

1 AN ACT relating to the transportation of milk.

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

3 ➔Section 1. KRS 189.222 is amended to read as follows:

4 (1) Except as provided in subsection (2) of this section, the secretary of the
5 Transportation Cabinet in respect to highways which are a part of the state-
6 maintained system, by official order, may increase on designated highways or
7 portions thereof, the maximum height, length, and gross weight prescribed in KRS
8 189.221, if in the opinion of the secretary, the increased height, length, and weight
9 designated by him or her are justified by the strength, safety, and durability of the
10 designated highways, and the highways do not appear susceptible to unreasonable
11 and unusual damage by reason of the increases and the secretary may establish
12 reasonable classification of state maintained roads and fix a different maximum for
13 each classification. Any increase in the height, length, or width of any motor truck
14 or tractor semitrailer combinations or any other vehicle combinations including any
15 part of the body or load or designation of highways to be used by the vehicles, shall
16 not, in any way, exceed the federal law or regulations thereunder or jeopardize the
17 allotment or qualification for federal aid funds of the Commonwealth of Kentucky
18 or exceed the following dimensions and weights:

- 19 (a) 1. Height, for vehicles transporting motor vehicles, fourteen (14) feet; and
20 2. Height, for all other vehicles, thirteen and one-half (13-1/2) feet;
21 (b) Length, semitrailers, fifty-three (53) feet; trailers, twenty-eight (28) feet;
22 motor trucks, forty-five (45) feet, not to exceed two (2) trailers per truck
23 tractor;
24 (c) Weight, twenty thousand (20,000) pounds per single axle, with axles less than
25 forty-two (42) inches apart to be considered as a single axle; thirty-four
26 thousand (34,000) pounds on two (2) axles in tandem arrangement which are
27 spaced forty-two (42) inches or more apart and less than ninety-six (96)

1 inches apart; forty-eight thousand (48,000) pounds on three (3) axles which
2 are spaced forty-two (42) inches or more apart and less than one hundred
3 twenty (120) inches apart. No single axle in any arrangement shall exceed
4 twenty thousand (20,000) pounds or seven hundred (700) pounds per inch of
5 the aggregate width of all the tires on a single axle, whichever is less. The
6 total gross weight of the vehicle and load shall not exceed eighty thousand
7 (80,000) pounds;

8 (d) Except on the interstate highway system, a tolerance of not more than five
9 percent (5%) per axle load shall be permitted before a carrier is deemed to
10 have violated paragraph (c) of this subsection. The gross weight shall not
11 exceed eighty thousand (80,000) pounds;

12 (e) Except as provided for in paragraph (f) of this subsection, truck tractor,
13 semitrailer and trailer combinations, and other vehicle combinations may be
14 operated only on the interstate system and on those parts of the federal aid
15 highway system and the state-maintained system which have been designated
16 by the secretary of the Transportation Cabinet by official order as safely
17 allowing same; and

18 (f) A vehicle or combination of vehicles that is one hundred two (102) inches
19 wide or less and has a gross weight of not more than eighty thousand (80,000)
20 pounds may be driven on any state highway, for a distance of up to fifteen
21 (15) miles from an interstate or parkway exit.

22 (2) In addition to the provisions of KRS 189.2226, vehicles with a gross weight of up
23 to eighty thousand (80,000) pounds may travel on any state highway in the
24 Commonwealth without obtaining a special permit, if the weight does not exceed
25 any limits mandated by federal law or regulation, any posted bridge weight limit, or
26 the weight limits for the size and type of vehicle established under subsection (1)(c)
27 of this section, and if the vehicle is transporting any of the following:

- 1 (a) Meats or agricultural crop products originating from a farm to first market;
- 2 (b) Livestock or poultry from their point of origin to first market. As used in this
- 3 paragraph and in paragraph (d) of this subsection, "livestock" means cattle,
- 4 sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of
- 5 the bovine, ovine, porcine, caprine, equine, or camelid species;
- 6 (c) Primary forest products, including, but not limited to, sawdust, wood chips,
- 7 bark, slabs, or logs originating from their points of origin to first market; or
- 8 (d) Supplies, materials, or equipment necessary to carry out a farming operation
- 9 engaged in the production of agricultural crop products, meats, livestock, or
- 10 poultry.
- 11 (3) The following vehicles registered under KRS 186.050 may exceed the gross weight
- 12 provisions set forth in subsection (1)(c) of this section by a weight tolerance of ten
- 13 percent (10%), except on the interstate highway system:
- 14 (a) Vehicles that are engaged exclusively in the transportation of items listed in
- 15 subsection (2)(a), (b), and (c) of this section; and
- 16 (b) Vehicles that are engaged exclusively in the transportation of feed for
- 17 livestock or poultry.
- 18 (4) (a) Notwithstanding KRS 189.269, vehicles with a gross weight of up to ninety
- 19 thousand (90,000) pounds transporting fluid milk originating from a farm
- 20 to first market may travel on any state highway in the Commonwealth
- 21 without obtaining a special permit, except that:
- 22 1. The weight of the vehicle and load under this subsection shall not
- 23 exceed any limits mandated by federal law or regulation, or any posted
- 24 bridge weight limit; and
- 25 2. A vehicle being operated on the interstate highway system shall not
- 26 exceed eighty thousand (80,000) pounds.
- 27 (b) A vehicle may exceed the weight provisions established by this subsection by

1 *a weight tolerance of ten percent (10%), except on the interstate highway*
2 *system.*

3 (5) Vehicles exclusively engaged in the transportation of motor vehicles,
4 unmanufactured tobacco, or unmanufactured tobacco products may, on those
5 highways which are a part of the state-maintained system and which have been
6 designated by the secretary of the Transportation Cabinet by official order as safely
7 allowing same, attain the maximum lengths as provided by subsection (1)(b) of this
8 section, excluding the usual and ordinary bumper overhang of the transported
9 vehicles.

10 ~~(6)~~~~(5)~~ Vehicles engaged exclusively in the transportation of farm or primary forestry
11 products and registered under KRS 186.050(4) or 186.050(9) and vehicles engaged
12 exclusively in the transportation of ready-mixed concrete shall be excluded from
13 the axle weight provisions, except on interstate highways, and subject only to total
14 gross weight provisions.

15 ~~(7)~~~~(6)~~ Vehicles registered pursuant to KRS 186.050(3)(b) and engaged in the
16 transportation of primary forest products, including, but not limited to, vehicles
17 transporting sawdust, wood chips, bark, slabs, or logs, may exceed the axle, or
18 gross weight provisions as set forth in accordance with subsection (1)(c) of this
19 section by a weight tolerance of ten percent (10%), except on the interstate highway
20 system.

21 ~~(8)~~~~(7)~~ Vehicles designed for and engaged exclusively in the collection and hauling
22 of refuse and registered under KRS 186.050(3)(b) shall be excluded from the axle
23 weight provisions, except when in operation on the federal interstate system, and
24 subject only to total gross weight provisions.

25 ~~(9)~~~~(8)~~ The secretary of the Transportation Cabinet may by order increase the weight
26 and height limits prescribed by this chapter for motor vehicles while being operated
27 exclusively on roads or highways being constructed, reconstructed, or repaired

1 under contract with the Transportation Cabinet by the contractor or subcontractor,
2 agent, or employee thereof.

3 ~~(10)~~~~(9)~~ Except as otherwise provided in this chapter, the secretary of the
4 Transportation Cabinet shall not authorize the operation of any vehicle or
5 combination of vehicles, upon any part of the federal aid highway system or state
6 parkway system, which exceeds the following dimensions and weights:

7 (a) Width, one hundred two (102) inches, including any part of the body or load;
8 or

9 (b) Weight, twenty thousand (20,000) pounds per single axle, with axles less than
10 forty-two (42) inches apart to be considered as a single axle; thirty-four
11 thousand (34,000) pounds on two (2) axles in tandem arrangement which are
12 spaced forty-two (42) inches or more apart and less than ninety-six (96)
13 inches apart; forty-eight thousand (48,000) pounds on three (3) axles which
14 are spaced forty-two (42) inches or more apart and less than one hundred
15 twenty (120) inches apart. The total gross weight of the vehicle and load shall
16 not exceed eighty thousand (80,000) pounds. If any federal law or laws or
17 regulations thereunder are hereafter enacted authorizing weights and
18 dimensions in excess of those set out in paragraphs (a) and (b) of this
19 subsection, the secretary of the Transportation Cabinet may by official order
20 increase the maximum weights and dimensions but the increased weights and
21 dimensions shall not exceed those set out in this section.

