



Electronic Logging Devices

Hours of Service (HOS) and Agricultural Exemptions

Agricultural Exemptions

- 49 CFR §395.1(k) provides exemptions from the HOS rules, during planting and harvesting periods as determined by the State, for the transportation of agricultural commodities (including livestock, bees, horses, fish used for food, and other commodities that meet the definition of “agricultural commodity” under § 395.2) within a 150 air-mile radius from the source of the commodities. The exemption also applies to the transport of farm supplies for agricultural purposes shipped from either a wholesale or retail distribution point to the location the supplies will be used or from a wholesale distribution point to a retailer.
- Motor carriers transporting livestock have been eligible to use the 150 air-mile exemption from the HOS rules at the end of a trip since November 15, 2021. Therefore, the HOS rules are not in effect for livestock haulers between a point 150 air miles from the source of the livestock – typically a sales barn – and a point 150 air miles from the place where the livestock will be delivered. The end-of-trip exemption is found in § 395.1(k)(4) of the Federal Motor Carrier Safety Regulations.
- The HOS regulations do not apply to drivers transporting agricultural commodities operating completely within the 150 air-mile radius of the source of the commodities, this applies to both private and for-hire carriers. Therefore, work and driving hours are not limited and the driver is also not required to use an Electronic Logging Device (ELD) or keep paper logs. In operations where drivers, who solely stay within the 150 air-mile radius use a vehicle equipped with an ELD, a driver may use an “Exempt Driver” account or not log in on the ELD.
- Once a driver operates beyond the 150 air-mile radius, the HOS regulations apply. Therefore, starting at the time and location where the transporter goes past the 150 air-mile radius, the driver must maintain logs using an ELD, unless the driver or the vehicle meets one of the limited ELD exemptions. The driver must work and drive within the limitations of the HOS rules when operating beyond the 150 air-mile radius. Time spent working within the 150 air-mile radius does not count toward the driver’s daily and weekly limits.



ELD Exemptions

Drivers transporting agricultural commodities are not required to use an ELD if:

- The vehicle was manufactured before the model year 2000, provided they prepare paper logs.
- The driver does not operate outside of the 150 air-mile radius for more than 8 days during any 30-day period, provided they prepare paper logs on the days when they are not exempt from the HOS rules.
- Covered farm vehicles, as provided in 49 CFR 390.39 and defined in 49 CFR 390.5T, are exempted from the HOS regulations (see also 49 CFR 395.1(s)). Carriers operating under this exemption are also not required to have an ELD. This applies only to private transportation of agricultural commodities (including livestock, bees, horses, fish used for food, and other commodities that meet the definition of “agricultural commodity” under § 395.2), machinery and supplies, to or from a farm or ranch by the owner or operator of a farm or ranch, or their family members or employees.

Recording the Agriculture Commodity Exemption on the ELD

When operating within the 150 air-mile radius the driver can either identify the movement of the commercial motor vehicle as authorized personal use on the ELD or refrain from logging into the ELD.

- If the driver logs into the ELD and identifies the movement as authorized personal use, then the driver must also make an annotation on the ELD explaining that the movement is exempt per the agriculture exemption. Upon exiting the 150-air mile radius the driver must allow the ELD to record the movement of the vehicle as on duty driving.
- If the driver does not log into the ELD while operating within the 150 air-mile radius then upon exiting the 150 air-mile radius, the driver must then log into the ELD, identify the movement as on duty driving, and make an annotation on the ELD explaining that the unassigned miles accumulated prior to that point were exempt miles. For example, the driver was transporting soybeans within a 150 air-mile radius of the “source” of the soybeans, from the time logging into the ELD at 07:34 a.m. until exiting the 150-mile radius at 10:15 a.m. An identification of the source as well as location of exiting the exempt area in geographical terms would also be of assistance. The driver has the burden of proof to show that he/she was legally authorized to claim the agricultural exemption.



Transferring ELD Data with Agriculture

When a driver is required to use an ELD, the safety official will review ELD data by transferring it to the Electronic Records of Duty Status (eRODS) software using the telematics or local transfer option. If the ELD data cannot be transferred, the safety official will review the data on the ELD display screen or printout. A driver could potentially be cited by a safety official for failure to transfer the data. In accordance with the ELD rule, an ELD is not required to identify driver violations and the driver remains accountable for non-compliance with the HOS rules.