

1 AN ACT relating to motor vehicle accidents.

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

3 ➔Section 1. KRS 189.635 is amended to read as follows:

4 (1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall
5 be responsible for maintaining a reporting system for all vehicle accidents which
6 occur within the Commonwealth. Such accident reports shall be utilized for such
7 purposes as will improve the traffic safety program in the Commonwealth involving
8 the collection, processing, storing, and dissemination of such data and the
9 establishment of procedures by administrative regulations to ensure that uniform
10 definitions, classifications, and other federal requirements are in compliance.

11 (2) Any person operating a vehicle on the highways of this state who is involved in an
12 accident resulting in fatal or nonfatal personal injury to any person or damage to the
13 vehicle rendering the vehicle inoperable shall be required to immediately notify a
14 law enforcement officer having jurisdiction. In the event the operator fails to notify
15 or is incapable of notifying a law enforcement officer having jurisdiction, such
16 responsibility shall rest with the owner of the vehicle or any occupant of the vehicle
17 at the time of the accident. A law enforcement officer having jurisdiction shall
18 investigate the accident and file a written report of the accident with his or her law
19 enforcement agency.

20 **(3) Any person operating a business shall immediately notify a law enforcement**
21 **officer having jurisdiction when a vehicle is delivered to the business in a**
22 **damaged condition if the person knew or should have known that the vehicle was**
23 **involved in an accident that resulted in death or serious physical injury. Evidence**
24 **of death or serious physical injury may include but is not limited to blood, human**
25 **tissue, bone, teeth, or other bodily fluids. As used in this subsection, "business"**
26 **has the same meaning as in KRS 177.905.**

27 ~~(4)~~(3) Every law enforcement agency whose officers investigate a vehicle accident of

1 which a report must be made as required in this chapter shall file a report of the
2 accident with the Department of Kentucky State Police within ten (10) days after
3 investigation of the accident upon forms supplied by the department.

4 ~~(5)~~~~(4)~~ Any person operating a vehicle on the highways of this state who is involved
5 in an accident resulting in any property damage exceeding five hundred dollars
6 (\$500) in which an investigation is not conducted by a law enforcement officer shall
7 file a written report of the accident with the Department of Kentucky State Police
8 within ten (10) days of occurrence of the accident upon forms provided by the
9 department.

10 ~~(6)~~~~(5)~~ (a) All accident reports filed with the Department of Kentucky State Police
11 in compliance with subsection ~~(5)~~~~(4)~~ of this section shall not be considered
12 open records under KRS 61.870 to 61.884 and shall remain confidential,
13 except that the department may:

- 14 1. Disclose the identity of a person involved in an accident when his or her
15 identity is not otherwise known or when he or she denies his or her
16 presence at an accident; and
- 17 2. Make the reports available:
 - 18 a. To the persons named in paragraph (c) of this subsection; and
 - 19 b. In accordance with subsection ~~(9)~~~~(8)~~ of this section.

20 (b) All other accident reports required by this section, and the information
21 contained in the reports, shall be confidential and exempt from public
22 disclosure under KRS 61.870 to 61.884, except when:

- 23 1. Produced pursuant to a properly executed subpoena or court order; or
- 24 2. Disclosed as provided in this section.

25 (c) Accident reports shall be made available to:

- 26 1. The parties to the accident;
- 27 2. The parents or guardians of a minor who is party to the accident;

