

1 AN ACT relating to automated motor vehicle speed enforcement.

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) "Agency" means the law enforcement agency primarily responsible for traffic*
7 *control at a particular intersection or that law enforcement agency's designee;*

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

12 *(3) "Recorded images" means images recorded by an automated speed enforcement*
13 *system or traffic control signal monitoring system:*

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

16 *(b) Showing the rear of a motor vehicle, and on at least one (1) image or*
17 *portion of tape, clearly identifying the registration plate number of the*
18 *vehicle;*

19 *(4) "Automated speed enforcement system" means a fixed or mobile radar or laser*
20 *system, or any other electronic device with one (1) or more vehicle sensors to*
21 *produce recorded images of a motor vehicle that exceeds a designated speed*
22 *measured in miles per hour; and*

23 *(5) "Traffic control signal monitoring system" means a device with one (1) or more*
24 *vehicle sensors working in conjunction with a traffic control signal to produce*
25 *recorded images of a motor vehicle entering an intersection against a red signal*
26 *indication.*

27 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) Unless the operator of a motor vehicle received a citation from a police officer at
3 the time of the violation, the operator of a motor vehicle is subject to a civil
4 penalty if the motor vehicle is recorded by an automated speed enforcement
5 system or traffic control signal monitoring system while in violation of Section 5
6 or 6 of this Act.
- 7 (2) First-time violations of Section 5 or 6 of this Act shall be subject to a civil penalty
8 of fifty dollars (\$50). Forty-five dollars (\$45) of the revenue generated from the
9 civil penalty shall be retained by the local government and five dollars (\$5) shall
10 be sent to the Administrative Office of the Courts.
- 11 (3) Upon second or subsequent violations, the operator of a motor vehicle shall be
12 subject to a civil penalty of seventy-five dollars (\$75). Seventy dollars (\$70) of the
13 revenue generated from the civil penalty shall be retained by the local
14 government and five dollars (\$5) shall be sent to the Administrative Office of the
15 Courts.
- 16 (4) To carry out the purposes of this section, the Administrative Office of the Courts,
17 in consultation with the Transportation Cabinet, shall prescribe a uniform civil
18 citation form, which shall include:
- 19 (a) The name and address of the registered owner of the vehicle;
20 (b) The name and address of the operator of the vehicle, if different from the
21 owner;
22 (c) The violation charged;
23 (d) The date, time, and location of the violation;
24 (e) The amount of the civil penalty imposed;
25 (f) The date by which the civil penalty should be paid; and
26 (g) A warning that failure to pay the civil penalty imposed or to contest the
27 matter in a timely manner is an admission of liability and shall result in the

1 suspension of the motor vehicle's registration.

2 (5) An agency shall mail to the owner of a vehicle liable under subsection (1) of this
3 section:

4 (a) A uniform civil citation as described in subsection (4) of this section;

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

6 (c) A signed, sworn statement by a technician employed by the agency that,
7 based on inspection of the recorded images, the motor vehicle was being
8 operated in violation of Section 5 or 6 of this Act. This statement may be
9 admissible in any proceeding alleging a violation under this section.

10 (6) An agency may mail a warning notice instead of a citation to the owner of a
11 vehicle liable under subsection (1) of this section.

12 (7) Except as provided for in subsection (2) of Section 3 of this Act, a citation shall
13 be mailed no later than fourteen (14) days after the alleged violation.

14 (8) A person who received a citation under this section may:

15 (a) Pay the civil penalty in accordance with the instructions on the citation
16 directly to the District Court; or

17 (b) Elect to stand trial for the alleged violation.

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

20 (1) The court may consider in defense of a violation under Section 2 of this Act, that:

21 (a) The operator of the vehicle passed through the intersection in violation of
22 subsection (2) of Section 5 of this Act in order to yield right-of-way to an
23 emergency vehicle, at the direction of a peace officer, or as a part of a
24 funeral procession;

25 (b) Section 2 of this Act is not enforceable for a violation because at the time
26 and place of the violation, the traffic control signal was not in the proper
27 position and discernible enough to be seen by an ordinarily observant

1 individual;

2 (c) The motor vehicle registration plates were stolen before the violation
3 occurred and were not under the control or possession of the owner at the
4 time of the violation; and

5 (d) The person named in the citation was not operating the vehicle at the time
6 of the violation. A person named in a citation who uses this defense shall
7 identify, at a minimum, the operator's name and address.

8 (2) If the District Court finds that the person named in the citation was not operating
9 the vehicle at the time of the violation, the clerk of the District Court shall provide
10 the agency issuing the citation a copy of any evidence substantiating who was
11 operating the vehicle at the time of the violation. Upon receipt of substantiating
12 evidence from the District Court, the agency may issue a citation under Section 2
13 of this Act to the person the evidence indicated was operating the vehicle at the
14 time of the violation. The agency shall issue the citation within fourteen (14) days
15 of receipt of the evidence from the District Court.

