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LEGISLATIVE RESEARCH COMMISSION

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MEMORANDUM

TO: Senate Standing Committee on Transportation  
House Standing Committee on Transportation

FROM: Jay D. Hartz, Director *JDH*

SUBJECT: Administrative Regulations

DATE: January 2, 2025

At its December 9, 2024, meeting, the Administrative Regulation Review Subcommittee completed its review of the following administrative regulations: 603 KAR 005:050; 603 KAR 005:066; 603 KAR 005:350.

Pursuant to the provisions of KRS Chapter 13A, these regulations have been assigned to the Senate Standing Committee on Transportation and the House Standing Committee on Transportation. Pursuant to KRS Chapter 13A, the committees have ninety (90) days from the date of this assignment to review these regulations.

The Subcommittee minutes will be delivered to your committee staff upon completion. The material considered by the Subcommittee in its review is attached to the appropriate administrative regulations.

Attachments

cc: Administrative Regulation Review Subcommittee  
John Snyder



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MEMORANDUM

**TO:** Senator Robert Stivers, President of the Senate  
Representative David Osborne, Speaker of the House  
Members of the Legislative Research Commission

**FROM:** Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Administrative Regulation Review Subcommittee

**RE:** Report of the Administrative Regulation Review Subcommittee

**DATE:** January 3, 2025

**Members:** Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams, Damon Thayer; and David Yates, Representatives Randy Bridges, Deanna Frazier Gordon, and Keturah Herron.

**LRC Staff:** Stacy Auterson, Laura Begin, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Anna Latek, Callie Lewis, and Carrie Nichols.

**Guests:** Travis Powell, Council on Postsecondary Education; Taylor Brown, State Board of Elections; Chris Chamness, Personnel Cabinet; Beau Barnes, Teachers' Retirement System; Eden Davis, Christopher Harlow, Board of Pharmacy; Christi LeMay, Dr. Karoline Munson, OD, Board of Optometric Examiners; Jeff Allen, Board of Dentistry; John Blevins, Kanetha Dorsey, Jonathan Rideout, Board of Embalmers and Funeral Directors; Dr. John Park, DVM, Michelle Shane, Board of Veterinary Examiners; Elizabeth Morgan, R.T., Board of Medical Imaging and Radiation Therapy; Eddie Slone, John Wood, Board of Emergency Medical Services; Steven Fields, Jenny Gilbert, Department of Fish and Wildlife Resources; Nathan Goens, Justice and Public Safety Cabinet; Jon Johnson, Jason Siwula, Tim Tharpe, Department of Highways; Greg Higgins, Buddy Wheatley, Office of Unemployment

Insurance; Robin Maples, Chuck Stribling, Buddy Wheatley, Department of Workplace Standards; Katie Adams-Cornett, Marni Gibson, Department of Financial Institutions; Dr. Allen Brenzel, M.D., Julie Brooks, John Prather, Rachael Ratliff, Carrell Rush, Jonathan Scott, Andrew Waters, Cabinet for Health and Family Services; Cookie Crews, Department of Corrections; Michael Frazier, Kentucky Student Rights Association, Eastern Kentucky University: Student Government Association; and Steve Brown, ASCB Therapy.

**Administrative Regulations Review by this Subcommittee:**

**The Administrative Regulation Review Subcommittee met on Monday, December 9, 2024.**

**TRANSPORTATION CABINET: Department of Highways: Traffic**

603 KAR 005:050. Uniform traffic control devices. Jon Johnson, staff attorney; Jason Siwula, executive director of project development; and Tim Tharpe, division director, represented the department.

603 KAR 005:066. Weight (mass) limits for trucks.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

603 KAR 005:350. Off-highway vehicles, safety, and routes.

**The subcommittee adjourned at 2:35 p.m. The next meeting of this subcommittee was tentatively scheduled for January 13, 2025, at 1 p.m. in Room 149 of the Annex.**

**TRANSPORTATION CABINET**  
**Department of Highways**  
**Division of Traffic Operations**  
**(Amendment)**

**603 KAR 5:050. Uniform traffic control devices.**

RELATES TO: KRS 189.337, 23 C.F.R. 655.601-655.603

STATUTORY AUTHORITY: KRS 189.337(2), 23 C.F.R. 655.601-655.603

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.337(2) requires the Transportation Cabinet, Department of Highways, to promulgate and adopt a manual of standards and specifications for a uniform system of traffic control devices. The Federal Highway Administration in 23 C.F.R. 655.603 recognizes the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) as the national standard for all traffic control devices installed on any street, highway, bicycle trail, or private road open to public travel. This administrative regulation establishes that the MUTCD shall be the uniform system of traffic control devices in Kentucky.

Section 1. Definition. "Private road open to public travel" means a private toll road or road, including any adjacent sidewalk that generally runs parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that:

- (1) Is privately owned, but on which the public is allowed to travel without access restrictions; and
- (2) Does not include a road within private gated property, except for a gated toll road, in which access is restricted at all times, a parking area, driving aisle within a parking area, or a private grade crossing.

Section 2. Traffic Control Devices. The MUTCD published by the Federal Highway Administration shall be the standard for all traffic control devices installed on any street, highway, bicycle trail, or private road open to public travel in Kentucky.

Section 3. Incorporation by Reference.

(1) "Manual on Uniform Traffic Control Devices for Streets and Highways 11th edition", Federal Highway Administration, December~~[-]~~2023~~[2009]~~, ~~[revised May, 2012,-]~~is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet, Department of Highways, Division of Traffic Operations, 200 Mero Street, Third Floor, in Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be obtained at the cabinet's Web site at [www.transportation.ky.gov](http://www.transportation.ky.gov).

