

1 AN ACT relating to the operation of scooters.

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

3 ➔Section 1. KRS 186.010 is amended to read as follows:

4 As used in this chapter, unless otherwise indicated:

- 5 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;
6 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,
7 means the Transportation Cabinet only with respect to motor vehicles, other than
8 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the
9 Department of Vehicle Regulation when used with respect to commercial vehicles;
- 10 (2) "Highway" means every way or place of whatever nature when any part of it is open
11 to the use of the public, as a matter of right, license, or privilege, for the purpose of
12 vehicular traffic;
- 13 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who
14 will, under normal conditions during the year, manufacture or assemble at least ten
15 (10) new motor vehicles;
- 16 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in
17 paragraph (a) of subsection (8) of this section, which are propelled otherwise than
18 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as
19 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.
20 "Motor vehicle" shall not include a moped as defined in this section, but for
21 registration purposes shall include low-speed vehicles and military surplus vehicles
22 as defined in this section and vehicles operating under KRS 189.283;
- 23 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)
24 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a
25 motorized bicycle with a step-through type frame which may or may not have
26 pedals rated no more than two (2) brake horsepower, a cylinder capacity not
27 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring

1 clutching or shifting by the operator after the drive system is engaged, and capable
2 of a maximum speed of not more than thirty (30) miles per hour;

3 (6) "Operator" means any person in actual control of a motor vehicle upon a highway;

4 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who
5 pursuant to a bona fide sale has received physical possession of the vehicle
6 subject to any applicable security interest.

7 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with
8 the vendee or lessee entitled to possession of the vehicle, upon performance of
9 the contract terms, for a period of three hundred sixty-five (365) days or more
10 and with the right of purchase upon performance of the conditions stated in
11 the agreement and with an immediate right of possession vested in the
12 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to
13 possession, the conditional vendee or lessee or mortgagor shall be deemed the
14 owner.

15 (c) A licensed motor vehicle dealer who transfers physical possession of a motor
16 vehicle to a purchaser pursuant to a bona fide sale, and complies with the
17 requirements of KRS 186A.220, shall not be deemed the owner of that motor
18 vehicle solely due to an assignment to his dealership or a certificate of title in
19 the dealership's name. Rather, under these circumstances, ownership shall
20 transfer upon delivery of the vehicle to the purchaser, subject to any
21 applicable security interest;

22 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the
23 transportation of persons or property over or upon the public highways of this
24 Commonwealth and all vehicles passing over or upon said highways, except
25 electric low-speed scooters,~~excepting~~ road rollers, road graders, farm
26 tractors, vehicles on which power shovels are mounted, such other
27 construction equipment customarily used only on the site of construction and

1 which is not practical for the transportation of persons or property upon the
2 highways, such vehicles as travel exclusively upon rails, and such vehicles as
3 are propelled by electric power obtained from overhead wires while being
4 operated within any municipality or where said vehicles do not travel more
5 than five (5) miles beyond the city limit of any municipality.

6 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or
7 by which any person or property is or may be transported or drawn upon a
8 public highway, ***except electric low-speed scooters***, ~~excepting~~ devices moved
9 by human and animal power or used exclusively upon stationary rails or
10 tracks, or which derives its power from overhead wires;

11 (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640
12 apply to operator's licenses;

13 (10) "Dealer" means any person engaging in the business of buying or selling motor
14 vehicles;

15 (11) "Commercial vehicles" means all motor vehicles that are required to be registered
16 under the terms of KRS 186.050, but not including vehicles primarily designed for
17 carrying passengers and having provisions for not more than nine (9) passengers
18 (including driver), motorcycles, sidecar attachments, pickup trucks and passenger
19 vans which are not being used for commercial or business purposes, and motor
20 vehicles registered under KRS 186.060;

21 (12) "Resident" means any person who has established Kentucky as his or her state of
22 domicile. Proof of residency shall include but not be limited to a deed or property
23 tax bill, utility agreement or utility bill, or rental housing agreement. The possession
24 by an operator of a vehicle of a valid Kentucky operator's license shall be prima-
25 facie evidence that the operator is a resident of Kentucky;

26 (13) "Special status individual" means:

27 (a) "Asylee" means any person lawfully present in the United States who

- 1 possesses an I-94 card issued by the United States Department of Justice,
2 Immigration and Naturalization Service, on which it states "asylum status
3 granted indefinitely pursuant to Section 208 of the Immigration & Nationality
4 Act";
- 5 (b) "K-1 status" means the status of any person lawfully present in the United
6 States who has been granted permission by the United States Department of
7 Justice, Immigration and Naturalization Service to enter the United States for
8 the purpose of marrying a United States citizen within ninety (90) days from
9 the date of that entry;
- 10 (c) "Refugee" means any person lawfully present in the United States who
11 possesses an I-94 card issued by the United States Department of Justice,
12 Immigration and Naturalization Service, on which it states "admitted as a
13 refugee pursuant to Section 207 of the Immigration & Nationality Act"; and
- 14 (d) "Paroled in the Public Interest" means any person lawfully present in the
15 United States who possesses an I-94 card issued by the United States
16 Department of Justice, Immigration and Naturalization Service, on which it
17 states "paroled pursuant to Section 212 of the Immigration & Nationality Act
18 for an indefinite period of time";
- 19 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle
20 instruction permits;
- 21 (15) "Motorcycle" means any motor driven vehicle ***that has a maximum speed that***
22 ***exceeds fifty (50) miles per hour, has***~~having~~ a seat or saddle for the use of the
23 operator and designed to travel on not more than three (3) wheels in contact with
24 the ground, including vehicles on which the operator and passengers ride in an
25 enclosed cab. ***Only*** for purposes of registration, "motorcycle" shall include ***a motor***
26 ***scooter***, an alternative-speed motorcycle, and an autocycle as defined in this section,
27 but shall not include a tractor or a moped as defined in this section;

