

TRANSPORTATION CABINET
Motor Vehicle Commission
(New Administrative Regulation)

605 KAR 1:091. Motor vehicle dealership names.

RELATES TO: KRS 190.040

STATUTORY AUTHORITY: KRS 190.030, 040, 073

NECESSITY, FUNCTION, AND CONFORMITY: KRS 190.040(1)(i) authorizes a license to be denied, suspended, or revoked for false or misleading advertising. This administrative regulation establishes provisions against false or misleading advertising that prohibit the use of the name of a make of motor vehicle in the business name of a used motor vehicle dealer and the use of a dealership name that is so similar to the name of an existing dealership that it would confuse or mislead the public.

Section 1. The trade name of a licensee shall incorporate the words used cars, auto sales, auto mart, or other similar wording clearly identifiable as a motor vehicle dealer.

(1) A licensee, other than a franchised new motor vehicle dealer, shall not use the name of any make of motor vehicle as a part of the dealership business name.

(2) The adoption of the name of a make of motor vehicle in a trade name or advertising in this manner shall constitute false or misleading advertising within the meaning of KRS 190.040 and shall be considered grounds for the denial, suspension, or revocation of a license.

Section 2. The commission shall deny an Application for Motor Vehicle Dealer License, TC 98-1, incorporated by reference in 605 KAR 1:030, if the name or proposed trade name of the licensee is the same or so similar to the name or trade name of an existing, unrelated licensee that the proposed name would confuse or otherwise mislead the public into believing that the two (2) licensees are the same or related.

(1) If no other grounds are cited for the denial of the Application for Motor Vehicle Dealer License, TC 98-1, incorporated by reference in 605 KAR 1:030, the applicant may reapply.

(2) Reapplication with a new trade name shall be submitted within ten (10) days of denial without remitting an additional application fee.

DOUG DOTSON, Chairman

APPROVED BY AGENCY: September 15, 2021

FILED WITH LRC: September 20, 2021 at 12:06 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2021 at 9 a.m. local time at the Motor Vehicle Commission, 200 Mero Street, Frankfort, Kentucky 40601. In the event that in-person meetings are not available, this hearing will be done by video teleconference. Members of the public wishing to attend may utilize the following link: <https://us02web.zoom.us/j/82520305441>, or by telephone at 19292056099, your meeting I.D. to join in is 825 2030 5441. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted

through 11:59 PM on December 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below:

CONTACT PERSON: Suzanne Baskett, Executive Staff Advisor, Kentucky Motor Vehicle Commission, 200 Mero Street, Frankfort, Kentucky 40601, phone (502) 573-1000, fax (502) 227-8082, email Suzanne.Baskett@ky.gov.