

1 AN ACT relating to operating a motor vehicle.

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

3 ➔Section 1. KRS 189.292 is amended to read as follows:

4 (1) As used in this section:~~[-]~~

5 ***(a) "Personal communication device" means a device capable of two (2) way***
6 ***audio or text communication that emits an audible signal, vibrates, displays a***
7 ***message, or otherwise summons or delivers communication to the possessor,***
8 ***including but not limited to a paging device, tablet, laptop computer,***
9 ***personal digital assistant, global positioning system receiver, or***~~[- and -a]~~
10 ***cellular telephone;***

11 ***(b) "Stand-alone electronic device" means a portable device other than a***
12 ***wireless telecommunications device that stores audio or video data files to***
13 ***be retrieved on demand by a user;***

14 ***(c) "Operating a motor vehicle":***

15 ***1. Means to operate a motor vehicle on a public highway, including***
16 ***while temporarily stationary because of traffic, a traffic control device,***
17 ***or other momentary delays; and***

18 ***2. Does not include a circumstance in which the vehicle has pulled over***
19 ***to the side of, or off of, an active roadway and has stopped in a***
20 ***location where it can safely remain stationary; and***

21 ***(d) "Use" or "uses":***

22 ***1. a. Means holding a personal communication device in either or***
23 ***both hands or with any other body part;***

24 ***b. Means reaching for a wireless telecommunication device or***
25 ***stand-alone electronic device in a manner that requires the***
26 ***driver to no longer be in a seated driving position or properly***
27 ***restrained by a safety belt;***

1 c. Means watching a video or movie on a personal communication
 2 device or stand-alone electronic device other than viewing data
 3 related to the navigation of the motor vehicle; or

4 d. Means recording or broadcasting video on a personal
 5 communication device or a stand-alone electronic device. This
 6 prohibition shall not apply to electronic devices used for the sole
 7 purpose of continuously recording or broadcasting video within
 8 or outside of the motor vehicle; and

9 2. a. Shall not mean using an earpiece, headphone device, or device
 10 worn on a wrist to conduct a voice-based communication; or

11 b. Shall not mean the minimal use of a finger to activate,
 12 deactivate, or initiate a function of the device.

13 (2) Except as provided in subsection (3) of this section, ~~a[-no]~~ person shall not use a
 14 personal communication device or stand-alone electronic device[-] while
 15 operating a motor vehicle ~~that is in motion on the traveled portion of a roadway,~~
 16 ~~write, send, or read text-based communication using a personal communication~~
 17 ~~device to manually communicate with any person using text-based communication,~~
 18 ~~including but not limited to communications referred to as a text message, instant~~
 19 ~~message, or electronic mail].~~

20 (3) Subsection (2) of this section shall not apply to:

21 (a) The use of a personal communication device to automatically convert a
 22 voice-based communication to be sent as a message in a written form[-]~~The~~
 23 ~~use of a global positioning system feature of a personal communication~~
 24 ~~device];~~

25 (b) The use of a global positioning or navigation system that is physically
 26 mounted or electronically integrated into the motor vehicle;

27 (c)~~[-] The reading, selecting, or entering of a telephone number or name in a~~

1 ~~personal communication device for the purpose of making a phone call;~~

2 ~~(d)~~ An operator of an emergency or public safety vehicle, when the use of a
3 personal communication device is an essential function of the operator's
4 official duties; or

5 ~~(d)~~~~(e)~~ The operator of a motor vehicle who uses ~~writes a text message on~~ a
6 personal communication device to:

- 7 1. Report illegal activity;
- 8 2. Summon medical help;
- 9 3. Summon a law enforcement or public safety agency; or
- 10 4. Prevent injury to a person or property.

11 (4) The secretary of the Transportation Cabinet may promulgate administrative
12 regulations pursuant to KRS Chapter 13A to implement the provisions of this
13 section, including but not limited to updates or advances in the automotive and
14 information technology industries.

