



Agriculture exemption from a log book 395.1(k)

****Note: Drivers transporting Agriculture products may at times not be subject to hours of service, however they are still subject to roadside inspection at all times.**

395.1(k) exempts drivers from hours of service who engage in agricultural operations provided:

1. The operation takes place during planting season – (Oregon has determined that planting season begins January 1 of each year and ends December 31 of each year).
2. Agricultural commodity is exempt from the source to a location within a **150 air miles** from the source.
3. Farm supplies and equipment from a wholesale or retail distribution point are also exempt within 150 air miles.

No ELD or Log book is required in the exemption zone and there are no limits to driving within the exemption zone. However, the driver is not allowed to drive fatigued. If the driver looks tired and admits he is tired, write a 392.3 violation and place the driver out of service until no longer tired. Be sure to write an explanation in the notes section of ASPEN or put notes on your paper inspection.

ELD's Required???

When drivers are within the exemption zone (150 air miles from source) a log book is not required, which also means no ELD. However, once they leave the exemption zone they must have an ELD unless they meet one of the exemptions below.

- Livestock (anything that is living – Cattle, horses, poultry, insects, and fish)
- Truck/engine older than model year 2000.
- Drivers who are not required a log book more than 8 times in any 30 day period.
- Intrastate carrier's not hauling hazmat requiring placards (until further notice).

Most drivers have an ELD installed in their vehicle, which means when the truck is moving the ELD will record. Since the driver is not required to have a log in the 150 air mile agriculture exemption zone they will log the movement on their device as personal conveyance (off duty driving) or you will see the movement as unidentified driving because the driver did not sign it. Both these practices are acceptable since the driver wasn't required a log. Best practice is, anything in the 150 air mile exemption zone is considered invisible, focus on the time outside the zone.

Additional information can be found online at <https://www.fmcsa.dot.gov/hours-service/elds/eld-hours-service-hos-and-agriculture-exemptions>.

What can be the Source?

The source is the point at which an agricultural commodity is loaded onto an empty CMV. The Source may be one of the following provided the commodity meets the Agriculture definition listed below.

- Farm, field or orchard.
- Intermediate storage away from the farm.
- Cold storage.
- Grain elevator.
- Livestock yard.
- Feed mills.

395.2 Agricultural commodity means:

(1) Any agricultural commodity, non-processed food, feed, fiber, or livestock as defined in this section.

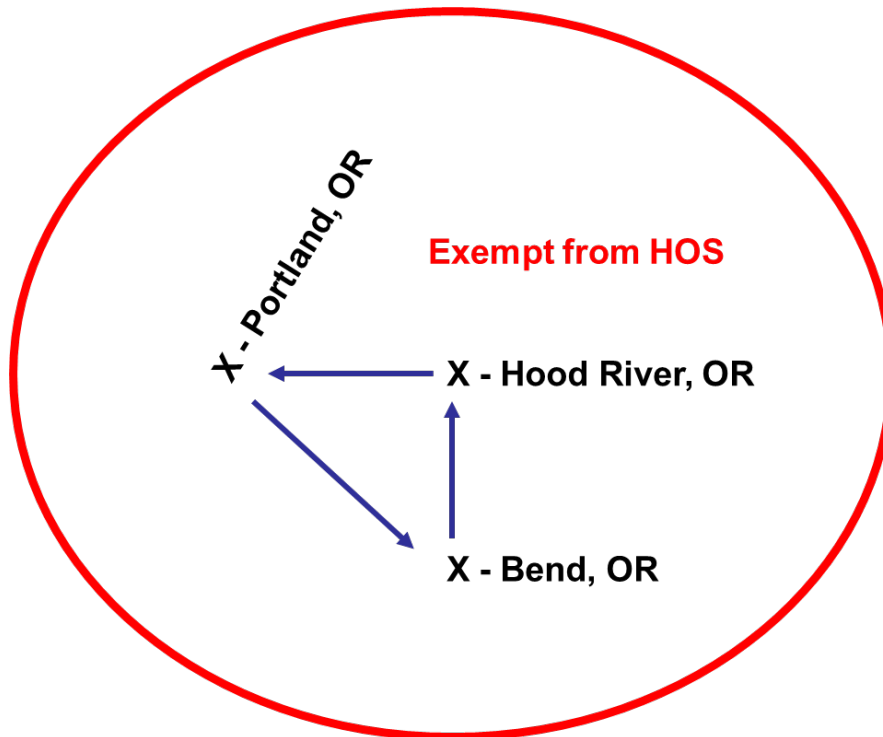
(2) As used in this definition, the term "any agricultural commodity" means horticultural products at risk of perishing, or degrading in quality, during transport by commercial motor vehicle, including plants, sod, flowers, shrubs, ornamentals, seedlings, live trees, and Christmas trees.

