

1 AN ACT relating to electronic speed enforcement.

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 5 of this Act:*

6 *(1) "Agency" means the law enforcement agency primarily responsible for speed*
7 *enforcement on roadways under its jurisdiction;*

8 *(2) "Automated speed enforcement device" means a device with one (1) or more*
9 *vehicle sensors that records a vehicle's speed and produces recorded images of*
10 *motor vehicles exceeding the speed limit;*

11 *(3) "Local government" has the same meaning as in KRS 189.286;*

12 *(4) "Owner" means the registered owner of a motor vehicle or a lessee of a motor*
13 *vehicle under a lease of six (6) months or more, but shall not include a motor*
14 *vehicle rental or leasing company or holder of a motor vehicle dealer plate issued*
15 *under KRS 186.053;*

16 *(5) "Recorded images" means images recorded by an automated speed enforcement*
17 *device:*

18 *(a) On two (2) or more photographs or electronic images, or on videotape or*
19 *any other medium; and*

20 *(b) Showing the driver and the rear of a motor vehicle and, on at least one (1)*
21 *image or portion of tape, clearly identifying the registration plate number of*
22 *the vehicle.*

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

25 *(1) The use of an automated speed enforcement device shall be limited to agencies*
26 *whose local government has enacted an ordinance to allow the agency or*
27 *agencies to enforce the speed limits on roadways under its jurisdiction through*

1 the use of automated speed enforcement devices.

2 (2) (a) Except as provided in paragraph (d) of this subsection, if a motor vehicle is
3 recorded by an automated speed enforcement device of traveling in excess
4 of ten (10) miles per hour of the posted speed limit, the owner shall be
5 subject to a civil citation.

6 (b) For violations under paragraph (a) of this subsection, there shall be a civil
7 penalty of seventy-five dollars (\$75) for the first offense, one hundred fifty
8 dollars (\$150) for the second offense, and two hundred fifty dollars (\$250)
9 for the third and subsequent offenses within a twelve (12) month period.

10 (c) Fifty percent (50%) of the civil penalty issued in this subsection shall be
11 retained by the local government and fifty percent (50%) of the penalty shall
12 be deposited into the road fund.

13 (d) Unless the driver of a motor vehicle received a citation from a police officer
14 at the time of the violation, the driver of a motor vehicle shall be subject to a
15 civil penalty.

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

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

20 (b) The name and address of the driver of the vehicle, if different from the
21 owner;

22 (c) The speed at which the defendant is alleged to have driven;

23 (d) The lawful speed limit applicable at the location where the violation is
24 charged to have occurred;

25 (e) The date and time of the violation;

26 (f) The location of the intersection;

27 (g) The amount of the civil penalty imposed and the date by which the civil

- 1 penalty should be paid;
- 2 (h) Information advising the person alleged to be liable under this section as to
- 3 the manner and time in which the citation may be contested in District
- 4 Court; and
- 5 (i) A warning that failure to pay the civil penalty imposed or to contest the
- 6 matter in a timely manner is an admission of liability and shall result in the
- 7 suspension of the motor vehicle's registration.
- 8 (4) An agency shall mail to the owner of a vehicle liable under subsection (2) of this
- 9 section:
- 10 (a) A uniform civil citation as described in subsection (3) of this section;
- 11 (b) A copy of the recorded images; and
- 12 (c) A signed, sworn statement by a technician employed by the agency that,
- 13 based on inspection of recorded images, the motor vehicle was being
- 14 operated in excess of the posted speed limit. This statement may be
- 15 admissible in any proceeding alleging a violation under this section.
- 16 (5) An agency may mail a warning notice to the owner of a vehicle liable under
- 17 subsection (2) of this section.
- 18 (6) Except as provided for in subsection (2) of Section 3 of this Act, a citation shall
- 19 be mailed no later than fourteen (14) days after the alleged violation.
- 20 (7) A person who receives a citation under this section may:
- 21 (a) Pay the civil penalty in accordance with the instructions on the citation
- 22 directly to the District Court; or
- 23 (b) Elect to stand trial for the alleged violation.
- 24 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
- 25 READ AS FOLLOWS:
- 26 (1) The court may consider in defense of a violation under Section 2 of this Act, that:
- 27 (a) The motor vehicle or the motor vehicle registration plates were stolen before

1 the violation occurred and were not under the control or possession of the
 2 owner at the time of the violation;

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

6 (c) The person named in the citation was not operating the vehicle at the time
 7 of the violation. A person named in a citation who uses this defense shall
 8 identify who was operating the vehicle at the time of the violation,
 9 including, at a minimum, the operator's name and address.

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

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

20 (1) If after one hundred twenty (120) days, a person fails to pay the civil penalty
 21 imposed under Section 2 of this Act and has not contested the violation, the
 22 Transportation Cabinet shall suspend the registration of the vehicle, when
 23 notified by the District Court, until the civil penalty is paid.

24 (2) A violation under Section 2 of this Act shall not:

25 (a) Result in points against the driving record of the operator of the vehicle in
 26 violation;

27 (b) Be included on the driver record; or

1 (c) Be used for motor vehicle insurance purposes.

2 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
3 READ AS FOLLOWS:

4 An agency that has installed an automated speed enforcement device under Section 2
5 of this Act shall:

6 (1) Notify the public of the location of any automated speed enforcement device prior
7 to installation;

8 (2) Install signage on both sides of the roadway notifying the public that vehicle
9 speed in the area is enforced by an automated speed enforcement device that is
10 located within one thousand (1,000) feet;

11 (3) Calibrate the automated speed enforcement device on an annual basis; and

12 (4) Report semiannually to the local government and the Legislative Research
13 Commission, the number of civil citations issued and total revenue received from
14 civil citation issuance.