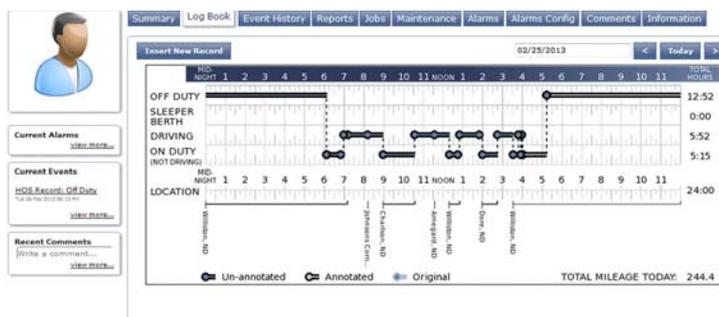


HOURS OF SERVICE

FOR ILLINOIS FARMERS



State and federal regulations typically restrict the number of hours an individual may operate a CMV in any day or in any 7- or 8-day period. Farmers and those hauling agricultural products or supplies receive special dispensation from much of those rules. That generally makes the need for electronic logging a non-issue in the ag community. If you are required to maintain a log, then this publication is not for you. This piece focuses on the exemptions from the Hours of Service restrictions for the farm community.

General Concepts

The overall concept of Hours of Service (HOS) regulations is to limit the time a driver may work in any given day or in any given 7- or 8-day period, in order to prevent that individual from being over-tired when operating a commercial motor vehicle (CMV). [\[49 CFR 395\]](#)

To do that, HOS regulations limit the number of hours a driver may be “on duty” and the number of hours an individual may drive a CMV. Those are two separate limits.

It’s important to note that on-duty time includes not only those hours spent driving, but generally all hours spent on the job for an employer—including the self-employed.

So, those hours spent loading and unloading, doing paperwork, servicing the truck or doing any other task on behalf of the employer count against the limited number of on-duty hours available to the driver.

For farmers and farm employees, those on-duty hours include fieldwork and choring, even though they have nothing to do with driving a truck.

The drive time (generally 10 or 11 hours) can be used anytime during the on-duty time (generally 12 or 14 hours). Once either the drive time or the on-duty time has expired for an individual, that person may no longer drive but they can continue to work at other tasks unrelated to the vehicle. To reset drive time and on-duty time limits, the individual will (generally) have to be off-duty for a least 10 consecutive hours.

To track that time, most drivers of a CMV have to maintain what is commonly called a “log book”. In regulatory speak, it’s known as the “Driver’s Record of Duty Status” (RODS). Up ’till now, that’s generally been paper-based. But today, most over-the-road CMVs must be equipped with an ELD (electronic logging device.)

Because farmers typically spend most of their on-duty time in labors other than driving a truck—and because of the spikes in seasonal demands associated with farming—regulators have cut farmers some slack when it comes to HOS. In fact, they’ve provided quite a lot of slack.

Exemptions

Farmers can take advantage of exemptions from HOS regulations in several different ways:

- Short-haul operations [\[49 CFR 395.1\(e\)\]](#)
- Agriculture exemption [\[49 CFR 395.1\(k\)\]](#) and [\[IL Admin Code, Title 92 Section 395.1000 b\)\]](#)
- Covered Farm Vehicle exemption [\[49 CFR 395.1\(s\)\]](#)
- ELD exemptions

Short-haul Exemption

Designed for local delivery operations and applicable to all drivers—including farmers—this exemption excuses the driver from maintaining a log book. It does not excuse the driver from the limited number of on-duty or drive time hours.

Generally, if the driver stays within a 100 air-mile radius interstate, and 150 air-mile radius intrastate, of the work reporting location and is released from work within 12 consecutive hours, then that driver will not need to log that time. They will, however, still need to “punch a time clock” and maintain a record of hours on duty.

Farmers, who most often drive short trips, can take advantage of this exemption from logging.

Agricultural Exemption

This provides an exemption from both logging and the restrictions for on-duty time. It applies not just to farmers, but to anyone who hauls agricultural products or supplies. There are three major restrictions associated with this exemption:

- Travel is limited to locations within 150 air-miles of the source;

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- The exemption applies only during planting and harvesting periods (as determined by the State.) ;and
- The exemption for the transportation of farm supplies is limited to movements from wholesale to retail and from a wholesale or retail distribution point to the farm. There is no exemption when farm supplies are moved from a farm to another point. Commodities may be hauled from the farm to any point within the 150-mile radius.

In Illinois—being a major ag state—the **planting and harvesting period** is liberally defined as: January 1 through December 31. In other words, the exemption applies year-round.

Farm supplies are defined to encompass virtually all inputs, including but not limited to: fertilizer, fuel, seed, chemicals, equipment, etc. — anything that is “directly related to the growing or harvesting of agricultural commodities.” The intrastate waiver is broader than its interstate component.

Covered Farm Vehicle Exemption

This third exemption from HOS regulations applies only to farmers and their employees. Within that group, only those who operate a Covered Farm Vehicle (CFV) may take advantage of it.

To be considered a CFV, it must meet six conditions:

1. Farmer, family member or employee
2. Hauling only for the farm
3. Not hauling for hire
4. Range (varies by vehicle size)
5. Registered with a “farm” license plate
6. Not required to be placarded

For a more complete discussion of these six conditions, see the “FVD vs CFV” document elsewhere in this booklet and on Illinois Farm Bureau’s website: www.ilfb.org.

This one is, again, a complete exemption from the HOS regulations. It does, of course, have the six limitations associated with what it takes to qualify as the operator of a CFV.

Electronic Logging Device (ELD)

The rule of thumb is, if the driver is not required to maintain a logbook, then he/she is not required to use an ELD. But even a few drivers who are required to log their time behind the wheel can be excused from doing it electronically.

The ELD requirement, logically, applies only where the driver is required to maintain a log* of the time spent operating a truck. That requirement falls within state and federal regulations known broadly as “Hours of Service” regulations, or “HOS” for short [[49 CFR 395](#)]. So, if a farmer is exempt from HOS, or simply from the requirement to maintain a log, then he/she is also exempt from the requirement to use an ELD. There are three levels of exemption:

In the following situations, the driver is excused from the requirement to use an ELD, but must still maintain a paper log:

- Operating a vehicle with an engine manufactured prior to model year 2000—within 150 miles
- Driving a truck not more than 8 days during any 30-day period

In the following situations, the driver is excused from having to maintain a log, but remains subject to time restrictions:

- Short-Haul operators (100 miles interstate, 150 miles intrastate) when driver reports and returns to work reporting location within 12 consecutive hours. Must keep time records (“punch a clock”) at work location. (as mentioned above)
- Driving a vehicle that does not require a CDL (Recordkeeping requirements along with time and distance limits apply.) [[49 CFR 395.1\(e\)\(2\)](#)]

In the following situations, the driver is generally exempt from all HOS restrictions and requirements:

- Seasonal Agricultural Exemption (applies year-round in Illinois, within a 150-mile limit), (as mentioned above)
- Covered Farm Vehicle (CFV) drivers (as mentioned above)

As of December 21, 2018, those that haul livestock and insects are exempt from ELDs until further notice while the FMCSA determines a solution to how those rules will apply.

This document prepared and provided by:

