

1 AN ACT relating to operating a motor vehicle.

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

3 ➔Section 1. KRS 189.292 is amended to read as follows:

4 (1) As used in this section:~~[-]~~

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

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

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

12 **(b) "Personal communication device" means a portable device capable of two-**
 13 **way~~[two (2) way]~~ audio or text communication that emits an audible signal,**
 14 **vibrates, displays a message, or otherwise summons or delivers**
 15 **communication to the possessor; and**

16 **(c) "Use" or "uses" means:**

17 **1. Using at least one (1) hand to hold a personal communication device;**

18 **2. Pressing more than a single button to activate, deactivate, or initiate a**
 19 **feature or function of a personal communication device; or**

20 **3. Reaching for a personal communication device in a manner that**
 21 **requires the driver to no longer be in a seated driving position or**
 22 **properly restrained by a safety belt~~[-, including but not limited to a~~**
 23 **paging device and a cellular telephone].**

24 (2) Except as provided in subsection (3) of this section, ~~a^[no]~~ person shall **not use a**
 25 **personal communication device~~[-]~~** while operating a motor vehicle ~~to^{[that is in}~~
 26 ~~motion on the traveled portion of a roadway,]~~ write, send, or read text-based
 27 **communication~~[communication using a personal communication device to~~**

1 ~~manually communicate with any person using text-based communication, including~~
 2 ~~but not limited to communications referred to as a text message, instant message, or~~
 3 ~~electronic mail.~~

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

5 (a) ~~[The use of a global positioning system feature of a personal communication~~
 6 ~~device;~~

7 (b) ~~The use of a global positioning or navigation system that is physically or~~
 8 ~~electronically integrated into the motor vehicle;~~

9 (c) ~~The reading, selecting, or entering of a telephone number or name in a~~
 10 ~~personal communication device for the purpose of making a phone call;~~

11 (d) ~~]~~An operator of an emergency or public safety vehicle~~[,]~~ when the use of a
 12 personal communication device is an essential function of the operator's
 13 official duties;~~[or]~~

14 ~~(b)~~~~(e)~~ **The operator of a motor vehicle who writes a text message on a personal**
 15 **communication device to:**

- 16 1. Report illegal activity;
- 17 2. Summon medical help;
- 18 3. Summon a law enforcement or public safety agency; or
- 19 4. Prevent injury to a person or property; ***or***

20 **(c) An operator of a school bus who is subject to KRS 281A.205.**

21 (4) The secretary of the Transportation Cabinet may promulgate administrative
 22 regulations pursuant to KRS Chapter 13A to implement the provisions of this
 23 section, including but not limited to updates or advances in the automotive and
 24 information technology industries.

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

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

1 (a) "Operating a motor vehicle"; and

2 (b) "Personal communication device."

3 (2) Any person under the age of eighteen (18) who has been issued an instruction
4 permit, intermediate license, or operator's license shall not use a personal
5 communication device in any manner, including hands-free operation otherwise
6 permitted under Section 1 of this Act, while operating [operate] a motor vehicle,
7 [motorcycle, or moped that is in motion on the traveled portion of a roadway while
8 using a personal communication device,]except to summon medical help or a law
9 enforcement or public safety agency in an emergency situation.

10 (3) [~~Use of a personal communication device does not include a stand alone global~~
11 ~~positioning system, a global positioning or navigation system that is physically or~~
12 ~~electronically integrated into the motor vehicle, or an in vehicle security,~~
13 ~~diagnostics, and communications system, but does include manually entering~~
14 ~~information into the global positioning system feature of a personal communication~~
15 ~~device.~~

16 (4) ~~This section shall not apply to the use of a citizens band radio or an amateur radio~~
17 ~~by a motor vehicle operator.~~

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

22 ➔Section 3. KRS 189.990 is amended to read as follows:

23 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
24 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
25 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
26 (4) of KRS 189.190, KRS 189.200, 189.285, subsection (1) or (2) of KRS 189.290,
27 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to

1 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540,
2 KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS
3 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than
4 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
5 Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less
6 than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or
7 imprisoned in the county jail for not more than one (1) year, or both, unless the
8 accident involved death or serious physical injury and the person knew or should
9 have known of the death or serious physical injury, in which case the person shall
10 be guilty of a Class D felony. Any person who violates paragraph (c) of subsection
11 (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than
12 thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person
13 violating paragraph (c) of subsection (5) of KRS 189.390.

