

1 AN ACT relating to electric vehicles and making an appropriation therefor.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in this section and Section 2 of this Act:*

6 *(1) "Department" means Department of Revenue;*

7 *(2) "Distribute" means the delivery or transfer of electric power into the battery or*
8 *other energy storage device of an electric vehicle at a location in this state;*

9 *(3) "Electric vehicle power" means electrical energy distributed into the battery or*
10 *other energy storage device of an electric vehicle to be used to power the vehicle;*

11 *(4) "Electric vehicle power dealer" means a person who owns or leases an electric*
12 *vehicle charging station;*

13 *(5) "Electric vehicle" has the same meaning as in Section 3 of this Act;*

14 *(6) "Electric vehicle charging station" or "charging station" means any place*
15 *accessible to general public vehicular traffic where electric power may be used to*
16 *charge a battery or other storage device of a licensed electric vehicle; and*

17 *(7) "Person" has the same meaning as in KRS 139.010.*

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
19 READ AS FOLLOWS:

20 *(1) On and after January 1, 2023, an excise tax with an initial base rate of three*
21 *cents (\$0.03) per kilowatt hour is imposed on electric vehicle power distributed in*
22 *this state by an electric vehicle power dealer for the purpose of charging electric*
23 *vehicles in this state. The rate shall be adjusted annually as set forth in*
24 *subsection (3) of this section.*

25 *(2) This tax shall be administered by the department.*

26 *(3) (a) For the fiscal year beginning on or after July 1, 2023, the tax rate shall be*
27 *adjusted annually as provided in this section, and shall be effective on the*

1 first day of the fiscal year.

2 (b) On or before June 1, 2023, and on or before each June 1 thereafter, the
3 department shall compare the most current quarterly National Highway
4 Construction Cost Index 2.0 (NHCCI 2.0) value and determine the
5 percentage change in relation to the NHCCI 2.0 value from the same
6 quarter for the previous year.

7 (c) 1. The tax rate on July 1, 2023, and on July 1 of each fiscal year
8 thereafter, shall be adjusted by the change in the NHCCI 2.0
9 determined by paragraph (b) of this subsection, unless the change is:

10 a. Greater than a ten percent (10%) increase, in which case the
11 taxes shall be one hundred ten percent (110%) of the tax rates in
12 effect at the close of the previous fiscal year; or

13 b. Greater than a ten percent (10%) decrease, in which case the
14 taxes shall be ninety percent (90%) of the tax rates in effect at
15 the close of the previous fiscal year.

16 2. Notwithstanding subparagraph 1. of this paragraph, the tax rate
17 shall be not less than the initial base rate identified in subsection (1)
18 of this section.

19 (d) Adjustments to the tax rate shall be rounded to the nearest tenth of a cent
20 (\$0.001).

21 (e) Any adjustment of the tax rate under this subsection shall not result in a
22 decrease below the base tax rate of three cents (\$0.03) per kilowatt hour
23 established in subsection (1) of this section.

24 (4) At least twenty (20) days in advance of the first day of each fiscal year, the
25 department shall provide notification of:

26 (a) The adjusted electric vehicle power rate for the upcoming fiscal year to all
27 electric vehicle power dealers; and

