

1 AN ACT relating to sport utility all-terrain vehicles and making an appropriation  
2 therefor.

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

4 ➔Section 1. KRS 186.010 is amended to read as follows:

- 5 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;  
6 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,  
7 means the Transportation Cabinet only with respect to motor vehicles, other than  
8 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the  
9 Department of Vehicle Regulation when used with respect to commercial vehicles.
- 10 (2) "Highway" means every way or place of whatever nature when any part of it is open  
11 to the use of the public, as a matter of right, license, or privilege, for the purpose of  
12 vehicular traffic.
- 13 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who  
14 will, under normal conditions during the year, manufacture or assemble at least ten  
15 (10) new motor vehicles.
- 16 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in  
17 paragraph (a) of subsection (8) of this section, which are propelled otherwise than  
18 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as  
19 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.  
20 "Motor vehicle" shall not include a moped as defined in this section, but shall  
21 include low-speed vehicles **and for registration purposes, sport utility all-terrain**  
22 **vehicles** as defined in this section.
- 23 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)  
24 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a  
25 motorized bicycle with a step-through type frame which may or may not have  
26 pedals rated no more than two (2) brake horsepower, a cylinder capacity not  
27 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring

1 clutching or shifting by the operator after the drive system is engaged, and capable  
2 of a maximum speed of not more than thirty (30) miles per hour.

3 (6) "Operator" means any person in actual control of a motor vehicle upon a highway.

4 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who  
5 pursuant to a bona fide sale has received physical possession of the vehicle  
6 subject to any applicable security interest.

7 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with  
8 the vendee or lessee entitled to possession of the vehicle, upon performance of  
9 the contract terms, for a period of three hundred sixty-five (365) days or more  
10 and with the right of purchase upon performance of the conditions stated in  
11 the agreement and with an immediate right of possession vested in the  
12 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to  
13 possession, the conditional vendee or lessee or mortgagor shall be deemed the  
14 owner.

15 (c) A licensed motor vehicle dealer who transfers physical possession of a motor  
16 vehicle to a purchaser pursuant to a bona fide sale, and complies with the  
17 requirements of KRS 186A.220, shall not be deemed the owner of that motor  
18 vehicle solely due to an assignment to his dealership or a certificate of title in  
19 the dealership's name. Rather, under these circumstances, ownership shall  
20 transfer upon delivery of the vehicle to the purchaser, subject to any  
21 applicable security interest.

22 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the  
23 transportation of persons or property over or upon the public highways of this  
24 Commonwealth and all vehicles passing over or upon said highways,  
25 excepting road rollers, road graders, farm tractors, vehicles on which power  
26 shovels are mounted, such other construction equipment customarily used  
27 only on the site of construction and which is not practical for the

1 transportation of persons or property upon the highways, such vehicles as  
2 travel exclusively upon rails, and such vehicles as are propelled by electric  
3 power obtained from overhead wires while being operated within any  
4 municipality or where said vehicles do not travel more than five (5) miles  
5 beyond the city limit of any municipality.

6 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or  
7 by which any person or property is or may be transported or drawn upon a  
8 public highway, excepting devices moved by human and animal power or  
9 used exclusively upon stationary rails or tracks, or which derives its power  
10 from overhead wires.

11 (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640  
12 apply to operator's licenses.

13 (10) "Dealer" means any person engaging in the business of buying or selling motor  
14 vehicles.

15 (11) "Commercial vehicles" means all motor vehicles that are required to be registered  
16 under the terms of KRS 186.050, but not including vehicles primarily designed for  
17 carrying passengers and having provisions for not more than nine (9) passengers  
18 (including driver), motorcycles, sidecar attachments, pickup trucks and passenger  
19 vans which are not being used for commercial or business purposes, and motor  
20 vehicles registered under KRS 186.060.

21 (12) "Resident" means any person who has established Kentucky as his or her state of  
22 domicile. Proof of residency shall include but not be limited to a deed or property  
23 tax bill, utility agreement or utility bill, or rental housing agreement. The possession  
24 by an operator of a vehicle of a valid Kentucky operator's license shall be prima-  
25 facie evidence that the operator is a resident of Kentucky.

26 (13) "Special status individual" means:

27 (a) "Asylee" means any person lawfully present in the United States who

1 possesses an I-94 card issued by the United States Department of Justice,  
2 Immigration and Naturalization Service, on which it states "asylum status  
3 granted indefinitely pursuant to Section 208 of the Immigration & Nationality  
4 Act";

5 (b) "K-1 status" means the status of any person lawfully present in the United  
6 States who has been granted permission by the United States Department of  
7 Justice, Immigration and Naturalization Service to enter the United States for  
8 the purpose of marrying a United States citizen within ninety (90) days from  
9 the date of that entry;

10 (c) "Refugee" means any person lawfully present in the United States who  
11 possesses an I-94 card issued by the United States Department of Justice,  
12 Immigration and Naturalization Service, on which it states "admitted as a  
13 refugee pursuant to Section 207 of the Immigration & Nationality Act"; and

14 (d) "Paroled in the Public Interest" means any person lawfully present in the  
15 United States who possesses an I-94 card issued by the United States  
16 Department of Justice, Immigration and Naturalization Service, on which it  
17 states "paroled pursuant to Section 212 of the Immigration & Nationality Act  
18 for an indefinite period of time."

19 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle  
20 instruction permits.

