

## **281.010 Definitions for chapter. (Effective January 1, 2023)**

As used in this chapter:

- (1) "Automobile club" means a person that, for consideration, promises to assist its members or subscribers in matters relating to the assumption of or reimbursement of the expense or a portion thereof for towing of a motor vehicle; emergency road service; matters relating to the operation, use, and maintenance of a motor vehicle; and the supplying of services which includes, augments, or is incidental to theft or reward services, discount services, arrest bond services, lock and key services, trip interruption services, and legal fee reimbursement services in defense of traffic-related offenses;
- (2) "Automobile utility trailer" means any trailer or semitrailer designed for use with and towed behind a passenger motor vehicle;
- (3) "Automobile utility trailer certificate" means a certificate authorizing a person to engage in the business of automobile utility trailer lessor;
- (4) "Automobile utility trailer lessor" means any person operating under an automobile utility trailer certificate who is engaged in the business of leasing or renting automobile utility trailers, but shall not include the agents of such persons;
- (5) "Broker" means a person selected by the cabinet through a request for proposal process to coordinate human service transportation delivery within a specific delivery area. A broker may also provide transportation services within the specific delivery area for which the broker is under contract with the cabinet;
- (6) "Bus" means a motor vehicle operating under a bus certificate transporting passengers for hire between points over regular routes;
- (7) "Bus certificate" means a certificate granting authority for the operation of one (1) or more buses;
- (8) "Cabinet" means the Kentucky Transportation Cabinet;
- (9) "Certificate" means a certificate of compliance issued under this chapter to motor carriers;
- (10) "Charter bus" means a motor vehicle operating under a charter bus certificate providing for-hire intrastate transportation of a group of persons who, pursuant to a common purpose under a single contract at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin;
- (11) "Charter bus certificate" means a certificate granting authority for the operation of one (1) or more charter buses;
- (12) "Commissioner" means the commissioner of the Department of Vehicle Regulation;
- (13) "CTAC" means the Coordinated Transportation Advisory Committee created in KRS 281.870;
- (14) "Department" means the Department of Vehicle Regulation;
- (15) "Delivery area" means one (1) or more regions established by the cabinet in administrative regulations promulgated under KRS Chapter 13A for the purpose of providing human service transportation delivery in that region;

- (16) "Disabled persons vehicle carrier" means a motor carrier for hire, transporting passengers including the general public who require transportation in disabled persons vehicles;
- (17) "Disabled persons vehicle" means a motor vehicle operating under a disabled persons vehicle certificate especially equipped for the transportation of passengers with disabilities in accordance with 49 C.F.R. pt. 38, and is designed or constructed with not more than fifteen (15) regular seats. It shall not mean an ambulance as defined in KRS 311A.010. It shall not mean a motor vehicle equipped with a stretcher;
- (18) "Disabled persons vehicle certificate" means a certificate granting authority for the operation of one (1) or more disabled persons vehicles transporting passengers for hire;
- (19) "Driveaway" means the transporting and delivering of motor vehicles, except semitrailers and trailers, whether destined to be used in either a private or for-hire capacity, under their own power or by means of a full mount method, saddle mount method, the tow bar method, or any combination of them over the highways of this state from any point of origin to any point of destination for hire. "Driveaway" does not include the transportation of such vehicles by the full mount method on trailers or semitrailers;
- (20) "Driveaway certificate" means a certificate granting authority for the operation of one (1) or more motor carrier vehicles operating as a driveaway;
- (21) "Driver" means the person physically operating the motor vehicle;
- (22) "Flatbed/rollback service" means a form of towing service which involves moving vehicles by loading them onto a flatbed platform;
- (23) "Highway" means all public roads, highways, streets, and ways in this state, whether within a municipality or outside of a municipality;
- (24) "Household goods" has the same meaning as in 49 C.F.R. sec. 375.103;
- (25) "Household goods carrier" has the same meaning as "household goods motor carrier" in 49 C.F.R. sec. 375.103;
- (26) "Household goods certificate" means a certificate granting authority for the operation of one (1) or more household goods vehicles;
- (27) "Human service transportation delivery" means the provision of transportation services to any person that is an eligible recipient in one (1) of the following state programs:
  - (a) Nonemergency medical transportation under KRS Chapter 205;
  - (b) Mental health, intellectual disabilities, or comprehensive care under KRS Chapter 202A, 202B, 210, or 645;
  - (c) Work programs for public assistance recipients under KRS Chapter 205;
  - (d) Adult services under KRS Chapter 205, 209, 216, or 273;
  - (e) Vocational rehabilitation under KRS Chapter 151B or 157; or
  - (f) Blind industries or rehabilitation under KRS Chapter 151B or 163;

