



FMCSA Expands Hours of Service Exemptions for Farmers

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Foster Swift Agricultural Law Update

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The Federal Motor Carrier Safety Administration ("FMCSA") promulgates regulatory exemptions for the "transportation of agricultural commodities and farm supplies" and for "covered farm vehicles" and their drivers. Effective March 14, 2013, the FMCSA adopted a rule that expands an hours-of-service (HOS) exemption that has been in effect since 1995 for farm-related operations during the planting and harvesting season. Under the new rule, drivers transporting agricultural commodities within a 150 air-mile radius of the farm or source of the commodities are exempt from the HOS rules. Drivers were previously exempt for up to a 100 air-mile radius. Drivers of a covered farm vehicle are defined as farmers, their family members, and employees. Also exempt are retailers delivering farm supplies for agricultural purposes within a 150 (instead of 100) air-mile radius of their distribution point to a farm or other place where the supplies will be used, and wholesalers delivering farm supplies within the same radius to a retailer, farm, or place where they will be used.

Under the new rule, commercial farm vehicles and their drivers also are exempt from:

1. the requirement to obtain a commercial driver's license;
2. certain drug and alcohol testing regulations;
3. medical qualification requirements;
4. hours of service limits;
5. and vehicle inspection, repair and maintenance rules.

States must adopt compatible regulations as soon as practicable after the effective date of any newly adopted FMCSA regulation, but no later than 3 years after that date. If a State fails to adopt a compatible regulation within three years, the State will be ineligible to receive certain Federal-aid highway funds.

If you have questions about the FMCSA's new rule, please contact Dirk Beckwith at 248-539-9918.

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