

1 AN ACT relating to streets and roads.

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

3 ➔Section 1. KRS 189.2226 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Bill of lading" means a document evidencing the purchase of, or delivery  
6 order for, building materials issued by a person engaged in a business that sold  
7 or leased the building materials;

8 (b) "Building materials" means equipment or materials associated with new home  
9 construction, home remodeling, or home maintenance, including but not  
10 limited to:

- 11 1. Agriculture products;
- 12 2. Asphalt;
- 13 3. Concrete;
- 14 4. Crushed stone;
- 15 5. Excavation equipment;
- 16 6. Fill dirt and rock;
- 17 7. Glass;
- 18 8. Landscaping materials;
- 19 9. Lumber or other wood products;
- 20 10. Minerals;
- 21 11. Roofing materials; and
- 22 12. Steel products;

23 (c) "Home" means:

- 24 1. A site where a single or multi-family housing unit is being initially  
25 constructed ***for which a building permit for construction has been***  
26 ***issued by the authorized local government in the city or county in***  
27 ***which construction will take place***; and

1           2. A site where construction of a single or multi-family housing unit is  
2           complete and persons inhabit the housing unit; and

3           (d) "State road" means a state or federal highway but does not mean an interstate  
4           or county road.

5       (2) Other statutes to the contrary in this chapter notwithstanding, any vehicle hauling  
6       building materials to a home shall be allowed, subject to the provisions of this  
7       section, to travel on any state road without a permit and without being subject to a  
8       fine, if the weight of the vehicle is within the limits of the registration issued to the  
9       vehicle and within the axle limits for the vehicle, even if the vehicle's gross weight  
10      or length, including vehicle and load, exceed the limits prescribed by this chapter or  
11      in other aspects fail to comply with this chapter.

12      (3) A vehicle hauling building materials under this section shall be allowed to travel the  
13      most direct route, in the opinion of the operator, to the vehicle's point of destination,  
14      provided any road traveled as the most direct route shall not be further than fifteen  
15      (15) miles from a state road that is classified to carry the registered weight of the  
16      vehicle. If a vehicle is traveling a road classified by the cabinet as a single "A"  
17      highway, the vehicle or its load cannot exceed ninety-six (96) inches in width. If a  
18      vehicle or its load exceed ninety-six (96) inches in width, the operator shall be  
19      required to obtain the appropriate overdimensional permit required by this chapter  
20      to travel the proposed route. The operator of a vehicle hauling building materials  
21      under this section shall have in his or her possession a bill of lading.

22      (4) All vehicles hauling building materials under this section shall be prohibited from  
23      exceeding the established width and posted bridge weight limits for any route the  
24      vehicle travels. A vehicle that exceeds the width or bridge limits for its posted  
25      routes shall be required to obtain the appropriate overdimensional or overweight  
26      permit required by this chapter.

27      ➔Section 2. KRS 189.230 is amended to read as follows:

1 (1) Except as provided in KRS 189.221(6), 189.222, and 189.2226, the department, in  
2 respect to state and federal highways, and county judges/executive in respect to  
3 county highways, may prescribe, by notice as provided in subsection ~~(4)~~~~(3)~~ of this  
4 section, load and speed limits lower than the limits prescribed in KRS 189.221 and  
5 subsection (4) of KRS 189.390, respectively, if in their judgment any highway may,  
6 by reason of its design, deterioration, rain, or other natural causes, be damaged or  
7 destroyed by motor trucks or semitrailer trucks, if their gross weight or speed  
8 exceeds certain limits. The department or fiscal court may, by like notice, regulate  
9 or prohibit the operation of motor trucks or semitrailer trucks on state highways or  
10 county roads for limited periods of specified days, or parts of days, if their load and  
11 speed exceed those limits, if in their judgment, the regulation or prohibition is  
12 necessary, by reason of traffic density or intensive use by the traveling public, to  
13 provide for the public safety and convenience on the highway.

