

addition to the revocation of the registration and suspension of the license plate, first-time offenders may be fined at least \$500 but not more than \$1,000, be sentenced to not more than 90 days in jail, or both. For second and subsequent offenses within a five year period, a person could be sentenced to jail for 180 days, fined not less than \$1,000 nor more than \$2,500, or both. There is judicial discretion for applying these penalties upon production of proof of insurance.

SB 49 SCS 1 adds that any motor vehicle for which the registration has been revoked is subject to the provisions of KRS 186.181. This requires the Transportation Cabinet to notify the Kentucky State Police (KSP) and/or other peace officers of the cancellation and requires them to seize any registration plate bearing a canceled number and to report such seizure to the appropriate department. The substitute also establishes a \$50 reinstatement fee to be collected by the county clerk. The county clerk shall retain \$20 and forward \$20 to DVR and \$10 to KSP or the law enforcement agency of the peace officer that removed the plate.

SB 49 SCS 1 also amends KRS 186.180 to conform.

The Kentucky Department of Transportation records show that in the last two years, there have been nearly 266,000 registrations cancelled due to failure to maintain required insurance coverage on a vehicle and approximately 83,500 of these reinstated.

Description	2020	2021
Registrations Cancelled and Reactivated	50,987	32,493
Registrations Currently Cancelled	80,766	101,651
Total Registrations Initially Cancelled	131,753	134,144

The impact of SB 49 SCS 1 on county clerks is indeterminable but expected to be positive and moderate. Assuming 130,000 registration revocations, county clerks would receive \$2.6 million in reinstatement fees. **The estimated fiscal impact on county attorneys is also indeterminate but expected to be moderate to significant.** In each case, the expected impact is likely to correspond directly to the relationship of county population and the number of vehicles registered in a county. The Kentucky County Attorneys Association indicates this bill would pose significant financial strain on county attorneys as this legislation would cause many more cases to be prosecuted. This in turn would require additional resources including adding staff.

If there is any jail time applied at sentencing, then an additional impact will be seen by counties. A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky’s 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$35.43 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$35.43 per day.

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

Part II, above, pertains to the bill as amended by SCS 1. The local mandate for SB 49 SCS 1 remains unchanged from the original statement.

SB 49 SCS 1 changes the introduced version of the bill by adding the requirement for KSP and/or other law enforcement agencies to remove the license plate from a vehicle with a revoked registration. It also provides for the \$50 reinstatement and the distribution of the fee as described above. Additional technical changes were made to conform.

Data Source(s): Kentucky Transportation Cabinet, Kentucky County Attorneys Association; Kentucky Department of Corrections

Preparer: MJO (wfb) **Reviewer:** KHC **Date:** 2/9/22