

1 AN ACT relating to temporary motor vehicle tags.

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

3 ➔Section 1. KRS 186A.100 is amended to read as follows:

- 4 (1) **(a)** A motor vehicle dealer **issued a dealer plate**~~[licensed]~~ under KRS 186.070
 5 who sells a vehicle **to a person who will title and register the vehicle** for use
 6 upon the highways of this state **or another state** shall equip the vehicle with:
 7 **1. The buyer's existing Kentucky license plate, if the customer traded in**
 8 **a vehicle bearing that plate and the vehicle will be titled and registered**
 9 **in Kentucky; or**
 10 **2. A temporary tag executed in the manner prescribed in this section and**
 11 **in Sections 2 and 3 of this Act.**
 12 **(b) The cost of using the buyer's existing Kentucky license plate or of a**
 13 **temporary tag under this subsection shall be three dollars (\$3), of which the**
 14 **clerk shall retain two dollars (\$2).**
 15 **(2) A temporary tag issued by a dealer**~~[below, which]~~ shall be valid for sixty (60) days
 16 from the date the vehicle is delivered to the purchaser.~~[The cost of the tag shall be~~
 17 ~~two dollars (\$2), of which the clerk shall retain one dollar (\$1).]~~
 18 **(3) (a)** A motor vehicle dealer **who meets the requirements of subsection (1) of this**
 19 **section**~~[licensed under KRS 186.070]~~ shall:
 20 **1.** Apply to the county clerk of the county in which the dealer maintains
 21 his **or her** principal place of business for issuance of temporary tags;
 22 **and**
 23 **2. Not apply to the county clerk of any other county unless granted**
 24 **permission by the Motor Vehicle Commission.**
 25 **(b) When applying for temporary tags, a motor vehicle dealer:**
 26 **1. Shall report the number of sales in the previous year;**
 27 **2. Shall be limited to an initial purchase of temporary tags of no more**

1 than one hundred twenty-five percent (125%) of the number of sales
2 in the previous year; and

3 3. May provide the Motor Vehicle Commission with evidence of sales in
4 excess of eighty-five percent (85%) of the number of tags received
5 under subparagraph 2. of this paragraph, and the Motor Vehicle
6 Commission may allow the dealer to purchase additional temporary
7 tags.

8 (c) A motor vehicle dealer shall make application~~[shall be made]~~ for
9 temporary~~[such]~~ tags on forms supplied to the county clerk by the
10 Transportation Cabinet.

11 ~~(4)~~~~(2)~~ The county clerk of any county who receives a proper application for issuance
12 of temporary tags shall record the number of each tag issued upon the application of
13 the dealer for temporary~~[such]~~ tags, or if a group of consecutively numbered
14 temporary tags are issued to a dealer in connection with a single application, record
15 the beginning and ending numbers of the group on the application.

16 ~~(5)~~~~(3)~~ The clerk shall retain, for a period of two (2) years, one (1) copy of the
17 dealer's temporary tag application, and ensure that it reflects the numbers appearing
18 on the tags issued with respect to the~~[such]~~ application. These copies may be kept
19 by the county clerk in an electronic format.

20 ~~(6)~~~~(4)~~ If the owner of a motor vehicle submits to the county clerk a properly
21 completed application for Kentucky certificate of title and registration pursuant to
22 KRS 186A.120, any motor vehicle required to be registered and titled in Kentucky,
23 that is not currently registered and titled in Kentucky, may be equipped with a
24 temporary tag, which shall be valid for sixty (60) days from the date of issuance,
25 issued by the county clerk for the purpose of operating the vehicle in Kentucky
26 while assembling the necessary documents in order to title and register the vehicle
27 in Kentucky. The Transportation Cabinet may promulgate~~[establish]~~ administrative

1 regulations governing this section.

