

JURISDICTION:

**KENTUCKY**

General Reference:

This chapter summarizes Kentucky State statutes related to speed. Kentucky Revised Statutes and Kentucky Administrative Regulations (KAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway. §189.390(2)

Statutory Speed Limit:

65 MPH on interstate highways and divided highways with 4 or more lanes<sup>1</sup> §189.390(3)(a) & (5)(d)

See Other below.

55 MPH outside business or residential districts §189.390(3)(a)  
35 MPH in business or residential districts §189.390(3)(a)  
15 MPH on off-street parking facilities §189.390(c)

Posted (Maximum) Speed Limit:

I. Based upon engineering and traffic investigations, the State Secretary of Transportation may increase or decrease the speed limits on any highway.<sup>2</sup> However, the speed limit on highways, including interstate and 4 lane divided highways which are located in urbanized areas, cannot exceed 55 MPH. §189.390(4)(a)  
II. With the approval of the State Secretary of Transportation, a local government may establish speed limits for the highways or streets within its jurisdiction. However, such limits cannot exceed 55 MPH as noted in I above. §189.390(5)(a) & (b)  
III. State and local authorities may reduce the speed limits on highways under their respective jurisdictions for reasons of highway design or to reduce highway damage or deterioration due to rain or other natural causes. §189.230(1)

Minimum Speed Limit:

I. A person shall not operate a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic. §189.390(6)  
II. A person, driving a vehicle in a slow manner, shall keep the vehicle as closely as practicable to the right-hand boundary of the highway. §189.300(2)

Posted (Minimum) Speed Limit:

Other:

I. For vehicles with ≤5 horsepower, the maximum speed is 35 MPH in any location. §189.390(3)(b)  
II. The Transportation Cabinet may establish temporary reduced speed limits in work zones. §189.390(4)(b)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Offenses are Violations. §532.020(4)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

**None**

<sup>1</sup>The interstate and divided highways must be fully controlled access highways. §189.390(5)(d)

<sup>2</sup>Note: Kentucky law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

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Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Speed Limit Violations-Not more than **\$100**<sup>3</sup> §189.394

Other Violations-**\$20 to \$100** §§189.990(1) & 189.993(12)

Mandatory Min. Fine (\$):

**None**

Other Penalties:

Traffic School:

A person may be required to attend a State Traffic School.<sup>4</sup> §186.574

Other:

**Assessment.** In addition to any fine, an offender must pay a special assessment of **\$10** which is deposited into the Traumatic Brain Injury Trust Fund. §§189.394(6) & 189.990(26)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension**<sup>5</sup> §§186.400, 186.570 & 186.572 and 601 KAR 13:025

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<sup>3</sup>Fines for speed limit violations are determined via a matrix. This matrix establishes fines based upon the extent (i.e., number of miles per hour over the speed limit) the offender exceeded a specific speed limit (the *prima facie* speed limit). The fines range from **\$1 to \$55**. §189.394(1) For speeding violations in excess of those shown in the matrix, the fine range is **\$60 to \$100**. §189.394(2) **Important.** These fines are **double** the usual amount if the offense occurred in a work zone. §189.394(6)

<sup>4</sup>The court may place an offender in this program in lieu of other sanctions. §186.574(1) Except for driver education requirements, a person is only eligible to attend traffic school once in any one year period. §186.574(5)(d)

<sup>5</sup>**Point System.** I. Under the point system, an offender's license is suspended for 6 months if they accumulate 12 points within a 2 year period. The suspension is 1 year of a second accumulation of 12 points and 2 years for a third or subsequent accumulation of 12 points within a two year period. II. The following points are assigned for speeding and speed related offenses: (1) Speeding ≤15 MPH over the speed limit-3 points; speeding ≥16 MPH but <26 MPH over the speed limit-6 points; reckless driving-4 points; driving too fast or too slow for conditions-3 points; careless driving-3 points. 601 KAR 13:025 III. Statutory law prohibits the assessment of points for speeding 10 MPH or less over the limit on limited access highways or limited access highways of 4 or more lanes on which the speed limit is 65 MPH or more. §186.572 In an opinion, the State Attorney General has noted that is no statutory difference between reckless and careless driving but that the point assessment system, nevertheless, distinguishes between these offenses and assigns different point values to them. To clarify which point value that should be used, the State attorney general has determined that the lower point value should be used in the interest of being lenient to the offender. OAG 78-771

