

1 AN ACT relating to overweight and overdimensional vehicles.

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

3 ➔Section 1. KRS 189.2715 is amended to read as follows:

- 4 (1) *As used in this section, "metal commodities" means output products from metal-*  
5 *producing industries that are transported in their most basic and original form*  
6 *from a mill or storage facility to market for processing. "Metal commodities" do*  
7 *not include manufactured parts being transported from a manufacturer or*  
8 *supplier to another customer, and do not include input materials used in the*  
9 *production of metal commodities.*
- 10 (2) ~~[In order to promote economic development and retain jobs within this state, subject~~  
11 ~~to the provisions of KRS 189.222, ]~~The department *shall*~~[may]~~ promulgate  
12 administrative regulations pursuant to KRS Chapter 13A governing the issuance of  
13 annual permits for the operation of motor vehicles transporting *metal commodities*  
14 *with a minimum gross weight of eighty thousand (80,000) pounds and a*  
15 *maximum gross weight of one hundred twenty thousand (120,000) pounds*~~[steel~~  
16 ~~products or steel materials]~~ in divisible or nondivisible loads to or from a facility  
17 manufacturing *metal commodities*~~[products]~~ in this state or a facility used for  
18 storage of *metal commodities*~~[those products]~~, whose gross weight exceeds the  
19 limits prescribed by this chapter.~~[In no instance shall the gross weight limits issued~~  
20 ~~pursuant to this section exceed one hundred twenty thousand (120,000) pounds. The~~  
21 ~~movement of the products or materials shall be limited to no more than one hundred~~  
22 ~~fifty (150) miles within the state.]~~
- 23 (3)~~[(2)]~~ A motor carrier transporting *metal commodities* ~~[steel products or steel~~  
24 ~~materials]~~ in divisible or nondivisible loads to or from a facility manufacturing  
25 *metal commodities*~~[steel products]~~ in this state or a facility used for storage of  
26 *metal commodities*~~[those products]~~, may apply for an annual overweight permit  
27 pursuant to subsection *(2)*~~[(1)]~~ of this section. The permit shall be valid twenty-four

(24) hours a day~~], but shall be limited to movements of steel products or steel materials of not more than one hundred fifty (150) miles within the state]~~. The cost of the annual permit shall be two hundred fifty dollars (\$250).

**(4) Permits issued under this section shall contain a Web site hyperlink or any other method to provide the motor carrier with routes that are approved by the department.**

**(5) Administrative regulations promulgated by the department under this section may require motor carriers to meet specific Federal Motor Carrier Safety Administration (FMCSA) safety ratings and FMCSA safety measurement system scores before issuance of a permit under this section.**

➔Section 2. KRS 189.222 is amended to read as follows:

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

(a) Height, thirteen and one-half (13-1/2) feet;

- 1 (b) Length, semitrailers, fifty-three (53) feet; trailers, twenty-eight (28) feet;  
2 motor trucks, forty-five (45) feet, not to exceed two (2) trailers per truck  
3 tractor;
- 4 (c) Weight, twenty thousand (20,000) pounds per single axle, with axles less than  
5 forty-two (42) inches apart to be considered as a single axle; thirty-four  
6 thousand (34,000) pounds on two (2) axles in tandem arrangement which are  
7 spaced forty-two (42) inches or more apart and less than ninety-six (96) inches  
8 apart; forty-eight thousand (48,000) pounds on three (3) axles which are  
9 spaced forty-two (42) inches or more apart and less than one hundred twenty  
10 (120) inches apart. No single axle in any arrangement shall exceed twenty  
11 thousand (20,000) pounds or seven hundred (700) pounds per inch of the  
12 aggregate width of all the tires on a single axle, whichever is less. The total  
13 gross weight of the vehicle and load shall not exceed eighty thousand (80,000)  
14 pounds;
- 15 (d) Except on the interstate highway system, a tolerance of not more than five  
16 percent (5%) per axle load shall be permitted before a carrier is deemed to  
17 have violated paragraph (c) of this subsection. The gross weight shall not  
18 exceed eighty thousand (80,000) pounds;
- 19 (e) Except as provided for in paragraph (f) of this subsection, truck tractor,  
20 semitrailer and trailer combinations, and other vehicle combinations may be  
21 operated only on the interstate system and on those parts of the federal aid  
22 highway system and the state-maintained system which have been designated  
23 by the secretary of the Transportation Cabinet by official order as safely  
24 allowing same;
- 25 (f) A vehicle or combination of vehicles that is one hundred two (102) inches  
26 wide or less and has a gross weight of not more than eighty thousand (80,000)  
27 pounds may be driven on any state highway, for a distance of up to fifteen