22 ~~(11)~~~~(10)~~ Except on the interstate highway system, vehicles engaged exclusively in the
23 transportation of crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate
24 muck, asphalt, concrete, solid waste, tankage or animal residues, livestock, feed for
25 livestock or poultry, and agricultural products shall be permitted a tolerance of ten
26 percent (10%) of the axle weight provisions before a carrier is deemed to have
27 violated subsection (1)(c) of this section.

1 ~~(12)~~~~(11)~~ For any vehicle which is equipped with an auxiliary power unit, the weight
2 limits set forth in this section shall be increased by four hundred (400) pounds.

3 ~~(13)~~~~(12)~~ The Transportation Cabinet may promulgate administrative regulations in
4 accordance with~~[pursuant to]~~ KRS Chapter 13A, relating to the implementation of
5 23 C.F.R. pt. 658 as it relates to state-maintained or locally maintained roads. The
6 enforcement of the provisions of KRS 189.221 and this section on locally
7 maintained roads shall not be the responsibility of the law enforcement officers of
8 the Transportation Cabinet, unless the head of the corresponding local government
9 unit has requested, in writing, enforcement assistance from the Transportation
10 Cabinet.

11 ➔Section 2. KRS 189.010 is amended to read as follows:

12 As used in this chapter:

13 (1) "Department" means the Department of Highways;

14 (2) "Crosswalk" means:

15 (a) That part of a roadway at an intersection within the connections of the lateral
16 lines of the sidewalks on opposite sides of the highway measured from the
17 curbs or in the absence of curbs, from the edges of the traversable roadway; or

18 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated
19 for pedestrian crossing by lines or other markings on the surface;

20 (3) "Highway" means any public road, street, avenue, alley or boulevard, bridge,
21 viaduct, or trestle and the approaches to them and includes private residential roads
22 and parking lots covered by an agreement under KRS 61.362, off-street parking
23 facilities offered for public use, whether publicly or privately owned, except for-
24 hire parking facilities listed in KRS 189.700;

25 (4) "Intersection" means:

26 (a) The area embraced within the prolongation or connection of the lateral curb
27 lines, or, if none, then the lateral boundary lines of the roadways of two (2)

- 1 highways which join one another, but do not necessarily continue, at
2 approximately right angles, or the area within which vehicles traveling upon
3 different highways joining at any other angle may come into conflict; or
- 4 (b) Where a highway includes two (2) roadways thirty (30) feet or more apart,
5 then every crossing of each roadway of such divided highway by an
6 intersecting highway shall be regarded as a separate intersection. If the
7 intersecting highway also includes two (2) roadways thirty (30) feet or more
8 apart, every crossing of two (2) roadways of the highways shall be regarded as
9 a separate intersection. The junction of a private alley with a public street or
10 highway shall not constitute an intersection;
- 11 (5) "Manufactured home" has the same meaning as defined in KRS 186.650;
- 12 (6) "Motor truck" means any motor-propelled vehicle designed for carrying freight or
13 merchandise. It shall not include self-propelled vehicles designed primarily for
14 passenger transportation but equipped with frames, racks, or bodies having a load
15 capacity of not exceeding one thousand (1,000) pounds;
- 16 (7) "Operator" means the person in actual physical control of a vehicle;
- 17 (8) "Pedestrian" means any person afoot or in a wheelchair;
- 18 (9) "Right-of-way" means the right of one (1) vehicle or pedestrian to proceed in a
19 lawful manner in preference to another vehicle or pedestrian approaching under
20 such circumstances of direction, speed, and proximity as to give rise to danger of
21 collision unless one grants precedence to the other;
- 22 (10) "Roadway" means that portion of a highway improved, designed, or ordinarily used
23 for vehicular travel, exclusive of the berm or shoulder. If a highway includes two
24 (2) or more separate roadways, the term "roadway" as used herein shall refer to any
25 roadway separately but not to all such roadways collectively;
- 26 (11) "Safety zone" means the area or space officially set apart within a roadway for the
27 exclusive use of pedestrians and which is protected or is so marked or indicated by

1 adequate signs as to be plainly visible at all times while set apart as a safety zone;

