

1           AN ACT relating to the operation of a motor vehicle.

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

3           ➔Section 1. KRS 65.8808 is amended to read as follows:

4    (1) The legislative body of a local government may, by ordinance, create a code  
5        enforcement board which shall have the power to issue remedial orders and impose  
6        civil fines as a method of enforcing a local government ordinance when a violation  
7        of the ordinance has been classified as a civil offense in accordance with this  
8        section. Any local government may expand its code enforcement board to include  
9        additional cities or counties within its jurisdiction for performing the function for  
10      which the code enforcement board was organized.

11   (2) Subject to the limitations set forth in subsection (3) of this section, the legislative  
12      body of a local government may utilize a code enforcement board to enforce any  
13      ordinance of the local government, including but not limited to littering, open  
14      dumping of solid waste, or any zoning or nuisance ordinance. Each ordinance to be  
15      enforced by a code enforcement board, by its express terms, shall provide that each  
16      violation of the ordinance shall constitute a civil offense. The ordinance shall  
17      provide either:

18      (a) A specific civil fine or fines that may be imposed for each violation of the  
19           ordinance; or

20      (b) Two (2) separate civil fines as follows:

21       1. A maximum civil fine that may be imposed for each offense if the  
22           citation is contested under KRS 65.8825(6); and

23       2. A specific civil fine of less than the maximum civil fine that will be  
24           imposed for each offense if the person who has committed the offense  
25           does not contest the citation.

26   (3) With the exceptions of criminal littering under KRS 433.753, ~~and~~ littering of  
27      public waters under KRS 433.757, **failure to stop a motor vehicle facing a circular**

1        *steady or flashing red traffic control signal under KRS 189.338, and violation of*  
2        *a speed limit specified under KRS 189.390,* no legislative body of a local  
3        government shall classify the violation of an ordinance as a civil offense if the same  
4        conduct that is regulated by the ordinance would also, under any provision of the  
5        Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle  
6        offense.

7        ➤Section 2. KRS 189.990 is amended to read as follows:

8        (1) **(a)** Any person who violates any of the provisions of KRS 189.020 to 189.040,  
9        subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections  
10       (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160,  
11       subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.285, subsection (1)  
12       or (2) of KRS 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to  
13       189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1)  
14       of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590, except subsection  
15       (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of KRS  
16       189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor  
17       more than one hundred dollars (\$100) for each offense. Any person who  
18       violates subsection (1)(a) of KRS 189.580 shall be fined not less than twenty  
19       dollars (\$20) nor more than two thousand dollars (\$2,000) or imprisoned in  
20       the county jail for not more than one (1) year, or both, unless the accident  
21       involved death or serious physical injury and the person knew or should have  
22       known of the death or serious physical injury, in which case the person shall  
23       be guilty of a Class D felony. Any person who violates paragraph (c) of  
24       subsection (5) of KRS 189.390 shall be fined not less than eleven dollars  
25       (\$11) nor more than thirty dollars (\$30). Neither court costs nor fees shall be  
26       taxed against any person violating paragraph (c) of subsection (5) of KRS  
27       189.390.

1                   **(b) Any person who violates KRS 189.338 or 189.390 but does not receive a**  
2                   **citation from a police officer at the time of the violation may be subject to a**  
3                   **civil penalty in accordance with Section 1 of this Act.**

4                   (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person  
5                   who violates the weight provisions of KRS 189.212, 189.221, 189.222,  
6                   189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02)  
7                   per pound for each pound of excess load when the excess is five  
8                   thousand (5,000) pounds or less. When the excess exceeds five thousand  
9                   (5,000) pounds the fine shall be two cents (\$0.02) per pound for each  
10                   pound of excess load, but the fine levied shall not be less than one  
11                   hundred dollars (\$100) and shall not be more than five hundred dollars  
12                   (\$500).

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

16                   a. Five hundred dollars (\$500) for the first offense;  
17                   b. One thousand dollars (\$1,000) for the second offense within a one  
18                   (1) year period; and  
19                   c. Two thousand dollars (\$2,000) for any subsequent offense within a  
20                   one (1) year period.

