

AN ACT relating to funding of government services and making an appropriation therefor.

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

➔Section 1. KRS 30A.120 is amended to read as follows:

- (1) Every clerk shall collect all fines and forfeitures imposed in District and Circuit Court, and shall issue receipts therefor.
- (2) At the close of business daily the clerk in each county shall deposit in a bank designated as a state depository the proceeds from fines and forfeitures, and within three (3) working days after the first and fifteenth of each month submit to the Finance and Administration Cabinet a report listing all fines and forfeitures collected, and shall pay over to the cabinet in the manner prescribed by the cabinet at the same time *fifty percent (50%)* all costs, fines, forfeitures, and other moneys so reported, *and shall pay into the fund established in Section 15 of this Act fifty percent (50%) of all fines collected under:*
  - (a) Subsection (2) of Section 2 of this Act;*
  - (b) Subsection (6) of Section 3 of this Act;*
  - (c) Section 4 of this Act;*
  - (d) Subsections (1), (2), (4), and (5) of Section 5 of this Act;*
  - (e) Sections 6 to 11 of this Act;*
  - (f) Subsection (5)(a), (b), and (c) and subsection (6) of Section 12 of this Act;*
  - (g) Section 13 of this Act; and*
  - (h) Subsection (1)(b), (c), and (d) and subsection (2)(b), (c), and (d) of Section 14 of this Act.*
- (3) Upon the failure of the clerk to submit to the cabinet, within the prescribed period, the required report and to pay over, at the same time, the costs, fines, forfeitures and other moneys collected, the cabinet shall immediately notify the Auditor of Public Accounts that the clerk concerned is delinquent in the matter.

➔Section 2. KRS 56.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 56.250 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each offense.
- (2) Any person who commits a moving traffic violation of any regulation of the Finance and Administration Cabinet governing the operation and use of motor vehicles on the grounds of a state-owned building, shall upon conviction be fined not less than ~~five~~<sup>two</sup> dollars ~~(\$5)~~<sup>(\$2)</sup> nor more than ~~thirty~~<sup>fifteen</sup> dollars ~~(\$30)~~<sup>(\$15)</sup>; provided, however, that if such person is found guilty of violating any provision of such regulation for which the mandatory or discretionary revocation of drivers' licenses is prescribed by KRS 186.560 and KRS 186.570, then the penalty for such violation shall be the same as that prescribed by the law applicable to such offense.
- (3)
  - (a) Any individual who willfully violates any of the provisions of KRS 56.8181 shall be guilty of a felony and shall be punished by a fine of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000), or by imprisonment in the penitentiary for not less than one (1) year nor more than five (5) years, or both.
  - (b) Any firm, corporation, or association which willfully violates any of the provisions of KRS 56.8181 shall be fined not less than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000). The assessment of a fine under this paragraph shall not prevent the punishment of an individual under paragraph (a) of this subsection.
- (4) Any individual, including any employee or official of the Commonwealth of Kentucky, who willfully violates a provision of KRS 56.800 to 56.823, other than one found in KRS 56.8181, shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the penitentiary for not more than

one (1) year, or both.

- (5) Any employee or official of the Commonwealth of Kentucky who shall willfully take, receive, or offer to take or receive, either directly or indirectly, anything of value, as an inducement, or intended inducement, in the awarding of a state lease pursuant to KRS 56.800 to 56.823, shall be guilty of a felony and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment in the penitentiary for not less than one (1) year nor more than ten (10) years, or both.
- (6) (a) Any individual willfully offering to make, pay, or give, either directly or indirectly, anything of value, as an inducement, or intended inducement, in the awarding of a lease pursuant to KRS 56.800 to 56.823, to any employee or official of the Commonwealth of Kentucky, shall be guilty of a felony and shall be punished by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment in the penitentiary for not less than one (1) year nor more than ten (10) years, or both.
- (b) Any firm, corporation, or association willfully offering to make, pay, or give, either directly or indirectly, anything of value, as an inducement, or intended inducement, in the awarding of a lease, to any employee or official of the Commonwealth of Kentucky, shall be punished by a fine of not less than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000). The assessment of a fine under this paragraph shall not prevent the punishment of an individual under paragraph (a) of this subsection.
- (7) (a) Any person who is convicted of or enters a guilty plea for a crime established in subsections (3) to (6) of this section shall be subject to the penalty established in paragraph (b) of this subsection in addition to the penalties established in those subsections.
- (b) For a period of five (5) years from the date of a person's conviction or the entering of a person's guilty plea, the Commonwealth shall not rent real

property from a firm that employs the person or in which the person has any ownership interest.

➔Section 3. KRS 177.530 is amended to read as follows:

- (1) Each turnpike project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the department and shall be operated and maintained by such force of toll-takers and other operating and maintenance employees and, unless policed by the Department of Kentucky State Police as an ordinary incident to the performance of statutory functions, shall be policed by the department by such force of police, as the department may in its discretion employ, and the department may be reimbursed for the cost thereof unless it has previously assumed such cost as provided in KRS 177.480.
- (2) All private property damaged or destroyed in carrying out the powers granted by KRS 177.390 to 177.570 shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of KRS 177.390 to 177.570.
- (3) All counties, cities, towns, and other political subdivisions and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant, or convey to the department at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies, or commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the department, including public roads and other real property already devoted to public use.
- (4) On or before January 30 in each year the department shall make an annual report of

its activities for the preceding calendar year to the Governor and to the General Assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The department shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof may be treated as a part of the cost of construction or operation of the project. Such audits shall be deemed to be public records within the meaning of KRS 61.870(2).

