

## CHAPTER 114

## ( HB 518 )

AN ACT relating to vehicles and declaring an emergency.

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

➔Section 1. KRS 224.50-855 is amended to read as follows:

- (1) The Waste Tire Working Group is hereby established and shall be attached to the cabinet for administrative purposes and staff support.
- (2) The Waste Tire Working Group shall have the following **eight (8)**~~five (5)~~ members:
  - (a) The director of the Division of Waste Management or his or her designee who shall be an ex officio member and also serve as chair;
  - (b) The manager of the Recycling and Local Assistance Branch within the Division of Waste Management or his or her designee who shall be an ex officio member;
  - (c) One (1) representative of the Kentucky Department of Agriculture, to be selected by the Commissioner of Agriculture and appointed by the Governor for an initial term of two (2) years and who may be reappointed;~~and~~
  - (d) Two (2) representatives of the Solid Waste Coordinators of Kentucky selected by the Solid Waste Coordinators of Kentucky and appointed by the Governor for an initial term of three (3) years and who may be reappointed;
  - (e) **One (1) county judge/executive appointed by the Governor from a list of three (3) nominees submitted by the Kentucky County Judge/Executive Association for an initial term of three (3) years and who may be reappointed;**
  - (f) **One (1) mayor of a Kentucky city appointed by the Governor from a list of three (3) nominees submitted by the Kentucky League of Cities; and**
  - (g) **One (1) representative of private industry engaged in the business of retail tire sales appointed by the Governor for an initial term of three (3) years and who may be reappointed.**
- (3) The members of the Waste Tire Working Group identified in paragraphs (c),~~and~~ (d), (e), (f), and (g) of subsection (2) of this section shall receive travel-related expenses but no salary as compensation.
- (4) The first meeting of the Waste Tire Working Group shall be no later than August 15, 2011. The working group shall meet at least twice a year or more frequently at the call of the chair.
- (5) The Waste Tire Working Group shall:
  - (a) Provide advice and input to the cabinet regarding:
    1. The administration and implementation of alternative methods for controlling the local accumulation of waste tires;
    2. Developing the concept of a core fee for waste tires;
    3. Improving the manifest system that tracks tires from point of sale to point of disposal;
    4. Developing ways to assist local governments with direct grants for waste tire disposal; and
    5. Developing an informational fact sheet on proper waste tire disposal pursuant to KRS 224.50-868(2) and (7) to be made available on the cabinet's Web site and available in print upon request;
  - (b) Serve as an advisory body to the cabinet in the development of a formula that the cabinet will use to apportion the money in the waste tire trust fund established by KRS 224.50-880 for crumb rubber grants, tire amnesties, and tire-derived fuel, and to return a portion of the waste tire funds to local governments during Commonwealth Cleanup Week for waste tire disposal; and
  - (c) Provide advice and input to the cabinet on the data development and preparation of the waste tire report mandated under KRS 224.50-872.

➔Section 2. KRS 189.270 is amended to read as follows:

