

February 26, 2018

THE ELD MANDATE DOES NOT SIGNIFICANTLY IMPACT HORSE OWNERS

[Equine \(/full-blog/category/Equine\)](#)

BY: ELIZABETH LAMPERT

Contrary to recent social media panic, the Electronic Logging Device (ELD) mandate will not significantly impact horse owners. Only drivers that are already required to log their driving records under hours-of-service (HOS) and records of duty status (RODS) requirements will be impacted by the ELD mandate.^[i]

THE MANDATE GENERALLY

The ELD mandate requires an electronic logging device (ELD) be installed in vehicles of commercial drivers that are required to prepare HOS and RODS documents.^[ii] The ELD is an electronic alternative to paper records required by HOS and RODS regulations.^[iii] The ELD begins recording the date, time, location, engine hours, vehicle miles, and identification information of the driver when the truck reaches five miles per hour.^[iv] The ELD also measures the location of the vehicle when it is turned on, off, every hour while the vehicle is moving, and when the driver sets the vehicle to personal use.^[v] Transporters of agricultural commodities, including horses, have been granted an extension to comply with the ELD mandate, so compliance must be reached by March 18, 2018.^[vi]

DRIVERS REGULATED BY THE ELD

While the ELD mandate does *not* add a class of equine-specific commercial drivers, release of mandate details has spurred an awareness of pre-existing driving regulations that may be applicable to people hauling horses.^[vii] Commercial motor vehicles (CMV) are vehicles used in interstate commerce to transport property and (a) weigh 10,001 or more pounds, (b) have gross vehicle weight rating of 10,001 pounds or more, or (c) the truck and trailer have a gross combination weight rating of 10,001 pounds or more.^[viii]

Because the definition of a CMV is so broad, there are many ways a vehicle used to transport horses can be considered a CMV, assuming it meets the weight requirements. For example, a truck and trailer that meet the weight requirements and are written off as a business expense for tax purposes are CMVs.^[ix] Sponsored riders are being compensated for riding horses, so the truck and trailer used to haul the horses are CMVs.^[x] Charging to haul a horse is engaging in interstate commerce and makes the truck and trailer CMVs.^[xi] Effectively, if the truck or trailer is used to make money

or is tied to a business and meets the weight requirements, it is a CMV.[xii] Drivers of CMVs are subject to HOS and RODS requirements if they do not fall under one of the exemptions provided by 49 C.F.R. §395.1.[xiii]

HOS and RODS regulated drivers must keep track of the hours they drive and are limited to driving 11 of 14 hours when not operating under an exemption.[xiv] The 14-hour, ELD-tracked period begins when the truck reaches five miles per hour.[xv] HOS and RODS drivers also must take a 30-minute break after driving for eight hours.[xvi] This 30-minute break requirement does *not* apply to drivers transporting livestock.[xvii] Once the 14-hour period has been reached, the driver must stop driving for ten consecutive hours.[xviii]



<http://mrtruck.net/2tonvs1ton.htm>
(<http://mrtruck.net/2tonvs1ton.htm>):

EXEMPTIONS TO THE ELD MANDATE

There are many exemptions available to horse haulers, including exemptions for the transport of livestock within 150 air-miles of the farm, occasional transport of personal property without compensation, and for vehicles manufactured *before* 2000.[xix] Note that drivers exempt from ELD requirements may not be exempt from abiding by RODS requirements.[xx]

ELD, RODS, and HOS regulations do not have to be followed when livestock are being transported within 150 air-miles of the farm.[xxi] An air-mile is 6,076 feet, which is longer than a standard mile. Consequently, a driver that stays within 172.6 standard miles from the farm does not have to comply with the ELD, RODS, or HOS regulations, including hourly driving limits.[xxii] The driver must start complying with the ELD, RODS, and HOS regulations only after exceeding 172.6 standard miles from the farm.[xxiii] Drivers that transport in excess of 172.6 standard miles in eight days or less during a 30-day period are exempt from the ELD rule for the entire 30-day period.[xxiv] This mileage exception is applicable even if the driver crosses state lines.[xxv]