15 ➔Section 2. KRS 189.990 is amended to read as follows:

16 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
17 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
18 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
19 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS
20 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to
21 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,
22 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of
23 KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor
24 more than one hundred dollars (\$100) for each offense. Any person who violates
25 subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)
26 nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not
27 more than one (1) year, or both, unless the accident involved death or serious

1 physical injury and the person knew or should have known of the death or serious
2 physical injury, in which case the person shall be guilty of a Class D felony. Any
3 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined
4 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court
5 costs nor fees shall be taxed against any person violating paragraph (c) of
6 subsection (5) of KRS 189.390.

7 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,
8 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents
9 (\$0.02) per pound for each pound of excess load when the excess is five
10 thousand (5,000) pounds or less. When the excess exceeds five thousand
11 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of
12 excess load, but the fine levied shall not be less than one hundred dollars
13 (\$100) and shall not be more than five hundred dollars (\$500).

14 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
15 route designated on the permit shall be fined one hundred dollars (\$100);
16 otherwise, the penalties in paragraph (a) of this subsection shall apply.

17 (c) Any person who violates any provision of subsection (2) or (3) of KRS
18 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
19 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
20 another penalty is not specifically provided shall be fined not less than ten
21 dollars (\$10) nor more than five hundred dollars (\$500).

22 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
23 on a route designated in KRS 177.986 shall be fined one hundred dollars
24 (\$100).

25 2. Any person who operates a vehicle with a permit under KRS 177.985 in
26 excess of eighty thousand (80,000) pounds while operating on a route
27 not designated in KRS 177.986 shall be fined one thousand dollars

1 (\$1,000).

2 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
3 prejudice or affect the authority of the Department of Vehicle Regulation to
4 suspend or revoke certificates of common carriers, permits of contract
5 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
6 to 189.228 or any other act applicable to motor vehicles, as provided by law.

7 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
8 more than fifteen dollars (\$15).

9 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
10 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).

11 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
12 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

13 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210
14 shall be fined not less than twenty-five dollars (\$25) nor more than one
15 hundred dollars (\$100).

16 (c) All fines collected under this subsection, after payment of commissions to
17 officers entitled thereto, shall go to the county road fund if the offense is
18 committed in the county, or to the city street fund if committed in the city.

19 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
20 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
21 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
22 each subsequent offense occurring within three (3) years, the person shall be fined
23 not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500)
24 or imprisoned not less than sixty (60) days nor more than six (6) months, or both.
25 The minimum fine for this violation shall not be subject to suspension. A minimum
26 of six (6) points shall be assessed against the driving record of any person
27 convicted.

- 1 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
2 (\$15) in excess of the cost of the repair of the road.
- 3 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
4 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 5 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
6 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 7 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
8 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
9 not less than thirty (30) days nor more than twelve (12) months, or both.
- 10 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
11 five dollars (\$35) nor more than one hundred dollars (\$100).
- 12 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
13 Class B misdemeanor.
- 14 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
15 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 16 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
17 this section shall, in the case of a public highway, be paid into the county road fund,
18 and, in the case of a privately owned road or bridge, be paid to the owner. These
19 fines shall not bar an action for damages for breach of contract.
- 20 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
21 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
22 offense.
- 23 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
24 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 25 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
26 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 27 (16) Any person who violates restrictions or regulations established by the secretary of

1 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
2 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
3 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
4 imprisoned for thirty (30) days, or both.

5 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
6 of a Class B misdemeanor.

7 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
8 case of violation by any person in whose name the vehicle used in the
9 transportation of inflammable liquids or explosives is licensed, the person
10 shall be fined not less than one hundred dollars (\$100) nor more than five
11 hundred dollars (\$500). Each violation shall constitute a separate offense.

12 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
13 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
14 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
15 nor more than thirty (30) days.

