

# COMMERCIAL DRIVERS LICENSE

## HOW DO I KNOW IF I NEED ONE?



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The introduction of the Electronic Logging Device (ELD) mandate brought to light concerns about Commercial Driver's license (CDL) requirements from the entire equine community. The AHC put together the following information to act as a guide for those hauling horses both commercially and as an individual.

If you have any questions, the AHC recommends contacting your state department of transportation for further clarification on CDL requirements.

### **How do I know if I need a Commercial Driver's License (CDL)?**

Drivers have been required to have a CDL in order to drive certain commercial motor vehicles (CMVs) since April 1, 1992. That being said, a truck and trailer can be considered a commercial vehicle without the requirement that you obtain a CDL. The AHC would like to note that the requirements for a CDL or CMV classification have been in effect for quite some time, and are not new developments along with the ELD mandate.

However, you will need to obtain a CDL if your vehicle falls into the following categories:

- Combination of vehicles with a gross combined weight rating (GCWR)<sup>1</sup> of 26,001 or more pounds, providing that gross vehicle weight rating (GVWR) of the vehicle being towed is more than 10,000 pounds. So, for example, if your truck weighs 11,000 pounds, and your horse trailer has a GVWR of more than 15,000 pounds, you would be required to obtain a CDL.
- Any single vehicle with a GVWR<sup>2</sup> of 26,001 or more pounds

**Each state has their own set of regulations in addition to federal requirements for a CDL, so it is important to research and understand the laws in your respective state before applying for a CDL.**

<sup>1</sup> GCWR IS THE VALUE SPECIFIED BY THE COMMERCIAL MOTOR VEHICLE MANUFACTURER: [HTTPS://WWW.FMCSA.DOT.GOV/REGULATIONS/RULEMAKING/2012-21017](https://www.fmcsa.dot.gov/regulations/rulemaking/2012-21017).

<sup>2</sup> GVWR AND GCWR ARE MANUFACTURER DESIGNATED WEIGHTS, NOT THE LOADED WEIGHTS FROM THE BILL OF LADING OR THE SCALED WEIGHT OF THE VEHICLE.

### **What constitutes a Commercial Motor Vehicle (CMV) classification?**

A CMV is defined to mean a vehicle used on the highways in interstate commerce to transport passengers of property, if the vehicle has a GVWR or GVW of 10,001 pounds or greater. Additionally, if the vehicle is used by you or your business with the intent to make a profit (also called "furtherance of a commercial enterprise"), involved in interstate commerce such as going to a horseshow across state lines, then it would fall into the CMV classification.

#### *What are some examples?*

Writing off your truck and trailer as a business expense on your tax returns would fall under the commercial classification.

- If you are a professional trainer, obviously your truck and trailer are being used for business. However, if you are an amateur or not a professional, your truck and trailer could be considered as being used for business as defined in "furtherance of a commercial enterprise." (more information on this below)
- If you offer to haul your friend's horse along with yours in your trailer and take money for the cost of fuel from your friend, your truck and trailer are then considered as being used for business. Essentially, collecting any type of payment to haul a horse to a show constitutes your truck and trailer as being used for business.
- Although prize money is not won in every class at a horseshow, the FMCSA could consider hauling a horse to show with the intent to win prize money as pursuing a profit, which then classifies your truck and trailer as commercial.
- Sponsorships- whether it be financial or items such as saddle pads, clothing, or equipment- can qualify as "furtherance of a commercial enterprise" and place you into commercial category.

### *So, what does "furtherance of a commercial enterprise" mean?*

A question on the FMCSA website asks<sup>1</sup>: Does the exemption in Section § 390.3: General applicability for "the occasional transportation of person property by individuals not for compensation nor in the furtherance of a commercial enterprise" apply to people who occasionally use CMV's to transport cars, boats, horses, etc., to races, tournaments, shows or similar events, even if prize money is offered at these events?

