

1 AN ACT relating to autocycles.

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

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

- 4 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;  
5 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,  
6 means the Transportation Cabinet only with respect to motor vehicles, other than  
7 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the  
8 Department of Vehicle Regulation when used with respect to commercial vehicles.
- 9 (2) "Highway" means every way or place of whatever nature when any part of it is open  
10 to the use of the public, as a matter of right, license, or privilege, for the purpose of  
11 vehicular traffic.
- 12 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who  
13 will, under normal conditions during the year, manufacture or assemble at least ten  
14 (10) new motor vehicles.
- 15 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in  
16 paragraph (a) of subsection (8) of this section, which are propelled otherwise than  
17 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as  
18 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.  
19 "Motor vehicle" shall not include a moped as defined in this section, but shall  
20 include low-speed vehicles as defined in this section.
- 21 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)  
22 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a  
23 motorized bicycle with a step-through type frame which may or may not have  
24 pedals rated no more than two (2) brake horsepower, a cylinder capacity not  
25 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring  
26 clutching or shifting by the operator after the drive system is engaged, and capable  
27 of a maximum speed of not more than thirty (30) miles per hour.

- 1 (6) "Operator" means any person in actual control of a motor vehicle upon a highway.
- 2 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who  
3 pursuant to a bona fide sale has received physical possession of the vehicle  
4 subject to any applicable security interest.
- 5 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with  
6 the vendee or lessee entitled to possession of the vehicle, upon performance of  
7 the contract terms, for a period of three hundred sixty-five (365) days or more  
8 and with the right of purchase upon performance of the conditions stated in  
9 the agreement and with an immediate right of possession vested in the  
10 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to  
11 possession, the conditional vendee or lessee or mortgagor shall be deemed the  
12 owner.
- 13 (c) A licensed motor vehicle dealer who transfers physical possession of a motor  
14 vehicle to a purchaser pursuant to a bona fide sale, and complies with the  
15 requirements of KRS 186A.220, shall not be deemed the owner of that motor  
16 vehicle solely due to an assignment to his dealership or a certificate of title in  
17 the dealership's name. Rather, under these circumstances, ownership shall  
18 transfer upon delivery of the vehicle to the purchaser, subject to any  
19 applicable security interest.
- 20 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the  
21 transportation of persons or property over or upon the public highways of this  
22 Commonwealth and all vehicles passing over or upon said highways,  
23 excepting road rollers, road graders, farm tractors, vehicles on which power  
24 shovels are mounted, such other construction equipment customarily used  
25 only on the site of construction and which is not practical for the  
26 transportation of persons or property upon the highways, such vehicles as  
27 travel exclusively upon rails, and such vehicles as are propelled by electric

1 power obtained from overhead wires while being operated within any  
2 municipality or where said vehicles do not travel more than five (5) miles  
3 beyond the city limit of any municipality.

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

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

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

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

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

24 (13) "Special status individual" means:

25 (a) "Asylee" means any person lawfully present in the United States who  
26 possesses an I-94 card issued by the United States Department of Justice,  
27 Immigration and Naturalization Service, on which it states "asylum status

1 granted indefinitely pursuant to Section 208 of the Immigration & Nationality  
2 Act";

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

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

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

17 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle  
18 instruction permits.

