

1 AN ACT relating to transportation and declaring an emergency.

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

3 ➔Section 1. KRS 177.074 is amended to read as follows:

- 4 (1) Every road which is part of the state primary system shall be identified by a specific
5 route number. In addition to a route number, the secretary shall direct the placement
6 of signage denoting the honorary naming of a bridge, a road, or a road segment to
7 comply with the provisions of subsections (2), (3), and (5) of this section.
- 8 (2) The secretary shall, within thirty (30) days of receipt of a written request by the
9 commissioner of the Department of Kentucky State Police, name a state road or
10 segment of a state road in memory and honor of Kentucky state troopers killed in
11 the line of duty. The written request shall include the:
- 12 (a) Trooper's name;
 - 13 (b) Date and circumstances of the trooper's death; and
 - 14 (c) Specific segment of state road the Department of Kentucky State Police is
15 requesting be named in honor and memory of the state trooper killed in the
16 line of duty.
- 17 (3) The road or road segment identified in the request shall be either the state road
18 where the trooper was killed, or the state road closest to the deceased trooper's
19 home. The cabinet shall consult with the commissioner of the Department of
20 Kentucky State Police on the design and installation of the road signs naming the
21 state road or road segment in honor and memory of each trooper, and the cabinet
22 shall erect the appropriate highway signs within thirty (30) days of receipt of the
23 written request required under subsection (2) of this section.
- 24 (4) If the road segment identified in the request under subsection (2) of this section has
25 already been named for another individual or organization, the Department of
26 Kentucky State Police and the cabinet shall consult on and determine an alternate
27 location that is acceptable to both agencies.

- 1 (5) Upon direction by joint resolution of the General Assembly, the secretary shall
2 direct the placement of signage denoting:
- 3 (a) The honorary naming of a road, a road segment, or a bridge; or
4 (b) The inclusion of an artist as an honoree on the Country Music Highway on
5 United States Route 23~~[upon direction by joint resolution of the General~~
6 ~~Assembly]~~.
- 7 (6) The placement of the signs installed as a result of a resolution passed by the
8 General Assembly shall be the responsibility of the Department of Highways.
- 9 (7) (a) A school board or the governing body of a city or county may petition the
10 secretary for the installation of temporary signage honoring an individual, a
11 group of individuals, or a team.
- 12 (b) The secretary shall, within thirty (30) days of receipt of a written request
13 under this subsection, approve or deny the petition.
- 14 (c) Within thirty (30) days of the approval of a petition, the secretary shall direct
15 the placement of honorary signage under this subsection. The Transportation
16 Cabinet shall be the final arbiter of the location of signage placement under
17 this subsection. Signage installed under this subsection shall remain in place
18 for a minimum of one (1) year from the date of its placement.
- 19 (d) The petitioning body shall bear all costs of signage and installation under this
20 subsection.
- 21 (8) The Transportation Cabinet may adopt administrative regulations to implement the
22 provisions of subsection (7) of this section, including but not limited to basic
23 standards for design and placement of signs and establishing a process to allow the
24 petitioning body to reimburse the Transportation Cabinet for the cost of
25 manufacturing and installing the signs for which a petition has been granted.
- 26 (9) The new proposed truck bypass around Mayfield, Kentucky, shall be named the
27 "Dick Castleman Bypass," after former State Representative Dick Castleman.

1 (10) The bridge on United States Highway 27 over the Kentucky River near Camp
2 Nelson, between Jessamine and Garrard Counties, shall be named the "Loyd
3 Murphy Memorial Bridge."

4 ➔Section 2. KRS 186.240 (Effective until January 1, 2024) is amended to read as
5 follows:

6 (1) It shall be the duty of the cabinet to carry out the provisions of KRS 186.005 to
7 186.260, and:

8 (a) Provide to the clerk in each county access to all forms provided for in KRS
9 186.005 to 186.260;

10 (b) Keep a numerical record of all registration numbers issued in the state and
11 also keep a record of motor or vehicle identification numbers required by
12 KRS 186.160; and

13 (c) Furnish to each clerk, originally each year upon estimate, and thereafter upon
14 requisition at all times, a sufficient supply of standard, noncommercial plates
15 and the supplies necessary to provide evidence of registration for all classes of
16 vehicles required to be registered.

