



## Moving Ahead For Progress in the 21<sup>st</sup> Century Act (MAP-21)

On July 6, 2012, the President of the United States signed into federal law "Moving Ahead for Progress in the 21<sup>st</sup> Century Act" (MAP-21). MAP-21 includes two provisions applicable to the operation of commercial motor vehicles (CMVs) for agricultural purposes. They are section 32101(d), "Transportation of Agricultural Commodities and Farm Supplies," and section 32934, "Exemptions from Requirements for Covered Farm Vehicles."

Section 32101(d) of MAP-21 provides relief from the Federal hours-of-service (HOS) rules during the planting and harvesting seasons, as determined by the States in which the carriers are operating. This exemption covers:

- Drivers transporting agricultural commodities, from the source of the agricultural commodities, to a location within a *150 air-mile* radius from the source; or,
- Drivers transporting 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,
- Drivers transporting 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.

Section 32934 of MAP-21 provides a statutory exemption from most of the Federal Motor Carrier Safety Regulations (FMCSRs) for the operation of "covered farm vehicles."

A covered farm vehicle and the person operating a covered farm vehicle are exempt from:

- 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties.
- 49 CFR Part 382: Controlled Substances and Alcohol Use and Testing.
- 49 CFR Part 391: Subpart E; Physical Qualifications and Examinations.
- 49 CFR Part 395: Hours of Service.
- 49 CFR Part 396: Inspection, Repair, and Maintenance.

Covered Farm Vehicle defined.

- 1) In this section, the term "covered farm vehicle" means a motor vehicle (including an articulated motor vehicle) that,
  - a) is traveling in the State in which the vehicle is registered or another State;
  - b) is operated by—
    - (i) a farm owner or operator;
    - (ii) a ranch owner or operator; or
    - (iii) employee or family member of a farm/ranch owner or operator.

# Commercial Vehicle Enforcement Quarterly

Fall 2012

- c) is transporting to or from a farm or ranch—
    - (i) agricultural commodities;
    - (ii) livestock; or
    - (iii) machinery or supplies
  - d) except as provided in paragraph 2), is not used in the operation of a for-hire motor carrier; and
  - e) is equipped with a special license plate or other designation by the State in which the vehicle is registered to allow for the identification of the vehicle as a farm vehicle by law enforcement personnel; and
  - f) that has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is—
    - (i) 26,001 pounds or less; or
    - (ii) Greater than 26,001 pounds and traveling within the State or within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.
- 2) The term “covered farm vehicle” includes a motor vehicle that meets the requirements of paragraph 1) (other than paragraph (1)(d)) and—
- a) is operated pursuant to a crop share farm lease agreement;
  - b) is owned by a tenant with respect to that agreement; and
  - c) is transporting the landlord’s portion of the crops under that agreement.

## Roadside Enforcement Policy.

The statutory provisions are self-executing at the federal level and took effect on October 1, 2012. The Federal Motor Carrier Safety Administration (FMCSA) request that states take action to put into place policies and procedures to provide the regulatory relief provided by sections 32101(d) and 32934 of MAP-21.

Michigan law has not changed and the State of Michigan has three years to amend the Motor Carrier Safety Act (ACT 181) once the final rules are published. The Michigan State Police Commercial Vehicle Enforcement Division requests that all roadside enforcement officers use discretion with vehicles or drivers that are compliant with MAP-21.

For now, a “covered farm vehicle” must be identified by a farm or special farm registration plate.

