

CHAPTER 173**(HB 710)**

AN ACT relating to transportation.

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

Section 1. KRS 189.030 is amended to read as follows:

- (1) **Headlamps**~~[Lights]~~, when required on a vehicle, shall be illuminated:
 - (a) During the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise;~~;~~ and
 - (b) At such other times as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period.
- (2) Provisions as to distances that lights must be visible refer to visibility under ordinary atmospheric conditions.
- ~~{(2) — Cities may by ordinance designate certain well lighted streets or parts of the streets as being sufficiently illuminated during certain periods as to make lights unnecessary. In this case subsection (1) shall not apply to vehicles parked in those streets during such periods.}~~

Section 2. KRS 189.040 is amended to read as follows:

- (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this section.
- (2) Every motorcycle, moped and every motor-driven cycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations of this section.
- (3) Except as hereinafter provided, the head lamps or the auxiliary driving lamps or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distribution of light projected to different elevations, subject to the following requirements and limitations:
 - (a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading;
 - (b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver;
 - (c) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.
- (4) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in KRS 189.030, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations hereinafter set forth.
- (5) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph (b) of subsection (3) of this section shall be deemed to avoid glare at all times, regardless of road contour and loading.
- (6) Whenever the driver of a vehicle follows another vehicle within **three**~~[two]~~ hundred **(300)**~~[(200)]~~ feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light~~{ permissible under subsection (5) of KRS 189.340, subsection (1) of KRS 189.370, KRS 189.375, and subsection (3)~~

~~of KRS 189.560~~ other than the uppermost distribution of light specified in paragraph (a) of subsection (3) of this section.

- (7) **Headlamps**~~[Headlights]~~ arranged to provide a single distribution of light not supplemented by auxiliary driving lights shall be permitted on motor vehicles manufactured and sold prior to May 30, 1939, in lieu of multiple-beam road-lighting equipment, if the single distribution of light complies with the following requirements and limitations:
- (a) The **headlamps**~~[headlights]~~ shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five (25) feet ahead, project higher than a level of five (5) inches below the level of the center of the light from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands, at a distance of seventy-five (75) feet ahead;
 - (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet;
 - (c) Whenever the operator of a motor vehicle approaches an oncoming vehicle within five hundred (500) feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. In no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.
- (8) Flashing lights are prohibited on all motor vehicles except as a means for indicating a right or left turn or for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing.
- (9) **The height of the headlamps, from the center of the lamp to level ground when the vehicle is unloaded, shall be between twenty-four (24) and fifty-four (54) inches**~~[Except as provided in any regulations adopted pursuant to KRS 189.287, bicycles need have only one (1) light in front which will reveal clearly substantial objects at least fifty (50) feet ahead].~~

Section 3. KRS 189.050 is amended to read as follows:

- (1) ~~[Except as provided in any regulations adopted pursuant to KRS 189.287,]~~ All **motor** vehicles shall display at the rear **two (2)**~~[one (1)]~~ red **lights**~~[light]~~ visible when lighted for at least five hundred (500) feet, **unless the motor vehicle was originally equipped with only one (1) such light.**~~[A red reflector meeting the requirements may be used in lieu of a red light.]~~
- (2)~~[—Every motor bus used for the transportation of persons for hire shall be equipped with at least one (1) red light with the word "STOP" on it which can be seen for one hundred and fifty (150) feet when illuminated. This subsection shall not apply to school buses or church buses.]~~
- ~~(3)~~ A~~[No]~~ person shall **not** operate any motor truck or semitrailer truck on any highway unless it is equipped with a~~[yellow or]~~ red light that automatically indicates the application of brakes and is visible from the rear a distance of not less than **five**~~[two]~~ hundred (**500**)~~(200)~~ feet.
- ~~(3)~~~~(4)~~ No person shall operate on any highway a motor truck or semitrailer truck having a width of any part in excess of eighty-four (84) inches, unless it carries at least two (2) clearance lights to indicate the outside left limit of the motor truck or semitrailer truck, one (1) light colored white~~[or green]~~, to be attached to and be visible from the front of the motor truck or semitrailer truck, and **two (2) lights**~~[one (1) light]~~ colored red, to be attached to and be visible from the rear, in each case a distance of not less than five hundred (500) feet.
- ~~(4)~~~~(5)~~ When in operation on any highway slow-moving or motorless vehicles, except bicycles, shall have at least one (1) **light**~~[lamp]~~ on the left side of the vehicle whether from the front or rear, showing white and of sufficient power to reveal clearly the outline of the left side of the vehicle and in such a manner that the outline may be observed clearly by approaching vehicles from a distance of at least **five**~~[one]~~ hundred (**500**)~~(400)~~ feet.

Section 4. KRS 189.055 is amended to read as follows:

~~A [No]~~ person shall **not** operate any vehicle required by law to be licensed upon a highway unless it is equipped with a mechanical signal device which would indicate an intention to stop or suddenly decrease speed by illuminating at least **two (2) red lights, on the rear of the vehicle, which are visible from the rear a distance of not less than five hundred (500) feet, unless the vehicle was originally manufactured with only one (1) such red light on the rear of the vehicle.**

Section 5. KRS 189.060 is amended to read as follows:

- (1) Each vehicle towed by a towline shall display the lights required on vehicles of the class to which it belongs.
- (2) Each vehicle being hauled by another and connected to it in a manner that will keep them uniformly spaced shall carry at least one (1) light on the left side in such a manner as to show **an amber**~~[a green]~~ light to the front and a red light to the rear visible at least **one thousand (1,000)**~~[five hundred (500)]~~ feet away.
- (3) When any part of a load projects more than **four (4)**~~[five (5)]~~ feet beyond a vehicle **two (2) red flags**~~[a red flag]~~ by day and **two (2) red lights**~~[a red light]~~ during the period provided in KRS 189.030 must be placed upon the extremity of the projection **marking the width of the overhang.**