The following Pages are scenarios/examples that you could run into during a roadside inspection.

Driver never leaves the exemption zone

Example 1 – Driver moves empty from Bend to pick up apples at a Hood River orchard, then takes the apples to Cold Storage in Portland, and returns empty to Bend. - Driver never leaves the 150 air mile radius.

The apple orchard in Hood River is the “source” and therefore the center of the 150 air mile radius.

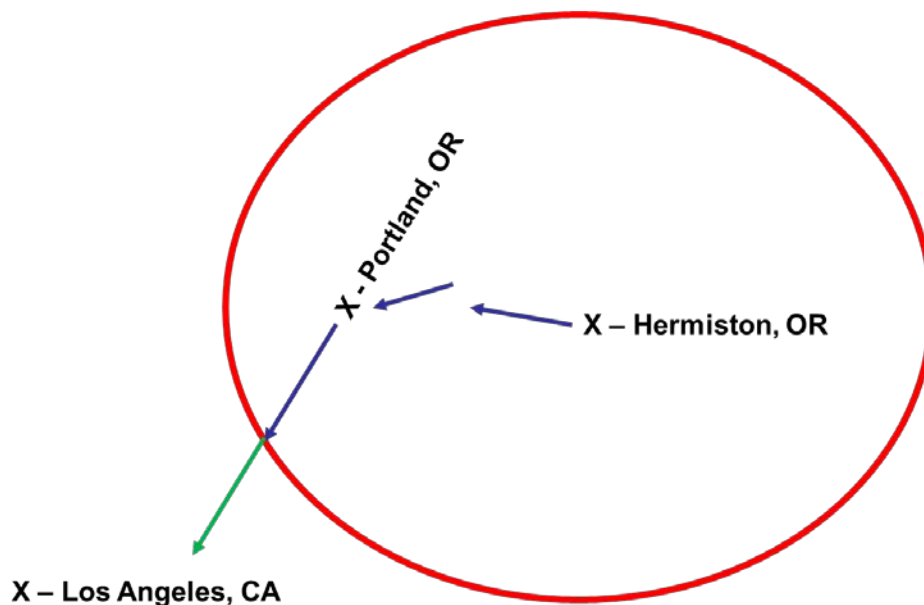


Driver is not required to have a log or an ELD. Driver is not limited in driving or on-duty time within the source's 150 air mile radius, however is not allowed to drive the vehicle if fatigued (392.3).

HOS Exemption only applies to first pickup point if there are several pickups.

Example 2 – Driver picks up ag loads in Hermiston, Hood River, and Portland for delivery to Los Angeles, CA.

Hermiston is the first pickup point and would be the center of the 150 air mile radius. Even though driver picked up ag at other locations, the exemption only applies from the first pickup point. Driver would be exempt from HOS until leaving the 150 air mile radius.

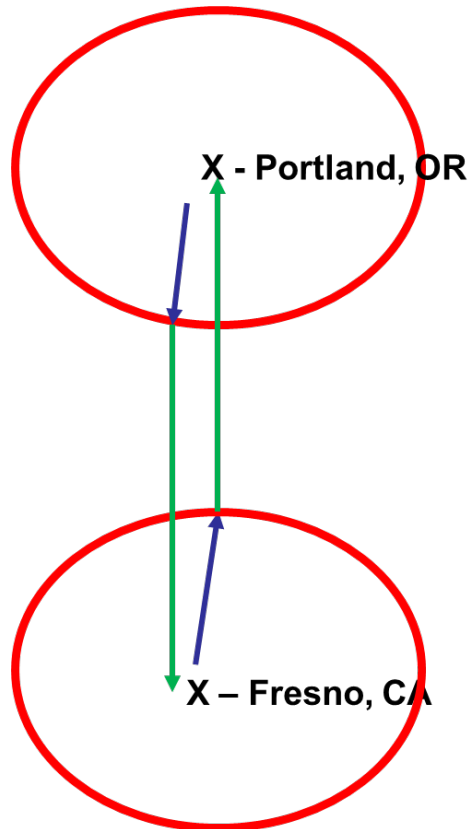


Blue arrow = no log required.

Green Arrow = Log Book Required.