21 (15) "Motorcycle" means any motor driven vehicle having a seat or saddle for the use of  
22 the operator and designed to travel on not more than three (3) wheels in contact  
23 with the ground, including vehicles on which the operator and passengers ride in an  
24 enclosed cab. "Motorcycle" shall include an alternative-speed motorcycle as defined  
25 in this section, but shall not include a tractor or a moped as defined in this section.

26 (16) "Low-speed vehicle" means a motor vehicle that:

27 (a) Is self-propelled using an electric motor, combustion-driven motor, or a

1 combination thereof;

2 (b) Is four (4) wheeled; and

3 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour  
4 as certified by the manufacturer.

5 (17) "Alternative-speed motorcycle" means a motorcycle that:

6 (a) Is self-propelled using an electric motor, combustion-driven motor, or a  
7 combination thereof;

8 (b) Is three (3) wheeled;

9 (c) Has a fully enclosed cab and includes at least one (1) door for entry; and

10 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as  
11 certified by the manufacturer.

12 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a  
13 highway or otherwise open to the public on which a number of motor vehicles may  
14 be used simultaneously to provide driver training under the supervision of one (1) or  
15 more driver training instructors.

16 **(19) "Sport utility all-terrain vehicle" means an all-terrain vehicle that:**

17 **(a) Has a vehicle identification number (VIN);**

18 **(b) Is equipped with three (3) to six (6) tires;**

19 **(c) Is equipped with an engine having a cylinder capacity not less than three**  
20 **hundred (300) cubic centimeters;**

21 **(d) Is equipped with one (1) or two (2) headlamps at a height between twenty-**  
22 **four (24) inches and fifty-four (54) inches;**

23 **(e) Is equipped with a minimum of one (1) red taillight;**

24 **(f) Is equipped with turn signals;**

25 **(g) Is equipped with a minimum of one (1) brake that may be operated by hand**  
26 **or foot;**

27 **(h) Is equipped with seat belts; and**

1 (i) Has a minimum of sixteen (16) square inches of reflective material  
2 mounted on each side of the sport utility all-terrain vehicle's cowling.

3 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) As used in this section, "sport utility all-terrain vehicle" has the same meaning  
6 as in Section 1 of this Act.

7 (2) A person may operate a sport utility all-terrain vehicle on state and county  
8 roadways in unincorporated areas, and city roadways under the provisions of  
9 subsection (5) of this section, if the:

10 (a) Operator is eighteen (18) years of age or older;

11 (b) Operator has a valid operator's license; and

12 (c) Operation is limited to roadways with one (1) or two (2) lanes.

13 (3) A sport utility all-terrain vehicle operating on a highway under the provisions of  
14 this section shall:

15 (a) Prior to titling and registration, pass an inspection performed by a certified  
16 inspector in accordance with the provisions of KRS 186A.115;

17 (b) Be titled in accordance with KRS Chapter 186A;

18 (c) Be registered as a motor vehicle in accordance with KRS 186.050(3)(a); and

19 (d) Be insured in compliance with KRS 304.39-080 by the owner or operator,  
20 and the proof of insurance shall be inside the vehicle at all times of  
21 operation on a highway.

22 (4) A person operating a sport utility all-terrain vehicle under this section shall be  
23 required to wear a helmet if the vehicle is not equipped with a:

24 (a) Roof;

25 (b) Windshield; and

26 (c) Full or half (1/2) door.

27 (5) The local government of a city may pass an ordinance allowing the operation of

1 sport utility all-terrain vehicles on roadways under its jurisdiction, in accordance  
2 with the provisions of this section.

3 (6) The Transportation Cabinet or a local government may prohibit the use of sport  
4 utility all-terrain vehicles on specific roadways under its jurisdiction, if the  
5 cabinet or local government deems it to be unsafe.

6 (7) A person shall not operate a sport utility all-terrain vehicle under the provisions  
7 of this section in a local government that has passed an ordinance prohibiting the  
8 operation of sport utility all-terrain vehicles on roadways under its jurisdiction.

9 (8) A nonresident owner of a sport utility all-terrain vehicle may operate under the  
10 provisions of this section and shall be exempt from registration under this  
11 section, if the vehicle is registered in a state that:

12 (a) Requires registration of sport utility all-terrain vehicles;

13 (b) Requires that sport utility all-terrain vehicles be insured; and

14 (b) Allows a sport utility all-terrain vehicle registered in the Commonwealth to  
15 operate in their state for a limited time.

16 (9) The Transportation Cabinet shall promulgate administrative regulations  
17 pursuant to KRS Chapter 13A to implement the provisions of this section.

18 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO  
19 READ AS FOLLOWS:

20 (1) As used in this section, "sport utility all-terrain vehicle" has the same meaning  
21 as in Section 1 of this Act.

22 (2) A nonresident of the Commonwealth who resides in a state that does not meet the  
23 requirements of subsection (8) of Section 2 of this Act may apply for a  
24 nonresident temporary registration permit to operate a sport utility all-terrain  
25 vehicle pursuant to the provisions outlined in Section 2 of this Act. A person  
26 operating a sport utility all-terrain vehicle under the provisions of this section  
27 shall be exempt from the titling and registration provisions outlined in Section 2

1        of this Act.  
2        (3) The county clerk shall collect a fee of seventy-five dollars (\$75) for each  
3        temporary registration issued under this section, of which the clerk shall forward  
4        one dollar (\$1) to the Transportation Cabinet to defray costs of issuance, forward  
5        sixty-eight dollars (\$68) to the county of issuance, and retain six dollars (\$6).