

1 AN ACT relating to vital records.

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

3 ➔Section 1. KRS 186.010 is amended to read as follows:

4 As used in this chapter, unless otherwise indicated:

- 5 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;
6 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,
7 means the Transportation Cabinet only with respect to motor vehicles, other than
8 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the
9 Department of Vehicle Regulation when used with respect to commercial vehicles;
- 10 (2) "Highway" means every way or place of whatever nature when any part of it is open
11 to the use of the public, as a matter of right, license, or privilege, for the purpose of
12 vehicular traffic;
- 13 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who
14 will, under normal conditions during the year, manufacture or assemble at least ten
15 (10) new motor vehicles;
- 16 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in
17 paragraph (a) of subsection (8) of this section, which are propelled otherwise than
18 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as
19 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.
20 "Motor vehicle" shall not include a moped as defined in this section, but for
21 registration purposes shall include low-speed vehicles and military surplus vehicles
22 as defined in this section and vehicles operating under KRS 189.283;
- 23 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)
24 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a
25 motorized bicycle with a step-through type frame which may or may not have
26 pedals rated no more than two (2) brake horsepower, a cylinder capacity not
27 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring

1 clutching or shifting by the operator after the drive system is engaged, and capable
2 of a maximum speed of not more than thirty (30) miles per hour;

3 (6) "Operator" means any person in actual control of a motor vehicle upon a highway;

4 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who
5 pursuant to a bona fide sale has received physical possession of the vehicle
6 subject to any applicable security interest.

7 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with
8 the vendee or lessee entitled to possession of the vehicle, upon performance of
9 the contract terms, for a period of three hundred sixty-five (365) days or more
10 and with the right of purchase upon performance of the conditions stated in
11 the agreement and with an immediate right of possession vested in the
12 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to
13 possession, the conditional vendee or lessee or mortgagor shall be deemed the
14 owner.

15 (c) A licensed motor vehicle dealer who transfers physical possession of a motor
16 vehicle to a purchaser pursuant to a bona fide sale, and complies with the
17 requirements of KRS 186A.220, shall not be deemed the owner of that motor
18 vehicle solely due to an assignment to his dealership or a certificate of title in
19 the dealership's name. Rather, under these circumstances, ownership shall
20 transfer upon delivery of the vehicle to the purchaser, subject to any
21 applicable security interest;

22 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the
23 transportation of persons or property over or upon the public highways of this
24 Commonwealth and all vehicles passing over or upon said highways, except
25 electric low-speed scooters, road rollers, road graders, farm tractors, vehicles
26 on which power shovels are mounted, such other construction equipment
27 customarily used only on the site of construction and which is not practical for

1 the transportation of persons or property upon the highways, such vehicles as
2 travel exclusively upon rails, and such vehicles as are propelled by electric
3 power obtained from overhead wires while being operated within any
4 municipality or where said vehicles do not travel more than five (5) miles
5 beyond the city limit of any municipality.

6 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon,
7 or by which any person or property is or may be transported or drawn upon a
8 public highway, except electric low-speed scooters, devices moved by human
9 and animal power or used exclusively upon stationary rails or tracks, or which
10 derives its power from overhead wires;

11 (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640
12 apply to operator's licenses;

13 (10) "Dealer" means any person engaging in the business of buying or selling motor
14 vehicles;

15 (11) "Commercial vehicles" means all motor vehicles that are required to be registered
16 under the terms of KRS 186.050, but not including vehicles primarily designed for
17 carrying passengers and having provisions for not more than nine (9) passengers
18 (including driver), motorcycles, sidecar attachments, pickup trucks and passenger
19 vans which are not being used for commercial or business purposes, and motor
20 vehicles registered under KRS 186.060;

21 (12) "Resident" means any person who has established Kentucky as his or her state of
22 domicile. Proof of residency shall include but not be limited to a deed or property
23 tax bill, utility agreement or utility bill, or rental housing agreement. The possession
24 by an operator of a vehicle of a valid Kentucky operator's license shall be prima-
25 facie evidence that the operator is a resident of Kentucky;

26 (13) "Special status individual" means:

27 (a) "Asylee" means any person lawfully present in the United States who

1 possesses an I-94 card issued by the United States Department of Justice,
2 Immigration and Naturalization Service, on which it states "asylum status
3 granted indefinitely pursuant to Section 208 of the Immigration & Nationality
4 Act";

