Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 106		
Bill #: HB 34		
Document ID #: 426		
•	An ACT relating to all-terrain vehicles and making an appropriation herefor.	
Sponsor: Representative Robert Goforth		
Unit of Government:	XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment	
Office(s) Impacted:	County Clerks, Local Government	
Requirement:	Mandatory Optional	
Effect on Powers & Duties:	Modifies Existing X Adds New Eliminates Existing	

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Overall, the expected fiscal impact of HB 34 on city and county governments would be minimal. HB 34 amends KRS 186.010, to specify that for registration purposes an all-terrain vehicle (ATV) shall be considered a motor vehicle. HB 34 amends KRS 186A.070 to allow ATVs to operate (under specific conditions) on roadways of the Commonwealth. HB 34 creates new sections to KRS 189 establishing requirements for operating an ATV on Commonwealth roadways. These requirements are that the public roadway is not a fully controlled access highway, the operator must be 18 years or older and has a valid operator's license. The ATV must be equipped with headlights, tail lights, brake lights, turn signals and a rear or side view mirror, and must pass inspection by a certified inspector. The ATV must be titled, registered and insured, and is operated in accordance with all traffic regulations.

HB 34 requires that residents and non-residents register each ATV that will be operated on public roadways. The registration fee is set at \$25. The \$25 registration fee will be

collected by county clerk offices for each registration issued. The county clerks will retain 50% of the fee and the remaining 50% will be directed to the Road Fund.

Under this proposal, units of local government may enact ordinances to either allow or prohibit ATV operation on certain roadways within its jurisdiction and to limit the hours of operation.

Since July 1, 2010, titles have been required upon change of ownership for ATVs. Kentucky Transportation staff indicated that unless the ATV is purchased new and there was financing on the ATV, in many cases, the certificate of origin has not been presented to obtain a title. Transfers between individuals are not generally reported and titled since there is no enforcement. Based upon the inability to obtain an accurate number of ATV titles issued in the past year, an estimate of the number of ATVs that will be titled is not determinable.

It can be reasonably expected that upon passage of this measure, there will be an increase in the number of ATVs that get titled and registered in order to be operated upon the Commonwealth's roadways. County clerks will realize an increase in retained fees, but the amount is indeterminable.

Local governments that chose to create ordinances affecting the operation of ATVs will incur costs associated with the drafting, publication, indexing, and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2018, the median hourly rate was approximately \$106.

Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. LRC Research Report No. 431, Cost and Policy Considerations for State-Mandated Local Public Notices, adopted October 13, 2016, indicated that median costs to counties incurred for publishing ordinances in FY 2015 was \$1,035.

City and county governments will also have training costs for public safety officers on how to deal with issues related to these vehicles.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section, above, pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s):	Kentucky Transporation Cabinet, Kentucky County Clerks Association,
	Kentucky League of Cities; Kentucky Association of Counties, LRC
	Informational Bulletin No. 145, Kentucky Municipal Statutory Law,
	Revised September 2018; LRC Research Report No. 431, Cost and Policy
	Considerations for State-Mandated Local Public Notices.

Preparer:Mark OffermanReviewer:KHCDate:1/15/19