

FREE CONFERENCE COMMITTEE REPORT

The Free Conference Committee on **SB 215** has met as provided in the Rules of the House and Senate and hereby reports the following to be adopted:

_____ GA _____ SCS X HCS

For the above-referenced bill, with these amendments (if applicable):

Committee (list by chamber and number): _____;

Floor (list by chamber and number): _____; and

The following Free Conference Committee action:

On page 21, after line 4, by inserting the following:

"➔SECTION 6. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

After the effective date of this Act and until July 1, 2024:

(1) As used in this section:

(a) "Local government" means a city, county, charter county government, urban-county government, consolidated local government, or unified local government that is located within the boundaries of a regional authority, or the Kentucky Mountain Regional Recreation Authority established under KRS 148.0222, acting on behalf of a local government that is part of the authority;

(b) "Off-highway vehicle" or "OHV" means a motorized vehicle that:

1. Is designed to be primarily used for recreational purposes;

2. Has a maximum speed that is greater than thirty-five (35) miles per hour;

3. Is equipped with the following:

a. Four (4) to six (6) highway or nonhighway tires;

b. A steering wheel or steering mechanism;

- 1 c. Brakes;
2 d. Headlamps;
3 e. Tail lamps;
4 f. Brake lights;
5 g. One (1) red reflex reflector on each side as far to the rear as practicable
6 and one (1) red reflex reflector on the rear;
7 h. A working muffler;
8 i. A parking brake;
9 j. A spark arrestor; and
10 k. For multi-passenger vehicles, an exterior mirror mounted on the
11 driver's side of the vehicle, either an interior mirror or an exterior
12 mirror mounted on the passenger's side of the vehicle, and for each
13 designated seating position, a seatbelt assembly that conforms to the
14 federal motor vehicle safety standard provided in 49 C.F.R. sec.
15 571.209; and

16 (c) "Regional authority" means:

- 17 1. The Kentucky Mountain Regional Recreation Authority established in KRS
18 148.0222; and
19 2. Any other authority established in Kentucky Revised Statutes, prior to the
20 effective date of this Act, that oversees lands in two (2) or more contiguous
21 counties, on which there is a system of recreational trails, including streams,
22 rivers, and other waterways, and appurtenant facilities, including trailhead
23 centers, parking areas, camping facilities, picnic areas, recreational areas,
24 historic or cultural interpretive sites, and other facilities in Kentucky and
25 designated by the regional authority.
- 26 (2) (a) The legislative body of a local government that is currently or formerly located
27 within the boundaries of a regional authority, or which currently operates a public

1 OHV trail system, may establish a pilot program, by ordinance, to authorize and
2 regulate the operation of an OHV on any public roadway or any section of city or
3 county roadway for which it bears responsibility.

4 (b) Prior to enacting an OHV ordinance under paragraph (a) of this subsection, the
5 legislative body of a local government shall notify the public of its plans to allow
6 OHV use on roadways under its jurisdiction. Public notice under this paragraph
7 shall:

8 1. Notify the public of the time, subject, and location of the public meeting and
9 shall be posted in both a local newspaper, if any, and a newspaper of general
10 circulation in the county;

11 2. Include a list and map of all roadways and connecting trails that the local
12 government intends to designate for OHV use; and

13 3. Be placed on the Web site of the local government.

14 (c) A local government may petition the Transportation Cabinet to include, in an OHV
15 ordinance adopted under paragraph (a) of this subsection, state-maintained
16 roadways or sections of state-maintained roadways located within the local
17 government's jurisdictional boundaries. The local government shall submit the
18 following to the Transportation Cabinet for approval:

19 1. The minutes from the public meeting or meetings held prior to adoption of an
20 OHV ordinance under this subsection;

21 2. A list and map of all roadways and connecting trails that the local
22 government intends to designate for OHV use;

23 3. An enforcement plan to ensure that all OHVs operating on roadways under
24 this section meet all of the requirements established under this section,
25 including verification of required insurance coverage;

26 4. A plan to notify the public and OHV users of the operation of OHVs on state
27 and local roadways within the boundaries of the local government;

