

1 AN ACT relating to fines for overweight trucks.

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

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

22 (2) (a) **1. Except as provided in subparagraph 2. of this paragraph,** any person  
23 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)  
25 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

1 pound of excess load, but the fine levied shall not be less than one  
2 hundred dollars (\$100) and shall not be more than five hundred dollars  
3 (\$500).

4 2. Any person who violates a posted bridge weight limit on a state-  
5 maintained bridge that is more than seventy-five (75) years old shall  
6 be fined:

7 a. Five hundred dollars (\$500) for the first offense;

8 b. One thousand dollars (\$1,000) for the second offense within a  
9 one (1) year period;

10 c. Two thousand dollars (\$2,000) for any subsequent offense within  
11 a one (1) year period.

12 The Transportation Cabinet shall erect signs warning drivers of the  
13 increased fines in this subparagraph. Signs erected under this  
14 subparagraph shall be placed in such a manner that drivers are given  
15 adequate warning in order to exit the road prior to crossing the bridge. If  
16 warning signs are not erected in accordance with this subparagraph, the  
17 fines in this subparagraph shall not apply and violators shall be fined under  
18 subparagraph 1. of this paragraph.

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

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

27 (d) 1. Any person who violates the provisions of KRS 177.985 while operating

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

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

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

8 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than  
9 twenty dollars (\$20) nor more than fifty dollars (\$50).

10 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not  
11 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).

12 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-  
13 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned  
14 not less than thirty (30) days nor more than twelve (12) months, or both.

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

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

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

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

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

- 1 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than  
2 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 3 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than  
4 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 5 (16) Any person who violates restrictions or regulations established by the secretary of  
6 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,  
7 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not  
8 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
9 imprisoned for thirty (30) days, or both.
- 10 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty  
11 of a Class B misdemeanor.
- 12 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in  
13 case of violation by any person in whose name the vehicle used in the  
14 transportation of inflammable liquids or explosives is licensed, the person  
15 shall be fined not less than one hundred dollars (\$100) nor more than five  
16 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 17 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for  
18 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor  
19 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days  
20 nor more than thirty (30) days.
- 21 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,  
22 unless the offense is being committed by a defendant fleeing the commission of a  
23 felony offense which the defendant was also charged with violating and was  
24 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 25 (20) Any law enforcement agency which fails or refuses to forward the reports required  
26 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 27 (21) A person who operates a bicycle in violation of the administrative regulations

- 1 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)  
2 nor more than one hundred dollars (\$100).
- 3 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred  
4 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 5 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five  
6 dollars (\$25) nor more than three hundred dollars (\$300).
- 7 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty  
8 dollars (\$50). 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 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a  
13 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.  
14 For a violation on or after July 1, 2009, the person shall be fined thirty dollars  
15 (\$30). This fine shall be subject to prepayment. A fine imposed under this  
16 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
17 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or  
18 any other additional fees or costs. A person who has not been previously charged  
19 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting  
20 the requirements of KRS 189.125. Upon presentation of sufficient proof of the  
21 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 22 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an  
23 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to  
24 prepayment. A fine imposed under this subsection shall not be subject to court costs  
25 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee  
26 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 27 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by

1 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall  
2 be governed by KRS 534.020 and 534.060.

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

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

10 (b) Attendance at a driver improvement clinic established pursuant to KRS  
11 186.574. If the person completes the terms of this diversionary program  
12 satisfactorily the violation shall be dismissed.

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

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

24 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two  
25 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine  
26 imposed under this subsection shall not be subject to court costs pursuant to KRS  
27 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to

1           KRS 24A.1765, or any other additional fees or costs.