

1 AN ACT relating to off-highway vehicles and making an appropriation therefor.

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 *After the effective date of this Act and until July 1, 2024:*

6 *(1) As used in this section:*

7 *(a) "Local government" means a city, county, charter county government,*
8 *urban-county government, consolidated local government, or unified local*
9 *government that is located within the boundaries of a regional authority;*

10 *(b) "Off-highway vehicle" or "OHV" means a motorized vehicle that:*

11 *1. Is designed to be primarily used for recreational purposes;*

12 *2. Has a maximum speed that is greater than thirty-five (35) miles per*
13 *hour; and*

14 *3. Is equipped with the following:*

15 *a. Four (4) to six (6) highway or nonhighway tires;*

16 *b. A steering wheel;*

17 *c. Brakes;*

18 *d. Headlamps;*

19 *e. Tail lamps;*

20 *f. Brake lights;*

21 *g. Front and rear turn signals;*

22 *h. One (1) red reflex reflector on each side as far to the rear as*
23 *practicable and one (1) red reflex reflector on the rear;*

24 *i. An exterior mirror mounted on the driver's side of the vehicle;*

25 *j. Either an interior mirror or an exterior mirror mounted on the*
26 *passenger's side of the vehicle;*

27 *k. A roll bar;*

1 *l. For each designated seating position, a seatbelt assembly that*
2 *conforms to the federal motor vehicle safety standard provided in*
3 *49 C.F.R. sec. 571.209;*

4 *m. A working muffler;*

5 *n. A parking brake;*

6 *o. A spark arrestor; and*

7 *p. A horn that meets the requirements of KRS 189.080; and*

8 *(c) "Regional authority" means:*

9 *1. The Kentucky Mountain Regional Recreation Authority established in*
10 *KRS 148.0222; and*

11 *2. Any other authority established in Kentucky Revised Statutes, prior to*
12 *the effective date of this Act, that oversees lands in two (2) or more*
13 *contiguous counties, on which there is a system of recreational trails,*
14 *including streams, rivers, and other waterways, and appurtenant*
15 *facilities, including trailhead centers, parking areas, camping*
16 *facilities, picnic areas, recreational areas, historic or cultural*
17 *interpretive sites, and other facilities in Kentucky and designated by*
18 *the regional authority.*

19 *(2) (a) The legislative body of a local government that is located within the*
20 *boundaries of a regional authority may establish a pilot program, by*
21 *ordinance, to authorize and regulate the operation of an OHV on any public*
22 *roadway or any section of city or county roadway for which it bears*
23 *responsibility.*

24 *(b) Prior to enacting an OHV ordinance under paragraph (a) of this*
25 *subsection, the legislative body of a local government shall notify the public*
26 *of its plans to allow OHV use on roadways under its jurisdiction. Public*
27 *notice under this paragraph shall:*

- 1 1. Notify the public of the time, subject, and location of the public
2 meeting and shall be posted in both a local newspaper, if any, and a
3 newspaper of general circulation in the county;
- 4 2. Include a map and a list of roadways and connecting trails for OHV
5 use; and
- 6 3. Be placed on the Web site of local government.
- 7 (c) A local government may petition the Transportation Cabinet to include, in
8 an OHV ordinance adopted under paragraph (a) of this subsection, state-
9 maintained roadways or sections of state-maintained roadways located
10 within the local government's jurisdictional boundaries. The local
11 government shall submit the following to the Transportation Cabinet for
12 approval:
- 13 1. The minutes from the public meeting or meetings held prior to
14 adoption of an OHV ordinance under this subsection.
- 15 2. A list and map of all roadways and connecting trails that the local
16 government to use for OHV use;
- 17 3. A plan to verify the insurance requirements of any person seeking an
18 OHV permit under this section;
- 19 4. An enforcement plan to ensure that all OHVs operating on roadways
20 under this section meet all of the requirements established under this
21 section;
- 22 5. A plan to notify the public and OHV users of the operation of OHVs
23 on state and local roadways within the boundaries of the local
24 government;
- 25 6. A safety plan for OHV roadway use; and
- 26 7. Any other requirements established by the Transportation Cabinet
27 under subsection (27) of this section.

