

CHAPTER 72: OPERATION OF VEHICLES

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§ 72.01 OPERATOR OF VEHICLE TO DRIVE CAREFULLY.

(A) The operator of any vehicle upon a highway shall operate the vehicle in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles upon the highway.

(B) No person shall willfully operate any vehicle on any highway in such a manner as to injure the highway.

(KRS 189.290) Penalty, see § 70.99 (A)

§ 72.02 VEHICLES TO KEEP TO RIGHT.

(A) The operator of any vehicle when upon a highway shall travel upon the right side of the highway whenever possible, and unless the left side of the highway is clear of all other traffic or obstructions for a sufficient distance ahead to permit the overtaking and passing of another vehicle to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle being overtaken. The overtaking vehicle shall return to the proper traffic lane as soon as practicable and, if the passing vehicle enters the oncoming traffic lane, before coming within 200 feet of any approaching vehicle.

(B) The operator of any vehicle moving slowly upon a highway shall keep his vehicle as closely as practicable to the right-hand boundary of the highway, allowing more swiftly moving vehicles reasonably free passage to the left.

(KRS 189.300) Penalty, see § 70.99 (A)

§ 72.03 VEHICLES MEETING OTHER VEHICLES AND ANIMALS.

(A) Two vehicles passing or about to pass each other in opposite directions shall have the right-of-way, and no other vehicle to the rear of those two vehicles shall pass or attempt to pass either of those vehicles.

(B) Vehicles proceeding from opposite directions shall pass each other from the right, each giving to the other half of the highway as nearly as possible.

(C) Every person operating a vehicle on a highway and approaching any animal being ridden or driven, shall exercise every reasonable precaution to prevent frightening the animal and to insure the safety of the person riding or driving it.

(KRS 189.310) Penalty, see § 70.99 (A)

§ 72.04 TURNING AND RIGHT-OF-WAY AT INTERSECTIONS.

(A) When two vehicles approach or enter an intersection from different roadways at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(B) The right-of-way rule declared in division (A) above is modified at highways and through intersections and as otherwise stated in this chapter.

(C) Preferential right-of-way may be indicated by stop signs or yield signs. The city may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersections.

(D) Except when directed to proceed by a police officer, every operator of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, than at the point nearest the intersecting roadway when the operator has view of approaching traffic on the intersecting roadway before entering it. After having stopped the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such operator is moving across or within the intersection or junction of roadways.

(E) The operator of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none than at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it. After slowing and stopping, the operator shall yield the right-of-way to any vehicle

in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the operator is moving across or within the intersection or junction of roadways. However, if such an operator is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

(F) The operator of a vehicle intending to turn shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

(2) Left turns. The operator of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme right-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(G) The city may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when the devices are so placed no operator shall turn a vehicle other than as directed and required by the devices.

(H) The operator of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless such movement can be made in safety without interfering with other traffic.

(I) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(J) The operator of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

(K) On highways with a center lane restricted for left turns off the highway by vehicles proceeding in both directions:

(1) A left turn shall not be made from any other lane; and

(2) A vehicle shall not be driven in a center lane as described in this subsection except when preparing for or making a left turn off the highway or merging onto the highway after making a left turn from a side road or other entrance.

(KRS 189.330) Penalty, see § 70.99 (A)

§ 72.05 OVERTAKING VEHICLES; TRAFFIC LANES; FOLLOWING VEHICLES.

(A) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left of them and shall not again drive to the right until reasonably clear of those vehicles. Vehicles overtaking street cars may pass either to the right or left when so directed by a police officer, when on a one-way street or where the location of the tracks prevents compliance with this section, with regard for other traffic.

(B) The operator of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions.

(1) When the vehicle overtaken is making or about to make a left turn.

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(C) The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movements in safety. Such movement shall not be made by driving off the roadway unless passing vehicle comes to a complete stop and such movement may be made safely.

