

1 AN ACT relating to constables.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 3 of this Act, unless the context requires otherwise:*

6 *(1) "Association" means the Kentucky Constable Association, Inc.;*

7 *(2) "Certified constable" means a person who has been elected or appointed to the*
8 *office of constable or deputy constable, who has successfully completed the forty*
9 *(40) hours of training required by Sections 2 and 3 of this Act and holds a*
10 *certificate from the association qualifying him or her as a certified constable or*
11 *deputy constable, or a person who has been elected to the office of constable, who*
12 *has successfully completed the requisite training and holds a certificate from the*
13 *association requalifying him or her as a candidate to succeed himself or herself*
14 *in the office of constable; and*

15 *(3) "Non-certified constable" means a person who has been elected or appointed to*
16 *the office of constable or deputy constable who has not successfully completed*
17 *the requisite training required by Sections 2 and 3 of this Act,*

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO
19 READ AS FOLLOWS:

20 *Before any person may assume the status of a certified constable, except as a candidate*
21 *to succeed himself or herself in the office of constable, that person shall successfully*
22 *complete the forty (40) hours of training required by Section 3 of this Act and hold a*
23 *certificate issued by the association showing that the candidate has completed the*
24 *annual training and that the candidate is qualified to be a certified constable. All*
25 *certificates issued shall expire one (1) year from the date of issuance. The association*
26 *shall hold the annual trainings in at least one (1) place in each Supreme Court district*
27 *prior to the month of November of each year immediately preceding each year in*

1 which constables are to be elected. The association shall advise each county attorney of
2 the time and place of the trainings, and the county attorney shall post a notice thereof
3 in a conspicuous place in the courthouse two (2) weeks before the training is given.
4 Any person desiring to be a certified constable or certified deputy constable shall
5 appear at the time and place designated.

6 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) In order to be certified, each constable and deputy constable shall complete a
9 minimum of forty (40) hours of in-service course time for each twelve (12) month
10 period during which the constable holds office, beginning on the date the
11 constable is sworn into office or the date the deputy constable is so appointed.

12 (2) (a) The association shall develop and maintain a series of in-service education
13 courses to be offered routinely throughout the year in various regions of the
14 Commonwealth. These courses shall be offered at night or on weekends.
15 Courses offered shall contain information pertinent to the powers and
16 duties of constables, including but not limited to firearms training,
17 emergency vehicle operations, and defensive driving.

18 (b) Each certified constable and deputy constable shall:

19 1. Be firearms-qualified by a certified firearms instructor who, at a
20 minimum, meets the standard established for retired peace officers in
21 KRS 237.140, within ninety (90) days after being sworn into office and
22 shall requalify annually thereafter; and

23 2. Initially complete twenty-four (24) hours of training in emergency
24 vehicle operations and defensive driving and four (4) hours annually
25 thereafter by a certified emergency vehicle operations and defensive
26 driving instructor.

27 (c) Constables and deputy constables who fail to complete this training shall

1 not be permitted to operate a vehicle equipped with blue lights and a siren
 2 under Section 5 of this Act unless authorized by the fiscal court.

3 **(3) Constables and deputy constables seeking certification shall pay all costs of the**
 4 **courses unless state or local funds are made available.**

5 **(4) The county board of elections shall notify the association within sixty (60) days of**
 6 **the election of a constable. Where the constable is appointed by the county**
 7 **judge/executive, the county clerk shall notify the association within sixty (60)**
 8 **days of appointment of the constable. The board or county clerk shall provide the**
 9 **constable's name, current address, and telephone number. For any county that**
 10 **appoints deputy constables, the constable under which the deputy is appointed**
 11 **shall provide to the association the deputy's name, current address, and telephone**
 12 **number upon the deputy's appointment.**

13 **(5) The association shall maintain records of the number of in-service hours**
 14 **completed by each constable and deputy constable in the Commonwealth.**

15 **(6) The association shall maintain on its Web site a list of all constables and deputy**
 16 **constables who have and have not successfully completed the in-service course**
 17 **time required under this section.**

18 ➔Section 4. KRS 189.910 is amended to read as follows:

19 (1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used
 20 for emergency purposes by:

- 21 (a) The Department of Kentucky State Police;
- 22 (b) A public police department;
- 23 (c) The Department of Corrections;
- 24 (d) A sheriff's office;

25 **(e) The office of a certified constable, as defined in Section 1 of this Act;**

26 ~~(f)~~ A rescue squad;

27 ~~(g)~~ An emergency management agency if it is a publicly owned vehicle;

- 1 (~~h~~~~g~~) An ambulance service, mobile integrated healthcare program, or medical
 2 first response provider licensed by the Kentucky Board of Emergency Medical
 3 Services, for any vehicle used to respond to emergencies or to transport a
 4 patient with a critical medical condition;
- 5 (~~i~~~~h~~) Any vehicle commandeered by a police officer;
- 6 (~~l~~~~i~~) Any vehicle with the emergency lights required under KRS 189.920 used by a
 7 paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid
 8 or local emergency management director while responding to an emergency or
 9 to a location where an emergency vehicle is on emergency call;
- 10 (~~k~~~~j~~) An elected coroner granted permission to equip a publicly or privately owned
 11 motor vehicle with lights and siren pursuant to KRS 189.920;
- 12 (~~l~~~~k~~) A deputy coroner granted permission to equip a publicly or privately owned
 13 motor vehicle with lights and siren pursuant to KRS 189.920; or
- 14 (~~m~~~~j~~) A conservation officer of the Kentucky Department of Fish and Wildlife
 15 Resources.
- 16 (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility
 17 repair vehicle; wreckers; state, county, or municipal service vehicles and
 18 equipment; highway equipment which performs work that requires stopping and
 19 standing or moving at slow speeds within the traveled portions of highways; and
 20 vehicles which are escorting wide-load or slow-moving trailers or trucks.
- 21 ➔Section 5. KRS 189.920 is amended to read as follows:
- 22 (1) All fire department, rescue squad, or publicly owned emergency management
 23 agency emergency vehicles and all ambulances shall be equipped with one (1) or
 24 more flashing, rotating, or oscillating red lights, visible under normal atmospheric
 25 conditions from a distance of five hundred (500) feet to the front of the vehicle, and
 26 a siren, whistle, or bell, capable of emitting a sound audible under normal
 27 conditions from a distance of not less than five hundred (500) feet. This equipment

- 1 shall be in addition to any other equipment required by the motor vehicle laws.
- 2 (2) All state, county, or municipal police vehicles, ~~and~~ all sheriffs' **vehicles, and all**
3 **certified constables' and certified deputy constables'** vehicles used as emergency
4 vehicles shall be equipped with one (1) or more flashing, rotating, or oscillating
5 blue lights, visible under normal atmospheric conditions from a distance of five
6 hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of
7 emitting a sound audible under normal conditions from a distance of not less than
8 five hundred (500) feet. This equipment shall be in addition to any other equipment
9 required by the motor vehicle laws.
- 10 (3) By ordinance, the governing body of any city or county may direct that the police, ~~f~~
11 ~~or~~ sheriffs', **or certified constables' and certified deputy constables'** vehicles in
12 that jurisdiction be equipped with a combination of red and blue flashing, rotating,
13 or oscillating lights.
- 14 (4) All public safety vehicles shall be equipped with one (1) or more flashing, rotating,
15 or oscillating yellow lights, visible under normal atmospheric conditions from a
16 distance of five hundred (500) feet to the front of the vehicle. Yellow flashing,
17 rotating, or oscillating lights may also be used by vehicles operated by mail carriers
18 while on duty, funeral escort vehicles, and church buses.
- 19 (5) All Department of Corrections vehicles used as emergency vehicles shall be
20 equipped with one (1) or more flashing, rotating, or oscillating blue lights, visible
21 under normal atmospheric conditions from a distance of five hundred (500) feet to
22 the front of the vehicle. The Department of Corrections vehicles shall not be
23 equipped with or use a siren, whistle, or bell. The equipment prescribed by this
24 subsection shall be in addition to any other equipment required by motor vehicle
25 laws.
- 26 (6) (a) If authorized by the legislative body of a county, urban-county, charter county,
27 consolidated local government, or unified local government:

