

**190.058 Motor Vehicle Commission -- Membership -- Powers -- Duties.**

- (1) The Motor Vehicle Commission is hereby created as an agency of the Commonwealth to carry out the functions and duties conferred upon it by this section.
- (2) The commission shall consist of twelve (12) members, eleven (11) of whom shall be appointed by the Governor, and the twelfth shall be the commissioner of the Department of Vehicle Regulation. The appointed members shall be:
  - (a) One (1) representative of an automobile manufacturer;
  - (b) One (1) representative of automobile wholesalers;
  - (c) One (1) representative of consumers who shall have no direct financial interest in the industry;
  - (d) Four (4) new motor vehicle dealers, but no more than two (2) shall represent the same automobile manufacturer as a franchise dealer; and
  - (e) Four (4) used motor vehicle dealers.
- (3) In addition to the requirements of membership on the commission in subsection (2), the following requirements shall apply to the composition of the commission:
  - (a) No more than seven (7) members shall be from the same political party; and
  - (b) From the eight (8) members specified in subsection (2)(d) and (e), seven (7) shall be from separate Supreme Court districts.
- (4) Each member shall serve for a term of three (3) years. The staggered terms of membership dating from the gubernatorial appointments of July 15, 1982, shall remain in effect.
- (5)
  - (a) Members of the commission shall qualify by taking the constitutional oath of office which shall, with the certificate of appointment, be evidence of the authority of the member to act.
  - (b) Each member of the commission shall be entitled to two hundred dollars (\$200) per day for each day actually engaged in the duties of the office, including time spent in necessary travel to and from meetings and otherwise, together with all travel and other necessary expenses incurred while performing official duties.
- (6) The commission shall hold a regular annual meeting in September of each year and elect a chairman and vice chairman to serve for the ensuing year. The commission shall have regular meetings as the majority of the members specifies and special meetings at the request of any five (5) members. Reasonable notice of all meetings shall be given as commission administrative regulations prescribe.
- (7) A member of the commission shall not participate in the deliberations of the commission and shall not vote on any matter before the commission in which the member has a financial interest or is an interested party. A member shall voluntarily disqualify himself or herself from deliberating or voting upon matters that affect the member but shall not be required to disqualify from matters of general interest affecting the member, the member's employer, or a business unit in which the

member has a financial interest as a member of a class of persons to be affected by an administrative regulation or order of the commission.

- (8) A majority of the commissioners, excluding any disqualified commissioner, shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. A vacancy in the commission, whether due to disqualification or otherwise, shall not impair the right of the remaining commissioners to exercise all the powers of the commission.
- (9) The commission shall employ an executive director who shall be the chief administrative officer of the commission. He shall maintain all minutes of the commission proceedings and shall be custodian of the files and records of the commission. The executive director shall employ the staff authorized by the commission. The commission may, by interagency contract, utilize assistance of any state agency.
- (10) The commission shall deposit all moneys received by it from license fees paid under this law with the State Treasurer, who shall keep them in a separate fund to be known as the "Motor Vehicle Commission Fund." The commission may use this fund for salaries, wages, per diem, professional and consulting fees, grants, loans, contracts, travel expenses, equipment, office rent and expenses, and other necessary expenses incurred in carrying out its duties under this section as provided by legislative appropriation. At the close of each biennium, the unexpended balance remaining in the motor vehicle commission fund shall be transferred to the general fund.
- (11) The commission shall administer the provisions of this section, establish the qualifications of manufacturers and dealers, and insure that the distribution and sale of new motor vehicles is conducted as provided in this chapter and under the commission's administrative regulations.
- (12) The commission may issue orders and make determinations necessary to carry out the provisions of KRS 190.010 to 190.080. The orders shall set forth the findings on which the order is based, and the reason for the particular action taken. All orders shall be signed by the chairman or vice chairman and attested by the executive director.
- (13) The commission may hold hearings that shall be conducted in accordance with KRS Chapter 13B. A member of the commission shall not participate in the deliberations of the commission and shall not vote on any matter if the member has been disqualified on any of the grounds under KRS 13B.040.
- (14) The commission may cause legal proceedings to be instituted to enforce the provisions of this section and its administrative regulations, orders, and decisions. If it appears from any investigation of a possible violation of any other law or administrative regulation that a violation of the provisions of KRS 190.010 to 190.080 may have occurred, the matter shall be referred to the commission to determine whether proceedings under KRS 190.010 to 190.080 are appropriate. The commission may make contracts and execute instruments necessary or convenient to the exercise of its power or performance of its duties.

- (15) The availability of administrative procedures under this section shall not preclude the utilization of other remedies for violation of the provisions of this chapter which are available to the affected parties, including actions for injunctive relief.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 263, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 80, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 235, sec. 5, effective July 14, 1992; and ch. 452, sec. 8, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 357, sec. 8, effective July 13, 1984. -- Created 1982 Ky. Acts ch. 374, sec. 1, effective July 15, 1982.