14 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person
15 who violates the weight provisions of KRS 189.212, 189.221, 189.222,
16 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02)
17 per pound for each pound of excess load when the excess is five
18 thousand (5,000) pounds or less. When the excess exceeds five thousand
19 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each
20 pound of excess load, but the fine levied shall not be less than one
21 hundred dollars (\$100) and shall not be more than five hundred dollars
22 (\$500).

23 2. Any person who violates a posted bridge weight limit on a state-
24 maintained bridge that is more than seventy-five (75) years old shall be
25 fined:

26 a. Five hundred dollars (\$500) for the first offense;

27 b. One thousand dollars (\$1,000) for the second offense within a one

1 (1) year period; and

2 c. Two thousand dollars (\$2,000) for any subsequent offense within a
3 one (1) year period.

4 The Transportation Cabinet shall erect signs warning drivers of the
5 increased fines in this subparagraph. Signs erected under this
6 subparagraph shall be placed in such a manner that drivers are given
7 adequate warning in order to exit the road prior to crossing the bridge. If
8 warning signs are not erected in accordance with this subparagraph, the
9 fines in this subparagraph shall not apply and violators shall be fined
10 under subparagraph 1. of this paragraph.

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

14 (c) Any person who violates any provision of subsection (2) or (3) of KRS
15 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
16 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
17 another penalty is not specifically provided shall be fined not less than ten
18 dollars (\$10) nor more than five hundred dollars (\$500).

19 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
20 on a route designated in KRS 177.986 shall be fined one hundred dollars
21 (\$100).

22 2. Any person who operates a vehicle with a permit under KRS 177.985 in
23 excess of eighty thousand (80,000) pounds while operating on a route
24 not designated in KRS 177.986 shall be fined one thousand dollars
25 (\$1,000).

26 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
27 prejudice or affect the authority of the Department of Vehicle Regulation to

- 1 suspend or revoke certificates of common carriers, permits of contract
2 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
3 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 4 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
5 more than fifteen dollars (\$15).
- 6 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
7 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 8 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
9 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 10 (b) Any peace officer who fails, when properly informed, to enforce KRS
11 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
12 one hundred dollars (\$100).
- 13 (c) All fines collected under this subsection, after payment of commissions to
14 officers entitled thereto, shall go to the county road fund if the offense is
15 committed in the county, or to the city street fund if committed in the city.
- 16 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
17 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
18 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
19 each subsequent offense occurring within three (3) years, the person shall be fined
20 not less than three hundred dollars (\$300) nor more than five hundred dollars
21 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
22 both. The minimum fine for this violation shall not be subject to suspension. A
23 minimum of six (6) points shall be assessed against the driving record of any person
24 convicted.
- 25 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
26 (\$15) in excess of the cost of the repair of the road.
- 27 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than

- 1 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 2 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
3 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 4 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
5 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
6 not less than thirty (30) days nor more than twelve (12) months, or both.
- 7 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
8 five dollars (\$35) nor more than one hundred dollars (\$100).
- 9 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
10 Class B misdemeanor.
- 11 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
12 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 13 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
14 this section shall, in the case of a public highway, be paid into the county road fund,
15 and, in the case of a privately owned road or bridge, be paid to the owner. These
16 fines shall not bar an action for damages for breach of contract.
- 17 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
18 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
19 offense.
- 20 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
21 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 22 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
23 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 24 (16) Any person who violates restrictions or regulations established by the secretary of
25 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
26 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
27 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or

- 1 imprisoned for thirty (30) days, or both.
- 2 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
3 of a Class B misdemeanor.
- 4 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
5 case of violation by any person in whose name the vehicle used in the
6 transportation of inflammable liquids or explosives is licensed, the person
7 shall be fined not less than one hundred dollars (\$100) nor more than five
8 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 9 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
10 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
11 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
12 nor more than thirty (30) days.
- 13 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
14 unless the offense is being committed by a defendant fleeing the commission of a
15 felony offense which the defendant was also charged with violating and was
16 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 17 (20) Any law enforcement agency which fails or refuses to forward the reports required
18 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 19 (21) A person who operates a bicycle in violation of the administrative regulations
20 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
21 nor more than one hundred dollars (\$100).
- 22 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
23 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 24 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
25 dollars (\$25) nor more than three hundred dollars (\$300).
- 26 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
27 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this

1 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
2 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
3 or any other additional fees or costs.