- 1 (d) The Transportation Cabinet shall, within one hundred eighty (180) days of
2 receipt of petition and all information required in paragraph (c) of this
3 subsection, respond to the local government with approval or denial of the
4 request submitted.
- 5 (e) Any OHV ordinance adopted under this section shall be adopted at a public
6 meeting.
- 7 (3) A fully controlled access highway shall not be designated for OHV use under this
8 section.
- 9 (4) An ordinance adopted under subsection (2) of this section, allowing an OHV to
10 operate on designated roadways, shall require:
- 11 (a) Verification that the OHV is insured prior to the issuance of an OHV
12 permit;
- 13 (b) Verification that the OHV has all of the equipment required under this
14 section;
- 15 (c) That the OHV be issued an annual permit by the local government; and
- 16 (d) The display of a sticker or permit that clearly identifies that the OHV is
17 allowed to be operated on specific roadways within the local government's
18 jurisdictional boundaries.
- 19 (5) The local government may assess a fee for an annual OHV permit issued under
20 this section.
- 21 (6) A local government shall not issue an OHV permit under this section prior to
22 April 1, 2022.
- 23 (7) An OHV permit shall not be issued unless the issuing body has verified proof of
24 insurance required under this section.
- 25 (8) Of the fees assessed by the local government under subsection (5) of this section,
26 five dollars (\$5) shall be forwarded to the Transportation Cabinet, three dollars
27 (\$3) shall be forwarded to the sheriff's office, and two dollars (\$2) shall be

- 1 forwarded to the county clerk.
- 2 (9) Annual permits issued under this section shall expire on March 31 of each year.
- 3 (10) A local government may establish an online issuance system for the sale of OHV
4 permits under this section.
- 5 (11) A local government may contract with a:
- 6 (a) Regional authority for the issuance and sale of OHV permits under this
7 section; and
- 8 (b) Private vendor for the issuance and sale of OHV permits under this section,
9 at retail locations within the Commonwealth.
- 10 (12) Any OHV permit issuance system under subsections (10) and (11) of this section
11 shall ensure that an OHV meets the requirements and verifications of this
12 section, prior to permit issuance.
- 13 (13) A local government that has enacted an OHV ordinance under this section shall
14 notify the Transportation Cabinet of any collision involving an OHV that
15 occurred on any roadway approved for OHV use under this section.
- 16 (14) On or before October 31, 2022, and each October 31 thereafter, a local
17 government shall annually report to the General Assembly the number of OHV
18 permits sold and the revenue collected from the sale of OHV permits. The report
19 shall include but not be limited to OHV permits sold:
- 20 (a) Directly by the local government;
- 21 (b) Through online issuance;
- 22 (c) By the regional authority; and
- 23 (d) By private vendor.
- 24 (15) Permit fees paid under this section shall be separate from any fee that may be
25 assessed to the operator of an OHV for the use of a private or public riding trail.
- 26 (16) A person may operate an OHV on a public roadway pursuant to subsection (2) of
27 this section if the:

- 1 (a) OHV has been issued a permit under this section;
- 2 (b) Operator is eighteen (18) years of age or older;
- 3 (c) Operator has a valid operator's license in his or her possession;
- 4 (d) OHV is insured by the owner or operator, for the payment of tort liabilities
5 in the same form and amounts as set forth in KRS 304.39-110 for
6 motorcycles;
- 7 (e) Proof of insurance is inside the OHV at all times of operation on a public
8 roadway; and
- 9 (f) OHV is equipped with all safety equipment required under this section.
- 10 (17) Any person operating an OHV on a public roadway under this section shall be
11 subject to the same traffic regulations of KRS Chapter 189 as a motor vehicle,
12 including KRS 189.520 prohibiting the operation of a vehicle that is not a motor
13 vehicle, while under the influence of intoxicants or substances which may impair
14 driving.
- 15 (18) A person shall not operate an OHV under this section on any public roadway one
16 (1) hour before sunrise or one (1) hour after sunset, unless the person can
17 demonstrate cause for driving, including but not limited to emergencies.
- 18 (19) Any passenger of an OHV that is under the age of sixteen (16) shall be required
19 to wear a helmet that meets the national standards prescribed by the United
20 States Department of Transportation.
- 21 (20) An operator and any passengers shall wear eye protection when operating or
22 riding an OHV that is not equipped with a windshield.
- 23 (21) (a) Transportation Cabinet shall be responsible for the cost, placement, and
24 maintenance of signage denoting state highways that have been authorized
25 for OHV use under this section.
- 26 (b) The local government shall be responsible for the cost, placement, and
27 maintenance of signage denoting local roadways that have been designated

1 for OHV use under this section.

2 (c) The local government shall be responsible for weekly inspection of state and
3 local OHV signage.

4 (22) An OHV operating on a public roadway designated by a local government under
5 subsection (2) of this section is not considered to be a motor vehicle and shall be
6 exempt from:

7 (a) Vehicle registration requirements of KRS 186.050; and

8 (b) Emissions compliance certificates pursuant to KRS 224.20-720.

9 (23) A local government may adopt more stringent local ordinances governing OHV
10 safety equipment and operation than specified in this section.

