

AN ACT relating to traffic regulations.

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

➔Section 1. KRS 189.338 is amended to read as follows:

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend or symbolic message, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication.

- (a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (d) Vehicular traffic that entered an intersection on a circular green or yellow indication is allowed to complete a left turn during the red indication.

(2) Steady yellow indication.

- (a) Vehicular traffic facing a steady yellow signal is thereby warned that the

related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

- (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(3) Steady red indication.

- (a) Vehicular traffic facing a circular red signal alone shall stop at a clearly marked stop line but, if none, then before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows:

1. The driver of a vehicle which is stopped as required by ***this paragraph*** ~~subsection (3)(a)~~ with the intention of making a right turn, may make such right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding through the intersection; ~~and~~
2. The driver of a vehicle which is stopped as required by ***this paragraph*** ~~subsection (3)(a)~~ whose vehicle is in the left lane of a one-way highway with the intention of making a left turn onto the left lane of another one-way highway with the flow of traffic, may make such left turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding through the intersection; ***and*** ~~and~~
3. In instances where there are two (2) right or left turn lanes, an allowable turn under this paragraph may be made from either lane unless a

regulatory sign specifically prohibits it.

- (b) Cities and counties may, by ordinance, and the department of highways may, by regulation, prohibit any such right or left turn against a steady red signal at any intersection, which prohibition shall be effective when an official sign prohibiting such movement is erected at the intersection.
  - (c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady red signal alone shall not enter the roadway.
- (4) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
- (5) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:
- (a) Flashing red (stop signal) - When a red lens is illuminated with rapid intermittent flashes, operators of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and[-]
  - (b) Flashing yellow (caution signal) - When a yellow lens is illuminated with rapid intermittent flashes, operators of vehicles may proceed through the intersection or past such signal only with caution.

**(6) Any person operating a motorcycle who violates subsection (3) of this section by entering or crossing an intersection controlled by a traffic control signal against**

a steady red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

(a) The motorcycle was brought to a complete stop;

(b) The traffic control signal continued to show a steady red light for one hundred twenty (120) seconds or the traffic control signal at the intersection has completed two (2) lighting cycles;

(c) The traffic control signal was apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal apparently failed to detect the arrival of a motorcycle; and

(d) No motor vehicle or person was approaching on the street or highway to be crossed or entered, or any approaching person or vehicle was so far away from the intersection that it did not constitute an immediate hazard.

(7) The affirmative defense outlined in subsection (6) of this section shall only apply to a violation for entering or crossing an intersection controlled by a traffic signal against a steady red light and shall not provide a defense to any other civil or criminal action.

(8) In the event a motorcyclist exercises the affirmative defense provisions set forth in subsection (6) of this section, the Transportation Cabinet or its employees are specifically immune from any and all civil liability arising from any such claim, lawsuit, or dispute. Any claim, lawsuit, or dispute against the Transportation Cabinet as a result of the affirmative defense set forth in subsection (6) of this section, shall be brought using the provisions outlined in KRS Chapter 44.