

1 AN ACT relating to motor vehicles.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO
4 READ AS FOLLOWS:

5 ***At the time a peace officer conducts a stop of a vehicle, the operator shall present proof***
6 ***of a valid registration receipt in compliance with Section 4 of this Act, proof of an***
7 ***operator's license in compliance with Section 5 of this Act, and, if required, proof of***
8 ***motor vehicle insurance in compliance with KRS 304.39-117.***

9 ➔Section 2. KRS 186.400 is amended to read as follows:

10 (1) The administration of the provisions of KRS 186.400 to 186.640 shall be vested in
11 the Transportation Cabinet. The Transportation Cabinet may ***promulgate***
12 ***administrative***~~prescribe~~ regulations ***in accordance with KRS Chapter 13A*** for the
13 enforcement of KRS 186.400 to 186.640. The Transportation Cabinet also shall
14 enforce regulations governing the acts of motor vehicle operators under KRS
15 186.400 to 186.640 and require reports which it deems necessary.

16 (2) ***The cabinet shall require a notation in the operator's license database when an***
17 ***operator's license is issued, renewed, suspended, or revoked.***

18 **(3)** The cabinet shall provide or cause to be provided to appropriate persons or officials
19 an adequate supply of forms for the administration of KRS 186.400 to 186.640. The
20 style of those forms and the method of their use shall be prescribed by the cabinet
21 and shall be adequate to protect the safety interests of the state. The Transportation
22 Cabinet shall prescribe the method of financial control.

23 ~~**(4)**~~~~**(3)**~~ (a) The Transportation Cabinet shall collect all moneys due the state under
24 KRS 186.531 for operators' licenses and personal identification cards issued,
25 and shall deposit those moneys with the state treasurer.

26 (b) At least once each year the secretary of the Transportation Cabinet shall cause
27 a reconciliation to be made between the record of receipts by the

1 Transportation Cabinet and the receipt of applications by the Transportation
2 Cabinet.

3 ➔Section 3. KRS 186A.010 is amended to read as follows:

- 4 (1) An automated motor vehicle and trailer registration and titling system shall be
5 developed and implemented as expeditiously as practicable in all counties of the
6 Commonwealth. The automated motor vehicle and trailer registration system shall
7 be designed to enable Kentucky's county clerks to produce motor vehicle and trailer
8 certificates of registration in their offices, and certificates of title in Frankfort, by
9 automated means utilizing telecommunication terminals and associated devices
10 supplied by the Commonwealth, to inhibit registration and transfer of stolen motor
11 vehicles or trailers, to improve the capability of detecting and recovering such
12 vehicles, to ensure development of a common vehicle information database to
13 improve efficiency in auditing motor vehicle usage tax, license fee collections, and
14 in collecting personal property tax to provide information to the traffic record
15 system, and to provide improved security interest protection to potential creditors
16 throughout Kentucky while simultaneously reducing the number of forms that must
17 be processed and stored each year in Kentucky.
- 18 (2) The Transportation Cabinet is hereby directed to, as expeditiously as practicable,
19 develop an automated motor vehicle and trailer registration and titling system,
20 having, as a minimum, the capabilities or functions described in this chapter, and to
21 acquire and assure the installation of such equipment or services as are necessary to
22 enable the system as described in this chapter to be operated in all counties of the
23 Commonwealth.
- 24 (3) **The Transportation Cabinet shall require a notation in AVIS when a motor**
25 **vehicle's registration is issued, renewed, or revoked.**
- 26 (4) All departments of state government affected by the system are hereby directed to
27 cooperate with the Transportation Cabinet for purposes of assuring orderly

1 implementation of this chapter.

2 ➔Section 4. KRS 186.170 (Effective January 1, 2024) is amended to read as
3 follows:

4 (1) Except as provided in this subsection and KRS 186A.127 and 186.045, the owner
5 shall have the receipt issued by the cabinet through the county clerk constantly in
6 his or her possession, and shall display the registration plate conspicuously upon
7 the rear of the motor vehicle, except that the registration plate upon a semitrailer-
8 tractor shall be displayed upon the front of the tractor. The owner's copy, or a
9 reproduced copy~~[thereof]~~, of the registration receipt, or proof of a valid
10 registration receipt in an electronic format, of every motor vehicle, except
11 motorcycles, licensed under KRS 186.050 shall be kept in the vehicle at all times
12 and shall be available for inspection. Plates shall be kept legible at all times and the
13 rear plate shall be illuminated when being operated during the hours designated in
14 KRS 189.030. No rim, frame, or other covering around the plate shall in any way
15 obscure or cover any lettering or decal on the plate; except that, any owner who
16 objects to the display of a trademark of a private corporation which appears on the
17 registration plate shall be entitled to receive a set of decals from the county clerk in
18 his or her county of residence to cover the trademark of the private corporation. The
19 owner may apply for the decal by presenting his or her certificate of registration
20 either at the time of registration renewal or later. The county clerk shall charge a
21 three dollar (\$3) clerk's fee for issuing the decal set if it is applied for a time other
22 than at registration renewal. If the cabinet has prescribed that plates shall continue
23 in use, it shall each year, in addition to the registration receipt, select and give to the
24 owner as further evidence of registration some insignia which may conveniently be
25 attached permanently and conspicuously to the motor vehicle during each
26 registration year. It shall be the duty of the owner to attach the insignia in the
27 prescribed manner and no person may operate a motor vehicle unless the insignia is

1 affixed upon it. The cabinet shall have placed on the insignia either figures, letters,
2 writing, marks, or a combination thereof, which indicate that the motor vehicle has
3 been registered and which in conjunction with the records of the cabinet make
4 identity of the registrant readily ascertainable.

