

1 AN ACT relating to motor vehicle dealers.

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

3 ➔Section 1. KRS 190.080 is amended to read as follows:

4 (1) As used in this section, "previous consumer-owner" ***means***~~[shall mean]~~ the last
5 owner of the vehicle who could reasonably be expected to have operated the used
6 car for personal, family, household, or business purposes, but ***does not***
7 ***include***~~[shall not mean]~~ an owner who possessed the vehicle primarily for resale
8 purposes.

9 (2) ***(a) Except as provided in paragraph (b) of this subsection, a***~~[It shall be unlawful
10 for any]~~ motor vehicle dealer or motor vehicle salesperson ***shall not***~~[to]~~ refuse
11 to furnish, upon request of a prospective purchaser, the name, address, and
12 telephone number, if known or available, of the previous consumer-owner of
13 any used car offered for sale.

14 ***(b) The provisions of paragraph (a) of this subsection shall not apply if the***
15 ***previous consumer-owner has not given written consent to share his or her***
16 ***information with a prospective purchaser.***

17 (3) ~~A~~~~[It shall be unlawful for any]~~ person ***shall not***~~[to]~~ transfer a motor vehicle in order
18 to avoid compliance with this section.

19 ➔Section 2. KRS 281.926 is amended to read as follows:

20 (1) This section applies to any towing company that engages in, or offers to engage in,
21 emergency towing.

22 (2) Prior to attaching a motor vehicle to the tow truck, the towing company shall
23 furnish the vehicle's owner or operator, if the owner or operator is present at the
24 scene of the disabled vehicle and upon the owner's or operator's request, a rate sheet
25 listing all rates for towing services, including but not limited to all rates for towing
26 and associated fees, cleanup, labor, storage, and any other services provided by the
27 towing company.

- 1 (3) (a) Any towing company or storage facility shall:
- 2 1. Post a rate sheet as described in subsection (2) of this section at its
- 3 place of business;
- 4 2. Provide a current rate sheet to the nearest Department of Kentucky
- 5 State Police post and any law enforcement agency in its service area;
- 6 and ~~shall~~
- 7 3. Make the rate sheet available upon a customer's request.
- 8 (b) Any charge in excess of the rate sheets provided under this subsection shall be
- 9 deemed excessive.
- 10 (c) If a towing company fails to comply with any of the provisions of this
- 11 subsection, the Department of Kentucky State Police and any local law
- 12 enforcement agency in the company's service area shall remove that towing
- 13 company from its wrecker log for a period of:
- 14 1. Six (6) months for the first violation; and
- 15 2. One (1) year for any subsequent violation.
- 16 (4) An itemized invoice of actual towing charges assessed by a towing company for a
- 17 completed tow shall be made available to the owner of the motor vehicle or the
- 18 owner's agent no later than one (1) business day after:
- 19 (a) The tow is completed; or
- 20 (b) The towing company has obtained all necessary information to be included on
- 21 the invoice, including any charges submitted by subcontractors used by the
- 22 towing company to complete the tow and recovery.
- 23 (5) The itemized invoice required under subsection (4) of this section shall contain the
- 24 following information:
- 25 (a) The date and time the motor vehicle was towed;
- 26 (b) The location to which the motor vehicle was towed;
- 27 (c) The name, address, and telephone number of the towing company;

- 1 (d) A description of the towed motor vehicle, including the color, make, model,
2 year, and vehicle identification number of the motor vehicle;
- 3 (e) The license plate number and state of registration for the towed motor vehicle;
- 4 (f) The cost of the original towing service;
- 5 (g) The cost of any vehicle storage fees, expressed as a daily rate;
- 6 (h) Other fees, including documentation fees and motor vehicle search fees; and
- 7 (i) A list of the services that were performed under a warranty or that were
8 otherwise performed at no cost to the owner of the motor vehicle.
- 9 (6) Any service or fee in addition to the services or fees described in subsection (5)(f),
10 (g), or (h) of this section shall be set forth individually as a single line item on the
11 invoice required by this section, with an explanation and the exact charge for the
12 service or the exact amount of the fee.
- 13 (7) A copy of each invoice and receipt submitted by a tow truck operator in accordance
14 with this section shall:
- 15 (a) Be retained by the towing company for a period of two (2) years from the date
16 of issuance; and
- 17 (b) Throughout the two (2) year period described in this subsection, be made
18 available for inspection and copying not later than forty-eight (48) hours after
19 receiving a written request for inspection from:
- 20 1. A law enforcement agency;
- 21 2. The Attorney General;
- 22 3. A city attorney, county attorney, or the prosecuting attorney having
23 jurisdiction in the location of any of the towing company's business
24 locations;
- 25 4. The disabled motor vehicle's owner or lienholder;
- 26 5. An agent of the disabled motor vehicle's owner or lienholder; or
- 27 6. Any individual involved in the underlying collision, his or her respective

