

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 189.505 is amended to read as follows:

4 **(1) Except racing events permitted under KRS 189.503, no person shall:**

5 **(a)** Engage upon any street or highway in motor vehicle racing, drag racing, or  
6 any other form of competition involving motor vehicles; ~~or~~, ~~except racing~~  
7 ~~events permitted under KRS 189.503]~~

8 **(b) Knowingly promote, organize, or facilitate a motor vehicle race, drag race,**  
9 **or any other form of competition involving motor vehicles upon any street**  
10 **or highway.**

11 **(2) As used in this section, "facilitate" means to engage in activity constituting**  
12 **criminal facilitation as defined in KRS 506.080.**

13 ➔Section 2. KRS 189.993 is amended to read as follows:

14 (1) Any person who violates KRS 189.045 shall be fined not less than one hundred  
15 dollars (\$100) nor more than one thousand dollars (\$1,000).

16 (2) Any person convicted of violating any of the provisions of KRS 189.095 shall be  
17 fined sixty dollars (\$60) and costs of prosecution.

18 (3) Any person who violates any provision of KRS 189.205 shall be fined not less than  
19 twenty dollars (\$20) nor more than one hundred dollars (\$100).

20 (4) Any person who violates any provision of KRS 189.375 shall be fined not less than  
21 twenty dollars (\$20) nor more than one hundred dollars (\$100).

22 (5) Any person who violates KRS 189.505 shall:

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

24 **1.** Be fined not less than **five hundred dollars (\$500)**~~[sixty dollars (\$60)]~~  
25 nor more than **one thousand dollars (\$1,000)**~~[two hundred dollars~~  
26 ~~(\$200)]~~ or be imprisoned for not more than **six (6) months**~~[thirty (30)~~  
27 ~~days]~~, or both; **and**

1            2. In accordance with KRS 70.155 or 82.625, have any motor vehicle  
 2            used by the person in the commission of the violation impounded for  
 3            not less than ninety (90) days; and

4            (b) For a second or subsequent offense:

5            1. Be fined not less than one thousand dollars (\$1,000) nor more than  
 6            two thousand dollars (\$2,000) or be imprisoned for not more than one  
 7            (1) year, or both;

8            2. Have his or her operator's license, as defined in KRS 186.401,  
 9            suspended in accordance with Section 3 of this Act; and

10           3. Have any motor vehicle used by the person in the commission of the  
 11           violation forfeited to the state to be disposed of in accordance with  
 12           KRS 500.090.

13 (6) Any person found violating any provision of KRS 189.820 or 189.830 is guilty of a  
 14 misdemeanor and shall be fined not less than twenty dollars (\$20) nor more than  
 15 thirty-five dollars (\$35).

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

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

25 (9) Any person who violates KRS 189.940 shall be fined not less than sixty dollars  
 26 (\$60) nor more than one thousand dollars (\$1,000) or be imprisoned in the county  
 27 jail for not more than six (6) months, or both. In the case of a private vehicle, except

1 as outlined in subsection (11) of this section, all lighting and other equipment used  
2 in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the  
3 county in which the offense occurred.

4 (10) If a member of a regular or volunteer fire department, ambulance service, or rescue  
5 squad violates any provisions of subsection (6) of KRS 189.940, he or she shall, in  
6 addition to any other penalty provided under KRS 189.990 or this section, be  
7 immediately dismissed from his or her membership or employment with the fire  
8 department, ambulance service, or rescue squad and shall be disqualified from  
9 being employed by or being a member of any fire department, ambulance service,  
10 or rescue squad in the Commonwealth for a period of three (3) years. Upon  
11 conviction of a second offense he or she shall be permanently barred from  
12 employment or membership in any fire department, ambulance service, rescue  
13 squad, police department, or sheriff's office in the Commonwealth, nor shall he or  
14 she be permitted to operate any public safety vehicle as defined in KRS 189.910.

15 (11) (a) Any person who violates KRS 189.950(3) shall be fined one hundred dollars  
16 (\$100) for the first offense, two hundred dollars (\$200) for the second offense,  
17 and one thousand dollars (\$1,000) for each subsequent offense.

18 (b) Except as provided in paragraph (a) of this subsection, any person who  
19 violates KRS 189.950 shall be fined not less than one hundred dollars (\$100)  
20 nor more than one thousand dollars (\$1,000) or be imprisoned in the county  
21 jail for not more than thirty (30) days, or both. In the case of a privately  
22 owned vehicle, all lighting and other equipment used or installed in violation  
23 of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in  
24 which the offense occurred.

25 (12) Any person who violates any provision of this chapter for which no penalty is  
26 otherwise provided shall, upon conviction, be fined not less than twenty dollars  
27 (\$20) nor more than one hundred dollars (\$100) for each offense, except that no

1 penalty shall be assessed for a violation of KRS 189.580(1)(b) or (6)(b).

2 (13) No producer or processor of natural resources shall allow the transporting of natural  
3 resources over the highways of the Commonwealth in excess of the weight limits  
4 without possessing a resource recovery road hauling permit. Violation for hauling  
5 in excess of prescribed limits without possession of a permit or transporting natural  
6 resources over prescribed limits of the resource recovery road hauling permit shall  
7 be not less than five hundred dollars (\$500) nor more than one thousand dollars  
8 (\$1,000) for each violation and shall be deposited in the resource recovery road  
9 fund.