5 (2) The registration year for commercial vehicles, trailers, semitrailers, mobile homes,
6 and recreational vehicles shall be from April 1 to March 31.

7 (3) At the discretion of the vehicle owner, the title to a motor vehicle may be held in
8 the system and subsequently printed and mailed to the owner at the owner's request.

9 **(4) A peace officer who has access to AVIS shall, at the time he or she conducts a**
10 **stop of a vehicle, check the AVIS database for proof of a valid registration**
11 **receipt.**

12 **(5) For purposes of this section, "proof of a valid registration receipt in an electronic**
13 **format" means the display of an image on any electronic device, including a**
14 **cellular phone or any other type of portable electronic device, depicting a current**
15 **valid representation of the registration receipt.**

16 ➔Section 5. KRS 186.510 is amended to read as follows:

17 **(1)** The licensee shall have his or her license in his or her immediate possession at all
18 times when driving a motor vehicle and shall display it, **or proof of an operator's**
19 **license in an electronic format,** upon demand to a peace officer, a member of the
20 Department of Kentucky State Police, or a field deputy or inspector of the
21 Department of Vehicle Regulation or Transportation Cabinet or, pursuant to KRS
22 67A.075 or 83A.088, a safety officer who is in the process of securing information
23 to complete an accident report. It shall be a defense to any charge under this section
24 if the person so charged produces in court an operator's license, issued to him or her
25 before his or her arrest and valid at the time of his or her arrest.

26 **(2) A peace officer who has access to the operator's license database shall, when**
27 **presented with an operator's license by an individual, check that database for the**

1 validity of the operator's license, and, if valid, shall return the operator's license
2 to the individual.

3 (3) If a person receives a uniform citation under this section, he or she may submit
4 proof that at the time the citation was issued he or she had a valid operator's
5 license. If proof of the operator's license is provided to the circuit clerk prior to
6 the assigned court date, the charge shall be dismissed and no fees or costs shall
7 be imposed.

8 (4) For purposes of this section, "proof of an operator's license in an electronic
9 format" means the display of an image on any electronic device, including a
10 cellular phone or any other type of portable electronic device, depicting a current
11 valid representation of the operator's license.

12 ➔Section 6. KRS 186.990 is amended to read as follows:

13 (1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040,
14 186.045(4), 186.050, 186.056, 186.060, 186.073, 186.110, 186.130, 186.140,
15 186.160,~~186.170,~~ 186.180(1) to (4)(a), 186.210(1), 186.230, or KRS 186.655 to
16 186.680 shall be guilty of a violation.

17 (2) Any person who violates any of the provisions of Section 4 of this Act shall be
18 guilty of a violation, except that:

19 (a) If a person receives a uniform citation for failure to have a motor vehicle
20 registration receipt, he or she may submit proof that at the time the citation
21 was issued the vehicle was properly registered. If proof of registration is
22 provided to the circuit clerk prior to the assigned court date, the charge
23 shall be dismissed and no fees or costs shall be imposed; or

24 (b) If a person violates the provision requiring that the rear plate is illuminated,
25 he or she may be issued a uniform citation or may receive a courtesy
26 warning in lieu of a uniform citation. A person issued a uniform citation
27 under this paragraph shall be fined twenty-five dollars (\$25), and the fine

1 shall be subject to prepayment. A fine imposed under this section shall not
2 be subject to court costs pursuant to KRS 24A.175, additional court costs
3 pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or
4 any other additional fees or costs. If the person submits proof of repair
5 related to the relevant charge prior to the assigned court date, the charge
6 shall be dismissed and no fees or costs shall be imposed.

7 (3) Any person who violates any of the provisions of KRS 138.465, 186.072, 186.190,
8 186.200, or 186.210(2) shall be guilty of a Class A misdemeanor.

9 (4)~~(3)~~ A person who violates the provisions of KRS 186.450(4), (5), or (6) or
10 186.452(3), (4), or (5) shall be guilty of a violation. A person who violates any of
11 the other provisions of KRS 186.400 to 186.640 shall be guilty of a Class B
12 misdemeanor.

13 (5)~~(4)~~ Any clerk or judge failing to comply with KRS 186.550(1) shall be guilty of a
14 violation.

15 (6)~~(5)~~ If it appears to the satisfaction of the trial court that any offender under KRS
16 186.400 to 186.640 has a driver's license but in good faith failed to have it on his or
17 her person or misplaced or lost it, the court may, in its discretion, dismiss the
18 charges against the defendant without fine, imprisonment, or cost.

