

1 AN ACT relating to off-highway 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 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, *off-highway vehicles*
22 *registered for highway use under Section 3 of this Act,* and military surplus
23 vehicles as defined in this section and vehicles operating under KRS 189.283;
- 24 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)
25 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a
26 motorized bicycle with a step-through type frame which may or may not have
27 pedals rated no more than two (2) brake horsepower, a cylinder capacity not

1 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring
2 clutching or shifting by the operator after the drive system is engaged, and capable
3 of a maximum speed of not more than thirty (30) miles per hour;

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

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

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

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

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

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

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

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

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

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

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

27 (13) "Special status individual" means:

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

1 shall 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;
- 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; ~~and~~
- 19 (24) "Motor scooter" means a low-speed motorcycle that is:
- 20 (a) Equipped with wheels greater than sixteen (16) inches in diameter;
- 21 (b) Equipped with an engine greater than fifty (50) cubic centimeters;
- 22 (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
- 23 (d) Equipped with brake horsepower of two (2) or greater; and
- 24 (e) Equipped with a step-through frame or a platform for the operator's feet; **and**
- 25 **(25) (a) "Off-Highway Vehicle" or "OHV" means a motorized vehicle that is**
- 26 **designed to be primarily used for recreational purposes and:**
- 27 **1. Is equipped with four (4) to six (6) highway or nonhighway tires;**

- 1 2. Has a maximum speed that is greater than thirty-five (35) miles per
2 hour; and
3 3. Is equipped with a steering wheel, brakes, head lights, turn signals, a
4 roll bar, seat belts, a working muffler, and a spark arrestor.

5 (b) A mini-truck as defined in Section 5 of this Act shall also be considered to be an
6 OHV.

7 ➔Section 2. KRS 186.050 is amended to read as follows:

- 8 (1) The annual registration fee shall be eleven dollars fifty cents (\$11.50) for:
9 (a) Motor vehicles, including pickup trucks and passenger vans; and
10 (b) Motor carrier vehicles, as defined in KRS 281.010, primarily designed for
11 carrying passengers or passengers for hire and having been designed or
12 constructed to transport not more than fifteen (15) passengers, including the
13 operator.
- 14 (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for
15 each motorcycle shall be nine dollars (\$9).
- 16 (3) (a) All motor vehicles having a declared gross weight of vehicle and any towed
17 unit of ten thousand (10,000) pounds or less, except those mentioned in
18 subsections (1) and (2) of this section, are classified as commercial vehicles
19 and the annual registration fee, except as provided in subsections (4) to (14) of
20 this section, shall be eleven dollars and fifty cents (\$11.50).
- 21 (b) All motor vehicles, except those mentioned in subsections (1) and (2) of this
22 section, and those engaged in hauling passengers for hire which are designed
23 or constructed to transport more than fifteen (15) passengers including the
24 operator, whose registration fee shall be one hundred dollars (\$100), are
25 classified as commercial vehicles and the annual registration fee, except as
26 provided in subsections (3)(a) and (4) to (14) of this section, shall be as
27 follows:

1	Declared Gross Weight of Vehicle	Registration
2	and Any Towed Unit	Fee
3	10,001-14,000	30.00
4	14,001-18,000	50.00
5	18,001-22,000	132.00
6	22,001-26,000	160.00
7	26,001-32,000	216.00
8	32,001-38,000	300.00
9	38,001-44,000	474.00
10	44,001-55,000	669.00
11	55,001-62,000	1,007.00
12	62,001-73,280	1,250.00
13	73,281-80,000	1,410.00

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- (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six thousand (26,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross weight of twenty-six thousand (26,000) pounds or less, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for his farming operation, and the products grown on his farm.
 - 2. Any farmer owning a truck having a gross weight of twenty-six thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds may have it registered as a farmer's truck and obtain a license for eleven

1 dollars and fifty cents (\$11.50). The applicant's signature upon the
2 certificate of registration and ownership shall constitute a certificate that
3 he is a farmer engaged in the production of crops, livestock, or dairy
4 products, that he owns a truck of the gross weight between twenty-six
5 thousand one (26,001) pounds and thirty-eight thousand (38,000)
6 pounds, and that during the next twelve (12) months the truck shall not
7 be used in for-hire transportation and may be used in transporting
8 persons, food, provender, feed, machinery, livestock, material, and
9 supplies necessary for his farming operation and the products grown on
10 his farm.