(D) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 200 feet of any vehicle approaching from the opposite direction.

(E) Whenever any roadway has been divided into three clearly marked lanes for travel the following additional rules shall apply:

(1) A vehicle shall be driven as nearly as may be practical entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety;

(2) A vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where a center lane is at the time allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and is signposted to give notice of the allocation;

(3) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and operators of vehicles shall obey the directions of such signs.

(F) A vehicle shall not be driven in the left lane of any limited access highway of four lanes or more with a posted speed limit of at least 65 miles per hour, except in overtaking a slower vehicle, yielding to traffic coming onto such a highway, or when traffic conditions exist which would prohibit safe use of the right or center lanes.

(G) (1) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of the vehicle and the traffic upon and condition of the highway.

(2) The operator of any motor truck, semitrailer truck, bus or heavy construction equipment unit when traveling upon a highway outside of a business or residential district shall not follow within 250 feet of another such vehicle or equipment unit. This subsection shall not prevent overtaking and passing, nor shall it apply to any lane specially designated for use of motor trucks or semitrailer trucks, busses or heavy construction equipment units.

(KRS 189.340) Penalty, see § 70.99 (A)

§ 72.06 ASSISTANCE IN PASSING OR OVERTAKING.

(A) The operator of a vehicle about to be overtaken and passed shall give way to the right in favor of the overtaking vehicle, if the overtaking vehicle is a motor vehicle.

(B) In all cases of meeting, passing or overtaking of vehicles such assistance shall be given by the operator and occupants of each vehicle, respectively, to the other as the circumstances reasonably demand, in order to obtain clearance and avoid accidents.

(KRS 189.350) Penalty, see § 70.99 (A)

§ 72.07 PASSING CARS RECEIVING OR DISCHARGING PASSENGERS.

(A) Whenever a car traveling upon rails placed in the center or approximate center of a highway is stopped for the purpose of receiving or discharging passengers, every operator of a vehicle approaching the car from the rear and proceeding in the same direction shall bring his vehicle to a full stop and shall not start up or attempt to pass until the car has finished receiving or discharging passengers.

(B) Where safety aisles of reasonable size are established, leaving space between the track and the curb or edge of the highway sufficient for the passage of traffic, overtaking vehicles shall pass between the aisle and the curb or edge of the highway, without observing subsection (A).

(KRS 189.360) Penalty, see § 70.99 (A)

§ 72.08 PASSING STOPPED SCHOOL OR CHURCH BUS PROHIBITED; EXCEPTIONS.

(A) If any school or church bus used in the transportation of children is stopped upon a highway for the purpose of receiving or discharging passengers, with the stop arm and signal lights activated, the operator of a vehicle approaching from any direction shall bring his vehicle to a stop and shall not proceed until the bus has completed receiving or discharging passengers and has been put into motion. The stop requirement provided for in this section shall not apply to vehicles approaching a stopped bus from the opposite direction upon a highway of four or more lanes.

(B) Subsection (A) shall be applicable only when the bus displays the markings and equipment required by state minimum specifications for school buses.

(C) If any vehicle is witnessed to be in violation of division (A) above and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name the vehicle is registered or leased was the operator of the vehicle at the time of the alleged violation and is subject to the penalties as provided in KRS 189.990(6)

(KRS 189.370) Penalty, see § 70.99 (E)

§ 72.09 SIGNALS.

(A) A person shall not turn a vehicle or move right or left upon a roadway until the movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.

(B) A signal indicating the intention to turn right or left shall be given continuously for not less than the last 100 feet traveled by the motor vehicle before the turn.

(C) A bus driver shall not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to traffic following the bus.

(D) All signals required for a motor vehicle shall be given by signal lamps or mechanical signal devices.

(E) A signal required for a vehicle that is not a motor vehicle may be given by either hand signals, signal lamps, or mechanical signal devices. The signal shall be given intermittently for the last 50 feet traveled by the vehicle before the turn.

