

1 AN ACT relating to motor vehicle insurance.

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

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

4 (1) The Department of Vehicle Regulation shall provide and receive information on the  
5 insurance status of vehicles registered in the Commonwealth of Kentucky pursuant  
6 to KRS 304.39-087 and 304.39-085. The department shall provide appropriate  
7 insurance information to the Commonwealth Office of Technology for inclusion in  
8 the AVIS database to assist in identifying uninsured motor vehicles.

9 (2) ~~[(a)]~~ Upon notification to the Department of Vehicle Regulation from an insurance  
10 company of cancellation or nonrenewal of a policy pursuant to KRS 304.39-085, or  
11 ~~for and after January 1, 2006,~~ if the vehicle identification number (VIN) of a  
12 personal motor vehicle does not appear in the database created by KRS 304.39-087  
13 for two (2) consecutive reporting months, the department shall immediately make a  
14 determination as to the notification of the insured. Notification ***in writing*** to the  
15 insured shall state that the insured's policy is no longer valid and that the insured  
16 shall have thirty (30) days to show proof of insurance to the county clerk. The  
17 department shall further inform the insured that if evidence of insurance is not  
18 received within thirty (30) days, the department shall revoke the registration of the  
19 motor vehicle until ~~[-]~~

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

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

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

1 vehicle;

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

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

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

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

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

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

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

27 **(4)** If a person has his or her motor vehicle registration revoked in accordance with

1       ~~this~~ subsection **(2) of this section two (2)**~~[three (3)]~~ times within any twelve (12)  
2       month period, the revocations shall constitute a violation of KRS 304.39-080. The  
3       department shall notify the county attorney to begin prosecution for violation of  
4       subtitle 39 of KRS Chapter 304.

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

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

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

17      **(6) (a)** Upon notification by the department, a county attorney shall immediately  
18              begin prosecution of the person who had his or her motor vehicle registration  
19              revoked **two (2)**~~[three (3)]~~ times within any twelve (12) month period in  
20              accordance with **subsection (2) of this section**~~[paragraph (a) of this~~  
21              ~~subsection]~~.

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

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

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

11 (b) Notwithstanding any other provision of law, information obtained by the  
12 department pursuant to KRS 304.39-087 shall not be subject to the Kentucky  
13 Open Records Act, KRS 61.872 to 61.884, and shall not be disclosed, used,  
14 sold, accessed, utilized in any manner, or released by the department to any  
15 person, corporation, or state and local agency, except in response to a specific  
16 individual request for the information authorized pursuant to the federal  
17 Driver's Privacy Protection Act, 18 U.S.C. secs. 2721 et seq. The department  
18 shall institute measures to ensure that only authorized persons are permitted to  
19 access the information for the purposes specified by this section. Persons who  
20 knowingly release or disclose information from the database created by KRS  
21 304.39-087 for a purpose other than those described as authorized by this  
22 section or to a person not entitled to receive it shall be guilty of a Class A  
23 misdemeanor for each release or disclosure.

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

27 **(9) (a) The Department of Vehicle Regulation shall design and provide a sticker**

1 for use on vehicles as set out in subsection (3)(h) of this section.

2 (b) City, county, or local governments shall be prohibited from towing a vehicle  
 3 or citing a vehicle owner for violation of any local ordinance prohibiting the  
 4 parking of an inoperable vehicle on a city or local road when this sticker is  
 5 affixed to the vehicle.

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

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

11 (b) Ten dollars (\$10) shall be deposited into the road fund.

12 ➔Section 2. KRS 186.180 is amended to read as follows:

13 (1) (a) If the owner loses his or her copy of a registration or transfer receipt, he or she  
 14 may obtain a duplicate from the county clerk who issued the present owner's  
 15 copy of the receipt by presenting the clerk proof of insurance on the motor  
 16 vehicle in compliance with KRS 304.39-080, and by filing an affidavit, upon a  
 17 form furnished by the cabinet. The owner shall pay to the clerk a fee of three  
 18 dollars (\$3), except proof of insurance shall not be required for duplicates  
 19 applied for by motor vehicle dealers as defined in KRS 190.010.

20 (b) When the owner's copy of any registration or transfer receipt shows that the  
 21 spaces provided thereon for noting and discharging security interests have  
 22 been exhausted, the owner may apply to the county clerk who issued the  
 23 receipt in order to obtain a duplicate thereof. The owner shall surrender his or  
 24 her copy of the current receipt to the clerk and provide proof of insurance on  
 25 the motor vehicle in compliance with KRS 304.39-080, before a duplicate  
 26 may be issued. The owner shall pay the clerk a fee of three dollars (\$3), except  
 27 proof of insurance shall not be required for duplicates applied for by motor

1 vehicle dealers as defined in KRS 190.010.

