

ORDINANCE NO. _____, SERIES 2018

AN ORDINANCE AMENDING CHAPTER 115 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES TO CREATE AN EXCEPTION FOR LOCAL GOVERNMENT IN COMPLIANCE WITH KENTUCKY REVISED STATUTE § 82.630.

SPONSORED BY: PRESIDENT JAMES AND COUNCIL MEMBERS HOLLANDER, KRAMER, AND MULVIHILL

WHEREAS, Louisville Metro Government has nearly 100 abandoned vehicles obtained in compliance with Kentucky Revised Statute (“KRS”) § 82.630;

WHEREAS, KRS § 82.630 allows Metro to sell for scrap or junk value any vehicle not suitable for use without obtaining a title of ownership for the vehicle;

WHEREAS, Louisville Metro Council modified the Junk and Secondhand Dealer subchapter of Louisville Metro Codes of Ordinances (“LMCO”) in 2012, in part, to prohibit stolen vehicles from being sold and scrapped, which inadvertently resulted in the secondhand dealers no longer accepting escheated vehicles presented for purchase by Louisville Metro Government; and

WHEREAS, Metro Council hereby modifies LMCO § 115.126 to exclude vehicles escheated to local government under KRS § 82.630.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: LMCO § 115.126 is hereby amended to add a new subsection:

(A) No business, as defined in § 115.121, may accept the transfer of a vehicle without certificate of title, unless the vehicle is at least ten model years old and the seller of the vehicle provides the following sworn statement that includes, but is not be limited to, the following:

- (1) The name, address, and driver's license number of the owner;
 - (2) A description of the vehicle including the year, make, model, vehicle identification number, and color;
 - (3) A sworn certification that the owner:
 - (a) Never obtained a title to the vehicle in his or her name; or
 - (b) Was issued a title for the vehicle, but the title was lost or stolen;
 - (4) A sworn statement that the vehicle is at least ten model years old;
 - (5) A sworn statement that the vehicle shall never be titled again; it must be dismantled or scrapped;
 - (6) An acknowledgment that to knowingly falsify any information on this statement is a misdemeanor, punishable by imprisonment for up to 90 days and/or a fine of not less than \$500;
 - (7) The buyer of the vehicle must sign this statement and include the following information:
 - (a) The date of the transaction;
 - (b) The name and address of the business acquiring the vehicle; and
 - (c) The amount paid to the seller of the vehicle to acquire the vehicle.
- (B) Vehicles purchased for purposes of scrapping or dismantling for parts shall be subject to the same requirements of § 115.124 as regulated property, and shall be reported in accordance with the provisions of § 115.122(B). The transaction record shall also include the make, model and vehicle identification number of the vehicle.
- (C) No business, as defined in § 115.121, may purchase or accept the transfer of a vehicle for purposes of scraping or dismantling for parts without fully complying with the

provisions of the National Motor Vehicle Title Information System (NMVTIS), 28 CFR Part 25. It shall be the duty of any such business to be able to document compliance with NMVTIS as a part of its responsibilities under § 115.122(B).

(D) No business, as defined in § 115.121, may purchase or accept the transfer of a vehicle for purposes of scraping or dismantling for parts without verifying the legitimacy of a vehicle VIN number in capable software or taking a digital photograph of the VIN number and maintaining the digital photograph for at least one year from the date of purchase along with the transaction record.

(E) The term "vehicle" as used in § 115.127 does not include vehicles which have been mechanically flattened, crushed, baled, or logged and sold for purposes of scrap metal only.

(F) Vehicles sold by local government pursuant to KRS § 82.630 are exempt from LMCO § 115.126.

SECTION II: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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