

## Ag Exemption Information

**Summary:** Title 49 [Transportation] of the Code of Federal Regulations [CFR] Part 395 [HOURS OF SERVICE] provides regulations established by the Federal Motor Carrier Safety Administration [FMCSA] imposed upon drivers of commercial motor vehicles. Certain exceptions are allowed for various conditions/operations, one of which is *Agricultural Operations*.

**49 CFR §395.1(k) Agricultural operations.** The provisions of this part shall not apply during planting and harvesting periods, as determined by each State, to drivers transporting:

- (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.

Drivers in qualifying agricultural operations are completely exempted from the provisions of **49 CFR §395 [HOURS OF SERVICE OF DRIVERS]** with this change.

**NOTE: §395.3** [Maximum driving time for property-carrying vehicles.] which details hours-of-service allowed for drivers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in Iowa if such transportation meets the requirements of **49 CFR §395.1(k)**.

Effective December 18, 2017 the “planting and harvest period” for Iowa, as defined in **761 Iowa Administrative Code 520.8(321)**, is January 1 through December 31. This allows Iowa drivers engaged in the pertinent agricultural operations to take advantage of the federal hours-of-service exemption whenever they are engaged in those operations, regardless of fluctuations in the actual planting and harvest season in a given year.

**761—520.8(321)** Planting and harvesting periods. In accordance with the provisions of 49 CFR 395.1(k), the planting and harvesting periods pertaining to agricultural operations are January 1 through December 31.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.