- 1 5. A safety plan for OHV roadway use; and
- 2 6. Any other requirements established by the Transportation Cabinet under
- 3 subsection (16) of this section.
- 4 (d) The Transportation Cabinet shall, within ninety (90) days of receipt of a petition
- 5 and all information required in paragraph (c) of this subsection, respond to the
- 6 local government with approval or denial of the request submitted.
- 7 (e) Any OHV ordinance adopted under this section shall be adopted at a public
- 8 meeting.
- 9 (3) A fully controlled access highway shall not be designated for OHV use under this
- 10 section.
- 11 (4) A local government that has enacted an OHV ordinance under this section shall notify
- 12 the Transportation Cabinet of any collision involving an OHV that occurred on any
- 13 roadway approved for OHV use under this section.
- 14 (5) A person may operate an OHV on a public roadway pursuant to subsection (2) of this
- 15 section if the:
- 16 (a) Operator is eighteen (18) years of age or older;
- 17 (b) Operator has a valid operator's license in his or her possession;
- 18 (c) OHV is insured by the owner or operator, for the payment of tort liabilities in the
- 19 same form and amounts as set forth in KRS 304.39-110 for motorcycles;
- 20 (d) Proof of insurance is inside the OHV at all times of operation on a public roadway;
- 21 and
- 22 (e) OHV is equipped with all safety equipment required under this section.
- 23 (6) Any person operating an OHV on a public roadway under this section shall be subject to
- 24 the same traffic regulations of KRS Chapter 189 as a motor vehicle, including KRS
- 25 189.520 prohibiting the operation of a vehicle that is not a motor vehicle, while under
- 26 the influence of intoxicants or substances which may impair driving.
- 27 (7) A person shall not operate an OHV under this section on any public roadway:

- 1 (a) Between one (1) hour after sunset and one (1) hour before sunrise, unless the
2 person can demonstrate cause for driving, including but not limited to
3 emergencies; or
- 4 (b) While carrying passengers on a trailer or any other towed unit.
- 5 (8) Any passenger of an OHV that is under the age of sixteen (16) shall be required to wear
6 a helmet that meets the national standards prescribed by the United States Department of
7 Transportation.
- 8 (9) An operator and any passengers shall wear eye protection when operating or riding an
9 OHV that is not equipped with a windshield.
- 10 (10) (a) The Transportation Cabinet shall be responsible for the cost, placement, and
11 maintenance of signage denoting state highways that have been authorized for
12 OHV use under this section.
- 13 (b) The local government shall be responsible for the cost, placement, and
14 maintenance of signage denoting local roadways that have been designated for
15 OHV use under this section.
- 16 (c) The local government shall be responsible for monthly inspection of state and local
17 OHV signage.
- 18 (11) An OHV operating on a public roadway designated by a local government under
19 subsection (2) of this section is not considered to be a motor vehicle and shall be exempt
20 from:
- 21 (a) Vehicle registration requirements of KRS 186.050; and
22 (b) Emissions compliance certificates pursuant to KRS 224.20-720.
- 23 (12) A local government may adopt more stringent local ordinances governing OHV safety
24 equipment and operation than specified in this section.
- 25 (13) If deemed in the interest of public safety, the Transportation Cabinet may:
- 26 (a) Prohibit the operation of an OHV on any public roadway designated under
27 subsection (2) of this section that crosses a state-maintained roadway; or

1 (b) Rescind approval given under subsection (2)(d) of this section.

2 (14) This section shall not apply to:

3 (a) An OHV operated on any private or public recreational trail or area;

4 (b) An OHV operating under the exemptions for highway use under Section 7 of this
5 Act; or

6 (c) A publicly owned and operated OHV used for wildlife management, law
7 enforcement, emergency services, or other governmental purposes.

8 (15) Nothing in this section shall be interpreted or construed to require an insurance
9 company to provide OHV insurance coverage.

