



Andy Beshear
GOVERNOR

TRANSPORTATION CABINET

200 Mero Street
Frankfort, Kentucky 406 01

Jim Gray
SECRETARY

CONSTRUCTION MEMORANDUM

No. 04-2024

TO: Chief District Engineers
TEBMs for Project Delivery and Preservation
Section Engineers

FROM: Matthew P. Simpson, P.E.
Director
Division of Construction *MPS*

DATE: September 6, 2024

SUBJECT: Higher Fines for KYTC Work Zones

KRS 189.2327 became effective as of July 15th, 2024. This KRS change institutes higher fines in work zones and establishes a Highway Work Zone Safety Fund. With this change the previous Double Fine work zones signage became obsolete and should be discontinued immediately. MUTCD standard signs R2-10 "BEGIN HIGHER FINE ZONE" and R2-11 "END HIGHER FINE ZONE" should be installed on active work zones in place of previously used double fine signage as soon as possible. Officers must verify that signs are posted and at least one worker is present within a work zone to issue the higher fine citations. Replacement signs should be paid for under the contract Temporary Signs bid item as per KY Standard Specification 112.04.02.

Attachments: KRS 189.2327, Work Zone Higher Fine Signage

MPS
Cc: KAHC

189.2327 Fines in highway work zone -- Highway work zone safety fund.

- (1) Subject to the requirements of subsection (2) of this section, if a violation of KRS 189.290 to 189.575 or 189.910 to 189.960 occurred in a highway work zone, the fine shall be:
 - (a) Five hundred dollars (\$500) if no person is physically injured or dies as a result of the violation. Notwithstanding the provisions of KRS 189.999, the fine under this paragraph is prepayable; and
 - (b) Not less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000) if the violation results in physical injury to or death of any person.
- (2)
 - (a) In order for an increased fine to be imposed under this section, the highway work zone must have:
 1. Signs displayed informing drivers of the existence of a highway work zone and that fines are increased in it; and
 2. At least one (1) bona fide worker present.
 - (b) If a violation of any of the offenses identified in subsection (1) of this section can be classified as a misdemeanor, those penalties shall apply in addition to the penalties in subsection (1) of this section.
- (3) All fines collected for violations in a highway work zone under this section shall be deposited into a separate trust and agency account within the Transportation Cabinet known as the "highway work zone safety fund." The highway work zone safety fund shall be used exclusively by the Transportation Cabinet to hire or pay for enhanced law enforcement of traffic laws within highway work zones.

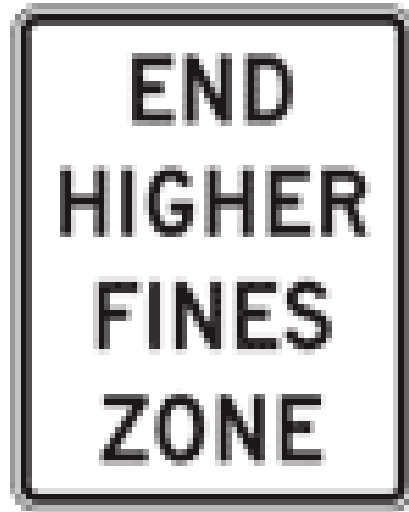
Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 198, sec. 18, effective July 15, 2024. -- Created 2019 Ky. Acts ch. 40, sec. 1, effective June 27, 2019.

Work Zone Higher Fine Signage



R2-10



R2-11