

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).