FMCSA-ELD-395-Q042(2022-03-10)

**Question:** Can a Canada/Mexico domiciled motor carrier qualify for the hours of service exemption for agricultural operations in 49 CFR 395.1(k) while delivering an agricultural commodity in the United States (U.S.) if the motor carrier picks up the commodity from a source in the interior of Canada or Mexico that is within a 50 air-mile radius from the U.S. border?

**Guidance**: Yes. In this case, the 150 air-mile radius from the source of the agricultural commodity in Canada/Mexico would extend up to 100 air-miles within the U.S. The driver would therefore qualify for the hours of service exemption for agricultural operations while remaining within the U.S. portion of that 150 air-mile radius, provided the trip occurs during the planting and harvesting periods, as determined by the U.S. State or States.

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