- 1 1. All publicly owned county jail and regional jail vehicles used as
2 emergency vehicles may be equipped with the one (1) or more flashing,
3 rotating, or oscillating blue lights, visible under normal atmospheric
4 conditions from a distance of five hundred (500) feet to the front of the
5 vehicle; and
- 6 2. An elected jailer or the chief administrator of a county or regional jail
7 not managed by an elected jailer may equip one (1) personally owned
8 vehicle with one (1) or more flashing, rotating, or oscillating blue lights,
9 visible under normal atmospheric conditions from a distance of five
10 hundred (500) feet to the front of the vehicle.
- 11 (b) Publicly owned county jail or regional jail vehicles shall not be equipped with
12 or use a siren, whistle, or bell.
- 13 (c) The equipment prescribed by this subsection shall be in addition to any other
14 equipment required by the motor vehicle laws.
- 15 (7) Red flashing lights may be used by school buses.
- 16 (8) No emergency vehicle, public safety vehicle, or any other vehicle covered by KRS
17 189.910 to 189.950 shall use any light of any other color than those specified by
18 KRS 189.910 to 189.950. Sirens, whistles, and bells may not be used by vehicles
19 other than those specified by KRS 189.910 to 189.950, except that any vehicle may
20 be equipped with a theft alarm signal device which is so arranged that it cannot be
21 used by the driver as an ordinary warning signal.
- 22 (9) Vehicles used as command posts at incidents may be equipped with and use when
23 on scene, a green rotating, oscillating, or flashing light. This light shall be in
24 addition to the lights and sirens required in this section.
- 25 (10) A personal vehicle used by a paid or volunteer firefighter, ambulance personnel, or
26 emergency services director who is responding to an emergency shall display the
27 lights required in subsection (1) of this section.

- 1 (11) An elected coroner may equip a publicly or privately owned motor vehicle, or both,
2 with flashing, rotating, or oscillating red and blue lights and a siren meeting the
3 requirements of this section solely for the purpose of responding to a report of the
4 death of a human being subject to the following terms and conditions:
- 5 (a) The coroner makes a written request to the legislative body of the county,
6 urban-county, charter county, consolidated local government, or unified local
7 government in which the coroner was elected to equip a publicly or privately
8 owned motor vehicle, or both, with flashing, rotating, or oscillating red and
9 blue lights and a siren meeting the requirements of this section, and that
10 request is approved by the legislative body by ordinance or by court order;
- 11 (b) The coroner may use the lights and siren only while responding to the scene of
12 the report of a death of a human being and shall not, KRS 189.940 to the
13 contrary notwithstanding, exceed the posted speed limit; and
- 14 (c) The permission granted pursuant to this section shall expire upon the coroner
15 leaving office or the legislative body revoking the authorization.
- 16 (12) A deputy coroner certified pursuant to KRS Chapter 72 may equip a publicly owned
17 or privately owned motor vehicle, or both, with flashing, rotating, or oscillating red
18 and blue lights and a siren meeting the requirements of this section solely for the
19 purpose of responding to a report of the death of a human being, subject to the
20 following terms and conditions:
- 21 (a) The deputy coroner has made a written request to the coroner to equip a
22 publicly owned or privately owned vehicle with flashing, rotating, or
23 oscillating red and blue lights meeting the requirements of this section and the
24 coroner has approved the request in writing;
- 25 (b) The coroner makes a written request to the legislative body of the county,
26 urban-county, charter county, consolidated local government, or unified local
27 government in which the coroner is elected to permit the deputy coroner to

1 equip a publicly owned motor vehicle or privately owned motor vehicle, or
2 both, and that request has been approved by the legislative body by ordinance
3 or by court order;

4 (c) The deputy coroner may use the lights and siren only while responding to the
5 scene of the report of the death of a human being and shall not, KRS 189.940
6 to the contrary notwithstanding, exceed the posted speed limit; and

7 (d) The permission granted pursuant to this section shall expire upon the coroner
8 leaving office or the legislative body revoking the authorization.

