

1 AN ACT relating to off-highway vehicles.

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**, and
22 military surplus vehicles as defined in this section and vehicles operating under
23 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;
- 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) "Alternative technology," as used in KRS 186.400 to 186.640, means methods used
- 26 by the cabinet to facilitate the issuance of operator's licenses and personal
- 27 identification cards outside of the normal in-person application at a cabinet office,

- 1 including but not limited to a cabinet mobile unit or online services; and
- 2 **(26) "Off-highway vehicle" or "OHV" means a motorized vehicle that is designed to**
- 3 **be primarily used for recreational purposes and:**
- 4 **(a) Is equipped with four (4) to six (6) highway or nonhighway tires;**
- 5 **(b) Has a maximum speed that is greater than thirty-five (35) miles per hour;**
- 6 **and**
- 7 **(c) Is equipped with the following operable equipment:**
- 8 **1. A steering wheel;**
- 9 **2. Brakes;**
- 10 **3. Headlights and brake lights; and**
- 11 **4. At each seating position, a seatbelt assembly that conforms to the federal motor**
- 12 **vehicle safety standard provided in 49 C.F.R. 571.209.**

13 ➔Section 2. KRS 186A.070 is amended to read as follows:

- 14 (1) Except as otherwise provided, the state resident owner of a vehicle as defined in
- 15 KRS 186.010(8)(a), manufactured home as defined in KRS 186.650, or trailer
- 16 which will not be operated upon the highways of this state shall within fifteen (15)
- 17 days apply for and obtain a certificate of title in his name. He shall not, however, be
- 18 required to obtain a certificate of registration until the vehicle, manufactured home,
- 19 or trailer is to be operated upon the highways of this state.
- 20 (2) On or after July 1, 2010, any state resident who purchases an all-terrain vehicle as
- 21 defined in KRS 189.010 shall apply for and obtain a certificate of title in the
- 22 purchaser's name within fifteen (15) days of purchase. The owner of an all-terrain
- 23 vehicle shall not be eligible to obtain a certificate of registration pursuant to KRS
- 24 186.020.
- 25 (3) On or after July 1, 2010, any state resident who owns an all-terrain vehicle and
- 26 creates a security interest on that vehicle shall be required to obtain a certificate of
- 27 title within fifteen (15) days of the creation of the security interest. The perfection

1 and discharge of the security interest shall be governed by KRS 186A.190,
 2 186A.193, 186A.195, 186A.200, 186A.205, 186A.210, and 186A.215. The owner
 3 of an all-terrain vehicle shall not be eligible to obtain a certificate of registration
 4 pursuant to KRS 186.020.

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

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

9 (1) As used in this section "OHV" shall have the same meaning as in Section 1 of
 10 this Act.

11 (2) A person may operate an OHV on state-maintained roadways in the
 12 Commonwealth, if the:

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

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

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

16 (d) Operation has not been prohibited under subsection (7) of this Section.

17 (3) An OHV operating on a highway under this section shall:

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

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

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

22 (d) Be insured by the owner or operator for the payment of tort liabilities in the
 23 same form and amounts as set in KRS 304.39-110 for motorcycles; and

24 (e) Have the proof of insurance kept with the vehicle at all times of operation
 25 on a highway.

26 (4) A person operating an OHV under this section shall be required to wear a helmet
 27 if the vehicle is not equipped with a:

1 (a) Roof;

2 (b) Windshield; and

3 (c) Full or half door.

4 (5) A person under the age of sixteen (16) years, while riding as a passenger on an
5 OHV, shall wear approved protective headgear, in the manner prescribed by the
6 secretary of the Transportation Cabinet, at all times that the vehicle is in motion.

7 (6) A person shall not operate an OHV under this section on private property without
8 the consent of the landowner, tenant, or individual responsible for the property.

9 (7) The Transportation Cabinet or a local government may prohibit the use of an
10 OHV on roadways under its jurisdiction, if the cabinet or local government
11 deems it to be unsafe.

12 (8) It shall be unlawful for a person to remove from an OHV the manufacturer age
13 restriction warning label required by federal OHV standards as defined in
14 Section 4 of this Act.

15 (9) The Transportation Cabinet shall promulgate administrative regulations
16 pursuant to KRS Chapter 13A to implement this section.

17 ➔Section 4. KRS 189.515 is amended to read as follows:

18 (1) This Section applies to all-terrain vehicles that are not registered for highway use
19 under Section 3 of this Act.

