281.730 Working hours of drivers and chauffeurs -- Exceptions -- Federal regulation.

(1) A motor carrier shall not require or permit any driver or chauffeur operating a motor vehicle for hire under a certificate or permit to remain continuously on duty for a longer period than twelve (12) hours, and when any driver or chauffeur has been continuously on duty for twelve (12) hours he shall have at least eight (8) consecutive hours off duty. A motor carrier shall not require or permit any driver or chauffeur to remain on duty for a longer period than sixteen (16) hours in the aggregate in any twenty-four (24) hour period, and when a driver or chauffeur has been on duty sixteen (16) hours in the aggregate in any twenty-four (24) hour period he shall have at least ten (10) consecutive hours off duty. The period of release from duty required by this section shall be given at places and under circumstances that allow rest and relaxation from the strain of the duties of the employment to be obtained. A period off duty shall not be deemed to break the continuity of service unless it is for at least three (3) consecutive hours and is given at a place and under circumstances that allow rest and relaxation from the strain of the duties of the employment to be obtained. In case of an unforeseen emergency not resulting from the negligence of the carrier or his agents, servants, or employees, the driver or chauffeur may complete his run or tour of duty, if the run or tour of duty but for the delay caused by the emergency could reasonably have been completed without a violation of this section. The department may require reports as it deems necessary for the enforcement of this section.

(2) The provisions of this section shall not apply to matters relating to the wages, hours, working conditions, and conditions of employment of the employees of motor carriers when the employees are employed and working under and pursuant to a collective bargaining agreement entered into between their employer and the employees' collective bargaining agent or representative, for and on behalf of the employees; provided that the collective bargaining agent or representative is a bona fide labor organization.

(3) Notwithstanding the above provisions, the secretary of the Transportation Cabinet may adopt by reference or set forth in its entirety the provisions of 49 C.F.R. sec. 395 in effect as of July 15, 1986, or as amended with respect to any motor vehicle registered in Kentucky.

(4) The provisions of subsections (1) to (3) of this section pertaining to the maximum driving and on-duty time shall not apply to transporters of agricultural commodities or farm supplies for agricultural purposes if the transportation is limited to an area within a one hundred (100) air mile radius from the source of the commodities or distribution point for the farm supplies and is during Kentucky's planting and harvesting seasons. For the purposes of this subsection, Kentucky's planting and harvesting seasons shall mean January 1 to December 31 of each year.

(5) The provisions of subsection (4) of this section shall be void if the Secretary of the United States Department of Transportation determines through a rulemaking proceeding that Section 345(a.)(1.) of the National Highway System Designation Act of 1995 presents a hazard to the traveling public.

Effective: March 16, 2011

History: Amended 2011 Ky. Acts ch. 88, sec. 3, effective March 16, 2011. -- Amended 1996 Ky. Acts ch. 256, sec. 1, effective April 4, 1996. -- Amended 1986 Ky. Acts ch. 226, sec. 2, effective July 15, 1986. -- Created 1950 Ky. Acts ch. 63, sec. 33, effective June 15, 1950.