

1 AN ACT relating to school bus safety and making an appropriation therefor.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 3 of this Act, unless the context requires otherwise:*

6 *(1) "Owner" has the same meaning as in KRS 186.010(7);*

7 *(2) "Recorded images" means two (2) or more photographic images or a segment of*
8 *any video medium recorded by a school bus stop arm camera which show the rear*
9 *of a motor vehicle and, on at least one (1) image or portion of video, clearly*
10 *identify the registration plate number of the vehicle;*

11 *(3) "School bus stop arm camera" means a device installed on the exterior of a*
12 *school bus for the purpose of capturing recorded images of motor vehicles*
13 *passing the school bus from any direction when the bus is stopped with the stop*
14 *arm fully extended and signal lights activated, in violation of KRS 189.370(1);*
15 *and*

16 *(4) "Third-party designee" means an entity authorized by a local school district*
17 *pursuant to a written contract to process alleged violations of KRS 189.370(1)*
18 *recorded by a school bus stop arm camera operated and maintained by the third*
19 *party and collect civil penalties levied in accordance with Section 4 of this Act.*

20 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
21 READ AS FOLLOWS:

22 *(1) By August 1, 2023, each local school district shall install and maintain a*
23 *functioning school bus stop arm camera on any school bus used to transport*
24 *students on a daily route.*

25 *(2) A school district may contract with a third party for:*

26 *(a) The purchase or lease, installation, operation, and maintenance of school*
27 *bus stop arm cameras; and*

1 **(b) The processing of alleged violations of KRS 189.370(1) recorded by school**
2 **bus stop arm cameras, including the collection of funds levied in**
3 **accordance with Section 4 of this Act.**

4 **(3) Prior to utilizing a school bus stop arm camera, each local school district shall:**

5 **(a) Create procedures to submit recorded images to the Transportation Cabinet**
6 **within seven (7) days of the alleged violation of KRS 189.370(1); or**

7 **(b) Designate a third party to process alleged violations of KRS 189.370(1)**
8 **recorded by school bus stop arm cameras.**

9 **(4) In the event that an emergency situation necessitates a local school district**
10 **subject to the requirements of subsection (1) of this section to replace a school**
11 **bus equipped with a school bus stop arm camera with a spare school bus that is**
12 **not equipped with a functioning school bus stop arm camera to transport students**
13 **on a daily route, the local school district shall:**

14 **(a) Prior to transporting any student on the spare school bus, notify the**
15 **Kentucky Department of Education of the nature of the emergency**
16 **situation, the school bus number of a bus being replaced with a spare bus,**
17 **and the school bus number of the spare bus;**

18 **(b) Within ninety (90) days, equip the spare school bus with a functioning**
19 **school bus stop arm camera or discontinue use of the spare school bus to**
20 **transport students on a daily route; and**

21 **(c) Within ninety (90) days, submit a written or electronic report to the**
22 **Kentucky Department of Education summarizing the action taken by the**
23 **local school district in accordance with paragraph (b) of this subsection.**

24 **(5) (a) Prior to August 1, 2023, a local school district in a county with a population**
25 **density equal to or less than one hundred percent (100%) of the average**
26 **statewide population density, as determined by the most recent decennial**
27 **census, may apply to the Kentucky Department of Education for special**

1 permission to suspend the requirements of subsection (1) of this section for
2 a period of up to five (5) years.

3 (b) The application for special permission to suspend the requirements of
4 subsection (1) of this section shall require the local school district to:

- 5 1. Demonstrate a genuine financial need for the special permission; and
6 2. Collaborate with the law enforcement agency primarily responsible for
7 traffic enforcement in the district to submit a comprehensive plan to
8 improve the enforcement of KRS 189.370(1).

9 (c) A local school district granted special permission to suspend the
10 requirements of subsection (1) of this section shall submit an annual
11 enforcement report to the Kentucky Department of Education summarizing
12 the progress and efficacy of the comprehensive plan.

13 (d) The Kentucky Department of Education shall revoke the special permission
14 granted to a local school district to suspend the requirements of subsection
15 (1) of this section if:

- 16 1. A local school district fails to submit an annual enforcement report;
17 or
18 2. An annual enforcement report submitted by a local school district fails
19 to demonstrate that the local school district has adequately
20 implemented the comprehensive plan.