2 (c) Any security interest which has been discharged as shown by the records of  
3 the clerk or upon the owner's copy of the current receipt shall be omitted from  
4 the duplicate receipt to be issued by the clerk.

5 (2) If the owner loses a registration plate, he or she shall surrender his or her  
6 registration receipt to the county clerk from whom it was obtained and file a written  
7 statement as to the loss of the plate. Upon presenting the clerk proof of insurance on  
8 the motor vehicle in compliance with KRS 304.39-080, and upon the payment of  
9 the sum of three dollars (\$3) for each plate and a fee of three dollars (\$3) to the  
10 clerk for his or her services, the owner shall be issued another registration receipt  
11 and a plate or plates which shall bear a different number from that of the lost plate.  
12 The clerk shall retain the owner's statement and a copy of the owner's proof of  
13 insurance, and shall make a notation on the triplicate copy of the surrendered  
14 registration receipt stating the number of the registration receipt replacing it. The  
15 original copy of the surrendered receipt shall be forwarded to the cabinet. The  
16 cabinet shall forthwith cancel the registration corresponding to the number of the  
17 lost plate. The cancellation shall be reported by the cabinet to the commissioner of  
18 the Department of Kentucky State Police. Any person finding a lost registration  
19 plate shall deliver it to the Transportation Cabinet or to any county clerk for  
20 forwarding it to the cabinet.

21 (3) If the owner moves from one (1) county into another county of the Commonwealth,  
22 he or she may obtain a registration plate bearing the name of the county of  
23 residence. In order to obtain a new registration plate, the owner shall surrender his  
24 or her current registration receipt and current registration plate to the county clerk.  
25 Upon being provided with proof of insurance on the motor vehicle in compliance  
26 with KRS 304.39-080, the clerk shall provide the owner with a new registration  
27 receipt and plate bearing the county name. The surrendered receipt and plate shall

1 be forwarded to the Transportation Cabinet. The fee for this registration shall be  
 2 five dollars (\$5) of which the clerk shall be entitled to three dollars (\$3) and the  
 3 cabinet shall be entitled to two dollars (\$2).

4 (4) If the owner's registration is revoked as a result of the provisions set forth in KRS  
 5 186A.040, the owner may have his or her registration reinstated by the county clerk  
 6 who issued the present owner's copy of the receipt by:

7 **(a) Paying the reinstatement fee required in Section 1 of this Act; and**

8 **(b)** Presenting the clerk proof of:

9 ~~1.[(a)]~~ Insurance on the motor vehicle in compliance with KRS 304.39-  
 10 080 and by filing an affidavit upon a form furnished by the cabinet; or

11 ~~2.[(b)]~~ A valid compliance or exemption certificate in compliance with  
 12 KRS 224.20-720 or issued under the authority of an air pollution control  
 13 district under KRS 224.20-760.

14 (5) ~~[The owner of a motor vehicle that has the vehicle's registration revoked under KRS~~  
 15 ~~186.290 shall pay to the clerk a fee of twenty dollars (\$20), which shall be equally~~  
 16 ~~divided between the county clerk and the cabinet.~~

17 ~~(6) On and after January 1, 2006,~~ If the motor vehicle is a personal motor vehicle as  
 18 defined in KRS 304.39-087, proof of insurance required under this section shall be  
 19 determined by the county clerk as provided in KRS 186A.042.

20 ➔Section 3. KRS 304.39-080 is amended to read as follows:

21 (1) **(a)** "Security covering the vehicle" is the insurance or other security so provided.

22 **(b)** The vehicle for which the security is so provided is the "secured vehicle."

23 (2) "Basic reparation insurance" includes a contract, self-insurance, or other legal  
 24 means under which the obligation to pay basic reparation benefits arises.

25 (3) This Commonwealth, its political subdivisions, municipal corporations, and public  
 26 agencies may continuously provide, pursuant to subsection (6) of this section,  
 27 security for the payment of basic reparation benefits in accordance with this subtitle

1 for injury arising from maintenance or use of motor vehicles owned by those  
2 entities and operated with their permission.

3 (4) The United States and its public agencies and any other state, its political  
4 subdivisions, municipal corporation, and public agencies may provide, pursuant to  
5 subsection (6) of this section, security for the payment of basic reparation benefits  
6 in accordance with this subtitle for injury arising from maintenance or use of motor  
7 vehicles owned by those entities and operated with their permission.

