

1 AN ACT relating to street-legal special purpose vehicles.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Local government" means a city, county, charter county government,*
7 *urban-county government, consolidated local government, or unified local*
8 *government;*

9 *(b) 1. "Special purpose vehicle" means an all-terrain vehicle, utility terrain*
10 *vehicle, minitruck, pneumatic-tired military vehicle, or full-size special*
11 *purpose-built vehicle, including a vehicle that is self-constructed or*
12 *built by the original equipment manufacturer and a vehicle that has*
13 *been modified.*

14 *2. "Special purpose vehicle" does not include a low-speed vehicle as*
15 *defined in KRS 186.010; and*

16 *(c) 1. "Street-legal special purpose vehicle" means a special purpose vehicle*
17 *that meets the requirements of this section and is equipped with all of*
18 *the following:*

19 *a. One (1) or more headlamps;*

20 *b. One (1) or more tail lamps;*

21 *c. One (1) or more brake lamps;*

22 *d. A trail lamp or other lamp constructed and placed to illuminate*
23 *the registration plate with a white light;*

24 *e. One (1) or more red reflectors on the rear of the vehicle;*

25 *f. An amber electric turn system, one (1) on each side of the front*
26 *of the vehicle;*

27 *g. Amber or red electric turn signals on the rear of the vehicle;*

- 1 *h. A braking system, other than a parking brake;*
- 2 *i. A horn or other warning device;*
- 3 *j. A working muffler;*
- 4 *k. Rearview mirrors on the right and left side of the driver;*
- 5 *l. A windshield, unless the operator of the vehicle wears eye*
- 6 *protection while operating the vehicle;*
- 7 *m. A speedometer, illuminated for nighttime operation;*
- 8 *n. A roll bar or roll cage;*
- 9 *o. For multi-passenger vehicles a seatbelt assembly that conforms*
- 10 *to the federal motor vehicle safety standard provided in 49*
- 11 *C.F.R. sec. 571.209 for each designated seating position; and*
- 12 *p. Tires that have at least two thirty-seconds (2/32) of an inch or*
- 13 *greater tire tread.*
- 14 *2. "Street-legal special purpose vehicle" does not include a low-speed*
- 15 *vehicle as defined in KRS 186.010 or a vehicle primarily used for farm*
- 16 *or agricultural activities.*
- 17 *(2) A person shall not operate a street-legal special purpose vehicle on a highway if:*
- 18 *(a) The highway is located within the jurisdictional boundaries of a local*
- 19 *government where the operation of special purpose vehicles has not been*
- 20 *allowed by local ordinance;*
- 21 *(b) The highway is a controlled-access system, including but not limited to an*
- 22 *interstate or parkway; or*
- 23 *(c) The United States Department of Agriculture prohibits special purpose*
- 24 *vehicles where the highway is located.*
- 25 *(3) Nothing in this section authorizes the operation of a street-legal special purpose*
- 26 *vehicle in an area that is not open to motor vehicle use.*
- 27 *(4) Street-legal special purpose vehicles are prohibited from traveling a distance*

1 greater than twenty (20) miles on a highway displaying centerline pavement
 2 markings.

3 (5) Minitrucks shall not be operated as street-legal special purpose vehicles on a
 4 highway that has been constructed pursuant to a federal highway program.

5 (6) Except as otherwise provided in this section, a street-legal special purpose vehicle
 6 shall:

7 (a) Be registered in accordance with Section 3 of this Act;

8 (b) Be insured by the owner or operator for the payment of tort liabilities in the
 9 same form and amounts as set forth in KRS 304.39-110 for motorcycles;

10 and

11 (c) Comply with all other requirements in this chapter.

12 (7) Upon registration of any street-legal special purpose vehicle under Section 3 of
 13 this Act, the county clerk shall issue the owner a motorcycle registration plate for
 14 the vehicle.

15 (8) Street-legal special purpose vehicles shall have an inspection completed by a
 16 certified inspector as required by Section 5 of this Act.

