

1 AN ACT relating to the transportation of construction equipment.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The department shall promulgate administrative regulations pursuant to KRS*
6 *Chapter 13A governing the issuance of annual permits for the operation of self-*
7 *propelled construction equipment whose weight and width exceed the limits*
8 *prescribed by this chapter, subject to the limitations of this section.*

9 *(2) Permits under this section shall be granted only to manufacturers of self-*
10 *propelled construction equipment, which may not be licensed as a motor vehicle,*
11 *for the sole purpose of road testing the equipment prior to its sale. Operation of*
12 *equipment on a permit under this section shall be limited to employees of the*
13 *manufacturer.*

14 *(3) Annual permits issued under this section shall be for a designated route located*
15 *entirely within the Commonwealth, and a manufacturer may test multiple pieces*
16 *of equipment along the same route without obtaining a new permit for each unit.*

17 *(4) For a permit issued in accordance with this section, the maximum:*

18 *(a) Width dimension shall be ten (10) feet; and*

19 *(b) Gross vehicle weight rating shall be one hundred sixty thousand (160,000)*
20 *pounds.*

21 *(5) A manufacturer of eligible equipment in this state may apply for up to three (3)*
22 *annual permits pursuant to this section. Each application for a permit shall*
23 *identify the route to be used. The cost of each annual permit shall be two hundred*
24 *fifty dollars (\$250).*

25 *(6) A permit issued under this section shall be valid twenty-four (24) hours a day,*
26 *except that the department may restrict operation under the permit Monday*
27 *through Friday between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m.*

1 ➔Section 2. KRS 189.270 is amended to read as follows:

- 2 (1) The department may issue permits for the operation of motor vehicles,
3 manufactured homes, recreational vehicles, boats, or any other vehicle transporting
4 a nondivisible load, whose gross weight including load, height, width, or length
5 exceeds the limits prescribed by this chapter or which in other respects fail to
6 comply with the requirements of this chapter. Permits may be issued by the
7 department for stated periods, special purposes, and unusual conditions, and upon
8 terms in the interest of public safety and the preservation of the highways as the
9 department may require.
- 10 (2) Except as provided in subsection (7) of this section, the department may, at the
11 request of an applicant, issue a single-trip permit regardless of the type of vehicle or
12 equipment being transported that exceeds the weight or dimension limits
13 established by this chapter if the load being transported is a nondivisible load. A
14 single-trip permit shall cost sixty dollars (\$60) for each overweight or
15 overdimensional permit requested.
- 16 (3) Except as provided in subsection (7) of this section, the department may, at the
17 request of an applicant, issue an annual permit regardless of the type of vehicle or
18 equipment being transported that exceeds the weight or dimension limits
19 established by this chapter if the load being transported is a nondivisible load. The
20 vehicle shall not exceed sixteen (16) feet in width exclusive of usual and ordinary
21 overhang, one hundred twenty (120) feet in length including a towing vehicle and
22 trailer combination, thirteen (13) feet six (6) inches in height, or one hundred sixty
23 thousand (160,000) pounds. Except as provided in subsections (4) and (7) of this
24 section, an annual permit for loads less than fourteen (14) feet in width shall cost
25 two hundred fifty dollars (\$250). An annual permit for loads exceeding fourteen
26 (14) feet in width shall cost five hundred dollars (\$500).
- 27 (4) An annual permit to transport farm equipment less than fourteen (14) feet in width

1 shall cost eighty dollars (\$80). An annual permit to transport farm equipment that
2 exceeds fourteen (14) feet in width from a dealership to a farm, from a farm to a
3 dealership, or from a dealership to a dealership shall cost one hundred fifty dollars
4 (\$150).

5 (5) Permits issued under this section shall be for nondivisible loads and shall be valid
6 statewide; however, the department may, as a condition of issuing an annual or
7 single-trip permit, limit the overweight or overdimensional vehicle to specified
8 routes, exclude certain highways, or even cancel an applicant's permit if an
9 unreasonable risk of accident or an unreasonable impedance of the flow of traffic
10 would result from the presence of the overweight or overdimensional vehicle. A
11 person who applies for, and accepts, a permit issued under this section is
12 acknowledging that the Kentucky Transportation Cabinet is not guaranteeing safe
13 passage of vehicles by issuing the permit. A person who applies for, and accepts, a
14 permit issued under this section agrees to measure all clearances of highway
15 structures, both laterally and vertically, prior to passage of the person's vehicles
16 along the routes specified in the permit. A person who applies for, and accepts, a
17 permit issued under this section is classified as a bare licensee whose duty is to
18 assume sole risk involved in using Kentucky's highways without warranty of
19 accuracy.