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

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

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

- 1 (b) Is four (4) wheeled; and
- 2 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour
- 3 as certified by the manufacturer.
- 4 (17) "Alternative-speed motorcycle" means a motorcycle that:
- 5 (a) Is self-propelled using an electric motor ~~[, combustion driven motor, or a~~
- 6 ~~combination thereof]~~;
- 7 (b) Is three (3) wheeled;
- 8 (c) Has a fully enclosed cab and includes at least one (1) door for entry; ~~and]~~
- 9 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as
- 10 certified by the manufacturer; **and**
- 11 **(e) Is not an autocycle as defined in this section.**
- 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) "Autocycle" means any motor vehicle that:**
- 17 **(a) Is equipped with a seat that does not require the operator to straddle or sit**
- 18 **astride it;**
- 19 **(b) Is designed to travel on three (3) wheels in contact with the ground;**
- 20 **(c) Is designed to operate at a speed that exceeds forty (40) miles per hour as**
- 21 **certified by the manufacturer;**
- 22 **(d) Allows the operator and passenger to ride either side-by-side or in tandem**
- 23 **in a seating area that may be enclosed with a removable or fixed top;**
- 24 **(e) Is equipped with a three (3) point safety belt system;**
- 25 **(f) May be equipped with manufacturer-installed air bags or a roll cage;**
- 26 **(g) Is designed to be controlled with a steering wheel and pedals; and**
- 27 **(h) Is not an alternative-speed motorcycle as defined in this section.**

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

3 (1) As used in this section, "autocycle" has the same meaning as in Section 1 of this  
4 Act.

5 (2) (a) A person may operate an autocycle on a highway if the operator has a valid  
6 operator's license in his or her possession.

7 (b) An operator of an autocycle shall not be required to obtain a motorcycle  
8 license or endorsement.

9 (3) An autocycle operating on a highway shall be insured in compliance with KRS  
10 304.39-080 by the owner or operator, and the proof of insurance shall be inside  
11 the vehicle at all times of operation on a highway.

12 (4) An autocycle operating on a highway is considered to be a motorcycle as defined  
13 in Section 1 of this Act and shall be titled in accordance with KRS Chapter 186A  
14 and registered as a motorcycle in accordance with KRS 186.050(2).

15 (5) A person operating an autocycle on a highway shall comply with the traffic  
16 regulations of KRS Chapter 189 and shall be subject to the provisions of KRS  
17 Chapter 189A.

18 (6) An operator of an autocycle shall be exempt from the protective headgear  
19 requirements of KRS 189.285.

20           ➔Section 3. KRS 186.480 is amended to read as follows:

21 (1) The Department of Kentucky State Police shall examine every applicant for an  
22 operator's license as identified in KRS 186.6401, except as otherwise provided in  
23 this section. The examination shall be held in the county where the applicant resides  
24 unless:

25 (a) The applicant is granted written permission by the circuit clerk of the county  
26 in which he or she resides to take the examination in another county, and the  
27 Department of Kentucky State Police agree to arrange for the examination in

1 the other county; or

2 (b) The applicant is tested using a bioptic telescopic device.

3 (2) The examination shall include a test of the applicant's eyesight to ensure compliance  
4 with the visual acuity standards set forth in KRS 186.577. The examination shall  
5 also include a test of the applicant's ability to read and understand highway signs  
6 regulating, warning and directing traffic, the applicant's knowledge of traffic laws  
7 and an actual demonstration of the applicant's ability to exercise ordinary and  
8 reasonable control in the operation of a motor vehicle. An applicant for a  
9 motorcycle operator's license shall be required to show his or her ability to operate a  
10 motorcycle, in addition to other requirements of this section. The provisions of this  
11 subsection shall not apply to an applicant who:

12 (a) At the time of application, holds a valid operator's license from another state,  
13 provided that state affords a reciprocal exemption to a Kentucky resident; or

14 (b) Is a citizen of the Commonwealth who has been serving in the United States  
15 military and has allowed his or her operator's license to expire.

16 (3) Any person whose intermediate license or operator's license is denied, suspended, or  
17 revoked for cause shall apply for reinstatement at the termination of the period for  
18 which the license was denied, suspended, or revoked by submitting to the  
19 examination. The provisions of this subsection shall not apply to any person whose  
20 license was suspended for failure to meet the conditions described in KRS 186.411  
21 when, within one (1) year of suspension, the driving privileges of such individuals  
22 are reinstated.

