

1 AN ACT relating to motor vehicle racing.

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

3 ➔Section 1. KRS 189.993 is amended to read as follows:

- 4 (1) Any person who violates KRS 189.045 shall be fined not less than one hundred
5 dollars (\$100) nor more than one thousand dollars (\$1,000).
- 6 (2) Any person convicted of violating any of the provisions of KRS 189.095 shall be
7 fined sixty dollars (\$60) and costs of prosecution.
- 8 (3) Any person who violates any provision of KRS 189.205 shall be fined not less than
9 twenty dollars (\$20) nor more than one hundred dollars (\$100).
- 10 (4) Any person who violates any provision of KRS 189.375 shall be fined not less than
11 twenty dollars (\$20) nor more than one hundred dollars (\$100).
- 12 (5) Any person who violates KRS 189.505 shall:

13 **(a) For the first offense:**

14 **1. Be fined *one thousand dollars (\$1,000)* ~~not less than sixty dollars (\$60)~~**
15 **~~nor more than two hundred dollars (\$200)~~ or be imprisoned for not**
16 **more than thirty (30) days, or both; *and***

17 **2. *In accordance with KRS 70.155 or 82.625, have any motor vehicle***
18 ***used by the person in the commission of the violation impounded for***
19 ***not less than six (6) months; and***

20 **(b) For a second or subsequent offense:**

21 **1. *Be fined two thousand dollars (\$2,000) or be imprisoned for not more***
22 ***than thirty (30) days, or both; and***

23 **2. *Have any motor vehicle used by the person in the commission of the***
24 ***violation forfeited to the state and destroyed or sold at public auction***
25 ***in accordance with Section 2 of this Act.***

26 (6) Any person found violating any provision of KRS 189.820 or 189.830 is guilty of a
27 misdemeanor and shall be fined not less than twenty dollars (\$20) nor more than

1 thirty-five dollars (\$35).

2 (7) Any person who violates KRS 189.920 shall be fined not less than one hundred
3 dollars (\$100) nor more than one thousand dollars (\$1,000), or imprisoned in the
4 county jail for not more than thirty (30) days, or both. In the case of a private
5 vehicle not authorized to use emergency lights under KRS 189.920, all lighting and
6 other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated
7 and forfeited to the county in which the offense occurred.

8 (8) Any person who violates KRS 189.930 shall be fined not less than sixty dollars
9 (\$60) nor more than five hundred dollars (\$500), or be imprisoned in the county jail
10 for not more than thirty (30) days, or both.

11 (9) Any person who violates KRS 189.940 shall be fined not less than sixty dollars
12 (\$60) nor more than one thousand dollars (\$1,000) or be imprisoned in the county
13 jail for not more than six (6) months, or both. In the case of a private vehicle, except
14 as outlined in subsection (11) of this section, all lighting and other equipment used
15 in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the
16 county in which the offense occurred.

17 (10) If a member of a regular or volunteer fire department, ambulance service, or rescue
18 squad violates any provisions of subsection (6) of KRS 189.940, he or she shall, in
19 addition to any other penalty provided under KRS 189.990 or this section, be
20 immediately dismissed from his or her membership or employment with the fire
21 department, ambulance service, or rescue squad and shall be disqualified from
22 being employed by or being a member of any fire department, ambulance service,
23 or rescue squad in the Commonwealth for a period of three (3) years. Upon
24 conviction of a second offense he or she shall be permanently barred from
25 employment or membership in any fire department, ambulance service, rescue
26 squad, police department, or sheriff's office in the Commonwealth, nor shall he or
27 she be permitted to operate any public safety vehicle as defined in KRS 189.910.

