



Governor C.L. "Butch" Otter
Lt. Governor Brad Little



Your Safety • Your Mobility
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Date: October 25, 2018

Subject: State of Idaho ELD exemption enforcement

The State of Idaho recognizes Hours of Service (HOS) and Electronic Logging Device (ELD) exemptions for the transportation of agricultural goods published by the Federal Motor Carrier Safety Administration (FMCSA). Many in the regulated community have found HOS and ELD rules to be confusing. This memorandum is intended to provide clarity to the regulated community about the State of Idaho's implementation of the current HOS and ELD exemptions for agricultural shipping within Idaho.

We encourage drivers, company owners and shippers to be advised of several exemptions in place for agricultural shipments.

Commercial carriers transporting agricultural commodities or farm supplies for agricultural purposes

The State of Idaho recognizes that a federal agricultural exemption¹ from **all hours of service regulations** is in place for commercial drivers who are:

- transporting agricultural commodities,² or farm supplies for agricultural purposes, and
- within a 150 air-miles radius (172.6 statute mile radius)³ of the source, and
- during a state's declared planting season, which is year-round in Idaho.⁴

For example, an unladen truck going to load at an onion shed in Parma would not count drive time within a 150 air-mile radius of the shed's location including drive time within the radius as well as loading and waiting times, as long as the agricultural product is not processed before transportation.

Work and driving hours within the 150 air-mile radius are not limited and the driver is also not required to use an ELD or keep paper logs.

¹ FMCSA rules under the Moving Ahead for Progress in the 21st Century Act (MAP-21).

² Agricultural commodity means any agricultural commodity, non-processed food, feed, fiber, or livestock. [49 CFR 395.2](#) and [I.C. 67-2901B\(2\)\(h\)](#).

³ [49 CFR 395.1 \(k\)\(1\)](#)

⁴ [I.C. 49-674](#)

Farmers transporting agricultural commodities or farm supplies for agricultural purposes

Farmers, ranchers, their employees and family members transporting agricultural commodities, supplies or machinery to or from the farm or ranch fall into two exemption categories:

1. Farm vehicles weighing 26,001 lbs. or more are exempt from HOS regulations if the vehicle is operated in Idaho as well as 150 air-miles from the farm or ranch (outside of Idaho).
2. Covered farm vehicles weighing 26,000 pounds or less are exempt throughout the entire U.S.

Carriers operating under this exemption are also not required to have an ELD.

ELD exemptions

Transporters of livestock and insects **are not required to have an ELD**. The statutory exemption was extended through December 7, 2018, by a federal continuing resolution.

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

- The vehicle was manufactured before the model year 2000 (paper logs must be prepared), or
- The driver does not operate outside of the 150 air-mile radius for more than 8 days during any 30-day period (paper logs must be prepared on the days when they are not exempt from the HOS rules).

Once a driver operates beyond the 150 air-mile radius, HOS regulations apply.

Exemption description based on load type (see attached charts)

Unladen to source: Chart 1

Starting at source, going to market: Chart 2

Returning empty from delivery: Chart 3

New trip without returning to source: Chart 4

Multiple sources: Chart 5

The FMCSA “recognizes that some enforcement personnel and other stakeholders have interpreted the agricultural commodity exception as inapplicable to any portion of a trip if the destination exceeds 150 air-miles from the source.” The FMCSA has given guidance that interpretation is incorrect. The first 150 air-miles from the source are exempt no matter how many miles are traveled outside the 150 air-mile radius.

MAP-21 agricultural HOS provisions for commodities and supplies have been codified in 49 CFR 395.1(k). Although FMCSA has not yet published regulatory guidance concerning farm supplies (i.e. fertilizer, etc.), FMCSA has given guidance that the same exemptions would apply to farm supplies and the first 150 air-miles of the trip would be exempt, even if the destination is outside that radius.

