

1 AN ACT relating to financial responsibility of motor vehicle operators.

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

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

5 (1) *As used in this section:*

6 (a) *"Expenses of an emergency response" means reasonable costs directly*  
7 *incurred by public agencies, for-profit entities, or not-for-profit entities that*  
8 *make an appropriate emergency response to an incident;*

9 (b) *"Public agency" means this state and any city, county, charter county,*  
10 *urban-county government, consolidated local government, unified local*  
11 *government, municipal corporation, district, or other public authority that*  
12 *is located in whole or in part in this state and that provides police,*  
13 *firefighting, medical, or other emergency services; and*

14 (c) *"Reasonable costs" includes the costs for providing police, firefighting,*  
15 *rescue, and emergency medical services at the scene of an incident and the*  
16 *salaries of the persons who respond to the incident.*

17 (2) *The operator of a motor vehicle who drives the vehicle on a public street or*  
18 *highway that is barricaded because of flooding that has temporarily covered the*  
19 *highway, including flooding caused by groundwater or overflow of water, shall*  
20 *be liable for the expenses of any emergency response that is required to remove:*

21 (a) *The vehicle that becomes inoperable on the public street or highway from*  
22 *the public street or highway; or*

23 (b) *The operator or any passengers in the vehicle.*

24 (3) *A person convicted of violating Section 2 of this Act for driving a vehicle into any*  
25 *area that is temporarily covered by a rise in water level, including groundwater or*  
26 *overflow of water, may be liable for expenses of any emergency response that is*  
27 *required to remove:*

1        (a) The vehicle that becomes inoperable on the public street or highway from  
 2                                    the public street or highway; or

3        (b) The operator or any passengers in the vehicle.

4        (4) The expenses of an emergency response are a charge against the person liable for  
 5                                    those expenses pursuant to subsection (2) or (3) of this section. The charge  
 6                                    constitutes a debt of that person and may be collected proportionately by the  
 7                                    public agencies, for-profit entities, or not-for-profit entities that incurred the  
 8                                    expenses. The person's liability for the expenses of an emergency response shall  
 9                                    not exceed two thousand dollars (\$2,000) for a single incident. The liability  
 10                                   imposed under this section is in addition to and not in limitation of any other  
 11                                   liability that may be imposed.

12       (4) An insurance policy may exclude coverage for a person's liability for expenses of  
 13                                   an emergency response under this section.

14       ➔Section 2. KRS 189.290 is amended to read as follows:

15       (1) The operator of any vehicle upon a highway shall operate the vehicle in a careful  
 16                                   manner, with regard for the safety of the operator and the operator's passengers,  
 17                                   and the safety and convenience of pedestrians and other vehicles upon the highway.

18       (2) No person shall willfully operate any vehicle on any highway in such a manner as to  
 19                                   injure the highway.

20       ➔Section 3. KRS 39F.120 is amended to read as follows:

21       In order to ensure that rescue squads seeking funding under the rescue grant program  
 22                                   achieve and maintain compliance with the provisions of this chapter, the following  
 23                                   requirements shall be met:

24       (1) Each rescue squad shall develop written bylaws to specify as a minimum:

25                                   (a) The mission of the rescue squad.

26                                   (b) The election or appointment, succession, and term of officers.

27                                   (c) Financial accounting and property accountability.