11 (b) Any farmer owning a truck having a declared gross weight in excess of thirty-
12 eight thousand (38,000) pounds shall not be required to pay the fee set out in
13 subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%)
14 of the fee set out in subsection (3) of this section and shall be exempt from
15 any fee charged under the provisions of KRS 281.752. The applicant's
16 signature upon the registration receipt shall be considered to be a certification
17 that he is a farmer engaged solely in the production of crops, livestock, or
18 dairy products, and that during the current registration year the truck will be
19 used only in transporting persons, food, provender, feed, and machinery used
20 in operating his farm and the products grown on his farm.

21 (c) An initial applicant for, or an applicant renewing, his or her registration
22 pursuant to this subsection, may at the time of application make a voluntary
23 contribution to be deposited into the agricultural program trust fund
24 established in KRS 246.247. The recommended voluntary contribution shall
25 be set at ten dollars (\$10) and automatically added to the cost of registration or
26 renewal unless the individual registering or renewing the vehicle opts out of
27 contributing the recommended amount. The county clerk shall collect and

1 forward the voluntary contribution to the cabinet for distribution to the
2 Department of Agriculture.

3 (5) Any person owning a truck or bus used solely in transporting school children and
4 school employees may have the truck or bus registered as a school bus and obtain a
5 license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in
6 addition to other information required, an affidavit stating that the truck or bus is
7 used solely in the transportation of school children and persons employed in the
8 schools of the district, that he has caused to be printed on each side of the truck or
9 bus and on the rear door the words "School Bus" in letters at least six (6) inches
10 high, and of a conspicuous color, and the truck or bus will be used during the next
11 twelve (12) months only for the purpose stated.

12 (6) Any church or religious organization owning a truck or bus used solely in
13 transporting persons to and from a place of worship or for other religious work may
14 have the truck or bus registered as a church bus and obtain a license for eleven
15 dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other
16 information required, an affidavit stating that the truck or bus will be used only for
17 the transporting of persons to and from a place of worship, or for other religious
18 work, and that there has been printed on the truck or bus in large letters the words
19 "Church Bus," with the name of the church or religious organization owning and
20 using the truck or bus, and that during the next twelve (12) months the truck or bus
21 will be used only for the purpose stated.

22 (7) Any person owning a motor vehicle with a gross weight of fourteen thousand
23 (14,000) pounds or less on which a wrecker crane or other equipment suitable for
24 wrecker service has been permanently mounted may register the vehicle and obtain
25 a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in
26 addition to other information required, an affidavit that a wrecker crane or other
27 equipment suitable for wrecker service has been permanently mounted on such

1 vehicle and that during the next twelve (12) months the vehicle will be used only in
2 wrecker service. If the gross weight of the vehicle exceeds fourteen thousand
3 (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of
4 this section. The gross weight of a vehicle used in wrecker service shall not include
5 the weight of the vehicle being towed by the wrecker.

