

1 AN ACT relating to vehicle recyclers.

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

3 ➔Section 1. KRS 177.905 is amended to read as follows:

4 As used in KRS 177.910 to 177.950, unless the context otherwise requires:

- 5 (1) "Road" means any ~~county, state, federal or limited access~~ highway ***designated as a***
 6 ***part of the national highway system, which includes the interstate highway***
 7 ***system***~~for turnpike~~, including bridges and bridge approaches.
- 8 (2) "Automobile, vehicle or machinery recyclers" means any place where five (5) or
 9 more junked, wrecked or nonoperative automobiles, vehicles, machines and other
 10 similar scrap or salvage materials, excluding inoperative farm equipment, are
 11 deposited, parked, placed or otherwise located, or any business as defined in
 12 subsection (3) where ten (10) or more junked, wrecked or nonoperative
 13 automobiles, vehicles, machines and other similar scrap or salvage materials are
 14 deposited, parked, placed or otherwise located.
- 15 (3) "Business" means any person engaged as an automobile dealer, body shop operator,
 16 wrecker service operator, service station operator or other activity which may buy,
 17 sell or repair nonoperative vehicles, automobiles or machinery as a service.
- 18 (4) "Material recyclers" shall mean any establishment or place of business, including
 19 garbage dumps and sanitary fills, maintained, operated, or used for storing, keeping,
 20 buying or selling of old or scrap copper, brass, rope, rags, batteries, paper, trash,
 21 rubber debris, waste, or motor vehicle parts, iron, steel, and other old or scrap
 22 ferrous or nonferrous material.
- 23 (5) "Operator or operators" means a person, firm or corporation operating an
 24 automobile, vehicle, machinery or material recycling establishment or place of
 25 business or the allowing of such automobile, vehicle, machinery or material
 26 recycling establishment or place of business to be placed or deposited, or to remain
 27 on premises owned or controlled by such person, firm or corporation.

1 (6) "Person" means any individual, firm, agency, company, association, partnership,
2 business trust, joint stock company, body politic or corporation.

3 (7) "Department" means the Department of Highways.

4 (8) "Commissioner" means the commissioner of the Department of Highways.

5 ➔Section 2. KRS 177.912 is amended to read as follows:

6 **(1) An automobile, vehicle or machinery recycling establishment or place of business**
7 **or material recycling establishment or place of business, regardless of whether it**
8 **is subject to permitting under KRS 177.910, shall be subject to the ordinances,**
9 **rules, and regulations enacted by the city, county, urban-county government,**
10 **consolidated local government, charter county government, or unified local**
11 **government in which it operates, including but not limited to planning and**
12 **zoning laws.**

13 **(2) For any automobile, vehicle or machinery recycling establishment or place of**
14 **business or material recycling establishment or place of business required to**
15 **obtain a permit from the department under KRS 177.910, the commissioner of**
16 **highways may exempt the business or establishment from the permit process if**
17 **the local government in which the business or entity operates certifies that the**
18 **business or establishment complies as a conforming use in an industrially zoned**
19 **area under the applicable zoning ordinances and regulations. Any business or**
20 **establishment granted a permit exemption under this subsection shall not be**
21 **deemed to be in violation of KRS 177.905 to 177.950.**

22 [~~An automobile, vehicle or machinery recycling establishment or place of business or~~
23 ~~material recycling establishment or place of business which complies as a conforming use~~
24 ~~in an industrially zoned area under the applicable zoning ordinances and regulations of~~
25 ~~any county or city, as determined in the discretion of the commissioner of highways, shall~~
26 ~~not be deemed to be in violation of KRS 177.905 to 177.950.]~~