17 (d) Prescribe a ***standard*** plate of practical form and size for police identification
18 purposes that shall contain:

19 1. The registration identifier;

20 2. An indication that Kentucky is the issuing jurisdiction;

21 3. ***At the discretion of the cabinet, any combination of the following***
22 ***phrases:***

23 ***a. "Bluegrass State"; or***

24 ***b. "United We Stand, Divided We Fall";***

25 ***4.*** For standard plates for noncommercial vehicles:~~[]~~

26 ***a.*** The county in which the plate is issued; ***and***

27 ***b. At the discretion of the person to whom the vehicle is registered,***

1 *the phrase "In God We Trust"; and*

2 ~~5. [4.]~~ For plates for commercial vehicles, the year the license expires and
 3 words or information the Department of Vehicle Regulation may
 4 prescribe by administrative regulation, pursuant to KRS Chapter 13A;
 5 ~~and~~

6 ~~5. — At the discretion of the cabinet, a state slogan].~~

7 (2) License plates issued pursuant to this chapter shall conform to the provisions of
 8 subsection (1)(c) and (d) of this section. The Transportation Cabinet shall provide
 9 for the issuance of reflectorized plates for all motor vehicles, and shall collect a fee,
 10 in addition to the fee set out in KRS Chapter 186 and KRS 281.631, of fifty cents
 11 (\$0.50). The fifty cents (\$0.50) fee to reflectorize license plates shall be used by the
 12 cabinet as provided in subsection (3) of this section.

13 (3) The reflectorized license plate program fund is established in the state road fund
 14 and appropriated on a continual basis to the cabinet to administer the moneys as
 15 provided in this subsection. The fifty cents (\$0.50) fee collected by the cabinet to
 16 reflectorize license plates shall be deposited into the program fund and used to issue
 17 reflectorized license plates. If at the end of a fiscal year, money remains in the
 18 program fund, it shall be retained in the fund and shall not revert to the state road
 19 fund. The interest and income earned on money in the program fund shall also be
 20 retained in the program fund to carry out the provisions of this subsection. The
 21 Transportation Cabinet shall issue reflectorized license plates under the provisions
 22 of this subsection on a schedule to be determined at the discretion of the cabinet.

23 (4) Except as directed under subsection (3) of this section, the Transportation Cabinet
 24 shall receive all moneys forwarded by the clerk in each county and turn it over to
 25 the State Treasurer for the benefit of the state road fund.

26 (5) The Transportation Cabinet shall require an accounting by the clerk in each county
 27 for any moneys received by *the clerk*~~[him]~~ under the provisions of this chapter,

1 after the deduction of the clerk's~~his~~ fees under this chapter, and for all receipts,
2 forms, plates, and insignia consigned to the clerk~~him~~. The Auditor of Public
3 Accounts, pursuant to KRS 43.071, shall annually audit each county clerk
4 concerning the clerk's~~his~~ responsibilities for the collection of various fees and
5 taxes associated with motor vehicles. The secretary of the Transportation Cabinet,
6 with the advice, consultation, and approval of the Auditor, shall develop and
7 implement an inventory and accounting system which shall insure that the audits
8 mandated in KRS 43.071 are performed in accordance with generally accepted
9 auditing standards. The Transportation Cabinet shall pay for the audits mandated by
10 KRS 43.071.

11 (6) When applied for under KRS 186.060 or 186.061, motor or vehicle numbers
12 assigned shall be distinctive to show that they were designated by the cabinet.

13 ➔Section 3. KRS 186.240 (Effective January 1, 2024) is amended to read as
14 follows:

15 (1) It shall be the duty of the cabinet to carry out the provisions of KRS 186.005 to
16 186.260, and:

17 (a) Provide to the clerk in each county access to all forms provided for in KRS
18 186.005 to 186.260;

19 (b) Keep a numerical record of all registration numbers issued in the state and
20 also keep a record of motor or vehicle identification numbers required by
21 KRS 186.160;

22 (c) Furnish to each clerk, originally each year upon estimate, and thereafter upon
23 requisition at all times, a sufficient supply of standard, noncommercial plates
24 and the supplies necessary to provide evidence of registration for all classes of
25 vehicles required to be registered; and