- 1 (16) "Low-speed vehicle" means a motor vehicle that:
- 2 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
- 3 combination thereof;
- 4 (b) Is four (4) wheeled; and
- 5 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour
- 6 as certified by the manufacturer;
- 7 (17) "Alternative-speed motorcycle" means a motorcycle that:
- 8 (a) Is self-propelled using an electric motor;
- 9 (b) Is three (3) wheeled;
- 10 (c) Has a fully enclosed cab and includes at least one (1) door for entry;
- 11 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as
- 12 certified by the manufacturer; and
- 13 (e) Is not an auticycle as defined in this section;
- 14 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a
- 15 highway or otherwise open to the public on which a number of motor vehicles may
- 16 be used simultaneously to provide driver training under the supervision of one (1) or
- 17 more driver training instructors;
- 18 (19) "Auticycle" means any motor vehicle that:
- 19 (a) Is equipped with a seat that does not require the operator to straddle or sit
- 20 astride it;
- 21 (b) Is designed to travel on three (3) wheels in contact with the ground;
- 22 (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as
- 23 certified by the manufacturer;
- 24 (d) Allows the operator and passenger to ride either side-by-side or in tandem in a
- 25 seating area that may be enclosed with a removable or fixed top;
- 26 (e) Is equipped with a three (3) point safety belt system;
- 27 (f) May be equipped with a manufacturer-installed air bags or a roll cage;

- 1 (g) Is designed to be controlled with a steering wheel and pedals; and
- 2 (h) Is not an alternative-speed motorcycle as defined in this section;
- 3 (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle
- 4 that:
- 5 (a) Is not operated using continuous tracks;
- 6 (b) Was originally manufactured for and sold directly to the Armed Forces of the
- 7 United States; and
- 8 (c) Was originally manufactured under the federally mandated requirements set
- 9 forth in 49 C.F.R. sec. 571.7;
- 10 (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
- 11 and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
- 12 species;
- 13 (22) "Identity document" means an instruction permit, operator's license, or personal
- 14 identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and
- 15 186.4123 or a commercial driver's license issued under KRS Chapter 281A;~~and~~
- 16 (23) "Travel ID," as it refers to an identity document, means a document that complies
- 17 with Pub. L. No. 109-13, Title II; and
- 18 **(24) "Motor scooter" means a low-speed motorcycle that is:**
- 19 **(a) Equipped with wheels greater than sixteen (16) inches in diameter;**
- 20 **(b) Equipped with an engine greater than fifty (50) cubic centimeters;**
- 21 **(c) Designed to operate at a speed not to exceed fifty (50) miles per hour;**
- 22 **(d) Equipped with brake horsepower of two (2) or greater; and**
- 23 **(e) Equipped with a step-through frame or a platform for the operator's feet.**
- 24 ➔Section 2. KRS 186A.080 is amended to read as follows:

25 No Kentucky certificate of registration, license plate, or certificate of title need be applied

26 for or obtained for:

- 27 (1) A vehicle owned by the United States unless it is registered in this state;

- 1 (2) A vehicle owned by a nonresident of this state, principally operated in another state,
 2 properly and currently registered and titled in another state;
- 3 (3) A vehicle regularly engaged in the interstate transportation of persons or property
 4 for which a currently effective lawful certificate of title has been issued in another
 5 state;
- 6 (4) A vehicle moved solely by animal power;
- 7 (5) An implement of husbandry;
- 8 (6) Special mobile equipment;
- 9 (7) A self-propelled wheelchair or invalid tricycle;
- 10 (8) A pole trailer;
- 11 (9) A motor vehicle engaged in the transportation of passengers for hire operating under
 12 a currently valid certificate of convenience and necessity;~~and~~
- 13 (10) A moped; and
- 14 **(11) An electric low-speed scooter as defined in Section 3 of this Act.**

15 ➔Section 3. KRS 189.010 is amended to read as follows:

16 As used in this chapter:

- 17 (1) "Department" means the Department of Highways;
- 18 (2) "Crosswalk" means:
- 19 (a) That part of a roadway at an intersection within the connections of the lateral
 20 lines of the sidewalks on opposite sides of the highway measured from the
 21 curbs or in the absence of curbs, from the edges of the traversable roadway; or
- 22 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated
 23 for pedestrian crossing by lines or other markings on the surface;
- 24 (3) "Highway" means any public road, street, avenue, alley or boulevard, bridge,
 25 viaduct, or trestle and the approaches to them and includes private residential roads
 26 and parking lots covered by an agreement under KRS 61.362, off-street parking
 27 facilities offered for public use, whether publicly or privately owned, except for-hire