19 (7)~~(6)~~ Any person who steals a motor vehicle registration plate or renewal decal
20 shall be guilty of a Class D felony. Displaying a canceled registration plate on a
21 motor vehicle shall be prima facie evidence of guilt under this section.

22 (8)~~(7)~~ Any person who violates the provisions of KRS 186.1911 shall be guilty of a
23 Class A misdemeanor.

24 (9)~~(8)~~ Any person who makes a false affidavit to secure a license plate under KRS
25 186.172 shall be guilty of a Class A misdemeanor.

26 (10)~~(9)~~ Any person who violates any provision of KRS 186.070 or 186.150 shall be
27 guilty of a Class A misdemeanor.

1 ~~(11)~~~~(10)~~ Any person who operates a vehicle bearing a dealer's plate upon the highways
 2 of this Commonwealth with intent to evade the motor vehicle usage tax or
 3 registration fee shall be guilty of a Class A misdemeanor for the first offense and a
 4 Class D felony for each subsequent offense.

5 ~~(12)~~~~(11)~~ Any person, other than a licensed dealer or manufacturer, who procures a
 6 dealer's plate with intent to evade the motor vehicle usage tax or registration fee
 7 shall be guilty of a Class D felony.

8 ~~(13)~~~~(12)~~ Any resident who unlawfully registers, titles, or licenses a motor vehicle in
 9 any state other than Kentucky with intent to evade the motor vehicle usage tax or
 10 the registration fee shall be guilty of a Class A misdemeanor if the amount of tax
 11 due is less than one hundred dollars (\$100), or of a Class D felony if the amount of
 12 tax due is more than one hundred dollars (\$100), and in addition shall be liable for
 13 all taxes so evaded with applicable interest and penalties.

14 ➔Section 7. KRS 189.990 is amended to read as follows:

15 (1) Any person who violates any of the provisions of KRS 189.020, 189.030,~~(10)~~
 16 subsections (3) to (15) of KRS 189.040, subsection~~(1) or~~ (4) of KRS 189.050,
 17 KRS 189.070,~~189.060 to~~ 189.080, subsections (1) to (3) of KRS 189.090, KRS
 18 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS
 19 189.200, 189.285, 189.290, 189.300 to 189.360,~~KRS 189.380,~~ KRS 189.400 to
 20 189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of
 21 KRS 189.520, KRS 189.540, KRS 189.570 to 189.590, except subsection (1)(b) or
 22 (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of KRS 189.456, and 189.960
 23 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars
 24 (\$100) for each offense. Any person who violates subsection (1)(a) of KRS 189.580
 25 shall be fined not less than twenty dollars (\$20) nor more than two thousand dollars
 26 (\$2,000) or imprisoned in the county jail for not more than one (1) year, or both,
 27 unless the accident involved death or serious physical injury and the person knew or

1 should have known of the death or serious physical injury, in which case the person
 2 shall be guilty of a Class D felony. Any person who violates paragraph (c) of
 3 subsection (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor
 4 more than thirty dollars (\$30). Neither court costs nor fees shall be taxed against
 5 any person violating paragraph (c) of subsection (5) of KRS 189.390.

6 **(2) Any person who violates any of the provisions of KRS 189.040 (1) or (2), 189.050**
 7 **(1), 189.055, 189.060, or 189.380 may be issued a uniform citation or may receive**
 8 **a courtesy warning in lieu of a uniform citation. A person issued a uniform**
 9 **citation under this subsection shall be fined twenty-five dollars (\$25), and the.**
 10 **fine shall be subject to prepayment. A fine imposed under this section shall not be**
 11 **subject to court costs pursuant to KRS 24A.175, additional court costs pursuant**
 12 **to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other**
 13 **additional fees or costs. If the person submits proof of repair related to the**
 14 **relevant charge prior to the assigned court date, the charge shall be dismissed**
 15 **and no fees or costs shall be imposed.**

16 ~~(3)~~~~(2)~~ (a) 1. Except as provided in subparagraph 2. of this paragraph, any
 17 person who violates the weight provisions of KRS 189.212, 189.221,
 18 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two
 19 cents (\$0.02) per pound for each pound of excess load when the excess
 20 is five thousand (5,000) pounds or less. When the excess exceeds five
 21 thousand (5,000) pounds the fine shall be two cents (\$0.02) per pound
 22 for each pound of excess load, but the fine levied shall not be less than
 23 one hundred dollars (\$100) and shall not be more than five hundred
 24 dollars (\$500).

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

- 1 a. Five hundred dollars (\$500) for the first offense;
- 2 b. One thousand dollars (\$1,000) for the second offense within a one
- 3 (1) year period; and
- 4 c. Two thousand dollars (\$2,000) for any subsequent offense within a
- 5 one (1) year period.

6 The Transportation Cabinet shall erect signs warning drivers of the
7 increased fines in this subparagraph. Signs erected under this
8 subparagraph shall be placed in such a manner that drivers are given
9 adequate warning in order to exit the road prior to crossing the bridge. If
10 warning signs are not erected in accordance with this subparagraph, the
11 fines in this subparagraph shall not apply and violators shall be fined
12 under subparagraph 1. of this paragraph.

