AN ACT relating to privacy protection.

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

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

(1) As used in this section:

(a) "Alert" means a notification generated by an ALPR indicating that a vehicle passed an ALPR with a license plate that matches data held by the National Crime Information Center or other comparable database;

(b) "Automated license plate reader" or "ALPR" means a system of one (1) or more automated high-speed cameras used in combination with data processing to convert images of vehicles and license plates into computer-readable data;

(c) "Captured license plate data" means the vehicle characteristics captured by an ALPR, including the:

1. Global positioning system device coordinates;

2. Date and time;

3. Photographs of the license plate and vehicle;

4. License plate number; and

5. Vehicle make, model, and color;

(d) "Law enforcement agency" has the same meaning as in KRS 61.298;

(e) "Public agency" has the same meaning as in KRS 61.870; and

(f) "Secured area" means an area, enclosed by clear boundaries, where access is or may be limited.

(2) It is unlawful for an individual, entity, partnership, corporation, association, or this Commonwealth, its agencies, and political subdivisions to use an ALPR except as provided in this section.

(3) An ALPR may only be deployed or maintained:

(a) For purposes of:

1. Regulating parking;

2. Controlling access to secured areas; or

3. Promoting public safety, deterring crime, and addressing auto theft;

(b) By a public agency or law enforcement agency solely for law enforcement purposes, including but not limited to conducting criminal investigations or ensuring compliance with local, state, or federal law; or

(c) By the Transportation Cabinet or its agents solely for purposes of:

1. Toll collection;

2. Road fund revenue collection; and

3. Commercial vehicle:

a. Permitting and credentialing enforcement; and

b. Safety enforcement and monitoring.

(4) Captured license plate data obtained for a purpose described under this section:

(a) Shall not be preserved for more than ninety (90) days unless it:

1. Is retained by a law enforcement agency for:

a. Use as evidence in a criminal or insurance claim investigation;

b. Training purposes, provided that dates, times, and license plate numbers are redacted; or

c. Auditing;

2. Has become subject to a subpoena duces tecum or preservation of evidence notification; or

3. Is retained by the Transportation Cabinet for toll collection, in which case it may be preserved indefinitely;

(b) If retained by law enforcement agencies, shall be retained and destroyed in accordance with this section;

(c) Shall only be used by the entity deploying the ALPR, directly for the lawful

purposes described in subsection (3) of this section; and

(d) Shall not be sold, shared, accessed, or transferred for any other purpose, except:

1. To a law enforcement officer or agency, or a third-party entity contracted with a law enforcement officer or agency, solely for purposes of protecting public safety or conducting criminal investigations;

2. In response to a subpoena duces tecum;

3. To the National Insurance Crime Bureau or its successor organization solely for purposes of investigating insurance fraud, assisting in vehicle recovery, or adjudicating insurance claims;

4. a. To an insurance carrier, its agents, or an insurance support organization solely for purposes of investigating insurance fraud, assisting in vehicle recovery, adjudicating insurance claims, and preventing insurance fraud.

b. Notification of potential use of ALPR data shall not be required for vehicle owners who have entered into an insurance contract or submitted an insurance application prior to January 1, 2027. Individuals applying for insurance on or after January 1, 2027, shall be notified by the insurance carrier of the potential use of ALPR data to enforce the contract by either:

i. The privacy statement found on the insurance carrier's website;

ii. The disclaimer section of the insurance application; or

iii. Both; or

5. a. To a financial institution or its agents or successors solely for purposes of collateral recovery, enforcement of a lien, recovery

of defaulted funds, or verification of information provided within a loan application, provided that the vehicle owner has:

i. Entered into an agreement or submitted a loan application with the financial institution; or

ii. Given written consent to use ALPR data in a binding insurance or financial contract.

b. Notification of potential use of ALPR data shall not be required for individuals who have taken an action described in subdivision a.i. or ii. of this subparagraph prior to January 1, 2027. Individuals applying for financing on or after January 1, 2027, shall be notified by the financial institution of the potential use of ALPR data to enforce the contract by either:

i. The privacy statement found on the financial institution's website;

ii. The disclaimer section of the financing application; or

iii. Both.

