

Electronic Logging Devices and Federal Motor Carrier Safety Administration Regulations:

Impacts on 4-H, FFA, Rodeo, and Other “Not-For-Hire” Hauling Activities

Craig Gifford and Marcy Ward¹

aces.nmsu.edu/pubs • Cooperative Extension Service • Circular 689

The College of
Agricultural,
Consumer and
Environmental
Sciences is an
engine for economic
and community
development in New
Mexico, improving
the lives of New
Mexicans through
academic, research,
and extension
programs.



All About Discovery![™]
New Mexico State University
aces.nmsu.edu



© Boeckmann_horseexperts | Wikimedia Commons

DOES IT MATTER TO YOU?

Do you haul horses, show animals, or other animals across state lines for competitions? Do you cross state lines to purchase or sell anything business-related? Do you drive across state lines and participate in activities in which you have an opportunity to win money? If you answered yes to ANY of these, then the existing Federal Motor Carrier Safety Administration (FMCSA) regulations likely apply to you. These regulations include:

- Obtaining and displaying a Department of Transportation (DOT) number on your vehicle,
- Using a log book or electronic logging device (ELD) to log your driving and non-driving hours, and
- Obtaining a commercial driver's license (CDL).

This article is mainly focused on describing requirements for people who typically are not professional for-profit carriers, but who may be transporting livestock, equipment, or other items as part of their commercial operation, and who have a gross vehicle weight rating (GVWR) of 10,001 lb or more.

COMMON MISCONCEPTIONS

- Requirements for DOT numbers, ELD mandate, and CDL are all the same.
- Placing “Not-For-Hire” on a vehicle exempts that vehicle from FMCSA regulations.

¹Respectively, Extension Beef Cattle Specialist and Extension Livestock Specialist, Department of Extension Animal Sciences and Natural Resources, New Mexico State University.

- Private agriculture-related activities are all exempt from FMCSA regulations.

All of these are not necessarily true. Requirements for CDL, ELD, and DOT numbers are all separate. Each may have exemptions, but they DO NOT apply to all. For example, ELD exemptions do not apply to DOT number requirements.

Information marked with “49 C.F.R.” refers to FMCSA regulations found in the electronic Code of Federal Regulations (e-CFR) (link in *Resources* section below).

FEDERAL DOT NUMBER REQUIREMENTS

DOT number requirements have the potential to impact the most people who are “not-for-hire” and travel out of state. Though the ELD mandate is currently garnering the most attention, DOT number requirements have been in place for several years but have largely been unenforced. The new ELD mandate has brought focus to existing laws and the enforcement of those laws. Just because you may have avoided fines in the past, it is still possible for the laws to be enforced in the future.

If you transport animals, supplies, or other materials across state lines for interstate commerce and have a combined GVWR above 10,001 lb, your vehicle is considered a commercial motor vehicle (CMV) and you are required to obtain, display, and maintain a federal DOT number.

The key term is **interstate commerce**, which is defined as:

“Interstate commerce means trade, traffic, or transportation in the United States—

- (1) Between a place in a State and a place outside of such State (including a place outside of the United States);
- (2) Between two places in a State through another State or a place outside of the United States; or
- (3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.” (49 C.F.R. §390.5)

Thus, if you are above the 10,001-lb combined GVWR but are hauling a horse across state lines **for pleasure only**, the DOT number requirements do not apply to you.

However, if you are engaging in any form of interstate commerce, you are required to obtain, display, and maintain a federal DOT number. Some examples of commerce-related activities include:

- 1) A half-ton pickup with a small trailer hauling show steer to Denver for the Stock Show.
- 2) A one-ton pickup driving from New Mexico to Muleshoe, TX, to purchase vaccines.
- 3) Due to road limitations, your pickup and stock trailer cross into Arizona and back to New Mexico hauling animals for your business—even if you do not unload the animals in Arizona.
- 4) You cross state lines with a flatbed trailer to purchase equipment or supplies in another state.
- 5) You cross state lines with a horse to participate in a rodeo or horse show and have the opportunity to win money.
- 6) You cross state lines with a trailer (most trailer types are affected) to compete in any activity that pays money.
- 7) You cross state lines to haul livestock to an out-of-state market.
- 8) You cross a state line with your empty CMV to take it to an out-of-state repair shop.