The “occasional transportation of personal property,” when not done for payment *and* not done in “furtherance of a commercial enterprise,” is exempt from ELD, RODS, and HOS regulations.[xxvi] This exemption can be used in a number of situations, including by people that occasionally transport horses to shows that offer prize money. As long as the show is not attended for profit, prize money is declared as ordinary income for tax purposes, the costs associated with showing is not deducted on taxes, and corporate sponsorship is *not* involved then it falls under the exemption. [xxvii]

There are several misconceptions associated with CMV exemptions. Contrary to popular belief, a driver must do more than place a “Not for Hire” sign on the truck or trailer to be exempted from the ELD requirements.[xxviii] Another common misconception is that the recreational vehicle (RV) exemption applies to horse trailers with living quarters. The exemption related to RVs is limited to drive-away-tow-away operations.[xxix] Drive-away-tow-away operations are operations that transport RVs between manufacturer’s facilities, dealerships and purchasers or leasees, to a repair facility, or by using a saddle-mount or tow-bar.[xxx] This means people hauling horse trailers with living quarters to any non-drive-away-tow-away purpose will not qualify for the exemption.

[i] Fed. Motor Carrier Safety Admin., *Electronic Logging Devices and Hours of Service Supporting Documents* (2016).

https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/ELD_Rule_Frequently_Asked_Questions-508.pdf; Tom Cuthbertson, *How to Quickly Determine if You Need to Comply with the ELD Mandate*, ELD Facts (Apr. 24, 2015), <https://eldfacts.com/how-to-quickly-determine-if-you-need-to-comply-with-the-eld-mandate/>.

[ii] Cuthbertson, *supra* note i.

[iii] *Id.*

[iv] *What Information is Automatically Recorded by an Electronic Logging Device (ELD)?*, Fed. Motor Carrier Safety Admin.: FAQs (Apr. 6, 2017), <https://www.fmcsa.dot.gov/faq/what-information-automatically-recorded-electronic-logging-device-eld>; *When Will an Electronic Logging Device (ELD) Automatically Start Recording a Drive Mode or Status?*, Fed. Motor Carrier Safety Admin.: FAQs (Apr. 10, 2017), <https://www.fmcsa.dot.gov/faq/when-will-electronic-logging-device-eld-automatically-start-record-driving-mode-or-status>.

[v] *When is Location – Data Recorded by an Electronic Logging Device (ELD)?*, Fed. Motor Carrier Safety Admin.: FAQs (Apr. 6, 2017), <https://www.fmcsa.dot.gov/faq/when-location-data-recorded-electronic-logging-device-eld>.

[vi] *Hours of Service; Electronic Logging Devices; Limited 90-Day Waiver for the Transportation of Agricultural Commodities*, Fed. Motor Carrier Safety Admin.: FAQs (Dec. 18, 2017), <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/hours-service/elds/86071/limited-90-day-waiver-transportation-agricultural-commodities.pdf>.

[vii] Cuthbertson, *supra* note i.

[viii] 49 C.F.R. § 390.5 (West 2018).

[ix] *How the ELD Mandate Will Impact the Horse Industry*, Protect the Harvest (Nov. 29, 2017), <http://protecttheharvest.com/2017/11/29/eld-mandate-will-impact-the-horse-industry/>.

[x] Kristen Kovatch, *Electronic Logging Devices & CMVs: What New Regulations Mean for Horse Owners*, Horse Nation (Nov. 29, 2017), <http://www.horsenation.com/2017/11/29/electronic-logging-devices-commercial-motor-vehicles-what-new-regulations-mean-for-horse-owners/>.

[xi] *Id.*

[xii] *Id.*

[xiii] Cuthbertson, *supra* note i.

[xiv] *Summary of Hours of Service Regulations*, Fed. Motor Carrier Safety Admin.: FAQs (Mar. 9, 2017), <https://www.fmcsa.dot.gov/regulations/hours-service/summary-hours-service-regulations>.

[xv] *Id.*

[xvi] *Id.*

[xvii] 49 C.F.R. § 395.1(v) (West 2018).

[xviii] Protect the Harvest, *supra* note ix.