- 1 (15) miles from an interstate or parkway exit.
- 2 (2) In addition to the provisions of KRS 189.2226, vehicles with a gross weight of up to  
3 eighty thousand (80,000) pounds may travel on any state highway in the  
4 Commonwealth without obtaining a special permit, if the weight does not exceed  
5 any limits mandated by federal law or regulation, any posted bridge weight limit, or  
6 the weight limits for the size and type of vehicle established under paragraph (c) of  
7 subsection (1) of this section, and if the vehicle is transporting any of the following:
- 8 (a) Meats or agricultural crop products originating from a farm to first market;  
9 (b) Livestock or poultry from their point of origin to first market;  
10 (c) Primary forest products, including, but not limited to, sawdust, wood chips,  
11 bark, slabs, or logs originating from their points of origin to first market; or  
12 (d) Supplies, materials, or equipment necessary to carry out a farming operation  
13 engaged in the production of agricultural crop products, meats, livestock, or  
14 poultry.
- 15 (3) Vehicles registered under KRS 186.050~~[(4)(b)]~~ that are engaged exclusively in the  
16 transportation of items listed in subsection (2)(a), (b), and (c) of this section may  
17 exceed the gross weight provisions set forth in subsection (1)(c) of this section by a  
18 weight tolerance of ten percent (10%), except on the interstate highway system.
- 19 (4) Vehicles exclusively engaged in the transportation of motor vehicles,  
20 unmanufactured tobacco, or unmanufactured tobacco products may, on those  
21 highways which are a part of the state-maintained system and which have been  
22 designated by the secretary of the Transportation Cabinet by official order as safely  
23 allowing same, attain the maximum lengths as provided by subsection (1)(b) of this  
24 section, excluding the usual and ordinary bumper overhang of the transported  
25 vehicles.
- 26 (5) Vehicles engaged exclusively in the transportation of farm or primary forestry  
27 products and registered under KRS 186.050(4) or 186.050(9) and vehicles engaged

1 exclusively in the transportation of ready-mixed concrete shall be excluded from the  
2 axle weight provisions, except on interstate highways, and subject only to total  
3 gross weight provisions.

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

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

13 (8) The secretary of the Transportation Cabinet may by order increase the weight and  
14 height limits prescribed by this chapter for motor vehicles while being operated  
15 exclusively on roads or highways being constructed, reconstructed, or repaired  
16 under contract with the Transportation Cabinet by the contractor or subcontractor,  
17 agent, or employee thereof.

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

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

23 (b) Weight, twenty thousand (20,000) pounds per single axle, with axles less than  
24 forty-two (42) inches apart to be considered as a single axle; thirty-four  
25 thousand (34,000) pounds on two (2) axles in tandem arrangement which are  
26 spaced forty-two (42) inches or more apart and less than ninety-six (96) inches  
27 apart; forty-eight thousand (48,000) pounds on three (3) axles which are

1 spaced forty-two (42) inches or more apart and less than one hundred twenty  
2 (120) inches apart. The total gross weight of the vehicle and load shall not  
3 exceed eighty thousand (80,000) pounds. If any federal law or laws or  
4 regulations thereunder are hereafter enacted authorizing weights and  
5 dimensions in excess of those set out in paragraphs (a) and (b) of this  
6 subsection, the secretary of the Transportation Cabinet may by official order  
7 increase the maximum weights and dimensions but the increased weights and  
8 dimensions shall not exceed those set out in this section.

