FMCSA-ELD-395-Q024(2022-03-10)

**Question:** Can a driver select exempt driver status?

**Guidance**: No. A driver cannot change their status to exempt, this account setting must be configured by the motor carrier.

For example, if a driver is transporting an agricultural commodity and is eligible for the agricultural exemption, the driver has three options for recording this time:

1. A driver can operate within the 150-air mile radius without logging into the ELD, and then log into the ELD once the vehicle reaches the 150-air mile radius limit. Driving time within the 150-air mile radius will be identified on the ELD as “unidentified driving” time. The driver will reject the unidentified driving time on the ELD and the motor carrier must annotate the ELD data to explain that the “unidentified driving” time occurred while operating under an agricultural HOS exemption.
2. The driver can log into the ELD when coming on duty and identify the time operating within the 150-air mile radius with an ELD annotation stating that the vehicle was operating under an agricultural HOS exemption.
3. If authorized by the motor carrier, the driver can log into the ELD when coming on duty and identify the time operating within the 150 air-mile radius as authorized personal use (personal conveyance). A driver operating a CMV under the authorized personal conveyance provision must select on the ELD the personal conveyance diving category before the start of the status and deselect when the indicated status ends.

**Contact Info:** FMCSA ELD Information, 1-800-832-5660 or ELD@dot.gov.

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*Note: This guidance document does not have the force and effect of law and is not meant to bind the public in any way.  It is intended only to provide information and clarity regarding existing requirements under the law or agency policies.*

**Regulatory Topic: ELD Guidance**

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