26 (d) Prescribe a standard plate of practical form and size for police identification
27 purposes that shall contain:

- 1 1. The registration identifier;
- 2 2. An indication that Kentucky is the issuing jurisdiction;
- 3 3. *At the discretion of the cabinet, any combination of the following*
- 4 *phrases:*
- 5 *a. "Bluegrass State"; or*
- 6 *b. "United We Stand, Divided We Fall";*
- 7 4. For standard plates for noncommercial vehicles;~~;~~
- 8 *a. The county in which the plate is issued; and*
- 9 *b. At the discretion of the person to whom the vehicle is registered,*
- 10 *the phrase "In God We Trust"; and*
- 11 5.~~[4.]~~ For plates for commercial vehicles, the year the license expires and
- 12 words or information the Department of Vehicle Regulation may
- 13 prescribe by administrative regulation, pursuant to KRS Chapter 13A~~;~~
- 14 ~~and~~
- 15 5.~~— At the discretion of the cabinet, a state slogan].~~
- 16 (2) Except as provided in KRS 186A.127, license plates issued pursuant to this chapter
- 17 shall conform to the provisions of subsection (1)(c) and (d) of this section. The
- 18 Transportation Cabinet shall provide for the issuance of reflectorized plates for all
- 19 motor vehicles, and shall collect a fee, in addition to the fee set out in KRS Chapter
- 20 186 and KRS 281.631, of fifty cents (\$0.50). The fifty cents (\$0.50) fee to
- 21 reflectorize license plates shall be used by the cabinet as provided in subsection (3)
- 22 of this section.
- 23 (3) The reflectorized license plate program fund is established in the state road fund
- 24 and appropriated on a continual basis to the cabinet to administer the moneys as
- 25 provided in this subsection. The fifty cents (\$0.50) fee collected by the cabinet to
- 26 reflectorize license plates shall be deposited into the program fund and used to issue
- 27 reflectorized license plates. If at the end of a fiscal year, money remains in the

1 program fund, it shall be retained in the fund and shall not revert to the state road
2 fund. The interest and income earned on money in the program fund shall also be
3 retained in the program fund to carry out the provisions of this subsection. The
4 Transportation Cabinet shall issue reflectorized license plates under the provisions
5 of this subsection on a schedule to be determined at the discretion of the cabinet.

6 (4) Except as directed under subsection (3) of this section, the Transportation Cabinet
7 shall receive all moneys forwarded by the clerk in each county and turn it over to
8 the State Treasurer for the benefit of the state road fund.

9 (5) The Transportation Cabinet shall require an accounting by the clerk in each county
10 for any moneys received by him or her under the provisions of this chapter, after the
11 deduction of his or her fees under this chapter, and for all receipts, forms, plates,
12 and insignia consigned to him or her. The Auditor of Public Accounts, pursuant to
13 KRS 43.071, shall annually audit each county clerk concerning his or her
14 responsibilities for the collection of various fees and taxes associated with motor
15 vehicles. The secretary of the Transportation Cabinet, with the advice, consultation,
16 and approval of the Auditor, shall develop and implement an inventory and
17 accounting system which shall insure that the audits mandated in KRS 43.071 are
18 performed in accordance with generally accepted auditing standards. The
19 Transportation Cabinet shall pay for the audits mandated by KRS 43.071.

20 (6) When applied for under KRS 186.060 or 186.061, motor or vehicle numbers
21 assigned shall be distinctive to show that they were designated by the cabinet.

22 ➔Section 4. KRS 186A.120 (Effective until January 1, 2024) is amended to read
23 as follows:

24 (1) Application for a first certificate of registration or title and plate, shall be made by
25 the owner to the county clerk of the county in which he resides, except that, if a
26 vehicle is purchased from a dealer other than in the county in which the purchaser
27 for use resides, the purchaser, or the dealer on behalf of the purchaser, may make

1 application for registration to the county clerk in either the county in which the
2 purchaser resides, or in the county in which the dealer's principal place of business
3 is located.

4 (2) (a) When purchaser of a vehicle upon which a lien is to be recorded is a resident
5 of a county other than that of the dealer, the application for registration or title
6 may be made to the county clerk in either county. The lien must be recorded
7 in the county of the purchaser's residence.

