

## **601 KAR 9:130. Motor vehicle registration.**

RELATES TO: KRS 43.010(2), 45.149, 186.010, 186.050, 186.053, 186.162, 186.172, 186.174, 186A.060, 186A.070, 186A.120, 369.102(8), 369.107

STATUTORY AUTHORITY: KRS 186.020, 186.041, 186.042, 186.164

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186.020 requires the owner of a motor vehicle to apply for vehicle registration in accordance with administrative regulations promulgated by the Transportation Cabinet before operating the motor vehicle or permitting its operation. KRS 186.041 requires the cabinet to promulgate administrative regulations to establish the proof necessary for demonstrating current attendance, or graduation from a service academy. KRS 186.164 requires the cabinet to promulgate administrative regulations to establish rules related to the issuance of special license plates. This administrative regulation establishes the requirements for a member of a service academy to obtain a special license plate, establishes the rules and requirements for the public to obtain a special license plate for a motor vehicle or a motorcycle, and promulgates the auditing requirements and procedures related to special license plates.

### Section 1. Definitions.

- (1) "Electronic signature" is defined by KRS 369.102(8) and acceptable as stated in KRS 369.107.
- (2) "Resident" is defined by KRS 186.010(12).
- (3) "Signature" means a person's name, a unique mark, or an inscription representing a person's name, either written by hand or in an electronic format.

### Section 2.

- (1) An application for Kentucky Certificate of Title and Registration Form, TC 96-182, shall be completed if a vehicle changes ownership for the first time. A copy of the vehicle owner's Kentucky driver license and bill of sale shall be attached to TC 96-182. Transfer of ownership shall be executed by owner's signature which can be in an electronic format.
- (2) A Kentucky certificate of registration shall serve as the application for renewal of registration.

Section 3. Certificate of Title in Motor Vehicle. During the fifteen (15) day period established in KRS 186.020(1) and KRS 186A.070, in order to register a newly acquired motor vehicle, or for a new Kentucky resident to register his or her motor vehicle:

- (1) An assigned title or bill of sale pursuant to KRS 186.020(1) shall be carried in the motor vehicle if the vehicle was last licensed in a jurisdiction other than Kentucky; or
- (2) If the jurisdiction in which the motor vehicle was last licensed does not issue titles, the standard document for perfecting the sale of the motor vehicle in the licensing jurisdiction shall be carried in the vehicle.

### Section 4. Residency.

- (1) To establish that a vehicle owner is a resident of Kentucky and required to register the vehicle in Kentucky, the vehicle owner shall:
  - (a) Have a primary residence address in Kentucky;
  - (b) Be registered to vote in Kentucky; or
  - (c) Possess a valid Kentucky motor vehicle operator's license.
- (2) A full-time college student or member of the armed forces who is temporarily maintaining a place of residence in Kentucky while attending a Kentucky college or university, or while stationed at a military facility shall not be required to register his or her vehicle in Kentucky if he or she maintains residency in the applicable home state.
- (3) A Kentucky certificate of title shall not be issued to a non-Kentucky resident.

### Section 5. Placement of License Plate and Renewal Decal.

(1) A license plate shall not be placed on a motor vehicle other than the vehicle for which it was issued.

(2) A renewal decal shall not be placed on a license plate except the plate for which the renewal decal was issued.

(3) A renewal decal shall only be placed on its associated license plate in the indentation provided for a decal.

Section 6. Lost or Stolen License Plates. If a license plate is lost or stolen, the individual responsible for the registration of the vehicle may secure a replacement license plate by following the provisions established in KRS 186.162(2) through (4) and in KRS 186.180(2).

Section 7. Found License Plate. A person finding a lost, unexpired registration plate shall deliver it to the Department of Vehicle Regulation, or to the office of any Kentucky county clerk.

Section 8. Renewal Decals on Special Plates.

(1) Registration for a vehicle with a special license plate issued pursuant to KRS 186.162(2) through (4) shall be renewed each year.

(2) If the special license plate deteriorates to the point that the inscriptions are not discernible, the owner may obtain a replacement plate free of charge.

Section 9. National Guard License Plates.

(1) Taxicabs, airport shuttle vehicles, and limousines, registered as established in KRS 186.050(1) shall not be issued a national guard license plate as established in KRS 186.041(1).

(2) If the applicant for a national guard license plate is a Kentucky national guard retiree, the application shall be signed by the custodian of military records, Department of Military Affairs. The custodian's signature shall certify that the applicant is a retiree of the Kentucky National Guard with at least twenty (20) years of service.

Section 10. Disabled Veterans and Disabled Persons License Plate.

(1) A license plate shall be issued to a disabled veteran as established in KRS 186.041(2) for use on a vehicle that would normally be registered as established in KRS 186.050(1) or (3)(a).

(2)

(a) A license plate shall be issued to a disabled person who meets the requirements established in KRS 186.042 and provides the proof of disability established in KRS 186.042 (3)(a)(b).

