

CHAPTER 186**(SB 215)**

AN ACT relating to transportation.

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

➔Section 1. KRS 174.020 is amended to read as follows:

- (1) The Transportation Cabinet shall consist of the following major organizational units:
- (a) The Office of the Secretary, which shall include, but not be limited to:
 - 1. The secretary to be appointed by the Governor under KRS 12.255; and
 - 2. The deputy secretary appointed under KRS 12.040;
 - (b) The Department of Highways, headed by a commissioner, appointed by the Governor under KRS 12.040;
 - (c) The Department of Vehicle Regulation, headed by a commissioner, appointed by the Governor under KRS 12.040. The Motor Vehicle Commission established in KRS 190.058 shall be attached to the Department of Vehicle Regulation for administrative purposes;
 - (d) The Department of Rural and Municipal Aid, headed by a commissioner appointed by the Governor under KRS 12.040;
 - (e) The Department of Aviation, headed by a commissioner appointed by the Governor under KRS 12.040. The Kentucky Airport Zoning Commission established by KRS 183.861 shall be attached to the Department of Aviation for administrative purposes;
 - (f) The Office of Support Services, headed by an executive director appointed under KRS 12.040;
 - (g) The Office of Transportation Delivery, headed by an executive director appointed under KRS 12.040;
 - (h) The Office of Audits, headed by an executive director appointed under KRS 12.040;
 - (i) The Office of Human Resource Management, headed by an executive director appointed under KRS 12.040;
 - (j) The Office of Information Technology, headed by an executive director appointed under KRS 12.040;
 - (k) The Office of Legal Services, headed by an executive director appointed under KRS 12.040;
 - (l) The following offices, which shall be attached to the Office of the Secretary:
 - 1. The Office of Public Affairs, headed by an executive director appointed under KRS 12.040;
 - 2. The Office of Budget and Fiscal Management, headed by an executive director appointed under KRS 12.040;
 - 3. The Office for Civil Rights and Small Business Development, headed by an executive director appointed under KRS 12.040;~~{and}~~
 - 4. The Office of Inspector General, headed by an executive director appointed under KRS 12.040;
and
 - 5. *The Secretary's Office of Safety, headed by an executive director appointed under KRS 12.040;*
 - (m) The following offices, which shall be attached to the Department of Highways:
 - 1. The Office of Project Development, headed by an executive director appointed under KRS 12.040, who shall be a registered professional engineer under KRS Chapter 322, and who shall be known as the deputy state highway engineer for project development;

2. The Office of Project Delivery and Preservation, headed by an executive director appointed under KRS 12.040, who shall be a registered professional engineer under KRS Chapter 322, and who shall be known as the deputy state highway engineer for project delivery and preservation;
 3. The Office of Highway Safety, headed by an executive director appointed under KRS 12.040; and
 4. Highway District Offices One through Twelve, each district office to be headed by an executive director, also known as the chief district engineer, appointed under KRS 12.040, who shall be a registered professional engineer under KRS Chapter 322; and
- (n) The following offices, which shall be attached to the Department of Rural and Municipal Aid:
1. Office of Local Programs, headed by an executive director appointed under KRS 12.040; and
 2. Office of Rural and Secondary Roads, headed by an executive director appointed under KRS 12.040.
- (2) The position of director in the Division of Environmental Analysis is a policy-making position under KRS 18A.175.

➔Section 2. KRS 12.020 is amended to read as follows:

Departments, program cabinets and their departments, and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily authorized executive order; except in the case of the Personnel Board and where the attached department or administrative body is headed by a constitutionally elected officer, the attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of the department or administrative body.

I. Cabinet for General Government - Departments headed by elected officers:

- (1) The Governor.
- (2) Lieutenant Governor.
- (3) Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.
- (4) Department of Law.
 - (a) Attorney General.
- (5) Department of the Treasury.
 - (a) Treasurer.
- (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Kentucky Council on Agriculture.
- (7) Auditor of Public Accounts.

II. Program cabinets headed by appointed officers:

- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.

