

601 KAR 40:020. Application for license to operate vehicles transporting municipal solid waste.

RELATES TO: KRS 174.450

STATUTORY AUTHORITY: KRS 174.450

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.450(9) requires that the Transportation Cabinet promulgate administrative regulations to establish a municipal solid waste transportation licensing program by August 26, 1991, and that on or after November 26, 1991, that each vehicle being used to transport municipal solid waste be identified by the licensee.

Section 1.

(1) An applicant for a license to operate municipal solid waste transportation vehicles within the Commonwealth of Kentucky, shall apply to the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Carriers, 501 High Street, Frankfort, Kentucky 40622.

(2) The following information shall be provided in, or with, the application:

(a) Name in which license is sought. (NOTE: This name shall be identical to the motor carrier's current KYU number issued by the Department of Vehicle Regulation, if applicable. See question below relating to Kentucky Highway Use Tax Identification Number);

(b) Business address, including street address, city, state and zip code;

(c) Telephone number;

(d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, Social Security number of this person and home address of this person:

(e) Number of vehicles which the licensee intends to operate;

(f) If the applicant is not a resident of Kentucky and anticipates transporting municipal solid waste from outside Kentucky to a municipal solid waste management facility in Kentucky, a copy of the applicant's "Consent to Service" document as required to be filed with the Natural Resources and Environmental Protection Cabinet;

(g) The applicant's highway use tax identification number, as required by KRS 138.665. (NOTE: If the applicant does not currently have a KYU number, it shall attach a statement of why its transportation operations do not fall within the purview of KRS 138.665);

(h) A statement that the applicant does now have, or is in the process of obtaining, liability insurance on each vehicle in the amounts currently required by Kentucky law;

(i) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and

(j) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State or, if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not be more than thirty (30) days old at the time the application is submitted. However, all corporations, whether foreign or domestic, shall submit a list of persons who own ten (10) percent or more of the corporation's outstanding stock.

(k) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(l) The Transportation Cabinet may require other proof of eligibility to do business in Kentucky or proof of safety fitness.

(3) The official signing on behalf of the applicant shall:

- (a) Be sworn;
 - (b) State that he has the authority to represent the applicant;
 - (c) State that the information is true and correct to the best of his knowledge and belief;
 - and
 - (d) Have his signature and oath notarized.
- (4) The Transportation Cabinet shall make available a form listing the information required in subsections (2) and (3) of this section to any person wishing to apply for a license to operate municipal solid waste transportation vehicles. These forms may be obtained, inspected or copied at the Division of Motor Carriers, 501 High Street, Frankfort, Kentucky 40622, or by telephoning 502/564-4540.

Section 2.

- (1) The Transportation Cabinet shall within thirty (30) days of receipt of an application:
 - (a) Approve the application to operate municipal solid waste transportation vehicles;
 - (b) Disapprove the application; or
 - (c) Request additional information from the applicant.
- (2) However, the Transportation Cabinet shall not issue a license to anyone who has not filed a fully completed application form.

Section 3. As soon as the applicant has been licensed to operate municipal solid waste transportation vehicles, the Transportation Cabinet shall provide a form to the licensee so that the individual municipal solid waste transportation vehicles used by that licensee can be identified. This form shall contain space for the licensee to submit the following information:

- (1) The municipal solid waste transporter license number and name of the municipal solid waste transporter;
- (2) KYU number (if applicable) of the licensee;
- (3) Telephone number of the licensee;
- (4) Address of the licensee;
- (5) Licensee's contact person;
- (6) A sworn and notarized statement made by an official of the licensee certifying that the named licensee has, and shall maintain, liability insurance on each vehicle operated under this license;
- (7) An official of the licensee shall state that the applicant has access to, and is familiar with, all applicable regulations of the United States Department of Transportation relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials, and that the applicant shall comply with these administrative regulations;
- (8) Identification of each vehicle to be used to transport municipal solid waste which shall include the following:
 - (a) The vehicle's company unit number;
 - (b) The complete vehicle identification number (serial number);
 - (c) The make of vehicle;
 - (d) The year of manufacture of the vehicle;
 - (e) The declared gross weight of the vehicle;
 - (f) The type of truck;
 - (g) The number of axles on the vehicle;
 - (h) The state of license of the vehicle;
 - (i) The license plate number if the vehicle is Kentucky registered and licensed;
 - (j) The name of the lessor if the vehicle is leased;
 - (k) The amount of the fee paid; and
 - (l) Whether it is a first or renewal registration of that individual vehicle.
 - (m) To identify the type of truck and number of axles, the licensee shall, for a straight truck, code the letters "ST", followed by the total number of axles. For a tractor-trailer,