Section 6. KRS 189.070 is amended to read as follows:

- (1) ~~A [No]~~ person shall **not** operate any **commercial** motor vehicle upon a highway outside of a business or residence district at any time from a half (1/2)-hour before sunset to a half (1/2)-hour before sunrise unless that vehicle carries the number and type of flares, electric lanterns or other signals which the Department of Vehicle Regulation shall by regulation require.
- (2) Whenever any **commercial** motor ~~vehicle~~~~[truck]~~ and its lighting equipment are disabled during a period when lighted lamps must be illuminated on vehicles and the ~~vehicle~~~~[truck]~~ cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district, the person in charge of the vehicle shall cause to be placed upon the highway such flares, lanterns and other signals as the Department of Vehicle Regulation shall by regulation require, and such flares, lanterns or other signals shall be **utilized as required by the**~~[placed at such distances and in such positions as required by such]~~ regulations.

Section 7. KRS 189.080 is amended to read as follows:

~~[Except as provided in any regulations adopted pursuant to KRS 189.287,]~~ Every motor vehicle~~[and bicycle]~~, when in use on a highway, shall be equipped with a horn or other device capable of making an abrupt sound sufficiently loud to be heard **from a distance of at least two hundred (200) feet** under all ordinary traffic conditions. Every person operating an automobile or bicycle shall sound the horn or sound device whenever necessary as a warning of the approach of such vehicle to pedestrians, or other vehicles, but shall not sound the horn or sound device unnecessarily. A bell may be used on a bicycle.

Section 8. KRS 189.090 is amended to read as follows:

- (1) No owner shall knowingly operate or permit to be operated on a highway a motor vehicle upon which the brakes are defective.
- (2) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle. There shall be two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If the two (2) separate means are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.
- (3) (a) **Except for commercial motor vehicles with a declared gross vehicle weight of more the ten thousand (10,000) pounds,** the service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop the vehicle when traveling twenty (20) miles per hour within a distance of **forty (40)**~~[thirty (30)]~~ feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent (1%).
- (b) Under the conditions described in subsection (3)(a) the hand brake shall be adequate to stop the vehicle within a distance of fifty-five (55) feet and the hand brake shall be adequate to hold the vehicle stationary on any grade upon which it is operated.

- (c) Under the conditions described in subsection (3)(a) the service brakes upon a motor vehicle equipped with two (2)-wheel brakes only shall be adequate to stop the vehicle within a distance of forty (40) feet and the hand brake adequate to stop the vehicle within a distance of fifty-five (55) feet.
- (d) All braking distances specified in this section shall apply whether or not the vehicles are loaded to the maximum capacity permitted by law.
- (e) All brakes shall be maintained in good working order and shall be so adjusted as to operate with equal effect with respect to the wheels on opposite sides of the vehicle.
- (4) ~~A~~~~No~~ person shall **not** operate any **commercial motor vehicle with a declared gross weight of over ten thousand (10,000) pounds**~~[semitrailer or semitrailer-trailer combination or truck-trailer combination or truck-semitrailer combination]~~ on any highway in this state unless it is equipped with efficient brakes that **meet the federal motor carrier safety standards in 49 C.F.R. Part 393 and** may be operated by the operator of the **vehicle**~~[truck or tractor to which the semitrailer or semitrailer-trailer is attached]~~.

Section 9. KRS 189.130 is amended to read as follows:

- (1) **Except as provided in subsection (4) of this section,** every motor vehicle~~[which is so constructed or loaded as to obstruct the operator's view to the rear, and every commercial motor vehicle of more than one-half (1/2) ton capacity,]~~ shall be equipped with **the following mirrors**~~[a mirror]~~ so located and adjusted as to reflect to the driver a view of the highway~~[for a distance of at least two hundred (200) feet]~~ to the rear of the vehicle:
 - (a) **One (1) mirror mounted on the left side of the vehicle; and**
 - (b) **One (1) mirror, mounted either inside the vehicle approximately in the center or on the right side of the vehicle.**
- (2) No person shall, by himself or through his agent or servant, operate a motor vehicle upon the highways without the equipment required by subsection (1). Each day of operation without the equipment shall constitute a separate offense.
- (3) No person shall sell, barter or otherwise dispose of any motor vehicle described in subsection (1) unless it is equipped with a mirror as provided in that subsection.
- (4) **A motorcycle shall be required only to have the mirror identified a paragraph (a) of subsection (1) of this section.**

Section 10. KRS 189.285 is amended to read as follows:

- (1) A person shall not operate a motorcycle on a highway:
 - (a) Except when that person is in possession of a valid motorcycle operator's license; and
 - (b) Unless that person uses an approved eye-protective device, in the manner prescribed by the secretary of the Transportation Cabinet, at all times such vehicle is in motion; and
 - (c) Unless the motorcycle is equipped with a rear-view mirror **as required under Section 9 of this Act.**
- (2) A person shall not operate or ride as a passenger on a motorcycle:
 - (a) Except on a seat permanently attached to that vehicle and specifically designed to carry the operator or passenger in a safe manner; and
 - (b) Except when using a footrest permanently attached to that vehicle and specifically designed to carry that person in a safe manner.
- (3) The following persons shall be required to wear protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times the motorcycles they are riding are in motion on a public highway:
 - (a) A person under the age of twenty-one (21) years who is operating a motorcycle or who is a passenger on a motorcycle or in a sidecar attachment;
 - (b) A person who possesses a motorcycle instruction permit and who is operating a motorcycle; and
 - (c) A person who has held a valid motorcycle operator's license, or combination motor vehicle-motorcycle operator's license, for less than one (1) year and who is operating a motorcycle.