17 (9) An applicant renewing his or her registration for a street-legal special purpose
 18 vehicle pursuant to Section 3 of this Act shall certify that the street-legal special
 19 purpose vehicle still meets all of the equipment requirements in subsection
 20 (1)(c)1. of this section.

21 (10) The Transportation Cabinet shall promulgate administrative regulations in
 22 accordance with KRS Chapter 13A to implement this section.

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO
 24 READ AS FOLLOWS:

25 (1) The legislative body of a local government may, by ordinance, allow the operation
 26 of street-legal special purpose vehicles, as defined in Section 1 of this Act, on
 27 highways within the local government's jurisdictional boundaries.

1 **(2) A local government may adopt more stringent local ordinances governing street-**
2 **legal special purpose vehicle safety equipment and operation than specified in**
3 **Section 1 of this Act.**

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

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

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

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

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

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

10 (g) Proof of insurance in compliance with Section 1 of this Act if the
11 application is for the registration of a street-legal special purpose vehicle.

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

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

- 1 (4) The application and documents presented therewith, including the sheriff's
2 certificate of inspection, shall be affixed to the Transportation Cabinet copy of the
3 certificate of title or registration and sent to the Transportation Cabinet by the clerk.
- 4 (5) At least forty-five (45) days prior to the expiration of registration of any motor
5 vehicle previously registered in the Commonwealth as provided by KRS 186A.035,
6 the owner of the vehicle shall be notified by mail on the same notice required by
7 KRS 134.805(5) of the date of expiration. In addition, the department shall provide
8 appropriate forms and information to permit renewal of motor vehicle registration
9 to be completed by mail. Any registration renewal by mail shall require payment of
10 an additional two dollar (\$2) fee which shall be received by the county clerk.
11 Nonreceipt of the notice herein shall not constitute a defense to any registration
12 related offense.
- 13 (6) (a) If an individual has been serving in the United States military stationed or
14 assigned to a base or other location outside the boundaries of the United
15 States, he or she shall renew the registration on the vehicle within thirty (30)
16 days of his or her return if:
- 17 1. The motor vehicle has been stored on a military base during the time of
18 deployment and has not been operated on the public highways during
19 that time; and
 - 20 2. The vehicle's registration expired during the individual's absence.
- 21 (b) An individual who meets the criteria in paragraph (a) of this subsection shall
22 not be convicted or cited for driving a vehicle with expired registration within
23 thirty (30) days after the individual's return to the Commonwealth if the
24 individual can provide proof of meeting the eligibility criteria under paragraph
25 (a) of this subsection.
- 26 (c) When an individual presents evidence of meeting the criteria under paragraph
27 (a) of this subsection when applying to renew the registration on the motor

1 vehicle, the county clerk shall, when applicable, treat the registration as a
 2 prorated renewal under KRS 186.051, and charge the individual a registration
 3 fee only for the number of months of the registration year the vehicle will be
 4 used on the public highways.

5 (7) The provisions of this section shall not apply to vehicles for which permanent
 6 registration has been obtained pursuant to KRS 186A.127.

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

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

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

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

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

16 (b) *The annual registration fee for a street-legal special purpose vehicle shall*
 17 *be ten dollars (\$10).*

18 (3) (a) All motor vehicles having a declared gross weight of vehicle and any towed
 19 unit of more than ten thousand (10,000) pounds are classified as commercial
 20 vehicles and the annual registration fee shall be as set forth in paragraph (b) of
 21 this subsection.

22 (b) The registration fee for all motor vehicles engaged in hauling passengers for
 23 hire which are designed or constructed to transport more than fifteen (15)
 24 passengers including the operator shall be one hundred dollars (\$100). The
 25 registration fee for all other commercial vehicles, except as provided in
 26 subsections (4) to (10) and (13) of this section, shall be as follows:

27 Declared Gross Weight of Vehicle Registration

1	and Any Towed Unit	Fee
2	10,001-14,000	30.00
3	14,001-18,000	50.00
4	18,001-22,000	132.00
5	22,001-26,000	160.00
6	26,001-32,000	216.00
7	32,001-38,000	300.00
8	38,001-44,000	474.00
9	44,001-55,000	699.00
10	55,001-62,000	1,037.00
11	62,001-73,280	1,280.00
12	73,281-80,000	1,440.00

