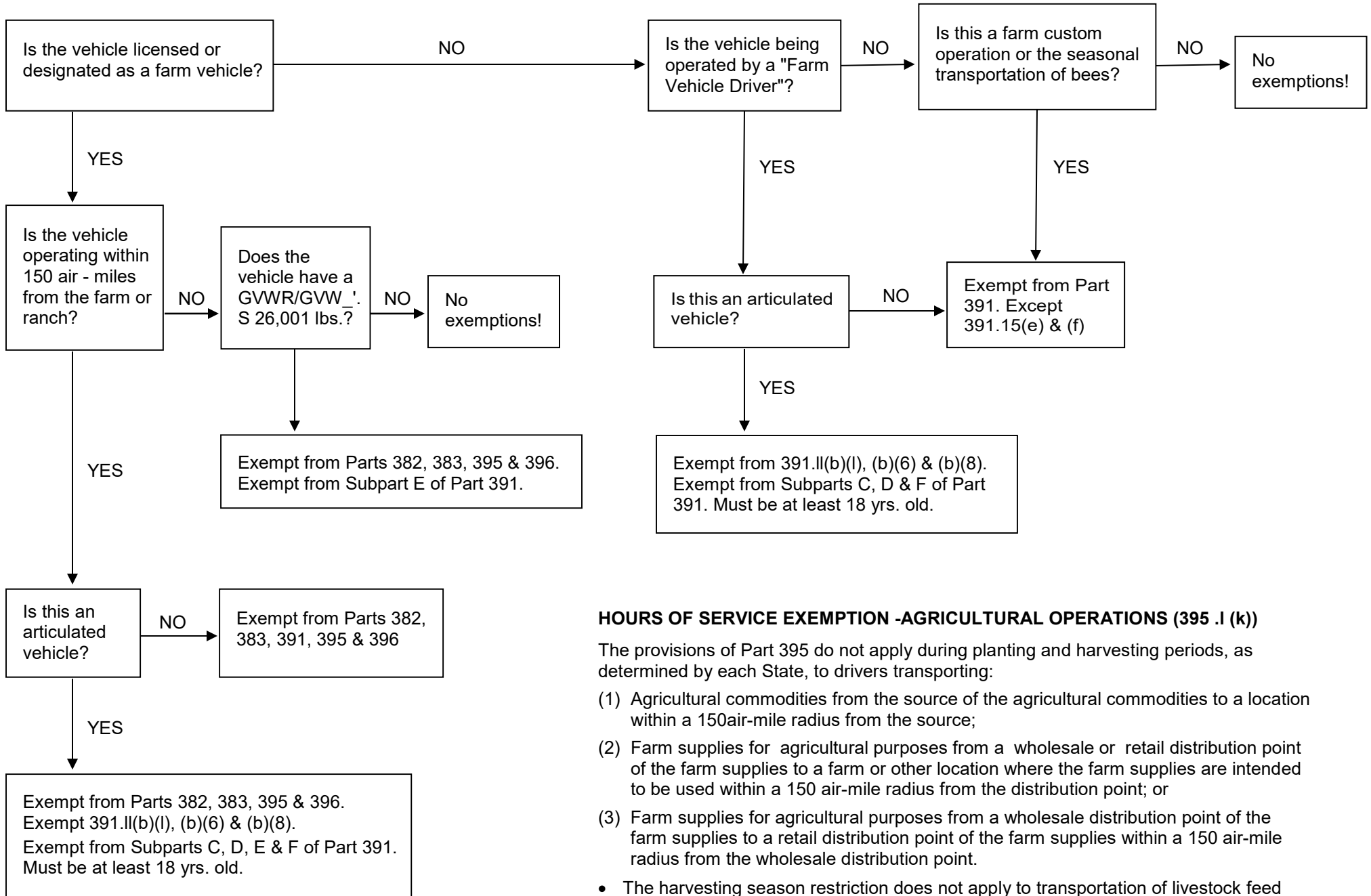


Interstate FMCSR Agricultural Job Aid



HOURS OF SERVICE EXEMPTION -AGRICULTURAL OPERATIONS (395 .I (k))

The provisions of Part 395 do not apply during planting and harvesting periods, as determined by each State, to drivers transporting:

- (1) Agricultural commodities from the source of the agricultural commodities to a location within a 150air-mile radius from the source;
- (2) 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 150 air-mile radius from the distribution point; or
- (3) 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 150 air-mile radius from the wholesale distribution point.

- The harvesting season restriction does not apply to transportation of livestock feed
- May include the transportation of HM in quantities required to be placarded

Interstate FMCSR Agricultural Job Aid

Agricultural Commodity (395.2) – 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).

Covered Farm Vehicle (390.5) – means

- (1) A straight truck or articulated vehicle-
 - (i) Registered in a State with a license plate or other designation issued by the State of registration that allows law enforcement officials to identify it as a farm vehicle;
 - (ii) Operated by the owner or operator of a farm or ranch, or an employee or family member of an owner or operator of a farm or ranch;
 - (iii) Used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch; and
 - (iv) Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of paragraphs (1)(i) through (v) (iii) of this definition by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement.
- (2) Meeting the requirements of paragraphs (1)(i) through (iv) of this definition:
 - (i) With a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less may utilize the exemptions in
 - (ii) § 390.39 anywhere in the United States; or
 - (iii) With a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds may utilize the exemptions in § 390.39 anywhere in the State of registration or across State lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

Farmer (390.5) – means

Any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

- (a) Are owned by that person; or
- (b) Are under the direct control of that person.

Farm Supplies For Agricultural Purposes (395.2) – means

Products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year

Interstate FMCSR Agricultural Job Aid

Farm Vehicle Driver (390.5) – means

A person who drives only a commercial motor vehicle that is-

- (a) Controlled and operated by a farmer as a private motor carrier of property;
- (b) Being used to transport either-
 - 1. Agricultural products, or
 - 2. Farm machinery, farm supplies, or both, to or from a farm;
- (c) Not being used in the operation of a for-hire motor carrier;
- (d) Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded; and
- (e) Being used within 150 air-miles of the farmer's farm.

CDL Exemption for Farmers in 383.(d)(I)

A state may, at its discretion, exempt "operators of a farm vehicle" from the requirements of Part 383. Use of the waiver is limited to the driver's home state unless there is a reciprocity agreement with adjoining states. This exemption is applicable to operators of a farm vehicle which is:

- (i) Controlled and operated by a farmer, including operation by employees or family members;
- (ii) Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- (iii) Not used in the operations of a common or contract motor carrier; and
- (iv) Used within 150 miles of the farmer's farm.

****Drivers/vehicles transporting hazardous materials in a quantity that requires placarding, are not eligible for the Covered Farm Vehicle, Farm Vehicle Driver or CDL exemptions and must comply with all applicable Federal Motor Carrier Safety Regulations.**