2 (12) "Semitrailer" means a vehicle designed to be attached to, and having its front end
3 supported by, a motor truck or truck tractor, intended for the carrying of freight or
4 merchandise and having a load capacity of over one thousand (1,000) pounds;

5 (13) "Truck tractor" means any motor-propelled vehicle designed to draw and to support
6 the front end of a semitrailer. The semitrailer and the truck tractor shall be
7 considered to be one (1) unit;

8 (14) "Sharp curve" means a curve of not less than thirty (30) degrees;

9 (15) "State Police" includes any agency for the enforcement of the highway laws
10 established pursuant to law;

11 (16) "Steep grade" means a grade exceeding seven percent (7%);

12 (17) "Trailer" means any vehicle designed to be drawn by a motor truck or truck-tractor,
13 but supported wholly upon its own wheels, intended for the carriage of freight or
14 merchandise and having a load capacity of over one thousand (1,000) pounds;

15 (18) "Unobstructed highway" means a straight, level, first-class road upon which no
16 other vehicle is passing or attempting to pass and upon which no other vehicle or
17 pedestrian is approaching in the opposite direction, closer than three hundred (300)
18 yards;

19 (19) (a) "Vehicle" includes:

- 20 1. All agencies for the transportation of persons or property over or upon
21 the public highways of the Commonwealth; and
22 2. All vehicles passing over or upon the highways.

23 (b) "Motor vehicle" includes all vehicles, as defined in paragraph (a) of this
24 subsection, except:

- 25 1. Road rollers;
26 2. Road graders;
27 3. Farm tractors;

- 1 4. Vehicles on which power shovels are mounted;
- 2 5. Construction equipment customarily used only on the site of
- 3 construction and which is not practical for the transportation of persons
- 4 or property upon the highways;
- 5 6. Vehicles that travel exclusively upon rails;
- 6 7. Vehicles propelled by electric power obtained from overhead wires
- 7 while being operated within any municipality or where the vehicles do
- 8 not travel more than five (5) miles beyond the city limits of any
- 9 municipality;
- 10 8. Vehicles propelled by muscular power; and
- 11 9. Electric low-speed scooters;
- 12 (20) "Reflectance" means the ratio of the amount of total light, expressed in a
- 13 percentage, which is reflected outward by the product or material to the amount of
- 14 total light falling on the product or material;
- 15 (21) "Sunscreening material" means a product or material, including film, glazing, and
- 16 perforated sunscreening, which, when applied to the windshield or windows of a
- 17 motor vehicle, reduces the effects of the sun with respect to light reflectance or
- 18 transmittance;
- 19 (22) "Transmittance" means the ratio of the amount of total light, expressed in a
- 20 percentage, which is allowed to pass through the product or material, including
- 21 glazing, to the amount of total light falling on the product or material and the
- 22 glazing;
- 23 (23) "Window" means any device designed for exterior viewing from a motor vehicle,
- 24 except the windshield, any roof-mounted viewing device, and any viewing device
- 25 having less than one hundred fifty (150) square inches in area;
- 26 (24) "All-terrain vehicle" means any motor vehicle used for recreational off-road use;
- 27 (25) "Nondivisible load," as pertains to:

1 **(a)** State highways that are not part of the national truck network established
2 pursuant to 23 C.F.R. pt. 658, means a load or vehicle, that if separated into
3 smaller loads or vehicles:

4 ~~1.(a)}~~ Compromises the intended use of the vehicle, making it unable to
5 perform the function for which it was intended;

6 ~~2.(b)}~~ Destroys the value of the load or vehicle, making it unusable for
7 its intended purpose; or

8 ~~3.(c)}~~ Requires more than four (4) work hours to dismantle and
9 reassemble using appropriate equipment; **or**

10 **(b) Any highway that is part of the national truck network established pursuant**
11 **to 23 C.F.R. pt. 658, includes fluid milk products in accordance with 23**
12 **U.S.C. sec. 127(a)(13);**

13 (26) "Electric low-speed scooter" means a device that:

14 (a) Weighs less than one hundred (100) pounds;

15 (b) Is equipped with wheels;

16 (c) Is equipped with handlebars;

17 (d) Is equipped with a brake adequate enough to stop and park the device;

18 (e) Is designed to be stood or sat upon;

19 (f) Is propelled by an electric motor, human power, or both; and

20 (g) Is designed to operate at a maximum speed of twenty (20) miles per hour, on a
21 paved level surface, with or without human propulsion; and

22 (27) "Highway work zone" means that portion of a highway and the affected area
23 adjacent to a lane, berm, or shoulder, including a sidewalk, upon which
24 construction, reconstruction, resurfacing, maintenance, inspection, or other work of
25 that nature is being conducted by a government agency, private contractor, or utility
26 company.

