Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 105 R1
Bill #: HB 149
Document ID #: 2295
Bill Subject/Title: AN ACT relating to the operation of a vehicle.
Sponsor: Representative Ken Upchurch
Unit of Government: City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement / Courts
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing
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Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 149 makes the following changes to KRS 189.340:

- clarifies existing language regarding overtaking and passing vehicles on the right;
- clarifies existing language to allow a vehicle to operate in the left-most lane of a four lane or greater highway with a posted speed limit of 65 miles per hour only in the following circumstances:
 - To overtake a slower vehicle;
 - Yielding to traffic entering the highway; and
 - \circ When traffic conditions prohibit the safe use of the right or center lanes.
- **adds language** providing that a vehicle may also operate in the left-most lane at a speed lower than the posted maximum speed limit, if another vehicle is overtaking the operator's vehicle from the rear except in the following circumstances:

- Traffic conditions or congestion;
- Inclement weather, obstructions, or hazards;
- Compliance with a law, a regulation, an ordinance, or a traffic control device;
- Exiting a roadway or turning to the left;
- Paying tolls or user fees at a toll collection facility; or
- $\circ\,$ An emergency vehicle or public safety vehicle is being operated in the course of its duty.

The fiscal impact of HB 149 on local governments will be minimally positive. Any new law or expansion of current law will increase fines and revenues from court cost, a portion of which makes its way back to the county in which the court costs were received.

Local law enforcement may incur cost related to enforcing the provisions of this bill. However, the cost will likely be minimal since new staff is unlikely to be added and dissemination of the new law will be easily done through current training.

The proposed legislation is an enhancement of the current statute. Statewide district court charges for violations under the current KRS 189.340 amounted to 305 in CY 2020, 521 for CY 2021, and 508 for CY 2022.

During that three-year period, enforcement of KRS 189.340 resulted in the following averages:

- 83 counties averaged less than 10,
- 25 counties averaged 10 to less than 30, and
- 10 counties averaged 30 to less than 64.

Additionally, Jefferson County had 75 and Kenton County had 139 during the same time frame.

Any person who violates the provisions of the added language shall be fined an amount not to exceed \$25.

Exactly how the new language will impact enforcement levels is indeterminable.

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

Part II refers to HB 149 as introduced. There are no prior versions.

Data Source(s): <u>LRC Staff, Administrative Offices of the Court</u>

 Preparer:
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 Reviewer:
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 Date:
 2/8/23