



This legislation also allows the legislative body of a local government to regulate the operation of an OHV on any public roadway or any section of city or county roadway under its jurisdiction by enacting an ordinance. Local governments must receive Transportation Cabinet approval for any section of state-maintained roadway within their jurisdiction. An OHV may not be operated on fully controlled access highways. Local governments may also adopt more stringent requirements governing OHV safety equipment and operation.

The local ordinance shall also require local government to issue an annual permit and that it be displayed on the OHV. The annual permit shall expire on April 1 of each year. Local government may assess a fee of \$30 for Kentucky residents \$50 for nonresidents. Five (\$5) dollars of the fee shall be forwarded to the regional authority and \$5 to the Transportation Cabinet. Local governments retain the balance.

Local government may establish an online issuance system for the sale of OHV permits. It may also contract with a regional authority or a private vendor for the issuance and sale of OHV permits at retail locations within Kentucky. These fees are separate from any fee for operating on public or private riding trails.

To operate an OHV on a public roadway, the operator must be 18 years of age or older, have a valid operator's license, have proof of insurance inside of the vehicle, and must adhere to all traffic regulations.

Any passenger under the age of 18, must wear an approved helmet. Eye protection is also required for all occupants when a windshield is not present.

The Transportation Cabinet and local government shall each be responsible for placement of signage denoting their jurisdictional designation of approved roadways.

An OHV operating on a public roadway designated by local government, is not considered to be a motor vehicle and shall be exempt from title, registration, and emissions compliance requirements.

KRS 189.515 is amended to conform.

**The fiscal impact to local government is not able to be determined. The impact is expected to be minimal but positive.**

Since current law does not require an owner to register an OHV, there is no way to estimate the number of permits that may be issued by local government.

All roads approved by local government for OHV use would need to have signage installed along the approved route, in both directions. Until roadways have been identified and ordinances approved, the number of needed road signs is unknown. Local government cost for road signs range from \$125 to \$150, depending on the size of the sign.

Local governments that choose to create ordinances approving the operation of OHVs will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2019, the median hourly rate was approximately \$100. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

Traffic penalties of KRS Chapter 189 apply to this legislation and consist of fines, imprisonment or both. Crimes include Class A and B misdemeanors and Class D felony. The number of each is not determinable.

**The fiscal impact to local jails is expected to be minimal but indeterminable.**

**Class B and Class A misdemeanors:**

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

**Class D felons:**

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

**The overall expected fiscal impact is indeterminable, but is expected to be minimal.**

**Part III: Differences to Local Government Mandate Statement from Prior Versions**

The fiscal impact of SB 75 GA as amended by HCS 1 and SFA 2 remains the same as the original local mandate.

SFA 2 removes the original provisions as introduced and creates a new Chapter of KRS 189 to allow for the operation of OHV on specified roadways in the Commonwealth. It removed requirements for titling, registration and inspections. SFA 2 retains the provisions of HCS 1.

The fiscal impact statement to SB 75 SCS 1 remains the same as the original local mandate for SB 75.

SCS 1 requires that local governments **proactively approve** the use of OHV on specified county roadways. Previously, local governments had to prohibit OHV use on certain county roadways they deemed the operation of an OHV on to be unsafe.

**Data Source(s):** Kentucky Department of Revenue, Department of Corrections, Shelby County Road Department, LRC Staff

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