2 ~~(Z)(5)~~ The county clerk may issue a temporary tag to the owner of a motor vehicle
3 that is currently registered and titled in Kentucky. A temporary tag authorized by
4 this subsection shall be used for emergency or unusual purposes as determined by
5 the clerk for the purpose of maintaining the owner's current registration. A
6 temporary tag authorized by this subsection may only be issued by the county clerk
7 and shall be valid for a period of between twenty-four (24) hours and seven (7)
8 days, as determined is necessary by the clerk. A county clerk shall not issue a
9 temporary tag authorized by this subsection unless the owner of the motor vehicle
10 applying for the tag presents proof of motor vehicle insurance pursuant to KRS
11 304.39-080. ~~On and after January 1, 2006,~~ If the motor vehicle is a personal motor
12 vehicle as defined in KRS 304.39-087, proof of insurance shall be determined by
13 the county clerk as provided in KRS 186A.042. A temporary tag issued pursuant to
14 this subsection shall not be reissued by the county clerk for the same owner and
15 same motor vehicle within one (1) year of issuance of a temporary tag.

16 ➔Section 2. KRS 186A.105 is amended to read as follows:

17 (1) Motor vehicle dealers, their agents and county clerks, before equipping a vehicle
18 with a temporary tag, shall print or stamp in waterproof ink, legibly, in the spaces
19 provided on ~~the~~such tag:

20 (a) The month, day and year the vehicle was delivered to the purchaser;

21 (b) The month, day and year of expiration of the tag which shall be no more than
22 sixty (60) days following the date of delivery of the vehicle to the purchaser;

23 (c) The purchaser's or owner's name;

24 (d) The year model, make and vehicle identification number of the vehicle sold;
25 and

26 (e) Either the dealer's name, city of principal place of business and the telephone
27 number, including telephone area code, or the clerk's name, county and

1 telephone number, including area code.

2 (2) **(a)** The dealer's employee who executes the temporary tag shall place his **or her**
3 signature in the space provided.

4 **(b)** A dealer who issues, or whose agents issue, temporary tags shall:

5 **1.** Keep a log of each temporary tag obtained and each tag issued, **legibly**
6 showing all information entered by the dealer or dealer's agent on forms
7 supplied by the cabinet. **These records may be kept in an electronic**
8 **format;**

9 **2. Organize the log in sequential order by the date the tags are issued;**

10 **3. Maintain the**~~[, and shall make such]~~ log **at the dealer's principal place**
11 **of business and make it** available for inspection by any law
12 enforcement officer **or authorized agent of the Motor Vehicle**
13 **Commission** upon request;~~;~~

14 **4. Retain any temporary tags which have been voided as part of the log;**
15 **and**

16 **5. Retain** the log~~[shall be retained by the dealer]~~ for a period of at least
17 two (2) years following the date of issuance of the last dated tags whose
18 issuance is indicated on any individual temporary tag log sheet. **These**
19 **records may be kept in an electronic format.**

20 (3) The county clerk who executes the temporary tag shall place his **or her** signature in
21 the space provided. A county clerk who issues temporary tags shall keep a log of
22 each temporary tag obtained and each tag issued, showing all information entered
23 by the county clerk on forms supplied by the cabinet, and shall make the log
24 available for inspection by any law enforcement officer upon request. The log shall
25 be retained by the county clerk for a period of at least two (2) years following the
26 date of issuance of the last dated tags whose issuance is indicated on any individual
27 temporary tag log sheet. **The log required under this subsection may be kept by the**

1 county clerk in an electronic format.

2 ➔Section 3. KRS 186A.110 is amended to read as follows:

3 (1) A motor vehicle dealer, salesperson, or agent shall not:

4 (a) Issue a temporary tag prior to sale of the vehicle on which the tag is placed
5 by the dealer;

6 (b) Issue a temporary tag to a vehicle that has a salvage or other title that
7 signifies it is not eligible for highway use;

8 (c) Issue more than one (1) temporary tag to the same vehicle;

9 (d) Supply temporary tags to another dealership;

10 (e) Copy or reuse any temporary tag for issuance to more than one (1) vehicle;

11 (f) Fail to return any unissued temporary tags to the county clerk when a
12 dealership ceases operations; or

13 (g) Fail to comply with the issuance requirements and recordkeeping provisions
14 of Section 2 of this Act.