8 (b) If vehicle application for registration or title is presented to the county clerk of
9 dealer's location rather than purchaser's residence, the clerk shall process
10 documents in a manner similar to that of any application, with the exception
11 that the AVIS system shall be programmed in a manner that the title shall not
12 be issued from Frankfort until the lien information has been entered by the
13 county clerk of the purchaser's residence.

14 (3) (a) A new vehicle, when first registered or titled in this state, shall be registered
15 or titled in the name of the first owner for use rather than in the name of a
16 dealer who held the vehicle for sale.

17 (b) Except as otherwise provided in this chapter, a used vehicle not previously
18 registered or titled in this state shall be registered or titled in the name of the
19 first owner for use rather than in the name of a dealer who held the vehicle for
20 resale.

21 (4) If the owner of a vehicle required to be registered or titled in this state does not
22 reside in the Commonwealth, the vehicle shall be registered or titled with the
23 county clerk of the county in which the vehicle is principally operated.

24 (5) **The Transportation Cabinet shall not require a member of the Armed Forces who**
25 **is stationed in the Commonwealth to obtain a Kentucky operator's license in**
26 **order to register a motor vehicle in the Commonwealth.**

27 (6) If the owner of a vehicle is other than an individual and resides in the

1 Commonwealth, the vehicle shall be registered or titled with the county clerk in
2 either the county in which the owner resides or in the county in which the vehicle is
3 principally operated.

4 ➔Section 5. KRS 186A.120 (Effective January 1, 2024) is amended to read as
5 follows:

6 (1) Except for applications for title using the electronic title application and registration
7 system established under KRS 186A.017, application for a first certificate of
8 registration or title and plate shall be made by the owner to the county clerk of the
9 county in which the owner resides, except that, if a vehicle is purchased from a
10 dealer other than in the county in which the purchaser for use resides, the purchaser,
11 or the dealer on behalf of the purchaser, may make application for registration to
12 the county clerk in either the county in which the purchaser resides, or in the county
13 in which the dealer's principal place of business is located.

14 (2) (a) When purchaser of a vehicle upon which a lien is to be recorded is a resident
15 of a county other than that of the dealer, the application for registration or title
16 may be made to the county clerk in either county. The lien must be recorded
17 in the county of the purchaser's residence.

18 (b) If vehicle application for registration or title is presented to the county clerk of
19 dealer's location rather than purchaser's residence, the clerk shall process
20 documents in a manner similar to that of any application, with the exception
21 that the AVIS system shall be programmed in a manner that the title shall not
22 be issued from Frankfort until the lien information has been entered by the
23 county clerk of the purchaser's residence.

24 (3) (a) A new vehicle, when first registered or titled in this state, shall be registered
25 or titled in the name of the first owner for use rather than in the name of a
26 dealer who held the vehicle for sale.

27 (b) Except as otherwise provided in this chapter, a used vehicle not previously

1 registered or titled in this state shall be registered or titled in the name of the
2 first owner for use rather than in the name of a dealer who held the vehicle for
3 resale.

4 (4) If the owner of a vehicle required to be registered or titled in this state does not
5 reside in the Commonwealth, the vehicle shall be registered or titled with the
6 county clerk of the county in which the vehicle is principally operated.

7 (5) **The Transportation Cabinet shall not require a member of the Armed Forces who**
8 **is stationed in the Commonwealth to obtain a Kentucky operator's license in**
9 **order to register a motor vehicle in the Commonwealth.**

10 (6) If the owner of a vehicle is other than an individual and resides in the
11 Commonwealth, the vehicle shall be registered or titled with the county clerk in
12 either the county in which the owner resides or in the county in which the vehicle is
13 principally operated.

