

## CHAPTER 81

## ( HB 125 )

AN ACT relating to the operation of motor vehicles.

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

➔Section 1. KRS 281.600 is amended to read as follows:

- (1) The Department of Vehicle Regulation shall exercise all administrative functions of the state in relation to motor carrier transportation as defined in this chapter, and shall apply, as far as practicable, the administrative and judicial interpretations of the Federal Motor Carrier Act. It shall have the right to regulate motor carriers as provided in this chapter and, to that end, may establish reasonable requirements with respect to continuous and adequate service of transportation, systems of accounts, records and reports, preservation of records, and safety of operation and equipment. It may issue subpoenas, subpoenas duces tecum and orders of personal attendance of witnesses, and production of pertinent records for any proceeding before it, and permit the taking of depositions, all in accord with the Rules of Civil Procedure, and it shall have the power to promulgate administrative regulations as it may deem necessary to carry out the provisions of this chapter. The department shall have the authority to promulgate regulations regarding safety requirements for motor vehicles and the method of operation, including the adoption of any of the federal motor carrier safety regulations and any motor vehicle operating contrary to safety regulations shall be in violation of this section.
- (2) The provisions established by the Federal Highway Administration in Title 49, Part 393 of the United States Code of Federal Regulations shall not apply to:
  - (a) A motor vehicle or its towed unit having a fertilizer spreader attachment permanently mounted thereon, having a gross weight not to exceed thirty-six thousand (36,000) pounds, and used only for the transportation of bulk fertilizer; or
  - (b) A farm-wagon-type tank trailer of not more than two thousand (2,000) gallon capacity used during liquid fertilizer season as a field storage tank supplying fertilizer to a field applicator, and moved on a public highway for the purpose of bringing fertilizer from a local source of supply to a farm or field, or from one (1) farm or field to another, provided that the vehicle is being operated solely in intrastate transportation.
- (3) The provisions established by the Federal Highway Administration in ***49 C.F.R. sec. 390.21 and 49 C.F.R. pts. 391, 393, 395, and 396***~~[Title 49, Part 391, Part 393, and Part 396 of the United States Code of Federal Regulations]~~ shall not apply to a motor vehicle registered under KRS 186.050(4)(a)1., or its towed unit, if:
  - (a) The vehicle is not engaged in interstate commerce;
  - (b) The vehicle is engaged in farming or agricultural related activities; and
  - (c) The gross vehicle weight, ***gross vehicle weight*** rating, ***gross vehicle combination weight***,~~[of the vehicle]~~~~[or the]~~ gross vehicle combination weight rating of the vehicle and its towed unit is twenty-six thousand (26,000) pounds or less.
- (4) ***The provisions established by the Federal Highway Administration in 49 C.F.R. secs. 391.41 to 391.49 and 49 C.F.R. part 395 shall not apply to a motor vehicle registered under KRS 186.050(3)(b), or its towed unit, if:***
  - (a) ***The vehicle is not engaged in interstate commerce;***
  - (b) ***The vehicle is not transporting hazardous materials required to be placarded in accordance with Title 49, Code of Federal Regulations, Part 172;***
  - (c) ***The vehicle is not designed or used to transport sixteen (16) or more passengers, including the driver; and***
  - (d) ***The gross vehicle weight, gross vehicle weight rating, gross vehicle combination weight, or gross vehicle combination weight rating of the vehicle and its towed unit is twenty-six thousand (26,000) pounds or less.***

- (5) The Department of Kentucky State Police shall exercise all administrative functions of the state pertaining to the motor carrier safety management audit program. This program shall be administered according to the provisions of the Federal Motor Carriers Safety Act and the federal regulations promulgated under that Act.

**Signed by Governor March 22, 2013.**