

1 AN ACT relating to all-terrain vehicles and making an appropriation therefor.

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

3 ➔Section 1. KRS 186.010 (Effective January 1, 2019) is amended to read as  
4 follows:

5 As used in this chapter, unless otherwise indicated:

- 6 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;  
7 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,  
8 means the Transportation Cabinet only with respect to motor vehicles, other than  
9 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the  
10 Department of Vehicle Regulation when used with respect to commercial vehicles;
- 11 (2) "Highway" means every way or place of whatever nature when any part of it is open  
12 to the use of the public, as a matter of right, license, or privilege, for the purpose of  
13 vehicular traffic;
- 14 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who  
15 will, under normal conditions during the year, manufacture or assemble at least ten  
16 (10) new motor vehicles;
- 17 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in  
18 paragraph (a) of subsection (8) of this section, which are propelled otherwise than  
19 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as  
20 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.  
21 "Motor vehicle" shall not include a moped as defined in this section, but for  
22 registration purposes shall include ***all-terrain vehicles as defined in KRS 189.010,***  
23 low-speed vehicles and military surplus vehicles as defined in this section and  
24 vehicles operating under KRS 189.283;
- 25 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)  
26 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a  
27 motorized bicycle with a step-through type frame which may or may not have

1 pedals rated no more than two (2) brake horsepower, a cylinder capacity not  
2 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring  
3 clutching or shifting by the operator after the drive system is engaged, and capable  
4 of a maximum speed of not more than thirty (30) miles per hour;

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

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

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

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

24 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the  
25 transportation of persons or property over or upon the public highways of this  
26 Commonwealth and all vehicles passing over or upon said highways,  
27 excepting road rollers, road graders, farm tractors, vehicles on which power

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

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

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

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

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

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

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

1 not include a tractor or a moped as defined in this section;

2 (16) "Low-speed vehicle" means a motor vehicle that:

3 (a) Is self-propelled using an electric motor, combustion-driven motor, or a  
4 combination thereof;

5 (b) Is four (4) wheeled; and

6 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour  
7 as certified by the manufacturer;

8 (17) "Alternative-speed motorcycle" means a motorcycle that:

9 (a) Is self-propelled using an electric motor;

10 (b) Is three (3) wheeled;

11 (c) Has a fully enclosed cab and includes at least one (1) door for entry;

12 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as  
13 certified by the manufacturer; and

14 (e) Is not an auticycle as defined in this section;

15 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a  
16 highway or otherwise open to the public on which a number of motor vehicles may  
17 be used simultaneously to provide driver training under the supervision of one (1) or  
18 more driver training instructors;

19 (19) "Auticycle" means any motor vehicle that:

20 (a) Is equipped with a seat that does not require the operator to straddle or sit  
21 astride it;

22 (b) Is designed to travel on three (3) wheels in contact with the ground;

23 (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as  
24 certified by the manufacturer;

25 (d) Allows the operator and passenger to ride either side-by-side or in tandem in a  
26 seating area that may be enclosed with a removable or fixed top;

27 (e) Is equipped with a three (3) point safety belt system;

- 1 (f) May be equipped with a manufacturer-installed air bags or a roll cage;
- 2 (g) Is designed to be controlled with a steering wheel and pedals; and
- 3 (h) Is not an alternative-speed motorcycle as defined in this section;
- 4 (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle
- 5 that:
- 6 (a) Is not operated using continuous tracks;
- 7 (b) Was originally manufactured for and sold directly to the Armed Forces of the
- 8 United States; and
- 9 (c) Was originally manufactured under the federally mandated requirements set
- 10 forth in 49 C.F.R. sec. 571.7;
- 11 (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
- 12 and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
- 13 species;
- 14 (22) "Identity document" means an instruction permit, operator's license, or personal
- 15 identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and
- 16 186.4123 or a commercial driver's license issued under KRS Chapter 281A; and
- 17 (23) "Travel ID," as it refers to an identity document, means a document that complies
- 18 with Pub. L. No. 109-13, Title II.
- 19 ➔Section 2. KRS 186A.070 is amended to read as follows:
- 20 (1) Except as otherwise provided, the state resident owner of a vehicle as defined in
- 21 KRS 186.010(8)(a), manufactured home as defined in KRS 186.650, or trailer
- 22 which will not be operated upon the highways of this state shall within fifteen (15)
- 23 days apply for and obtain a certificate of title in his name. He shall not, however, be
- 24 required to obtain a certificate of registration until the vehicle, manufactured home,
- 25 or trailer is to be operated upon the highways of this state.
- 26 (2) On or after July 1, 2010, any state resident who purchases an all-terrain vehicle as
- 27 defined in KRS 189.010 shall apply for and obtain a certificate of title in the