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

18 (1) If a person refuses to pay the civil penalty imposed under Section 2 of this Act
19 and does not contest the violation, the Transportation Cabinet shall suspend the
20 registration of the vehicle, when notified by the District Court, until the civil
21 penalty is paid.

22 (2) A violation under Section 2 of this Act shall not result in points assessed against
23 the driving record of the operator of the vehicle in violation.

24 ➔Section 5. KRS 189.231 is amended to read as follows:

25 (1) The secretary of transportation may install and maintain traffic control devices upon
26 state-maintained highways in such manner as is reasonably necessary to promote
27 the safety and convenience of the traveling public.

1 (2) The driver of any vehicle shall obey the instructions of any official traffic control
2 device applicable thereto unless otherwise directed by a traffic or police officer,
3 subject to the exceptions granted the driver of an authorized emergency vehicle.

4 (3) The secretary of transportation may restrict or regulate traffic upon state-maintained
5 highways in such a manner as is reasonably necessary to promote the safety of the
6 traveling public.

7 **(4) Law enforcement agencies may use traffic control signal monitoring systems as**
8 **defined in Section 1 of this Act to enforce civil penalties for violation of**
9 **subsection (2) of this section.**

10 ➔Section 6. KRS 189.390 is amended to read as follows:

11 (1) As used in this section, unless the context requires otherwise:

12 (a) "Business district" means the territory contiguous to and including a highway
13 if, within six hundred (600) feet along the highway, there are buildings in use
14 for business or industrial purposes that occupy three hundred (300) feet of
15 frontage on one (1) side or three hundred (300) feet collectively on both sides
16 of the highway;

17 (b) "Residential district" means the territory contiguous to and including a
18 highway not comprising a business district if the property on the highway for
19 a distance of three hundred (300) feet or more is improved with residences or
20 residences and buildings in use for business; and

21 (c) "State highway" means a highway or street maintained by the Kentucky
22 Department of Highways.

23 (2) An operator of a vehicle upon a highway shall not drive at a greater speed than is
24 reasonable and prudent, having regard for the traffic and for the condition and use
25 of the highway.

26 (3) The speed limit for motor vehicles on state highways shall be as follows, unless
27 conditions exist that require lower speed for compliance with subsection (2) of this

1 section, or the secretary of the Transportation Cabinet establishes a different speed
2 limit in accordance with subsection (4) of this section:

- 3 (a) Sixty-five (65) miles per hour on interstate highways and parkways;
- 4 (b) Fifty-five (55) miles per hour on all other state highways; and
- 5 (c) Thirty-five (35) miles per hour in a business or residential district.

6 (4) (a) If the secretary of transportation determines, upon the basis of an engineering
7 and traffic investigation, that any speed limit is greater or less than is
8 reasonable or safe under the conditions found to exist at any intersection, or
9 upon any part of a state highway, the secretary of transportation may establish
10 by official order a reasonable and safe speed limit at the location. The
11 secretary shall not increase any speed limit established by subsection (3) of
12 this section in excess of sixty-five (65) miles per hour, except that,
13 notwithstanding the provisions of subsection (3)(a) of this section, the
14 secretary may increase the speed limit on any of the following segments of
15 highway to seventy (70) miles per hour:

- 16 1. Interstate 24 (entire length);
- 17 2. Interstate 64 from Interstate 264 to the West Virginia state line;
- 18 3. Interstate 65 from Interstate 264 to the Tennessee state line;
- 19 4. Interstate 69 (entire length);
- 20 5. Interstate 71 from Interstate 264 to Interstate 275;
- 21 6. Interstate 75 from the Tennessee state line to Interstate 275;
- 22 7. Interstate 165 (entire length);
- 23 8. The Audubon Parkway (entire length);
- 24 9. The Julian M. Carroll Purchase Parkway (entire length);
- 25 10. The Bert T. Combs Mountain Parkway (entire length);
- 26 11. The Bert T. Combs Mountain Parkway Extension (entire length);
- 27 12. The Edward T. Breathitt Pennyrile Parkway (entire length);

- 1 13. The Wendell H. Ford Western Kentucky Parkway (entire length);
- 2 14. The Louie B. Nunn Cumberland Expressway (entire length);
- 3 15. The Martha Layne Collins Bluegrass Parkway (entire length); and
- 4 16. The William H. Natcher Parkway (entire length).

5 (b) In a highway work zone, the Transportation Cabinet may temporarily reduce
6 established speed limits without an engineering or traffic investigation. A
7 speed limit established under this paragraph shall become effective when and
8 where posted. The Transportation Cabinet shall post signs notifying the
9 traveling public of the temporary highway work zone maximum speed limit.
10 Nothing in this paragraph shall be construed to prevent the Transportation
11 Cabinet from using moveable or portable speed limit signs in highway work
12 zones.

