

AN ACT relating to transportation.

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

➔Section 1. KRS 186.6401 is amended to read as follows:

The following persons shall be required to successfully complete the examinations required under KRS 186.480 prior to being issued a Kentucky operator's license:

- (1) A person who has been issued a Kentucky instruction permit or intermediate license;
- (2) A person who has applied for a Kentucky operator's license under KRS 186.412(4); and
- (3) Other persons as identified in an administrative regulation promulgated by the Department of Kentucky State Police ***or the Transportation Cabinet*** under KRS Chapter 13A.

➔Section 2. KRS 186.020 is amended to read as follows:

- (1) Before the owner of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration in accordance with administrative regulations promulgated by the cabinet, except that a person who purchases a motor vehicle, or brings a motor vehicle into the Commonwealth from another state shall make application for registration within fifteen (15) days. The bill of sale or assigned title must be in the motor vehicle during this fifteen (15) day period. If the owner of a motor vehicle is an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which he resides. If the owner of a motor vehicle does not reside in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which the motor vehicle is principally operated. If the owner of a motor vehicle is other than an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county

clerk of either county. The application when presented to the county clerk for registration shall be accompanied by:

- (a) A bill of sale and a manufacturer's certificate of origin if the application is for the registration of a new motor vehicle;
 - (b) The owner's registration receipt, if the motor vehicle was last registered in this state;
 - (c) A bill of sale and the previous registration receipt, if last registered in another state where the law of that state does not require the owner of a motor vehicle to obtain a certificate of title or ownership;
 - (d) A certificate of title, if last registered in another state where the law of that state requires the owner of a motor vehicle to obtain a certificate of title or ownership;
 - (e) An affidavit from an officer of a local government saying that the motor vehicle has been abandoned and that the provisions of KRS 82.630 have been complied with, for local governments which elect to use the provisions of KRS 82.600 to 82.640; and
 - (f) The application from a person who has brought a motor vehicle into the Commonwealth from another state shall be accompanied by proof that the motor vehicle is insured in compliance with KRS 304.39-080.
- (2) After that, except as provided in subsection (6) of this section, the owner of any motor vehicle registered under KRS 186.050(1) or (2) shall register ~~the~~^{his} motor vehicle on or before the date on which ~~the~~^{his} certificate of registration expires. If, before operating the motor vehicle in this state, the owner registers it at some later date and pays the fee for the full year, he or she will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the cabinet.
- (3) After that, the owner of any commercial vehicle registered under KRS 186.050(3) to

- (14) shall register the commercial vehicle on or before April 1 of each year. If, before operating a commercial vehicle in this state, the owner registers it at some later date and pays the required fee, he or she will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the cabinet, except the owner of any commercial motor vehicle to be registered pursuant to the International Registration Plan under KRS 186.050(13) shall register the commercial motor vehicles on or before the last day of the month of registration established pursuant to KRS 186.051(3).
- (4) The application and documents presented therewith, including the sheriff's certificate of inspection, shall be affixed to the Transportation Cabinet copy of the certificate of title or registration and sent to the Transportation Cabinet by the clerk.
- (5) At least forty-five (45) days prior to the expiration of registration of any motor vehicle previously registered in the Commonwealth as provided by KRS 186A.035, the owner of the vehicle shall be notified by mail on the same notice required by KRS 134.805(5) of the date of expiration. In addition, the department shall provide appropriate forms and information to permit renewal of motor vehicle registration to be completed by mail. Any registration renewal by mail shall require payment of an additional two dollar (\$2) fee which shall be received by the county clerk. Nonreceipt of the notice herein shall not constitute a defense to any registration related offense.
- (6) (a) If an individual has been serving in the United States military stationed or assigned to a base or other location outside the boundaries of the United States, he or she shall renew the registration on the vehicle within thirty (30) days of his or her return if:
1. The motor vehicle has been stored on a military base during the time of deployment and has not been operated on the public highways during that time; and

2. The vehicle's registration expired during the individual's absence.
- (b) An individual who meets the criteria in paragraph (a) of this subsection shall not be convicted or cited for driving a vehicle with expired registration within thirty (30) days after the individual's return to the Commonwealth if the individual can provide proof of meeting the eligibility criteria under paragraph (a) of this subsection.
- (c) When an individual presents evidence of meeting the criteria under paragraph (a) of this subsection when applying to renew the registration on the motor vehicle, the county clerk shall, when applicable, treat the registration as a prorated renewal under KRS 186.051, and charge the individual a registration fee only for the number of months of the registration year the vehicle will be used on the public highways.