- (28) "Interstate commerce" has the same meaning as in 49 C.F.R. sec. 390.5;
- (29) "Intrastate commerce" has the same meaning as in 49 C.F.R. sec. 390.5;
- (30) "Limousine" means a motor vehicle operating under a limousine certificate that is designed or constructed with not more than fifteen (15) regular seats;
- (31) "Limousine certificate" means a certificate granting authority for the operation of one (1) or more limousines transporting passengers for hire;
- (32) "Mobile application" means an application or a computer program designed to run on a smartphone, tablet computer, or other mobile device that is used by a TNC to connect drivers with potential passengers;
- (33) "Motor carrier" means any person in either a private or for-hire capacity who owns, controls, operates, manages, or leases, except persons leasing to authorized motor carriers, any motor vehicle for the transportation of passengers or property upon any highway, and any person who engages in the business of automobile utility trailer lessor, vehicle towing, driveaway, or U-Drive-It;
- (34) "Motor carrier vehicle" means a motor vehicle used by a motor carrier to transport passengers or property;
- (35) "Motor carrier vehicle license" means a license issued by the department for a motor carrier vehicle authorized to operate under a certificate;
- (36) "Motor carrier license plate" means a license plate issued by the department to a motor carrier authorized to operate under a certificate other than a household goods, property, TNC, peer-to-peer car sharing, or U-Drive-It certificate;
- (37) "Motor vehicle" means any motor-propelled vehicle used for the transportation of passengers or property on a public highway, including any such vehicle operated as a unit in combination with other vehicles;
- (38) "Passenger" means an individual or group of people;
- (39) "Peer-to-peer car sharing":
  - (a) Means the authorized use of a motor vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program; and
  - (b) Does not:
    - 1. Include the operation of a U-Drive-It certificate as defined in this section; or
    - 2. Involve the sale or provision of rental vehicle insurance as defined in KRS 304.9-020;
- (40) "Peer-to-peer car sharing certificate" means a certificate granting the authority for the operation of a peer-to-peer car sharing program;
- (41) "Peer-to-peer car sharing company" means a person that operates a peer-to-peer car sharing program;
- (42) "Peer-to-peer car sharing program":
  - (a) Means a business platform that connects shared vehicle owners with shared vehicle drivers to enable the sharing of motor vehicles for financial consideration; and