14 ➔Section 6. KRS 190.070 is amended to read as follows:

15 (1) It shall be a violation of this section for any manufacturer, distributor, factory
16 branch, or factory representative licensed under this chapter, **either directly or**
17 **indirectly**, to require any new motor vehicle dealer in the Commonwealth:

18 (a) To order or accept delivery of any motor vehicle, part or accessory thereof,
19 appliances, equipment, or any other product not required by law, which shall
20 not have been voluntarily ordered by the new motor vehicle dealer; except
21 that this section is not intended to modify or supersede any terms or
22 provisions of the franchise requiring new motor vehicle dealers to market a
23 representative line of those motor vehicles which the manufacturer or
24 distributor is publicly advertising; ~~;~~

25 (b) To order or accept delivery of any new motor vehicle with special features,
26 appliances, accessories, or equipment not included in the list price of the
27 motor vehicle, as publicly advertised by the manufacturer or distributor; ~~;~~

- 1 (c) To order for any person any parts, accessories, equipment, machinery tools,
2 appliance, or any commodity whatsoever not required in connection with a
3 recall campaign;[REDACTED]
- 4 (d) To participate monetarily in an advertising campaign or contest, any
5 promotional materials, training materials, showroom or other display
6 decorations, or materials, at the expense of the dealer, without the consent of
7 the dealer;[REDACTED]
- 8 (e) To enter into any agreement with the manufacturer, distributor, factory
9 branch, or factory representative, or to do any other act prejudicial to the new
10 motor vehicle dealer by threatening to cancel a franchise or any contractual
11 agreement existing between the dealer and the manufacturer, distributor,
12 factory branch, or factory representative. Notice in good faith to any dealer of
13 the dealer's violation of any terms or provisions of the dealer's franchise, or
14 contractual agreement shall not constitute a violation of this law;[REDACTED]
- 15 (f) To change the capital structure of the dealership, or the means by or through
16 which the dealer finances the operation of the dealership, provided that the
17 dealership at all times meets any reasonable capital standards agreed to by the
18 dealer, excluding any entity engaged primarily in providing financing or
19 insurance on motor vehicles;[REDACTED]
- 20 (g) To refrain from participation in the management or investment in, or the
21 acquisition of any other line of new motor vehicle or related products;
22 provided, however, that this section does not apply unless the new motor
23 vehicle dealer maintains a reasonable line of credit for each make or line of
24 new motor vehicles, and that the new motor vehicle dealer remains in
25 substantial compliance with the terms and conditions of the franchise and with
26 any reasonable facility requirements of the manufacturer, and no change is
27 made in the principal management of the new motor vehicle dealership;[REDACTED]

- 1 (h) To change the location of the dealership~~;~~ or ~~to~~, during the course of the
2 agreement, make any substantial alterations to the same components of the
3 dealership premises;
- 4 1. Within ten (10) years of a previously required improvement, alteration,
5 or construction to those same components; or~~;~~
- 6 2. When to do so, would be unreasonable in light of the current economic,
7 political, and social considerations;~~;~~
- 8 (i) To prospectively assent to a release, assignment, novation, waiver, or estoppel
9 which would relieve any person from liability to be imposed by this law, or to
10 require any controversy between a dealer and a manufacturer, distributor, or
11 representative, to be referred to any person other than the duly constituted
12 courts of the Commonwealth or the United States of America, or to the
13 commissioner, if the referral would be binding upon the dealer;~~;~~
- 14 (j) To establish or maintain exclusive facilities, personnel, display space, or
15 signage for a new motor vehicle make or line; or~~;~~
- 16 (k) To expand facilities without making available a sufficient supply of new
17 motor vehicles to support the expansion in light of the market and economic
18 conditions.
- 19 (2) It shall be a violation of this section for any manufacturer, distributor, factory
20 branch, or factory representative, either directly or indirectly:
- 21 (a) To delay, refuse, or fail to deliver motor vehicles, or vehicle parts or
22 accessories in reasonable quantities relative to the new motor vehicle dealer's
23 facilities and sales potential in the new motor vehicle dealer's relevant market
24 area, and within a reasonable time, but in any case no more than sixty (60)
25 days, after receipt of an order from a dealer having a franchise for the retail
26 sale of any new vehicle sold or distributed by the manufacturer or distributor,
27 any new vehicle, parts, or accessories to new vehicles as are covered by the

1 franchise, if the vehicle, parts, or accessories are publicly advertised as being
2 available for delivery or actually being delivered. The delivery to another
3 dealer of a motor vehicle of the same model and identically~~[similarly]~~
4 equipped as the vehicle ordered by a motor vehicle dealer who has not
5 received delivery thereof, but who had placed his or her written order for the
6 vehicle prior to the order of the dealer receiving the vehicle, shall be prima
7 facie evidence of a delayed delivery of, or refusal to deliver, a new motor
8 vehicle to a motor vehicle dealer within sixty (60) days, without cause. This
9 section is not violated, however, if the failure is caused by acts or causes
10 beyond the control of the manufacturer, distributor, factory branch, or factory
11 representative;[.]