21 (6) The Kentucky Board of Education shall promulgate administrative regulations
22 for the administration of the provisions in this section.

23 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) Beginning with the 2023-2024 school year, the Kentucky Department of
26 Education shall conduct an annual on-site inspection of each local school district
27 subject to the requirements of subsection (1) of Section 2 of this Act to ensure

1 compliance. A local school district shall not receive prior notice of an on-site
2 investigation.

3 (2) If a local school district subject to the requirements of subsection (1) of Section 2
4 of this Act is not in compliance on the date of an annual on-site inspection,
5 twenty percent (20%) of the transportation funds allotted to the district pursuant
6 to KRS 157.370 shall be withheld until the Kentucky Department of Education
7 deems the district compliant.

8 (3) The Kentucky Board of Education shall promulgate administrative regulations
9 for the administration of the provisions in this section.

10 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 174 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) As used in this section, unless the context requires otherwise:

13 (a) "Owner" has the same meaning as in KRS 186.010(7); and

14 (b) "Recorded images," "school bus stop arm camera," and "third-party
15 designee" have the same meaning as in Section 1 of this Act.

16 (2) The cabinet or third-party designee shall review all recorded images captured by
17 a school bus stop arm camera on or after August 1, 2021, and make a
18 determination as to whether a violation of KRS 189.370(1) occurred. If a
19 violation of KRS 189.370(1) has occurred the cabinet or third-party designee
20 shall issue a uniform civil citation in accordance with this section.

21 (3) The cabinet or third-party designee shall issue a uniform civil citation for a civil
22 penalty in the following amount upon the owner of a motor vehicle that is
23 recorded by a school bus stop arm camera while being in violation of KRS
24 189.370(1) on or after August 1, 2021:

25 (a) Two hundred dollars (\$200) for the first civil penalty; and

26 (b) Five hundred dollars (\$500) for each subsequent civil penalty issued within
27 a three (3) year period.

1 (4) To carry out the purposes of this section, the cabinet shall prescribe a uniform
2 civil citation form, which shall include:

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

4 (b) The name and address of the driver of the vehicle, if known to be different
5 from the owner;

6 (c) The violation charged;

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

8 (e) The location of the violation;

9 (f) The amount of the civil penalty imposed and the date by which the civil
10 penalty shall be paid;

11 (g) Information advising the person alleged to be liable under this section as to
12 the manner and time in which the uniform civil citation may be appealed to
13 the cabinet; and

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

17 (5) Within thirty (30) days of a violation of KRS 189.370(1) recorded by a school bus
18 stop arm camera on or after August 1, 2021, the cabinet or third-party designee
19 shall mail to the owner of a vehicle liable under subsection (2) of this section:

20 (a) A uniform civil citation as described in subsection (4) of this section;

21 (b) A copy of the recorded image;

22 (c) A signed, sworn statement of a technician employed by the cabinet or third-
23 party designee that, based on inspection of recorded images, the motor
24 vehicle was being operated in violation of KRS 189.370(1). This statement
25 may be admissible in any proceeding challenging a uniform civil citation
26 issued for a violation of KRS 189.370(1) recorded by a school bus stop arm
27 camera; and

1 (d) Instructions on how to pay the civil penalty.

2 (6) A person who receives a uniform civil citation under this section shall within
3 thirty (30) days from the date of the uniform civil citation:

4 (a) Pay the civil penalty directly in accordance with the instructions included
5 with the uniform civil citation;

6 (b) Mail to the cabinet or third-party designee a copy of a criminal citation for
7 a violation of KRS 189.370(1) issued by a law enforcement officer to the
8 operator of the motor vehicle at the date and approximate time listed on the
9 uniform civil citation; or

10 (c) Elect to appeal the uniform civil citation to the cabinet.

11 (7) The cabinet has the power and authority to hear appeals brought under this
12 section, issue subpoenas, compel the attendance of witnesses, require persons to
13 testify under oath, administer oaths, and issue process, orders, opinions and
14 decisions, but from each final order of the cabinet an appeal may be taken to the
15 Franklin Circuit Court as provided in KRS Chapter 13B.