(b) A person applying for a disabled license plate shall complete an Application for Special Registration Plate for Disabled Persons, Transportation Cabinet Form 96-347.

Section 11. Armed Forces License Plate. The special armed forces license plate as established in KRS 186.041(1) shall be made available to any eligible current member of any branch of the United States military reserves. It shall also be made available to any eligible retired reservist with twenty (20) years of service.

Section 12. Military Academy Plates.

(1) An applicant for a military academy license plate shall provide proof that he or she is currently enrolled, or is a graduate of the United States Airforce Academy, Military Academy, Naval Academy, Coast Guard Academy, or Merchant Marine Academy.

(2) An applicant shall provide:

(a) A formal, original letter on academy letterhead proving current enrollment; or

(b) A copy of the graduate's diploma.

Section 13. Gold Star License Plates.

(1)

- (a) A Gold Star Mother license plate shall be authorized for a mother whose son or daughter died while serving the country in the United States Armed Forces.
  - (b) A Gold Star Father license plate shall be authorized for a father whose son or daughter died while serving in the United States Armed Forces.
  - (c) A Gold Star Spouse license plate shall be authorized for the spouse of a person who died while serving the country in the United States Armed Forces.
- (2) To be eligible, the mother, father, or spouse shall submit a completed Report of Casualty DD Form 1300, accessible on the National Personnel Records Center Web site at <http://www.archives.gov/veterans/research/> to the Kentucky Department of Veterans Affairs.

Section 14. Application for Special License Plate.

- (1) An applicant for a special license plate shall provide proof of eligibility as established in 186.162(2) through (4).
- (2) Proof of eligibility shall be submitted to the county clerk in the applicable county of residence.

Section 15. An applicant for one (1) of the special license plates listed in this section shall provide the following required information:

- (1) Firefighter license plate: provide written evidence of the applicant's current status as a firefighter, signed by the fire chief, mayor, or county judge executive;
- (2) Purple Heart recipient license plate: provide written proof from the United States Department of Defense or the Veterans Administration that the applicant received a Purple Heart medal;
- (3) Street rod license plate: provide sufficient manufacturer's information, title documents, or photographs to prove that the vehicle either was manufactured prior to 1949 or was manufactured to look like it was built prior to 1949;
- (4) Fraternal Order of Police license plate: provide a copy of the applicant's current membership card from the Fraternal Order of Police. The reverse side of the membership card shall be signed by the National Secretary of the Grand Lodge, Fraternal Order of Police;
- (5) Emergency Management license plate: provide written evidence of the applicant's current status as a member of either a disaster and emergency services organization or a volunteer rescue squad signed by the appropriate mayor, county judge executive, or DES coordinator; or
- (6) Masonic license plate: provide a current calendar year membership card in the Masonic Orders. A member of the Eastern Star affiliation shall not be eligible for the Masonic Order license plate.

Section 16. An applicant for a special license plate issued pursuant to KRS 186.041, 186.042, 186.053, 186.172, or 186.174 shall make an individual application for the special license plate to be issued for each separate motor vehicle.

Section 17.

- (1) Special License Plate Committee. The Special License Plate Committee established in the Transportation Cabinet pursuant to KRS 186.164(15)(c) shall:
  - (a) Review and consider the eligibility of each group or organization that applies for a special plate;
  - (b) Review and consider whether the proposed special plate meets required criteria; and
  - (c) Convene as necessary at the call of the chair in order to address issues related to the design and issuance of special license plates.
- (2) The Special License Plate Committee shall be comprised of the following members:

- (a) Commissioner of the Department of Vehicle Regulation or a designee, as a nonvoting member;
  - (b) Deputy Commissioner of the Department of Vehicle Regulation or a designee as chair;
  - (c) Director of the Division of Motor Vehicle Licensing or a designee;
  - (d) Assistant Director of the Division of Motor Vehicle Licensing or a designee;
  - (e) Executive Director, Office of Legal Services or a designee, as a nonvoting member;
  - (f) A designee selected by the Commissioner of the Department of Vehicle Regulation from within the office of the Commissioner; and
  - (g) Registration Branch Manager of the Division of Motor Vehicle Licensing or a designee.
- (3)
- (a) Three (3) of the voting members of the committee shall constitute a quorum.
  - (b) A simple majority of the voting members present at a meeting with a quorum shall be required to recommend approval or denial of an application for a special plate.
- (4) The chairman shall designate a person to provide a summary of each meeting and present the minutes for review and approval at the next meeting of the committee that has a quorum present.
- (5)
- (a) Upon recommendation of the committee, the commissioner shall issue a written notice of approval or denial within thirty (30) days of the receipt of application.
  - (b) If the committee requires additional time in which to deliberate and make a recommendation, the thirty (30) day time period may be extended for an additional thirty (30) days, not to exceed an extended time of ninety (90) days from the date of the initial meeting. If an application is held in abeyance pursuant to Section 18(3) of this administrative regulation, the time period shall be tolled until the legislative process is complete.
- (6)
- (a) The committee may request an applicant to appear and make a presentation if questions arise that may include:
    - 1. The mission of the applicant;
    - 2. The design and logo of the special license plate; and
    - 3. Qualifications of the applicant.
  - (b) An applicant who fails to cooperate with the informational requests made by the committee shall have his or her application dismissed by the commissioner.
- (7) An aggrieved party may appeal the final decision of the commissioner pursuant to KRS 186.164(10).

