

Non-Business Related Transportation of Horses

Published FMCSA Guidance

The FMCSA guidance shown here provides an exception for the transportation of horses when the transportation is not business related (neither for compensation, nor where the driver is engaged in an underlying business related to the move). [Additionally, these regulations and exemptions would apply to the hauling of any property or type of livestock and fitting the occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise. Horse has been used as an example animal based primarily on the rodeo questions.](#)

In these cases, the Federal Motor Carrier Safety Regulations do not apply, even if prize or scholarship money is offered. This includes the Hours-of-Service (HOS) regulations, requirements for Electronic Logging Devices (ELD) and Commercial Drivers Licenses (CDL) regulations, unless it is required by the driver's home state.

How to Determine if a Driver Transporting Horses is Required to use an ELD or Have a CDL While Operating a Commercial Motor Vehicle

If a safety official stops a driver transporting horses for personal use, we recommend that the driver explain that the transportation of the horses is non-business related.

If it is determined that a driver is engaged in an underlying business related to the transportation of the horses, the Federal Motor Carrier Safety Administration recommends that the driver use the following questions to determine if they are required to have a CDL, use an ELD, or use paper records of duty status (RODS) to record their HOS:

1. Is the vehicle being used for a non-commercial purpose, such as taking a personally owned animal to a show when the underlying business is unrelated?

If yes, a CDL is not required.

2. Does the vehicle have a Gross Vehicle Weight Rating (GVWR) or Gross Vehicle Weight (GVW) (whichever is greater) or is it a combination (truck and trailer) with a Gross Combined Weight Rating (GCWR) or Gross Combined Weight (GCW) (whichever is greater) of 10,001 pounds or more?

If no, then the HOS and CDL regulations requirements do not apply.

3. Does the vehicle have a GVWR or GVW (whichever is greater) or a combination vehicle (truck and trailer) with a GCWR or GCW (whichever is greater) of 10,001 pounds or more, but less than 26,001 pounds?

If yes, the individual may need to have an ELD to complete the RODS. However, a CDL is not required.

4. Does the vehicle have a GVWR or GVW (whichever is greater) of 26,001 pounds or more, or a combination vehicle (truck and trailer) with a GCWR or GCW (whichever is greater) of 26,001 pounds or more, inclusive of a towed unit with a GVWR or GVW of 10,000 pounds or more?

If yes, the individual may need to have an ELD to complete the RODS and a CDL may be required.

Exceptions

There are several ELD exceptions that may apply. Those include, but are not limited to: drivers who operate solely within a 100 air-mile radius and work no longer than 12 hours each day; vehicles that are older than the model year 2000; and drivers who are only required to complete RODS for 8 days or less in a 30-day period.

Please note that the Federal Motor Carrier Safety Regulation exceptions for the commercial transportation of horses and other animals to shows and events, as well as cars, boats and other similar items, does not exempt the driver from the CDL requirement.

For example, employers and drivers who transport horses and other animals to shows and events in a vehicle that has GVWR or GVW of 26,001 pounds or more; or the vehicle is a combination of vehicles (truck and trailer) with a GVWR or GCWR of 26,001 pounds or more, inclusive of a towed unit with a GVWR or GVW of more than 10,000 pounds, must comply with the CDL requirements.

However, a State may, at its discretion, exempt operators of farm vehicles from the CDL requirements. The use of the farm vehicle waiver is limited to the driver's home State unless there is a reciprocity agreement with adjoining States.

For exceptions specific to Wyoming, please see the summary at the end of this guidance.

Non-Business Related Transportation of Horses - Frequently Asked Questions

49 CFR § 390.3(f)(3) "Occasional use" exemption

Question: Does the exemption in §390.3(f)(3) for the "occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise" apply to persons who occasionally use CMVs to transport horses to races, tournaments, shows or similar events, even if prize money is offered at these events?

Guidance: 49 CFR §390.3(f)(3) provides an exemption for the "occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise." This exception is explained in the Agency's regulatory guidance for Part 390, question 21. If a person meets the requirements of that exemption, they are not subject to the Federal Motor Carrier Safety Regulations, including the requirement for using an ELD.

Question: If a driver transports a horse in interstate (outside of state) commerce in a vehicle that has a GVWR or GVW (or combination vehicle that has a GVWR, GVW, or GCWR), none of which is greater than 10,000 pounds, is the driver required to use an ELD.

Guidance: No. A driver who transports a horse in interstate (outside of state) commerce in a vehicle that has a GVWR, GVW (or combination vehicle that has a GVWR, GVW, or GCWR), none of which is greater than 10,000 pounds, is not subject to the Federal Motor Carrier Safety Regulations (FMCSRs) and is therefore not required to use an ELD.

Question: If a driver transports a horse only in intrastate (inside of state) commerce is the driver required to use an ELD?

Guidance: In general, the FMCSRs do not apply to intrastate (inside of state) commerce; however, States have similar regulations that may vary from the Federal and from State-to-State. A driver in intrastate (inside of state) commerce should check with the commercial motor vehicle enforcement authorities in that State to determine which regulations apply.