- 1 parking facilities listed in KRS 189.700;
- 2 (4) "Intersection" means:
- 3 (a) The area embraced within the prolongation or connection of the lateral curb
4 lines, or, if none, then the lateral boundary lines of the roadways of two (2)
5 highways which join one another, but do not necessarily continue, at
6 approximately right angles, or the area within which vehicles traveling upon
7 different highways joining at any other angle may come into conflict; or
- 8 (b) Where a highway includes two (2) roadways thirty (30) feet or more apart,
9 then every crossing of each roadway of such divided highway by an
10 intersecting highway shall be regarded as a separate intersection. If the
11 intersecting highway also includes two (2) roadways thirty (30) feet or more
12 apart, every crossing of two (2) roadways of the highways shall be regarded as
13 a separate intersection. The junction of a private alley with a public street or
14 highway shall not constitute an intersection;
- 15 (5) "Manufactured home" has the same meaning as defined in KRS 186.650;
- 16 (6) "Motor truck" means any motor-propelled vehicle designed for carrying freight or
17 merchandise. It shall not include self-propelled vehicles designed primarily for
18 passenger transportation but equipped with frames, racks, or bodies having a load
19 capacity of not exceeding one thousand (1,000) pounds;
- 20 (7) "Operator" means the person in actual physical control of a vehicle;
- 21 (8) "Pedestrian" means any person afoot or in a wheelchair;
- 22 (9) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a
23 lawful manner in preference to another vehicle or pedestrian approaching under
24 such circumstances of direction, speed, and proximity as to give rise to danger of
25 collision unless one grants precedence to the other;
- 26 (10) "Roadway" means that portion of a highway improved, designed, or ordinarily used
27 for vehicular travel, exclusive of the berm or shoulder. If a highway includes two

- 1 (2) or more separate roadways, the term "roadway" as used herein shall refer to any
2 roadway separately but not to all such roadways collectively;
- 3 (11) "Safety zone" means the area or space officially set apart within a roadway for the
4 exclusive use of pedestrians and which is protected or is so marked or indicated by
5 adequate signs as to be plainly visible at all times while set apart as a safety zone;
- 6 (12) "Semitrailer" means a vehicle designed to be attached to, and having its front end
7 supported by, a motor truck or truck tractor, intended for the carrying of freight or
8 merchandise and having a load capacity of over one thousand (1,000) pounds;
- 9 (13) "Truck tractor" means any motor-propelled vehicle designed to draw and to support
10 the front end of a semitrailer. The semitrailer and the truck tractor shall be
11 considered to be one (1) unit;
- 12 (14) "Sharp curve" means a curve of not less than thirty (30) degrees;
- 13 (15) "State Police" includes any agency for the enforcement of the highway laws
14 established pursuant to law;
- 15 (16) "Steep grade" means a grade exceeding seven percent (7%);
- 16 (17) "Trailer" means any vehicle designed to be drawn by a motor truck or truck-tractor,
17 but supported wholly upon its own wheels, intended for the carriage of freight or
18 merchandise and having a load capacity of over one thousand (1,000) pounds;
- 19 (18) "Unobstructed highway" means a straight, level, first-class road upon which no
20 other vehicle is passing or attempting to pass and upon which no other vehicle or
21 pedestrian is approaching in the opposite direction, closer than three hundred (300)
22 yards;
- 23 (19) (a) "Vehicle" includes:
- 24 1. All agencies for the transportation of persons or property over or upon
25 the public highways of the Commonwealth; and
- 26 2. All vehicles passing over or upon the highways.
- 27 (b) "Motor vehicle" includes all vehicles, as defined in paragraph (a) of this

1 subsection except:

2 1. Road rollers;

3 2. Road graders;

4 3. Farm tractors;

5 4. Vehicles on which power shovels are mounted;

6 5. Construction equipment customarily used only on the site of
7 construction and which is not practical for the transportation of persons
8 or property upon the highways;

9 6. Vehicles that travel exclusively upon rails;

10 7. Vehicles propelled by electric power obtained from overhead wires
11 while being operated within any municipality or where the vehicles do
12 not travel more than five (5) miles beyond the city limits of any
13 municipality;~~and~~

14 8. Vehicles propelled by muscular power; ***and***

15 ***9. Electric low-speed scooters;***

16 (20) "Reflectance" means the ratio of the amount of total light, expressed in a
17 percentage, which is reflected outward by the product or material to the amount of
18 total light falling on the product or material;

19 (21) "Sunscreening material" means a product or material, including film, glazing, and
20 perforated sunscreening, which, when applied to the windshield or windows of a
21 motor vehicle, reduces the effects of the sun with respect to light reflectance or
22 transmittance;

23 (22) "Transmittance" means the ratio of the amount of total light, expressed in a
24 percentage, which is allowed to pass through the product or material, including
25 glazing, to the amount of total light falling on the product or material and the
26 glazing;

