

1 AN ACT relating to motor vehicles.

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

3 ➔Section 1. KRS 189.394 is amended to read as follows:

4 (1) The fines for speeding in violation of KRS 189.390 shall be:

5 Mph.	Prima Facie or Maximum Speed													
6 Over														
7 Limit	15	20	25	30	35	40	45	50	55	60	65	70	Fine	
8 1	16	21	26	31	36	41	46	51	56	61	66	71	\$1	
9 2	17	22	27	32	37	42	47	52	57	62	67	72	2	
10 3	18	23	28	33	38	43	48	53	58	63	68	73	3	
11 4	19	24	29	34	39	44	49	54	59	64	69	74	4	
12 5	20	25	30	35	40	45	50	55	60	65	70	75	5	
13 6	21	26	31	36	41	46	51	56	61	66	71	76	\$ 16	
14 7	22	27	32	37	42	47	52	57	62	67	72	77	17	
15 8	23	28	33	38	43	48	53	58	63	68	73	78	18	
16 9	24	29	34	39	44	49	54	59	64	69	74	79	19	
17 10	25	30	35	40	45	50	55	60	65	70	75	80	20	
18 11	26	31	36	41	46	51	56	61	66	71	76	81	22	
19 12	27	32	37	42	47	52	57	62	67	72	77	82	24	
20 13	28	33	38	43	48	53	58	63	68	73	78	83	26	
21 14	29	34	39	44	49	54	59	64	69	74	79	84	28	
22 15	30	35	40	45	50	55	60	65	70	75	80	85	30	
23 16	31	36	41	46	51	56	61	66	71	76	81		32	
24 17	32	37	42	47	52	57	62	67	72	77	82		34	
25 18	33	38	43	48	53	58	63	68	73	78	83		36	
26 19	34	39	44	49	54	59	64	69	74	79	84		38	
27 20	35	40	45	50	55	60	65	70	75	80	85		40	

1	21	36	41	46	51	56	61	66	71	43
2	22	37	42	47	52	57	62	67	72	46
3	23	38	43	48	53	58	63	68	73	49
4	24	39	44	49	54	59	64	69	74	52
5	25	40	45	50	55	60	65	70	75	55

6 (2) *For speeding violations five (5) miles per hour or less over the limit, a person*
7 *shall not be issued a uniform citation, but shall instead receive a courtesy*
8 *warning.*

9 (3) For speeding in excess of the speeds shown on the specific fine schedule the fine
10 shall be not less than sixty dollars (\$60) nor more than one hundred dollars (\$100).

11 ~~(4)~~~~(3)~~ For any violation shown on the chart for which a specific fine is prescribed,
12 the defendant may elect to pay the fine and court costs to the circuit clerk before the
13 date of his trial or to be tried in the normal manner. Payment of the fine and court
14 costs to the clerk shall be considered as a plea of guilty for all purposes.

15 ~~(5)~~~~(4)~~ If the offense charged shows a speed in excess of the speeds shown on the
16 specific fine schedule the defendant shall appear for trial and may not pay the fine
17 to the clerk before the trial date.

18 ~~(6)~~~~(5)~~ If the offense occurred in an area near a school where flasher lights have been
19 installed and are flashing, and a speed limit has been set pursuant to KRS 189.336,
20 the fine established by subsection (1) or (2) of this section shall be doubled.

21 ➔Section 2. KRS 189.725 is amended to read as follows:

22 (1) *Subject to the limitations in subsection (3) of this section,* any owner or attendant
23 of a privately owned parking lot may have a towing company remove from the lot
24 any unauthorized parked vehicle. A towing company engaged to remove such
25 vehicle shall have a lien on the vehicle in accordance with KRS 376.275.

26 (2) Every operator of a parking lot covered by subsection (1) of this section shall post
27 signs stating thereon that the parking lot is privately owned and unauthorized

vehicles will be towed away at the owner's expense.

(3) If a person is legally parked in a privately owned parking lot and experiences an incident on business property, including but not limited to a medical emergency or being taken into custody, which would authorize the removal of the vehicle, the owner or attendant of the parking lot shall wait twenty-four (24) hours before having a towing company remove the vehicle from the parking lot, unless the vehicle is impeding or blocking the normal and reasonable movement of traffic.

➔Section 3. KRS 189.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020, **189.030**, ~~to~~ **subsections (3) to (15) of KRS** 189.040, subsection~~[(1) or]~~ (4) of KRS 189.050, KRS **189.070**,~~189.060 to~~ 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360,~~KRS 189.380,~~ KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense. Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not more than one (1) year, or both, unless the accident involved death or serious physical injury and the person knew or should have known of the death or serious physical injury, in which case the person shall be guilty of a Class D felony. Any person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person violating paragraph (c) of subsection (5) of KRS 189.390.

