

1 AN ACT relating to the operation of a vehicle.

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

3 ➔Section 1. KRS 189.340 is amended to read as follows:

- 4 (1) Vehicles overtaking other vehicles proceeding in the same direction shall pass to
5 the left of them and shall not again drive to the right until reasonably clear of those
6 vehicles. Vehicles overtaking streetcars may pass either to the right or left when so
7 directed by a police officer, when on a one (1) way street or where the location of
8 the tracks prevents compliance with this section, with regard for other traffic.
- 9 (2) (a) Vehicles overtaking a bicycle or electric low-speed scooter proceeding in the
10 same direction shall:
- 11 1. If there is more than one (1) lane for traffic proceeding in the same
12 direction, move the vehicle to the immediate left, if the lane is available
13 and moving in the lane is reasonably safe; or
 - 14 2. If there is only one (1) lane for traffic proceeding in the same direction,
15 pass to the left of the bicycle or electric low-speed scooter at a distance
16 of not less than three (3) feet between any portion of the vehicle and the
17 bicycle or electric low-speed scooter and maintain that distance until
18 safely past the overtaken bicycle or electric low-speed scooter. If space
19 on the roadway is not available to have a minimum distance of three (3)
20 feet between the vehicle and the bicycle or electric low-speed scooter,
21 then the driver of the passing vehicle shall use reasonable caution in
22 passing the bicyclist or electric low-speed scooter operator.
- 23 (b) The driver of a motor vehicle may drive to the left of the center of a roadway,
24 including when a no-passing zone is marked in accordance with subsection
25 (6) of this section, to pass a person operating a bicycle or electric low-speed
26 scooter only if the roadway to the left of the center is unobstructed for a
27 sufficient distance to permit the driver to pass the person operating the bicycle

1 or electric low-speed scooter safely and avoid interference with oncoming
2 traffic. This paragraph does not authorize driving on the left side of the center
3 of the roadway when otherwise prohibited under state law.

4 (c) The operator of a bicycle or electric low-speed scooter shall not ride more
5 than two (2) abreast on a single highway lane unless operating on any part of
6 the roadway marked exclusively for bicycle use. Persons riding two (2)
7 abreast shall not impede the normal and reasonable movement of traffic.

8 (3) The operator of a vehicle may overtake and pass upon the right of another vehicle
9 only under the following conditions:

10 (a) When the vehicle overtaken is making or about to make a left turn; or

11 (b) Upon a roadway with unobstructed pavement of sufficient width for two (2)
12 or more lines of vehicles moving lawfully in the direction being traveled by
13 the overtaking vehicle.

14 (4) The operator of a vehicle may overtake and pass another vehicle upon the right only
15 under conditions permitting the passing~~[such movements]~~ in safety, and~~[. Such~~
16 ~~movement]~~ shall not be made by driving off the roadway, unless the vehicle being
17 passed is at~~[passing vehicle comes to]~~ a complete stop and the passing~~[such~~
18 ~~movement]~~ may be made safely.

19 (5) No vehicle shall be driven to the left side of the center of the roadway in overtaking
20 and passing another vehicle proceeding in the same direction unless the left side is
21 clearly visible and free of oncoming traffic for a sufficient distance ahead to permit
22 overtaking and passing to be completely made without interfering with the safe
23 operation of any vehicle approaching from the opposite direction or any vehicle
24 overtaken. In every event, the overtaking vehicle must return to the right-hand side
25 of the roadway before coming within two hundred (200) feet of any vehicle
26 approaching from the opposite direction.

27 (6) The commissioner of highways is hereby authorized to determine those portions of

1 any highway where overtaking and passing or driving to the left of the roadway
 2 would be especially hazardous and may by appropriate signs or markings on the
 3 roadway indicate the beginning and end of ~~the~~^[such] zones, and when ~~such~~^[such] signs
 4 or markings are in place and clearly visible to an ordinarily observant person, every
 5 driver of a vehicle shall obey the directions thereof, except as provided for in
 6 subsection (2)(b) of this section.

