

1 AN ACT relating to motor vehicles in a highway work zone.

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

3 ➔Section 1. KRS 189.290 is amended to read as follows:

4 (1) The operator of any vehicle upon a highway shall operate the vehicle in a careful
5 manner, with regard for the safety and convenience of pedestrians and other
6 vehicles upon the highway.

7 (2) **A person shall not**~~[No person shall]~~ willfully operate any vehicle on any highway
8 in such a manner as to injure the highway.

9 **(3) A person shall not willfully operate any vehicle on any highway in such a manner**
10 **as to injure vehicles or equipment located in or near a highway work zone.**

11 **(4) A person shall not operate any vehicle in a reckless or negligent manner as to**
12 **endanger persons or property in or near a highway, or in or near a highway work**
13 **zone.**

14 **(5) In addition to any other penalty, an operator who violates subsection (3) or (4) of**
15 **this section shall be subject to revocation of his or her operator's license under**
16 **Section 7 of this Act.**

17 ➔Section 2. KRS 189.960 is amended to read as follows:

18 (1) The operator of a vehicle shall yield the right-of-way to any public safety vehicle,
19 as defined in KRS 189.910~~[(2)]~~, or any pedestrian **or worker, including utility**
20 **worker,** actually engaged in work **in a highway work zone as defined in Section 6**
21 **of this Act**~~[upon a highway or within any highway construction or maintenance area~~
22 ~~indicated by official traffic control devices].~~

23 (2) The operator of a vehicle shall yield the right-of-way to any public safety vehicle
24 obviously and actually engaged in work upon a highway whenever such vehicle
25 displays flashing lights meeting the requirements of KRS 189.920(4).

26 **(3) The operator of a vehicle shall stay in a designated lane reserved for traffic in a**
27 **highway work zone.**

1 ➔Section 3. KRS 189.2325 is amended to read as follows:

2 The secretary of the Transportation Cabinet shall promulgate administrative regulations
3 pursuant to KRS Chapter 13A governing the posting of signs advising motorists that
4 penalties are increased for traffic violations occurring~~[on state-maintained streets or~~
5 ~~state-maintained highways]~~ in a highway work zone. The administrative regulations
6 promulgated by the cabinet shall include guidelines to determine which areas are
7 appropriate to the posting of these signs. The guidelines may include, but are not limited
8 to, the following:

- 9 (1) The duration of the work on the highway;
- 10 (2) The proximity of workers to moving traffic;
- 11 (3) The existence of any unusual or hazardous conditions;
- 12 (4) The volume of traffic on the highway; and
- 13 (5) Other appropriate factors as determined by the secretary.

14 ➔Section 4. KRS 189.2327 is amended to read as follows:

15 (1) Subject to the requirements of subsection (2) of this section, if a violation of KRS
16 189.290 to 189.580 or 189.910 to 189.960 occurred in a highway work zone, the
17 fine **shall be:**

18 **(a) Five hundred dollars (\$500) if no person is physically injured or dies as a**
19 **result of the violation; and**

20 **(b) Not less than five hundred dollars (\$500) nor more than ten thousand**
21 **dollars (\$10,000) if the violation results in physical injury to or death of any**
22 **person**~~[established under KRS 189.394, 189.990, or 189.993 shall be~~
23 **doubled].**

24 (2) In order for **an increased**~~[a]~~ fine to be **imposed**~~[doubled]~~ under this section, the
25 highway work zone must have:

26 (a) Signs displayed informing drivers of the existence of a highway work zone
27 and that fines are **increased**~~[doubled]~~ in it; and

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

2 (3) All fines collected for violations in a highway work zone under~~[-subsection (1) of]~~
 3 this section shall be deposited into a separate trust and agency account within the
 4 Transportation Cabinet known as the "highway work zone safety fund." The
 5 highway work zone safety fund shall be used exclusively by the Transportation
 6 Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway
 7 work zones.

8 ➔Section 5. KRS 189.990 is amended to read as follows:

9 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
 10 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
 11 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
 12 (4) of KRS 189.190, KRS 189.200, 189.285, subsection (1) or (2) of KRS 189.290,
 13 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to
 14 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540,
 15 KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS
 16 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than
 17 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
 18 Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less
 19 than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or
 20 imprisoned in the county jail for not more than one (1) year, or both, unless the
 21 accident involved death or serious physical injury and the person knew or should
 22 have known of the death or serious physical injury, in which case the person shall
 23 be guilty of a Class D felony. Any person who violates paragraph (c) of subsection
 24 (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than
 25 thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person
 26 violating paragraph (c) of subsection (5) of KRS 189.390.

