

CHAPTER 70: GENERAL PROVISIONS

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§ 70.01 DEFINITIONS.

For the purpose of this title the following words and phrases shall have the following meanings ascribed them respectively:

"ALL-TERRAIN VEHICLE." Any motor vehicle for off-road use, which is 50 inches or less in width; has a dry weight of 600 pounds or less; travels on three or more low pressure tires; is designed for operator use only with no passengers; and has a seat or saddle designed to be straddled by the operator, and handle bars for steering control.

"AUTHORIZED EMERGENCY VEHICLE." Any vehicle designated as such by KRS 189.910. (KRS 189.011)

"CROSSWALK."

(1) That part of a roadway at an intersection within the connection 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

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"DRIVER'S LICENSE." As used in this chapter, a driver's license shall mean an operator's license issued pursuant to KRS Chapter 281A.

"FUNERAL PROCESSION." Two (2) or more vehicles accompanying the body of a deceased person when each vehicle has its headlights on or is displaying a pennant attached in such a manner as to be clearly visible. (KRS 189.378(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 use, whether publicly or privately owned, except for-hire parking facilities listed in KRS 189.700.

"INTERSECTION."

(1) 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 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

(2) Where a highway includes two roadways 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 roadways 30 feet or more apart, every crossing of two 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."

"MANUFACTURED HOME." Has the same meaning as defined in KRS 186.650.

"MOTOR VEHICLE." Includes all vehicles as defined in this section which are propelled otherwise than by muscular power.

"MOTOR TRUCK." 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 1000 pounds.

"OPERATOR." The person in actual physical control of a vehicle.

"PEDESTRIAN." Any person afoot.  
(KRS 189.010)

"PUBLIC SAFETY VEHICLE." Any public utility repair vehicle; wrecker; state, county, or municipal service vehicle or equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.  
(KRS 189.910)

"REFLECTANCE." 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.

"RIGHT OF WAY." The right of one 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.

"ROADWAY." That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways the term "ROADWAY" as used in this chapter shall refer to any roadway separately but not to all such roadways collectively.

"SAFETY ZONE." 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.

"SEMITRAILER." 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 1000 pounds.

"SHARP CURVE." A curve of not less than 30 degrees.

"STEEP GRADE." A grade of exceeding 7%.

"STREET." Any public street, avenue, road, boulevard, highway, or other public place located in the city and established for the use of vehicles.

"SUNSCREENING MATERIAL." A product or material, including film, glazing, and perforated suncreening which, when applied to the windshield or windows of a motor vehicle, reduces the effects of the sun with respect to light reflection or transmittance.

"TRAILER." 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 1000 pounds.

"TRANSMITTANCE." 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.

"TRUCK TRACTOR." 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 unit.

"UNOBSTRUCTED HIGHWAY." 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 300 yards.

"VEHICLE." Includes all agencies for the transportation of persons or property over or upon the public highways of the Commonwealth and all vehicles passing over or upon the highways, and all vehicles propelled by power other than muscular power, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, 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, vehicles that travel exclusively upon rails, and vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where

vehicles do not travel more than five miles beyond the city limits of any municipality. The definition for "VEHICLE" offered herein shall not serve to alter or abridge the designation of a bicycle as a vehicle in accordance with KRS 189.010 or other provisions of the KRS that may apply.

"WINDOW." 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 150 square inches in area.  
(KRS 189.010)

§ 70.02 TRAFFIC-CONTROL SIGNALS.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend or symbolic message, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(A) Green indication.

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(4) Vehicular traffic that entered an intersection on a circular green or yellow indication is allowed to complete a left turn during the red indication.

(B) Steady yellow indication.

(1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is sufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(C) Steady red indication.

(1) Vehicular traffic facing a circular red signal alone shall stop at a clearly marked stop line, but if none, then before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows:

(a) The driver of a vehicle which is stopped as required by (C) (1) above, with the intention of making a right turn, may make such right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding through the intersection;

(b) The driver of a vehicle which is stopped as required by division (C) (1) above whose vehicle is in the left lane of a one-way highway with the intention of making a left turn onto the left lane of another one-way highway with the flow of traffic, may make such left turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding through the intersection; and

(c) In instances where there are two right or left turn lanes, an allowable turn under this section may be made from either lane unless a regulatory sign specifically prohibits it.

(2) The Council may prohibit any such right or left turn against a steady red signal at any intersection, which prohibition shall be effective when an official sign prohibiting such movement is erected at the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady red signal alone shall not enter the roadway.

(D) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(E) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, operators of vehicles 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, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the intersection or past such signal only with caution.

(F) Any person operating a motorcycle who violates division (C) above by crossing an intersection controlled by a traffic control signal against a steady red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

(1) The motorcycle was brought to a complete stop;

(2) The traffic control signal continued to show a steady red light for 120 seconds or the traffic control signal at the intersection has completed two lighting cycles;

(3) The traffic control signal was apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal apparently failed to detect the arrival of a motorcycle; and

(4) No motor vehicle or person was approaching on the street or highway to be crossed or entered, or any approaching person or vehicle was so far away from the intersection that it did not constitute an immediate hazard.

(G) The affirmative defense outlined in division (F) above shall only apply to a violation for entering or crossing an intersection controlled by a traffic signal against a steady red light and shall not provide a defense to any other civil or criminal action.