- 1 3. Insurers or their written designee for insurance business purposes of any
2 party who is the subject of the report;
- 3 4. The attorneys of the parties to the accident;
- 4 5. Any party to litigation who files with the department a request for the
5 report and includes a copy of the first page of a District or Circuit Court
6 clerk-stamped complaint naming all parties; and
- 7 6. The Department of Workplace Standards in the Labor Cabinet if the
8 accident report is pertinent to an occupational safety and health
9 investigation.
- 10 ~~(7)~~~~(6)~~ (a) Except as provided for in paragraph (b) of this subsection, the
11 department shall not release accident reports for a commercial purpose.
- 12 (b) Notwithstanding any other provision of this section, the department may, as a
13 matter of public safety, contract with an outside entity and release unredacted
14 vehicle damage data extracted from accident reports to the entity if the data is
15 used solely for the purpose of providing the public a means of determining a
16 vehicle's accident history. The department may further contract with a third
17 party to provide electronic access to reports for persons and entities who are
18 entitled to the reports under subsection ~~(6)~~~~(5)~~ of this section.
- 19 ~~(8)~~~~(7)~~ The department shall promulgate administrative regulations in accordance
20 with KRS Chapter 13A to set out a fee schedule for accident reports made available
21 pursuant to subsections ~~(6) and (9)~~~~(5) and (8)~~ of this section. These fees shall be
22 in addition to those charged to the public for records produced under KRS Chapter
23 61.
- 24 ~~(9)~~~~(8)~~ (a) The report shall be made available to a news-gathering organization,
25 solely for the purpose of publishing or broadcasting the news. The news-
26 gathering organization shall not use or distribute the report, or knowingly
27 allow its use or distribution, for a commercial purpose other than the news-

1 gathering organization's publication or broadcasting of the information in the
2 report.

3 (b) For the purposes of this subsection:

4 1. "News-gathering organization" includes:

5 a. A newspaper or periodical if it:

6 i. Is published at least fifty (50) of fifty-two (52) weeks during
7 a calendar year;

8 ii. Contains at least twenty-five percent (25%) news content in
9 each issue or no more than seventy-five percent (75%)
10 advertising content in any issue in the calendar year; and

11 iii. Contains news of general interest to its readers that can
12 include news stories, editorials, sports, weddings, births, and
13 death notices;

14 b. A television or radio station with a valid broadcast license issued
15 by the Federal Communications Commission;

16 c. A news organization that broadcasts over a multichannel video
17 programming service as defined in KRS 136.602;

18 d. A Web site published by or affiliated with any entity described in
19 subdivision a., b., or c. of this subparagraph;

20 e. An online-only newspaper or magazine that publishes news or
21 opinion of interest to a general audience and is not affiliated with
22 any entity described in subparagraph 2. of this paragraph; and

23 f. Any other entity that publishes news content by any means to the
24 general public or to members of a particular profession or
25 occupational group; and

26 2. "News-gathering organization" does not include any product or
27 publication with the primary purpose of distributing advertising or of

1 publishing names and other personal identifying information concerning
2 parties to motor vehicle accidents which may be used to solicit for
3 services covered under Subtitle 39 of KRS Chapter 304.

4 (c) A news-gathering organization shall not be held to have used or knowingly
5 allowed the use of the report for a commercial purpose merely because of its
6 publication or broadcast.

7 (d) A request under this subsection shall be completed using a form promulgated
8 by the department through administrative regulations in accordance with KRS
9 Chapter 13A. The form under this paragraph shall include:

- 10 1. The name and address of the requestor and the news-gathering
11 organization the requestor represents;
- 12 2. A statement that the requestor is a news-gathering organization under
13 this subsection and identifying the specific subdivision of paragraph
14 (b)1. of this subsection under which the requester qualifies;
- 15 3. A statement that the request is in compliance with the criteria contained
16 in this section; and
- 17 4. A declaration of the requestor as to the accuracy and truthfulness of the
18 information provided in the request.

19 (e) 1. The department shall redact all personal information from a report prior
20 to making it available to a news-gathering organization as defined under
21 paragraph (b)1.f. of this subsection.

22 2. Reports may be provided to news-gathering organizations as defined
23 under paragraph (b)1.a. to e. of this subsection without redaction.

24 3. For the purposes of this paragraph, "personal information" means:

- 25 a. The address, driver's license number, phone number, date of birth,
26 and any other contact information contained in the report for each
27 person listed on the report; and

1 b. The vehicle identification numbers (VINs) for each vehicle listed
2 on the report.

3 ~~(10)~~~~(9)~~ The motor vehicle insurers of any train engineer or other train crew member
4 involved in an accident on a railroad while functioning in their professional capacity
5 shall be prohibited from obtaining a copy of any accident report filed on the
6 accident under this section without written consent from the individual the company
7 insures. Insurance companies issuing motor vehicle policies in the Commonwealth
8 shall be prohibited from raising a policyholder's rates solely because the
9 policyholder, in his or her professional capacity, is a train engineer or other train
10 crew member involved in an accident on a railroad.

