

**186.059 Operation of overweight commercial vehicle -- Ineligibility for exemption -
- Department hearing -- Appeal.**

- (1) Operation of a commercial vehicle at a gross weight in excess of the declared gross weight at which such vehicle is registered under subsection (8), (9), or (10) of KRS 186.050, shall make any owner or operator, otherwise entitled to a reduced fee set out in those subsections ineligible for same for the entire license year.
- (2) The department, upon receipt of information substantiated by affidavit, that any owner or operator is operating a motor vehicle in excess of the gross weight at which it is registered under subsection (8), (9), or (10) of KRS 186.050, may issue notice to the owner or operator advising that he is ineligible for the reduced fee or, that the privilege is revoked for the current license year. Within thirty (30) days of the date of the issuance of the notice, any affected owner or operator may request a hearing to be conducted in accordance with the provisions of KRS Chapter 13B. Failure to request a hearing within thirty (30) days of the date of the issuance of the notice shall make the ruling absolute, and the owner or operator shall be liable for the payment of the fees applicable under KRS 186.050(3) for the entire license year.
- (3) If a hearing is requested in accordance with the provisions of subsection (2) of this section, the owner or operator shall not be entitled to the reduced fee during the interim between the application for hearing and the department's final order, unless he shall file with the department a bond in the amount of five hundred dollars (\$500) per vehicle to be applied to the payment of any taxes which the department, as a result of the hearing, may determine are due the Commonwealth.
- (4) The question for determination at any hearing held at the request of an owner or operator receiving a notice from the department shall be whether or not the owner or operator has operated a commercial vehicle in excess of the declared gross weight at which it is registered under subsection (8), (9), or (10) or KRS 186.050. The burden of proof shall be upon the department to show such unlawful operation. Any final order of the department shall be subject to appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B, and any bond posted with the department shall be held pending the judgment of the highest court to which the matter is appealed.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 69, effective July 15, 1996. -- Amended 1966 Ky. Acts ch. 139, sec. 7, effective January 1, 1967. -- Created 1962 Ky. Acts ch. 96, sec. 3.