

1 AN ACT relating to off-highway vehicles.

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 *(1) As used in this section and Section 2 of this Act, "off-highway vehicle" or*

6 *"OHV" means a motorized vehicle that:*

7 *(a) Is designed to be primarily used for recreational purposes;*

8 *(b) Has a maximum speed that is greater than thirty-five (35) miles per hour;*

9 *(c) Does not have a straddle seat; and*

10 *(d) Is equipped with the following:*

11 *1. Four (4) to six (6) highway or nonhighway tires;*

12 *2. A steering wheel or steering mechanism;*

13 *3. Brakes;*

14 *4. Headlamps;*

15 *5. Tail lamps;*

16 *6. Brake lights;*

17 *7. One (1) red reflex reflector on each side as far to the rear as*
18 *practicable and one (1) red reflex reflector on the rear;*

19 *8. A working muffler;*

20 *9. A parking brake;*

21 *10. A spark arrestor; and*

22 *11. For multi-passenger vehicles, an exterior mirror mounted on the*
23 *driver's side of the vehicle, either an interior mirror or an exterior*
24 *mirror mounted on the passenger's side of the vehicle, and for each*
25 *designated seating position, a seatbelt assembly that conforms to the*
26 *federal motor vehicle safety standard provided in 49 C.F.R. sec.*
27 *571.209.*

- 1 (2) A person may operate an off-highway vehicle on state-maintained roadways in
2 the Commonwealth, if the:
- 3 (a) Roadway is not a fully controlled access highway;
4 (b) Roadway has not been identified as one where the use of OHVs has been
5 prohibited under subsection (6) of this section;
6 (c) Operator is eighteen (18) years of age or older; and
7 (d) Operator has a valid operator's license.
- 8 (3) An off-highway vehicle operating on a highway under this section shall:
- 9 (a) Prior to titling and registration, pass an inspection performed by a certified
10 inspector in accordance with KRS 186A.115;
11 (b) Be titled in accordance with KRS Chapter 186A;
12 (c) Be registered as a motor vehicle in accordance with KRS 186.050(3)(a); and
13 (d) Be insured in compliance with KRS 304.39-080 by the owner, and the proof
14 of insurance shall be kept with the vehicle at all times of operation on a
15 highway.
- 16 (4) The registration fee for an off-highway vehicle under this section shall be the
17 same as for a motor vehicle under KRS 186.050(3)(a), and an applicant for
18 registration for an OHV shall be required to pay the fees outlined in KRS
19 186.040.
- 20 (5) A person operating an OHV under this section, and any passengers riding in the
21 vehicle, shall be required to wear:
- 22 (a) A helmet that meets the national standards prescribed by the United States
23 Department of Transportation, if the vehicle is not equipped with a:
- 24 1. Roof;
25 2. Windshield; and
26 3. Full or half door; and
- 27 (b) Eye protection that meets the national standards prescribed by the United

1 States Department of Transportation, if the vehicle is not equipped with a
2 windshield.

3 (6) The Transportation Cabinet or a local government may prohibit the use of an off-
4 highway vehicle, registered in accordance with this section or Section 2 of this
5 Act, on specific roadways under its jurisdiction, if the cabinet or local
6 government deems it to be unsafe.

7 (7) A person shall not operate an off-highway vehicle under this section:

8 (a) On private property without the consent of the landowner, tenant, or
9 individual responsible for the property; or

10 (b) While carrying passengers on a trailer or any other towed unit.

11 (8) A person shall not remove from an off-highway vehicle any manufacturer age
12 restriction warning label required under federal law or regulation.

13 (9) A nonresident owner of an off-highway vehicle may operate the off-highway
14 vehicle under this section and shall be exempt from registration under this
15 section, if the vehicle is registered in a state that:

16 (a) Allows the registration of off-highway vehicles;

17 (b) Requires that registered off-highway vehicles be insured; and

18 (c) Allows an off-highway vehicle registered in the Commonwealth to operate
19 in that state for a limited time.