27 (23) "Window" means any device designed for exterior viewing from a motor vehicle,

1 except the windshield, any roof-mounted viewing device, and any viewing device
2 having less than one hundred fifty (150) square inches in area;

3 (24) "All-terrain vehicle" means any motor vehicle used for recreational off-road use;{
4 ~~and~~}

5 (25) "Nondivisible load," as pertains to state highways that are not part of the national
6 truck network established pursuant to 23 C.F.R. pt. 658, means a load or vehicle,
7 that if separated into smaller loads or vehicles:

8 (a) Compromises the intended use of the vehicle, making it unable to perform the
9 function for which it was intended;

10 (b) Destroys the value of the load or vehicle, making it unusable for its intended
11 purpose; or

12 (c) Requires more than four (4) work hours to dismantle and reassemble using
13 appropriate equipment; and

14 **(26) "Electric low-speed scooter" means a device that:**

15 **(a) Weighs less than one hundred (100) pounds;**

16 **(b) Is equipped with two (2) or three (3) wheels;**

17 **(c) Is equipped with handlebars;**

18 **(d) Is equipped with a brake adequate enough to stop and park the device;**

19 **(e) Is equipped with a floorboard designed for the operator to stand upon while**
20 **operating the scooter;**

21 **(f) Is propelled by an electric motor, human power, or both; and**

22 **(g) Is designed to operate at a maximum speed of twenty (20) miles per hour,**
23 **on a paved level surface, with or without human propulsion.**

24 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
25 READ AS FOLLOWS:

26 **(1) A person sixteen (16) years of age or older, may operate an electric low-speed**
27 **scooter on a highway, bicycle lane, or bicycle path.**

- 1 (2) A person operating an electric low-speed scooter under this section shall be
2 subject to traffic regulations outlined in this chapter, and the provisions of KRS
3 189.520.
- 4 (3) An electric low-speed scooter shall be equipped with and shall have illuminated,
5 at least one (1) headlamp and at least one (1) rear red light when:
6 (a) Operated during the period from one-half (1/2) hour after sunset to one-
7 half (1/2) hour before sunrise; or
8 (b) At such other times as atmospheric conditions render visibility as low as or
9 lower than is ordinarily the case during that period.
- 10 (4) An electric low-speed scooter may be parked on a sidewalk in a manner that does
11 not impede the reasonable movement of pedestrian or any other traffic.
- 12 (5) An operator of an electric low-speed scooter and any company or entity that
13 provides electric low-speed scooters for rental, shall comply with all local
14 government ordinances.
- 15 (6) The Transportation Cabinet shall promulgate administrative regulations
16 pursuant to KRS Chapter 13A to establish safe operating standards for electric
17 low-speed scooters. Administrative regulations established under this section
18 shall not include any equipment or helmet use requirements.
- 19 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
20 READ AS FOLLOWS:
- 21 (1) As used in this section, "motor scooter" has the same meaning as in Section 1 of
22 this Act.
- 23 (2) A person may operate a motor scooter on a highway if the operator has a valid
24 motorcycle operator's license or motorcycle instructional permit in his or her
25 possession.
- 26 (3) A motor scooter operating on a highway is considered to be a motorcycle as
27 defined in Section 1 of this Act and shall be titled in accordance with KRS

1 *Chapter 186A and registered as a motorcycle in accordance with KRS 186.050(2).*

2 *(4) A motor scooter operating on a highway shall be insured in compliance with KRS*
3 *304.39-110 by the owner or operator, and the proof of insurance shall be in*
4 *possession of the operator at all times of operation on a highway.*

5 *(5) A person operating a motor scooter on a highway shall comply with the traffic*
6 *regulations of this chapter, meet the same equipment standards as those for*
7 *motorcycles in this chapter, and shall be subject to the provisions of KRS Chapter*
8 *189A.*

9 *(6) A person operating a motor scooter shall be subject to the protective headgear*
10 *requirements of KRS 189.285.*

11 ➔Section 6. KRS 189.050 is amended to read as follows:

12 (1) All motor vehicles shall display at the rear two (2) red lights visible when lighted
13 for at least five hundred (500) feet, unless the motor vehicle was originally
14 equipped with only one (1) such light.

15 (2) A person shall not operate any motor truck or semitrailer truck on any highway
16 unless it is equipped with a red light that automatically indicates the application of
17 brakes and is visible from the rear a distance of not less than five hundred (500)
18 feet.

19 (3) No person shall operate on any highway a motor truck or semitrailer truck having a
20 width of any part in excess of eighty-four (84) inches, unless it carries at least two
21 (2) clearance lights to indicate the outside left limit of the motor truck or semitrailer
22 truck, one (1) light colored white, to be attached to and be visible from the front of
23 the motor truck or semitrailer truck, and two (2) lights colored red, to be attached to
24 and be visible from the rear, in each case a distance of not less than five hundred
25 (500) feet.

