GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

SENATE BILL NO. 44

TUESDAY, JANUARY 24, 2006

The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to highways.

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

1 Section 1. KRS 189.580 is amended to read as follows:

2 (1) ***(a)*** The operator of any vehicle, whose vehicle, vehicle load, or vehicle
3 equipment which is involved in an accident resulting in injury to or death of
4 any person or resulting only in damage to a vehicle or other property which is
5 driven or attended by any person shall immediately stop and ascertain the
6 extent of the injury or damage and render reasonable assistance, including the
7 carrying, or making of arrangements for the carrying, of such person to a
8 physician, surgeon, or hospital for medical or surgical treatment if it is
9 apparent that such treatment is necessary, or if such carrying is requested by
10 the injured person. The operator or person having or assuming authority of the
11 operator, or ownership of the vehicle, shall give the occupant of the vehicle, or
12 person struck, if requested, the registration number of the vehicle, if any, and
13 also the names and addresses of the owner, the occupants and operator. The
14 total names need not exceed five (5) in number.

15 ***(b) If an accident that occurs on an interstate highway or parkway or any on-***
16 ***ramp or off-ramp thereto does not involve death, known or visible injury, or***
17 ***the transportation of hazardous material, the operator shall move the***
18 ***vehicle off the roadway to a place as close to the accident scene as***
19 ***practicable without obstructing traffic as soon as the vehicle can be moved***
20 ***without the risk of further injury or damage. The operator or person having***
21 ***or assuming authority of the operator, or ownership of the vehicle, shall***
22 ***give any other person involved in the accident, if requested, the registration***
23 ***number of the vehicle, if any, and also the names and addresses of the***
24 ***owner, the occupants, and the operator of his or her vehicle, and insurance***
25 ***information for the vehicle.***

1 (2) The operator of any vehicle which collides with or is involved in an accident with
2 any vehicle or other property which is unattended resulting in any damage to such
3 other vehicle or property shall immediately stop ***as close to the accident scene as***
4 ***possible without obstructing traffic*** and shall then and there either locate and notify
5 the operator or owner of such vehicle or other property of his name, address, and the
6 registration number of the vehicle he is driving or shall attach securely in a
7 conspicuous place in or on such vehicle or other property a written notice giving his
8 name, address, and the registration number of the vehicle he is driving, or shall file
9 a report with the local police department.
10 (3) ***If the operator of a vehicle is unable to move a vehicle off the roadway under the***
11 ***provisions of subsections (1) and (2) of this section, the operator or owner may***
12 ***permit any person who possesses a valid operator's license or proper class of***
13 ***commercial driver's license to move the vehicle as provided in this section.***
14 ***(4) Except as provided for in subsection (5) of this section, a peace officer or safety***
15 ***officer may remove or cause to be removed from the roadway of an interstate***
16 ***highway or parkway or any on-ramp or off-ramp thereto, without consent of the***
17 ***owner or operator, any vehicle, cargo, or other property which is obstructing the***
18 ***roadway, creating or aggravating an emergency situation, or otherwise***
19 ***endangering public safety. Any vehicle, cargo, or other property obstructing the***
20 ***roadway of an interstate highway or parkway shall be removed by the most***
21 ***expeditious means available to clear the obstruction, giving due regard to the***
22 ***protection of the property removed.***
23 ***(5) (a) In accidents that involve fatalities or known or visible injuries, the removal***
24 ***provisions of subsection (4) of this section shall apply only after all medical***
25 ***assistance, fire supervision, and site investigation have been completed.***
26 ***(b) The removal provisions of subsection (4) of this section shall not apply if an***
27 ***accident involves, or is believed to involve, a release of hazardous materials.***