(F) Hand signals shall be executed in the following manner when operating a vehicle that is not a motor vehicle:

(1) The hand and arm shall be extended horizontally from the left side of the vehicle to indicate a left turn;

(2) The arm shall be extended horizontally from the left or right side of the vehicle with the hand and arm extended upward from the elbow to indicate a right turn;

(3) The arm shall be extended horizontally with the hand and arm extended downward from the elbow from the left side of the vehicle to indicate a stop or decrease in speed.

(KRS 189.380) Penalty, see § 70.99 (A)

§ 72.10 SPEED.

(A) No operator of a vehicle upon a highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

(B) Where no condition exists that requires lower speed for compliance with subsection (A) of this section, the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be unlawful:

(1) The Mayor may, by executive order, establish speed limits in the jurisdiction of the city.

(2) In those areas where the Mayor has not determined a speed limit by executive order and where the Commonwealth of Kentucky has not otherwise determined a speed limit, the speed limit shall be as follows:

(a) For all vehicles other than motor vehicles of five horsepower or less, 35 miles per hour in any business or residential district and 55 miles per hour in other locations except where the speed limit has been posted at 65 miles per hour.

(b) For motor vehicles of five horsepower or less, 35 miles per hour in any location.

(c) All vehicles, when using off-street parking facilities offered for public use whether publicly or privately owned, 15 miles per hour.

(C) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(D) In every charge for a violation of any speed limit specified in this section or established as herein authorized, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, also the lawful speed limit applicable at the location where the violation is charged to have occurred.

(E) As used in this section, the following words and phrases shall have the meanings respectively ascribed to them:

(1) "BUSINESS DISTRICT." The territory contiguous to an including a highway when within any 600 feet along the highway there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(2) "NIGHTTIME." The period from one-half hour after sunset until one-half hour before sunrise, and at such other periods as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period; "daytime" means at any other period.

(3) "RESIDENTIAL DISTRICT." The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

(4) "STATE HIGHWAY." A highway or street maintained by the Bureau of Highways. (KRS 189.390)
(Ord. 657, passed 11-10-98) penalty, see § 70.99(A)).

§ 72.11 STARTING A PARKED VEHICLE.

No person shall start a vehicle that is stopped or parked unless and until the movement can be made with reasonable safety.
(KRS 189.440) Penalty, see § 70.99(A)

§ 72.12 STOPPING, STANDING OR REPAIRING VEHICLE ON HIGHWAY.

(A) No person shall stop a vehicle, leave it standing or cause it to stop or to be left standing upon any portion of the roadway, however, this section shall not be construed to prevent parking in front of a private residence off the roadway or street in a city or suburban area where such parking is otherwise permitted, as long as the vehicle so parked does not impede the flow of traffic. This subsection shall not apply to:

(1) A vehicle that has been disabled on the right-of-way such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the shoulder of the highway or impracticable to remove it from such shoulder of the highway until repairs have been made or sufficient help obtained for its removal. In no event shall a vehicle remain on the shoulder of a highway for 24 hours or more.

(2) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation or sign or the command of any peace officer;

(3) Vehicles operating as common carriers of passengers for hire and school buses taking passengers on such vehicle or discharging passengers therefrom, provided that no such vehicle shall stop for such purposes at a place on the highway which does not afford reasonable visibility to approaching motor vehicles from both directions;

(4) Vehicles which are stopped for a period of not more than 15 minutes at a time for the purpose of collecting and transporting solid waste as defined in KRS 224.1-010(31)(a), and which are operated by a:

(a) Collection service registered in accordance with KRS 224.43-315; or

(b) Person or organization actively participating in the Adopt-a-Highway Program; or

(5) Any vehicle required to stop by reason of an obstruction to its progress.

