

1 AN ACT relating to vehicle wheels.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
4 READ AS FOLLOWS:

5 *A person shall not operate any vehicle on a highway with an iron, steel, or wooden*
6 *wheels unless the wheel is equipped with a rubber strip or a rubber compound strip on*
7 *the portion of the wheel that is in contact with the surface of the highway.*

8 ➔Section 2. KRS 189.990 is amended to read as follows:

9 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
10 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
11 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
12 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS
13 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to
14 189.480, subsection (1) of KRS 189.520, KRS 189.540, *Section 1 of this Act*, KRS
15 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS
16 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than
17 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
18 Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less
19 than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or
20 imprisoned in the county jail for not more than one (1) year, or both, unless the
21 accident involved death or serious physical injury and the person knew or should
22 have known of the death or serious physical injury, in which case the person shall
23 be guilty of a Class D felony. Any person who violates paragraph (c) of subsection
24 (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than
25 thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person
26 violating paragraph (c) of subsection (5) of KRS 189.390.

27 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,

- 1 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents
2 (\$0.02) per pound for each pound of excess load when the excess is five
3 thousand (5,000) pounds or less. When the excess exceeds five thousand
4 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound
5 of excess load, but the fine levied shall not be less than one hundred dollars
6 (\$100) and shall not be more than five hundred dollars (\$500).
- 7 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
8 route designated on the permit shall be fined one hundred dollars (\$100);
9 otherwise, the penalties in paragraph (a) of this subsection shall apply.
- 10 (c) Any person who violates any provision of subsection (2) or (3) of KRS
11 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
12 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
13 another penalty is not specifically provided shall be fined not less than ten
14 dollars (\$10) nor more than five hundred dollars (\$500).
- 15 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
16 on a route designated in KRS 177.986 shall be fined one hundred dollars
17 (\$100).
- 18 2. Any person who operates a vehicle with a permit under KRS 177.985 in
19 excess of eighty thousand (80,000) pounds while operating on a route
20 not designated in KRS 177.986 shall be fined one thousand dollars
21 (\$1,000).
- 22 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
23 prejudice or affect the authority of the Department of Vehicle Regulation to
24 suspend or revoke certificates of common carriers, permits of contract
25 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
26 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 27 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not

- 1 more than fifteen dollars (\$15).
- 2 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
3 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 4 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
5 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 6 (b) Any peace officer who fails, when properly informed, to enforce KRS
7 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
8 one hundred dollars (\$100).
- 9 (c) All fines collected under this subsection, after payment of commissions to
10 officers entitled thereto, shall go to the county road fund if the offense is
11 committed in the county, or to the city street fund if committed in the city.
- 12 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
13 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
14 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
15 each subsequent offense occurring within three (3) years, the person shall be fined
16 not less than three hundred dollars (\$300) nor more than five hundred dollars
17 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
18 both. The minimum fine for this violation shall not be subject to suspension. A
19 minimum of six (6) points shall be assessed against the driving record of any person
20 convicted.
- 21 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
22 (\$15) in excess of the cost of the repair of the road.
- 23 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
24 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 25 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
26 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 27 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-

1 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
2 not less than thirty (30) days nor more than twelve (12) months, or both.

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

5 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
6 Class B misdemeanor.

7 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
8 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.

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

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

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

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

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

25 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
26 of a Class B misdemeanor.

27 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in

1 case of violation by any person in whose name the vehicle used in the
2 transportation of inflammable liquids or explosives is licensed, the person
3 shall be fined not less than one hundred dollars (\$100) nor more than five
4 hundred dollars (\$500). Each violation shall constitute a separate offense.

5 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
6 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
7 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
8 nor more than thirty (30) days.

9 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
10 unless the offense is being committed by a defendant fleeing the commission of a
11 felony offense which the defendant was also charged with violating and was
12 subsequently convicted of that felony, in which case it is a Class A misdemeanor.

13 (20) Any law enforcement agency which fails or refuses to forward the reports required
14 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.

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

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

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

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

27 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a

1 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
2 For a violation on or after July 1, 2009, the person shall be fined thirty dollars
3 (\$30). This fine shall be subject to prepayment. A fine imposed under this
4 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
5 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
6 any other additional fees or costs. A person who has not been previously charged
7 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
8 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
9 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

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

15 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
16 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
17 be governed by KRS 534.020 and 534.060.

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

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

25 (b) Attendance at a driver improvement clinic established pursuant to KRS
26 186.574. If the person completes the terms of this diversionary program
27 satisfactorily the violation shall be dismissed.

- 1 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall
2 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
3 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
4 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
5 percent (90%) of the fine collected under this subsection shall immediately be
6 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
7 Ten percent (10%) of the fine collected under this subsection shall annually be
8 returned to the county where the violation occurred and distributed equally to all
9 law enforcement agencies within the county.
- 10 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars
11 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.
- 12 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
13 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
14 imposed under this subsection shall not be subject to court costs pursuant to KRS
15 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
16 KRS 24A.1765, or any other additional fees or costs.