9 (10) Except on the interstate highway system, vehicles engaged exclusively in the  
10 transportation of crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate  
11 muck, asphalt, concrete, solid waste, tankage or animal residues, livestock, and  
12 agricultural products shall be permitted a tolerance of ten percent (10%) of the axle  
13 weight provisions before a carrier is deemed to have violated paragraph (1)(c) of  
14 this section.

15 (11) The Transportation Cabinet may promulgate administrative regulations pursuant to  
16 KRS Chapter 13A, relating to the implementation of 23 C.F.R. Part 658 as it relates  
17 to state-maintained or locally maintained roads. The enforcement of the provisions  
18 of KRS 189.221 and this section on locally maintained roads shall not be the  
19 responsibility of the law enforcement officers of the Transportation Cabinet, unless  
20 the head of the corresponding local government unit has requested, in writing,  
21 enforcement assistance from the Transportation Cabinet.

22 ➔Section 3. KRS 189.990 is amended to read as follows:

23 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,  
24 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to  
25 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to  
26 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS  
27 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to

1 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,  
2 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (4) of  
3 KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor  
4 more than one hundred dollars (\$100) for each offense. Any person who violates  
5 subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)  
6 nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not  
7 more than one (1) year, or both, unless the accident involved death or serious  
8 physical injury and the person knew or should have known of the death or serious  
9 physical injury, in which case the person shall be guilty of a Class D felony. Any  
10 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined  
11 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court  
12 costs nor fees shall be taxed against any person violating paragraph (c) of  
13 subsection (5) of KRS 189.390.

14 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,  
15 189.222, 189.226, 189.230, ~~for~~ 189.270, or Section 1 of this Act shall be  
16 fined two cents (\$0.02) per pound for each pound of excess load when the  
17 excess is five thousand (5,000) pounds or less. When the excess exceeds five  
18 thousand (5,000) pounds the fine shall be two cents (\$0.02) per pound for  
19 each pound of excess load, but the fine levied shall not be less than one  
20 hundred dollars (\$100) and shall not be more than five hundred dollars (\$500).

21 (b) Any person who violates the provisions of KRS 189.271 and is operating on a  
22 route designated on the permit shall be fined one hundred dollars (\$100);  
23 otherwise, the penalties in paragraph (a) of this subsection shall apply.

24 (c) Any person who violates any provision of subsection (2) or (3) of KRS  
25 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,  
26 Section 1 of this Act, 189.280, or the dimension provisions of KRS 189.212,  
27 for which another penalty is not specifically provided shall be fined not less

1           than ten dollars (\$10) nor more than five hundred dollars (\$500).

2           (d) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to  
3           prejudice or affect the authority of the Department of Vehicle Regulation to  
4           suspend or revoke certificates of common carriers, permits of contract  
5           carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221  
6           to 189.228 or any other act applicable to motor vehicles, as provided by law.

7       (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not  
8           more than fifteen dollars (\$15).

9           (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not  
10          less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).

11       (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not  
12          less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

13          (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210  
14          shall be fined not less than twenty-five dollars (\$25) nor more than one  
15          hundred dollars (\$100).

16          (c) All fines collected under this subsection, after payment of commissions to  
17          officers entitled thereto, shall go to the county road fund if the offense is  
18          committed in the county, or to the city street fund if committed in the city.

19       (5) Any person who violates KRS 189.370 shall for the first offense be fined not less  
20          than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or  
21          imprisoned not less than thirty (30) days nor more than sixty (60) days, or both. For  
22          each subsequent offense occurring within three (3) years, the person shall be fined  
23          not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500)  
24          or imprisoned not less than sixty (60) days nor more than six (6) months, or both.  
25          The minimum fine for this violation shall not be subject to suspension. A minimum  
26          of six (6) points shall be assessed against the driving record of any person  
27          convicted.