23 **(4) An applicant shall not use an autocycle for road skills testing administered under**  
24 **the provisions of this section.**

25 ➔Section 4. KRS 190.010 is amended to read as follows:

26 As used in this chapter:

27 (1) "Manufacturer" means any person, partnership, firm, association, corporation, or

1 trust, resident or nonresident, who manufactures or assembles new motor vehicles,  
2 or imports for distribution through distributors of new motor vehicles, or any  
3 partnership, firm, association, joint venture, corporation, or trust, resident or  
4 nonresident, which is controlled by the manufacturer. Additionally, the term  
5 "manufacturer" shall include the following terms:

6 (a) "Distributor" which means any person, firm, association, corporation, or trust,  
7 resident or nonresident, who in whole or in part offers for sale, sells, or  
8 distributes any new motor vehicle to new motor vehicle dealers, or who  
9 maintains factory representatives, or who controls any person, firm,  
10 association, corporation, or trust, resident or nonresident, who in whole or in  
11 part offers for sale, sells, or distributes any new motor vehicle to new motor  
12 vehicle dealers;

13 (b) "Factory branch" which means a branch office maintained by a manufacturer  
14 for the purpose of selling, or offering for sale, new motor vehicles to a  
15 distributor, wholesaler, or new motor vehicle dealer, or for directing or  
16 supervising, in whole or in part, factory or distributor representatives, and  
17 shall further include any sales promotion organization, whether the same be a  
18 person, firm, or corporation, which is engaged in promoting the sale of new  
19 motor vehicles in this state of a particular brand or make to new motor vehicle  
20 dealers;

21 (c) "Factory representative" which means a representative employed by a  
22 manufacturer, distributor, or factory branch for the purpose of making or  
23 promoting for the sale of his, its, or their new motor vehicles, or for  
24 supervising or contracting with his, its, or their dealers, or prospective dealers;

25 (d) "Distributor branch" which means a branch office similarly maintained by a  
26 distributor or wholesaler for the same purposes; and

27 (e) "Distributor representative" which means a representative similarly employed



- 1 by a distributor, distributor branch, or wholesaler;
- 2 (2) "Motor vehicle dealer" means any person not excluded by subsection (3) of this  
3 section, engaged in the business of selling, offering to sell, soliciting, or advertising  
4 the same, of new or used motor vehicles, or possessing motor vehicles for the  
5 purpose of resale, either on his own account, or on behalf of another, either as his  
6 primary business or incidental thereto;
- 7 (3) The term "motor vehicle dealer" shall not include:
- 8 (a) Receivers, trustees, administrators, executors, guardians, or other persons  
9 appointed by or acting under the judgment or order of any court, and any bank,  
10 trust company, or lending institution that is subject to state or federal  
11 regulation, with regard to its disposition of repossessed motor vehicles;
- 12 (b) Public officers while performing their official duties; or
- 13 (c) Employees of persons enumerated in paragraphs (a) and (b) of this subsection,  
14 when engaged in the specific performance of their duties as employees;
- 15 (4) "New motor vehicle dealer" means a vehicle dealer who holds a valid sales and  
16 service agreement, franchise, or contract, granted by the manufacturer, distributor,  
17 or wholesaler for the sale of the manufacturer's new motor vehicles;
- 18 (5) "New motor vehicle dealership facility" means an established place of business  
19 which is being used or will be used primarily for the purpose of selling, buying,  
20 displaying, repairing, and servicing motor vehicles;
- 21 (6) "Used motor vehicle dealer" means any person engaged in the business of selling at  
22 retail, displaying, offering for sale, or dealing in used motor vehicles *or autocycles*  
23 *as defined in Section 1 of this Act*, but shall not mean any person engaged in the  
24 business of dismantling, salvaging, or rebuilding motor vehicles by means of using  
25 used parts, or any public officer performing his official duties;
- 26 (7) "Motor vehicle leasing dealer" means any person engaged in the business of  
27 regularly making available, offering to make available, or arranging for another