[xix] *See Electronic Logging Devices, Hours of Service (HOS), and Agricultural Exemptions*, Fed. Motor Carrier Safety Admin. (Aug. 2017), <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/hours-service/elds/81736/agr-exemption-factsheet.pdf>; 49 C.F.R. §390.3(f)(3) (West 2018); 49 C.F.R. §395.1(e)(1) (West 2018); *Who is Exempt from the ELD Rule?*, Fed. Motor Carrier Safety Admin.: FAQs (Aug. 22, 2017), <https://www.fmcsa.dot.gov/faq/what-exceptions-are-allowed-electronic-logging-device-rule>.

[xx] *Who is Exempt from the ELD Rule?*, *supra* note xix.

[xxi] *Electronic Logging Devices, Hours of Service (HOS) and Agriculture Exemptions*, *supra* note xix; 49 C.F.R. § 395.2 (West 2018).

[xxii] *How Many Feet are in a Mile*, RapidTables, <https://www.rapidtables.com/convert/length/how-many-feet-in-mile.html> (last visited Feb. 8, 2018); *Section § 395.1: Scope of Rules in this Part*, Fed. Motor Carrier Safety Admin.: FAQs, <https://www.fmcsa.dot.gov/regulations/title49/part395> (last visited Feb. 8, 2017); Tom Cuthbertson, *ELD Mandate FAQs – RODS Requirements, Exemptions, and Agricultural Trucks*, ELD Facts (Sep. 14, 2017), <https://eldfacts.com/eld-mandate-faqs-rods-requirements-exemptions-agricultural-trucks/>.

[xxiii] *ELD Hours of Service (HOS) and Agriculture Exemptions*, *supra* note xxi.

[xxiv] *Who is Exempt from the ELD Rule?*, *supra* note xix.

[xxv] *DOT Hours of Service Rules – FAQs*, J.J. Keller & Assocs., Inc., <https://www.jjkeller.com/learn/hours-of-service-faqs> (last visited Feb. 8, 2018).

[xxvi] 49 C.F.R. § 390.3(f)(3) (West 2018).

[xxvii] *Section § 390.3 General Applicability*, *supra* note xxii.

[xxviii] *Protect the Harvest*, *supra* note ix.

[xxix] *Who is Exempt from the ELD Rule?*, *supra* note xix.

[xxx] 49 C.F.R. §390.5 (West 2018).

Tagged: [ELD Mandate \(/full-blog/tag/ELD+Mandate\)](#), [Horse Owners \(/full-blog/tag/Horse+Owners\)](#), [Electronic Logging Device \(/full-blog/tag/Electronic+Logging+Device\)](#), [Drivers \(/full-blog/tag/Drivers\)](#), [Hours-of-service \(/full-blog/tag/Hours-of-service\)](#), [HOS \(/full-blog/tag/HOS\)](#), [Records of Duty \(/full-blog/tag/Records+of+Duty\)](#), [RODS \(/full-blog/tag/RODS\)](#), [Commercial Drivers \(/full-blog/tag/Commercial+Drivers\)](#), [Horses \(/full-blog/tag/Horses\)](#), [Commercial Motor Vehicles \(/full-blog/tag/Commercial+Motor+Vehicles\)](#), [CMV \(/full-blog/tag/CMV\)](#)

♥ 1 Likes < Share

COMMENTS (0)

Newest First [Subscribe via e-mail](#)

[Preview](#) [POST COMMENT...](#)

[Newer Post](#)

[State and Federal Budget Cuts to Harm Conservation Districts \(/full-blog/faulkblog1\)](#)

[Older Post](#)

[Repealing Rapanos: Shrinking the Clean Water Act's Jurisdiction \(/full-blog/hutchinsonblog\)](#)

[SEARCHABLE ARCHIVE \(/PUBLICATION-ARCHIVE-1\)](#)

631 SOUTH LIMESTONE, LEXINGTON, KY

40508 (859) 257-4747 [BLOG.KJEANRL@GMAIL.COM](mailto:blog.kjeanrl@gmail.com) ([MAILTO:BLOG.KJEANRL@GMAIL.COM](mailto:blog.kjeanrl@gmail.com))