- 1 (b) The adjusted electric vehicle and hybrid vehicle highway usage fees
2 established in Section 5 of this Act to all county clerks.
- 3 (5) (a) The tax shall be added to the selling price charged by the electric vehicle
4 power dealer at the charging station on electric vehicle power sold in this
5 state; or
- 6 (b) If there is no selling price at the charging station, the electric vehicle power
7 dealer shall be responsible for paying the tax on the electric power
8 distributed by the electric vehicle charging station.
- 9 (6) The tax imposed shall be paid by the electric vehicle power dealer to the State
10 Treasurer. The electric vehicle power dealer is liable for the electric vehicle power
11 tax.
- 12 (7) The tax collected under this section shall be transferred to the road fund, as
13 defined in KRS 48.010.
- 14 (8) Every electric vehicle power dealer shall, by the twenty-fifth day of each month,
15 transmit to the department reports on the forms the department may prescribe,
16 the total kilowatt hours distributed and the amount of tax collected. Payment of
17 the tax shall be due with the report.
- 18 (9) The electric vehicle power dealer shall keep and preserve an accurate record of
19 all receipts of electricity and tax together with invoices or other pertinent records
20 and papers required by the department for five (5) years.
- 21 (10) No dealer or other person shall fail or refuse to make the returns and pay the tax
22 prescribed by this section, or refuse to permit the department or its representatives
23 appointed by the commissioner of the department in writing to examine his
24 records, papers, files, and equipment pertaining to the taxable business. No
25 person shall make an incomplete, false, or fraudulent return, or do or attempt to
26 do anything to avoid a full disclosure of the amount of business done or to avoid
27 the payment of the whole or any part of the tax or penalties due. No person shall

1 fail to keep and preserve records of electric vehicle power distributed to make
2 reports as required by this section.

3 (11) Any person who violates any provision of Section 1 and this section of this Act
4 shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180
5 and interest at the tax interest rate as defined in KRS 131.010(6).

6 (12) The department may prescribe forms and promulgate administrative regulations
7 to execute and administer the provisions of Section 1 and this section of this Act.

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

9 As used in this chapter, unless otherwise indicated:

- 10 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;
- 11 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,
- 12 means the Transportation Cabinet only with respect to motor vehicles, other than
- 13 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the
- 14 Department of Vehicle Regulation when used with respect to commercial vehicles;
- 15 (2) "Highway" means every way or place of whatever nature when any part of it is open
- 16 to the use of the public, as a matter of right, license, or privilege, for the purpose of
- 17 vehicular traffic;
- 18 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who
- 19 will, under normal conditions during the year, manufacture or assemble at least ten
- 20 (10) new motor vehicles;
- 21 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in
- 22 paragraph (a) of subsection (8) of this section, which are propelled otherwise than
- 23 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as
- 24 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.
- 25 "Motor vehicle" shall not include a moped as defined in this section, but for
- 26 registration purposes shall include low-speed vehicles and military surplus vehicles
- 27 as defined in this section and vehicles operating under KRS 189.283;

- 1 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)
2 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a
3 motorized bicycle with a step-through type frame which may or may not have
4 pedals rated no more than two (2) brake horsepower, a cylinder capacity not
5 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring
6 clutching or shifting by the operator after the drive system is engaged, and capable
7 of a maximum speed of not more than thirty (30) miles per hour;
- 8 (6) "Operator" means any person in actual control of a motor vehicle upon a highway;
- 9 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who
10 pursuant to a bona fide sale has received physical possession of the vehicle
11 subject to any applicable security interest.
- 12 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with
13 the vendee or lessee entitled to possession of the vehicle, upon performance of
14 the contract terms, for a period of three hundred sixty-five (365) days or more
15 and with the right of purchase upon performance of the conditions stated in
16 the agreement and with an immediate right of possession vested in the
17 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to
18 possession, the conditional vendee or lessee or mortgagor shall be deemed the
19 owner.
- 20 (c) A licensed motor vehicle dealer who transfers physical possession of a motor
21 vehicle to a purchaser pursuant to a bona fide sale, and complies with the
22 requirements of KRS 186A.220, shall not be deemed the owner of that motor
23 vehicle solely due to an assignment to his dealership or a certificate of title in
24 the dealership's name. Rather, under these circumstances, ownership shall
25 transfer upon delivery of the vehicle to the purchaser, subject to any
26 applicable security interest;
- 27 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the

1 transportation of persons or property over or upon the public highways of this
2 Commonwealth and all vehicles passing over or upon said highways, except
3 electric low-speed scooters, road rollers, road graders, farm tractors, vehicles
4 on which power shovels are mounted, such other construction equipment
5 customarily used only on the site of construction and which is not practical for
6 the transportation of persons or property upon the highways, such vehicles as
7 travel exclusively upon rails, and such vehicles as are propelled by electric
8 power obtained from overhead wires while being operated within any
9 municipality or where said vehicles do not travel more than five (5) miles
10 beyond the city limit of any municipality.