10 (16) The Transportation Cabinet shall promulgate administrative regulations pursuant to
11 KRS Chapter 13A to implement this section, including but not limited to:

12 (a) Prescribing of any forms or applications needed;

13 (b) Establishing criteria for OHV ordinances;

14 (c) Establishing OHV enforcement requirements;

15 (d) Establishing criteria for rescinding approval pursuant to subsection (13) of this
16 section;

17 (e) Establishing OHV safety requirements;

18 (f) Establishing OHV safety equipment verification protocol; and

19 (g) Establishing OHV safety plan requirements.

20 ➔Section 7. KRS 189.515 is amended to read as follows:

21 (1) As used in this section, "federal all-terrain vehicle standards" means the all-terrain vehicle
22 standards set forth by the American National Standards Institute/Specialty Vehicle Institute
23 of America and incorporated by reference in 16 C.F.R. sec. 1420.3, to the extent those
24 standards are applicable.

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

1 highway or roadway.

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

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

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

11 (a) Farm or agriculture related activities;

12 (b) Mining or mining exploration activities;

13 (c) Logging activities;

14 (d) Any other business, commercial, or industrial activity;

15 (e) Use of that vehicle on private property; or

16 (f) The crossing of a public roadway with a posted speed limit of fifty-five (55) miles per
17 hour or less. The crossing of a public roadway outlined in this paragraph shall be in
18 compliance with subsection (7)(a) of this section.

19 (6) (a) A parent or legal guardian of a minor who is under the age of six (6) shall not
20 knowingly allow that person to operate an all-terrain vehicle.

21 (b) A person under the age of sixteen (16) years shall not operate an all-terrain vehicle
22 except under direct parental supervision.

23 (c) A person under the age of sixteen (16) years, when operating or riding as a passenger
24 on an all-terrain vehicle, shall wear approved protective headgear, in the manner
25 prescribed by the secretary of the Transportation Cabinet, at all times that the vehicle
26 is in motion.

27 (d) A parent or guardian of a minor who is under the age of sixteen (16), or who does not

- 1 possess an instruction permit, an intermediate license, or an operator's license, shall
2 not knowingly allow that person to carry a passenger while operating an all-terrain
3 vehicle.
- 4 (e) A parent or guardian of a minor under the age of sixteen (16) shall not knowingly
5 allow that person to operate an all-terrain vehicle in violation of the age restriction
6 warning label affixed by the manufacturer as required by the federal all-terrain vehicle
7 standards.
- 8 (7) (a) **Except for off-highway vehicles described in Section 6 of this Act,** a person may
9 operate an all-terrain vehicle on any two (2) lane public highway in order to cross the
10 highway. In crossing the highway under this paragraph, the operator shall cross the
11 highway at as close to a ninety (90) degree angle as is practical and safe, and shall not
12 travel on the highway for more than two-tenths (2/10) of a mile.
- 13 (b) A person may operate an all-terrain vehicle on any two (2) lane public highway, if the
14 operator is engaged in farm or agricultural related activities, construction, road
15 maintenance, or snow removal.
- 16 (c) The Transportation Cabinet may designate, and a city or county government may
17 designate, those public highways, segments of public highways, and adjoining rights-
18 of-way of public highways under its jurisdiction where all-terrain vehicles that are
19 prohibited may be operated.
- 20 (d) A person operating an all-terrain vehicle on a public highway under this subsection
21 shall possess a valid operator's license.
- 22 (e) A person operating an all-terrain vehicle on a public highway under this subsection
23 shall comply with all applicable traffic regulations.
- 24 (f) A person shall not operate an all-terrain vehicle under this subsection unless the all-
25 terrain vehicle has at least one (1) headlight and two (2) taillights, which shall be
26 illuminated at all times the vehicle is in operation.
- 27 (g) A person operating an all-terrain vehicle under this subsection shall restrict the

1 operation to daylight hours, except when engaged in snow removal or emergency road
2 maintenance.

