GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

SENATE BILL NO. 117

MONDAY, FEBRUARY 23, 2015

The following bill was reported to the House from the Senate and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to county attorney operated traffic safety programs.

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

3 ➔Section 1. KRS 186.574 is amended to read as follows:

4 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and
5 for traffic offenders. The school shall be composed of uniform education and
6 training elements designed to create a lasting influence on new drivers and a
7 corrective influence on traffic offenders. District Courts may in lieu of assessing
8 penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to
9 state traffic school and no other. The Transportation Cabinet shall enroll a person in
10 state traffic school who fails to complete a driver's education course pursuant to
11 KRS 186.410(5).

12 (2) If a District Court stipulates in its judgment of conviction that a person attend state
13 traffic school, the court shall indicate this in the space provided on the abstract of
14 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the
15 Transportation Cabinet, or its representative, shall schedule the person to attend
16 state traffic school. Failure of the person to attend and satisfactorily complete state
17 traffic school in compliance with the court order, may be punished as contempt of
18 the sentencing court. The Transportation Cabinet shall not assess points against a
19 person who satisfactorily completes state traffic school. However, if the person
20 referred to state traffic school holds or is required to hold a commercial driver's
21 license, the underlying offense shall appear on the person's driving history record.

22 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic
23 school, and shall promulgate administrative regulations pursuant to KRS Chapter
24 13A governing facilities, equipment, courses of instruction, instructors, and records
25 of the program. In the event a person sentenced under subsection (1) of this section
26 does not attend or satisfactorily complete state traffic school, the Transportation
27 Cabinet may deny that person a license or suspend the license of that person until he

1 reschedules attendance or completes state traffic school, at which time a denial or
2 suspension shall be rescinded.
3 (4) Persons participating in the state traffic school as provided in this section shall pay a
4 fee of fifteen dollars ($15) to defray the cost of operating the school, except that if
5 enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c),
6 a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that are
7 dedicated to the road fund for use in the state driver education program may be used
8 for the purposes of state traffic school.
9 (5) The following procedures shall govern persons attending state traffic school
10 pursuant to this section:
11 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters
12 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of
13 the trial judge, be sentenced to attend state traffic school. Upon payment of the
14 fee required by subsection (4) of this section, and upon successful completion
15 of state traffic school, the sentence to state traffic school shall be the person's
16 penalty in lieu of any other penalty, except for the payment of court costs;
17 (b) Except as provided in KRS 189.990(28), a person shall not be eligible to
18 attend state traffic school who has been cited for a violation of KRS Chapters
19 177, 186, or 189 that has a penalty of mandatory revocation or suspension of
20 an offender's driver's license;
21 (c) Except as provided in KRS 189.990(28), a person shall not be eligible to
22 attend state traffic school for any violation if, at the time of the violation, the
23 person did not have a valid driver's license or the person's driver's license was
24 suspended or revoked by the cabinet;
25 (d) Except as provided in KRS 189.990(28), a person shall not be eligible to
26 attend state traffic school more than once in any one (1) year period, unless
27 the person wants to attend state traffic school to comply with the driver

1 education requirements of KRS 186.410; and
2 (e) The cabinet shall notify the sentencing court regarding any person who was
3 sentenced to attend state traffic school who was ineligible to attend state
4 traffic school. A court notified by the cabinet pursuant to this paragraph shall
5 return the person's case to an active calendar for a hearing on the matter. The
6 court shall issue a summons for the person to appear and the person shall
7 demonstrate to the court why an alternative sentence should not be imposed.
8 (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney may
9 operate a traffic safety program for traffic offenders prior to the adjudication
10 of the offense.
11 (b) Offenders alleged to have violated KRS 189A.010 or 304.39-080, offenders
12 holding a commercial driver's license under KRS Chapter 281A, or offenders
13 coming within the provisions of subsection (5)(b) or (c) of this section shall be
14 excluded from participation in a county attorney-operated program.
15 (c) A county attorney that operates a traffic safety program:
16 1. May charge a reasonable fee to program participants, which shall only
17 be used for payment of county attorney office operating expenses; and
18 2. Shall, by October 1 of each year, report to the Prosecutors Advisory
19 Council the fee charged for the county attorney-operated traffic safety
20 program and the total number of traffic offenders diverted into the
21 county attorney-operated traffic safety program for the preceding fiscal
22 year categorized by traffic offense.
23 (d) Each participant in a county attorney-operated traffic safety program shall, in
24 addition to the fee payable to the county attorney, pay a twenty-five dollar
25 ($25) fee to the court clerk, which shall be paid into a trust and agency
26 account with the Administrative Office of the Courts and is to be used by the
27 circuit clerks to hire additional deputy clerks and to enhance deputy clerk

1 salaries.

2 *(e) Each participant in a county attorney-operated traffic safety program shall,*
3 *in addition to the fee payable to the county attorney and the fee required by*
4 *paragraph (d) of this subsection, pay a thirty dollar ($30) fee to the county*
5 *attorney in lieu of court costs. On a monthly basis, the county attorney shall*
6 *forward the fees collected pursuant to this paragraph to the Finance and*
7 *Administration Cabinet to be distributed as follows:*
8 *1. Ten and eight tenths percent (10.8%) to the spinal cord and head*
9 *injury research trust fund created in KRS 211.504;*
10 *2. Nine and one tenth percent (9.1%) to the traumatic brain injury trust*
11 *fund created in KRS 211.476;*
12 *3. Five and eight tenths percent (5.8%) to the special trust and agency*
13 *account set forth in KRS 42.320(2)(f) for the Department of Public*
14 *Advocacy;*
15 *4. Five and seven tenths percent (5.7%) to the crime victims*
16 *compensation fund created in KRS 346.185;*
17 *5. One and two tenths percent (1.2%) to the Justice and Public Safety*
18 *Cabinet to defray the costs of conducting record checks on prospective*
19 *firearms purchasers pursuant to the Brady Handgun Violence*
20 *Prevention Act and for the collection, testing, and storing of DNA*
21 *samples;*
22 *6. Sixteen and eight tenths percent (16.8%) to the county sheriff in the*
23 *county from which the fee was received;*
24 *7. Nine and one tenth percent (9.1%) to the county treasurer in the*
25 *county from which the fee was received to be used by the fiscal court*
26 *for the purposes of defraying the costs of operation of the county jail*
27 *and the transportation of prisoners;*

1 ***8. Thirty-three and two tenths percent (33.2%) to local governments in***
2 ***accordance with the formula set forth in KRS 24A.176(5); and***
3 ***9. Eight and three tenths percent (8.3%) to the Cabinet for Health and***
4 ***Family Services for the implementation and operation of a telephonic***
5 ***behavioral health jail triage system as provided in KRS 210.365 and***
6 ***441.048.***

President of Senate

Speaker-House of Representatives

Attest: _____
Chief Clerk of Senate

Approved _____
Governor

Date 3/20/15