

**KENTUCKY**  
**KENTUCKY STATUTES/TITLE 16**  
**CHAPTER 189**  
**MOTOR VEHICLES**

**189.010 Definitions for chapter.**

As used in this chapter:

- (1) "Department" means the Department of Highways.
- (2) "Crosswalk" means:
  - (a) That part of a roadway at an intersection within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or
  - (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (3) "Highway" means any public road, street, avenue, alley or boulevard, bridge, viaduct, or trestle and the approaches to them and includes private residential roads and parking lots covered by an agreement under KRS 61.362, off-street parking facilities offered for public use, whether publicly or privately owned, except for-hire parking facilities listed in KRS 189.700.
- (4) "Intersection" means:
  - (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another, but do not necessarily continue, at approximately right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict; or
  - (b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If the intersecting highway also includes two (2) roadways thirty (30) feet or more apart, every crossing of two (2) roadways of the highways shall be regarded as a separate intersection. The junction of a private alley with a public street or highway shall not constitute an intersection.
- (5) "Manufactured home" has the same meaning as defined in KRS 186.650.
- (6) "Motor truck" means any motor-propelled vehicle designed for carrying freight or merchandise. It shall not include self-propelled vehicles designed primarily for passenger transportation but equipped with frames, racks, or bodies having a load capacity of not exceeding one thousand (1,000) pounds.
- (7) "Operator" means the person in actual physical control of a vehicle.
- (8) "Pedestrian" means any person afoot or in a wheelchair.
- (9) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (10) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any roadway separately but not to all such roadways collectively.
- (11) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by

adequate signs as to be plainly visible at all times while set apart as a safety zone.

(12) "Semitrailer" means a vehicle designed to be attached to, and having its front end supported by, a motor truck or truck tractor, intended for the carrying of freight or merchandise and having a load capacity of over one thousand (1,000) pounds.

(13) "Truck tractor" means any motor-propelled vehicle designed to draw and to support the front end of a semitrailer. The semitrailer and the truck tractor shall be considered to be one (1) unit.

(14) "Sharp curve" means a curve of not less than thirty (30) degrees.

(15) "State Police" includes any agency for the enforcement of the highway laws established pursuant to law.

(16) "Steep grade" means a grade exceeding seven percent (7%).

(17) "Trailer" means any vehicle designed to be drawn by a motor truck or truck-tractor, but supported wholly upon its own wheels, intended for the carriage of freight or merchandise and having a load capacity of over one thousand (1,000) pounds.

(18) "Unobstructed highway" means a straight, level, first-class road upon which no other vehicle is passing or attempting to pass and upon which no other vehicle or pedestrian is approaching in the opposite direction, closer than three hundred (300) yards.

(19) (a) "Vehicle" includes:

15 All agencies for the transportation of persons or property over or upon the public highways of the Commonwealth; and

15 All vehicles passing over or upon the highways.

(b) "Motor vehicle" includes all vehicles, as defined in paragraph (a) of this subsection except:

15 Road rollers;

15 Road graders;

15 Farm tractors;

15 Vehicles on which power shovels are mounted;

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

15 Vehicles that travel exclusively upon rails;

15 Vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality; and

15 Vehicles propelled by muscular power.

(20) "Reflectance" means the ratio of the amount of total light, expressed in a percentage, which is reflected outward by the product or material to the amount of total light falling on the product or material.

(21) "Sunscreening material" means a product or material, including film, glazing, and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduces the effects of the sun with respect to light reflectance or transmittance.

(22) "Transmittance" means the ratio of the amount of total light, expressed in a percentage, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.

(23) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield, any roof-mounted viewing device, and any viewing device having less than one hundred fifty (150) square inches in area.

(24) "All-terrain vehicle" means any motor vehicle used for recreational off-road use.

### **189.140 Mufflers -- Noise regulation.**

(1) Every motor vehicle with an internal-combustion, steam or air motor shall be equipped with a suitable and efficient muffler. No person while on a highway shall operate a motor vehicle with the muffler cut out or removed. No cutout shall be so arranged or connected as to permit its operation or control by the driver of any motor vehicle while in position for driving.

