

ORDINANCE NO. 2022-35

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT AMENDING ITS CODE OF ORDINANCES AND SPECIFICALLY ORDINANCE 430.8 OF CHAPTER 40 RELATING TO THE MOTOR VEHICLE LICENSE FEE TO INCLUDE ALL MOTOR VEHICLE RENTING COMPANIES CONTAINS IN HOUSE BILL 8 OF THE 2022 REGULAR LEGISLATIVE SESSION AND REPEALING INCONSISTENT ORDINANCES.

WHEREAS, the Fiscal Courts of Boone, Campbell, and Kenton Counties, Kentucky (collectively, the "Counties"), cooperate with each other and with the Northern Kentucky Tri-County Economic Development Corporation (hereinafter "Tri-ED") to provide services and facilities pursuant to KRS 65.210 to 65.300; and

WHEREAS, pursuant to KRS 68.200, the Counties have each imposed and levied, a motor vehicle license fee in the amount of three (3) percent of the gross rental charges on motor vehicle renting companies; and

WHEREAS, House Bill 8 of the 2022 Regular Legislative Session of the Kentucky General Assembly ("House Bill 8"), amended KRS 68.200 to permit the Motor Vehicle License Fee to be imposed and levied on a broader range of motor vehicle renting/sharing companies than previously permitted; and

WHEREAS, the Fiscal Court of the County of Boone, Kentucky (the "County") desires to so amend Ordinance 430.8 to incorporate the changes permitted by House Bill 8;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

Section One

That Sections 1 through 4 and Sections 6 and 7 of Boone County Fiscal Court Ordinance No. 430.8, enacted on 8-26-97 and as codified in the Boone County Code of Ordinances, Chapter 40, are hereby amended with the addition and deletion of the foregoing words and phrases:

RENTAL MOTOR VEHICLE LICENSE FEE-RENTAL TAX

§ 40.01 DEFINITIONS.

ACT. ~~This term means KRS 68.200.~~

MOTOR VEHICLE. Has the same meaning as "vehicle" as As defined in KRS 186.010(8)(a).

PEER-TO-PEER CAR SHARING PROGRAM. As defined in KRS 281.010(42).

RETAILER. ~~As defined in KRS 139.110(1)(a).~~

MOTOR VEHICLE RENTING COMPANY. As defined in KRS 281.687.

"RENT" AND "RENTAL". As defined in KRS 138.462(2).

TRANSPORTATION NETWORK COMPANY. As defined in KRS 281.010(70).

U-DRIVE-IT. As defined in KRS 281.010(72)

~~TAX INTEREST RATE. The interest rate as determined by the Kentucky Commissioner Of Revenue pursuant to KRS 131.183.~~

§ 40.02 LICENSE FEE FOR RENTAL OF MOTOR VEHICLES.

A license fee is hereby levied ~~on the rental of motor vehicles~~ in the amount of three percent of gross rental charges from:

(a) the rental agreements for periods of thirty (30) days or less by a:

(1) U-Drive-It; or

(2) Peer-to-peer car sharing program(s); or

(b) The provision of transportation network company services by a transportation network company

effective January 16, 1995 2023 (the "effective date").

~~The license fee shall apply to rentals by retailers who receive more than 75% of their gross revenues generated in this county from gross rental charges.~~

The license fee shall not apply to any person operating under a U-Drive-It certificate who receives less than seventy-five percent (75%) of their gross revenues generated in the county from gross rental charges.

§ 40.03 COLLECTION OF LICENSE FEE.

(A) ~~From and after the effective date, all retailers shall collect the license fee levied pursuant to this ordinance shall be collected by a:~~

1. Motor vehicle renting company from the renters of the motor vehicle;

2. U-Drive-It from the renters of the motor vehicle;

3. Peer-to-peer car sharing program from the shared vehicle driver; and

4. Transportation network company from the purchaser of the transportation network company services.

~~from the renters of motor vehicles, for rental agreements commencing on or after the effective date.~~

(B) Any license fee collected pursuant to this ordinance ~~The retailers shall be paid to the county from which such rental originated, on a monthly basis, no later than 20 days after the end of each calendar month~~ the license fees collected for the previous month.

(BC) Commencing on the effective date, all ~~retailers~~ motor vehicle renting companies; U-Drive It, peer-to-peer car sharing programs, and transportation network companies shall maintain such records as are prescribed by the county to permit:

1. A determination of the amount of license fees owed to the county;
2. A determination that the exemptions pursuant to § 40.04 were properly allowed;
3. To otherwise allow the county to levy, assess and collect the license fee owed pursuant to this subchapter; and
4. To otherwise effectuate the purposes of this subchapter.

§ 40.04 CERTAIN REVENUES EXEMPTED FROM LICENSE FEE.

Revenues from the rental of motor vehicles shall not be included in the gross rental charges on which the license fee is based if:

- (A) The declared gross weight of the motor vehicle exceed 11,000 pounds; or
- (B) The rental is part of the services provided by a funeral director for a funeral; or
- ~~(C) The rental is exempted from the state sales and use tax pursuant to KRS 139.470.~~

§ 40.07 ALLOCATION OF FUNDS.

The county will place all funds collected pursuant to this subchapter (including without limitation all license fees, penalties, interest, overpayments and other revenues collected or otherwise derived hereunder) in a separate account of the county known as its Motor Vehicle License Fee Account; provided that prior to such deposit the county may retain an amount not to exceed 3% of the amount collected as reimbursement for its costs incurred for collecting the license fees. At least monthly, all of the funds deposited in such account will be paid and disbursed to TRI-ED for purposes of sharing such revenues among the counties pursuant to KRS 68.200(4)(~~8~~). Funds will be paid to no other party out of such account. All of the proceeds of the license fee shall be used by TRI-ED for economic development activities, and for no other purpose whatsoever. TRI-ED shall provide the county such information at such times as is required for the county to determine that the use of the license fee revenues are in accordance with the requirements of the Act.

Section Two – SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision, shall for any reason be declared unconstitutional or invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

Section Three - REPEAL OF CONFLICTING ORDERS AND ORDINANCES

All prior resolutions, orders or ordinances or parts of any resolution, order or ordinance in conflict herewith are hereby repealed.

Section Four - EFFECTIVE DATE


This Ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

First Reading the 20th day of December, 2022

Second Reading 10th day of January, 2023

Adopted this 10th day of January, 2023

Yes 4 No 0


GARY W. MOORE, Judge/Executive
Boone County Fiscal Court

ATTEST:


Shona Schulkers,
Fiscal Court Clerk