(5) Prior to the deployment of an ALPR, a law enforcement agency shall adopt and make publicly available a written policy governing the use of the ALPR that includes:

(a) A list of databases used to compare with captured license plate data;

(b) Rules for retention and destruction of captured license plate data;

(c) Training protocol for ALPR systems;

(d) Supervisory oversight of the ALPR system;

(e) Rules for access to and security of captured license plate data; and

(f) An audit schedule and process to ensure that the system is used in accordance with this section and agency policy to occur every ninety (90) days.

(6) Upon receipt of an alert and prior to performing a traffic stop, a law enforcement officer or dispatcher shall visually confirm that the:

(a) Scanned plate provided in the captured license plate data matches the alert; and

(b) Stop meets the criteria in the policies of the law enforcement agency and applicable law.

(7) The Transportation Cabinet shall establish a permit process for the installation of ALPR systems on highway rights-of-way and shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

➔Section 2. KRS 189.990 is amended to read as follows:

(1) ***(a)*** Any person who violates any of the provisions of KRS 189.020 to 189.040, subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.285, subsection (1) or (2) of KRS 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than twenty dollars ($20) nor more than one hundred dollars ($100) for each offense.

(b) Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars ($20) nor more than two thousand dollars ($2,000) or imprisoned in the county jail for not more than one (1) year, or both, unless the accident involved death or serious physical injury and the person knew or should have known of the death or serious physical injury, in which case the person shall be guilty of a Class D felony.

(c) Any person who violates paragraph (c) of subsection (5) of KRS 189.390

shall be fined not less than eleven dollars ($11) nor more than thirty dollars ($30). Neither court costs nor fees shall be taxed against any person violating paragraph (c) of subsection (5) of KRS 189.390.

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

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

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

b. One thousand dollars ($1,000) for the second offense within a one (1) year period; and

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

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

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

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

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

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

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

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

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

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

(b) Any peace officer who fails, when properly informed, to enforce KRS

189.210 shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

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

(5) Any person who violates KRS 189.370 shall for the first offense be fined not less than one hundred dollars ($100) nor more than two hundred dollars ($200) or imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For each subsequent offense occurring within three (3) years, the person shall be fined not less than three hundred dollars ($300) nor more than five hundred dollars ($500) or imprisoned not less than sixty (60) days nor more than six (6) months, or both. The minimum fine for this violation shall not be subject to suspension. A minimum of six (6) points shall be assessed against the driving record of any person convicted.

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

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

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

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

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

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

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

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

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

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

(15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than twenty dollars ($20) nor more than one hundred dollars ($100) for each offense.

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

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

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

(18) Any person who abandons a vehicle upon the right-of-way of a state highway for three (3) consecutive days shall be fined not less than thirty-five dollars ($35) nor

more than one hundred dollars ($100), or imprisoned for not less than ten (10) days nor more than thirty (30) days.

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

(20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.

(21) A person who operates a bicycle in violation of the administrative regulations promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

(22) Any person who violates KRS 189.860 shall be fined not more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(23) Any person who violates KRS 189.754 shall be fined not less than twenty-five dollars ($25) nor more than three hundred dollars ($300).

(24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty dollars ($50). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

(25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a uniform citation, but shall instead receive a courtesy warning up until July 1, 2009. For a violation on or after July 1, 2009, the person shall be fined thirty dollars ($30). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs. A person who has not been previously charged

with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the requirements of KRS 189.125. Upon presentation of sufficient proof of the acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

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

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

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

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

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

(29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall be fined two hundred fifty dollars ($250). The fines and costs for a violation of subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in accordance with KRS 24A.180. Once deposited into the State Treasury, ninety percent (90%) of the fine collected under this subsection shall immediately be forwarded to the personal care assistance program under KRS 205.900 to 205.920.

Ten percent (10%) of the fine collected under this subsection shall annually be returned to the county where the violation occurred and distributed equally to all law enforcement agencies within the county.

(30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars ($25) for the first offense and fifty dollars ($50) for each subsequent offense.

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

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

(33) Any person who violates Section 1 of this Act shall be fined not less than twenty dollars ($20) nor more than two thousand dollars ($2,000), or imprisoned in the county jail for not more than one (1) year, or both.