4 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall ~~not be issued a~~
5 ~~uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.~~
6 ~~For a violation on or after July 1, 2009, the person shall~~ be fined thirty dollars
7 (\$30). This fine shall be subject to prepayment. A fine imposed under this
8 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
9 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
10 any other additional fees or costs. A person who has not been previously charged
11 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
12 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
13 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

14 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
15 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
16 prepayment. A fine imposed under this subsection shall not be subject to court costs
17 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
18 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

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

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

26 (a) Execution of a diversion agreement which prohibits the driver from operating
27 a vehicle for a period not to exceed forty-five (45) days and which allows the

1 court to retain the driver's operator's license during this period; and

2 (b) Attendance at a driver improvement clinic established pursuant to KRS
3 186.574. If the person completes the terms of this diversionary program
4 satisfactorily the violation shall be dismissed.

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

14 (30) Any person who violates KRS 189.292 or 189.294 shall be fined **one hundred**
15 **dollars (\$100). No points shall be assessed against the driving record of any**
16 **person convicted of this offense**~~[twenty five dollars (\$25) for the first offense and~~
17 ~~fifty dollars (\$50) for each subsequent offense].~~

18 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
19 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
20 imposed under this subsection shall not be subject to court costs pursuant to KRS
21 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
22 KRS 24A.1765, or any other additional fees or costs.

23 (32) Any person who violates subsection (3) or (4) of KRS 189.290 and causes physical
24 injury to a person shall be fined five hundred dollars (\$500).

25 ➔Section 4. KRS 186.560 is amended to read as follows:

26 (1) The cabinet shall forthwith revoke the license of any operator of a motor vehicle
27 upon receiving record of his or her:

- 1 (a) Conviction of any of the following offenses:
- 2 1. Murder or manslaughter resulting from the operation of a motor vehicle;
- 3 2. Driving a vehicle which is not a motor vehicle while under the influence
- 4 of alcohol or any other substance which may impair one's driving
- 5 ability;
- 6 3. Perjury or the making of a false affidavit under KRS 186.400 to 186.640
- 7 or any law requiring the registration of motor vehicles or regulating their
- 8 operation on highways;
- 9 4. Any felony in the commission of which a motor vehicle is used;
- 10 5. Conviction or forfeiture of bail upon three (3) charges of reckless
- 11 driving within the preceding twelve (12) months;
- 12 6. Conviction of driving a motor vehicle involved in an accident and
- 13 failing to stop and disclose his or her identity at the scene of the
- 14 accident;
- 15 7. Conviction of theft of a motor vehicle or any of its parts, including the
- 16 conviction of any person under the age of eighteen (18) years;
- 17 8. Failure to have in full force and effect the security required by Subtitle
- 18 39 of KRS Chapter 304 upon conviction of a second and each
- 19 subsequent offense within any five (5) year period;
- 20 9. Conviction for fraudulent use of a driver's license or use of a fraudulent
- 21 driver's license to purchase or attempt to purchase alcoholic beverages,
- 22 as defined in KRS 241.010, in violation of KRS 244.085(4);
- 23 10. Conviction of operating a motor vehicle, motorcycle, or moped without
- 24 an operator's license as required by KRS 186.410;
- 25 11. Conviction of fleeing or evading police in the second degree when the
- 26 offense involved the operation of a motor vehicle;~~and~~
- 27 12. Conviction of violating the provisions of KRS 189.290(3) or (4); and

1 **13. Conviction of violating Section 2 of this Act;** or

2 (b) Being found incompetent to stand trial under KRS Chapter 504.

3 (2) If the person convicted of any offense named in subsection (1) of this section or
4 who is found incompetent to stand trial is not the holder of a license, the cabinet
5 shall deny the person so convicted a license for the same period of time as though
6 he or she had possessed a license which had been revoked. If through an
7 inadvertence the defendant should be issued a license, the cabinet shall forthwith
8 cancel it.

9 (3) The cabinet, upon receiving a record of the conviction of any person upon a charge
10 of operating a motor vehicle while the license of that person is denied, or
11 suspended, or revoked, or while his **or her** privilege to operate a motor vehicle is
12 withdrawn, shall immediately extend the period of the first denial, suspension,
13 revocation, or withdrawal for an additional like period.

14 (4) The revocation or denial of a license or the withdrawal of the privilege of operating
15 a motor vehicle for a violation of subsection (1)(a)1. of this section shall be for a
16 period of not less than five (5) years. Revocations or denials under this section shall
17 not be subject to any lessening of penalties authorized under any other provision of
18 this section or any other statute.