26 (4) When in operation on any highway slow-moving or motorless vehicles, except
27 bicycles *and electric low-speed scooters*, shall have at least one (1) light on the left

1 side of the vehicle whether from the front or rear, showing white and of sufficient
2 power to reveal clearly the outline of the left side of the vehicle and in such a
3 manner that the outline may be observed clearly by approaching vehicles from a
4 distance of at least five hundred (500) feet.

5 (5) When in operation between sunset and sunrise on any highway, motorless vehicles,
6 except bicycles and electric low-speed scooters, shall have in operation:

7 (a) A four (4) way flasher system, with two (2) flashing yellow or amber lights
8 visible from the front of the vehicle for a distance of at least five hundred
9 (500) feet and two (2) flashing red lights visible from the rear of the vehicle
10 for a distance of at least five hundred (500) feet; or

11 (b) Two (2) reflective lanterns, one (1) on either side of the rear of the vehicle,
12 showing white to the front of the vehicle and red to the rear of the vehicle,
13 with the lantern on the left side of the vehicle situated at least twelve (12)
14 inches higher than the lantern on the right.

15 ➔Section 7. KRS 189.340 is amended to read as follows:

16 (1) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the
17 left of them and shall not again drive to the right until reasonably clear of those
18 vehicles. Vehicles overtaking streetcars may pass either to the right or left when so
19 directed by a police officer, when on a one (1) way street or where the location of
20 the tracks prevents compliance with this section, with regard for other traffic.

21 (2) (a) Vehicles overtaking a bicycle or electric low-speed scooter proceeding in the
22 same direction shall:

23 1. If there is more than one (1) lane for traffic proceeding in the same
24 direction, move the vehicle to the immediate left, if the lane is available
25 and moving in the lane is reasonably safe; or

26 2. If there is only one (1) lane for traffic proceeding in the same direction,
27 pass to the left of the bicycle or an electric low-speed scooter at a

1 distance of not less than three (3) feet between any portion of the vehicle
2 and the bicycle and maintain that distance until safely past the overtaken
3 bicycle or electric low-speed scooter. If space on the roadway is not
4 available to have a minimum distance of three (3) feet between the
5 vehicle and the bicycle or electric low-speed scooter, then the driver of
6 the passing vehicle shall use reasonable caution in passing the bicyclist
7 or electric low-speed scooter operator.

8 (b) The driver of a motor vehicle may drive to the left of the center of a roadway,
9 including when a no-passing zone is marked in accordance with subsection (6)
10 of this section, to pass a person operating a bicycle or electric low-speed
11 scooter only if the roadway to the left of the center is unobstructed for a
12 sufficient distance to permit the driver to pass the person operating the bicycle
13 or electric low-speed scooter safely and avoid interference with oncoming
14 traffic. This paragraph does not authorize driving on the left side of the center
15 of the roadway when otherwise prohibited under state law.

16 (c) The operator of a bicycle or electric low-speed scooter shall not ride more
17 than two (2) abreast on a single highway lane unless operating on any part of
18 the roadway marked exclusively for bicycle use. Persons riding two (2)
19 abreast shall not impede the normal and reasonable movement of traffic.

20 (3) The operator of a vehicle may overtake and pass upon the right of another vehicle
21 only under the following conditions:

22 (a) When the vehicle overtaken is making or about to make a left turn;

23 (b) Upon a roadway with unobstructed pavement of sufficient width for two (2) or
24 more lines of vehicles moving lawfully in the direction being traveled by the
25 overtaking vehicle.

26 (4) The operator of a vehicle may overtake and pass another vehicle upon the right only
27 under conditions permitting such movements in safety. Such movement shall not be

1 made by driving off the roadway unless passing vehicle comes to a complete stop
2 and such movement may be made safely.

3 (5) No vehicle shall be driven to the left side of the center of the roadway in overtaking
4 and passing another vehicle proceeding in the same direction unless the left side is
5 clearly visible and free of oncoming traffic for a sufficient distance ahead to permit
6 overtaking and passing to be completely made without interfering with the safe
7 operation of any vehicle approaching from the opposite direction or any vehicle
8 overtaken. In every event, the overtaking vehicle must return to the right-hand side
9 of the roadway before coming within two hundred (200) feet of any vehicle
10 approaching from the opposite direction.

11 (6) The commissioner of highways is hereby authorized to determine those portions of
12 any highway where overtaking and passing or driving to the left of the roadway
13 would be especially hazardous and may by appropriate signs or markings on the
14 roadway indicate the beginning and end of such zones, and when such signs or
15 markings are in place and clearly visible to an ordinarily observant person, every
16 driver of a vehicle shall obey the directions thereof, except as provided for in
17 subsection (2)(b) of this section.

18 (7) Whenever any roadway has been divided into three (3) clearly marked lanes for
19 travel, the following additional rules shall apply:

20 (a) A vehicle shall be driven as nearly as may be practical entirely within a single
21 lane and shall not be moved from that lane until the driver has first ascertained
22 that the movement can be made with safety;

23 (b) A vehicle shall not be driven in the center lane except when overtaking and
24 passing another vehicle where the roadway is clearly visible and the center
25 lane is clear of traffic within a safe distance, or in preparation for a left turn or
26 where a center lane is at the time allocated exclusively to traffic moving in the
27 direction in which the vehicle is proceeding and is signposted to give notice of

1 the allocation; and

2 (c) Official signs may be erected directing slow-moving traffic to use a
3 designated lane or allocating specified lanes to traffic moving in the same
4 direction and operators of vehicles shall obey the directions of such signs.