(2) No person shall modify the exhaust system of a motor vehicle or an off highway vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle. The original muffler shall comply with all of the noise requirements of KRS Chapter 224 and regulations promulgated pursuant thereto. No person shall operate a motor vehicle with an exhaust system so modified.

### **189.515 Restrictions on operation of all-terrain vehicles.**

(1) Except for vehicles authorized to operate on a public highway as of July 15, 1998, and except as provided in subsection (6) of this section, a person shall not operate an all-terrain vehicle upon any public highway or roadway or upon the right-of-way of any public highway or roadway.

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

(3) A person shall not operate an all-terrain vehicle on public property unless the governmental agency responsible for the property has approved the use of all-terrain vehicles.

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

- (a) Farm or agriculture related activities;
- (b) Mining or mining exploration activities;
- (c) Logging activities;
- (d) Any other business, commercial, or industrial activity; or
- (e) Use of that vehicle on private property.

(5) (a) A person under the age of sixteen (16) years shall not operate an all-terrain vehicle with an engine size exceeding ninety (90) cubic centimeters displacement, and a person under the age of sixteen (16) years shall not operate an all-terrain vehicle except under direct parental supervision.

(b) A person under the age of twelve (12) years shall not operate an all-terrain vehicle with an engine size exceeding seventy (70) cubic centimeters displacement.

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

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

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

may be operated.

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

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

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

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

## **TITLE 18**

### **PUBLIC HEALTH**

#### **224.30-100 Findings and policy.**

The Legislature finds and declares that:

(1) Excessive noise is a serious hazard to the public health and welfare and the quality of life.

(2) A substantial body of science and technology exists by which excessive noise may be substantially abated.

(3) Each person has a right to an environment free from noise that jeopardizes his health or welfare or degrades the quality of life or lowers property value.

(4) It is the policy of the state to promote an environment for all people free from noise that jeopardizes their health or welfare or degrades the quality of life.

#### **224.30-105 Definitions for KRS 224.30-100 to 224.30-190.**

(1) "Secretary" means the secretary of the Environmental and Public Protection Cabinet.

(2) "Cabinet" means the Environmental and Public Protection Cabinet.

(3) "Local government" means any county or city.

(4) "Environmental noise" and "ambient noise" means the intensity, duration, and character of sounds from all sources.

(5) "Ultimate purchaser" means the first person who in good faith purchases a product for purposes other than resale.

(6) "Person" means an individual, corporation, partnership, or association, and includes any officer, employee, department, agency, or instrumentality of the United States, a state, or any political subdivision of a state.

(7) "Noise" means the intensity, frequency, duration, and character of sounds from a source or number of sources. Noise includes vibrations of subaudible frequency.

(8) "Product" means any manufactured article or goods or component thereof.

**224.30-110 Agency cooperation and compliance with control requirements -Review of standards or regulations -- Report to secretary.**

(1) State agencies shall, to the fullest extent consistent with their authorities under state laws administered by them, carry out the programs within their control in such a manner as to further the policy stated in KRS 224.30-100.

(2) State agencies shall cooperate with the secretary in a state program of noise regulation developed and maintained under KRS 224.30-100 to 224.30-190.

(3) Each cabinet, agency, or instrumentality of the executive, legislative, and judicial branches of the government of this state having jurisdiction over any property or facility, or engaged in any activity resulting, or which may result, in the emission of noise, shall comply with federal, state, interstate, and local requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements.

(4) Each state agency shall consult with the secretary in prescribing standards or regulations respecting noise. If at any time the secretary has reason to believe that a standard or regulation, or any proposed standard or regulation, of any agency respecting noise does not protect the public health and welfare to the extent he believes to be required and feasible, he may request such agency to review and report to him on the advisability of revising such standard or regulation to provide such protection. Such agency shall complete the requested review and report to the secretary within such time as the secretary specifies, but such time specified may not be less than sixty (60) days from the date the request was made.

**224.30-115 Development and maintenance of comprehensive state-wide program of noise regulation.**

(1) The secretary shall develop, adopt, and maintain a comprehensive state-wide program of noise regulation which may include, but not be limited to, the following:

(a) Controls on environmental noise (or one (1) or more sources thereof) through the licensing, regulation, and restriction of the use, operation, and movement of any product or combination of products.

