

1 AN ACT relating to motor vehicles.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO
4 READ AS FOLLOWS:

- 5 *(1) Any person engaged in the business of storing or towing motor vehicles, who has*
6 *complied with the notification requirements of KRS 281.928, may assess*
7 *applicable and reasonable charges in accordance with KRS 281.926 and 281.932*
8 *for towing and storage of the motor vehicle.*
- 9 *(2) Any person engaged in the business of storing or towing motor vehicles shall*
10 *release all the contents of a motor vehicle, including but not limited to the*
11 *following, to the vehicle's owner, relative, or designated agent immediately upon*
12 *request, or any time after the date the vehicle was towed:*
- 13 *(a) Prescription medication in its proper container;*
- 14 *(b) Personal medical supplies and equipment or records;*
- 15 *(c) Educational materials, including but not limited to calculators, books,*
16 *papers, and school supplies;*
- 17 *(d) Documents, files, electronic devices, or equipment which may be able to*
18 *store personal information or information relating to a person's*
19 *employment or business;*
- 20 *(e) Firearms and ammunition. Notwithstanding the provisions of subsection (3)*
21 *of this section, firearms and ammunition which are not claimed by the*
22 *owner of the vehicle shall be transferred to the Department of Kentucky*
23 *State Police for disposition as provided by KRS 16.220. The department*
24 *shall attempt to locate the owner prior to final disposition;*
- 25 *(f) Cargo in the possession of persons engaged in transportation in interstate*
26 *commerce registered under KRS 186.020;*
- 27 *(g) Cargo in the possession of an integrated intermodal small package carrier*

1 as defined by KRS 281.605(12);

2 (h) Child restraint systems or child booster seats; and

3 (i) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.

4 (3) Except as provided in subsection (2)(e) of this section, any contents exempted
 5 under subsection (2) of this section that are not claimed by the owner of the
 6 vehicle within forty-five (45) days of the date the vehicle was towed may be legally
 7 disposed of by the storage or towing company.

8 (4) The storage or towing company shall not be responsible for contents in a
 9 vehicle's trunk or other locked compartment to which the storage or towing
 10 company is without access, unless the towing company intentionally opens the
 11 area without the owner's consent.

12 ➔Section 2. KRS 281.920 is amended to read as follows:

13 As used in KRS 281.920 to 281.936:

14 (1) "Contents" means personal items located in a motor vehicle, but does not include
 15 manufacturer-installed or after-market accessories permanently affixed to the
 16 motor vehicle;

17 (2) "Lienholder" means a person, including a secured party, with a lien indicated on a
 18 certificate of title issued by any state;

19 ~~(3)(2)~~ "Motor vehicle renting company" has the same meaning as in KRS 281.687;
 20 ~~and~~

21 ~~(4)(3)~~ "Owner" when referring to a motor vehicle, means:

22 (a) The person or entity to whom a motor vehicle is registered;

23 (b) The person to whom a motor vehicle is leased, if the terms of the lease require
 24 the lessee to maintain and repair the vehicle; or

25 (c) A motor vehicle rental company, if the vehicle was rented pursuant to a rental
 26 agreement; and

27 (5) "Reasonable charges" means those charges which are usual and customary, not

1 discriminatory, and which are typical charges for services provided by similar
2 towing or storage companies with similar equipment and facilities operating in
3 the region or comparable-size city or county from which the vehicle was towed or
4 stored.

5 ➔Section 3. KRS 67.592 is amended to read as follows:

6 (1) The county judge/executive shall designate the sheriff of the county, or, if there is a
7 county police department, may designate the chief of the county police, as
8 custodian of all property:

9 (a) Alleged to be or suspected of being the proceeds of crime;

10 (b) Alleged to be or suspected of having been used to facilitate the commission of
11 a crime;

12 (c) Which is subject to confiscation or forfeiture, excluding property subject to
13 forfeiture pursuant to KRS Chapter 218A, or both, under any provision of the
14 Kentucky Revised Statutes;

15 (d) Which is taken from the person of a prisoner, except for any personal property
16 that may be in the custody of a prisoner upon his or her admission to jail, in
17 which case all property which he or she is not permitted to retain upon
18 admission to jail shall be placed in the custody of the jailer. At the time of a
19 prisoner's release from jail, the jailer shall return any valid operator's
20 license or identification card to the person, unless required for evidentiary
21 purposes;

22 (e) Which is lost or abandoned and taken into custody by any peace officer, or the
23 courts; or

24 (f) Which is taken from persons supposed to be insane, intoxicated, or otherwise
25 incapable of taking care of themselves.

26 (2) Any peace officer, except for the Department of Kentucky State Police, or court
27 having custody of the property shall, as soon as practicable, deliver it into the

1 custody of the property clerk.

2 (3) The sheriff or chief of county police designated as custodian of property shall
3 appoint from persons on his or her staff, or may employ, a person to serve as
4 property clerk and other persons necessary as deputy property clerks.

5 (4) All the property shall be particularly described and registered by the property clerk,
6 or his or her deputy, in a book kept for that purpose, containing the name of the
7 owner, if ascertained, the place where found, the name of the person from whom it
8 was taken, with the general circumstances of its receipt, the name of the officer
9 recovering the property, the names of all claimants to the property, and any final
10 disposition of the property. The property clerk shall advertise the property, if it is
11 not the subject of a forfeiture proceeding, as to the amount and disposition of the
12 property.

13 (5) The fiscal court of the county may prescribe regulations in regard to the duties of
14 the property clerk and his or her deputies, and require security for the faithful
15 performance of the duties imposed by this section.

16 (6) All animals stolen, strayed, lost, or confiscated that come into the possession of the
17 property clerk shall be sent to an animal shelter located within the county, if there is
18 one, or if there is none to an animal shelter in another county.

19 (7) No property shall be delivered to the property clerk or his or her deputy except as
20 provided in this section.

21 (8) No property shall be disposed of by the property clerk or his or her deputy except in
22 the manner prescribed by law.

23 (9) The provisions of this section shall apply in all unincorporated areas of a county
24 and in all cities which do not appoint a property custodian pursuant to KRS 95.845.

25 ➔Section 4. KRS 186.400 is amended to read as follows:

26 (1) The administration of the provisions of KRS 186.400 to 186.640 shall be vested in
27 the Transportation Cabinet. The Transportation Cabinet may prescribe regulations

1 for the enforcement of KRS 186.400 to 186.640. The Transportation Cabinet also
2 shall enforce regulations governing the acts of motor vehicle operators under KRS
3 186.400 to 186.640 and require reports which it deems necessary.

