

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

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

13 *(b) 1. "Street-legal special purpose vehicle" means a special purpose vehicle*
14 *that meets the requirements of this section and is equipped with all of*
15 *the following:*

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

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

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

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

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

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

24 *g. Amber or red electric turn signals;*

25 *h. A braking system, other than a parking brake;*

26 *i. A horn or other warning device;*

27 *j. A working muffler;*

- 1 k. Rearview mirrors on the right and left side of the driver;
- 2 l. A windshield, unless the operator of the vehicle wears eye
- 3 protection while operating the vehicle;
- 4 m. A speedometer, illuminated for nighttime operation;
- 5 n. A roll bar or roll cage;
- 6 o. For multi-passenger vehicles, an exterior mirror mounted on the
- 7 driver's side of the vehicle, either an interior mirror or an
- 8 exterior mirror mounted on the passenger's side of the vehicle,
- 9 and a seatbelt assembly that conforms to the federal motor
- 10 vehicle safety standard provided in 49 C.F.R. sec. 571.209 for
- 11 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 a controlled-access system, including but not limited to an
- 19 interstate or parkway; or
- 20 (b) A city, county, or the Department for Natural Resources prohibits special
- 21 purpose vehicles where the highway is located.
- 22 (3) Nothing in this section authorizes the operation of a street-legal special purpose
- 23 vehicle in an area that is not open to motor vehicle use.
- 24 (4) Street-legal special purpose vehicles are prohibited from traveling a distance
- 25 greater than twenty (20) miles on a highway displaying centerline pavement
- 26 markings.
- 27 (5) Minitrucks shall not be operated as street-legal special purpose vehicles on a

1 highway that has been constructed pursuant to a federal highway program.

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

4 (a) Be registered in accordance with Section 2 of this Act;

5 (b) Be insured in compliance with KRS 304.39-080; and

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

7 (7) Upon registration of any street-legal special purpose vehicle under this section,
8 the county clerk shall issue the owner a motorcycle registration plate for the
9 vehicle.

10 (8) Street-legal special purpose vehicles shall have an inspection completed by a
11 certified inspector as required by Section 4 of this Act.

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

14 ➔Section 2. KRS 186.020 is amended to read as follows:

15 (1) Before the owner of a motor vehicle or street-legal special purpose vehicle may
16 operate it or permit its operation upon a highway, the owner shall apply for
17 registration in accordance with administrative regulations promulgated by the
18 cabinet, except that a person who purchases a motor vehicle, or brings a motor
19 vehicle into the Commonwealth from another state shall make application for
20 registration within fifteen (15) days. The bill of sale or assigned title must be in the
21 motor vehicle during this fifteen (15) day period. If the owner of a motor vehicle is
22 an individual and resides in the Commonwealth, the motor vehicle shall be
23 registered with the county clerk of the county in which he or she resides. If the
24 owner of a motor vehicle does not reside in the Commonwealth, the motor vehicle
25 shall be registered with the county clerk of the county in which the motor vehicle is
26 principally operated. If the owner of a motor vehicle is other than an individual and
27 resides in the Commonwealth, the motor vehicle shall be registered with the county

1 clerk of either county. The application when presented to the county clerk for
2 registration shall be accompanied by:

- 3 (a) A bill of sale and a manufacturer's certificate of origin if the application is for
4 the registration of a new motor vehicle;
- 5 (b) The owner's registration receipt, if the motor vehicle was last registered in this
6 state;
- 7 (c) A bill of sale and the previous registration receipt, if last registered in another
8 state where the law of that state does not require the owner of a motor vehicle
9 to obtain a certificate of title or ownership;
- 10 (d) A certificate of title, if last registered in another state where the law of that
11 state requires the owner of a motor vehicle to obtain a certificate of title or
12 ownership;
- 13 (e) An affidavit from an officer of a local government saying that the motor
14 vehicle has been abandoned and that the provisions of KRS 82.630 have been
15 complied with, for local governments which elect to use the provisions of
16 KRS 82.600 to 82.640; and
- 17 (f) The application from a person who has brought a motor vehicle into the
18 Commonwealth from another state shall be accompanied by proof that the
19 motor vehicle is insured in compliance with KRS 304.39-080.
- 20 (2) After that, except as provided in subsection (6) of this section, the owner of any
21 motor vehicle registered under KRS 186.050(1) or (2) shall register his or her motor
22 vehicle on or before the date on which his or her certificate of registration expires.
23 If, before operating the motor vehicle in this state, the owner registers it at some
24 later date and pays the fee for the full year, he or she will be deemed to have
25 complied with the law. Insofar as the owner is concerned, registration with the clerk
26 shall be deemed to be registration with the cabinet.
- 27 (3) After that, the owner of any commercial vehicle registered under KRS 186.050(3)

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

9 (4) The application and documents presented therewith, including the sheriff's
10 certificate of inspection, shall be affixed to the Transportation Cabinet copy of the
11 certificate of title or registration and sent to the Transportation Cabinet by the clerk.