15 (2) Both the dealer and the dealer's ~~salesperson~~[salesman] or agent shall be liable for
16 separate penalties for any violation of this section or Section 1 or 2 of this
17 ~~Act~~[issuance of a temporary tag prior to sale of the vehicle on which the tag is
18 placed by the dealer, for placement of a tag on a vehicle other than one purchased
19 by the purchaser shown on such tag, for failure to fully execute as provided in this
20 section a temporary tag which is placed upon a vehicle, and for failure to maintain
21 the records required by KRS 186A.105].

22 ➔Section 4. KRS 186A.990 is amended to read as follows:

23 (1) Any person who knowingly gives false, fraudulent, or erroneous information in
24 connection with an application for the registration, and when required, titling of a
25 vehicle, or any application for assignment of a vehicle identification number, or
26 replacement documents, or gives information in connection with his or her review
27 of applications, or falsely certifies the truthfulness and accuracy of information

1 supplied in connection with the registration and when required, titling of a vehicle,
2 shall be guilty of forgery in the second degree.

3 (2) Any person who violates KRS 186A.260 or KRS 186A.275 to 186A.285 shall be
4 guilty of a Class D felony.

5 (3) Any person who violates KRS 186A.300 to 186A.315 shall be guilty of a Class D
6 felony.

7 (4) (a) Any person who operates a motor vehicle or trailer upon the highways of this
8 state without a temporary tag when one is required, or with one that is
9 expired, improperly executed, or displayed on a vehicle other than the one (1)
10 to which it was legitimately and lawfully issued, shall be guilty of a Class B
11 misdemeanor.

12 *(b) Any person who steals, fraudulently produces, copies, or acquires a*
13 *temporary tag in a manner not authorized under this chapter shall be guilty*
14 *of a Class D felony.*

15 (5) Any person who violates the disclosure provisions of KRS 186A.530(8) shall be
16 guilty of a Class A misdemeanor.

17 (6) Any person who violates any provisions of this chapter, or regulations promulgated
18 pursuant thereto, and for which a specific penalty is not prescribed by statute, shall
19 be guilty of a Class A misdemeanor.

20 (7) Criminal remedies or sanctions provided in this chapter are in addition to, and not
21 exclusive of, any other criminal remedies or sanctions provided elsewhere in the
22 statutes.

23 (8) Any person who intentionally or willfully divulges his, her, or another person's
24 certified inspector number to any person other than those designated individuals
25 within the offices of the sheriff, county clerk, or other state office, except in the
26 course of his or her official assigned duties, shall be guilty of a Class A
27 misdemeanor.

1 (9) Any person who intentionally or willfully sells his, her, or another person's certified
2 inspector number to any person or persons shall be guilty of a Class D felony.

3 **(10) A motor vehicle dealer, salesperson, or agent who violates subsection (4) of this**
4 **section or Section 1, 2, or 3 of this Act shall, in addition to the penalties**
5 **prescribed in this section, be subject to the penalties in Section 5 of this Act.**

6 ➔Section 5. KRS 190.990 is amended to read as follows:

7 (1) Except as provided in subsection (5) of this section, any person who violates or
8 causes, aids, or abets any violation of any provision of KRS 190.010 to 190.080 and
9 KRS Chapter 190A, as such provisions apply, respectively, to new motor vehicle
10 dealers, new recreational vehicle dealers, manufacturers, distributors, factory
11 branches, or factory representatives, or any order, rule or regulation lawfully issued
12 pursuant to authority granted by KRS 190.010 to 190.080 shall be fined not less
13 than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or
14 imprisoned for not more than thirty (30) days, or both. Any person who violates
15 paragraphs (l), (m) or (n) of subsection (1) of KRS 190.040 may also be subject to a
16 suspension or revocation sentence of not more than a year effective only in the
17 territory formerly served by the unfairly canceled dealer, except that in a
18 metropolitan area serviced by several dealers handling the same motor vehicle or
19 recreational vehicle, the suspension or revocation order shall not be applicable to
20 the remaining dealers.

21 (2) Any person who willfully and intentionally violates any provision of KRS 190.090
22 to 190.140 shall be guilty of a misdemeanor and upon conviction shall be punished
23 by a fine not exceeding five hundred dollars (\$500).