- 13 (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six
14 thousand (26,000) pounds or less may have it registered as a farmer's
15 truck and obtain a license for eleven dollars and fifty cents (\$11.50). The
16 applicant's signature upon the certificate of registration and ownership
17 shall constitute a certificate that the applicant is a farmer engaged in the
18 production of crops, livestock, or dairy products, that the applicant owns
19 a truck of the gross weight of twenty-six thousand (26,000) pounds or
20 less, and that during the next twelve (12) months the truck shall not be
21 used in for-hire transportation and may be used in transporting persons,
22 food, provender, feed, machinery, livestock, material, and supplies
23 necessary for the applicant's farming operation, and the products grown
24 on the applicant's farm.
- 25 2. Any farmer owning a truck having a gross weight of twenty-six
26 thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds
27 may have it registered as a farmer's truck and obtain a license for eleven

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

11 (b) Any farmer owning a truck having a declared gross weight in excess of thirty-
12 eight thousand (38,000) pounds shall not be required to pay the fee set out in
13 subsection (3) of this section and, in lieu thereof, shall pay forty percent
14 (40%) of the fee set out in subsection (3) of this section and shall be exempt
15 from any fee charged under the provisions of KRS 281.752. The applicant's
16 signature upon the registration receipt shall be considered to be a certification
17 that the applicant is a farmer engaged solely in the production of crops,
18 livestock, or dairy products, and that during the current registration year the
19 truck will be used only in transporting persons, food, provender, feed, and
20 machinery used in operating the applicant's farm and the products grown on
21 the applicant's farm.

22 (c) An initial applicant for, or an applicant renewing, his or her registration
23 pursuant to this subsection, may at the time of application make a voluntary
24 contribution to be deposited into the agricultural program trust fund
25 established in KRS 246.247. The recommended voluntary contribution shall
26 be set at ten dollars (\$10) and automatically added to the cost of registration
27 or renewal unless the individual registering or renewing the vehicle opts out

1 of contributing the recommended amount. The county clerk shall collect and
2 forward the voluntary contribution to the cabinet for distribution to the
3 Department of Agriculture.

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

12 (6) Any church or religious organization owning a bus used solely in transporting
13 persons to and from a place of worship or for other religious work may have the bus
14 registered as a church bus and obtain a license for eleven dollars and fifty cents
15 (\$11.50) by filing with the county clerk, in addition to other information required,
16 an affidavit stating that the bus will be used only for the transporting of persons to
17 and from a place of worship, or for other religious work, and that there has been
18 printed on the bus in large letters the words "Church Bus," with the name of the
19 church or religious organization owning and using the or bus, and that during the
20 next twelve (12) months the bus will be used only for the purpose stated.

21 (7) Any person owning a motor vehicle with a gross weight of fourteen thousand
22 (14,000) pounds or less on which a wrecker crane or other equipment suitable for
23 wrecker service has been permanently mounted may register the vehicle and obtain
24 a license for eleven dollars and fifty cents (\$11.50) by filing with the county clerk,
25 in addition to other information required, an affidavit that a wrecker crane or other
26 equipment suitable for wrecker service has been permanently mounted on the
27 vehicle and that during the next twelve (12) months the vehicle will be used only in

1 wrecker service. If the gross weight of the vehicle exceeds fourteen thousand
2 (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of
3 this section. The gross weight of a vehicle used in wrecker service shall not include
4 the weight of the vehicle being towed by the wrecker.