12 (b) To refuse to disclose to any new motor vehicle dealer, handling the same line
13 make, the manner and mode of distribution of that line make within the
14 relevant market areas;[.]

15 (c) To prevent or attempt to prevent a dealer from receiving fair and reasonable
16 compensation for the value of the franchised business. There shall not be a
17 transfer or assignment of the dealer's franchise without the consent of the
18 manufacturer or distributor, which consent shall not be unreasonably
19 withheld;[.]

20 (d) To receive money, goods, services, or any other benefit from any vendor on
21 account of a transaction between the dealer and the vendor with whom the
22 dealer does business on the recommendation or requirement of the
23 manufacturer or distributor, other than for compensation for services
24 rendered, unless the benefit is promptly accounted for, and transmitted to
25 the dealer, excluding any entity engaged primarily in providing financing or
26 insurance on motor vehicles;~~[To obtain money, goods, service, or any other~~
27 ~~benefit from any other person with whom the dealer does business, on account~~

1 ~~of, or in relation to, the transaction between the dealer and the other person,~~
2 ~~other than for compensation for services rendered, unless the benefit is~~
3 ~~promptly accounted for, and transmitted to, the dealer, excluding any entity~~
4 ~~engaged primarily in providing financing or insurance on motor vehicles.]~~

5 (e) To increase prices of motor vehicles which the dealer had ordered for private
6 retail customers prior to the dealer's receipt of the written official price
7 increase notification, a sales contract signed by a private retail consumer shall
8 constitute evidence of each order, provided that the vehicle is in fact delivered
9 to the customer. In the event of manufacturer price reductions, the amount of
10 a reduction received by a dealer shall be passed on to the private retail
11 consumer by the dealer, if the retail price was negotiated on the basis of the
12 previous higher price to the dealer. Price reductions shall apply to all vehicles
13 in the dealer's inventory which were subject to the price reduction. Price
14 differences applicable to new model or series motor vehicles at the time of the
15 introduction of new models or series shall not be considered a price increase
16 or price decrease. Price changes caused by the following shall not be subject
17 to the provisions of this section:

- 18 1. The addition to a motor vehicle of required or optional equipment
19 pursuant to state or federal law;
- 20 2. Revaluation of the United States dollar, in the case of foreign-make
21 vehicles or components; or
- 22 3. Increased transportation charges due to an increase in the rate charged
23 by common carrier or transporter; ~~[-]~~

24 (f) To offer any refunds or other types of inducements to any person for the
25 purchase of new motor vehicles of a certain line make to be sold to the state or
26 any political subdivision thereof, without making the same offer, upon written
27 request, to all other dealers in the same line make within the relevant market

- 1 area;[]
- 2 (g) To release to any outside party, except under subpoena, any administrative,
3 judicial or arbitration proceedings, or any business, financial, or personal
4 information which may be, from time to time, provided by the dealer to the
5 manufacturer, without the express written consent of the dealer;[]
- 6 (h) To deny any dealer the right of free association with any other dealer for any
7 lawful purpose;[]
- 8 (i) To establish or maintain a relationship, on the part of a manufacturer,
9 distributor, factory branch, or factory representative, where the voting rights
10 exceed a simple majority;[]
- 11 (j) To own, operate, or control any motor vehicle dealership in the
12 Commonwealth; however, this subsection shall not prohibit:
- 13 1. The operation by any manufacturer of a dealership for a temporary
14 period, not to exceed one (1) year, during the transition from one (1)
15 owner to another;
- 16 2. The ownership or control of a dealership by a manufacturer while the
17 dealership is being sold under a bona fide contract or purchase option to
18 the operator of the dealership; or
- 19 3. The ownership, operation, or control of a dealership by a manufacturer
20 if the licensor determines after a hearing at the request of any party, that
21 there is not a dealer who is independent of the manufacturer available in
22 the community or trade area to own and operate the franchise in a
23 manner consistent with the public interest;[]
- 24 (k) To compete without good faith with a new motor vehicle dealer in the same
25 line make, operating under an agreement or franchise from the
26 aforementioned manufacturer, distributor, factory branch, or factory
27 representative in the relevant market area. A manufacturer, distributor, factory