Example 3 – Driver picks up an ag product in Fresno and delivers to Portland, OR. After dropping that load, a new ag load is picked up in Portland for delivery to Fresno.

Driver is exempt from HOS within Fresno’s 150 air mile radius. The driver must then log hours until picking up the new load in Portland. Driver is then again exempt until leaving Portland’s 150 air mile radius.

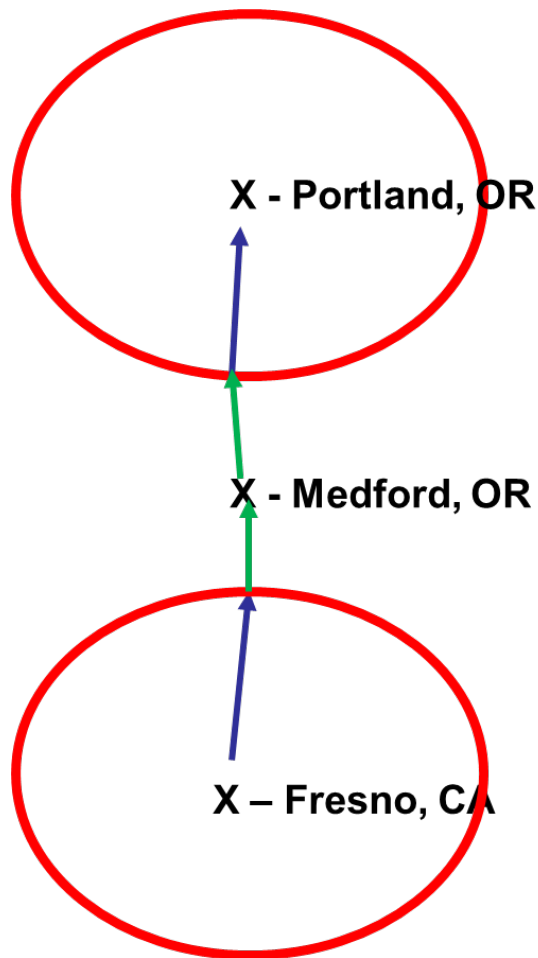


Blue arrow = no log required.

Green Arrow = Log Book Required.

Example 4 – Driver picks up an ag product in Fresno and delivers to Medford, OR. After dropping that load in Medford the driver is dispatched to Portland to pick up a new ag load.

Driver is exempt from HOS within Fresno’s 150 air mile radius. The driver must then log hours to Medford. After dropping the load in Medford (completely empty) the driver would continue to log hours until entering Portland’s 150 air mile radius.

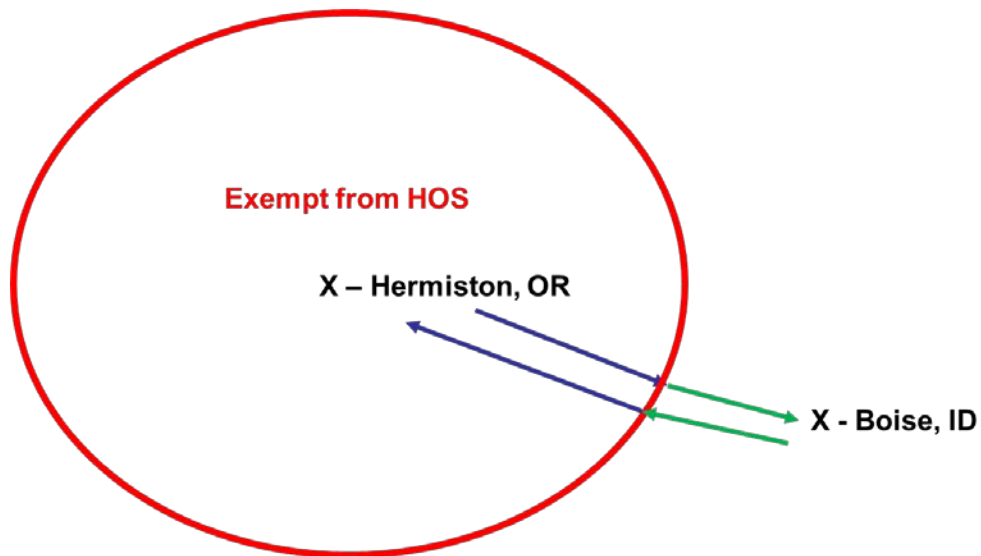


Blue arrow = no log required.

Green Arrow = Log Book Required.

