

1 AN ACT relating to vehicle wheels.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Except as provided in subsection (2) of this section, a person shall not operate a*
6 *vehicle on a highway with an iron, steel, or wooden wheel unless the wheel is*
7 *equipped with a rubber strip or a rubber compound strip on the portion of the*
8 *wheel that is in contact with the surface of the highway.*

9 *(2) Subsection (1) of this section shall not apply to animal-drawn vehicles with a*
10 *gross weight of one (1) ton or less used solely for the transportation of persons.*

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

12 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
13 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
14 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
15 (4) of KRS 189.190, KRS 189.200, 189.285, subsection (1) or (2) of KRS 189.290,
16 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to
17 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540,
18 KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS
19 189.345, subsection (6) of KRS 189.456, *Section 1 of this Act*, and 189.960 shall be
20 fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100)
21 for each offense. Any person who violates subsection (1)(a) of KRS 189.580 shall
22 be fined not less than twenty dollars (\$20) nor more than two thousand dollars
23 (\$2,000) or imprisoned in the county jail for not more than one (1) year, or both,
24 unless the accident involved death or serious physical injury and the person knew or
25 should have known of the death or serious physical injury, in which case the person
26 shall be guilty of a Class D felony. Any person who violates paragraph (c) of
27 subsection (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor

1 more than thirty dollars (\$30). Neither court costs nor fees shall be taxed against
2 any person violating paragraph (c) of subsection (5) of KRS 189.390.

3 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person
4 who violates the weight provisions of KRS 189.212, 189.221, 189.222,
5 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02)
6 per pound for each pound of excess load when the excess is five
7 thousand (5,000) pounds or less. When the excess exceeds five thousand
8 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each
9 pound of excess load, but the fine levied shall not be less than one
10 hundred dollars (\$100) and shall not be more than five hundred dollars
11 (\$500).

12 2. Any person who violates a posted bridge weight limit on a state-
13 maintained bridge that is more than seventy-five (75) years old shall be
14 fined:
15 a. Five hundred dollars (\$500) for the first offense;
16 b. One thousand dollars (\$1,000) for the second offense within a one
17 (1) year period; and
18 c. Two thousand dollars (\$2,000) for any subsequent offense within a
19 one (1) year period.

20 The Transportation Cabinet shall erect signs warning drivers of the
21 increased fines in this subparagraph. Signs erected under this
22 subparagraph shall be placed in such a manner that drivers are given
23 adequate warning in order to exit the road prior to crossing the bridge. If
24 warning signs are not erected in accordance with this subparagraph, the
25 fines in this subparagraph shall not apply and violators shall be fined
26 under subparagraph 1. of this paragraph.

27 (b) Any person who violates the provisions of KRS 189.271 and is operating on a

1 route designated on the permit shall be fined one hundred dollars (\$100);
2 otherwise, the penalties in paragraph (a) of this subsection shall apply.

3 (c) Any person who violates any provision of subsection (2) or (3) of KRS
4 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
5 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
6 another penalty is not specifically provided shall be fined not less than ten
7 dollars (\$10) nor more than five hundred dollars (\$500).

8 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
9 on a route designated in KRS 177.986 shall be fined one hundred dollars
10 (\$100).

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

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

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

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

24 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
25 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

26 (b) Any peace officer who fails, when properly informed, to enforce KRS
27 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than

1 one hundred dollars (\$100).

2 (c) All fines collected under this subsection, after payment of commissions to
3 officers entitled thereto, shall go to the county road fund if the offense is
4 committed in the county, or to the city street fund if committed in the city.

5 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
6 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
7 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
8 each subsequent offense occurring within three (3) years, the person shall be fined
9 not less than three hundred dollars (\$300) nor more than five hundred dollars
10 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
11 both. The minimum fine for this violation shall not be subject to suspension. A
12 minimum of six (6) points shall be assessed against the driving record of any person
13 convicted.

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

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

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

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

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

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

27 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than

- 1 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 2 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
3 this section shall, in the case of a public highway, be paid into the county road fund,
4 and, in the case of a privately owned road or bridge, be paid to the owner. These
5 fines shall not bar an action for damages for breach of contract.
- 6 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
7 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
8 offense.
- 9 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
10 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 11 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
12 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 13 (16) Any person who violates restrictions or regulations established by the secretary of
14 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
15 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
16 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
17 imprisoned for thirty (30) days, or both.
- 18 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
19 of a Class B misdemeanor.
- 20 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
21 case of violation by any person in whose name the vehicle used in the
22 transportation of inflammable liquids or explosives is licensed, the person
23 shall be fined not less than one hundred dollars (\$100) nor more than five
24 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 25 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
26 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
27 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days

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

- 1 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
2 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 3 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
4 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
5 prepayment. A fine imposed under this subsection shall not be subject to court costs
6 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
7 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 8 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
9 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
10 be governed by KRS 534.020 and 534.060.
- 11 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
12 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
13 trial, by the court to a diversionary program. The diversionary program under this
14 subsection shall consist of one (1) or both of the following:
- 15 (a) Execution of a diversion agreement which prohibits the driver from operating
16 a vehicle for a period not to exceed forty-five (45) days and which allows the
17 court to retain the driver's operator's license during this period; and
- 18 (b) Attendance at a driver improvement clinic established pursuant to KRS
19 186.574. If the person completes the terms of this diversionary program
20 satisfactorily the violation shall be dismissed.
- 21 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall
22 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
23 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
24 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
25 percent (90%) of the fine collected under this subsection shall immediately be
26 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
27 Ten percent (10%) of the fine collected under this subsection shall annually be

1 returned to the county where the violation occurred and distributed equally to all
2 law enforcement agencies within the county.

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

5 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
6 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
7 imposed under this subsection shall not be subject to court costs pursuant to KRS
8 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
9 KRS 24A.1765, or any other additional fees or costs.

10 (32) Any person who violates subsection (3) or (4) of KRS 189.290 and causes physical
11 injury to a person shall be fined five hundred dollars (\$500).