

1 AN ACT relating to special license plates.

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

3 ➔Section 1. KRS 186.164 is amended to read as follows:

4 (1) The SF portion of the fee required under KRS 186.162 shall include the fee to
5 reflectorize all license plates under KRS 186.240. All EF fees required under KRS
6 186.162 shall be collected at the time of an initial or renewal application by the
7 county clerk who shall forward the EF fee to the cabinet. The cabinet shall remit EF
8 fees to the group or organization identified in KRS 186.162 on a quarterly basis.
9 The cabinet may retain any investment income earned from holding EF fees
10 designated to be remitted under this subsection to offset administrative costs
11 incurred by the cabinet in the administration of EF fees.

12 (2) A special license plate shall be the color and design selected by the group or
13 organization identified in subsection (13) of this section, contingent upon the
14 approval of the Transportation Cabinet. In addition to the design selected for a
15 special license plate, the name "Kentucky," an annual renewal decal, and any
16 combination of letters or numerals required by the cabinet in the design shall also
17 appear on the plate.

18 (3) ***(a)*** Except as provided in KRS 186.162, the total initial fee for a special license
19 plate created under this chapter shall be ***fifty dollars (\$50)***~~twenty-eight~~
20 ~~dollars (\$28)~~, ***which shall include six dollars (\$6) for the county clerk as set***
21 ***forth in KRS 186.040(1) and the additional three dollar (\$3) fee set forth in***
22 ***KRS 186.040(6). The Transportation Cabinet shall retain the remainder of***
23 ***the fee.***~~[of which the Transportation Cabinet shall receive twenty-five dollars~~
24 ~~(\$25) and the county clerk shall receive three dollars (\$3), and]~~

25 ***(b)*** The total renewal fee shall be ***twenty-one dollars (\$21)***~~fifteen dollars (\$15)~~,
26 ***which shall include six dollars (\$6) for the county clerk as set forth in KRS***
27 ***186.040(1) and the additional three dollar (\$3) fee set forth in KRS***

1 186.040(6). The Transportation Cabinet shall retain the remainder of the
2 ~~fee~~[of which the Transportation Cabinet shall receive twelve dollars (\$12) and
3 the county clerk shall receive three dollars (\$3)].

4 (c) The ~~fees~~[twenty five dollar (\$25) initial fee and twelve dollar (\$12) renewal
5 fee] received by the Transportation Cabinet under this subsection shall include
6 an applicant's registration fee required under KRS 186.050.

7 (4) An actual metal special license plate shall be issued on the same schedule as regular
8 license plates are issued under KRS 186.240. The cabinet shall have the discretion
9 to extend the time period that will exist between the date a metal special license
10 plate is issued and the date that regular plates are issued under KRS 186.240. A
11 renewal registration decal shall be issued all other years during the owner's or
12 lessee's birth month, except as provided in KRS 186.041(2) and 186.042(5). A
13 person seeking a special license plate for a vehicle provided as part of the person's
14 occupation shall conform to the requirements of KRS 186.050(14).

15 (5) (a) If a special license plate issued under this chapter deteriorates to the point that
16 the lettering, numbering, or images on the face of the plate are not legible, the
17 plate shall be replaced free of charge, if the owner or lessee has not transferred
18 the vehicle to which the plate was issued during the current licensing period.

19 (b) If a special license plate issued under this chapter is lost, stolen, or damaged in
20 an accident, the county clerk shall issue a new plate upon payment of a three
21 dollar (\$3) county clerk fee, if the owner or lessee has not transferred the
22 vehicle to which the plate was issued during the current licensing period.

23 (6) Upon the sale, transfer, or termination of a lease of a vehicle with any special
24 license plate issued under this chapter, the owner or lessee shall remove the special
25 plate and return it and the certificate of registration to the county clerk. The county
26 clerk shall reissue the owner or lessee a regular license plate and a certificate of
27 registration upon payment of a three dollar (\$3) county clerk fee. If the owner or

1 lessee requests, the county clerk shall reissue the special plate upon payment of a
2 three dollar (\$3) county clerk fee for use on any other vehicle of the same
3 classification and category owned, leased, or acquired by the person during the
4 current licensing period. If the owner or lessee has the special plate reissued to a
5 vehicle which has been previously registered in this state, the regular license plate
6 that is being replaced shall be returned to the county clerk who shall forward the
7 plate to the Transportation Cabinet.

