

1           AN ACT relating to the Motor Vehicle Commission.

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

3           ➔Section 1. KRS 190.058 is amended to read as follows:

4    (1) The Motor Vehicle Commission is hereby created as an agency of the  
5       Commonwealth to carry out the functions and duties conferred upon it by this  
6       section.

7    (2) The commission shall consist of twelve (12) members, eleven (11) of whom shall  
8       be appointed by the Governor, and the twelfth shall be the commissioner of the  
9       Department of Vehicle Regulation. The appointed members shall be:

- 10       (a) One (1) representative of an automobile manufacturer;
- 11       (b) One (1) representative of automobile wholesalers;
- 12       (c) One (1) representative of consumers who shall have no direct financial  
13           interest in the industry;
- 14       (d) Four (4) new motor vehicle dealers, but no more than two (2) shall represent  
15           the same automobile manufacturer as a franchise dealer; and
- 16       (e) Four (4) used motor vehicle dealers.

17    (3) In addition to the requirements of membership on the commission in subsection (2)  
18       of this section, the following requirements shall apply to the composition of the  
19       commission:

- 20       (a) No more than seven (7) members shall be from the same political party; and
- 21       (b) From the eight (8) members specified in subsection (2)(d) and (e) of this  
22           section, seven (7) shall be from separate Supreme Court districts.

23    (4) Each member shall serve for a term of three (3) years. The staggered terms of  
24       membership dating from the gubernatorial appointments of July 15, 1982, shall  
25       remain in effect.

26    (5) (a) Members of the commission shall qualify by taking the constitutional oath of  
27           office which shall, with the certificate of appointment, be evidence of the

1 authority of the member to act.

2 (b) Each member of the commission shall be entitled to two hundred dollars  
3 (\$200) per day for each day actually engaged in the duties of the office,  
4 including time spent in necessary travel to and from meetings and otherwise,  
5 together with all travel and other necessary expenses incurred while  
6 performing official duties.

7 (6) The commission shall hold a regular annual meeting in September of each year and  
8 elect a chairperson[chairman] and vice chairperson[chairman] to serve for the  
9 ensuing year. The commission shall have regular meetings as the majority of the  
10 members specifies and special meetings at the request of any five (5) members.  
11 Reasonable notice of all meetings shall be given as commission administrative  
12 regulations prescribe.

13 (7) A member of the commission shall not participate in the deliberations of the  
14 commission and shall not vote on any matter before the commission in which the  
15 member has a financial interest or is an interested party. A member shall voluntarily  
16 disqualify himself or herself from deliberating or voting upon matters that affect the  
17 member but shall not be required to disqualify from matters of general interest  
18 affecting the member, the member's employer, or a business unit in which the  
19 member has a financial interest as a member of a class of persons to be affected by  
20 an administrative regulation or order of the commission.

21 (8) A majority of the commissioners, excluding any disqualified commissioner, shall  
22 constitute a quorum for the transaction of any business, for the performance of any  
23 duty, or for the exercise of any power of the commission. A vacancy in the  
24 commission, whether due to disqualification or otherwise, shall not impair the right  
25 of the remaining commissioners to exercise all the powers of the commission.

26 (9) The commission shall employ an executive director who shall be the chief  
27 administrative officer of the commission. ***The executive director***[He] shall maintain

1       all minutes of the commission proceedings and shall be custodian of the files and  
2       records of the commission. The executive director shall employ the staff authorized  
3       by the commission. The commission may, by interagency contract, utilize  
4       assistance of any state agency.

5       (10) (a) *There is hereby created in the state treasury a trust and agency account to*  
6       *be known as the motor vehicle commission fund. The fund shall consist of*  
7       *all license fees paid to the commission under this chapter, state*  
8       *appropriations, gifts, grants, and federal funds.*

9       (b) *The fund shall be administered by the commission.*

10      (c) *Amounts deposited in the fund shall be used for carrying out the duties of*  
11      *the commission under this chapter.*

12      (d) *Notwithstanding KRS 45.229, fund amounts not expended at the close of a*  
13      *fiscal year shall not lapse but shall be carried forward into the next fiscal*  
14      *year*~~[The commission shall deposit all moneys received by it from license fees~~  
15      ~~paid under this law with the State Treasurer, who shall keep them in a~~  
16      ~~separate fund to be known as the "Motor Vehicle Commission Fund."~~ The  
17      ~~commission may use this fund for salaries, wages, per diem, professional and~~  
18      ~~consulting fees, grants, loans, contracts, travel expenses, equipment, office~~  
19      ~~rent and expenses, and other necessary expenses incurred in carrying out its~~  
20      ~~duties under this section as provided by legislative appropriation.~~  
21      ~~Notwithstanding KRS 45.229, at the close of each biennium, the unexpended~~  
22      ~~balance remaining in the motor vehicle commission fund shall not lapse but~~  
23      ~~shall be carried forward to the next biennium].~~

24      (11) The commission shall administer the provisions of this section, establish the  
25       qualifications of manufacturers and dealers, and ensure that the distribution and sale  
26       of new motor vehicles are conducted as provided in this chapter and under the  
27       commission's administrative regulations.

- 1        (12) The commission may issue orders and make determinations necessary to carry out
- 2                the provisions of KRS 190.010 to 190.080. The orders shall set forth the findings on
- 3                which the order is based, and the reason for the particular action taken. All orders
- 4                shall be signed by the chairperson[chairman] or vice chairperson[chairman] and
- 5                attested by the executive director.
- 6        (13) The commission may hold hearings that shall be conducted in accordance with KRS
- 7                Chapter 13B. A member of the commission shall not participate in the deliberations
- 8                of the commission and shall not vote on any matter if the member has been
- 9                disqualified on any of the grounds under KRS 13B.040.
- 10      (14) The commission may cause legal proceedings to be instituted to enforce the
- 11                provisions of this section and its administrative regulations, orders, and decisions. If
- 12                it appears from any investigation of a possible violation of any other law or
- 13                administrative regulation that a violation of the provisions of KRS 190.010 to
- 14                190.080 may have occurred, the matter shall be referred to the commission to
- 15                determine whether proceedings under KRS 190.010 to 190.080 are appropriate. The
- 16                commission may make contracts and execute instruments necessary or convenient
- 17                to the exercise of its power or performance of its duties.
- 18      (15) The availability of administrative procedures under this section shall not preclude
- 19                the utilization of other remedies for violation of the provisions of this chapter which
- 20                are available to the affected parties, including actions for injunctive relief.