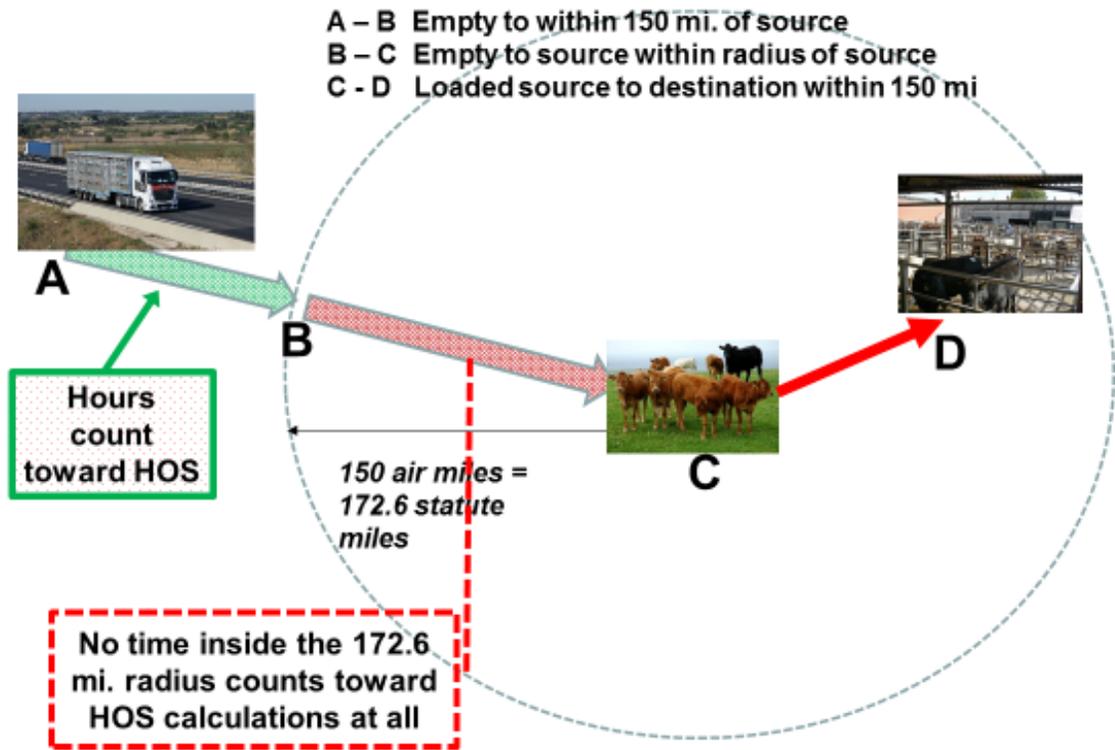
Many commercial drivers are not utilizing agricultural exemptions due to concern for incorrect interpretation of the law. Drivers and shippers are encouraged to keep this memorandum available in their offices and the cabs of trucks.

State of Idaho Agency Contacts

| | | |
|----------------------------------|----------------|------------------------------|
| Idaho State Police | (208) 884-7220 | scott.hanson@isp.idaho.gov |
| Idaho Transportation Department | (208) 334-8292 | craig.roberts@itd.idaho.gov |
| Idaho State Dept. of Agriculture | (208) 332-8500 | chanel.tewalt@isda.idaho.gov |
| Idaho Dept. of Commerce | (208) 334-2470 | info@commerce.idaho.gov |