JIM GRAY, Secretary

JAMES E. BALLINGER, State Highway Engineer

APPROVED BY AGENCY: September 13, 2024

FILED WITH LRC: September 13, 2024 at 11:45 a.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on November 21, 2024, at 10:30 a.m. EST, at the Transportation Cabinet, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. EST on November 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 782-8180, fax (502) 564-5238, email Jon.Johnson@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This amendment incorporates the most recent MUTCD standards.

(b) The necessity of this administrative regulation:

This amendment is needed to comply with most recent MUTCD standards.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

Adopting the most recent MUTCD standards will fulfill statutory requirements regarding safety.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This amendment will update the most recent MUTCD standards which will assist in effective administration of the relevant statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment will update the regulation to include most recent MUTCD standards.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to adopt most recent standards.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment fulfills the intent of keeping the law consistent with updated national standards.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will adopt the most recent MUTCD standards. As such this will allow uniformity with other jurisdictions and will in turn honor the purpose of the relevant statutes.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books. (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: N/A (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: N/A (c) As a result of compliance, what benefits will accrue to the entities: N/A

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

N/A

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There are no costs.

(b) On a continuing basis:

There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There are no fees involved.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

There are no new costs. The amendment also does not increase existing fees.

(9) TIERING: Is tiering applied?

Not applicable to substitution of more recent MUTCD standards.

### FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 189.337.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

(a) Estimate the following for the first year:

Expenditures: no expenditures.

Revenues: no revenue.

Cost Savings: no cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no change.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

(a) Estimate the following for the first year:

Expenditures: no expenditures.

Revenues: no revenue.

Cost Savings: no cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be change.

(4) Identify additional regulated entities not listed in questions (2) or (3):

(a) Estimate the following for the first year:

Expenditures: N/A.

Revenues: N/A.



Cost Savings: N/A.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There will be zero fiscal impact of this amendment.

(b) Methodology and resources used to determine the fiscal impact:

The adoption of most recent MUTCD standards has no fiscal impact. This question is therefore not applicable.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

: The adoption of most recent MUTCD standards has no fiscal impact. This question is therefore not applicable. There will be no perceived economic impact.

(b) The methodology and resources used to reach this conclusion:

The adoption of the motion recent MUTCD standards does not require methodology or resources to adopt. The amendment simply adopts most recent manual.

## FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

23 C.F.R. 655.601-655.603.

(2) State compliance standards.

KRS 189.337(2).

(3) Minimum or uniform standards contained in the federal mandate.

Amendment adopts December 2023 MUTCD standards.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

This amendment adopts the most recent MUTCD Manual. There are no stricter requirements or additional responsibilities.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A.



TRANSPORTATION CABINET  
Department of Highways  
Division of Traffic Operations  
(Amended at ARRS Committee)

**603 KAR 5:066. Weight (mass) limits for trucks.**

RELATES TO: KRS 189.222[(11)][(40)], 23 C.F.R. 658

STATUTORY AUTHORITY: KRS 174.080, 189.222, 23 C.F.R. 658

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.222(1)[(11)][(40)] authorizes the Secretary of Transportation to establish reasonable weight (mass) limits for trucks using the state maintained highway system. This administrative regulation prescribes the maximum weight (mass) limits for each classification of roads in accordance with state and federal laws. These weights may only be exceeded if an overweight permit has been issued for the operation of a motor vehicle by the Transportation Cabinet.

**Section 1. Highway Classifications and Truck Types.**

(1) Trucking highways. All state maintained roads are assigned a classification[ in ~~603 KAR 5:304~~]. Unless the motor vehicle being operated has been issued an overdimensional permit by the Transportation Cabinet, the maximum allowable gross weight (mass) for each classification shall be as follows:

(a) Class "AAA" shall have a maximum allowable gross weight (mass) of 80,000 pounds (36,287.36 kilograms).

(b) Class "AA" shall have a maximum allowable gross weight (mass) of 62,000 pounds (28,122.70 kilograms).

(c) Class "A" shall have a maximum allowable gross weight (mass) of 44,000 pounds (20,090.05 kilograms).

(2) Truck types. For the purpose of posting bridges at the site and for listing bridge weight (mass) restrictions in this administrative regulation, the following truck types shall be used:

(a) Type 1[~~-This~~] shall be a single unit truck consisting of two (2) single axles.

(b) Type 2[~~-This~~] shall be a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.

(c) Type 3[~~-This~~] shall be a truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.

(d) Type 4[~~-This~~] shall be a tractor-semitrailer combination truck consisting of five (5) or more axles.

(3) Trucks with an axle combination not covered in subsection (2) of this section may be restricted by weight (mass) based on their axle spacing and weight (mass) distribution per axle in accordance with state and federal law. Information on those restrictions shall be available from the Division of Motor Carriers, Overweight and Overdimensional Permit Section.

Section 2. "AAA" Highways Except Interstates. The maximum weight (mass) limits for trucks using Class "AAA" highways, except the Interstate System, shall be as follows:

- (1) Gross weight (mass), including load, shall not exceed 80,000 pounds (36,287.36 kilograms).
- (2) Tire weight (force). The weight (force) transmitted to the pavement shall not exceed the product of 700 pounds (317.51 kilograms) times the aggregate width in inches (meters) established from the manufacturer's stamped tire measurement for all tires.
- (3) On Class "AAA" highways if a structure or bridge has a posted load limit of less than 80,000 pounds (36,287.36 kilograms), the posted limit shall not be exceeded.