11 (24) If deemed in the interest of public safety, the Transportation Cabinet may:

12 (a) Prohibit the operation of an OHV on any public roadway designated under
13 subsection (2) of this section that crosses a state-maintained roadway; or

14 (b) Rescind approval given under subsection (2)(d) of this section.

15 (25) This section shall not apply to:

16 (a) An OHV operated on any private or public recreational trail or area;

17 (b) An OHV operating under the exemptions for highway use under Section 2
18 of this Act; or

19 (c) A publicly owned and operated OHV used for wildlife management, law
20 enforcement, emergency services, or other governmental purposes.

21 (26) Nothing in this section shall be interpreted or construed to require an insurance
22 company to provide OHV insurance coverage.

23 (27) The Transportation Cabinet shall promulgate administrative regulations
24 pursuant to KRS Chapter 13A to implement this section, including but not limited
25 to:

26 (a) Prescribing of any forms or applications needed;

27 (b) Establishing criteria for OHV ordinances;

- 1 (c) Establishing OHV enforcement requirements;
 2 (d) Establishing criteria for rescinding approval pursuant to subsection (24) of
 3 this section;
 4 (e) Establishing OHV safety requirements;
 5 (f) Establishing OHV safety equipment verification protocol; and
 6 (g) Establishing OHV safety plan requirements.

7 ➔Section 2. KRS 189.515 is amended to read as follows:

- 8 (1) As used in this section, "federal all-terrain vehicle standards" means the all-terrain
 9 vehicle standards set forth by the American National Standards Institute/Specialty
 10 Vehicle Institute of America and incorporated by reference in 16 C.F.R. sec. 1420.3,
 11 to the extent those standards are applicable.
- 12 (2) Except for vehicles authorized to operate on a public highway as of July 15, 1998,
 13 and except as provided in subsection (7) of this section, a person shall not operate
 14 an all-terrain vehicle upon any public highway or roadway or upon the right-of-way
 15 of any public highway or roadway.
- 16 (3) A person shall not operate an all-terrain vehicle on private property without the
 17 consent of the landowner, tenant, or individual responsible for the property.
- 18 (4) A person shall not operate an all-terrain vehicle on public property unless the
 19 governmental agency responsible for the property has approved the use of all-terrain
 20 vehicles.
- 21 (5) Except for vehicles authorized to operate on a public highway, a person sixteen (16)
 22 years of age or older operating an all-terrain vehicle on public property shall wear
 23 approved protective headgear, in the manner prescribed by the secretary of the
 24 Transportation Cabinet, at all times that the vehicle is in motion. The approved
 25 headgear requirement shall not apply when the operator of any all-terrain vehicle is
 26 engaged in:
 27 (a) Farm or agriculture related activities;

- 1 (b) Mining or mining exploration activities;
- 2 (c) Logging activities;
- 3 (d) Any other business, commercial, or industrial activity;
- 4 (e) Use of that vehicle on private property; or
- 5 (f) The crossing of a public roadway with a posted speed limit of fifty-five (55)
- 6 miles per hour or less. The crossing of a public roadway outlined in this
- 7 paragraph shall be in compliance with subsection (7)(a) of this section.
- 8 (6) (a) A parent or legal guardian of a minor who is under the age of six (6) shall not
- 9 knowingly allow that person to operate an all-terrain vehicle.
- 10 (b) A person under the age of sixteen (16) years shall not operate an all-terrain
- 11 vehicle except under direct parental supervision.
- 12 (c) A person under the age of sixteen (16) years, when operating or riding as a
- 13 passenger on an all-terrain vehicle, shall wear approved protective headgear,
- 14 in the manner prescribed by the secretary of the Transportation Cabinet, at all
- 15 times that the vehicle is in motion.
- 16 (d) A parent or guardian of a minor who is under the age of sixteen (16), or who
- 17 does not possess an instruction permit, an intermediate license, or an
- 18 operator's license, shall not knowingly allow that person to carry a passenger
- 19 while operating an all-terrain vehicle.
- 20 (e) A parent or guardian of a minor under the age of sixteen (16) shall not
- 21 knowingly allow that person to operate an all-terrain vehicle in violation of
- 22 the age restriction warning label affixed by the manufacturer as required by
- 23 the federal all-terrain vehicle standards.
- 24 (7) (a) Except for off-highway vehicles in Section 1 of this Act, a person may
- 25 operate an all-terrain vehicle on any two (2) lane public highway in order to
- 26 cross the highway. In crossing the highway under this paragraph, the operator
- 27 shall cross the highway at as close to a ninety (90) degree angle as is practical

1 and safe, and shall not travel on the highway for more than two-tenths (2/10)
2 of a mile.