Chart 1

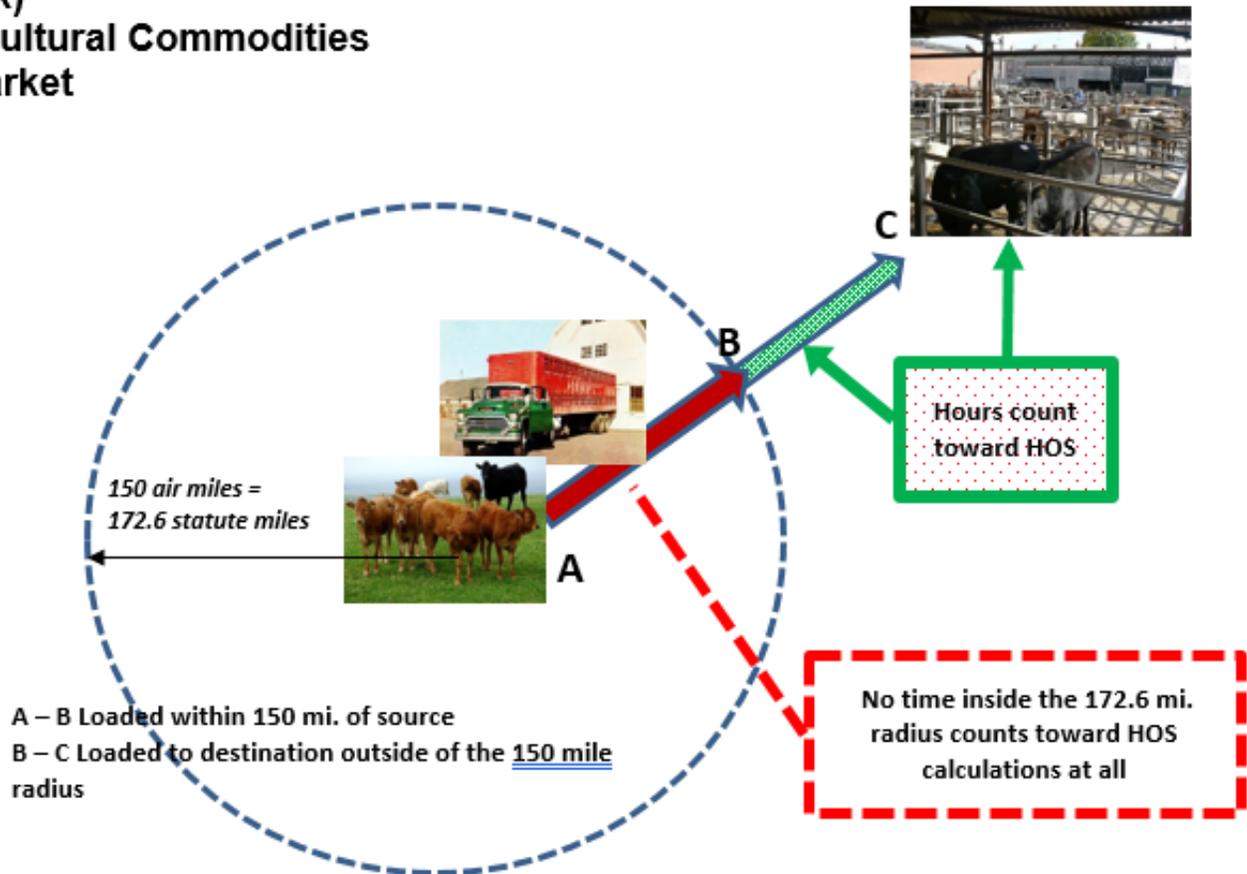
395.1(k): En route empty to source



The letter “A” represents the start of trip.
The letter “B” represents the 150 air-mile radius boundary from the source.
The letter “C” represents the location of the source of the commodity.
The letter “D” represents the destination of the commodity.