1 branch, or factory representative shall not, however, be deemed to be
2 competing when operating a dealership, either temporarily for a reasonable
3 period, not to exceed one (1) year, or in a bona fide retail operation which is
4 for sale to any qualified independent person at a fair and reasonable price, or
5 in a bona fide relationship in which an independent person has made a
6 significant investment, subject to loss in the dealership, and can reasonably
7 expect to acquire full ownership of such dealership on reasonable terms and
8 conditions;[-]

9 *(l) To offer to sell or to sell, directly or indirectly, at retail, any new motor*
10 *vehicle to a consumer in the Commonwealth, except through a new motor*
11 *vehicle dealer holding a franchise for the line make covering the new motor*
12 *vehicle. The prohibition in this paragraph shall not apply to manufacturer*
13 *or franchisor sales of new motor vehicles to the federal government,*
14 *charitable organizations, or fleet customers, but shall apply to any sale of a*
15 *new motor vehicle to employees of the manufacturer or franchisor;*

16 *(m) To fail to assign any retail vehicle reservation, request to purchase, or lease*
17 *received by the manufacturer from a resident of the Commonwealth to the*
18 *franchised dealer designated by the customer or, if no designation is made,*
19 *to the franchised dealer in the closest proximity to the consumer, and for*
20 *which the franchised dealer is otherwise in compliance with the franchise*
21 *agreement and authorized to sell the make and model based on applicable*
22 *standards and requirements that include but are not limited to any facility,*
23 *technology, or training requirements necessary to sell or service the vehicle,*
24 *so long as the standards and requirements are compliant with the applicable*
25 *laws and regulations. Nothing in this paragraph shall require a*
26 *manufacturer or distributor to allocate or supply additional or supplemental*
27 *inventory to a franchised dealer located in the Commonwealth in order to*

1 *satisfy a retail consumer's reservation or request:*

2 ~~(n)(4)~~ To unfairly discriminate among its new motor vehicle dealers with
3 respect to warranty reimbursement or authority granted its new motor vehicle
4 dealers to make warranty adjustment with retail customers; ~~[-]~~

5 ~~(o)(m)~~ To fail to give consent to the sale, transfer, or exchange of the franchise
6 to a qualified buyer capable of being licensed as a new motor vehicle dealer in
7 this state; provided that consent may be withheld when in light of other
8 circumstances, granting the consent would be unreasonable; ~~or[-]~~

9 ~~(p)(n)~~ To fail to be licensed as provided in this chapter, and to maintain a bond
10 in an amount as determined by this chapter.

11 (3) It shall be unlawful for a manufacturer, either directly or indirectly, or in
12 combination with or through any subsidiary or affiliated entity, to discriminate in
13 favor of one (1) dealer against another dealer holding a franchise for the same line
14 make of motor vehicle by furnishing to only one (1) dealer any of the following:

15 (a) Any vehicle, part, or other product that is not available to each dealer at the
16 same price, including discounts, rebates, incentives, or other payments or
17 allowances affecting the net price of the product;

18 (b) Any vehicle, part, or other product that is not made available to each dealer in
19 quantities proportionate to the demand for the vehicle, part, or other product;

20 (c) Any vehicle, part, or other product that is not made available to each dealer on
21 comparable delivery terms, including time of delivery after placement of an
22 order;

23 (d) Any promotional or advertising payment or allowance that is not made
24 available to each dealer on proportionally equal terms;

25 (e) Any opportunity to purchase or lease from the manufacturer the dealer's
26 facility that is not made available to each dealer on terms proportionate to the
27 respective values of its facilities;

