

CHAPTER 126

(HB 352)

AN ACT relating to motor carriers and making an appropriation.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

- (1) *The provisions of this section shall be in effect until June 30, 2028.*
- (2) *As used in this section and Section 2 of this Act, "extended weight unrefined petroleum products haul road system" consists of all state-maintained highways over which quantities of unrefined petroleum products in excess of fifty thousand (50,000) tons were transported by motor vehicles during the period from January 1, 2022, through December 31, 2022, and annually thereafter.*
- (3)
 - (a) *Except as provided for in paragraph (b) of this subsection, on or before November 1, 2022, and annually thereafter on November 1 of each year, the secretary of the Transportation Cabinet shall, by official order, certify the highways or portions thereof, which meet the criteria in subsection (2) of this section, as the extended weight unrefined petroleum products haul road system.*
 - (b) *If, during the year 2022, a quantity of unrefined petroleum products that meets the threshold set out in subsection (2) of this section is transported on any state-maintained highway, the secretary of the Transportation Cabinet shall, within thirty (30) days by official order, certify those highways or portions thereof, as part of the extended weight unrefined petroleum products haul road system.*
- (4) *The total tons of unrefined petroleum products transported by motor vehicles over any public highway shall be determined from the reports required by Section 2 of this Act.*
- (5)
 - (a) *Any vehicle, when registered with a declared gross weight of eighty thousand (80,000) pounds and when transporting unrefined petroleum products over state-maintained highways which are part of the extended weight unrefined petroleum products haul road system, may be operated at weights in excess of the maximum gross weight prescribed in KRS 189.221 and 189.222 and any other maximum weight limitations on state- or county-maintained systems, if it complies with the requirements of this subsection.*
 - (b) *Trucks configured using an axle system approved by the Transportation Cabinet in accordance with paragraph (c) of this subsection may operate up to a maximum gross weight of one hundred twenty thousand (120,000) pounds with a gross weight tolerance of five percent (5%).*
 - (c) *The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to specify approved axle configurations that may be used when operating under this section.*
 - (d) *For purposes of this section and KRS 189.230, the dimensional requirements of motor vehicles shall conform to all appropriate federal laws and regulations.*
 - (e) *The permit fee for each truck operated under this section shall be two thousand dollars (\$2,000) annually. Upon renewal of an annual permit issued under this section, the permit holder shall report to the cabinet the number of trips made and the total miles driven under the permit during the previous year*
 - (f) *The payment of the permit fee shall be in addition to any state registration fee, user fee, or other permit fee, including the registration fee as specified in KRS 186.050(3).*
 - (g) *Each truck operating under a permit pursuant to this section shall be equipped with global positioning system technology that keeps a record of locations traveled. The travel records of trucks operating under a permit shall be open to inspection by the Transportation Cabinet.*
 - (h) *Any driver of a vehicle identified in this section operating under a permit shall, in addition to possessing a valid Class A commercial driver's license, be approved by the Kentucky State Police to operate a vehicle under this section.*

- (6) *All revenues generated pursuant to this section shall be credited to the road fund and shall be appropriated for the uses of that fund.*
- (7) (a) *Nothing in this section shall be construed or administered to jeopardize the receipt of federal funds for highway purposes, and the secretary of transportation shall not act in any manner which jeopardizes federal highway funds or funds to be received by the Commonwealth.*
- (b) *This section shall not be construed to:*
1. *Authorize any vehicle to operate on a federal interstate highway in excess of those limits prescribed in KRS 189.222; or*
 2. *Prohibit the Department of Highways from providing for the public safety and convenience of the traveling public on the highway, including by limiting travel on roads with bridges having weight restrictions.*
- (8) *As soon as practical after the report is prepared and published pursuant to Section 2 of this Act for any calendar year after 2022, the secretary shall add to or delete from the extended weight unrefined petroleum products haul road system any sections of state-maintained highways based upon the criteria set out in this section. Deletion of a public road or portion of it from the extended weight unrefined petroleum products haul road system shall not affect the eligibility of the roads for highway funds or programs applicable to the extended weight unrefined petroleum products haul road system.*
- (9) *A representative of the Transportation Cabinet shall transmit a report of roads to be included in the extended weight unrefined petroleum products haul road system to the fiscal court of each county in which a road or road segment is eligible for inclusion in the system. The secretary shall take into consideration any concerns expressed by a fiscal court before adding a road to the extended weight unrefined petroleum products haul road system.*
- (10) *The Transportation Cabinet shall inspect all of the routes in the extended weight unrefined petroleum products haul road system annually to determine the extent of degradation of any segments of road or bridges.*
- (11) *The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A necessary to administer this section.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO READ AS FOLLOWS:

- (1) *The provisions of this section shall be in effect until June 30, 2028.*
- (2) *The Transportation Cabinet shall publish a directory, including supporting maps and other documents, designating the extended weight unrefined petroleum products haul road system, which shall include all state-maintained highways and bridges over which quantities of unrefined petroleum products in excess of the amount identified in subsection (2) of Section 1 of this Act have been transported in the immediately preceding year. The cabinet shall further publish the total county mileage of the extended weight unrefined petroleum products haul road system for that preceding year. Publication of the information in this subsection may be by electronic means.*
- (3) *Beginning January 1, 2022, every person, producer, or processor shipping or transporting unrefined petroleum products over any state-maintained highway or bridge shall file with the Transportation Cabinet information for the purpose of identifying those state-maintained highways comprising the extended weight unrefined petroleum products haul road system and the quantities of unrefined petroleum products transported thereon, in order that the cabinet can accurately calculate total ton-miles within each county.*
- (4) *The Transportation Cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to carry out the requirements of this section, including publication of the information outlined in subsection (2) of this section and establishment of a reporting system for transporters of unrefined petroleum products.*

➔Section 3. KRS 189.2713 is amended to read as follows:

{After June 29, 2017, and until June 30, 2020:}

- (1) As used in this section, "metal commodities" means output products from metal-producing industries that are transported in their most basic and original form from a mill or storage facility to market for processing. "Metal commodities" does not include manufactured parts being transported from a manufacturer or supplier to another customer;

- (2) The department shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the issuance of annual and single-trip permits for the operation of motor vehicles transporting metal commodities with a minimum gross weight of eighty thousand and one (80,001) pounds and a maximum gross weight of one hundred twenty thousand (120,000) pounds in divisible or nondivisible loads to or from a facility manufacturing metal commodities in this state or a facility used for storage of metal commodities;
- (3) A motor carrier transporting metal commodities in divisible or nondivisible loads to or from a facility manufacturing metal commodities in this state or a facility used for storage of metal commodities, may apply for an annual or single-trip overweight permit pursuant to subsection (2) of this section. A permit issued under this section shall be specific to a single truck and shall be valid twenty-four (24) hours a day;
- (4) (a) The cost of an annual permit issued under this section shall be one thousand two hundred fifty dollars (\$1,250).
 (b) The cost of a single-trip permit issued under this section shall be one hundred dollars (\$100);
- (5) Permits issued under this section shall contain a Web site hyperlink or any other method to provide the motor carrier with routes that are approved by the department;
- (6) Upon renewal of any annual permit issued under this section, the permit holder shall report to the cabinet the number of trips made and the total miles driven under the permit during the previous year; and
- (7) Administrative regulations promulgated by the department under this section may require motor carriers to meet specific Federal Motor Carrier Safety Administration (FMCSA) safety ratings and FMCSA safety measurement system scores before issuance of a permit under this section.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO READ AS FOLLOWS:

After the effective date of this Act, no new overweight or overdimensional permit, or any new overweight or overdimensional tolerance, for motor carriers shall be granted under this chapter, except that the overweight permit established in Sections 1 and 2 of this Act may be extended until June 30, 2033.

➔Section 5. KRS 189.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense. Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not more than one (1) year, or both, unless the accident involved death or serious physical injury and the person knew or should have known of the death or serious physical injury, in which case the person shall be guilty of a Class D felony. Any person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person violating paragraph (c) of subsection (5) of KRS 189.390.
- (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221, 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02) per pound for each pound of excess load when the excess is five thousand (5,000) pounds or less. When the excess exceeds five thousand (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of excess load, but the fine levied shall not be less than one hundred dollars (\$100) and shall not be more than five hundred dollars (\$500).
 (b) Any person who violates the provisions of KRS 189.271 and is operating on a route designated on the permit shall be fined one hundred dollars (\$100); otherwise, the penalties in paragraph (a) of this subsection shall apply.
 (c) Any person who violates any provision of subsection (2) or (3) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which another penalty is not specifically provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