1 insurance companies, or his or her legal representatives, if the disabled
2 motor vehicle was involved in a collision.

3 ➔Section 3. KRS 281.990 is amended to read as follows:

4 (1) Except as provided in subsections~~[subsection]~~ (4) and (5) of this section, a person
5 shall be fined not less than twenty-five dollars (\$25) and no more than two hundred
6 dollars (\$200), if the person:

7 (a) Violates, causes, aids, or abets any violation of the provisions of this chapter,
8 or any order, rule, or administrative regulation lawfully issued pursuant to
9 authority granted by this chapter;

10 (b) Knowingly makes any false or erroneous statement, report, or representation
11 to the Department of Vehicle Regulation with respect to any matter placed
12 under the jurisdiction of the department by this chapter;

13 (c) Knowingly makes any false entry in the accounts or records required to be
14 kept pursuant to the authority granted by this chapter; or

15 (d) Knowingly fails to keep, or knowingly destroys or mutilates, any accounts or
16 records.

17 Every device to evade or to prevent the application of any provision of this chapter,
18 or any lawful order, rule or administrative regulation of the department issued
19 pursuant thereto, shall constitute a violation thereof.

20 (2) (a) Any person who violates KRS 281.630(1) or 281.631(1) shall be fined not
21 less than five hundred dollars (\$500) nor more than three thousand five
22 hundred dollars (\$3,500).

23 (b) Any person who operates as a motor carrier in violation of the terms of his or
24 her certificate or motor carrier vehicle license shall be fined not less than five
25 hundred dollars (\$500) nor more than three thousand five hundred dollars
26 (\$3,500).

27 (3) A person who violates KRS 281.630(9) shall not be subject to a penalty under this

1 section.

- 2 (4) (a) Except as provided in this subsection, any person who violates KRS 281.757
3 shall be fined two hundred fifty dollars (\$250) for each offense.
- 4 (b) A person who is cited for a violation of KRS 281.757 in which the lights were
5 inoperable or the reflectors were missing may, within thirty (30) days from
6 the date of the citation, provide proof to the county attorney of the county in
7 which the offense occurred that the mechanical problem has been repaired and
8 that the lights are in working order or that the required reflectors have been
9 placed on the vehicle. If such proof is shown, the citation shall be dismissed.
- 10 (c) A law enforcement officer and the department shall not issue a citation to a
11 person as violating KRS 281.757 if the atmospheric conditions all motorists
12 were subjected to at the time the person is stopped reasonably limit the ability
13 of a person to keep the vehicle's lights or reflectors from being obscured by
14 dirt, mud, or debris.

15 **(5) The cabinet may promulgate administrative regulations in accordance with KRS**
16 **Chapter 13A to set penalties for violations of KRS 281.920 to 281.936.**

17 ➔Section 4. KRS 376.275 is amended to read as follows:

- 18 (1) (a) Any person engaged in the business of storing or towing motor vehicles, who
19 has complied with the notification requirements of KRS 281.928, shall have a
20 lien on the motor vehicle and its contents, except as set forth in subsection (2)
21 of this section, for the applicable and reasonable charges assessed in
22 accordance with KRS 281.926 and 281.932, as long as it remains in his or her
23 possession.
- 24 (b) If, after a period of forty-five (45) days, the applicable and reasonable charges
25 assessed in accordance with KRS 281.926 and 281.932 have not been paid,
26 the motor vehicle and its contents, except as set forth in subsection (2) of this
27 section, may be sold to pay the charges after the owner and any lienholder

1 have been notified by certified mail at the addresses specified in KRS
2 281.928(1), ten (10) days prior to the time and place of the sale. If the
3 proceeds of the sale of any vehicle pursuant to this section are insufficient to
4 satisfy accrued charges, the sale and collection of proceeds shall not constitute
5 a waiver or release of responsibility for payment of unpaid charges by the
6 owner or responsible casualty insurer of the vehicle. A lien on a vehicle under
7 this subsection shall be subject to prior recorded liens, unless released by any
8 existing lienholder pursuant to paragraph (c) of this subsection.