- 1 (f) Any personnel training that is not made available to each dealer on
2 proportionally equal terms;
- 3 (g) Any inventory or other financing that is not made available to each dealer on
4 proportionally equal terms, except that a manufacturer, subsidiary, or
5 affiliated entity shall not be obligated to make available financing to a dealer
6 who does not meet reasonable credit standards uniformly applied by the
7 manufacturer, subsidiary, or affiliated entity;
- 8 (h) Any opportunity to perform work for which the dealer is entitled to be
9 compensated under this chapter that is not made available to each dealer under
10 uniformly applied standards;
- 11 (i) Any opportunity to sell products or services distributed by the manufacturer
12 for resale in connection with the line make of the motor vehicle covered by
13 the franchise that is not made available to each dealer on proportionally equal
14 terms;
- 15 (j) Any opportunity to establish an additional sales, service, or parts outlet that is
16 not made available to each dealer in whose relevant market area the sales,
17 service, or parts outlet will be located;
- 18 (k) Any information concerning the manufacturer's products, prices or other
19 terms of sale, or promotional programs that is not contemporaneously
20 furnished to the dealer;
- 21 (l) Any improvement to, or payment to the dealer for an improvement to, the
22 dealer's facilities that is not made available to each dealer on proportionally
23 equal terms;
- 24 (m) Any opportunity to sell or assign retail installment contracts or consumer
25 leases to the manufacturer or the manufacturer's sales finance company
26 subsidiary that is not made available to each dealer on proportionally equal
27 terms, except that a manufacturer or sales finance company shall not be

- 1 obligated to purchase any retail installment contract or consumer lease that
2 does not meet reasonable credit terms uniformly applied by the manufacturer
3 or sales finance company subsidiary;
- 4 (n) Any product assistance, service, or facility in connection with the franchise
5 that is not made available to each dealer on proportionally equal terms; or
- 6 (o) Any payment for any service or facility in connection with the franchise that
7 is not made available to each dealer on proportionally equal terms.
- 8 (4) It shall not be a defense to an alleged violation of subsection (3) of this section, that
9 an item or opportunity was offered to a dealer if the offer was conditioned upon the
10 dealer meeting one (1) or more requirements that are not reasonable and necessary
11 to fulfill the dealer's obligations under the franchise. The manufacturer shall have
12 the burden of proving that any requirement upon which an offer was conditioned
13 was reasonable and necessary to fulfill the dealer's obligations under the franchise
14 when the offer was made. A requirement shall not be found to be reasonable and
15 necessary to fulfill the dealer's obligations under the franchise if the manufacturer
16 cannot prove that it was within the control of each dealer to meet the requirement
17 imposed on the dealer as a condition of the offer.
- 18 (5) A dealer who alleges a good faith belief that the dealer has been, or is being,
19 discriminated against in violation of subsection (3) of this section, may demand in
20 writing that the manufacturer furnish the dealer with pertinent information
21 reasonably necessary for the dealer to determine if discrimination exists. If the
22 manufacturer fails to furnish the dealer with the information demanded within thirty
23 (30) days of the manufacturer's receipt of the dealer's written demand, the
24 manufacturer shall have, in any subsequent legal proceeding, the burden of proving
25 that the alleged violation has not occurred.
- 26 (6) Any dealer who is discriminated against by a manufacturer in violation of
27 subsection (3) of this section shall recover three (3) times an amount equal to the

1 value of what the dealer would have received if the manufacturer had complied
2 with subsection (3) of this section upon furnishing any item or opportunity to
3 another dealer.

4 (7) A change in ownership of a manufacturer or distributor that contemplates a
5 continuation of that line make in the state shall not directly or indirectly, through
6 actions of any parent of the manufacturer or distributor, subsidiary of the
7 manufacturer or distributor, or common entity cause a termination, cancellation, or
8 nonrenewal of a dealer agreement by a present or previous manufacturer or
9 distributor of an existing agreement unless the manufacturer or distributor offers the
10 new vehicle dealer an agreement substantially similar to that offered to other
11 dealers of the same line make.

12 ➔Section 7. Whereas recent communications to Kentucky automobile dealers have
13 caused confusion over the ability of members of the Armed Forces stationed in
14 Kentucky to register a motor vehicle in the Commonwealth, an emergency is
15 declared to exist, and Section 4 of this Act takes effect upon its passage and
16 approval by the Governor or upon its otherwise becoming a law.