27 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person

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

9 2. Any person who violates a posted bridge weight limit on a state-
 10 maintained bridge that is more than seventy-five (75) years old shall be
 11 fined:

- 12 a. Five hundred dollars (\$500) for the first offense;
- 13 b. One thousand dollars (\$1,000) for the second offense within a one
 14 (1) year period; and
- 15 c. Two thousand dollars (\$2,000) for any subsequent offense within a
 16 one (1) year period.

17 The Transportation Cabinet shall erect signs warning drivers of the
 18 increased fines in this subparagraph. Signs erected under this
 19 subparagraph shall be placed in such a manner that drivers are given
 20 adequate warning in order to exit the road prior to crossing the bridge. If
 21 warning signs are not erected in accordance with this subparagraph, the
 22 fines in this subparagraph shall not apply and violators shall be fined
 23 under subparagraph 1. of this paragraph.

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

27 (c) Any person who violates any provision of subsection (2) or (3) of KRS

1 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
 2 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
 3 another penalty is not specifically provided shall be fined not less than ten
 4 dollars (\$10) nor more than five hundred dollars (\$500).

5 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
 6 on a route designated in KRS 177.986 shall be fined one hundred dollars
 7 (\$100).

8 2. Any person who operates a vehicle with a permit under KRS 177.985 in
 9 excess of eighty thousand (80,000) pounds while operating on a route
 10 not designated in KRS 177.986 shall be fined one thousand dollars
 11 (\$1,000).

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

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

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

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

23 (b) Any peace officer who fails, when properly informed, to enforce KRS
 24 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
 25 one hundred dollars (\$100).

26 (c) All fines collected under this subsection, after payment of commissions to
 27 officers entitled thereto, shall go to the county road fund if the offense is

- 1 committed in the county, or to the city street fund if committed in the city.
- 2 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
3 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
4 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
5 each subsequent offense occurring within three (3) years, the person shall be fined
6 not less than three hundred dollars (\$300) nor more than five hundred dollars
7 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
8 both. The minimum fine for this violation shall not be subject to suspension. A
9 minimum of six (6) points shall be assessed against the driving record of any person
10 convicted.
- 11 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
12 (\$15) in excess of the cost of the repair of the road.
- 13 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
14 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 15 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
16 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 17 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
18 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
19 not less than thirty (30) days nor more than twelve (12) months, or both.
- 20 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
21 five dollars (\$35) nor more than one hundred dollars (\$100).
- 22 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
23 Class B misdemeanor.
- 24 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
25 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 26 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
27 this section shall, in the case of a public highway, be paid into the county road fund,

- 1 and, in the case of a privately owned road or bridge, be paid to the owner. These
2 fines shall not bar an action for damages for breach of contract.
- 3 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
4 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
5 offense.
- 6 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
7 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 8 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
9 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 10 (16) Any person who violates restrictions or regulations established by the secretary of
11 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
12 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
13 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
14 imprisoned for thirty (30) days, or both.
- 15 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
16 of a Class B misdemeanor.
- 17 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
18 case of violation by any person in whose name the vehicle used in the
19 transportation of inflammable liquids or explosives is licensed, the person
20 shall be fined not less than one hundred dollars (\$100) nor more than five
21 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 22 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
23 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
24 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
25 nor more than thirty (30) days.
- 26 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
27 unless the offense is being committed by a defendant fleeing the commission of a

- 1 felony offense which the defendant was also charged with violating and was
2 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 3 (20) Any law enforcement agency which fails or refuses to forward the reports required
4 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 5 (21) A person who operates a bicycle in violation of the administrative regulations
6 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
7 nor more than one hundred dollars (\$100).
- 8 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
9 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 10 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
11 dollars (\$25) nor more than three hundred dollars (\$300).
- 12 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
13 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
14 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
15 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
16 or any other additional fees or costs.
- 17 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
18 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
19 For a violation on or after July 1, 2009, the person shall be fined thirty dollars
20 (\$30). This fine shall be subject to prepayment. A fine imposed under this
21 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
22 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
23 any other additional fees or costs. A person who has not been previously charged
24 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
25 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
26 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 27 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an

1 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
2 prepayment. A fine imposed under this subsection shall not be subject to court costs
3 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
4 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

5 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
6 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
7 be governed by KRS 534.020 and 534.060.