19 (5) Except as provided in subsections (3), (4), (8), ~~and~~ (9), **and (10)** of this section, in
20 all other cases, the revocation or denial of a license or the withdrawal of the
21 privilege of operating a motor vehicle under this section shall be for a period of six
22 (6) months, except that if the same person has had one (1) previous conviction of
23 any offense enumerated in subsection (1) of this section, regardless of whether the
24 person's license was revoked because of the previous conviction, the period of the
25 revocation, denial, or withdrawal shall be one (1) year. If the person has had more
26 than one (1) previous conviction of the offenses considered collectively as
27 enumerated in subsection (1) of this section, regardless of whether the person's

1 license was revoked for any previous conviction, the period of revocation, denial, or
2 withdrawal shall be for not less than two (2) years. If the cabinet, upon receipt of
3 the written recommendation of the court in which any person has been convicted of
4 violating KRS 189.520(1) or 244.085(4) as relates to instances in which a driver's
5 license or fraudulent driver's license was the identification used or attempted to be
6 used in the commission of the offense, who has had no previous conviction of said
7 offense, the person's operator's license shall not be revoked, but the person's
8 operator's license shall be restricted to any terms and conditions the secretary in his
9 or her discretion may require, provided the person has enrolled in an alcohol or
10 substance abuse education or treatment program as the cabinet shall require. If the
11 person fails to satisfactorily complete the education or treatment program or
12 violates the restrictions on his or her operator's license, the cabinet shall
13 immediately revoke his or her operator's license for a period of six (6) months.

14 (6) In order to secure the reinstatement of a license to operate a motor vehicle or
15 motorcycle restored following a period of suspension pursuant to KRS Chapter
16 189A, the person whose license is suspended shall comply with the fees and other
17 procedures of the Transportation Cabinet with regard to the reinstatement of
18 suspended licenses.

19 (7) The cabinet shall revoke the license of any operator of a motor vehicle upon
20 receiving notification that the person is under age eighteen (18) and has dropped out
21 of school or is academically deficient, as defined in KRS 159.051(1).

22 (8) A person under the age of eighteen (18) who is convicted of the offenses of
23 subsections (1) or (3) of this section, except for subsection (1)(a)8., ~~or~~ 9., or 13. of
24 this section, shall have his or her license revoked until he or she reaches the age of
25 eighteen (18) or shall have his or her license revoked as provided in this section,
26 whichever penalty will result in the longer period of revocation.

27 (9) A revocation or denial of a license or the withdrawal of the privilege of operating a

1 motor vehicle under this section due to a person being found incompetent to stand
 2 trial shall extend until the person is found competent to stand trial or the criminal
 3 case is dismissed.

4 **(10) A person under the age of eighteen (18) who is convicted of violating Section 2 of**
 5 **this Act shall have his or her license revoked for ninety (90) days.**

6 ➔Section 5. KRS 189.2327 is amended to read as follows:

- 7 (1) Subject to the requirements of subsection (2) of this section, **and except as provided**
 8 **in subsection (30) of Section 3 of this Act,** if a violation of KRS 189.290 to
 9 189.575 or 189.910 to 189.960 occurred in a highway work zone, the fine shall be:
- 10 (a) Five hundred dollars (\$500) if no person is physically injured or dies as a
 11 result of the violation. Notwithstanding the provisions of KRS 189.999, the
 12 fine under this paragraph is prepayable; and
- 13 (b) Not less than five hundred dollars (\$500) nor more than ten thousand dollars
 14 (\$10,000) if the violation results in physical injury to or death of any person.
- 15 (2) (a) In order for an increased fine to be imposed under this section, the highway
 16 work zone must have:
- 17 1. Signs displayed informing drivers of the existence of a highway work
 18 zone and that fines are increased in it; and
- 19 2. At least one (1) bona fide worker present.
- 20 (b) If a violation of any of the offenses identified in subsection (1) of this section
 21 can be classified as a misdemeanor, those penalties shall apply in addition to
 22 the penalties in subsection (1) of this section.
- 23 (3) All fines collected for violations in a highway work zone under this section shall be
 24 deposited into a separate trust and agency account within the Transportation
 25 Cabinet known as the "highway work zone safety fund." The highway work zone
 26 safety fund shall be used exclusively by the Transportation Cabinet to hire or pay
 27 for enhanced law enforcement of traffic laws within highway work zones.