

1 AN ACT relating to traffic control signal monitoring systems.

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 a traffic control signal monitoring*
13 *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 *motor vehicle; and*

19 *(4) "Traffic control signal monitoring system" means a device with one (1) or more*
20 *vehicle sensors working in conjunction with a traffic control signal to produce*
21 *recorded images of a motor vehicle entering an intersection against a red signal*
22 *indication.*

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

25 *(1) Unless the operator of a motor vehicle received a citation from a police officer at*
26 *the time of the violation, the operator of a motor vehicle is subject to a civil*
27 *penalty of fifty dollars (\$50) if the motor vehicle is recorded by a traffic control*

1 signal monitoring system while being in violation of subsection (2) of Section 5 of
2 this Act.

3 (2) Forty-five dollars (\$45) of the revenue generated from a civil penalty for traffic
4 control signal monitoring system violations shall be retained by the local
5 government and five dollars (\$5) shall be sent to the Administrative Office of the
6 Courts.

7 (3) To carry out the purposes of this section, the Administrative Office of the Courts,
8 in consultation with the Transportation Cabinet, shall prescribe a uniform civil
9 citation form, which shall include:

10 (a) The name and address of the registered owner of the motor vehicle;

11 (b) The name and address of the operator of the motor vehicle, if different from
12 the owner;

13 (c) The violation charged;

14 (d) The date and time of the violation;

15 (e) The location of the intersection;

16 (f) The amount of the civil penalty imposed and the date by which the civil
17 penalty should be paid;

18 (g) Information advising the person alleged to be liable under this section as to
19 the manner and time in which the citation may be contested in District
20 Court; and

21 (h) A warning that failure to pay the civil penalty imposed or to contest the
22 matter in a timely manner is an admission of liability and shall result in the
23 suspension of the registration of the motor vehicle.

24 (4) An agency shall mail to the owner of a motor vehicle liable under subsection (1)
25 of this section, or other person identified as operating the motor vehicle:

26 (a) A uniform civil citation as described in subsection (3) of this section;

27 (b) A copy of the recorded image; and

1 (c) A signed, sworn statement by a technician employed by the agency that,
2 based on inspection of recorded images, the motor vehicle was being
3 operated in violation of subsection (2) of Section 5 of this Act. This
4 statement may be admissible in any proceeding alleging a violation under
5 this section.

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

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

10 (7) A person who receives a citation under this section may:

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

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

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

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

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

21 (b) The motor vehicle or the motor vehicle registration plates were stolen before
22 the violation occurred and were not under the control or possession of the
23 owner at the time of the violation;

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

27 (d) The person named in the citation was not operating the motor vehicle at the

1 time of the violation. A person named in a citation who uses this defense
2 shall identify who was operating the motor vehicle at the time of the
3 violation, including, at a minimum, the operator's name and address.

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

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

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

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

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

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

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

27 (3) The secretary of transportation may restrict or regulate traffic upon state-maintained

1 highways in such a manner as is reasonably necessary to promote the safety of the
2 traveling public.

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

6 ➔Section 6. KRS 189.990 is amended to read as follows:

7 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
8 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
9 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
10 (4) of KRS 189.190, KRS 189.200, 189.285, subsection (1) or (2) of KRS 189.290,
11 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to
12 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540,
13 KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS
14 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than
15 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
16 Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less
17 than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or
18 imprisoned in the county jail for not more than one (1) year, or both, unless the
19 accident involved death or serious physical injury and the person knew or should
20 have known of the death or serious physical injury, in which case the person shall
21 be guilty of a Class D felony. Any person who violates paragraph (c) of subsection
22 (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than
23 thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person
24 violating paragraph (c) of subsection (5) of KRS 189.390.

25 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person
26 who violates the weight provisions of KRS 189.212, 189.221, 189.222,
27 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02)

1 per pound for each pound of excess load when the excess is five
2 thousand (5,000) pounds or less. When the excess exceeds five thousand
3 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each
4 pound of excess load, but the fine levied shall not be less than one
5 hundred dollars (\$100) and shall not be more than five hundred dollars
6 (\$500).

- 7 2. Any person who violates a posted bridge weight limit on a state-
8 maintained bridge that is more than seventy-five (75) years old shall be
9 fined:
- 10 a. Five hundred dollars (\$500) for the first offense;
 - 11 b. One thousand dollars (\$1,000) for the second offense within a one
12 (1) year period; and
 - 13 c. Two thousand dollars (\$2,000) for any subsequent offense within a
14 one (1) year period.