1 purchaser's name within fifteen (15) days of purchase. The owner of an all-terrain  
 2 vehicle shall not be eligible to obtain a certificate of registration pursuant to KRS  
 3 186.020.

4 (3) On or after July 1, 2010, any state resident who owns an all-terrain vehicle and  
 5 creates a security interest on that vehicle shall be required to obtain a certificate of  
 6 title within fifteen (15) days of the creation of the security interest. The perfection  
 7 and discharge of the security interest shall be governed by KRS 186A.190,  
 8 186A.193, 186A.195, 186A.200, 186A.205, 186A.210, and 186A.215. The owner  
 9 of an all-terrain vehicle shall not be eligible to obtain a certificate of registration  
 10 pursuant to KRS 186.020.

11 (4) An all-terrain vehicle shall not be operated upon the roadways of this state, except  
 12 in accordance with Section 3 of this Act, Section 4 of this Act, or KRS 189.515.

13 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO  
 14 READ AS FOLLOWS:

15 (1) A person may operate an all-terrain vehicle on state-maintained roadways in the  
 16 Commonwealth, if the:

17 (a) Roadway is not a fully controlled access highway;

18 (b) Operator is eighteen (18) years of age or older;

19 (c) Operator has a valid operator's license; and

20 (d) All-terrain vehicle is equipped with headlights, tail lights, brake lights, turn  
 21 signals, and a rear or side view mirror.

22 (2) An all-terrain vehicle operating on a highway under this section shall:

23 (a) Prior to titling and registration, pass an inspection performed by a certified  
 24 inspector in accordance with KRS 186A.115;

25 (b) Be titled in accordance with KRS Chapter 186A;

26 (c) Be registered as a motor vehicle in accordance with KRS 186.050(3)(a); and

27 (d) Be insured in compliance with KRS 304.39-080 by the owner, and the proof

1 of insurance shall be kept with the vehicle at all times of operation on a  
2 highway.

3 (3) The county clerk shall collect a registration fee for each registration issued under  
4 this section. The fee shall be twenty-five dollars (\$25), of which fifty percent  
5 (50%) shall be retained by the county clerk and fifty percent (50%) shall be  
6 deposited into the road fund.

7 (4) A person operating an all-terrain vehicle under this section shall be required to  
8 wear a helmet if the vehicle is not equipped with a:

9 (a) Roof;

10 (b) Windshield; and

11 (c) Full or half door.

12 (5) A person under the age of sixteen (16) years, when riding as a passenger on an  
13 all-terrain vehicle, shall wear approved protective headgear, in the manner  
14 prescribed by the secretary of the Transportation Cabinet, at all times that the  
15 vehicle is in motion.

16 (6) A local government may pass an ordinance allowing the operation of all-terrain  
17 vehicles on roadways under its jurisdiction, in accordance with this section.

18 (7) The Transportation Cabinet or a local government may prohibit the use of an all-  
19 terrain vehicle on specific roadways under its jurisdiction, if the cabinet or local  
20 government deems it to be unsafe.

21 (8) A local government may pass an ordinance limiting the hours of operation of all-  
22 terrain vehicles on roadways within its jurisdiction.

23 (9) A person shall not operate an all-terrain vehicle under this section on private  
24 property without the consent of the landowner, tenant, or individual responsible  
25 for the property.

26 (10) It shall be unlawful for a person to remove from an all-terrain vehicle the  
27 manufacturer age restriction warning label required by federal all-terrain vehicle



1 standards as defined in Section 5 of this Act.

