

1 AN ACT relating to highway work zones.

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

3 ➔Section 1. KRS 189.010 is amended to read as follows:

4 As used in this chapter:

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

6 (2) "Crosswalk" means:

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

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

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

17 (4) "Intersection" means:

18 (a) The area embraced within the prolongation or connection of the lateral curb
19 lines, or, if none, then the lateral boundary lines of the roadways of two (2)
20 highways which join one another, but do not necessarily continue, at
21 approximately right angles, or the area within which vehicles traveling upon
22 different highways joining at any other angle may come into conflict; or

23 (b) Where a highway includes two (2) roadways thirty (30) feet or more apart,
24 then every crossing of each roadway of such divided highway by an
25 intersecting highway shall be regarded as a separate intersection. If the
26 intersecting highway also includes two (2) roadways thirty (30) feet or more
27 apart, every crossing of two (2) roadways of the highways shall be regarded as

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

- 1 (15) "State Police" includes any agency for the enforcement of the highway laws
2 established pursuant to law;
- 3 (16) "Steep grade" means a grade exceeding seven percent (7%);
- 4 (17) "Trailer" means any vehicle designed to be drawn by a motor truck or truck-tractor,
5 but supported wholly upon its own wheels, intended for the carriage of freight or
6 merchandise and having a load capacity of over one thousand (1,000) pounds;
- 7 (18) "Unobstructed highway" means a straight, level, first-class road upon which no
8 other vehicle is passing or attempting to pass and upon which no other vehicle or
9 pedestrian is approaching in the opposite direction, closer than three hundred (300)
10 yards;
- 11 (19) (a) "Vehicle" includes:
- 12 1. All agencies for the transportation of persons or property over or upon
13 the public highways of the Commonwealth; and
- 14 2. All vehicles passing over or upon the highways.
- 15 (b) "Motor vehicle" includes all vehicles, as defined in paragraph (a) of this
16 subsection, except:
- 17 1. Road rollers;
- 18 2. Road graders;
- 19 3. Farm tractors;
- 20 4. Vehicles on which power shovels are mounted;
- 21 5. Construction equipment customarily used only on the site of
22 construction and which is not practical for the transportation of persons
23 or property upon the highways;
- 24 6. Vehicles that travel exclusively upon rails;
- 25 7. Vehicles propelled by electric power obtained from overhead wires
26 while being operated within any municipality or where the vehicles do
27 not travel more than five (5) miles beyond the city limits of any

1 municipality;

2 8. Vehicles propelled by muscular power; and

3 9. Electric low-speed scooters;

4 (20) "Reflectance" means the ratio of the amount of total light, expressed in a
5 percentage, which is reflected outward by the product or material to the amount of
6 total light falling on the product or material;

7 (21) "Sunscreening material" means a product or material, including film, glazing, and
8 perforated sunscreening, which, when applied to the windshield or windows of a
9 motor vehicle, reduces the effects of the sun with respect to light reflectance or
10 transmittance;

11 (22) "Transmittance" means the ratio of the amount of total light, expressed in a
12 percentage, which is allowed to pass through the product or material, including
13 glazing, to the amount of total light falling on the product or material and the
14 glazing;

15 (23) "Window" means any device designed for exterior viewing from a motor vehicle,
16 except the windshield, any roof-mounted viewing device, and any viewing device
17 having less than one hundred fifty (150) square inches in area;

18 (24) "All-terrain vehicle" means any motor vehicle used for recreational off-road use;

19 (25) "Nondivisible load," as pertains to state highways that are not part of the national
20 truck network established pursuant to 23 C.F.R. pt. 658, means a load or vehicle,
21 that if separated into smaller loads or vehicles:

22 (a) Compromises the intended use of the vehicle, making it unable to perform the
23 function for which it was intended;

24 (b) Destroys the value of the load or vehicle, making it unusable for its intended
25 purpose; or

26 (c) Requires more than four (4) work hours to dismantle and reassemble using
27 appropriate equipment;

- 1 (26) "Electric low-speed scooter" means a device that:
- 2 (a) Weighs less than one hundred (100) pounds;
- 3 (b) Is equipped with wheels;
- 4 (c) Is equipped with handlebars;
- 5 (d) Is equipped with a brake adequate enough to stop and park the device;
- 6 (e) Is designed to be stood or sat upon;
- 7 (f) Is propelled by an electric motor, human power, or both; and
- 8 (g) Is designed to operate at a maximum speed of twenty (20) miles per hour, on a
- 9 paved level surface, with or without human propulsion; and
- 10 (27) "Highway work zone" means that lane or portion of a ~~state-maintained~~ highway
- 11 open to vehicular traffic and the affected area adjacent to a lane, berm, or shoulder
- 12 of a ~~state-maintained~~ highway upon which construction, reconstruction,
- 13 resurfacing, maintenance, inspection, or other work of that nature is being
- 14 conducted.
- 15 ➔Section 2. KRS 189.2327 is amended to read as follows:
- 16 (1) Subject to the requirements of subsection (2) of this section, if a violation of KRS
- 17 189.290 to 189.580 or 189.910 to 189.960 occurred in a highway work zone, the
- 18 fine established under KRS 189.394, 189.990, or 189.993 shall be doubled.
- 19 (2) In order for a fine to be doubled under this section, the highway work zone must
- 20 have:
- 21 (a) Signs displayed informing drivers of the existence of a highway work zone
- 22 ~~and that fines are doubled in it~~; and
- 23 (b) At least one (1) bona fide worker present.
- 24 (3) All fines collected for violations in a highway work zone under subsection (1) of
- 25 this section shall be deposited into a separate trust and agency account within the
- 26 Transportation Cabinet known as the "highway work zone safety fund." The
- 27 highway work zone safety fund shall be used exclusively by the Transportation

- 1 Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway
- 2 work zones.