

1 AN ACT relating to disabled parking placards.

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

3 ➔Section 1. KRS 189.456 is amended to read as follows:

- 4 (1) On the application of any person who has a severe visual, audio, or physical  
5 impairment, including partial paralysis, lower limb amputation, chronic heart  
6 condition, emphysema, arthritis, rheumatism, or other debilitating condition which  
7 limits or impairs one's personal mobility or ability to walk, the county clerk in the  
8 county of the person's residence shall issue the person with a disability an accessible  
9 parking placard. In addition, any agency or organization which transports persons  
10 with a disability as a part of the service provided by that agency or organization  
11 shall receive an accessible parking placard upon application to the county clerk for  
12 each vehicle used in the transportation of persons with a disability. The accessible  
13 parking placard issued shall be a two (2) sided hanger style placard and shall on  
14 each side bear the international symbol of access adopted by Rehabilitation  
15 International in 1969.~~;~~ **One side of the placard shall bear** the date of expiration of  
16 the placard, a seal or other identification of the Kentucky Transportation Cabinet,  
17 and shall contain the accessible parking placard identification number and other  
18 information the Transportation Cabinet may by regulation require. The international  
19 symbol of access shall be at least three (3) inches in height, be centered on the  
20 placard and in a white color on a blue shield. Any information contained on the  
21 placard shall be written in indelible ink or inscribed in other permanent fashion so  
22 as to prevent tampering with or the changing of information contained on the  
23 placard.
- 24 (2) The county clerk shall issue an **applicant one (1)** accessible parking placard **at a fee**  
25 **of ten dollars (\$10) for initial or renewal placards, of which eight dollars (\$8)**  
26 **shall be forwarded to the road fund and two dollars (\$2) shall be retained by the**  
27 **clerk. The placard**~~at no charge that~~ shall be valid for a period of **six (6)**~~two (2)~~

1 years and~~[which]~~ may be ~~[twice]~~ renewed **an unlimited number of times**~~[for a~~  
2 ~~period of two (2) years, without any fee being charged to the applicant].~~ **A placard**  
3 **shall expire in the applicant's birth month and may be renewed up to twelve (12)**  
4 **months prior to its expiration date. Upon renewal, a receipt and decal shall be**  
5 **issued that both contain the placard number, placard expiration date, and other**  
6 **information required by the Transportation Cabinet. The decal shall be affixed to**  
7 **the existing placard**~~[The application shall be made on a form prepared by the~~  
8 ~~Transportation Cabinet].~~ Placards shall be printed at cabinet expense, ~~[and~~  
9 ~~distributed to]~~The county clerk of each county ~~[who]~~ shall keep a record of  
10 applications filed and placards issued.

11 (3) For every person seeking an **initial** accessible parking placard **or renewal of a**  
12 **placard issued prior to July 1, 2017**, proof of the disability shall be required by:

13 (a) Evidence that the individual has a license plate for a person with a disability  
14 as provided by KRS 186.041 or 186.042; **or**

15 (b) ~~[The county clerk issuing the permit ascertaining that the applicant is~~  
16 ~~obviously disabled; or~~

17 (c) ~~]~~A statement from a licensed physician, chiropractor, or advanced practice  
18 registered nurse that the applicant is a person whose mobility, flexibility,  
19 coordination, respiration, or perceptiveness is significantly reduced by a  
20 permanent disability to that person's arms, legs, lungs, heart, ears, or eyes. **The**  
21 **statement shall be on a form prescribed by the Transportation Cabinet and**  
22 **shall not be dated more than sixty (60) days prior to the date of application.**

23 **(4) (a) A parent or guardian of a disabled minor may apply for a placard on behalf**  
24 **of the disabled person by submitting the form identified in subsection (3) of**  
25 **this section.**

26 **(b) A parent or guardian of a disabled adult may apply for a placard on behalf**  
27 **of the disabled person by submitting the form identified in subsection (3) of**

1           *this section and a power of attorney or proof of guardianship for the*  
 2           *disabled person.*

3   ~~(5)~~~~(4)~~   *The Transportation Cabinet may allow the county clerk to issue an*  
 4           *accessible disabled placard to an organization transporting disabled individuals.*

5           For every agency or organization seeking an accessible parking placard for a person  
 6           with a disability, application for the placard shall include:

- 7           (a) Name of the agency or organization requesting use of an accessible parking  
 8                 placard;
- 9           (b) Number of vehicles being used in the transportation of persons with a  
 10                 disability; and
- 11           (c) A statement from the director of the agency or organization verifying the need  
 12                 for the parking placard.