16 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
17 unless the offense is being committed by a defendant fleeing the commission of a
18 felony offense which the defendant was also charged with violating and was
19 subsequently convicted of that felony, in which case it is a Class A misdemeanor.

20 (20) Any law enforcement agency which fails or refuses to forward the reports required
21 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.

22 (21) A person who operates a bicycle in violation of the administrative regulations
23 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
24 nor more than one hundred dollars (\$100).

25 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
26 dollars (\$500) or imprisoned for not more than six (6) months, or both.

27 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five

- 1 dollars (\$25) nor more than three hundred dollars (\$300).
- 2 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
3 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
4 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
5 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
6 or any other additional fees or costs.
- 7 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall ~~not be issued a~~
8 ~~uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.~~
9 ~~For a violation on or after July 1, 2009, the person shall~~ be fined thirty dollars
10 (\$30). This fine shall be subject to prepayment. A fine imposed under this
11 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
12 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
13 any other additional fees or costs. A person who has not been previously charged
14 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
15 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
16 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 17 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
18 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
19 prepayment. A fine imposed under this subsection shall not be subject to court costs
20 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
21 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 22 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
23 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
24 be governed by KRS 534.020 and 534.060.
- 25 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
26 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
27 trial, by the court to a diversionary program. The diversionary program under this

1 subsection shall consist of one (1) or both of the following:

2 (a) Execution of a diversion agreement which prohibits the driver from operating
3 a vehicle for a period not to exceed forty-five (45) days and which allows the
4 court to retain the driver's operator's license during this period; and

5 (b) Attendance at a driver improvement clinic established pursuant to KRS
6 186.574. If the person completes the terms of this diversionary program
7 satisfactorily the violation shall be dismissed.

8 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall
9 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
10 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
11 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
12 percent (90%) of the fine collected under this subsection shall immediately be
13 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
14 Ten percent (10%) of the fine collected under this subsection shall annually be
15 returned to the county where the violation occurred and distributed equally to all
16 law enforcement agencies within the county.

17 (30) Any person who violates KRS 189.292~~[or 189.294]~~ shall be fined:

18 (a) Except as provided in paragraph (d) of this subsection, an amount not to
19 exceed fifty dollars (\$50) for a first or second offense;~~[twenty-five dollars~~
20 ~~(\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.]~~

21 (b) One hundred dollars (\$100) for a third or subsequent offense, or if the
22 violation results in an accident;

23 (c) Two hundred dollars (\$200) if the violation occurs:

24 1. In a work zone when employees of the department or construction
25 workers are present; or

26 2. In a marked school zone when any warning flasher is in operation; or

27 (d) For a first offense of any type under this subsection, regardless of the

1 *circumstances of the offense, a person may choose to attend a state traffic*
2 *school established pursuant to KRS 186.574 in lieu of paying a fine.*

3 ➔Section 3. KRS 186.452 is amended to read as follows:

- 4 (1) Except as provided in KRS 186.415, a person who is under eighteen (18) years of
5 age may apply for an intermediate license to operate a motor vehicle if the person
6 has:
- 7 (a) Held an instruction permit a minimum of one hundred eighty (180) days
8 without a violation under KRS 186.450(4), (5), or (6), a conviction for a
9 violation of KRS 189.292~~[or 189.294]~~, a conviction for a moving violation
10 under KRS Chapter 189 for which points are assessed by the cabinet, or a
11 conviction for a violation of KRS 189A.010(1); and
- 12 (b) Presented a statement to the Department of Kentucky State Police signed by a
13 parent or guardian of the applicant attesting that the applicant has completed
14 at least sixty (60) hours of supervised driving experience, including at least
15 ten (10) hours at night, while accompanied by a person who has attained the
16 age of twenty-one (21) years and holds a valid operator's license occupying the
17 seat beside the applicant.
- 18 (2) If an applicant for an intermediate license successfully completes the examinations
19 required under KRS 186.480, the Department of Kentucky State Police shall affix
20 an intermediate license sticker to the instruction permit and report the applicant's
21 new status to the Transportation Cabinet. The Transportation Cabinet shall update
22 the information in its computer system to reflect that the applicant has been granted
23 an intermediate license. An intermediate license shall be valid for two (2) years and
24 may be renewed.
- 25 (3) A person shall have the intermediate license in his or her possession at all times
26 when operating a motor vehicle.
- 27 (4) A person with an intermediate license who is under the age of eighteen (18) years