4 (2) **The cabinet shall require a notation in the operator's license database when an**
5 **operator's license is issued, renewed, suspended, or revoked.**

6 (3) The cabinet shall provide or cause to be provided to appropriate persons or officials
7 an adequate supply of forms for the administration of KRS 186.400 to 186.640. The
8 style of those forms and the method of their use shall be prescribed by the cabinet
9 and shall be adequate to protect the safety interests of the state. The Transportation
10 Cabinet shall prescribe the method of financial control.

11 ~~(4)~~(3) (a) The Transportation Cabinet shall collect all moneys due the state under
12 KRS 186.531 for operators' licenses and personal identification cards issued,
13 and shall deposit those moneys with the state treasurer.

14 (b) At least once each year the secretary of the Transportation Cabinet shall cause
15 a reconciliation to be made between the record of receipts by the
16 Transportation Cabinet and the receipt of applications by the Transportation
17 Cabinet.

18 ➔Section 5. KRS 186A.010 is amended to read as follows:

19 (1) An automated motor vehicle and trailer registration and titling system shall be
20 developed and implemented as expeditiously as practicable in all counties of the
21 Commonwealth. The automated motor vehicle and trailer registration system shall
22 be designed to enable Kentucky's county clerks to produce motor vehicle and trailer
23 certificates of registration in their offices, and certificates of title in Frankfort, by
24 automated means utilizing telecommunication terminals and associated devices
25 supplied by the Commonwealth, to inhibit registration and transfer of stolen motor
26 vehicles or trailers, to improve the capability of detecting and recovering such
27 vehicles, to ensure development of a common vehicle information database to

1 improve efficiency in auditing motor vehicle usage tax, license fee collections, and
 2 in collecting personal property tax to provide information to the traffic record
 3 system, and to provide improved security interest protection to potential creditors
 4 throughout Kentucky while simultaneously reducing the number of forms that must
 5 be processed and stored each year in Kentucky.

6 (2) The Transportation Cabinet is hereby directed to, as expeditiously as practicable,
 7 develop an automated motor vehicle and trailer registration and titling system,
 8 having, as a minimum, the capabilities or functions described in this chapter, and to
 9 acquire and assure the installation of such equipment or services as are necessary to
 10 enable the system as described in this chapter to be operated in all counties of the
 11 Commonwealth.

12 (3) *The Transportation Cabinet shall require a notation in AVIS when a motor*
 13 *vehicle's registration is issued, renewed, or revoked.*

14 (4) All departments of state government affected by the system are hereby directed to
 15 cooperate with the Transportation Cabinet for purposes of assuring orderly
 16 implementation of this chapter.

17 ➔Section 6. KRS 186A.145 is amended to read as follows:

18 (1) Except as provided in subsections (2) and (3) of this section, a county clerk shall
 19 not process an application for Kentucky title and registration from or to any
 20 Kentucky resident who has a delinquent motor vehicle ad valorem property tax
 21 account.

22 (2) This section shall not apply to transactions involving:

23 (a) Licensed Kentucky motor vehicle dealers;

24 ~~[(b) A person who is engaged in the business of storing or towing motor vehicles,~~
 25 ~~applying for a new title under KRS 376.275(1)(c);]~~ or

26 ~~(b)~~[(c)] A secured party applying for a repossession title under KRS 186.045(6).

27 (3) (a) For any vehicle obtained as the result of a claim on a motor vehicle insurance

1 policy, an insurer and its agent shall not be responsible for the payment of any
2 delinquent motor vehicle ad valorem property taxes owed by any previous
3 owner, when:

- 4 1. Applying for a regular or salvage title; or
- 5 2. Transferring ownership of the vehicle to another party.

6 (b) The owner of a motor vehicle that was transferred to an insurer or its agent
7 under paragraph (a) of this subsection shall remain responsible for any
8 delinquent motor vehicle ad valorem property taxes owed prior to the transfer.

9 (4) An insurer shall not be exempt from any motor vehicle ad valorem property taxes
10 owed on any vehicle that it owns:

- 11 (a) As a part of its business operations; or
- 12 (b) On January 1, that was obtained as the result of a claim on a motor vehicle
13 insurance policy.

14 ➔Section 7. KRS 186.170 (Effective January 1, 2024) is amended to read as
15 follows:

16 (1) Except as provided in this subsection and KRS 186A.127 and 186.045, the owner
17 shall have the receipt issued by the cabinet through the county clerk constantly in
18 his possession, and shall display the registration plate conspicuously upon the rear
19 of the motor vehicle, except that the registration plate upon a semitrailer-tractor
20 shall be displayed upon the front of the tractor. The owner's copy, ~~or~~ a reproduced
21 copy thereof, **or a copy in electronic format** of the registration receipt of every
22 motor vehicle, except motorcycles, licensed under KRS 186.050 shall be kept in the
23 vehicle at all times and shall be available for inspection. Plates shall be kept legible
24 at all times and the rear plate shall be illuminated when being operated during the
25 hours designated in KRS 189.030. No rim, frame, or other covering around the
26 plate shall in any way obscure or cover any lettering or decal on the plate; except
27 that, any owner who objects to the display of a trademark of a private corporation

1 which appears on the registration plate shall be entitled to receive a set of decals
2 from the county clerk in his or her county of residence to cover the trademark of the
3 private corporation. The owner may apply for the decal by presenting his or her
4 certificate of registration either at the time of registration renewal or later. The
5 county clerk shall charge a three dollar (\$3) clerk's fee for issuing the decal set if it
6 is applied for a time other than at registration renewal. If the cabinet has prescribed
7 that plates shall continue in use, it shall each year, in addition to the registration
8 receipt, select and give to the owner as further evidence of registration some
9 insignia which may conveniently be attached permanently and conspicuously to the
10 motor vehicle during each registration year. It shall be the duty of the owner to
11 attach the insignia in the prescribed manner and no person may operate a motor
12 vehicle unless the insignia is affixed upon it. The cabinet shall have placed on the
13 insignia either figures, letters, writing, marks, or a combination thereof, which
14 indicate that the motor vehicle has been registered and which in conjunction with
15 the records of the cabinet make identity of the registrant readily ascertainable.

16 (2) The registration year for commercial vehicles, trailers, semitrailers, mobile homes,
17 and recreational vehicles shall be from April 1 to March 31.

18 (3) At the discretion of the vehicle owner, the title to a motor vehicle may be held in
19 the system and subsequently printed and mailed to the owner at the owner's request.