- (4) A motorcycle operator authorized to drive a motorcycle on an instruction permit shall not be authorized to carry passengers.
- (5) The secretary of the Transportation Cabinet shall by regulation fix minimum standards for approved protective headgear and for approved eye-protective devices, and prescribe the manner in which they shall be used. The secretary shall maintain and cause to be published a list of approved protective headgear and of approved eye-protective devices. The secretary may prescribe by regulation minimum standards for other protective devices and require the use of those devices.
- (6) As used in this chapter:
 - (a) "Motorcycle" means any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab and excluding a moped as defined in this subsection; and
 - (b) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.

Section 11. KRS 189.287 is amended to read as follows:

The Transportation Cabinet ~~shall~~~~may~~ promulgate ***administrative regulations pursuant to KRS Chapter 13A to set forth standards for bicycle equipment and the safe operation of a bicycle*** ~~safety regulations and standards~~. ***The regulations shall include requirements for lights, reflectors, and audible warning devices*** ~~Bicycle riders and bicycles complying with such regulations and standards are exempt from the provisions of KRS 189.040(9), 189.050(1), 189.050(5), and 189.080~~. ~~Such~~ Bicycles and riders ***which comply with the regulations promulgated under this section*** are ~~also~~ exempt from municipal and other local government regulations concerning safety equipment but not method of operation. In promulgating ***the administrative regulations*** ~~and standards~~ the Transportation Cabinet shall permit use of lightweight modern technological substitutes for lights, reflectors, and bells. The purpose of this section is to encourage bicycling and bicycle touring in this state by enabling bicycle riders to make use of modern technology to make their presence known to other users of the road. The Transportation Cabinet may consult with organizations of bicycle riders to aid it in the search for bicycle safety equipment and rules convenient for long distance bicycle riders.

Section 12. KRS 189.300 is amended to read as follows:

- (1) The operator of any vehicle when upon a highway shall travel upon the right side of the highway whenever possible, and unless the left side of the highway is clear of all other traffic or obstructions ***for a sufficient distance ahead to permit the overtaking and passing of another vehicle to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle being overtaken. The overtaking vehicle shall return to the proper traffic lane as soon as practicable and, if the passing vehicle enters the oncoming traffic lane, before coming within two hundred (200) feet of any approaching vehicle*** ~~and presents a clear vision for a distance of at least one hundred and fifty (150) feet ahead~~.
- (2) The operator of any vehicle moving slowly upon a highway shall keep his vehicle as closely as practicable to the right-hand boundary of the highway, allowing more swiftly moving vehicles reasonable free passage to the left.

Section 13. KRS 189.310 is amended to read as follows:

- (1) Two (2) vehicles passing or about to pass each other in opposite directions shall have the right-of-way, and no other vehicle to the rear of those two (2) vehicles shall pass or attempt to pass either of those vehicles.
- (2) Vehicles proceeding from opposite directions shall pass each other from the right, each giving to the other one-half (1/2) of the highway as nearly as possible.
- (3) Every person operating a vehicle on a highway and approaching any animal being ridden or driven, shall exercise every reasonable precaution to prevent frightening the animal and to insure the safety of the person riding or driving it. ~~If the animal appears frightened, the operator, when requested by a signal of the hand by~~

~~the driver or rider of the animal, shall not proceed further toward the animal, unless the movement is necessary to avoid injury or accident, until the animal is under the control of its rider or driver.]~~

Section 14. KRS 189.330 is amended to read as follows:

- (1) When two (2) vehicles approach or enter an intersection from different roadways at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (2) The right-of-way rule declared in subsection (1) is modified at highways and through intersections and as otherwise stated in this chapter.
- (3) Preferential right-of-way may be indicated by stop signs or yield signs. The state highway commissioner with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one (1) or more entrances to such intersections.
- (4) Except when directed to proceed by a police officer, every operator of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the operator has view of approaching traffic on the intersecting roadway before entering it. After having stopped the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such operator is moving across or within the intersection or junction of roadways.
- (5) The operator of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it. After slowing and stopping, the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such operator is moving across or within the intersection or junction of roadways. Provided, however, that if such an operator is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.
- (6) The operator of a vehicle intending to turn shall do so as follows:
 - (a) Right turns - both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
 - (b) Left turns - the operator of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme right-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.
- (7) The Transportation Cabinet and local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when such devices are so placed no operator shall turn a vehicle other than as directed and required by such devices.
- (8) The operator of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety without interfering with other traffic.
- (9) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- (10) The operator of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.
- (11) ***On highways with a center lane restricted for left turns off the highway by vehicles proceeding in both directions:***

- (a) *A left turn shall not be made from any other lane; and*
- (b) *A vehicle shall not be driven in a center lane as described in this subsection except when preparing for or making a left turn off the highway or merging onto the highway after making a left turn from a side road or other entrance.*

Section 15. KRS 189.337 is amended to read as follows:

- (1) As used in this chapter "official traffic control devices" shall mean all signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or dividing traffic.
- (2) The Department of Highways shall promulgate and adopt a manual of standards and specifications for a uniform system of official traffic control devices for use upon all roads and streets *open to public travel*. The manual and its future revisions and supplements shall be applicable to all roads and streets under the control of the Department of Highways or any county or incorporated city.
- (3) All traffic control devices installed on any road or street after the adoption of the manual shall conform to the provisions thereof. Satisfactory operating traffic devices in use on the date of the adoption of the manual may continue to be used; however, if such devices are replaced or revised, they must be replaced or revised in conformance with the provisions of the manual.
- (4) *No person shall place, maintain, or display on or in the view of any highway any authorized sign, signal, marking, or device which resembles, purports to be, or is an imitation of an official traffic control device or signal.*
- (5) *A person shall not attempt to or in fact alter, twist, deface, injure, knock down, or interfere with the effective operation of any official traffic control device or signal, or any part thereof.*

Section 16. KRS 189.338 is amended to read as follows:

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend *or symbolic message*, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (1) Green indication.
 - (a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
 - (d) *Vehicular traffic that entered an intersection on a circular green or yellow indication is allowed to complete a left turn during the red indication.*
- (2) Steady yellow indication.
 - (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

- (3) Steady red indication.
- (a) Vehicular traffic facing a circular red signal alone shall stop at a clearly marked stop line, but if none, then before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows:
1. The driver of a vehicle which is stopped as required by subsection (3)(a) with the intention of making a right turn, may make such right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding through the intersection.
 2. The driver of a vehicle which is stopped as required by subsection (3)(a) whose vehicle is in the left lane of a one-way highway with the intention of making a left turn onto the left lane of another one-way highway with the flow of traffic, may make such left turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding through the intersection.
 3. *In instances where there are two (2) right or left turn lanes, an allowable turn under this paragraph may be made from either lane unless a regulatory sign specifically prohibits it.*
- (b) Cities and counties may, by ordinance, and the department of highways may, by regulation, prohibit any such right or left turn against a steady red signal at any intersection, which prohibition shall be effective when an official sign prohibiting such movement is erected at the intersection.
- (c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady red signal alone shall not enter the roadway.
- (4) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
- (5) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:
- (a) Flashing red (stop signal) - When a red lens is illuminated with rapid intermittent flashes, operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 - (b) Flashing yellow (caution signal) - When a yellow lens is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the intersection or past such signal only with caution.

~~{(6) To ensure that the provisions of this section are fully understood by the citizens of the Commonwealth, an intensive campaign to inform all Kentuckians of this change shall be undertaken by the Transportation Cabinet's Office of Public Information utilizing the statewide news media, especially Kentucky Educational Television (KET). This campaign shall begin June 17, 1978, and shall be thirty (30) days in duration.}~~

Section 17. KRS 189.340 is amended to read as follows:

- (1) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left of them and shall not again drive to the right until reasonably clear of those vehicles. Vehicles overtaking streetcars may pass either to the right or left when so directed by a police officer, when on a one (1) way street or where the location of the tracks prevents compliance with this section, with regard for other traffic.
- (2) The operator of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - (a) When the vehicle overtaken is making or about to make a left turn;
 - (b) Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

- (3) The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movements in safety. Such movement shall not be made by driving off the roadway unless passing vehicle comes to a complete stop and such movement may be made safely.
- (4) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within ~~two~~^{two} hundred (200) feet ~~(100)~~ of any vehicle approaching from the opposite direction.
- (5) The commissioner of highways is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones, and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.
- (6) Whenever any roadway has been divided into three (3) clearly marked lanes for travel, the following additional rules shall apply:
 - (a) A vehicle shall be driven as nearly as may be practical entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety;
 - (b) A vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where a center lane is at the time allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and is signposted to give notice of the allocation;
 - (c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and operators of vehicles shall obey the directions of such signs.
- (7) A vehicle shall not be driven in the left lane of any limited access highway of four (4) lanes or more with a posted speed limit of sixty-five (65) miles per hour, except in overtaking a slower vehicle, yielding to traffic coming onto such a highway or when traffic conditions exist which would prohibit safe use of the right or center lanes.
- (8)
 - (a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of the vehicle and the traffic upon and condition of the highway.
 - (b) The operator of any motor truck, semitrailer truck, bus or heavy construction equipment unit when traveling upon a highway outside of a business or residential district shall not follow within two hundred fifty (250) feet of another such vehicle or equipment unit. This subsection shall not prevent overtaking and passing, nor shall it apply to any lane specially designated for use of motor trucks or semitrailer trucks, buses or heavy construction equipment units.

Section 18. KRS 189.375 is amended to read as follows:

No school or church bus shall be licensed or operated for the transportation of school children unless it is equipped with bus alternating flashing signal lamps and a stop arm folding sign. The bus body shall be equipped with a system of four (4) red signal lamps, two (2) on the front and two (2) on the rear of the bus, and four (4) amber signal lamps. Each amber signal lamp shall be located near each red signal lamp, at the same level, but closer to the vertical centerline of the bus. The bus body shall be equipped with a stop arm folding sign on the driver's side with letters at least six (6) inches in height displaying the word "stop" on both sides. Prior to stopping the school bus for the purpose of receiving or discharging school children, the driver shall activate the amber flashing signal lamps. Once the bus comes to a complete stop, the driver shall extend the stop arm and activate the red flashing signal lights prior to opening the door so it shall be plainly visible to traffic approaching from both directions that the bus is in the process of receiving or discharging passengers. No driver shall stop a school or church bus for receiving or discharging passengers in a no passing zone which does not afford reasonable visibility to approaching motor vehicles from both directions ***unless a "School Bus Stop Ahead" sign has been installed a reasonable distance before that spot in the roadway.*** No driver shall stop a school or church bus for the purpose of receiving passengers

from or discharging passengers to the opposite side of the road on a highway of four (4) or more lanes; provided, that this provision does not prohibit the discharging of passengers at a marked pedestrian crossing.

Section 19. KRS 189.450 is amended to read as follows:

- (1) No person shall stop a vehicle, leave it standing or cause it to stop or to be left standing upon any portion of the roadway; provided, however, that this section shall not be construed to prevent parking in front of a private residence off the roadway or street in a city or suburban area where such parking is otherwise permitted, as long as the vehicle so parked does not impede the flow of traffic. This subsection shall not apply to:
 - (a) A vehicle that has been disabled on the right-of-way of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the shoulder of a state-maintained highway or impracticable to remove it from the shoulder of the highway until repairs have been made or sufficient help obtained for its removal. In no event shall a disabled vehicle remain on the shoulder of a state-maintained highway for twenty-four (24) hours or more;
 - (b) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation or sign or the command of any peace officer;
 - (c) Vehicles operating as common carriers of passengers for hire and school buses taking passengers on such vehicle or discharging passengers therefrom, provided that no such vehicle shall stop for such purposes at a place on the highway which does not afford reasonable visibility to approaching motor vehicles from both directions; or
 - (d) Any vehicle required to stop by reason of an obstruction to its progress.
- (2) When any police officer finds a vehicle standing upon such a highway in violation of this section, he may move or cause to be moved the vehicle, or require the operator or other person in charge of the vehicle to move it. The police officer may cause the vehicle to be removed by ordering any person engaged in the business of storing or towing motor vehicles to remove the vehicle to a site chosen by such person. Ownership of the vehicle shall be determined by the police officer's enforcement agency through the vehicle's license plates, serial number or other means of determining ownership. As soon as practicable, the police officer's enforcement agency shall notify the owner by mail that the vehicle was illegally upon public property; the name and address of the storage facility where the vehicle is located; that removal of the vehicle from the storage facility will involve payment of towing and storage charges; and that the vehicle may be sold pursuant to the provisions of KRS 376.275 if not claimed within sixty (60) days. No notification shall be required if ownership cannot be determined. In the event of a sale pursuant to KRS 376.275, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.
- (3) No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto, nor shall any vehicle registered at a gross weight of over forty-four thousand (44,000) pounds be parked, stopped or allowed to stand on the shoulders of any state-maintained highway except that in the case of emergency, or in response to a peace officer's signal, vehicles shall be permitted to stop on the shoulders to the right of the traveled way with all wheels and projecting parts of the vehicles, including the load, completely clear of the traveled way. Parking of any vehicle which is disabled on the shoulders of a toll road, interstate highway, other fully controlled access highway, including ramps thereto, or any state-maintained highway not mentioned in this section for twenty-four (24) hours continuously is prohibited and vehicles violating this provision may be towed away at the cost of the owner.
- (4) When any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety as provided in subsection (2) of this section.
- (5) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:
 - (a) On a sidewalk;
 - (b) In front of sidewalk ramps provided for persons with disabilities;
 - (c) In front of a public or private driveway;

- (d) Within an intersection *or on a crosswalk*;
 - (e) At any place where official signs prohibit stopping or parking;~~{or}~~
 - (f) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
 - (g) *On any controlled access highway*;
 - (h) *Within a highway tunnel*;
 - (i) *Within fifteen (15) feet of a fire hydrant; or*
 - (j) *In an area between the roadways of a divided highway.*
- (6) No person shall move a vehicle not lawfully under his control into any such prohibited area.
- (7) The restrictions in subsection (5)(e) of this section shall not apply to sheriffs and their deputies or police officers when operating properly identified vehicles during performance of their official duties.

Section 20. KRS 189.480 is amended to read as follows:

No vehicle shall haul with a towline more than one (1) other vehicle. The towline shall not be over fifteen (15) feet in length, and a white cloth or flag shall be fastened to the towline at or near the center of the line, during both day and night so as to make it plainly discernible. No vehicle shall at one (1) time haul more than two (2) vehicles connected in such a manner as to keep them uniformly spaced. ***Any vehicle being towed under the provisions of this chapter shall have the brake lights required under Section 3 of this Act.***

Section 21. KRS 189.560 is amended to read as follows:

- (1) The operator of a vehicle shall stop and remain standing at a railroad grade crossing when any of the following conditions exist:
- (a) A visible electric or mechanical signal device warns of the immediate approach of a railroad train;
 - (b) A crossing gate is lowered warning of the immediate approach or passage of a railroad train;
 - (c) An approaching train is visible and in hazardous proximity; or
 - (d) A human flagman signals the approach or passage of a train.
- (2) Whenever the tracks of any railroad or interurban railway over which trains or cars are regularly operated cross a state maintained highway at grade, the cabinet may designate that crossing as "unsafe," and no operator of any vehicle shall cross the crossing without first bringing his vehicle to a full stop ***no closer than a marked stop line or fifteen (15) feet***~~{at not less than ten feet (10')}~~, nor more than thirty (30) feet~~{(30')}~~, from the nearest rail of the tracks.
- (3) At crossings designated "unsafe," the cabinet shall place and maintain on each side of the tracks on the right side of the highway, at the marked stopping position, or, if the stopping position is not marked, on the pavement not more than ***twenty-five (25) feet***~~{25'}~~ in advance of the track, an octagonal shape sign of a type and size currently approved for use by the cabinet bearing the word "Stop" in white letters not less than ***ten (10) inches***~~{10"}}~~ in height.
- (4) The cabinet shall install the signs described in subsection (3), within sixty (60) days after the crossing is designated unsafe.
- (5) Subsections (2) to (4) shall not apply to grade crossings at which have been constructed and maintained gates, electric warning signals, or other automatic audible signals, or which are protected by watchmen.
- (6) The failure to observe subsections (2) to (5) shall not change the liability of any railroad or interurban railway in the trial of any civil case against the railroad or interurban railway for death or injuries, to person or property.
- (7) If subsection (6) is declared unconstitutional, then subsections (2) to (7) shall be ineffective.

Section 22. KRS 189.565 is amended to read as follows:

The operator of any motor vehicle used in the transportation of inflammable liquids or explosives shall stop such motor vehicle before crossing at grade the main track of any railroad or interurban electric railway, except where the

crossing is a guarded crossing protected by gates or a flag controlled crossing or operated by an employee of the railroad or interurban company. The stop shall be made ***no closer than a marked stop line or fifteen (15) feet***, ~~at not less than ten feet (10)~~ nor more than thirty (30) feet, ~~(30)~~ from the nearest track to be crossed. After making the stop, the operator shall look carefully in each direction for approaching cars or trains, and shall not start his vehicle until he has ascertained that no cars or trains are approaching in either direction.