6 (8) Motor vehicles having a declared gross weight in excess of eighteen thousand
7 (18,000) pounds, which when operated in this state are used exclusively for the
8 transportation of property within the limits of the city named in the affidavit
9 hereinafter required to be filed, or within ten (10) miles of the city limits of the city
10 if it is a city with a population equal to or greater than three thousand (3,000) based
11 upon the most recent federal decennial census, or within five (5) miles of its limits
12 if it is a city with a population of less than three thousand (3,000) based upon the
13 most recent federal decennial census, or anywhere within a county containing an
14 urban-county government, shall not be required to pay the fee as set out in
15 subsection (3) of this section, and in lieu thereof shall pay seventy-five percent
16 (75%) of the fee set forth in subsection (3) of this section and shall be exempt from
17 any fee charged under the provisions of KRS 281.752. Nothing in this section shall
18 be construed to limit any right of nonresidents to exemption from registration under
19 any other provisions of the laws granting reciprocity to nonresidents. Operations
20 outside of this state shall not be considered in determining whether or not the
21 foregoing mileage limitations have been observed. When claiming the right to the
22 reduced fee, the applicant's signature on the certificate of registration and ownership
23 shall constitute a certification or affidavit stating that the motor vehicle when used
24 within this state is used only for the transportation of property within the city to be
25 named in the affidavit and the area above set out and that the vehicle will not be
26 used outside of a city and the area above set out during the current registration
27 period.

1 (9) Motor vehicles having a declared gross weight in excess of eighteen thousand
2 (18,000) pounds, which are used exclusively for the transportation of primary forest
3 products from the harvest area to a mill or other processing facility, where such mill
4 or processing facility is located at a point not more than fifty (50) air miles from the
5 harvest area or which are used exclusively for the transportation of concrete blocks
6 or ready-mixed concrete from the point at which such concrete blocks or ready-
7 mixed concrete is produced to a construction site where such concrete blocks or
8 ready-mixed concrete is to be used, where such construction site is located at a point
9 not more than thirty (30) air miles from the point at which such concrete blocks or
10 ready-mixed concrete is produced shall not be required to pay the fee as set out in
11 subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent
12 (75%) of the fee set out in subsection (3) of this section and shall be exempt from
13 any fee charged under the provisions of KRS 281.752. The applicant's signature
14 upon the certificate of registration and ownership shall constitute a certification that
15 the motor vehicle will not be used during the current registration period in any
16 manner other than that for which the reduced fee is provided in this section.

17 (10) Any owner of a commercial vehicle registered for a declared gross weight in excess
18 of eighteen thousand (18,000) pounds, intending to transfer same and desiring to
19 take advantage of the refund provisions of KRS 186.056(2), may reregister such
20 vehicle and obtain a "For Sale" certificate of registration and ownership for one
21 dollar (\$1). Title to a vehicle so registered may be transferred, but such registration
22 shall not authorize the operation or use of the vehicle on any public highway. No
23 refund may be made under the provisions of KRS 186.056(2) until such time as the
24 title to such vehicle has been transferred to the purchaser thereof. Provided,
25 however, that nothing herein shall be so construed as to prevent the seller of a
26 commercial vehicle from transferring the registration of such vehicle to any
27 purchaser thereof.

- 1 (11) The annual registration fee for self-propelled vehicles containing sleeping or eating
2 facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be
3 designated "Recreational vehicle." The foregoing shall not include any motor
4 vehicle primarily designed for commercial or farm use having temporarily attached
5 thereto any sleeping or eating facilities, or any commercial vehicle having sleeping
6 facilities.
- 7 (12) The registration fee on any vehicle registered under this section shall be increased
8 fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.
- 9 (13) (a) The Department of Vehicle Regulation is authorized to negotiate and execute
10 an agreement or agreements for the purpose of developing and instituting
11 proportional registration of motor vehicles engaged in interstate commerce, or
12 in a combination of interstate and intrastate commerce, and operating into,
13 through, or within the Commonwealth of Kentucky. The agreement or
14 agreements may be made on a basis commensurate with, and determined by,
15 the miles traveled on, and use made of, the highways of this Commonwealth
16 as compared with the miles traveled on and use made of highways of other
17 states, or upon any other equitable basis of proportional registration.
18 Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate
19 administrative regulations concerning the registration of motor vehicles under
20 any agreement or agreements made under this section and shall provide for
21 direct issuance by it of evidence of payment of any registration fee required
22 under such agreement or agreements. Any proportional registration fee
23 required to be collected under any proportional registration agreement or
24 agreements shall be in accordance with the taxes established in this section.
- 25 (b) Any owner of a commercial vehicle who is required to title his motor vehicle
26 under this section shall first title such vehicle with the county clerk pursuant
27 to KRS 186.020 for a state fee of one dollar (\$1). Title to such vehicle may be