2 (11) A nonresident owner of an all-terrain vehicle may operate under this section and  
3 shall be exempt from registration under this section, if the vehicle is registered in  
4 a state that:

5 (a) Allows the registration of all-terrain vehicles;

6 (b) Requires that all-terrain vehicles be insured; and

7 (b) Allows an all-terrain vehicle registered in the Commonwealth to operate in  
8 their state for a limited time.

9 (12) The Transportation Cabinet shall promulgate administrative regulations  
10 pursuant to KRS Chapter 13A to implement this section, including but not limited  
11 to an on-line registration system.

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

14 (1) A nonresident of the Commonwealth who resides in a state that does not meet the  
15 requirements of subsection (11) of Section 3 of this Act, may apply for a  
16 nonresident registration permit to operate an all-terrain vehicle pursuant to the  
17 provisions outlined in section 3 of this Act. A person operating an all-terrain  
18 vehicle under this section shall be exempt from the titling and registration  
19 provisions outlined in Section 3 of this Act.

20 (2) Permits issued under this section shall be valid for one (1) year;

21 (3) The county clerk shall collect a fee of twenty-five dollars (\$25) for each  
22 registration issued under this section, of which fifty percent (50%) shall be  
23 retained by the county clerk and fifty percent (50%) shall be deposited into the  
24 road fund.

25 (4) The Transportation Cabinet shall promulgate administrative regulations  
26 pursuant to KRS Chapter 13A to implement this section, including but not limited  
27 to an on-line registration system.

1       ➔Section 5. KRS 189.515 is amended to read as follows:

2       (1) As used in this section:[,]

3       **(a) "All-terrain vehicle" means an all-terrain vehicle as defined in this chapter**  
4       **that has not been registered for highway operation under Section 3 or 4 of**  
5       **this Act; and**

6       **(b)** "Federal all-terrain vehicle standards" means the all-terrain vehicle standards  
7       set forth by the American National Standards Institute/Specialty Vehicle  
8       Institute of America and incorporated by reference in 16 C.F.R. sec. 1420.3, to  
9       the extent those standards are applicable.

10      (2) Except for vehicles authorized to operate on a public highway as of July 15, 1998,  
11      and except as provided in subsection (7) of this section, a person shall not operate  
12      an all-terrain vehicle upon any public highway or roadway or upon the right-of-way  
13      of any public highway or roadway.

14      (3) A person shall not operate an all-terrain vehicle on private property without the  
15      consent of the landowner, tenant, or individual responsible for the property.

16      (4) A person shall not operate an all-terrain vehicle on public property unless the  
17      governmental agency responsible for the property has approved the use of all-terrain  
18      vehicles.

19      (5) Except for vehicles authorized to operate on a public highway, a person sixteen (16)  
20      years of age or older operating an all-terrain vehicle on public property shall wear  
21      approved protective headgear, in the manner prescribed by the secretary of the  
22      Transportation Cabinet, at all times that the vehicle is in motion. The approved  
23      headgear requirement shall not apply when the operator of any all-terrain vehicle is  
24      engaged in:

25      (a) Farm or agriculture related activities;

26      (b) Mining or mining exploration activities;

27      (c) Logging activities;

- 1 (d) Any other business, commercial, or industrial activity;
- 2 (e) Use of that vehicle on private property; or
- 3 (f) The crossing of a public roadway with a posted speed limit of fifty-five (55)
- 4 miles per hour or less. The crossing of a public roadway outlined in this
- 5 paragraph shall be in compliance with subsection (7)(a) of this section.
- 6 (6) (a) A parent or legal guardian of a minor who is under the age of six (6) shall not
- 7 knowingly allow that person to operate an all-terrain vehicle.
- 8 (b) A person under the age of sixteen (16) years shall not operate an all-terrain
- 9 vehicle except under direct parental supervision.
- 10 (c) A person under the age of sixteen (16) years, when operating or riding as a
- 11 passenger on an all-terrain vehicle, shall wear approved protective headgear,
- 12 in the manner prescribed by the secretary of the Transportation Cabinet, at all
- 13 times that the vehicle is in motion.
- 14 (d) A parent or guardian of a minor who is under the age of sixteen (16), or who
- 15 does not possess an instruction permit, an intermediate license, or an
- 16 operator's license, shall not knowingly allow that person to carry a passenger
- 17 while operating an all-terrain vehicle.
- 18 (e) A parent or guardian of a minor under the age of sixteen (16) shall not
- 19 knowingly allow that person to operate an all-terrain vehicle in violation of
- 20 the age restriction warning label affixed by the manufacturer as required by
- 21 the federal all-terrain vehicle standards.
- 22 (7) (a) A person may operate an all-terrain vehicle on any two (2) lane public
- 23 highway in order to cross the highway. In crossing the highway under this
- 24 paragraph, the operator shall cross the highway at as close to a ninety (90)
- 25 degree angle as is practical and safe, and shall not travel on the highway for
- 26 more than two-tenths (2/10) of a mile.
- 27 (b) A person may operate an all-terrain vehicle on any two (2) lane public