5 (8) Motor vehicles having a declared gross weight in excess of eighteen thousand
6 (18,000) pounds, which when operated in this state are used exclusively for the
7 transportation of property within the limits of the city named in the affidavit
8 hereinafter required to be filed, or within ten (10) miles of the city limits of the city
9 if it is a city with a population equal to or greater than three thousand (3,000) based
10 upon the most recent federal decennial census, or within five (5) miles of its limits
11 if it is a city with a population of less than three thousand (3,000) based upon the
12 most recent federal decennial census, or anywhere within a county containing an
13 urban-county government, shall not be required to pay the fee as set out in
14 subsection (3) of this section, and in lieu thereof shall pay seventy-five percent
15 (75%) of the fee set forth in subsection (3) of this section and shall be exempt from
16 any fee charged under the provisions of KRS 281.752. Nothing in this section shall
17 be construed to limit any right of nonresidents to exemption from registration under
18 any other provisions of the laws granting reciprocity to nonresidents. Operations
19 outside of this state shall not be considered in determining whether or not the
20 foregoing mileage limitations have been observed. When claiming the right to the
21 reduced fee, the applicant's signature on the certificate of registration and
22 ownership shall constitute a certification or affidavit stating that the motor vehicle
23 when used within this state is used only for the transportation of property within the
24 city to be named in the affidavit and the area above set out and that the vehicle will
25 not be used outside of a city and the area above set out during the current
26 registration period.

27 (9) Motor vehicles having a declared gross weight in excess of eighteen thousand

1 (18,000) pounds, which are used exclusively for the transportation of primary forest
2 products from the harvest area to a mill or other processing facility, where the mill
3 or processing facility is located at a point not more than fifty (50) air miles from the
4 harvest area or which are used exclusively for the transportation of concrete blocks
5 or ready-mixed concrete from the point at which the concrete blocks or ready-
6 mixed concrete is produced to a construction site where the concrete blocks or
7 ready-mixed concrete is to be used, where the construction site is located at a point
8 not more than thirty (30) air miles from the point at which the concrete blocks or
9 ready-mixed concrete is produced shall not be required to pay the fee as set out in
10 subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent
11 (75%) of the fee set out in subsection (3) of this section and shall be exempt from
12 any fee charged under the provisions of KRS 281.752. The applicant's signature
13 upon the certificate of registration and ownership shall constitute a certification that
14 the motor vehicle will not be used during the current registration period in any
15 manner other than that for which the reduced fee is provided in this section.

16 (10) Any owner of a commercial vehicle registered for a declared gross weight in excess
17 of eighteen thousand (18,000) pounds, intending to transfer same and desiring to
18 take advantage of the refund provisions of KRS 186.056(2), may reregister the
19 vehicle and obtain a "For Sale" certificate of registration and ownership for one
20 dollar (\$1). Title to a vehicle so registered may be transferred, but the registration
21 shall not authorize the operation or use of the vehicle on any public highway. No
22 refund may be made under the provisions of KRS 186.056(2) until the title to the
23 vehicle has been transferred to the purchaser thereof. Provided, however, that
24 nothing herein shall be so construed as to prevent the seller of a commercial vehicle
25 from transferring the registration of the vehicle to any purchaser thereof.

26 (11) The annual registration fee for self-propelled vehicles containing sleeping or eating
27 facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be

1 designated "Recreational vehicle." The foregoing shall not include any motor
2 vehicle primarily designed for commercial or farm use having temporarily attached
3 thereto any sleeping or eating facilities, or any commercial vehicle having sleeping
4 facilities.

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

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

23 (b) Any owner of a commercial vehicle who is required to title his or her motor
24 vehicle under this section shall first title the vehicle with the county clerk
25 pursuant to KRS 186.020 for a state fee of one dollar (\$1). Title to the vehicle
26 may be transferred; however title without proper registration shall not
27 authorize the operation or use of the vehicle on any public highway. Any

1 commercial vehicle properly titled in Kentucky may also be registered in
2 Kentucky, and, upon payment of the required fees, the department may issue
3 an apportioned registration plate to the commercial vehicle.