- 1 (d) Administrative procedures.
- 2 (e) Definition of active membership in the squad.
- 3 (2) Each rescue squad shall develop written standard operating procedures which  
4 specify as a minimum:
- 5 (a) Procedures and rules for notification and response to emergencies.
- 6 (b) Procedures for all operations and response activities of the squad in  
7 accordance with the mission statement.
- 8 (3) A current copy of the bylaws and a current copy of all standard operating  
9 procedures shall be sent by the squad to the division. Amendments to the bylaws  
10 and standard operating procedures shall be sent to the division within ten (10)  
11 working days of their adoption. The division shall maintain a file of rescue squad  
12 bylaws and standard operating procedures. These files shall be public records.  
13 Copies of the bylaws and standard operating procedures of the squad, updated as  
14 required in this subsection, shall also be sent concurrently to the local emergency  
15 management director.
- 16 (4) Each rescue squad shall have a vehicle dedicated solely to rescue service. The  
17 make, model, year, vehicle identification number, and license number of each  
18 vehicle used by the squad solely for rescue service shall be supplied to the local  
19 emergency management director and to the division. When a new vehicle is put in  
20 service, or a vehicle is withdrawn from service, both the local director and the  
21 division shall be notified within ten (10) working days.
- 22 (5) A minimum of twelve (12) persons shall be identified by name as active members  
23 of the rescue squad.
- 24 (6) The active membership list of the rescue squad shall be submitted quarterly to the  
25 division through the area manager with a copy of the same list submitted  
26 concurrently to the local emergency management director.
- 27 (7) The active membership list shall be continuously maintained in an accurate and

1 current status by the rescue squad, and shall be available for inspection by state and  
2 local government officials, employees, and the public.

3 (8) Rescue squads shall maintain a formal training program appropriate to accomplish  
4 the mission of the rescue squad.

5 (a) The training program shall consist of not less than two (2) hours of formal  
6 training per month. Actual rescue missions shall not constitute training.

7 (b) To be eligible for continued funding, each squad shall report not less than one  
8 hundred sixty-eight (168) man-hours of training for its members annually.  
9 This training shall be reported on the incident and training reports submitted  
10 pursuant to this chapter.

11 (c) Training at a rescue school provided by an emergency management agency or  
12 other appropriate training may be utilized to meet the requirements of  
13 subsection (2)(b) of this section.

14 (9) Rescue squads shall be formally affiliated with the local disaster and emergency  
15 services organization through the following means:

16 (a) Execution of a city or county order or ordinance, the adoption of a written  
17 search and rescue plan pursuant to KRS 39F.190, and the promulgation of a  
18 written statement of affiliation as the local charter of authorization signed by  
19 the county judge/executive or mayor, the local emergency management  
20 director, and the chief rescue officer outlining a specific working agreement.  
21 The statement of affiliation shall be subject to annual renewal. No statement  
22 of affiliation shall be subject to automatic renewal; it shall be an affirmative  
23 process. The document shall include, as a minimum, call out authority, chain  
24 of command, the responsibilities of each concerned party, terms and  
25 conditions of the local charter of authorization to operate in the jurisdiction,  
26 and procedures for revocation of the local charter, and shall be reviewed by  
27 the chief elected official of the government signing it and the local director.

1 Both shall certify, if signing the document, that they have reviewed the  
2 mission statement of the rescue squad and the statement of affiliation and that  
3 they find that the rescue squad possesses:

- 4 1. Adequate numbers of trained personnel to perform the mission;
- 5 2. Proper and adequate equipment, including at least all of the required  
6 equipment specified by administrative regulations of the division, to  
7 perform the mission, and that the equipment is in proper working order;
- 8 3. A rescue vehicle, dedicated solely to rescue purposes, which is adequate  
9 to perform the mission of the squad, and is in proper working order; and
- 10 4. Adequate command and control personnel, training, and policies to  
11 ensure that the squad can quickly and efficiently respond and perform its  
12 mission when called upon.

13 (b) Incorporation, into the statement of affiliation, of a finding by the chief elected  
14 official and the local director that, following review of the mission statement  
15 of the rescue squad and the statement of affiliation, the rescue squad is  
16 performing a function not performed by other agencies of government or  
17 private agencies or organizations. If other organizations are performing  
18 functions which are listed on the mission statement of the rescue squad, then  
19 the statement shall contain reasons why duplication of existing services of  
20 other organizations by the rescue squad is necessary; and

21 (c) Incorporation of the responsibilities of the rescue squad into the rescue  
22 services annex of the local emergency operations plan or other appropriate  
23 annex.