11 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon,
12 or by which any person or property is or may be transported or drawn upon a
13 public highway, except electric low-speed scooters, devices moved by human
14 and animal power or used exclusively upon stationary rails or tracks, or which
15 derives its power from overhead wires;

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

18 (10) "Dealer" means any person engaging in the business of buying or selling motor
19 vehicles;

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

26 (12) "Resident" means any person who has established Kentucky as his or her state of
27 domicile. Proof of residency shall include but not be limited to a deed or property

1 tax bill, utility agreement or utility bill, or rental housing agreement. The possession
2 by an operator of a vehicle of a valid Kentucky operator's license shall be prima-
3 facie evidence that the operator is a resident of Kentucky;

4 (13) "Special status individual" means:

5 (a) "Asylee" means any person lawfully present in the United States who
6 possesses an I-94 card issued by the United States Department of Justice,
7 Immigration and Naturalization Service, on which it states "asylum status
8 granted indefinitely pursuant to Section 208 of the Immigration & Nationality
9 Act";

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

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

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

24 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle
25 instruction permits;

26 (15) "Motorcycle" means any motor driven vehicle that has a maximum speed that
27 exceeds fifty (50) miles per hour, has a seat or saddle for the use of the operator,

1 and is designed to travel on not more than three (3) wheels in contact with the
2 ground, including vehicles on which the operator and passengers ride in an enclosed
3 cab. Only for purposes of registration, "motorcycle" shall include a motor scooter,
4 an alternative-speed motorcycle, and an autocycle as defined in this section, but
5 shall not include a tractor or a moped as defined in this section;

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

- 7 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
8 combination thereof;
- 9 (b) Is four (4) wheeled; and
- 10 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour
11 as certified by the manufacturer;

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

- 13 (a) Is self-propelled using an electric motor;
- 14 (b) Is three (3) wheeled;
- 15 (c) Has a fully enclosed cab and includes at least one (1) door for entry;
- 16 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as
17 certified by the manufacturer; and
- 18 (e) Is not an autocycle as defined in this section;

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

23 (19) "Autocycle" means any motor vehicle that:

- 24 (a) Is equipped with a seat that does not require the operator to straddle or sit
25 astride it;
- 26 (b) Is designed to travel on three (3) wheels in contact with the ground;
- 27 (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as

- 1 certified by the manufacturer;
- 2 (d) Allows the operator and passenger to ride either side-by-side or in tandem in a
3 seating area that may be enclosed with a removable or fixed top;
- 4 (e) Is equipped with a three (3) point safety belt system;
- 5 (f) May be equipped with a manufacturer-installed air bags or a roll cage;
- 6 (g) Is designed to be controlled with a steering wheel and pedals; and
- 7 (h) Is not an alternative-speed motorcycle as defined in this section;
- 8 (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle
9 that:
- 10 (a) Is not operated using continuous tracks;
- 11 (b) Was originally manufactured for and sold directly to the Armed Forces of the
12 United States; and
- 13 (c) Was originally manufactured under the federally mandated requirements set
14 forth in 49 C.F.R. sec. 571.7;
- 15 (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
16 and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
17 species;
- 18 (22) "Identity document" means an instruction permit, operator's license, or personal
19 identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and
20 186.4123 or a commercial driver's license issued under KRS Chapter 281A;
- 21 (23) "Travel ID," as it refers to an identity document, means a document that complies
22 with Pub. L. No. 109-13, Title II;
- 23 (24) "Motor scooter" means a low-speed motorcycle that is:
- 24 (a) Equipped with wheels greater than sixteen (16) inches in diameter;
- 25 (b) Equipped with an engine greater than fifty (50) cubic centimeters;
- 26 (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
- 27 (d) Equipped with brake horsepower of two (2) or greater; and

