

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, 2028.*

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

25 *(1) Not later than January 1, 2025, 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 (6) 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 where at least one (1) bona fide
13 worker was present and traveling in excess of ten (10) miles per hour over
14 the posted speed limit. This statement may be admissible in any hearing
15 alleging a violation under this section.

16 (4) The cabinet shall:

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

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

21 (5) An image recorded by an automated speed enforcement device under this section
22 shall:

23 (a) Only be used as evidence of a violation under this section;

24 (b) Be destroyed not later than six (6) months after the date the:

25 1. Image was recorded; or

26 2. Citation for a violation under Section 3 of this Act has been finalized;

27 and

1 (c) Unless authorized by a court order, not be disclosed to anyone other than:

2 1. The owner of the vehicle at the time the image was recorded;

3 2. The driver of the vehicle, if different from the owner;

4 3. An attorney representing an individual who has received a civil
5 citation under this section; or

6 4. A law enforcement officer.

7 (6) The cabinet shall promulgate administrative regulations in accordance with KRS

8 Chapter 13A:

9 (a) Establishing collection and enforcement procedures for the violation of this
10 section;

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

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

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

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

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

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

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

25 5. The date and time of the violation;

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

27 7. The amount of the civil fine imposed and the date by which the civil

- 1 *fine should be paid; and*
 2 *8. A warning that failure to pay the civil fine imposed or to contest the*
 3 *matter in a timely manner is an admission of liability and shall result*
 4 *in the suspension of the motor vehicle's registration; and*
 5 *(e) Administering any other requirements of Sections 1 to 4 of this Act.*
 6 *(7) This section shall expire July 1, 2028.*

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

- 9 *(1) Any person who violates subsection (2) of Section 2 of this Act shall be assessed a*
 10 *civil fine of:*
 11 *(a) Seventy-five dollars (\$75) for the first violation; or*
 12 *(b) One hundred twenty-five dollars (\$125) for the second and each subsequent*
 13 *violation within a three (3) year period.*
 14 *(2) Any person who receives a citation under this section shall, within thirty (30)*
 15 *days of issuance:*
 16 *(a) Pay the civil fine directly to the cabinet in accordance with the instructions*
 17 *on the citation; or*
 18 *(b) Contest the citation by an administrative hearing conducted in accordance*
 19 *with KRS Chapter 13B.*
 20 *(3) If the recipient of a citation does not contest the citation or pay the civil fine*
 21 *within thirty (30) days:*
 22 *(a) On or after thirty-one (31) days, but less than sixty (60) days from the date*
 23 *of the citation, the recipient shall be assessed a late charge of fifty (\$50)*
 24 *dollars in addition to the civil fine; and*
 25 *(b) On or after sixty-one (61) days from the date of the citation, the cabinet*
 26 *shall suspend or withhold the annual registration of the vehicle used in the*
 27 *commission of a speed violation until the fine and late charge have been*

1 paid.

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

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

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

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

14 (c) Proof that the driver of a motor vehicle received a citation from a police or
15 other law enforcement officer at the same approximate time of the image
16 captured by the automated speed enforcement device.

17 (6) On or before October 31, 2025, and annually thereafter until October 31, 2027,
18 the cabinet shall report to the Legislative Research Commission on the status of
19 the program for the previous fiscal year. The report shall include, at a minimum:

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

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

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

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

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

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

27 (7) This section shall expire July 1, 2028.

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

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

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

8 *(3) Amounts deposited in the fund shall be used to defray the cost of administering*
9 *the program.*

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

13 *(5) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal*
14 *year shall not lapse but shall be carried forward into the next fiscal year.*

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

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

20 *(8) This section shall expire July 1, 2028.*

21 ➔Section 5. Sections 1 to 4 of this Act, as codified following the 2024 Regular
22 Session of the Kentucky General Assembly, shall be repealed effective July 1, 2028.

23 ➔Section 6. The Transportation Cabinet shall submit a final report to the
24 Legislative Research Commission on or before October 1, 2028, regarding the status of
25 the automated speed enforcement in highway work zones pilot program in fiscal year
26 2027-2028 that includes the information required in subsection (6) of Section 3 of this
27 Act.

1 ➔Section 7. Any moneys remaining in the automated speed enforcement fund at
2 the close of business on June 30, 2028, shall be deposited into the highway work zone
3 safety fund established in KRS 189.2327. Moneys received after June 30, 2028, from
4 citations issued under the automated speed enforcement in highway work zones pilot
5 program shall be deposited into the highway work zone safety fund established in KRS
6 189.2327.

7 ➔Section 8. This Act may be cited as the Jared Lee Helton Act of 2024.