Section 3. Interstate Highways. The maximum weight (mass) limits for trucks using Class "AAA" highways ~~that~~**which** are a part of the Interstate System shall be as ~~follows~~**follows**~~[established in this section]~~:

- (1) Gross weight (mass), including load, shall not exceed 80,000 pounds (36,287.36 kilograms).
- (2) Gross axle weight (mass) for a single axle shall not exceed 20,000 pounds (9071.84 kilograms) (with axles less than forty-two (42) inches (1.07 meters) apart to be considered as a single axle).
- (3) Gross weight (mass) shall not exceed 34,000 pounds (15,422.13 kilograms) on two (2) axles in tandem arrangement ~~that~~**which** are spaced forty-two (42) inches (1.07 meters) or more apart and ninety-six (96) inches (2.44 meters) or less apart.
- (4) Gross weight (mass) shall not exceed 34,000 pounds (15,422.13 kilograms) on three (3) axles in tridem arrangement if the distance between the centers of one (1) and three (3) is ninety-six (96) inches (2.44 meters) or less.
- (5) Gross weight (mass) shall not exceed 48,000 pounds (21,772.42 kilograms) on three (3) axles in tridem arrangement if the distance between the centers of axles one (1) and three (3) is more than ninety-six (96) inches (2.44 meters) but less than 120 inches (3.05 meters), and the distance between any two (2) adjacent axles of the tridem is forty-two (42) inches (1.07 meters) or more, and the gross weight (mass) of the vehicle is less than or equal to 73,280 pounds (33,239.22 kilograms).
- (6) The maximum gross weight (mass) allowed on two (2) consecutive sets of tandem axles shall be 34,000 pounds (15,422.13 kilograms) each, if the distance between the first and last axles of the consecutive sets of axles is thirty-six (36) feet (10.98 meters) or more.
- (7) The maximum gross weight (mass) allowed on a vehicle with any other axle configuration shall be established by the bridge weight formula:  $W = 500 (LN/N - 1 + 12N + 36)$  Where W equals gross weight, L equals distance in feet between

the extreme axles of the group of consecutive axles under consideration and N equals the number of axles in the group. The load on any single axle in any arrangement shall not exceed 20,000 pounds (9071.84 kilograms) and the gross weight (mass) shall not exceed 80,000 pounds (36,287.36 kilograms). Any axle that[which] is not included in one (1) of the combinations set forth in this subsection shall be steerable.

(8) Tire weight (force). The weight (force) transmitted to the pavement shall not exceed the product of 700 pounds (317.51 kilograms) times the aggregate width in inches (meters) established from the manufacturer's stamped tire measurement of all tires.

(9) On Class "AAA" highways that[which] are part of the interstate system if a structure or bridge has a posted load limit of less than 80,000 pounds (36,287.36 kilograms), the posted limit shall not be exceeded.

(10) Tolerances shall not be allowed on gross weight (mass), axle weight (mass), or combinations of axle weights (mass) on vehicles operating over a Class "AAA" highway that[which] is a part of the Interstate System.

Section 4. "AA" Highways. The maximum weight (mass) for trucks using Class "AA" highways shall be as follows[established in this section]:

(1) Gross weight (mass), including load, shall not exceed 62,000 pounds (28,122.7 kilograms).

(2) Gross axle weight (mass) for a single axle shall not exceed 20,000 pounds (9071.84 kilograms) (with axles less than forty-two (42) inches (1.07 meters) apart to be considered as a single axle).

(3) Gross weight (mass) shall not exceed 34,000 pounds (15,422.13 kilograms) on two (2) axles in tandem arrangement that[which] are spaced forty-two (42) inches (1.07 meters) or more apart and ninety-six (96) inches (2.44 meters) or less apart.

(4) Gross weight (mass) shall not exceed 34,000 pounds (15,422.13 kilograms) on three (3) axles in tridem arrangement if the distance between the centers of axles one (1) and three (3) is ninety-six (96) inches (2.44 meters) or less.

(5) Gross weight (mass) shall not exceed 48,000 pounds (21,772.42 kilograms) on three (3) axles in tridem arrangement if the distance between axles one (1) and three (3) is more than ninety-six (96) inches (2.44 meters) but less than 120 inches (3.05 meters) apart and the distance between any two (2) adjacent axles of the tridem is forty-two (42) inches (1.07 meters) or more.

(6) Tire weight (force). The weight (force) transmitted to the pavement shall not exceed 700 pounds (317.51 kilograms) times the aggregate width in inches (meters) established from the manufacturer's stamped tire measurement of all tires.

(7) On Class "AA" highways if a structure or bridge has a posted load limit of less than 62,000 pounds (28,122.7 kilograms), the posted limit shall not be exceeded.

(8) The maximum gross weight (mass) allowed on a vehicle with any other axle configuration shall be established by the bridge weight formula:  $W = 500 (LN/N-1 + 12N + 36)$  Where W equals gross weight, L equals distance in feet between the extreme axles of the group of consecutive axles under consideration and N equals the number of axles in the group. The load on any single axle in any arrangement shall not exceed 20,000 pounds (9071.84 kilograms) and the gross weight (mass) shall not exceed 62,000 pounds (28,122.7 kilograms). Any axle that[which] is not included in one (1) of the combinations set forth in this subsection shall be steerable.

Section 5. "A" Highways. The maximum weight (mass) limit for trucks using Class "A" highways shall be as follows[established in this section]:

(1) Gross weight (mass), including load, shall not exceed 44,000 pounds (20,090.05 kilograms).

(2) Gross axle weight (mass) for a single axle shall not exceed 20,000 pounds (9071.84 kilograms) (with axles less than forty-two (42) inches (1.07 meters) apart to be considered as a single axle).

(3) Gross weight shall not exceed 34,000 pounds (15,422.13 kilograms) on two (2) axles in tandem arrangement that[which] are spaced forty-two (42) inches (1.07 meters) or more apart and ninety-six (96) inches (2.44 meters) or less apart.

(4) Tire weight (force). The weight (force) transmitted to the pavement shall not exceed the product of 700 pounds (317.51 kilograms) times the aggregate width in inches (meters) established from the manufacturer's stamped tire measurement of all tires.

(5) On Class "A" highways if a structure or bridge has a posted load limit of less than 44,000 pounds (20,090.05 kilograms), the posted limit shall not be exceeded.