1 highway, if the operator is engaged in farm or agricultural related activities,  
2 construction, road maintenance, or snow removal.

3 (c) The Transportation Cabinet may designate, and a city or county government  
4 may designate, those public highways, segments of public highways, and  
5 adjoining rights-of-way of public highways under its jurisdiction where all-  
6 terrain vehicles that are prohibited may be operated.

7 (d) A person operating an all-terrain vehicle on a public highway under this  
8 subsection shall possess a valid operator's license.

9 (e) A person operating an all-terrain vehicle on a public highway under this  
10 subsection shall comply with all applicable traffic regulations.

11 (f) A person shall not operate an all-terrain vehicle under this subsection unless  
12 the all-terrain vehicle has at least one (1) headlight and two (2) taillights,  
13 which shall be illuminated at all times the vehicle is in operation.

14 (g) A person operating an all-terrain vehicle under this subsection shall restrict  
15 the operation to daylight hours, except when engaged in snow removal or  
16 emergency road maintenance.

17 (h) It shall be unlawful for a person to remove from an all-terrain vehicle the  
18 manufacturer age restriction warning label required by the federal all-terrain  
19 vehicle standards.

20 ➔Section 6. KRS 189.990 is amended to read as follows:

21 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,  
22 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to  
23 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to  
24 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS  
25 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to  
26 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,  
27 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of

1 KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor  
2 more than one hundred dollars (\$100) for each offense. Any person who violates  
3 subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)  
4 nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not  
5 more than one (1) year, or both, unless the accident involved death or serious  
6 physical injury and the person knew or should have known of the death or serious  
7 physical injury, in which case the person shall be guilty of a Class D felony. Any  
8 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined  
9 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court  
10 costs nor fees shall be taxed against any person violating paragraph (c) of  
11 subsection (5) of KRS 189.390.

12 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,  
13 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents  
14 (\$0.02) per pound for each pound of excess load when the excess is five  
15 thousand (5,000) pounds or less. When the excess exceeds five thousand  
16 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of  
17 excess load, but the fine levied shall not be less than one hundred dollars  
18 (\$100) and shall not be more than five hundred dollars (\$500).

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

22 (c) Any person who violates any provision of subsection (2) or (3) of KRS  
23 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,  
24 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which  
25 another penalty is not specifically provided shall be fined not less than ten  
26 dollars (\$10) nor more than five hundred dollars (\$500).

27 (d) On or after July 1, 2020:

- 1           1. Any person who violates the weight provisions of KRS 189.2714 shall  
2           be subject to the penalties outlined in paragraph (a) of this subsection;  
3           and  
4           2. Any person who violates any provision of KRS 189.2714 for which  
5           another penalty is not specifically provided shall be fined not less than  
6           ten dollars (\$10) nor more than five hundred dollars (\$500).
- 7           (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to  
8           prejudice or affect the authority of the Department of Vehicle Regulation to  
9           suspend or revoke certificates of common carriers, permits of contract  
10          carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221  
11          to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 12       (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not  
13          more than fifteen dollars (\$15).
- 14          (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not  
15          less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 16       (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not  
17          less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 18          (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210  
19          shall be fined not less than twenty-five dollars (\$25) nor more than one  
20          hundred dollars (\$100).
- 21          (c) All fines collected under this subsection, after payment of commissions to  
22          officers entitled thereto, shall go to the county road fund if the offense is  
23          committed in the county, or to the city street fund if committed in the city.
- 24       (5) Any person who violates KRS 189.370 shall for the first offense be fined not less  
25          than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or  
26          imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For  
27          each subsequent offense occurring within three (3) years, the person shall be fined