How to Obtain a DOT Number

- 1) Send insurance requirements to your insurance company and obtain the proper amount of protection. Insurance requirements can be found at <https://www.fmcsa.dot.gov/registration/insurance-requirements>
 - a. Talk to your insurance company now because many may not be familiar with the CMV regulations related to the 10,001-lb combined GVWR.
 - b. Be prepared financially because, at the time of writing this article, informal estimates from insurance professionals in New Mexico indicated that if a CDL (described below) and CMV DOT number are required, your current insurance costs could double or triple.
- 2) Go to the Federal Motor Carrier Safety Administration website (<https://www.fmcsa.dot.gov/>) and select “Get a DOT Number.” The FMCSA website also has a training manual for using the online system.
- 3) Once a DOT number is obtained, it must be clearly displayed on the vehicle. See 49 C.F.R. §390.21 for regulations on how to properly display your DOT number.

Now I Have a DOT Number. What Else?

- 1) You generally need to stop at all weigh stations and ports of entry if:
 - a) You are involved in interstate commerce and have a GVWR of 10,001 lb or more.
 - b) You are involved in intrastate commerce and have a GVWR of 26,001 lb or more.
- 2) You must keep a written log of your driving time and non-driving time while on duty work hours unless you meet short-haul and agricultural operation

exemptions (see *Hours of Service and Log Book Exemptions* below).

- 3) If you are involved in interstate commerce and have a GVWR of 10,001 lb or more, you must also follow the requirements for vehicle parts, accessories, inspection, and maintenance (49 C.F.R. §393 and §396). You may also be subject to inspections (vehicle and driver) when at weigh stations/ports of entry or when pulled over on the road by law enforcement.
 - a) The requirements/guidelines for vehicle parts, accessories, inspection, and maintenance are rather extensive, and you are encouraged to review the C.F.R. closely to remain in compliance.

DOT Number Requirement Exemptions

There are exemptions to DOT number requirements found in 49 C.F.R. §390.3(f), but they largely do not apply to vehicles with a GVWR over 10,001 lb that are involved in interstate commerce as described in this article.

Possible exemptions include activities that are not undertaken for profit, such as if prize money is not declared as ordinary income for tax purposes, if the cost of the activities is not deducted as a business expense for tax purposes, or if corporate sponsorship is not involved. Examples include a high school or college rodeo student hauling animals to competition, or a 4-H or FFA student hauling animals to competition.

Note: If you are a professional rodeo participant or have sponsors, you are involved in interstate commerce. If you raise show animals and are traveling to a show as part of your business, you are involved in interstate commerce.

Readers are encouraged to review the C.F.R. to determine if they are exempt from DOT number requirements, and to check with the FMCSA office in the state in which they are travelling or states they will be traveling to.

HOURS OF SERVICE AND LOG BOOK REGULATIONS

Generally, drivers of commercial motor vehicles are required to adhere to limits on the amount of time they can drive in a given period, and are required to keep a log of their driving and non-driving hours. The following hours of service regulations apply to drivers of CMVs carrying property.

“11-Hour Driving Limit

May drive a maximum of 11 hours after 10 consecutive hours off duty.

14-Hour Limit

May not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty. Off-duty time does not extend the 14-hour period.

Rest Breaks

May drive only if 8 hours or less have passed since end of driver's last off-duty or sleeper berth period of at least 30 minutes. Does not apply to drivers using either of the short-haul exceptions in 395.1(e). [49 CFR §397.5 mandatory ‘in attendance’ time may be included in break if no other duties performed]

60/70-Hour Limit

May not drive after 60/70 hours on duty in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.

Sleeper Berth Provision

Drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus a separate 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.” (<https://www.fmcsa.dot.gov/regulations/hours-service/summary-hours-service-regulations>)

Hours of Service and Log Book Exemptions

Drivers engaging in “not-for-hire” hauling activities may fall under the short-haul or agricultural exemptions described below; there are more exemptions that can be found in 49 C.F.R. §395.