- (d) 1. *Any person who violates the provisions of Section 1 of this Act while operating on a route designated in Section 2 of this Act shall be fined one hundred dollars (\$100).*
2. *Any person who operates a vehicle with a permit under Section 1 of this Act in excess of eighty thousand (80,000) pounds while operating on a route not designated in Section 2 of this Act shall be fined one thousand dollars (\$1,000)* ~~(On or after July 1, 2020:~~
- ~~1. Any person who violates the weight provisions of KRS 189.2714 shall be subject to the penalties outlined in paragraph (a) of this subsection; and~~
- ~~2. Any person who violates any provision of KRS 189.2714 for which another penalty is not specifically provided shall be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).~~
- (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the Department of Vehicle Regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than fifteen dollars (\$15).
- (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- (c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.
- (5) Any person who violates KRS 189.370 shall for the first offense be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For each subsequent offense occurring within three (3) years, the person shall be fined not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) or imprisoned not less than sixty (60) days nor more than six (6) months, or both. The minimum fine for this violation shall not be subject to suspension. A minimum of six (6) points shall be assessed against the driving record of any person convicted.
- (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars (\$15) in excess of the cost of the repair of the road.
- (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50).
- (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.
- (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a Class B misdemeanor.
- (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of this section shall, in the case of a public highway, be paid into the county road fund, and, in the case of a privately owned road or bridge, be paid to the owner. These fines shall not bar an action for damages for breach of contract.

- (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- (14) Any person who violates any provision of KRS 189.575 shall be fined not less than twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- (16) Any person who violates restrictions or regulations established by the secretary of transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense, be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for thirty (30) days, or both.
- (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty of a Class B misdemeanor.
(b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name the vehicle used in the transportation of inflammable liquids or explosives is licensed, the person shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each violation shall constitute a separate offense.
- (18) Any person who abandons a vehicle upon the right-of-way of a state highway for three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days nor more than thirty (30) days.
- (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor, unless the offense is being committed by a defendant fleeing the commission of a felony offense which the defendant was also charged with violating and was subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- (20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- (21) A person who operates a bicycle in violation of the administrative regulations promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).
- (22) Any person who violates KRS 189.860 shall be fined not more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both.
- (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300).
- (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a uniform citation, but shall instead receive a courtesy warning up until July 1, 2009. For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs. A person who has not been previously charged with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the requirements of KRS 189.125. Upon presentation of sufficient proof of the acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an amount not to exceed twenty-five dollars (\$25). This fine shall be subject to prepayment. A fine imposed under this subsection shall not be subject to court costs pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- (27) Fines levied pursuant to this chapter shall be assessed in the manner required by KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall be governed by KRS 534.020 and 534.060.

- (28) A licensed driver under the age of eighteen (18) charged with a moving violation pursuant to this chapter as the driver of a motor vehicle may be referred, prior to trial, by the court to a diversionary program. The diversionary program under this subsection shall consist of one (1) or both of the following:
- (a) Execution of a diversion agreement which prohibits the driver from operating a vehicle for a period not to exceed forty-five (45) days and which allows the court to retain the driver's operator's license during this period; and
 - (b) Attendance at a driver improvement clinic established pursuant to KRS 186.574. If the person completes the terms of this diversionary program satisfactorily the violation shall be dismissed.
- (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall be fined two hundred fifty dollars (\$250). The fines and costs for a violation of subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in accordance with KRS 24A.180. Once deposited into the State Treasury, ninety percent (90%) of the fine collected under this subsection shall immediately be forwarded to the personal care assistance program under KRS 205.900 to 205.920. Ten percent (10%) of the fine collected under this subsection shall annually be returned to the county where the violation occurred and distributed equally to all law enforcement agencies within the county.
- (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.

➔Section 6. The following KRS section is repealed:

189.2714 Annual overweight permit for transporting steel products or materials to or from a manufacturing or storage facility -- Administrative regulations. (Effective July 1, 2020)

➔Section 7. Sections 1 and 2 of this Act are repealed June 30, 2028.

Signed by Governor March 26, 2019.