(6) The maximum gross weight (mass) allowed on a vehicle with any other axle configuration shall be established by the bridge weight formula:

$$W = 500 (LN/N-1 + 12N + 36).$$

Where W equals gross weight, L equals distance in feet between the extreme axles of the group of consecutive axles under consideration and N equals the number of axles in the group. The load on any single axle in any arrangement shall not exceed 20,000 pounds (9071.84 kilograms) and the gross weight (mass) shall not exceed 44,000 pounds (20,090.05 kilograms). Any axle that[which] is not included in one (1) of the combinations set forth in this subsection shall be steerable.

Section 6. Tolerance. There shall not be a tolerance allowed on gross weight (mass), however, a tolerance of not more than five (5) percent shall be allowed on axle weight (mass) on all state-maintained highways that[which] are not a part of the interstate system.

Section 7.

(1) As long as a highway remains a part of the state-maintained system, as established in 603 KAR 3:030, the classification of that highway [~~in 603 KAR 5:304~~] shall constitute a designation by the Secretary of Transportation as contemplated by KRS 189.280.

(2) City ordinances that~~[which]~~ impose less stringent limits than this administrative regulation shall not apply to the state-maintained highways, including bridges, unless specific relinquishment of this responsibility to a city is made by the Secretary of Transportation.

FILED WITH LRC: December 9, 2024

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 782-8180, fax (502) 564-5238, email Jon.Johnson@ky.gov.





**TRANSPORTATION CABINET**  
**Department of Highways**  
**Division of Planning**  
**(Amendment)**

**603 KAR 5:350. Off-highway vehicles, safety, and routes.**

RELATES TO: KRS 12.020, 148.0222, 174.020, 189.281, 189.390, 189.515, 189.520, 304.39-110, 16 C.F.R. sec. 1420.3

STATUTORY AUTHORITY: KRS 189.281

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.281 requires the cabinet to promulgate administrative regulations relating to the local government pilot program for off-highway vehicles (OHV). This administrative regulation establishes the criteria for OHV ordinances, petitions, and the rescinding thereof, OHV enforcement requirements, and OHV safety plan requirements and establishes the OHV safety requirements and the safety equipment verification protocol. This administrative regulation shall expire on July 1, 2027[2024], pursuant to KRS 189.281.

**Section 1. Definitions.**

- (1) "Agreement" means the written document executed by the designees of the local government and the cabinet, detailing the terms and conditions of OHV use on designated state owned or maintained highways.
- (2) "Business district" is defined by KRS 189.390(1)(a).
- (3) "Cabinet" means the Transportation Cabinet.
- (4) "Local government" is defined by KRS 189.281(1)(a)1-2.
- (5) "Off-highway vehicle" or "OHV" is defined by KRS 189.281(1)(b).
- (6) "Regional authority" is defined by KRS 189.281(1)(c).
- (7) "State highway" is defined by KRS 189.390(1)(c).

**Section 2. Local Government Pilot Program Ordinance Related to OHVs.**

(1) As established in KRS 189.281(2)(c)[~~(a)~~], a local government may petition the Transportation Cabinet to authorize and regulate the use and operation of OHVs on state highways or sections of state highways located within the local government's jurisdictional boundaries. Before the local government may file a petition, the local government shall first adopt an OHV ordinance. Procedures for adopting an OHV ordinance are stated in KRS 189.281(2)(b)1-3[~~(1)(2)(3)~~]. All statutory requirements regarding proposed OHV ordinance shall be met.

(2) Pursuant to KRS 189.281(3), a fully controlled access highway shall not be designated or otherwise adopted in any OHV ordinance.

**Section 3. Local Government Petition for OHV use on State Highways.**

(1) A local government seeking to include state highways as part of the local government's proposed OHV ordinance pursuant to KRS 189.281(2)(c) and Section 2 of this administrative regulation shall submit a petition as required by KRS 189.281(2)(c)[{1-6}].

(2) A completed petition shall be submitted to the Transportation Cabinet District Office where the local government is geographically located.

(3) The District Office, Chief District Engineer shall review the petition along with supporting documentation required by KRS 189.281(2)(c). If the petition is found deficient, the local Chief District Engineer shall return the petition to the local government with a written explanation of the petition defects. The local government shall correct the petition defects and re-submit the petition to the district office. If the petition defects are not corrected, the petition shall not be deemed as being filed. If the petition is completed properly with required documentation, the Chief District Engineer, shall verify and forward the completed petition to the State Highway Engineer for review.

(4) Within ninety (90) days of a properly filed and completed petition from a local government, the Transportation Cabinet, through the State Highway Engineer's Office shall notify the local government as to whether the petition has been approved or if the petition is deficient. The ninety (90) day period shall not begin to run, until the properly completed petition is filed. Deficient petitions shall not be deemed as being filed until corrected and re-submitted.

(5) If the petition is approved, the local government, through its designee shall enter into an agreement with representatives of the Transportation Cabinet detailing the terms and conditions of the proposed route use. The agreement effective date is the date fully executed.

(6) Once the agreement is executed the proposed locations shall be forwarded to the Central Office, Division of Planning for placement on the OHV Route Network.

(7) Agreements shall be eligible to be renewed at the request of the local government on an annual basis.

(8) If the petition is denied, the Transportation Cabinet shall provide the Petitioner with the cause of the denial.

(9) In addition to the fully executed agreement, the local government shall establish an enforcement plan to ensure that all OHVs operating on roadways under this section meet all requirements outlined in KRS 189.281, which shall:

- (a) List the local enforcement agencies involved;
- (b) Detail the inspection process;
- (c) Adopt a safety plan for OHV use;
- (d) Be responsible for monthly inspection of state and local OHV signage; and
- (e) Develop a recording and reporting mechanism to report ongoing crashes, collisions, injuries, and other events that relate to safety or failures regarding the operation of OHV vehicles on routes designated.