14 (2) *A fiscal court may, by notice as provided in subsection (4) of this section, regulate*  
15 *or prohibit the operation of motor trucks or semitrailer trucks on state or county*  
16 *roads within the county if, in its judgment:*

17 *(a) A road may, by reason of its design, deterioration, rain, or other natural*  
18 *cause, be damaged or destroyed by motor trucks or semitrailer trucks if*  
19 *their gross weight or speed exceeds certain limits; and*

20 *(b) Regulation or prohibition is necessary to provide for the public safety and*  
21 *convenience on the highway.*

22 (3) The department, in respect to bridges on the extended weight coal haul system  
23 defined in KRS 177.9771, may prescribe, by notice, as provided in subsection (3) of  
24 this section, gross weight limits lower than the limits prescribed in KRS 177.9771,  
25 when in its judgment any bridge on the extended weight coal haul road system may,  
26 by reason of its design or deterioration, be damaged or destroyed to the point of  
27 catastrophic failure by motor vehicles, if their gross weight exceeds certain limits.

1 For the purposes of KRS 177.9771, all bridges shall conform with KRS  
2 177.9771(4)(a) to (d).

3 ~~(4)~~~~(3)~~ The notice or the substance of it shall be posted at conspicuous places at the  
4 termini of and at all intermediate crossroads and road junctions with the section of  
5 the highway to which the notice applies. After a notice has been posted, a person  
6 shall not operate any motor truck or semitrailer truck contrary to its provisions.

7 ~~(5)~~~~(4)~~ A fiscal court shall require all persons applying for a permit issued under KRS  
8 189.212 to enter into a cooperative agreement with the fiscal court. The cooperative  
9 agreement shall provide for an equitable apportionment of the incremental costs for  
10 design, maintenance, construction, or reconstruction of those roads and bridges on  
11 which the person will be operating under the permit issued under KRS 189.212. A  
12 fiscal court may require as part of a cooperative agreement for the person to give the  
13 fiscal court a bond to ensure payment of the equitable costs associated with the  
14 permit issued under KRS 189.212. All funds collected under this subsection shall be  
15 expended on those roads covered by the cooperative agreement.

16 ~~(6)~~~~(5)~~ A fiscal court shall not be relieved of expending its normal routine  
17 maintenance on all roads covered by cooperative agreements under the provisions  
18 of this section.

19 ~~(7)~~~~(6)~~ A person who entered a cooperative agreement with a fiscal court under the  
20 provisions of subsection (4) of this section may terminate the agreement by  
21 submitting written notice to the fiscal court. If a person terminates a cooperative  
22 agreement with a fiscal court, the permit issued under KRS 189.212 shall  
23 immediately be revoked by the fiscal court.

24 ➔Section 3. KRS 189.280 is amended to read as follows:

25 (1) KRS 189.221 to 189.230 and 189.280 shall not apply to motor trucks, semitrailer  
26 trucks, or trailers owned by the United States, the Commonwealth of Kentucky, or  
27 any agency of them, any county or city.

- 1 (2) If any motor truck, semitrailer truck, or trailer is lawfully licensed by a city pursuant  
2 to KRS 186.270, then KRS 189.221 and subsection (1) of 189.222 shall not apply  
3 thereto, within the limits of the city issuing the license, or within fifteen (15) miles  
4 of the limits of the city, ~~[if it is a city with a population equal to or greater than three~~  
5 ~~thousand (3,000) based upon the most recent federal decennial census, or within~~  
6 ~~five (5) miles of its limits if it is a city with a population of less than three thousand~~  
7 ~~(3,000) based upon the most recent federal decennial census,]~~ except on such state-  
8 maintained highways or portions thereof, including connecting-link streets, as may  
9 be designated by the commissioner of highways, and on such county highways as  
10 may be designated by the county judge/executive; provided, however, that in no  
11 case shall any vehicle exceed the weight and size limitations established by the city  
12 ordinance when those limitations are less stringent than those provided in the  
13 aforementioned sections of the statutes. For the purposes of this subsection vehicles  
14 exempt from the imposition of a city license tax by reason of subsection (2) of KRS  
15 281.830 shall be entitled to the same exemptions as those so licensed.
- 16 (3) Cities may, by ordinance, provide maximum limits with respect to the weight,  
17 height, width and length of motor trucks, semitrailer trucks, and trailers on city-  
18 owned and maintained streets and roads~~],~~ within their respective boundaries~~], not~~  
19 ~~less, however, than the maximum limits prescribed in KRS 189.221 and subsection~~  
20 ~~(1) of 189.222, and may authorize the operation of trailers].~~