7 (7) Whenever any roadway has been divided into three (3) clearly marked lanes for
 8 travel, the following additional rules shall apply:

9 (a) A vehicle shall be driven as nearly as may be practical entirely within a single
 10 lane and shall not be moved from that lane until the driver has first ascertained
 11 that the movement can be made with safety;

12 (b) A vehicle shall not be driven in the center lane except when overtaking and
 13 passing another vehicle where the roadway is clearly visible and the center
 14 lane is clear of traffic within a safe distance, or in preparation for a left turn or
 15 where a center lane is at the time allocated exclusively to traffic moving in the
 16 direction in which the vehicle is proceeding and is signposted to give notice of
 17 the allocation; and

18 (c) Official signs may be erected directing slow-moving traffic to use a
 19 designated lane or allocating specified lanes to traffic moving in the same
 20 direction and operators of vehicles shall obey the directions of ~~these~~^[such]
 21 signs.

22 (8) ~~On~~^[A vehicle shall not be driven in the left lane of] any limited access highway of
 23 four (4) lanes or more with a posted speed limit of at least sixty-five (65) miles per
 24 hour, **a person shall not operate a vehicle:**

25 **(a) In the left-most lane,** except in overtaking a slower vehicle, yielding to traffic
 26 coming onto ~~the~~^[such a] highway, or when traffic conditions exist which
 27 would prohibit safe use of the right or center lanes; **or**

1 (b) 1. Except as provided in subparagraph 2. of this paragraph, in the left-
 2 most lane at a speed lower than the posted maximum speed limit, if
 3 another vehicle is overtaking the operator's vehicle from the rear.

4 2. Subparagraph 1. of this paragraph shall not apply when:

5 a. Traffic conditions or congestion make it necessary to operate a
 6 vehicle in the left-most lane;

7 b. Inclement weather, obstructions, or hazards make it necessary to
 8 operate a vehicle in the left-most lane;

9 c. Compliance with a law, a regulation, an ordinance, or a traffic
 10 control device makes it necessary to operate a vehicle in the left-
 11 most lane;

12 d. Exiting a roadway or turning to the left;

13 e. Paying tolls or user fees at a toll collection facility; or

14 f. An emergency vehicle or public safety vehicle, as defined by KRS
 15 189.910, is being operated in the course of its duty.

16 (9) (a) Except as provided in paragraph (c) of this subsection, the operator of a motor
 17 vehicle shall not follow another vehicle more closely than is reasonable and
 18 prudent, having regard for the speed of the vehicle and the traffic upon and
 19 condition of the highway.

20 (b) Except as provided in paragraph (c) of this subsection, the operator of any
 21 motor truck, semitrailer truck, bus, or heavy construction equipment unit,
 22 when traveling upon a highway outside of a business or residential district,
 23 shall not follow within two hundred fifty (250) feet of another[~~such~~] vehicle
 24 or equipment unit. This subsection shall not prevent overtaking and passing,
 25 nor shall it apply to any lane specially designated for use of motor trucks or
 26 semitrailer trucks, buses or heavy construction equipment units.

27 (c) Paragraphs (a) and (b) of this subsection shall not apply to a trailing

1 commercial motor vehicle involved in a platoon as defined in KRS 281.010,
2 but shall apply to the commercial motor vehicle leading a platoon.

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

4 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
5 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
6 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
7 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to **189.338,**
8 **subsections (1) to (7) and (9) of Section 1 of this Act, KRS 189.345 to** 189.360,
9 KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595
10 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to
11 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345,
12 subsection (6) of KRS 189.456, and 189.960 shall be fined not less than twenty
13 dollars (\$20) nor more than one hundred dollars (\$100) for each offense. Any
14 person who violates subsection (1)(a) of KRS 189.580 shall be fined not less than
15 twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or imprisoned in
16 the county jail for not more than one (1) year, or both, unless the accident involved
17 death or serious physical injury and the person knew or should have known of the
18 death or serious physical injury, in which case the person shall be guilty of a Class
19 D felony. Any person who violates paragraph (c) of subsection (5) of KRS 189.390
20 shall be fined not less than eleven dollars (\$11) nor more than thirty dollars (\$30).
21 Neither court costs nor fees shall be taxed against any person violating paragraph
22 (c) of subsection (5) of KRS 189.390.