the licensee shall code the letters "TR", followed by the total number of axles.

Section 4. Municipal solid waste transporter vehicle identification cards shall expire at midnight of December 31 of each year.

Section 5. The fee for a municipal solid waste transporter vehicle identification card which shall become effective January 1, or a renewal of an identification card, shall be ten (10) dollars. If the newly-issued card becomes effective in a month other than January, the cost of the identification card shall be prorated by using the following schedule:

- (1) February - \$9.17;
- (2) March - \$8.34;
- (3) April - \$7.50;
- (4) May - \$6.67;
- (5) June - \$5.84;
- (6) July - \$5.00;
- (7) August - \$4.17;
- (8) September - \$3.34;
- (9) October - \$2.50;
- (10) November - \$1.67;
- (11) December - \$0.84.

Section 6. The original vehicle identification card shall be carried in the power unit of the vehicle for which it was issued. Photocopies, reproductions or facsimiles shall not be allowed.

Section 7. Even though the Transportation Cabinet does not have the authority to issue temporary identification cards for municipal solid waste transportation vehicles, the cabinet shall promptly issue identification cards to a licensee who has properly applied for the identification cards.

Section 8. The Transportation Cabinet shall notify the Natural Resources and Environmental Protection Cabinet of all persons found to be transporting municipal solid waste either:

- (1) Without a license to do so; or
- (2) Without a vehicle identification card for the transportation of municipal solid waste.

Section 9.

- (1) A license to operate municipal solid waste vehicles shall not be transferred.
 - (a) If a licensee's assets are sold or transferred to an entity who is not a current licensee, the new owner shall submit a new application pursuant to Section 1 of this administrative regulation. Prior to beginning operation as a transporter of municipal solid waste, the entity shall be licensed by the Transportation Cabinet pursuant to this administrative regulation.
 - (b) If the new owner holds a current license to operate as a transporter of municipal solid waste, it may operate the newly acquired motor vehicles under the provisions of its existing license as soon as a vehicle identification card is obtained in the name of the new owner.
 - (c) A licensee who discontinues operation as a transporter of municipal solid waste in Kentucky shall surrender his license to the Transportation Cabinet.
- (2) The new owner of a municipal solid waste transportation vehicle may apply to the Transportation Cabinet for transfer of the vehicle identification card on the motor vehicle if:
 - (a) The motor vehicle has a current municipal solid waste transportation identification card;
 - (b) There is at least one (1) month before the identification card will expire;

- (c) The new owner has been licensed by the Transportation Cabinet as a transporter of municipal solid waste;
 - (d) The new owner provides to the Transportation Cabinet a sworn statement that the licensee has and shall maintain liability insurance on the newly acquired motor vehicles; and
 - (e) The new owner shall state that it has access to and is familiar with all applicable regulations of the United States Department of Transportation relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and that the new owner shall comply with these administrative regulations.
- (3) There shall not be a cost to the licensee for the transfer of the identification card as described in subsection (2) of this section. The new owner of the municipal solid waste transportation vehicle shall be responsible for the identification card fee beginning on January 1 of the following year.
- (18 Ky.R. 956; eff. 11-8-1991; 2702; eff. 4-3-1992; 19 Ky.R. 506; 942; eff. 11-4-1992; 1882; eff. 4-6-1993; Crt eff. 3-18-2019; Crt eff. 11-26-2019.)