1 transferred; however title without proper registration shall not authorize the
2 operation or use of the vehicle on any public highway. Any commercial
3 vehicle properly titled in Kentucky may also be registered in Kentucky, and,
4 upon payment of the required fees, the department may issue an apportioned
5 registration plate to such commercial vehicle.

6 (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which
7 vehicle is subject to apportioned registration, as provided in paragraph (a) of
8 this subsection, may be registered in Kentucky, and, upon proof of proper title
9 and payment of the required fees, the department may issue an apportioned
10 registration plate to the commercial vehicle. The department shall promulgate
11 administrative regulations in accordance with this section.

12 (14) Any person seeking to obtain a special license plate for an automobile that has been
13 provided to him pursuant to an occupation shall meet both of the following
14 requirements:

15 (a) The automobile shall be provided for the full-time exclusive use of the
16 applicant; and

17 (b) The applicant shall obtain permission in writing from the vehicle owner or
18 lessee on a form provided by the cabinet to use the vehicle and for the vehicle
19 to bear the special license plate.

20 (15) An applicant for any motor vehicle registration issued pursuant to this section shall
21 have the opportunity to make a donation of two dollars (\$2) to promote a hunger
22 relief program through specific wildlife management and conservation efforts by the
23 Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an
24 applicant elects to make a contribution under this subsection, the two dollar (\$2)
25 donation shall be added to the regular fee for any motor vehicle registration issued
26 pursuant to this section. One (1) donation may be made per issuance of each
27 registration. The fee shall be paid to the county clerk and shall be transmitted by the

1 State Treasurer to the Department of Fish and Wildlife Resources to be used
 2 exclusively for the purpose of wildlife management and conservation activities in
 3 support of hunger relief. The county clerk may retain up to five percent (5%) of the
 4 fees collected under this subsection for administrative costs associated with the
 5 collection of this donation. Any donation requested under this subsection shall be
 6 voluntary and may be refused by the applicant at the time of issuance or renewal of
 7 a license plate.

8 **(16) The annual registration fee for residents operating an OHV under Section 3 of**
 9 **this Act shall be the same fee as outlined in subsection (3)(a) of this section.**

10 **(17) The registration fee for nonresidents operating an OHV under Section 4 of this**
 11 **Act shall be thirty dollars (\$30), of which the clerk shall retain five dollars (\$5).**

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

14 **(1) As used in this section, "OHV" has the same meaning as in Section 1 of this Act.**

15 **(2) A person may operate an OHV on any:**

16 **(a) State highway designated under subsection (4) of this section; and**

17 **(b) County roadway specified for OHV use by the local government having**
 18 **jurisdiction of the roadway.**

19 **(3) Any person operating an OHV under this section shall be eighteen (18) years or**
 20 **older and possess a valid operator's license.**

21 **(4) The Transportation Cabinet shall, in conjunction with the Kentucky Mountain**
 22 **Regional Recreational Authority established under KRS 148.0222, identify state**
 23 **highways to be designated for OHV use under this section. The cabinet shall not**
 24 **identify a fully controlled access highway as eligible for OHV operation.**

25 **(5) A local government may prohibit the use of an OHV on any county roadway**
 26 **under its jurisdiction, if the local government deems it to be unsafe.**