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

16 (c) Any person who violates any provision of subsection (2) or (3) of KRS
17 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
18 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
19 another penalty is not specifically provided shall be fined not less than ten
20 dollars (\$10) nor more than five hundred dollars (\$500).

21 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
22 on a route designated in KRS 177.986 shall be fined one hundred dollars
23 (\$100).

24 2. Any person who operates a vehicle with a permit under KRS 177.985 in
25 excess of eighty thousand (80,000) pounds while operating on a route
26 not designated in KRS 177.986 shall be fined one thousand dollars
27 (\$1,000).

- 1 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
2 prejudice or affect the authority of the Department of Vehicle Regulation to
3 suspend or revoke certificates of common carriers, permits of contract
4 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
5 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 6 ~~(4)~~~~(3)~~ (a) Any person who violates subsection (1) of KRS 189.190 shall be fined
7 not more than fifteen dollars (\$15).
- 8 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
9 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 10 ~~(5)~~~~(4)~~ (a) Any person who violates subsection (1) of KRS 189.210 shall be fined
11 not less than twenty-five dollars (\$25) nor more than one hundred dollars
12 (\$100).
- 13 (b) Any peace officer who fails, when properly informed, to enforce KRS
14 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
15 one hundred dollars (\$100).
- 16 (c) All fines collected under this subsection, after payment of commissions to
17 officers entitled thereto, shall go to the county road fund if the offense is
18 committed in the county, or to the city street fund if committed in the city.
- 19 ~~(6)~~~~(5)~~ Any person who violates KRS 189.370 shall for the first offense be fined not
20 less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
21 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
22 each subsequent offense occurring within three (3) years, the person shall be fined
23 not less than three hundred dollars (\$300) nor more than five hundred dollars
24 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
25 both. The minimum fine for this violation shall not be subject to suspension. A
26 minimum of six (6) points shall be assessed against the driving record of any person
27 convicted.

1 ~~(7)~~~~(6)~~ Any person who violates KRS 189.500 shall be fined not more than fifteen
2 dollars (\$15) in excess of the cost of the repair of the road.

3 ~~(8)~~~~(7)~~ Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less
4 than twenty dollars (\$20) nor more than fifty dollars (\$50).

5 ~~(9)~~~~(8)~~ Any peace officer who violates subsection (2) of KRS 189.520 shall be fined
6 not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).

7 ~~(10)~~~~(9)~~ (a) Any person who violates KRS 189.530(1) shall be fined not less than
8 thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or
9 imprisoned not less than thirty (30) days nor more than twelve (12) months, or
10 both.

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

13 ~~(11)~~~~(10)~~ Any person who violates any of the provisions of KRS 189.550 shall be guilty
14 of a Class B misdemeanor.

15 ~~(12)~~~~(11)~~ Any person who violates subsection (3) of KRS 189.560 shall be fined not
16 less than thirty dollars (\$30) nor more than one hundred dollars (\$100) for each
17 offense.

18 ~~(13)~~~~(12)~~ The fines imposed by paragraph (a) of subsection ~~(4)~~~~(3)~~ and subsections
19 ~~(7)~~~~(6)~~ and ~~(8)~~~~(7)~~ of this section shall, in the case of a public highway, be paid
20 into the county road fund, and, in the case of a privately owned road or bridge, be
21 paid to the owner. These fines shall not bar an action for damages for breach of
22 contract.

23 ~~(14)~~~~(13)~~ Any person who violates any of the provisions of KRS 189.120 shall be fined
24 not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for
25 each offense.

26 ~~(15)~~~~(14)~~ Any person who violates any provision of KRS 189.575 shall be fined not less
27 than twenty dollars (\$20) nor more than twenty-five dollars (\$25).

1 ~~(16)~~~~(15)~~ Any person who violates subsection (2) of KRS 189.231 shall be fined not
2 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
3 offense.

4 ~~(17)~~~~(16)~~ Any person who violates restrictions or regulations established by the
5 secretary of transportation pursuant to subsection (3) of KRS 189.231 shall, upon
6 first offense, be fined one hundred dollars (\$100) and, upon subsequent convictions,
7 be fined not less than one hundred dollars (\$100) nor more than five hundred
8 dollars (\$500) or imprisoned for thirty (30) days, or both.

9 ~~(18)~~~~(17)~~ (a) Any person who violates any of the provisions of KRS 189.565 shall be
10 guilty of a Class B misdemeanor.

11 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
12 case of violation by any person in whose name the vehicle used in the
13 transportation of inflammable liquids or explosives is licensed, the person
14 shall be fined not less than one hundred dollars (\$100) nor more than five
15 hundred dollars (\$500). Each violation shall constitute a separate offense.

16 ~~(19)~~~~(18)~~ Any person who abandons a vehicle upon the right-of-way of a state highway
17 for three (3) consecutive days shall be fined not less than thirty-five dollars (\$35)
18 nor more than one hundred dollars (\$100), or imprisoned for not less than ten (10)
19 days nor more than thirty (30) days.