27 ➔Section 3. KRS 189.270 is amended to read as follows:

- 1 (1) (a) The department may issue permits for the operation of motor vehicles,
2 manufactured homes, recreational vehicles, boats, or any other vehicle
3 transporting a nondivisible load, whose gross weight including load, height,
4 width, or length exceeds the limits prescribed by this chapter or which in other
5 respects fail to comply with the requirements of this chapter. Permits may be
6 issued by the department for stated periods, special purposes, and unusual
7 conditions, and upon terms in the interest of public safety and the preservation
8 of the highways as the department may require.
- 9 (b) Subject to the limitations in subsection (4) of this section, the department shall
10 promulgate administrative regulations in accordance with KRS Chapter 13A
11 to set fees for permits established under this section.
- 12 (2) Except as provided in subsection (8) of this section, the department may, at the
13 request of an applicant, issue a single-trip permit regardless of the type of vehicle or
14 equipment being transported that exceeds the weight or dimension limits
15 established by this chapter if the load being transported is a nondivisible load.
- 16 (3) (a) Except as provided in subsection (8) of this section, the department may, at
17 the request of an applicant, issue an annual permit regardless of the type of
18 vehicle or equipment being transported that exceeds the weight or dimension
19 limits established by this chapter if the load being transported is a nondivisible
20 load.
- 21 (b) Except as provided in paragraph (c) of this subsection, a~~The~~ vehicle
22 operating under a permit issued under this subsection shall not exceed sixteen
23 (16) feet in width exclusive of usual and ordinary overhang, one hundred
24 twenty (120) feet in length including a towing vehicle and trailer combination,
25 thirteen (13) feet six (6) inches in height, or one hundred sixty thousand
26 (160,000) pounds.
- 27 (c) Notwithstanding KRS 189.269, a vehicle transporting fluid milk products

1 under a permit issued under this subsection shall not exceed one hundred
2 thousand (100,000) pounds.

- 3 (4) The department shall establish the following annual permits to transport farm
4 equipment, with the listed fee limits:
- 5 (a) For equipment less than or equal to fourteen (14) feet in width, eighty dollars
6 (\$80); and
- 7 (b) For equipment that exceeds fourteen (14) feet in width, when transported from
8 a dealership to a farm, from a farm to a dealership, or from a dealership to a
9 dealership, one hundred fifty dollars (\$150).
- 10 (5) Permits issued under this section shall be for nondivisible loads and shall be valid
11 statewide; however, the department may, as a condition of issuing an annual or
12 single-trip permit, limit the overweight or overdimensional vehicle to specified
13 routes, exclude certain highways, or even cancel an applicant's permit if an
14 unreasonable risk of accident or an unreasonable impedance of the flow of traffic
15 would result from the presence of the overweight or overdimensional vehicle. A
16 person who applies for, and accepts, a permit issued under this section is
17 acknowledging that the Kentucky Transportation Cabinet is not guaranteeing safe
18 passage of vehicles by issuing the permit. A person who applies for, and accepts, a
19 permit issued under this section agrees to measure all clearances of highway
20 structures, both laterally and vertically, prior to passage of the person's vehicles
21 along the routes specified in the permit. A person who applies for, and accepts, a
22 permit issued under this section is classified as a bare licensee whose duty is to
23 assume sole risk involved in using Kentucky's highways without warranty of
24 accuracy.
- 25 (6) Subject to the limitations of subsection (12) of this section, the department shall
26 promulgate administrative regulations under KRS Chapter 13A to establish
27 requirements for escort vehicles, safety markings, and other safety restrictions

1 governing the operation of an overweight or overdimensional vehicle. The
2 department shall provide each applicant for an annual or single-trip permit issued
3 under this section a copy of all restrictions associated with the overweight or
4 overdimensional permit at no charge to the applicant. The department shall be
5 prohibited from raising the permit fee established in subsections (2) and (3) of this
6 section by levying additional fees for an overweight or overdimensional permit
7 through the administrative regulation process.

