

1 AN ACT relating to highway work zones and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
4 READ AS FOLLOWS:

5 *After the effective date of this Act and until June 30, 2025, as used in Sections 1 to 3 of*
6 *this Act:*

7 *(1) "Automated speed enforcement device" means a device with one (1) or more*
8 *vehicle sensors that records a vehicle's speed and produces recorded images of*
9 *motor vehicles exceeding the speed limit;*

10 *(2) "Owner" means the registered owner of a motor vehicle or a lessee of a motor*
11 *vehicle under a lease of six (6) months or more, but shall not include a motor*
12 *vehicle rental or leasing company or holder of a motor vehicle dealer plate issued*
13 *under KRS 186.053; and*

14 *(3) "Recorded images" means images recorded by an automated speed enforcement*
15 *device:*

16 *(a) On two (2) or more photographs or electronic images, or on videotape or*
17 *any other medium; and*

18 *(b) Showing the driver and the rear of a motor vehicle and, on at least one (1)*
19 *image or portion of tape, clearly identifying the registration plate number of*
20 *the vehicle.*

21 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
22 READ AS FOLLOWS:

23 *After the effective date of this Act and until June 30, 2025:*

24 *(1) The Transportation Cabinet shall establish a program for automated speed*
25 *enforcement in highway work zones.*

26 *(2) If a motor vehicle is recorded by an automated speed enforcement device*
27 *traveling inside of a highway work zone in excess of ten (10) miles per hour of*

1 the posted speed limit, the owner shall be subject to a civil citation under this
2 section and be subject to the fines and provisions of Section 3 of this Act.

3 (3) Within fourteen (14) days of the alleged violation, the cabinet shall mail to the
4 owner of a vehicle liable under subsection (2) of this section:

5 (a) A uniform civil citation as described in subsection (5) of this section;

6 (b) A copy of the recorded images; and

7 (c) A signed, sworn statement by a technician employed or contracted by the
8 cabinet that, based on inspection of recorded images, the motor vehicle was
9 being operated in excess of the posted speed limit. This statement may be
10 admissible in any hearing alleging a violation under this section.

11 (4) The Cabinet shall:

12 (a) Install signage in highway work zones notifying the public that vehicle
13 speed within the work zone may be enforced by an automated speed
14 enforcement device; and

15 (b) Calibrate the automated speed enforcement device on an annual basis.

16 (5) The cabinet shall promulgate administrative regulations in accordance with KRS
17 Chapter 13A:

18 (a) Establishing collection and enforcement procedures for the violation of this
19 section;

20 (b) Establishing an appeals process by which a person may contest a violation
21 of this section, or a violation of any administrative regulation promulgated
22 under this subsection, by way of an administrative hearing to be conducted
23 in accordance with KRS Chapter 13B;

24 (c) Relating to any matters necessary to the efficient administration of
25 automated speed enforcement under this section;

26 (d) Prescribing a uniform civil citation form, which shall include:

27 1. The name and address of the registered owner of the vehicle;

- 1 2. The name and address of the driver of the vehicle, if different from the
 2 owner;
 3 3. The speed at which the defendant is alleged to have driven;
 4 4. The lawful speed limit applicable at the location where the violation is
 5 charged to have occurred;
 6 5. The date and time of the violation;
 7 6. The location of the intersection;
 8 7. The amount of the civil fine imposed and the date by which the civil
 9 fine should be paid; and
 10 8. A warning that failure to pay the civil fine imposed or to contest the
 11 matter in a timely manner is an admission of liability and shall result
 12 in the suspension of the motor vehicle's registration; and
 13 (e) Administering any other requirements of Sections 1 to 4 of this Act.