20 **(4) A peace officer who has access to AVIS shall, at the time of a stop of a vehicle,**
21 **check the database for proof of a valid registration receipt.**

22 **(5) For purposes of this section, proof of a registration receipt in an electronic**
23 **format means the display of an image on any electronic device, including a**
24 **cellular phone or any other type of portable electronic device, depicting a current**
25 **valid representation of the registration receipt.**

26 ➔Section 8. KRS 186.510 is amended to read as follows:

27 **(1)** The licensee shall have his or her license in his or her immediate possession at all

1 times when driving a motor vehicle and shall display it, or a copy in electronic
2 format, upon demand to the circuit clerk or examiner, a peace officer, a member of
3 the Department of Kentucky State Police, or a field deputy or inspector of the
4 Department of Vehicle Regulation or Transportation Cabinet or, pursuant to KRS
5 67A.075 or 83A.088, a safety officer who is in the process of securing information
6 to complete an accident report.

7 **(2) A peace officer who has access to the operator's license database shall, when**
8 **presented with an operator's license by an individual, check the database for the**
9 **validity of the operator's license, and, if valid, shall return the operator's license**
10 **to the individual.**

11 **(3) If a person receives a uniform citation under this section, he or she may submit**
12 **proof that at the time of the citation he or she had a valid operator's license. If**
13 **proof of the operator's license is provided to the circuit clerk prior to the assigned**
14 **court date, the charge shall be dismissed and no fine or fees shall be imposed.**

15 **(4)** It shall be a defense to any charge under this section if the person so charged
16 produces in court an operator's license, issued to him or her before his or her arrest
17 and valid at the time of his or her arrest.

18 **(5) For purposes of this section, proof of an operator's license in an electronic**
19 **format means the display of an image on any electronic device, including a**
20 **cellular phone or any other type of portable electronic device, depicting a current**
21 **valid representation of the operator's license.**

22 ➔Section 9. KRS 186.990 is amended to read as follows:

23 (1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040,
24 186.045(4), 186.050, 186.056, 186.060, 186.073, 186.110, 186.130, 186.140,
25 186.160, ~~186.170,~~ 186.180(1) to (4)(a), 186.210(1), 186.230, or KRS 186.655 to
26 186.680 shall be guilty of a violation.

27 (2) **Any person who violates any of the provisions of KRS 186.170 shall be guilty of a**

1 violation, except that if a person receives a uniform citation for failure to have a
2 motor vehicle registration receipt, he or she may submit proof that at the time of
3 the citation the vehicle was properly registered. If proof of registration is provided
4 to the circuit clerk prior to the assigned court date, the charge shall be dismissed
5 and no fine or fees shall be imposed.

6 (3) Any person who violates any of the provisions of KRS 138.465, 186.072, 186.190,
7 186.200, or 186.210(2) shall be guilty of a Class A misdemeanor.

8 (4)~~(3)~~ A person who violates the provisions of KRS 186.450(4), (5), or (6) or
9 186.452(3), (4), or (5) shall be guilty of a violation. A person who violates any of
10 the other provisions of KRS 186.400 to 186.640 shall be guilty of a Class B
11 misdemeanor.

12 (5)~~(4)~~ Any clerk or judge failing to comply with KRS 186.550(1) shall be guilty of a
13 violation.

14 (6)~~(5)~~ If it appears to the satisfaction of the trial court that any offender under KRS
15 186.400 to 186.640 has a driver's license but in good faith failed to have it on his or
16 her person or misplaced or lost it, the court may, in its discretion, dismiss the
17 charges against the defendant without fine, imprisonment, or cost.

18 (7)~~(6)~~ Any person who steals a motor vehicle registration plate or renewal decal
19 shall be guilty of a Class D felony. Displaying a canceled registration plate on a
20 motor vehicle shall be prima facie evidence of guilt under this section.

21 (8)~~(7)~~ Any person who violates the provisions of KRS 186.1911 shall be guilty of a
22 Class A misdemeanor.

23 (9)~~(8)~~ Any person who makes a false affidavit to secure a license plate under KRS
24 186.172 shall be guilty of a Class A misdemeanor.

25 (10)~~(9)~~ Any person who violates any provision of KRS 186.070 or 186.150 shall be
26 guilty of a Class A misdemeanor.

27 (11)~~(10)~~ Any person who operates a vehicle bearing a dealer's plate upon the highways

1 of this Commonwealth with intent to evade the motor vehicle usage tax or
2 registration fee shall be guilty of a Class A misdemeanor for the first offense and a
3 Class D felony for each subsequent offense.

4 ~~(12)~~~~(11)~~ Any person, other than a licensed dealer or manufacturer, who procures a
5 dealer's plate with intent to evade the motor vehicle usage tax or registration fee
6 shall be guilty of a Class D felony.

7 ~~(13)~~~~(12)~~ Any resident who unlawfully registers, titles, or licenses a motor vehicle in
8 any state other than Kentucky with intent to evade the motor vehicle usage tax or
9 the registration fee shall be guilty of a Class A misdemeanor if the amount of tax
10 due is less than one hundred dollars (\$100), or of a Class D felony if the amount of
11 tax due is more than one hundred dollars (\$100), and in addition shall be liable for
12 all taxes so evaded with applicable interest and penalties.

13 ➔Section 10. KRS 189.450 is amended to read as follows:

14 (1) No person shall stop a vehicle, leave it standing, or cause it to stop or to be left
15 standing upon any portion of the roadway; provided, however, that this section shall
16 not be construed to prevent parking in front of a private residence off the roadway
17 or street in a city or suburban area where such parking is otherwise permitted, as
18 long as the vehicle so parked does not impede the flow of traffic. This subsection
19 shall not apply to:

20 (a) A vehicle that has been disabled on the right-of-way of such a highway in
21 such a manner and to such extent that it is impossible to avoid the occupation
22 of the shoulder of a state-maintained highway or impracticable to remove it
23 from the shoulder of the highway until repairs have been made or sufficient
24 help obtained for its removal. In no event shall a disabled vehicle remain on
25 the shoulder of a state-maintained highway for twenty-four (24) hours or
26 more;

27 (b) Motor vehicles when required to stop in obedience to the provisions of any

1 section of the Kentucky Revised Statutes or any traffic ordinance, regulation,
2 or sign or the command of any peace officer;

3 (c) Vehicles operating as common carriers of passengers for hire and school
4 buses taking passengers on such vehicle or discharging passengers therefrom;
5 provided, that no such vehicle shall stop for such purposes at a place on the
6 highway which does not afford reasonable visibility to approaching motor
7 vehicles from both directions;

8 (d) Vehicles which are stopped for a period of not more than fifteen (15) minutes
9 at a time for the purpose of collecting and transporting solid waste as defined
10 in KRS 224.1-010(30)(a), and which are operated by a:

- 11 1. Collection service registered in accordance with KRS 224.43-315; or
- 12 2. Person or organization actively participating in the Adopt-a-Highway
13 Program; or

14 (e) Any vehicle required to stop by reason of an obstruction to its progress.