5 (b) "K-1 status" means the status of any person lawfully present in the United
6 States who has been granted permission by the United States Department of
7 Justice, Immigration and Naturalization Service to enter the United States for
8 the purpose of marrying a United States citizen within ninety (90) days from
9 the date of that entry;

10 (c) "Refugee" means any person lawfully present in the United States who
11 possesses an I-94 card issued by the United States Department of Justice,
12 Immigration and Naturalization Service, on which it states "admitted as a
13 refugee pursuant to Section 207 of the Immigration & Nationality Act"; and

14 (d) "Paroled in the Public Interest" means any person lawfully present in the
15 United States who possesses an I-94 card issued by the United States
16 Department of Justice, Immigration and Naturalization Service, on which it
17 states "paroled pursuant to Section 212 of the Immigration & Nationality Act
18 for an indefinite period of time";

19 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle
20 instruction permits;

21 (15) "Motorcycle" means any motor driven vehicle that has a maximum speed that
22 exceeds fifty (50) miles per hour, has a seat or saddle for the use of the operator,
23 and is designed to travel on not more than three (3) wheels in contact with the
24 ground, including vehicles on which the operator and passengers ride in an enclosed
25 cab. Only for purposes of registration, "motorcycle" shall include a motor scooter,
26 an alternative-speed motorcycle, and an auticycle as defined in this section, but
27 shall not include a tractor or a moped as defined in this section;

- 1 (16) "Low-speed vehicle" means a motor vehicle that:
- 2 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
- 3 combination thereof;
- 4 (b) Is four (4) wheeled; and
- 5 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour
- 6 as certified by the manufacturer;
- 7 (17) "Alternative-speed motorcycle" means a motorcycle that:
- 8 (a) Is self-propelled using an electric motor;
- 9 (b) Is three (3) wheeled;
- 10 (c) Has a fully enclosed cab and includes at least one (1) door for entry;
- 11 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as
- 12 certified by the manufacturer; and
- 13 (e) Is not an auticycle as defined in this section;
- 14 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a
- 15 highway or otherwise open to the public on which a number of motor vehicles may
- 16 be used simultaneously to provide driver training under the supervision of one (1) or
- 17 more driver training instructors;
- 18 (19) "Auticycle" means any motor vehicle that:
- 19 (a) Is equipped with a seat that does not require the operator to straddle or sit
- 20 astride it;
- 21 (b) Is designed to travel on three (3) wheels in contact with the ground;
- 22 (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as
- 23 certified by the manufacturer;
- 24 (d) Allows the operator and passenger to ride either side-by-side or in tandem in a
- 25 seating area that may be enclosed with a removable or fixed top;
- 26 (e) Is equipped with a three (3) point safety belt system;
- 27 (f) May be equipped with a manufacturer-installed air bags or a roll cage;

- 1 (g) Is designed to be controlled with a steering wheel and pedals; and
- 2 (h) Is not an alternative-speed motorcycle as defined in this section;
- 3 (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle
- 4 that:
- 5 (a) Is not operated using continuous tracks;
- 6 (b) Was originally manufactured for and sold directly to the Armed Forces of the
- 7 United States; and
- 8 (c) Was originally manufactured under the federally mandated requirements set
- 9 forth in 49 C.F.R. sec. 571.7;
- 10 (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
- 11 and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
- 12 species;
- 13 (22) "Identity document" means an instruction permit, operator's license, or personal
- 14 identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and
- 15 186.4123 or a commercial driver's license issued under KRS Chapter 281A;
- 16 (23) "Travel ID," as it refers to an identity document, means a document that complies
- 17 with Pub. L. No. 109-13, Title II;
- 18 (24) "Motor scooter" means a low-speed motorcycle that is:
- 19 (a) Equipped with wheels greater than sixteen (16) inches in diameter;
- 20 (b) Equipped with an engine greater than fifty (50) cubic centimeters;
- 21 (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
- 22 (d) Equipped with brake horsepower of two (2) or greater; and
- 23 (e) Equipped with a step-through frame or a platform for the operator's feet;~~and~~
- 24 (25) "Alternative technology," as used in KRS 186.400 to 186.640, means methods used
- 25 by the cabinet to facilitate the issuance of operator's licenses and personal
- 26 identification cards outside of the normal in-person application at a cabinet office,
- 27 including but not limited to a cabinet mobile unit or online services; **and**

1 **(26) "Electronic Verification of Vital Events system" or "EVVE system" means the**
2 **system maintained by the National Association for Public Health Statistics and**
3 **Information Systems that allows users to query participating vital records**
4 **jurisdictions to verify the authenticity of official records.**

5 ➔Section 2. KRS 186.412 is amended to read as follows:

6 (1) As used in this section, "applicant" means a person who is a citizen or permanent
7 resident of the United States.