Section 23. KRS 189.752 is amended to read as follows:

- (1) "State highway" means any public road maintained by the State Department of Highways.
- (2) "Motor vehicle" means any vehicle propelled by an internal combustion engine capable of transporting persons or property. Motor vehicle shall not mean "moped" as defined in KRS 189.285.
- (3) "Abandoned vehicle" means any ***motor vehicle*** ~~automobile~~ that is left upon the right-of-way of a state highway for three (3) days, whether or not it is fit for future use.
- (4) "Owner" means the last registered owner.

Section 24. KRS 189.910 is amended to read as follows:

- (1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by a fire department; any vehicle used for emergency purposes by the State Police, a public police department, Department of Corrections, or sheriff's office; any vehicle used for emergency purposes by a rescue squad; any publicly owned vehicle used for emergency purposes by an emergency management agency; any vehicle used to respond to emergencies or to transport a patient with a critical medical condition if the vehicle is operated by a Cabinet for Health Services-licensed ambulance provider or medical first-response provider; any vehicle commandeered by a police officer; or any motor vehicle ***with the emergency lights required under Section 25 of this Act*** used by a paid or volunteer fireman or paid or volunteer ambulance personnel or a paid or volunteer local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call.
- (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.

Section 25. KRS 189.920 is amended to read as follows:

- (1) All fire department, rescue squad, or publicly owned emergency management agency emergency vehicles and all ambulances shall be equipped with one (1) or more flashing, rotating, or oscillating red lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws.
- (2) All state, county, or municipal police vehicles and all sheriffs' vehicles used as emergency vehicles shall be equipped with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws.
- (3) By ordinance, the governing body of any city or county may direct that the police or sheriffs' vehicles in that jurisdiction be equipped with a combination of red and blue flashing, rotating, or oscillating lights.
- (4) All public safety vehicles shall be equipped with one (1) or more flashing, rotating, or oscillating yellow lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle. Yellow flashing, rotating, or oscillating lights may also be used by vehicles operated by mail carriers while on duty, funeral escort vehicles, and church buses.
- (5) All Department of Corrections vehicles used as emergency vehicles shall be equipped with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle. The Department of Corrections vehicles shall not be equipped with or use a siren, whistle, or bell. The equipment prescribed by this subsection shall be in addition to any other equipment required by motor vehicle laws.

- (6) Red flashing lights may be used by school buses.
- (7) No emergency vehicle, public safety vehicle, or any other vehicle covered by KRS 189.910 to 189.950 shall use any light of any other color than those specified by KRS 189.910 to 189.950. Sirens, whistles, and bells may not be used by vehicles other than those specified by KRS 189.910 to 189.950, except that any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
- (8) Vehicles used as command posts at incidents may be equipped with and use when on scene, a green rotating, oscillating, or flashing light. This light shall be in addition to the lights and sirens required in this section.
- (9) ***A personal vehicle used by a paid or volunteer firefighter, ambulance personnel or emergency services director who is responding to an emergency shall display the lights required in subsection (1) of this section.***

Section 26. KRS 177.315 is amended to read as follows:

- (1) As used in this section, "partial control of access" means the limited right or easement of access granted by the Transportation Cabinet under subsection (2) of this section.
- (2) The Transportation Cabinet shall establish minimum spacing requirements for partial control of access to a limited access facility, and the manner that the access is to be provided, for the owners or occupants of land or other persons who have a limited right or easement of access under KRS 177.220. Minimum spacing between access points shall be one thousand two hundred (1,200) feet in rural areas and six hundred (600) feet in urban areas.
- (3) The Transportation Cabinet may change the spacing of access control points if:
 - (a) 1. An owner or occupant of land abutting a limited access facility requests the cabinet for the change; or
 - 2. A local government requests the cabinet for the change; and
 - (b) The change in spacing of access points is supported by an engineering and traffic study approved by the state highway engineer.

~~{(4) A change in spacing of access control points shall not exceed fifteen percent (15%) of the limit established in subsection (2) of this section.}~~

Section 27. KRS 177.240 is amended to read as follows:

~~{(1) The highway authorities of the state, county, city, town, and village are authorized to so design any limited access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and its determination of such design shall be final. In this connection such highway authorities are authorized to divide and separate any limited access facility into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices. No person shall have any right of ingress or egress to, from or across limited access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time.~~

~~{(2) The Department of Highways shall construct or cause to be constructed on all interstate highways and toll roads suitable public facilities to replace any structures closed by the department after April 1, 1980, at a location within fifteen (15) miles of the previously available facility. Such facilities shall include restrooms which shall be available to the motoring public on a twenty four (24) hour basis.}~~

Section 28. KRS 186.405 is amended to read as follows:

- (1) Any United States male citizen or immigrant who is at least eighteen (18) years of age but less than twenty-six (26) years of age shall be registered for the United States Selective Service System when applying to the Transportation Cabinet for the issuance, renewal, or duplicate copy of:
 - (a) An operator's license;
 - (b) A commercial driver's license; or

- (c) A *personal*~~[non-driver]~~ identification card.
- (2) This registration is in compliance with federal Selective Service System requirements.
 - (3) The Transportation Cabinet shall forward, in an electronic format, the necessary personal information required for registration of the applicants identified in this section to the Selective Service System via the American Association of Motor Vehicles Administrators Network. If an applicant declines registration, the Transportation Cabinet shall forward the necessary personal information to the Selective Service System with the notation that automatic registration was declined.
 - (4) The applicant's submission of the application shall serve as an indication that the applicant has already registered with the Selective Service System, or that he is authorizing the Transportation Cabinet to forward the necessary information for registration to the Selective Service System.
 - (5) The Transportation Cabinet shall include the following statement on applications for licenses or identification cards described in this section: "By submitting this application, I am consenting to registration with the federal Selective Service System, if so required. If under eighteen (18) years of age, I understand that I will be registered as required by federal law when I attain eighteen (18) years of age." In the event the applicant declines Selective Service registration, the cabinet may issue an operator's license or *personal*~~[non-driver]~~ identification card, but shall forward the necessary personal information to the Selective Service System.