15 (2) When any police officer finds a vehicle standing upon such a highway in violation
16 of this section, he may move or cause to be moved the vehicle or require the
17 operator or other person in charge of the vehicle to move it. The police officer may
18 cause the vehicle to be removed by ordering any person engaged in the business of
19 storing or towing motor vehicles to remove the vehicle to a site chosen by such
20 person. Ownership of the vehicle shall be determined by the police officer's
21 enforcement agency through the vehicle's license plates, serial number, or other
22 means of determining ownership. As soon as practicable, the police officer's
23 enforcement agency shall notify the owner by mail that the vehicle was illegally
24 upon public property; the name and address of the storage facility where the vehicle
25 is located; ***and*** that removal of the vehicle from the storage facility will involve
26 payment of towing and storage charges~~;~~ ~~and that the vehicle may be sold pursuant~~
27 ~~to the provisions of KRS 376.275 if not claimed within sixty (60) days].~~ No

1 notification shall be required if ownership cannot be determined. ~~[In the event of a~~
2 ~~sale pursuant to KRS 376.275, the state shall receive any proceeds after the~~
3 ~~satisfaction of all liens placed on the vehicle.]~~

4 (3) No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll
5 road, interstate highway, or other fully controlled access highway, including ramps
6 thereto, nor shall any vehicle registered at a gross weight of over forty-four
7 thousand (44,000) pounds be parked, stopped, or allowed to stand on the shoulders
8 of any state-maintained highway, except that, in the case of emergency or in
9 response to a peace officer's signal, vehicles shall be permitted to stop on the
10 shoulders to the right of the traveled way with all wheels and projecting parts of the
11 vehicles, including the load, completely clear of the traveled way. Parking of any
12 vehicle which is disabled on the shoulders of a toll road, interstate highway, other
13 fully controlled access highway, including ramps thereto, or any state-maintained
14 highway not mentioned in this section for twenty-four (24) hours continuously is
15 prohibited and vehicles violating this provision may be towed away at the cost of
16 the owner.

17 (4) When any police officer finds a vehicle unattended upon any bridge or causeway or
18 in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may
19 provide for the removal of the vehicle to the nearest garage or other place of safety
20 as provided in subsection (2) of this section.

21 (5) No person shall stop or park a vehicle except when necessary to avoid conflict with
22 other traffic or in compliance with the directions of a police officer or traffic control
23 device, in the following places:

- 24 (a) On a sidewalk;
- 25 (b) In front of sidewalk ramps provided for persons with disabilities;
- 26 (c) In front of a public or private driveway;
- 27 (d) Within an intersection or on a crosswalk;

- 1 (e) At any place where official signs prohibit stopping or parking;
- 2 (f) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or
- 3 traffic control signal located at the side of a roadway;
- 4 (g) On any controlled access highway;
- 5 (h) Within a highway tunnel;
- 6 (i) Within fifteen (15) feet of a fire hydrant; or
- 7 (j) In an area between the roadways of a divided highway.

8 (6) No person shall move a vehicle not lawfully under his control into any such

9 prohibited area.

10 (7) The restrictions in subsection (5)(e) of this section shall not apply to sheriffs and

11 their deputies or police officers when operating properly identified vehicles during

12 performance of their official duties.

13 ➔Section 11. KRS 189.725 is amended to read as follows:

14 (1) **Subject to the limitations in subsection (3) of this section,** any owner or attendant

15 of a privately owned parking lot may have a towing company remove from the lot

16 any unauthorized parked vehicle. A towing company engaged to remove such

17 vehicle **may charge a reasonable fee in accordance with KRS 281.928**~~[shall have a~~

18 ~~lien on the vehicle in accordance with KRS 376.275].~~

19 (2) Every operator of a parking lot covered by subsection (1) of this section shall post

20 signs stating thereon that the parking lot is privately owned and unauthorized

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

22 **(3) If a person is legally parked in a government-owned parking lot and an incident**

23 **occurs on the property, including but not limited to a medical emergency or being**

24 **taken into custody, which would authorize the removal of the vehicle, the owner**

25 **or attendant of the parking lot shall wait twenty-four (24) hours before having a**

26 **towing company remove the vehicle, unless the vehicle is impeding or blocking**

27 **the normal and reasonable movement of traffic.**

1 ➔Section 12. KRS 189.751 is amended to read as follows:

2 (1) Any person who leaves a vehicle upon a county road or city street under
3 circumstances indicating an abandonment, shall be fined not less than twenty-five
4 dollars (\$25) nor more than one hundred dollars (\$100), or imprisoned for not less
5 than ten (10) days nor more than thirty (30) days. A vehicle left upon a county road
6 or city street for three (3) consecutive days shall be presumed to be abandoned.

7 (2) The public authority having jurisdiction over a particular county road or city street
8 shall cause a vehicle that is presumed to be abandoned under subsection (1) of this
9 section and that is fit for future use to be removed by some person engaged in the
10 business of storing or towing motor vehicles ~~and the provisions of KRS 376.275~~
11 ~~shall apply in disposing of the vehicle. Any money obtained in disposing of a~~
12 ~~vehicle that is in excess of any liens shall be paid by the seller to the owner and if~~
13 ~~the owner cannot be located, the excess money shall escheat to the state pursuant to~~
14 ~~the provisions of KRS Chapter 393. A vehicle shall be registered or transferred in~~
15 ~~the county where the sale is conducted upon an affidavit by the seller that the~~
16 ~~provisions of KRS 376.275 have been met. The affidavit shall contain information~~
17 ~~as prescribed by the transportation cabinet].~~

18 (3) If a vehicle that is presumed abandoned under subsection (1) of this section is, in
19 the opinion of the public authority, unfit for future use, the public authority may
20 dispose of it immediately in a manner as it deems appropriate.

21 ➔Section 13. KRS 189.753 is amended to read as follows:

22 (1) Any motor vehicle left upon the right-of-way of a state highway for three (3)
23 consecutive days shall be presumed an abandoned vehicle.