20 (10) The Transportation Cabinet shall promulgate administrative regulations
21 pursuant to KRS Chapter 13A to implement this section.

22 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) A nonresident of the Commonwealth who resides in a state that does not meet the
25 requirements of subsection (9) of Section 1 of this Act may apply with a county
26 clerk for a nonresident registration permit to operate an off-highway vehicle
27 pursuant to the provisions outlined in Section 1 of this Act. A person operating an

1 off-highway vehicle under a nonresident registration permit issued pursuant to
 2 this section shall be exempt from the titling and registration provisions outlined
 3 in Section 1 of this Act, but shall be subject to all other provisions of Section 1 of
 4 this Act.

5 (2) Permits issued under this section shall be valid for one (1) year.

6 (3) The registration fee for shall be the same as for a motor vehicle under KRS
 7 186.050(3)(a), and an applicant for registration for an OHV under this section
 8 shall be required to pay the fees outlined in KRS 186.040.

9 (4) The Transportation Cabinet shall promulgate administrative regulations
 10 pursuant to KRS Chapter 13A to implement this section, including establishment
 11 of forms and procedures for the issuance of temporary registration permits.

12 ➔Section 3. KRS 189.515 is amended to read as follows:

13 (1) As used in this section: [,]

14 (a) "All-terrain vehicle" means an all-terrain vehicle as defined in KRS
 15 189.010 that is not an off-highway vehicle that has been registered as a
 16 motor vehicle under Section 1 or 2 of this Act; and

17 (b) "Federal all-terrain vehicle standards" means the all-terrain vehicle standards
 18 set forth by the American National Standards Institute/Specialty Vehicle
 19 Institute of America and incorporated by reference in 16 C.F.R. sec. 1420.3,
 20 to the extent those standards are applicable.

21 (2) Except for vehicles authorized to operate on a public highway as of July 15, 1998,
 22 and except as provided in subsection (7) of this section, a person shall not operate
 23 an all-terrain vehicle upon any public highway or roadway or upon the right-of-way
 24 of any public highway or roadway.

25 (3) A person shall not operate an all-terrain vehicle on private property without the
 26 consent of the landowner, tenant, or individual responsible for the property.

27 (4) A person shall not operate an all-terrain vehicle on public property unless the

1 governmental agency responsible for the property has approved the use of all-
2 terrain vehicles.

3 (5) Except for vehicles authorized to operate on a public highway, a person sixteen (16)
4 years of age or older operating an all-terrain vehicle on public property shall wear
5 approved protective headgear, in the manner prescribed by the secretary of the
6 Transportation Cabinet, at all times that the vehicle is in motion. The approved
7 headgear requirement shall not apply when the operator of any all-terrain vehicle is
8 engaged in:

- 9 (a) Farm or agriculture related activities;
- 10 (b) Mining or mining exploration activities;
- 11 (c) Logging activities;
- 12 (d) Any other business, commercial, or industrial activity;
- 13 (e) Use of that vehicle on private property; or
- 14 (f) The crossing of a public roadway with a posted speed limit of fifty-five (55)
15 miles per hour or less. The crossing of a public roadway outlined in this
16 paragraph shall be in compliance with subsection (7)(a) of this section.

17 (6) (a) A parent or legal guardian of a minor who is under the age of six (6) shall not
18 knowingly allow that person to operate an all-terrain vehicle.

19 (b) A person under the age of sixteen (16) years shall not operate an all-terrain
20 vehicle except under direct parental supervision.

21 (c) A person under the age of sixteen (16) years, when operating or riding as a
22 passenger on an all-terrain vehicle, shall wear approved protective headgear,
23 in the manner prescribed by the secretary of the Transportation Cabinet, at all
24 times that the vehicle is in motion.