15 The Transportation Cabinet shall erect signs warning drivers of the
16 increased fines in this subparagraph. Signs erected under this
17 subparagraph shall be placed in such a manner that drivers are given
18 adequate warning in order to exit the road prior to crossing the bridge. If
19 warning signs are not erected in accordance with this subparagraph, the
20 fines in this subparagraph shall not apply and violators shall be fined
21 under subparagraph 1. of this paragraph.

- 22 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
23 route designated on the permit shall be fined one hundred dollars (\$100);
24 otherwise, the penalties in paragraph (a) of this subsection shall apply.
- 25 (c) Any person who violates any provision of subsection (2) or (3) of KRS
26 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
27 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which

1 another penalty is not specifically provided shall be fined not less than ten
2 dollars (\$10) nor more than five hundred dollars (\$500).

3 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
4 on a route designated in KRS 177.986 shall be fined one hundred dollars
5 (\$100).

6 2. Any person who operates a vehicle with a permit under KRS 177.985 in
7 excess of eighty thousand (80,000) pounds while operating on a route
8 not designated in KRS 177.986 shall be fined one thousand dollars
9 (\$1,000).

10 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
11 prejudice or affect the authority of the Department of Vehicle Regulation to
12 suspend or revoke certificates of common carriers, permits of contract
13 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
14 to 189.228 or any other act applicable to motor vehicles, as provided by law.

15 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
16 more than fifteen dollars (\$15).

17 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
18 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).

19 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
20 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

21 (b) Any peace officer who fails, when properly informed, to enforce KRS
22 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
23 one hundred dollars (\$100).

24 (c) All fines collected under this subsection, after payment of commissions to
25 officers entitled thereto, shall go to the county road fund if the offense is
26 committed in the county, or to the city street fund if committed in the city.

27 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less

1 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
2 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
3 each subsequent offense occurring within three (3) years, the person shall be fined
4 not less than three hundred dollars (\$300) nor more than five hundred dollars
5 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
6 both. The minimum fine for this violation shall not be subject to suspension. A
7 minimum of six (6) points shall be assessed against the driving record of any person
8 convicted.

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

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

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

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

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

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

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

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

- 1 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
2 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
3 offense.
- 4 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
5 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 6 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
7 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense. A
8 *civil penalty may be levied in accordance with Sections 1 to 4 of this Act on a*
9 *person who violates subsection (2) of Section 5 of this Act.*
- 10 (16) Any person who violates restrictions or regulations established by the secretary of
11 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
12 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
13 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
14 imprisoned for thirty (30) days, or both.
- 15 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
16 of a Class B misdemeanor.
- 17 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
18 case of violation by any person in whose name the vehicle used in the
19 transportation of inflammable liquids or explosives is licensed, the person
20 shall be fined not less than one hundred dollars (\$100) nor more than five
21 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 22 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
23 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
24 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
25 nor more than thirty (30) days.
- 26 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
27 unless the offense is being committed by a defendant fleeing the commission of a

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

1 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
2 prepayment. A fine imposed under this subsection shall not be subject to court costs
3 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
4 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

5 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
6 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
7 be governed by KRS 534.020 and 534.060.

8 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
9 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
10 trial, by the court to a diversionary program. The diversionary program under this
11 subsection shall consist of one (1) or both of the following:

12 (a) Execution of a diversion agreement which prohibits the driver from operating
13 a vehicle for a period not to exceed forty-five (45) days and which allows the
14 court to retain the driver's operator's license during this period; and

15 (b) Attendance at a driver improvement clinic established pursuant to KRS
16 186.574. If the person completes the terms of this diversionary program
17 satisfactorily the violation shall be dismissed.

18 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall
19 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
20 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
21 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
22 percent (90%) of the fine collected under this subsection shall immediately be
23 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
24 Ten percent (10%) of the fine collected under this subsection shall annually be
25 returned to the county where the violation occurred and distributed equally to all
26 law enforcement agencies within the county.

27 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars

- 1 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.
- 2 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
3 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
4 imposed under this subsection shall not be subject to court costs pursuant to KRS
5 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
6 KRS 24A.1765, or any other additional fees or costs.
- 7 (32) Any person who violates subsection (3) or (4) of KRS 189.290 and causes physical
8 injury to a person shall be fined five hundred dollars (\$500).