

1 AN ACT relating to transportation.

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

3 ➔Section 1. KRS 186.020 is amended to read as follows:

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

- 20 (a) A bill of sale and a manufacturer's certificate of origin if the application is for  
21 the registration of a new motor vehicle;
- 22 (b) The owner's registration receipt, if the motor vehicle was last registered in this  
23 state;
- 24 (c) A bill of sale and the previous registration receipt, if last registered in another  
25 state where the law of that state does not require the owner of a motor vehicle  
26 to obtain a certificate of title or ownership;
- 27 (d) A certificate of title, if last registered in another state where the law of that

1 state requires the owner of a motor vehicle to obtain a certificate of title or  
2 ownership;

3 (e) An affidavit from an officer of a local government saying that the motor  
4 vehicle has been abandoned and that the provisions of KRS 82.630 have been  
5 complied with, for local governments which elect to use the provisions of  
6 KRS 82.600 to 82.640; and

7 (f) The application from a person who has brought a motor vehicle into the  
8 Commonwealth from another state shall be accompanied by proof that the  
9 motor vehicle is insured in compliance with KRS 304.39-080.

10 (2) After that, except as provided in subsection (6) of this section, the owner of any  
11 motor vehicle registered under KRS 186.050(1) or (2) shall register ~~the~~<sup>his</sup> motor  
12 vehicle on or before the date on which ~~the~~<sup>his</sup> certificate of registration expires. If,  
13 before operating the motor vehicle in this state, the owner registers it at some later  
14 date and pays the fee for the full year, he or she will be deemed to have complied  
15 with the law. Insofar as the owner is concerned, registration with the clerk shall be  
16 deemed to be registration with the cabinet.

17 (3) After that, the owner of any commercial vehicle registered under KRS 186.050(3) to  
18 (14) shall register the commercial vehicle on or before April 1 of each year. If,  
19 before operating a commercial vehicle in this state, the owner registers it at some  
20 later date and pays the required fee, he or she will be deemed to have complied with  
21 the law. Insofar as the owner is concerned, registration with the clerk shall be  
22 deemed to be registration with the cabinet, except the owner of any commercial  
23 motor vehicle to be registered pursuant to the International Registration Plan under  
24 KRS 186.050(13) shall register the commercial motor vehicles on or before the last  
25 day of the month of registration established pursuant to KRS 186.051(3).

26 (4) The application and documents presented therewith, including the sheriff's  
27 certificate of inspection, shall be affixed to the Transportation Cabinet copy of the

1 certificate of title or registration and sent to the Transportation Cabinet by the clerk.  
2 (5) At least forty-five (45) days prior to the expiration of registration of any motor  
3 vehicle previously registered in the Commonwealth as provided by KRS 186A.035,  
4 the owner of the vehicle shall be notified by mail on the same notice required by  
5 KRS 134.805(5) of the date of expiration. In addition, the department shall provide  
6 appropriate forms and information to permit renewal of motor vehicle registration  
7 to be completed by mail. Any registration renewal by mail shall require payment of  
8 an additional two dollar (\$2) fee which shall be received by the county clerk.  
9 Nonreceipt of the notice herein shall not constitute a defense to any registration  
10 related offense.

11 (6) (a) If an individual has been serving in the United States military stationed or  
12 assigned to a base or other location outside the boundaries of the United  
13 States, he or she shall renew the registration on the vehicle within thirty (30)  
14 days of his or her return if:

- 15 1. The motor vehicle has been stored on a military base during the time of  
16 deployment and has not been operated on the public highways during  
17 that time; and
- 18 2. The vehicle's registration expired during the individual's absence.

19 (b) An individual who meets the criteria in paragraph (a) of this subsection shall  
20 not be convicted or cited for driving a vehicle with expired registration within  
21 thirty (30) days after the individual's return to the Commonwealth if the  
22 individual can provide proof of meeting the eligibility criteria under paragraph  
23 (a) of this subsection.