8 (7) A special license plate may be issued to the owner or lessee of a motor vehicle that
9 is required to be registered under KRS 186.050(1), (3)(a), or (4)(a), except a special
10 license plate shall not be issued to a taxicab, limousine, or U-Drive-It registered and
11 licensed under this chapter or KRS Chapter 281. A person applying for a special
12 license plate shall apply in the office of the county clerk in the county of the
13 person's residence, except as provided in KRS 186.168(3). All special license plates
14 issued under this chapter may be combined with a personalized license plate under
15 the provisions of KRS 186.174. The fee to combine a special license plate with a
16 personalized license plate shall be as established in KRS 186.162(3).

17 (8) Within thirty (30) days of termination from election to, appointment to, or
18 membership with any group or organization, an applicant to whom a special license
19 plate was issued under this chapter shall return the special license plate to the
20 county clerk of the county of his or her residence, unless the person is merely
21 changing his or her status with the group or organization to retired.

22 (9) A group wanting to create a special license plate that is not authorized under this
23 chapter on the effective date of this Act~~[June 20, 2005]~~, shall comply with the
24 following conditions before being eligible to apply for a special license plate:

25 (a) The group shall be nonprofit and based, headquartered, or have a chapter in
26 Kentucky;

27 (b) The group may be organized for, but shall not be restricted to, social, civic, or

1 entertainment purposes;

2 (c) The ~~[group, or the group's lettering, logo, image, or]~~message to be placed on
3 the license plate, if created, shall not discriminate against any race, color,
4 religion, sex, or national origin, and shall not be construed, as determined by
5 the cabinet, as an attempt to victimize or intimidate any person due to the
6 person's race, color, religion, sex, or national origin;

7 (d) The plate~~[group]~~ shall not represent~~[be]~~ a political party and shall not have
8 been created primarily to promote a specific political belief;

9 (e) The plate~~[group]~~ shall not have as its primary purpose the promotion of any
10 specific faith, religion, or antireligion;

11 (f) The plate~~[name of the group]~~ shall not be the name of a special product or
12 brand name, and shall not be construed, as determined by the cabinet, as
13 promoting a product or brand name; and

14 (g) The plate's~~[group's]~~ lettering, logo, image, or message to be placed on the
15 license plate, if created, shall not be obscene, as determined by the cabinet.

16 (10) If the cabinet denies to issue a group a special license plate based upon the
17 conditions specified in subsection (9) of this section, the cabinet shall, immediately
18 upon denying to issue a group a special license plate, notify in writing the
19 chairperson of both the House and Senate standing committees on transportation of
20 the denial and the reasons upon which the cabinet based the denial.~~[A person~~
21 ~~seeking a personalized license plate under KRS 186.174 shall be subject to the~~
22 ~~conditions specified in subsection (9)(c) to (g) of this section.]~~

23 (11) If the cabinet approves a request for a special license plate, the cabinet shall begin
24 designing and printing the plate after:~~[]~~

25 (a) The group collects a minimum of nine hundred (900) applications with each
26 application being accompanied by a fifty dollar (\$50) initial~~[twenty-five~~
27 ~~dollar (\$25) state]~~ fee as required under subsection (3) of this section. The

1 applications and accompanying fee shall be submitted to the cabinet at one (1)
2 time as a whole and shall not be submitted individually or intermittently; and

3 (b) The group submits to the cabinet the programming and production costs for
4 the plate.

5 (12) A group that is approved for a special license plate shall maintain a minimum
6 number of five hundred (500) registrations annually for the cabinet to continue
7 production of the plate.