24 (10) If either the chief elected official or the local director declines to sign the statement  
25 of affiliation provided for in subsection (9) of this section, the rescue squad shall be  
26 without local charter and shall return to the division all equipment purchased with  
27 state funds. This return of equipment shall take place within five (5) days of the

1 refusal of either designee to sign the statement of affiliation. Neither the chief  
2 elected official nor the local director shall be required to state a reason why they  
3 sign or decline to sign a statement of affiliation.

4 (11) When a rescue squad is not independent, but is incorporated within other emergency  
5 service agencies or divisions, such as a fire department or fire division, the squad  
6 members shall be available for and capable of performing rescue services not  
7 incidental to their primary mission.

8 (12) Rescue squads shall maintain a full complement of minimum equipment  
9 appropriate to the type of rescue to be undertaken. Minimum equipment lists and  
10 other requirements for rescue squads shall be promulgated by the director by  
11 administrative regulation.

12 (13) Except as allowed under Section 1 of this Act, rescue squads shall not assess fees  
13 or charges for any rescue activity.

14 ➔Section 4. KRS 304.39-020 is amended to read as follows:

15 As used in this subtitle:

16 (1) "Added reparation benefits" mean benefits provided by optional added reparation  
17 insurance.

18 (2) "Basic reparation benefits" mean benefits providing reimbursement for net loss  
19 suffered through injury arising out of the operation, maintenance, or use of a motor  
20 vehicle, subject, where applicable, to the limits, deductibles, exclusions,  
21 disqualifications, and other conditions provided in this subtitle. The maximum  
22 amount of basic reparation benefits payable for all economic loss resulting from  
23 injury to any one (1) person as the result of one (1) accident shall be ten thousand  
24 dollars (\$10,000), regardless of the number of persons entitled to such benefits or  
25 the number of providers of security obligated to pay such benefits. Basic reparation  
26 benefits consist of one (1) or more of the elements defined as "loss."

27 (3) "Basic reparation insured" means:

- 1 (a) A person identified by name as an insured in a contract of basic reparation  
2 insurance complying with this subtitle; and
- 3 (b) While residing in the same household with a named insured, the following  
4 persons not identified by name as an insured in any other contract of basic  
5 reparation insurance complying with this subtitle: a spouse or other relative of  
6 a named insured; and a minor in the custody of a named insured or of a  
7 relative residing in the same household with the named insured if he usually  
8 makes his home in the same family unit, even though he temporarily lives  
9 elsewhere.
- 10 (4) "Injury" and "injury to person" mean bodily harm, sickness, disease, or death.
- 11 (5) "Loss" means accrued economic loss consisting only of medical expense, work loss,  
12 replacement services loss, and, if injury causes death, survivor's economic loss and  
13 survivor's replacement services loss. Noneconomic detriment is not loss. However,  
14 economic loss is loss although caused by pain and suffering or physical impairment.
- 15 (a) "Medical expense" means reasonable charges incurred for reasonably needed  
16 products, services, and accommodations, including those for medical care,  
17 physical rehabilitation, rehabilitative occupational training, licensed  
18 ambulance services, and other remedial treatment and care. "Medical expense"  
19 may include non-medical remedial treatment rendered in accordance with a  
20 recognized religious method of healing. The term includes a total charge not  
21 in excess of one thousand dollars (\$1,000) per person for expenses in any way  
22 related to funeral, cremation, and burial. It does not include any charges  
23 assessed against a person who is liable for charges under Section 1 of this  
24 Act. It also does not include that portion of a charge for a room in a hospital,  
25 clinic, convalescent or nursing home, or any other institution engaged in  
26 providing nursing care and related services, in excess of a reasonable and  
27 customary charge for semi-private accommodations, unless intensive care is

1 medically required. Medical expense shall include all healing arts professions  
2 licensed by the Commonwealth of Kentucky. There shall be a presumption  
3 that any medical bill submitted is reasonable.