(H) In the event a motorcyclist exercises the affirmative defense provisions set forth in division (F) above, the Transportation Cabinet or its employees are specifically immune from any and all civil liability arising from any such claim, lawsuit, or dispute. Any claim, lawsuit, or dispute against the Transportation Cabinet as a result of the affirmative defense set forth in division (F) above, shall be brought using the provisions outlined in KRS Chapter 44.  
(KRS 189.338) Penalty, see §70.99(A)

Cross-reference:

Right hand turn against red signal prohibited, see  
Ch. 76, Sched. I

§ 70.03 COMPLYING WITH TRAFFIC OFFICER'S SIGNAL.

No operator of a vehicle, after having received a visual or audible signal from a traffic officer, or marked police vehicle, shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard of such signal so as to interfere with or endanger the

operation of the police vehicle, or the traffic officer or other vehicles or pedestrians, nor shall he increase the speed of his vehicle or extinguish the lights of his vehicle in an attempt to elude or flee. (KRS 189.393) Penalty, see §70.99 (B)

§ 70.04 DUTY IN CASE OF ACCIDENT.

(A) The operator of any vehicle, whose vehicle, vehicle load, or vehicle equipment which is involved in an accident resulting in injury to or death of any person or resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop and ascertain the extent of the injury or damage and render reasonable assistance, including the carrying, or making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants and operator. The total names need not exceed five in number.

(B) The operator of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving, or shall file a report with the police department.

(C) The operator of a vehicle involved in an accident in division (A) and (B) above resulting in injury to or death of any person or in which total property damage of \$500 or more is sustained shall, within ten days, report the matter in writing to the Department of Justice. (KRS 189.580) Penalty, see §70.99 (A), (C)

§ 70.05 PEDESTRIANS.

(A) Pedestrians shall obey the instruction of any official traffic-control devices specifically applicable to them, unless otherwise directed by a police officer or other officially designated persons.

(B) Pedestrians shall be subject to traffic- and pedestrian-control signals as provided in KRS 189.231 and §70.02 of this chapter.

(C) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

(D) When traffic-control signals are not in place or in operation the operator of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(E) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection, to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(F) Every pedestrian crossing a roadway at a point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. Between adjacent intersections within the city limits of every city at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk. Notwithstanding other provisions of this division or the provisions of any other ordinance, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing a child or an obviously confused or incapacitated person upon a roadway.

(G) No vehicle shall at any time be driven through or within a safety zone.

(H) The operator of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

(I) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(J) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(K) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(L) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(M) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(N) Where neither a sidewalk nor a shoulder is available, any pedestrian walking on or along a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway shall walk only on the left side of the roadway.

(O) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(P) A pedestrian who is under the influence of alcohol or any kind of drug to a degree which renders himself a hazard shall not walk or be upon a highway except on a sidewalk.

(Q) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier, after a bridge operation signal indication has been given.

(R) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(S) No person shall stand in a roadway for the purpose of soliciting a ride.

(T) No person shall stand on a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(U) No person shall stand on a highway for the purpose of soliciting contributions unless such soliciting is designated by the presence of a traffic-control device or warning signal or an emergency vehicle or public safety vehicle as defined in §70.01 making use of the flashing, rotating, or oscillating red, blue, or yellow lights on such devices or vehicles.

(V) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(W) Upon the immediate approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of 500 feet to the front of such vehicle, and the operator of which is giving audible signal by siren, exhaust whistle, or bell, every pedestrian shall yield the right-of-way to the emergency vehicle.

(X) This section shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

(KRS 189.570) Penalty, see §70.99(A)

§ 70.99 PENALTY.

(A) Whoever violates any section of this traffic code for which

another penalty is not provided shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$500. (KRS 189.993(12))

(B) Every person convicted for violation of § 70.03 shall be punished upon a first conviction by imprisonment for a period of not less than five days nor more than 90 days, or by fine of not less than \$35 nor more than \$500, or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten days nor more than six months, or by a fine of not less than \$60 nor more than \$1,000, or by both such fine and imprisonment. (KRS 189.990 (19))

(C) Any person who violates § 70.04 (A) shall be fined not less than \$20 nor more than \$2,000 or imprisoned in the county jail for not more than one year or both. (KRS 189.990(1))

(D) Any person who violates §§ 71.04 (C) or (D), 71.08 (D) shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$10 nor more than \$500. (KRS 189.990(2)(b))

(E) Any person who violates § 72.08 shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned not more than six months, or both. (KRS 189.990 (5))

(F) Any person who violates § 72.14 shall be guilty of a misdemeanor and shall be fined not less than \$60 nor more than \$200 or be imprisoned for not more than 30 days or both. (KRS 189.993 (5))

(G) Any peace officer who violates subsection (B) of § 72.15 shall be deemed guilty of a violation and shall be fined not less than \$35 nor more than \$100. (KRS 189.990 (8))

(H) Any person who violates the provisions of § 72.18 shall be deemed guilty of a violation and shall be fined not more than \$25.  
(Ord. 510, passed 9-8-92)

(I) Any person who violates § 71.30 shall be guilty of a misdemeanor and shall be fined not more than \$250 or imprisoned for not more than ninety (90) days, or both. (KRS 189.378)

