

174.450 License to operate a municipal solid waste transportation vehicle -- Application procedures -- Placard for display -- Exemption -- Registration fees.

- (1) As used in this section, "municipal solid waste transportation vehicle" means any truck, automobile, tractor, or other self-propelled vehicle not operated or driven on fixed rails or track used in the transportation of municipal solid waste; but does not include a vehicle used to transport municipal solid waste from a residence if the vehicle is owned or leased by an individual who lives in the residence, or a vehicle that is ten thousand (10,000) pounds or less.
- (2) This section shall not apply to a vehicle used exclusively on private roads or to transport municipal solid waste within the boundaries of or to real property owned or leased by the generator of the municipal solid waste.
- (3) This section shall apply to both publicly and privately-owned municipal solid waste transportation vehicles.
- (4) No person shall operate a municipal solid waste transportation vehicle within the Commonwealth without first having obtained a license from the Transportation Cabinet to operate a municipal solid waste transportation vehicle pursuant to regulations promulgated by the cabinet.
- (5) No person shall cause municipal solid waste to be transported by a municipal solid waste transportation vehicle which has not been licensed by the cabinet as required by this section.
- (6) The cabinet shall establish a municipal solid waste transportation vehicle licensing program. No more than one (1) license shall be required for any single business entity. An applicant shall file an application with the cabinet containing such information in such form as the cabinet requires, to include:
 - (a) Name, home address, and Social Security number of a natural person who is the applicant or an officer of the applicant;
 - (b) Name and address of the principal place of business of the applicant;
 - (c) Vehicle identification number of each vehicle; licensing jurisdiction and registration number of each vehicle; type and gross weight rating or combination weight rating of each vehicle to be operated under the license;
 - (d) A consent-to-service jurisdiction document executed in accordance with KRS Chapter 224; and
 - (e) The applicant's Kentucky highway use tax identification number required by KRS 138.665 or proof that the applicant is not under the purview of KRS 138.665, and either the applicant's Interstate Commerce Commission identification number or United States Department of Transportation identification number.
- (7) A copy of the municipal solid waste transportation license, which is specific to each individual vehicle operated by the licensee, issued by the cabinet under this section:
 - (a) Shall be carried at all times on any municipal solid waste transportation vehicle operating under the license; and
 - (b) Is valid for a period specified by the cabinet not to exceed three (3) years from

the date of issuance.

- (8) Each application for a license to operate a municipal solid waste transportation vehicle or vehicles shall be submitted with a registration fee equal to the product of ten dollars (\$10) per year multiplied by the number of municipal solid waste transportation vehicles to be operated in the Commonwealth by the applicant. A license shall be amended annually if the number of municipal solid waste transportation vehicles operated by the applicant increases. The cabinet may promulgate by regulation a schedule for the annual amendment of municipal solid waste transportation licenses to add vehicles covered. Additional vehicles acquired or leased by the licensee after the beginning of the licensing year established by the Transportation Cabinet may be operated under an existing license, without amendment, until the annual amendment date specified by the cabinet. However, the licensee shall obtain a vehicle specific copy of the license from the Transportation Cabinet prior to using the vehicle in Kentucky to transport municipal solid waste. The registration fee for additional vehicles shall be prorated according to the amount of time remaining in the license period as of the amendment date.
- (9) The cabinet shall promulgate regulations to implement this section within one hundred eighty (180) days after February 26, 1991. The regulations shall include a procedure to allow the licensing of a vehicle in an emergency and shall require the cabinet to issue licenses and vehicle tags within thirty (30) days of receipt of an application. No municipal solid waste transportation vehicle shall be required to obtain a license until at least ninety (90) days after the effective date of regulations promulgated by the cabinet.
- (10) Within ninety (90) days after February 26, 1991, all municipal solid waste transportation vehicles shall display a placard which indicates that the vehicle is transporting municipal solid waste. A vehicle shall be in compliance with this subsection (10) if the placard has the words "SOLID WASTE" clearly printed in English and is clearly displayed or printed on the cab, container, or rear of the vehicle.
- (11) This section shall not apply to a vehicle, or its operator, owned and used by a generator hauling waste generated by the generator to a municipal solid waste disposal facility or to a vehicle or person operating the vehicle which is hauling waste of a waste generator disposing of waste in its own solid waste facility.
- (12) The registration fees generated by this section shall be placed in a trust and agency account and used exclusively by the Transportation Cabinet for the administration and enforcement of this section.

Effective: February 26, 1991

History: Created 1991 (1st Extra. Sess.) Ky. Acts Ch. 12, Sec. 22, effective February 26, 1991.