- (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Management and Administrative Services.
 - (m) Department of Public Advocacy.
- (2) Education and Workforce Development Cabinet:
- (a) Office of the Secretary.
 - 1. Governor's Scholars Program.
 - 2. Governor's School for Entrepreneurs Program.
 - 3. Office of the Kentucky Workforce Innovation Board.
 - 4. Foundation for Adult Education.
 - 5. Early Childhood Advisory Council.
 - (b) Office of Legal and Legislative Services.
 - 1. Client Assistance Program.
 - (c) Office of Communication.
 - (d) Office of Administrative Services.
 - 1. Division of Human Resources.
 - 2. Division of Operations and Support Services.
 - 3. Division of Fiscal Management.
 - (e) Office of Technology Services.
 - (f) Office of Educational Programs.
 - (g) Office of the Kentucky Center for Statistics.
 - (h) Board of the Kentucky Center for Statistics.
 - (i) Board of Directors for the Center for School Safety.
 - (j) Department of Education.
 - 1. Kentucky Board of Education.
 - 2. Kentucky Technical Education Personnel Board.
 - (k) Department for Libraries and Archives.
 - (l) Department of Workforce Investment.
 - 1. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.

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- d. Division of Field Services.
- e. Statewide Council for Vocational Rehabilitation.
- 2. Office of Unemployment Insurance.
- 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
- 4. Office of Career Development.
- 5. Office of Adult Education.
- 6. Unemployment Insurance Commission.
- 7. Kentucky Apprenticeship Council.
- (m) Foundation for Workforce Development.
- (n) Kentucky Workforce Investment Board.
- (o) Education Professional Standards Board.
 - 1. Division of Educator Preparation.
 - 2. Division of Certification.
 - 3. Division of Professional Learning and Assessment.
 - 4. Division of Legal Services.
- (p) Kentucky Commission on the Deaf and Hard of Hearing.
- (q) Kentucky Educational Television.
- (r) Kentucky Environmental Education Council.
- (3) Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 - 1. Office of Legislative and Intergovernmental Affairs.
 - 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 - 3. Office of Administrative Hearings.
 - 4. Office of Communication.
 - 5. Mine Safety Review Commission.
 - 6. Office of Kentucky Nature Preserves.
 - 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 - 1. Office of the Commissioner.
 - 2. Division for Air Quality.
 - 3. Division of Water.
 - 4. Division of Environmental Program Support.
 - 5. Division of Waste Management.
 - 6. Division of Enforcement.
 - 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.

1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
1. Division of Energy Assistance.
- (e) Office of Administrative Services.
1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (4) Public Protection Cabinet.
- (a) Office of the Secretary.
1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
- (b) Kentucky Claims Commission.
- (c) Kentucky Boxing and Wrestling Commission.
- (d) Kentucky Horse Racing Commission.
1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.

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- f. Division of Veterinary Services.
- (e) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
- (f) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
- (g) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.
- (i) Department of Insurance.
 - 1. Division of Insurance Product Regulation.
 - 2. Division of Administrative Services.
 - 3. Division of Financial Standards and Examination.
 - 4. Division of Agent Licensing.
 - 5. Division of Insurance Fraud Investigation.
 - 6. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 - 1. Real Estate Authority.
- (5) Labor Cabinet.
 - (a) Office of the Secretary.
 - 1. Office of General Counsel.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 - 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Professional Development and Organizational Management.
 - d. Division of Information Technology and Support Services.
 - 3. Office of Inspector General.
 - (b) Department of Workplace Standards.
 - 1. Division of Occupational Safety and Health Compliance.

2. Division of Occupational Safety and Health Education and Training.
3. Division of Wages and Hours.
- (c) Department of Workers' Claims.
 1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Information Services.
 6. Division of Specialist and Medical Services.
 7. Workers' Compensation Board.
- (d) Workers' Compensation Funding Commission.
- (e) Occupational Safety and Health Standards Board.
- (f) State Labor Relations Board.
- (g) Employers' Mutual Insurance Authority.
- (h) Kentucky Occupational Safety and Health Review Commission.
- (i) Workers' Compensation Nominating Committee.
- (6) Transportation Cabinet:
 - (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. *Secretary's Office of Safety.*
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.