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

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

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

9 (d) 1. Any person who violates the provisions of KRS 177.985 while operating  
10 on a route designated in KRS 177.986 shall be fined one hundred dollars  
11 (\$100).  
12 2. Any person who operates a vehicle with a permit under KRS 177.985 in  
13 excess of eighty thousand (80,000) pounds while operating on a route  
14 not designated in KRS 177.986 shall be fined one thousand dollars  
15 (\$1,000).  
16 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to  
17 prejudice or affect the authority of the Department of Vehicle Regulation to  
18 suspend or revoke certificates of common carriers, permits of contract  
19 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221  
20 to 189.228 or any other act applicable to motor vehicles, as provided by law.

21 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not  
22 more than fifteen dollars (\$15).  
23 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not  
24 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).  
25 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not  
26 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).  
27 (b) Any peace officer who fails, when properly informed, to enforce KRS

1           189.210 shall be fined not less than twenty-five dollars (\$25) nor more than  
2           one hundred dollars (\$100).

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

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

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

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

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

21           (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-  
22           five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned  
23           not less than thirty (30) days nor more than twelve (12) months, or both.  
24           (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-  
25           five dollars (\$35) nor more than one hundred dollars (\$100).

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

- 1       (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than  
2                   thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 3       (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of  
4                   this section shall, in the case of a public highway, be paid into the county road fund,  
5                   and, in the case of a privately owned road or bridge, be paid to the owner. These  
6                   fines shall not bar an action for damages for breach of contract.
- 7       (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not  
8                   less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each  
9                   offense.
- 10      (14) Any person who violates any provision of KRS 189.575 shall be fined not less than  
11                   twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 12      (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than  
13                   twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 14      (16) Any person who violates restrictions or regulations established by the secretary of  
15                   transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,  
16                   be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not  
17                   less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
18                   imprisoned for thirty (30) days, or both.
- 19      (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty  
20                   of a Class B misdemeanor.  
21                   (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in  
22                   case of violation by any person in whose name the vehicle used in the  
23                   transportation of inflammable liquids or explosives is licensed, the person  
24                   shall be fined not less than one hundred dollars (\$100) nor more than five  
25                   hundred dollars (\$500). Each violation shall constitute a separate offense.
- 26      (18) Any person who abandons a vehicle upon the right-of-way of a state highway for  
27                   three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor

1       more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days  
2       nor more than thirty (30) days.

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

7       (20) Any law enforcement agency which fails or refuses to forward the reports required  
8       by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.

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

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

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

16      (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty  
17      dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this  
18      subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
19      court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,  
20      or any other additional fees or costs.

21      (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a  
22      uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.  
23      For a violation on or after July 1, 2009, the person shall be fined thirty dollars  
24      (\$30). This fine shall be subject to prepayment. A fine imposed under this  
25      subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
26      court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or  
27      any other additional fees or costs. A person who has not been previously charged

1       with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting  
2       the requirements of KRS 189.125. Upon presentation of sufficient proof of the  
3       acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

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

9       (27) Fines levied pursuant to this chapter shall be assessed in the manner required by  
10      KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall  
11      be governed by KRS 534.020 and 534.060.

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

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

19       (b) Attendance at a driver improvement clinic established pursuant to KRS  
20       186.574. If the person completes the terms of this diversionary program  
21       satisfactorily the violation shall be dismissed.

22      (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall  
23      be fined two hundred fifty dollars (\$250). The fines and costs for a violation of  
24      subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in  
25      accordance with KRS 24A.180. Once deposited into the State Treasury, ninety  
26      percent (90%) of the fine collected under this subsection shall immediately be  
27      forwarded to the personal care assistance program under KRS 205.900 to 205.920.

1       Ten percent (10%) of the fine collected under this subsection shall annually be  
2       returned to the county where the violation occurred and distributed equally to all  
3       law enforcement agencies within the county.

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

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

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