- (5) No officer or employee of the department shall have any interest, direct or indirect, in the sale or purchase of any bonds authorized by KRS 177.390 to 177.570. Violation of this provision is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one (1) year, or both.
- (6) Any person who uses any turnpike project and fails or refuses to pay the toll provided therefor shall be punished by a fine of not ***less than thirty dollars (\$30)*** ***nor*** more than ~~two~~~~one~~ hundred dollars ***(\$200)***~~(\$100)~~ or by imprisonment for not more than thirty (30) days, or both, and in addition thereto the department shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof until the amount of such toll and all charges and penalties in connection therewith shall have been paid.

➔Section 4. KRS 186.991 is amended to read as follows:

Any person who violates, or causes, aids, or abets any violation of KRS 186.053 or of any order, rule, or regulation lawfully issued pursuant thereto, shall be fined not less than ***fifty dollars (\$50)***~~twenty-five dollars (\$25)~~ nor more than ***four hundred dollars (\$400)***~~two hundred dollars (\$200)~~ or imprisoned for not more than thirty (30) days, or both.

➔Section 5. KRS 187.990 is amended to read as follows:

- (1) Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under KRS 187.290 to 187.620 and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly

permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under KRS 187.290 to 187.620, shall be fined not *less than two hundred fifty dollars (\$250) nor* more than five hundred dollars (\$500) or imprisoned not exceeding six (6) months, or both.

- (2) Any person willfully failing to return license or registration as required in KRS 187.590 shall be fined not *less than two hundred fifty dollars (\$250) nor* more than five hundred dollars (\$500) or imprisoned not to exceed thirty (30) days, or both.
- (3) Any person who shall forge or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one (1) year, or both.
- (4) Any person who shall violate any provision of KRS 187.290 to 187.620 for which no penalty is otherwise provided shall be fined not *less than two hundred fifty dollars (\$250) nor* more than five hundred dollars (\$500) or imprisoned not more than ninety (90) days, or both.
- (5) Any person who shall violate the provisions of KRS 187.650 shall be fined not *less~~more~~ than one hundred dollars (\$100) nor more than two hundred dollars (\$200)* or imprisoned not more than thirty (30) days, or both.

➔Section 6. 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 7. KRS 189.394 is amended to read as follows:

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

Mph. Over Limit	Prima Facie or Maximum Speed												Fine	
	15	20	25	30	35	40	45	50	55	60	65	70	75	
1	16	21	26	31	36	41	46	51	56	61	66	71	76	<u>\$2</u>
<del>1</del>														
2	17	22	27	32	37	42	47	52	57	62	67	72	77	<del>4</del> <u>2</u>
3	18	23	28	33	38	43	48	53	58	63	68	73	78	<del>6</del> <u>3</u>
4	19	24	29	34	39	44	49	54	59	64	69	74	79	<del>8</del> <u>4</u>
5	20	25	30	35	40	45	50	55	60	65	70	75	80	
<del>5</del>														
<u>10</u> <del>5</del>														
6	21	26	31	36	41	46	51	56	61	66	71	76	81	
<del>6</del>														
<u>32</u> <del>16</del>														
7	22	27	32	37	42	47	52	57	62	67	72	77	82	
<del>7</del>														
<u>34</u> <del>17</del>														
8	23	28	33	38	43	48	53	58	63	68	73	78	83	
<del>8</del>														
<u>36</u> <del>18</del>														
9	24	29	34	39	44	49	54	59	64	69	74	79	84	
<del>9</del>														
<u>38</u> <del>19</del>														
10	25	30	35	40	45	50	55	60	65	70	75	80	85	
<del>10</del>														
<u>40</u> <del>20</del>														
11	26	31	36	41	46	51	56	61	66	71	76	81	86	
<del>11</del>														
<u>44</u> <del>22</del>														
12	27	32	37	42	47	52	57	62	67	72	77	82	87	
<del>12</del>														
<u>48</u> <del>24</del>														
13	28	33	38	43	48	53	58	63	68	73	78	83	88	

14	<u>52</u> <del>[26]</del>	29	34	39	44	49	54	59	64	69	74	79	84
15	<u>56</u> <del>[28]</del>	30	35	40	45	50	55	60	65	70	75	80	85
16	<u>60</u> <del>[30]</del>	31	36	41	46	51	56	61	66	71	76	81	
17	<u>64</u> <del>[32]</del>	32	37	42	47	52	57	62	67	72	77	82	
18	<u>68</u> <del>[34]</del>	33	38	43	48	53	58	63	68	73	78	83	
19	<u>72</u> <del>[36]</del>	34	39	44	49	54	59	64	69	74	79	84	
20	<u>78</u> <del>[38]</del>	35	40	45	50	55	60	65	70	75	80	85	
21	<u>80</u> <del>[40]</del>	36	41	46	51	56	61	66	71				
22	<u>86</u> <del>[43]</del>	37	42	47	52	57	62	67	72				
23	<u>92</u> <del>[46]</del>	38	43	48	53	58	63	68	73				
24	<u>98</u> <del>[49]</del>	39	44	49	54	59	64	69	74				
25	<u>104</u> <del>[52]</del>	40	45	50	55	60	65	70	75				
	<u>110</u> <del>[55]</del>												

