

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 KRS 189.292 IS REPEALED AND REENACTED TO READ

4 AS FOLLOWS:

5 (1) As used in this section, "mobile electronic device":

6 (a) Means a cellular telephone, portable computer, global positioning system
7 receiver, electronic game, or any substantially similar stand-alone
8 electronic device used to communicate, display, or record digital content;
9 and

10 (b) Does not include a citizens band radio, amateur radio, ham radio,
11 commercial two (2) way radio or its functional equivalent, subscription-
12 based emergency communication device, or prescribed medical device.

13 (2) While operating a motor vehicle on any public highway in this Commonwealth, a
14 person shall not:

15 (a) Hold or support, with any part of the body, a mobile electronic device,
16 except that this paragraph shall not prohibit the use of an earpiece or device
17 worn on a wrist to conduct voice-based communication;

18 (b) Read, compose, or transmit any text, including but not limited to a text
19 message, email, application interaction, or website information, on a mobile
20 electronic device; or

21 (c) Watch moving images, including but not limited to a video, movie, game, or
22 video call, on a mobile electronic device.

23 (3) This section shall not apply to a motor vehicle operator who is:

24 (a) In a motor vehicle that is lawfully parked or stopped;

25 (b) Initiating a voice-based communication that is automatically converted by
26 the device and sent as text, if the device is not held by the operator or
27 supported with any part of the body by the operator;

1 (c) Reporting an accident, emergency, or safety hazard to a public safety
2 official;

3 (d) Transmitting or receiving data as part of a digital dispatch system while:

4 1. Performing occupational duties; or

5 2. Conducting commercial testing or testing required by the Federal
6 Communications Commission;

7 (e) A first responder while performing official duties;

8 (f) Using a mobile electronic device for the purpose of:

9 1. Navigation, by listening to audio-based content or obtaining traffic
10 and road condition information in a manner that does not require the
11 operator to type, if the device is not held by the operator or supported
12 with any part of the body by the operator;

13 2. Initializing or ending a cellular call in a manner that does not require
14 the operator to type, if the device is not held by the operator or
15 supported with any part of the body by the operator; or

16 3. Unlocking the device for a purpose listed in subparagraph 1. or 2. of
17 this paragraph, if the device is not held by the operator or supported
18 with any part of the body by the operator; or

19 (g) Using equipment or services installed by the original manufacturer of the
20 vehicle.

21 (4) A peace officer shall not:

22 (a) Stop a person for a violation of this section unless the officer has visually
23 observed that a violation has occurred based on the officer's clear and
24 unobstructed view of a person who is unlawfully using a mobile electronic
25 device while operating a motor vehicle on the public highways of the
26 Commonwealth;

27 (b) Seize, search, view, or require the forfeiture of a mobile electronic device

because of a violation of this section;

(c) Search or request to search a motor vehicle, operator, or passenger in a motor vehicle solely because of a violation of this section; or

(d) Make a custodial arrest solely because of a violation of this section.

5 (5) The Transportation Cabinet shall install signage advising drivers of this section
6 at every point where a state highway enters the Commonwealth, and at various
7 points on state highways as determined by the cabinet.

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

9 (1) As used in this section, "mobile electronic device[personal communication device]"
10 ~~has[shall have]~~ the same meaning as ~~[defined]~~in KRS 189.292.

11 (2) Any person under the age of eighteen (18) who has been issued an instruction
12 permit, intermediate license, or operator's license shall not operate a motor vehicle,
13 motorcycle, or moped that is in motion on the traveled portion of a roadway while
14 using a **mobile electronic device**~~personal communication device~~, except to
15 summon medical help or a law enforcement or public safety agency in an
16 emergency situation.

17 (3) Use of a mobile electronic device[personal communication device] does not include
18 a stand-alone global positioning system, a global positioning or navigation system
19 that is physically or electronically integrated into the motor vehicle, or an in-vehicle
20 security, diagnostics, and communications system, but does include manually
21 entering information into the global positioning system feature of a mobile
22 electronic device[personal communication device].