8 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
9 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
10 trial, by the court to a diversionary program. The diversionary program under this
11 subsection shall consist of one (1) or both of the following:

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

15 (b) Attendance at a driver improvement clinic established pursuant to KRS
16 186.574. If the person completes the terms of this diversionary program
17 satisfactorily the violation shall be dismissed.

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

27 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars

1 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.

2 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
3 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
4 imposed under this subsection shall not be subject to court costs pursuant to KRS
5 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
6 KRS 24A.1765, or any other additional fees or costs.

7 **(32) Any person who violates subsection (3) or (4) of Section 1 of this Act and causes**
8 **physical injury to a person shall be fined five hundred dollars (\$500).**

9 ➔Section 6. KRS 189.010 is amended to read as follows:

10 As used in this chapter:

11 (1) "Department" means the Department of Highways;

12 (2) "Crosswalk" means:

13 (a) That part of a roadway at an intersection within the connections of the lateral
14 lines of the sidewalks on opposite sides of the highway measured from the
15 curbs or in the absence of curbs, from the edges of the traversable roadway; or

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

18 (3) "Highway" means any public road, street, avenue, alley or boulevard, bridge,
19 viaduct, or trestle and the approaches to them and includes private residential roads
20 and parking lots covered by an agreement under KRS 61.362, off-street parking
21 facilities offered for public use, whether publicly or privately owned, except for-
22 hire parking facilities listed in KRS 189.700;

23 (4) "Intersection" means:

24 (a) The area embraced within the prolongation or connection of the lateral curb
25 lines, or, if none, then the lateral boundary lines of the roadways of two (2)
26 highways which join one another, but do not necessarily continue, at
27 approximately right angles, or the area within which vehicles traveling upon

- 1 different highways joining at any other angle may come into conflict; or
- 2 (b) Where a highway includes two (2) roadways thirty (30) feet or more apart,
3 then every crossing of each roadway of such divided highway by an
4 intersecting highway shall be regarded as a separate intersection. If the
5 intersecting highway also includes two (2) roadways thirty (30) feet or more
6 apart, every crossing of two (2) roadways of the highways shall be regarded as
7 a separate intersection. The junction of a private alley with a public street or
8 highway shall not constitute an intersection;
- 9 (5) "Manufactured home" has the same meaning as defined in KRS 186.650;
- 10 (6) "Motor truck" means any motor-propelled vehicle designed for carrying freight or
11 merchandise. It shall not include self-propelled vehicles designed primarily for
12 passenger transportation but equipped with frames, racks, or bodies having a load
13 capacity of not exceeding one thousand (1,000) pounds;
- 14 (7) "Operator" means the person in actual physical control of a vehicle;
- 15 (8) "Pedestrian" means any person afoot or in a wheelchair;
- 16 (9) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a
17 lawful manner in preference to another vehicle or pedestrian approaching under
18 such circumstances of direction, speed, and proximity as to give rise to danger of
19 collision unless one grants precedence to the other;
- 20 (10) "Roadway" means that portion of a highway improved, designed, or ordinarily used
21 for vehicular travel, exclusive of the berm or shoulder. If a highway includes two
22 (2) or more separate roadways, the term "roadway" as used herein shall refer to any
23 roadway separately but not to all such roadways collectively;
- 24 (11) "Safety zone" means the area or space officially set apart within a roadway for the
25 exclusive use of pedestrians and which is protected or is so marked or indicated by
26 adequate signs as to be plainly visible at all times while set apart as a safety zone;
- 27 (12) "Semitrailer" means a vehicle designed to be attached to, and having its front end

- 1 supported by, a motor truck or truck tractor, intended for the carrying of freight or
 2 merchandise and having a load capacity of over one thousand (1,000) pounds;
- 3 (13) "Truck tractor" means any motor-propelled vehicle designed to draw and to support
 4 the front end of a semitrailer. The semitrailer and the truck tractor shall be
 5 considered to be one (1) unit;
- 6 (14) "Sharp curve" means a curve of not less than thirty (30) degrees;
- 7 (15) "State Police" includes any agency for the enforcement of the highway laws
 8 established pursuant to law;
- 9 (16) "Steep grade" means a grade exceeding seven percent (7%);
- 10 (17) "Trailer" means any vehicle designed to be drawn by a motor truck or truck-tractor,
 11 but supported wholly upon its own wheels, intended for the carriage of freight or
 12 merchandise and having a load capacity of over one thousand (1,000) pounds;
- 13 (18) "Unobstructed highway" means a straight, level, first-class road upon which no
 14 other vehicle is passing or attempting to pass and upon which no other vehicle or
 15 pedestrian is approaching in the opposite direction, closer than three hundred (300)
 16 yards;
- 17 (19) (a) "Vehicle" includes:
- 18 1. All agencies for the transportation of persons or property over or upon
 19 the public highways of the Commonwealth; and
- 20 2. All vehicles passing over or upon the highways.
- 21 (b) "Motor vehicle" includes all vehicles, as defined in paragraph (a) of this
 22 subsection, except:
- 23 1. Road rollers;
- 24 2. Road graders;
- 25 3. Farm tractors;
- 26 4. Vehicles on which power shovels are mounted;
- 27 5. Construction equipment customarily used only on the site of

