

224.43-380 Consent to service of transporters of out-of-state waste -- Documentation -- Filing -- Effect.

- (1) No person shall transport or cause to be transported from outside the Commonwealth to a municipal solid waste management facility in the Commonwealth any waste unless each of the following persons, if not a resident of the Commonwealth at the time the waste is transported, has first irrevocably consented in writing to the jurisdiction of the courts of the Commonwealth and service of process in the Commonwealth, including summons and subpoenas, for any civil or criminal proceeding arising out of or relating to the waste that is shipped to a facility in this state:
 - (a) Any person who actually transports the waste;
 - (b) The employer of the person who actually transports the waste;
 - (c) Any person acting as a broker or otherwise arranging or contracting for the transportation of the waste, with the exception of persons initially generating municipal solid waste; and
 - (d) Any person who has contracted with the owner or operator of the facility for management of the waste at that facility.
- (2) The original of the consent-to-service document shall be filed with the cabinet. A copy shall be filed with the owner or operator of each municipal solid waste management facility to which the waste is transported. The original and each copy shall be sent by certified mail, return receipt requested, at least seven (7) days before the first shipment of waste to a waste site or facility in the Commonwealth in the year for which the document is filed. The document shall be updated to reflect any changes in circumstances and refiled.
- (3) A person who enters the Commonwealth pursuant to a summons, subpoena, or other form of process authorized by this section is not subject to service of process in connection with nonrelated matters that arise before his entrance into the Commonwealth.
- (4) No owner, operator, or employee of a municipal solid waste management facility shall accept for treatment, transfer, storage, or disposal at the facility any waste from outside the boundaries of the Commonwealth unless a copy of the consent-to-service document required by this section and applicable to the waste is on file at the facility.
- (5) The owner or operator of a municipal solid waste management facility shall keep the consent-to-service documents filed with him under this section at the facility in such a location and manner that they are readily accessible to the cabinet.

Effective: May 28, 1991

History: Created 1991 (1st Extra. Sess.) Ky. Acts ch. 12, sec. 21, effective May 28, 1991.

Formerly codified as KRS 224.8913.