8 (7) (a) Notwithstanding KRS 189.269, the department may, at the request of an
9 applicant who is a transporter of manufactured housing, issue an annual
10 permit that exceeds the weight or dimension limits established by this chapter
11 if the load being transported is a nondivisible load.

12 (b) The vehicle operated shall not exceed sixteen (16) feet in width exclusive of
13 usual and ordinary overhang, one hundred twenty (120) feet in length
14 including a towing vehicle and trailer combination, fifteen (15) feet in height,
15 or one hundred sixty thousand (160,000) pounds.

16 (c) The holder of a permit issued under this subsection shall, when transporting a
17 manufactured home:

- 18 1. Abide by all escort requirements, safety markings, and other safety
19 restrictions governing overweight and overdimensional vehicles; and
- 20 2. Equip each truck operating under a permit with global positioning
21 system technology that keeps a record of locations traveled. The travel
22 records of trucks operating under a permit shall be open to inspection by
23 the Transportation Cabinet.

24 (d) Any person with a permit under this subsection who operates a vehicle greater
25 than thirteen (13) feet six (6) inches in height while operating in a restricted
26 area designated by the Transportation Cabinet shall be fined one thousand
27 dollars (\$1,000).

- 1 (8) The cabinet shall not issue an annual permit under this section if the person
2 applying for the permit is eligible for an annual permit issued under KRS 189.2716
3 or 189.2717.
- 4 (9) The department may require the applicant to give bond, with approved surety, to
5 indemnify the state or counties against damage to highways or bridges resulting
6 from use by the applicant. The operation of vehicles in accordance with the terms of
7 the permit issued under this section shall not constitute a violation of this chapter if
8 the operator has the permit, or an authenticated copy of it, in his or her possession.
- 9 (10) Any person transporting a parade float which exceeds the dimensional limits on a
10 highway over which it is transported shall be required to obtain a permit as required
11 in subsection (2) of this section. If the float is being used in conjunction with a
12 parade to be held within the boundaries of the Commonwealth, a fee shall not be
13 assessed by the department to issue the permit.
- 14 (11) A person shall not operate any vehicle in violation of the terms of the permit issued
15 under this section.
- 16 (12) (a) The cabinet shall not promulgate administrative regulations pursuant to this
17 section that restrict the time or days of the week when a permit holder may
18 operate on the highway, except that travel may be limited from 6 a.m. to 9
19 a.m. and 3 p.m. to 6 p.m. Monday through Friday. In addition to the
20 restrictions established in this paragraph, any manufactured home being
21 transported by permit issued under this section shall not travel on any
22 highway after daylight hours Monday through Saturday, or at any time on
23 Sunday.
- 24 (b) The cabinet shall allow a permit holder who has obtained a permit to transport
25 equipment to a work site to return to the permit holder's place of business
26 immediately after work is completed at the job site, subject to the limitations
27 of paragraph (a) of this subsection.

1 (c) The cabinet shall not promulgate administrative regulations pursuant to this
2 section setting forth escort vehicle requirements for overdimensional farm
3 implements or vehicles towing overdimensional farm implements that are
4 more stringent than the following:

- 5 1. For a single vehicle and load in excess of twelve (12) feet in width being
6 operated on a two (2) lane highway, no more than one (1) lead vehicle
7 shall be required;
- 8 2. For a single vehicle and load in excess of twelve (12) feet in width being
9 operated on a four (4) lane highway, no more than one (1) trail vehicle
10 shall be required;
- 11 3. For a single vehicle and load in excess of eighty-five (85) feet in length
12 being operated on a two (2) lane highway, no more than one (1) lead
13 vehicle shall be required;
- 14 4. For more than one (1) vehicle and load in excess of twelve (12) feet in
15 width or eighty-five (85) feet in length being operated as a convoy on a
16 two (2) lane highway, no more than one (1) lead vehicle shall be
17 required;
- 18 5. A lead escort vehicle on a two (2) lane highway under this paragraph
19 may also serve as a tow vehicle;
- 20 6. Any distance for lead or trail escort vehicles shall contain provisions
21 allowing for a variance from that distance due to safety or road
22 conditions; and
- 23 7. A vehicle or its escort shall be required to bear a sign declaring that the
24 vehicle is oversized or be required to use lights, flashers, or flags, but a
25 vehicle or its escort shall not be required to do both.