25 (d) A parent or guardian of a minor who is under the age of sixteen (16), or who
26 does not possess an instruction permit, an intermediate license, or an
27 operator's license, shall not knowingly allow that person to carry a passenger

1 while operating an all-terrain vehicle.

2 (e) A parent or guardian of a minor under the age of sixteen (16) shall not
3 knowingly allow that person to operate an all-terrain vehicle in violation of
4 the age restriction warning label affixed by the manufacturer as required by
5 the federal all-terrain vehicle standards.

6 (7) (a) ~~Except for off-highway vehicles described in KRS 189.281,~~ A person may
7 operate an all-terrain vehicle on any two (2) lane public highway in order to
8 cross the highway. In crossing the highway under this paragraph, the operator
9 shall cross the highway at as close to a ninety (90) degree angle as is practical
10 and safe, and shall not travel on the highway for more than two-tenths (2/10)
11 of a mile.

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

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

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

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

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

26 (g) A person operating an all-terrain vehicle under this subsection shall restrict
27 the operation to daylight hours, except when engaged in snow removal or

1 emergency road maintenance.

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

5 ➔Section 4. KRS 189.990 is amended to read as follows:

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

24 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person
25 who violates the weight provisions of KRS 189.212, 189.221, 189.222,
26 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02)
27 per pound for each pound of excess load when the excess is five

1 thousand (5,000) pounds or less. When the excess exceeds five thousand
 2 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each
 3 pound of excess load, but the fine levied shall not be less than one
 4 hundred dollars (\$100) and shall not be more than five hundred dollars
 5 (\$500).

- 6 2. Any person who violates a posted bridge weight limit on a state-
 7 maintained bridge that is more than seventy-five (75) years old shall be
 8 fined:
- 9 a. Five hundred dollars (\$500) for the first offense;
 - 10 b. One thousand dollars (\$1,000) for the second offense within a one
 11 (1) year period; and
 - 12 c. Two thousand dollars (\$2,000) for any subsequent offense within a
 13 one (1) year period.

14 The Transportation Cabinet shall erect signs warning drivers of the
 15 increased fines in this subparagraph. Signs erected under this
 16 subparagraph shall be placed in such a manner that drivers are given
 17 adequate warning in order to exit the road prior to crossing the bridge. If
 18 warning signs are not erected in accordance with this subparagraph, the
 19 fines in this subparagraph shall not apply and violators shall be fined
 20 under subparagraph 1. of this paragraph.

- 21 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
 22 route designated on the permit shall be fined one hundred dollars (\$100);
 23 otherwise, the penalties in paragraph (a) of this subsection shall apply.
- 24 (c) Any person who violates any provision of subsection (2) or (3) of KRS
 25 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
 26 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
 27 another penalty is not specifically provided shall be fined not less than ten

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

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

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

10 (7) Any person who violates Section 1 or 2 of this Act, KRS 189.510, or KRS 189.515
11 shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50).

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

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

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

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

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

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

27 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not

1 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
2 offense.

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

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

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

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

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

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

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

27 (20) Any law enforcement agency which fails or refuses to forward the reports required

- 1 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 2 (21) A person who operates a bicycle in violation of the administrative regulations
3 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
4 nor more than one hundred dollars (\$100).
- 5 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
6 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 7 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
8 dollars (\$25) nor more than three hundred dollars (\$300).
- 9 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
10 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
11 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
12 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
13 or any other additional fees or costs.
- 14 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
15 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
16 For a violation on or after July 1, 2009, the person shall be fined thirty dollars
17 (\$30). This fine shall be subject to prepayment. A fine imposed under this
18 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
19 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
20 any other additional fees or costs. A person who has not been previously charged
21 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
22 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
23 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 24 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
25 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
26 prepayment. A fine imposed under this subsection shall not be subject to court costs
27 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee

1 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

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

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

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

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

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

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

26 ~~[(31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two~~
27 ~~hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine~~