24 (2) The Department of Kentucky State Police shall locate abandoned vehicles on the
25 right-of-way of state highways. Upon determination that a vehicle is abandoned,
26 and notwithstanding the provisions of KRS 189.450, the Department of Kentucky
27 State Police may order any person engaged in the business of storing or towing

1 motor vehicles to remove the abandoned vehicle to a site chosen by the person. The
 2 department shall determine, if possible, the ownership of the vehicle through the
 3 abandoned vehicle's license plates, serial number, or other methods of determining
 4 ownership. As soon as practicable, the owner shall be notified by mail, whether he
 5 or she is a Kentucky resident or a resident of another state, that the abandoned
 6 vehicle was illegally upon public property; the name and the address where the
 7 storage facility is located~~;~~ **and** that removal of the vehicle from the storage facility
 8 will involve payment of towing and storage charges~~;~~ ~~and that the vehicle may be~~
 9 ~~sold pursuant to provisions of KRS 376.275 if not claimed within sixty (60) days].~~
 10 A notification shall not be required if ownership cannot be determined. ~~In the event~~
 11 ~~of such sale, the state shall receive any proceeds after the satisfaction of all liens~~
 12 ~~placed on the vehicle.]~~

13 (3) The commissioner of the Department of Kentucky State Police shall promulgate
 14 administrative regulations pursuant to KRS Chapter 13A to carry out the provisions
 15 of this section.

16 ➔Section 14. KRS 189.990 is amended to read as follows:

17 (1) Any person who violates any of the provisions of KRS 189.020, **189.030**, ~~to~~
 18 **subsections (3) to (15) of KRS** 189.040, subsection~~(1) or~~ (4) of KRS 189.050,
 19 KRS **189.070**,~~189.060 to~~ 189.080, subsections (1) to (3) of KRS 189.090, KRS
 20 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS
 21 189.200, 189.285, 189.290, 189.300 to 189.360,~~KRS 189.380,~~ KRS 189.400 to
 22 189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of
 23 KRS 189.520, KRS 189.540, KRS 189.570 to 189.590, except subsection (1)(b) or
 24 (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of KRS 189.456, and 189.960
 25 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars
 26 (\$100) for each offense. Any person who violates subsection (1)(a) of KRS 189.580
 27 shall be fined not less than twenty dollars (\$20) nor more than two thousand dollars

1 (\$2,000) or imprisoned in the county jail for not more than one (1) year, or both,
2 unless the accident involved death or serious physical injury and the person knew or
3 should have known of the death or serious physical injury, in which case the person
4 shall be guilty of a Class D felony. Any person who violates paragraph (c) of
5 subsection (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor
6 more than thirty dollars (\$30). Neither court costs nor fees shall be taxed against
7 any person violating paragraph (c) of subsection (5) of KRS 189.390.

8 **(2) Any person who violates the provisions of subsection (1) or (2) of KRS 189.040,**
9 **subsection (1) of KRS 189.050, 189.055, 189.060, or 189.380 may receive a**
10 **courtesy warning in lieu of a uniform citation. A person issued a uniform citation**
11 **under this subsection shall be fined twenty-five dollars (\$25). This fine shall be**
12 **subject to prepayment. A fine imposed under this section shall not be subject to**
13 **court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS**
14 **24A.176, the fee imposed pursuant to KRS 24A.1765, or any additional fees or**
15 **costs. If the person submits proof of repair related to the relevant charge prior to**
16 **the assigned court date, the charge shall be dismissed and no fine shall be**
17 **imposed.**

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

25 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
26 route designated on the permit shall be fined one hundred dollars (\$100);
27 otherwise, the penalties in paragraph (a) of this subsection shall apply.

- 1 (c) Any person who violates any provision of subsection (2) or (3) of KRS
2 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
3 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
4 another penalty is not specifically provided shall be fined not less than ten
5 dollars (\$10) nor more than five hundred dollars (\$500).
- 6 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
7 on a route designated in KRS 177.986 shall be fined one hundred dollars
8 (\$100).
- 9 2. Any person who operates a vehicle with a permit under KRS 177.985 in
10 excess of eighty thousand (80,000) pounds while operating on a route
11 not designated in KRS 177.986 shall be fined one thousand dollars
12 (\$1,000).
- 13 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
14 prejudice or affect the authority of the Department of Vehicle Regulation to
15 suspend or revoke certificates of common carriers, permits of contract
16 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
17 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 18 ~~(4)~~~~(3)~~ (a) Any person who violates subsection (1) of KRS 189.190 shall be fined
19 not more than fifteen dollars (\$15).
- 20 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
21 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 22 ~~(5)~~~~(4)~~ (a) Any person who violates subsection (1) of KRS 189.210 shall be fined
23 not less than twenty-five dollars (\$25) nor more than one hundred dollars
24 (\$100).
- 25 (b) Any peace officer who fails, when properly informed, to enforce KRS
26 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
27 one hundred dollars (\$100).

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

4 ~~(6)~~~~(5)~~ Any person who violates KRS 189.370 shall for the first offense be fined not
5 less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
6 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
7 each subsequent offense occurring within three (3) years, the person shall be fined
8 not less than three hundred dollars (\$300) nor more than five hundred dollars
9 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
10 both. The minimum fine for this violation shall not be subject to suspension. A
11 minimum of six (6) points shall be assessed against the driving record of any person
12 convicted.

13 ~~(7)~~~~(6)~~ Any person who violates KRS 189.500 shall be fined not more than fifteen
14 dollars (\$15) in excess of the cost of the repair of the road.

15 ~~(8)~~~~(7)~~ Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less
16 than twenty dollars (\$20) nor more than fifty dollars (\$50).

17 ~~(9)~~~~(8)~~ Any peace officer who violates subsection (2) of KRS 189.520 shall be fined
18 not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).

19 ~~(10)~~~~(9)~~ (a) Any person who violates KRS 189.530(1) shall be fined not less than
20 thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or
21 imprisoned not less than thirty (30) days nor more than twelve (12) months, or
22 both.

23 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
24 five dollars (\$35) nor more than one hundred dollars (\$100).

25 ~~(11)~~~~(10)~~ Any person who violates any of the provisions of KRS 189.550 shall be guilty
26 of a Class B misdemeanor.

27 ~~(12)~~~~(11)~~ Any person who violates subsection (3) of KRS 189.560 shall be fined not

1 less than thirty dollars (\$30) nor more than one hundred dollars (\$100) for each
2 offense.

3 ~~(13)~~~~(12)~~ The fines imposed by paragraph (a) of subsection (3) and subsections ~~(7)~~~~(6)~~
4 and ~~(8)~~~~(7)~~ of this section shall, in the case of a public highway, be paid into the
5 county road fund, and, in the case of a privately owned road or bridge, be paid to
6 the owner. These fines shall not bar an action for damages for breach of contract.

7 ~~(14)~~~~(13)~~ Any person who violates any of the provisions of KRS 189.120 shall be fined
8 not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for
9 each offense.

10 ~~(15)~~~~(14)~~ Any person who violates any provision of KRS 189.575 shall be fined not less
11 than twenty dollars (\$20) nor more than twenty-five dollars (\$25).

12 ~~(16)~~~~(15)~~ Any person who violates subsection (2) of KRS 189.231 shall be fined not
13 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
14 offense.

15 ~~(17)~~~~(16)~~ Any person who violates restrictions or regulations established by the
16 secretary of transportation pursuant to subsection (3) of KRS 189.231 shall, upon
17 first offense, be fined one hundred dollars (\$100) and, upon subsequent convictions,
18 be fined not less than one hundred dollars (\$100) nor more than five hundred
19 dollars (\$500) or imprisoned for thirty (30) days, or both.

20 ~~(18)~~~~(17)~~ (a) Any person who violates any of the provisions of KRS 189.565 shall be
21 guilty of a Class B misdemeanor.

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

27 ~~(19)~~~~(18)~~ Any person who abandons a vehicle upon the right-of-way of a state highway

1 for three (3) consecutive days shall be fined not less than thirty-five dollars (\$35)
2 nor more than one hundred dollars (\$100), or imprisoned for not less than ten (10)
3 days nor more than thirty (30) days.

4 ~~(20)~~~~(19)~~ Every person violating KRS 189.393 shall be guilty of a Class B
5 misdemeanor, unless the offense is being committed by a defendant fleeing the
6 commission of a felony offense which the defendant was also charged with
7 violating and was subsequently convicted of that felony, in which case it is a Class
8 A misdemeanor.

9 ~~(21)~~~~(20)~~ Any law enforcement agency which fails or refuses to forward the reports
10 required by KRS 189.635 shall be subject to the penalties prescribed in KRS
11 17.157.

12 ~~(22)~~~~(21)~~ A person who operates a bicycle in violation of the administrative regulations
13 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
14 nor more than one hundred dollars (\$100).

15 ~~(23)~~~~(22)~~ Any person who violates KRS 189.860 shall be fined not more than five
16 hundred dollars (\$500) or imprisoned for not more than six (6) months, or both.

17 ~~(24)~~~~(23)~~ Any person who violates KRS 189.754 shall be fined not less than twenty-five
18 dollars (\$25) nor more than three hundred dollars (\$300).

19 ~~(25)~~~~(24)~~ Any person who violates the provisions of KRS 189.125(3)(a) shall be fined
20 fifty dollars (\$50). This fine shall be subject to prepayment. A fine imposed under
21 this subsection shall not be subject to court costs pursuant to KRS 24A.175,
22 additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS
23 24A.1765, or any other additional fees or costs.

24 ~~(26)~~~~(25)~~ Any person who violates the provisions of KRS 189.125(3)(b) ~~shall not be~~
25 ~~issued a uniform citation, but shall instead receive a courtesy warning up until July~~
26 ~~1, 2009. For a violation on or after July 1, 2009, the person~~ shall be fined thirty
27 dollars (\$30). This fine shall be subject to prepayment. A fine imposed under this

1 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
2 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
3 any other additional fees or costs. A person who has not been previously charged
4 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
5 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
6 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

7 ~~(27)~~ Any person who violates the provisions of KRS 189.125(6) shall be fined an
8 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
9 prepayment. A fine imposed under this subsection shall not be subject to court costs
10 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
11 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

12 ~~(28)~~ Fines levied pursuant to this chapter shall be assessed in the manner required
13 by KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines
14 shall be governed by KRS 534.020 and 534.060.

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

- 19 (a) Execution of a diversion agreement which prohibits the driver from operating
20 a vehicle for a period not to exceed forty-five (45) days and which allows the
21 court to retain the driver's operator's license during this period; and
22 (b) Attendance at a driver improvement clinic established pursuant to KRS
23 186.574. If the person completes the terms of this diversionary program
24 satisfactorily the violation shall be dismissed.

25 ~~(30)~~ A person who violates the provisions of subsection (2) or (3) of KRS 189.459
26 shall be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
27 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in

1 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
2 percent (90%) of the fine collected under this subsection shall immediately be
3 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
4 Ten percent (10%) of the fine collected under this subsection shall annually be
5 returned to the county where the violation occurred and distributed equally to all
6 law enforcement agencies within the county.

7 ~~(31)~~ Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five
8 dollars (\$25) for the first offense and fifty dollars (\$50) for each subsequent
9 offense.

10 ~~(32)~~ Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine
11 of two hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
12 imposed under this subsection shall not be subject to court costs pursuant to KRS
13 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
14 KRS 24A.1765, or any other additional fees or costs.

15 ➔Section 15. KRS 376.268 is amended to read as follows:

16 As used in KRS 376.270 ~~and 376.275~~:

- 17 (1) "Contents" means personal items located in a motor vehicle, but does not include
18 manufacturer-installed or after-market accessories permanently affixed to the motor
19 vehicle;
- 20 (2) "Motor vehicle" includes vessels used or designed for navigation of or operation on
21 waterways, rivers, lakes, and streams, as well as those used or designed for
22 operation on the public highways; and
- 23 (3) "Reasonable charges" means those charges which are usual and customary, not
24 discriminatory, and which are typical charges for services provided by similar
25 towing or storage companies with similar equipment and facilities operating in the
26 region or comparable-size city or county from which the vehicle was towed or
27 stored.

1 ➔Section 16. KRS 138.465 is amended to read as follows:

2 (1) Any person other than a dealer, as defined in KRS 186.010(10), who sells or
3 transfers a motor vehicle in this state shall deliver to the county clerk the certificate
4 of title with the assignment form on the reverse side properly executed and shall
5 transfer the vehicle to the new owner within ten (10) days of the date of the sale or
6 transfer of ownership.

7 (2) Any person who violates subsection (1) of this section shall be subject to the
8 penalties set out in KRS 186.990~~(3)~~~~(2)~~.

9 ➔Section 17. KRS 186.574 is amended to read as follows:

10 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and
11 for traffic offenders. The school shall be composed of uniform education and
12 training elements designed to create a lasting influence on new drivers and a
13 corrective influence on traffic offenders. District Courts may in lieu of assessing
14 penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to
15 state traffic school and no other.