5 (8) A vehicle shall not be driven in the left lane of any limited access highway of four
6 (4) lanes or more with a posted speed limit of at least sixty-five (65) miles per hour,
7 except in overtaking a slower vehicle, yielding to traffic coming onto such a
8 highway, or when traffic conditions exist which would prohibit safe use of the right
9 or center lanes.

10 (9) (a) Except as provided in paragraph (c) of this subsection, the operator of a motor
11 vehicle shall not follow another vehicle more closely than is reasonable and
12 prudent, having regard for the speed of the vehicle and the traffic upon and
13 condition of the highway.

14 (b) Except as provided in paragraph (c) of this subsection, the operator of any
15 motor truck, semitrailer truck, bus, or heavy construction equipment unit,
16 when traveling upon a highway outside of a business or residential district,
17 shall not follow within two hundred fifty (250) feet of another such vehicle or
18 equipment unit. This subsection shall not prevent overtaking and passing, nor
19 shall it apply to any lane specially designated for use of motor trucks or
20 semitrailer trucks, buses or heavy construction equipment units.

21 (c) Paragraphs (a) and (b) of this subsection shall not apply to a trailing
22 commercial motor vehicle involved in a platoon as defined in KRS 281.010,
23 but shall apply to the commercial motor vehicle leading a platoon.

24 ➔Section 8. KRS 189.810 is amended to read as follows:

25 (1) "Slow-moving vehicle" includes farm machinery, including animal-drawn vehicles,
26 highway construction and maintenance vehicles, and any other type of vehicle,
27 except bicycles and electric low-speed scooters, capable of a rate of speed no

1 greater than twenty-five (25) miles per hour.

2 (2) "Slow-moving vehicle emblem" consists of a fluorescent yellow-orange triangle
3 with a dark red reflective border, as specified in American Society of Agricultural
4 Engineers R276 or Society of Automotive Engineers J943 standards, or consisting
5 of reasonably similar reflective qualities as specified in said standards.

6 ➔Section 9. KRS 189.635 is amended to read as follows:

7 (1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall
8 be responsible for maintaining a reporting system for all vehicle accidents which
9 occur within the Commonwealth. Such accident reports shall be utilized for such
10 purposes as will improve the traffic safety program in the Commonwealth involving
11 the collection, processing, storing, and dissemination of such data and the
12 establishment of procedures by administrative regulations to ensure that uniform
13 definitions, classifications, and other federal requirements are in compliance.

14 (2) Any person operating a vehicle on the highways of this state who is involved in an
15 accident resulting in fatal or nonfatal personal injury to any person or damage to the
16 vehicle rendering the vehicle inoperable shall be required to immediately notify a
17 law enforcement officer having jurisdiction. In the event the operator fails to notify
18 or is incapable of notifying a law enforcement officer having jurisdiction, such
19 responsibility shall rest with the owner of the vehicle or any occupant of the vehicle
20 at the time of the accident. A law enforcement officer having jurisdiction shall
21 investigate the accident and file a written report of the accident with his or her law
22 enforcement agency.

23 (3) Every law enforcement agency whose officers investigate a vehicle accident of
24 which a report must be made as required in this chapter shall file a report of the
25 accident with the Department of Kentucky State Police within ten (10) days after
26 investigation of the accident upon forms supplied by the department.

27 (4) Any person operating a vehicle on the highways of this state who is involved in an

1 accident resulting in any property damage exceeding five hundred dollars (\$500) in
2 which an investigation is not conducted by a law enforcement officer shall file a
3 written report of the accident with the Department of Kentucky State Police within
4 ten (10) days of occurrence of the accident upon forms provided by the department.

5 (5) All accident reports filed with the Department of Kentucky State Police in
6 compliance with subsection (4) above shall not be considered open records under
7 KRS 61.872 to 61.884 and shall remain confidential, except that the department
8 may disclose the identity of a person involved in an accident when his or her
9 identity is not otherwise known or when he or she denies his or her presence at an
10 accident. Except as provided in subsection (9) of this section, all other accident
11 reports required by this section, and the information contained in the reports, shall
12 be confidential and exempt from public disclosure except when produced pursuant
13 to a properly executed subpoena or court order, or except pursuant to subsection (8)
14 of this section. These reports shall be made available only to the parties to the
15 accident, the parents or guardians of a minor who is party to the accident, and
16 insurers or their written designee for insurance business purposes of any party who
17 is the subject of the report, or to the attorneys of the parties.

18 (6) Except as provided for in this subsection, the department shall not release accident
19 reports for a commercial purpose. The department may, as a matter of public safety,
20 contract with an outside entity and release vehicle damage data extracted from
21 accident reports to such an entity if the data is used solely for the purpose of
22 providing the public a means of determining a vehicle's accident history. The
23 department may further contract with a third party to provide electronic access to
24 reports for persons and entities who are entitled to such reports under subsections
25 (5) and (9) of this section.