- 1 (11) (a) Any person who violates KRS 189.950(3) shall be fined one hundred dollars
2 (\$100) for the first offense, two hundred dollars (\$200) for the second offense,
3 and one thousand dollars (\$1,000) for each subsequent offense.
- 4 (b) Except as provided in paragraph (a) of this subsection, any person who
5 violates KRS 189.950 shall be fined not less than one hundred dollars (\$100)
6 nor more than one thousand dollars (\$1,000) or be imprisoned in the county
7 jail for not more than thirty (30) days, or both. In the case of a privately
8 owned vehicle, all lighting and other equipment used or installed in violation
9 of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in
10 which the offense occurred.
- 11 (12) Any person who violates any provision of this chapter for which no penalty is
12 otherwise provided shall, upon conviction, be fined not less than twenty dollars
13 (\$20) nor more than one hundred dollars (\$100) for each offense, except that no
14 penalty shall be assessed for a violation of KRS 189.580(1)(b) or (6)(b).
- 15 (13) No producer or processor of natural resources shall allow the transporting of natural
16 resources over the highways of the Commonwealth in excess of the weight limits
17 without possessing a resource recovery road hauling permit. Violation for hauling
18 in excess of prescribed limits without possession of a permit or transporting natural
19 resources over prescribed limits of the resource recovery road hauling permit shall
20 be not less than five hundred dollars (\$500) nor more than one thousand dollars
21 (\$1,000) for each violation and shall be deposited in the resource recovery road
22 fund.
- 23 ➔Section 2. KRS 500.090 is amended to read as follows:
- 24 (1) Except as provided in KRS 500.092, all property which is subject to forfeiture
25 under any section of the Kentucky Penal Code shall be disposed of in accordance
26 with this section.
- 27 (a) Property other than firearms which is forfeited under any section of this code

1 may, upon order of the trial court, be destroyed by the sheriff of the county in
2 which the conviction was obtained.

3 (b) Property other than firearms which is forfeited under any section of this code
4 may, upon order of the trial court, be sold at public auction. The expenses of
5 keeping and selling such property and the amount of all valid recorded liens
6 that are established by intervention as being bona fide shall be paid out of the
7 proceeds of the sale. The balance shall be paid to:

- 8 1. The state, if the property was seized by an agency of the state or peace
9 officer thereof;
- 10 2. The county, if the property was seized by the sheriff or an agency or
11 peace officer of the county;
- 12 3. The Department of Fish and Wildlife Resources, if the property was
13 seized by a peace officer of the Department of Fish and Wildlife or was
14 seized by any other officer for violation of KRS Chapter 150;
- 15 4. The city, if the property was seized by the city or by an agency or peace
16 officer thereof and the property was delivered to the city property clerk;
- 17 5. The city (ninety percent (90%) of the proceeds) and the sheriff (ten
18 percent (10%) of the proceeds), if the property was seized by the city or
19 by an agency or peace officer thereof and the property was delivered to
20 the sheriff or the county police;~~[-or]~~
- 21 6. The state, if the property was seized by any combination of agencies
22 listed above; or
- 23 7. *The Crime Victims Compensation Board established under KRS*
24 *49.010, if the property is a motor vehicle seized by any agency or peace*
25 *officer thereof for a second or subsequent violation of KRS 189.505.*

26 (c) Subject to the duty to return confiscated firearms and ammunition to innocent
27 owners pursuant to this section, all firearms and ammunition confiscated by a

1 state or local law enforcement agency, all firearms ordered forfeited by a
2 court, and all abandoned firearms and ammunition coming into the custody of
3 a state or local law enforcement agency and not retained for official use shall
4 be transferred to the Department of Kentucky State Police for disposition as
5 provided by KRS 16.220. The transfer shall occur not more than ninety (90)
6 days after the abandonment of the firearm or ammunition to the law
7 enforcement agency or not more than ninety (90) days after its confiscation,
8 unless a court requires the firearm or ammunition for use as evidence, in
9 which case it shall be transferred to the Department of Kentucky State Police
10 not more than ninety (90) days following the order of forfeiture by the court
11 or after the court returns the firearm or ammunition from use as evidence.
12 Prior to the sale of any firearm or ammunition, the law enforcement agency
13 shall make a bona fide attempt to determine if the firearm or ammunition to be
14 sold has been stolen or otherwise unlawfully obtained from an innocent owner
15 and return the firearm and ammunition to its lawful innocent owner, unless
16 that person is ineligible to purchase a firearm under federal law. This
17 subsection relating to auction of firearms and ammunition shall not apply to
18 firearms and ammunition auctioned by the Department of Fish and Wildlife
19 that may be sold to individual purchasers residing in Kentucky who are
20 eligible under federal law to purchase firearms and ammunition of the type
21 auctioned.

