

1 AN ACT relating to motor carrier safety regulation.

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

3 ➔Section 1. KRS 281.600 is amended to read as follows:

- 4 (1) The Department of Vehicle Regulation shall:
- 5 **(a)** Exercise all administrative functions of the state in relation to motor carrier  
6 transportation as defined in this chapter; ~~and shall~~
- 7 **(b)** Apply, as far as practicable, the **federal regulations and** administrative and  
8 judicial interpretations of acts administered by the Federal Motor Carrier  
9 Safety Administration and other federal agencies under the United States  
10 Department of Transportation; ~~It shall~~
- 11 **(c)** Have the right to regulate motor carriers as provided in this chapter and ~~to~~  
12 ~~that end, may~~ establish reasonable requirements with respect to continuous  
13 and adequate service of transportation, systems of accounts, records and  
14 reports, preservation of records, and safety of operation and equipment;
- 15 **(d) Conduct administrative hearings in accordance with KRS Chapter 13B;**  
16 **and** ~~It may issue subpoenas, subpoenas duces tecum and orders of personal~~  
17 ~~attendance of witnesses, and production of pertinent records for any~~  
18 ~~proceeding before it, and permit the taking of depositions, all in accord with~~  
19 ~~the Rules of Civil Procedure, and it shall have the power to~~
- 20 **(e)** Promulgate administrative regulations **in accordance with KRS Chapter**  
21 **13A** ~~as it may deem necessary~~ to carry out the provisions of this chapter,  
22 **including:**
- 23 **1.** ~~The department shall have the authority to promulgate~~ Regulations  
24 regarding safety requirements for motor vehicles and the method of  
25 operation; **and** ~~including~~
- 26 **2.** The adoption of ~~any of the~~ federal motor carrier safety regulations  
27 ~~and~~.

1 (2) Any motor vehicle operating contrary to safety regulations promulgated by the  
2 department shall be in violation of this section.

3 ~~(3)~~~~(2)~~ Notwithstanding any other provision of law to the contrary, the provisions  
4 of Title 49 of the United States Code adopted pursuant to subsection (1) of this  
5 section, and not otherwise excepted by subsection (4) of this section, shall apply to  
6 any driver, vehicle, or motor carrier subject to its jurisdiction within the  
7 Commonwealth. Any provision of law that conflicts or is contrary to, or which  
8 establishes a different compliance standard than Title 49 of the United States  
9 Code adopted pursuant to subsection (1) of this section, and not otherwise  
10 excepted by subsection (4) of this section, shall not apply to any driver, vehicle, or  
11 motor carrier within the Commonwealth. This subsection shall not be construed  
12 to negate any provision of law where Title 49 of the United States Code adopted  
13 pursuant to subsection (1) of this section does not apply or where there is no  
14 regulatory incompatibility~~[The provisions established by the Federal Highway~~  
15 ~~Administration in Title 49, Part 393 of the United States Code of Federal~~  
16 ~~Regulations shall not apply to:~~

17 ~~(a) A motor vehicle or its towed unit having a fertilizer spreader attachment~~  
18 ~~permanently mounted thereon, having a gross weight not to exceed thirty six~~  
19 ~~thousand (36,000) pounds, and used only for the transportation of bulk~~  
20 ~~fertilizer; or~~

21 ~~(b) A farm wagon type tank trailer of not more than two thousand (2,000) gallon~~  
22 ~~capacity used during liquid fertilizer season as a field storage tank supplying~~  
23 ~~fertilizer to a field applicator, and moved on a public highway for the purpose~~  
24 ~~of bringing fertilizer from a local source of supply to a farm or field, or from~~  
25 ~~one (1) farm or field to another, provided that the vehicle is being operated~~  
26 ~~solely in intrastate transportation.~~

27 ~~(3) The provisions established by the Federal Highway Administration in 49 C.F.R.~~

1 ~~sec. 390.21 and 49 C.F.R. pts. 391, 393, 395, and 396 shall not apply to a motor~~  
2 ~~vehicle registered under KRS 186.050(4)(a)1., or its towed unit, if:~~

3 ~~(a) The vehicle is not engaged in interstate commerce;~~

4 ~~(b) The vehicle is engaged in farming or agricultural related activities; and~~

5 ~~(c) The gross vehicle weight, gross vehicle weight rating, gross vehicle~~  
6 ~~combination weight, or gross vehicle combination weight rating of the vehicle~~  
7 ~~and its towed unit is twenty-six thousand (26,000) pounds or less].~~

8 (4) The provisions established by the Federal Highway Administration in 49 C.F.R.  
9 secs. 391.41 to 391.49 and 49 C.F.R. pt. 395 shall not apply to a motor vehicle  
10 registered under KRS 186.050(3)(b) or (4), or its towed unit, if:

11 (a) The vehicle is not engaged in interstate commerce;

12 (b) The vehicle is not transporting hazardous materials required to be placarded in  
13 accordance with 49 C.F.R. pt. 172;

14 (c) The vehicle is not designed or used to transport sixteen (16) or more  
15 passengers, including the driver; and

16 (d) The gross vehicle weight, gross vehicle weight rating, gross vehicle  
17 combination weight, or gross vehicle combination weight rating of the vehicle  
18 and its towed unit is twenty-six thousand (26,000) pounds or less.

19 (5) The Department of Kentucky State Police shall exercise all administrative functions  
20 of the state pertaining to the motor carrier safety management audit program. This  
21 program shall be administered according to the provisions of the Federal Motor  
22 Carriers Safety Act and the federal regulations promulgated under that Act.