24 (c) When an individual presents evidence of meeting the criteria under paragraph  
25 (a) of this subsection when applying to renew the registration on the motor  
26 vehicle, the county clerk shall, when applicable, treat the registration as a  
27 prorated renewal under KRS 186.051, and charge the individual a registration

1 fee only for the number of months of the registration year the vehicle will be  
2 used on the public highways.

3 ➔Section 2. KRS 186.060 is amended to read as follows:

4 (1) Applications for registration of motor vehicles leased or owned by a county, city,  
5 urban-county, or board of education, or emergency and ambulance vehicles operated  
6 by nonprofit corporations organized by units of government in the state or by the  
7 state or federal government shall be accompanied by a statement from the head of  
8 the department of the governmental unit that leases or owns the motor vehicle,  
9 certifying that the motor vehicle is leased or owned and operated by the  
10 governmental unit. The application and statement shall be forwarded by the county  
11 clerk to the cabinet, which shall give special authority to the clerk to register it.  
12 Upon receiving that authority, the clerk shall issue a registration receipt and the  
13 official number plate described in KRS 186.240(1)(c), and report the registration to  
14 the head of the department authorizing the registration. For his services in issuing  
15 such certificate of registration and number plate and reporting the same, the county  
16 clerk shall be entitled to a fee of three dollars (\$3) in each instance, to be paid by the  
17 department upon whose authorization such license was issued.

18 (2) After ~~the~~<sub>[such]</sub> registration under this section of any vehicle leased or owned by a  
19 county, city, urban-county, or board of education, or emergency and ambulance  
20 vehicles operated by nonprofit corporations organized by units of government in the  
21 state, or by the state or federal government and after issuance of ~~a~~<sub>[such]</sub> number  
22 plate for ~~a~~<sub>[such]</sub> vehicle so leased or owned, no subsequent registration or renewal  
23 of same, and no subsequent renewal of a number plate of the vehicle shall be  
24 necessary so long as the vehicle is leased or owned by the governmental unit except  
25 in the case of loss or destruction of the license plate. In the event of loss or  
26 destruction, the number plate shall be replaced in the same manner as if no plate had  
27 ever been issued.

- 1 (3) When a motor vehicle leased or owned by a county, city, urban-county, or board of  
2 education, or emergency and ambulance vehicles operated by nonprofit corporations  
3 organized by units of government in the state, or by the state or federal government  
4 is transferred or sold to another governmental unit, a new license plate shall be  
5 issued for the vehicle in the same manner as provided for in subsection (1) of this  
6 section and shall have the same effect as given to ~~a~~<sup>a</sup>~~[such]~~ license ~~plate~~<sup>plates</sup> in  
7 subsection (2) of this section.
- 8 (4) No person shall use on a motor vehicle, not leased or owned by a county, city,  
9 urban-county, board of education, or emergency and ambulance vehicles operated  
10 by nonprofit corporations organized by units of government in the state, or the state  
11 or federal government, any license plate that has been issued for use on a motor  
12 vehicle leased or owned by the governmental unit.
- 13 (5) Notwithstanding the provisions of KRS 186.020 and 186.050, a governmental entity  
14 which leases a motor vehicle may have that vehicle equipped with an official plate  
15 under this section. Upon termination of the lease agreement, if ownership of the  
16 motor vehicle does not revert to an entity allowed to use an official plate under this  
17 section, the owner of the motor vehicle shall surrender the official plates and apply  
18 for registration under the provisions of KRS 186.050.
- 19 ➔Section 3. KRS 186A.100 is amended to read as follows:
- 20 (1) A motor vehicle dealer licensed under KRS 186.070 who sells a vehicle for use  
21 upon the highways of this state shall equip the vehicle with a temporary tag  
22 executed in the manner prescribed below, which shall be valid for thirty (30) days  
23 from the date the vehicle is delivered to the purchaser. The cost of the tag shall be  
24 two dollars (\$2), of which the clerk shall retain one dollar (\$1). A motor vehicle  
25 dealer licensed under KRS 186.070 shall apply to the county clerk of the county in  
26 which the dealer maintains his principal place of business for issuance of temporary  
27 tags. Application shall be made for~~[such]~~ tags **under this section** on forms supplied

1 to the county clerk by the Transportation Cabinet. If the purchaser has not received  
2 his certificate of registration within thirty (30) days from the date of delivery, the  
3 purchaser may obtain another temporary tag from the dealer.

