

**CHAPTER 40**  
**( HB 244 )**

AN ACT relating to fines for traffic violations in highway work zones and making an appropriation therefor.

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

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

- (1) *Subject to the requirements of subsection (2) of this section, if a violation of KRS 189.290 to 189.580 or KRS 189.910 to 189.960 occurred in a highway work zone, the fine established under Section 3 of this Act, KRS 189.990, or KRS 189.993 shall be doubled.*
- (2) *In order for a fine to be doubled under this section, the highway work zone must have:*
  - (a) *Signs displayed informing drivers of the existence of a highway work zone and that fines are doubled in it; and*
  - (b) *At least one (1) bona fide worker present.*
- (3) *All fines collected for violations in a highway work zone under subsection (1) of this section shall be deposited into a separate trust and agency account within the Transportation Cabinet known as the "Highway Work Zone Safety Fund." The highway work zone safety fund shall be used exclusively by the Transportation Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway work zones.*

➔Section 2. KRS 189.2329 is amended to read as follows:

- (1) A person shall not intentionally destroy, remove, injure, or deface a temporary traffic control device erected for the purpose of enhancing traffic safety or worker safety in a highway work zone. A temporary traffic control device shall include but not be limited to a cone, tubular marker, delineator, warning light, drum, barricade, sign, sign truck, arrow board, or other device specified in an approved traffic control plan or by an administrative regulation promulgated by the cabinet pursuant to KRS Chapter 13A.
- (2) A person who violates the provisions of this section shall, upon conviction, in addition to any other penalty established by statute, be sentenced to pay **one hundred dollars (\$100)**~~fifty dollars (\$50)~~ for each temporary traffic control device that the person destroyed, removed, injured, or defaced, and the person shall make restitution to the owner of the temporary traffic control device.
- (3) Restitution payments to owners of temporary traffic control devices required to be made under subsection (2) of this section shall be paid directly to the owner of the device as specified by written order of the court. The court shall not direct that the payments be made through the circuit clerk.

➔Section 3. KRS 189.394 is amended to read as follows:

- (1) The fines for speeding in violation of KRS 189.390 shall be:

Mph.	Prima Facie or Maximum Speed												Fine
Over	15	20	25	30	35	40	45	50	55	60	65	70	
Limit	15	20	25	30	35	40	45	50	55	60	65	70	
1	16	21	26	31	36	41	46	51	56	61	66	71	\$1
2	17	22	27	32	37	42	47	52	57	62	67	72	2
3	18	23	28	33	38	43	48	53	58	63	68	73	3
4	19	24	29	34	39	44	49	54	59	64	69	74	4
5	20	25	30	35	40	45	50	55	60	65	70	75	5
6	21	26	31	36	41	46	51	56	61	66	71	76	16
7	22	27	32	37	42	47	52	57	62	67	72	77	17
8	23	28	33	38	43	48	53	58	63	68	73	78	18

9	24	29	34	39	44	49	54	59	64	69	74	79	19
10	25	30	35	40	45	50	55	60	65	70	75	80	20
11	26	31	36	41	46	51	56	61	66	71	76	81	22
12	27	32	37	42	47	52	57	62	67	72	77	82	24
13	28	33	38	43	48	53	58	63	68	73	78	83	26
14	29	34	39	44	49	54	59	64	69	74	79	84	28
15	30	35	40	45	50	55	60	65	70	75	80	85	30
16	31	36	41	46	51	56	61	66	71	76	81		32
17	32	37	42	47	52	57	62	67	72	77	82		34
18	33	38	43	48	53	58	63	68	73	78	83		36
19	34	39	44	49	54	59	64	69	74	79	84		38
20	35	40	45	50	55	60	65	70	75	80	85		40
21	36	41	46	51	56	61	66	71					43
22	37	42	47	52	57	62	67	72					46
23	38	43	48	53	58	63	68	73					49
24	39	44	49	54	59	64	69	74					52
25	40	45	50	55	60	65	70	75					55

- (2) For speeding in excess of the speeds shown on the specific fine schedule the fine shall be not less than sixty dollars (\$60) nor more than one hundred dollars (\$100).
- (3) For any violation shown on the chart for which a specific fine is prescribed, the defendant may elect to pay the fine and court costs to the circuit clerk before the date of his trial or to be tried in the normal manner. Payment of the fine and court costs to the clerk shall be considered as a plea of guilty for all purposes.
- (4) If the offense charged shows a speed in excess of the speeds shown on the specific fine schedule the defendant shall appear for trial and may not pay the fine to the clerk before the trial date.
- ~~(5) If the offense occurred in a highway work zone, the fine established by subsection (1) or (2) of this section shall be doubled.~~
- ~~(6) All fines collected for speeding in a highway work zone in violation of KRS 189.390 shall be deposited into a separate trust and agency account within the Transportation Cabinet known as the "Highway Work Zone Safety Fund." The highway work zone safety fund shall be used exclusively by the Transportation Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway work zones.~~
- ~~(7) If the offense occurred in an area near a school where flasher lights have been installed and are flashing, and a speed limit has been set pursuant to KRS 189.336, the fine established by subsection (1) or (2) of this section shall be doubled.~~

➔Section 4. KRS 189.010 is amended to read as follows:

As used in this chapter:

- (1) "Department" means the Department of Highways;
- (2) "Crosswalk" means:
- That part of a roadway at an intersection within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or
  - Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (3) "Highway" means any public road, street, avenue, alley or boulevard, bridge, viaduct, or trestle and the approaches to them and includes private residential roads and parking lots covered by an agreement under