16 (8) (a) The cabinet may consider in defense of a uniform civil citation issued under
17 this section that:

18 1. The motor vehicle or the motor vehicle registration plates were stolen
19 before the violation occurred and were not under the control or
20 possession of the owner at the time of the violation;

21 2. This section is not enforceable because at the time and place of the
22 violation the stop arm was not extended or the signal lights were not
23 activated so as to be seen by an ordinarily observant individual;

24 3. The person named in the uniform civil citation was not operating the
25 vehicle at the time of the violation. A person named in a uniform civil
26 citation who uses this defense shall identify who was operating the
27 vehicle at the time of the violation, including, at a minimum, the

1 operator's name and address; or

2 4. The person received a citation from a law enforcement officer for a
3 violation of KRS 189.370(1) at the date and approximate time listed on
4 the uniform civil citation.

5 (b) If the cabinet finds that the owner was not operating the vehicle at the time
6 of the violation, the cabinet may issue a uniform civil citation under this
7 section to the person that the evidence indicates was operating the vehicle at
8 the time of the violation within thirty (30) days.

9 (9) (a) The cabinet shall suspend the registration of the vehicle until the civil
10 penalty is paid if the owner of the motor vehicle does not within thirty (30)
11 days:

12 1. Pay a civil penalty imposed under subsection (2) of this section;

13 2. Provide a copy of a citation for a violation of KRS 189.370(1) issued
14 by a law enforcement officer at the date and approximate time listed
15 on the uniform civil citation; or

16 3. Appeal the uniform civil citation to the cabinet.

17 (b) A third-party designee shall notify the cabinet of the need to release a
18 suspension levied in accordance with paragraph (a) of this subsection
19 within one (1) business day of collecting the funds to satisfy the civil
20 penalty.

21 (10) The funds collected by the cabinet for a civil penalty levied in accordance with
22 this section shall be collected and disposed of in accordance with KRS 24A.180.
23 Once deposited into the State Treasury:

24 (a) Eighty percent (80%) of the funds collected shall immediately be forwarded
25 to the school district in which the violation giving rise to the civil penalty
26 occurred for the purchase or lease, installation, operation, and maintenance
27 of school bus stop arm cameras;

1 **(b) Ten percent (10%) of the funds collected shall immediately be forwarded to**
2 **the Kentucky Department of Education for inspection costs incurred in**
3 **accordance with Section 3 of this Act and the promotion of school bus**
4 **safety; and**

5 **(c) Ten percent (10%) of the funds collected shall immediately be forwarded to**
6 **the Transportation Cabinet.**

7 **(11) The funds collected by a third-party designee in accordance with this section**
8 **shall be disposed of in the following manner:**

9 **(a) The third-party designee may retain no more than eighty percent (80%) of**
10 **the funds collected and no more than one hundred and sixty dollars (\$160)**
11 **of each civil penalty as the exclusive payment for the lease, operation, and**
12 **maintenance of school bus stop arm cameras and processing of alleged**
13 **violations of KRS 189.370(1).**

14 **(b) The remainder of the funds collected by the third-party designee shall be**
15 **deposited in the general fund of the State Treasury. Once deposited into the**
16 **State Treasury:**

17 **1. Ten percent (10%) of the funds of the total funds collected by the**
18 **third-party designee shall immediately be forwarded to the Kentucky**
19 **Department of Education for inspection costs incurred in accordance**
20 **with Section 3 of this Act and the promotion of school bus safety;**

21 **2. Ten percent (10%) of the total funds collected by the third-party**
22 **designee shall immediately be forwarded to the Transportation**
23 **Cabinet; and**

24 **3. Any remaining funds collected by the third-party designee shall**
25 **immediately be forwarded to the school district in which the violation**
26 **giving rise to the civil penalty occurred for the purchase, installation,**
27 **operation, and maintenance of school bus stop arm cameras or other**

1 school bus safety features if the school district is in compliance with
2 Section 2 of this Act.

3 (12) A violation under this section shall not result in points against the driving record
4 of the operator of the vehicle in violation.

5 (13) The cabinet shall promulgate administrative regulations necessary to effectuate
6 the purpose of administering this section and to establish minimum calibration
7 requirements for school bus stop arm cameras no later than July 1, 2021.