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

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

- 1 (3) A person shall not operate an all-terrain vehicle on private property without the
2 consent of the landowner, tenant, or individual responsible for the property.
- 3 (4) A person shall not operate an all-terrain vehicle on public property unless the
4 governmental agency responsible for the property has approved the use of all-terrain
5 vehicles.
- 6 (5) Except for vehicles authorized to operate on a public highway, a person sixteen (16)
7 years of age or older operating an all-terrain vehicle on public property shall wear
8 approved protective headgear, in the manner prescribed by the secretary of the
9 Transportation Cabinet, at all times that the vehicle is in motion. The approved
10 headgear requirement shall not apply when the operator of any all-terrain vehicle is
11 engaged in:
- 12 (a) Farm or agriculture related activities;
- 13 (b) Mining or mining exploration activities;
- 14 (c) Logging activities;
- 15 (d) Any other business, commercial, or industrial activity;
- 16 (e) Use of that vehicle on private property; or
- 17 (f) The crossing of a public roadway with a posted speed limit of fifty-five (55)
18 miles per hour or less. The crossing of a public roadway outlined in this
19 paragraph shall be in compliance with subsection (7)(a) of this section.
- 20 (6) (a) A parent or legal guardian of a minor who is under the age of six (6) shall not
21 knowingly allow that person to operate an all-terrain vehicle.
- 22 (b) A person under the age of sixteen (16) years shall not operate an all-terrain
23 vehicle except under direct parental supervision.
- 24 (c) A person under the age of sixteen (16) years, when operating or riding as a
25 passenger on an all-terrain vehicle, shall wear approved protective headgear,
26 in the manner prescribed by the secretary of the Transportation Cabinet, at all
27 times that the vehicle is in motion.

- 1 (d) A parent or guardian of a minor who is under the age of sixteen (16), or who
2 does not possess an instruction permit, an intermediate license, or an
3 operator's license, shall not knowingly allow that person to carry a passenger
4 while operating an all-terrain vehicle.
- 5 (e) A parent or guardian of a minor under the age of sixteen (16) shall not
6 knowingly allow that person to operate an all-terrain vehicle in violation of
7 the age restriction warning label affixed by the manufacturer as required by
8 the federal all-terrain vehicle standards.
- 9 (7) (a) Except for off-highway vehicles described in Section 3 of this Act ~~KRS~~
10 ~~189.281~~, a person may operate an all-terrain vehicle on any two (2) lane
11 public highway in order to cross the highway. In crossing the highway under
12 this paragraph, the operator shall cross the highway at as close to a ninety (90)
13 degree angle as is practical and safe, and shall not travel on the highway for
14 more than two-tenths (2/10) of a mile.
- 15 (b) A person may operate an all-terrain vehicle on any two (2) lane public
16 highway, if the operator is engaged in farm or agricultural related activities,
17 construction, road maintenance, or snow removal.
- 18 (c) The Transportation Cabinet may designate, and a city or county government
19 may designate, those public highways, segments of public highways, and
20 adjoining rights-of-way of public highways under its jurisdiction where all-
21 terrain vehicles that are prohibited may be operated.
- 22 (d) A person operating an all-terrain vehicle on a public highway under this
23 subsection shall possess a valid operator's license.
- 24 (e) A person operating an all-terrain vehicle on a public highway under this
25 subsection shall comply with all applicable traffic regulations.
- 26 (f) A person shall not operate an all-terrain vehicle under this subsection unless
27 the all-terrain vehicle has at least one (1) headlight and two (2) taillights,

1 which shall be illuminated at all times the vehicle is in operation.

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

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

8 ➔Section 5. KRS 189.990 is amended to read as follows:

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

27 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,

- 1 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents
2 (\$0.02) per pound for each pound of excess load when the excess is five
3 thousand (5,000) pounds or less. When the excess exceeds five thousand
4 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of
5 excess load, but the fine levied shall not be less than one hundred dollars
6 (\$100) and shall not be more than five hundred dollars (\$500).
- 7 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
8 route designated on the permit shall be fined one hundred dollars (\$100);
9 otherwise, the penalties in paragraph (a) of this subsection shall apply.
- 10 (c) Any person who violates any provision of subsection (2) or (3) of KRS
11 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
12 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
13 another penalty is not specifically provided shall be fined not less than ten
14 dollars (\$10) nor more than five hundred dollars (\$500).
- 15 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
16 on a route designated in KRS 177.986 shall be fined one hundred dollars
17 (\$100).
- 18 2. Any person who operates a vehicle with a permit under KRS 177.985 in
19 excess of eighty thousand (80,000) pounds while operating on a route
20 not designated in KRS 177.986 shall be fined one thousand dollars
21 (\$1,000).
- 22 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
23 prejudice or affect the authority of the Department of Vehicle Regulation to
24 suspend or revoke certificates of common carriers, permits of contract
25 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
26 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 27 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not