20 ~~(20)~~~~(19)~~ Every person violating KRS 189.393 shall be guilty of a Class B
21 misdemeanor, unless the offense is being committed by a defendant fleeing the
22 commission of a felony offense which the defendant was also charged with
23 violating and was subsequently convicted of that felony, in which case it is a Class
24 A misdemeanor.

25 ~~(21)~~~~(20)~~ Any law enforcement agency which fails or refuses to forward the reports
26 required by KRS 189.635 shall be subject to the penalties prescribed in KRS
27 17.157.

1 ~~(22)~~~~(21)~~ A person who operates a bicycle in violation of the administrative regulations
2 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
3 nor more than one hundred dollars (\$100).

4 ~~(23)~~~~(22)~~ Any person who violates KRS 189.860 shall be fined not more than five
5 hundred dollars (\$500) or imprisoned for not more than six (6) months, or both.

6 ~~(24)~~~~(23)~~ Any person who violates KRS 189.754 shall be fined not less than twenty-five
7 dollars (\$25) nor more than three hundred dollars (\$300).

8 ~~(25)~~~~(24)~~ Any person who violates the provisions of KRS 189.125(3)(a) shall be fined
9 fifty dollars (\$50). This fine shall be subject to prepayment. A fine imposed under
10 this subsection shall not be subject to court costs pursuant to KRS 24A.175,
11 additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS
12 24A.1765, or any other additional fees or costs.

13 ~~(26)~~~~(25)~~ Any person who violates the provisions of KRS 189.125(3)(b) shall ~~not be~~
14 ~~issued a uniform citation, but shall instead receive a courtesy warning up until July~~
15 ~~1, 2009. For a violation on or after July 1, 2009, the person shall~~ be fined thirty
16 dollars (\$30). This fine shall be subject to prepayment. A fine imposed under this
17 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
18 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
19 any other additional fees or costs. A person who has not been previously charged
20 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
21 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
22 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

23 ~~(27)~~~~(26)~~ Any person who violates the provisions of KRS 189.125(6) shall be fined an
24 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
25 prepayment. A fine imposed under this subsection shall not be subject to court costs
26 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
27 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

1 ~~(28)~~~~(27)~~ Fines levied pursuant to this chapter shall be assessed in the manner required
2 by KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines
3 shall be governed by KRS 534.020 and 534.060.

4 ~~(29)~~~~(28)~~ A licensed driver under the age of eighteen (18) charged with a moving
5 violation pursuant to this chapter as the driver of a motor vehicle may be referred,
6 prior to trial, by the court to a diversionary program. The diversionary program
7 under this subsection shall consist of one (1) or both of the following:

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

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

14 ~~(30)~~~~(29)~~ A person who violates the provisions of subsection (2) or (3) of KRS 189.459
15 shall be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
16 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
17 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
18 percent (90%) of the fine collected under this subsection shall immediately be
19 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
20 Ten percent (10%) of the fine collected under this subsection shall annually be
21 returned to the county where the violation occurred and distributed equally to all
22 law enforcement agencies within the county.

23 ~~(31)~~~~(30)~~ Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five
24 dollars (\$25) for the first offense and fifty dollars (\$50) for each subsequent
25 offense.

26 ~~(32)~~~~(31)~~ Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine
27 of two hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine

1 imposed under this subsection shall not be subject to court costs pursuant to KRS
2 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
3 KRS 24A.1765, or any other additional fees or costs.

4 ➔Section 8. KRS 67.592 is amended to read as follows:

- 5 (1) The county judge/executive shall designate the sheriff of the county, or, if there is a
6 county police department, may designate the chief of the county police, as
7 custodian of all property:
- 8 (a) Alleged to be or suspected of being the proceeds of crime;
 - 9 (b) Alleged to be or suspected of having been used to facilitate the commission of
10 a crime;
 - 11 (c) Which is subject to confiscation or forfeiture, excluding property subject to
12 forfeiture pursuant to KRS Chapter 218A, or both, under any provision of the
13 Kentucky Revised Statutes;
 - 14 (d) Which is taken from the person of a prisoner, except for any personal property
15 that may be in the custody of a prisoner upon his or her admission to jail, in
16 which case all property which he or she is not permitted to retain upon
17 admission to jail shall be placed in the custody of the jailer **and shall be listed**
18 **by complete description on a receipt form. At the time of a prisoner's release**
19 **from jail, the jailer shall return any valid operator's license or identification**
20 **card to the person, unless required for evidentiary purposes;**
 - 21 (e) Which is lost or abandoned and taken into custody by any peace officer, or the
22 courts; or
 - 23 (f) Which is taken from persons supposed to be insane, intoxicated, or otherwise
24 incapable of taking care of themselves.
- 25 (2) Any peace officer, except for the Department of Kentucky State Police, or court
26 having custody of the property shall, as soon as practicable, deliver it into the
27 custody of the property clerk.