13   ~~(6)~~~~(5)~~   The accessible parking placard shall, when the vehicle is parked in a parking  
 14           space identified as accessible to a person with a disability, be displayed so that *the*  
 15           *expiration date* ~~it~~ may be viewed from the front ~~and rear~~ of the vehicle by  
 16           hanging the placard from the front windshield rear view mirror. When there is no  
 17           rear view mirror, the placard shall be displayed on the dashboard *so that the*  
 18           *expiration date may be viewed.*

19   ~~(6) A person who has not been issued a license plate for a person with a disability under~~  
 20           ~~the provisions of KRS 186.041 or 186.042 may be issued a second parking placard~~  
 21           ~~at no charge.~~

22   (7) A person with a disability who has been issued a parking placard pursuant to this  
 23           section may make application for a replacement placard by swearing in an affidavit  
 24           that the original placard has been ~~lost,~~ ~~stolen,~~ or destroyed. The replacement  
 25           parking placard shall be issued at no charge by the county clerk.

26   (8) The Transportation Cabinet may promulgate administrative regulations pursuant to  
 27           KRS Chapter 13A to implement or administer this section, *including but not*

1 limited to the designing of required forms and establishing criteria for placard  
 2 issuance for organizations.

3 ➔Section 2. KRS 189.458 is amended to read as follows:

- 4 (1) Upon application of any person who has a severe temporary visual, audio, or  
 5 physical impairment, including partial paralysis, heart condition, emphysema,  
 6 arthritis, rheumatism, or other debilitating condition which limits or impairs one's  
 7 personal mobility or ability to walk as defined in KRS 186.042, the county clerk in  
 8 the county of the person's residence shall issue the person with a disability a  
 9 temporary accessible parking placard.
- 10 (2) The accessible parking placard issued shall be a two (2) sided hanger style placard  
 11 and shall on each side bear the international symbol of access adopted by  
 12 Rehabilitation International in 1969. ~~and~~ One side of the placard shall bear the date  
 13 of expiration of the placard, a seal or other identification of the Kentucky  
 14 Transportation Cabinet, and shall contain the accessible parking placard  
 15 identification number and other information the Transportation Cabinet may by  
 16 administrative regulation require. The international symbol of access shall be at  
 17 least three (3) inches in height, be centered on the placard and in a white color on a  
 18 red shield.
- 19 (3) A temporary accessible parking placard shall be issued by the county clerk for a fee  
 20 of five dollars (\$5) of which three dollars (\$3) shall be forwarded to the road fund  
 21 and two dollars (\$2) shall be retained by the clerk. ~~at no charge by the county~~  
 22 ~~clerk, and~~ The placard shall be valid for a period of not more than three (3) months.
- 23 (4) The application shall be made on a form prepared by the Transportation Cabinet.  
 24 The placards shall be printed at cabinet expense. ~~and distributed to~~ The county  
 25 clerk of each county ~~who~~ shall keep a record of applications filed and placards  
 26 issued.
- 27 (5) For every person seeking a temporary accessible parking placard, proof of the

1 disability shall be required by a statement from a licensed physician, chiropractor,  
2 or advanced practice registered nurse that the applicant is a person whose mobility,  
3 flexibility, coordination, respiration, or perceptiveness is significantly reduced by a  
4 temporary disability to that person's arms, legs, lungs, heart, ears, or eyes. **The**  
5 **statement shall be submitted on a form prescribed by the cabinet and shall not be**  
6 **dated more than sixty (60) days prior to the date of application.**

7 (6) The temporary accessible parking placard, when the vehicle is parked in a parking  
8 space designated as accessible to and for the use of a person with a disability, shall  
9 be displayed so that **the expiration date**~~it~~ may be viewed from the front ~~and rear~~  
10 ~~of the vehicle by hanging it from the front windshield rear view mirror. When there~~  
11 ~~is no rear view mirror, the placard shall be displayed on the dashboard~~ **so that the**  
12 **expiration date may be viewed.**

13 (7) The Transportation Cabinet may promulgate administrative regulations pursuant to  
14 KRS Chapter 13A to implement or administer this section, **including but not**  
15 **limited to the designing of required forms.**

16 ➔Section 3. KRS 189.990 is amended to read as follows:

17 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,  
18 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to  
19 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to  
20 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS  
21 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to  
22 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,  
23 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection  
24 ~~(6)~~~~(4)~~ of KRS 189.456, and 189.960 shall be fined not less than twenty dollars  
25 (\$20) nor more than one hundred dollars (\$100) for each offense. Any person who  
26 violates subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars  
27 (\$20) nor more than two thousand dollars (\$2,000) or imprisoned in the county jail

1 for not more than one (1) year, or both, unless the accident involved death or serious  
2 physical injury and the person knew or should have known of the death or serious  
3 physical injury, in which case the person shall be guilty of a Class D felony. Any  
4 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined  
5 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court  
6 costs nor fees shall be taxed against any person violating paragraph (c) of  
7 subsection (5) of KRS 189.390.

8 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,  
9 189.222, 189.226, 189.230, or 189.270 shall be fined two cents (\$0.02) per  
10 pound for each pound of excess load when the excess is five thousand (5,000)  
11 pounds or less. When the excess exceeds five thousand (5,000) pounds the  
12 fine shall be two cents (\$0.02) per pound for each pound of excess load, but  
13 the fine levied shall not be less than one hundred dollars (\$100) and shall not  
14 be more than five hundred dollars (\$500).