1 ~~imposed under this subsection shall not be subject to court costs pursuant to KRS~~
2 ~~24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to~~
3 ~~KRS 24A.1765, or any other additional fees or costs.]~~

4 ➔Section 5. KRS 186.010 (Effective January 1, 2024) is amended to read as
5 follows:

6 As used in this chapter, unless otherwise indicated:

- 7 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;
8 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,
9 means the Transportation Cabinet only with respect to motor vehicles, other than
10 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the
11 Department of Vehicle Regulation when used with respect to commercial vehicles;
- 12 (2) "Highway" means every way or place of whatever nature when any part of it is
13 open to the use of the public, as a matter of right, license, or privilege, for the
14 purpose of vehicular traffic;
- 15 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who
16 will, under normal conditions during the year, manufacture or assemble at least ten
17 (10) new motor vehicles;
- 18 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in
19 paragraph (a) of subsection (8) of this section, which are propelled otherwise than
20 by muscular power. As used in KRS 186.400 to 186.640, "motor vehicles"~~[it]~~
21 means all vehicles, as defined in paragraph (b) of subsection (8) of this section,
22 which are self-propelled. "Motor vehicle" shall not include a moped as defined in
23 this section, but for registration purposes shall include low-speed vehicles and
24 military surplus vehicles as defined in this section and vehicles operating under
25 KRS 189.283. "Motor vehicle" shall also include off-highway vehicles as defined
26 in Section 1 of this Act that are registered as motor vehicles under the provisions
27 of Section 1 or 2 of this Act;

- 1 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)
2 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or
3 a motorized bicycle with a step-through type frame which may or may not have
4 pedals rated no more than two (2) brake horsepower, a cylinder capacity not
5 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring
6 clutching or shifting by the operator after the drive system is engaged, and capable
7 of a maximum speed of not more than thirty (30) miles per hour;
- 8 (6) "Operator" means any person in actual control of a motor vehicle upon a highway;
- 9 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who
10 pursuant to a bona fide sale has received physical possession of the vehicle
11 subject to any applicable security interest.
- 12 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with
13 the vendee or lessee entitled to possession of the vehicle, upon performance of
14 the contract terms, for a period of three hundred sixty-five (365) days or more
15 and with the right of purchase upon performance of the conditions stated in
16 the agreement and with an immediate right of possession vested in the
17 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to
18 possession, the conditional vendee or lessee or mortgagor shall be deemed the
19 owner.
- 20 (c) A licensed motor vehicle dealer who transfers physical possession of a motor
21 vehicle to a purchaser pursuant to a bona fide sale, and complies with the
22 requirements of KRS 186A.220, shall not be deemed the owner of that motor
23 vehicle solely due to an assignment to his ***or her*** dealership or a certificate of
24 title in the dealership's name. Rather, under these circumstances, ownership
25 shall transfer upon delivery of the vehicle to the purchaser, subject to any
26 applicable security interest;
- 27 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the

1 transportation of persons or property over or upon the public highways of this
2 Commonwealth and all vehicles passing over or upon said highways, except
3 electric low-speed scooters, road rollers, road graders, farm tractors, vehicles
4 on which power shovels are mounted, such other construction equipment
5 customarily used only on the site of construction and which is not practical for
6 the transportation of persons or property upon the highways, such vehicles as
7 travel exclusively upon rails, and such vehicles as are propelled by electric
8 power obtained from overhead wires while being operated within any
9 municipality or where said vehicles do not travel more than five (5) miles
10 beyond the city limit of any municipality.