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

25 (5) The secretary of the Transportation Cabinet may promulgate administrative
26 regulations in accordance with~~[pursuant to]~~ KRS Chapter 13A to implement the
27 provisions of this section, including but not limited to updates or advances in the

1 automotive and information technology industries.

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

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

21 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person
22 who violates the weight provisions of KRS 189.212, 189.221, 189.222,
23 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02)
24 per pound for each pound of excess load when the excess is five
25 thousand (5,000) pounds or less. When the excess exceeds five thousand
26 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each
27 pound of excess load, but the fine levied shall not be less than one

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

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

21 (c) Any person who violates any provision of subsection (2) or (3) of KRS
22 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
23 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
24 another penalty is not specifically provided shall be fined not less than ten
25 dollars (\$10) nor more than five hundred dollars (\$500).

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

1 (\$100).

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

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

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

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

17 (b) Any peace officer who fails, when properly informed, to enforce KRS
18 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
19 one hundred dollars (\$100).

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

23 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
24 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
25 imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For
26 each subsequent offense occurring within three (3) years, the person shall be fined
27 not less than three hundred dollars (\$300) nor more than five hundred dollars

1 (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or
2 both. The minimum fine for this violation shall not be subject to suspension. A
3 minimum of six (6) points shall be assessed against the driving record of any person
4 convicted.

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

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

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

11 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
12 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
13 not less than thirty (30) days nor more than twelve (12) months, or both.
14 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
15 five dollars (\$35) nor more than one hundred dollars (\$100).

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

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

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

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

27 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than

1 be governed by KRS 534.020 and 534.060.

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

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

9 (b) Attendance at a driver improvement clinic established pursuant to KRS
10 186.574. If the person completes the terms of this diversionary program
11 satisfactorily the violation shall be dismissed.

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

21 (30) (a) Any person who violates KRS 189.292 or 189.294 shall be fined one hundred
22 dollars (\$100). The fine shall be subject to prepayment, and the
23 Transportation Cabinet shall not assess points against the driving record of
24 any person convicted~~[twenty five dollars (\$25) for the first offense and fifty~~
25 ~~dollars (\$50) for each subsequent offense]~~.

26 (b) Fines collected under this subsection shall be paid into the State Treasury
27 and allocated as follows:

- 1 1. *Thirty-five percent (35%) shall be transferred into the traumatic brain*
- 2 *injury trust fund established in KRS 211.476;*
- 3 2. *Thirty-five percent (35%) shall be transferred into the Kentucky*
- 4 *trauma care system fund established in KRS 211.496; and*
- 5 3. *Thirty percent (30%) shall be transferred into the veterans' program*
- 6 *trust fund established in KRS 40.460.*

7 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
8 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
9 imposed under this subsection shall not be subject to court costs pursuant to KRS
10 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
11 KRS 24A.1765, or any other additional fees or costs.

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

14 ➔Section 4. KRS 189.2327 is amended to read as follows:

15 (1) Subject to the requirements of subsection (2) of this section, if a violation of KRS
16 189.2326, 189.290 to 189.575, or 189.910 to 189.960 occurred in a highway work
17 zone, the fine shall be:

18 (a) 1. Five hundred dollars (\$500) if no person is physically injured or dies as
19 a result of the violation. Notwithstanding the provisions of KRS
20 189.999, the fine under this paragraph is prepayable; and

21 2. A driver may attend a state traffic school or a county attorney-operated
22 traffic safety program established pursuant to KRS 186.574 for a
23 violation of KRS 189.2326; and

24 (b) Not less than five hundred dollars (\$500) nor more than ten thousand dollars
25 (\$10,000) if the violation results in physical injury to or death of any person.

26 (2) (a) In order for an increased fine to be imposed under this section, the highway
27 work zone must have:

