

1 AN ACT relating to highway work zones and making an appropriation therefor.

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

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

5 *As used in Sections 1 to 4 of this Act:*

6 *(1) "Automated speed enforcement device" means a device with one (1) or more*
7 *vehicle sensors that record a vehicle's speed and produce recorded images of*
8 *motor vehicles exceeding the speed limit;*

9 *(2) "Owner" means the registered owner of a motor vehicle or a lessee of a motor*
10 *vehicle under a lease of six (6) months or more, but does not include a motor*
11 *vehicle rental or leasing company or holder of a motor vehicle dealer plate issued*
12 *under KRS 186.053;*

13 *(3) "Program" means the automated speed enforcement in highway work zones pilot*
14 *program established under Section 2 of this Act; and*

15 *(4) "Recorded images" means images recorded by an automated speed enforcement*
16 *device:*

17 *(a) On two (2) or more photographs or electronic images, or on videotape or*
18 *any other medium; and*

19 *(b) Showing the driver and the rear of a motor vehicle and, on at least one (1)*
20 *image or portion of tape, clearly identifying the registration plate number of*
21 *the vehicle.*

22 *This section shall expire July 1, 2027.*

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

25 *(1) Not later than January 1, 2024, the Transportation Cabinet shall establish a pilot*
26 *program for automated speed enforcement in highway work zones.*

27 *(2) If a motor vehicle is recorded by an automated speed enforcement device*

1 traveling in excess of ten (10) miles per hour over the posted speed limit inside of
2 a highway work zone where at least one (1) bona fide worker is present, the
3 owner shall be subject to a civil citation under this section and be subject to the
4 finest and, if applicable, the suspension or withholding of the vehicle's
5 registration under Section 3 of this Act.

6 (3) Within fourteen (14) days of the alleged violation, the cabinet shall mail to the
7 owner of a vehicle liable under subsection (2) of this section:

8 (a) A uniform civil citation as described in subsection (5) of this section;

9 (b) A copy of the recorded images; and

10 (c) A signed, sworn statement by a technician employed or contracted by the
11 cabinet that, based on inspection of recorded images, the motor vehicle was
12 being operated in a highway work zone in excess of ten (10) miles per hour
13 over the posted speed limit. This statement may be admissible in any hearing
14 alleging a violation under this section.

15 (4) The cabinet shall:

16 (a) Install signage in highway work zones notifying the public that vehicle
17 speed within the work zone may be enforced by an automated speed
18 enforcement device; and

19 (b) Calibrate the automated speed enforcement device on an annual basis.

20 (5) The cabinet shall promulgate administrative regulations in accordance with KRS
21 Chapter 13A:

22 (a) Establishing collection and enforcement procedures for the violation of this
23 section;

24 (b) Establishing an appeals process by which a person may contest a violation
25 of this section, or a violation of any administrative regulation promulgated
26 under this subsection, by way of an administrative hearing to be conducted
27 in accordance with KRS Chapter 13B;

1 (c) Relating to any matters necessary to the efficient administration of
 2 automated speed enforcement under this section;

3 (d) Prescribing a uniform civil citation form, which shall include:

4 1. The name and address of the registered owner of the vehicle;

5 2. The name and address of the driver of the vehicle, if different from the
 6 owner;

7 3. The speed at which the defendant is alleged to have been driving in a
 8 highway work zone;

9 4. The lawful speed limit applicable at the location where the violation is
 10 charged to have occurred;

11 5. The date and time of the violation;

12 6. The location of the intersection, if applicable;

13 7. The amount of the civil fine imposed and the date by which the civil
 14 fine should be paid; and

15 8. A warning that failure to pay the civil fine imposed or to contest the
 16 matter in a timely manner is an admission of liability and shall result
 17 in the suspension of the motor vehicle's registration; and

18 (e) Administering any other requirements of Sections 1 to 4 of this Act.

19 (6) This section shall expire July 1, 2027.

20 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
 21 READ AS FOLLOWS:

22 (1) Any person who violates subsection (2) of Section 2 of this Act shall be assessed a
 23 civil fine of:

24 (a) Seventy-five dollars (\$75) for the first violation; or

25 (b) One hundred twenty-five dollars (\$125) for the second and each subsequent
 26 violation within a three (3) year period.