4 (2) The county clerk of any county who receives a proper application for issuance of  
5 temporary tags shall record the number of each tag issued upon the application of  
6 the dealer~~[for such tags]~~, or if a group of consecutively numbered temporary tags  
7 are issued to a dealer in connection with a single application, record the beginning  
8 and ending numbers of the group on the application.

9 (3) The clerk shall retain, for a period of two (2) years, one (1) copy of the dealer's  
10 temporary tag application, and ensure that it reflects the numbers appearing on the  
11 tags issued with respect to ~~the~~such application.

12 (4) If the owner of a motor vehicle submits to the county clerk a properly completed  
13 application for Kentucky certificate of title and registration pursuant to KRS  
14 186A.120, any motor vehicle required to be registered and titled in Kentucky, that is  
15 not currently registered and titled in Kentucky, may be equipped with a temporary  
16 tag, which shall be valid for thirty (30) days from the date of issuance, issued by the  
17 county clerk for the purpose of operating the vehicle in Kentucky while assembling  
18 the necessary documents in order to title and register the vehicle in Kentucky. The  
19 Transportation Cabinet may establish administrative regulations governing this  
20 section.

21 (5) The county clerk may issue a temporary tag to the owner of a motor vehicle that is  
22 currently registered and titled in Kentucky. A temporary tag authorized by this  
23 subsection shall be used for emergency or unusual purposes as determined by the  
24 clerk for the purpose of maintaining the owner's current registration. A temporary  
25 tag authorized by this subsection may only be issued by the county clerk and shall  
26 be valid for a period of between twenty-four (24) hours and seven (7) days, as  
27 determined is necessary by the clerk. A county clerk shall not issue a temporary tag

1 authorized by this subsection unless the owner of the motor vehicle applying for the  
2 tag presents proof of motor vehicle insurance pursuant to KRS 304.39-080. On and  
3 after January 1, 2006, if the motor vehicle is a personal motor vehicle as defined in  
4 KRS 304.39-087, proof of insurance shall be determined by the county clerk as  
5 provided in KRS 186A.042. A temporary tag issued pursuant to this subsection  
6 shall not be reissued by the county clerk for the same owner and same motor vehicle  
7 within one (1) year of issuance of a temporary tag.

8 ➔Section 4. KRS 189.125 is amended to read as follows:

9 (1) Except as otherwise provided in this section, "motor vehicle" as used in this section  
10 means every vehicle designed to carry fifteen (15) or fewer passengers and used for  
11 the transportation of persons, but the term does not include:

12 (a) Motorcycles;

13 (b) Motor-driven cycles; or

14 (c) Farm trucks registered for agricultural use only and having a gross weight of  
15 one (1) ton or more.

16 (2) A person shall not sell any new motor vehicle in this state nor shall any person  
17 make application for registering a new motor vehicle in this state unless the front or  
18 forward seat or seats have adequate anchors or attachments secured to the floor  
19 and/or sides to the rear of the seat or seats to which seat belts may be secured.

20 (3) (a) Any driver of a motor vehicle, when transporting a child of forty (40) inches  
21 in height or less in a motor vehicle operated on the roadways, streets, and  
22 highways of this state, shall have the child properly secured in a child restraint  
23 system of a type meeting federal motor vehicle safety standards.

24 (b) Any driver of a motor vehicle, when transporting a child under the age of  
25 eight (8) years who is between forty (40) inches and fifty-seven (57) inches in  
26 height in a motor vehicle operated on the roadways, streets, and highways of  
27 this state, shall have the child properly secured in a child booster seat. A child

1 of any age who is greater than fifty-seven (57) inches in height shall not be  
2 required to be secured in a child booster seat under this section.