14 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
 15 READ AS FOLLOWS:

16 After the effective date of this Act and until June 30, 2025:

- 17 (1) Any person who violates subsection (2) of Section 2 of this Act shall be assessed a
 18 civil fine of:
 19 (a) Seventy-five dollars (\$75) for the first violation; or
 20 (b) One-hundred twenty-five dollars (\$125) for the second and each subsequent
 21 violation within a three (3) year period.
 22 (2) Any person who receives a citation under this section shall, within thirty (30)
 23 days of issuance:
 24 (a) Pay the civil fine in accordance with the instructions on the citation directly
 25 to the cabinet; or
 26 (b) Contest the citation by an administrative hearing conducted in accordance
 27 with KRS Chapter 13B.

- 1 (3) If the recipient of a citation does not contest the citation and does not pay the civil
2 fine within thirty (30) days:
- 3 (a) On or after thirty-one (31) days, but less than sixty (60) days from the date
4 of the citation, the recipient shall be assessed a fine of fifty (\$50) dollars;
5 and
- 6 (b) On or after sixty-one (61) days from the date of the citation, the cabinet
7 shall suspend or withhold the annual registration of the vehicle used in the
8 commission of a speed violation until the fine and late charge has been
9 paid.
- 10 (4) All moneys received from civil fines and penalties under this section shall be
11 forwarded to the automated speed enforcement fund established in Section 4 of
12 this Act.
- 13 (5) The cabinet may consider in defense of a violation under Section 2 of this Act:
- 14 (a) Proof that the motor vehicle or the motor vehicle registration plates were
15 stolen before the violation occurred and were not under the control or
16 possession of the owner at the time of the violation;
- 17 (c) A sworn statement attesting that the person named in the citation was not
18 operating the vehicle at the time of the violation. A person named in a
19 citation who uses this defense shall identify who was operating the vehicle
20 at the time of the violation, including, at a minimum, the operator's name
21 and address; or
- 22 (d) Proof that the driver of a motor vehicle received a citation from a police
23 officer at the same approximate time of the image capture by the automated
24 speed enforcement device.
- 25 (6) On or before October 31, 2022, and each October 31 thereafter, the cabinet shall
26 annually report to the General Assembly, the status of the automated speed
27 enforcement program established in Section 2 of this Act for the previous fiscal

1 year. The report shall include, but not be limited to:

2 (a) The number of civil fines issued under this section;

3 (b) The total revenue received from civil fines issued under this section;

4 (c) A summary of the administrative costs of the automated speed enforcement
5 program;

6 (d) The amount of funds transferred to the work zone highway safety fund;

7 (e) The amount of outstanding civil fines due to nonpayment; and

8 (f) The number of registrations suspended due to nonpayment of civil fines
9 issued under this section.

10 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
11 READ AS FOLLOWS:

12 After the effective date of this Act and until June 30, 2025:

13 (1) There is hereby established a separate trust and agency account within the
14 Transportation Cabinet known as the automated speed enforcement fund. The
15 fund shall consist of moneys received from civil fines and penalties assessed in
16 Section 3 of this Act.

17 (2) The fund shall be administered by the Transportation Cabinet.

18 (3) Amounts deposited in the fund shall be used to defray the cost of administering
19 the automated speed enforcement program established in Section 2 of this Act.

20 (4) Any moneys collected that exceed the costs outlined in subsection (3) of this
21 section shall be deposited into the highway work zone safety fund established in
22 KRS 189.2327 and used for the purposes of that fund.

23 (5) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
24 year shall not lapse but shall be carried forward into the next fiscal year.

25 (6) Any interest earnings of the fund shall become part of the fund and shall not
26 lapse.

27 (7) Moneys deposited in the fund are hereby appropriated for the purposes set forth

1 *in this section and shall not be appropriated or transferred by the General*
2 *Assembly for any other purposes.*

3 ➔Section 5. Sections 1 to 4 of this Act are part of a pilot program and shall sunset
4 after June 30, 2025, unless the General Assembly takes further action.

5 ➔Section 6. This Act may be cited as the Jared Lee Helton Act of 2021.