



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

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1200 New Jersey Avenue, SE
Washington, D.C. 20590
REGULATORY
FEDERAL GOVERNMENT

Chief Counsel

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To: Tim Cotter, FMCSA Division Administrator, Pennsylvania
From:  Ann G. Gawalt, Assistant Chief Counsel of General Law
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With regards to intrastate commerce, a State may exempt commercial vehicles from all or part of its laws or regulations if the motor vehicle meets the following requirements.

1. The gross vehicle weight, gross vehicle weight rating, gross combined weight, and gross combined vehicle weight rating is less than 26,001 lbs,
2. The vehicle does not require a placard due to transportation of hazardous materials, and
3. Is not designed or used to transport 16 or more people, including the driver.

The definition of commercial motor vehicle (CMV) in 49 CFR 390.5 includes any motor vehicle used on a highway in interstate commerce that has a GVWR, GCWR, GVW or GCW of 10,001 pounds or more, whichever of the ratings is greater. Although most farm tractors have a weight rating above 10,001 pounds, they rarely operate in interstate commerce and are never "used on a highway" in the sense intended by Congress. Tractors are included in the category of "off-road motorized construction equipment" not subject to the Federal Motor Carrier Safety Regulations (FMCSRs) (see Guidance to Qs. 7 and 8 under § 390.5). Tractors used in agriculture are similarly outside the Agency's jurisdiction because such vehicles are designed for off-road operations and cannot move at highway speeds in the stream of traffic. As such, tractors are not CMVs.

Furthermore, Congress has explicitly denied FMCSA jurisdiction over motor vehicles controlled and operated by a farmer used to transport the farmer's agricultural or horticultural commodities and products, or the supplies of the farmer to his farm 49 U.S.C. § 13506(a)(4). Although this jurisdictional preclusion does not affect FMCSA's statutory authority to regulate the safety of motor carriers and operators, it means that the Agency may not require farmers to comply with the commercial statutes (including the requirement to obtain operating authority) even if they operate large trucks in interstate commerce.

Some farm operations are also exempted from compliance with the FMCSRs. The driver qualifications under part 391 do not apply to drivers of CMVs used in custom-harvesting operations or to certain farm vehicle drivers. 49 CFR 391.2. See also 49 CFR 391.67. The Hours of Service under Part 395 are also not applicable to certain agricultural operations. The

States have the option – which all have exercised – to exempt most farmers from the requirement to obtain a commercial driver’s license (CDL). See 49 CFR 383.3(d)(1).