- (k) Office of Legal Services.
- (7) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 - 1. Office of Legal Services.
 - 2. Department for Business Development.
 - 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Incentive Administration Division.
 - f. Bluegrass State Skills Corporation.
 - 4. Office of Marketing and Public Affairs.
 - a. Communications Division.
 - b. Graphics Design Division.
 - 5. Office of Workforce, Community Development, and Research.
 - 6. Office of Entrepreneurship.
 - a. Commission on Small Business Advocacy.
- (8) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 - 1. Office of the Ombudsman and Administrative Review.
 - 2. Office of Public Affairs.
 - 3. Office of Legal Services.
 - 4. Office of Inspector General.
 - 5. Office of Human Resource Management.
 - 6. Office of Finance and Budget.
 - 7. Office of Legislative and Regulatory Affairs.
 - 8. Office of Administrative Services.
 - 9. Office of Application Technology Services.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
 - (i) Office for Children with Special Health Care Needs.
 - (j) Office of Health Data and Analytics.
- (9) Finance and Administration Cabinet:

- (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Tobacco Settlement Trust Corporation.
 - (u) Kentucky Higher Education Assistance Authority.
 - (v) Kentucky River Authority.
 - (w) Kentucky Teachers' Retirement System Board of Trustees.
 - (x) Executive Branch Ethics Commission.
- (10) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Facilities Management.
 - 5. Division of Facilities Maintenance.
 - 6. Division of Customer Services.
 - 7. Division of Recreation.
 - 8. Division of Golf Courses.

9. Division of Food Services.
 10. Division of Rangers.
 11. Division of Resort Parks.
 12. Division of Recreational Parks and Historic Sites.
- (c) Department of Fish and Wildlife Resources.
1. Division of Law Enforcement.
 2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
 3. Office of Film and Tourism Development.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.

- (k) Kentucky African-American Heritage Commission.
 - (l) Kentucky Foundation for the Arts.
 - (m) Kentucky Humanities Council.
 - (n) Kentucky Heritage Council.
 - (o) Kentucky Arts Council.
 - (p) Kentucky Historical Society.
 - 1. Division of Museums.
 - 2. Division of Oral History and Educational Outreach.
 - 3. Division of Research and Publications.
 - 4. Division of Administration.
 - (q) Kentucky Center for the Arts.
 - 1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (11) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔ Section 3. KRS 189.390 is amended to read as follows:

- (1) As used in this section, unless the context requires otherwise:
- (a) "Business district" means the territory contiguous to and including a highway if, within six hundred (600) feet along the highway, there are buildings in use for business or industrial purposes that occupy three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway;
 - (b) "Residential district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred (300) feet or more is improved with residences or residences and buildings in use for business; and
 - (c) "State highway" means a highway or street maintained by the Kentucky Department of Highways.
- (2) An operator of a vehicle upon a highway shall not drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.
- (3) The speed limit for motor vehicles on state highways shall be as follows, unless conditions exist that require lower speed for compliance with subsection (2) of this section, or the secretary of the Transportation Cabinet establishes a different speed limit in accordance with subsection (4) of this section:
- (a) Sixty-five (65) miles per hour on interstate highways and parkways;
 - (b) Fifty-five (55) miles per hour on all other state highways; and
 - (c) Thirty-five (35) miles per hour in a business or residential district.
- (4) (a) If the secretary of transportation determines, upon the basis of an engineering and traffic investigation, that any speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, or upon any part of a state highway, the secretary of transportation may establish by official order a reasonable and safe speed limit at the location. The secretary shall not increase any speed limit established by subsection (3) of this section in excess of sixty-five (65) miles per hour, except that, notwithstanding the provisions of subsection (3)(a) of this section, the secretary may increase the speed limit on any of the following segments of highway to seventy (70) miles per hour:
1. Interstate 24 (entire length);
 2. Interstate 64 from Interstate 264 to the West Virginia state line;
 3. Interstate 65 from Interstate 264 to the Tennessee state line;
 4. Interstate 69 (entire length);
 5. Interstate 71 from Interstate 264 to Interstate 275;
 6. Interstate 75 from the Tennessee state line to Interstate 275;
 7. Interstate 165 (entire length);
 8. The Audubon Parkway (entire length);
 9. The Julian M. Carroll Purchase Parkway (entire length);
 10. The Bert T. Combs Mountain Parkway (entire length);
 11. The Bert T. Combs Mountain Parkway Extension (entire length);
 12. The Edward T. Breathitt Pennyrile Parkway (entire length);
 13. The Wendell H. Ford Western Kentucky Parkway (entire length);
 14. The Louie B. Nunn Cumberland ~~Expressway~~ ~~Parkway~~ (entire length);
 15. The Martha Layne Collins Bluegrass Parkway (entire length); and
 16. The William H. Natcher Parkway (entire length).
- (b) In a highway work zone, the Transportation Cabinet may temporarily reduce established speed limits without an engineering or traffic investigation. A speed limit established under this paragraph shall become effective when and where posted. The Transportation Cabinet shall post signs notifying the traveling public of the temporary highway work zone maximum speed limit. Nothing in this paragraph shall be construed to prevent the Transportation Cabinet from using moveable or portable speed limit signs in highway work zones.

