

281.630 Certificates issued by department -- Applications -- Fees -- Renewal -- Information to be filed -- Agents of utility trailer lessor -- Prohibition against employing services of unauthorized motor carrier -- Powers of department relating to rates, services, and facilities -- Hearings -- Administrative regulations.

- (1) A person shall not act as a motor carrier without first obtaining a certificate from the department.
- (2) A certificate for the intrastate transportation of passengers or property, including household goods, shall be issued to any qualified applicant authorizing operation covered by the application, if it is found that the applicant conforms to the provisions of this chapter and the requirements of the administrative regulations promulgated in accordance with this section.
- (3) (a) The department shall issue the following certificates:
 1. Taxicab certificate;
 2. Limousine certificate;
 3. Disabled persons vehicle certificate;
 4. Transportation network company certificate;
 5. Household goods certificate;
 6. Charter bus certificate;
 7. Bus certificate;
 8. U-Drive-It certificate;
 9. Property certificate;
 10. Driveaway certificate; and
 11. Automobile utility trailer certificate.
- (b) Application for a certificate shall be made in such form as the department may require. The department shall receive an application fee of two hundred fifty dollars (\$250) for all applications, except that the department shall receive an application fee of twenty-five dollars (\$25) for a property certificate.
- (c) Before the department may issue a certificate, an applicant shall:
 1. Pay the application fee established under paragraph (b) of this subsection;
 2. For entities other than TNCs, file a motor carrier vehicle license application for each motor carrier vehicle as required by KRS 281.631. The applicant shall file at least one (1) motor carrier vehicle license application before being eligible for a certificate;
 3. For TNCs, file a TNC authority application with the department pursuant to administrative regulations promulgated by the department;
 4. File with the department one (1) or more approved indemnifying bonds or insurance policies as required by KRS 281.655;
 5. For taxicab, limousine, disabled persons vehicle, TNC, household goods, charter bus, and bus certificates, obtain and retain for a period of

at least three (3) years, a nationwide criminal background check, in compliance with KRS 281.6301, of each owner, official, employee, independent contractor, or agent operating a passenger vehicle or household goods vehicle or entering a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods;

6. For household goods certificates, file with the department a current tariff; and
 7. For a bus certificate, file with the department authorization from a city as required by KRS 281.635.
- (4) (a) Every certificate shall be renewed annually. Application for renewal shall be in such form as the department may require.
- (b) A certificate not renewed within one (1) calendar year after the date for its renewal shall become null and void.
- (c) The department shall not renew any certificate if it has been revoked or, if suspended, during the period of any suspension. A certificate shall not be considered revoked or suspended when an appeal of the revocation or suspension is pending in a court of competent jurisdiction.
- (d) For the renewal of an intrastate certificate, the department shall receive a fee of two hundred fifty dollars (\$250), except for an application for renewal of a property certificate, for which the department shall receive a fee of twenty-five dollars (\$25).
- (e) Before the department may renew a certificate, the certificate holder shall:
1. Pay the renewal fee established under paragraph (d) of this subsection;
 2. For the entities other than TNCs, file a motor carrier vehicle license application or renewal for each motor carrier vehicle as required by KRS 281.631. The certificate holder shall file at least one (1) motor carrier vehicle license application or renewal before being eligible for renewal;
 3. For TNCs, file a TNC authority application with the department pursuant to administrative regulations promulgated by the department;
 4. File with the department one (1) or more approved indemnifying bonds or insurance policies as required by KRS 281.655;
 5. Every three (3) years, for taxicab, limousine, disabled persons vehicle, TNC, household goods, charter bus, and bus certificates, obtain and retain for a period of at least three (3) years, a nationwide criminal background check in compliance with KRS 281.6301, of each owner, official, employee, independent contractor, or agent operating a passenger vehicle or entering a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods. However, within the three (3) year period:
 - a. If a new owner, official, employee, independent contractor, or agent joins the certificate holder and performs the aforementioned duties; or

- b. If the certificate holder has knowledge that a current owner, official, employee, independent contractor, or agent who performs the aforementioned duties has been convicted of or pled guilty to any of the offenses listed in KRS 281.6301(2);

then the certificate holder shall obtain and retain for a period of at least three (3) years, a nationwide criminal background check for that owner, official, employee, independent contractor, or agent; and

- 6. For household goods certificates, have on file with the department a current tariff.
- (5) (a) A motor carrier operating under a household goods certificate shall, at all times the certificate is in effect, maintain on file with the department a current tariff.
 - (b) Except for a household goods certificate holder that has had only an out-of-state address on file with the department prior to January 1, 2015, all certificate holders shall maintain on file with the department an address within the Commonwealth. The certificate holder shall keep open for public inspection at that address such information as the department may require.
 - (c) The certificate holder shall not charge, demand, collect, or receive a greater, less, or different compensation for the transportation of household goods or for any service in connection therewith, than the tariff filed with the department and in effect at the time would require. A certificate holder shall not make or give any unreasonable preference or advantage to any person, or subject any person to any unreasonable discrimination.
- (6) A certificate shall not be transferred unless the transfer involves either the change of the legal name of the existing certificate holder or the incorporation of a sole proprietor certificate holder.
 - (7) A certificate authorizing a person to act as an automobile utility trailer lessor shall also authorize the agents of the person to act on his or her behalf during the period of their agency.
 - (8) A motor carrier vehicle shall not be operated after the expiration of the certificate under which it is operated.
 - (9) A person shall not knowingly employ the services of a motor carrier not authorized to perform such services.
 - (10) If the department, after a hearing held upon its own motion or upon complaint, finds any existing rate unjustly discriminatory, or finds the services rendered or facilities employed by any motor carrier to be unsafe, inadequate, inconvenient, or in violation of law or of the administrative regulations of the department, it may by final order do any or all of the following:
 - (a) Require the certificate holder to follow any rate or time schedule in effect at the time of service;
 - (b) Require the certificate holder to issue a refund to the complainant;
 - (c) Require the certificate holder to pay the fine set out in KRS 281.990 to the department; and

- (d) Determine the reasonable, safe, adequate, and convenient service to be thereafter furnished.
- (11) Hearings conducted under authority of this section shall be conducted in the same manner as provided in KRS 281.640.
- (12) The department shall have the power to promulgate administrative regulations as it may deem necessary to carry out the provisions of this section.

Effective: June 24, 2015

History: Repealed and reenacted 2015 Ky. Acts ch. 19, sec. 10, effective June 24, 2015. -- Amended 2014 Ky. Acts ch. 21, sec. 3, effective July 15, 2014. -- Amended 1996 Ky. Acts ch. 174, sec. 7, effective July 15, 1996; and ch. 318, sec. 196, effective July 15, 1996. -- Amended 1978 Ky. Acts ch. 232, sec. 8, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(2). -- Amended 1972 Ky. Acts ch. 274, sec. 157. -- Amended 1960 Ky. Acts ch. 139, sec. 6. -- Amended 1958 Ky. Acts ch. 130, sec. 11. -- Amended 1956 (2nd Extra. Sess.) Ky. Acts ch. 7, sec. 1. -- Amended 1952 Ky. Acts ch. 21, sec. 1. -- Created 1950 Ky. Acts ch. 63, sec. 13, effective June 15, 1950.