9 ➔Section 6. KRS 189.950 is amended to read as follows:

10 (1) No motor vehicle, except those designated under KRS 189.910 to 189.950 as
11 emergency vehicles, shall be equipped with, nor shall any person use upon a
12 vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm
13 signal device which shall be so arranged that it cannot be used as an ordinary
14 warning signal.

15 (2) No motor vehicle, except those designated under KRS 189.910 to 189.950 as
16 emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle
17 any red or blue flashing, revolving, or oscillating light or place a red light on the
18 front thereof. This subsection shall not apply to the use of red flashing lights on
19 school buses or to stop lights or turn signals at the rear of any motor vehicle.

20 (3) Except as otherwise provided for in this section, a person shall not illuminate a blue
21 light that is affixed to a motor vehicle while operating the motor vehicle on a
22 highway. This subsection shall not apply to:

23 (a) Any light on a motorcycle that is not affixed to the front of the motorcycle; or
24 (b) Nonhalogen headlamps that have a slight blue tint and meet United States
25 Department of Transportation regulations.

26 (4) No motor vehicle, except those designated under KRS 189.910 to 189.950 as public
27 safety vehicles, shall be equipped with, nor shall any person use upon any vehicle

1 any yellow flashing, revolving, or oscillating light. This subsection shall not apply
2 to the use of yellow lights for turn signals; or to emergency flasher lights for use
3 when warning the operators of other vehicles of the presence of a vehicular traffic
4 requiring the exercise of unusual care in approaching, overtaking, or passing; or to
5 vehicles operated by mail carriers while on duty; funeral escort vehicles and church
6 buses.

7 (5) Any person who is a regular or voluntary member of any fire department furnishing
8 fire protection for a political subdivision of the state or any person who is a regular
9 or voluntary member of a rescue squad may equip his vehicle with red flashing,
10 rotating, or oscillating lights and a siren, bell, or exhaust whistle if he has first been
11 given permission, in writing, to do so by the chief of the fire department or rescue
12 squad. He may use such lights and equipment only while proceeding to the scene of
13 a fire or other emergency or to a location where another emergency vehicle is on
14 emergency call in the performance of his official duties as a member of a fire
15 department or rescue squad.

16 (6) Any non-certified constable, as defined in Section 1 of this Act, may, upon
17 approval of the fiscal court in the county of jurisdiction, equip vehicles used by said
18 officer as emergency vehicles with one (1) or more flashing, rotating or oscillating
19 blue lights, visible under normal atmospheric condition from a distance of five
20 hundred (500) feet to the front of such vehicle, and a siren, whistle or bell, capable
21 of emitting a sound audible under normal conditions from a distance of not less than
22 five hundred (500) feet. This equipment shall be in addition to any other equipment
23 required by the motor vehicle laws. Any constable authorized by the fiscal court to
24 utilize blue lights and a siren pursuant to this section shall maintain at least the
25 insurance described by KRS 304.39-110.

26 (7) Any person who is a paid or voluntary member of any ambulance service furnishing
27 emergency medical services for a political subdivision of the state may equip his

1 vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust
2 whistle if he has first been given permission, in writing, to do so by the chief or
3 director of the ambulance service. He may use such lights and equipment only while
4 proceeding to the scene of an emergency, a medical facility, or to a location where
5 another emergency vehicle is on emergency call in the performance of his official
6 duties as a member of the ambulance service.

7 ➔Section 7. KRS 70.310 is amended to read as follows:

- 8 (1) Every ***certified*** constable, ***as defined in Section 1 of this Act,*** shall execute bond in
9 the ~~minimum~~ amount of ten thousand dollars (\$10,000) ***and any non-certified***
10 ***constable, as defined in Section 1 of this Act, shall execute bond in the minimum***
11 ***amount of ten thousand dollars (\$10,000),*** with good sureties approved by the
12 fiscal court.
- 13 (2) The bond shall be recorded by the fiscal court with the county clerk, and the
14 approval of the sureties shall be entered on the records of the fiscal court.
- 15 (3) The bond shall be renewed biennially, and more often if required by the fiscal court.
16 When additional security is required of the constable, he shall be given ten (10)
17 days' notice.