8 (2) An applicant shall apply for an instruction permit or operator's license with the
9 Transportation Cabinet, or through alternative technology. Except as provided in
10 KRS 186.417, the application form shall require the applicant's:

11 (a) Full legal name and signature;

12 (b) Date of birth;

13 (c) Social Security number or a letter from the Social Security Administration
14 declining to issue a Social Security number;

15 (d) Sex;

16 (e) Present Kentucky resident address, exclusive of a post office box address
17 alone;

18 (f) Other information necessary to permit the application of United States citizens
19 to also serve as an application for voter registration;

20 (g) A brief physical description of the applicant;

21 (h) Proof of the applicant's Kentucky residency, including but not limited to a
22 deed or property tax bill, utility agreement or utility bill, or rental housing
23 agreement; and

24 (i) Other information the cabinet may require by administrative regulation
25 promulgated under KRS Chapter 13A.

26 (3) In addition to the information identified in subsection (2) of this section, a
27 permanent resident shall present one (1) of the following documents issued by the

1 United States Department of Homeland Security, United States Bureau of
2 Citizenship and Immigration Services:

- 3 (a) An I-551 card with a photograph of the applicant; or
4 (b) A form with the photograph of the applicant or a passport with a photograph
5 of the applicant on which the United States Department of Homeland
6 Security, United States Bureau of Citizenship and Immigration Services, has
7 stamped the following: "Processed for I-551. Temporary evidence of lawful
8 admission for permanent residence. Valid until (Expiration Date).
9 Employment authorized."

10 (4) Upon application for an operator's license under this section, the cabinet shall
11 capture a photograph of the applicant in accordance with the requirements of KRS
12 186.4102(1).

13 (5) *If an applicant submits a birth certificate as part of his or her application for an*
14 *operator's license under this section, the cabinet shall validate that birth*
15 *certificate by submitting a query to the Electronic Verification of Vital Events*
16 *system. The cabinet shall assist the administrator of the EVVE system in*
17 *supplying the applicant with follow-up questions if needed by the administrator of*
18 *the EVVE system to validate the authenticity of the applicant's birth certificate.*
19 *The cabinet shall not issue an operator's license to an applicant until the EVVE*
20 *system has validated the applicant's submitted birth certificate.*

21 **(6)** (a) Except as provided in paragraph (b) of this subsection, the cabinet shall
22 electronically scan the documents required for application under this section
23 and shall electronically retain the application, supporting documents, and the
24 photograph of the applicant. Upon completion of any required examinations
25 under KRS 186.480, the cabinet shall present the applicant with a temporary
26 operator's license or instruction permit, which shall be valid for thirty (30)
27 days until a permanent operator's license or instruction permit is mailed to the

1 applicant by the Transportation Cabinet.

2 (b) The cabinet shall only electronically scan the birth certificate of an individual
3 applying for a voluntary travel ID instruction permit or operator's license. If
4 the applicant is not seeking such a permit or license, the cabinet shall not
5 electronically scan the applicant's birth certificate.

6 (c) An applicant for an operator's license or instruction permit shall not be
7 required to surrender the applicant's birth certificate for image capture, image
8 storage, or image transmission to any entity, including the federal government,
9 unless express consent is given by the applicant during the course of obtaining
10 a voluntary travel ID license or permit.

11 ~~(Z)(6)~~ An applicant shall swear an oath to the cabinet as to the truthfulness of the
12 statements contained in the form.

13 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 213 IS CREATED TO
14 READ AS FOLLOWS:

15 *On or before January 1, 2024, the cabinet shall create and subsequently maintain a*
16 *central digital archive of all certificates dated January 1, 1947, or later that are in the*
17 *possession of the state registrar.*