Chart 2

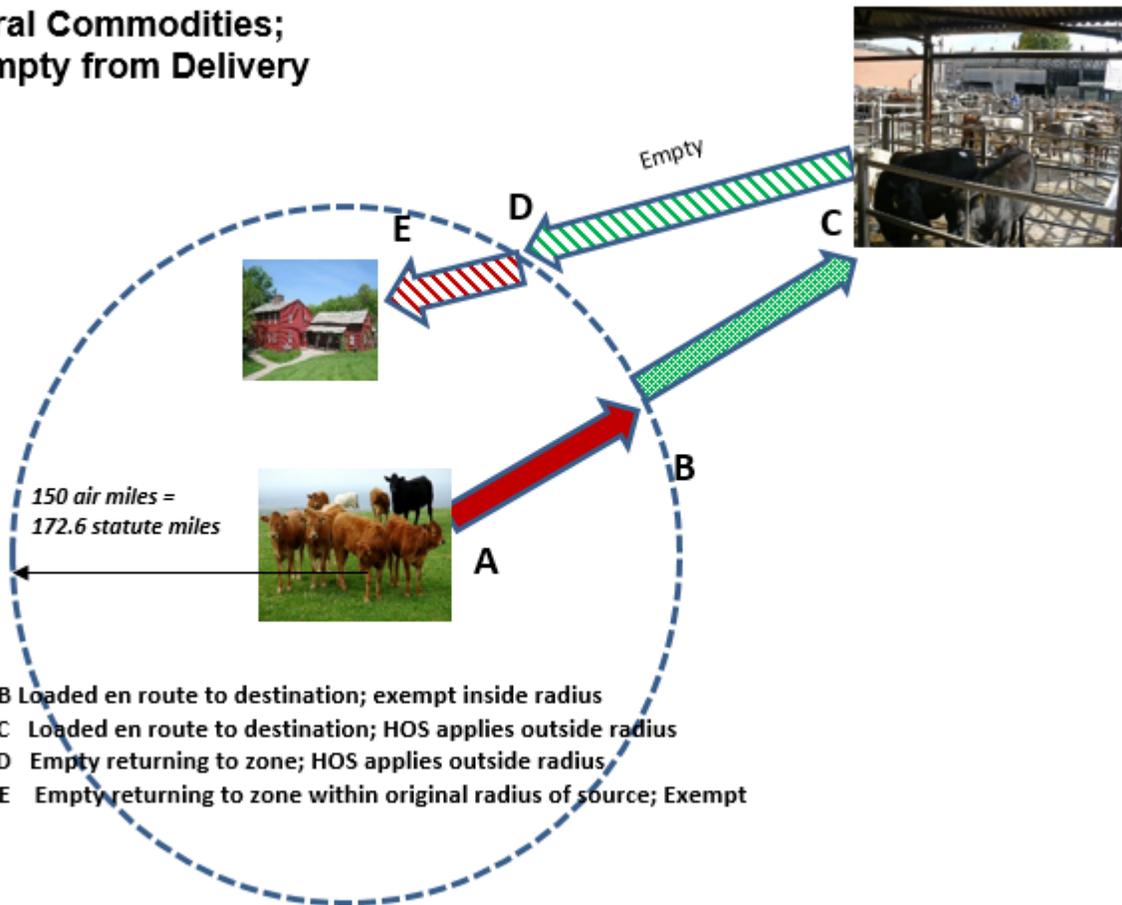
395.1(k) Agricultural Commodities to Market



The letter “A” represents the source of the commodity.
The letter “B” represents the 150-air mile radius boundary.
The letter “C” represents the destination of the commodity.

Chart 3

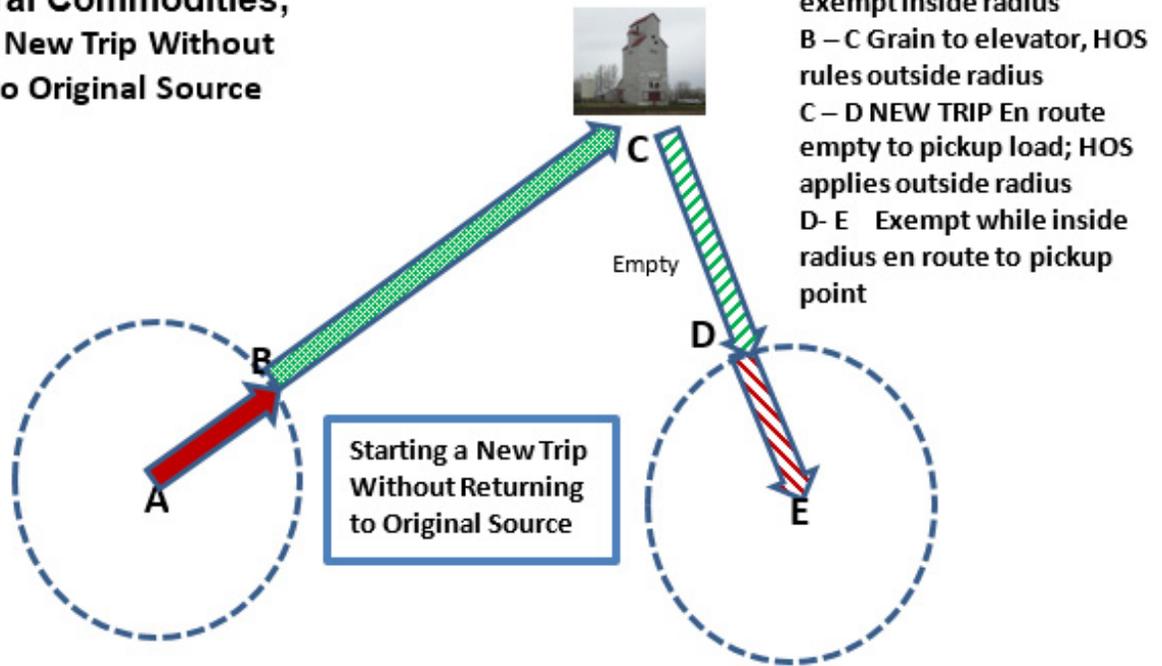
395.1(k) Agricultural Commodities; Return Empty from Delivery



The letter “A” represents the source of the commodity.
The letter “B” represents the 150 air mile radius boundary.
The letter “C” represents the destination of the commodity.
The letter “D” represents the 150 air mile radius boundary.
The letter “E” represents the source of the commodity.