1 shall not operate a motor vehicle, motorcycle, or moped between the hours of 12
2 midnight and 6 a.m. unless the person can demonstrate good cause for driving,
3 including emergencies, involvement in school-related activities, or involvement in
4 work-related activities.

5 (5) Except when accompanied by a driver training instructor affiliated with a driver
6 training school licensed under KRS Chapter 332 or a public or nonpublic secondary
7 school, a person with an intermediate license who is under the age of eighteen (18)
8 years shall not operate a motor vehicle at any time when accompanied by more than
9 one (1) unrelated person who is under the age of twenty (20) years. A peace officer
10 shall not stop or seize a person nor issue a uniform citation for a violation of this
11 subsection if the officer has no other cause to stop or seize the person other than a
12 violation of this subsection. This subsection shall not apply to any operator of a
13 vehicle registered under the provisions of KRS 186.050(4) who is engaged in
14 agricultural activities.

15 (6) A violation under subsection (3), (4), or (5) of this section, a conviction for a
16 moving violation under KRS Chapter 189 for which points are assessed by the
17 cabinet, or a conviction for a violation of KRS 189A.010(1) shall add an additional
18 minimum of one hundred eighty (180) days from the date of the violation before a
19 person who is under the age of eighteen (18) years may apply for an operator's
20 license.

21 ➔Section 4. KRS 186.454 is amended to read as follows:

22 (1) Except as provided in KRS 186.415, a person with an intermediate license who is
23 under the age of eighteen (18) years may apply for an operator's license to operate a
24 motor vehicle if the person has:

25 (a) Held an intermediate license for a minimum of one hundred eighty (180) days
26 without a conviction for a moving violation under KRS Chapter 189 for which
27 points are assessed by the cabinet, a conviction for a violation of KRS

1 189.292~~[or 189.294]~~, a conviction for a violation of KRS 189A.010(1), or a
2 conviction under KRS 186.452(3), (4), or (5); and

3 (b) Completed a driver training program under KRS 186.410(4).

4 (2) A person with an intermediate license who is eighteen (18) years of age or older
5 may apply for an operator's license to operate a motor vehicle if the person has
6 completed a driver training program under KRS 186.410(4).

7 ➔Section 5. KRS 189.2327 is amended to read as follows:

8 (1) Subject to the requirements of subsection (2) of this section, **and except as provided**
9 **for in Section 2 of this Act,** if a violation of KRS 189.290 to 189.580 or 189.910 to
10 189.960 occurred in a highway work zone, the fine established under KRS 189.394,
11 189.990, or 189.993 shall be doubled.

12 (2) In order for a fine to be doubled under this section, the highway work zone must
13 have:

14 (a) Signs displayed informing drivers of the existence of a highway work zone
15 and that fines are doubled in it; and

16 (b) At least one (1) bona fide worker present.

17 (3) All fines collected for violations in a highway work zone under subsection (1) of
18 this section shall be deposited into a separate trust and agency account within the
19 Transportation Cabinet known as the "highway work zone safety fund." The
20 highway work zone safety fund shall be used exclusively by the Transportation
21 Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway
22 work zones.

23 ➔Section 6. The following KRS section is repealed:

24 189.294 Use of personal communication device by minor prohibited while operating
25 motor vehicle, motorcycle, or moped in motion on traveled portion of roadway --

26 Exclusions -- Administrative regulations.