



**U.S. D.O.T.
Federal Motor Carrier Safety
Administration
Massachusetts Division**

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REGULATIONS and **Agriculture Exemptions**

Hours of Service (HOS)



COMMERCIAL MOTOR VEHICLE

SINGLE VEHICLE OVER 10,000LBS



DEFINITION



COMBINATION VEHICLE WITH A COMBINED
GVWR IN EXCESS OF 10,000 LBS



DEFINITION



TRANSPORTING PLACARDABLE QUANTITIES OF HAZARDOUS MATERIALS



DEFINITION



USED IN THE FURTHERANCE OF
A COMMERCIAL ENTERPRISE



DEFINITION



► **COMMERCIAL MOTOR VEHICLE**

- SINGLE VEHICLE GVWR OVER 10,000 LBS
- COMBINATION VEHICLE GCVWR OVER 10,000 LBS
- TRANSPORTING PLACARDABLE QUANTITY OF HAZARDOUS MATERIALS
- TRANSPORTING IN THE FURTHERANCE OF A COMMERCIAL ENTERPRISE



49CFR P-ART 395

▶ PART 395 – HOURS OF SERVICE

- REQUIRES **ALL** DRIVERS AND MOTOR CARRIERS OF COMMERCIAL VEHICLES TO KEEP TRACK OF THEIR HOURS OF SERVICE.

- **OPTIONS:**

- LOG BOOKS
- TIME RECORDS IF CERTAIN CONDITIONS APPLY



ELD EFFECTIVE DATE

- ▶ DECEMBER 18, 2017
- ▶ ELECTRONIC LOGGING DEVICES (ELD's) REQUIRED IN PLACE OF PAPER LOGS
- ▶ **EXCEPTIONS FOR ELD's**
 - PAPER LOGS NOT REQUIRED MORE THAN 8 DAYS IN ANY 30 DAY PERIOD
 - CMV MANUFACTURED BEFORE 2000
 - DRIVEAWAY TOWAWAY OPERATIONS



MAP 21



- ▶ MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY (MAP 21)

- ▶ EFFECTIVE OCTOBER 1, 2012
 - CREATED EXCEPTIONS FOR FARM AND AGRICULTURAL OPERATIONS.

 - DEFINED “COVERED FARM VEHICLE”



Definitions

***390.3T**

(a)(1) The rules in this subchapter are applicable to all employers, employees, and commercial motor vehicles that transport property or passengers in interstate commerce.

(f) Exceptions - (3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise

*Abbreviated Content



390.3T – Interpretations

Question 21: Does the exemption in [§390.3\(f\)\(3\)](#) for the “occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise” apply to persons who occasionally use CMVs to transport cars, boats, horses, etc., to races, tournaments, shows or similar events, even if prize money is offered at these events?



390.3T – Interpretations (Cont.)

Guidance: The exemption would apply to this kind of transportation, provided: (1) The underlying activities are not undertaken for profit, i.e., (a) prize money is declared as ordinary income for tax purposes, and (b) the cost of the underlying activities is not deducted as a business expense for tax purposes; and, where relevant; (2) corporate sponsorship is not involved. Drivers must confer with their State of licensure to determine the licensing provisions to which they are subject.



***390.5T**

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—

- 1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- 2) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

* Abbreviated Definition



Covered Farm Vehicle Criteria

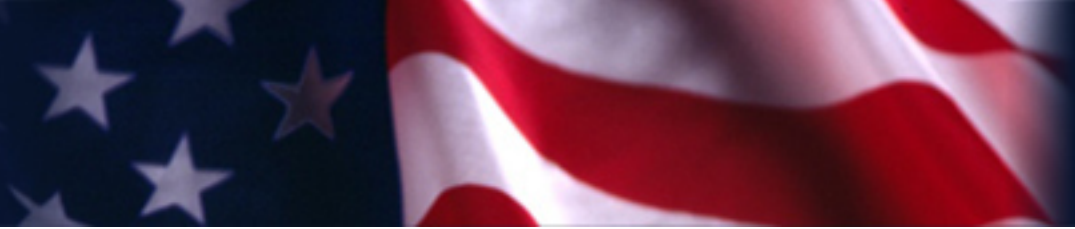
Must be equipped with a **special license plate** or other designation by the State in which it is register to allow for identification.



Must be operated by a farm or ranch owner or operator (includes employees and family members).



Used to transport agricultural commodities, livestock, or machinery or supplies to a farm or ranch.



26,001 pounds
or less

- Motor carriers may use the exemption anywhere they are operating in the U.S

Greater than
26,001 pounds

- Motor carriers may use the exemption anywhere within the State in which the vehicle is registered, or
- Motor carriers may use the exemption anywhere within a 150 air-mile radius of the farm or ranch.



395.2

Agricultural commodity means any agricultural commodity, nonprocessed food, feed, fiber, or livestock (including livestock as defined in sec. 602 of the Emergency Livestock Feed Assistance Act of 1988 [7 U.S.C. 1471] and insects).



PART 395

Hours of Service and Agricultural Exemptions

- 1) 49 CFR 395.1(k) provides exceptions from the HOS rules, during planting and harvesting periods as determined by the State, for the transportation of agricultural commodities (including livestock, bees and other commodities) within a 150-air mile radius from the source of the commodities. The same provision applies to the delivery of supplies and equipment for agricultural use from a wholesale or retail distribution point.



- 2) The HOS regulations do not apply to the transportation of agricultural commodities operating completely within the 150-air mile radius by for hire or private carriers. Therefore, work and driving hours are not limited and the driver is also not required to use an Electronic Logging Device (ELD). In an operation where drivers share vehicle(s) equipped with ELDs, a driver that is always exempt can use an “Exempt Driver” account.



PART 395 EXEMPTION

- 3) Once a driver operates beyond the 150-air mile radius, the HOS regulations apply. Therefore, starting at the time and location where the transporter goes past the 150-air mile radius, the driver must maintain logs using an ELD, unless the driver or the vehicle meets one of the limited ELD exemptions. The driver must work and drive within the limitations of the HOS rules when operating beyond the 150-air mile radius. **Time spent working within the 150 air-mile radius does not count toward the driver's daily and weekly limits.**



DEFINITION

- 6) Covered farm vehicles, as defined in 49 CFR 390.5, are exempted from the HOS regulations per 49 CFR 395.1(s). Carriers operating under this exemption are also not required to have an ELD. This only applies to **private transportation** of agricultural commodities, including livestock by the owner or operator of a farm or ranch, or their family members or employees.



Limited 90-Day Waiver for the Transportation of Agricultural Commodities (ELDs)

- **Effective: March 13, 2018**
- FMCSA extends a 90-day waiver from the Federal hours-of-service (HOS) regulations pertaining to electronic logging devices (ELDs) for the transportation of agricultural commodities as defined in the Federal Motor Carrier Safety Regulations (FMCSRs).



WEB ADDRESS

Link to Current ELD Exemptions and Waivers

<https://www.fmcsa.dot.gov/hours-service/elds/electronic-logging-device-eld-exemptions-and-waivers>



Updated FMCSA website for Agriculture Exemptions

<https://www.fmcsa.dot.gov/ag>



QUESTIONS?

▶ How to get help with your questions?

- Email address: **steven.hanley@dot.gov**



QUESTIONS