- (2) For speeding in excess of the speeds shown on the specific fine schedule the fine shall be not less than **one hundred twenty dollars (\$120)**~~[sixty dollars (\$60)]~~ nor more than **two**~~[one]~~ hundred dollars **(\$200)**~~[\$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 **or her** 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) **Fifty percent (50%) of** 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. **The remainder of all fines collected under this subsection shall be paid into the fund established in Section 15 of this Act.**
- (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 8. KRS 189.751 is amended to read as follows:

- (1) Any person who leaves a vehicle upon a county road or city street under circumstances indicating an abandonment, shall be fined not less than **fifty dollars** ~~(\$50)[twenty five dollars (\$25)]~~ nor more than **two**~~[one]~~ hundred dollars ~~(\$200)[(\$100)]~~, or imprisoned for not less than ten (10) days nor more than thirty (30) days. A vehicle left upon a county road or city street for three (3) consecutive days shall be presumed to be abandoned.
- (2) The public authority having jurisdiction over a particular county road or city street shall cause a vehicle that is presumed to be abandoned under subsection (1) of this section and that is fit for future use to be removed by some person engaged in the business of storing or towing motor vehicles and the provisions of KRS 376.275 shall apply in disposing of the vehicle. Any money obtained in disposing of a vehicle that is in excess of any liens shall be paid by the seller to the owner and if the owner cannot be located, the excess money shall escheat to the state pursuant to the provisions of KRS Chapter 393. A vehicle shall be registered or transferred in the county where the sale is conducted upon an affidavit by the seller that the

provisions of KRS 376.275 have been met. The affidavit shall contain information as prescribed by the transportation cabinet.

- (3) If a vehicle that is presumed abandoned under subsection (1) of this section is, in the opinion of the public authority, unfit for future use, the public authority may dispose of it immediately in a manner as it deems appropriate.

➔Section 9. KRS 189.945 is amended to read as follows:

- (1) As used in this section, "MIRET" means a mobile infrared electronic transmitter or similar device that emits an infrared beam or electronic signal and may be used to change the lighting cycle of a traffic control signal.
- (2) A person shall not use a MIRET to change the lighting cycle of a traffic control signal, unless the person is an occupant of an emergency vehicle as defined by KRS 189.910 that is responding to or engaged in an emergency situation, or is an authorized employee, contractor, consultant, or vendor of the government agency responsible for the installation, maintenance, and testing of the traffic control signal or emergency vehicle preemption system, operating in the course and scope of his or her employment.
- (3) Except as provided for in subsection (4) of this section, any person who violates subsection (2) of this section shall be fined not **less than two hundred fifty dollars (\$250) nor** more than five hundred dollars (\$500).
- (4)
  - (a) If a person is involved in a motor vehicle collision which involves physical injury as defined by KRS 500.080 while in violation of subsection (2) of this section, the person shall be guilty of a Class B misdemeanor.
  - (b) If a person is involved in a motor vehicle collision which involves serious physical injury as defined by KRS 500.080 while in violation of subsection (2) of this section, the person shall be guilty of a Class A misdemeanor.

➔Section 10. KRS 189.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,

subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (4) of KRS 189.456, and 189.960 shall be fined not less than forty~~twenty~~ dollars ~~(\$40)~~~~(\$20)~~ nor more than two~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~ for each offense. Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less than two hundred~~twenty~~ dollars ~~(\$200)~~~~(\$20)~~ nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not more than one (1) year, or both, unless the accident involved death or serious physical injury and the person knew or should have known of the death or serious physical injury, in which case the person shall be guilty of a Class D felony. Any person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined not less than twenty-two~~eleven~~ dollars ~~(\$22)~~~~(\$11)~~ nor more than sixty~~thirty~~ dollars ~~(\$60)~~~~(\$30)~~. Neither court costs nor fees shall be taxed against any person violating paragraph (c) of subsection (5) of KRS 189.390.

- (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221, 189.222, 189.226, 189.230, or 189.270 shall be fined four cents (\$0.04)~~two cents (\$0.02)~~ per pound for each pound of excess load when the excess is five thousand (5,000) pounds or less. When the excess exceeds five thousand (5,000) pounds the fine shall be four cents (\$0.04)~~two cents (\$0.02)~~ per pound for each pound of excess load, but the fine levied shall not be less than two~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~ and shall not be more than one thousand~~five hundred~~ dollars ~~(\$1,000)~~~~(\$500)~~.
- (b) Any person who violates the provisions of KRS 189.271 and is operating on a

route designated on the permit shall be fined ~~two~~ hundred dollars ~~(\$200)~~~~(\$100)~~; otherwise, the penalties in paragraph (a) of this subsection shall apply.

- (c) Any person who violates any provision of subsection (2) or (3) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or the dimension provisions of KRS 189.212, for which another penalty is not specifically provided shall be fined not less than ~~twenty~~ ten dollars ~~(\$20)~~~~(\$10)~~ nor more than ~~one thousand~~ five hundred dollars ~~(\$1,000)~~~~(\$500)~~.
- (d) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the Department of Vehicle Regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not ~~less than ten dollars (\$10) nor~~ more than ~~thirty~~ fifteen dollars ~~(\$30)~~~~(\$15)~~.
- (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than ~~seventy~~ thirty five dollars ~~(\$70)~~~~(\$35)~~ nor more than ~~four~~ two hundred dollars ~~(\$400)~~~~(\$200)~~.
- (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than ~~fifty~~ twenty five dollars ~~(\$50)~~~~(\$25)~~ nor more than ~~two~~ one hundred dollars ~~(\$200)~~~~(\$100)~~.
- (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than ~~fifty~~ twenty five dollars ~~(\$50)~~~~(\$25)~~ nor more than ~~two~~ one hundred dollars ~~(\$200)~~~~(\$100)~~.
- (c) **Fifty percent (50%) of** all fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if

the offense is committed in the county, or to the city street fund if committed in the city, **and fifty percent (50%) shall be paid into the fund established in Section 15 of this Act.**

- (5) Any person who violates KRS 189.370 shall for the first offense be fined not less than ~~two~~~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~ nor more than ~~four~~~~two~~ hundred dollars ~~(\$400)~~~~(\$200)~~ or imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For each subsequent offense occurring within three (3) years, the person shall be fined not less than ~~six~~~~three~~ hundred dollars ~~(\$600)~~~~(\$300)~~ nor more than ~~one thousand~~~~five hundred~~ dollars ~~(\$1,000)~~~~(\$500)~~ or imprisoned not less than sixty (60) days nor more than six (6) months, or both. The minimum fine for this violation shall not be subject to suspension. A minimum of six (6) points shall be assessed against the driving record of any person convicted.
- (6) Any person who violates KRS 189.500 shall be fined not ~~less~~~~more~~ than fifteen dollars (\$15) **nor more than thirty dollars (\$30)** in excess of the cost of the repair of the road.
- (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than ~~forty~~~~twenty~~ dollars ~~(\$40)~~~~(\$20)~~ nor more than **one hundred dollars (\$100)**~~fifty dollars (\$50)~~.
- (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not less than ~~seventy~~~~thirty five~~ dollars ~~(\$70)~~~~(\$35)~~ nor more than ~~two~~~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~.
- (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than ~~seventy~~~~thirty five~~ dollars ~~(\$70)~~~~(\$35)~~ nor more than ~~two~~~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~, or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.
- (b) Any person who violates KRS 189.530(2) shall be fined not less than

~~seventy~~~~[thirty-five]~~ dollars ~~(\$70)~~~~[(\$35)]~~ nor more than ~~two~~~~[one]~~ hundred dollars ~~(\$200)~~~~[(\$100)]~~.

- (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a Class B misdemeanor.
- (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than ~~sixty~~~~[thirty]~~ dollars ~~(\$60)~~~~[(\$30)]~~ nor more than ~~two~~~~[one]~~ hundred dollars ~~(\$200)~~~~[(\$100)]~~ for each offense.
- (12) **Fifty percent (50%) of** the fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of this section shall **be paid into the fund created in Section 15 of this Act and fifty percent (50%),** in the case of a public highway, be paid into the county road fund, and, in the case of a privately owned road or bridge, be paid to the owner. These fines shall not bar an action for damages for breach of contract.
- (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than ~~forty~~~~[twenty]~~ dollars ~~(\$40)~~~~[(\$20)]~~ nor more than ~~two~~~~[one]~~ hundred dollars ~~(\$200)~~~~[(\$100)]~~ for each offense.
- (14) Any person who violates any provision of KRS 189.575 shall be fined not less than ~~forty~~~~[twenty]~~ dollars ~~(\$40)~~~~[(\$20)]~~ nor more than ~~fifty~~~~[twenty-five]~~ dollars ~~(\$50)~~~~[(\$25)]~~.
- (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than ~~forty~~~~[twenty]~~ dollars ~~(\$40)~~~~[(\$20)]~~ nor more than ~~two~~~~[one]~~ hundred dollars ~~(\$200)~~~~[(\$100)]~~ for each offense.
- (16) Any person who violates restrictions or regulations established by the secretary of transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense, be fined ~~two~~~~[one]~~ hundred dollars ~~(\$200)~~~~[(\$100)]~~ and, upon subsequent convictions, be fined not less than ~~two~~~~[one]~~ hundred dollars ~~(\$200)~~~~[(\$100)]~~ nor more than **one thousand**~~[five hundred]~~ dollars ~~(\$1,000)~~~~[(\$500)]~~ or imprisoned for thirty (30) days, or both.

