

**CHAPTER 159****(SB 155)**

AN ACT relating to motor carrier safety.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

**(1) As used in this section:**

**(a) "Lights" means the lighting devices required on commercial vehicles having a declared gross weight in excess of ten thousand (10,000) pounds in accordance with 49 C.F.R. Part 393 and 49 C.F.R. Part 571; and**

**(b) "Reflectors" means the reflex reflectors and retroflective sheeting required on commercial vehicles having a declared gross weight in excess of ten thousand (10,000) pounds in accordance with 49 C.F.R. Part 393.**

**(2) A person shall not operate a commercial motor vehicle if the lights or reflectors are inoperable, missing, or are obscured by dirt, mud, or other debris.**

**(3) Law enforcement officers and the Transportation Cabinet shall enforce violations of this section.**

Section 2. KRS 281.990 is amended to read as follows:

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

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

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

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

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

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

**(2) (a) Any person who violates KRS 281.615(1) shall be fined not less than two thousand dollars (\$2,000) nor more than three thousand five hundred dollars (\$3,500).**

**(b) Any person who operates as a motor carrier in violation of the terms of his or her certificate or permit shall be fined not less than two thousand dollars (\$2,000) nor more than three thousand five hundred dollars (\$3,500).**

**(3) In addition to the penalties prescribed in subsection (1) of this section, in case of violation by any person in whose name an industrial bus is licensed, the person shall forfeit all**

certificates and permits held by him, and shall not be eligible to hold any certificate or permit for a period of five (5) years thereafter.

- (4) A person who violates KRS 281.615(2) shall not be subject to a penalty under this section.
- (5)
  - (a) *Except as provided in this subsection, any person who violates Section 1 of this Act shall be fined two hundred fifty dollars (\$250) for each offense.*
  - (b) *A person who is cited for a violation of Section 1 of this Act in which the lights were inoperable or the reflectors were missing may, within thirty (30) days from the date of the citation, provide proof to the county attorney of the county in which the offense occurred that the mechanical problem has been repaired and that the lights are in working order or that the required reflectors have been placed on the vehicle. If such proof is shown, the citation shall be dismissed.*
  - (c) *A law enforcement officer and the Transportation Cabinet shall not issue a citation to a person as violating Section 1 of this Act if the atmospheric conditions all motorists were subjected to at the time the person is stopped reasonably limit the ability of a person to keep the vehicle's lights or reflectors from being obscured by dirt, mud, or debris.*

Approved March 20, 2001