

CHAPTER 184**(HB 404)**

AN ACT relating to commercial parcel delivery.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

- (a) "Commercial delivery personnel" means employees of a licensed commercial delivery service;**
- (b) "Golf cart" has the same meaning as in KRS 189.286;**
- (c) "Local government" has the same meaning as in KRS 189.286;**
- (d) "Low-speed vehicle" has the same meaning as in Section 2 of this Act;**
- (e) "Residential area" means areas zoned primarily or exclusively for single-family or multifamily residential use; and**
- (f) "Utility vehicle" means a vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, a golf cart, or an all-terrain vehicle as defined in KRS 189.010.**

(2) Commercial delivery personnel may operate low-speed vehicles, golf carts, or utility vehicles solely for the purpose of delivering express envelopes and packages if:

- (a) The operator has a valid operator's license in his or her possession;**
- (b) The vehicles are solely operated in residential areas and on public roadways with a posted speed limit of thirty-five (35) miles per hour or less;**
- (c) At any point after a required notice of intent to operate is provided to the local government pursuant to subsection (8) of this section, the local government having jurisdiction over the public roadways described in paragraph (b) of this subsection has not enacted an ordinance prohibiting commercial delivery personnel from operating on those roadways;**
- (d) The size of the combined length and girth packages does not exceed one hundred thirty (130) inches and the weight of the packages does not exceed one hundred fifty (150) pounds; and**
- (e) The vehicles are being operated between:**
 - 1. Sunrise and sunset; or**
 - 2. A time period specified by local ordinance under the provisions of subsection (6) of this section.**

(3) Vehicles operating under subsection (2) of this section shall:

- (a) Be titled in accordance with KRS Chapter 186A;**
- (b) Be registered as a motor vehicle in accordance with KRS 186.050(3)(a);**
- (c) Be insured in compliance with KRS 281.655;**
- (d) Meet the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. sec. 571.500;**
- (e) Be marked in a conspicuous manner with the name of the delivery service;**
- (f) Bear an identifying sticker or tag issued by the cabinet. The sticker or tag shall carry a unique ID; and**
- (g) Comply with vehicle standards established by administrative regulations promulgated under subsection (9) of this section.**

- (4) *Commercial delivery personnel may pull a trailer from vehicles operated under this section if the trailer is registered in accordance with KRS 186.675(4).*
- (5) *Commercial delivery personnel operating a vehicle on a public roadway under this section shall be subject to the traffic regulations in this chapter.*
- (6) *The governing body of a local government may, by local ordinance, regulate a vehicle operating under this section on any public roadway under its jurisdiction by specifying:*
 - (a) *Each roadway that is prohibited for use by vehicles operating under this section; and*
 - (b) *The time period during which vehicles under this section may operate.*
- (7) *A local ordinance adopted under this section shall not assess fees or set forth vehicle equipment requirements.*
- (8) *At least sixty (60) days prior to commencing the operation of low-speed vehicles, golf carts, or utility vehicles under this section, a commercial delivery service shall provide notice to a local government of its intent to operate on roadways under the local government's jurisdiction. Notification under this subsection shall not be required for local governments that have adopted an ordinance under KRS 189.286.*
- (9) *The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to establish requirements and to set forth standards for vehicles used by commercial delivery personnel operating under this section, including but not limited to issuance of an identification sticker or tag.*

➔Section 2. KRS 186.010 is amended to read as follows:

- (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet; except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270, means the Transportation Cabinet only with respect to motor vehicles, other than commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the Department of Vehicle Regulation when used with respect to commercial vehicles.
- (2) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license, or privilege, for the purpose of vehicular traffic.
- (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will, under normal conditions during the year, manufacture or assemble at least ten (10) new motor vehicles.
- (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in paragraph (a) of subsection (8) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (8) of this section, which are self-propelled. "Motor vehicle" shall not include a moped as defined in this section, but *for registration purposes* shall include low-speed vehicles as defined in this section *and vehicles operating under Section 1 of this Act*.
- (5) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour.
- (6) "Operator" means any person in actual control of a motor vehicle upon a highway.
- (7)
 - (a) "Owner" means a person who holds the legal title of a vehicle or a person who pursuant to a bona fide sale has received physical possession of the vehicle subject to any applicable security interest.
 - (b) A vehicle is the subject of an agreement for the conditional sale or lease, with the vendee or lessee entitled to possession of the vehicle, upon performance of the contract terms, for a period of three hundred sixty-five (365) days or more and with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the owner.
 - (c) A licensed motor vehicle dealer who transfers physical possession of a motor vehicle to a purchaser pursuant to a bona fide sale, and complies with the requirements of KRS 186A.220, shall not be deemed the owner of that motor vehicle solely due to an assignment to his dealership or a certificate of title in

the dealership's name. Rather, under these circumstances, ownership shall transfer upon delivery of the vehicle to the purchaser, subject to any applicable security interest.

- (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five (5) miles beyond the city limit of any municipality.
- (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human and animal power or used exclusively upon stationary rails or tracks, or which derives its power from overhead wires.
- (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operator's licenses.
- (10) "Dealer" means any person engaging in the business of buying or selling motor vehicles.
- (11) "Commercial vehicles" means all motor vehicles that are required to be registered under the terms of KRS 186.050, but not including vehicles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers (including driver), motorcycles, sidecar attachments, pickup trucks and passenger vans which are not being used for commercial or business purposes, and motor vehicles registered under KRS 186.060.
- (12) "Resident" means any person who has established Kentucky as his or her state of domicile. Proof of residency shall include but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement. The possession by an operator of a vehicle of a valid Kentucky operator's license shall be prima-facie evidence that the operator is a resident of Kentucky.
- (13) "Special status individual" means:
- (a) "Asylee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "asylum status granted indefinitely pursuant to Section 208 of the Immigration & Nationality Act";
- (b) "K-1 status" means the status of any person lawfully present in the United States who has been granted permission by the United States Department of Justice, Immigration and Naturalization Service to enter the United States for the purpose of marrying a United States citizen within ninety (90) days from the date of that entry;
- (c) "Refugee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "admitted as a refugee pursuant to Section 207 of the Immigration & Nationality Act"; and
- (d) "Paroled in the Public Interest" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "paroled pursuant to Section 212 of the Immigration & Nationality Act for an indefinite period of time."
- (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle instruction permits.
- (15) "Motorcycle" means any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, including vehicles on which the operator and passengers ride in an enclosed cab. "Motorcycle" shall include an alternative-speed motorcycle as defined in this section, but shall not include a tractor or a moped as defined in this section.
- (16) "Low-speed vehicle" means a motor vehicle that:
- (a) Is self-propelled using an electric motor, combustion-driven motor, or a combination thereof;
- (b) Is four (4) wheeled; and

- (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour as certified by the manufacturer.
- (17) "Alternative-speed motorcycle" means a motorcycle that:
- (a) Is self-propelled using an electric motor, combustion-driven motor, or a combination thereof;
 - (b) Is three (3) wheeled;
 - (c) Has a fully enclosed cab and includes at least one (1) door for entry; and
 - (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as certified by the manufacturer.
- (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a highway or otherwise open to the public on which a number of motor vehicles may be used simultaneously to provide driver training under the supervision of one (1) or more driver training instructors.

Signed by Governor April 11, 2017.