

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 189.340 is amended to read as follows:

- 4 (1) The driver of a vehicle overtaking other vehicles proceeding in the same direction
5 shall pass to the left of them and shall not again drive to the right until reasonably
6 clear of those vehicles. The driver of a vehicle overtaking streetcars may pass either
7 to the right or left when so directed by a police officer, when on a one (1) way street
8 or where the location of the tracks prevents compliance with this section, with
9 regard for other traffic.
- 10 (2) (a) The driver of a vehicle overtaking a bicycle or electric low-speed scooter
11 proceeding in the same direction shall:
- 12 1. If there is more than one (1) lane for traffic proceeding in the same
13 direction, move the vehicle to the immediate left, if the lane is available
14 and moving in the lane is reasonably safe; or
 - 15 2. If there is only one (1) lane for traffic proceeding in the same direction,
16 pass to the left of the bicycle or electric low-speed scooter at a distance
17 of not less than three (3) feet between any portion of the vehicle and the
18 bicycle or electric low-speed scooter and maintain that distance until
19 safely past the overtaken bicycle or electric low-speed scooter. If space
20 on the roadway is not available to have a minimum distance of three (3)
21 feet between the vehicle and the bicycle or electric low-speed scooter,
22 then the driver of the passing vehicle shall use reasonable caution in
23 passing the bicyclist or electric low-speed scooter operator.
- 24 (b) The driver of a motor vehicle may drive to the left of the center of a roadway,
25 including when a no-passing zone is marked in accordance with subsection
26 (6) of this section, to pass a person operating a bicycle or electric low-speed
27 scooter only if the roadway to the left of the center is unobstructed for a

1 sufficient distance to permit the driver to pass the person operating the bicycle
2 or electric low-speed scooter safely and avoid interference with oncoming
3 traffic. This paragraph does not authorize driving on the left side of the center
4 of the roadway when otherwise prohibited under state law.

5 (c) The operator of a bicycle or electric low-speed scooter shall not ride more
6 than two (2) abreast on a single highway lane unless operating on any part of
7 the roadway marked exclusively for bicycle use. Persons riding two (2)
8 abreast shall not impede the normal and reasonable movement of traffic.

9 (3) The operator of a vehicle may overtake and pass upon the right of another vehicle
10 only under the following conditions:

11 (a) When the vehicle overtaken is making or about to make a left turn; or

12 (b) Upon a roadway with unobstructed pavement of sufficient width for two (2)
13 or more lines of vehicles moving lawfully in the direction being traveled by
14 the overtaking vehicle.

15 (4) The operator of a vehicle may overtake and pass another vehicle upon the right only
16 under conditions permitting the passing in safety, and not by driving off the
17 roadway unless the vehicle being passed is at a complete stop and the passing may
18 be made safely.

19 (5) A person shall not drive a vehicle to the left side of the center of the roadway in
20 overtaking and passing another vehicle proceeding in the same direction unless the
21 left side is clearly visible and free of oncoming traffic for a sufficient distance
22 ahead to permit overtaking and passing to be completely made without interfering
23 with the safe operation of any vehicle approaching from the opposite direction or
24 any vehicle overtaken. In every event, the overtaking vehicle must return to the
25 right-hand side of the roadway before coming within two hundred (200) feet of any
26 vehicle approaching from the opposite direction.

27 (6) The commissioner of highways is hereby authorized to determine those portions of

1 any highway where overtaking and passing or driving to the left of the roadway
2 would be especially hazardous and may by appropriate signs or markings on the
3 roadway indicate the beginning and end of the zones, and when signs or markings
4 are in place and clearly visible to an ordinarily observant person, every driver of a
5 vehicle shall obey the directions thereof, except as provided for in subsection (2)(b)
6 of this section.

