

**183.061 Prohibition against operation of or acting as crewmember of civil aircraft while using or under the influence of alcohol or other substance -- Consent to tests -- Penalty -- Reports to Federal Aviation Administration.**

- (1) As used in this section, "crewmember" means any person performing or assigned to perform any duty in a civil aircraft during the time which the aircraft is undergoing preflight inspection, boarding, or carrying passengers or crew, or any time the aircraft is under power or in flight.
- (2) It is unlawful for any person to operate, attempt to operate, or act, or attempt to act, as a crewmember of any civil aircraft in this Commonwealth:
  - (a) Within eight (8) hours after the consumption of any alcoholic beverage; or
  - (b) While under the influence of alcohol; or
  - (c) While using any substance that affects his faculties in any way contrary to safety; or
  - (d) With four one-hundredths of one percent (0.04%) or more by weight of alcohol in his blood.
- (3) Any person who operates or attempts to operate or acts or attempts to act as a crewmember of any aircraft in this Commonwealth is considered to have given his consent to one (1) or more tests of his blood, breath, and urine, or combination thereof, for the purpose of determining alcohol concentration or presence of a substance which affects his faculties in any way contrary to safety, if arrested for a violation of this section.
- (4) Testing for alcohol concentration or other substances shall be done in the manner prescribed in KRS Chapter 189A, and the defendant shall have the same rights as provided by KRS Chapter 189A with regard to refusing the test.
- (5) Any person who violates the provisions of subsection (2) of this section shall be punished as provided in KRS 189A.010. Any person who refuses a test offered pursuant to subsection (3) shall be fined two hundred dollars (\$200) or be imprisoned in the county jail for not less than forty-eight (48) hours nor more than thirty (30) days, or both. Conviction for a violation of subsection (2) shall not bar a conviction for refusal to take tests for alcohol or other substances. Conviction for refusal to take tests for violation of alcohol or other substances shall not bar a conviction for a violation of subsection (2).
- (6) The filing of charges, results of chemical testing, and results of the trial or other subsequent proceedings shall be reported to the division, branch, or office of the Federal Aviation Administration having jurisdiction for regulation and certification by the law enforcement agency making the arrest within thirty (30) days of the date of arrest. Law enforcement agencies possessing evidence of a violation of this section shall present the evidence for use by the Federal Aviation Administration as well as for prosecution by the state under this section.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 327, sec. 1, effective July 14, 1992.