

189.271 Special permits for hauling industrial materials -- Renewals -- Overweight and overdimensional vehicles.

- (1) Notwithstanding any other provision of laws, the Transportation Cabinet may issue special permits to the owners, operators, or lessees of motor vehicles for the purpose of hauling industrial materials whose gross weight or dimensions, including vehicle and load, exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. A separate permit shall be required for each vehicle. Such permits shall be issued for specified materials only and shall designate the portions of the state primary road system over which such vehicle may operate pursuant to the permit. Such permit shall be issued for a stated period of time determined by the applicant not to exceed three (3) years, and an existing permit may be renewed pending an inspection by the cabinet of the routes listed on the permit. Permits under this section shall be upon such terms and conditions as the cabinet may, in its discretion, require in the public interest.
- (2) The cabinet may establish a system by which a current permit holder can be granted a new permit specifying different routes or materials without having to complete a new application or pay a separate application fee.
- (3) The cabinet shall require, as a condition to the issuance of the permit, that the applicant pay a reasonable fee, to be fixed by the cabinet, and shall require that an applicant convicted under provisions of KRS 189.990(2)(a) two (2) or more times within a five (5) year period give bond, with approved surety, in an amount not to exceed six thousand dollars (\$6,000) for each vehicle to indemnify the Commonwealth of Kentucky against damage to highways or bridges resulting from the operation of any motor vehicle under the authorization of such permit. A bond acquired under this subsection may be carried forward to another permit if the cabinet has not gone against the bond.
- (4) The operation of any motor vehicle in accordance with the terms of any such permit shall not constitute a violation of this chapter, if the operator has the permit, or a copy of it, authenticated as the cabinet may require, in his possession.
- (5) The cabinet shall not issue a permit under this section for a vehicle whose gross weight, including vehicle and load, exceeds the maximum gross weight as provided in KRS 189.222.
- (6) The cabinet shall not issue a permit under this section for a vehicle whose dimensions, including vehicle and load, exceed the maximum dimension as provided in KRS 189.222.
- (7) A person shall not operate a motor vehicle in violation of the terms and conditions of any permit issued by the cabinet pursuant to this section.
- (8) As used in this section, industrial materials shall mean all cargo, whether divisible or indivisible, which a motor vehicle transports in the usual and ordinary course of business and shall specifically include, but not be limited to, agricultural products, minerals, or natural resources transported by a motor vehicle.
- (9) The cabinet may:

- (a) Exercise general supervision of the administering and enforcement of this section.
- (b) Promulgate administrative regulations, subject to the limitations of this section, with respect to the issuance of a permit, including, but not limited to, administrative regulations concerning the duration of permits and weight limits for various types of vehicles, materials, and highways.
- (c) Promulgate administrative regulations with respect to the amount, terms and conditions of the bond and the sufficiency of the surety of such bond required by this section. The cabinet shall allow applicants not required to post a surety bond under subsection (3) of this section to self-insure to meet the bonding requirements of this section.
- (d) Issue, continue in effect, revoke, modify, or deny, under such conditions as the cabinet may prescribe, permits provided for under this section.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 481, sec. 1, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 132, sec. 1, effective July 15, 1994. -- Amended 1978 Ky. Acts ch. 232, sec. 1, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 258, sec. 4.