7 (7) Whenever any roadway has been divided into three (3) or more clearly marked
8 lanes for travel in one (1) direction, the following additional rules shall apply:

9 (a) A person shall drive a vehicle as nearly as may be practical entirely within a
10 single lane and shall not move from that lane until the driver ascertains that
11 the movement can be made with safety;

12 (b) A person shall not drive a vehicle in the center lane except when overtaking
13 and passing another vehicle where the roadway is clearly visible and the
14 center lane is clear of traffic within a safe distance, or in preparation for a left
15 turn or where a center lane is at the time allocated exclusively to traffic
16 moving in the direction in which the vehicle is proceeding and is signposted
17 to give notice of the allocation;

18 (c) A person shall not operate a truck tractor, trailer, or semitrailer in the leftmost
19 lane except when entering or leaving a highway, yielding to traffic coming
20 onto the highway, or when traffic conditions exist which would prohibit safe
21 use of the right or center lanes; and

22 (d) Official signs may be erected directing slow-moving traffic to use a
23 designated lane or allocating specified lanes to traffic moving in the same
24 direction and operators of vehicles shall obey the directions of these signs.

25 (8) On any ~~limited access~~ highway of four (4) lanes or more ~~with a posted speed~~
26 ~~limit of at least sixty five (65) miles per hour~~, a person shall not operate a motor
27 vehicle in the leftmost lane ***at a speed lower than the posted speed limit***, except

1 when:

2 (a) Overtaking a slower vehicle;

3 (b) Yielding to traffic coming onto the highway;~~[-or]~~

4 (c) Preparing to make a left turn at an intersection or into a private drive or
5 roadway; or

6 (d) Traffic or road conditions exist which would prohibit safe use of the right or
7 center lanes.

8 (9) (a) Except as provided in paragraph (c) of this subsection, the operator of a motor
9 vehicle shall not follow another vehicle more closely than is reasonable and
10 prudent, having regard for the speed of the vehicle and the traffic upon and
11 condition of the highway.

12 (b) Except as provided in paragraph (c) of this subsection, the operator of any
13 motor truck, semitrailer truck, bus, or heavy construction equipment unit,
14 when traveling upon a highway outside of a business or residential district,
15 shall not follow within two hundred fifty (250) feet of another vehicle or
16 equipment unit. This subsection shall not prevent overtaking and passing, nor
17 shall it apply to any lane specially designated for use of motor trucks or
18 semitrailer trucks, buses or heavy construction equipment units.

19 (c) Paragraphs (a) and (b) of this subsection shall not apply to a trailing
20 commercial motor vehicle involved in a platoon as defined in KRS 281.010,
21 but shall apply to the commercial motor vehicle leading a platoon.

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

23 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
24 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
25 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
26 (4) of KRS 189.190, KRS 189.200, 189.285, subsection (1) or (2) of KRS 189.290,
27 189.300 to 189.338, subsections (1) to (7) and (9) of Section 1 of this Act, KRS

1 189.345 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to
2 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540,
3 KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS
4 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than
5 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
6 Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less
7 than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or
8 imprisoned in the county jail for not more than one (1) year, or both, unless the
9 accident involved death or serious physical injury and the person knew or should
10 have known of the death or serious physical injury, in which case the person shall
11 be guilty of a Class D felony. Any person who violates paragraph (c) of subsection
12 (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than
13 thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person
14 violating paragraph (c) of subsection (5) of KRS 189.390.

15 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person
16 who violates the weight provisions of KRS 189.212, 189.221, 189.222,
17 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02)
18 per pound for each pound of excess load when the excess is five
19 thousand (5,000) pounds or less. When the excess exceeds five thousand
20 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each
21 pound of excess load, but the fine levied shall not be less than one
22 hundred dollars (\$100) and shall not be more than five hundred dollars
23 (\$500).

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

27 a. Five hundred dollars (\$500) for the first offense;

- 1 b. One thousand dollars (\$1,000) for the second offense within a one
- 2 (1) year period; and
- 3 c. Two thousand dollars (\$2,000) for any subsequent offense within a
- 4 one (1) year period.

5 The Transportation Cabinet shall erect signs warning drivers of the

6 increased fines in this subparagraph. Signs erected under this

7 subparagraph shall be placed in such a manner that drivers are given

8 adequate warning in order to exit the road prior to crossing the bridge. If

9 warning signs are not erected in accordance with this subparagraph, the

10 fines in this subparagraph shall not apply and violators shall be fined

11 under subparagraph 1. of this paragraph.

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

13 route designated on the permit shall be fined one hundred dollars (\$100);

14 otherwise, the penalties in paragraph (a) of this subsection shall apply.

15 (c) Any person who violates any provision of subsection (2) or (3) of KRS

16 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,

17 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which

18 another penalty is not specifically provided shall be fined not less than ten

19 dollars (\$10) nor more than five hundred dollars (\$500).

