

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2022 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 49/SCS 1**

Starting on page 1, line 3, to page 4, line 20, delete Section 1 in its entirety and insert in lieu thereof the following:

"➔Section 1. KRS 186A.040 is amended to read as follows:

- (1) The Department of Vehicle Regulation shall provide and receive information on the insurance status of vehicles registered in the Commonwealth of Kentucky pursuant to KRS 304.39-087 and 304.39-085. The department shall provide appropriate insurance information to the Commonwealth Office of Technology for inclusion in the AVIS database to assist in identifying uninsured motor vehicles.
- (2) ~~{(a)}~~ Upon notification to the Department of Vehicle Regulation from an insurance company of cancellation or nonrenewal of a policy pursuant to KRS 304.39-085, or ~~on and after January 1, 2006,~~ if the vehicle identification number (VIN) of a personal motor vehicle does not appear in the database created by KRS 304.39-087 for two (2) consecutive reporting months, the department shall immediately make a determination as to the notification of the insured. Notification in writing to the insured shall state that the insured's policy is no longer valid and that the insured shall have thirty (30) days to show proof of insurance to the county clerk. The department shall further inform the insured that if evidence of insurance is not received within thirty (30) days the department shall revoke the registration of the motor vehicle until ~~{~~

Amendment No. SFA

Rep. Sen. Johnnie Turner

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

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1. ~~the person presents proof of insurance to the county clerk and pays the reinstatement fee~~
~~[required by KRS 186.180]~~ **or presents to the county clerk an affidavit under subsection**
(3) of this section.~~;~~

~~(3)~~~~2.~~ **To comply with subsection (2) of this section,** the person **may present**~~[presents]~~
proof in the form of an affidavit stating, under penalty of perjury as set forth in KRS
523.030, that:

(a) The failure to maintain motor vehicle insurance on the vehicle specified in the
department's notification is the result of the inoperable condition of the motor vehicle;

(b) ~~[3. The person presents proof in the form of an affidavit stating, under penalty of~~
~~perjury as set forth in KRS 523.030, that]~~The failure to maintain motor vehicle
insurance on the vehicle specified in the department's notification is the result of the
seasonal nature of the vehicle. The affidavit shall explain that when the vehicle is out
of dormancy and when the seasonal use of the vehicle is resumed, the proper security
will be obtained; ~~[or]~~

(c) ~~[4. The person presents proof in the form of an affidavit stating, under penalty of~~
~~perjury as set forth in KRS 523.030, that]~~He or she requires a registered motor
vehicle in order to carry out his or her employment and that the motor vehicle that he
or she drives during the course of his or her employment meets the security
requirement of Subtitle 39 of KRS Chapter 304. The person shall also declare in the
affidavit that he or she will operate a motor vehicle only in the course of his or her
employment;

(d) The vehicle is operated exclusively on farms and is only on the highway while
being towed or hauled;

(e) The vehicle is used for his or her employment, is operated exclusively off-road, and
is transported to and from job sites by means other than being operated on the

highway;

(f) The vehicle is operated exclusively off-road on the person's property;

(g) The vehicle is not being used due to any reasonable emergency including but not limited to the person being unemployed due to injury or being laid-off; or

(h) The vehicle is not being operated on the highway, but the owner's property does not have off-street parking and is located in a jurisdiction with a local ordinance prohibiting the parking of unregistered vehicles on local roads.

(4) If a person has his or her motor vehicle registration revoked in accordance with this subsection **two (2)**~~three (3)~~ times within any twelve (12) month period, the revocations shall constitute a violation of KRS 304.39-080. The department shall notify the county attorney to begin prosecution for violation of subtitle 39 of KRS Chapter 304.

~~**(5)**~~~~(b)~~ The Department of Vehicle Regulation shall be responsible for notification to the appropriate county attorney that a motor vehicle is not properly insured, if the insured does not respond to notification set out by **subsection (2) of this section**~~paragraph (a) of this subsection~~. The notice that the department gives to the county attorney in accordance with **subsection (2) of this section**~~paragraph (a) of this subsection~~ shall include a certified copy of the person's driving record which shall include:

(a)~~1-~~ The notice that the department received from an insurance company that a person's motor vehicle insurance policy has been canceled or has not been renewed; and

(b)~~2-~~ A dated notice that the department sent to the person requiring the person to present proof of insurance to the county clerk.

(6) **(a)** Upon notification by the department, a county attorney shall immediately begin prosecution of the person who had his or her motor vehicle registration revoked **two (2)**~~three (3)~~ times within any twelve (12) month period in accordance with

subsection (2) of this section~~[paragraph (a) of this subsection].~~

~~(b)(e)~~ The certified copies sent by the department described in **subsection (5) of this section**~~[paragraph (b) of this subsection,]~~ shall be prima facie evidence of a violation of KRS 304.39-080.

~~(c)(d)~~ If the insured provides proof of insurance to the clerk within the thirty (30) day notification period, the department shall ensure action is taken to denote a valid insurance policy is in force.

~~(Z)(3)~~ (a) In developing the mechanism to electronically transfer information pursuant to KRS 304.39-087, the commissioner of the Department of Vehicle Regulation shall consult with the commissioner of the Department of Insurance and insurers of personal motor vehicles to adopt a standardized system of organizing, recording, and transferring the information so as to minimize insurer administrative expenses. The commissioner of vehicle regulation shall to the maximum extent possible utilize nationally recognized electronic data information systems such as those developed by the American National Standards Institute or the American Association of Motor Vehicle Administrators.

(b) Notwithstanding any other provision of law, information obtained by the department pursuant to KRS 304.39-087 shall not be subject to the Kentucky Open Records Act, KRS 61.872 to 61.884, and shall not be disclosed, used, sold, accessed, utilized in any manner, or released by the department to any person, corporation, or state and local agency, except in response to a specific individual request for the information authorized pursuant to the federal Driver's Privacy Protection Act, 18 U.S.C. secs. 2721 et seq. The department shall institute measures to ensure that only authorized persons are permitted to access the information for the purposes specified by this section. Persons who knowingly release or disclose information from the database

created by KRS 304.39-087 for a purpose other than those described as authorized by this section or to a person not entitled to receive it shall be guilty of a Class A misdemeanor for each release or disclosure.

(8) The Transportation Cabinet shall prepare forms for affidavits required under subsection (3) of this section and shall make them available to the public in each county clerk's office and on the cabinet's Web site.

(9) The Department of Vehicle Regulation shall design and provide a sticker for use on vehicles as set out in subsection (3)(h) of this section. City, county, or local governments shall be prohibited from towing a vehicle or citing a vehicle owner for violation of any local ordinance prohibiting the parking of an inoperable vehicle on a city or local road when this sticker is affixed to the vehicle.

(10) Any motor vehicle for which the registration has been revoked under this section shall be subject to the provisions of KRS 186.181.

(11) The owner of a motor vehicle for which the registration has been revoked under this section shall be subject to a reinstatement fee of thirty dollars (\$30). The reinstatement fee shall be paid to the county clerk and shall be distributed as follows:

(a) Twenty dollars (\$20) shall be retained by the county clerk; and

(b) Ten dollars (\$10) shall be forwarded to the Department of Vehicle Regulation.";

and

On page 6, line 22, after "(5)", by placing an opening bracket before "The" and striking through lines 22 through 24 in their entirety; and

On page 6, line 25, by striking through "(6)" and placing a closing bracket after "(6)".