9 (c) 1. A lienholder having a prior recorded lien listed on the title issued by the
10 Commonwealth of Kentucky shall be notified by certified mail within
11 the first ten (10) days of impoundment in accordance with KRS
12 281.928.

13 2. ~~The [Such]~~ notification, in addition to the requirements of KRS
14 281.928, shall include the make, model, license number, vehicle
15 identification number, owner's name and last known address, and
16 tentative date of sale for the vehicle, and state that the towing company
17 or storage facility seeks to obtain a new title free and clear of any liens,
18 excluding tax liens.

19 3. If the ~~[above-referenced]~~ certified letter **required under this paragraph**
20 is not sent within the ten (10) days by the towing and storage company,
21 then only ten (10) days of storage may be charged.

22 4. The lienholder has the right to take possession of the motor vehicle after
23 showing proof of lien still enforced, and paying the reasonable or agreed
24 towing and storage charges on the motor vehicle.

25 5. If a lienholder does not exercise the right to take possession of the motor
26 vehicle under this paragraph within forty-five (45) days of notification,
27 ~~and all lienholders agree in writing,~~ the towing company or storage

1 facility may obtain a new title under KRS 186A.145 free and clear of
2 any liens, excluding tax liens.

3 6. Nothing in this section shall allow the transfer of a vehicle subject to a
4 lien, except as provided in KRS 186A.190 or in subparagraph 5. of this
5 paragraph.

6 (d) If there are no lienholders required to be notified under KRS 281.920 to
7 281.936 and 359.230 and this section, and the owner does not exercise the
8 right to take possession of the motor vehicle under this section within forty-
9 five (45) days of notification required under KRS 281.928, the towing
10 company or storage facility may obtain a new title under KRS 186A.145 free
11 and clear of any liens, excluding tax liens.

12 (2) Subsection (1) of this section shall not apply to the following contents of a motor
13 vehicle, which shall be released to the vehicle owner or the owner's designated
14 agent upon request, if the request is made within forty-five (45) days of the date the
15 vehicle was towed:

16 (a) Prescription medication in its proper container;

17 (b) Personal medical supplies and equipment or records;

18 (c) Educational materials, including but not limited to calculators, books, papers,
19 and school supplies;

20 (d) Documents, files, electronic devices, or equipment which may be able to store
21 personal information or information relating to a person's employment or
22 business;

23 (e) Firearms and ammunition. Notwithstanding the provisions of subsection (3) of
24 this section, firearms and ammunition which are not claimed by the owner of
25 the vehicle within forty-five (45) days of the date the vehicle was towed shall
26 be transferred to the Department of Kentucky State Police for disposition as
27 provided by KRS 16.220;

- 1 (f) Cargo in the possession of persons engaged in transportation in interstate
2 commerce as registered under KRS 186.020;
- 3 (g) Cargo in the possession of an integrated intermodal small package carrier as
4 defined by KRS 281.605(12);
- 5 (h) Child restraint systems or child booster seats; and
- 6 (i) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.
- 7 (3) Except as provided in subsection (2)(e) of this section, any contents exempted
8 under subsection (2)(c), (d), (f), and (g) of this section that are not claimed by the
9 owner of the vehicle within forty-five (45) days of the date the vehicle was towed
10 may be sold or otherwise legally disposed of by the storage or towing company.
11 Any contents exempted under subsection (2)(a), (b), (h), and (i) of this section that
12 are not claimed by the owner of the vehicle within forty-five (45) days of the date
13 the vehicle was towed shall not be sold, but shall be otherwise legally disposed of
14 by the storage or towing company.
- 15 (4) The storage or towing company shall not be responsible for contents in a vehicle's
16 trunk or other locked compartment to which the storage or towing company is
17 without access, unless the towing company intentionally opens the area without the
18 owner's consent.
- 19 (5) This section shall not apply when a local government causes a vehicle to be towed
20 pursuant to KRS 82.605 to 82.640 or if state government causes a vehicle to be
21 towed.