

1 AN ACT relating to penalties for speeding violations and making an appropriation
2 therefor.

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

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

5 As used in this chapter:

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

7 (2) "Crosswalk" means:

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

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

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

18 (4) "Intersection" means:

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

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

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

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

1 not travel more than five (5) miles beyond the city limits of any
2 municipality;

3 8. Vehicles propelled by muscular power; and

4 9. Electric low-speed scooters;

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

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

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

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

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

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

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

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

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

1 appropriate equipment;

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

3 (a) Weighs less than one hundred (100) pounds;

4 (b) Is equipped with wheels;

5 (c) Is equipped with handlebars;

6 (d) Is equipped with a brake adequate enough to stop and park the device;

7 (e) Is designed to be stood or sat upon;

8 (f) Is propelled by an electric motor, human power, or both; and

9 (g) Is designed to operate at a maximum speed of twenty (20) miles per hour, on a
10 paved level surface, with or without human propulsion;~~and~~

11 (27) "Highway work zone" means that lane or portion of a state-maintained highway
12 open to vehicular traffic and the affected area adjacent to a lane, berm, or shoulder
13 of a state-maintained highway upon which construction, reconstruction, resurfacing,
14 maintenance, inspection, or other work of that nature is being conducted; and

15 **(28) "Super speeder" means any driver convicted of violating KRS 189.390 by driving**
16 **at a speed of twenty (20) miles per hour or greater in excess of the posted speed**
17 **limit.**

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
19 READ AS FOLLOWS:

20 **(1) In addition to the fines assessed for speeding under Section 3 of this Act, the**
21 **cabinet shall assess a fee of two hundred dollars (\$200) to any person convicted**
22 **as a super speeder.**

23 **(2) (a) The cabinet shall, within thirty (30) days after receipt of a qualifying**
24 **offense and notice of conviction, notify offenders of the imposition of a fee**
25 **under this section.**

26 **(b) Failure to pay the fee imposed by this section within ninety (90) days after**
27 **receipt of the notice shall result in the suspension of the operator's license**

1 or driving privileges of the offender, and, in addition to any existing fees,
 2 finest, and penalties, the cabinet shall assess a fee of fifty dollars (\$50) to the
 3 offender. In addition to the reinstatement fee outlined in KRS 186.531, the
 4 fee assessed under this paragraph shall be payable upon the application for
 5 reinstatement of the offender's operator's license or driving privileges.

6 (c) The cabinet shall provide notice under this section to the offender by first-
 7 class mail to the address of record of the offender. Such mailed notice shall
 8 be adequate notification of the fee imposed by this section and the
 9 offender's ability to avoid suspension of driving privileges by paying the fee
 10 prior to the effective date of suspension. No other notice shall be required to
 11 make a suspension of driving privileges effective.

12 (3) Any fees collected under this section shall be transferred to the Kentucky trauma
 13 care system fund established under Section 5 of this Act.

14 (4) The Transportation Cabinet shall promulgate administrative regulations
 15 pursuant to KRS Chapter 13A to implement the provisions of this section.

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

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

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

1	13	28	33	38	43	48	53	58	63	68	73	78	83	26
2	14	29	34	39	44	49	54	59	64	69	74	79	84	28
3	15	30	35	40	45	50	55	60	65	70	75	80	85	30
4	16	31	36	41	46	51	56	61	66	71	76	81		32
5	17	32	37	42	47	52	57	62	67	72	77	82		34
6	18	33	38	43	48	53	58	63	68	73	78	83		36
7	19	34	39	44	49	54	59	64	69	74	79	84		38
8	20	35	40	45	50	55	60	65	70	75	80	85		40
9	21	36	41	46	51	56	61	66	71					43
10	22	37	42	47	52	57	62	67	72					46
11	23	38	43	48	53	58	63	68	73					49
12	24	39	44	49	54	59	64	69	74					52
13	25	40	45	50	55	60	65	70	75					55

14 (2) For speeding in excess of the speeds shown on the specific fine schedule, the fine
 15 shall be not less than sixty dollars (\$60) nor more than one hundred dollars (\$100).

16 (3) For any violation shown on the chart for which a specific fine is prescribed, the
 17 defendant may elect to pay the fine and court costs to the circuit clerk before the
 18 date of his trial or to be tried in the normal manner. Payment of the fine and court
 19 costs to the clerk shall be considered as a plea of guilty for all purposes.