- 1 (3) The sheriff or chief of county police designated as custodian of property shall
2 appoint from persons on his or her staff, or may employ, a person to serve as
3 property clerk and other persons necessary as deputy property clerks.
- 4 (4) All the property shall be particularly described and registered by the property clerk,
5 or his or her deputy, in a book kept for that purpose, containing the name of the
6 owner, if ascertained, the place where found, the name of the person from whom it
7 was taken, with the general circumstances of its receipt, the name of the officer
8 recovering the property, the names of all claimants to the property, and any final
9 disposition of the property. The property clerk shall advertise the property, if it is
10 not the subject of a forfeiture proceeding, as to the amount and disposition of the
11 property.
- 12 (5) The fiscal court of the county may prescribe regulations in regard to the duties of
13 the property clerk and his or her deputies, and require security for the faithful
14 performance of the duties imposed by this section.
- 15 (6) All animals stolen, strayed, lost, or confiscated that come into the possession of the
16 property clerk shall be sent to an animal shelter located within the county, if there is
17 one, or if there is none to an animal shelter in another county.
- 18 (7) No property shall be delivered to the property clerk or his or her deputy except as
19 provided in this section.
- 20 (8) No property shall be disposed of by the property clerk or his or her deputy except in
21 the manner prescribed by law.
- 22 (9) The provisions of this section shall apply in all unincorporated areas of a county
23 and in all cities which do not appoint a property custodian pursuant to KRS 95.845.
- 24 ➔Section 9. KRS 138.465 is amended to read as follows:
- 25 (1) Any person other than a dealer, as defined in KRS 186.010~~[(10)]~~, who sells or
26 transfers a motor vehicle in this state shall deliver to the county clerk the certificate
27 of title with the assignment form on the reverse side properly executed and shall

1 transfer the vehicle to the new owner within ten (10) days of the date of the sale or
2 transfer of ownership.

3 (2) Any person who violates subsection (1) of this section shall be subject to the
4 penalties set out in KRS 186.990~~(3)~~~~(2)~~.

5 ➔Section 10. KRS 186.574 is amended to read as follows:

6 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and
7 for traffic offenders. The school shall be composed of uniform education and
8 training elements designed to create a lasting influence on new drivers and a
9 corrective influence on traffic offenders. District Courts may in lieu of assessing
10 penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to
11 state traffic school and no other.

12 (2) If a District Court stipulates in its judgment of conviction that a person attend state
13 traffic school, the court shall indicate this in the space provided on the abstract of
14 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the
15 Transportation Cabinet, or its representative, shall schedule the person to attend
16 state traffic school. Failure of the person to attend and satisfactorily complete state
17 traffic school in compliance with the court order, may be punished as contempt of
18 the sentencing court. The Transportation Cabinet shall not assess points against a
19 person who satisfactorily completes state traffic school. However, if the person
20 referred to state traffic school holds or is required to hold a commercial driver's
21 license, the underlying offense shall appear on the person's driving history record.

22 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic
23 school, and shall promulgate administrative regulations pursuant to KRS Chapter
24 13A governing facilities, equipment, courses of instruction, instructors, and records
25 of the program. In the event a person sentenced under subsection (1) of this section
26 does not attend or satisfactorily complete state traffic school, the Transportation
27 Cabinet may deny that person a license or suspend the license of that person until

1 he or she reschedules attendance or completes state traffic school, at which time a
2 denial or suspension shall be rescinded.

3 (4) Persons participating in the state traffic school as provided in this section shall pay
4 a fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if
5 enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c),
6 a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that
7 are dedicated to the photo license account for use in the state driver education
8 program may be used for the purposes of state traffic school.

9 (5) The following procedures shall govern persons attending state traffic school
10 pursuant to this section:

11 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters
12 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of
13 the trial judge, be sentenced to attend state traffic school. Upon payment of
14 the fee required by subsection (4) of this section, and upon successful
15 completion of state traffic school, the sentence to state traffic school shall be
16 the person's penalty in lieu of any other penalty, except for the payment of
17 court costs;

18 (b) Except as provided in KRS 189.990(29)~~[(28)]~~, a person shall not be eligible to
19 attend state traffic school who has been cited for a violation of KRS Chapters
20 177, 186, or 189 that has a penalty of mandatory revocation or suspension of
21 an offender's driver's license;

22 (c) Except as provided in KRS 189.990(29)~~[(28)]~~, a person shall not be eligible to
23 attend state traffic school for any violation if, at the time of the violation, the
24 person did not have a valid driver's license or the person's driver's license was
25 suspended or revoked by the cabinet;

26 (d) Except as provided in KRS 189.990(29)~~[(28)]~~, a person shall not be eligible to
27 attend state traffic school more than once in any one (1) year period, unless

1 the person wants to attend state traffic school to comply with the driver
2 education requirements of KRS 186.410; and

3 (e) The cabinet shall notify the sentencing court regarding any person who was
4 sentenced to attend state traffic school who was ineligible to attend state
5 traffic school. A court notified by the cabinet pursuant to this paragraph shall
6 return the person's case to an active calendar for a hearing on the matter. The
7 court shall issue a summons for the person to appear and the person shall
8 demonstrate to the court why an alternative sentence should not be imposed.

