




Farm, Ranch, and Agricultural Transportation Exemption Reference Guide

The Federal Motor Carrier Safety Administration (FMCSA) has announced a temporary waiver from the Electronic Logging Device (ELD) rule for certain agriculture-related transportation through September 30, 2018. Further guidance will be provided as we near the September 30, 2018 expiration for the existing waiver. Additionally, during this time period, FMCSA will publish final guidance on both the agricultural exemption and personal conveyance. FMCSA and the Wyoming Highway Patrol will continue our outreach to provide assistance to the agricultural industry and community regarding the ELD rule.

Step 1 – Occasional Personal Use?	Federal Requirements
<p>Section 390.3(f)(3) provides an exception for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise. This includes individuals who occasionally use Commercial Motor Vehicles (CMVs) to transport horses to races, tournaments, shows or similar events, even if prize money or scholarships are offered. For more information on the transportation of horses to shows, rodeos, etc., please click Horse Q&A</p> <p>If this exception applies:</p> <p> <i>The transportation is not subject to the Federal Motor Carrier Safety Regulations. However, please beware that states may have more stringent regulations of their own.</i> </p> <p>If this exemption does not apply:</p> <p> <i>Proceed to Step 2. (See next page.)</i></p>	



This symbol denotes Wyoming state exemptions and requirements listed on pages 5 through 8 of this document.

Step 2 – Covered Farm Vehicle?

Federal Requirements

A Covered Farm Vehicle (CFV)

1. Is a straight truck or articulated vehicle;
2. Is operated by an owner or operator of a farm or ranch, or by a family member or employee of the owner or operator;
3. Transports agricultural commodities, livestock, machinery or supplies to or from a farm or ranch;
4. Has a license plate or some other means specified by the state that identifies it as a farm vehicle;
5. Is not used in for-hire motor carrier operations (but for-hire operations do not include use of a vehicle owned and operated by a tenant farmer to transport the landlord's portion of the crops under a crop-share agreement); and
6. Is not transporting hazardous materials that require placarding and either of the following:
 - a. Has a Gross Vehicle Weight (GVW) or Gross Vehicle Weight Rating (GVWR), whichever is greater, of 26,001 or less*, in which case the CFV exemptions in § 390.39 apply anywhere in the United States.
 - b. Has a GVW or GVWR, whichever is greater, of more than 26,001 pounds* and travels within the state where it is registered or, if traveling out of the state where it is registered, stays within 150 air miles of the owner or operator's farm or ranch.

*Please note that these limits are different than the definitions for commercial motor vehicles found in § 383.5 or in § 390.5.

If you meet all of the criteria this exception applies:



The transportation is not subject to Sections 382, 383, 395, 396, and Subpart E of Section 391 of the Federal Motor Carrier Safety Regulations. However, please be aware that state regulations vary and may have additional requirements.

If this exemption does not apply:



Proceed to Step 3. (See next page.)



Step 3 - Miscellaneous Agricultural Exceptions and Exemptions **Federal Requirements**


Section 383

Farm Waiver

A farm waiver for operators of a farm vehicle is available in some states when that vehicle is:


1. Controlled and operated by a farmer, including operation by employees or family members,
2. Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm,
3. Not used in the operations of a for-hire motor carrier, except for an exempt motor carrier as defined in § 390.5 of this subchapter, and
4. Used within 241 kilometers (150 miles*) of the farmer's farm.

*Note that this is actual miles traveled, not air miles.

If this exception applies: A state may waive the requirements of section 383; however, this waiver is limited to the driver's home state, unless there is a reciprocity agreement with adjoining states. Contact your state driver's license office for additional information. 

Restricted Commercial Drivers License (CDL) for Certain Drivers in Farm-Related Service Industries

A state may waive the required knowledge and skills tests of Subpart H of this section and issue restricted CDLs to employees of these designated farm-related service industries:

- Agrichemical businesses 
- Custom harvesters
- Farm retail outlets and suppliers
- Livestock feeders

If this exception applies: Refer to § 383.3(f) for additional information and contact your State driver's license office to determine if this type waiver is offered.

Section 391

Farm Custom Operations

Certain exceptions from section 391 are available to a person who drives a Commercial Motor Vehicle (CMV) engaged in custom-harvesting operations, if the CMV is used to:

1. Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or
2. Transport custom-harvested crops to storage or market.

If this exception applies: section 391 does not apply, except for § 391.15(e) and (f). These sections discuss the disqualifications for texting while driving a CMV and using a hand-held device.