15 (b) Any person who violates the provisions of KRS 189.271 and is operating on a  
16 route designated on the permit shall be fined one hundred dollars (\$100);  
17 otherwise, the penalties in paragraph (a) of this subsection shall apply.

18 (c) Any person who violates any provision of subsection (2) or (3) of KRS  
19 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,  
20 189.280, or the dimension provisions of KRS 189.212, for which another  
21 penalty is not specifically provided shall be fined not less than ten dollars  
22 (\$10) nor more than five hundred dollars (\$500).

23 (d) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to  
24 prejudice or affect the authority of the Department of Vehicle Regulation to  
25 suspend or revoke certificates of common carriers, permits of contract  
26 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221  
27 to 189.228 or any other act applicable to motor vehicles, as provided by law.

- 1 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not  
2 more than fifteen dollars (\$15).
- 3 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not  
4 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 5 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not  
6 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 7 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210  
8 shall be fined not less than twenty-five dollars (\$25) nor more than one  
9 hundred dollars (\$100).
- 10 (c) All fines collected under this subsection, after payment of commissions to  
11 officers entitled thereto, shall go to the county road fund if the offense is  
12 committed in the county, or to the city street fund if committed in the city.
- 13 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less  
14 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or  
15 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For  
16 each subsequent offense occurring within three (3) years, the person shall be fined  
17 not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500)  
18 or imprisoned not less than sixty (60) days nor more than six (6) months, or both.  
19 The minimum fine for this violation shall not be subject to suspension. A minimum  
20 of six (6) points shall be assessed against the driving record of any person  
21 convicted.
- 22 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars  
23 (\$15) in excess of the cost of the repair of the road.
- 24 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than  
25 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 26 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not  
27 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).

- 1 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-  
2 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned  
3 not less than thirty (30) days nor more than twelve (12) months, or both.
- 4 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-  
5 five dollars (\$35) nor more than one hundred dollars (\$100).
- 6 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a  
7 Class B misdemeanor.
- 8 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than  
9 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 10 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of  
11 this section shall, in the case of a public highway, be paid into the county road fund,  
12 and, in the case of a privately owned road or bridge, be paid to the owner. These  
13 fines shall not bar an action for damages for breach of contract.
- 14 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not  
15 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each  
16 offense.
- 17 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than  
18 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 19 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than  
20 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 21 (16) Any person who violates restrictions or regulations established by the secretary of  
22 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,  
23 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not  
24 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
25 imprisoned for thirty (30) days, or both.
- 26 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty  
27 of a Class B misdemeanor.



- 1 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in  
2 case of violation by any person in whose name the vehicle used in the  
3 transportation of inflammable liquids or explosives is licensed, the person  
4 shall be fined not less than one hundred dollars (\$100) nor more than five  
5 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 6 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for  
7 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor  
8 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days  
9 nor more than thirty (30) days.
- 10 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,  
11 unless the offense is being committed by a defendant fleeing the commission of a  
12 felony offense which the defendant was also charged with violating and was  
13 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 14 (20) Any law enforcement agency which fails or refuses to forward the reports required  
15 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 16 (21) A person who operates a bicycle in violation of the administrative regulations  
17 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)  
18 nor more than one hundred dollars (\$100).
- 19 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred  
20 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 21 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five  
22 dollars (\$25) nor more than three hundred dollars (\$300).
- 23 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty  
24 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this  
25 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
26 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,  
27 or any other additional fees or costs.

- 1 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a  
2 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.  
3 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).  
4 This fine shall be subject to prepayment. A fine imposed under this subsection shall  
5 not be subject to court costs pursuant to KRS 24A.175, additional court costs  
6 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other  
7 additional fees or costs. A person who has not been previously charged with a  
8 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the  
9 requirements of KRS 189.125. Upon presentation of sufficient proof of the  
10 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 11 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an  
12 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to  
13 prepayment. A fine imposed under this subsection shall not be subject to court costs  
14 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee  
15 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 16 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by  
17 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall  
18 be governed by KRS 534.060.
- 19 (28) A licensed driver under the age of eighteen (18) charged with a moving violation  
20 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to  
21 trial, by the court to a diversionary program. The diversionary program under this  
22 subsection shall consist of one (1) or both of the following:
- 23 (a) Execution of a diversion agreement which prohibits the driver from operating  
24 a vehicle for a period not to exceed forty-five (45) days and which allows the  
25 court to retain the driver's operator's license during this period; and
- 26 (b) Attendance at a driver improvement clinic established pursuant to KRS  
27 186.574. If the person completes the terms of this diversionary program

1                   satisfactorily the violation shall be dismissed.

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

11   (30) (a) Prior to January 1, 2011, any person who violates KRS 189.292 or 189.294  
12       shall not be issued a uniform citation, but shall instead receive a courtesy  
13       warning.

14       (b) On or after January 1, 2011, any person who violates KRS 189.292 or 189.294  
15       shall be fined twenty-five dollars (\$25) for the first offense and fifty dollars  
16       (\$50) for each subsequent offense.

17       ➔Section 4. This Act takes effect July 1, 2017.