Example 5 – Driver picks potatoes up from a source in Hermiston, delivers them to Boise, and returns empty to Hermiston.

Driver is exempt from HOS until exiting Hermiston’s 150 air mile radius on the way to Boise. When returning to Hermiston, the driver is again exempt after crossing back into the original 150 air mile radius.

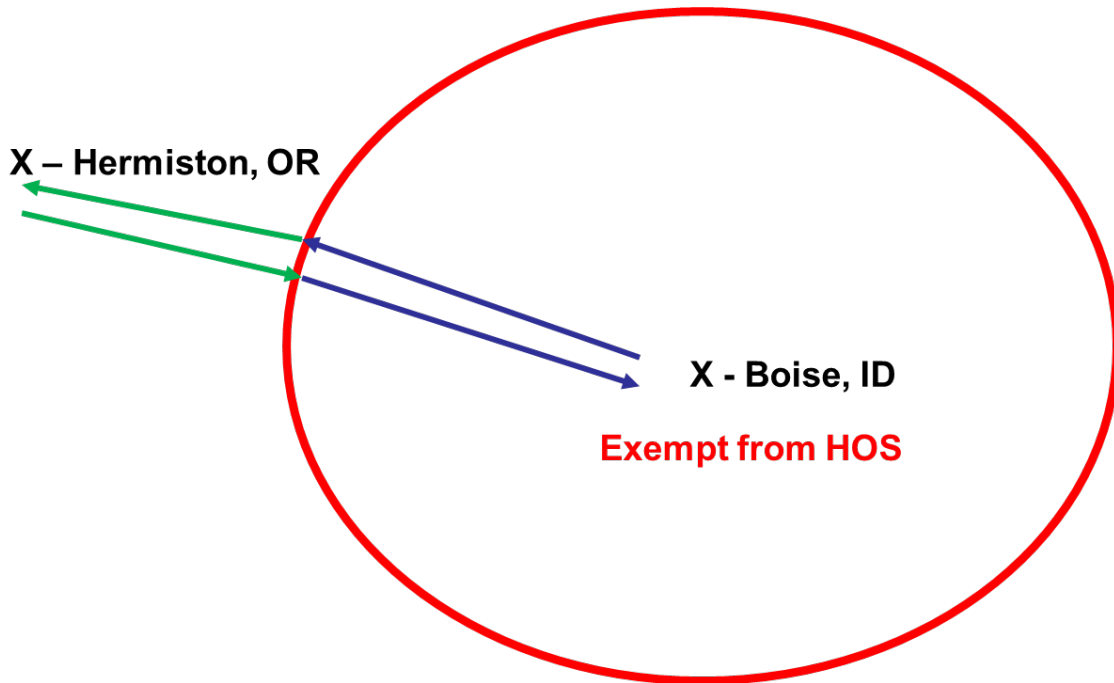


Blue arrow = no log required.

Green Arrow = Log Book Required.

Example 6 – Driver moves empty from Hermiston to pick up seed potatoes in Boise and returns to Hermiston.

Driver is not exempt from HOS until crossing into Boise’s 150 air mile radius. Once in the radius, driver remains exempt until crossing back out of the radius on the return to Hermiston.