#### Section 4. Agreements or Approved Petitions may be Rescinded.

(1) Approved petitions and agreements may be rescinded for the following reasons:

- (a) The petition contains fraudulent or misleading information that would have resulted in the petition being denied;
- (b) Noncompliance with any requirements set forth in KRS 189.281, this administrative regulation, or the agreement itself; or
- (c) Crash history, unforeseen circumstances, public safety, or any other reason deemed necessary to protect the public or the interests of the cabinet.

(2) If the approved petition is rescinded prior to entry of the agreement, or if an executed agreement is in place, the cabinet shall provide written explanation as to why the approved petition or existing agreement is now rescinded.

#### Section 5. Minimum Vehicle Requirements.

(1) All petitions submitted to the cabinet for approval shall adopt and enforce the definition of an OHV.

(2) All petitions to the cabinet for approval shall include an enforcement plan to ensure that OHVs operating on proposed roadways and trails conform with the vehicle standards established in KRS 189.281(1)(b), and this administrative regulation, and that required insurance coverage is verified.

Section 6. Route Requirements and Standards. As established in KRS 189.281(3), a fully controlled access highway shall not be designated for OHV use. Any petition to the cabinet naming a fully controlled access highway shall be denied.

#### Section 7. Incorporation by Reference.

(1) "TC 59-112, OHV Safety Plan", September 2024~~[July 2022]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law at the Department of Highways, 6th Floor, Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8:00 a.m. to 4:30 p.m. EST. This material may also be obtained at the cabinet's Web site at [www.transportation.ky.gov](http://www.transportation.ky.gov).

JIM GRAY, Secretary

JAMES E. BALLINGER, State Highway Engineer

APPROVED BY AGENCY: September 13, 2024

FILED WITH LRC: September 13, 2024 at 11:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2024, at 11:00 a.m. EST, at the Transportation Cabinet, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs

to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. EST on November 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager / Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 782-8180, fax (502) 564-5238, email Jon.Johnson@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation relating to the local government pilot program for off-highway vehicles (OHV) establishes the criteria for OHV ordinances, petitions, and the rescinding thereof, OHV enforcement requirements, and OHV safety plan requirements and establishes the OHV safety requirements and the safety equipment verification protocol. This pilot program and administrative regulation shall expire on July 1, 2027, pursuant to KRS 189.281.

(b) The necessity of this administrative regulation:

This administrative regulation is required by KRS 189.281 to establish standards for OHV ordinances, enforcement, safety and safety verification protocol.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation conforms to the content of the authorizing statute by providing guidelines for local governments to pass OHV ordinances, and to petition the Cabinet to use portions of state owned and maintained roads for OHV use. This regulation establishes criteria for OHV safety plan, OHV enforcement requirements, and OHV safety protocol and verification.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will establish the regulatory requirements of KRS 189.281 in relation to approved OHV routes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This administrative regulation is an amendment to an existing administrative regulation. This amendment will extend the date of the pilot program.

(b) The necessity of the amendment to this administrative regulation:

This administrative regulation is an amendment to an existing administrative regulation. This amendment will extend the date of the pilot program.

(c) How the amendment conforms to the content of the authorizing statutes:

This administrative regulation is an amendment to an existing administrative regulation. This amendment will extend the date of the pilot program.

(d) How the amendment will assist in the effective administration of the statutes:

This administrative regulation is an amendment to an existing administrative regulation. This amendment will extend the date of the pilot program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect: Local governments, which means a city, county, charter county government, urban-county government, consolidated local government, or unified local government that is located within the boundaries of a regional authority, or the Kentucky Mountain Regional Authority established under KRS 148.0222, acting on behalf of a local government that part of the authority. Owners and operators of OHV vehicles, passengers; Kentucky State Police and KSP sub-grantees; other local law enforcement, emergency services, Kentucky Transportation Cabinet.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

This administrative regulation establishes requirements for local governments to pass ordinances for OHV use along with general procedures for safety plans, and safety equipment verification. This regulation allows the local government to petition the Cabinet to allow use of state owned or maintained roads. All law enforcement and emergency services will be available to assist in enforcement and safety in relation to OHV use or operation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

Costs may occur to the local governments that get involved with the pilot program. These costs will only occur if the local government chooses to participate in this pilot program. Other costs associated with signage and enforcement have not yet been determined.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Compliance with this administrative regulation will allow safe operation of OHV vehicles at designated areas throughout the Commonwealth of Kentucky.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

Costs cannot be determined at this time.

(b) On a continuing basis:

Costs cannot be determined at this time.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

There are known costs associated with KRS 189.281(10). These will be paid with district traffic funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

Unknown at this time.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Explain why or why not. No tiering is required under any law nor is it necessary for proper application of the law.

## FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 189.281.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky State Police and KSP sub-grantees; Kentucky Transportation Cabinet, and local governments as defined by this regulation.

(a) Estimate the following for the first year:

Expenditures: This is unknown at this time.

Revenues: This is unknown at this time.

Cost Savings: This is unknown at this time.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

This is unknown at this time.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Local governments, which means a city, county, charter county government, urban-county government, consolidated local government, or unified local government that is located within the boundaries of a regional authority, or the Kentucky Mountain Regional Authority established under KRS 148.0222, acting on behalf of a local government. Kentucky State Police and KSP sub-grantees; other local law enforcement, emergency services, Kentucky Transportation Cabinet.

(a) Estimate the following for the first year:

Expenditures: This is unknown at this time.

Revenues: This is unknown at this time.

Cost Savings: This is unknown at this time.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

This is unknown at this time.

(4) Identify additional regulated entities not listed in questions (2) or (3):

N/A

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

Fiscal impact is unknown at this time.

(b) Methodology and resources used to determine the fiscal impact:

Since this is a pilot program, we have no data, economic or otherwise, to measure economic impact at this time.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

: It is unknown whether this administrative regulation will have a major economic impact at this time.