- 1 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars  
2 (\$15) in excess of the cost of the repair of the road.
- 3 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than  
4 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 5 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not  
6 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 7 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-  
8 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned  
9 not less than thirty (30) days nor more than twelve (12) months, or both.
- 10 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-  
11 five dollars (\$35) nor more than one hundred dollars (\$100).
- 12 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a  
13 Class B misdemeanor.
- 14 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than  
15 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 16 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of  
17 this section shall, in the case of a public highway, be paid into the county road fund,  
18 and, in the case of a privately owned road or bridge, be paid to the owner. These  
19 fines shall not bar an action for damages for breach of contract.
- 20 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not  
21 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each  
22 offense.
- 23 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than  
24 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 25 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than  
26 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 27 (16) Any person who violates restrictions or regulations established by the secretary of

1 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,  
2 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not  
3 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
4 imprisoned for thirty (30) days, or both.

5 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty  
6 of a Class B misdemeanor.

7 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in  
8 case of violation by any person in whose name the vehicle used in the  
9 transportation of inflammable liquids or explosives is licensed, the person  
10 shall be fined not less than one hundred dollars (\$100) nor more than five  
11 hundred dollars (\$500). Each violation shall constitute a separate offense.

12 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for  
13 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor  
14 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days  
15 nor more than thirty (30) days.

16 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,  
17 unless the offense is being committed by a defendant fleeing the commission of a  
18 felony offense which the defendant was also charged with violating and was  
19 subsequently convicted of that felony, in which case it is a Class A misdemeanor.

20 (20) Any law enforcement agency which fails or refuses to forward the reports required  
21 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.

22 (21) A person who operates a bicycle in violation of the administrative regulations  
23 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)  
24 nor more than one hundred dollars (\$100).

25 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred  
26 dollars (\$500) or imprisoned for not more than six (6) months, or both.

27 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five

1       dollars (\$25) nor more than three hundred dollars (\$300).

2       (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty  
3       dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this  
4       subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
5       court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,  
6       or any other additional fees or costs.

7       (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a  
8       uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.  
9       For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).  
10      This fine shall be subject to prepayment. A fine imposed under this subsection shall  
11      not be subject to court costs pursuant to KRS 24A.175, additional court costs  
12      pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other  
13      additional fees or costs. A person who has not been previously charged with a  
14      violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the  
15      requirements of KRS 189.125. Upon presentation of sufficient proof of the  
16      acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

17      (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an  
18      amount not to exceed twenty-five dollars (\$25). This fine shall be subject to  
19      prepayment. A fine imposed under this subsection shall not be subject to court costs  
20      pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee  
21      imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

22      (27) Fines levied pursuant to this chapter shall be assessed in the manner required by  
23      KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall  
24      be governed by KRS 534.060.

25      (28) A licensed driver under the age of eighteen (18) charged with a moving violation  
26      pursuant to this chapter as the driver of a motor vehicle may be referred, prior to  
27      trial, by the court to a diversionary program. The diversionary program under this

1 subsection shall consist of one (1) or both of the following:

2 (a) Execution of a diversion agreement which prohibits the driver from operating  
3 a vehicle for a period not to exceed forty-five (45) days and which allows the  
4 court to retain the driver's operator's license during this period; and

5 (b) Attendance at a driver improvement clinic established pursuant to KRS  
6 186.574. If the person completes the terms of this diversionary program  
7 satisfactorily the violation shall be dismissed.

8 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall  
9 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of  
10 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in  
11 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety  
12 percent (90%) of the fine collected under this subsection shall immediately be  
13 forwarded to the personal care assistance program under KRS 205.900 to 205.920.  
14 Ten percent (10%) of the fine collected under this subsection shall annually be  
15 returned to the county where the violation occurred and distributed equally to all  
16 law enforcement agencies within the county.

17 (30) (a) Prior to January 1, 2011, any person who violates KRS 189.292 or 189.294  
18 shall not be issued a uniform citation, but shall instead receive a courtesy  
19 warning.

20 (b) On or after January 1, 2011, any person who violates KRS 189.292 or 189.294  
21 shall be fined twenty-five dollars (\$25) for the first offense and fifty dollars  
22 (\$50) for each subsequent offense.