20 (d) 1. Any person who violates the provisions of KRS 177.985 while operating

21 on a route designated in KRS 177.986 shall be fined one hundred dollars

22 (\$100).

23 2. Any person who operates a vehicle with a permit under KRS 177.985 in

24 excess of eighty thousand (80,000) pounds while operating on a route

25 not designated in KRS 177.986 shall be fined one thousand dollars

26 (\$1,000).

27 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to

- 1 prejudice or affect the authority of the Department of Vehicle Regulation to
2 suspend or revoke certificates of common carriers, permits of contract
3 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
4 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 5 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
6 more than fifteen dollars (\$15).
- 7 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
8 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 9 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
10 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 11 (b) Any peace officer who fails, when properly informed, to enforce KRS
12 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
13 one hundred dollars (\$100).
- 14 (c) All fines collected under this subsection, after payment of commissions to
15 officers entitled thereto, shall go to the county road fund if the offense is
16 committed in the county, or to the city street fund if committed in the city.
- 17 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
18 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
19 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
20 each subsequent offense occurring within three (3) years, the person shall be fined
21 not less than three hundred dollars (\$300) nor more than five hundred dollars
22 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
23 both. The minimum fine for this violation shall not be subject to suspension. A
24 minimum of six (6) points shall be assessed against the driving record of any person
25 convicted.
- 26 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
27 (\$15) in excess of the cost of the repair of the road.

- 1 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
2 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 3 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
4 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 5 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
6 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
7 not less than thirty (30) days nor more than twelve (12) months, or both.
- 8 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
9 five dollars (\$35) nor more than one hundred dollars (\$100).
- 10 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
11 Class B misdemeanor.
- 12 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
13 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 14 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
15 this section shall, in the case of a public highway, be paid into the county road fund,
16 and, in the case of a privately owned road or bridge, be paid to the owner. These
17 fines shall not bar an action for damages for breach of contract.
- 18 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
19 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
20 offense.
- 21 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
22 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 23 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
24 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 25 (16) Any person who violates restrictions or regulations established by the secretary of
26 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
27 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not

1 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
2 imprisoned for thirty (30) days, or both.

3 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
4 of a Class B misdemeanor.

5 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
6 case of violation by any person in whose name the vehicle used in the
7 transportation of inflammable liquids or explosives is licensed, the person
8 shall be fined not less than one hundred dollars (\$100) nor more than five
9 hundred dollars (\$500). Each violation shall constitute a separate offense.

10 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
11 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
12 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
13 nor more than thirty (30) days.

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

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

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

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

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

27 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty

1 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
2 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
3 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
4 or any other additional fees or costs.

5 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
6 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
7 For a violation on or after July 1, 2009, the person shall be fined thirty dollars
8 (\$30). This fine shall be subject to prepayment. A fine imposed under this
9 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
10 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
11 any other additional fees or costs. A person who has not been previously charged
12 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
13 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
14 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

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

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

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

27 (a) Execution of a diversion agreement which prohibits the driver from operating

1 a vehicle for a period not to exceed forty-five (45) days and which allows the
2 court to retain the driver's operator's license during this period; and

3 (b) Attendance at a driver improvement clinic established pursuant to KRS
4 186.574. If the person completes the terms of this diversionary program
5 satisfactorily the violation shall be dismissed.

6 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall
7 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
8 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
9 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
10 percent (90%) of the fine collected under this subsection shall immediately be
11 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
12 Ten percent (10%) of the fine collected under this subsection shall annually be
13 returned to the county where the violation occurred and distributed equally to all
14 law enforcement agencies within the county.

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

17 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
18 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
19 imposed under this subsection shall not be subject to court costs pursuant to KRS
20 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
21 KRS 24A.1765, or any other additional fees or costs.

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

24 **(33) Any person who violates subsection (8) of Section 1 of this Act shall, for the:**

25 **(a) First offense within a twelve (12) month period, be fined one hundred fifty**
26 **dollars (\$150);**

27 **(b) Second offense within a twelve (12) month period, be fined two hundred**

1 *fifty dollars (\$250); and*
2 *(c) Third offense within a twelve (12) month period, be fined three hundred*
3 *fifty dollars (\$350), or imprisoned not more than thirty (30) days, or both.*