- (b) The methodology and resources used to reach this conclusion:  
Since this is a pilot program, we have no data, economic or otherwise, to measure economic impact at this time.

#### FEDERAL MANDATE ANALYSIS COMPARISON

- (1) Federal statute or regulation constituting the federal mandate.  
There are no federal statutes or regulations that constitute a federal mandate.
- (2) State compliance standards.  
KRS 189.281.
- (3) Minimum or uniform standards contained in the federal mandate.  
The only federal standard, though not a mandate relates to safety features of the OHV vehicles pursuant to 49 C.F.R. sec. 571.209.
- (4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?  
This administrative regulation establishes requirements that are consistent with those relating to OHV safety features or devices established in 49 C.F.R. sec. 571.209.
- (5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.  
No stricter standard, or additional or different responsibilities or requirements are imposed.



SENATE MEMBERS

Robert Stivers  
President, LRC Co-Chair  
David Givens  
President Pro Tempore  
Max Wise  
Majority Floor Leader  
Gerald A. Neal  
Minority Floor Leader  
Robby Mills  
Majority Caucus Chair  
Reginald Thomas  
Minority Caucus Chair  
Mike Wilson  
Majority Whip  
David Yates  
Minority Whip



LEGISLATIVE RESEARCH COMMISSION

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Jay D. Hartz  
Director

HOUSE MEMBERS

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Al Gentry  
Minority Caucus Chair  
Jason Nemes  
Majority Whip  
Lindsey Burke  
Minority Whip

MEMORANDUM

**TO:** Senate Standing Committee on Transportation  
House Standing Committee on Transportation

**FROM:** Jay D. Hartz, Director

**SUBJECT:** Administrative Regulations

**DATE:** February 5, 2025

At its January 13, 2025, meeting, the Administrative Regulation Review Subcommittee completed its review of the following administrative regulations: 502 KAR 010:120E and 601 KAR 023:050.

Pursuant to the provisions of KRS Chapter 13A, these regulations have been assigned to the Senate Standing Committee on Transportation and the House Standing Committee on Transportation. Pursuant to KRS Chapter 13A, the committees have ninety (90) days from the date of this assignment to review these regulations.

The Subcommittee minutes will be delivered to your committee staff upon completion. The material considered by the Subcommittee in its review is attached to the appropriate administrative regulations.

Attachments

cc: Administrative Regulation Review Subcommittee  
John Snyder



SENATE MEMBERS

**Robert Stivers**  
President, LRC Co-Chair  
**David Givens**  
President Pro Tempore  
**Damon Thayer**  
Majority Floor Leader  
**Gerald A. Neal**  
Minority Floor Leader  
**Julie Raque Adams**  
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Majority Caucus Chair  
**Cherlynn Stevenson**  
Minority Caucus Chair  
**Jason Nemes**  
Majority Whip  
**Rachel Roberts**  
Minority Whip

**M E M O R A N D U M**

**TO:** Senator Robert Stivers, President of the Senate  
Representative David Osborne, Speaker of the House  
Members of the Legislative Research Commission

**FROM:** Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Administrative Regulation Review Subcommittee

**RE:** Report of the Administrative Regulation Review Subcommittee

**DATE:** February 5, 2025

**Members:** Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Mike Wilson and David Yates; and Representatives Randy Bridges, Deanna Frazier Gordon, and Mary Lou Marzian.

**LRC Staff:** Stacy Auterson, Laura Begin, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Anna Latek, Callie Lewis, and Carrie Nichols.

**Guests:** Travis Powell, Council on Postsecondary Education; Beau Barnes, Teachers' Retirement System; Jessica Beaubien, Nathan Goodrich, Victoria Hale, Kentucky Public Pension Authority; Dr. John Park, DVM, Michelle Shane, Board of Veterinary Examiners; Kelly Jenkins, Jeff Prather, Board of Nursing; Eddie Slone, John Wood, Board of Emergency Medical Services; Steven Fields, Jenny Gilbert, Department of Fish and Wildlife Resources; Leah Boggs, Nathan Goens, Department of Corrections; Nathan Day, Nathan Goens, Angela Parker, Department of State Police; Mike Bosse, Nathan Goens, Department of Criminal Justice Training; Jon Johnson, Godwin Onodu, Department of Vehicle Registration; Todd Allen, Robbie Fletcher, Department of Education; Greg Higgins, Anthony Hudgins, Charles Wheatley, Department for Employment Services; Jason Hernandez, Robin Maples, Chuck Stribling, Department of Workplace Standards; Jonathan Fuller, David Moore, Darryl Morgan, Department of Housing, Buildings and Construction; Richard Bartlett, Erica

Brakefield, Julie Brooks, Jennifer Burt, Jessica Davenport, Jonathan Scott, Phyllis Sosa, Cabinet for Health and Family Services; and Michael Frazier, Kentucky Student Rights Association and Eastern Kentucky University: Student Government Association.

**Administrative Regulations Review by this Subcommittee:**

**The Administrative Regulation Review Subcommittee met on Monday, December 9, 2024.**

**Department of Kentucky State Police: Driver Training**

502 KAR 010:120E. Hazardous materials endorsement requirements. Nathan Day, CVE Captain; Nathan Goens, assistant general counsel; and Angela Parker, staff assistant, represented the department.

In response to a question by Co-Chair West, Ms. Parker stated that the fee would be increasing from thirty-four (34) dollars to \$57.25, due to an increase implemented by the Transportation Security Administration.

**TRANSPORTATION CABINET: Department of Vehicle Regulation: Certification of Title**

601 KAR 023:050. Examination of Certificate of Title Applications by the Department of Vehicle Regulation utilizing available technologies or human persons to implement the directives set forth in KRS 186A.060 and KRS 186A.170(4). Jon Johnson, assistant general counsel, and Godwin Onodu, division director, represented the department.