20 (6) Subject to the limitations of subsection (11) of this section, the department shall
21 promulgate administrative regulations under KRS Chapter 13A to establish
22 requirements for escort vehicles, safety markings, and other safety restrictions
23 governing the operation of an overweight or overdimensional vehicle. The
24 department shall provide each applicant for an annual or single-trip permit issued
25 under this section a copy of all restrictions associated with the overweight or
26 overdimensional permit at no charge to the applicant. The department shall be
27 prohibited from raising the permit fee established in subsections (2) and (3) of this

1 section by levying additional fees for an overweight or overdimensional permit
2 through the administrative regulation process.

3 (7) The cabinet shall not issue an annual permit under this section if the person
4 applying for the permit is eligible for an annual permit issued under KRS 189.2715,
5 189.2716, Section 1 of this Act, or 189.2717.

6 (8) The department may require the applicant to give bond, with approved surety, to
7 indemnify the state or counties against damage to highways or bridges resulting
8 from use by the applicant. The operation of vehicles in accordance with the terms of
9 the permit issued under this section shall not constitute a violation of this chapter if
10 the operator has the permit, or an authenticated copy of it, in his possession.

11 (9) Any person transporting a parade float which exceeds the dimensional limits on a
12 highway over which it is transported shall be required to obtain a permit as required
13 in subsection (2) of this section. If the float is being used in conjunction with a
14 parade to be held within the boundaries of the Commonwealth, a fee shall not be
15 assessed by the department to issue the permit.

16 (10) A person shall not operate any vehicle in violation of the terms of the permit issued
17 under this section.

18 (11) (a) The cabinet shall not promulgate administrative regulations pursuant to this
19 section that restrict the time or days of the week when a permit holder may
20 operate on the highway, except that travel may be limited from 6 a.m. to 9
21 a.m. and 3 p.m. to 6 p.m. Monday through Friday. In addition to the
22 restrictions established in this paragraph, any manufactured home being
23 transported by permit issued under this section shall not travel on any highway
24 after daylight hours Monday through Saturday, or at any time on Sunday.

25 (b) The cabinet shall allow a permit holder who has obtained a permit to transport
26 equipment to a work site to return to the permit holder's place of business
27 immediately after work is completed at the job site, subject to the limitations

1 of paragraph (a) of this subsection.

2 (c) The cabinet shall not promulgate administrative regulations pursuant to this
3 section setting forth escort vehicle requirements for overdimensional farm
4 implements or vehicles towing overdimensional farm implements that are
5 more stringent than the following:

- 6 1. For a single vehicle and load in excess of twelve (12) feet in width being
7 operated on a two (2) lane highway, no more than one (1) lead vehicle
8 shall be required;
- 9 2. For a single vehicle and load in excess of twelve (12) feet in width being
10 operated on a four (4) lane highway, no more than one (1) trail vehicle
11 shall be required;
- 12 3. For a single vehicle and load in excess of eighty-five (85) feet in length
13 being operated on a two (2) lane highway, no more than one (1) lead
14 vehicle shall be required;
- 15 4. For more than one (1) vehicle and load in excess of twelve (12) feet in
16 width or eighty-five (85) feet in length being operated as a convoy on a
17 two (2) lane highway, no more than one (1) lead vehicle shall be
18 required;
- 19 5. A lead escort vehicle on a two (2) lane highway under this paragraph
20 may also serve as a tow vehicle;
- 21 6. Any distance for lead or trail escort vehicles shall contain provisions
22 allowing for a variance from that distance due to safety or road
23 conditions; and
- 24 7. A vehicle or its escort shall be required to bear a sign declaring that the
25 vehicle is oversized or be required to use lights, flashers, or flags, but a
26 vehicle or its escort shall not be required to do both.