

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) 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) 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) 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) 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 189.221 is amended to read as follows:

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

- 16     (1) Any motor truck, semitrailer, trailer, manufactured home, or vehicle which exceeds  
17       eleven and one-half (11-1/2) feet in height or ninety-six (96) inches in width,  
18       including any part of the body or load;
- 19     (2) Any motor truck, except a semitrailer truck, which exceeds twenty-six and one half  
20       (26-1/2) feet in length, including any part of the body or load;
- 21     (3) Any semitrailer truck which exceeds thirty (30) feet in length, including any part of  
22       the body or load;
- 23     (4) Any truck, semitrailer truck, or truck and trailer unit which exceeds 36,000 pounds  
24       gross weight, including the load;
- 25     (5) Any truck, semitrailer truck, or tractor-trailer unit which exceeds a gross weight  
26       equal to the sum of six hundred (600) pounds per inch of the combined width of the  
27       tires upon which the vehicle may be propelled, but no more than thirty-six thousand

1 (36,000) pounds; and

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