

**138.655 Definitions for KRS 138.660 to 138.7291 and KRS 138.990(14) and (15).**

As used in KRS 138.660 to 138.7291 and KRS 138.990(14) and (15), unless the context requires otherwise:

- (1) "Cabinet" means the Transportation Cabinet;
- (2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof;
- (3) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair, or reconstruction; also including all city streets, alleys, and any way or place on which a toll is charged for using such way or place;
- (4) "Motor vehicle" means any vehicle, machine, or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semitrailer attached to or having its front end supported by such motor vehicle;
- (5) "Motor carrier" means every person who operates or causes to be operated on any highway in this state, any bus engaged in hauling passengers for hire operating under a certificate of convenience and necessity and any commercial truck or commercial tractor-trailer combination having a total of two (2) or more axles and a declared gross weight above twenty-six thousand (26,000) pounds. The number of axles shall include not only those axles on the power unit but if a tractor-trailer combination is involved, also those axles on the trailer or semitrailer:
  - (a) "Axle" means any two (2) or more load-carrying wheels mounted in a single transverse vertical plane;
  - (b) "Trailers and semitrailers" are those as defined in subsections (1) and (2) of KRS 186.650, except that it does not include those trailers defined in subsections (3) and (4) of KRS 186.650 and those exempted from regulation under KRS 186.675. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus;
  - (c) "Commercial" refers to any activity for business purposes;
  - (d) For the purposes of KRS 138.660(3) motor carriers, trailers, and semitrailers shall not mean a farm vehicle as defined in KRS 186.050(4) or under another jurisdiction's law as a farm vehicle;
- (6) "City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten (10) miles of its limits over a regular route and exclusively within the boundaries of this state;
- (7) "Heavy equipment motor carrier" means any person who operates on the public highways of this state as a "motor carrier" as defined in subsection (5) of this section, except that it shall not include motor vehicles used to transport persons for hire;

- (8) "Trip permit" means a permit for the operating during a ten (10) consecutive day period of any motor vehicle of any "heavy equipment motor carrier" not licensed under KRS 138.665;
- (9) "Licensee" means for purposes of KRS 138.660 to 138.7291 any person who has been granted a license as a "motor carrier" or a "heavy equipment motor carrier," or any motor vehicle in which a valid trip permit is carried;
- (10) "Use" means the consumption of gasoline and special fuels in propelling motor vehicles on the public highways;
- (11) "Gasoline" has the same meaning as in KRS 138.210;
- (12) "Special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline;
- (13) "Quarterly" for the purposes of KRS 138.660 to 138.7291 means a calendar quarter;
- (14) "Combined licensed weight" shall mean the greater of:
  - (a) The declared combined maximum gross weight of the vehicle and any towed unit for registration purposes for the current registration period; or
  - (b) The highest actual combined gross weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration period.

**Effective:** March 25, 2015

**History:** Amended 2015 Ky. Acts ch. 67, sec. 19, effective March 25, 2015. -- Amended 1996 Ky. Acts ch. 363, sec. 2, effective July 15, 1996. -- Amended 1988 Ky. Acts ch. 175, sec. 3, effective April 1, 1988. -- Amended 1986 Ky. Acts ch. 174, sec. 2, effective January 1, 1987; and ch. 454, sec. 1, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 151, sec. 4, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 265, sec. 2, effective April 1, 1982. -- Amended 1978 Ky. Acts ch. 384, sec. 564, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(2). -- Amended 1962 Ky. Acts ch. 62, sec. 21. -- Amended 1960 Ky. Acts ch. 186, Art. IV, sec. 5. -- Amended 1958 Ky. Acts ch. 70, sec. 14. -- Amended 1956 (2d Extra. Sess.) Ky. Acts ch. 9, sec. 15. -- Amended 1956 Ky. Acts ch. 171, sec. 1. -- Created 1954 Ky. Acts ch. 97, sec. 4.

**Legislative Research Commission Note** (11/16/90). Because of the amendment of KRS 138.990 in 1988 Acts ch. 285, sec. 33, the text of subsections (17) and (18) of that statute were reassigned as subsections (14) and (15). Pursuant to KRS 7.136(1), cross-references to those two subsections in this statute have been changed to agree with this renumbering.