12 (5) At least forty-five (45) days prior to the expiration of registration of any motor
13 vehicle previously registered in the Commonwealth as provided by KRS 186A.035,
14 the owner of the vehicle shall be notified by mail on the same notice required by
15 KRS 134.805(5) of the date of expiration. In addition, the department shall provide
16 appropriate forms and information to permit renewal of motor vehicle registration
17 to be completed by mail. Any registration renewal by mail shall require payment of
18 an additional two dollar (\$2) fee which shall be received by the county clerk.
19 Nonreceipt of the notice herein shall not constitute a defense to any registration
20 related offense.

21 (6) (a) If an individual has been serving in the United States military stationed or
22 assigned to a base or other location outside the boundaries of the United
23 States, he or she shall renew the registration on the vehicle within thirty (30)
24 days of his or her return if:

25 1. The motor vehicle has been stored on a military base during the time of
26 deployment and has not been operated on the public highways during
27 that time; and

- 1 2. The vehicle's registration expired during the individual's absence.
- 2 (b) An individual who meets the criteria in paragraph (a) of this subsection shall
3 not be convicted or cited for driving a vehicle with expired registration within
4 thirty (30) days after the individual's return to the Commonwealth if the
5 individual can provide proof of meeting the eligibility criteria under paragraph
6 (a) of this subsection.
- 7 (c) When an individual presents evidence of meeting the criteria under paragraph
8 (a) of this subsection when applying to renew the registration on the motor
9 vehicle, the county clerk shall, when applicable, treat the registration as a
10 prorated renewal under KRS 186.051, and charge the individual a registration
11 fee only for the number of months of the registration year the vehicle will be
12 used on the public highways.
- 13 (7) The provisions of this section shall not apply to vehicles for which permanent
14 registration has been obtained pursuant to KRS 186A.127.
- 15 ➔Section 3. KRS 186.050 is amended to read as follows:
- 16 (1) The annual registration fee shall be eleven dollars and fifty cents (\$11.50) for:
- 17 (a) Motor vehicles, including pickup trucks and passenger vans; and
18 (b) Motor carrier vehicles, as defined in KRS 281.010, primarily designed for
19 carrying passengers or passengers for hire and having been designed or
20 constructed to transport not more than fifteen (15) passengers, including the
21 operator.
- 22 (2) (a) Except as provided in KRS 186.041 and 186.162, the annual registration fee
23 for each motorcycle shall be nine dollars (\$9).
- 24 **(b) The annual registration fee for a street-legal special purpose vehicle shall**
25 **be ten dollars (\$10).**
- 26 (3) (a) All motor vehicles having a declared gross weight of vehicle and any towed
27 unit of more than ten thousand (10,000) pounds are classified as commercial

1 vehicles and the annual registration fee shall be as set forth in paragraph (b) of
2 this subsection.

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

8	Declared Gross Weight of Vehicle	Registration
9	and Any Towed Unit	Fee
10	10,001-14,000	30.00
11	14,001-18,000	50.00
12	18,001-22,000	132.00
13	22,001-26,000	160.00
14	26,001-32,000	216.00
15	32,001-38,000	300.00
16	38,001-44,000	474.00
17	44,001-55,000	699.00
18	55,001-62,000	1,037.00
19	62,001-73,280	1,280.00
20	73,281-80,000	1,440.00

21 (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six
22 thousand (26,000) pounds or less may have it registered as a farmer's
23 truck and obtain a license for eleven dollars and fifty cents (\$11.50). The
24 applicant's signature upon the certificate of registration and ownership
25 shall constitute a certificate that the applicant is a farmer engaged in the
26 production of crops, livestock, or dairy products, that the applicant owns
27 a truck of the gross weight of twenty-six thousand (26,000) pounds or

1 less, and that during the next twelve (12) months the truck shall not be
2 used in for-hire transportation and may be used in transporting persons,
3 food, provender, feed, machinery, livestock, material, and supplies
4 necessary for the applicant's farming operation, and the products grown
5 on the applicant's farm.

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

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

1 machinery used in operating the applicant's farm and the products grown on
2 the applicant's farm.

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

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

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

1 next twelve (12) months the bus will be used only for the purpose stated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ➔Section 4. KRS 186A.115 is amended to read as follows:

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

25 (b) An owner of a military surplus vehicle seeking title in this state shall, before
26 submitting his or her application for title to the county clerk, have the vehicle
27 together with his or her application for title and its supporting documents

1 inspected by a certified inspector in the county in which the application for
2 title is to be submitted to the county clerk.

