

**189.230 Reduction of load and speed limits -- Fiscal court to require cooperative agreement of persons applying for permit under KRS 189.212.**

- (1) Except as provided in KRS 189.221(6), 189.222, and 189.2226, the department, in respect to state and federal highways, and county judges/executive in respect to county highways, may prescribe, by notice as provided in subsection (3) of this section, load and speed limits lower than the limits prescribed in KRS 189.221 and subsection (4) of KRS 189.390, respectively, if in their judgment any highway may, by reason of its design, deterioration, rain, or other natural causes, be damaged or destroyed by motor trucks or semitrailer trucks, if their gross weight or speed exceeds certain limits. The department or fiscal court may, by like notice, regulate or prohibit the operation of motor trucks or semitrailer trucks on state highways or county roads for limited periods of specified days, or parts of days, if their load and speed exceed those limits, if in their judgment, the regulation or prohibition is necessary, by reason of traffic density or intensive use by the traveling public, to provide for the public safety and convenience on the highway.
- (2) The department, in respect to bridges on the extended weight coal haul system defined in KRS 177.9771, may prescribe, by notice, as provided in subsection (3) of this section, gross weight limits lower than the limits prescribed in KRS 177.9771, when in its judgment any bridge on the extended weight coal haul road system may, by reason of its design or deterioration, be damaged or destroyed to the point of catastrophic failure by motor vehicles, if their gross weight exceeds certain limits. For the purposes of KRS 177.9771, all bridges shall conform with KRS 177.9771(4)(a) to (d).
- (3) The notice or the substance of it shall be posted at conspicuous places at the termini of and at all intermediate crossroads and road junctions with the section of the highway to which the notice applies. After a notice has been posted, a person shall not operate any motor truck or semitrailer truck contrary to its provisions.
- (4) A fiscal court shall require all persons applying for a permit issued under KRS 189.212 to enter into a cooperative agreement with the fiscal court. The cooperative agreement shall provide for an equitable apportionment of the incremental costs for design, maintenance, construction, or reconstruction of those roads and bridges on which the person will be operating under the permit issued under KRS 189.212. A fiscal court may require as part of a cooperative agreement for the person to give the fiscal court a bond to ensure payment of the equitable costs associated with the permit issued under KRS 189.212. All funds collected under this subsection shall be expended on those roads covered by the cooperative agreement.
- (5) A fiscal court shall not be relieved of expending its normal routine maintenance on all roads covered by cooperative agreements under the provisions of this section.
- (6) A person who entered a cooperative agreement with a fiscal court under the provisions of subsection (4) of this section may terminate the agreement by submitting written notice to the fiscal court. If a person terminates a cooperative agreement with a fiscal court, the permit issued under KRS 189.212 shall immediately be revoked by the fiscal court.

**Effective:** June 24, 2003

**History:** Amended 2003 Ky. Acts ch. 124, sec. 37, effective June 24, 2003. -- Amended 1998 Ky. Acts ch. 484, sec. 1, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 143, sec. 3, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 498, sec. 5, effective April 1, 1987. -- Amended 1978 Ky. Acts ch. 384, sec. 335, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(1). -- Amended 1958 Ky. Acts ch. 126, sec. 23, effective June 19, 1958. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739g-91.