- (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty of a Class B misdemeanor.
- (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name the vehicle used in the transportation of inflammable liquids or explosives is licensed, the person shall be fined not less than ~~two~~~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~ nor more than ~~one thousand~~~~five hundred~~ dollars ~~(\$1,000)~~~~(\$500)~~. Each violation shall constitute a separate offense.
- (18) Any person who abandons a vehicle upon the right-of-way of a state highway for three (3) consecutive days shall be fined not less than ~~seventy~~~~thirty five~~ dollars ~~(\$70)~~~~(\$35)~~ nor more than ~~two~~~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~, or imprisoned for not less than ten (10) days nor more than thirty (30) days.
- (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor, unless the offense is being committed by a defendant fleeing the commission of a felony offense which the defendant was also charged with violating and was subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- (20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- (21) A person who operates a bicycle in violation of the administrative regulations promulgated pursuant to KRS 189.287 shall be fined not less than ~~twenty~~~~ten~~ dollars ~~(\$20)~~~~(\$10)~~ nor more than ~~two~~~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~.
- (22) Any person who violates KRS 189.860 shall be fined not ~~less than two hundred dollars (\$200) nor~~ more than ~~one thousand~~~~five hundred~~ dollars ~~(\$1,000)~~~~(\$500)~~ or imprisoned for not more than six (6) months, or both.
- (23) Any person who violates KRS 189.754 shall be fined not less than ~~fifty~~~~twenty five~~ dollars ~~(\$50)~~~~(\$25)~~ nor more than ~~six~~~~three~~ hundred dollars ~~(\$600)~~~~(\$300)~~.
- (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined ~~one~~

- ~~hundred~~~~[fifty]~~ dollars ~~(\$100)~~~~[(\$50)]~~. This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a uniform citation, but shall instead receive a courtesy warning up until July 1, 2009. For a violation on or after July 1, 2009, the person shall be fined ~~sixty~~~~[thirty]~~ dollars ~~(\$60)~~~~[(\$30)]~~. This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs. A person who has not been previously charged with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the requirements of KRS 189.125. Upon presentation of sufficient proof of the acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an amount not ***less than ten dollars (\$10) nor more than fifty dollars (\$50)***~~[to exceed twenty-five dollars (\$25)]~~. This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (27) Fines levied pursuant to this chapter shall be assessed in the manner required by KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall be governed by KRS 534.060.
- (28) A licensed driver under the age of eighteen (18) charged with a moving violation pursuant to this chapter as the driver of a motor vehicle may be referred, prior to trial, by the court to a diversionary program. The diversionary program under this subsection shall consist of one (1) or both of the following:



- (a) Execution of a diversion agreement which prohibits the driver from operating a vehicle for a period not to exceed forty-five (45) days and which allows the court to retain the driver's operator's license during this period; and
- (b) Attendance at a driver improvement clinic established pursuant to KRS 186.574. If the person completes the terms of this diversionary program satisfactorily the violation shall be dismissed.
- (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall be fined ***five hundred***~~two hundred fifty~~ dollars ***(\$500)***~~(\$250)~~. The fines and costs for a violation of subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in accordance with KRS 24A.180. Once deposited into the State Treasury, ***fifty percent (50%) of the fine collected shall be paid into the fund created in Section 15 of this Act, and forty-five***~~ninety~~ percent ***(45%)***~~(90%)~~ of the fine collected under this subsection shall immediately be forwarded to the personal care assistance program under KRS 205.900 to 205.920. ***Five***~~Ten~~ percent ***(5%)***~~(10%)~~ of the fine collected under this subsection shall annually be returned to the county where the violation occurred and distributed equally to all law enforcement agencies within the county.
- (30) (a) Prior to January 1, 2011, any person who violates KRS 189.292 or 189.294 shall not be issued a uniform citation, but shall instead receive a courtesy warning.
- (b) On or after January 1, 2011, any person who violates KRS 189.292 or 189.294 shall be fined ***fifty***~~twenty five~~ dollars ***(\$50)***~~(\$25)~~ for the first offense and ***one hundred***~~fifty~~ dollars ***(\$100)***~~(\$50)~~ for each subsequent offense.
- ➔Section 11. KRS 189.993 is amended to read as follows:
- (1) Any person who violates KRS 189.045 shall be fined not less than ***two***~~one~~ hundred dollars ***(\$200)***~~(\$100)~~ nor more than ***two***~~one~~ thousand dollars ***(\$2,000)***~~(\$1,000)~~.