11 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon,
12 or by which any person or property is or may be transported or drawn upon a
13 public highway, except electric low-speed scooters, devices moved by human
14 and animal power or used exclusively upon stationary rails or tracks, or which
15 derives its power from overhead wires;

16 (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640
17 apply to operator's licenses;

18 (10) "Dealer" means any person engaging in the business of buying or selling motor
19 vehicles;

20 (11) "Commercial vehicles" means all motor vehicles that are required to be registered
21 under the terms of KRS 186.050, but not including vehicles primarily designed for
22 carrying passengers and having provisions for not more than nine (9) passengers
23 (including driver), motorcycles, sidecar attachments, pickup trucks and passenger
24 vans which are not being used for commercial or business purposes, and motor
25 vehicles registered under KRS 186.060;

26 (12) "Resident" means any person who has established Kentucky as his or her state of
27 domicile. Proof of residency shall include but not be limited to a deed or property

1 tax bill, utility agreement or utility bill, or rental housing agreement. The possession
2 by an operator of a vehicle of a valid Kentucky operator's license shall be prima-
3 facie evidence that the operator is a resident of Kentucky;

4 (13) "Special status individual" means:

5 (a) "Asylee" means any person lawfully present in the United States who
6 possesses an I-94 card issued by the United States Department of Justice,
7 Immigration and Naturalization Service, on which it states "asylum status
8 granted indefinitely pursuant to Section 208 of the Immigration & Nationality
9 Act";

10 (b) "K-1 status" means the status of any person lawfully present in the United
11 States who has been granted permission by the United States Department of
12 Justice, Immigration and Naturalization Service to enter the United States for
13 the purpose of marrying a United States citizen within ninety (90) days from
14 the date of that entry;

15 (c) "Refugee" means any person lawfully present in the United States who
16 possesses an I-94 card issued by the United States Department of Justice,
17 Immigration and Naturalization Service, on which it states "admitted as a
18 refugee pursuant to Section 207 of the Immigration & Nationality Act"; and

19 (d) "Paroled in the Public Interest" means any person lawfully present in the
20 United States who possesses an I-94 card issued by the United States
21 Department of Justice, Immigration and Naturalization Service, on which it
22 states "paroled pursuant to Section 212 of the Immigration & Nationality Act
23 for an indefinite period of time";

24 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle
25 instruction permits;

26 (15) "Motorcycle" means any motor driven vehicle that has a maximum speed that
27 exceeds fifty (50) miles per hour, has a seat or saddle for the use of the operator,

1 and is designed to travel on not more than three (3) wheels in contact with the
2 ground, including vehicles on which the operator and passengers ride in an enclosed
3 cab. Only for purposes of registration, "motorcycle" shall include a motor scooter,
4 an alternative-speed motorcycle, and an autocycle as defined in this section, but
5 shall not include a tractor or a moped as defined in this section;

6 (16) "Low-speed vehicle" means a motor vehicle that:

- 7 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
8 combination thereof;
- 9 (b) Is four (4) wheeled; and
- 10 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour
11 as certified by the manufacturer;

12 (17) "Alternative-speed motorcycle" means a motorcycle that:

- 13 (a) Is self-propelled using an electric motor;
- 14 (b) Is three (3) wheeled;
- 15 (c) Has a fully enclosed cab and includes at least one (1) door for entry;
- 16 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as
17 certified by the manufacturer; and
- 18 (e) Is not an autocycle as defined in this section;

19 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a
20 highway or otherwise open to the public on which a number of motor vehicles may
21 be used simultaneously to provide driver training under the supervision of one (1)
22 or more driver training instructors;

23 (19) "Autocycle" means any motor vehicle that:

- 24 (a) Is equipped with a seat that does not require the operator to straddle or sit
25 astride it;
- 26 (b) Is designed to travel on three (3) wheels in contact with the ground;
- 27 (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as