Chart 4

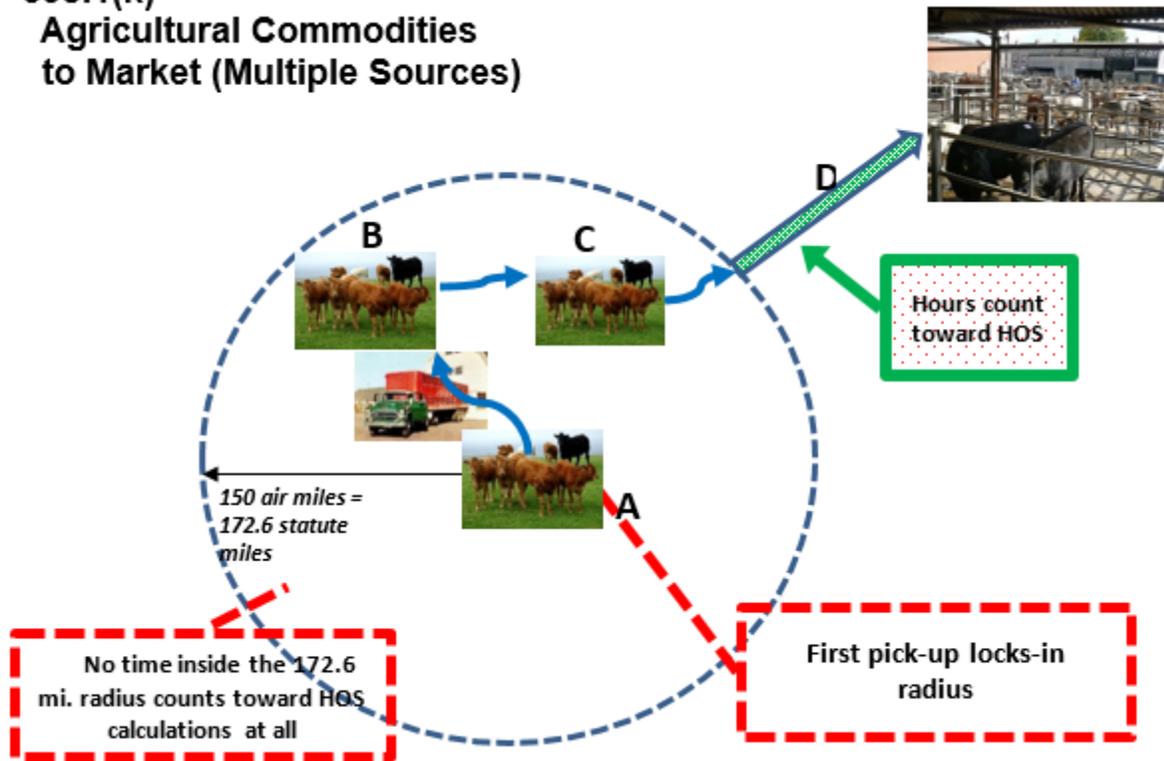
395.1(k) Agricultural Commodities; Starting a New Trip Without Returning to Original Source



The letter “A” represents the location of the source of the commodity.
The letter “B” represents the 150 air-mile radius boundary.
The letter “C” represents the destination of the commodity, and the beginning of a new trip.
The letter “D” represents the boundary of location of the new source of the commodity.
The letter “E” represents the location of the new source of the commodity.

Chart 5

395.1(k) Agricultural Commodities to Market (Multiple Sources)



The letter “A” represents the first location of the source of the commodity.
The letter “B” represents the second location of the source of the commodity.
The letter “C” represents the third location of the source of the commodity.
The letter “D” represents the destination for the entire load.

Charts from FMCSA updated on June 19, 2018.