- (2) Any person convicted of violating any of the provisions of KRS 189.095 shall be fined one hundred twenty~~[sixty]~~ dollars (\$120)~~[(60)]~~ and costs of prosecution.
- (3) Any person who violates any provision of KRS 189.205 shall be fined not less than forty~~[twenty]~~ dollars (\$40)~~[(20)]~~ nor more than two~~[one]~~ hundred dollars (\$200)~~[(100)]~~.
- (4) Any person who violates any provision of KRS 189.375 shall be fined not less than forty~~[twenty]~~ dollars (\$40)~~[(20)]~~ nor more than two~~[one]~~ hundred dollars (\$200)~~[(100)]~~.
- (5) Any person who violates KRS 189.505 shall be fined not less than one hundred twenty~~[sixty]~~ dollars (\$120)~~[(60)]~~ nor more than four~~[two]~~ hundred dollars (\$400)~~[(200)]~~ or be imprisoned for not more than thirty (30) days, or both.
- (6) Any person found violating any provision of KRS 189.820 or 189.830~~[is guilty of a misdemeanor and]~~ shall be fined not less than forty~~[twenty]~~ dollars (\$40)~~[(20)]~~ nor more than seventy~~[thirty-five]~~ dollars (\$70)~~[(35)]~~.
- (7) Any person who violates KRS 189.920 shall be fined not less than two~~[one]~~ hundred dollars (\$200)~~[(100)]~~ nor more than two~~[one]~~ thousand dollars (\$2,000)~~[(1,000)]~~, or imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a private vehicle not authorized to use emergency lights under KRS 189.920, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.
- (8) Any person who violates KRS 189.930 shall be fined not less than one hundred twenty~~[sixty]~~ dollars (\$120)~~[(60)]~~ nor more than one thousand~~[five hundred]~~ dollars (\$1,000)~~[(500)]~~, or be imprisoned in the county jail for not more than thirty (30) days, or both.
- (9) Any person who violates KRS 189.940 shall be fined not less than one hundred twenty~~[sixty]~~ dollars (\$120)~~[(60)]~~ nor more than two~~[one]~~ thousand dollars

~~(\$2,000)~~~~(\$1,000)~~ or be imprisoned in the county jail for not more than six (6) months, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

- (10) If a member of a regular or volunteer fire department, ambulance service, or rescue squad violates any provisions of subsection (6) of KRS 189.940, he or she shall, in addition to any other penalty provided under KRS 189.990 or this section, be immediately dismissed from his or her membership or employment with the fire department, ambulance service, or rescue squad and shall be disqualified from being employed by or being a member of any fire department, ambulance service, or rescue squad in the Commonwealth for a period of three (3) years. Upon conviction of a second offense he or she shall be permanently barred from employment or membership in any fire department, ambulance service, rescue squad, police department, or sheriff's office in the Commonwealth, nor shall he or she be permitted to operate any public safety vehicle as defined in KRS 189.910.
- (11) Any person who violates KRS 189.950 shall be fined not less than ~~two~~~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~ nor more than ~~two~~~~one~~ thousand dollars ~~(\$2,000)~~~~(\$1,000)~~ or be imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a privately owned vehicle, all lighting and other equipment used or installed in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.
- (12) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be fined not less than ~~forty~~~~twenty~~ dollars ~~(\$40)~~~~(\$20)~~ nor more than ~~two~~~~one~~ hundred dollars ~~(\$200)~~~~(\$100)~~ for each offense, except that no penalty shall be assessed for a violation of KRS 189.580(1)(b) or (6)(b).
- (13) No producer or processor of natural resources shall allow the transporting of natural

resources over the highways of the Commonwealth in excess of the weight limits without possessing a resource recovery road hauling permit. Violation for hauling in excess of prescribed limits without possession of a permit or transporting natural resources over prescribed limits of the resource recovery road hauling permit shall be ***a fine of*** not less than ***one thousand***~~[five hundred]~~ dollars ***(\$1,000)***~~[(500)]~~ nor more than ***two***~~[one]~~ thousand dollars ***(\$2,000)***~~[(1,000)]~~ for each violation and ***fifty percent (50%)*** shall be deposited in the resource recovery road fund ***and fifty percent (50%) shall be paid into the fund established in Section 15 of this Act.***

➔Section 12. KRS 189A.010 is amended to read as follows:

- (1) A person shall not operate or be in physical control of a motor vehicle anywhere in this state:
  - (a) Having an alcohol concentration of 0.08 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a motor vehicle;
  - (b) While under the influence of alcohol;
  - (c) While under the influence of any other substance or combination of substances which impairs one's driving ability;
  - (d) While the presence of a controlled substance listed in subsection (12) of this section is detected in the blood, as measured by a scientifically reliable test, or tests, taken within two (2) hours of cessation of operation or physical control of a motor vehicle;
  - (e) While under the combined influence of alcohol and any other substance which impairs one's driving ability; or
  - (f) Having an alcohol concentration of 0.02 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a

motor vehicle, if the person is under the age of twenty-one (21).

- (2) With the exception of the results of the tests administered pursuant to KRS 189A.103(7), if the sample of the person's blood or breath that is used to determine the alcohol concentration thereof was obtained more than two (2) hours after cessation of operation or physical control of a motor vehicle, the results of the test or tests shall be inadmissible as evidence in a prosecution under subsection (1)(a) or (f) of this section. The results of the test or tests, however, may be admissible in a prosecution under subsection (1)(b) or (e) of this section.
- (3) In any prosecution for a violation of subsection (1)(b) or (e) of this section in which the defendant is charged with having operated or been in physical control of a motor vehicle while under the influence of alcohol, the alcohol concentration in the defendant's blood as determined at the time of making analysis of his or her blood or breath shall give rise to the following presumptions:
  - (a) If there was an alcohol concentration of less than 0.05 based upon the definition of alcohol concentration in KRS 189A.005, it shall be presumed that the defendant was not under the influence of alcohol; and
  - (b) If there was an alcohol concentration of 0.05 or greater but less than 0.08 based upon the definition of alcohol concentration in KRS 189A.005, that fact shall not constitute a presumption that the defendant either was or was not under the influence of alcohol, but that fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant.

The provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the questions of whether the defendant was under the influence of alcohol or other substances, in any prosecution for a violation of subsection (1)(b) or (e) of this section.

- (4) (a) Except as provided in paragraph (b) of this subsection, the fact that any person

charged with violation of subsection (1) of this section is legally entitled to use any substance, including alcohol, shall not constitute a defense against any charge of violation of subsection (1) of this section.

- (b) A laboratory test or tests for a controlled substance shall be inadmissible as evidence in a prosecution under subsection (1)(d) of this section upon a finding by the court that the defendant consumed the substance under a valid prescription from a practitioner, as defined in KRS 218A.010, acting in the course of his or her professional practice.
- (5) Any person who violates the provisions of paragraph (a), (b), (c), (d), or (e) of subsection (1) of this section shall:
- (a) For the first offense within a five (5) year period, be fined not less than four~~[two]~~ hundred dollars (\$400)~~[((\$200)]~~ nor more than one thousand~~[five hundred]~~ dollars (\$1,000)~~[((\$500)]~~, or be imprisoned in the county jail for not less than forty-eight (48) hours nor more than thirty (30) days, or both. Following sentencing, the defendant may apply to the judge for permission to enter a community labor program for not less than forty-eight (48) hours nor more than thirty (30) days in lieu of fine or imprisonment, or both. If any of the aggravating circumstances listed in subsection (11) of this section are present while the person was operating or in physical control of a motor vehicle, the mandatory minimum term of imprisonment shall be four (4) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;
- (b) For the second offense within a five (5) year period, be fined not less than seven hundred~~[three hundred fifty]~~ dollars (\$700)~~[((\$350)]~~ nor more than one thousand~~[five hundred]~~ dollars (\$1,000)~~[((\$500)]~~ and shall be imprisoned in the county jail for not less than seven (7) days nor more than six (6) months and, in addition to fine and imprisonment, may be sentenced to community

labor for not less than ten (10) days nor more than six (6) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be fourteen (14) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

- (c) For a third offense within a five (5) year period, be fined not less than one thousand~~five hundred~~ dollars (\$1,000)~~(\$500)~~ nor more than two~~one~~ thousand dollars (\$2,000)~~(\$1,000)~~ and shall be imprisoned in the county jail for not less than thirty (30) days nor more than twelve (12) months and may, in addition to fine and imprisonment, be sentenced to community labor for not less than ten (10) days nor more than twelve (12) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be sixty (60) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;
- (d) For a fourth or subsequent offense within a five (5) year period, be guilty of a Class D felony. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be two hundred forty (240) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of release; and
- (e) For purposes of this subsection, prior offenses shall include all convictions in this state, and any other state or jurisdiction, for operating or being in control of a motor vehicle while under the influence of alcohol or other substances that impair one's driving ability, or any combination of alcohol and such substances, or while having an unlawful alcohol concentration, or driving while intoxicated, but shall not include convictions for violating subsection

- (1)(f) of this section. A court shall receive as proof of a prior conviction a copy of that conviction, certified by the court ordering the conviction.
- (6) Any person who violates the provisions of subsection (1)(f) of this section shall have his or her driving privilege or operator's license suspended by the court for a period of no less than thirty (30) days but no longer than six (6) months, and the person shall be fined no less than ~~two~~~~one~~ hundred dollars ~~(\$100)~~ (\$200) and no more than ~~one thousand~~~~five hundred~~ dollars ~~(\$500)~~ (\$1,000), or sentenced to twenty (20) hours of community service in lieu of a fine. A person subject to the penalties of this subsection shall not be subject to the penalties established in subsection (5) of this section or any other penalty established pursuant to KRS Chapter 189A, except those established in KRS 189A.040(1).
- (7) If the person is under the age of twenty-one (21) and there was an alcohol concentration of 0.08 or greater based on the definition of alcohol concentration in KRS 189A.005, the person shall be subject to the penalties established pursuant to subsection (5) of this section.
- (8) For a second or third offense within a five (5) year period, the minimum sentence of imprisonment or community labor shall not be suspended, probated, or subject to conditional discharge or other form of early release. For a fourth or subsequent offense under this section, the minimum term of imprisonment shall be one hundred twenty (120) days, and this term shall not be suspended, probated, or subject to conditional discharge or other form of early release. For a second or subsequent offense, at least forty-eight (48) hours of the mandatory sentence shall be served consecutively.
- (9) When sentencing persons under subsection (5)(a) of this section, at least one (1) of the penalties shall be assessed and that penalty shall not be suspended, probated, or subject to conditional discharge or other form of early release.
- (10) In determining the five (5) year period under this section, the period shall be



measured from the dates on which the offenses occurred for which the judgments of conviction were entered.

(11) For purposes of this section, aggravating circumstances are any one (1) or more of the following:

- (a) Operating a motor vehicle in excess of thirty (30) miles per hour above the speed limit;
- (b) Operating a motor vehicle in the wrong direction on a limited access highway;
- (c) Operating a motor vehicle that causes an accident resulting in death or serious physical injury as defined in KRS 500.080;
- (d) Operating a motor vehicle while the alcohol concentration in the operator's blood or breath is 0.15 or more as measured by a test or tests of a sample of the operator's blood or breath taken within two (2) hours of cessation of operation of the motor vehicle;
- (e) Refusing to submit to any test or tests of one's blood, breath, or urine requested by an officer having reasonable grounds to believe the person was operating or in physical control of a motor vehicle in violation of subsection (1) of this section; and
- (f) Operating a motor vehicle that is transporting a passenger under the age of twelve (12) years old.

