

## CHAPTER 79

## ( HB 74 )

AN ACT relating to motor vehicle equipment.

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

➔Section 1. KRS 189.950 is amended to read as follows:

- (1) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal.
- (2) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle any red or blue flashing, revolving, or oscillating light or place a red light on the front thereof. This subsection shall not apply to the use of red flashing lights on school buses or to stop lights or turn signals at the rear of any motor vehicle.
- (3) ***Except as otherwise provided for in this section, a person shall not illuminate a blue light that is affixed to a motor vehicle while operating the motor vehicle on a highway. This subsection shall not apply to:***
  - (a) ***Any light on a motorcycle that is not affixed to the front of the motorcycle; or***
  - (b) ***Nonhalogen headlamps that have a slight blue tint and meet United States Department of Transportation regulations.***
- (4) No motor vehicle, except those designated under KRS 189.910 to 189.950 as public safety vehicles, shall be equipped with, nor shall any person use upon any vehicle any yellow flashing, revolving, or oscillating light. This subsection shall not apply to the use of yellow lights for turn signals; or to emergency flasher lights for use when warning the operators of other vehicles of the presence of a vehicular traffic requiring the exercise of unusual care in approaching, overtaking, or passing; or to vehicles operated by mail carriers while on duty; funeral escort vehicles and church buses.
- ~~(5)~~(4) Any person who is a regular or voluntary member of any fire department furnishing fire protection for a political subdivision of the state or any person who is a regular or voluntary member of a rescue squad may equip his vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he has first been given permission, in writing, to do so by the chief of the fire department or rescue squad. He may use such lights and equipment only while proceeding to the scene of a fire or other emergency or to a location where another emergency vehicle is on emergency call in the performance of his official duties as a member of a fire department or rescue squad.
- ~~(6)~~(5) Any constable may, upon approval of the fiscal court in the county of jurisdiction, equip vehicles used by said officer as emergency vehicles with one (1) or more flashing, rotating or oscillating blue lights, visible under normal atmospheric condition from a distance of five hundred (500) feet to the front of such 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. Any constable authorized by the fiscal court to utilize blue lights and a siren pursuant to this section shall maintain at least the insurance described by KRS 304.39-110.
- ~~(7)~~(6) Any person who is a paid or voluntary member of any ambulance service furnishing emergency medical services for a political subdivision of the state may equip his vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he has first been given permission, in writing, to do so by the chief or director of the ambulance service. He may use such lights and equipment only while proceeding to the scene of an emergency, a medical facility, or to a location where another emergency vehicle is on emergency call in the performance of his official duties as a member of the ambulance service.

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

- (1) Every motor vehicle, other than a motorcycle or ~~moped~~~~[motor-driven cycle]~~, shall be equipped with at least two (2) ~~headlamps~~~~[head lamps]~~ with at least one (1) on each side of the front of the motor vehicle, which ~~headlamps~~~~[head lamps]~~ shall comply with the requirements and limitations set forth in this section.

- (2) Every motorcycle ~~and~~ ~~moped~~, and every motor-driven cycle shall be equipped with at least one (1) and not more than two (2) **headlamps** ~~head lamps~~ which shall comply with the requirements and limitations of this section.
- (3) Except as hereinafter provided, the **headlamps** ~~head lamps~~ or the auxiliary driving lamps or the auxiliary passing lamp or combinations thereof on motor vehicles, other than a motorcycle or ~~moped~~ ~~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; and
  - (c) Every new motor vehicle, other than a motorcycle or ~~moped~~ ~~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 **headlamps** ~~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, ~~the~~ ~~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 hundred (300) feet to the rear, except when engaged in the act of overtaking and passing, ~~the~~ ~~such~~ driver shall use a distribution of light other than the uppermost distribution of light specified in paragraph (a) of subsection (3) of this section.
- (7) Headlamps 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 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.
- (10) *Headlamps required under this section shall only emit white light. Halogen headlamps may have a slight yellow or amber tint. Nonhalogen headlamps may emit a slight blue tint, if the headlamps were installed by the vehicle manufacturer as original equipment in the motor vehicle, motorcycle, or moped or the headlamps meet the requirements of subsection (11) of this section.*
- (11) *A motor vehicle, motorcycle, or moped shall only be equipped with headlamps that meet United States Department of Transportation regulations.*
- (12) *A motor vehicle, motorcycle, or moped shall not be retrofitted with a headlamp that appears to emit a solid color of light other than white.*
- (13) *A motor vehicle, motorcycle, or moped shall not be retrofitted with a headlamp cover or film that changes the light emitted from the headlamp to a color other than white.*
- (14) *Except as provided in subsection (10) of this section, except as provided in paragraph (b) of subsection (3) of Section 1 of this Act, and except for vehicles exempted under the provisions of KRS 189.910 to 189.950, when operating on a highway or upon the right-of-way of a highway, any:*
- (a) *Visible front lights on a motor vehicle or any light that is affixed to the front of a motorcycle or moped, shall only be white or amber, unless installed as original equipment by the manufacturer; and*
- (b) *Visible rear lights on a motor vehicle shall only be white, amber, or red, unless installed as original equipment by the manufacturer.*
- (15) *Any violation of this section for the illumination of a solid blue light or solid blue lights shall be deemed to be a violation of subsection (3) of Section 1 of this Act.*

➔Section 3. 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 KRS 189.920, 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, *except as outlined in subsection (11) of this section*, 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) (a) ***Any person who violates subsection (3) of Section 1 of this Act shall be fined one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense, and one thousand dollars (\$1,000) for each subsequent offense.***
- (b) ***Except as provided in paragraph (a) of this subsection,*** 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, except that no penalty shall be assessed for a violation of KRS 189.580(1)(b) or (6)(b).
- (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.

**Signed by Governor March 21, 2017.**