8 (13) An initial applicant for, or an applicant renewing, his or her registration for a special
9 license plate shall[may], at the time of application, make a [voluntary] contribution
10 that the county clerk shall forward to the cabinet. The entity that sponsors a special
11 plate established by the process outlined in this section shall[may] set a [requested]
12 donation amount, not to exceed ten dollars (\$10), that will automatically be added
13 to the cost of registration or renewal, ~~unless the individual registering or renewing~~
14 ~~the vehicle registration opts out of contributing that recommended amount~~. The
15 cabinet shall, on an annual basis, remit the [voluntary] contributions to the
16 appropriate group identified to be used for the declared purpose stated under
17 subsection (14)[~~(13)~~] of this section. The cabinet may retain any investment income
18 earned from holding [voluntary] contributions designated to be remitted under this
19 subsection to offset administrative costs incurred by the cabinet in the
20 administration of the contributions. Any group or organization that receives a
21 mandatory EF fee under KRS 186.162 shall maintain[submit] the information
22 required under subsection (14)[~~(13)~~](a) and (c) of this section with[to] the
23 Transportation Cabinet [~~within thirty (30) days of June 20, 2005~~].

24 (14)[~~(13)~~] Prior to receiving donations [~~If a group wants to receive a donation when the~~
25 ~~group or organization's special license plate is initially purchased or renewed~~] under
26 subsection (13)[~~(12)~~] of this section, the group shall, at the time the nine hundred
27 (900) applications are submitted to the Transportation Cabinet, also submit a

1 notarized affidavit to the cabinet attesting to:

- 2 (a) The name, address, and telephone number for the group or organization. If the
3 group or organization does not have its headquarters in the Commonwealth,
4 then the name, address, and telephone number for the group or organization's
5 Kentucky state chapter shall be required. The names of the officers of the
6 group or organization shall also be required. If the entity receiving funds
7 under subsection ~~(13)~~[(12)] of this section is not a state governmental agency,
8 a program unit within a state governmental agency, or is a group or
9 organization that does not have a statewide chapter, then ~~a~~[an extra] donation
10 for use by the group or organization shall be prohibited;
- 11 (b) The amount of the monetary donation the group wants to receive when a
12 person purchases the group or organization's special license plate; and
- 13 (c) The purpose for which the donated funds will be used by the group or
14 organization. Donated funds shall not be limited for use by members of the
15 group or organization, and shall not be used for administrative or personnel
16 costs of the group or organization.

17 ~~(15)~~[(14)] All funds received by a group or organization under subsection ~~(13)~~[(12)] of
18 this section shall be deposited into an account separate from all other accounts the
19 group or organization may have, and the account shall be audited yearly at the
20 expense of the group or organization. The completed audit shall be forwarded to the
21 Transportation Cabinet in Frankfort. One hundred percent (100%) of the funds
22 received by a group or organization under subsection ~~(13)~~[(12)] of this section shall
23 be used for the express purpose identified by the group in subsection ~~(14)~~[(13)] of
24 this section. Any group or organization that receives a mandatory EF fee under KRS
25 186.162 shall comply with the provisions of this subsection.

26 ~~(16)~~[(15)] The secretary of the Transportation Cabinet shall promulgate administrative
27 regulations under KRS Chapter 13A to establish additional rules to implement the

1 issuance of special license plates issued under this chapter, including but not limited
2 to:

3 (a) Documentation that will be required to accompany an application for a special
4 license plate to provide proof of:

- 5 1. Election to the United States Congress or the Kentucky General
6 Assembly;
- 7 2. Election or appointment to the Kentucky Court of Justice;
- 8 3. Membership in a Masonic Order, Fraternal Order of Police, or
9 emergency management organization;
- 10 4. Eligibility for membership in the Gold Star Mothers of America;
- 11 5. Eligibility as a father for associate membership in the Gold Star Mothers
12 of America;
- 13 6. Eligibility for membership in the Gold Star Wives of America;
- 14 7. Ownership of an amateur radio operator license;
- 15 8. Receipt of the Silver Star Medal;
- 16 9. Receipt of the Bronze Star Medal awarded for valor;
- 17 10. Eligibility for a Gold Star Siblings license plate for a person whose
18 sibling died while serving the country in the United States Armed
19 Forces. For the purposes of this subparagraph, "sibling" means a sibling
20 by blood, a sibling by half-blood, a sibling by adoption, or a stepsibling;
21 or
- 22 11. Eligibility for a Gold Star Sons or Gold Star Daughters license plate for
23 a person whose parent or stepparent died while serving the country in
24 the United States Armed Forces;

