not been issued to him. ***This subsection shall not apply to a false statement in an initial or renewal application for a military license plate issued under KRS 186.041.***

(2) ***No person shall make any false statement in an initial or renewal application for a military license plate issued under KRS 186.041 or use, display, or keep military license plates that do not belong or have not been issued to him.***

(3) ***The penalties established in Section 3 of this Act for violations of this section shall be printed prominently on every form or blank used for these purposes and furnished by 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(4), 186.050, 186.056, 186.060, 186.110, 186.130, 186.140, 186.160, 186.170, 186.180(1) to (4)(a), 186.210(I), 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, ***or 186.210(2)*** shall be guilty of a Class A misdemeanor.

(3) A person who violates the provisions of KRS 186.450(4), (5), or (6) or 186.452(3), (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.

Signed by Governor April 7, 2008.