- (1) The department may issue permits for the operation of motor vehicles, manufactured homes, recreational vehicles, boats, or any other vehicle transporting a nondivisible load, whose gross weight including load, height, width, or length exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. Permits may be issued by the department for stated periods, special purposes, and unusual conditions, and upon terms in the interest of public safety and the preservation of the highways as the department may require.
- (2) Except as provided in subsection (7) of this section, the department may, at the request of an applicant, issue a single-trip permit regardless of the type of vehicle or equipment being transported that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load. A single-trip permit shall cost sixty dollars (\$60) for each overweight or overdimensional permit requested.
- (3) Except as provided in subsection (7) of this section, the department may, at the request of an applicant, issue an annual permit regardless of the type of vehicle or equipment being transported that exceeds the weight or dimension limits established by this chapter if the load being transported is a nondivisible load. The vehicle shall not exceed sixteen (16) feet in width exclusive of usual and ordinary overhang, one hundred twenty (120) feet in length including a towing vehicle and trailer combination, thirteen (13) feet six (6) inches in height, or one hundred sixty thousand (160,000) pounds. Except as provided in subsections (4) and (7) of this section, an annual permit for loads less than fourteen (14) feet in width shall cost two hundred fifty dollars (\$250). An annual permit for loads exceeding fourteen (14) feet in width shall cost five hundred dollars (\$500).
- (4) An annual permit to transport farm equipment less than fourteen (14) feet in width shall cost eighty dollars (\$80). An annual permit to transport farm equipment that exceeds fourteen (14) feet in width from a dealership to a farm, from a farm to a dealership, or from a dealership to a dealership shall cost one hundred fifty dollars (\$150).
- (5) Permits issued under this section shall be for nondivisible loads and shall be valid statewide; however, the department may, as a condition of issuing an annual or single-trip permit, limit the overweight or overdimensional vehicle to specified routes, exclude certain highways, or even cancel an applicant's permit if an unreasonable risk of accident or an unreasonable impedance of the flow of traffic would result from the presence of the overweight or overdimensional vehicle. A person who applies for, and accepts, a permit issued under this section is acknowledging that the Kentucky Transportation Cabinet is not guaranteeing safe passage of vehicles by issuing the permit. A person who applies for, and accepts, a permit issued under this section agrees to measure all clearances of highway structures, both laterally and vertically, prior to passage of the person's vehicles along the routes specified in the permit. A person who applies for, and accepts, a permit issued under this section is classified as a bare licensee whose duty is to assume sole risk involved in using Kentucky's highways without warranty of accuracy.
- (6) Subject to the limitations of subsection (11) of this section, the department shall promulgate administrative regulations under KRS Chapter 13A to establish requirements for escort vehicles, safety markings, and other safety restrictions governing the operation of an overweight or overdimensional vehicle. The department shall provide each applicant for an annual or single-trip permit issued under this section a copy of all restrictions associated with the overweight or overdimensional permit at no charge to the applicant. The department shall be prohibited from raising the permit fee established in subsections (2) and (3) of this section by levying additional fees for an overweight or overdimensional permit through the administrative regulation process.
- (7) The cabinet shall not issue an annual permit under this section if the person applying for the permit is eligible for an annual permit issued under KRS 189.2715 or 189.2717.
- (8) The department may require the applicant to give bond, with approved surety, to indemnify the state or counties against damage to highways or bridges resulting from use by the applicant. The operation of vehicles in accordance with the terms of the permit issued under this section shall not constitute a violation of this chapter if the operator has the permit, or an authenticated copy of it, in his possession.
- (9) Any person transporting a parade float which exceeds the dimensional limits on a highway over which it is transported shall be required to obtain a permit as required in subsection (2) of this section. If the float is being used in conjunction with a parade to be held within the boundaries of the Commonwealth, a fee shall not be assessed by the department to issue the permit.
- (10) A person shall not operate any vehicle in violation of the terms of the permit issued under this section.
- (11) (a) The cabinet shall not promulgate administrative regulations pursuant to this section that restrict the time or days of the week when a permit holder may operate on the highway, except that travel may be limited from 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m. Monday through Friday. In addition to the restrictions

established in this paragraph, any manufactured home being transported by permit issued under this section shall not travel on any highway after daylight hours Monday through Saturday, or at any time on Sunday.

- (b) The cabinet shall allow a permit holder who has obtained a permit to transport equipment to a work site to return to the permit holder's place of business immediately after work is completed at the job site, subject to the limitations of paragraph (a) of this subsection.
- (c) *The cabinet shall not promulgate administrative regulations pursuant to this section setting forth escort vehicle requirements for overdimensional farm implements or vehicles towing overdimensional farm implements that are more stringent than the following:*
1. *For a single vehicle and load in excess of twelve (12) feet in width being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;*
  2. *For a single vehicle and load in excess of twelve (12) feet in width being operated on a four (4) lane highway, no more than one (1) trail vehicle shall be required;*
  3. *For a single vehicle and load in excess of eighty-five (85) feet in length being operated on a two (2) lane highway, no more than one (1) lead vehicle shall be required;*
  4. *For more than one vehicle and load in excess of twelve (12) feet in width or eighty-five (85) feet in length being operated as a convoy on a two (2) lane highway, no more than one (1) lead vehicle shall be required;*
  5. *A lead escort vehicle on a two (2) lane highway under this paragraph may also serve as a tow vehicle;*
  6. *Any distance for lead or trail escort vehicles shall contain provisions allowing for a variance from that distance due to safety or road conditions; and*
  7. *A vehicle or its escort shall be required to bear a sign declaring that the vehicle is oversized or be required to use lights, flashers, or flags, but a vehicle or its escort shall not be required to do both.*

➔Section 3. Whereas the planting season will commence prior to the normal effective date for legislation from the 2012 Regular Session of the General Assembly, an emergency is declared to exist, and Section 2 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor April 11, 2012.**