- (b) Does not include a:
  - 1. U-Drive-It;
  - 2. Motor vehicle renting company as defined in KRS 281.687;
  - 3. Rental vehicle agent as defined in KRS 304.9-020; or
  - 4. Service provider that is solely providing hardware or software as a service to a person or entity that is not effectuating payment of financial consideration for use of a shared vehicle;
- (43) "Permit" means a temporary permit of compliance issued under this chapter for a specified period not to exceed ten (10) days, and for a specific vehicle, to any motor carrier, including one who is a nonresident of the Commonwealth, who operates a motor vehicle and is not entitled to an exemption from the payment of fees imposed under KRS 186.050 because of the terms of a reciprocal agreement between the Commonwealth and the state in which the vehicle is licensed;
- (44) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, assignee, or personal representative thereof;
- (45) "Platoon" means a group of two (2) individual commercial motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would ordinarily be allowed under KRS 189.340(9)(b);
- (46) "Prearranged ride" means the period of time that begins when a transportation network company driver accepts a requested ride through a digital network or mobile application, continues while the driver transports the rider in a personal vehicle, and ends when the transportation network company services end;
- (47) "Pre-trip acceptance liability policy" means the transportation network company liability insurance coverage for incidents involving the driver for a period of time when a driver is logged into a transportation network company's digital network or mobile application but is not engaged in a prearranged ride;
- (48) "Property" means general or specific commodities, including hazardous and nonhazardous materials;
- (49) "Property certificate" means a certificate granting authority for the transportation of property, other than household goods, not exempt under KRS 281.605;
- (50) "Recovery":
  - (a) Means a form of towing service which involves moving vehicles by the use of a wheel-lift device, such as a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow dolly, or any other similar device as requested by a state or local law enforcement agency; and
  - (b) Includes:
    - 1. Relocating a vehicle or cargo from a place where towing is not possible to a place where towing is possible; and
    - 2. The cleanup of debris or cargo, and returning an area to pre-event condition;
- (51) "Regular route" means the scheduled transportation of passengers between

designated points over designated routes under time schedules that provide a regularity of services;

- (52) "Regular seat" means a seat ordinarily and customarily used by one (1) passenger and, in determining such seating capacity, the manufacturer's rating may be considered;
- (53) "Shared vehicle":
  - (a) Means a motor vehicle that is available for car sharing through a peer-to-peer car sharing program; and
  - (b) Does not include a motor vehicle leased or rented by a person operating under a U-Drive-It certificate;
- (54) "Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement;
- (55) "Shared vehicle owner":
  - (a) Means the registered owner, or a person designated by the registered owner, of a motor vehicle made available for sharing to shared vehicle drivers, through a peer-to-peer car sharing program; and
  - (b) Does not include a:
    - 1. Person operating a U-Drive-It certificate;
    - 2. Motor vehicle renting company as defined in KRS 281.687; or
    - 3. Rental vehicle agent as defined in KRS 304.9-020;
- (56) "Storage facility" means any lot, facility, or other property used to store motor vehicles that have been removed from another location by a tow truck;
- (57) "Street hail" means a request for service made by a potential passenger using hand gestures or verbal statement;
- (58) "Subcontractor" means a person who has signed a contract with a broker to provide human service transportation delivery within a specific delivery area and who meets human service transportation delivery requirements, including proper operating authority;
- (59) "Tariff" means the listing of compensation received by a motor carrier for household goods that includes the manner in which and the amount of fares an authorized motor carrier may charge;
- (60) "Taxicab" means a motor vehicle operating under a taxicab certificate that is designed or constructed with not more than eight (8) regular seats and may be equipped with a taximeter;
- (61) "Taxicab certificate" means a certificate granting authority for the operation of one (1) or more taxicabs transporting passengers for hire;
- (62) "Taximeter" means an instrument or device approved by the department that automatically calculates and plainly indicates the charge to a passenger for hire who is being charged on the basis of mileage;
- (63) "Tow truck" means a motor vehicle equipped to provide any form of towing service, including recovery service or flatbed/rollback service;