- 1) You remain within a 100 air-mile radius of your normal work reporting location, return to the reporting location within 12 consecutive hours, and have at least 10 consecutive hours off duty separating each 12 hours on duty (49 C.F.R. §395.1(e)).
- 2) You are driving “during planting and harvesting periods, as determined by each State,” and you are transporting:
 - a. “Agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source;
 - b. 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
 - c. 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.” (49 C.F.R. §395.1(k))

Electronic Logging Device (ELD)

If you meet the short-haul or agricultural exemptions described above, you do not need to keep a log book (paper or ELD).

If you are required to keep a paper log book, you are exempt from the ELD if you are operating your CMV:

- “(1) In a manner requiring completion of a record of duty status on not more than 8 days within any 30-day period;

- (2) In a driveway-towaway operation in which the vehicle being driven is part of the shipment being delivered;
- (3) In a driveway-towaway operation in which the vehicle being transported is a motor home or a recreation vehicle trailer; or
- (4) That was manufactured before model year 2000, as reflected in the vehicle identification number as shown on the vehicle's registration." (49 C.F.R. §395.8(a))

If you fall outside of these exemptions, you are required to obtain an electronic logging device. In general, most drivers engaging in "not-for-hire" hauling activities are exempt from electronic logging device requirements, but may not be exempt from paper log-book requirements.

COMMERCIAL DRIVER'S LICENSE REQUIREMENTS

You are required to have a CDL if the GVWR, Gross Combination Weight Rating (GCWR), or the actual weight of the vehicle or vehicle combination is 26,001 lb or more, or if you are hauling an amount or type of hazardous materials that requires placarding.

There are three CDL classes: A, B, and C.

- "(1) Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
- (3) Small Vehicle (Group C) that does not meet Group A or B requirements but that either—
 - (i) Is designed to transport 16 or more passengers, including the driver; or
 - (ii) Is of any size and is used in the transportation of hazardous materials as defined in this section." (49 C.F.R. §383.5)

Any driver who is required to have a CDL is also subject to the drug/alcohol testing regulations found in 49 C.F.R. §40 and §382. Some example vehicles would include:

- 1) One-ton or some three-quarter-ton pickups towing a 24-foot stock trailer.
- 2) One-ton or some three-quarter-ton pickups towing a 6-horse trailer with living quarters.
- 3) Some one-ton pickups alone are rated to haul in excess of 30,000 pounds.

In New Mexico, farmers and ranchers can obtain a class E endorsement, which allows them to drive a vehicle in excess of 26,001 lb GVWR as long as they are within 150 air miles of the farm or ranch.

ENFORCEMENT

Should you be pulled over and have not fulfilled the proper requirements, you could be facing significant fines and be prevented from continuing your trip until someone with proper credentials (DOT number, paper log book or ELD, and/or CDL) picks up your livestock or supplies.

ALWAYS check with your state DOT and Federal Motor Carrier Safety Administration representative for more information. This publication aims to increase awareness of existing and pending laws and is not intended to describe every law or requirement.

RESOURCES

Information for this article is derived from the Federal Motor Carrier Safety Administration website: <https://www.fmcsa.dot.gov/> (accessed 1/8/18)

For more information regarding regulations, see Title 49, Subtitle B, Chapter III "Federal Motor Carrier Safety Administration, Department of Transportation" in the electronic Code of Federal Regulations at <https://www.ecfr.gov/cgi-bin/text-idx?SID=a067a7d92d02b6314adea7da17cab72e&mc=true&tpl=/ecfrbrowse/Title49/49chapterIII.tpl>

Find your state FMCSA field office at <https://www.fmcsa.dot.gov/mission/field-offices>



***Craig Gifford** is the NMSU Extension Beef Cattle Specialist. He earned his Ph.D. in animal physiology from the University of Idaho. His Extension work provides current research-based information to New Mexico beef producers to enhance profitability and ranch sustainability. In collaboration with county agents, he also organizes the ACES High Certified Calf Programs to promote Beef Quality Assurance practices and add value to New Mexico calves.*

Contents of publications may be freely reproduced for educational purposes. All other rights reserved. For permission to use publications for other purposes, contact pubs@nmsu.edu or the authors listed on the publication. New Mexico State University is an equal opportunity/affirmative action employer and educator. NMSU and the U.S. Department of Agriculture cooperating.