**Hours of Service: Frequently Asked Questions- Non-Business Transportation of Personal Property –ELD, CDL**

## Guidance

**Exemptions to the Federal Motor Carrier Safety Regulations (FMCSR)**

This fact sheet is intended to provide user-friendly information regarding FMCSA regulations. This information does not modify or replace applicable regulations and is not legally binding in its own right. This fact sheet will not be relied upon as a separate basis for enforcement or other penalty and does not affect rights and obligations under existing statutes and regulations.

**Non-Business Related Transportation of Personal Property**

The Federal Motor Carrier Safety Administration (FMCSA) has previously provided guidance regarding an exception to the Federal Motor Carrier Safety Regulations (FMCSRs) for non-business related transportation of personal property, including the transportation of animals and vehicles to shows or other events. To qualify for this exception, there can be no compensation for the transportation, and the driver cannot be engaged in business related to the transportation (e.g., a professional racing operation transporting horses or cars to a race).

In such non-business related transportation of personal property, the FMCSRs do not apply, even if prize or scholarship money is offered. This exception includes the Hours-of-Service (HOS) regulations and requirements for Electronic Logging Devices (ELDs). As previously noted in the Agency’s guidance relating to the transportation of horses, the Commercial Driver’s License (CDL) regulations do not apply to transportation of personal property when the vehicle is used strictly for non-business purposes unless a CDL is required by the driver’s home state.

**How to Determine if a Commercial Motor Vehicle Driver Transporting Personal Property is Required to Use an ELD or Have a CDL**

If a safety official stops a driver transporting animals, vehicles or other personal property, FMCSA recommends that the driver explain that the transportation is non-business related.

FMCSA recommends the driver use the following questions to determine if a CDL, ELD, or paper records of duty status (RODS) are required:

1. Does the vehicle or vehicle combination have a GVWR, GVW, GCWR or GCW (whichever is greater) of 10,001 pounds or more?

If **NO**, then the HOS and CDL regulations **DO NOT** apply.

2. Does the vehicle or vehicle combination have a GVWR, GVW, GCWR or GCW (whichever is greater) of 10,001 pounds or more, but less than 26,001 pounds?

If **YES**, the individual **MAY** need an ELD to complete the RODS. However, a CDL is **NOT** required.

3. Does the vehicle or vehicle combination have a GVWR, GVW, GCWR or GCW (whichever is greater) of 26,001 pounds or more?

If **YES**, the driver **MAY** need an ELD to complete the RODS and a CDL **MAY** be required.

4. Is the vehicle being used for the occasional, recreational transportation of personal property for a non-business purpose, such as taking a personally owned animal, vehicle or other personal property to a show when the underlying business is unrelated?

If **YES**, the HOS regulations **DO NOT** apply. A CDL is **NOT** required unless the licensing state requires it. **Note: Drivers must verify the licensing requirements in their home States.**

Several ELD exceptions may apply, including, but not limited to:

* Drivers who operate a vehicle that requires a CDL within a 100-air mile radius (150-air mile radius for vehicles not requiring CDL) and work no longer than 12 hours each day;
* Vehicles that are older than model year 2000; and
* Drivers who are required to complete RODS only for eight (8) days or fewer in a 30-day period.

Employers and drivers who transport personal property to support an underlying business in a vehicle or combination of vehicles with a GVWR, GVW, GCWR, or GCW of 26,001 pounds or more must comply with the CDL requirements.

However, a State may exempt operators of farm vehicles from its CDL requirements. A farm vehicle waiver is limited to the driver’s home State unless there is a reciprocal agreement with adjoining States.

**Non-Business Related Transportation of Personal Property Frequently Asked Questions**

*49 CFR § 390.3T(f)(3) “Occasional use” exemption*

**Question:** Does the exemption in § 390.3T(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 commercial motor vehicles (CMVs) to transport animals, vehicles or similar items to races, tournaments, shows or similar events, even if prize money is offered at these events?

