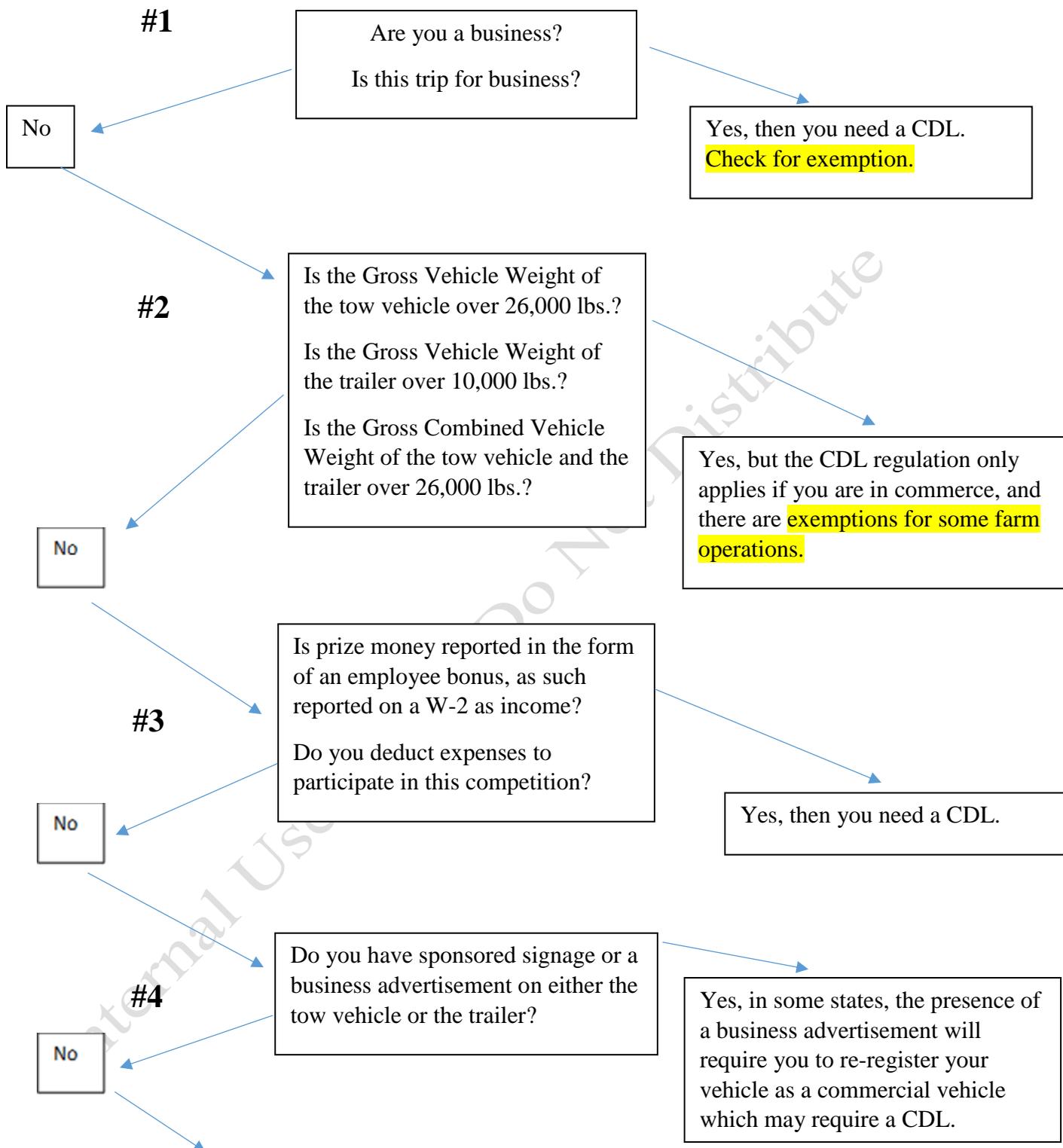


*This article is for educational purposes only. It is not to be construed as legal advice.
Please consult an attorney for a legal opinion based on your specific circumstances.*

Do You Need A CDL To Haul Horses?



Drivers must confer with their State of licensure to determine the licensing provisions to which they are subject outside of federal regulations. **Continue for exemptions.**



A M E R I C A N
H O R S E C O U N C I L

First, a definition of commerce from the Department of Transportation.

Intrastate commerce means any trade, traffic, or transportation in any State which is not described in the term "interstate commerce."

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.

Exemptions

Are you a "Short Haul Operator"?

Short-haul operators qualify for an exemption to question 1. A driver is exempt from the CDL requirements of §§395.8 and 395.11 if the driver operates within a 100 air-mile radius of the normal work reporting location i.e. business office or barn.

Are you a "Farmer" or driving a "Farm Vehicle"?

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which—

- (a) Are owned by that person; or
- (b) Are under the direct control of that person.

A "farm vehicle" is a commercial motor vehicle that is;

- (a) Controlled and operated by a farmer as a private motor carrier of property;
- (b) Being used to transport either—
 - (1) Agricultural products, or
 - (2) Farm machinery, farm supplies, or both, to or from a farm;
- (c) Not being used in the operation of a for-hire motor carrier;
- (d) Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with §177.823 of this subtitle; and
- (e) Being used within 150 air-miles of the farmer's farm.

Exception for farmers; A State may, at its discretion, exempt individuals identified in question 2. The use of this waiver is limited to the driver's home State unless there is a reciprocity agreement with adjoining States.

Operators of a farm vehicle which is:

- (i) Controlled and operated by a farmer, including operation by employees or family members;
- (ii) Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- (iii) 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



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(iv) Used within 241 kilometers (150 miles) of the farmer's farm.

Is the tow vehicle registered as a “Covered Farm Vehicle”?

Covered farm vehicle means a straight truck or articulated vehicle;

(i) Registered in a State with a license plate or other designation issued by the State of registration that allows law enforcement officials to identify it as a farm vehicle;

(ii) Operated by the owner or operator of a farm or ranch, or an employee or family member of a an owner or operator of a farm or ranch;

(iii) Used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch; and

(iv) Not used in for-hire motor carrier operations;

The Exemption to Question 2 for Covered Farm Vehicles with a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less may utilize this exemption anywhere in the United States; or with a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds may utilize the exemptions anywhere in the State of registration or across State lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

A covered farm vehicle, as previously defined, including the individual operating that vehicle, is also exempt from the following:

(1) Any requirement relating to commercial driver's licenses in 49 CFR Part 383 or controlled substances and alcohol use and testing in 49 CFR Part 382;

(2) Any requirement in 49 CFR Part 391, Subpart E, Physical Qualifications and Examinations.

(3) Any requirement in 49 CFR Part 395, Hours of Service of Drivers.

(4) Any requirement in 49 CFR Part 396, Inspection, Repair, and Maintenance.

“Work Truck Exemption”-Is the tow vehicle a “Commercial Motor Vehicle” being used for personal use?

The occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise are exempt.

“Living Quarters Exemption”-Is the trailer registered as a “Recreational Vehicle”?

If the trailer is used strictly for non-business purposes, the driver is exempt from being required to have a CDL by the DOT. States may require a CDL for recreational vehicles separate from federal minimum standards.

“4-H Show Exemption”-Is the final destination a competitive event with prizes awarded?

An exemption may apply to this kind of transportation, provided: (1) The underlying activities are not undertaken for profit, i.e., (a) prize money is declared as ordinary income for tax purposes, and (b) the cost of the underlying activities is not deducted as a business expense for tax purposes; and, where relevant; (2) corporate sponsorship is not involved.