- (5) (a) A city or a county may by ordinance establish speed limits within its own jurisdiction, except as provided in paragraph (b) of this subsection.
- (b) The alteration of speed limits on state highways within a city or a county shall not be effective until the alteration has been approved by the secretary of transportation. The secretary shall not approve any alteration that could increase any speed limit established by subsection (3)(b) or (c) of this section in excess of fifty-five (55) miles per hour.
- (c) If a county determines, upon the basis of an engineering and traffic investigation and study, that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one (1) motor vehicle is permitted to park in such district so as to reduce the congestion, the fiscal court may by ordinance establish "no parking" areas on the highway, or limit the length of time any motor vehicle may be parked in any business district.
- (6) The speed limit for motor vehicles in an off-street parking facility offered for public use, whether publicly or privately owned, shall be fifteen (15) miles per hour.
- (7) A person shall not drive a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.
- (8) In every charge for a violation of any speed limit specified in this section, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, and the lawful speed limit applicable at the location where the violation is charged to have occurred.

➔Section 4. The Transportation Cabinet is directed to change the name of the "Louie B. Nunn Cumberland Parkway" in its entirety to the "Louie B. Nunn Cumberland Expressway" and shall, within 30 days of the effective date of this Act:

- (1) Make appropriate changes to official highway lists, electronic maps, Web sites, and databases to denote the name change; and
- (2) Take any necessary steps to ensure that:
 - (a) Appropriate signs and highway markers denoting this name change are installed whenever new signage is required due to sign damage or in the course of ordinary sign maintenance; and
 - (b) Physical maps produced by the Transportation Cabinet reflect this name change at the time of their next publication.

➔Section 5. The General Assembly confirms Executive Order 2020-1027, regarding the reorganization of the Transportation Cabinet, to the extent it is not otherwise confirmed by this Act.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

After the effective date of this Act and until July 1, 2024:

- (1) *As used in this section:*
 - (a) *"Local government" means a city, county, charter county government, urban-county government, consolidated local government, or unified local government that is located within the boundaries of a regional authority, or the Kentucky Mountain Regional Recreation Authority established under KRS 148.0222, acting on behalf of a local government that is part of the authority;*
 - (b) *"Off-highway vehicle" or "OHV" means a motorized vehicle that:*
 - 1. *Is designed to be primarily used for recreational purposes;*
 - 2. *Has a maximum speed that is greater than thirty-five (35) miles per hour;*
 - 3. *Is equipped with the following:*
 - a. *Four (4) to six (6) highway or nonhighway tires;*
 - b. *A steering wheel or steering mechanism;*
 - c. *Brakes;*
 - d. *Headlamps;*