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

10 (14) Any person seeking to obtain a special license plate for an automobile that has been
11 provided to the applicant pursuant to an occupation shall meet both of the following
12 requirements:

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

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

18 (15) An applicant for any motor vehicle registration issued pursuant to this section shall
19 have the opportunity to make a donation of two dollars (\$2) to promote a hunger
20 relief program through specific wildlife management and conservation efforts by
21 the Department of Fish and Wildlife Resources in accordance with KRS 150.015. If
22 an applicant elects to make a contribution under this subsection, the two dollar (\$2)
23 donation shall be added to the regular fee for any motor vehicle registration issued
24 pursuant to this section. One (1) donation may be made per issuance of each
25 registration. The fee shall be paid to the county clerk and shall be transmitted by the
26 State Treasurer to the Department of Fish and Wildlife Resources to be used
27 exclusively for the purpose of wildlife management and conservation activities in

1 support of hunger relief. The county clerk may retain up to five percent (5%) of the
2 fees collected under this subsection for administrative costs associated with the
3 collection of this donation. Any donation requested under this subsection shall be
4 voluntary and may be refused by the applicant at the time of issuance or renewal of
5 a license plate.

6 (16) In addition to the fees outlined in this section, the county clerk shall collect from the
7 registrants of electric vehicles and electric motorcycles the electric vehicle
8 ownership fees imposed in KRS 138.475. The county clerk may retain one dollar
9 (\$1) of the fee collected under this subsection.

10 ➔Section 5. KRS 186A.115 is amended to read as follows:

11 (1) (a) Except as otherwise provided in this section, the owner of every vehicle
12 brought into this state and required to be titled in this state shall, before
13 submitting his or her application for title to the county clerk, have the vehicle
14 together with his or her application for title and its supporting documents
15 inspected by a certified inspector in the county in which the application for
16 title is to be submitted to the county clerk.

17 (b) An owner of a military surplus vehicle seeking title in this state shall, before
18 submitting his or her application for title to the county clerk, have the vehicle
19 together with his or her application for title and its supporting documents
20 inspected by a certified inspector in the county in which the application for
21 title is to be submitted to the county clerk.

22 **(c) An owner of a street-legal special purpose vehicle, as defined in Section 1 of**
23 **this Act, seeking to register under Section 3 of this Act shall, before**
24 **submitting his or her application for title to the county clerk, have the**
25 **special purpose vehicle inspected by a certified inspector. There shall be a**
26 **twenty-five dollar (\$25) fee for the certification of a special purpose vehicle,**
27 **payable to the sheriff's office.**

- 1 (2) For inspections under this section:
- 2 (a) The certified inspector shall be certified through the Department of Vehicle
3 Regulation following requirements set forth by the department by regulation
4 and shall be designated by the county sheriff if the inspector is a current
5 member of his or her office or a special inspector appointed pursuant to KRS
6 70.030. The certified inspector will be held responsible for all certifications
7 required pursuant to this chapter and will be liable for any and all penalties
8 prescribed in this chapter, and shall be available during regular office hours at
9 any and all offices and branches that issue applications for titles;
- 10 (b) There shall be a fee for this certification, payable to the sheriff's office, and
11 the fee shall be retained by the sheriff's office for official expenses of the
12 office upon completion of certification, in the amount of:
- 13 1. Thirty dollars (\$30) for a motor vehicle dealer that qualifies to have an
14 employee appointed as a special inspector under paragraph (d) of this
15 subsection;
- 16 2. Fifteen dollars (\$15) for a motor vehicle dealer that does not qualify to
17 have an employee appointed as a special inspector under paragraph (d)
18 of this subsection; or
- 19 3. Fifteen dollars (\$15) for an individual person;
- 20 (c) There shall be an additional fee of twenty dollars (\$20) per trip when it
21 becomes necessary for the certified inspector to travel to the site of the vehicle
22 rather than bringing the vehicle to the sheriff's inspection area;
- 23 (d) A sheriff may appoint up to two (2) employees of a motor vehicle dealer that
24 is licensed under KRS Chapter 190 and doing business in the sheriff's county
25 as special inspectors if the motor vehicle dealer is:
- 26 1. A new motor vehicle dealer; or
27 2. A used motor vehicle dealer that has sold an average of one hundred

1 (100) or more motor vehicles per month in the preceding twelve (12)
2 months;

3 (e) A special inspector appointed under paragraph (d) of this subsection is only
4 authorized to perform motor vehicle inspections and complete certified
5 inspection forms under this section for vehicles purchased by that dealership
6 for resale and shall have his or her special inspector status revoked if he or she
7 is no longer an active employee of that dealership; and

8 (f) An inspection conducted in one (1) county within the Commonwealth of
9 Kentucky under this subsection, and the fees paid for that inspection under
10 this subsection, shall be honored by the certified inspector, sheriff, and county
11 clerk in all other counties within this state. A second inspection shall not be
12 required and additional fees shall not be required.