27 (2) Any person who receives a citation under this section shall, within thirty (30)

1 days of issuance:

2 (a) Pay the civil fine directly to the cabinet in accordance with the instructions
3 on the citation; or

4 (b) Contest the citation by an administrative hearing conducted in accordance
5 with KRS Chapter 13B.

6 (3) If the recipient of a citation does not contest the citation or pay the civil fine
7 within thirty (30) days:

8 (a) On or after thirty-one (31) days, but less than sixty (60) days from the date
9 of the citation, the recipient shall be assessed a late charge of fifty (\$50)
10 dollars in addition to the civil fine; and

11 (b) On or after sixty-one (61) days from the date of the citation, the cabinet
12 shall suspend or withhold the annual registration of the vehicle used in the
13 commission of a speed violation until the fine and late charge have been
14 paid.

15 (4) All moneys received from civil fines and penalties under this section shall be
16 forwarded to the automated speed enforcement fund established in Section 4 of
17 this Act.

18 (5) In defense of a violation under Section 2 of this Act, the cabinet may consider:

19 (a) Proof that the motor vehicle or the motor vehicle registration plates were
20 stolen before the violation occurred and were not under the control or
21 possession of the owner at the time of the violation;

22 (b) A sworn statement attesting that the person named in the citation was not
23 operating the vehicle at the time of the violation. A person named in a
24 citation who submits a sworn statement in his or her defense under this
25 paragraph shall identify who was operating the vehicle at the time of the
26 violation, including, at a minimum, the operator's name and address; or

27 (c) Proof that the driver of a motor vehicle received a citation from a police or

1 other law enforcement officer at the same approximate time of the image
2 captured by the automated speed enforcement device.

3 (6) On or before October 31, 2024, and annually thereafter until October 31, 2026,
4 the cabinet shall annually report to the Legislative Research Commission on the
5 status of the program for the previous fiscal year. The report shall include, at a
6 minimum:

7 (a) The number of civil fines issued under this section;

8 (b) The total revenue received from civil fines issued under this section;

9 (c) A summary of the administrative costs of the program;

10 (d) The amount of funds transferred to the work zone highway safety fund;

11 (e) The amount of outstanding civil fines due to nonpayment; and

12 (f) The number of registrations suspended due to nonpayment of civil fines
13 issued under this section.

14 (7) This section shall expire July 1, 2027.

15 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
16 READ AS FOLLOWS:

17 (1) There is hereby established a separate trust and agency account within the
18 Transportation Cabinet to be known as the automated speed enforcement fund.
19 The fund shall consist of moneys received from civil fines and penalties assessed
20 under Section 3 of this Act.

21 (2) The fund shall be administered by the Transportation Cabinet.

22 (3) Amounts deposited in the fund shall be used to defray the cost of administering
23 the program.

24 (4) Any moneys collected that exceed the costs outlined in subsection (3) of this
25 section shall be deposited into the highway work zone safety fund established in
26 KRS 189.2327 and used for the purposes of that fund.

27 (5) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal

1 *year shall not lapse but shall be carried forward into the next fiscal year.*

2 *(6) Any interest earnings of the fund shall become part of the fund and shall not*
3 *lapse.*

4 *(7) Moneys deposited in the fund are hereby appropriated for the purposes set forth*
5 *in this section and shall not be appropriated or transferred by the General*
6 *Assembly for any other purposes.*

7 *(8) This section shall expire July 1, 2027.*

8 ➔Section 5. Sections 1 to 4 of this Act, as codified following the 2023 Regular
9 Session of the Kentucky General Assembly, shall be repealed effective July 1, 2027.

10 ➔Section 6. The Transportation Cabinet shall submit a final report to the
11 Legislative Research Commission on or before October 1, 2027, regarding the status of
12 the automated speed enforcement in highway work zones pilot program in fiscal year
13 2026-2027 that includes the information required in subsection (6) of Section 3 of this
14 Act.

15 ➔Section 7. This Act may be cited as the Jared Lee Helton Act of 2023.