(B) Whenever any police officer finds a vehicle standing upon such a highway in violation of this section, he may move or cause to be moved the vehicle, or required the operator or other person in charge of the vehicle to move it. The police officer may cause the vehicle to be removed by ordering any person engaged in the business of storing or towing motor vehicles to remove the vehicle to a site chosen by such person. Ownership of the vehicle shall be determined by the police officer's enforcement agency through the vehicle's license plates, serial number, or other means of determining ownership. As soon as practicable, the police officer's enforcement agency shall notify the owner by mail that the vehicle was illegally upon public property; the name and address of the storage facility where the vehicle is located; that removal of the vehicle from the storage facility will involve payment of towing and storage charges; and that the vehicle may be sold pursuant to the provisions of KRS 376.275 if not claimed within 45 days. No notification shall be required if ownership cannot be determined. In the event of a sale pursuant to KRS 376.275, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.

(C) No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto, nor shall any vehicle registered at a gross weight of over 44,000 pounds be parked, stopped or allowed to stand on the shoulders of any state maintained highway except that in the case of emergency, or in response to a peace officer's signal, vehicles shall be permitted to stop on the shoulders to the right of the traveled way with all wheels and projecting parts of the vehicles, including the load, completely clear of the traveled way. Parking of any vehicle which is disabled on the shoulders of a toll road, interstate highway, other fully controlled access highway, including ramps thereto, or any state maintained highway not mentioned

in this section for 24 hours continuously is prohibited and vehicles violating this provision may be towed away at the cost of the owner.

(D) When any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety as provided in division (B), above.

(E) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of the police officer or traffic-control device, in the following places:

- (1) On a sidewalk.
- (2) In front of sidewalk ramps provided for persons with disabilities.
- (3) In front of a public or private driveway.
- (4) Within an intersection or on a cross-walk.
- (5) At any place where official signs prohibit stopping or parking.
- (6) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
- (7) On any controlled access highway;
- (8) Within a highway tunnel;
- (9) Within 15 feet of a fire hydrant; or
- (10) In an area between the roadways of a divided highway.

(F) No person shall move a vehicle not lawfully under his control into any such prohibited area.

(G) The restrictions in subsection (E) (5) of this section shall not apply to sheriffs and their deputies or police officers when operating properly identified vehicles during performance of their official duties. (KRS 189.450) Penalty, see § 70.99 (A)

§ 72.13 OBSTRUCTION TO OPERATOR'S VIEW OR CONTROL.

(A) No person shall operate a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding

three, as to obstruct the view of the operator to the front or sides of the vehicle or as to interfere with the operator's control over the vehicle.

(B) No passenger in a vehicle or street car shall ride in such a position as to interfere with the operator's view ahead or to the sides, or to interfere with his control over the vehicle or street car.
(KRS 189.470) Penalty, see § 70.99 (A)

§ 72.14 MOTOR VEHICLE RACES ON HIGHWAYS PROHIBITED.

No person shall engage upon any street or highway in motor vehicle racing, drag racing, or any other form of competition involving motor vehicles.
(KRS 189.505) Penalty, see § 70.99 (F)

§ 72.15 OPERATING VEHICLE WHILE UNDER INFLUENCE OF INTOXICANTS OR SUBSTANCE PROHIBITED; PRESUMPTIONS CONCERNING INTOXICATION.

(A) No person under the influence of intoxicating beverages or any substance which may impair one's driving ability shall operate a vehicle that is not a motor vehicle anywhere in this state.

(B) No peace officer shall fail to enforce rigidly this section.

(C) In any criminal prosecution for a violation of subsection (C) (1) below, wherein the defendant is charged with having operated a vehicle which is not a motor vehicle while under the influence of intoxicating beverages, the alcohol concentration in the defendant's blood as determined at the time of making an analysis of his blood, urine, or breath, shall give rise to the following presumptions:

(1) If there was an alcohol concentration of less than 0.05, it shall be presumed that the defendant was not under the influence of alcohol.