3 (b) A person may operate an all-terrain vehicle on any two (2) lane public
4 highway, if the operator is engaged in farm or agricultural related activities,
5 construction, road maintenance, or snow removal.

6 (c) The Transportation Cabinet may designate, and a city or county government
7 may designate, those public highways, segments of public highways, and
8 adjoining rights-of-way of public highways under its jurisdiction where all-
9 terrain vehicles that are prohibited may be operated.

10 (d) A person operating an all-terrain vehicle on a public highway under this
11 subsection shall possess a valid operator's license.

12 (e) A person operating an all-terrain vehicle on a public highway under this
13 subsection shall comply with all applicable traffic regulations.

14 (f) A person shall not operate an all-terrain vehicle under this subsection unless
15 the all-terrain vehicle has at least one (1) headlight and two (2) taillights,
16 which shall be illuminated at all times the vehicle is in operation.

17 (g) A person operating an all-terrain vehicle under this subsection shall restrict
18 the operation to daylight hours, except when engaged in snow removal or
19 emergency road maintenance.

20 (h) It shall be unlawful for a person to remove from an all-terrain vehicle the
21 manufacturer age restriction warning label required by the federal all-terrain
22 vehicle standards.

23 ➔Section 3. KRS 189.990 is amended to read as follows:

24 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
25 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
26 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
27 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS

1 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to
2 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,
3 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of
4 KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor
5 more than one hundred dollars (\$100) for each offense. Any person who violates
6 subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)
7 nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not
8 more than one (1) year, or both, unless the accident involved death or serious
9 physical injury and the person knew or should have known of the death or serious
10 physical injury, in which case the person shall be guilty of a Class D felony. Any
11 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined
12 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court
13 costs nor fees shall be taxed against any person violating paragraph (c) of
14 subsection (5) of KRS 189.390.

15 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,
16 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents
17 (\$0.02) per pound for each pound of excess load when the excess is five
18 thousand (5,000) pounds or less. When the excess exceeds five thousand
19 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of
20 excess load, but the fine levied shall not be less than one hundred dollars
21 (\$100) and shall not be more than five hundred dollars (\$500).

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

25 (c) Any person who violates any provision of subsection (2) or (3) of KRS
26 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
27 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which

1 another penalty is not specifically provided shall be fined not less than ten
2 dollars (\$10) nor more than five hundred dollars (\$500).

3 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
4 on a route designated in KRS 177.986 shall be fined one hundred dollars
5 (\$100).

6 2. Any person who operates a vehicle with a permit under KRS 177.985 in
7 excess of eighty thousand (80,000) pounds while operating on a route
8 not designated in KRS 177.986 shall be fined one thousand dollars
9 (\$1,000).

10 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
11 prejudice or affect the authority of the Department of Vehicle Regulation to
12 suspend or revoke certificates of common carriers, permits of contract
13 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
14 to 189.228 or any other act applicable to motor vehicles, as provided by law.

15 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
16 more than fifteen dollars (\$15).

17 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
18 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).

19 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
20 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

21 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210
22 shall be fined not less than twenty-five dollars (\$25) nor more than one
23 hundred dollars (\$100).

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

27 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less

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

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

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

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

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

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

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

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

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

- 1 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
2 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
3 offense.
- 4 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
5 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 6 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
7 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 8 (16) Any person who violates restrictions or regulations established by the secretary of
9 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
10 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
11 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
12 imprisoned for thirty (30) days, or both.
- 13 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
14 of a Class B misdemeanor.
- 15 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
16 case of violation by any person in whose name the vehicle used in the
17 transportation of inflammable liquids or explosives is licensed, the person
18 shall be fined not less than one hundred dollars (\$100) nor more than five
19 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 20 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
21 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
22 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
23 nor more than thirty (30) days.
- 24 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
25 unless the offense is being committed by a defendant fleeing the commission of a
26 felony offense which the defendant was also charged with violating and was
27 subsequently convicted of that felony, in which case it is a Class A misdemeanor.

- 1 (20) Any law enforcement agency which fails or refuses to forward the reports required
2 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 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 **(31) Any person who violates subsection (16) of Section 1 of this Act shall be subject**

1 to a fine of two hundred fifty dollars (\$250). This fine shall be subject to
2 prepayment. A fine imposed under this subsection shall not be subject to court
3 costs pursuant to KRS 24A.175, additional costs pursuant to KRS 24A.176, the
4 fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

5 ➔Section 4. Sections 1 to 3 of this Act are a part of a pilot program and shall
6 sunset on July 1, 2024.