The FMCSA states that the exemption would apply to this type of transport, provided that the underlying activities were not being undertaken for profit. What does this mean? This means that prize money won would be declared as ordinary income for tax purposes and that the cost of the underlying activities is NOT deducted as a business expense for tax purposes. Additionally, corporate sponsorships should not be involved. The FMCSA recommends that the driver consult their state licensure to determine which licensing provisions they are subject to, as this does vary by state.



<sup>1</sup> [HTTPS://WWW.FMCSA.DOT.GOV/REGULATIONS/TITLE49/SECTION/390.3](https://www.fmcsa.dot.gov/regulations/title49/section/390.3)

### **How do I know if I need a Department of Transportation (DOT) number?**

The vehicle you are using to haul your trailer may require a USDOT number if it meets the following requirements:

- Truck and trailer are considered commercial vehicles. This means if you use your truck and trailer for business or “furtherance of commercial enterprise,” you are considered a commercial vehicle.
- The GVWR is over 10,000 pounds.
- Travel is regular into other states

Again, your respective state may have regulations in place where you are required to obtain a state DOT if your truck and trailer are considered commercial vehicles.

### **What about rest breaks in addition to the mandatory rest period?**

The Hours of Service (HOS)<sup>1</sup> regulations within the FMCSA require that rest breaks are taken in addition to the mandatory 10-hour rest period. After an 8-hour period of driving, commercial drivers are required to take a 30-minute break. Again, this mandatory break period is automatically calculated and tracked within the ELD once the vehicle starts moving. The driver cannot amend the 30-minute break by substituting a 10-minute break followed by a 20-minute break at a later point. The driver will be subject to a penalty should an inspector find them in breach of this rule after inspection of the ELD. This 30-minute break is included in the overall 14-hour driving time limit.

This mandatory break period does not apply to drivers using either of the short-haul exemptions.<sup>2</sup>

### **Are there any exemptions for the ELD requirement for the horse industry?**

In a nutshell, yes.

Short-haul vehicles are exempt from the ELD mandate. The key components to meet the definition of a short-haul are as follows:

- The driver starts and returns to the same location within 12 hours-time
- The driver who is required to keep records of service not more than 8 days within any 30-day period.
- The vehicle being transported is a recreation vehicle trailer.
- Drivers of vehicles manufactured before the year, or before the model year, 2000.

Additionally, drivers hauling “agricultural commodities,” which includes livestock, are exempt from the ELD requirement, as well as the Hours of Service regulations if operating within 150 air-miles of the original site of the livestock. The definition for exemption in this category includes:

- Driver is not hauling further than 150 air-miles away, and not more than 8 days within a 30-day period.
- Drivers of vehicles manufactured before 2000 are not required to implement an ELD.

**THE AMERICAN HORSE COUNCIL  
RECOMMENDS CONSULTING THE  
DEPARTMENT OF TRANSPORTATION, AS  
WELL AS YOUR STATE DEPARTMENT OF  
TRANSPORTATION FOR INFORMATION  
ON THE SPECIFIC REQUIREMENTS FOR  
CDL'S, AS WELL AS DOT NUMBERS.**



**[HTTP://WWW.TRANSPORTATION.GOV](http://www.transportation.gov)**

<sup>1</sup> [HTTPS://WWW.FMCSA.DOT.GOV/REGULATIONS/HOURS-SERVICE/SUMMARY-HOURS-SERVICE-REGULATIONS](https://www.fmcsa.dot.gov/regulations/hours-service/summary-hours-service-regulations)  
<sup>2</sup> EXAMPLES OF THIS ARE: DRIVER OPERATING WITHIN 100 AIR-MILE RADIUS OF THE NORMAL WORK REPORTING LOCATION; THE DRIVER, EXCEPT A DRIVER-SALESPERSON, RETURNS TO THE WORK REPORTING LOCATION AND IS RELEASED FROM WORK WITHIN 12 CONSECUTIVE HOURS. ADDITIONALLY, DRIVERS MUST LEAVE AND RETURN TO THE SAME WORK REPORTING LOCATION TO QUALIFY FOR THE EXCEPTION.