(b) Noise emission standards for products which, in the secretary's judgment, are major sources of noise, or are products for which noise emission standards are feasible and are requisite to protect the public health and welfare.

(c) Labeling requirements which prohibit the sale or offer to sell or the lease or offer to lease of any product, machine, vehicle, or equipment, or class thereof, without notice to the prospective purchaser, lessee, or user of the noise levels and characteristics emitted by such product, machine, vehicle or equipment, or its effectiveness in reducing noise, as the case may be.

(d) Development and adoption of ambient noise standards except such ambient noise standards shall not exceed those ambient noise standards promulgated by regulation by the administrator of the Federal Environmental Protection Agency.

(e) Development and adoption of a plan for the achievement of ambient noise standards.

(f) Noise insulation and abatement standards for any occupancy or class of occupancies of buildings, except residential dwellings and the limitation of human exposure to noise generated by mechanical equipment and systems associated with such buildings. Such noise insulation and abatement standards shall be based on criteria for the limitation of interior noise exposures appropriate to building and occupancy use.

(g) Establishment of special noise insulation districts within which specified

building performance standards and noise insulation standards shall apply, in order to protect building occupants from excessive noise of external origins.

(2) (a) Any regulation promulgated pursuant to the authority of KRS 224.30-100 to 224.30-190 shall be one which, in the judgment of the secretary is requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of the product or activity involved, the degree of noise reduction achievable through the application of the best commercially available technology, and the cost of compliance. In determining the degree of noise reduction achievable through the application of the best available technology, the secretary shall take into consideration technology which may be available at the time the regulation becomes effective.

(b) The cabinet may adopt rules and regulations to carry out KRS 224.30-100 to 224.30-190.

### **Kentucky Regulations -- Title 601**

#### **Transportation Cabinet – Department of Vehicle Regulation**

#### **601 KAR 14:010. Headgear and eye-protective devices.**

RELATES TO: KRS 189.285, 49 C.F.R. Part 571.218

STATUTORY AUTHORITY: KRS 174.080(1), 189.285(5), 189.515(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.285(5) requires the secretary to promulgate administrative regulations establishing minimum standards for protective headgear and eye-protective devices to be used by motorcycle operators. KRS 189.515(4) requires the secretary to promulgate administrative regulations establishing approved protective headgear for all-terrain vehicle operators. This administrative regulation establishes the minimum standards and approved headgear and eye-protective devices.

Section 1. Protective Headgear. When a person is required to wear protective headgear pursuant to KRS 189.285(3) or 189.515(4), the protective headgear worn shall meet the standards set forth in Section 2 of this administrative regulation.

Section 2. Protective Headgear Standards. A protective headgear shall:

- (1) Meet the requirements of 49 CFR 571.218; and
- (2) Have a permanent and legible label that:
  - (a) Bears the letters DOT that are one (1) cm in height;
  - (b) Appears on the outer surface of the helmet;
  - (c) Contrasts with the helmet color; and

(d) Is placed a minimum of two and nine-tenths (2.9) centimeters and a maximum of three and five-tenths (3.5) centimeters from the bottom edge of the posterior of the helmet.

Section 3. Eye Protective Devices. A person shall not operate a motorcycle on a highway as defined in KRS 189.010(3) unless he wears an eye-protective device which meets the standards set forth in Section 4 of this administrative regulation.

Section 4. Eye Protection Devices. An eye protection device shall:

(1) Meet the Vehicle Equipment Safety Commission's Minimum Requirements for Motorcyclists Eye Protection, edition July 1980; and

(2) Be permanently and legibly marked on each lens, in a manner that does not interfere with the vision of the wearer, with:

(a) "VESC-8"; or

(b) If space is limited, "V-8".

Section 5. Adoption Without Change. 49 CFR 571.218 (October 1, 2000) is adopted without change. The material may be inspected, copied or obtained, subject to applicable copyright law, from the Transportation Cabinet, Office of General Counsel and Legislative Affairs, 501 High Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. through 4:30 p.m.

Section 6. Incorporated by Reference. (1) "Minimum Requirements for Motorcyclists' Eye Protection" July 1980 edition, published by the Vehicle Equipment Safety Commission.

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