20 (4) If the offense charged shows a speed in excess of the speeds shown on the specific
 21 fine schedule, the defendant shall appear for trial and may not pay the fine to the
 22 clerk before the trial date.

23 (5) If the offense occurred in an area near a school where flasher lights have been
 24 installed and are flashing, and a speed limit has been set pursuant to KRS 189.336,
 25 the fine established by subsection (1) or (2) of this section shall be doubled.

26 **(6) In addition to the fines set forth in this section, any person convicted as a super**
 27 **speeder shall also be subject to the fees and provisions of Section 2 of this Act.**

28 ➔Section 4. KRS 186.440 is amended to read as follows:

29 An operator's license shall not be granted to:

- 30 (1) Any person who is not a resident of Kentucky;
- 31 (2) Any person under the age of sixteen (16);

- 1 (3) Any person under the age of eighteen (18) who holds a valid Kentucky instruction
2 permit issued pursuant to KRS 186.450, but who has not graduated from high
3 school or who is not enrolled and successfully participating in school or who is not
4 being schooled at home, except those persons who satisfy the District Court of
5 appropriate venue pursuant to KRS 159.051(3) that revocation of their license
6 would create an undue hardship. Persons under the age of eighteen (18) shall
7 present proof of complying with the requirements of KRS 159.051;
- 8 (4) Any person whose operator's license has been suspended, during the period of
9 suspension, subject to the limitations of KRS 186.442;
- 10 (5) Any person whose operator's license has been revoked, nor to any nonresident
11 whose privilege of exemption under KRS 186.430 has been refused or discontinued,
12 until the expiration of the period for which the license was revoked, or for which the
13 privilege was refused or discontinued;
- 14 (6) Any applicant adjudged incompetent by judicial decree;
- 15 (7) Any person who in the opinion of the Department of Kentucky State Police, after
16 examination, is unable to exercise reasonable and ordinary control over a motor
17 vehicle upon the highways;
- 18 (8) Any person who is unable to understand highway warnings or direction signs in the
19 English language;
- 20 (9) Any person required by KRS 186.480 to take an examination who has not
21 successfully passed the examination;
- 22 (10) Any person required by KRS Chapter 187 to deposit proof of financial
23 responsibility, who has not deposited that proof;
- 24 (11) Any person who has not filed a correct and complete application attested to in the
25 presence of a person authorized to administer oaths;
- 26 (12) Any person who cannot meet the requirements set forth in KRS 186.411(1) or (3);
27 ~~for~~

1 (13) Any person whose operator's license has been suspended or revoked under the
 2 provisions of KRS Chapter 186, 187, or 189A who has not paid the reinstatement
 3 fee required under KRS 186.531; or

4 **(14) Any super speeder as defined in Section 1 of this Act:**

5 **(a) Whose operator's license or driving privilege has been suspended pursuant**
 6 **to Section 2 of this Act; and**

7 **(b) Who has not satisfied the payment of any fees assessed under Section 2 of**
 8 **this Act and the reinstatement fee under KRS 186.531.**

9 ➔Section 5. KRS 211.496 is amended to read as follows:

10 (1) The Kentucky trauma care system fund is created as a restricted account that shall
 11 consist of state general fund appropriations and other grants, contributions,
 12 donations, **moneys from Section 2 of this Act,** or other moneys made available for
 13 the purposes of KRS 211.490 to 211.496. Moneys in the fund are hereby
 14 appropriated for the purposes set forth in KRS 211.490 to 211.496.

15 (2) The trauma care system fund shall be used to support:

16 (a) Administrative costs of the Department for Public Health, the statewide
 17 trauma care director, and the advisory committee that relate to the statewide
 18 trauma care system, including public awareness and information efforts;

19 (b) The implementation of the statewide trauma care system;

20 (c) Expenses related to hospital trauma center verification;

21 (d) Continuing education for trauma care providers; and

22 (e) Support for uncompensated care provided by hospitals, physicians, emergency
 23 medical services, or other trauma care providers who provide services in a
 24 verified trauma center. Verified trauma centers shall have the authority to
 25 contract with state government for receipt of funds under this paragraph.

26 (3) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of a
 27 fiscal year shall not lapse but shall be carried forward into the succeeding next fiscal

- 1 year to be used for the purposes set forth in KRS 211.490 to 211.496.
- 2 (4) Any interest earned on moneys in the account shall accrue to the fund and shall be
- 3 used for the purposes set forth in KRS 211.490 to 211.496.