26 ➔Section 4. KRS 189.2717 is amended to read as follows:

- 27 (1) (a) Subject to the provisions of KRS 189.222, the department may promulgate

1 administrative regulations pursuant to KRS Chapter 13A governing the
2 issuance of annual permits for the operation of motor vehicles transporting
3 nondivisible loads in this Commonwealth whose gross weight exceeds the
4 limits prescribed by this chapter.

5 **(b) Except as provided in paragraph (c) of this subsection,** the gross weight of a
6 motor vehicle operating pursuant to this section shall not exceed one hundred
7 twenty thousand (120,000) pounds.

8 **(c) Notwithstanding KRS 189.269, the gross weight of a motor vehicle**
9 **transporting fluid milk products under a permit issued under this section**
10 **shall not exceed one hundred thousand (100,000) pounds.**

11 **(d)** The movement of the overweight motor vehicle shall be limited to a specific
12 route set forth on the annual permit.

13 (2) **Except as provided is subsection (3) of this section,** the following axle weights
14 shall not be exceeded in the loading of a nondivisible load:

15 (a) Single axle with axles less than forty-two (42) inches apart and being the
16 steering axle with one (1) wheel on each side of the axle to be considered a
17 single axle shall not be more than fifteen thousand (15,000) pounds;

18 (b) Two (2) axles in tandem arrangement which are spaced forty-two (42) inches
19 or more apart and less than ninety-six (96) inches apart shall not be more than
20 forty thousand (40,000) pounds;

21 (c) Three (3) axles in tridem arrangement which are spaced forty-two (42) or
22 more inches apart and less than one hundred twenty (120) inches apart shall
23 not be more than sixty-five thousand (65,000) pounds; and

24 (d) Dual wheel axle with one (1) axle with two (2) wheels on each side of the axle
25 to be considered a dual wheel axle shall not be more than twenty thousand
26 (20,000) pounds each.

27 (3) **Notwithstanding KRS 189.269, the axle weight limits in subsection (2) of this**

1 section shall not apply to a vehicle transporting fluid milk products under a
2 permit issued under this section.

3 **(4)** Each motor vehicle operating pursuant to this section shall comply with the safety
4 provisions set forth in the administrative regulations promulgated by the department
5 pursuant to this section.

6 ~~(5)~~~~(4)~~ The department shall promulgate administrative regulations in accordance
7 with KRS Chapter 13A to set fees for permits established under this section.

8 ~~(6)~~~~(5)~~ The department may refuse to issue a permit for a requested route because of
9 the inadequacies of the roadway or a structure on that route.

10 ➔Section 5. KRS 189.221 is amended to read as follows:

11 A person shall not operate on any highway, except those highways designated by the
12 secretary of transportation under the provisions of KRS 189.222, or those locally
13 maintained highways under the provisions of KRS 189.222~~(13)~~~~(12)~~ or 189.230(4), any
14 of the following trucks, trailers, manufactured homes, or vehicles:

15 (1) Any motor truck, semitrailer, trailer, manufactured home, or vehicle which exceeds
16 eleven and one-half (11-1/2) feet in height or ninety-six (96) inches in width,
17 including any part of the body or load;

18 (2) Any motor truck, except a semitrailer truck, which exceeds twenty-six and one half
19 (26-1/2) feet in length, including any part of the body or load;

20 (3) Any semitrailer truck which exceeds thirty (30) feet in length, including any part of
21 the body or load;

22 (4) Any truck, semitrailer truck, or truck and trailer unit which exceeds 36,000 pounds
23 gross weight, including the load;

24 (5) Any truck, semitrailer truck, or tractor-trailer unit which exceeds a gross weight
25 equal to the sum of six hundred (600) pounds per inch of the combined width of the
26 tires upon which the vehicle may be propelled, but no more than thirty-six thousand
27 (36,000) pounds; and

- 1 (6) Notwithstanding the provisions of this section, any truck hauling building materials
2 under KRS 189.2226, or to a road construction project on a highway rated less than
3 the maximum weight provided above, may haul up to eighty thousand (80,000)
4 pounds gross weight, including the load, without a permit.