- 22 (d) If property which is forfeited under any section of this code is determined by
23 the trial court to be worthless, encumbered with liens in excess of its value, or
24 otherwise a burdensome asset, the court may abandon any interest in such
25 property. Property which is abandoned pursuant to this section shall be
26 returned to the lawful claimant upon payment of expenses for keeping the
27 property.

- 1 (e) Property which is forfeited under any section of this code may, upon order of
2 the trial court, be retained for official use in the following manner. Property
3 which has been seized by an agency of the state may be retained for official
4 state use. Property which has been seized by an agency of county, city, or
5 urban-county government may be retained for official use by the government
6 whose agency seized the property or for official state use. Property seized by
7 any other unit of government may be retained only for official state use. The
8 expenses for keeping and transferring such property shall be paid by the unit
9 of government by which the property is retained.
- 10 (2) Money which has been obtained or conferred in violation of any section of this code
11 shall, upon conviction, be forfeited for the use of the state. This subsection shall not
12 apply when, during the course of the proceeding in which the conviction is
13 obtained, the person from whom said money was unlawfully acquired is identified.
- 14 (3) Property forfeited under any section of this code shall be disposed of in accordance
15 with this section only after being advertised pursuant to KRS Chapter 424. This
16 subsection shall not apply to property which is designed and suitable only for
17 criminal use or to money forfeited under subsection (2) of this section.
- 18 (4) The trial court shall remit the forfeiture of property when the lawful claimant:
- 19 (a) Asserts his or her claim before disposition of the property pursuant to this
20 section;
- 21 (b) Establishes his or her legal interest in the property; and
- 22 (c) Establishes that the unlawful use of the property was without his or her
23 knowledge and consent. This subsection shall not apply to a lienholder of
24 record when the trial court elects to dispose of the property pursuant to
25 subsection (1)(b) of this section.
- 26 (5) For purposes of this section, "lawful claimant" means owner or lienholder of record.
- 27 (6) Before property which has had its identity obscured in violation of KRS 514.120

1 may be sold or retained for official use as provided in this section, the court shall
2 cause a serial or other identifying number to be placed thereon, and a record of the
3 number assigned shall be placed in the court order authorizing the sale or retention
4 of the property. This number shall be assigned, whenever applicable, in consultation
5 with the Department of Kentucky State Police and any other state or federal
6 regulatory agency. The purchaser of the property shall be given a document stating
7 that the property had been forfeited pursuant to law and that a number, shown on
8 the document, has been assigned which shall be deemed as compliance of the owner
9 with KRS 514.120. When property is returned to an owner pursuant to this section
10 and its identity has been obscured by another person in violation of KRS 514.120,
11 the court shall provide a document to the owner relieving him or her of liability for
12 its continued possession. This document shall serve as evidence of compliance with
13 KRS 514.120 by the owner or any person to whom he or she lawfully disposes of
14 the property. This section shall not apply to any person after property has been sold
15 or returned in compliance with this section who violates the provisions of KRS
16 514.120 with respect to that property.

17 (7) Before forfeiture of any property under this section, it shall be the duty of the trial
18 court to determine if a lawful owner or claimant to the property has been identified
19 or is identifiable. If a lawful owner or claimant has been identified or is identifiable,
20 the court shall notify the owner or claimant that the property is being held and
21 specify a reasonable period of time during which the claim may be made or may, in
22 lieu thereof, order the return of the property to the lawful owner or claimant. If the
23 lawful owner or claimant does not assert his or her claim to the property after
24 notification or if he or she renounces his or her claim to the property, the property
25 shall be disposed of as provided in this section. It shall be the duty of all peace
26 officers and other public officers or officials having knowledge of the lawful owner
27 or claimant of property subject to forfeiture to report the same to the trial court

1 before the act of forfeiture occurs.