23 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,
24 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents
25 (\$0.02) per pound for each pound of excess load when the excess is five
26 thousand (5,000) pounds or less. When the excess exceeds five thousand
27 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound

1 of excess load, but the fine levied shall not be less than one hundred dollars
2 (\$100) and shall not be more than five hundred dollars (\$500).

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

6 (c) Any person who violates any provision of subsection (2) or (3) of KRS
7 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
8 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
9 another penalty is not specifically provided shall be fined not less than ten
10 dollars (\$10) nor more than five hundred dollars (\$500).

11 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
12 on a route designated in KRS 177.986 shall be fined one hundred dollars
13 (\$100).

14 2. Any person who operates a vehicle with a permit under KRS 177.985 in
15 excess of eighty thousand (80,000) pounds while operating on a route
16 not designated in KRS 177.986 shall be fined one thousand dollars
17 (\$1,000).

18 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
19 prejudice or affect the authority of the Department of Vehicle Regulation to
20 suspend or revoke certificates of common carriers, permits of contract
21 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
22 to 189.228 or any other act applicable to motor vehicles, as provided by law.

23 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
24 more than fifteen dollars (\$15).

25 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
26 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).

27 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not

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

- 1 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
2 Class B misdemeanor.
- 3 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
4 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 5 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
6 this section shall, in the case of a public highway, be paid into the county road fund,
7 and, in the case of a privately owned road or bridge, be paid to the owner. These
8 fines shall not bar an action for damages for breach of contract.
- 9 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
10 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
11 offense.
- 12 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
13 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 14 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
15 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 16 (16) Any person who violates restrictions or regulations established by the secretary of
17 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
18 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
19 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
20 imprisoned for thirty (30) days, or both.
- 21 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
22 of a Class B misdemeanor.
- 23 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
24 case of violation by any person in whose name the vehicle used in the
25 transportation of inflammable liquids or explosives is licensed, the person
26 shall be fined not less than one hundred dollars (\$100) nor more than five
27 hundred dollars (\$500). Each violation shall constitute a separate offense.

- 1 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
2 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
3 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
4 nor more than thirty (30) days.
- 5 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
6 unless the offense is being committed by a defendant fleeing the commission of a
7 felony offense which the defendant was also charged with violating and was
8 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 9 (20) Any law enforcement agency which fails or refuses to forward the reports required
10 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 11 (21) A person who operates a bicycle in violation of the administrative regulations
12 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
13 nor more than one hundred dollars (\$100).
- 14 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
15 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 16 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
17 dollars (\$25) nor more than three hundred dollars (\$300).
- 18 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
19 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
20 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
21 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
22 or any other additional fees or costs.
- 23 (25) Any person who violates the provisions of KRS 189.125(3)(b) ~~shall not be issued a~~
24 ~~uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.~~
25 ~~For a violation on or after July 1, 2009, the person~~ shall be fined thirty dollars
26 (\$30). This fine shall be subject to prepayment. A fine imposed under this
27 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional

1 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
2 any other additional fees or costs. A person who has not been previously charged
3 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
4 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
5 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

6 (26) Any person who violates the provisions of KRS 189.125(6) or subsection (8) of
7 Section 1 of this Act shall be fined an amount not to exceed twenty-five dollars
8 (\$25). This fine shall be subject to prepayment. A fine imposed under this
9 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
10 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
11 or any other additional fees or costs.

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

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

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

22 (b) Attendance at a driver improvement clinic established pursuant to KRS
23 186.574. If the person completes the terms of this diversionary program
24 satisfactorily the violation shall be dismissed.

25 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall
26 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
27 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in

1 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
2 percent (90%) of the fine collected under this subsection shall immediately be
3 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
4 Ten percent (10%) of the fine collected under this subsection shall annually be
5 returned to the county where the violation occurred and distributed equally to all
6 law enforcement agencies within the county.

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

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