Hours of Service Agricultural Commodities

**§395.1 Scope of the rules in this part.**

## Guidance Q&A

***Question 31:*** Does fuel used in the production of agricultural commodities qualify as “farm supplies” under 49 CFR 395.1(k)?

***Guidance:*** Fuel qualifies as a farm supply if (1) it is “for agricultural purposes,” e.g. used in tractors or other equipment that cultivate agricultural commodities or trucks that haul them, but not in automobiles, station wagons, SUVs or other vehicles designed primarily to carry passengers, or for residential heating or cooking; (2) it is transported within the planting and harvesting season, as determined by the State, and within a 100 air–mile radius of the distribution point for fuel; (3) the motor carrier is operating in interstate commerce; and (4) the entire fuel load on the vehicle is to be delivered to one or more farms. A carrier may not use the exemption if any portion of the fuel load is to be delivered to a non-farm customer.