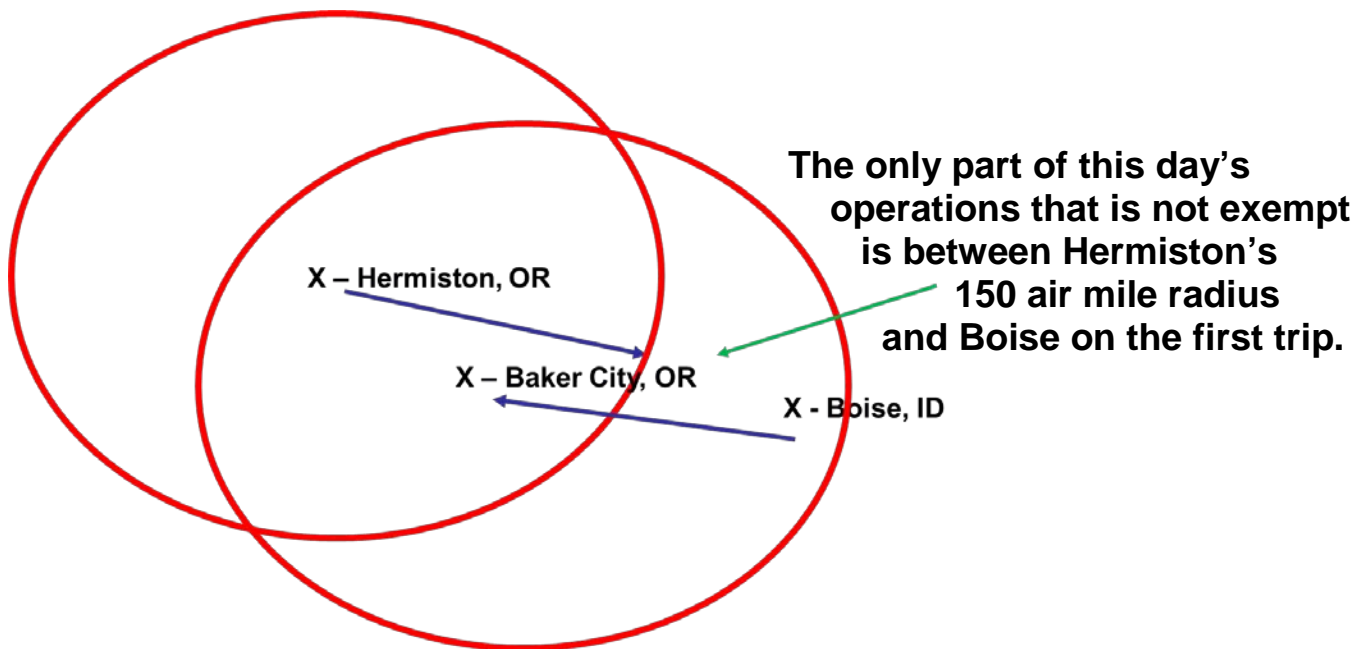
Blue arrow = no log required.

Green Arrow = Log Book Required.

Example 7 – Driver picks up potatoes from a source in Hermiston and delivers to Boise. Driver then drives empty to pick up a new load of potatoes in Baker City (new source) and returns to Boise for delivery.

Driver is exempt from HOS until leaving Hermiston’s 150 air mile radius on the way to Boise.

During the Baker City run, driver is exempt in both directions because Boise is within Baker City’s 150 air mile radius. Baker City is the new source.

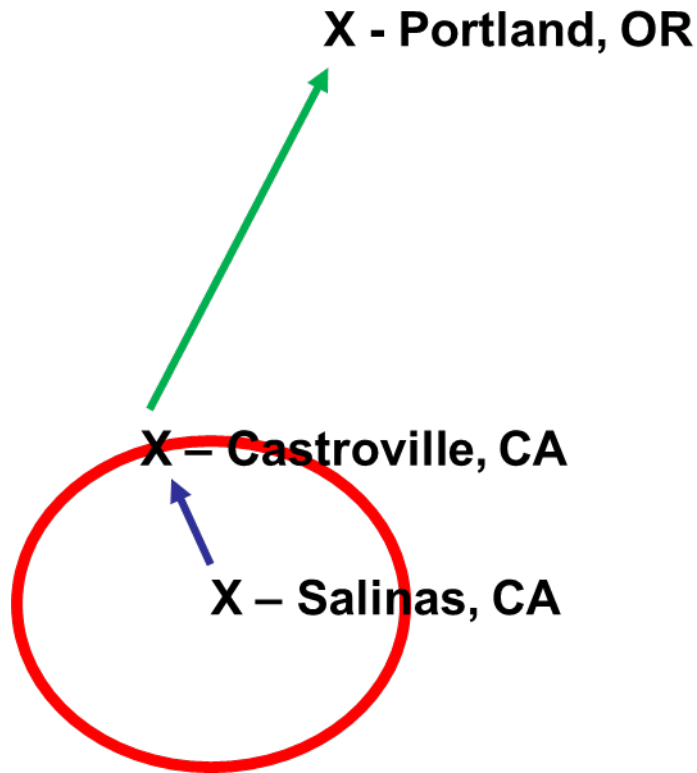


Blue arrow = no log required.

Green Arrow = Log Book Required.

Example 8 –Driver picks up heads of lettuce in Salinas and drives to Castroville to take on an additional load of Televisions.

Driver is only exempt from HOS between the source in Salinas and Castroville, CA. Once the Televisions are added to the load in Castroville, all HOS apply because the non-ag commodity nullifies the exemption.



Blue arrow = no log required.

Green Arrow = Log Book Required.

For more information check out the
FMCSA's Agricultural webpage at:

<https://www.fmcsa.dot.gov/hours-service/elds/agricultural-commodity>