13 (5) (a) A city or a county may by ordinance establish speed limits within its own
14 jurisdiction, except as provided in paragraph (b) of this subsection.

15 (b) The alteration of speed limits on state highways within a city or a county shall
16 not be effective until the alteration has been approved by the secretary of
17 transportation. The secretary shall not approve any alteration that could
18 increase any speed limit established by subsection (3)(b) or (c) of this section
19 in excess of fifty-five (55) miles per hour.

20 (c) If a county determines, upon the basis of an engineering and traffic
21 investigation and study, that it is unsafe to park motor vehicles on or along
22 any highway, other than a state highway, within the unincorporated areas of
23 the county, or that in any business district the congestion of traffic justifies a
24 reasonable limitation on the length of time any one (1) motor vehicle is
25 permitted to park in such district so as to reduce the congestion, the fiscal
26 court may by ordinance establish "no parking" areas on the highway, or limit
27 the length of time any motor vehicle may be parked in any business district.

- 1 (6) The speed limit for motor vehicles in an off-street parking facility offered for public
- 2 use, whether publicly or privately owned, shall be fifteen (15) miles per hour.
- 3 (7) Except as outlined in KRS 189.940, a person shall not drive a motor vehicle at a
- 4 speed that will impede or block the normal and reasonable movement of traffic,
- 5 except when reduced speed is necessary for safe operation or in compliance with
- 6 law.
- 7 (8) In every charge for a violation of any speed limit specified in this section, the
- 8 warrant or citation shall specify the speed at which the defendant is alleged to have
- 9 driven, and the lawful speed limit applicable at the location where the violation is
- 10 charged to have occurred.

11 **(9) Law enforcement agencies may use automated speed enforcement systems as**
 12 **defined in Section 1 of this Act to enforce civil penalties for violation of any speed**
 13 **limit specified in this section on any highway that is not a limited access highway.**

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

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

16 Mph.	17 Prima Facie or Maximum Speed												
18 Limit	15	20	25	30	35	40	45	50	55	60	65	70	19 Fine
19 1	16	21	26	31	36	41	46	51	56	61	66	71	\$1
20 2	17	22	27	32	37	42	47	52	57	62	67	72	2
21 3	18	23	28	33	38	43	48	53	58	63	68	73	3
22 4	19	24	29	34	39	44	49	54	59	64	69	74	4
23 5	20	25	30	35	40	45	50	55	60	65	70	75	5
24 6	21	26	31	36	41	46	51	56	61	66	71	76	16
25 7	22	27	32	37	42	47	52	57	62	67	72	77	17
26 8	23	28	33	38	43	48	53	58	63	68	73	78	18
27 9	24	29	34	39	44	49	54	59	64	69	74	79	19
28 10	25	30	35	40	45	50	55	60	65	70	75	80	20
29 11	26	31	36	41	46	51	56	61	66	71	76	81	22
30 12	27	32	37	42	47	52	57	62	67	72	77	82	24
31 13	28	33	38	43	48	53	58	63	68	73	78	83	26
32 14	29	34	39	44	49	54	59	64	69	74	79	84	28
33 15	30	35	40	45	50	55	60	65	70	75	80	85	30
34 16	31	36	41	46	51	56	61	66	71	76	81		32

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

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

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

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

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

22 **(6) A civil penalty may be levied in accordance with Sections 1 to 4 of this Act on a**
 23 **person who violates Section 6 of this Act.**

24 ➔Section 8. KRS 189.990 is amended to read as follows:

25 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
 26 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
 27 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
 28 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS
 29 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to
 30 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,

1 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of
2 KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor
3 more than one hundred dollars (\$100) for each offense. Any person who violates
4 subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)
5 nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not
6 more than one (1) year, or both, unless the accident involved death or serious
7 physical injury and the person knew or should have known of the death or serious
8 physical injury, in which case the person shall be guilty of a Class D felony. Any
9 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined
10 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court
11 costs nor fees shall be taxed against any person violating paragraph (c) of
12 subsection (5) of KRS 189.390.

13 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,
14 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents
15 (\$0.02) per pound for each pound of excess load when the excess is five
16 thousand (5,000) pounds or less. When the excess exceeds five thousand
17 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound
18 of excess load, but the fine levied shall not be less than one hundred dollars
19 (\$100) and shall not be more than five hundred dollars (\$500).

20 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
21 route designated on the permit shall be fined one hundred dollars (\$100);
22 otherwise, the penalties in paragraph (a) of this subsection shall apply.

23 (c) Any person who violates any provision of subsection (2) or (3) of KRS
24 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
25 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
26 another penalty is not specifically provided shall be fined not less than ten
27 dollars (\$10) nor more than five hundred dollars (\$500).