Term of License Withdrawal  
(Days, Months, Years, etc.):

I. **90 days to 2 years**<sup>5</sup> for speeding violations except as noted II. For speeding  $\geq 26$  MPH over the speed limit-1st offense-90 days 2nd offense- Not less than **1 year** Subsequent offense-Not less than **2 years** 601 KAR 13:025

Mandatory Minimum Term of  
Withdrawal:

1st offense-An offender may be placed on probation for 2 years<sup>6</sup> in lieu of license suspension. Subsequent offense-If a person receives an additional conviction during the probation period, their license must be

Sanctions Following an Adjudication of a Speed Law Violation:  
(continued)

Mandatory Minimum Term of  
Withdrawal: (continued)

suspended. 601 KAR 13:025

Miscellaneous Sanctions  
Not Included Elsewhere:

I. An offender is assessed **\$12.50** for any speeding violation. This assessment is deposited into a trust fund which is used for spinal cord and head injury research. §189.394(5)  
II. Offenders <18 Years Old. These offenders may be allowed to participate in a court diversion program. Under this program, the court must (1) prohibit the offender from driving for not more than 45 days and/or (2) require them to complete a driver improvement clinic. §189.990(27)

Other Criminal Actions Related to Speeding:

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<sup>6</sup>A person, who has been placed on probation, cannot be plated in such status again until 2 years have passed since the end of the has probation period. 601 KAR 13:025

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<u>Racing on Highway:</u>	Class B Misdemeanor <sup>7</sup> §§189.505, 189.993(5) & 532.020(3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>30 days</b> §189.993(5)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	<b>\$60 to \$200</b> §189.993(5)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<b>Suspension</b> via the Point System <sup>5</sup>
Length of Term of Licensing Withdrawal:	<b>90 days to 2 years</b> <sup>5</sup>
Mandatory Action--Minimum Length of License Withdrawal:	<u>1st offense</u> -An offender may be placed on probation for 2 years <sup>5</sup> in lieu of license suspension. <u>Subsequent offense</u> -If a person receives an additional conviction during the probation period, their license must be suspended. 601 KAR 13:025
Other:	A person may be required to attend a State Traffic School. <sup>4</sup> §186.574 <b>Assessment.</b> In addition to any fine, an offender <u>must</u> pay a special assessment of <b>\$10</b> which is deposited into the Traumatic Brain Injury Trust Fund. §189.990(26)
<u>Careless (Reckless) Driving</u> <sup>8</sup> :	Violation §§189.290(1), 189.990(1) & 532.020(4)

Other Criminal Actions Related to Speeding:  
(continued)

<u>Careless (Reckless) Driving:</u> (continued)	
Sanction:	
Criminal:	
Imprisonment (Term):	<b>None</b>
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	<b>\$20 to \$100</b> §189.990(1)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> §§186.560 & 186.570 and 601 KAR 13:025

<sup>7</sup>It is a violation to conduct a horse race on a highway. The only sanction for this offense is a fine of between \$20 and \$50. §§189.510, 189.990(7) & 532.020(4)

<sup>8</sup>Under Kentucky law, the terms "careless driving" and "reckless driving" are used interchangeably. See OAG 78-771 and *Hash v. Com.*, 883 S.W.2d 892 (Ky.App. 1992).

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Length of Term of License  
Withdrawal Action: **90 days to 2 years** via the Point System<sup>5</sup> 3 convictions within 12 months-  
Not less than a **2 year revocation** §186.560(1)(e) & (5)

Mandatory Term of License  
Withdrawal Action: 3 convictions within 12 months-2 year revocation (appears mandatory)  
§186.560(1)(e) & (5)

Other: A person may be required to attend a State Traffic School.<sup>4</sup> §186.574  
**Assessment.** In addition to any fine, an offender must pay a special  
assessment of **\$10** which is deposited into the Traumatic Brain Injury Trust  
Fund. §189.990(26)

Commercial Motor Vehicle (CMV) Operators<sup>9</sup>:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a  
vehicle they either (1) commit 2 "serious traffic violations"<sup>10</sup> within a 3  
year period or (2) commit 3 such violations within a 3 year period.  
§281A.190(6)

Period of Disqualification: 2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3  
years)-**120 days** §281A.190(6)

Period of Mandatory Disqualification: 2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3  
years)-**120 days** §281A.190(6)

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<sup>9</sup>A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §281A.010(8)

<sup>10</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §281A.010(29)