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

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

13 (d) "Survivor's economic loss" means loss after decedent's death of contributions  
14 of things of economic value to his survivors, not including services they  
15 would have received from the decedent if he had not suffered the fatal injury,  
16 less expenses of the survivors avoided by reason of decedent's death.

17 (e) "Survivor's replacement services loss" means expenses reasonably incurred by  
18 survivors after decedent's death in obtaining ordinary and necessary services  
19 in lieu of those the decedent would have performed for their benefit if he had  
20 not suffered the fatal injury, less expenses of the survivors avoided by reason  
21 of the decedent's death and not subtracted in calculating survivor's economic  
22 loss.

23 (6) "Use of a motor vehicle" means any utilization of the motor vehicle as a vehicle  
24 including occupying, entering into, and alighting from it. It does not include:

25 (a) Conduct within the course of a business of repairing, servicing, or otherwise  
26 maintaining motor vehicles unless the conduct occurs off the business  
27 premises; or



- 1 (b) Conduct in the course of loading and unloading the vehicle unless the conduct  
2 occurs while occupying, entering into, or alighting from it.
- 3 (7) "Motor vehicle" means any vehicle which transports persons or property upon the  
4 public highways of the Commonwealth, propelled by other than muscular power  
5 except road rollers, road graders, farm tractors, vehicles on which power shovels are  
6 mounted, such other construction equipment customarily used only on the site of  
7 construction and which is not practical for the transportation of persons or property  
8 upon the highways, such vehicles as travel exclusively upon rails, and such vehicles  
9 as are propelled by electrical power obtained from overhead wires while being  
10 operated within any municipality or where said vehicles do not travel more than five  
11 (5) miles beyond the said limits of any municipality. Motor vehicle shall not mean  
12 moped as defined in this section or an electric low-speed scooter as defined in KRS  
13 189.010.
- 14 (8) "Moped" means either a motorized bicycle whose frame design may include one (1)  
15 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a  
16 motorized bicycle with a step-through type frame which may or may not have  
17 pedals rated no more than two (2) brake horsepower, a cylinder capacity not  
18 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring  
19 clutching or shifting by the operator after the drive system is engaged, and capable  
20 of a maximum speed of not more than thirty (30) miles per hour.
- 21 (9) "Public roadway" means a way open to the use of the public for purposes of motor  
22 vehicle travel.
- 23 (10) "Net loss" means loss less benefits or advantages, from sources other than basic and  
24 added reparation insurance, required to be subtracted from loss in calculating net  
25 loss.
- 26 (11) "Noneconomic detriment" means pain, suffering, inconvenience, physical  
27 impairment, and other nonpecuniary damages recoverable under the tort law of this

1 Commonwealth. The term does not include punitive or exemplary damages.

2 (12) "Owner" means a person, other than a lienholder or secured party, who owns or has  
3 title to a motor vehicle or is entitled to the use and possession of a motor vehicle  
4 subject to a security interest held by another person. The term does not include a  
5 lessee under a lease not intended as security.

6 (13) "Reparation obligor" means an insurer, self-insurer, or obligated government  
7 providing basic or added reparation benefits under this subtitle.

8 (14) "Survivor" means a person identified in KRS 411.130 as one entitled to receive  
9 benefits by reason of the death of another person.

10 (15) A "user" means a person who resides in a household in which any person owns or  
11 maintains a motor vehicle.

12 (16) "Maintaining a motor vehicle" means having legal custody, possession or  
13 responsibility for a motor vehicle by one other than an owner or operator.

14 (17) "Security" means any continuing undertaking complying with this subtitle, for  
15 payment of tort liabilities, basic reparation benefits, and all other obligations  
16 imposed by this subtitle.

17 ➔SECTION 5. A NEW SECTION OF SUBTITLE 39 OF KRS CHAPTER 304  
18 IS CREATED TO READ AS FOLLOWS:

19 ***In an automobile liability insurance policy, the insurer may exclude coverage for a***  
20 ***person's liability under Section 1 of this Act.***