



**U.S. Department
of Transportation**

**Federal Motor Carrier
Safety Administration**

Office of the Administrator

**1200 New Jersey Ave, SE
Washington, DC 20590**

Mr. Collin B. Mooney
Executive Director
Commercial Vehicle Safety Alliance
99 M Street SE, Suite 1025
Washington, DC 20003

Dear Mr. Mooney:

Thank you for your July 11, 2024, letter requesting clarification on the enforcement of the hours-of-service (HOS) regulations for drivers operating under the agricultural operations exemption in 49 CFR 395.1(k).

The Federal Motor Carrier Safety Administration (FMCSA) acknowledges the need for clear and consistent guidance on this matter to ensure uniform enforcement and to prevent confusion among drivers and inspectors alike. We appreciate the important role CVSA plays in enhancing commercial motor vehicle safety.

The agricultural operations exemption in 49 CFR 395.1(k) provides that the regulations in 49 CFR part 395 do not apply during planting and harvesting periods, as determined by each State, to drivers transporting agricultural commodities (and farm supplies for agricultural purposes) from the source of the commodities to a location within a 150 air-mile radius from the source. FMCSA has previously published guidance to ensure consistent understanding and application of the exemption by stakeholders, including regulatory guidance: (83 FR 26374 (June 7, 2018)) and also available at <https://www.fmcsa.dot.gov/regulations/hours-service/hours-service-drivers-commercial-motor-vehicles-regulatory-guidance-0> and factsheets on FMCSA's website (<https://www.fmcsa.dot.gov/hours-service/elds/agriculture-exemption-diagrams>; <https://www.fmcsa.dot.gov/hours-service/elds/eld-hours-service-hos-and-agriculture-exemptions>).

Your letter describes a hypothetical example in which a driver is inspected while operating under the agricultural operations exemption in 49 CFR 395.1(k). The driver voluntarily provides a record of duty status (RODS) to the inspector, at which time the inspector discovers an HOS violation on a previous day when the driver was not operating under the exemption.

As FMCSA's regulatory guidance notes, once the driver operates beyond the 150 air-mile radius of the source, 49 CFR part 395 applies (Question 35, 83 FR 26374). A driver operating under the exemption is not required to provide RODS during an inspection. If the driver voluntarily provides RODS during the inspection, the inspector may document HOS violations that occurred

while the driver was operating outside of the exemption. However, in CVSA's hypothetical example, the inspector cannot place the driver out of service for those HOS violations because the driver is not subject to 49 CFR part 395 at the time of the inspection.

Should you have further questions or concerns, please contact La Tonya Mimms, Chief, Driver and Carrier Operations, at latonya.mimms@dot.gov or (202) 366-9220.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent G. White", with a long horizontal flourish extending to the right.

Vincent G. White
Deputy Administrator