27 **(6) An OHV shall not be operated on any fully controlled access highway.**

- 1 (7) An OHV operating on a highway under this section shall:
- 2 (a) Prior to titling and registration, pass an inspection performed by a certified
- 3 inspector in accordance with KRS 186A.115.
- 4 (b) Be titled in accordance with KRS Chapter 186A;
- 5 (c) Be registered as a motor vehicle in accordance with Section 2 of this Act;
- 6 (d) Be insured in compliance with KRS 304.39-110(3) by the owner, and the
- 7 proof of insurance shall be kept inside the vehicle at all times of operation
- 8 on a highway; and
- 9 (e) Comply with all traffic regulations outlined in this chapter.
- 10 (8) An operator and any passengers shall wear eye protection when operating or
- 11 riding an OHV that is not equipped with a windshield.
- 12 (9) A nonresident owner of an OHV may operate under this section and shall be
- 13 exempt from registration under this section, if the OHV is registered in a state
- 14 that:
- 15 (a) Requires registration of OHVs;
- 16 (b) Requires that OHVs be insured; and
- 17 (c) Allows an OHV vehicle registered in the Commonwealth to operate in that
- 18 state for a limited time.
- 19 (10) The Transportation Cabinet shall promulgate administrative regulations
- 20 pursuant to KRS Chapter 13A to implement this section, including but not limited
- 21 to administrative regulations governing an on-line method of registration and the
- 22 publishing of roadways identified under subsection (4) of this section.
- 23 (11) This section shall not apply to:
- 24 (a) An OHV operated on any private or public recreational trail or area;
- 25 (b) An OHV operated for agricultural purposes; or
- 26 (c) A publicly owned and operated OHV used for wildlife management, law
- 27 enforcement, emergency services, or other governmental purposes.

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

3 *(1) As used in this section, "OHV" has the same meaning as in Section 1 of this Act.*

4 *(2) A nonresident of the Commonwealth who resides in a state that does not meet the*
5 *requirements of subsection (9) of Section 3 of this Act may apply for a*
6 *nonresident temporary registration permit to operate an OHV pursuant to Section*
7 *3 of this Act. A person operating an OHV under this section shall be exempt from*
8 *the titling and registration provisions of Section 3 of this Act.*

9 *(3) A nonresident temporary registration permit issued under this section shall be*
10 *valid for six (6) months.*

11 *(4) The Transportation Cabinet shall promulgate administrative regulations*
12 *pursuant to KRS Chapter 13A to implement the provisions of this section,*
13 *including but not limited to administrative regulations governing an on-line*
14 *method of registration.*

15 ➔Section 5. KRS 189.517 is amended to read as follows:

16 (1) As used in this section, "mini-truck" means a lightweight Japanese kei class utility
17 vehicle.

18 (2) Except as provided in *Sections 3 and 4 of this Act and* subsection (5) of this
19 section, a person shall not operate a mini-truck upon any public highway or
20 roadway or upon the right-of-way of any public highway or roadway.

21 (3) A person shall not operate a mini-truck on private property without the consent of
22 the landowner, tenant, or individual responsible for the property.

23 (4) A person shall not operate a mini-truck on public property unless the governmental
24 agency responsible for the property has approved the use of mini-trucks.

25 (5) (a) A person may operate a mini-truck on any two (2) lane public highway in
26 order to cross the highway. In crossing the highway under this paragraph, the
27 operator shall cross the highway at as close to a ninety (90) degree angle as is

1 practical and safe, and shall not travel on the highway for more than two-
2 tenths (2/10) of a mile.

3 (b) A person may operate a mini-truck on any two (2) lane public highway if the
4 operator is engaged in farm or agricultural-related activities, construction,
5 road maintenance, or snow removal.

6 (c) The Transportation Cabinet may designate, and a city or county government
7 may designate, those public highways, segments of public highways, and
8 adjoining rights-of-way of public highways under its jurisdiction where mini-
9 trucks that are prohibited may be operated.

10 (d) A person operating a mini-truck on a public highway under this subsection
11 shall possess a valid operator's license.

12 (e) A person operating a mini-truck on a public highway under this subsection
13 shall comply with all applicable traffic regulations.