#### Section 18. Application Process.

- (1) A group or organization shall apply to the Office of the Commissioner, Department of Vehicle Regulation, Transportation Cabinet, for a special license plate pursuant to KRS 186.164.
- (2)
- (a) An applicant shall not submit more than one (1) application per calendar year for the consideration of the committee. An application that is denied by the committee and later modified or altered by the applicant may be resubmitted to the committee not less than twelve (12) months from the original date of denial.
  - (b)
    - 1. An application to redesign a special license plate shall be submitted at a minimum of three (3) years from the date of issuance.
    - 2. The redesign shall be approved or denied by the committee based on the criteria established in Section 17.

(3) Prior to final approval of an application, if a member of the General Assembly introduces a bill, files an amendment to a bill, or undertakes any other measure to sponsor a plate that is substantially similar to the plate for which the application is pending, the application shall be held in abeyance pending the outcome of the legislative process. If the bill or amendment becomes law, the application in abeyance shall be moot. If the legislation is withdrawn or is acted upon by the legislature, the application shall proceed with the committee from the point at which it was placed in abeyance.

(4) Each group or organization shall be limited to one (1) special plate design.

(5) The committee may consult with law enforcement relating to special license plate issues that may include design and visibility.

(6) The committee may reconsider and change the design of a previously approved special license plate upon good cause, which may include:

(a) Questions or issues involving legibility of the license plate; or

(b) The normal replating cycle during which the design of all license plates may be changed.

(7) The committee shall not consider an application that contains any trademarked or copyrighted statements or material or any statements or phrases that are commonly within the public domain, including short phrases, names, titles, or small groups of words that are considered common idioms of the English language.

#### Section 19.

(1) A group or organization that has its application approved, shall submit to the Cabinet before the programming and the production of the plate, a check to cover the costs. The Cabinet shall make available a generalized estimate of the costs to the group or the organization.

(2) A group or organization with an approved special license plate shall maintain a minimum number of 500 registrations annually. Two (2) consecutive years of not maintaining a 500 annual registration shall result in cancellation and discontinuation of that plate.

#### Section 20. Audit and Attestation Requirements.

(1)

(a) Groups or organizations that have the requisite number, of license plates purchased shall submit a Special Plate Donation Affidavit, Form 324 in accordance with KRS 186.164(13) to the Division of Motor Vehicle Licensing.

(b) Accounts shall be audited annually at the expense of the group or organization.

(2)

(a) A group or organization that receives \$15,000 or less during its fiscal year shall submit Attestation form TC 96-324 attesting its compliance with KRS 186.164.

(b) The form shall be submitted to the Division of Motor Vehicle Licensing not later than ninety (90) days following the end of the group or organization's fiscal year.

(3)

(a) A group or organization that receives \$15,001 to \$75,000 during its fiscal year shall have an internal or external audit of its account performed.

(b) The results of that audit shall be submitted to the Division of Motor Vehicle Licensing not later than ninety (90) days following the end of the group or organization's fiscal year.

(4)

(a) A group or organization that receives \$75,001 or more annually shall have an external audit performed.

(b)

1. Groups or organizations that are considered to be budget units in accordance with KRS 43.010(2) shall adhere to KRS 45.149, which gives the Auditor of Public

Accounts the first right of refusal to perform audit work.

2. This audit shall be submitted to the Division of Motor Vehicle Licensing not later than ninety (90) days following the end of the group or organization's fiscal year.

Section 21. Incorporation by Reference. The following material is incorporated by reference:

(1)

(a) Form TC 96-15, "Application for Special License Plate" revised October 2016;

(b) Form TC 96-182, "Application for Kentucky Certificate of Title and Registration" revised March 2019;

(c) Form TC 96-324, "Attestation" revised July 2017;

(d) Form TC 96-332, "Affidavit for Special License Plate Donation" May 2014;

(e) DD Form 1300, "Report of Casualty", United States Department of Defense Instruction Number 1300.18 March 2004; and

(f) Form TC 96-347, "Application for Disabled License Plate or Parking Placard" September 2018.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Building, Department of Vehicle Regulation, Division of Motor Vehicle Licensing, Second Floor, Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8a.m. to 4:30 p.m.

(14 Ky.R. 1709; eff. 3-10-1988; Am. 15 Ky.R. 1501; eff. 1-27-1989; 2271; eff. 7-7-1989; 19 Ky.R. 503; eff. 10-8-1992; 36 Ky.R. 921; 1205; eff. 1-4-2010; 45 Ky.R. 237; 907; 46 Ky.R. 237; 906; 1415; eff. 9-30-2019.)