



Where Outfitters *Thrive*

A New Short-haul Exemption for 9-15 Passenger Vans Will Benefit Outdoor Recreation Providers

A provision discretionarily exempting recreation activity providers who cross state lines in 9-15 passenger vans, but stay within 150 air miles with or without trailers was signed into law in November 2021 as a component of the Infrastructure Investment and Jobs Act (PL 117-58).

Historically, outfitters in this situation had been coming under the scrutiny of the Federal Motor Carrier Safety Administration. The FMCSA was requiring these outdoor recreation businesses to obtain and maintain interstate operating authority (i.e., an MC number) in addition to U.S. Department of Transportation (DOT) registration, even though the interstate travel was incidental and is usually close to their base of operations.

The new provision reads as follows:

SEC. 23012. PROVIDERS OF RECREATIONAL ACTIVITIES.

Section 13506(b) of title 49, United States Code, is amended—

- (1) in paragraph (2), by striking “or” at the end;
- (2) in paragraph (3), by striking the period at the end and inserting “; or”;
- (3) by adding at the end the following:
“(4) transportation by a motor vehicle designed or used to transport not fewer than 9, and not more than 15, passengers (including the driver), whether operated alone or with a trailer attached for the transport of recreational equipment, if—
 - “(A) the motor vehicle is operated by a person that provides recreational activities;
 - “(B) the transportation is provided within a 150 air-mile radius of the location at which passengers initially boarded the motor vehicle at the outset of the trip; and
 - “(C) in the case of a motor vehicle transporting passengers over a route between a place in a State and a place in another State, the person operating the motor vehicle is lawfully providing transportation of passengers over the entire route in accordance with applicable State law.”.

Section 13506(b) of title 49 states that “Except to the extent the Secretary or Board, as applicable, finds it necessary to exercise jurisdiction to carry out the transportation policy of section 13101, neither the Secretary nor the Board has jurisdiction under this part.”

The Secretary of Transportation, therefore, still has some discretion in identifying whether a short-haul exemption for recreational activities would undermine his ability to develop, coordinate, and preserve a transportation system that meets the transportation needs of the United States. America Outdoors is engaging with the US Department of Transportation to determine how this new law will be interpreted, and what direction to states the US DOT will provide.

The outfitter and guides members of America Outdoors greatly appreciate the members of congress who supported this bill through to its passage.