

1 AN ACT relating to transportation.

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

3 ➔Section 1. KRS 186.020 is amended to read as follows:

4 (1) Before the owner of a motor vehicle, other than a motor vehicle engaged in the  
5 transportation of passengers for hire operating under a certificate of convenience  
6 and necessity, may operate it or permit its operation upon a highway, the owner  
7 shall apply for registration in accordance with administrative regulations  
8 promulgated by the cabinet, except that a person who purchases a motor vehicle, or  
9 brings a motor vehicle into the Commonwealth from another state shall make  
10 application for registration within fifteen (15) days. The bill of sale or assigned title  
11 must be in the motor vehicle during this fifteen (15) day period. If the owner of a  
12 motor vehicle is an individual and resides in the Commonwealth, the motor vehicle  
13 shall be registered with the county clerk of the county in which he resides. If the  
14 owner of a motor vehicle does not reside in the Commonwealth, the motor vehicle  
15 shall be registered with the county clerk of the county in which the motor vehicle is  
16 principally operated. If the owner of a motor vehicle is other than an individual and  
17 resides in the Commonwealth, the motor vehicle shall be registered with the county  
18 clerk of either county. The application when presented to the county clerk for  
19 registration shall be accompanied by:

- 20 (a) A bill of sale and a manufacturer's certificate of origin if the application is for  
21 the registration of a new motor vehicle;
- 22 (b) The owner's registration receipt, if the motor vehicle was last registered in this  
23 state;
- 24 (c) A bill of sale and the previous registration receipt, if last registered in another  
25 state where the law of that state does not require the owner of a motor vehicle  
26 to obtain a certificate of title or ownership;
- 27 (d) A certificate of title, if last registered in another state where the law of that

1 state requires the owner of a motor vehicle to obtain a certificate of title or  
2 ownership;

3 (e) An affidavit from an officer of a local government saying that the motor  
4 vehicle has been abandoned and that the provisions of KRS 82.630 have been  
5 complied with, for local governments which elect to use the provisions of  
6 KRS 82.600 to 82.640; and

7 (f) The application from a person who has brought a motor vehicle into the  
8 Commonwealth from another state shall be accompanied by proof that the  
9 motor vehicle is insured in compliance with KRS 304.39-080.

10 (2) After that, except as provided in subsection (6) of this section, the owner of any  
11 motor vehicle registered under KRS 186.050(1) or (2) shall register ~~the~~<sup>his</sup> motor  
12 vehicle on or before the date on which ~~the~~<sup>his</sup> certificate of registration expires. If,  
13 before operating the motor vehicle in this state, the owner registers it at some later  
14 date and pays the fee for the full year, he or she will be deemed to have complied  
15 with the law. Insofar as the owner is concerned, registration with the clerk shall be  
16 deemed to be registration with the cabinet.

17 (3) After that, the owner of any commercial vehicle registered under KRS 186.050(3) to  
18 (14) shall register the commercial vehicle on or before April 1 of each year. If,  
19 before operating a commercial vehicle in this state, the owner registers it at some  
20 later date and pays the required fee, he or she will be deemed to have complied with  
21 the law. Insofar as the owner is concerned, registration with the clerk shall be  
22 deemed to be registration with the cabinet, except the owner of any commercial  
23 motor vehicle to be registered pursuant to the International Registration Plan under  
24 KRS 186.050(13) shall register the commercial motor vehicles on or before the last  
25 day of the month of registration established pursuant to KRS 186.051(3).

26 (4) The application and documents presented therewith, including the sheriff's  
27 certificate of inspection, shall be affixed to the Transportation Cabinet copy of the

1 certificate of title or registration and sent to the Transportation Cabinet by the clerk.

2 (5) At least forty-five (45) days prior to the expiration of registration of any motor  
3 vehicle previously registered in the Commonwealth as provided by KRS 186A.035,  
4 the owner of the vehicle shall be notified by mail on the same notice required by  
5 KRS 134.805(5) of the date of expiration. In addition, the department shall provide  
6 appropriate forms and information to permit renewal of motor vehicle registration  
7 to be completed by mail. Any registration renewal by mail shall require payment of  
8 an additional two dollar (\$2) fee which shall be received by the county clerk.  
9 Nonreceipt of the notice herein shall not constitute a defense to any registration  
10 related offense.

11 (6) (a) If an individual has been serving in the United States military stationed or  
12 assigned to a base or other location outside the boundaries of the United  
13 States, he or she shall renew the registration on the vehicle within thirty (30)  
14 days of his or her return if:

15 1. The motor vehicle has been stored on a military base during the time of  
16 deployment and has not been operated on the public highways during  
17 that time; and

18 2. The vehicle's registration expired during the individual's absence.