- 1 not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500)  
2 or imprisoned not less than sixty (60) days nor more than six (6) months, or both.  
3 The minimum fine for this violation shall not be subject to suspension. A minimum  
4 of six (6) points shall be assessed against the driving record of any person  
5 convicted.
- 6 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars  
7 (\$15) in excess of the cost of the repair of the road.
- 8 (7) Any person who violates KRS 189.510, ~~or~~ KRS 189.515, **Section 3 of this Act, or**  
9 **Section 4 of this Act** shall be fined not less than twenty dollars (\$20) nor more than  
10 fifty dollars (\$50).
- 11 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not  
12 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 13 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-  
14 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned  
15 not less than thirty (30) days nor more than twelve (12) months, or both.
- 16 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-  
17 five dollars (\$35) nor more than one hundred dollars (\$100).
- 18 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a  
19 Class B misdemeanor.
- 20 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than  
21 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 22 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of  
23 this section shall, in the case of a public highway, be paid into the county road fund,  
24 and, in the case of a privately owned road or bridge, be paid to the owner. These  
25 fines shall not bar an action for damages for breach of contract.
- 26 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not  
27 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each

- 1 offense.
- 2 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than  
3 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 4 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than  
5 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 6 (16) Any person who violates restrictions or regulations established by the secretary of  
7 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,  
8 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not  
9 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
10 imprisoned for thirty (30) days, or both.
- 11 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty  
12 of a Class B misdemeanor.
- 13 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in  
14 case of violation by any person in whose name the vehicle used in the  
15 transportation of inflammable liquids or explosives is licensed, the person  
16 shall be fined not less than one hundred dollars (\$100) nor more than five  
17 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 18 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for  
19 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor  
20 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days  
21 nor more than thirty (30) days.
- 22 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,  
23 unless the offense is being committed by a defendant fleeing the commission of a  
24 felony offense which the defendant was also charged with violating and was  
25 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 26 (20) Any law enforcement agency which fails or refuses to forward the reports required  
27 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.



- 1 (21) A person who operates a bicycle in violation of the administrative regulations  
2 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)  
3 nor more than one hundred dollars (\$100).
- 4 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred  
5 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 6 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five  
7 dollars (\$25) nor more than three hundred dollars (\$300).
- 8 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty  
9 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this  
10 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
11 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,  
12 or any other additional fees or costs.
- 13 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a  
14 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.  
15 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).  
16 This fine shall be subject to prepayment. A fine imposed under this subsection shall  
17 not be subject to court costs pursuant to KRS 24A.175, additional court costs  
18 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other  
19 additional fees or costs. A person who has not been previously charged with a  
20 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the  
21 requirements of KRS 189.125. Upon presentation of sufficient proof of the  
22 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 23 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an  
24 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to  
25 prepayment. A fine imposed under this subsection shall not be subject to court costs  
26 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee  
27 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

- 1 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by  
2 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall  
3 be governed by KRS 534.020 and 534.060.
- 4 (28) A licensed driver under the age of eighteen (18) charged with a moving violation  
5 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to  
6 trial, by the court to a diversionary program. The diversionary program under this  
7 subsection shall consist of one (1) or both of the following:
- 8 (a) Execution of a diversion agreement which prohibits the driver from operating  
9 a vehicle for a period not to exceed forty-five (45) days and which allows the  
10 court to retain the driver's operator's license during this period; and
- 11 (b) Attendance at a driver improvement clinic established pursuant to KRS  
12 186.574. If the person completes the terms of this diversionary program  
13 satisfactorily the violation shall be dismissed.
- 14 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall  
15 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of  
16 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in  
17 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety  
18 percent (90%) of the fine collected under this subsection shall immediately be  
19 forwarded to the personal care assistance program under KRS 205.900 to 205.920.  
20 Ten percent (10%) of the fine collected under this subsection shall annually be  
21 returned to the county where the violation occurred and distributed equally to all  
22 law enforcement agencies within the county.
- 23 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars  
24 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.