(12) The substances applicable to a prosecution under subsection (1)(d) of this section are:

- (a) Any Schedule I controlled substance except marijuana;
- (b) Alprazolam;
- (c) Amphetamine;
- (d) Buprenorphine;
- (e) Butalbital;
- (f) Carisoprodol;

- (g) Cocaine;
- (h) Diazepam;
- (i) Hydrocodone;
- (j) Meprobamate;
- (k) Methadone;
- (l) Methamphetamine;
- (m) Oxycodone;
- (n) Promethazine;
- (o) Propoxyphene; and
- (p) Zolpidem.

➔Section 13. KRS 534.040 is amended to read as follows:

- (1) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized, a fine may be levied in addition to the imprisonment, or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury, the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.
- (2) Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any offense other than a felony shall be sentenced, in addition to any other punishment imposed upon him or her, to pay a fine in an amount~~[-not to exceed]~~:
  - (a) For a Class A misdemeanor, not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)~~[five hundred dollars (\$500)]~~; or
  - (b) For a Class B misdemeanor, not less than seventy-five dollars (\$75) nor more than five hundred dollars (\$500)~~[two hundred fifty dollars (\$250)]~~; or

- (c) For a violation, **not less than fifty dollars (\$50) nor more than four hundred dollars (\$400)**~~[two hundred fifty dollars (\$250)]~~.
- (3) This section shall not apply to a corporation.
- (4) Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.
- ➔Section 14. KRS 534.050 is amended to read as follows:
- (1) For an offense defined in this code a corporation convicted of an offense may be sentenced to pay a fine in an amount~~[not to exceed]~~:
- (a) For a felony of any class, \$20,000; or
- (b) For a Class A misdemeanor, **not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000)**~~[\$10,000]~~; or
- (c) For a Class B misdemeanor, **not less than one thousand five hundred dollars (\$1,500) nor more than seven thousand five hundred dollars (\$7,500)**~~[\$5,000]~~; or
- (d) For a violation, **not less than seven hundred fifty dollars (\$750) nor more than two thousand five hundred dollars (\$2,500)**~~[\$500]~~; or
- (e) Double the amount of the defendant's gain from commission of the offense, whichever is the greater.
- (2) For an offense defined outside this code for which no special corporate fine is specified, a corporation convicted of an offense may be sentenced to pay a fine in an amount~~[not to exceed]~~:
- (a) **Not to exceed** \$20,000, if the offense when committed by an individual has an authorized term of imprisonment in the penitentiary; or
- (b) **Not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000)**~~[\$10,000]~~, if the offense when committed by an individual has an authorized term of imprisonment of not less than ninety (90) days nor more than twelve (12) months; or

- (c) Not less than one thousand five hundred dollars (\$1,500) nor more than seven thousand five hundred dollars (\$7,500)~~[\$5,000]~~, if the offense when committed by an individual has an authorized term of imprisonment of less than ninety (90) days; or
  - (d) Not less than seven hundred fifty dollars (\$750) nor more than two thousand five hundred dollars (\$2,500)~~[\$500]~~, if the offense when committed by an individual has no authorized term of imprisonment; or
  - (e) Double the amount of the defendant's gain from commission of the offense, whichever is the greater.
- (3) For an offense defined outside this code for which a special corporate fine is specified, a corporation convicted of the offense may be sentenced to pay a fine in the amount specified in the law that defines the offense.

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

- (1) The "county jail restricted fund," referred to as the "fund," is hereby created as a separate restricted fund within the Finance and Administration Cabinet. Moneys in the fund shall be distributed as follows:
- (a) Seventy percent (70%) shall be paid to county treasurers and shall be used for the purposes of defraying the costs of operation of county jails and the transportation of prisoners;
  - (b) Seven and one-half percent (7.5%) to county clerks;
  - (c) Seven and one-half percent (7.5%) to county attorneys;
  - (d) Seven and one-half percent (7.5%) to county sheriffs; and
  - (e) Seven and one half percent (7.5%) to emergency medical services.
- (2) The fund shall consist of fifty percent (50%) of the fines collected by all circuit clerks that were imposed pursuant to Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14 of this Act as a result of a violation of motor vehicle licensing,

registration or traffic laws, or imposed as a result of a conviction of a violation, Class A misdemeanor, or Class B misdemeanor, appropriations, and any other moneys that may be made available for purposes of the fund.

(3) The fund shall be administered by the Finance and Administration Cabinet, and the cabinet shall make disbursements from the fund to appropriately allocate moneys for the purposes authorized in this section.

(4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section.

(5) Any interest earnings on moneys in the fund shall become a part of the fund and shall not lapse to the general fund.

(6) Moneys in the fund are hereby appropriated for the purposes set forth in this section.

(7) The Finance and Administration Cabinet shall promulgate administrative regulations necessary to carry out the purpose of the fund.