- 1 person to use a motor vehicle pursuant to a bailment, lease, or other contractual  
2 arrangement under which a charge is made for its use at a periodic rate for at least a  
3 monthly term, and title to the motor vehicle is in a person other than the user, but  
4 shall not mean a manufacturer or its affiliate leasing to its employees or to dealers;
- 5 (8) "Restricted motor vehicle dealer" means a motor vehicle dealer who exclusively  
6 sells, offers to sell, solicits, or advertises specialized motor vehicles including, but  
7 not limited to, funeral coaches, emergency vehicles, and an automotive recycling  
8 dealer engaged in the business of dismantling, salvaging, or recycling salvage motor  
9 vehicles for the purpose of harvesting used parts, components, assemblies, and  
10 recyclable materials for resale, reuse, or reclamation;
- 11 (9) "Motorcycle dealer" means a motor vehicle dealer who exclusively sells, offers to  
12 sell, solicits, or advertises motorcycles, including alternative-speed motorcycles as  
13 defined in KRS 186.010 and autocycles as defined in Section 1 of this Act.  
14 Motorcycles shall not include mopeds as defined in this section;
- 15 (10) "Motor vehicle salesperson" means any person who is employed as a salesperson by  
16 a motor vehicle dealer to sell motor vehicles, or who is employed as an auctioneer  
17 by a motor vehicle auction dealer to sell motor vehicles at auction;
- 18 (11) "Motor vehicle auction dealer" means any person primarily engaged in the business  
19 of offering, negotiating, or attempting to negotiate a sale, purchase, or exchange of a  
20 motor vehicle through auction;
- 21 (12) "Motor vehicle" means every vehicle intended primarily for use and operation on  
22 the public highways that is self-propelled including low-speed motor vehicles as  
23 defined in KRS 186.010, but shall not include any recreational vehicle or farm  
24 tractors and other machines and tools used in the production, harvesting, and care of  
25 farm products;
- 26 (13) "New motor vehicle" means a vehicle that is in the possession of the manufacturer,  
27 distributor, or wholesaler, or has been sold to the holders of a valid sales and service

- 1 agreement, franchise, or contract, granted by the manufacturer, distributor, or  
2 wholesaler for the sale of the make of new vehicle, which is new, and on which the  
3 original title has not been issued from the franchised dealer;
- 4 (14) "Moped" means a motorized bicycle with pedals whose frame design may include  
5 one (1) or more horizontal crossbars supporting a fuel tank, or a motorized bicycle  
6 with pedals and with a step through type frame rated no more than two (2) brake  
7 horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an  
8 automatic transmission not requiring clutching or shifting by the operator after the  
9 drive system is engaged, and capable of a maximum speed of not more than thirty  
10 (30) miles per hour;
- 11 (15) "Commission" means the Motor Vehicle Commission;
- 12 (16) "Commissioner" means the commissioner of the department;
- 13 (17) "Department" means the Department of Vehicle Regulation;
- 14 (18) "Licensor" means the commission;
- 15 (19) "Established place of business" means a permanent, enclosed commercial building  
16 located within this state, easily accessible and open to the public at all reasonable  
17 times, and at which the business of a vehicle dealer, including the display and repair  
18 of vehicles, may be lawfully carried on in accordance with the terms of all  
19 applicable building codes, zoning, and other land use regulatory ordinances;
- 20 (20) "Person" means a person, partnership, firm, corporation, association, trust, estate, or  
21 other legal entity;
- 22 (21) "Franchise" means the agreement or contract between any new motor vehicle  
23 manufacturer, written or otherwise, and any new motor vehicle dealer that purports  
24 to fix the legal rights and liabilities of the parties to an agreement or contract, and  
25 pursuant to which the dealer purchases and resells the franchise product;
- 26 (22) "Good faith" means honesty in fact, and the observance of reasonable commercial  
27 standards of fair dealing in the trade, as is defined and interpreted in KRS 355.2-

1 103(1)(b);