26 (7) The department shall promulgate administrative regulations in accordance with
27 KRS Chapter 13A to set out a fee schedule for accident reports made available

1 pursuant to subsections (5), (8), and (9) of this section. These fees shall be in
2 addition to those charged to the public for records produced under KRS Chapter 61.

3 (8) (a) The report shall be made available to a news-gathering organization, solely for
4 the purpose of publishing or broadcasting the news. The news-gathering
5 organization shall not use or distribute the report, or knowingly allow its use
6 or distribution, for a commercial purpose other than the news-gathering
7 organization's publication or broadcasting of the information in the report.

8 (b) A newspaper or periodical shall be considered a news-gathering organization
9 if it:

10 1. Is published at least fifty (50) of fifty-two (52) weeks during a calendar
11 year;

12 2. Contains at least twenty-five percent (25%) news content in each issue
13 or no more than seventy-five percent (75%) advertising content in any
14 issue in the calendar year; and

15 3. Contains news of general interest to its readers that can include news
16 stories, editorials, sports, weddings, births, and death notices.

17 (c) A newspaper, periodical, or radio or television station shall not be held to
18 have used or knowingly allowed the use of the report for a commercial
19 purpose merely because of its publication or broadcast.

20 (d) For the purposes of this section, the meaning of "news-gathering organization"
21 does not include any product or publication:

22 1. Which is intended primarily for members of a particular profession or
23 occupational group; or

24 2. With the primary purpose of distributing advertising or of publishing
25 names and other personal identifying information concerning parties to
26 motor vehicle accidents which may be used to solicit for services
27 covered under Subtitle 39 of KRS Chapter 304.

- 1 (e) A request under this section shall be completed using a form promulgated by
2 the department through administrative regulations in accordance with KRS
3 Chapter 13A. The form under this paragraph shall include:
- 4 1. The name and address of the requestor and the news-gathering
5 organization the requestor represents;
 - 6 2. A statement that the requestor is a news-gathering organization under
7 this subsection;
 - 8 3. A statement that the request is in compliance with the criteria contained
9 in this section; and
 - 10 4. A declaration of the requestor as to the accuracy and truthfulness of the
11 information provided in the request.
- 12 (9) The report shall be made available without subpoena to any party to litigation who
13 files with the department a request for the report and includes a copy of the first
14 page of a District or Circuit Court clerk-stamped complaint naming all parties.
- 15 (10) The report shall be made available without subpoena to the Department of
16 Workplace Standards in the Labor Cabinet if the accident report is pertinent to an
17 occupational safety and health investigation.
- 18 (11) The motor vehicle insurers of any train engineer or other train crew member
19 involved in an accident on a railroad while functioning in their professional capacity
20 shall be prohibited from obtaining a copy of any accident report filed on the
21 accident under this section without written consent from the individual the company
22 insures. Insurance companies issuing motor vehicle policies in the Commonwealth
23 shall be prohibited from raising a policyholder's rates solely because the
24 policyholder, in his or her professional capacity, is a train engineer or other train
25 crew member involved in an accident on a railroad.
- 26 (12) For reporting and statistical purposes, ***motor scooters and autocycles***~~[an autocycle]~~
27 as defined in KRS 186.010 shall be listed as ~~a~~~~[its own]~~ distinct category and shall

1 not be considered to be a motor vehicle or a motorcycle for reports issued under this
2 section.

3 ➔Section 10. KRS 304.39-020 is amended to read as follows:

4 As used in this subtitle:

- 5 (1) "Added reparation benefits" mean benefits provided by optional added reparation
6 insurance.
- 7 (2) "Basic reparation benefits" mean benefits providing reimbursement for net loss
8 suffered through injury arising out of the operation, maintenance, or use of a motor
9 vehicle, subject, where applicable, to the limits, deductibles, exclusions,
10 disqualifications, and other conditions provided in this subtitle. The maximum
11 amount of basic reparation benefits payable for all economic loss resulting from
12 injury to any one (1) person as the result of one (1) accident shall be ten thousand
13 dollars (\$10,000), regardless of the number of persons entitled to such benefits or
14 the number of providers of security obligated to pay such benefits. Basic reparation
15 benefits consist of one (1) or more of the elements defined as "loss."
- 16 (3) "Basic reparation insured" means:
- 17 (a) A person identified by name as an insured in a contract of basic reparation
18 insurance complying with this subtitle; and
- 19 (b) While residing in the same household with a named insured, the following
20 persons not identified by name as an insured in any other contract of basic
21 reparation insurance complying with this subtitle: a spouse or other relative of
22 a named insured; and a minor in the custody of a named insured or of a
23 relative residing in the same household with the named insured if he usually
24 makes his home in the same family unit, even though he temporarily lives
25 elsewhere.
- 26 (4) "Injury" and "injury to person" mean bodily harm, sickness, disease, or death.
- 27 (5) "Loss" means accrued economic loss consisting only of medical expense, work loss,

1 replacement services loss, and, if injury causes death, survivor's economic loss and
2 survivor's replacement services loss. Noneconomic detriment is not loss. However,
3 economic loss is loss although caused by pain and suffering or physical impairment.