14 (f) A person shall not operate a mini-truck under this subsection unless the mini-
15 truck has at least two (2) headlights and two (2) taillights, which shall be
16 illuminated at all times the mini-truck is in operation.

17 (g) A person operating a mini-truck under this subsection shall restrict the
18 operation to daylight hours, except when engaged in snow removal or
19 emergency road maintenance.

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) 1. Any person who violates the provisions of KRS 177.985 while operating

- 1 on a route designated in KRS 177.986 shall be fined one hundred dollars
2 (\$100).
- 3 2. Any person who operates a vehicle with a permit under KRS 177.985 in
4 excess of eighty thousand (80,000) pounds while operating on a route
5 not designated in KRS 177.986 shall be fined one thousand dollars
6 (\$1,000).
- 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 shall be fined not less than
9 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 10 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
11 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 12 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
13 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
14 not less than thirty (30) days nor more than twelve (12) months, or both.
- 15 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
16 five dollars (\$35) nor more than one hundred dollars (\$100).
- 17 (10) Any person who violates any of the provisions of KRS 189.550, *Section 3 of this*
18 *Act, or Section 4 of this Act* shall be guilty of a Class B misdemeanor.
- 19 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
20 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 21 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
22 this section shall, in the case of a public highway, be paid into the county road fund,
23 and, in the case of a privately owned road or bridge, be paid to the owner. These
24 fines shall not bar an action for damages for breach of contract.
- 25 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
26 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
27 offense.

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

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

1 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
2 be governed by KRS 534.020 and 534.060.

3 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
4 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
5 trial, by the court to a diversionary program. The diversionary program under this
6 subsection shall consist of one (1) or both of the following:

7 (a) Execution of a diversion agreement which prohibits the driver from operating
8 a vehicle for a period not to exceed forty-five (45) days and which allows the
9 court to retain the driver's operator's license during this period; and

10 (b) Attendance at a driver improvement clinic established pursuant to KRS
11 186.574. If the person completes the terms of this diversionary program
12 satisfactorily the violation shall be dismissed.

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

22 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars
23 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.

24 ➔Section 7. KRS 304.39-110 is amended to read as follows:

25 (1) The requirement of security for payment of tort liabilities is fulfilled by providing:

26 (a) Either:

27 1. Split limits liability coverage of not less than twenty-five thousand

- 1 dollars (\$25,000) for all damages arising out of bodily injury sustained
2 by any one (1) person, and not less than fifty thousand dollars (\$50,000)
3 for all damages arising out of bodily injury sustained by all persons
4 injured as a result of any one (1) accident, plus liability coverage of not
5 less than twenty-five thousand dollars (\$25,000) for all damages arising
6 out of damage to or destruction of property, including the loss of use
7 thereof, as a result of any one (1) accident arising out of ownership,
8 maintenance, use, loading, or unloading, of the secured vehicle; or
- 9 2. Single limits liability coverage of not less than sixty thousand dollars
10 (\$60,000) for all damages whether arising out of bodily injury or damage
11 to property as a result of any one (1) accident arising out of ownership,
12 maintenance, use, loading, or unloading, of the secured vehicle;
- 13 (b) That the liability coverages apply to accidents during the contract period in a
14 territorial area not less than the United States of America, its territories and
15 possessions, and Canada; and
- 16 (c) Basic reparation benefits as defined in KRS 304.39-020(2).
- 17 (2) Subject to the provisions on approval of terms and forms, the requirement of
18 security for payment of tort liabilities may be met by a contract the coverage of
19 which is secondary or excess to other applicable valid and collectible liability
20 insurance. To the extent the secondary or excess coverage applies to liability within
21 the minimum security required by this subtitle it must be subject to conditions
22 consistent with the system of required liability insurance established by this subtitle.
- 23 (3) Security for a motorcycle **and an off-highway vehicle registered for highway use**
24 **under Section 3 of this Act** is fulfilled by providing only the coverages set forth in
25 subsections (1)(a) and (b) of this section.