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

6 ➔Section 8. KRS 189.990 is amended to read as follows:

7 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsection (1)
8 or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090,
9 KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS
10 189.200, 189.285, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430,
11 KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS
12 189.540, KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580,
13 KRS 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than
14 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense. Any
15 person who violates subsection (1)(a) of KRS 189.580 shall be fined not less than twenty
16 dollars (\$20) nor more than two thousand dollars (\$2,000) or imprisoned in the county jail
17 for not more than one (1) year, or both, unless the accident involved death or serious
18 physical injury and the person knew or should have known of the death or serious physical
19 injury, in which case the person shall be guilty of a Class D felony. Any person who
20 violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined not less than eleven
21 dollars (\$11) nor more than thirty dollars (\$30). Neither court costs nor fees shall be taxed
22 against any person violating paragraph (c) of subsection (5) of KRS 189.390.

23 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221, 189.222,
24 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02) per pound
25 for each pound of excess load when the excess is five thousand (5,000) pounds or
26 less. When the excess exceeds five thousand (5,000) pounds the fine shall be two
27 cents (\$0.02) per pound for each pound of excess load, but the fine levied shall not be

- 1 less than one hundred dollars (\$100) and shall not be more than five hundred dollars
2 (\$500).
- 3 (b) Any person who violates the provisions of KRS 189.271 and is operating on a route
4 designated on the permit shall be fined one hundred dollars (\$100); otherwise, the
5 penalties in paragraph (a) of this subsection shall apply.
- 6 (c) Any person who violates any provision of subsection (2) or (3) of KRS 189.050,
7 subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.2713,
8 189.280, or the dimension provisions of KRS 189.212, for which another penalty is
9 not specifically provided shall be fined not less than ten dollars (\$10) nor more than
10 five hundred dollars (\$500).
- 11 (d) 1. Any person who violates the provisions of KRS 177.985 while operating on a
12 route designated in KRS 177.986 shall be fined one hundred dollars (\$100).
13 2. Any person who operates a vehicle with a permit under KRS 177.985 in excess
14 of eighty thousand (80,000) pounds while operating on a route not designated in
15 KRS 177.986 shall be fined one thousand dollars (\$1,000).
- 16 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
17 prejudice or affect the authority of the Department of Vehicle Regulation to suspend
18 or revoke certificates of common carriers, permits of contract carriers, or drivers' or
19 chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act
20 applicable to motor vehicles, as provided by law.
- 21 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than
22 fifteen dollars (\$15).
- 23 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than
24 thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 25 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than
26 twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 27 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall

- 1 be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars
2 (\$100).
- 3 (c) All fines collected under this subsection, after payment of commissions to officers
4 entitled thereto, shall go to the county road fund if the offense is committed in the
5 county, or to the city street fund if committed in the city.
- 6 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less than one
7 hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned not less
8 than thirty (30) days nor more than sixty (60) days, or both. For each subsequent offense
9 occurring within three (3) years, the person shall be fined not less than three hundred
10 dollars (\$300) nor more than five hundred dollars (\$500) or imprisoned not less than sixty
11 (60) days nor more than six (6) months, or both. The minimum fine for this violation shall
12 not be subject to suspension. A minimum of six (6) points shall be assessed against the
13 driving record of any person convicted.
- 14 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars (\$15) in
15 excess of the cost of the repair of the road.
- 16 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than twenty
17 dollars (\$20) nor more than fifty dollars (\$50).
- 18 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not less than
19 thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 20 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-five
21 dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned not less than
22 thirty (30) days nor more than twelve (12) months, or both.
- 23 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-five
24 dollars (\$35) nor more than one hundred dollars (\$100).
- 25 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a Class B
26 misdemeanor.
- 27 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than thirty

- 1 dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 2 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of this
3 section shall, in the case of a public highway, be paid into the county road fund, and, in the
4 case of a privately owned road or bridge, be paid to the owner. These fines shall not bar an
5 action for damages for breach of contract.
- 6 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than
7 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 8 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than twenty
9 dollars (\$20) nor more than twenty-five dollars (\$25).
- 10 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than twenty
11 dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 12 (16) Any person who violates restrictions or regulations established by the secretary of
13 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense, be fined
14 one hundred dollars (\$100) and, upon subsequent convictions, be fined not less than one
15 hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for thirty
16 (30) days, or both.
- 17 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty of a
18 Class B misdemeanor.
- 19 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of
20 violation by any person in whose name the vehicle used in the transportation of
21 inflammable liquids or explosives is licensed, the person shall be fined not less than
22 one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each violation
23 shall constitute a separate offense.
- 24 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for three (3)
25 consecutive days shall be fined not less than thirty-five dollars (\$35) nor more than one
26 hundred dollars (\$100), or imprisoned for not less than ten (10) days nor more than thirty
27 (30) days.

