

601 KAR 9:040. Reciprocity and motor vehicle identification cards.

RELATES TO: KRS Chapters 138, 186, 281

STATUTORY AUTHORITY: KRS 281.600, 281.610, 281.750, 281.752

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapters 138, 186 and 281 require the Transportation Cabinet to administer and enforce motor vehicle laws and the highway use tax laws and to regulate the transportation of persons and property for hire. This administrative regulation establishes the identifying documents required, and the fees therefor, necessary to enforce and administer the requirements of these laws.

Section 1. In General.

(1) Before a motor carrier is entitled to reciprocity whereby the operation of its motor vehicles engaged exclusively in interstate commerce is exempted from payment of registration fees as required by KRS 186.050, or seat taxes as required by KRS 186.276-186.286, there shall be a reciprocity agreement between the Commonwealth of Kentucky and the state in which the motor carrier's equipment should be and is properly licensed.

(2) In determining if a motor vehicle is entitled to reciprocity, the law of Kentucky dealing with reciprocity, administrative regulations of the cabinet, and the reciprocity agreements between the states involved shall be the determining factors.

Section 2. Identification Cards for Vehicles Operating Under Reciprocity Agreements.

(1) Before any motor vehicle operated under a reciprocity agreement and operated by a motor carrier as described in KRS 138.655(5) and (7) and KRS 281.011(3), (4), and (5) shall be entitled to reciprocal privileges when operating in interstate commerce in Kentucky and entitled to use the highways of this state, the owners and operators shall apply to the Transportation Cabinet for a motor vehicle identification card.

(2) The application shall be on form TC 95-38, "Application for Kentucky Vehicle Identification Card for Year ____" last revised in September, 1993. This form is hereby incorporated by reference.

(3) Except as provided in Section 9 of this administrative regulation, the application shall be accompanied by a fee of ten (10) dollars for each motor vehicle identification card applied for.

(4) This card shall be carried in the cab of the motor vehicle at all times. Failure to display this card shall constitute a violation of KRS 138.665, 281.750 or 281.752.

Section 3. Motor Vehicle Identification Cards for Vehicles Licensed in Kentucky. Before any motor vehicle registered and licensed in Kentucky and operated by a motor carrier as described in KRS 138.655(5) and (7) and 281.011(3), (4) and (5) can be operated in intrastate commerce or interstate commerce, the vehicle shall have a vehicle identification card issued by the Transportation Cabinet after application by the owner or operator on form TC 95-38.

(1) This card shall be carried in the cab of the vehicle at all times.

(2) A fee shall not be charged by the cabinet for the issuance of this card.

(3) Failure to display this card shall constitute a violation of KRS 138.665, 281.750 or 281.752.

Section 4. Information to be Set Out on the Motor Vehicle Identification Cards. Motor vehicle identification cards shall be issued annually upon payment of the prescribed fee and upon compliance with all statutory requirements and appropriate administrative regulations. The card shall contain the following:

(1) A designation of "private carrier" or "for hire carrier";

(2) The name and address of the holder;

(3) The identification of the vehicle;

- (4) The vehicle combined license weight or the actual combined weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration year; and
- (5) The KYU license number issued to the owner or operator by the Transportation Cabinet under KRS 138.655 for the use of gasoline and special fuels on the public highways of this state.

Section 5. Temporary Identification Documents.

