

601 KAR 1:020. Permit for hauling industrial materials; fee; bond.

RELATES TO: KRS 189.221, 189.222, 189.271

STATUTORY AUTHORITY: KRS 174.080, 189.271

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.271 empowers the Transportation Cabinet to promulgate administrative regulations to implement the provisions as set forth therein for the issuance of a special permit to the owner, operator, or lessee of a motor vehicle for the purpose of hauling industrial materials whose gross weight, or dimensions, including vehicle and load, exceeds the limits set forth in or fails to comply with the requirements of KRS Chapter 189.

Section 1. Application.

- (1) All applications for an industrial haul permit authorized by KRS 189.271 shall be on forms prescribed and furnished by the Transportation Cabinet. Such forms shall be available at any highway district office.
- (2) An application for an industrial haul permit shall be submitted to the highway district office having jurisdiction over the major portion of the proposed haul routes and shall be accompanied by a transportation plan.
- (3) The transportation plan shall be prepared and submitted by the applicant and shall indicate and identify by route number the highways on the state maintained road system over which the applicant will transport industrial materials.

Section 2. Bond Requirements.

- (1) Industrial haul permit applicants who are and remain in good standing with the cabinet shall not be required to post bond.
- (2) An industrial haul permit applicant shall not be in good standing and shall be subject to the performance bond requirement set forth in subsection (4) of this section if any of the following occurs:
 - (a) If any operator of a vehicle owned or leased by an industrial haul permit holder deviates from an existing transportation plan or violates any of the safety provisions identified in Section 5 of this administrative regulation; or
 - (b) If any operator of a vehicle owned or leased by an industrial haul permit holder is convicted under KRS 189.990(2)(a) two (2) or more times within a five (5) year period.
- (3) If an applicant is required to post a performance bond, the following shall apply:
 - (a) The applicant shall be the principal obligor on any required industrial haul performance bond and the Commonwealth of Kentucky shall be the obligee.
 - (b) The bond amount shall be determined by the cabinet and shall not exceed \$6,000 per vehicle.
 - (c) The applicant may file a surety bond, corporate bond or self-insured bond subject to the following:
 1. An applicant wishing to post a corporate or self-insured bond shall submit an affidavit from an independent financial institution verifying that the applicant has permanent net assets located in Kentucky with a total value of \$500,000 or more;
 2. In the event the applicant's liability is discharged upon a performance bond, the cabinet may require the filing of a new bond; and
 3. An existing industrial haul permit bond may be carried forward and applied to a revised or renewed industrial haul permit provided the cabinet has not gone against the bond, and provided there has not been a violation of the safety provisions set forth in Section 5 of this administrative regulation.

Section 3. Permit Terms and Conditions.

- (1) An industrial haul permit shall be valid for a period not to exceed three (3) years from the date of issuance.
- (2) A separate permit shall be issued for each vehicle upon receipt of the permit fee.
 - (a) A twenty (20) dollar annual fee shall be paid in advance for each truck at the time the permit application is filed. The applicant shall have the option of taking a permit for a one (1), two (2), or three (3) year period, but shall pay the annual fee for all years covered by the permit in advance (sixty (60) dollar fee for a three (3) year permit); and
 - (b) The fee set forth in paragraph (a) of this subsection shall be made payable to the cabinet.
- (3) An existing industrial haul permit may be renewed provided the permit holder and all operators of vehicles owned or leased by the applicant have complied with all the terms and conditions of the original industrial haul permit, permit application, and transportation plan.
- (4) An industrial haul permit transportation plan may be revised at any time during the permit period, by sending a revised transportation plan to the same highway district office where the original application was filed subject to the requirements in subsection (5) of this section and Section 5 of this administrative regulation.
- (5) Vehicles permitted pursuant to this administrative regulation shall comply with legal bridge weight limits. A permitted vehicle may exceed the legal bridge weight limits only upon approval from the cabinet. This requirement is applicable to a revised plan as well as the original transportation plan.
 - (a) A permit holder wishing to exceed legal bridge weights on the submitted transportation plan shall:
 1. Submit a written request attached to the permit application form; and
 2. Set forth the specific bridge or bridges whose limits they wish to exceed by route and milepoints.
 - (b) The cabinet shall:
 1. Analyze the bridge weight capacity; and
 2. Issue the permit or notify the applicant it has been denied based on bridge weight capacity within fourteen (14) days from the date the application is received in the highway district office.
- (6) An industrial haul permit holder may change the designated industrial material to be hauled anytime at no additional cost.

Section 4. Weight Restriction. A holder of an industrial haul permit issued by the cabinet shall not allow a vehicle owned or leased by them to exceed the gross weight for a vehicle as provided for in KRS 189.222.

Section 5. Additional Conditions. Any industrial haul permit issued by the cabinet allowing for a variance in either height, width or length dimensions from the provisions in KRS 189.222, shall be restricted to use on the roads set forth in 603 KAR 5:070 and shall be conditioned upon compliance with KRS Chapter 189, 601 KAR 1:005 and 601 KAR 1:018. The cabinet may deny or revoke a permit if an owner or operator of the permitted vehicle is in violation of any of these provisions.

Section 6. Any deviation from the transportation plan as submitted by the permit holder, without notice to the cabinet, shall be sufficient cause for the cabinet to revoke an industrial haul permit.

Section 7. Incorporation by Reference.

- (1) The following forms are incorporated by reference:
 - (a) TC 71-201, Industrial Haul Permit Application, revised February 2001, one (1) page;

- (b) TC 71-202, Industrial Haul Permit Performance Bond, revised February 2001, one (1) page;
- (c) TC 71-203, Industrial Haul Permit Release from Bond, revised February 2001, one (1) page;
- (d) TC 71-204, Truck Information, revised February 2001, one (1) page;
- (e) TC 71-207, Industrial Haul Permit Self-insured Performance Bond, revised February 2001, one (1) page; and
- (f) TC71-208, Industrial Haul Permit Self-insured Performance Bond Affidavit, revised July 2000, one (1) page.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Motor Carriers, State Office Building, 3rd Floor, 501 High Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. The telephone number is (502) 564-4540.

(1 Ky.R. 14; eff. 9-11-1974; 12 Ky.R. 356; eff. 10-8-1985; 14 Ky.R. 484; 830; eff. 11-6-1987; 27 Ky.R. 1868; 2771; eff. 4-9-2001; Crt eff. 11-26-2019.)