

1 AN ACT relating to the operation of bicycles.

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

3 ➔Section 1. KRS 189.287 is amended to read as follows:

4 **(1)** The Transportation Cabinet shall promulgate administrative regulations pursuant to  
5 KRS Chapter 13A to set forth standards for bicycle equipment and the safe  
6 operation of a bicycle. The regulations shall include requirements for lights,  
7 reflectors,~~and~~ audible warning devices, ***and the use of helmets for operators and***  
8 ***passengers under twelve (12) years of age.***

9 **(2)** Bicycles and riders which comply with the regulations promulgated under this  
10 section are exempt from municipal and other local government regulations  
11 concerning safety equipment but not method of operation.

12 **(3)** In promulgating the administrative regulations, the Transportation Cabinet shall  
13 permit use of lightweight modern technological substitutes for lights, reflectors, and  
14 bells.

15 **(4)** The purpose of this section is to encourage bicycling and bicycle touring in this  
16 state by enabling bicycle riders to make use of modern technology to make their  
17 presence known to other users of the road, ***to protect children, and to make cycling***  
18 ***a safer and more sustainable activity.*** The Transportation Cabinet may consult  
19 with organizations of bicycle riders to aid it in the search for bicycle safety  
20 equipment and rules convenient for long distance bicycle riders.

21 ➔Section 2. KRS 189.990 is amended to read as follows:

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

1       except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of  
2       KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor  
3       more than one hundred dollars (\$100) for each offense. Any person who violates  
4       subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)  
5       nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not  
6       more than one (1) year, or both, unless the accident involved death or serious  
7       physical injury and the person knew or should have known of the death or serious  
8       physical injury, in which case the person shall be guilty of a Class D felony. Any  
9       person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined  
10      not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court  
11      costs nor fees shall be taxed against any person violating paragraph (c) of  
12      subsection (5) of KRS 189.390.

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

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

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

- 1 (d) 1. Any person who violates the provisions of KRS 177.985 while operating  
2 on a route designated in KRS 177.986 shall be fined one hundred dollars  
3 (\$100).
- 4 2. Any person who operates a vehicle with a permit under KRS 177.985 in  
5 excess of eighty thousand (80,000) pounds while operating on a route  
6 not designated in KRS 177.986 shall be fined one thousand dollars  
7 (\$1,000).
- 8 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to  
9 prejudice or affect the authority of the Department of Vehicle Regulation to  
10 suspend or revoke certificates of common carriers, permits of contract  
11 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221  
12 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 13 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not  
14 more than fifteen dollars (\$15).
- 15 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not  
16 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 17 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not  
18 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 19 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210  
20 shall be fined not less than twenty-five dollars (\$25) nor more than one  
21 hundred dollars (\$100).
- 22 (c) All fines collected under this subsection, after payment of commissions to  
23 officers entitled thereto, shall go to the county road fund if the offense is  
24 committed in the county, or to the city street fund if committed in the city.
- 25 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less  
26 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or  
27 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For

1 each subsequent offense occurring within three (3) years, the person shall be fined  
2 not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500)  
3 or imprisoned not less than sixty (60) days nor more than six (6) months, or both.  
4 The minimum fine for this violation shall not be subject to suspension. A minimum  
5 of six (6) points shall be assessed against the driving record of any person  
6 convicted.

7 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars  
8 (\$15) in excess of the cost of the repair of the road.

9 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than  
10 twenty dollars (\$20) nor more than 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) Except as provided by paragraph (b) of this subsection, a person who  
2 operates a bicycle in violation of the administrative regulations promulgated  
3 pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10) nor  
4 more than one hundred dollars (\$100).
- 5 (b) A child under twelve (12) years of age who operates a bicycle in violation of  
6 the administrative regulations promulgated pursuant to Section 1 of this Act  
7 that address the use of a helmet, or the child's parent or guardian, shall not  
8 be issued a uniform citation, but shall be given a courtesy warning.
- 9 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred  
10 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 11 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five  
12 dollars (\$25) nor more than three hundred dollars (\$300).
- 13 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty  
14 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this  
15 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
16 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,  
17 or any other additional fees or costs.
- 18 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a  
19 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.  
20 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).  
21 This fine shall be subject to prepayment. A fine imposed under this subsection shall  
22 not be subject to court costs pursuant to KRS 24A.175, additional court costs  
23 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other  
24 additional fees or costs. A person who has not been previously charged with a  
25 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the  
26 requirements of KRS 189.125. Upon presentation of sufficient proof of the  
27 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

- 1 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an  
2 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to  
3 prepayment. A fine imposed under this subsection shall not be subject to court costs  
4 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee  
5 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 6 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by  
7 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall  
8 be governed by KRS 534.020 and 534.060.
- 9 (28) A licensed driver under the age of eighteen (18) charged with a moving violation  
10 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to  
11 trial, by the court to a diversionary program. The diversionary program under this  
12 subsection shall consist of one (1) or both of the following:
- 13 (a) Execution of a diversion agreement which prohibits the driver from operating  
14 a vehicle for a period not to exceed forty-five (45) days and which allows the  
15 court to retain the driver's operator's license during this period; and
- 16 (b) Attendance at a driver improvement clinic established pursuant to KRS  
17 186.574. If the person completes the terms of this diversionary program  
18 satisfactorily the violation shall be dismissed.
- 19 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall  
20 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of  
21 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in  
22 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety  
23 percent (90%) of the fine collected under this subsection shall immediately be  
24 forwarded to the personal care assistance program under KRS 205.900 to 205.920.  
25 Ten percent (10%) of the fine collected under this subsection shall annually be  
26 returned to the county where the violation occurred and distributed equally to all  
27 law enforcement agencies within the county.

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