KRS 61.362, off-street parking facilities offered for public use, whether publicly or privately owned, except for-hire parking facilities listed in KRS 189.700;

- (4) "Intersection" means:
- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another, but do not necessarily continue, at approximately right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict; or
  - (b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If the intersecting highway also includes two (2) roadways thirty (30) feet or more apart, every crossing of two (2) roadways of the highways shall be regarded as a separate intersection. The junction of a private alley with a public street or highway shall not constitute an intersection;
- (5) "Manufactured home" has the same meaning as defined in KRS 186.650;
- (6) "Motor truck" means any motor-propelled vehicle designed for carrying freight or merchandise. It shall not include self-propelled vehicles designed primarily for passenger transportation but equipped with frames, racks, or bodies having a load capacity of not exceeding one thousand (1,000) pounds;
- (7) "Operator" means the person in actual physical control of a vehicle;
- (8) "Pedestrian" means any person afoot or in a wheelchair;
- (9) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other;
- (10) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any roadway separately but not to all such roadways collectively;
- (11) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;
- (12) "Semitrailer" means a vehicle designed to be attached to, and having its front end supported by, a motor truck or truck tractor, intended for the carrying of freight or merchandise and having a load capacity of over one thousand (1,000) pounds;
- (13) "Truck tractor" means any motor-propelled vehicle designed to draw and to support the front end of a semitrailer. The semitrailer and the truck tractor shall be considered to be one (1) unit;
- (14) "Sharp curve" means a curve of not less than thirty (30) degrees;
- (15) "State Police" includes any agency for the enforcement of the highway laws established pursuant to law;
- (16) "Steep grade" means a grade exceeding seven percent (7%);
- (17) "Trailer" means any vehicle designed to be drawn by a motor truck or truck-tractor, but supported wholly upon its own wheels, intended for the carriage of freight or merchandise and having a load capacity of over one thousand (1,000) pounds;
- (18) "Unobstructed highway" means a straight, level, first-class road upon which no other vehicle is passing or attempting to pass and upon which no other vehicle or pedestrian is approaching in the opposite direction, closer than three hundred (300) yards;
- (19) (a) "Vehicle" includes:
- 1. All agencies for the transportation of persons or property over or upon the public highways of the Commonwealth; and
  - 2. All vehicles passing over or upon the highways.
- (b) "Motor vehicle" includes all vehicles, as defined in paragraph (a) of this subsection except:
- 1. Road rollers;

2. Road graders;
  3. Farm tractors;
  4. Vehicles on which power shovels are mounted;
  5. Construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways;
  6. Vehicles that travel exclusively upon rails;
  7. Vehicles propelled by electric power obtained from overhead wires while being operated within any municipality or where the vehicles do not travel more than five (5) miles beyond the city limits of any municipality; and
  8. Vehicles propelled by muscular power;
- (20) "Reflectance" means the ratio of the amount of total light, expressed in a percentage, which is reflected outward by the product or material to the amount of total light falling on the product or material;
- (21) "Sunscreening material" means a product or material, including film, glazing, and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduces the effects of the sun with respect to light reflectance or transmittance;
- (22) "Transmittance" means the ratio of the amount of total light, expressed in a percentage, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing;
- (23) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield, any roof-mounted viewing device, and any viewing device having less than one hundred fifty (150) square inches in area;
- (24) "All-terrain vehicle" means any motor vehicle used for recreational off-road use; ~~and~~
- (25) "Nondivisible load," as pertains to state highways that are not part of the national truck network established pursuant to 23 C.F.R. pt. 658, means a load or vehicle, that if separated into smaller loads or vehicles:
- (a) Compromises the intended use of the vehicle, making it unable to perform the function for which it was intended;
  - (b) Destroys the value of the load or vehicle, making it unusable for its intended purpose; or
  - (c) Requires more than four (4) work hours to dismantle and reassemble using appropriate equipment; **and**
- (26) ***"Highway work zone" means that lane or portion of a state-maintained highway open to vehicular traffic and the affected area adjacent to a lane, berm, or shoulder of a state-maintained highway upon which construction, reconstruction, resurfacing, maintenance, inspection, or other work of that nature is being conducted.***

➔Section 5. KRS 189.999 is amended to read as follows:

- (1) All offenses under this chapter classified as violations shall be prepayable except for:
- (a) Any offense that could result in license suspension or revocation by the court or the Transportation Cabinet;
  - (b) Any offense relating to KRS 189.393, 189.520, or 189.580;
  - (c) ~~When the defendant is speeding in a restricted zone;~~
  - ~~(d)~~ When the defendant is speeding more than twenty-five (25) miles per hour over the posted speed limit under KRS 189.394;
  - ~~(d)~~~~(e)~~ An offense where evidence of the offense or of commission of another offense is seized by the officer and the citation is so marked and a court date set;
  - ~~(e)~~~~(f)~~ The offense is cited with another offense that is not prepayable;
  - ~~(f)~~~~(g)~~ When the defendant is under the age of eighteen (18); or
  - ~~(g)~~~~(h)~~ An arrest is made under KRS 431.015.

- (2) In the event that a prepayable offense is cited with another offense that is not prepayable, a court appearance shall be required on all of the offenses as required by KRS 431.452.

➔Section 6. The following KRS section is repealed:

189.232 Definition of "highway work zone."

**Signed by Governor March 21, 2019.**