9 (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may
10 operate a traffic safety program for traffic offenders prior to the adjudication
11 of the offense.

12 (b) Offenders alleged to have violated KRS 189A.010 or 304.39-080, offenders
13 holding a commercial driver's license under KRS Chapter 281A, or offenders
14 coming within the provisions of subsection (5)(b) or (c) of this section shall
15 be excluded from participation in a county attorney-operated program.

16 (c) A county attorney that operates a traffic safety program:

- 17 1. May charge a reasonable fee to program participants, which shall only
18 be used for payment of county attorney office operating expenses; and
- 19 2. Shall, by October 1 of each year, report to the Prosecutors Advisory
20 Council the fee charged for the county attorney-operated traffic safety
21 program and the total number of traffic offenders diverted into the
22 county attorney-operated traffic safety program for the preceding fiscal
23 year categorized by traffic offense.

24 (d) Each participant in a county attorney-operated traffic safety program shall, in
25 addition to the fee payable to the county attorney, pay a twenty-five dollar
26 (\$25) fee to the court clerk, which shall be paid into a trust and agency
27 account with the Administrative Office of the Courts and is to be used by the

1 circuit clerks to hire additional deputy clerks and to enhance deputy clerk
2 salaries.

3 (e) Each participant in a county attorney-operated traffic safety program shall, in
4 addition to the fee payable to the county attorney and the fee required by
5 paragraph (d) of this subsection, pay a thirty dollar (\$30) fee to the county
6 attorney in lieu of court costs. On a monthly basis, the county attorney shall
7 forward the fees collected pursuant to this paragraph to the Finance and
8 Administration Cabinet to be distributed as follows:

- 9 1. Ten and eight-tenths percent (10.8%) to the spinal cord and head injury
10 research trust fund created in KRS 211.504;
- 11 2. Nine and one-tenth percent (9.1%) to the traumatic brain injury trust
12 fund created in KRS 211.476;
- 13 3. Five and eight-tenths percent (5.8%) to the special trust and agency
14 account set forth in KRS 42.320(2)(f) for the Department of Public
15 Advocacy;
- 16 4. Five and seven-tenths percent (5.7%) to the crime victims compensation
17 fund created in KRS 49.480;
- 18 5. One and two-tenths percent (1.2%) to the Justice and Public Safety
19 Cabinet to defray the costs of conducting record checks on prospective
20 firearms purchasers pursuant to the Brady Handgun Violence Prevention
21 Act and for the collection, testing, and storing of DNA samples;
- 22 6. Sixteen and eight-tenths percent (16.8%) to the county sheriff in the
23 county from which the fee was received;
- 24 7. Nine and one-tenth percent (9.1%) to the county treasurer in the county
25 from which the fee was received to be used by the fiscal court for the
26 purposes of defraying the costs of operation of the county jail and the
27 transportation of prisoners;

- 1 8. Thirty-three and two-tenths percent (33.2%) to local governments in
2 accordance with the formula set forth in KRS 24A.176(5); and
- 3 9. Eight and three-tenths percent (8.3%) to the Cabinet for Health and
4 Family Services for the implementation and operation of a telephonic
5 behavioral health jail triage system as provided in KRS 210.365 and
6 441.048.

7 ➔Section 11. KRS 189.271 is amended to read as follows:

- 8 (1) Notwithstanding any other provision of laws, the Transportation Cabinet may issue
9 special permits to the owners, operators, or lessees of motor vehicles for the
10 purpose of hauling industrial materials whose gross weight or dimensions,
11 including vehicle and load, exceeds the limits prescribed by this chapter or which in
12 other respects fail to comply with the requirements of this chapter. A separate
13 permit shall be required for each vehicle. Such permits shall be issued for specified
14 materials only and shall designate the portions of the state primary road system over
15 which such vehicle may operate pursuant to the permit. Such permit shall be issued
16 for a stated period of time determined by the applicant not to exceed three (3) years,
17 and an existing permit may be renewed pending an inspection by the cabinet of the
18 routes listed on the permit. Permits under this section shall be upon such terms and
19 conditions as the cabinet may, in its discretion, require in the public interest.
- 20 (2) The cabinet may establish a system by which a current permit holder can be granted
21 a new permit specifying different routes or materials without having to complete a
22 new application or pay a separate application fee.
- 23 (3) The cabinet shall require, as a condition to the issuance of the permit, that the
24 applicant pay a reasonable fee, to be fixed by the cabinet, and shall require that an
25 applicant convicted under provisions of KRS 189.990~~(3)~~~~(2)~~(a) two (2) or more
26 times within a five (5) year period give bond, with approved surety, in an amount
27 not to exceed six thousand dollars (\$6,000) for each vehicle to indemnify the

1 Commonwealth of Kentucky against damage to highways or bridges resulting from
2 the operation of any motor vehicle under the authorization of such permit. A bond
3 acquired under this subsection may be carried forward to another permit if the
4 cabinet has not gone against the bond.

5 (4) The operation of any motor vehicle in accordance with the terms of any such permit
6 shall not constitute a violation of this chapter, if the operator has the permit, or a
7 copy of it, authenticated as the cabinet may require, in his or her possession.