(2) If there was an alcohol concentration of 0.05 or greater but less than 0.10, such fact shall not constitute a presumption that the defendant either was or was not under the influence of alcohol, but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant;

(3) If there was an alcohol concentration of 0.10 or more, it shall be presumed that the defendant was under the influence of alcohol.

(D) The provisions of subsection (C) of this section -shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating beverages.
(KRS 189.520) Penalty, see § 70.99 (G)

§ 72.16 MOTORCYCLES: REGULATIONS FOR OPERATING AND RIDING ON.

(A) No person shall operate a motorcycle:

(1) Except when that person is in possession of a valid motorcycle operator's license; and

(2) Unless that person uses an approved eye-protective device, in the manner prescribed by the Secretary of the Department of Transportation, at all times such vehicle is in motion; and

(3) Unless the motorcycle is equipped with a rear-view mirror as required under KRS 189.130.

(B) No person shall operate or ride as a passenger on a motorcycle;

(1) Except on a seat permanently attached to that vehicle and specifically designed to carry the operator or passenger in a safe manner; and

(2) Except when using a footrest permanently attached to that vehicle and specifically designed to carry that person in a safe manner; and

(3) Unless that person wears approved protective headgear, in the manner prescribed by the Secretary of the Department of Transportation at all times that the vehicle is in motion.

(C) As used in this section:

(1) "MOTORCYCLE" means any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab, and excluding a moped as defined in this section.

(2) "MOPED" means either a motorized bicycle whose frame design may include one or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step through type frame which may or may not have pedals rated no more than two brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than 30 miles per hour.

(KRS 189.285) Penalty, see § 70.99 (A)

§ 72.17 OPERATING VEHICLE WHILE UNDER INFLUENCE OF ALCOHOL OR OTHER SUBSTANCE; PENALTY.

(A) No person shall operate a motor vehicle anywhere in this state while under the influence of alcohol or any other substance which may impair one's driving ability.

(B) Any person who violates the provisions of division (A) above shall:

(1) For the first offense, be guilty of a misdemeanor and fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) or be imprisoned in the county jail for not less than forty-eight hours (48) nor more than thirty (30) days or both. Following sentencing, the defendant may apply to the judge for permission to enter a community labor program for not less than two (2) days nor more than thirty (30) days in lieu of fine or imprisonment, or both, provided that his offense does not come within the purview of division (D) below.

(2) For the second offense within five (5) year period, be guilty of a misdemeanor and fined no less than three hundred fifty (\$350) nor more than five hundred dollars (\$500) and shall be imprisoned in the county jail for not less than seven (7) days nor more than six (6) months and, in addition to fine and imprisonment, may be sentenced to community labor for not less than ten (10) days nor more than six (6) months.

(3) For a third or subsequent offense within a five (5) year period, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and shall be imprisoned in the county jail for not less than thirty (30) days nor more than twelve (12) months and may, in addition to fine and imprisonment, be sentenced to community labor for not less than ten (10) days nor more than twelve (12) months.

(C) Minimum sentences of imprisonment or community labor under divisions (B) (2) and (3) above shall not be suspended, probated, or subject to conditional discharge or other form of early release.

(D) When sentencing persons convicted of violating division (B) (1) above at least one of the penalties shall be assessed and that penalty shall not be suspended, probated, or subject to conditional discharge or other form of early release. If a person other than the person convicted of violating this section dies or has suffered physical injury, as defined in § 130.02, as a result of the convicted person's operation of a motor vehicle in violation of this section, the sentence shall include imprisonment as specified in division (B) (1) and that portion of the sentence shall not be suspended, probated, or subject to conditional discharge or other form of early release.

