



# **Summary of Agricultural Exemptions in Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)**



# Summary of the Statutory Provisions

- Section 32101(d) – “Transportation of Agricultural Commodities and Farm Supplies”
- Section 32934 – “Exemptions from Requirements for Covered Farm Vehicles”
- Both provisions are self-executing and take effect on October 1, 2012.

## Section 32101(d)

The HOS requirements shall not apply during planting and harvest periods, as determined by the States to:

- Drivers transporting agricultural commodities within 150 air miles from the source;

*Note: the previous National Highway System Designation Act of 1995 (NHS Act) agriculture exemption from the HOS rules only provided for 100 air miles.*

## Section 32101(d) (*Continued*)

And, the HOS requirements shall not apply during planting and harvest periods, as determined by the States to:

- Drivers transporting farm supplies from a wholesale or retail distribution point to the location where the supplies are intended to be used, within a 150 air-mile radius from the distribution point.
- Drivers transporting farm supplies from a wholesale distribution point to a retail distribution point, within a 150 air-mile radius from the wholesale distribution point.

# Movement of Farm Supplies

## Wholesale Distribution Point

- Retail Distribution Point
- Farm (or other location where the supplies are intended to be used)
- Within 150 air miles

## Retail Distribution Point

- Farm (or other location where the supplies are intended to be used)
- Within 150 air miles

# Section 32934

Section 32934, provides a statutory exemption from most of the FMCSRs for *covered farm vehicles*:

- 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties
- 49 CFR Part 382: Controlled Substances and Alcohol Use and Testing
- 49 CFR Part 391, Subpart E: Physical Qualifications and Examinations
- 49 CFR Part 395: Hours of Service
- 49 CFR Part 396: Inspection, Repair and Maintenance

# Covered Farm Vehicle

- Several criteria are listed in the statute, including identification/designation by the State in which the vehicle is registered.
- However, the statute explicitly excludes vehicles transporting hazardous materials in a quantity requiring placards.

# Covered Farm Vehicle Criteria

Must be equipped with a special license plate or other designation by the State in which it is register to allow for identification.



Must be operated by a farm or ranch owner or operator (includes employees and family members).



Used to transport agricultural commodities, livestock, or machinery or supplies to a farm or ranch.



# Covered Farm Vehicle: Operating Area

26,001  
pounds or less

- Motor carriers may use the exemption anywhere they are operating in the U.S

Greater than  
26,001  
pounds

- Motor carriers may use the exemption anywhere within the State in which the vehicle is registered, or
- Motor carriers may use the exemption anywhere within a 150 air-mile radius of the farm or ranch.



# **Impact of the MAP-21 Provisions on FMCSA Regulations**

- FMCSA will issue a notice alerting the enforcement and industry communities about the MAP-21 provisions.
- The Agency will issue a final rule, at a later date to amend the FMCSRs
- FMCSA will also withdraw regulatory guidance that is inconsistent with the MAP-21 language.

# Are the States required to make changes to their safety regulations?

- Yes, but not until after FMCSA amends the FMCSRs.
- However, FMCSA requests that States immediately take action to put into place policies and procedures to provide the regulatory relief provided by MAP-21.
- After FMCSA changes its regulations, the effective date of the rule would begin the 3-year period during which the States must adopt compatible regulations to remain eligible for MCSAP funding.

A vertical banner on the left side of the slide features a close-up of the American flag's red and white stripes at the top, transitioning into a dark blue field with white stars. At the bottom of the banner is a grayscale image of a truck. The text 'Federal Motor Carrier Safety Administration' is written vertically in white along the left edge of the banner.

# Conclusion: Effective October 1, 2012

- Section 32101(d) – covers HOS relief for the movement of agricultural commodities and farm supplies within 150 air-mile radius of the source of the commodity, or wholesale and retail distribution points for the supplies.
- Section 32934 – covers relief from most of the FMCSRs for “covered farm vehicles.”