16 (2) If a District Court stipulates in its judgment of conviction that a person attend state
17 traffic school, the court shall indicate this in the space provided on the abstract of
18 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the
19 Transportation Cabinet, or its representative, shall schedule the person to attend
20 state traffic school. Failure of the person to attend and satisfactorily complete state
21 traffic school in compliance with the court order, may be punished as contempt of
22 the sentencing court. The Transportation Cabinet shall not assess points against a
23 person who satisfactorily completes state traffic school. However, if the person
24 referred to state traffic school holds or is required to hold a commercial driver's
25 license, the underlying offense shall appear on the person's driving history record.

26 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic
27 school, and shall promulgate administrative regulations pursuant to KRS Chapter

1 13A governing facilities, equipment, courses of instruction, instructors, and records
2 of the program. In the event a person sentenced under subsection (1) of this section
3 does not attend or satisfactorily complete state traffic school, the Transportation
4 Cabinet may deny that person a license or suspend the license of that person until
5 he reschedules attendance or completes state traffic school, at which time a denial
6 or suspension shall be rescinded.

7 (4) Persons participating in the state traffic school as provided in this section shall pay
8 a fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if
9 enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c),
10 a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that
11 are dedicated to the photo license account for use in the state driver education
12 program may be used for the purposes of state traffic school.

13 (5) The following procedures shall govern persons attending state traffic school
14 pursuant to this section:

15 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters
16 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of
17 the trial judge, be sentenced to attend state traffic school. Upon payment of
18 the fee required by subsection (4) of this section, and upon successful
19 completion of state traffic school, the sentence to state traffic school shall be
20 the person's penalty in lieu of any other penalty, except for the payment of
21 court costs;

22 (b) Except as provided in KRS 189.990(29)~~[(28)]~~, a person shall not be eligible to
23 attend state traffic school who has been cited for a violation of KRS Chapters
24 177, 186, or 189 that has a penalty of mandatory revocation or suspension of
25 an offender's driver's license;

26 (c) Except as provided in KRS 189.990(29)~~[(28)]~~, a person shall not be eligible to
27 attend state traffic school for any violation if, at the time of the violation, the

1 person did not have a valid driver's license or the person's driver's license was
2 suspended or revoked by the cabinet;

3 (d) Except as provided in KRS 189.990(29)~~[(28)]~~, a person shall not be eligible to
4 attend state traffic school more than once in any one (1) year period, unless
5 the person wants to attend state traffic school to comply with the driver
6 education requirements of KRS 186.410; and

7 (e) The cabinet shall notify the sentencing court regarding any person who was
8 sentenced to attend state traffic school who was ineligible to attend state
9 traffic school. A court notified by the cabinet pursuant to this paragraph shall
10 return the person's case to an active calendar for a hearing on the matter. The
11 court shall issue a summons for the person to appear and the person shall
12 demonstrate to the court why an alternative sentence should not be imposed.

13 (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may
14 operate a traffic safety program for traffic offenders prior to the adjudication
15 of the offense.

16 (b) Offenders alleged to have violated KRS 189A.010 or 304.39-080, offenders
17 holding a commercial driver's license under KRS Chapter 281A, or offenders
18 coming within the provisions of subsection (5)(b) or (c) of this section shall
19 be excluded from participation in a county attorney-operated program.

20 (c) A county attorney that operates a traffic safety program:

21 1. May charge a reasonable fee to program participants, which shall only
22 be used for payment of county attorney office operating expenses; and

23 2. Shall, by October 1 of each year, report to the Prosecutors Advisory
24 Council the fee charged for the county attorney-operated traffic safety
25 program and the total number of traffic offenders diverted into the
26 county attorney-operated traffic safety program for the preceding fiscal
27 year categorized by traffic offense.

- 1 (d) Each participant in a county attorney-operated traffic safety program shall, in
2 addition to the fee payable to the county attorney, pay a twenty-five dollar
3 (\$25) fee to the court clerk, which shall be paid into a trust and agency
4 account with the Administrative Office of the Courts and is to be used by the
5 circuit clerks to hire additional deputy clerks and to enhance deputy clerk
6 salaries.
- 7 (e) Each participant in a county attorney-operated traffic safety program shall, in
8 addition to the fee payable to the county attorney and the fee required by
9 paragraph (d) of this subsection, pay a thirty dollar (\$30) fee to the county
10 attorney in lieu of court costs. On a monthly basis, the county attorney shall
11 forward the fees collected pursuant to this paragraph to the Finance and
12 Administration Cabinet to be distributed as follows:
- 13 1. Ten and eight-tenths percent (10.8%) to the spinal cord and head injury
14 research trust fund created in KRS 211.504;
 - 15 2. Nine and one-tenth percent (9.1%) to the traumatic brain injury trust
16 fund created in KRS 211.476;
 - 17 3. Five and eight-tenths percent (5.8%) to the special trust and agency
18 account set forth in KRS 42.320(2)(f) for the Department of Public
19 Advocacy;
 - 20 4. Five and seven-tenths percent (5.7%) to the crime victims compensation
21 fund created in KRS 49.480;
 - 22 5. One and two-tenths percent (1.2%) to the Justice and Public Safety
23 Cabinet to defray the costs of conducting record checks on prospective
24 firearms purchasers pursuant to the Brady Handgun Violence Prevention
25 Act and for the collection, testing, and storing of DNA samples;
 - 26 6. Sixteen and eight-tenths percent (16.8%) to the county sheriff in the
27 county from which the fee was received;

- 1 7. Nine and one-tenth percent (9.1%) to the county treasurer in the county
2 from which the fee was received to be used by the fiscal court for the
3 purposes of defraying the costs of operation of the county jail and the
4 transportation of prisoners;
- 5 8. Thirty-three and two-tenths percent (33.2%) to local governments in
6 accordance with the formula set forth in KRS 24A.176(5); and
- 7 9. Eight and three-tenths percent (8.3%) to the Cabinet for Health and
8 Family Services for the implementation and operation of a telephonic
9 behavioral health jail triage system as provided in KRS 210.365 and
10 441.048.

