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KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2025 REGULAR SESSION

Amend printed copy of **SB 99/SCS 1**

Starting on page 1, line 3, to page 3, line 23, delete Sections 1 and 2 in their entirety and insert in lieu thereof the following:

"→Section 1. KRS 189.292 is amended to read as follows:

(1) As used in this section:~~;~~

**(a) "Operating a motor vehicle":**

**1. Means to operate a motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays and circumstances; and**

**2. Does not include a circumstance in which the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary;**

**(b) "Personal communication device" means a portable device capable of ~~two-way~~~~(2)-way~~ audio or text communication that:**

**1. Emits an audible signal, vibrates, displays a message, or otherwise summons or delivers communication to the possessor~~;~~ including but not limited to a paging device and a cellular telephone;**

**2. Is a stand-alone computer;**

**3. Is a tablet;**

Amendment No. SFA 1

Rep. Sen. Donald Douglas

Committee Amendment \_\_\_\_\_

Signed:  \_\_\_\_\_

Floor Amendment \_\_\_\_\_

LRD Drafter: \_\_\_\_\_

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

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4. Is a laptop;
  5. Is a notebook computer; or
  6. Is a device capable of displaying a video, movie, broadcast television image, or visual image;
- (c) "Stand-alone electronic device" means a portable device other than a personal communication device that stores audio or video data files to be retrieved on demand by a user; and
- (d) 1. "Use" or "uses" means:
- a. Using at least one (1) hand or any other body part to hold a personal communication device or stand-alone electronic device;
  - b. Pressing more than a single button to activate, deactivate, or initiate a feature or function of a personal communication device or stand-alone electronic device;
  - c. Reaching for a personal communication device or stand-alone electronic device in a manner that requires the driver to no longer be in a seated driving position or properly restrained by a safety belt;
  - d. Watching a video, movie, or live broadcast on a personal communication device or stand-alone electronic device other than viewing data mapping related to the navigation of the motor vehicle or the static background on the personal communication device;
  - e. Recording, posting, sending, or broadcasting a video, including a video conference, or a still photograph on a personal communication device or a stand-alone electronic device. This subdivision shall not apply to electronic devices used for the sole purpose of continuously recording or broadcasting a video within or outside the motor vehicle; or

f. Interacting on social media or engaging in any other form of electronic data retrieval or electronic data communications.

2. "Use" or "uses" does not mean:

a. Utilizing an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication;

b. Pressing a single button to activate, deactivate, or initiate a feature or function of the device with a single touch or single swipe, except those functions specified in subparagraph 1. of this paragraph;

c. Utilizing a personal communication device to automatically convert a voice-based communication to be sent as a message in a written form;

d. Utilizing, by voice-based communication, a global positioning or navigation system that is physically mounted or electronically integrated into the motor vehicle; or

e. Operating a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device, or in-vehicle security or remote diagnostics system.

(2) Except as provided in subsection (3) of this section, ~~a~~ person shall not use a personal communication device or stand-alone electronic device while operating a motor vehicle ~~to~~ that is in motion on the traveled portion of a roadway, write, send, or read text-based communication ~~using a personal communication device to manually communicate with any person using text based communication, including but not limited to communications referred to as a text message, instant message, or electronic mail.~~

(3) Subsection (2) of this section shall not apply to:

- (a) ~~The use of a global positioning system feature of a personal communication device;~~
- (b) ~~The use of a global positioning or navigation system that is physically or electronically integrated into the motor vehicle;~~
- (c) ~~The reading, selecting, or entering of a telephone number or name in a personal communication device for the purpose of making a phone call;~~
- (d) ~~An operator of an emergency or public safety vehicle[,] when the use of a personal communication device is an essential function of the operator's official duties;[or]~~
- (b)(e)** **An**~~The~~ operator of a motor vehicle who **uses** ~~writes a text message on~~ a personal communication device to:
1. Report illegal activity;
  2. Summon medical help;
  3. Summon a law enforcement or public safety agency; or
  4. Prevent injury to a person or property; **or**

**(c) An operator of a school bus, who shall instead be subject to KRS 281A.205.**

**(4) This section shall not prohibit the operation of a motor vehicle while using a device that is accessible through an interface that is embedded in a motor vehicle that allows communication without the use of either of the driver's hands, except to activate, deactivate, or initiate the feature or function of the device with a single touch or swipe.**

**(5)** The secretary of the Transportation Cabinet may promulgate administrative regulations **in accordance with**~~pursuant to~~ KRS Chapter 13A to implement the provisions of this section, including but not limited to updates or advances in the automotive and information technology industries.

➔Section 2. KRS 189.294 is amended to read as follows:

(1) As used in this section, **the following terms**~~"personal communication device" shall~~ have the same meaning as ~~defined~~in KRS 189.292:

- (a) "Operating a motor vehicle";**
- (b) "Personal communication device"; and**
- (c) "Stand-alone electronic device."**
- (2) Any person under the age of eighteen (18) who has been issued an instruction permit, intermediate license, or operator's license shall not **use a personal communication device or stand-alone electronic device in any manner, including hands-free operation permitted under Section 1 of this Act, while operating**~~operate~~ a motor vehicle, ~~motorcycle, or moped that is in motion on the traveled portion of a roadway while using a personal communication device,~~ except to summon medical help, **a parent or legal guardian**, or a law enforcement or public safety agency in an emergency situation.
- (3) ~~Use of a personal communication device does not include a stand-alone global positioning system, a global positioning or navigation system that is physically or electronically integrated into the motor vehicle, or an in-vehicle security, diagnostics, and communications system, but does include manually entering information into the global positioning system feature of a personal communication device.~~
- (4) ~~This section shall not apply to the use of a citizens band radio or an amateur radio by a motor vehicle operator.~~
- (5) ~~The secretary of the Transportation Cabinet may promulgate administrative regulations **in accordance with**~~~~pursuant to~~ KRS Chapter 13A to implement the provisions of this section, including but not limited to updates or advances in the automotive and information technology industries."; and

On page 14, delete lines 6 to 7 in their entirety and insert in lieu thereof the following:

**"(10) A person under the age of eighteen (18) who is convicted of violating Section 2 of this Act shall have his or her license revoked for sixty (60) days, unless he or she attends and completes a driver improvement clinic established pursuant to KRS 186.574 within**

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**thirty (30) days of the date of conviction, at which time his or her license shall be reinstated. There shall be a sixty (60) day revocation for each subsequent offense.**