- 1 (e) Equipped with a step-through frame or a platform for the operator's feet; ~~and~~
 2 (25) "Alternative technology," as used in KRS 186.400 to 186.640, means methods used
 3 by the cabinet to facilitate the issuance of operator's licenses and personal
 4 identification cards outside of the normal in-person application at a cabinet office,
 5 including but not limited to a cabinet mobile unit or online services;

6 **(26) "Electric vehicle" means any vehicle that has plug-in charging capability,**
 7 **regardless of whether the vehicle is powered:**

8 **(a) By an electric motor only; or**

9 **(b) By a combination of an internal combustion engine and electric power; and**

10 **(27) "Hybrid vehicle" means any vehicle that does not have plug-in charging**
 11 **capability and is powered by a combination of an internal combustion engine and**
 12 **an electric motor.**

13 ➔Section 4. KRS 186.050 is amended to read as follows:

14 (1) The annual registration fee shall be eleven dollars fifty cents (\$11.50) for:

15 (a) Motor vehicles, including pickup trucks and passenger vans; and

16 (b) Motor carrier vehicles, as defined in KRS 281.010, primarily designed for
 17 carrying passengers or passengers for hire and having been designed or
 18 constructed to transport not more than fifteen (15) passengers, including the
 19 operator.

20 (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for
 21 each motorcycle shall be nine dollars (\$9).

22 (3) (a) All motor vehicles having a declared gross weight of vehicle and any towed
 23 unit of ten thousand (10,000) pounds or less, except those mentioned in
 24 subsections (1) and (2) of this section, are classified as commercial vehicles
 25 and the annual registration fee, except as provided in subsections (4) to (14) of
 26 this section, shall be eleven dollars and fifty cents (\$11.50).

27 (b) All motor vehicles, except those mentioned in subsections (1) and (2) of this

1 section, and those engaged in hauling passengers for hire which are designed
 2 or constructed to transport more than fifteen (15) passengers including the
 3 operator, whose registration fee shall be one hundred dollars (\$100), are
 4 classified as commercial vehicles and the annual registration fee, except as
 5 provided in subsections (3)(a) and (4) to (14) of this section, shall be as
 6 follows:

7	Declared Gross Weight of Vehicle	Registration
8	and Any Towed Unit	Fee
9	10,001-14,000	30.00
10	14,001-18,000	50.00
11	18,001-22,000	132.00
12	22,001-26,000	160.00
13	26,001-32,000	216.00
14	32,001-38,000	300.00
15	38,001-44,000	474.00
16	44,001-55,000	669.00
17	55,001-62,000	1,007.00
18	62,001-73,280	1,250.00
19	73,281-80,000	1,410.00

20 (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six
 21 thousand (26,000) pounds or less may have it registered as a farmer's
 22 truck and obtain a license for eleven dollars and fifty cents (\$11.50). The
 23 applicant's signature upon the certificate of registration and ownership
 24 shall constitute a certificate that he is a farmer engaged in the production
 25 of crops, livestock, or dairy products, that he owns a truck of the gross
 26 weight of twenty-six thousand (26,000) pounds or less, and that during
 27 the next twelve (12) months the truck shall not be used in for-hire

1 transportation and may be used in transporting persons, food, provender,
2 feed, machinery, livestock, material, and supplies necessary for his
3 farming operation, and the products grown on his farm.