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

8 (2) For inspections under this section:

9 (a) The certified inspector shall be certified through the Department of Vehicle
10 Regulation following requirements set forth by the department by regulation
11 and shall be designated by the county sheriff if the inspector is a current
12 member of his or her office or a special inspector appointed pursuant to KRS
13 70.030. The certified inspector will be held responsible for all certifications
14 required pursuant to this chapter and will be liable for any and all penalties
15 prescribed in this chapter, and shall be available during regular office hours at
16 any and all offices and branches that issue applications for titles;

17 (b) There shall be a fee for this certification, payable to the sheriff's office, and
18 the fee shall be retained by the sheriff's office for official expenses of the
19 office upon completion of certification, in the amount of:

20 1. Thirty dollars (\$30) for a motor vehicle dealer that qualifies to have an
21 employee appointed as a special inspector under paragraph (d) of this
22 subsection;

23 2. Fifteen dollars (\$15) for a motor vehicle dealer that does not qualify to
24 have an employee appointed as a special inspector under paragraph (d)
25 of this subsection; or

26 3. Fifteen dollars (\$15) for an individual person;

27 (c) There shall be an additional fee of twenty dollars (\$20) per trip when it

- 1 becomes necessary for the certified inspector to travel to the site of the vehicle
2 rather than bringing the vehicle to the sheriff's inspection area;
- 3 (d) A sheriff may appoint up to two (2) employees of a motor vehicle dealer that
4 is licensed under KRS Chapter 190 and doing business in the sheriff's county
5 as special inspectors if the motor vehicle dealer is:
- 6 1. A new motor vehicle dealer; or
 - 7 2. A used motor vehicle dealer that has sold an average of one hundred
8 (100) or more motor vehicles per month in the preceding twelve (12)
9 months;
- 10 (e) A special inspector appointed under paragraph (d) of this subsection is only
11 authorized to perform motor vehicle inspections and complete certified
12 inspection forms under this section for vehicles purchased by that dealership
13 for resale and shall have his or her special inspector status revoked if he or she
14 is no longer an active employee of that dealership; and
- 15 (f) An inspection conducted in one (1) county within the Commonwealth of
16 Kentucky under this subsection, and the fees paid for that inspection under
17 this subsection, shall be honored by the certified inspector, sheriff, and county
18 clerk in all other counties within this state. A second inspection shall not be
19 required and additional fees shall not be required.
- 20 (3) The Transportation Cabinet may require that modifications be made to a military
21 surplus vehicle. Any modifications required by the cabinet under this section shall
22 be made to the military surplus vehicle prior to its inspection.
- 23 (4) The Transportation Cabinet shall promulgate administrative regulations pursuant to
24 KRS Chapter 13A to implement the provisions of subsections (1)(b) and (3) of this
25 section, including but not limited to vehicle modification requirements and the
26 creation of a separate electronic inspection form. The Transportation Cabinet shall
27 note that military vehicles were originally manufactured under the federally

1 mandated requirements set forth in 49 C.F.R. sec. 571.7 and shall only require these
2 vehicles to meet applicable federal motor vehicle safety standards.

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

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

6 (b) Vehicles required to be registered in this state by reason of lack of a
7 reciprocity agreement with another state and for which a nonnegotiable
8 registration document is to be issued;

9 (c) Motor vehicles operated by a motor carrier under a nonnegotiable certificate
10 or permit issued by the Department of Vehicle Regulation;

11 (d) Motor vehicles owned by servicemen or servicewomen who are residents of
12 Kentucky stationed outside of Kentucky may be inspected by the post provost
13 or similar officer of the camp, post, or station. The post provost or similar
14 officer shall submit an affidavit stating the name of the owner, the
15 identification or serial number, the make, body style, current license or title
16 number, if any, and state in which currently registered or titled, if any, of the
17 motor vehicle;

18 (e) Motor vehicles purchased in another state by persons who are residents of
19 Kentucky but are temporarily residing out of state for at least thirty (30) days,
20 but not longer than nine (9) months, may after the purchase of the vehicle be
21 inspected by the state police, a local law enforcement agency, or the vehicle
22 inspection program of another state. If an inspector in another state examines
23 a vehicle under this paragraph, the purchaser may request the inspector to
24 complete an affidavit stating the name of the owner, the vehicle identification
25 number, the vehicle make and body style, the current state of registration, if
26 any, and the current vehicle license or title number, if any. The Transportation
27 Cabinet shall create an affidavit form containing at a minimum this