Section 29. KRS 186.410 is amended to read as follows:

- (1) Every person except those exempted by KRS 186.420 and 186.430 shall before operating a motor vehicle, motorcycle, or moped upon a highway secure an operator's license as provided in this chapter.
- (2) Except as provided in KRS 186.412, all original, renewal, and duplicate licenses for the operation of motor vehicles, motorcycles, or mopeds shall be issued by the circuit clerk in the county of the applicant's residence. Applications for renewal licenses shall be made every four (4) years within the birth month of the applicant. A license shall not be issued until the application has been certified by the cabinet and the applicant has, if required under KRS 186.6401, successfully completed the examinations required under KRS 186.480.
- (3) All color photo *personal*~~[non-driver]~~ identification cards shall be issued under the provisions of KRS 186.412.
- (4) A person may, at any time between the age of sixteen (16) and before the person's eighteenth birthday, enroll in one (1) of the following driver training programs:
 - (a) A driver's education course administered by a school district;
 - (b) A driver training school licensed pursuant to KRS Chapter 332 which offers a course meeting or exceeding the minimum standards established by the Transportation Cabinet; or
 - (c) State traffic school. The person may seek to enroll in state traffic school before the person's eighteenth birthday. Persons enrolling in state traffic school pursuant to this paragraph shall not be required to pay a fee.
- (5) If, for any reason, a person fails to successfully complete the required driver training pursuant to subsection (4) of this section within one (1) year of being issued an operator's license, the Transportation Cabinet shall enroll the person in state traffic school and cancel or suspend the operator's driving privileges until the person completes state traffic school.

Section 30. KRS 189.280 is amended to read as follows:

- (1) KRS 189.221 to 189.230 ~~and~~^[,] 189.280~~[and 189.490]~~ shall not apply to motor trucks, semitrailer trucks or trailers owned by the United States, the Commonwealth of Kentucky, or any agency of them, any county or city.
- (2) If any motor truck, semitrailer truck or trailer is lawfully licensed by a city pursuant to KRS 186.270, then KRS 189.221 ~~and~~^[,] subsection (1) of 189.222~~[and 189.490]~~ shall not apply thereto, within the limits of the city issuing the license, or within fifteen (15) miles of the limits of the city, if it is a city of the first, second, third, or fourth class, or within five (5) miles of its limits if it is a city of the fifth or sixth class, except on such state-maintained highways or portions thereof, including connecting-link streets, as may be designated by the commissioner of highways, and on such county highways as may be designated by the county judge/executive; provided, however, that in no case shall any vehicle exceed the weight and size limitations established by the city ordinance when those limitations are less stringent than those provided in the

aforementioned sections of the statutes. For the purposes of this subsection vehicles exempt from the imposition of a city license tax by reason of subsection (2) of KRS 281.830 shall be entitled to the same exemptions as those so licensed.

- (3) Cities may, by ordinance, provide maximum limits with respect to the weight, height, width and length of motor trucks, semitrailer trucks and trailers, within their respective boundaries, not less, however, than the maximum limits prescribed in KRS 189.221 and subsection (1) of 189.222, and may authorize the operation of trailers.

Section 31. KRS 189A.345 is amended to read as follows:

- (1) No person shall operate a motor vehicle or motorcycle without a functioning ignition interlock device when prohibited to do so under KRS 189A.340(1) or under KRS 189A.410(2).
- (2) (a) No person shall start a motor vehicle or motorcycle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle or motorcycle to a person subject to the prohibition established in KRS 189.340(1) or under KRS 189A.440(2)(b).
- (b) Any person who violates paragraph (a) of this subsection shall:
1. For a first offense, be guilty of a Class B misdemeanor; and
 2. For a second or subsequent offense, be guilty of a Class A misdemeanor.
- (3) (a) No person shall:
1. Knowingly install a defective ignition interlock device on a motor vehicle or motorcycle; or
 2. Tamper with an installed ignition interlock device with the intent of rendering it defective.
- (b) Any person who violates paragraph (a) of this subsection shall:
1. For a first offense, be guilty of a Class B misdemeanor; and
 2. For a second or subsequent offense, be guilty of a Class A misdemeanor and be prohibited from installing ignition interlock devices or directing others in the installation of ignition interlock devices.
- (4) (a) No person shall direct another person to install a defective ignition interlock device on a motor vehicle or motorcycle when the person giving the direction knows that the ignition interlock device is defective.
- (b) Any person who violates paragraph (a) of this subsection shall:
1. For a first offense, be guilty of a Class B misdemeanor; and
 2. For a second or subsequent offense, be guilty of a Class A misdemeanor and be prohibited from directing others in the installation of ignition interlock devices or installing ignition interlock devices.

Section 32. KRS 189.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1) ~~or (4)~~, ~~(2), and (5)~~ of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to ~~189.599~~~~189.630~~, except subsection (1) of KRS 189.580, KRS 189.345, subsection (4) of KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not more than one (1) year, or both. Any person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person violating paragraph (c) of subsection (5) of KRS 189.390.
- (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221, 189.222, 189.226, 189.230, or 189.270 shall be fined two cents (\$0.02) per pound for each pound of excess load when the excess is

five thousand (5,000) pounds or less. When the excess exceeds five thousand (5,000) pounds the fine shall be two cents (\$.02) per pound for each pound of excess load, but the fine levied shall not be less than one hundred dollars (\$100) and shall not be more than five hundred dollars (\$500).

