

Ninth Circuit FAAAA Meal And Rest Period Preemption Decision Appealed

August 8, 2014 | [Fair Labor Standards Act, Labor And Employment](#)

As we [discussed here](#), a three-judge panel of the Ninth Circuit ruled last month in *Dilts v. Penske Logistics (Dilts)* that California meal and rest period laws are not preempted by the Federal Aviation Administration Authorization Act (FAAAA). The FAAAA provides that “States may not enact or enforce a law . . . related to a price, route, or service of any motor carrier . . . with respect to the transportation of property.” 49 U.S.C. § 14501. In *Dilts*, while the lower court had determined that the FAAAA preempted California meal and rest period laws, the three-member panel of the Ninth Circuit disagreed, finding that California’s meal and rest period laws are not “related to” Defendants’ prices, routes, or services.

On August 6, 2014, Defendants filed a Petition for Rehearing seeking to have the case reheard *en banc*, meaning that the Ninth Circuit panel’s decision would be reviewed by the Ninth Circuit’s full complement of nine judges. Defendants seek to have the case reheard *en banc* on the ground that the issue presented involves questions of exceptional importance and that the decision by the three-judge panel conflicts with decisions of the United States Supreme Court and other Circuits. We will continue to monitor developments in this case and keep you posted here.

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