

## CHAPTER 102

## ( HB 133 )

AN ACT relating to the transportation of agricultural commodities and supplies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 281.730 is amended to read as follows:

- (1) *As used in this section:*
  - (a) *"Agricultural commodity" means any agricultural commodity, nonprocessed food, feed, fiber, or livestock;*
  - (b) *"Farm supplies for agricultural purposes" means a product directly related to the growing or harvesting of agricultural commodities; and*
  - (c) *"Planting and harvesting season" means the period of time that begins on January 1 and ends on December 31 of each year.*
- (2) The secretary of the Transportation Cabinet may adopt by reference or set forth in its entirety the provisions of 49 C.F.R. ~~sec. [secs.]~~ 350.341 and *pt.* 395 in effect as of July 15, 1986, or as amended with respect to any motor vehicle registered in Kentucky.
- (3) *The provisions of 49 C.F.R. pt. 395 adopted or set forth by the secretary of the Transportation Cabinet shall not apply during Kentucky's planting and harvest period to drivers transporting:*
  - (a) *Agricultural commodities from the source of the agricultural commodities to a location within a one hundred fifty (150) air-mile radius from the source, or within the maximum radius from the source that is permitted by federal law, whichever is greater;*
  - (b) *Farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a one hundred fifty (150) air-mile radius from the distribution point, or within the maximum radius from the distribution point that is permitted by federal law, whichever is greater; or*
  - (c) *Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a one hundred fifty (150) air-mile radius from the wholesale distribution point, or within the maximum radius from the wholesale distribution point that is permitted by federal law, whichever is greater.*
- ~~(2)~~ ~~The provisions of subsection (1) 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.~~
- ~~(3)~~(4) The provisions of ~~subsection (2) 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.

**Signed by Governor April 2, 2018.**