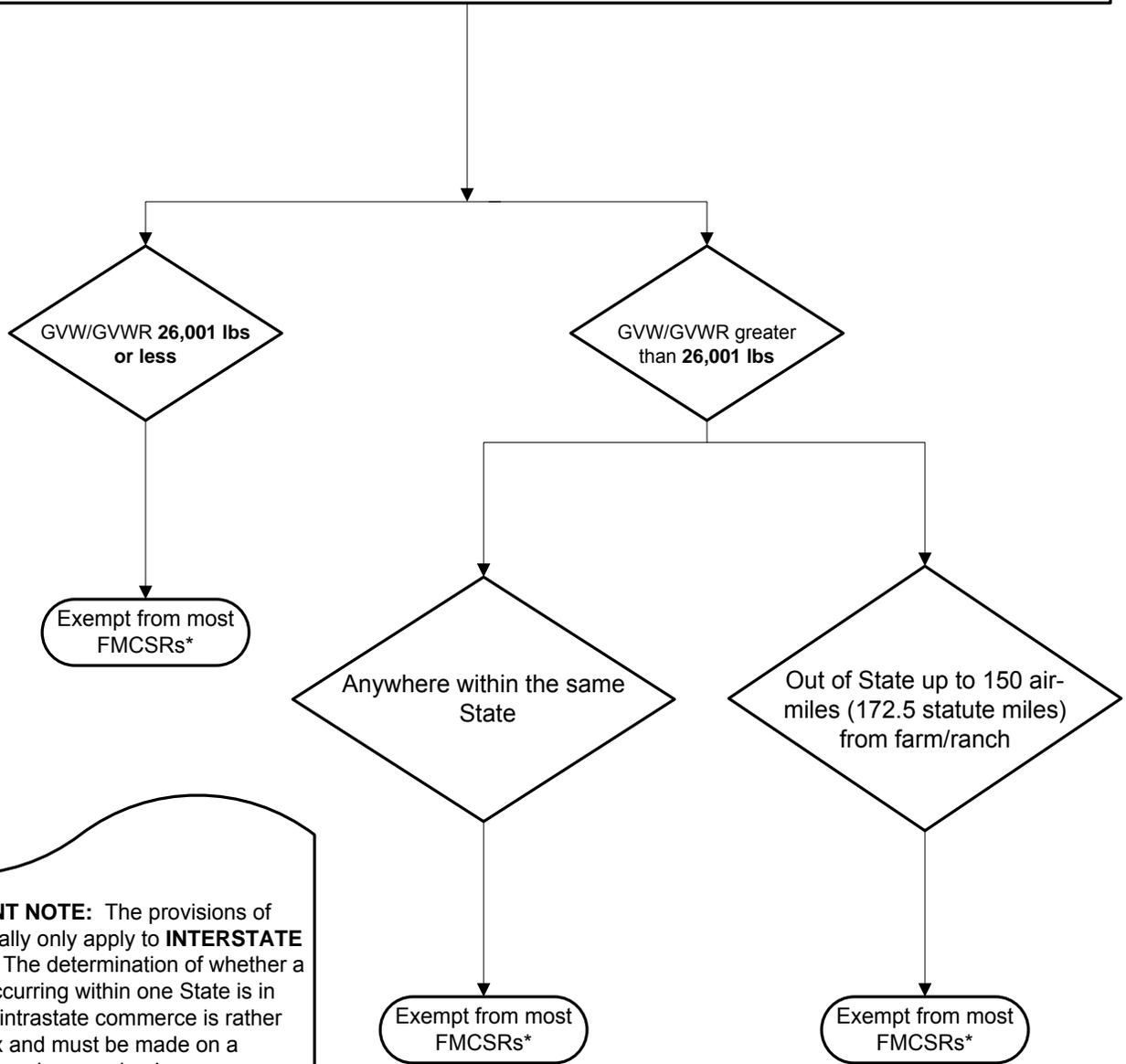
\*This information has been adapted from Federal Motor Carrier Safety Administration literature.

## Disclaimer

This publication is distributed to provide updated information about changes to state laws and federal regulations. Please review the appropriate section of law or federal regulation prior to enforcement.

## MAP-21 Section 32934 Agricultural Exemptions from FMCSRs

- You are operating in interstate commerce, and
- You are (1) a farm owner or operator; (2) a ranch owner or operator; or (3) an employee or family member of a the farm or ranch owner or operator, and
- You are transporting to or from a farm or ranch agricultural commodities, livestock, or machinery or supplies, and
- Your vehicle is equipped with a special license plate or other designation by the State in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle, and
- You are NOT transporting hazardous materials requiring placarding.



**IMPORTANT NOTE:** The provisions of MAP-21 generally only apply to **INTERSTATE COMMERCE**. The determination of whether a shipment occurring within one State is in interstate or intrastate commerce is rather complex and must be made on a case-by-case basis.

\* Including 49 CFR Parts 382, 383, 391 (Subpart E), 395, 396