1 ***(6) (a) The operator of a vehicle involved in an accident on a highway in this state***
2 ***which results in a fatality or a known or visible injury to a person or***
3 ***damage to a vehicle which renders the vehicle inoperable shall immediately***
4 ***notify a public safety answering point, law enforcement agency, or law***
5 ***enforcement officer having jurisdiction if the operator is physically capable***
6 ***of doing so and has in his or her possession a functioning communications***
7 ***device with which to do so.***
8 ***(b) In the event an operator fails to notify or is incapable of notifying a public***
9 ***safety answering point, law enforcement agency, or law enforcement officer***
10 ***having jurisdiction, the responsibility for reporting the accident within a***
11 ***reasonable amount of time shall rest with the owner of the vehicle or any***
12 ***occupant of the vehicle at the time of the accident if the owner or occupant***
13 ***is physically capable of doing so, has in his or her possession a functioning***
14 ***communications device with which to do so, and, in the case of the owner,***
15 ***knows of the motor vehicle accident. A law enforcement officer having***
16 ***jurisdiction shall investigate the accident and file a written report of the***
17 ***accident with the officer's agency.***
18 ***(7)*** The operator of a vehicle involved in an accident ***on a highway in this state***[~~in~~
19 ~~subsection (1) or (2) above~~] resulting in injury to or death of any person or in which
20 total property damage of five hundred dollars ($500) or more is sustained***, and in***
21 ***which an investigation is not conducted by a law enforcement officer,*** shall ***file a***
22 ***written report of the accident with the Department of State Police***[~~,~~] within ten
23 (10) days ***of the occurrence of the accident upon forms provided by the***
24 ***department***[~~, report the matter in writing to the Justice Cabinet~~].
25 ***(8) Any agency, including the Commonwealth, that removes property from the***
26 ***roadway may intervene in any civil action arising from the accident to recover***
27 ***any costs expended. An owner of real property shall not be liable for the costs of***

1 ***removal under this section of trees, fences, structures, or other debris which fall***
2 ***into the roadway as a result of fire, severe weather, or other casualty.***
3 Section 2. KRS 189.990 is amended to read as follows:
4 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
5 subsections (1), (2), and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections
6 (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections
7 (2) to (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360,
8 KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595
9 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to
10 189.630, except subsection (1)***(b), or (6)(b)*** of KRS 189.580, KRS 189.345,
11 subsection (4) of KRS 189.456, and 189.960 shall be fined not less than twenty
12 dollars ($20) nor more than one hundred dollars ($100) for each offense. Any
13 person who violates subsection (1)***(a)*** of KRS 189.580 shall be fined not less than
14 twenty dollars ($20) nor more than two thousand dollars ($2,000) or imprisoned in
15 the county jail for not more than one (1) year, or both. Any person who violates
16 paragraph (c) of subsection (5) of KRS 189.390 shall be fined not less than eleven
17 dollars ($11) nor more than thirty dollars ($30). Neither court costs nor fees shall be
18 taxed against any person violating paragraph (c) of subsection (5) of KRS 189.390.
19 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,
20 189.222, 189.226, 189.230, or 189.270 shall be fined two cents ($0.02) per
21 pound for each pound of excess load when the excess is five thousand (5,000)
22 pounds or less. When the excess exceeds five thousand (5,000) pounds the
23 fine shall be two cents ($0.02) per pound for each pound of excess load, but
24 the fine levied shall not be less than one hundred dollars ($100) and shall not
25 be more than five hundred dollars ($500).
26 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
27 route designated on the permit shall be fined one hundred dollars ($100);

1 otherwise, the penalties in paragraph (a) of this subsection shall apply.
2 (c) Any person who violates any provision of subsections (3) and (4) of KRS
3 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
4 189.280, 189.490, or the dimension provisions of KRS 189.212, for which
5 another penalty is not specifically provided shall be fined not less than ten
6 dollars ($10) nor more than five hundred dollars ($500).
7 (d) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
8 prejudice or affect the authority of the Department of Vehicle Regulation to
9 suspend or revoke certificates of common carriers, permits of contract
10 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
11 to 189.228 or any other act applicable to motor vehicles, as provided by law.
12 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
13 more than fifteen dollars ($15).
14 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
15 less than thirty-five dollars ($35) nor more than two hundred dollars ($200).
16 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
17 less than twenty-five dollars ($25) nor more than one hundred dollars ($100).
18 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210
19 shall be fined not less than twenty-five dollars ($25) nor more than one
20 hundred dollars ($100).
21 (c) All fines collected under this subsection, after payment of commissions to
22 officers entitled thereto, shall go to the county road fund if the offense is
23 committed in the county, or to the city street fund if committed in the city.
24 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
25 than one hundred dollars ($100) nor more than two hundred dollars ($200) or
26 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
27 each subsequent offense occurring within three (3) years, the person shall be fined