8 ➔Section 5. KRS 189.990 is amended to read as follows:

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

27 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,

1 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents
2 (\$0.02) per pound for each pound of excess load when the excess is five
3 thousand (5,000) pounds or less. When the excess exceeds five thousand
4 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of
5 excess load, but the fine levied shall not be less than one hundred dollars
6 (\$100) and shall not be more than five hundred dollars (\$500).

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

10 (c) Any person who violates any provision of subsection (2) or (3) of KRS
11 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
12 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
13 another penalty is not specifically provided shall be fined not less than ten
14 dollars (\$10) nor more than five hundred dollars (\$500).

15 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
16 on a route designated in KRS 177.986 shall be fined one hundred dollars
17 (\$100).

18 2. Any person who operates a vehicle with a permit under KRS 177.985 in
19 excess of eighty thousand (80,000) pounds while operating on a route
20 not designated in KRS 177.986 shall be fined one thousand dollars
21 (\$1,000).

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

27 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not

1 more than fifteen dollars (\$15).

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

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

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

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

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

21 (b) The fines and costs for a violation of KRS 189.370 shall be collected and
22 disposed of in accordance with KRS 24A.180. Once deposited into the State
23 Treasury:

24 1. Eighty percent (80%) of the fines collected shall immediately be
25 forwarded to the school district in which the violation giving rise to the
26 civil penalty occurred for the purchase, installation, operation, and
27 maintenance of school bus stop arm cameras or other school bus

1 safety features if the school district is in compliance with subsection
2 (1) of Section 2 of this Act;

3 2. Ten percent (10%) of the fines collected shall immediately be
4 forwarded to the Kentucky Department of Education for inspection
5 costs incurred in accordance with Section 3 of this Act and the
6 promotion of school bus safety; and

7 3. Ten percent (10%) of the fines collected shall annually be returned to
8 the law enforcement agency that issues the citation.

9 (c) Any person who violates KRS 189.370 as evidenced by a recorded image
10 captured by a school bus stop arm camera but does not receive a citation
11 from a police officer at the time of the violation shall be subject to a civil
12 penalty in accordance with Section 4 of this Act.

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

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

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

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

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

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

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

- 1 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
2 this section shall, in the case of a public highway, be paid into the county road fund,
3 and, in the case of a privately owned road or bridge, be paid to the owner. These
4 fines shall not bar an action for damages for breach of contract.
- 5 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
6 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
7 offense.
- 8 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
9 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 10 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
11 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 12 (16) Any person who violates restrictions or regulations established by the secretary of
13 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
14 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
15 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
16 imprisoned for thirty (30) days, or both.
- 17 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
18 of a Class B misdemeanor.
- 19 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
20 case of violation by any person in whose name the vehicle used in the
21 transportation of inflammable liquids or explosives is licensed, the person
22 shall be fined not less than one hundred dollars (\$100) nor more than five
23 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 24 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
25 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
26 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
27 nor more than thirty (30) days.

- 1 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
2 unless the offense is being committed by a defendant fleeing the commission of a
3 felony offense which the defendant was also charged with violating and was
4 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 5 (20) Any law enforcement agency which fails or refuses to forward the reports required
6 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 7 (21) A person who operates a bicycle in violation of the administrative regulations
8 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
9 nor more than one hundred dollars (\$100).
- 10 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
11 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 12 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
13 dollars (\$25) nor more than three hundred dollars (\$300).
- 14 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
15 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
16 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
17 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
18 or any other additional fees or costs.
- 19 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
20 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
21 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).
22 This fine shall be subject to prepayment. A fine imposed under this subsection shall
23 not be subject to court costs pursuant to KRS 24A.175, additional court costs
24 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other
25 additional fees or costs. A person who has not been previously charged with a
26 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the
27 requirements of KRS 189.125. Upon presentation of sufficient proof of the

1 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

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

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

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

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

17 (b) Attendance at a driver improvement clinic established pursuant to KRS
18 186.574. If the person completes the terms of this diversionary program
19 satisfactorily the violation shall be dismissed.

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

- 1 law enforcement agencies within the county.
- 2 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars
- 3 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.