4 2. Any farmer owning a truck having a gross weight of twenty-six
5 thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds
6 may have it registered as a farmer's truck and obtain a license for eleven
7 dollars and fifty cents (\$11.50). The applicant's signature upon the
8 certificate of registration and ownership shall constitute a certificate that
9 he is a farmer engaged in the production of crops, livestock, or dairy
10 products, that he owns a truck of the gross weight between twenty-six
11 thousand one (26,001) pounds and thirty-eight thousand (38,000)
12 pounds, and that during the next twelve (12) months the truck shall not
13 be used in for-hire transportation and may be used in transporting
14 persons, food, provender, feed, machinery, livestock, material, and
15 supplies necessary for his farming operation and the products grown on
16 his farm.

17 (b) Any farmer owning a truck having a declared gross weight in excess of thirty-
18 eight thousand (38,000) pounds shall not be required to pay the fee set out in
19 subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%)
20 of the fee set out in subsection (3) of this section and shall be exempt from
21 any fee charged under the provisions of KRS 281.752. The applicant's
22 signature upon the registration receipt shall be considered to be a certification
23 that he is a farmer engaged solely in the production of crops, livestock, or
24 dairy products, and that during the current registration year the truck will be
25 used only in transporting persons, food, provender, feed, and machinery used
26 in operating his farm and the products grown on his farm.

27 (c) An initial applicant for, or an applicant renewing, his or her registration

1 pursuant to this subsection, may at the time of application make a voluntary
2 contribution to be deposited into the agricultural program trust fund
3 established in KRS 246.247. The recommended voluntary contribution shall
4 be set at ten dollars (\$10) and automatically added to the cost of registration or
5 renewal unless the individual registering or renewing the vehicle opts out of
6 contributing the recommended amount. The county clerk shall collect and
7 forward the voluntary contribution to the cabinet for distribution to the
8 Department of Agriculture.

9 (5) Any person owning a truck or bus used solely in transporting school children and
10 school employees may have the truck or bus registered as a school bus and obtain a
11 license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in
12 addition to other information required, an affidavit stating that the truck or bus is
13 used solely in the transportation of school children and persons employed in the
14 schools of the district, that he has caused to be printed on each side of the truck or
15 bus and on the rear door the words "School Bus" in letters at least six (6) inches
16 high, and of a conspicuous color, and the truck or bus will be used during the next
17 twelve (12) months only for the purpose stated.

18 (6) Any church or religious organization owning a truck or bus used solely in
19 transporting persons to and from a place of worship or for other religious work may
20 have the truck or bus registered as a church bus and obtain a license for eleven
21 dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other
22 information required, an affidavit stating that the truck or bus will be used only for
23 the transporting of persons to and from a place of worship, or for other religious
24 work, and that there has been printed on the truck or bus in large letters the words
25 "Church Bus," with the name of the church or religious organization owning and
26 using the truck or bus, and that during the next twelve (12) months the truck or bus
27 will be used only for the purpose stated.

1 (7) Any person owning a motor vehicle with a gross weight of fourteen thousand
2 (14,000) pounds or less on which a wrecker crane or other equipment suitable for
3 wrecker service has been permanently mounted may register the vehicle and obtain
4 a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in
5 addition to other information required, an affidavit that a wrecker crane or other
6 equipment suitable for wrecker service has been permanently mounted on such
7 vehicle and that during the next twelve (12) months the vehicle will be used only in
8 wrecker service. If the gross weight of the vehicle exceeds fourteen thousand
9 (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of
10 this section. The gross weight of a vehicle used in wrecker service shall not include
11 the weight of the vehicle being towed by the wrecker.