- 1 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
2 on a route designated in KRS 177.986 shall be fined one hundred dollars
3 (\$100).
- 4 2. Any person who operates a vehicle with a permit under KRS 177.985 in
5 excess of eighty thousand (80,000) pounds while operating on a route
6 not designated in KRS 177.986 shall be fined one thousand dollars
7 (\$1,000).
- 8 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
9 prejudice or affect the authority of the Department of Vehicle Regulation to
10 suspend or revoke certificates of common carriers, permits of contract
11 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
12 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 13 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
14 more than fifteen dollars (\$15).
- 15 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
16 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 17 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
18 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 19 (b) Any peace officer who fails, when properly informed, to enforce KRS
20 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
21 one hundred dollars (\$100).
- 22 (c) All fines collected under this subsection, after payment of commissions to
23 officers entitled thereto, shall go to the county road fund if the offense is
24 committed in the county, or to the city street fund if committed in the city.
- 25 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
26 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
27 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For

1 each subsequent offense occurring within three (3) years, the person shall be fined
2 not less than three hundred dollars (\$300) nor more than five hundred dollars
3 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
4 both. The minimum fine for this violation shall not be subject to suspension. A
5 minimum of six (6) points shall be assessed against the driving record of any person
6 convicted.

7 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
8 (\$15) in excess of the cost of the repair of the road.

9 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
10 twenty dollars (\$20) nor more than fifty dollars (\$50).

11 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
12 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).

13 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
14 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
15 not less than thirty (30) days nor more than twelve (12) months, or both.

16 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
17 five dollars (\$35) nor more than one hundred dollars (\$100).

18 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
19 Class B misdemeanor.

20 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
21 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.

22 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
23 this section shall, in the case of a public highway, be paid into the county road fund,
24 and, in the case of a privately owned road or bridge, be paid to the owner. These
25 fines shall not bar an action for damages for breach of contract.

26 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
27 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each

1 offense.

2 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
3 twenty dollars (\$20) nor more than twenty-five dollars (\$25).

4 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
5 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense. A
6 *civil penalty may be levied in accordance with Sections 1 to 4 of this Act on a*
7 *person who violates subsection (2) of Section 5 of this Act.*

8 (16) Any person who violates restrictions or regulations established by the secretary of
9 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
10 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
11 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
12 imprisoned for thirty (30) days, or both.

13 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
14 of a Class B misdemeanor.

15 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
16 case of violation by any person in whose name the vehicle used in the
17 transportation of inflammable liquids or explosives is licensed, the person
18 shall be fined not less than one hundred dollars (\$100) nor more than five
19 hundred dollars (\$500). Each violation shall constitute a separate offense.

20 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
21 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
22 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
23 nor more than thirty (30) days.

24 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
25 unless the offense is being committed by a defendant fleeing the commission of a
26 felony offense which the defendant was also charged with violating and was
27 subsequently convicted of that felony, in which case it is a Class A misdemeanor.

- 1 (20) Any law enforcement agency which fails or refuses to forward the reports required
2 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 3 (21) A person who operates a bicycle in violation of the administrative regulations
4 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
5 nor more than one hundred dollars (\$100).
- 6 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
7 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 8 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
9 dollars (\$25) nor more than three hundred dollars (\$300).
- 10 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
11 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
12 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
13 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
14 or any other additional fees or costs.
- 15 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
16 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
17 For a violation on or after July 1, 2009, the person shall be fined thirty dollars
18 (\$30). This fine shall be subject to prepayment. A fine imposed under this
19 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
20 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
21 any other additional fees or costs. A person who has not been previously charged
22 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
23 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
24 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 25 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
26 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
27 prepayment. A fine imposed under this subsection shall not be subject to court costs

- 1 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
2 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 3 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
4 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
5 be governed by KRS 534.020 and 534.060.
- 6 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
7 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
8 trial, by the court to a diversionary program. The diversionary program under this
9 subsection shall consist of one (1) or both of the following:
- 10 (a) Execution of a diversion agreement which prohibits the driver from operating
11 a vehicle for a period not to exceed forty-five (45) days and which allows the
12 court to retain the driver's operator's license during this period; and
- 13 (b) Attendance at a driver improvement clinic established pursuant to KRS
14 186.574. If the person completes the terms of this diversionary program
15 satisfactorily the violation shall be dismissed.
- 16 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall
17 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
18 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
19 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
20 percent (90%) of the fine collected under this subsection shall immediately be
21 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
22 Ten percent (10%) of the fine collected under this subsection shall annually be
23 returned to the county where the violation occurred and distributed equally to all
24 law enforcement agencies within the county.
- 25 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars
26 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.
- 27 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two

1 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
2 imposed under this subsection shall not be subject to court costs pursuant to KRS
3 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
4 KRS 24A.1765, or any other additional fees or costs.