13 (3) The Transportation Cabinet may require that modifications be made to a military
14 surplus vehicle. Any modifications required by the cabinet under this section shall
15 be made to the military surplus vehicle prior to its inspection.

16 (4) The Transportation Cabinet shall promulgate administrative regulations pursuant to
17 KRS Chapter 13A to implement the provisions of subsections (1)(b) and (3) of this
18 section, including but not limited to vehicle modification requirements and the
19 creation of a separate electronic inspection form. The Transportation Cabinet shall
20 note that military vehicles were originally manufactured under the federally
21 mandated requirements set forth in 49 C.F.R. sec. 571.7 and shall only require these
22 vehicles to meet applicable federal motor vehicle safety standards.

23 (5) The following vehicles are excluded from the requirement of inspection by a
24 certified inspector prior to titling in this state:

25 (a) New motor vehicles sold by a dealer licensed in this state;

26 (b) Vehicles required to be registered in this state by reason of lack of a
27 reciprocity agreement with another state and for which a nonnegotiable

- 1 registration document is to be issued;
- 2 (c) Motor vehicles operated by a motor carrier under a nonnegotiable certificate
3 or permit issued by the Department of Vehicle Regulation;
- 4 (d) Motor vehicles owned by servicemen or servicewomen who are residents of
5 Kentucky stationed outside of Kentucky may be inspected by the post provost
6 or similar officer of the camp, post, or station. The post provost or similar
7 officer shall submit an affidavit stating the name of the owner, the
8 identification or serial number, the make, body style, current license or title
9 number, if any, and state in which currently registered or titled, if any, of the
10 motor vehicle;
- 11 (e) Motor vehicles purchased in another state by persons who are residents of
12 Kentucky but are temporarily residing out of state for at least thirty (30) days,
13 but not longer than nine (9) months, may after the purchase of the vehicle be
14 inspected by the state police, a local law enforcement agency, or the vehicle
15 inspection program of another state. If an inspector in another state examines
16 a vehicle under this paragraph, the purchaser may request the inspector to
17 complete an affidavit stating the name of the owner, the vehicle identification
18 number, the vehicle make and body style, the current state of registration, if
19 any, and the current vehicle license or title number, if any. The Transportation
20 Cabinet shall create an affidavit form containing at a minimum this
21 information and shall post the form on the cabinet's internet website. A person
22 using an inspector in another state under this paragraph shall comply with all
23 requirements of that state's inspection program, including payment of fees
24 charged in that state. A person registering a motor vehicle for the first time in
25 Kentucky under this paragraph shall transmit the application for registration,
26 all supporting documentation, and payment for registration and usage tax to
27 the county clerk of the county in which the person resides, and upon receipt of

- 1 the appropriate documentation, the county clerk shall register the vehicle; and
- 2 (f) Motor vehicles no longer located in Kentucky but which require inspection in
- 3 order to issue a corrected Kentucky title due to error in vehicle identification
- 4 or serial number may be inspected by an inspector authorized to inspect
- 5 vehicle identification or serial number by the laws of the state or foreign
- 6 country where application for a new title has been submitted.
- 7 (6) When presented to a certified inspector for inspection and to a county clerk for
- 8 processing, the owner's application for a first certificate of registration or title in his
- 9 or her name shall be accompanied by a current operator's license and one (1) of the
- 10 following documents as applicable:
- 11 (a) If the vehicle is a new vehicle not previously registered in this state, the
- 12 properly assigned manufacturer's statement of origin for the vehicle for which
- 13 registration or title is sought;
- 14 (b) If the vehicle was last registered in this state, and is a vehicle for which a title
- 15 is not required in this state, a certificate of registration, or if the vehicle is one
- 16 for which a certificate of title is required in this state, a properly assigned
- 17 certificate of title;
- 18 (c) If the vehicle was last previously titled in another state, a properly assigned
- 19 certificate of title;
- 20 (d) If the application refers to a vehicle previously registered in another country,
- 21 the documents of that country establishing ownership of the vehicle;
- 22 (e) If the application refers to a vehicle last previously registered in another
- 23 country by a person on active duty in the Armed Forces of the United States,
- 24 the county clerk may accept on behalf of the Department of Vehicle
- 25 Regulation evidence of ownership provided the applicant by the United States
- 26 Department of Defense; and
- 27 (f) Except as provided in KRS 186A.072(2)(c) governing custom-built