- 1 construction and which is not practical for the transportation of persons
2 or property upon the highways;
- 3 6. Vehicles that travel exclusively upon rails;
- 4 7. Vehicles propelled by electric power obtained from overhead wires
5 while being operated within any municipality or where the vehicles do
6 not travel more than five (5) miles beyond the city limits of any
7 municipality;
- 8 8. Vehicles propelled by muscular power; and
- 9 9. Electric low-speed scooters;
- 10 (20) "Reflectance" means the ratio of the amount of total light, expressed in a
11 percentage, which is reflected outward by the product or material to the amount of
12 total light falling on the product or material;
- 13 (21) "Sunscreening material" means a product or material, including film, glazing, and
14 perforated sunscreening, which, when applied to the windshield or windows of a
15 motor vehicle, reduces the effects of the sun with respect to light reflectance or
16 transmittance;
- 17 (22) "Transmittance" means the ratio of the amount of total light, expressed in a
18 percentage, which is allowed to pass through the product or material, including
19 glazing, to the amount of total light falling on the product or material and the
20 glazing;
- 21 (23) "Window" means any device designed for exterior viewing from a motor vehicle,
22 except the windshield, any roof-mounted viewing device, and any viewing device
23 having less than one hundred fifty (150) square inches in area;
- 24 (24) "All-terrain vehicle" means any motor vehicle used for recreational off-road use;
- 25 (25) "Nondivisible load," as pertains to state highways that are not part of the national
26 truck network established pursuant to 23 C.F.R. pt. 658, means a load or vehicle,
27 that if separated into smaller loads or vehicles:

- 1 (a) Compromises the intended use of the vehicle, making it unable to perform the
 2 function for which it was intended;
- 3 (b) Destroys the value of the load or vehicle, making it unusable for its intended
 4 purpose; or
- 5 (c) Requires more than four (4) work hours to dismantle and reassemble using
 6 appropriate equipment;

7 (26) "Electric low-speed scooter" means a device that:

- 8 (a) Weighs less than one hundred (100) pounds;
- 9 (b) Is equipped with wheels;
- 10 (c) Is equipped with handlebars;
- 11 (d) Is equipped with a brake adequate enough to stop and park the device;
- 12 (e) Is designed to be stood or sat upon;
- 13 (f) Is propelled by an electric motor, human power, or both; and
- 14 (g) Is designed to operate at a maximum speed of twenty (20) miles per hour, on a
 15 paved level surface, with or without human propulsion; and

16 (27) "Highway work zone" means that ~~lane or~~ portion of a **highway** ~~[state-maintained~~
 17 ~~highway open to vehicular traffic]~~ and the affected area adjacent to a lane, berm, or
 18 shoulder, **including a sidewalk,** ~~[of a state-maintained highway]~~ upon which
 19 construction, reconstruction, resurfacing, maintenance, inspection, or other work of
 20 that nature is being conducted **by a government agency, private contractor, or**
 21 **utility company.**

22 ➔Section 7. KRS 186.560 is amended to read as follows:

- 23 (1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle
 24 upon receiving record of his or her:
- 25 (a) Conviction of any of the following offenses:
- 26 1. Murder or manslaughter resulting from the operation of a motor vehicle;
- 27 2. Driving a vehicle which is not a motor vehicle while under the influence