- e. *Tail lamps;*
 - f. *Brake lights;*
 - g. *One (1) red reflex reflector on each side as far to the rear as practicable and one (1) red reflex reflector on the rear;*
 - h. *A working muffler;*
 - i. *A parking brake;*
 - j. *A spark arrestor; and*
 - k. *For multi-passenger vehicles, an exterior mirror mounted on the driver's side of the vehicle, either an interior mirror or an exterior mirror mounted on the passenger's side of the vehicle, and for each designated seating position, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209; and*
- (c) *"Regional authority" means:*
- 1. *The Kentucky Mountain Regional Recreation Authority established in KRS 148.0222; and*
 - 2. *Any other authority established in Kentucky Revised Statutes, prior to the effective date of this Act, that oversees lands in two (2) or more contiguous counties, on which there is a system of recreational trails, including streams, rivers, and other waterways, and appurtenant facilities, including trailhead centers, parking areas, camping facilities, picnic areas, recreational areas, historic or cultural interpretive sites, and other facilities in Kentucky and designated by the regional authority.*
- (2) (a) *The legislative body of a local government that is currently or formerly located within the boundaries of a regional authority, or which currently operates a public OHV trail system, may establish a pilot program, by ordinance, to authorize and regulate the operation of an OHV on any public roadway or any section of city or county roadway for which it bears responsibility.*
- (b) *Prior to enacting an OHV ordinance under paragraph (a) of this subsection, the legislative body of a local government shall notify the public of its plans to allow OHV use on roadways under its jurisdiction. Public notice under this paragraph shall:*
- 1. *Notify the public of the time, subject, and location of the public meeting and shall be posted in both a local newspaper, if any, and a newspaper of general circulation in the county;*
 - 2. *Include a list and map of all roadways and connecting trails that the local government intends to designate for OHV use; and*
 - 3. *Be placed on the Web site of the local government.*
- (c) *A local government may petition the Transportation Cabinet to include, in an OHV ordinance adopted under paragraph (a) of this subsection, state-maintained roadways or sections of state-maintained roadways located within the local government's jurisdictional boundaries. The local government shall submit the following to the Transportation Cabinet for approval:*
- 1. *The minutes from the public meeting or meetings held prior to adoption of an OHV ordinance under this subsection;*
 - 2. *A list and map of all roadways and connecting trails that the local government intends to designate for OHV use;*
 - 3. *An enforcement plan to ensure that all OHVs operating on roadways under this section meet all of the requirements established under this section, including verification of required insurance coverage;*
 - 4. *A plan to notify the public and OHV users of the operation of OHVs on state and local roadways within the boundaries of the local government;*
 - 5. *A safety plan for OHV roadway use; and*
 - 6. *Any other requirements established by the Transportation Cabinet under subsection (16) of this section.*

- (d) *The Transportation Cabinet shall, within ninety (90) days of receipt of a petition and all information required in paragraph (c) of this subsection, respond to the local government with approval or denial of the request submitted.*
 - (e) *Any OHV ordinance adopted under this section shall be adopted at a public meeting.*
- (3) *A fully controlled access highway shall not be designated for OHV use under this section.*
- (4) *A local government that has enacted an OHV ordinance under this section shall notify the Transportation Cabinet of any collision involving an OHV that occurred on any roadway approved for OHV use under this section.*
- (5) *A person may operate an OHV on a public roadway pursuant to subsection (2) of this section if the:*
 - (a) *Operator is eighteen (18) years of age or older;*
 - (b) *Operator has a valid operator's license in his or her possession;*
 - (c) *OHV is insured by the owner or operator, for the payment of tort liabilities in the same form and amounts as set forth in KRS 304.39-110 for motorcycles;*
 - (d) *Proof of insurance is inside the OHV at all times of operation on a public roadway; and*
 - (e) *OHV is equipped with all safety equipment required under this section.*
- (6) *Any person operating an OHV on a public roadway under this section shall be subject to the same traffic regulations of this chapter as a motor vehicle, including KRS 189.520 prohibiting the operation of a vehicle that is not a motor vehicle, while under the influence of intoxicants or substances which may impair driving.*
- (7) *A person shall not operate an OHV under this section on any public roadway:*
 - (a) *Between one (1) hour after sunset and one (1) hour before sunrise, unless the person can demonstrate cause for driving, including but not limited to emergencies; or*
 - (b) *While carrying passengers on a trailer or any other towed unit.*
- (8) *Any passenger of an OHV that is under the age of sixteen (16) shall be required to wear a helmet that meets the national standards prescribed by the United States Department of Transportation.*
- (9) *An operator and any passengers shall wear eye protection when operating or riding an OHV that is not equipped with a windshield.*
- (10)
 - (a) *The Transportation Cabinet shall be responsible for the cost, placement, and maintenance of signage denoting state highways that have been authorized for OHV use under this section.*
 - (b) *The local government shall be responsible for the cost, placement, and maintenance of signage denoting local roadways that have been designated for OHV use under this section.*
 - (c) *The local government shall be responsible for monthly inspection of state and local OHV signage.*
- (11) *An OHV operating on a public roadway designated by a local government under subsection (2) of this section is not considered to be a motor vehicle and shall be exempt from:*
 - (a) *Vehicle registration requirements of KRS 186.050; and*
 - (b) *Emissions compliance certificates pursuant to KRS 224.20-720.*
- (12) *A local government may adopt more stringent local ordinances governing OHV safety equipment and operation than specified in this section.*
- (13) *If deemed in the interest of public safety, the Transportation Cabinet may:*
 - (a) *Prohibit the operation of an OHV on any public roadway designated under subsection (2) of this section that crosses a state-maintained roadway; or*
 - (b) *Rescind approval given under subsection (2)(d) of this section.*
- (14) *This section shall not apply to:*
 - (a) *An OHV operated on any private or public recreational trail or area;*