(2) Any person who violates the provisions of subsection (1) or (2) of KRS 189.040,

subsection (1) of KRS 189.050, KRS 189.055, KRS 189.060, or KRS 189.380 shall not be issued a uniform citation but shall receive a courtesy warning for the first offense. For a subsequent offense occurring within ten (10) days involving the same violation and the same vehicle, the operator of the vehicle at the time of the subsequent offense shall be fined twenty-five dollars (\$25). This fine shall be subject to prepayment. A fine imposed under this section shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any additional fees or costs. If the person submits proof of repair related to the relevant charge, the charge shall be dismissed and no fine shall be imposed.

- (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221, 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02) per pound for each pound of excess load when the excess is five thousand (5,000) pounds or less. When the excess exceeds five thousand (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of excess load, but the fine levied shall not be less than one hundred dollars (\$100) and shall not be more than five hundred dollars (\$500).
- (b) Any person who violates the provisions of KRS 189.271 and is operating on a route designated on the permit shall be fined one hundred dollars (\$100); otherwise, the penalties in paragraph (a) of this subsection shall apply.
- (c) Any person who violates any provision of subsection (2) or (3) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which another penalty is not specifically provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).
- (d) 1. Any person who violates the provisions of KRS 177.985 while operating on a route designated in KRS 177.986 shall be fined one hundred dollars

1 (\$100).

2 2. Any person who operates a vehicle with a permit under KRS 177.985 in
3 excess of eighty thousand (80,000) pounds while operating on a route
4 not designated in KRS 177.986 shall be fined one thousand dollars
5 (\$1,000).

6 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
7 prejudice or affect the authority of the Department of Vehicle Regulation to
8 suspend or revoke certificates of common carriers, permits of contract
9 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
10 to 189.228 or any other act applicable to motor vehicles, as provided by law.

11 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
12 more than fifteen dollars (\$15).

13 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
14 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).

15 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
16 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

17 (b) Any peace officer who fails, when properly informed, to enforce KRS
18 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
19 one hundred dollars (\$100).

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

23 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
24 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
25 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
26 each subsequent offense occurring within three (3) years, the person shall be fined
27 not less than three hundred dollars (\$300) nor more than five hundred dollars

- 1 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
2 both. The minimum fine for this violation shall not be subject to suspension. A
3 minimum of six (6) points shall be assessed against the driving record of any person
4 convicted.
- 5 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
6 (\$15) in excess of the cost of the repair of the road.
- 7 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
8 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 9 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
10 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 11 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
12 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
13 not less than thirty (30) days nor more than twelve (12) months, or both.
- 14 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
15 five dollars (\$35) nor more than one hundred dollars (\$100).
- 16 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
17 Class B misdemeanor.
- 18 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
19 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 20 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
21 this section shall, in the case of a public highway, be paid into the county road fund,
22 and, in the case of a privately owned road or bridge, be paid to the owner. These
23 fines shall not bar an action for damages for breach of contract.
- 24 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
25 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
26 offense.
- 27 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than

- 1 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 2 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
- 3 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 4 (16) Any person who violates restrictions or regulations established by the secretary of
- 5 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
- 6 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
- 7 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
- 8 imprisoned for thirty (30) days, or both.
- 9 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
- 10 of a Class B misdemeanor.
- 11 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
- 12 case of violation by any person in whose name the vehicle used in the
- 13 transportation of inflammable liquids or explosives is licensed, the person
- 14 shall be fined not less than one hundred dollars (\$100) nor more than five
- 15 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 16 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
- 17 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
- 18 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
- 19 nor more than thirty (30) days.
- 20 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
- 21 unless the offense is being committed by a defendant fleeing the commission of a
- 22 felony offense which the defendant was also charged with violating and was
- 23 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 24 (20) Any law enforcement agency which fails or refuses to forward the reports required
- 25 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 26 (21) A person who operates a bicycle in violation of the administrative regulations
- 27 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)

- 1 nor more than one hundred dollars (\$100).
- 2 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
3 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 4 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
5 dollars (\$25) nor more than three hundred dollars (\$300).
- 6 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
7 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
8 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
9 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
10 or any other additional fees or costs.
- 11 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
12 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
13 For a violation on or after July 1, 2009, the person shall be fined thirty dollars
14 (\$30). This fine shall be subject to prepayment. A fine imposed under this
15 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
16 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
17 any other additional fees or costs. A person who has not been previously charged
18 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
19 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
20 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 21 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
22 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
23 prepayment. A fine imposed under this subsection shall not be subject to court costs
24 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
25 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 26 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
27 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall

1 be governed by KRS 534.020 and 534.060.

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

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

9 (b) Attendance at a driver improvement clinic established pursuant to KRS
10 186.574. If the person completes the terms of this diversionary program
11 satisfactorily the violation shall be dismissed.

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

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

23 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
24 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
25 imposed under this subsection shall not be subject to court costs pursuant to KRS
26 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
27 KRS 24A.1765, or any other additional fees or costs.