Question: If a driver transports a horse in interstate (outside of state) commerce in a vehicle that has a GVWR or GVW (or combination vehicle that has a GVWR, GVW, or GCWR), any one of which is 10,001 pounds or greater, and the driver does not qualify for the “occasional use” exemption in §390.3(f)(3), is the driver required to use an ELD?

Guidance: Yes. A driver who transports a horse in interstate (outside of state) commerce in a vehicle that has a GVWR or GVW (or combination vehicle that has a GVWR, GVW, or GCWR), any one of which is 10,001 pounds or greater, and the driver does not qualify for the “occasional use” exemption in § 390.3(f)(3), is required to use an ELD unless subject to one of the ELD exceptions.

Question: If a driver transports a horse in interstate (outside of state) commerce in a vehicle that has a GVWR or GVW (or a combination vehicle that has a GVWR, GVW, or GCWR), any one of which is 10,001 pounds or greater, and the driver does qualify for the “occasional use” exemption in § 390.3(f)(3), is the driver required to use an ELD?

Guidance: No. A driver who transports a horse in interstate (outside of state) commerce in a vehicle, or combination vehicle, that has a GVWR or GVW of more than 10,000 pounds, and the driver does qualify for the “occasional use” exemption in § 390.3(f)(3), is not subject to the Federal Motor Carrier Safety Regulations (FMCSRs) and is therefore not required to use an ELD.

Commercial Driver’s Licenses

Note: Drivers must confer with their State DMV to determine the licensing provisions to which they are subject.

Question: If a driver transports a horse in intrastate (inside of state) or interstate (outside of state) commerce in a vehicle, or combination vehicle, that has a GVWR or GVW of more than 10,000 pounds but less than 26,001 pounds, is the driver required to have a Commercial Driver’s License (CDL)?

Guidance: No. A driver who transports a horse in intrastate (inside of state) or interstate (outside of state) commerce in vehicles, or combination vehicles, that have a GVWR or GVW of more than 10,000 pounds but less than 26,001 pounds are not required to have a Commercial Driver’s License (CDL).

Question: If a driver transports a horse in interstate (outside of state) or intrastate (inside of state) commerce in a vehicle, or combination vehicle, that has a GVWR or GVW of more than 26,000 pounds in interstate or intrastate commerce, is the driver required to have a Commercial Driver’s License (CDL)?

Guidance: A driver who transports a horse in a vehicle, or combination vehicle, in interstate (outside of state) or intrastate (inside of state) commerce may be required to have a Commercial Driver’s License if:

1. The vehicle has a GVWR or GVW of 26,001 pounds or more; or
2. The combination vehicle has a gross combination weight rating or gross combination weight of more than 26,000 pounds, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds.

Additional Guidance: [For the "occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise" apply to persons who occasionally use](#)

[CMVs to transport cars, boats, horses, etc., to races, tournaments, shows or similar events, even if prize money is offered at these events?](#)

[The exemption would 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. Drivers must confer with their State of licensure to determine the licensing provisions to which they are subject.](#)

The Wyoming Highway Patrol ~~will continue to is also~~ seeking guidance from [the FMCSA regarding these requirements as they apply to other livestock and situations](#). When that information is provided, we will update this information.

In the meantime, if you any questions regarding this information or other information about CDL or ELD requirements, please call our Commercial Carrier Section. Captain Scot Montgomery: 307-777-4312; Lieutenant Dan Wyrick: 307 -777-4872 ; Federal Motor Carrier Administration: 307 -772-2305; or the Wyoming Trucking Association: 307-234-1579.

Summary of Wyoming Specific Exemptions

Note: Please keep in mind that defined exemptions are specific to Wyoming and may be different in another state that you are traveling to.

- (A) Do you declare prize money as [regular](#) ordinary income for tax purposes?**
- (B) Are the costs for the activities deducted as a business expense for tax purposes?**
- (C) Do you accept products and/or money for advertising from a sponsor?**
- (D) Is the transport vehicle being used as a commercial for hire operation?**
- (E) Are you being paid to transport property?**

**If you answered "YES" to ANY of the above questions, continue to the next question.
If you answered "NO" to ALL questions above, you are not a commercial operation.**

(F) Is the "gross vehicle weight" of the single vehicle or combination (truck and trailer) greater than 10,001 lbs., AND you are crossing a state line?

(G) Is the "gross vehicle weight" of the single vehicle or combination (truck and trailer) greater than 26,001 lbs., AND you are operating solely within Wyoming?

If you answered "YES" to ANY of the above questions, you are subject to commercial regulations for the state you travel within.

If you answered "NO," you are not subject to the commercial vehicle regulations.

If you meet any of the exemptions in the regulations (also mentioned above), you will not need a log book, ELD, and you will not need a CDL.

Exemption Examples:

- (A) High school or college students on a rodeo team hauling their animals to a school supported event.**

- (B) A weekend racer hauling their unsponsored race car to a track for competition where prize money is paid but the driver does not claim it as regular ordinary income.**
- (C) Rancher hauling their own cattle to the livestock market in the state.**