- 1 information and shall post the form on the cabinet's internet website. A person
2 using an inspector in another state under this paragraph shall comply with all
3 requirements of that state's inspection program, including payment of fees
4 charged in that state. A person registering a motor vehicle for the first time in
5 Kentucky under this paragraph shall transmit the application for registration,
6 all supporting documentation, and payment for registration and usage tax to
7 the county clerk of the county in which the person resides, and upon receipt of
8 the appropriate documentation, the county clerk shall register the vehicle; and
- 9 (f) Motor vehicles no longer located in Kentucky but which require inspection in
10 order to issue a corrected Kentucky title due to error in vehicle identification
11 or serial number may be inspected by an inspector authorized to inspect
12 vehicle identification or serial number by the laws of the state or foreign
13 country where application for a new title has been submitted.
- 14 (6) When presented to a certified inspector for inspection and to a county clerk for
15 processing, the owner's application for a first certificate of registration or title in his
16 or her name shall be accompanied by a current operator's license and one (1) of the
17 following documents as applicable:
- 18 (a) If the vehicle is a new vehicle not previously registered in this state, the
19 properly assigned manufacturer's statement of origin for the vehicle for which
20 registration or title is sought;
- 21 (b) If the vehicle was last registered in this state, and is a vehicle for which a title
22 is not required in this state, a certificate of registration, or if the vehicle is one
23 for which a certificate of title is required in this state, a properly assigned
24 certificate of title;
- 25 (c) If the vehicle was last previously titled in another state, a properly assigned
26 certificate of title;
- 27 (d) If the application refers to a vehicle previously registered in another country,

1 the documents of that country establishing ownership of the vehicle;

2 (e) If the application refers to a vehicle last previously registered in another
3 country by a person on active duty in the Armed Forces of the United States,
4 the county clerk may accept on behalf of the Department of Vehicle
5 Regulation evidence of ownership provided the applicant by the United States
6 Department of Defense; and

7 (f) Except as provided in KRS 186A.072(2)(c) governing custom-built
8 motorcycles, if the application relates to a vehicle which has been specially
9 constructed or reconstructed, that fact shall be stated in the application, and
10 the application shall be accompanied by the documents specified by
11 administrative regulations of the Department of Vehicle Regulation.

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

15 (a) He or she shall compare the vehicle identification number as appearing on
16 both the vehicle identification number plate, and the federal safety standards
17 label of the vehicle which is sought to be registered or titled, with the
18 corresponding number inscribed on the application, and its supporting
19 documentation, and ensure that the vehicle identification number appearing at
20 each described location appears legitimate and that they are consistent with
21 each other;

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

25 (c) After exercising due diligence in inspecting the vehicle and its supporting
26 documentation, and finding that they appear to be in order, the certified
27 inspector shall execute the electronic certificate of inspection according to its

1 terms by electronically inputting in the spaces provided his or her first name,
2 middle initial, and last name, certified inspector number, his or her title; the
3 name of the county in which he or she serves; and the telephone number
4 including the telephone area code of his or her agency, and enter the month,
5 day, and year in which his or her inspection was made, certifying under
6 penalty of forgery in the second degree the character, accuracy, and date of
7 his or her inspection; and

8 (d) A certified inspector number shall not be subject to an open records request
9 under KRS 61.870 to 61.884 unless otherwise required by a court order.

10 (8) The certified inspector shall refrain from executing the certificate of inspection if:

11 (a) He or she has not personally and physically inspected the vehicle in
12 accordance with this section;

13 (b) He or she has reason to believe that the vehicle displays an unlawfully altered
14 vehicle identification number;

15 (c) The application and any of its copies are illegible or otherwise improperly
16 executed, or contain information reasonably believed to be inaccurate or
17 fraudulent;

18 (d) The documentation required in support of any application is not present, or
19 not consistent with the vehicle and the owner's application or appears
20 fraudulent; or

21 (e) He or she has probable cause to believe the vehicle is stolen.

22 (9) (a) Inspections on motor vehicles that meet the definition of a "historic vehicle"
23 under KRS 186.043(2) and are brought into this state shall be limited to
24 verification of the vehicle identification number with supporting
25 documentation for purposes of titling.

26 (b) Inspections on motor vehicles that meet the definition of a classic motor
27 vehicle project as set forth in KRS 186A.510 shall be limited to verification of

1 the vehicle identification number with supporting documentation for purposes
2 of issuing a classic motor vehicle project certificate of title under KRS
3 186A.535(1).

4 (10) The electronic certificate of inspection shall not be handled by any person or
5 persons other than those designated individuals within the offices of the sheriff,
6 county clerk, or other state office.

7 (11) The Transportation Cabinet shall promulgate administrative regulations pursuant to
8 KRS Chapter 13A to implement the provisions of this section, including but not
9 limited to special inspectors classified as dealer inspectors only and the creation of
10 an electronic certified vehicle inspection form and receipt.