- (b) Any person who violates the provisions of KRS 189.271 and is operating on a route designated on the permit shall be fined one hundred dollars (\$100); otherwise, the penalties in paragraph (a) of this subsection shall apply.
 - (c) Any person who violates any provision of subsections (2) *or* (3) ~~and (4)~~ of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, ~~189.490,~~ or the dimension provisions of KRS 189.212, for which another penalty is not specifically provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).
 - (d) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the Department of Vehicle Regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than fifteen dollars (\$15).
 - (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
 - (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
 - (c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.
- (5) Any person who violates KRS 189.370 shall for the first offense be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For each subsequent offense occurring within three (3) years, the person shall be fined not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or both. The minimum fine for this violation shall not be subject to suspension. A minimum of six (6) points shall be assessed against the driving record of any person convicted.
 - (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars (\$15) in excess of the cost of the repair of the road.
 - (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50).
 - (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
 - (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.
 - (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a Class B misdemeanor.
 - (11) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.

- (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of this section shall, in the case of a public highway, be paid into the county road fund, and, in the case of a privately owned road or bridge, be paid to the owner. These fines shall not bar an action for damages for breach of contract.
- (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- (14) Any person who violates any provision of KRS 189.575 shall be fined not less than twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- (16) Any person who violates restrictions or regulations established by the secretary of transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense, be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for thirty (30) days, or both.
- (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty of a Class B misdemeanor.
- (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name the vehicle used in the transportation of inflammable liquids or explosives is licensed, the person shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each violation shall constitute a separate offense.
- (18) Any person who abandons a vehicle upon the right-of-way of a state highway for three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days nor more than thirty (30) days.
- (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor, unless the offense is being committed by a defendant fleeing the commission of a felony offense which the defendant was also charged with violating and was subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- (20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- (21) A person who *operates*~~elects to operate~~ a bicycle in *violation of the administrative regulations promulgated*~~accordance with any regulations adopted~~ pursuant to KRS 189.287~~and who willfully violates a provision of a regulation~~ shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).~~[A person who operates a bicycle without complying with any regulations adopted pursuant to KRS 189.287 or vehicle safety statutes shall be prosecuted for violation of the latter.]~~
- (22) Any person who violates KRS 189.860 shall be fined not more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both.
- (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300).
- (24) Any person who violates the provisions of KRS 189.125(3) shall be fined fifty dollars (\$50).
- (25) Any person who violates the provisions of KRS 189.125(6) shall be fined an amount not to exceed twenty-five dollars (\$25).
- (26) Fines levied pursuant to this chapter shall be assessed in the manner required by KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall be governed by KRS 534.060.
- (27) A licensed driver under the age of eighteen (18) charged with a moving violation pursuant to this chapter as the driver of a motor vehicle may be referred, prior to trial, by the court to a diversionary program. The diversionary program under this subsection shall consist of one (1) or both of the following:
- (a) Execution of a diversion agreement which prohibits the driver from operating a vehicle for a period not to exceed forty-five (45) days and which allows the court to retain the driver's operator's license during this period; and

(b) Attendance at a driver improvement clinic established pursuant to KRS 186.574. If the person completes the terms of this diversionary program satisfactorily the violation shall be dismissed.

- (28) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall be fined two hundred fifty dollars (\$250). The fines and costs for a violation of subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in accordance with KRS 24A.180. Once deposited into the State Treasury, ninety percent (90%) of the fine collected under this subsection shall immediately be forwarded to the personal care assistance program under KRS 205.900 to 205.920. Ten percent (10%) of the fine collected under this subsection shall annually be returned to the county where the violation occurred and distributed equally to all law enforcement agencies within the county.

Section 33. KRS 189.993 is amended to read as follows:

- (1) Any person who violates KRS 189.045 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- (2) Any person convicted of violating any of the provisions of KRS 189.095 shall be fined sixty dollars (\$60) and costs of prosecution.
- (3) Any person who violates any provision of KRS 189.205 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100).
- (4) Any person who violates any provision of KRS 189.375 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100).
- (5) Any person who violates KRS 189.505 shall be fined not less than sixty dollars (\$60) nor more than two hundred dollars (\$200) or be imprisoned for not more than thirty (30) days, or both.
- (6) Any person found violating any provision of KRS 189.820 or 189.830 is guilty of a misdemeanor and shall be fined not less than twenty dollars (\$20) nor more than thirty-five dollars (\$35).
- (7) Any person who violates KRS 189.920 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a private vehicle *not authorized to use emergency lights under Section 25 of this Act*, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.
- (8) Any person who violates KRS 189.930 shall be fined not less than sixty dollars (\$60) nor more than five hundred dollars (\$500), or be imprisoned in the county jail for not more than thirty (30) days, or both.
- (9) Any person who violates KRS 189.940 shall be fined not less than sixty dollars (\$60) nor more than one thousand dollars (\$1,000) or be imprisoned in the county jail for not more than six (6) months, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.
- (10) If a member of a regular or volunteer fire department, ambulance service, or rescue squad violates any provisions of subsection (6) of KRS 189.940, he shall, in addition to any other penalty provided under KRS 189.990 or this section, be immediately dismissed from his membership or employment with the fire department, ambulance service, or rescue squad and shall be disqualified from being employed by or being a member of any fire department, ambulance service, or rescue squad in the Commonwealth for a period of three (3) years. Upon conviction of a second offense he shall be permanently barred from employment or membership in any fire department, ambulance service, rescue squad, police department, or sheriff's office in the Commonwealth, nor shall he be permitted to operate any public safety vehicle as defined in KRS 189.910.
- (11) Any person who violates KRS 189.950 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or be imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a privately owned vehicle, all lighting and other equipment used or installed in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.
- (12) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.

- (13) No producer or processor of natural resources shall allow the transporting of natural resources over the highways of the Commonwealth in excess of the weight limits without possessing a resource recovery road hauling permit. Violation for hauling in excess of prescribed limits without possession of a permit or transporting natural resources over prescribed limits of the resource recovery road hauling permit shall be not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each violation and shall be deposited in the resource recovery road fund.

Section 34. The following KRS section is repealed:

189.490 Trailer operation restricted.

189.630 City may require accident reports.

Approved April 5, 2006.