2 (23) "Designated family member" means the spouse, child, grandchild, parent, brother,  
3 or sister of a dealer who, in the case of a deceased dealer, is entitled to inherit the  
4 dealer's ownership interest in the dealership under the terms of the dealer's will; or  
5 who has otherwise been designated in writing by a deceased dealer to succeed him  
6 in the motor vehicle dealership; or who, under the laws of intestate succession of  
7 this state is entitled to inherit the interest; or who, in the case of an incapacitated  
8 dealer, has been appointed by a court as the legal representative of the dealer's  
9 property. The term includes the appointed and qualified personal representative and  
10 testamentary trustee of a deceased dealer;

11 (24) "Fraud" means a misrepresentation in any manner, whether intentionally false or  
12 due to gross negligence, of a material fact; a promise or representation not made in  
13 good faith; or an intentional failure to disclose material fact;

14 (25) "Sale" means the issuance, transfer, agreement for transfer, exchange, lease, pledge,  
15 hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of  
16 any motor vehicle or interest in it, or of any franchise related to it, as well as any  
17 option, subscription, other contract, or solicitation looking to a sale, offer to attempt  
18 to sell in any form, whether spoken or written. A gift or delivery of any motor  
19 vehicle or franchise with respect thereto, with or as a bonus on account of the sale  
20 of anything, shall be deemed a sale of the motor vehicle or franchise;

21 (26) "Automotive mobility dealer" means any motor vehicle dealer who:

22 (a) Exclusively engages in the business of selling, offering to sell, or soliciting or  
23 advertising the sale of adapted vehicles;

24 (b) Possesses adapted vehicles exclusively for the purpose of resale, either on his  
25 or her own account or on behalf of another, as his or her primary business or  
26 incidental thereto; or

27 (c) Engages in the business of selling, installing, or servicing; offering to sell,

1 install, or service; or soliciting or advertising the sale, installation, or servicing  
2 of equipment or modifications specifically designed to facilitate use or  
3 operation of a motor vehicle by an aging or disabled person;

4 (27) "Adapted vehicle" means a new or used motor vehicle especially designed or  
5 modified for use by an aging or disabled person;

6 (28) "Mobility equipment" means equipment specifically designed to facilitate the use of  
7 a motor vehicle by an aging or disabled person;

8 (29) "Nonprofit motor vehicle dealer" means a nonprofit organization exempt from  
9 taxation under Section 501(c)(3) of the Internal Revenue Code that purchases motor  
10 vehicles that it may offer for purchase to clients and other individuals who meet the  
11 definition of client as defined in this section and who are referred to the  
12 organization by public or private social service agencies;

13 (30) "Client" means a person who has an open case file with a nonprofit organization or  
14 governmental agency and who meets the standards for disability or disadvantaging  
15 condition as established in administrative regulations promulgated by the  
16 commission pursuant to KRS 190.032(4);

17 (31) "Recreational vehicle" means a vehicle that:

18 (a) Is primarily designed as temporary living quarters for noncommercial  
19 recreation or camping use;

20 (b) Has its own motive power or is towed by another vehicle;

21 (c) Is regulated by the National Highway Traffic Safety Administration as a  
22 vehicle; and

23 (d) Does not require a special highway use permit; and

24 (32) "New recreational vehicle dealer" means a new recreational vehicle dealer as  
25 defined in KRS 190A.010.

26 ➔Section 5. KRS 189.635 is amended to read as follows:

27 (1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall

1 be responsible for maintaining a reporting system for all vehicle accidents which  
2 occur within the Commonwealth. Such accident reports shall be utilized for such  
3 purposes as will improve the traffic safety program in the Commonwealth involving  
4 the collection, processing, storing, and dissemination of such data and the  
5 establishment of procedures by administrative regulations to insure that uniform  
6 definitions, classifications, and other federal requirements are in compliance.

7 (2) Any person operating a vehicle on the highways of this state who is involved in an  
8 accident resulting in fatal or nonfatal personal injury to any person or damage to the  
9 vehicle rendering the vehicle inoperable shall be required to immediately notify a  
10 law enforcement officer having jurisdiction. In the event the operator fails to notify  
11 or is incapable of notifying a law enforcement officer having jurisdiction, such  
12 responsibility shall rest with the owner of the vehicle or any occupant of the vehicle  
13 at the time of the accident. A law enforcement officer having jurisdiction shall  
14 investigate the accident and file a written report of the accident with his law  
15 enforcement agency.