Apiarian Industries (Bees)

This exception applies to drivers who operate CMVs controlled and operated by beekeepers engaged in the seasonal transportation of bees.

If this exception applies: section 391 does not apply, except for § 391.15(e) and (f). These sections discuss the disqualifications for texting while driving a CMV and using a hand-held device.

Certain Farm Vehicle Drivers (does not apply to combination vehicles)

A farm vehicle driver means a person who drives only a CMV that is:

1. Controlled and operated by a farmer as a private motor carrier of property;
2. Being used to transport either agricultural products or farm machinery, farm supplies, or both, to or from a farm;
3. Not being used in the operation of a for-hire motor carrier;
4. Not carrying hazardous materials of a type or quantity that requires the CMV to be placarded; and
5. Being used within 150 air miles of the farmer's farm.


If this exception applies: section 391 does not apply, except for § 391.15(e) and (f). These sections discuss the disqualifications for texting while driving a CMV and using a hand-held device.



Step 3 - Miscellaneous Agricultural Exceptions and Exemptions **Federal Requirements (continued)**

Section 391 Continued	<p><u>Farm Vehicle Drivers of Articulated Commercial Motor Vehicles (Combination Vehicles)</u></p> <p>A farm vehicle driver means a person who drives a CMV that is:</p> <ol style="list-style-type: none"> 1. Controlled and operated by a farmer as a private motor carrier of property; 2. Being used to transport either agricultural products or farm machinery, farm supplies, or both, to or from a farm; 3. Not being used in the operation of a for-hire motor carrier; 4. Not carrying hazardous materials of a type or quantity that requires the CMV to be placarded; and 5. Being used within 150 air miles of the farmer's farm. <p>If this exception applies: The following rules do not apply to a farm vehicle driver who is 18 years of age or older and who drives an Articulated Commercial Motor Vehicle:</p> <ul style="list-style-type: none"> • section 391.11(b)(1), (b)(6) and (b)(8) (relating to general qualifications of drivers); • Subpart C (relating to disclosure of, investigation into, and inquiries about the background, character, and driving record of drivers); • Subpart D (relating to road tests); and • Subpart F (relating to maintenance of files and records).
Section 395	<p><u>Agricultural Operations</u></p> <p>This exception applies to drivers transporting:</p> <ol style="list-style-type: none"> 1. Agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source; 2. Farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or 3. Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point. <p>If this exception applies: section 395 is not applicable during planting and harvesting periods, as determined by each state.</p> <p><u>Transportation of Commercial Bees</u></p> <p>If this exception applies: The provisions requiring a 30-minute rest break does not apply to a driver engaged in the interstate transportation of bees by CMV as long as the bees are secured in the vehicle.</p> <p><u>Transportation of Livestock</u></p> <p>If this exception applies: The provision requiring a 30-minute rest break does not apply to a driver engaged in the interstate transportation of livestock by CMV while livestock are on the vehicle.</p> <p><i>(Step 4 on next page.)</i></p>



Step 4 – General Rules and Exemptions		Federal Requirements
FMCSR	<p>If you have determined one or more agricultural exemptions apply, further review of the Federal Motor Carrier Safety Regulations is necessary for any general exemptions that may pertain to the driver and/or motor carrier’s operation. For example, if the driver or motor carrier was determined to be subject to section 395 (Agricultural Operations), you would determine if any of the following exceptions apply:</p> <ul style="list-style-type: none"> • Short-haul operations; • State of Alaska or Hawaii exceptions; • Electronic Logging Device (ELD) exception; and/or • Wyoming exemptions and requirements.  	

 Wyoming State Requirements 

Step 1 The Wyoming Highway Patrol follows the guidance in the Federal Motor Carrier Safety Regulations regarding this exemption. No further action is required.

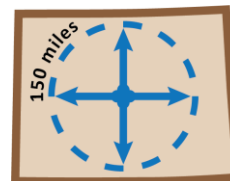
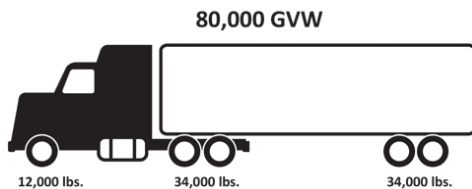
Step 2 The Wyoming Highway Patrol follows the provisions and exemptions in federal statutes as they apply to agricultural operations. For example, Covered Farm Vehicle operations are exempt from Controlled Substance and Alcohol Use and Testing (section 382), CDL Requirements (section 383), Driver Medical Qualifications (Subpart E of section 391), Hours of Service (section 395), and Vehicle Inspections (section 396), for short trips of less than 150 air mile radius. No further action is required.