**STATEMENT OF EMERGENCY**  
**502 KAR 10:120E.**

This emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)1., 3. to meet an imminent threat to public health, safety, or welfare and an imminent deadline for the promulgation of an administrative regulation established by federal law related a newly increased federal fee. The United States Congress mandates that the Transportation Security Administration (TSA) collect fees to pay for conducting all portions of a Hazardous Materials Endorsement Security Threat Assessment. Under TSA's regulations, states may collect and transmit fingerprints and applicant information to obtain or renew a hazardous materials endorsement and collect fees on behalf of TSA to process the Security Threat Assessment. On August 29, 2024, the TSA published a Notice to the Federal Register announcing changes to the Hazardous Materials Endorsement Security Threat Assessment fee. Effective December 2, 2024, the Security Threat Assessment fee is increasing from \$34.00 to \$57.25 for a standard hazardous material endorsement applicant. This will result in an increase of the total fee collected by the Kentucky State Police (KSP), which includes other fees in addition to the Security Threat Assessment fee, including a Federal Bureau of Investigation (FBI) fee, an information collection fee, and a KSP fee, from \$115.00 to \$138.25. This administrative regulation is being filed on an emergency basis to ensure that Kentucky collects the fee set by the TSA by federal regulation for conducting a security threat assessment. An ordinary administrative regulation is not sufficient because an ordinary regulation could not become effective within the timeframe allotted with the TSA fee increase, which was published in late August of 2024 and becomes effective December 2, 2024. This emergency administrative regulation will be replaced by an ordinary administrative regulation because the new fee is permanent. The companion ordinary administrative regulation is identical to this emergency administrative regulation. An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor  
KEITH JACKSON, Secretary  
COL. PHILLIP BURNETT, JR., Commissioner

**502 KAR 10:120E. Hazardous materials endorsement requirements.**

EFFECTIVE: October 30, 2024

RELATES TO: KRS 281A.120, 281A.130, 281A.150, 281A.160, 281A.170, 49 U.S.C. 5103a, 49 C.F.R. Parts 383, 1515, 1572

STATUTORY AUTHORITY: KRS 281A.040

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281A.040 authorizes any state agency vested with a specific responsibility to have the necessary power and authority to promulgate administrative regulations to reasonably carry out the provisions of KRS Chapter 281A. 49 C.F.R. Part 1572 requires fingerprint verified criminal background checks on all persons obtaining or renewing a hazardous materials endorsement for a commercial driver's license. This administrative regulation establishes the necessary procedures for conducting fingerprint verified criminal background checks and establishing the location of the fingerprinting centers where the Kentucky State Police shall take fingerprints and transmit them to the federal government.

#### Section 1. Definitions.

- (1) "CDL" or "Commercial Driver's License" is defined by KRS 281A.010(5) and 49 C.F.R. 383.5.
- (2) "CDL testing location" means the department's regional CDL testing offices.
- (3) "Determination of no security threat" is defined by 49 C.F.R. 1572.15(d)(1).
- (4) "DOT" means the federal Department of Transportation.
- (5) "Final Determination of Threat Assessment" is defined by 49 C.F.R. 1572.15(d)(4).
- (6) "HME" means hazardous materials endorsement.
- (7) "Initial Determination of Threat Assessment" is defined by 49 C.F.R. 1572.15(d)(2).
- (8) "KSP" means the Kentucky State Police.
- (9) "Proper identification" means:
  - (a) A driver's license issued by the applicant's state where they will obtain or have obtained a commercial driver's license; or
  - (b) With respect to non-United States citizens applying for a hazardous materials endorsement for a commercial driver's license, proper identification means valid and unrestricted documentation establishing lawful nonimmigrant alien, asylee, or refugee status.
- (10) "TSA" means the federal Transportation Security Administration.

#### Section 2. Initial Applications for HME.

- (1) An applicant applying for a hazardous materials endorsement shall first obtain a commercial driver's instruction permit or CDL prior to requesting a security threat assessment from the TSA. The applicant shall submit application information in accordance with 49 C.F.R. 1572.9. The applicant shall further submit to a fingerprint verified criminal background check conducted by KSP.
- (2) To begin the process, an applicant shall contact KSP at the following phone number to make an appointment: 1-888-655-9655.

(3) An applicant shall bring proper identification, and a completed "Transportation Security Administration Application for a Hazardous Materials Endorsement," OMB No. 1652.

(4) An applicant shall pay a \$115 fee for a fingerprint-based background check until December 1, 2024. Beginning December 2, 2024, an applicant shall pay a \$138.25 fee for a fingerprint-based background check. The fee may be paid by:

(a) Certified check;

(b) Cashier's check;

(c) Money order; or

(d) Electronically before the appointment at [https://secure.kentucky.gov/formservices/KSP/hazmat\\_FP](https://secure.kentucky.gov/formservices/KSP/hazmat_FP).

(5) An applicant shall be fingerprinted by KSP at a regional CDL testing location. KSP shall send the fingerprints to the Federal Bureau of Investigation for a fingerprint-verified criminal background check and send the biographical information sheet to the TSA.

(6) If TSA informs the Commonwealth of a finding of Determination of No Security Threat, then the applicant shall be notified by the Transportation Cabinet that he or she is eligible to take the knowledge test required to qualify for the HME.

(7) If TSA informs the Commonwealth of a finding of Initial Determination of Threat Assessment, the applicant shall not be issued a HME. The applicant may appeal the TSA's determination in accordance with 49 C.F.R. 1515.5 or 1515.9. Following appeal, if the applicant receives a Final Determination of Security Threat Assessment, the applicant may seek a waiver from the TSA in accordance with 49 C.F.R. 1515.7.