24 (3) A willful violation of KRS 190.100 or 190.110 by any person shall bar his **or her**
25 recovery of any finance charge, delinquency, or collection charge on the retail
26 installment contract involved.

27 (4) Any person who willfully violates KRS 190.270 to 190.320 shall be subject to a

1 penalty of five thousand dollars (\$5,000) per violation, which may be recovered on
2 behalf of the Commonwealth by the Attorney General.

3 (5) Any person who willfully and fraudulently gives a false statement as to the total and
4 actual consideration paid for a motor vehicle under KRS 138.450 shall be guilty of
5 a Class D felony and shall be fined not less than two thousand dollars (\$2,000) per
6 offense.

7 **(6) Any licensee who violates Section 1, 2, or 3 of this Act or subsection (4) of**
8 **Section 4 of this Act may be subject to the following penalties levied by the**
9 **commission:**

10 **(a) For the first offense, a warning or a fine of up to one thousand dollars**
11 **(\$1,000) per violation;**

12 **(b) For the second offense within a two (2) year period, a fine of up to two**
13 **thousand dollars (\$2,000) per violation and a suspension of the licensee's**
14 **license for up to one (1) year; and**

15 **(c) For the third offense within a two (2) year period, a fine of up to two**
16 **thousand dollars (\$2,000) per violation and a revocation of the licensee's**
17 **license.**

18 ➔Section 6. KRS 186.990 is amended to read as follows:

19 (1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040,
20 186.045(4), 186.050, 186.056, 186.060, 186.073, 186.110, 186.130, 186.140,
21 186.160, 186.170, 186.180(1) to (4)(a), 186.210(1), 186.230, or KRS 186.655 to
22 186.680 shall be guilty of a violation.

23 (2) Any person who violates any of the provisions of KRS 138.465, 186.072, 186.190,
24 186.200, or 186.210(2) shall be guilty of a Class A misdemeanor.

25 (3) A person who violates the provisions of KRS 186.450(4), (5), or (6) or 186.452(3),
26 (4), or (5) shall be guilty of a violation. A person who violates any of the other
27 provisions of KRS 186.400 to 186.640 shall be guilty of a Class B misdemeanor.

- 1 (4) Any clerk or judge failing to comply with KRS 186.550(1) shall be guilty of a
2 violation.
- 3 (5) If it appears to the satisfaction of the trial court that any offender under KRS
4 186.400 to 186.640 has a driver's license but in good faith failed to have it on his or
5 her person or misplaced or lost it, the court may, in its discretion, dismiss the
6 charges against the defendant without fine, imprisonment, or cost.
- 7 (6) Any person who steals a motor vehicle registration plate, temporary tag, or renewal
8 decal shall be guilty of a Class D felony. Displaying a canceled registration plate or
9 temporary tag on a motor vehicle shall be prima facie evidence of guilt under this
10 section.
- 11 (7) Any person who violates the provisions of KRS 186.1911 shall be guilty of a Class
12 A misdemeanor.
- 13 (8) Any person who makes a false affidavit to secure a license plate under KRS
14 186.172 shall be guilty of a Class A misdemeanor.
- 15 (9) Any person who violates any provision of KRS 186.070 or 186.150 shall be guilty
16 of a Class A misdemeanor.
- 17 (10) Any person who operates a vehicle bearing a dealer's plate upon the highways of
18 this Commonwealth with intent to evade the motor vehicle usage tax or registration
19 fee shall be guilty of a Class A misdemeanor for the first offense and a Class D
20 felony for each subsequent offense.
- 21 (11) Any person, other than a licensed dealer or manufacturer, who procures a dealer's
22 plate with intent to evade the motor vehicle usage tax or registration fee shall be
23 guilty of a Class D felony.
- 24 (12) Any resident who unlawfully registers, titles, or licenses a motor vehicle in any
25 state other than Kentucky with intent to evade the motor vehicle usage tax or the
26 registration fee shall be guilty of a Class A misdemeanor if the amount of tax due is
27 less than one hundred dollars (\$100), or of a Class D felony if the amount of tax due

1 is more than one hundred dollars (\$100), and in addition shall be liable for all taxes
2 so evaded with applicable interest and penalties.