**Guidance:** Yes. If a person meets this exemption’s requirements, he or she is not subject to the FMCSRs, including ELD requirements. This exception is explained in FMCSA’s regulatory guidance for § 390.3T, question 21.

**Electronic Logging Device (ELD)**

Scenario 1:

**Question:** If a driver transports an animal, vehicle or other personal property in interstate commerce in a vehicle or vehicle combination with a GVWR, GVW, GCWR, or GCW (whichever is greater) of less than 10,001 pounds, is the driver required to use an ELD?

**Guidance:** No. A driver who transports an animal, vehicle or other personal property in interstate commerce in a vehicle or vehicle combination with a GVWR, GVW, GCWR, or GCW (whichever is greater) of less than 10,001 pounds, is not subject to the FMCSRs and therefore not required to use an ELD.

Scenario 2:

**Question:** If a driver transports an animal, vehicle or other personal property only in intrastate commerce is the driver required to use an ELD?

**Guidance:** In general, the FMCSRs do not apply to intrastate commerce. However, States have similar regulations that may vary from Federal regulations and from State to State. A driver in intrastate commerce should check with the State commercial motor vehicle authorities to determine which regulations apply.

Scenario 3:

**Question:** If a driver transports an animal, vehicle or other personal property in interstate commerce in a vehicle or vehicle combination with a GVWR, GVW, GCWR, or GCW (whichever is greater) of 10,001 pounds or more, and the driver does not qualify for the “occasional use” exemption in § 390.3T(f)(3), is the driver required to use an ELD?

**Guidance:** Yes. A driver who transports an animal, vehicle or other personal property in interstate commerce in a vehicle or vehicle combination with a GVWR, GVW, GCWR, or GCW (whichever is greater) of 10,001 pounds or more, and the driver does not qualify for the “occasional use” exemption in § 390.3T(f)(3), must use an ELD unless he or she is subject to an ELD exception.

Scenario 4:

**Question:** If a driver transports an animal, vehicle or other personal property in interstate commerce in a vehicle or vehicle combination with a GVWR, GVW, GCWR, or GCW (whichever is greater) of 10,001 pounds or more, and the driver does qualify for the “occasional use” exemption in § 390.3T(f)(3), is the driver required to use an ELD?

**Guidance:** No. A driver who qualifies for the “occasional use” exemption is not subject to the FMCSRs and is not required to use an ELD.

**Commercial Driver’s License (CDL)**

Note: Drivers must verify the licensing requirements in their home States.

Scenario 1:

**Question:** If a driver transports an animal, vehicle or other personal property in intrastate or interstate commerce in a vehicle or combination vehicle with a GVWR, GVW, GCWR, or GCW (whichever is greater) of less than 26,001 pounds, is the driver required to have a CDL?

**Guidance:** No. A driver who transports an animal, vehicle or other personal property in intrastate or interstate commerce in a vehicle or combination vehicle with a GVWR, GVW, GCWR, or GCW (whichever is greater) of less than 26,001 pounds, is not required to have a CDL.

Scenario 2:

**Question:** If a driver transports an animal, vehicle or other personal property in interstate or intrastate commerce in a vehicle or combination vehicle with a GVWR, GVW, GCWR, or GCW (whichever is greater) of 26,001 pounds or more in interstate or intrastate commerce, is the driver required to have a CDL?

**Guidance:** A driver who transports an animal, vehicle or other personal property in interstate or intrastate commerce in a vehicle or combination vehicle with a GVWR, GVW, GCWR, or GCW (whichever is greater) of 26,001 pounds or more may be required to have a CDL if:

1. The vehicle has a GVWR or GVW of 26,001 pounds or more; or
2. The combination vehicle has a GCWR or GCW of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a GVWR or GVW of more than 10,000 pounds, whichever is greater.

As previously explained in FMCSA’s regulatory guidance for § 383.3, question 6, drivers of vehicles used strictly for non-business purposes do not need a CDL unless the state of licensure requires it.