3 (4) As used in this section:

4 (a) "Child restraint system" means any device manufactured to transport children  
5 in a motor vehicle which conforms to all applicable federal motor vehicle  
6 safety standards; and

7 (b) "Child booster seat" means a child passenger restraint system that meets the  
8 standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to  
9 properly sit in a federally approved lap-and-shoulder belt system.

10 (5) Failure to use a child passenger restraint system or a child booster seat shall not be  
11 considered as contributory negligence, nor shall such failure to use a passenger  
12 restraint system or booster seat be admissible as evidence in the trial of any civil  
13 action. Failure of any person to wear a seat belt shall not constitute negligence per  
14 se.

15 (6) A person shall not operate a motor vehicle manufactured after 1981 on the public  
16 roadways of this state unless the driver and all passengers are wearing a properly  
17 adjusted and fastened seat belt, unless the passenger is a child who is secured as  
18 required in subsection (3) of this section. The provisions of this subsection shall not  
19 apply to:

20 (a) A person who has in his or her possession at the time of the conduct in  
21 question a written statement from a physician, advanced practice registered  
22 nurse, or licensed chiropractor that the person~~he~~ is unable, for medical or  
23 physical reasons, to wear a seat belt; or

24 (b) A letter carrier of the United States postal service while engaged in the  
25 performance of his or her duties.

26 (7) A conviction for a violation of subsection (6) of this section shall not be transmitted  
27 by the court to the Transportation Cabinet. The Transportation Cabinet shall not

1 include a conviction for a violation of subsection (6) of this section as part of any  
2 person's driving history record.

3 (8) The provisions of subsection (6) of this section shall supersede any existing local  
4 ordinance involving the use of seat belts. No ordinance contrary to subsection (6) of  
5 this section may be enacted by any unit of local government.

6 ➔Section 5. KRS 281.735 is amended to read as follows:

7 (1) The department shall, in its safety regulations, prescribe rules prohibiting  
8 overcrowding in the various types of motor vehicles carrying passengers for hire.

9 (2) The owner or driver of any motor vehicle for the transportation of passengers shall  
10 not permit any passengers to ride upon the steps or running-board of any such motor  
11 vehicle, nor shall ***an owner or driver***~~[he]~~ permit any passenger to ride on the top of  
12 any such motor vehicle unless the top has been designed and equipped with seats  
13 constructed for such use and provided with protecting railing or protective enclosure  
14 on all four (4) sides of the top of the vehicle, and unless ***that vehicle's***~~[such]~~ use has  
15 been authorized by a certificate issued by the department.

16 (3) No motor carrier shall operate a motor vehicle for the transportation of persons for  
17 hire, except buses, with an extreme width exceeding ninety-six (96) inches, except  
18 upon~~[such]~~ highways which are a part of the state-maintained system upon which  
19 increased widths have been authorized by order of the commissioner of highways as  
20 provided by law. The extreme width of a bus shall not exceed one hundred two  
21 (102) inches.

22 ➔Section 6. KRS 281A.080 is amended to read as follows:

23 (1) Each employer shall require the applicant to provide the information specified in  
24 KRS 281A.070. ***The employer***~~[He]~~ shall inform the applicant that the information  
25 provided may be used or the applicant's previous employers may be contacted for  
26 the purpose of investigating the applicant's work history.

27 (2) ***An***~~[No]~~ employer shall ***not*** knowingly allow, permit, or authorize a driver to drive a

- 1 commercial vehicle during any period in which the driver:
- 2 (a) Has had his or her commercial driver's license suspended, revoked, or
- 3 canceled by any state;
- 4 (b) Is currently disqualified from driving a commercial vehicle;
- 5 (c) Is subject to an out-of-service order in any state;
- 6 (d) Has more than one (1) driver's license;
- 7 (e) Does not currently hold a valid commercial driver's license; or
- 8 (f) Is in violation of any of the railroad crossing offenses or conduct set forth in
- 9 KRS 189.500, 189.560, or 189.565.