- 1 certified by the manufacturer;
- 2 (d) Allows the operator and passenger to ride either side-by-side or in tandem in a
3 seating area that may be enclosed with a removable or fixed top;
- 4 (e) Is equipped with a three (3) point safety belt system;
- 5 (f) May be equipped with a manufacturer-installed air bags or a roll cage;
- 6 (g) Is designed to be controlled with a steering wheel and pedals; and
- 7 (h) Is not an alternative-speed motorcycle as defined in this section;
- 8 (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle
9 that:
- 10 (a) Is not operated using continuous tracks;
- 11 (b) Was originally manufactured for and sold directly to the Armed Forces of the
12 United States; and
- 13 (c) Was originally manufactured under the federally mandated requirements set
14 forth in 49 C.F.R. sec. 571.7;
- 15 (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes,
16 and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid
17 species;
- 18 (22) "Identity document" means an instruction permit, operator's license, or personal
19 identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and
20 186.4123 or a commercial driver's license issued under KRS Chapter 281A;
- 21 (23) "Travel ID," as it refers to an identity document, means a document that complies
22 with Pub. L. No. 109-13, Title II;
- 23 (24) "Motor scooter" means a low-speed motorcycle that is:
- 24 (a) Equipped with wheels greater than sixteen (16) inches in diameter;
- 25 (b) Equipped with an engine greater than fifty (50) cubic centimeters;
- 26 (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
- 27 (d) Equipped with brake horsepower of two (2) or greater; and

- 1 (e) Equipped with a step-through frame or a platform for the operator's feet;
- 2 (25) "Alternative technology," as used in KRS 186.400 to 186.640, means methods used
3 by the cabinet to facilitate the issuance of operator's licenses and personal
4 identification cards outside of the normal in-person application at a cabinet office,
5 including but not limited to a cabinet mobile unit or online services;
- 6 (26) "Electric motorcycle" means the same as "motorcycle" or "motor scooter" as
7 defined in this section, that is powered by a:
- 8 (a) Battery or equivalent energy storage device that can be charged with an
9 electric plug using an external electricity source; or
- 10 (b) Combination of an internal combustion engine and electric motor;
- 11 (27) "Electric vehicle" means any vehicle that has plug-in charging capability, regardless
12 of whether the vehicle is powered by:
- 13 (a) An electric motor only; or
- 14 (b) A combination of an internal combustion engine and electric power; and
- 15 (28) "Hybrid vehicle" means any vehicle that does not have plug-in charging capability
16 and is powered by a combination of an internal combustion engine and an electric
17 motor.
- 18 ➔Section 6. KRS 186A.070 is amended to read as follows:
- 19 (1) Except as otherwise provided, the state resident owner of a vehicle as defined in
20 KRS 186.010(8)(a), manufactured home as defined in KRS 186.650, or trailer
21 which will not be operated upon the highways of this state shall within fifteen (15)
22 days apply for and obtain a certificate of title in his *or her* name. He *or she* shall
23 not, however, be required to obtain a certificate of registration until the vehicle,
24 manufactured home, or trailer is to be operated upon the highways of this state.
- 25 (2) On or after July 1, 2010, any state resident who purchases an all-terrain vehicle as
26 defined in KRS 189.010 shall apply for and obtain a certificate of title in the
27 purchaser's name within fifteen (15) days of purchase. The owner of an all-terrain

1 vehicle shall not be eligible to obtain a certificate of registration pursuant to KRS
2 186.020.

3 (3) On or after July 1, 2010, any state resident who owns an all-terrain vehicle and
4 creates a security interest on that vehicle shall be required to obtain a certificate of
5 title within fifteen (15) days of the creation of the security interest. The perfection
6 and discharge of the security interest shall be governed by KRS 186A.190,
7 186A.193, 186A.195, 186A.200, 186A.205, 186A.210, and 186A.215. The owner
8 of an all-terrain vehicle shall not be eligible to obtain a certificate of registration
9 pursuant to KRS 186.020.

10 (4) An all-terrain vehicle shall not be operated upon the roadways of this state, except
11 in accordance with KRS 189.515. **The provisions of this subsection shall not apply**
12 **to off-highway vehicles registered as motor vehicles under Section 1 or 2 of this**
13 **Act.**

14 ➔Section 7. The following KRS section is repealed:

15 189.281 Local government pilot program for off-highway vehicles.

16 ➔Section 8. This Act takes effect January 1, 2025.