

**189.285 Regulations for operating and riding on motorcycles -- Headgear requirements -- Definitions of motorcycle and moped.**

- (1) A person shall not operate a motorcycle on a highway:
  - (a) Except when that person is in possession of a valid motorcycle operator's license; and
  - (b) Unless that person uses an approved eye-protective device, in the manner prescribed by the secretary of the Transportation Cabinet, at all times such vehicle is in motion; and
  - (c) Unless the motorcycle is equipped with a rear-view mirror as required under KRS 189.130.
- (2) A person shall not operate or ride as a passenger on a motorcycle:
  - (a) Except on a seat permanently attached to that vehicle and specifically designed to carry the operator or passenger in a safe manner; and
  - (b) Except when using a footrest permanently attached to that vehicle and specifically designed to carry that person in a safe manner.
- (3) The following persons shall be required to wear protective headgear, in the manner prescribed by the secretary of the Transportation Cabinet, at all times the motorcycles they are riding are in motion on a public highway:
  - (a) A person under the age of twenty-one (21) years who is operating a motorcycle or who is a passenger on a motorcycle or in a sidecar attachment;
  - (b) A person who possesses a motorcycle instruction permit and who is operating a motorcycle; and
  - (c) A person who has held a valid motorcycle operator's license, or combination motor vehicle-motorcycle operator's license, for less than one (1) year and who is operating a motorcycle.
- (4) A motorcycle operator authorized to drive a motorcycle on an instruction permit shall not be authorized to carry passengers.
- (5) The secretary of the Transportation Cabinet shall by regulation fix minimum standards for approved protective headgear and for approved eye-protective devices, and prescribe the manner in which they shall be used. The secretary shall maintain and cause to be published a list of approved protective headgear and of approved eye-protective devices. The secretary may prescribe by regulation minimum standards for other protective devices and require the use of those devices.
- (6) As used in this chapter:
  - (a) "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 (3) 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 subsection; and
  - (b) "Moped" means either a motorized bicycle whose frame design may include one (1) 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 (2) brake horsepower, a cylinder capacity not exceeding fifty (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 thirty (30) miles per hour.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 173, sec. 10, effective July 12, 2006. -- Amended 2001 Ky. Acts ch. 43, sec. 3, effective June 21, 2001. -- Amended 2000 Ky. Acts ch. 319, sec. 2, effective July 14, 2000; and ch. 393, sec. 47, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 21, sec. 1, effective July 15, 1998. -- Amended 1982 Ky. Acts ch. 194, sec. 4, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 349, sec. 8, effective June 17, 1978; ch. 434, sec. 6, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 173, sec. 6. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(10). -- Amended 1972 Ky. Acts ch. 203, sec. 36. -- Created 1968 Ky. Acts ch. 63, sec. 1.