

304.99-060 Penalties for violation of Subtitle 39 -- Reduction of penalty.

- (1) (a) The owner of any vehicle who fails to have in full force and effect the security required by Subtitle 39 of this chapter shall:
 1. Be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or sentenced to not more than ninety (90) days in jail, or both;
 2. Have the registration of the motor vehicle revoked and the license plates of the vehicle suspended for a period of one (1) year or until such time as proof, in a form satisfactory to the commissioner, is furnished that the security is then and will remain in effect; and
 3. For the second and each subsequent offense within any five (5) year period, have his or her operator's license revoked in accordance with KRS 186.560, and may be sentenced to one hundred and eighty (180) days in jail, or fined not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500), or both.
 - (b) Penalties under paragraph (a) of this subsection for the first offense are subject to conditional discharge, suspension, or other forms of reduction of penalty by judicial discretion upon production of proof of security.
 - (c) For the second and each subsequent offense, minimum fines, suspensions, and penalties under paragraph (a) of this subsection are subject to conditional discharge, suspension, or other forms of reduction of penalty, by judicial discretion only upon production of proof of security and a receipt showing that a premium for a minimum policy period of six (6) months has been paid.
 - (d) Upon expiration of the minimum six (6) month policy period, the court shall order the vehicle owner to appear before it to verify renewal of the security required by Subtitle 39 of this chapter by production of proof of security and a receipt showing that a premium for a minimum six (6) month policy period has been paid.
 - (e) Failure to appear shall result in the suspension of the vehicle owner's operator's license pursuant to KRS 186.570.
 - (f) Unless uninterrupted coverage is maintained, cancellation or expiration of the procured security before the end of the minimum six (6) month policy period shall be a Class B misdemeanor.
 - (g) Unless the requirement of paragraph (d) of this subsection is satisfied, the court shall revoke any conditional discharge, suspension, or other form of reduction of penalty granted under paragraph (c) of this subsection.
- (2) A person who operates a motor vehicle without security on the motor vehicle as required by Subtitle 39 of this chapter shall:
 - (a) Be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or sentenced to not more than ninety (90) days in jail, or both; and
 - (b) For the second and each subsequent offense within any five (5) year period,

have his or her operator's license revoked in accordance with KRS 186.560, and may be sentenced to not more than one hundred eighty (180) days in jail or fined not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500), or both.

- (3) If the person who operates a motor vehicle without security on the motor vehicle as required by Subtitle 39 of this chapter is also the owner of the motor vehicle, the person shall be subject to penalties under both subsection (1) and subsection (2) of this section.
- (4) The following shall be subject to a civil penalty of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation:
 - (a) Any person or entity that presents, causes to be presented, or collects payment on a bill or claim for health care services that the person or entity knows or should know were referred in violation of KRS 304.39-215; and
 - (b) Any person or entity that knowingly fails to make a timely refund required by KRS 304.39-215.
- (5) A health care provider or other person or entity that enters into an arrangement or scheme that the provider, person, or entity knows or should know has a principal purpose of assuring referrals by the provider that, if made directly by the provider, would be in violation of KRS 304.39-215 shall be subject to a civil penalty of not less than five thousand dollars (\$5,000) nor more than twenty-five thousand dollars (\$25,000) per arrangement or scheme.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 143, sec. 5, effective June 27, 2019. -- Amended 2010 Ky. Acts ch. 24, sec. 1653, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 152, sec. 2, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 442, sec. 8, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 205, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 136, sec. 1, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 376, sec. 1, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 129, sec. 4, effective January 1, 1985. -- Amended 1980 Ky. Acts ch. 379, sec. 1, effective July 15, 1980. -- Created 1978 Ky. Acts ch. 102, sec. 2, effective September 1, 1978.