1 not less than three hundred dollars ($300) nor more than five hundred dollars ($500)
2 or imprisoned not less than sixty (60) days nor more than six (6) months, or both.
3 The minimum fine for this violation shall not be subject to suspension. A minimum
4 of six (6) points shall be assessed against the driving record of any person
5 convicted.
6 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
7 ($15) in excess of the cost of the repair of the road.
8 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
9 twenty dollars ($20) nor more than fifty dollars ($50).
10 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
11 less than thirty-five dollars ($35) nor more than one hundred dollars ($100).
12 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
13 five dollars ($35) nor more than one hundred dollars ($100), or imprisoned
14 not less than thirty (30) days nor more than twelve (12) months, or both.
15 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
16 five dollars ($35) nor more than one hundred dollars ($100).
17 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
18 Class B misdemeanor.
19 (11) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than
20 thirty dollars ($30) nor more than one hundred dollars ($100) for each offense.
21 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
22 this section shall, in the case of a public highway, be paid into the county road fund,
23 and, in the case of a privately owned road or bridge, be paid to the owner. These
24 fines shall not bar an action for damages for breach of contract.
25 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
26 less than twenty dollars ($20) nor more than one hundred dollars ($100) for each
27 offense.

1 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
2 twenty dollars ($20) nor more than twenty-five dollars ($25).
3 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
4 twenty dollars ($20) nor more than one hundred dollars ($100) for each offense.
5 (16) Any person who violates restrictions or regulations established by the secretary of
6 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
7 be fined one hundred dollars ($100) and, upon subsequent convictions, be fined not
8 less than one hundred dollars ($100) nor more than five hundred dollars ($500) or
9 imprisoned for thirty (30) days, or both.
10 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
11 of a Class B misdemeanor.
12 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
13 case of violation by any person in whose name the vehicle used in the
14 transportation of inflammable liquids or explosives is licensed, the person
15 shall be fined not less than one hundred dollars ($100) nor more than five
16 hundred dollars ($500). Each violation shall constitute a separate offense.
17 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
18 three (3) consecutive days shall be fined not less than thirty-five dollars ($35) nor
19 more than one hundred dollars ($100), or imprisoned for not less than ten (10) days
20 nor more than thirty (30) days.
21 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
22 unless the offense is being committed by a defendant fleeing the commission of a
23 felony offense which the defendant was also charged with violating and was
24 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
25 (20) Any law enforcement agency which fails or refuses to forward the reports required
26 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
27 (21) A person who elects to operate a bicycle in accordance with any regulations adopted

1 pursuant to KRS 189.287 and who willfully violates a provision of a regulation
2 shall be fined not less than ten dollars ($10) nor more than one hundred dollars
3 ($100). A person who operates a bicycle without complying with any regulations
4 adopted pursuant to KRS 189.287 or vehicle safety statutes shall be prosecuted for
5 violation of the latter.
6 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
7 dollars ($500) or imprisoned for not more than six (6) months, or both.
8 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
9 dollars ($25) nor more than three hundred dollars ($300).
10 (24) Any person who violates the provisions of KRS 189.125(3) shall be fined fifty
11 dollars ($50).
12 (25) Any person who violates the provisions of KRS 189.125(6) shall be fined an
13 amount not to exceed twenty-five dollars ($25).
14 (26) Fines levied pursuant to this chapter shall be assessed in the manner required by
15 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
16 be governed by KRS 534.060.
17 (27) A licensed driver under the age of eighteen (18) charged with a moving violation
18 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
19 trial, by the court to a diversionary program. The diversionary program under this
20 subsection shall consist of one (1) or both of the following:
21 (a) Execution of a diversion agreement which prohibits the driver from operating
22 a vehicle for a period not to exceed forty-five (45) days and which allows the
23 court to retain the driver's operator's license during this period; and
24 (b) Attendance at a driver improvement clinic established pursuant to KRS
25 186.574. If the person completes the terms of this diversionary program
26 satisfactorily the violation shall be dismissed.
27 (28) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall

1 be fined two hundred fifty dollars ($250). The fines and costs for a violation of
2 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
3 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
4 percent (90%) of the fine collected under this subsection shall immediately be
5 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
6 Ten percent (10%) of the fine collected under this subsection shall annually be
7 returned to the county where the violation occurred and distributed equally to all
8 law enforcement agencies within the county.
9 Section 3. KRS 189.993 is amended to read as follows:
10 (1) Any person who violates KRS 189.045 shall be fined not less than one hundred
11 dollars ($100) nor more than one thousand dollars ($1,000).
12 (2) Any person convicted of violating any of the provisions of KRS 189.095 shall be
13 fined sixty dollars ($60) and costs of prosecution.
14 (3) Any person who violates any provision of KRS 189.205 shall be fined not less than
15 twenty dollars ($20) nor more than one hundred dollars ($100).
16 (4) Any person who violates any provision of KRS 189.375 shall be fined not less than
17 twenty dollars ($20) nor more than one hundred dollars ($100).
18 (5) Any person who violates KRS 189.505 shall be fined not less than sixty dollars
19 ($60) nor more than two hundred dollars ($200) or be imprisoned for not more than
20 thirty (30) days, or both.
21 (6) Any person found violating any provision of KRS 189.820 or 189.830 is guilty of a
22 misdemeanor and shall be fined not less than twenty dollars ($20) nor more than
23 thirty-five dollars ($35).
24 (7) Any person who violates KRS 189.920 shall be fined not less than one hundred
25 dollars ($100) nor more than one thousand dollars ($1,000), or imprisoned in the
26 county jail for not more than thirty (30) days, or both. In the case of a private
27 vehicle, all lighting and other equipment used in violation of KRS 189.910 to

1 189.950 shall be confiscated and forfeited to the county in which the offense
2 occurred.
3 (8) Any person who violates KRS 189.930 shall be fined not less than sixty dollars
4 ($60) nor more than five hundred dollars ($500), or be imprisoned in the county jail
5 for not more than thirty (30) days, or both.
6 (9) Any person who violates KRS 189.940 shall be fined not less than sixty dollars
7 ($60) nor more than one thousand dollars ($1,000) or be imprisoned in the county
8 jail for not more than six (6) months, or both. In the case of a private vehicle, all
9 lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be
10 confiscated and forfeited to the county in which the offense occurred.
11 (10) If a member of a regular or volunteer fire department, ambulance service, or rescue
12 squad violates any provisions of subsection (6) of KRS 189.940, he shall, in
13 addition to any other penalty provided under KRS 189.990 or this section, be
14 immediately dismissed from his membership or employment with the fire
15 department, ambulance service, or rescue squad and shall be disqualified from being
16 employed by or being a member of any fire department, ambulance service, or
17 rescue squad in the Commonwealth for a period of three (3) years. Upon conviction
18 of a second offense he shall be permanently barred from employment or
19 membership in any fire department, ambulance service, rescue squad, police
20 department, or sheriff's office in the Commonwealth, nor shall he be permitted to
21 operate any public safety vehicle as defined in KRS 189.910.
22 (11) Any person who violates KRS 189.950 shall be fined not less than one hundred
23 dollars ($100) nor more than one thousand dollars ($1,000) or be imprisoned in the
24 county jail for not more than thirty (30) days, or both. In the case of a privately
25 owned vehicle, all lighting and other equipment used or installed in violation of
26 KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which
27 the offense occurred.

1 (12) Any person who violates any provision of this chapter for which no penalty is
2 otherwise provided shall, upon conviction, be fined not less than twenty dollars
3 ($20) nor more than one hundred dollars ($100) for each offense***, except that no***
4 ***penalty shall be assessed for a violation of KRS 189.580(1)(b) or (6)(b)***.
5 (13) No producer or processor of natural resources shall allow the transporting of natural
6 resources over the highways of the Commonwealth in excess of the weight limits
7 without possessing a resource recovery road hauling permit. Violation for hauling in
8 excess of prescribed limits without possession of a permit or transporting natural
9 resources over prescribed limits of the resource recovery road hauling permit shall
10 be not less than five hundred dollars ($500) nor more than one thousand dollars
11 ($1,000) for each violation and shall be deposited in the resource recovery road
12 fund.

President of the Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date March 30, 2006