- 1 of alcohol or any other substance which may impair one's driving
 2 ability;
- 3 3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640
 4 or any law requiring the registration of motor vehicles or regulating their
 5 operation on highways;
- 6 4. Any felony in the commission of which a motor vehicle is used;
- 7 5. Conviction or forfeiture of bail upon three (3) charges of reckless
 8 driving within the preceding twelve (12) months;
- 9 6. Conviction of driving a motor vehicle involved in an accident and
 10 failing to stop and disclose his identity at the scene of the accident;
- 11 7. Conviction of theft of a motor vehicle or any of its parts, including the
 12 conviction of any person under the age of eighteen (18) years;
- 13 8. Failure to have in full force and effect the security required by Subtitle
 14 39 of KRS Chapter 304 upon conviction of a second and each
 15 subsequent offense within any five (5) year period;
- 16 9. Conviction for fraudulent use of a driver's license or use of a fraudulent
 17 driver's license to purchase or attempt to purchase alcoholic beverages,
 18 as defined in KRS 241.010, in violation of KRS 244.085(4);
- 19 10. Conviction of operating a motor vehicle, motorcycle, or moped without
 20 an operator's license as required by KRS 186.410;~~and~~
- 21 11. Conviction of fleeing or evading police in the second degree when the
 22 offense involved the operation of a motor vehicle; **and**
- 23 **12. Conviction of violating the provisions of subsection (3) or (4) of**
 24 **Section 1 of this Act;** or
- 25 (b) Being found incompetent to stand trial under KRS Chapter 504.
- 26 (2) If the person convicted of any offense named in subsection (1) of this section or
 27 who is found incompetent to stand trial is not the holder of a license, the cabinet

1 shall deny the person so convicted a license for the same period of time as though
2 he or she had possessed a license which had been revoked. If through an
3 inadvertence the defendant should be issued a license, the cabinet shall forthwith
4 cancel it.

5 (3) The cabinet, upon receiving a record of the conviction of any person upon a charge
6 of operating a motor vehicle while the license of that person is denied, or
7 suspended, or revoked, or while his privilege to operate a motor vehicle is
8 withdrawn, shall immediately extend the period of the first denial, suspension,
9 revocation, or withdrawal for an additional like period.

10 (4) The revocation or denial of a license or the withdrawal of the privilege of operating
11 a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a
12 period of not less than five (5) years. Revocations or denials under this section shall
13 not be subject to any lessening of penalties authorized under any other provision of
14 this section or any other statute.

15 (5) Except as provided in subsections (3), (4), (8), and (9) of this section, in all other
16 cases, the revocation or denial of a license or the withdrawal of the privilege of
17 operating a motor vehicle under this section shall be for a period of six (6) months,
18 except that if the same person has had one (1) previous conviction of any offense
19 enumerated in subsection (1) of this section, regardless of whether the person's
20 license was revoked because of the previous conviction, the period of the
21 revocation, denial, or withdrawal shall be one (1) year. If the person has had more
22 than one (1) previous conviction of the offenses considered collectively as
23 enumerated in subsection (1) of this section, regardless of whether the person's
24 license was revoked for any previous conviction, the period of revocation, denial, or
25 withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of
26 the written recommendation of the court in which any person has been convicted of
27 violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's

- 1 license or fraudulent driver's license was the identification used or attempted to be
2 used in the commission of the offense, who has had no previous conviction of said
3 offense, the person's operator's license shall not be revoked, but the person's
4 operator's license shall be restricted to any terms and conditions the secretary in his
5 discretion may require, provided the person has enrolled in an alcohol or substance
6 abuse education or treatment program as the cabinet shall require. If the person fails
7 to satisfactorily complete the education or treatment program or violates the
8 restrictions on his operator's license, the cabinet shall immediately revoke his
9 operator's license for a period of six (6) months.
- 10 (6) In order to secure the reinstatement of a license to operate a motor vehicle or
11 motorcycle restored following a period of suspension pursuant to KRS Chapter
12 189A, the person whose license is suspended shall comply with the fees and other
13 procedures of the Transportation Cabinet with regard to the reinstatement of
14 suspended licenses.
- 15 (7) The cabinet shall revoke the license of any operator of a motor vehicle upon
16 receiving notification that the person is under age eighteen (18) and has dropped out
17 of school or is academically deficient, as defined in KRS 159.051(1).
- 18 (8) A person under the age of eighteen (18) who is convicted of the offenses of
19 subsections (1) or (3) of this section, except for subsection (1)(a)8. or 9. of this
20 section, shall have his license revoked until he or she reaches the age of eighteen
21 (18) or shall have his license revoked as provided in this section, whichever penalty
22 will result in the longer period of revocation.
- 23 (9) A revocation or denial of a license or the withdrawal of the privilege of operating a
24 motor vehicle under this section due to a person being found incompetent to stand
25 trial shall extend until the person is found competent to stand trial or the criminal
26 case is dismissed.