19 (b) An individual who meets the criteria in paragraph (a) of this subsection shall  
20 not be convicted or cited for driving a vehicle with expired registration within  
21 thirty (30) days after the individual's return to the Commonwealth if the  
22 individual can provide proof of meeting the eligibility criteria under paragraph  
23 (a) of this subsection.

24 (c) When an individual presents evidence of meeting the criteria under paragraph  
25 (a) of this subsection when applying to renew the registration on the motor  
26 vehicle, the county clerk shall, when applicable, treat the registration as a  
27 prorated renewal under KRS 186.051, and charge the individual a registration

1 fee only for the number of months of the registration year the vehicle will be  
2 used on the public highways.

3 ➔Section 2. KRS 189.125 is amended to read as follows:

4 (1) Except as otherwise provided in this section, "motor vehicle" as used in this section  
5 means every vehicle designed to carry fifteen (15) or fewer passengers and used for  
6 the transportation of persons, but the term does not include:

7 (a) Motorcycles;

8 (b) Motor-driven cycles; or

9 (c) Farm trucks registered for agricultural use only and having a gross weight of  
10 one (1) ton or more.

11 (2) A person shall not sell any new motor vehicle in this state nor shall any person  
12 make application for registering a new motor vehicle in this state unless the front or  
13 forward seat or seats have adequate anchors or attachments secured to the floor  
14 and/or sides to the rear of the seat or seats to which seat belts may be secured.

15 (3) (a) Any driver of a motor vehicle, when transporting a child of forty (40) inches  
16 in height or less in a motor vehicle operated on the roadways, streets, and  
17 highways of this state, shall have the child properly secured in a child restraint  
18 system of a type meeting federal motor vehicle safety standards.

19 (b) Any driver of a motor vehicle, when transporting a child under the age of  
20 eight (8) years who is between forty (40) inches and fifty-seven (57) inches in  
21 height in a motor vehicle operated on the roadways, streets, and highways of  
22 this state, shall have the child properly secured in a child booster seat. A child  
23 of any age who is greater than fifty-seven (57) inches in height shall not be  
24 required to be secured in a child booster seat under this section.

25 (4) As used in this section:

26 (a) "Child restraint system" means any device manufactured to transport children  
27 in a motor vehicle which conforms to all applicable federal motor vehicle

1 safety standards; and

2 (b) "Child booster seat" means a child passenger restraint system that meets the  
3 standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to  
4 properly sit in a federally approved lap-and-shoulder belt system.

5 (5) Failure to use a child passenger restraint system or a child booster seat shall not be  
6 considered as contributory negligence, nor shall such failure to use a passenger  
7 restraint system or booster seat be admissible as evidence in the trial of any civil  
8 action. Failure of any person to wear a seat belt shall not constitute negligence per  
9 se.

10 (6) A person shall not operate a motor vehicle manufactured after 1981 on the public  
11 roadways of this state unless the driver and all passengers are wearing a properly  
12 adjusted and fastened seat belt, unless the passenger is a child who is secured as  
13 required in subsection (3) of this section. The provisions of this subsection shall not  
14 apply to:

15 (a) A person who has in his or her possession at the time of the conduct in  
16 question a written statement from a physician, advanced practice registered  
17 nurse, or licensed chiropractor that the person~~he~~ is unable, for medical or  
18 physical reasons, to wear a seat belt; or

19 (b) A letter carrier of the United States postal service while engaged in the  
20 performance of his or her duties.

21 (7) A conviction for a violation of subsection (6) of this section shall not be transmitted  
22 by the court to the Transportation Cabinet. The Transportation Cabinet shall not  
23 include a conviction for a violation of subsection (6) of this section as part of any  
24 person's driving history record.

25 (8) The provisions of subsection (6) of this section shall supersede any existing local  
26 ordinance involving the use of seat belts. No ordinance contrary to subsection (6) of  
27 this section may be enacted by any unit of local government.

1           ➔Section 3. KRS 281A.080 is amended to read as follows:

- 2       (1) Each employer shall require the applicant to provide the information specified in  
3       KRS 281A.070. ***The employer***~~[He]~~ shall inform the applicant that the information  
4       provided may be used or the applicant's previous employers may be contacted for  
5       the purpose of investigating the applicant's work history.
- 6       (2) ***An***~~[No]~~ employer shall ***not*** knowingly allow, permit, or authorize a driver to drive a  
7       commercial vehicle during any period in which the driver:
- 8           (a) Has had his ***or her*** commercial driver's license suspended, revoked, or  
9           canceled by any state;
- 10          (b) Is currently disqualified from driving a commercial vehicle;
- 11          (c) Is subject to an out-of-service order in any state;
- 12          (d) Has more than one (1) driver's license;
- 13          (e) Does not currently hold a valid commercial driver's license; or
- 14          (f) Is in violation of any of the railroad crossing offenses or conduct set forth in  
15       KRS 189.500, 189.560, or 189.565.