- 1 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor, unless the
2 offense is being committed by a defendant fleeing the commission of a felony offense
3 which the defendant was also charged with violating and was subsequently convicted of
4 that felony, in which case it is a Class A misdemeanor.
- 5 (20) Any law enforcement agency which fails or refuses to forward the reports required by KRS
6 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 7 (21) A person who operates a bicycle in violation of the administrative regulations promulgated
8 pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10) nor more than one
9 hundred dollars (\$100).
- 10 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred dollars
11 (\$500) or imprisoned for not more than six (6) months, or both.
- 12 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five dollars (\$25)
13 nor more than three hundred dollars (\$300).
- 14 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty dollars
15 (\$50). 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 pursuant to
17 KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or
18 costs.
- 19 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a uniform
20 citation, but shall instead receive a courtesy warning up until July 1, 2009. For a violation
21 on or after July 1, 2009, the person shall be fined thirty dollars (\$30). This fine shall be
22 subject to prepayment. A fine imposed under this subsection shall not be subject to court
23 costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, a fee
24 imposed pursuant to KRS 24A.1765, or any other additional fees or costs. A person who
25 has not been previously charged with a violation of KRS 189.125(3)(b) may elect to
26 acquire a booster seat meeting the requirements of KRS 189.125. Upon presentation of
27 sufficient proof of the acquisition, the charge shall be dismissed and no fees or costs shall

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

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

3 **(31) Any person who violates subsection (5) or (7)(b) of Section 6 of this Act shall be subject**
4 **to a fine of two hundred fifty dollars (\$250). This fine shall be subject to prepayment. A**
5 **fine imposed under this subsection shall not be subject to court costs pursuant to KRS**
6 **24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS**
7 **24A.1765, or any other additional fees or costs.**

8 ➔Section 9. Sections 6 to 8 of this Act are a part of a pilot program and shall sunset on
9 July 1, 2024.

10 ➔Section 10. Notwithstanding any provision of law to the contrary, with respect to any
11 violations on or after March 1, 2021, the Transportation Cabinet shall suspend imposition and
12 collection of fines and penalties on a coal haul truck operator for coal haul truck weight
13 exceedance violations under KRS 189.271(9) on roads not currently listed in the Transportation
14 Cabinet's Certified Transportation Plan if the operator:

15 Meets the requirements of this section, with exception of hauling an oversize load on a road
16 not listed in the Certified Transportation Plan;

17 Meets all other applicable state and federal license and permit requirements to haul coal in
18 Kentucky; and

19 Has given notice to the Transportation Cabinet by applying to bond the road under KRS
20 189.271.

21 The suspension on collection of fines and penalties shall terminate upon a final
22 determination on the bond by the cabinet, and any violations that would be imposed during that
23 period shall not remain enforceable unless the bond is denied. The provisions of this section shall
24 expire thirty (30) days after the effective date of this Act.

25 ➔Section 11. The Transportation Cabinet shall designate the United States Route 27
26 Bypass in Jessamine County as the "Bernard T. Moynahan Memorial Highway," and shall, within
27 30 days of the effective date of this Act, erect the appropriate signage. This designation shall

1 supersede the designation contained in 2020 Ky. Acts ch. 116, sec. 43."; and

2 By amending the title to read: "AN ACT relating to transportation".

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Senate Members

House Members

The above-named members, in separate votes by house, all concur in the provisions of this report.

DATE _____

For Clerk's Use:

Adopted: _____

Repassage Vote: _____