

A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

KRS 189.292 Use of personal communication device prohibited while operating motor vehicle in motion on traveled portion of roadway - Exclusions.

- (1) As used in this section, "personal communication device" means a device capable of two (2) way audio or text communication that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers communication to the possessor, including but not limited to a paging device and a cellular telephone.**
- (2) Except as provided in subsection (3) of this section, no person shall, while operating a motor vehicle that is in motion on the traveled portion of a roadway, write, send, or read text-based communication using a personal communication device to manually communicate with any person using text-based communication, including but not limited to communications referred to as a text message, instant message, or electronic mail.**
- (3) Subsection (2) of this section shall not apply to:**
 - (a) The use of a global positioning system feature of a personal communication device;**
 - (b) The reading, selecting, or entering of a telephone number or name in a personal communication device for the purpose of making a phone call;**
 - (c) An operator of an emergency or public safety vehicle, when the use of a personal communication device is an essential function of the operator's official duties; or**
 - (d) The operator of a motor vehicle who writes a text message on a personal communication device to:**
 - 1. Report illegal activity;**
 - 2. Summon medical help;**
 - 3. Summon a law enforcement or public safety agency; or**
 - 4. Prevent injury to a person or property.**

KRS 189.294 Use of personal communication device by minor prohibited while operating motor vehicle, motorcycle or moped in motion on traveled portion of roadway - Exclusions.

- (1) As used in this section, "personal communication device" shall have the same meaning as defined in KRS 189.292.**
- (2) Any person under the age of eighteen (18) who has been issued an instruction permit, intermediate license, or operator's license shall not operate a motor vehicle, motorcycle, or moped that is in motion on the traveled portion of a roadway while using a personal communication**

device, except to summon medical help or a law enforcement or public safety agency in an emergency situation.

- (3) Use of a personal communication device does not include a stand-alone global positioning system or an in-vehicle security, diagnostics, and communications system, but does include manually entering information into the global positioning system feature of a personal communication device.***
- (4) This section shall not apply to the use of a citizens band radio or an amateur radio by a motor vehicle operator.***

KRS 189.990 is amended to read as follows:

- (30) (a) Prior to January 1, 2011, any person who violates KRS 189.292 or KRS 189.294 shall not be issued a uniform citation, but shall instead receive a courtesy warning.***
- (b) On or after January 1, 2011, any person who violates KRS 189.292 or KRS 189.294 shall be fined twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.***