4 (a) "Medical expense" means reasonable charges incurred for reasonably needed
5 products, services, and accommodations, including those for medical care,
6 physical rehabilitation, rehabilitative occupational training, licensed
7 ambulance services, and other remedial treatment and care. "Medical expense"
8 may include non-medical remedial treatment rendered in accordance with a
9 recognized religious method of healing. The term includes a total charge not
10 in excess of one thousand dollars (\$1,000) per person for expenses in any way
11 related to funeral, cremation, and burial. It does not include that portion of a
12 charge for a room in a hospital, clinic, convalescent or nursing home, or any
13 other institution engaged in providing nursing care and related services, in
14 excess of a reasonable and customary charge for semi-private
15 accommodations, unless intensive care is medically required. Medical expense
16 shall include all healing arts professions licensed by the Commonwealth of
17 Kentucky. There shall be a presumption that any medical bill submitted is
18 reasonable.

19 (b) "Work loss" means loss of income from work the injured person would
20 probably have performed if he had not been injured, and expenses reasonably
21 incurred by him in obtaining services in lieu of those he would have
22 performed for income, reduced by any income from substitute work actually
23 performed by him.

24 (c) "Replacement services loss" means expenses reasonably incurred in obtaining
25 ordinary and necessary services in lieu of those the injured person would have
26 performed, not for income but for the benefit of himself or his family, if he
27 had not been injured.

- 1 (d) "Survivor's economic loss" means loss after decedent's death of contributions
2 of things of economic value to his survivors, not including services they
3 would have received from the decedent if he had not suffered the fatal injury,
4 less expenses of the survivors avoided by reason of decedent's death.
- 5 (e) "Survivor's replacement services loss" means expenses reasonably incurred by
6 survivors after decedent's death in obtaining ordinary and necessary services
7 in lieu of those the decedent would have performed for their benefit if he had
8 not suffered the fatal injury, less expenses of the survivors avoided by reason
9 of the decedent's death and not subtracted in calculating survivor's economic
10 loss.
- 11 (6) "Use of a motor vehicle" means any utilization of the motor vehicle as a vehicle
12 including occupying, entering into, and alighting from it. It does not include:
- 13 (a) Conduct within the course of a business of repairing, servicing, or otherwise
14 maintaining motor vehicles unless the conduct occurs off the business
15 premises; or
- 16 (b) Conduct in the course of loading and unloading the vehicle unless the conduct
17 occurs while occupying, entering into, or alighting from it.
- 18 (7) "Motor vehicle" means any vehicle which transports persons or property upon the
19 public highways of the Commonwealth, propelled by other than muscular power
20 except road rollers, road graders, farm tractors, vehicles on which power shovels are
21 mounted, such other construction equipment customarily used only on the site of
22 construction and which is not practical for the transportation of persons or property
23 upon the highways, such vehicles as travel exclusively upon rails, and such vehicles
24 as are propelled by electrical power obtained from overhead wires while being
25 operated within any municipality or where said vehicles do not travel more than five
26 (5) miles beyond the said limits of any municipality. Motor vehicle shall not mean
27 moped as defined in this section or an electric low-speed scooter as defined in

1 **Section 3 of this Act.**

- 2 (8) "Moped" means either a motorized bicycle whose frame design may include one (1)
3 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a
4 motorized bicycle with a step-through type frame which may or may not have
5 pedals rated no more than two (2) brake horsepower, a cylinder capacity not
6 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring
7 clutching or shifting by the operator after the drive system is engaged, and capable
8 of a maximum speed of not more than thirty (30) miles per hour.
- 9 (9) "Public roadway" means a way open to the use of the public for purposes of motor
10 vehicle travel.
- 11 (10) "Net loss" means loss less benefits or advantages, from sources other than basic and
12 added reparation insurance, required to be subtracted from loss in calculating net
13 loss.
- 14 (11) "Noneconomic detriment" means pain, suffering, inconvenience, physical
15 impairment, and other nonpecuniary damages recoverable under the tort law of this
16 Commonwealth. The term does not include punitive or exemplary damages.
- 17 (12) "Owner" means a person, other than a lienholder or secured party, who owns or has
18 title to a motor vehicle or is entitled to the use and possession of a motor vehicle
19 subject to a security interest held by another person. The term does not include a
20 lessee under a lease not intended as security.
- 21 (13) "Reparation obligor" means an insurer, self-insurer, or obligated government
22 providing basic or added reparation benefits under this subtitle.
- 23 (14) "Survivor" means a person identified in KRS 411.130 as one entitled to receive
24 benefits by reason of the death of another person.
- 25 (15) A "user" means a person who resides in a household in which any person owns or
26 maintains a motor vehicle.
- 27 (16) "Maintaining a motor vehicle" means having legal custody, possession or

- 1 responsibility for a motor vehicle by one other than an owner or operator.
- 2 (17) "Security" means any continuing undertaking complying with this subtitle, for
- 3 payment of tort liabilities, basic reparation benefits, and all other obligations
- 4 imposed by this subtitle.