12 (8) Motor vehicles having a declared gross weight in excess of eighteen thousand
13 (18,000) pounds, which when operated in this state are used exclusively for the
14 transportation of property within the limits of the city named in the affidavit
15 hereinafter required to be filed, or within ten (10) miles of the city limits of the city
16 if it is a city with a population equal to or greater than three thousand (3,000) based
17 upon the most recent federal decennial census, or within five (5) miles of its limits
18 if it is a city with a population of less than three thousand (3,000) based upon the
19 most recent federal decennial census, or anywhere within a county containing an
20 urban-county government, shall not be required to pay the fee as set out in
21 subsection (3) of this section, and in lieu thereof shall pay seventy-five percent
22 (75%) of the fee set forth in subsection (3) of this section and shall be exempt from
23 any fee charged under the provisions of KRS 281.752. Nothing in this section shall
24 be construed to limit any right of nonresidents to exemption from registration under
25 any other provisions of the laws granting reciprocity to nonresidents. Operations
26 outside of this state shall not be considered in determining whether or not the
27 foregoing mileage limitations have been observed. When claiming the right to the

1 reduced fee, the applicant's signature on the certificate of registration and ownership
2 shall constitute a certification or affidavit stating that the motor vehicle when used
3 within this state is used only for the transportation of property within the city to be
4 named in the affidavit and the area above set out and that the vehicle will not be
5 used outside of a city and the area above set out during the current registration
6 period.

7 (9) Motor vehicles having a declared gross weight in excess of eighteen thousand
8 (18,000) pounds, which are used exclusively for the transportation of primary forest
9 products from the harvest area to a mill or other processing facility, where such mill
10 or processing facility is located at a point not more than fifty (50) air miles from the
11 harvest area or which are used exclusively for the transportation of concrete blocks
12 or ready-mixed concrete from the point at which such concrete blocks or ready-
13 mixed concrete is produced to a construction site where such concrete blocks or
14 ready-mixed concrete is to be used, where such construction site is located at a point
15 not more than thirty (30) air miles from the point at which such concrete blocks or
16 ready-mixed concrete is produced shall not be required to pay the fee as set out in
17 subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent
18 (75%) of the fee set out in subsection (3) of this section and shall be exempt from
19 any fee charged under the provisions of KRS 281.752. The applicant's signature
20 upon the certificate of registration and ownership shall constitute a certification that
21 the motor vehicle will not be used during the current registration period in any
22 manner other than that for which the reduced fee is provided in this section.

23 (10) Any owner of a commercial vehicle registered for a declared gross weight in excess
24 of eighteen thousand (18,000) pounds, intending to transfer same and desiring to
25 take advantage of the refund provisions of KRS 186.056(2), may reregister such
26 vehicle and obtain a "For Sale" certificate of registration and ownership for one
27 dollar (\$1). Title to a vehicle so registered may be transferred, but such registration

1 shall not authorize the operation or use of the vehicle on any public highway. No
2 refund may be made under the provisions of KRS 186.056(2) until such time as the
3 title to such vehicle has been transferred to the purchaser thereof. Provided,
4 however, that nothing herein shall be so construed as to prevent the seller of a
5 commercial vehicle from transferring the registration of such vehicle to any
6 purchaser thereof.

7 (11) The annual registration fee for self-propelled vehicles containing sleeping or eating
8 facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be
9 designated "Recreational vehicle." The foregoing shall not include any motor
10 vehicle primarily designed for commercial or farm use having temporarily attached
11 thereto any sleeping or eating facilities, or any commercial vehicle having sleeping
12 facilities.

13 (12) The registration fee on any vehicle registered under this section shall be increased
14 fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.

15 (13) (a) The Department of Vehicle Regulation is authorized to negotiate and execute
16 an agreement or agreements for the purpose of developing and instituting
17 proportional registration of motor vehicles engaged in interstate commerce, or
18 in a combination of interstate and intrastate commerce, and operating into,
19 through, or within the Commonwealth of Kentucky. The agreement or
20 agreements may be made on a basis commensurate with, and determined by,
21 the miles traveled on, and use made of, the highways of this Commonwealth
22 as compared with the miles traveled on and use made of highways of other
23 states, or upon any other equitable basis of proportional registration.
24 Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate
25 administrative regulations concerning the registration of motor vehicles under
26 any agreement or agreements made under this section and shall provide for
27 direct issuance by it of evidence of payment of any registration fee required

1 under such agreement or agreements. Any proportional registration fee
2 required to be collected under any proportional registration agreement or
3 agreements shall be in accordance with the taxes established in this section.