- (1)
 - (a) Notwithstanding the provisions of Sections 2 and 3 of this administrative regulation, any operator of a motor vehicle qualified to operate intrastate or interstate in Kentucky and using either a leased or owned vehicle may elect to obtain a thirty (30) day emergency permit issued by the cabinet.
 - (b) The permits shall be issued for a fee of ten (10) dollars each.
 - (c) The permit shall be displayed in the cab of the vehicle, as identification for the vehicle.
 - (d) The motor carrier to whom a thirty (30) day emergency permit is issued shall be responsible for the proper use of the permit by the lessor.
 - (e) The motor carrier shall write in ink on each thirty (30) day emergency permit issued to it the date of execution.
 - (f) The thirty (30) day emergency permit shall be removed from the vehicle and destroyed at the expiration of the lease or thirty (30) days, whichever is shorter.
 - (g) Any vehicle operating with a thirty (30) day emergency permit which has not been dated as required herein shall be deemed to be operating without identification and the motor carrier shall be subject to the penalties provided by law.
- (2)
 - (a) Effective February 1, 1987, notwithstanding the provisions of Sections 2 and 3 of this administrative regulation, any operator of a vehicle qualified to operate intrastate or interstate in Kentucky may elect to obtain a temporary authority permit in lieu of an annual vehicle identification card.
 - (b) The temporary permit shall be issued for a period not to exceed ten (10) days.
 - (c) Temporary permits may be issued in person, by mail or transmitted collect on delivery via designated wire or transmittal company.
 - (d) The fee for this permit is ten (10) dollars plus any applicable transmittal charges when transmitted collect on delivery via designated wire or transmittal company to a requested location.
 - (e) The permit shall contain the same information as set forth on the annual vehicle identification card.
 - (f) The permit shall be displayed in the cab of the vehicle while it is operating in Kentucky.
- (3) For the purpose of convenience for permit applicants and of the cabinet, all permits requested by an applicant may be combined and transmitted in one (1) document.

Section 6. Itinerant Truckers. Motor vehicles used by itinerant truckers, salesmen, solicitors and peddlers to transport merchandise to be sold and disposed of in Kentucky, while upon or from a public highway or street, shall not be entitled to reciprocal privileges while in Kentucky except where contrary provisions are made by the reciprocity agreements in effect between Kentucky and the state where the vehicle is licensed.

Section 7. Violations of Kentucky Law. Any motor vehicle operating into or through Kentucky within the discretion of the cabinet, shall be denied reciprocal privileges in Kentucky in addition to the other penalties provided by the Kentucky revised statutes if the vehicle is being operated:

- (1) In excess of the maximum weight or size limit allowed by the provisions of KRS 189.221 and 189.222, or in excess of the maximum weight or size limits allowed by overweight or oversize permits issued pursuant to the provisions of KRS 189.221 through 189.274;
- (2) While failing to display the motor vehicle identification card to display the motor vehicle identification card required by Sections 2, 3, 4 and 5 of this administrative regulation; or
- (3) In intrastate commerce without a nonreciprocal trip permit unless apportioned registered in Kentucky under the provisions of the Interstate Registration Plan.

Section 8. Nonreciprocal Trip Permits.

- (1) A nonreciprocal trip permit issued in accordance to KRS 281.838 shall be obtained in advance of operations in this state.
- (2) The application for the permit shall at a minimum briefly describe the vehicle and include the name of the operator.

Section 9. Proof of Fee Payment.

- (1) In conjunction with payment of the fees set forth in KRS 281.752, if a for-hire motor carrier is operating in interstate or foreign commerce under a certificate or permit issued by the Interstate Commerce Commission and has been issued a registration receipt applicable to operations in Kentucky pursuant to 49 C.F.R. Part 1023, a fee shall not be required for the motor vehicle identification card required in Section 2 of this administrative regulation.
- (2) In order to provide proof that Kentucky's portion of the fees collected by another jurisdiction pursuant to 49 C.F.R. Part 1023 have been paid the representative of the Interstate Commerce Commission authorized for-hire motor carrier shall certify this payment on form TC 95-38.

Section 10. Material Incorporated by Reference. The forms incorporated by reference as part of this section may be copied, viewed or obtained from the Division of Motor Carriers. The Division of Motor Carriers is on the Third Floor of the State Office Building in Frankfort, Kentucky. Its mailing address is P.O. Box 2007, Frankfort, Kentucky 40602. The telephone number is (502) 564-4540. Its business hours are 8 a.m. to 4:30 p.m. local prevailing time on all weekdays except state holidays.

(DMT-24; 1 Ky.R. 796; eff. 5-14-1975; 2 Ky.R. 257; eff. 1-14-1976; 599; 3 Ky.R. 294; eff. 8-4-1976; 13 Ky.R. 746; eff. 11-11-1986; 14 Ky.R. 252; eff. 9-10-1987; 20 Ky.R. 1386; eff. 2-10-1994; Crt eff. 11-26-2019.)