8 (5) (a) Except for entities described in subsections (3) and (4) of this section ***and***  
9 ***except as provided in paragraph (b) of this subsection,*** every owner or  
10 operator of a motor vehicle registered in this Commonwealth or operated in  
11 this Commonwealth with an owner's permission shall continuously provide  
12 with respect to the motor vehicle while it is either present or registered in this  
13 Commonwealth, and any other person may provide with respect to any motor  
14 vehicle, by a contract of insurance or by qualifying as a self-insurer, security  
15 for the payment of basic reparation benefits in accordance with this subtitle  
16 and security for payment of tort liabilities, arising from maintenance or use of  
17 the motor vehicle.

18 ***(b) The security described in paragraph (a) of this subsection shall not be***  
19 ***required under any of the circumstances set forth in subsection (3) of***  
20 ***Section 1 of this Act.***

21 (c) The owner of a motor vehicle who fails to maintain security on a motor  
22 vehicle in accordance with this subsection shall have his or her motor vehicle  
23 registration revoked in accordance with KRS 186A.040 and shall be subject to  
24 the penalties in KRS 304.99-060.

25 (d) An owner who permits another person to operate a motor vehicle without  
26 security on the motor vehicle as required by this subtitle shall be subject to the  
27 penalties in KRS 304.99-060.



1 (6) Security may be provided by a contract of insurance or by qualifying as a self-  
2 insurer or obligated government in compliance with this subtitle.

3 (7) Self-insurance, subject to approval of the commissioner~~[of insurance]~~, is effected  
4 by filing with the commissioner in satisfactory form:

5 (a) A continuing undertaking by the owner or other appropriate person to pay tort  
6 liabilities or basic reparation benefits, or both, and to perform all other  
7 obligations imposed by this subtitle;

8 (b) Evidence that appropriate provision exists for prompt and efficient  
9 administration of all claims, benefits, and obligations provided by this  
10 subtitle; and

11 (c) Evidence that reliable financial arrangements, deposits, or commitments exist  
12 providing assurance, substantially equivalent to that afforded by a policy of  
13 insurance, complying with this subtitle, for payment of tort liabilities, basic  
14 reparation benefits, and all other obligations imposed by this subtitle.

15 (8) An entity described in subsection (3) or (4) of this section may provide security by  
16 lawfully obligating itself to pay basic reparation benefits in accordance with this  
17 subtitle.

18 (9) (a) A person providing security pursuant to subsection (7) of this section is a  
19 "self-insurer."

20 (b) An entity described in subsection (3) or (4) of this section that has provided  
21 security pursuant to subsection (6) of this section is an "obligated  
22 government."

23 ➔Section 4. KRS 304.99-060 is amended to read as follows:

24 (1) (a) The owner of any vehicle who fails to have in full force and effect the security  
25 required by Subtitle 39 of this chapter shall:

26 1. Be fined;

27 *a. Except as provided in subdivision b. of this subparagraph,*~~not~~

1                   ~~less than~~ five hundred dollars (\$500)~~[nor more than one thousand~~  
 2                   dollars (\$1,000), or sentenced to not more than ninety (90) days in  
 3                   jail, or both]; or

4                   **b. One hundred dollars (\$100) if the owner produces proof of**  
 5                   **security and a receipt showing that a premium for a minimum**  
 6                   **policy period of six (6) months has been paid;**

7                   2. ~~[Have the registration of the motor vehicle revoked and the license~~  
 8                   ~~plates of the vehicle suspended for a period of one (1) year or until such~~  
 9                   ~~time as proof, in a form satisfactory to the commissioner, is furnished~~  
 10                   ~~that the security is then and will remain in effect; and~~

11                   3. ~~—~~For the second and each subsequent offense within any **three (3)**~~[five~~  
 12                   ~~(5)]~~ year period;

13                   **a. Produce proof of security and a receipt showing that a premium**  
 14                   **for a minimum policy period of twelve (12) months has been**  
 15                   **paid;**~~[, have his or her operator's license revoked in accordance~~  
 16                   ~~with KRS 186.560, and may be sentenced to one hundred and~~  
 17                   ~~eighty (180) days in jail,] or~~

18                   **b. Be** fined~~[not less than] one thousand dollars (\$1,000)[nor more~~  
 19                   ~~than two thousand five hundred dollars (\$2,500), or both]; and~~

20                   **3. For failure to comply with subparagraph 1. or 2. of this paragraph,**  
 21                   **have the registration of the motor vehicle revoked for a period of six**  
 22                   **(6) months or until such time as proof, in a form satisfactory to the**  
 23                   **commissioner, is furnished that the security is then and will remain in**  
 24                   **effect.**

25                   (b) Penalties under paragraph (a) of this subsection **shall be**~~[for the first offense~~  
 26                   ~~are] subject to [conditional discharge,] suspension[.] or other forms of~~  
 27                   reduction of penalty by judicial discretion upon production of proof of

1 security[.