11 ➔Section 18. KRS 189.271 is amended to read as follows:

- 12 (1) Notwithstanding any other provision of laws, the Transportation Cabinet may issue
13 special permits to the owners, operators, or lessees of motor vehicles for the
14 purpose of hauling industrial materials whose gross weight or dimensions,
15 including vehicle and load, exceeds the limits prescribed by this chapter or which in
16 other respects fail to comply with the requirements of this chapter. A separate
17 permit shall be required for each vehicle. Such permits shall be issued for specified
18 materials only and shall designate the portions of the state primary road system over
19 which such vehicle may operate pursuant to the permit. Such permit shall be issued
20 for a stated period of time determined by the applicant not to exceed three (3) years,
21 and an existing permit may be renewed pending an inspection by the cabinet of the
22 routes listed on the permit. Permits under this section shall be upon such terms and
23 conditions as the cabinet may, in its discretion, require in the public interest.
- 24 (2) The cabinet may establish a system by which a current permit holder can be granted
25 a new permit specifying different routes or materials without having to complete a
26 new application or pay a separate application fee.
- 27 (3) The cabinet shall require, as a condition to the issuance of the permit, that the

1 applicant pay a reasonable fee, to be fixed by the cabinet, and shall require that an
2 applicant convicted under provisions of KRS 189.990~~(3)~~~~(2)~~(a) two (2) or more
3 times within a five (5) year period give bond, with approved surety, in an amount
4 not to exceed six thousand dollars (\$6,000) for each vehicle to indemnify the
5 Commonwealth of Kentucky against damage to highways or bridges resulting from
6 the operation of any motor vehicle under the authorization of such permit. A bond
7 acquired under this subsection may be carried forward to another permit if the
8 cabinet has not gone against the bond.

9 (4) The operation of any motor vehicle in accordance with the terms of any such permit
10 shall not constitute a violation of this chapter, if the operator has the permit, or a
11 copy of it, authenticated as the cabinet may require, in his possession.

12 (5) The cabinet shall not issue a permit under this section for a vehicle whose gross
13 weight, including vehicle and load, exceeds the maximum gross weight as provided
14 in KRS 189.222.

15 (6) The cabinet shall not issue a permit under this section for a vehicle whose
16 dimensions, including vehicle and load, exceed the maximum dimension as
17 provided in KRS 189.222.

18 (7) A person shall not operate a motor vehicle in violation of the terms and conditions
19 of any permit issued by the cabinet pursuant to this section.

20 (8) As used in this section, industrial materials shall mean all cargo, whether divisible
21 or indivisible, which a motor vehicle transports in the usual and ordinary course of
22 business and shall specifically include, but not be limited to, agricultural products,
23 minerals, or natural resources transported by a motor vehicle.

24 (9) The cabinet may:

25 (a) Exercise general supervision of the administering and enforcement of this
26 section.

27 (b) Promulgate administrative regulations, subject to the limitations of this

1 section, with respect to the issuance of a permit, including, but not limited to,
2 administrative regulations concerning the duration of permits and weight
3 limits for various types of vehicles, materials, and highways.

4 (c) Promulgate administrative regulations with respect to the amount, terms and
5 conditions of the bond and the sufficiency of the surety of such bond required
6 by this section. The cabinet shall allow applicants not required to post a surety
7 bond under subsection (3) of this section to self-insure to meet the bonding
8 requirements of this section.

9 (d) Issue, continue in effect, revoke, modify, or deny, under such conditions as
10 the cabinet may prescribe, permits provided for under this section.

11 ➔Section 19. KRS 189.370 is amended to read as follows:

12 (1) If any school or church bus used in the transportation of children is stopped upon a
13 highway for the purpose of receiving or discharging passengers, with the stop arm
14 and signal lights activated, the operator of a vehicle approaching from any direction
15 shall bring his vehicle to a stop and shall not proceed until the bus has completed
16 receiving or discharging passengers and has been put into motion. The stop
17 requirement provided for in this section shall not apply to vehicles approaching a
18 stopped bus from the opposite direction upon a highway of four (4) or more lanes.

19 (2) Subsection (1) of this section shall be applicable only when the bus displays the
20 markings and equipment required by Kentucky minimum specifications for school
21 buses.

22 (3) If any vehicle is witnessed to be in violation of subsection (1) of this section and the
23 identity of the operator is not otherwise apparent, it shall be a rebuttable
24 presumption that the person in whose name the vehicle is registered or leased was
25 the operator of the vehicle at the time of the alleged violation and is subject to the
26 penalties as provided for in KRS 189.990(6)~~[(5)]~~.

27 ➔Section 20. KRS 431.452 is amended to read as follows:

- 1 (1) An offense which is designated as subject to prepayment by specific statutory
2 designation may be prepaid by the violator subject to the terms and conditions of
3 the statute involved.
- 4 (2) When an offense that is not designated as subject to prepayment by specific
5 statutory designation is cited on the same citation with another offense that is
6 subject to prepayment, the officer shall cite the violator to court for all cited
7 offenses. However, if the offense for which prepayment is not allowed is dismissed
8 by the judge prior to the court date listed on the citation, the offense subject to
9 prepayment by specific statutory designation may be prepaid by the violator, and
10 the violator shall not be required to appear in court.
- 11 (3) An offense which is designated as subject to prepayment is subject to the following
12 conditions:
- 13 (a) Designation as subject to prepayment does not preclude a physical arrest by a
14 peace officer for that offense;
- 15 (b) Designation as subject to prepayment shall preclude a requirement that the
16 defendant make a court appearance on a uniform citation;
- 17 (c) Except as provided for in KRS 189.990~~(27)~~~~(26)~~, for any offense designated
18 as subject to prepayment, the defendant may elect to pay the minimum fine
19 for the offense plus court costs to the circuit clerk before the date of his trial
20 or be tried in the normal manner, unless the citation is marked for mandatory
21 court appearance pursuant to KRS 431.015 or subsection (2) of this section,
22 except that the fine for violations of KRS 189.221, 189.222, 189.226,
23 189.270, or 189.271 shall be in accordance with KRS 189.990~~(3)~~~~(2)~~(a) and
24 the defendant shall not be allowed to pay the minimum fine as otherwise
25 allowed by this paragraph; and
- 26 (d) Prepayment of the fine and costs shown on the citation or accompanying
27 schedule shall be considered as a plea of guilty for all purposes.

1 (4) When a peace officer issues a uniform citation and no physical arrest is made he or
2 she shall, where the citation is designated as subject to prepayment, mark the
3 citation as "PAYABLE", except as provided in KRS 431.015 or subsection (2) of
4 this section.

5 (5) The Administrative Office of the Courts, after consultation with the Department of
6 Kentucky State Police, the Transportation Cabinet, the Division of Forestry, the
7 Department of Fish and Wildlife Resources, and a representative of law
8 enforcement shall develop a prepayable fine and cost schedule and a uniform
9 statewide instruction sheet for the Commonwealth.

10 ➔Section 21. The following KRS section is repealed:

11 376.275 Lien on motor vehicles and contents for reasonable and applicable charges
12 under KRS 281.920 to 281.936 -- Forfeiture and sale of contents -- Exempted
13 contents -- Limitation of storage or towing company's liability.