4 (b) Any owner of a commercial vehicle who is required to title his motor vehicle
5 under this section shall first title such vehicle with the county clerk pursuant
6 to KRS 186.020 for a state fee of one dollar (\$1). Title to such vehicle may be
7 transferred; however title without proper registration shall not authorize the
8 operation or use of the vehicle on any public highway. Any commercial
9 vehicle properly titled in Kentucky may also be registered in Kentucky, and,
10 upon payment of the required fees, the department may issue an apportioned
11 registration plate to such commercial vehicle.

12 (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which
13 vehicle is subject to apportioned registration, as provided in paragraph (a) of
14 this subsection, may be registered in Kentucky, and, upon proof of proper title
15 and payment of the required fees, the department may issue an apportioned
16 registration plate to the commercial vehicle. The department shall promulgate
17 administrative regulations in accordance with this section.

18 (14) Any person seeking to obtain a special license plate for an automobile that has been
19 provided to him pursuant to an occupation shall meet both of the following
20 requirements:

21 (a) The automobile shall be provided for the full-time exclusive use of the
22 applicant; and

23 (b) The applicant shall obtain permission in writing from the vehicle owner or
24 lessee on a form provided by the cabinet to use the vehicle and for the vehicle
25 to bear the special license plate.

26 (15) An applicant for any motor vehicle registration issued pursuant to this section shall
27 have the opportunity to make a donation of two dollars (\$2) to promote a hunger

1 relief program through specific wildlife management and conservation efforts by the
 2 Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an
 3 applicant elects to make a contribution under this subsection, the two dollar (\$2)
 4 donation shall be added to the regular fee for any motor vehicle registration issued
 5 pursuant to this section. One (1) donation may be made per issuance of each
 6 registration. The fee shall be paid to the county clerk and shall be transmitted by the
 7 State Treasurer to the Department of Fish and Wildlife Resources to be used
 8 exclusively for the purpose of wildlife management and conservation activities in
 9 support of hunger relief. The county clerk may retain up to five percent (5%) of the
 10 fees collected under this subsection for administrative costs associated with the
 11 collection of this donation. Any donation requested under this subsection shall be
 12 voluntary and may be refused by the applicant at the time of issuance or renewal of
 13 a license plate.

14 **(16) In addition to the fees outlined in this section, the county clerk shall collect from**
 15 **the registrants of electric vehicles and hybrid vehicles the electric vehicle road**
 16 **usage fees established in Section 5 of this Act.**

17 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO
 18 READ AS FOLLOWS:

19 **(1) At the time of initial registration, and each year upon annual vehicle registration**
 20 **renewal under Section 4 of this Act, the county clerk shall collect from the**
 21 **registrants of electric vehicles and hybrid vehicles the electric vehicle road usage**
 22 **fees established under subsections (2) and (3) of this section.**

23 **(2) The base floor for the usage fee shall be:**

24 **(a) One hundred forty dollars (\$140) for electric vehicles; and**

25 **(b) Seventy dollars (\$70) for hybrid vehicles.**

26 **(3) The Department of Revenue shall adjust the fees established in subsection (2) of**
 27 **this section, on the same schedule and in the same manner as the adjustments to**

- 1 *the electric vehicle power taxes under Section 2 of this Act, except that:*
2 *(a) Adjustments to the fees shall be rounded to the nearest dollar; and*
3 *(b) Any adjustment of fees under this subsection shall not result in a decrease*
4 *below the base fees established in subsection (2) of this section.*
5 *(4) All electric vehicle road usage fees collected under this section shall be*
6 *transferred to the road fund as defined in KRS 48.010.*

7 ➔Section 6. This Act shall be called the EV Vehicle Road Usage Tax Act.

8 ➔Section 7. This Act takes effect January 1, 2023.