Step 3 Wyoming complies with the “Farm CDL” portion of federal regulations as outlined here:

- The following requirements are based on trips involving the furtherance of agricultural operations when the vehicle owner is transporting their own property.

INTRASTATE– Within the State of Wyoming

A. Any vehicle or Combination Vehicle with a GVW or a registered GVW of 80,000 or more pounds and operating **less than a 150 air mile radius** from domicile:

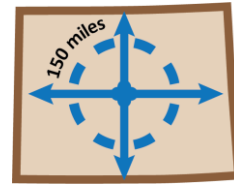
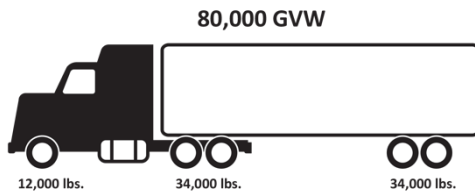


1. Minimum Driver Age of 18
2. Valid Class “C” Driver’s License
3. Medical Certificate - Only if Combination Vehicle
4. Drug and Alcohol Testing Program (If Driver is required to have a CDL). A driver is required to have a CDL if the vehicle owner/lessee is being paid for the trip, or if the driver is hauling hazardous materials.
5. Name, City, State, and USDOT Number Displayed
As of July 1, 2018, display of the Name, City, and State is no longer required.
6. Wyoming Operating Authority
As of July 1, 2018, Wyoming Operating Authority is no longer required.



This symbol denotes Wyoming state exemptions and requirements listed on pages 5 through 8 of this document.

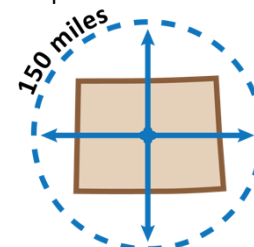
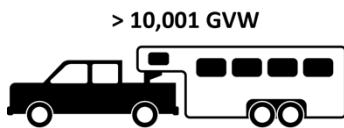
- B. Any vehicle or Combination Vehicle with a GVW or a registered GVW of 80,000 or more pounds and operating **more than a 150 air mile radius** from domicile:



1. Minimum Driver Age of 18
2. Valid Class "C" Driver's License
3. Medical Certificate
4. Drug and Alcohol Testing Program (If Driver is Required to have a CDL). A driver is required to have a CDL if the vehicle owner/lessee is being paid for the trip, or if the driver is hauling hazardous materials.
5. Log Book
6. Driver Qualification Files (If Driver is Required to have a CDL). A driver is required to have a CDL if the vehicle owner/lessee is being paid for the trip, or if the driver is hauling hazardous materials.
7. Vehicle Annual Inspection
8. Name, City, State, and USDOT Number Displayed
As of July 1, 2018, display of the Name, City, and State is no longer required.
9. Wyoming Operating Authority
As of July 1, 2018, Wyoming Operating Authority is no longer required.

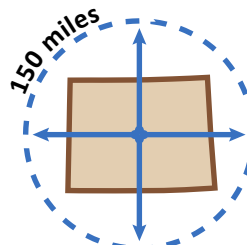
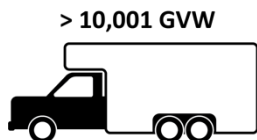
INTERSTATE – Crossing a State Line but Operating Within 150 Air Miles from Domicile:

- A. Combination Vehicle with a GCWR or actual weight of 10,001 or more pounds:



1. Minimum Age of 21
2. Valid Class "C" Driver's license
3. Medical Certificate
4. Drug and Alcohol Testing Program (If Driver is required to have a CDL). A driver is required to have a CDL if the vehicle owner/lessee is being paid for the trip, or if the driver is hauling hazardous materials.
5. Vehicle Annual Inspection
6. Log Book- if more than a 100 air mile radius from domicile
7. Name, City, State, and USDOT Number Displayed

- B. Single vehicle with a GVWR or actual of 10,001 or more pounds:

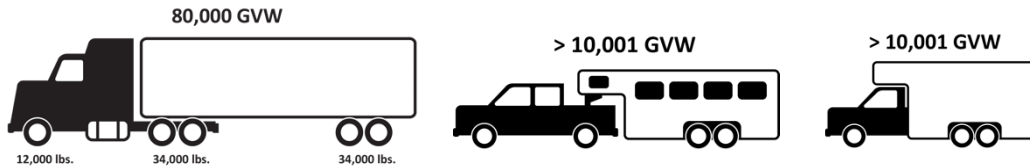


1. Minimum Age of 21
2. Valid Class "C" Driver's license
3. Drug and Alcohol Testing Program (If Driver is required to have a CDL). A driver is required to have a CDL if the vehicle owner/lessee is being paid for the trip, or if the driver is hauling hazardous materials.
4. Vehicle Annual Inspection
5. Log Book - if more than a 100 air mile radius from domicile
6. Name, City, State, and USDOT Number Displayed

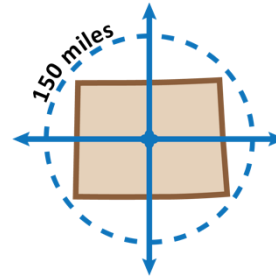


INTERSTATE – Crossing a State Line and More than 150 Air Miles from Domicile:

- A. Any vehicle or Combination Vehicle with a GVWR, GCWR or actual weight of 10,001 or more pounds:



1. Minimum Age of 21
2. Proper Class of CDL*
3. Medical Certificate
4. Name, City, State, and USDOT Number Displayed
5. Vehicle Annual Inspection
6. Log Book
7. All Driver Qualification Requirements of Section 391
8. Drug and Alcohol Testing



* If you occasionally use vehicles to transport horses to races, tournaments, shows or similar events, even if prize money or scholarships are offered, you will not be required to have a CDL. Please see the FMCSA guidance and [Horse Q&A](#) referenced at this link.

Step 4

If a driver or motor carrier in Wyoming is determined to be subject to section 395 (Agricultural Operations), they would still qualify for the short haul exemption, as well as any other exemptions provided by FMCSA for the type of operation they are involved in.



Wyoming State General Exemptions



In agriculture operations, Wyoming farmers and ranchers may move implements and produce of husbandry (water tanks, buildings, sheds, etc.) that exceed the maximum legal width or height without purchasing an oversize permit. Oversize loads that are not implements or produce of husbandry will require the purchase of an oversize permit prior to traveling on state highways.

Section 31-18-103 exempts qualified farm and ranch vehicles weighing <80,000 pounds from obtaining a Wyoming Operating Authority, contract carrier vehicle and cargo insurance coverage requirements, stopping at Wyoming Ports of Entry, commercial vehicle inspections, and display of their company name on vehicles. Please be aware this only applies to trips made within Wyoming. If you travel outside Wyoming, you will have to comply with applicable federal and state laws. **As of July 1, 2018, the 80,000-pound limit will be removed from these exceptions and all farm and ranch vehicles will be exempt.**

Section 31-18-804 describes weight relief permits (Class “F” permits) which exempt Wyoming farm and ranch operations loading in the field, from certain statutory requirements (5,000 lbs. on gross weight and 10% on axle weights).



**Wyoming State General Requirements**

Oversize/overweight agricultural vehicles must comply with the safety equipment requirements promulgated in rules by the Wyoming Department of Transportation (WYDOT). This information can be found in WYDOT Rules and Regulations, Chapter 5, Section 21. These trips may be made only during daylight hours (one-half hour before sunrise to one-half hour after sunset).

If the weight of the vehicle doesn't comply with state statute, an overweight permit must be purchased before traveling. Further, a USDOT number must be displayed, as required in 49 CFR 392.9a.

Any commercial vehicle must have a valid International Fuel Tax Agreement (IFTA) license or purchase a temporary fuel permit. Intrastate travel (inside of the state only) does not require a fuel permit.

**Wyoming Highway Patrol Contact Information*****Please contact us with any questions.***

Captain Scot Montgomery	307-777-4312
Lieutenant Dan Wyrick	307-777-4872
Website	http://www.whp.dot.state.wy.us
WYDOT Operating Authority	307-777-4850
WYDOT International Registration Program (IRP)	307-777-4829
WYDOT International Fuel Tax Agreement (IFTA)	307-777-4827
WYDOT Motor Vehicle Services	307-777-4714
WYDOT Driver's License	307-777-4800
USDOT – Federal Motor Carrier Safety Administration	307-772-2305
Wyoming Trucking Association	307-234-1579

**Links to Federal Regulations, State Statutes and
WYDOT Rules and Regulations Referenced in This Document**

[Title 49 of the Code of Federal Regulations](#)**[Wyoming State Statutes](#)****[Wyoming Department of Transportation Rules and Regulations](#)**