2 ~~(c) For the second and each subsequent offense, minimum fines, suspensions, and~~  
3 ~~penalties under paragraph (a) of this subsection are subject to conditional~~  
4 ~~discharge, suspension, or other forms of reduction of penalty, by judicial~~  
5 ~~discretion only upon production of proof of security] and a receipt showing~~  
6 that a premium for a minimum policy period of six (6) months has been paid.

7 ~~[(d) Upon expiration of the minimum six (6) month policy period, the court shall~~  
8 ~~order the vehicle owner to appear before it to verify renewal of the security~~  
9 ~~required by Subtitle 39 of this chapter by production of proof of security and a~~  
10 ~~receipt showing that a premium for a minimum six (6) month policy period~~  
11 ~~has been paid.]~~

12 ~~(c)~~~~(e)~~ Failure to appear shall result in the suspension of the vehicle owner's  
13 operator's license pursuant to KRS 186.570.

14 ~~[(f) Unless uninterrupted coverage is maintained, cancellation or expiration of the~~  
15 ~~procured security before the end of the minimum six (6) month policy period~~  
16 ~~shall be a Class B misdemeanor.~~

17 ~~(g) Unless the requirement of paragraph (d) of this subsection is satisfied, the~~  
18 ~~court shall revoke any conditional discharge, suspension, or other form of~~  
19 ~~reduction of penalty granted under paragraph (c) of this subsection.]~~

20 ~~**(d) A conviction under this subsection may be expunged under Section 5 of this**~~  
21 ~~**Act if the owner has not, in the three (3) years prior to the filing of the**~~  
22 ~~**petition for expungement, been convicted under this subsection.**~~

23 (2) ~~(a)~~ A person who operates a motor vehicle without security on the motor  
24 vehicle as required by Subtitle 39 of this chapter shall **be subject to the same**  
25 **penalties, and shall have the same expungement rights, as owners under**  
26 **subsection (1) of this section.**~~]~~

27 ~~(a) Be fined not less than five hundred dollars (\$500) nor more than one thousand~~

1           dollars (\$1,000) or sentenced to not more than ninety (90) days in jail, or both;  
2           and]

3           (b) *For purposes of this subsection, "without security on the motor vehicle"*  
4           *means without security provided under an insurance contract or self-*  
5           *insurance maintained by either the owner or the operator of the motor*  
6           *vehicle*[For the second and each subsequent offense within any five (5) year  
7           period, have his or her operator's license revoked in accordance with KRS  
8           186.560, and may be sentenced to not more than one hundred eighty (180)  
9           days in jail or fined not less than one thousand dollars (\$1,000) nor more than  
10          two thousand five hundred dollars (\$2,500), or both].

11          (3) If the person who operates a motor vehicle without security on the motor vehicle as  
12          required by Subtitle 39 of this chapter is also the owner of the motor vehicle, the  
13          person shall be subject to penalties, *and have the expungement rights,* under both  
14          subsection (1) and subsection (2) of this section.

15          (4) The following shall be subject to a civil penalty of not less than one thousand  
16          dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation:

17          (a) Any person or entity that presents, causes to be presented, or collects payment  
18          on a bill or claim for health care services that the person or entity knows or  
19          should know were referred in violation of KRS 304.39-215; and

20          (b) Any person or entity that knowingly fails to make a timely refund required by  
21          KRS 304.39-215.

22          (5) A health care provider or other person or entity that enters into an arrangement or  
23          scheme that the provider, person, or entity knows or should know has a principal  
24          purpose of assuring referrals by the provider that, if made directly by the provider,  
25          would be in violation of KRS 304.39-215 shall be subject to a civil penalty of not  
26          less than five thousand dollars (\$5,000) nor more than twenty-five thousand dollars  
27          (\$25,000) per arrangement or scheme.