25 (b) The time schedule permissible for a group or organization to request a design
26 change for the special license plate; and

27 (c) The procedures for review of proposed license plates and the standards by

1 which proposed special license plates are approved or rejected in accordance
2 with subsection (9) of this section.

3 ~~(17)~~~~(16)~~ Any individual, group, or organization that fails to audit any funds received
4 under this chapter, or that intentionally uses any funds received in any way other
5 than attested to under subsection ~~(14)~~~~(13)~~ of this section or for administrative or
6 personnel costs in violation of subsection ~~(14)~~~~(13)~~ of this section, shall be guilty
7 of a Class D felony and upon conviction shall, in addition to being subject to
8 criminal penalties, be assessed a mandatory five thousand dollar (\$5,000) fine.

9 ➔Section 2. KRS 186.172 is amended to read as follows:

10 (1) Upon application to the county clerk of the county of his residence, any current or
11 retired member of a fire department, volunteer fire department, or fire protection
12 district in the Commonwealth shall be issued a special firefighter license plate that
13 shall bear the inscription "Firefighter," a registration number, and an appropriate
14 standardized insignia.

15 (2) Each initial or renewal application shall be accompanied by proof of current service
16 or retirement as a firefighter as furnished by the fire chief, the mayor or trustee of a
17 city, or the county judge/executive in appropriate rural areas, and the payment of the
18 fees set forth in KRS 186.162.

19 (3) The special firefighter license plate shall be administered in the same manner as
20 other special license plates as prescribed in KRS 186.164.~~[-The Kentucky~~
21 ~~Firefighters Association may petition the Transportation Cabinet to place a~~
22 ~~voluntary contribution on special firefighter license plates in accordance with KRS~~
23 ~~186.164(12) to (14).]~~

24 ➔Section 3. KRS 186.174 is amended to read as follows:

25 (1) For purposes of this section, "personalized license plate" means a license plate
26 issued with personal letters or numbers significant to the applicant and it also means
27 a license plate that is issued under this section and has been combined with a special

1 license plate.

2 (2) Any owner or lessee of a motor vehicle that is required to be registered under the
3 provisions of KRS 186.050(1), (3)(a), or (4)(a), or any owner or lessee of a
4 motorcycle required to be registered under the provisions of KRS 186.050(2) may
5 obtain a personalized license plate by applying for a personalized license plate in
6 the office of the county clerk and upon payment of the fee required in KRS 186.162.
7 A person initially applying for a personalized license plate shall submit the
8 application and appropriate SF fee in person to the county clerk, but may submit the
9 annual application to renew the personalized license plate and entire fee required in
10 KRS 186.162 by mail to the county clerk.

11 (3) ~~{(a) For personalized license plates already issued on July 14, 2018, renewal~~
12 ~~applications and fees must be received by the Transportation Cabinet on or~~
13 ~~before September 1, 2018. Except as provided in paragraph (b) of this~~
14 ~~subsection, personalized license plates that expire December 31, 2018, and are~~
15 ~~renewed under this subsection, shall then expire on the last day of the birth~~
16 ~~month of the applicant in 2019 and in each succeeding year. An applicant who~~
17 ~~renews a plate under this paragraph shall be charged a prorated registration fee~~
18 ~~based on the number of months the registration is valid for during the year~~
19 ~~2019.~~

20 ~~(b) Personalized license plates that expire December 31, 2018, and are renewed~~
21 ~~under this subsection by individuals whose birth months are in January,~~
22 ~~February, and March shall expire April 30, 2019, and then shall expire on the~~
23 ~~last day of the birth month of the applicant in each succeeding year. An~~
24 ~~applicant who renews a plate under this paragraph shall be charged a prorated~~
25 ~~registration fee based on the number of months the registration is valid for~~
26 ~~during the year 2019.~~

27 ~~(4)} Personalized license plates {issued after July 14, 2018,} shall expire on the last day~~

1 of the birth month of the applicant.