- 1 more than fifteen dollars (\$15).
- 2 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
3 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 4 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
5 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 6 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210
7 shall be fined not less than twenty-five dollars (\$25) nor more than one
8 hundred dollars (\$100).
- 9 (c) All fines collected under this subsection, after payment of commissions to
10 officers entitled thereto, shall go to the county road fund if the offense is
11 committed in the county, or to the city street fund if committed in the city.
- 12 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
13 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
14 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
15 each subsequent offense occurring within three (3) years, the person shall be fined
16 not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500)
17 or imprisoned not less than sixty (60) days nor more than six (6) months, or both.
18 The minimum fine for this violation shall not be subject to suspension. A minimum
19 of six (6) points shall be assessed against the driving record of any person
20 convicted.
- 21 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
22 (\$15) in excess of the cost of the repair of the road.
- 23 (7) Any person who violates KRS 189.510, ~~or~~ KRS 189.515, or Section 3 of this Act
24 shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50).
- 25 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
26 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 27 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-

1 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
2 not less than thirty (30) days nor more than twelve (12) months, or both.

3 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
4 five dollars (\$35) nor more than one hundred dollars (\$100).

5 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
6 Class B misdemeanor.

7 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
8 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.

9 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
10 this section shall, in the case of a public highway, be paid into the county road fund,
11 and, in the case of a privately owned road or bridge, be paid to the owner. These
12 fines shall not bar an action for damages for breach of contract.

13 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
14 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
15 offense.

16 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
17 twenty dollars (\$20) nor more than twenty-five dollars (\$25).

18 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
19 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.

20 (16) Any person who violates restrictions or regulations established by the secretary of
21 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
22 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
23 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
24 imprisoned for thirty (30) days, or both.

25 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
26 of a Class B misdemeanor.

27 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in

1 case of violation by any person in whose name the vehicle used in the
2 transportation of inflammable liquids or explosives is licensed, the person
3 shall be fined not less than one hundred dollars (\$100) nor more than five
4 hundred dollars (\$500). Each violation shall constitute a separate offense.

5 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
6 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
7 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
8 nor more than thirty (30) days.

9 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
10 unless the offense is being committed by a defendant fleeing the commission of a
11 felony offense which the defendant was also charged with violating and was
12 subsequently convicted of that felony, in which case it is a Class A misdemeanor.

13 (20) Any law enforcement agency which fails or refuses to forward the reports required
14 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.

15 (21) A person who operates a bicycle in violation of the administrative regulations
16 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
17 nor more than one hundred dollars (\$100).

18 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
19 dollars (\$500) or imprisoned for not more than six (6) months, or both.

20 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
21 dollars (\$25) nor more than three hundred dollars (\$300).

22 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
23 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
24 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
25 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
26 or any other additional fees or costs.

27 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a

1 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
2 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).
3 This fine shall be subject to prepayment. A fine imposed under this subsection shall
4 not be subject to court costs pursuant to KRS 24A.175, additional court costs
5 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other
6 additional fees or costs. A person who has not been previously charged with a
7 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the
8 requirements of KRS 189.125. Upon presentation of sufficient proof of the
9 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

10 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
11 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
12 prepayment. A fine imposed under this subsection shall not be subject to court costs
13 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
14 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

15 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
16 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
17 be governed by KRS 534.020 and 534.060.

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

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

25 (b) Attendance at a driver improvement clinic established pursuant to KRS
26 186.574. If the person completes the terms of this diversionary program
27 satisfactorily the violation shall be dismissed.

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

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

12 ~~[(31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two~~
13 ~~hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine~~
14 ~~imposed under this subsection shall not be subject to court costs pursuant to KRS~~
15 ~~24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to~~
16 ~~KRS 24A.1765, or any other additional fees or costs.]~~

17 ➔Section 6. The following KRS section is repealed:

18 189.281 Local government pilot program for off-highway vehicles.

19 ➔Section 7. This Act takes effect January 1, 2023.