➔Section 3. KRS 189.125 is amended to read as follows:

- (1) Except as otherwise provided in this section, "motor vehicle" as used in this section means every vehicle designed to carry fifteen (15) or fewer passengers and used for the transportation of persons, but the term does not include:
 - (a) Motorcycles;
 - (b) Motor-driven cycles; or
 - (c) Farm trucks registered for agricultural use only and having a gross weight of one (1) ton or more.
- (2) A person shall not sell any new motor vehicle in this state nor shall any person make application for registering a new motor vehicle in this state unless the front or forward seat or seats have adequate anchors or attachments secured to the floor and/or sides to the rear of the seat or seats to which seat belts may be secured.
- (3) (a) Any driver of a motor vehicle, when transporting a child of forty (40) inches in height or less in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child restraint

system of a type meeting federal motor vehicle safety standards.

- (b) Any driver of a motor vehicle, when transporting a child under the age of eight (8) years who is between forty (40) inches and fifty-seven (57) inches in height in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child booster seat. A child of any age who is greater than fifty-seven (57) inches in height shall not be required to be secured in a child booster seat under this section.
- (4) As used in this section:
- (a) "Child restraint system" means any device manufactured to transport children in a motor vehicle which conforms to all applicable federal motor vehicle safety standards; and
- (b) "Child booster seat" means a child passenger restraint system that meets the standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to properly sit in a federally approved lap-and-shoulder belt system.
- (5) Failure to use a child passenger restraint system or a child booster seat shall not be considered as contributory negligence, nor shall such failure to use a passenger restraint system or booster seat be admissible as evidence in the trial of any civil action. Failure of any person to wear a seat belt shall not constitute negligence per se.
- (6) A person shall not operate a motor vehicle manufactured after 1981 on the public roadways of this state unless the driver and all passengers are wearing a properly adjusted and fastened seat belt, unless the passenger is a child who is secured as required in subsection (3) of this section. The provisions of this subsection shall not apply to:
- (a) A person who has in his or her possession at the time of the conduct in question a written statement from a physician or licensed chiropractor that the person~~he~~ is unable, for medical or physical reasons, to wear a seat belt; or

- (b) A letter carrier of the United States postal service while engaged in the performance of his ***or her*** duties.
- (7) A conviction for a violation of subsection (6) of this section shall not be transmitted by the court to the Transportation Cabinet. The Transportation Cabinet shall not include a conviction for a violation of subsection (6) of this section as part of any person's driving history record.
- (8) The provisions of subsection (6) of this section shall supersede any existing local ordinance involving the use of seat belts. No ordinance contrary to subsection (6) of this section may be enacted by any unit of local government.

➔Section 4. KRS 281A.080 is amended to read as follows:

- (1) Each employer shall require the applicant to provide the information specified in KRS 281A.070. ***The employer***~~[He]~~ shall inform the applicant that the information provided may be used or the applicant's previous employers may be contacted for the purpose of investigating the applicant's work history.
- (2) ~~An~~~~No~~ employer shall ***not*** knowingly allow, permit, or authorize a driver to drive a commercial vehicle during any period in which the driver:
- (a) Has had his ***or her*** commercial driver's license suspended, revoked, or canceled by any state;
 - (b) Is currently disqualified from driving a commercial vehicle;
 - (c) Is subject to an out-of-service order in any state;
 - (d) Has more than one (1) driver's license;
 - (e) Does not currently hold a valid commercial driver's license; or
 - (f) Is in violation of any of the railroad crossing offenses or conduct set forth in KRS 189.500, 189.560, or 189.565.