Statutory reference:

Driving under the influence of alcohol or drugs, see KRS 189A.010

§ 72.18 USE OF SAFETY BELTS REQUIRED; EXCEPTIONS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "HIGHWAY." Any public road, street, avenue, alley, boulevard, bridge, viaduct or trestle and the approaches to them and includes off-street parking facilities offered for public or privately owned, except for-hire parking facilities listed in KRS 189.700;

(2) "PASSENGER AUTOMOBILE." Any self-propelled vehicle including trucks which is capable of transporting one or more persons, but shall not include motorcycles; school buses, church buses, or other public conveyance vehicles; and road rollers, road graders, farm tractors, vehicles on which power shovels are mounted and such other construction

or farming equipment customarily only used on the site of construction or farming and which is not practical for the transportation of persons or property upon the highways; and

(3) "ROADWAY." That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

In the event a highway includes two or more separate roadways the term "ROADWAY" as used herein shall refer to any roadway separately but not to all such roadways collectively.

(B) Each driver and each occupant of 16 years of age or older of a passenger automobile operated on the roadways, streets and highways in the city shall secure or cause to be secured in a properly adjusted and fastened safety belt system or child safety restraint any passenger under Federal Motor Vehicle Safety Standard 208.

(C) The driver of a passenger automobile operated on the roadways, streets and highways of the city shall secure or cause to be secured in a properly adjusted and fastened safety belt system or child safety restraint any passenger under 16 years of age to whom the provisions of KRS 189.125 do not apply.

(D) The provisions of this section shall not apply to the following:

(1) A passenger automobile manufactured before July 1, 1966;

(2) An automobile operator or passenger with a physical or psychological disability which would prevent appropriate restraint in a safety belt or child safety restraint; provided, however, that the condition is duly certified by a physician who shall state the nature of the disability, as well as the reason such restraint is inappropriate; and provided, further, that the written certification is in the possession of the driver or passenger, as applicable, at the time of the conduct in question; or

(3) A passenger automobile which is not required to be equipped with a safety belt system under federal law.

(E) No person shall be stopped, inspected or detained solely to determine compliance with this section.

(F) Failure to wear a seat belt shall not constitute negligence per se, nor shall such failure to wear the passenger restraint system be admissible as evidence in the trial of any civil action.

(Ord. 510, passed 9-8-92) Penalty, see § 70.99(H)

FUNERAL PROCESSIONS

§ 72.19 FUNERAL PROCESSIONS.

(A) A vehicle in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession

is led by an escort vehicle displaying flashing yellow, red, or blue lights, except:

(1) When the right-of-way is required by an emergency vehicle as defined by KRS 189.910;

(2) When vehicles in the procession are directed otherwise by a police or safety officer; or

(3) When the vehicle is a train or locomotive.

(B) Before assuming the right-of-way, a person who drives a vehicle in a funeral procession shall exercise due caution with regard to crossing traffic.

(C) A person who drives a vehicle that is not part of a funeral procession shall not drive the vehicle between the vehicles of the funeral procession or otherwise interfere with the progress of the procession, except when:

(1) The person is authorized to do so by a police or safety officer;

or

(2) The vehicle is an emergency vehicle as defined by KRS 189.910.

(D) A person who drives a vehicle that is not part of a funeral procession shall not illuminate the vehicle headlights or engage in any other act for the purpose of securing the right-of-way granted to funeral processions.

(E) The escort vehicle, hearse, or other vehicles in a procession may be equipped with flashing amber lights for the purpose of notifying the general public of the procession and gaining the right-of-way at intersections or signaling the end of a procession.

(F) Persons authorized to use flashing lights as defined in KRS 189.920 may use them while accompanying a funeral procession to warn traffic that a procession is approaching or that it is in progress.

(G) When a funeral procession is in progress, a person driving a vehicle not in the procession shall not pass or overtake any vehicle in the procession unless:

(1) The person is directed to do so by a police or safety officer;

(2) The procession is on a street, road, or highway outside the corporate limits of a city, town, or urban-county; or

(3) The procession is on an interstate highway or a state parkway. (KRS 189.378) Penalty, see § 70.99(I)