11 ~~(11)~~~~(10)~~ For reporting and statistical purposes, motor scooters and autocycles as
12 defined in KRS 186.010 shall be listed as a distinct category and shall not be
13 considered to be a motor vehicle or a motorcycle for reports issued under this
14 section.

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

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

26 (b) Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not
27 less than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or

1 imprisoned in the county jail for not more than one (1) year, or both, unless
2 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
4 person shall be guilty of a Class D felony.

5 **(c) Any person who violates subsection (6)(a) of KRS 189.580 shall be guilty of**
6 **a Class A misdemeanor.**

7 **(d)** Any person who violates paragraph (c) of subsection (5) of KRS 189.390 shall
8 be fined not less than eleven dollars (\$11) nor more than thirty dollars (\$30).
9 Neither court costs nor fees shall be taxed against any person violating
10 paragraph (c) of subsection (5) of KRS 189.390.

11 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,
12 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents
13 (\$0.02) per pound for each pound of excess load when the excess is five
14 thousand (5,000) pounds or less. When the excess exceeds five thousand
15 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of
16 excess load, but the fine levied shall not be less than one hundred dollars
17 (\$100) and shall not be more than five hundred dollars (\$500).

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

21 (c) Any person who violates any provision of subsection (2) or (3) of KRS
22 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
23 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
24 another penalty is not specifically provided shall be fined not less than ten
25 dollars (\$10) nor more than five hundred dollars (\$500).

26 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
27 on a route designated in KRS 177.986 shall be fined one hundred dollars

- 1 (\$100).
- 2 2. Any person who operates a vehicle with a permit under KRS 177.985 in
3 excess of eighty thousand (80,000) pounds while operating on a route
4 not designated in KRS 177.986 shall be fined one thousand dollars
5 (\$1,000).
- 6 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
7 prejudice or affect the authority of the Department of Vehicle Regulation to
8 suspend or revoke certificates of common carriers, permits of contract
9 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
10 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 11 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
12 more than fifteen dollars (\$15).
- 13 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
14 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 15 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
16 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 17 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210
18 shall be fined not less than twenty-five dollars (\$25) nor more than one
19 hundred dollars (\$100).
- 20 (c) All fines collected under this subsection, after payment of commissions to
21 officers entitled thereto, shall go to the county road fund if the offense is
22 committed in the county, or to the city street fund if committed in the city.
- 23 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
24 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
25 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
26 each subsequent offense occurring within three (3) years, the person shall be fined
27 not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500)

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

1 twenty dollars (\$20) nor more than twenty-five dollars (\$25).

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

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

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

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

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

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

24 (20) (a) Any law enforcement agency which fails or refuses to forward the reports
25 required by KRS 189.635 shall be subject to the penalties prescribed in KRS
26 17.157.

27 (b) Any person who violates subsection (3) of Section 1 of this Act shall be

1 *guilty of a Class A misdemeanor and may be fined no more than ten*
2 *thousand dollars (\$10,000).*

- 3 (21) A person who operates a bicycle in violation of the administrative regulations
4 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
5 nor more than one hundred dollars (\$100).
- 6 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
7 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 8 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
9 dollars (\$25) nor more than three hundred dollars (\$300).
- 10 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
11 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
12 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
13 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
14 or any other additional fees or costs.
- 15 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
16 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
17 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).
18 This fine shall be subject to prepayment. A fine imposed under this subsection shall
19 not be subject to court costs pursuant to KRS 24A.175, additional court costs
20 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other
21 additional fees or costs. A person who has not been previously charged with a
22 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the
23 requirements of KRS 189.125. Upon presentation of sufficient proof of the
24 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 25 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
26 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
27 prepayment. A fine imposed under this subsection shall not be subject to court costs

1 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
2 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

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

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

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

13 (b) Attendance at a driver improvement clinic established pursuant to KRS
14 186.574. If the person completes the terms of this diversionary program
15 satisfactorily the violation shall be dismissed.

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

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

27 ➔Section 3. The restrictions of KRS 6.945(1) shall not apply to Sections 1 and 2

1 of this Act.