1           ➔Section 5. KRS 431.078 is amended to read as follows:

2       (1) Any person who has been convicted of:

3           (a) A misdemeanor, a violation, or a traffic infraction not otherwise classified as a  
4                misdemeanor or violation, or a series of misdemeanors, violations, or traffic  
5                infractions arising from a single incident; or

6           (b) A series of misdemeanors, violations, or traffic infractions not arising from a  
7                single incident;

8           may petition the court in which he or she was convicted for expungement of the  
9           person's~~[his]~~ misdemeanor or violation record within that judicial district, including  
10          a record of any charges for misdemeanors, violations, or traffic infractions that were  
11          dismissed or amended in the criminal action. The person shall be informed of the  
12          right at the time of adjudication.

13       (2) Except as provided in KRS 218A.275(8) and 218A.276(8), the petition shall be  
14          filed no sooner than five (5) years after the completion of the person's sentence or  
15          five (5) years after the successful completion of the person's probation, whichever  
16          occurs later.

17       (3) Upon the filing of a petition, the court shall set a date for a hearing, no sooner than  
18          thirty (30) days after the filing of the petition, and shall notify the county attorney;  
19          the victim of the crime, if there was an identified victim; and any other person  
20          whom the person filing the petition has reason to believe may have relevant  
21          information related to the expungement of the record. Inability to locate the victim  
22          shall not delay the proceedings in the case or preclude the holding of a hearing or  
23          the issuance of an order of expungement.

24       (4) Except as provided in Section 4 of this Act, for a petition brought under subsection  
25          (1)(a) of this section, the court shall order expunged all records in the custody of the  
26          court and any records in the custody of any other agency or official, including law  
27          enforcement records, if at the hearing the court finds that:

- 1 (a) The offense was not a sex offense or an offense committed against a child;
- 2 (b) The person had not in the five (5) years prior to the filing of the petition for  
3 expungement been convicted of a felony or a misdemeanor;
- 4 (c) No proceeding concerning a felony or misdemeanor is pending or being  
5 instituted against the person; and
- 6 (d) The offense is not one subject to enhancement for a second or subsequent  
7 offense or the time for such an enhancement has expired.
- 8 (5) **Except as provided in Section 4 of this Act,** for a petition brought under subsection  
9 (1)(b) of this section, the court may order expunged all records in the custody of the  
10 court and any records in the custody of any other agency or official, including law  
11 enforcement records, if at the hearing the court finds that:
- 12 (a) The offense was not a sex offense or an offense committed against a child;
- 13 (b) The person had not in the five (5) years prior to the filing of the petition for  
14 expungement been convicted of a felony or a misdemeanor;
- 15 (c) No proceeding concerning a felony or misdemeanor is pending or being  
16 instituted against the person; and
- 17 (d) The offense is not one subject to enhancement for a second or subsequent  
18 offense or the time for such an enhancement has expired.
- 19 (6) Upon the entry of an order to expunge the records, the proceedings in the case shall  
20 be deemed never to have occurred; the court and other agencies shall cause records  
21 to be deleted or removed from their computer systems so that the matter shall not  
22 appear on official state-performed background checks; the persons and the court  
23 may properly reply that no record exists with respect to the persons upon any  
24 inquiry in the matter; and the person whose record is expunged shall not have to  
25 disclose the fact of the record or any matter relating thereto on an application for  
26 employment, credit, or other type of application.
- 27 (7) The filing fee for a petition under this section shall be one hundred dollars (\$100).

1           The first fifty dollars (\$50) of each fee collected pursuant to this subsection shall be  
2           deposited into a trust and agency account for deputy clerks and shall not be  
3           refundable.

4       (8) Copies of the order shall be sent to each agency or official named therein.

5       (9) Inspection of the records included in the order may thereafter be permitted by the  
6           court only upon petition by the person who is the subject of the records and only to  
7           those persons named in the petition.

8       (10) This section shall be deemed to be retroactive, and any person who has been  
9           convicted of a misdemeanor prior to July 14, 1992, may petition the court in which  
10          he was convicted, or if he was convicted prior to the inception of the District Court  
11          to the District Court in the county where he now resides, for expungement of the  
12          record of one (1) misdemeanor offense or violation or a series of misdemeanor  
13          offenses or violations arising from a single incident, provided that the offense was  
14          not one specified in subsection (4) and that the offense was not the precursor  
15          offense of a felony offense for which he was subsequently convicted. This section  
16          shall apply only to offenses against the Commonwealth of Kentucky.

17      (11) As used in this section, "violation" has the same meaning as in KRS 500.080.

18      (12) Any person denied an expungement prior to June 25, 2013, due to the presence of a  
19          traffic infraction on his or her record may file a new petition for expungement of the  
20          previously petitioned offenses, which the court shall hear and decide under the  
21          terms of this section. No court costs or other fees, from the court or any other  
22          agency, shall be required of a person filing a new petition under this subsection.