- (64) "Tow truck operator" means an individual who operates a tow truck as an employee or agent of a towing company;
- (65) "Towing" means:
- (a) Emergency towing, which is the towing of a motor vehicle, with or without the owner's consent, because of:
    - 1. A motor vehicle accident on a public highway;
    - 2. An incident related to an emergency; or
    - 3. An incident that necessitates the removal of the motor vehicle from a location for public safety reasons;
  - (b) Private property towing, which is the towing of a motor vehicle, without the owner's consent, from private property:
    - 1. On which the motor vehicle was illegally parked; or
    - 2. Because of an exigent circumstance necessitating its removal to another location; and
  - (c) Seizure towing, which is the towing of a motor vehicle for law enforcement purposes involving the:
    - 1. Maintenance of the chain of custody of evidence;
    - 2. Forfeiture of assets; or
    - 3. Delinquency of highway fuel tax, weight distance tax, or any other taxes and fees administered by the Transportation Cabinet;
- (66) "Towing company":
- (a) Means a service or business operating as a motor carrier that:
    - 1. Tows or otherwise moves motor vehicles by means of a tow truck; or
    - 2. Owns or operates a storage lot;
  - (b) Includes a tow truck operator acting on behalf of a towing company when appropriate in the context; and
  - (c) Does not include an automobile club, car dealership, insurance company, repossession company, lienholders and entities hired by lienholders for the purpose of repossession, local government, or any other entity that contracts with a towing company;
- (67) "Transportation network company" or "TNC" means a person or entity that connects passengers through its digital network or mobile application to its drivers for the provision of transportation network company services;
- (68) "Transportation network company certificate" or "TNC certificate" means a certificate granting the authority for the operation of one (1) or more transportation network company vehicles transporting passengers for hire;
- (69) "Transportation network company driver" or "TNC driver" means an individual who operates a motor vehicle that is owned or leased by the individual, or a motor vehicle for which the driver is an insured driver and has the permission of the owner or lessee of the motor vehicle, and used to provide transportation network company services;

- (70) "Transportation network company service" or "TNC service" means a prearranged passenger transportation service offered or provided through the use of a transportation network company mobile application or digital network to connect potential passengers with transportation network company drivers;
- (71) "Transportation network company vehicle" or "TNC vehicle" means a privately owned or leased motor vehicle, designed or constructed with not more than eight (8) regular seats, operating under a transportation network company certificate;
- (72) "U-Drive-It" means any person operating under a U-Drive-It certificate who leases or rents a motor vehicle for consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee; and
- (73) "U-Drive-It certificate" means a certificate granting authority for the operation of one (1) or more U-Drive-Its.

**Effective:** January 1, 2023

**History:** Amended 2022 Ky. Acts ch. 212, sec. 9, effective January 1, 2023. -- Amended 2021 Ky. Acts ch. 74, sec. 1, effective June 29, 2021. -- Amended 2018 Ky. Acts ch. 33, sec. 2, effective July 14, 2018. -- Repealed and reenacted 2015 Ky. Acts ch. 19, sec. 1, effective June 24, 2015. -- Amended 2011 Ky. Acts ch. 88, sec. 5, effective March 16, 2011. -- Amended 2000 Ky. Acts ch. 346, sec. 1, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 174, sec. 1, effective July 15, 1996. -- Amended 1978 Ky. Acts ch. 232, sec. 2, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(2). -- Repealed and reenacted 1958 Ky. Acts ch. 130, sec. 1. -- Amended 1954 Ky. Acts ch. 188, sec. 1. -- Created 1950 Ky. Acts ch. 63, sec. 7, effective June 15, 1950.

**History for former KRS 281.010:** Repealed 1950 Ky. Acts ch. 63, sec. 57, effective June 15, 1950. -- Amended 1948 Ky. Acts ch. 57, sec. 1. -- Amended 1942 Ky. Acts ch. 185, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2739j-1, 2739j-42, 2739j-94, 2739i-9, 2730o-1.

**2022-2024 Budget Reference.** See State/Executive Branch Budget, 2022 Ky. Acts ch. 199, Pt. I, G, 1, (1) at 1670.

**Legislative Research Commission Note** (8/11/2022). A reference in subsection (45) of this statute to "KRS 189.340(8)(b)" has been changed to "KRS 189.340(9)(b)" to correct an oversight that occurred in codification following the enactment of 2018 Ky. Acts ch. 33, secs. 2 and 3, which inserted the subsection (45) reference in this statute and amended KRS 189.340, and ch. 38, sec. 2, which inserted a new subsection (2) in KRS 189.340 and renumbered the subsequent subsections. This oversight has been corrected under the authority of KRS 7.136.

**Legislative Research Commission Note** (3/16/2011). The Reviser of Statutes has corrected the form of a citation to "49 C.F.R. sec. 390.5" in this statute under the authority of KRS 7.136.