8 (5) The cabinet shall not issue a permit under this section for a vehicle whose gross
9 weight, including vehicle and load, exceeds the maximum gross weight as provided
10 in KRS 189.222.

11 (6) The cabinet shall not issue a permit under this section for a vehicle whose
12 dimensions, including vehicle and load, exceed the maximum dimension as
13 provided in KRS 189.222.

14 (7) A person shall not operate a motor vehicle in violation of the terms and conditions
15 of any permit issued by the cabinet pursuant to this section.

16 (8) As used in this section, industrial materials shall mean all cargo, whether divisible
17 or indivisible, which a motor vehicle transports in the usual and ordinary course of
18 business and shall specifically include, but not be limited to, agricultural products,
19 minerals, or natural resources transported by a motor vehicle.

20 (9) The cabinet may:

21 (a) Exercise general supervision of the administering and enforcement of this
22 section.

23 (b) Promulgate administrative regulations, subject to the limitations of this
24 section, with respect to the issuance of a permit, including, but not limited to,
25 administrative regulations concerning the duration of permits and weight
26 limits for various types of vehicles, materials, and highways.

27 (c) Promulgate administrative regulations with respect to the amount, terms and

1 conditions of the bond and the sufficiency of the surety of such bond required
2 by this section. The cabinet shall allow applicants not required to post a surety
3 bond under subsection (3) of this section to self-insure to meet the bonding
4 requirements of this section.

5 (d) Issue, continue in effect, revoke, modify, or deny, under such conditions as
6 the cabinet may prescribe, permits provided for under this section.

7 ➔Section 12. KRS 189.370 is amended to read as follows:

8 (1) If any school or church bus used in the transportation of children is stopped upon a
9 highway for the purpose of receiving or discharging passengers, with the stop arm
10 and signal lights activated, the operator of a vehicle approaching from any direction
11 shall bring his or her vehicle to a stop and shall not proceed until the bus has
12 completed receiving or discharging passengers and has been put into motion. The
13 stop requirement provided for in this section shall not apply to vehicles approaching
14 a stopped bus from the opposite direction upon a highway of four (4) or more lanes.

15 (2) Subsection (1) of this section shall be applicable only when the bus displays the
16 markings and equipment required by Kentucky minimum specifications for school
17 buses.

18 (3) If any vehicle is witnessed to be in violation of subsection (1) of this section and the
19 identity of the operator is not otherwise apparent, it shall be a rebuttable
20 presumption that the person in whose name the vehicle is registered or leased was
21 the operator of the vehicle at the time of the alleged violation and is subject to the
22 penalties as provided for in KRS 189.990~~(6)~~~~(5)~~.

23 ➔Section 13. KRS 431.452 is amended to read as follows:

24 (1) An offense which is designated as subject to prepayment by specific statutory
25 designation may be prepaid by the violator subject to the terms and conditions of
26 the statute involved.

27 (2) When an offense that is not designated as subject to prepayment by specific

1 statutory designation is cited on the same citation with another offense that is
2 subject to prepayment, the officer shall cite the violator to court for all cited
3 offenses. However, if the offense for which prepayment is not allowed is dismissed
4 by the judge prior to the court date listed on the citation, the offense subject to
5 prepayment by specific statutory designation may be prepaid by the violator, and
6 the violator shall not be required to appear in court.

7 (3) An offense which is designated as subject to prepayment is subject to the following
8 conditions:

9 (a) Designation as subject to prepayment does not preclude a physical arrest by a
10 peace officer for that offense;

11 (b) Designation as subject to prepayment shall preclude a requirement that the
12 defendant make a court appearance on a uniform citation;

13 (c) Except as provided for in KRS 189.990~~(27)~~~~(26)~~, for any offense designated
14 as subject to prepayment, the defendant may elect to pay the minimum fine
15 for the offense plus court costs to the circuit clerk before the date of his *or her*
16 trial or be tried in the normal manner, unless the citation is marked for
17 mandatory court appearance pursuant to KRS 431.015 or subsection (2) of
18 this section, except that the fine for violations of KRS 189.221, 189.222,
19 189.226, 189.270, or 189.271 shall be in accordance with KRS
20 189.990~~(3)~~~~(2)~~(a) and the defendant shall not be allowed to pay the minimum
21 fine as otherwise allowed by this paragraph; and

22 (d) Prepayment of the fine and costs shown on the citation or accompanying
23 schedule shall be considered as a plea of guilty for all purposes.

24 (4) When a peace officer issues a uniform citation and no physical arrest is made he or
25 she shall, where the citation is designated as subject to prepayment, mark the
26 citation as "PAYABLE", except as provided in KRS 431.015 or subsection (2) of
27 this section.

1 (5) The Administrative Office of the Courts, after consultation with the Department of
2 Kentucky State Police, the Transportation Cabinet, the Division of Forestry, the
3 Department of Fish and Wildlife Resources, and a representative of law
4 enforcement shall develop a prepayable fine and cost schedule and a uniform
5 statewide instruction sheet for the Commonwealth.