(8) Within fifteen (15) days after the TSA has notified the Commonwealth of a Determination of No Security Threat or of a finding of Final Determination of Security Threat Assessment, the Transportation Cabinet shall update the applicant's permanent record to reflect the results of the security threat assessment, the issuance or denial of an HME, and the new expiration date of the HME.

### Section 3. Renewal Applications for HME.

(1) The Transportation Cabinet shall send persons holding a HME notice of renewal at least sixty (60) days prior to expiration.

(2) Persons wishing to renew their HME shall begin the renewal process at least thirty (30) days prior to expiration.

(3) To begin the renewal process, a renewal applicant shall contact KSP at the following phone number to make an appointment: 1-888-655-9655. A renewal applicant shall submit to fingerprinting and further complete the "Transportation Security Administration Application for a Hazardous Materials Endorsement," OMB No. 1652-0027, containing all information necessary for the TSA to

complete the required assessment as described in 49 C.F.R. 1572.9 no later than thirty (30) days prior to the expiration of the HME endorsement.

(4) A renewal applicant shall bring to the appointment proper identification, a completed "Transportation Security Administration Application for a Hazardous Materials Endorsement," OMB No. 1652-0027.

(5) A renewal applicant shall pay a \$115 fee for a fingerprint-based background check until December 1, 2024. Beginning December 2, 2024, a renewal applicant shall pay a \$138.25 fee for a fingerprint-based background check. The fee may be paid by:

(a) Certified check;

(b) Cashier's check;

(c) Money order; or

(d) Electronically before the appointment at [https://secure.kentucky.gov/formservices/KSP/Hazmat\\_FP](https://secure.kentucky.gov/formservices/KSP/Hazmat_FP).

(6) A renewal applicant shall be fingerprinted by KSP at a regional CDL testing location. KSP shall send the fingerprints to the Federal Bureau of Investigation for a fingerprint verified criminal background check and send the biographical information sheet to the TSA.

(7) If the Commonwealth has not received notification from TSA of the results of the security threat assessment prior to the expiration of the renewal applicant's HME, the Transportation Cabinet may extend the expiration date of the HME for a period of up to ninety (90) days. Any additional extension shall be approved by TSA.

(8) If TSA informs the Commonwealth of a finding of Determination of No Security Threat, then the renewal applicant shall be notified by the Transportation Cabinet that he or she is eligible to take the knowledge test required to qualify for the HME.

(9) If TSA informs the Commonwealth of a finding of Initial Determination of Threat Assessment, the renewal applicant shall not be issued a HME. The renewal applicant may appeal the TSA's determination under the procedures set forth in 49 C.F.R. 1515.5 or 1515.9. Following appeal, if the renewal applicant receives a Final Determination of Security Threat Assessment, the applicant may seek a waiver from TSA in accordance with 49 C.F.R. 1515.7.

(10) Within fifteen (15) days after the TSA has notified the Commonwealth of a Determination of No Security Threat or of a finding of Final Determination of Security Threat Assessment, the Transportation Cabinet shall update the applicant's permanent record to reflect the results of the security threat assessment, the issuance or denial of an HME, and the new expiration date of the HME.

(11) An applicant who has received a passing score on the HME test and is applying for a Class C CDL with a hazardous materials endorsement shall drive a Class C placarded vehicle for the skills test.



Section 4. Transfer Applications For HME. (1) In accordance with 49 C.F.R. 1572.13(e), an applicant who applies to transfer an existing HME from another state to the Commonwealth shall not be required to undergo a new security threat assessment until the security threat assessment renewal period established in the preceding issuing state, not to exceed five (5) years, expires.



**601 KAR 23:050. Examination of Certificate of Title Applications by the Department of Vehicle Regulation utilizing available technologies or human persons to implement the directives set forth in KRS 186A.060 and 186A.170(4).**

RELATES TO: KRS 186A.072(2)(a), 186A.120, 186A.125, 186A.170

STATUTORY AUTHORITY: KRS 186A.020, 186A.170

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186A.170(4) establishes the requirements and procedures to examine title applications received from the Kentucky County Clerks. KRS 186A.020 authorizes the Transportation Cabinet to promulgate administrative regulations and institute programs as are reasonably necessary to carry out the provisions of KRS Chapter 186A.

#### Section 1. Definitions.

- (1) "Cabinet" means the Kentucky Transportation Cabinet.
- (2) "Department" means the Department of Vehicle Regulation, Division of Motor Vehicle Licensing.
- (3) "Examination" means a review or audit of a completed title application with its supporting documents received from an applicant through a county clerk.
- (4) "KAVIS" means Kentucky Automated Vehicle Information System, also known as the Kentucky Motor Vehicle Title and Registration System.
- (5) "Supporting documents" means acceptable documents that support ownership to a vehicle, including court documents, power of attorney, towing and storage, and the documents listed in KRS 186.020(1) and 186A.060.
- (6) "Title Application" means Transportation Cabinet's Form TC 96-182, an application for a Kentucky Certificate of Title and Registration.

Section 2. Documents or Items to be examined by the department, either by a human person or by an available technology to detect fraudulent documents, may include:

- (1) Applicant's unique personal identifiable number;
- (2) Branded Certificate of Titles;
- (3) Court documents and power of attorney;
- (4) Law Information Network Kentucky (LINK) verified;
- (5) Mechanic liens and towing and storage;
- (6) Mileage verification;
- (7) National Crime Information Center (NCIC) verified;
- (8) Signatures and notarizations;
- (9) Vehicle chain of ownership; and
- (10) Vehicle identification number, make, model, and year.

#### Section 3. Incorporation by Reference.

(1) Form TC 96-182, "Application for Kentucky Certificate of Title or Registration", January 2024, is incorporated by reference.

(2) A complete application for a certificate of title with its supporting documents may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Motor Vehicle Licensing, 2nd Floor, Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on Transportation Cabinet's Web site at [drive.ky.gov](http://drive.ky.gov).