16 (3) Every law enforcement agency whose officers investigate a vehicle accident of  
17 which a report must be made as required in this chapter shall file a report of the  
18 accident with the Department of Kentucky State Police within ten (10) days after  
19 investigation of the accident upon forms supplied by the department.

20 (4) Any person operating a vehicle on the highways of this state who is involved in an  
21 accident resulting in any property damage exceeding five hundred dollars (\$500) in  
22 which an investigation is not conducted by a law enforcement officer shall file a  
23 written report of the accident with the Department of Kentucky State Police within  
24 ten (10) days of occurrence of the accident upon forms provided by the department.

25 (5) All accident reports filed with the Department of Kentucky State Police in  
26 compliance with subsection (4) above shall not be considered open records under  
27 KRS 61.872 to 61.884 and shall remain confidential except that the department may

1 disclose the identity of a person involved in an accident when his or her identity is  
2 not otherwise known or when he or she denies his or her presence at an accident.  
3 Except as provided in subsection (9) of this section, all other accident reports  
4 required by this section, and the information contained in the reports, shall be  
5 confidential and exempt from public disclosure except when produced pursuant to a  
6 properly executed subpoena or court order, or except pursuant to subsection (8) of  
7 this section. These reports shall be made available only to the parties to the  
8 accident, the parents or guardians of a minor who is party to the accident, and  
9 insurers or their written designee for insurance business purposes of any party who  
10 is the subject of the report, or to the attorneys of the parties.

11 (6) Except as provided for in this subsection, the department shall not release accident  
12 reports for a commercial purpose. The department may, as a matter of public safety,  
13 contract with an outside entity and release vehicle damage data extracted from  
14 accident reports to such an entity if the data is used solely for the purpose of  
15 providing the public a means of determining a vehicle's accident history. The  
16 department may further contract with a third party to provide electronic access to  
17 reports for persons and entities who are entitled to such reports under subsections  
18 (5) and (9) of this section.

19 (7) The department shall promulgate administrative regulations in accordance with  
20 KRS Chapter 13A to set out a fee schedule for accident reports made available  
21 pursuant to subsections (5), (8), and (9) of this section. These fees shall be in  
22 addition to those charged to the public for records produced under KRS Chapter 61.

23 (8) The report shall be made available to a news-gathering organization, solely for the  
24 purpose of publishing or broadcasting the news. The news-gathering organization  
25 shall not use or distribute the report, or knowingly allow its use or distribution, for a  
26 commercial purpose other than the news-gathering organization's publication or  
27 broadcasting of the information in the report. A newspaper, periodical, or radio or

1 television station shall not be held to have used or knowingly allowed the use of the  
2 report for a commercial purpose merely because of its publication or broadcast.

3 (9) The report shall be made available without subpoena to any party to litigation who  
4 files with the department a request for the report and includes a copy of the first  
5 page of a District or Circuit Court clerk-stamped complaint naming all parties.

6 (10) The motor vehicle insurers of any train engineer or other train crew member  
7 involved in an accident on a railroad while functioning in their professional capacity  
8 shall be prohibited from obtaining a copy of any accident report filed on the  
9 accident under this section without written consent from the individual the company  
10 insures. Insurance companies issuing motor vehicle policies in the Commonwealth  
11 shall be prohibited from raising a policyholder's rates solely because the  
12 policyholder, in his or her professional capacity, is a train engineer or other train  
13 crew member involved in an accident on a railroad.

14 **(11) For reporting and statistical purposes, an autocycle as defined in Section 1 of this**  
15 **Act shall be listed as its own distinct category and shall not be considered to be a**  
16 **motor vehicle or a motorcycle for reports issued under this section.**