- (b) *An OHV operating under the exemptions for highway use under Section 7 of this Act; or*
 - (c) *A publicly owned and operated OHV used for wildlife management, law enforcement, emergency services, or other governmental purposes.*
- (15) *Nothing in this section shall be interpreted or construed to require an insurance company to provide OHV insurance coverage.*
- (16) *The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement this section, including but not limited to:*
- (a) *Prescribing of any forms or applications needed;*
 - (b) *Establishing criteria for OHV ordinances;*
 - (c) *Establishing OHV enforcement requirements;*
 - (d) *Establishing criteria for rescinding approval pursuant to subsection (13) of this section;*
 - (e) *Establishing OHV safety requirements;*
 - (f) *Establishing OHV safety equipment verification protocol; and*
 - (g) *Establishing OHV safety plan requirements.*

➔Section 7. KRS 189.515 is amended to read as follows:

- (1) As used in this section, "federal all-terrain vehicle standards" means the all-terrain vehicle standards set forth by the American National Standards Institute/Specialty Vehicle Institute of America and incorporated by reference in 16 C.F.R. sec. 1420.3, to the extent those standards are applicable.
- (2) Except for vehicles authorized to operate on a public highway as of July 15, 1998, and except as provided in subsection (7) of this section, a person shall not operate an all-terrain vehicle upon any public highway or roadway or upon the right-of-way of any public highway or roadway.
- (3) A person shall not operate an all-terrain vehicle on private property without the consent of the landowner, tenant, or individual responsible for the property.
- (4) A person shall not operate an all-terrain vehicle on public property unless the governmental agency responsible for the property has approved the use of all-terrain vehicles.
- (5) Except for vehicles authorized to operate on a public highway, a person sixteen (16) years of age or older operating an all-terrain vehicle on public property shall wear approved protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times that the vehicle is in motion. The approved headgear requirement shall not apply when the operator of any all-terrain vehicle is engaged in:
 - (a) Farm or agriculture related activities;
 - (b) Mining or mining exploration activities;
 - (c) Logging activities;
 - (d) Any other business, commercial, or industrial activity;
 - (e) Use of that vehicle on private property; or
 - (f) The crossing of a public roadway with a posted speed limit of fifty-five (55) miles per hour or less. The crossing of a public roadway outlined in this paragraph shall be in compliance with subsection (7)(a) of this section.
- (6)
 - (a) A parent or legal guardian of a minor who is under the age of six (6) shall not knowingly allow that person to operate an all-terrain vehicle.
 - (b) A person under the age of sixteen (16) years shall not operate an all-terrain vehicle except under direct parental supervision.
 - (c) A person under the age of sixteen (16) years, when operating or riding as a passenger on an all-terrain vehicle, shall wear approved protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times that the vehicle is in motion.