2 ~~(4)~~~~(5)~~ A personalized license plate shall be replaced on the same schedule as regular
 3 issue license plates unless it is damaged or unreadable. A county clerk shall
 4 immediately forward the application and the fee required in KRS 186.162 for a
 5 personalized license plate to the Transportation Cabinet. The initial fee for a
 6 personalized license plate that has been combined with special license plate shall be
 7 as established in KRS 186.162(3).

8 ~~(5)~~~~(6)~~ **(a)** A personalized plate shall not be issued that would conflict with or
 9 duplicate the alphabetical-numerical system used for regular license plates or
 10 any other license plates issued in the Commonwealth, and shall not contain a
 11 combination of more than six (6) letters of the alphabet and Arabic numerals,
 12 including spaces.

13 **(b)** A personalized plate shall not be issued if the cabinet determines the request
 14 fails to comply with the ***following*** conditions ~~:[specified in KRS~~
 15 ~~186.164(9)(c) to (g).]~~

- 16 **1. The message to be placed on the license plate, if created, shall not**
 17 **discriminate against any race, color, religion, sex, or national origin,**
 18 **and shall not be construed, as determined by the cabinet, as an attempt**
 19 **to victimize or intimidate any person due to the person's race, color,**
 20 **religion, sex, or national origin;**
- 21 **2. The plate shall not represent a political party and shall not have been**
 22 **created primarily to promote a specific political belief;**
- 23 **3. The plate shall not have as its primary purpose the promotion of any**
 24 **specific faith, religion, or antireligion;**
- 25 **4. The plate shall not be the name of a special product or brand name,**
 26 **and shall not be construed, as determined by the cabinet, as promoting**
 27 **a product or brand name; and**

1 5. The plate's lettering or message to be placed on the license plate, if
 2 created, shall not be obscene, as determined by the cabinet.

3 (c) The owner or lessee shall submit an application and fee to renew a
 4 personalized license plate pursuant to the provisions of this section. Once an
 5 applicant obtains a personalized plate, he or she will have first priority on that
 6 plate for each of the following years that he or she makes timely and proper
 7 application.

8 ➔Section 4. KRS 186.166 is amended to read as follows:

9 (1) The Transportation Cabinet shall, unless directed otherwise by the General
 10 Assembly, perpetually produce the following special license plates: military license
 11 plates, U.S. Congressional license plates, firefighter license plates, emergency
 12 management license plates, Fraternal Order of Police license plates, Law
 13 Enforcement Memorial license plates, street rod license plates, nature license plates,
 14 amateur radio license plates, Kentucky General Assembly license plates, Kentucky
 15 Court of Justice license plates, Masonic Order license plates, collegiate license
 16 plates, independent college and university license plates, child victims' trust fund
 17 license plates, Kentucky Horse Council license plates, Ducks Unlimited license
 18 plates, Gold Star Mothers, Fathers, and Spouses license plates, Gold Star Siblings,
 19 Sons, and Daughters license plates, Silver Star Medal license plates, Bronze Star
 20 Medal license plates, spay neuter license plates, service academy license plates, and
 21 I Support Veterans license plates.

22 (2) The design of the plates identified for perpetual production under this section may
 23 be revised upon request of a group or organization requesting a design revision
 24 under the provisions of KRS 186.164~~(15)~~(16).

25 (3) (a) The design of a Purple Heart license plate shall not include any representation
 26 of the word "Kentucky" that is a registered trademark or slogan which appears
 27 on a general issue license plate.

1 (b) The design of a Purple Heart license plate shall include a representation of the
2 Purple Heart medal and the words "Combat Wounded."

3 ➔Section 5. The following KRS section is repealed:

4 186.167 Masonic Homes of Kentucky, Inc. -- Petition for voluntary contributions under
5 KRS 186.164.