1 motorcycles, if the application relates to a vehicle which has been specially
2 constructed or reconstructed, that fact shall be stated in the application, and
3 the application shall be accompanied by the documents specified by
4 administrative regulations of the Department of Vehicle Regulation.

5 (7) When requested to inspect a vehicle pursuant to this section, the certified inspector
6 shall personally and physically inspect the vehicle, when registration or title is
7 sought in this state, on the following points:

8 (a) He or she shall compare the vehicle identification number as appearing on
9 both the vehicle identification number plate, and the federal safety standards
10 label of the vehicle which is sought to be registered or titled, with the
11 corresponding number inscribed on the application, and its supporting
12 documentation, and ensure that the vehicle identification number appearing at
13 each described location appears legitimate and that they are consistent with
14 each other;

15 (b) He or she shall examine the primary odometer of the vehicle and
16 electronically record the reading in the space provided in the inspection
17 section of the application;

18 (c) After exercising due diligence in inspecting the vehicle and its supporting
19 documentation, and finding that they appear to be in order, the certified
20 inspector shall execute the electronic certificate of inspection according to its
21 terms by electronically inputting in the spaces provided his or her first name,
22 middle initial, and last name, certified inspector number, his or her title; the
23 name of the county in which he or she serves; and the telephone number
24 including the telephone area code of his or her agency, and enter the month,
25 day, and year in which his or her inspection was made, certifying under
26 penalty of forgery in the second degree the character, accuracy, and date of
27 his or her inspection; and

- 1 (d) A certified inspector number shall not be subject to an open records request
2 under KRS 61.870 to 61.884 unless otherwise required by a court order.
- 3 (8) The certified inspector shall refrain from executing the certificate of inspection if:
- 4 (a) He or she has not personally and physically inspected the vehicle in
5 accordance with this section;
- 6 (b) He or she has reason to believe that the vehicle displays an unlawfully altered
7 vehicle identification number;
- 8 (c) The application and any of its copies are illegible or otherwise improperly
9 executed, or contain information reasonably believed to be inaccurate or
10 fraudulent;
- 11 (d) The documentation required in support of any application is not present, or
12 not consistent with the vehicle and the owner's application or appears
13 fraudulent; or
- 14 (e) He or she has probable cause to believe the vehicle is stolen.
- 15 (9) (a) Inspections on motor vehicles that meet the definition of a "historic vehicle"
16 under KRS 186.043(2) and are brought into this state shall be limited to
17 verification of the vehicle identification number with supporting
18 documentation for purposes of titling.
- 19 (b) Inspections on motor vehicles that meet the definition of a classic motor
20 vehicle project as set forth in KRS 186A.510 shall be limited to verification of
21 the vehicle identification number with supporting documentation for purposes
22 of issuing a classic motor vehicle project certificate of title under KRS
23 186A.535(1).
- 24 (10) The electronic certificate of inspection shall not be handled by any person or
25 persons other than those designated individuals within the offices of the sheriff,
26 county clerk, or other state office.
- 27 (11) The Transportation Cabinet shall promulgate administrative regulations pursuant to

1 KRS Chapter 13A to implement the provisions of this section, including but not
2 limited to special inspectors classified as dealer inspectors only and the creation of
3 an electronic certified vehicle inspection form and receipt.