- (d) A parent or guardian of a minor who is under the age of sixteen (16), or who does not possess an instruction permit, an intermediate license, or an operator's license, shall not knowingly allow that person to carry a passenger while operating an all-terrain vehicle.
- (e) A parent or guardian of a minor under the age of sixteen (16) shall not knowingly allow that person to operate an all-terrain vehicle in violation of the age restriction warning label affixed by the manufacturer as required by the federal all-terrain vehicle standards.
- (7) (a) ***Except for off-highway vehicles described in Section 6 of this Act***, a person may operate an all-terrain vehicle on any two (2) lane public highway in order to cross the highway. In crossing the highway under this paragraph, the operator shall cross the highway at as close to a ninety (90) degree angle as is practical and safe, and shall not travel on the highway for more than two-tenths (2/10) of a mile.
- (b) A person may operate an all-terrain vehicle on any two (2) lane public highway, if the operator is engaged in farm or agricultural related activities, construction, road maintenance, or snow removal.
- (c) The Transportation Cabinet may designate, and a city or county government may designate, those public highways, segments of public highways, and adjoining rights-of-way of public highways under its jurisdiction where all-terrain vehicles that are prohibited may be operated.
- (d) A person operating an all-terrain vehicle on a public highway under this subsection shall possess a valid operator's license.
- (e) A person operating an all-terrain vehicle on a public highway under this subsection shall comply with all applicable traffic regulations.
- (f) A person shall not operate an all-terrain vehicle under this subsection unless the all-terrain vehicle has at least one (1) headlight and two (2) taillights, which shall be illuminated at all times the vehicle is in operation.
- (g) A person operating an all-terrain vehicle under this subsection shall restrict the operation to daylight hours, except when engaged in snow removal or emergency road maintenance.
- (h) It shall be unlawful for a person to remove from an all-terrain vehicle the manufacturer age restriction warning label required by the federal all-terrain vehicle standards.

➔Section 8. 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, subsection (1) or (4) 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 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) 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)(a) 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, unless the accident involved death or serious physical injury and the person knew or should have known of the death or serious physical injury, in which case the person shall be guilty of a Class D felony. 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, 189.270, or 189.2713 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 (\$0.02) 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 subsection (2) or (3) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.2713, 189.280, 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)
 1. Any person who violates the provisions of KRS 177.985 while operating on a route designated in KRS 177.986 shall be fined one hundred dollars (\$100).
 2. Any person who operates a vehicle with a permit under KRS 177.985 in excess of eighty thousand (80,000) pounds while operating on a route not designated in KRS 177.986 shall be fined one thousand dollars (\$1,000).
 - (e) 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 (3) 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 a bicycle in violation of the administrative regulations promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).
- (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)(a) shall be fined fifty dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a uniform citation, but shall instead receive a courtesy warning up until July 1, 2009. For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs. A person who has not been previously charged with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the requirements of KRS 189.125. Upon presentation of sufficient proof of the acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an amount not to exceed twenty-five dollars (\$25). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (27) 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 534.020 and 534.060.
- (28) 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.
- (29) 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.
- (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.
- (31) ***Any person who violates subsection (5) or (7)(b) of Section 6 of this Act shall be subject to a fine of two hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.***

➔Section 9. Sections 6 to 8 of this Act are a part of a pilot program and shall sunset on July 1, 2024.

➔Section 10. Notwithstanding any provision of law to the contrary, with respect to any violations on or after March 1, 2021, the Transportation Cabinet shall suspend imposition and collection of fines and penalties on a coal haul truck operator for coal haul truck weight exceedance violations under KRS 189.271(9) on roads not currently listed in the Transportation Cabinet's Certified Transportation Plan if the operator:

Meets the requirements of this section, with exception of hauling an oversize load on a road not listed in the Certified Transportation Plan;

Meets all other applicable state and federal license and permit requirements to haul coal in Kentucky; and

Has given notice to the Transportation Cabinet by applying to bond the road under KRS 189.271.

The suspension on collection of fines and penalties shall terminate upon a final determination on the bond by the cabinet, and any violations that would be imposed during that period shall not remain enforceable unless the bond is denied. The provisions of this section shall expire thirty (30) days after the effective date of this Act.

➔Section 11. The Transportation Cabinet shall designate the United States Route 27 Bypass in Jessamine County as the "Bernard T. Moynahan Memorial Highway," and shall, within 30 days of the effective date of this Act, erect the appropriate signage. This designation shall supersede the designation contained in 2020 Ky. Acts ch. 116, sec. 43.

Signed by Governor April 5, 2021.