10 ➔Section 3. KRS 186.560 is amended to read as follows:

11 (1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle  
12 upon receiving record of his or her:

13 (a) Conviction of any of the following offenses:

- 14 1. Murder or manslaughter resulting from the operation of a motor vehicle;
- 15 2. Driving a vehicle which is not a motor vehicle while under the influence  
16 of alcohol or any other substance which may impair one's driving  
17 ability;
- 18 3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640  
19 or any law requiring the registration of motor vehicles or regulating their  
20 operation on highways;
- 21 4. Any felony in the commission of which a motor vehicle is used;
- 22 5. Conviction or forfeiture of bail upon three (3) charges of reckless  
23 driving within the preceding twelve (12) months;
- 24 6. ~~Conviction of~~ Driving a motor vehicle involved in an accident and  
25 failing to stop and disclose his or her identity at the scene of the  
26 accident;
- 27 7. ~~Conviction of~~ Theft of a motor vehicle or any of its parts, including the

- 1 conviction of any person under the age of eighteen (18) years;
- 2 8. Failure to have in full force and effect the security required by Subtitle
- 3 39 of KRS Chapter 304 upon conviction of a second and each
- 4 subsequent offense within any five (5) year period;
- 5 9. ~~{Conviction for}~~ Fraudulent use of a driver's license or use of a
- 6 fraudulent driver's license to purchase or attempt to purchase alcoholic
- 7 beverages, as defined in KRS 241.010, in violation of KRS 244.085(4);
- 8 10. ~~{Conviction of}~~ Operating a motor vehicle, motorcycle, or moped
- 9 without an operator's license as required by KRS 186.410;
- 10 11. ~~{Conviction of}~~ Fleeing or evading police in the second degree as
- 11 described in KRS 520.100 when the offense involved the operation of a
- 12 motor vehicle;~~{and}~~
- 13 12. ~~{Conviction of violating the provisions}~~ A violation of KRS 189.290(3)
- 14 or (4); and~~{or}~~
- 15 **13. A second or subsequent violation of Section 1 of this Act; or**
- 16 (b) Being found incompetent to stand trial under KRS Chapter 504.
- 17 (2) If the person convicted of any offense named in subsection (1) of this section or
- 18 who is found incompetent to stand trial is not the holder of a license, the cabinet
- 19 shall deny the person so convicted a license for the same period of time as though
- 20 he or she had possessed a license which had been revoked. If through an
- 21 inadvertence the defendant should be issued a license, the cabinet shall forthwith
- 22 cancel it.
- 23 (3) The cabinet, upon receiving a record of the conviction of any person upon a charge
- 24 of operating a motor vehicle while the license of that person is denied, or
- 25 suspended, or revoked, or while his or her privilege to operate a motor vehicle is
- 26 withdrawn, shall immediately extend the period of the first denial, suspension,
- 27 revocation, or withdrawal for an additional like period.

- 1 (4) The revocation or denial of a license or the withdrawal of the privilege of operating  
2 a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a  
3 period of not less than five (5) years. Revocations or denials under this section shall  
4 not be subject to any lessening of penalties authorized under any other provision of  
5 this section or any other statute.
- 6 (5) Except as provided in subsections (3), (4), (8), and (9) of this section, in all other  
7 cases, the revocation or denial of a license or the withdrawal of the privilege of  
8 operating a motor vehicle under this section shall be for a period of six (6) months,  
9 except that if the same person has had one (1) previous conviction of any offense  
10 enumerated in subsection (1) of this section, regardless of whether the person's  
11 license was revoked because of the previous conviction, the period of the  
12 revocation, denial, or withdrawal shall be one (1) year. If the person has had more  
13 than one (1) previous conviction of the offenses considered collectively as  
14 enumerated in subsection (1) of this section, regardless of whether the person's  
15 license was revoked for any previous conviction, the period of revocation, denial, or  
16 withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of  
17 the written recommendation of the court in which any person has been convicted of  
18 violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's  
19 license or fraudulent driver's license was the identification used or attempted to be  
20 used in the commission of the offense, who has had no previous conviction of said  
21 offense, the person's operator's license shall not be revoked, but the person's  
22 operator's license shall be restricted to any terms and conditions the secretary in his  
23 or her discretion may require, provided the person has enrolled in an alcohol or  
24 substance abuse education or treatment program as the cabinet shall require. If the  
25 person fails to satisfactorily complete the education or treatment program or  
26 violates the restrictions on his or her operator's license, the cabinet shall  
27 immediately revoke his or her operator's license for a period of six (6) months.

- 1 (6) In order to secure the reinstatement of a license to operate a motor vehicle or  
2 motorcycle restored following a period of suspension pursuant to KRS Chapter  
3 189A, the person whose license is suspended shall comply with the fees and other  
4 procedures of the ~~Transportation~~ cabinet with regard to the reinstatement of  
5 suspended licenses.
- 6 (7) The cabinet shall revoke the license of any operator of a motor vehicle upon  
7 receiving notification that the person is under age eighteen (18) and has dropped out  
8 of school or is academically deficient, as defined in KRS 159.051(1).
- 9 (8) A person under the age of eighteen (18) who is convicted of the offenses of  
10 subsections (1) or (3) of this section, except for subsection (1)(a)8. or 9. of this  
11 section, shall have his ***or her*** license revoked until he or she reaches the age of  
12 eighteen (18) or shall have his license revoked as provided in this section,  
13 whichever penalty will result in the longer period of revocation.
- 14 (9) A revocation or denial of a license or the withdrawal of the privilege of operating a  
15 motor vehicle under this section due to a person being found incompetent to stand  
16 trial shall extend until the person is found competent to stand trial or the criminal  
17 case is dismissed.