

CHAPTER 93**(HB 262)**

AN ACT relating to inspections of commercial motor vehicles.

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

➔Section 1. KRS 189.227 is amended to read as follows:

- (1) The Department of Highways may take such actions, and ~~may prescribe and~~ promulgate ~~administrative~~ ~~such rules and~~ regulations **in accordance with KRS Chapter 13A**, as are necessary and proper to carry out the purposes of KRS 189.221 to 189.228, including, but not limited to, the erection, establishment, and maintenance of permanent or portable scales.
- (2) **The Department of Kentucky State Police** ~~[Said department]~~ is ~~[also]~~ authorized to employ **commercial motor vehicle inspectors** ~~[weighmasters]~~ and such other employees as may be necessary to operate any scales erected or established, and **commercial motor vehicle inspectors employed under this section** ~~[said weighmasters]~~ shall have the authority of peace officers for the purpose of enforcing KRS 189.221 to 189.228, and other statutes relating to motor vehicles, and for no other purpose. ~~A~~ ~~No~~ previous period of residence within the county ~~of service~~ ~~[where he is to serve]~~ shall **not** be required of any peace officer appointed under this section.

➔Section 2. KRS 281.755 is amended to read as follows:

- (1) The Department of Kentucky State Police **or any other peace officer designated by the department** may at any time or place make an inspection of any motor vehicle operating under the provisions of this chapter. They may enter into and upon any such motor vehicle for the purpose of ascertaining whether or not any provision of this chapter or any order or rule or regulation of the department relating to such motor vehicles has been violated. Willful refusal to stop any such motor vehicle, when ordered to do so by any representative of the Department of Kentucky State Police, or to permit the representative to enter into or upon the motor vehicle for the purpose of inspection, shall be sufficient ground for the revocation or suspension of the certificate or permit of the motor carrier.
- (2) In the event that a peace officer orders a commercial motor vehicle to be taken to a storage or impoundment facility as a result of a violation which requires the vehicle to be moved, the driver of the commercial motor vehicle shall be granted the ability to drive the commercial motor vehicle to the storage or impoundment facility. If the driver elects to drive to the storage or impoundment facility, a peace officer shall escort the vehicle to the facility. This subsection shall not apply if the commercial motor vehicle is required to be impounded as a result of a violation of KRS 281A.210, an out-of-service order as defined in KRS 281A.010(26), or a serious traffic violation as defined in KRS 281A.010(29).

➔Section 3. Section 2 of this Act shall apply retroactively, but shall not be construed to permit the prosecution of a person whose vehicle was inspected by a peace officer who did not, prior to the effective date of this Act, have the authority to perform inspections under KRS Chapter 281.

Signed by Governor April 8, 2010.