passengers by motor vehicle in inter-
state or foreign commerce for com-
pensation as provided in 49 U.S.C.
13506(b) be, and it is hereby, removed to
the extent necessary to make applicable
all provisions of 49 U.S.C. subtitle
IV, part B to such transportation when
sold or offered for sale, or provided or
procured or furnished or arranged for,
by any person who sells, offers for sale,
provides, furnishes, contracts, or ar-
ranges for such transportation for com-
pensation or as a regular occupation or
business.

[32 FR 20036, Dec. 20, 1967. Redesignated at 61
FR 54708, Oct. 21, 1996, as amended at 62 FR
15421, Apr. 1, 1997]

§ 372.103 Motor vehicles employed
solely in transporting school chil-
dren and teachers to or from
school.

The exemption set forth in 49 U.S.C.
13506(a)(1) shall not be construed as
being inapplicable to motor vehicles
being used at the time of operation in
the transportation of schoolchildren
and teachers to or from school, even
though such motor vehicles are em-
ployed at other times in transportation
beyond the scope of the exemption.

[36 FR 9022, May 18, 1971, as amended at 62
FR 15421, Apr. 1, 1997]

§ 372.107 Definitions.

As used in the regulations in this
part, the following terms shall have
the meaning shown:

(a) Cooperative association. The term
“cooperative association” means an as-
sociation which conforms to the fol-
lowing definition in the Agricultural
Marketing Act, approved June 15, 1929,
as amended (12 U.S.C. 1141j):

As used in this Act, the term cooperative
association means any association in which
farmers act together in processing, preparing
for market, handling, and/or marketing the
farm products of persons so engaged, and
also means any association in which farmers
act together in purchasing, testing, grading,
processing, distributing, and/or furnishing
farm supplies and/or farm business services.
Provided, however, That such associations
are operated for the mutual benefit of the
members thereof as such producers or pur-
casers and conform to one or both of the
following requirements:
First, That no member of the association
is allowed more than one vote because of the
amount of stock or membership capital he
may own therein; and
Second. That the association does not pay
dividends on stock or membership capital in
excess of $ per centum per annum.

And in any case to the following:
Third. That the association shall not deal
in farm products, farm supplies and farm
business services with or for nonmembers in
an amount greater in value than the total
amount of such business transacted by it
with or for members. All business transacted
by any cooperative association for or on be-
half of the United States or any agency or
instrumentality thereof shall be disregarded
in determining the volume of member and
nonmember business transacted by such as-
sociation.

Associations which do not conform to
such definition are not eligible to oper-
ate under the partial exemption of 49

(b) Federation of cooperative associa-
tions. The term “federation of coopera-
tive associations” means a federation
composed of either two or more coopera-
tive associations, or one or more
farmers, which federation possesses no
greater powers or purposes than a co-
operative association as defined in
paragraph (a) of this section. Federa-
tions of cooperative associations which
do not conform to such definition are
not eligible to operate under the par-
tial exemption of 49 U.S.C. 13506(a)(5).

(c) Member. The term “member”
means any farmer or cooperative asso-
ciation which has consented to be, has
been accepted as, and is a member in
good standing in accordance with the
constitution, bylaws, or rules of the co-
operative association or federation of
cooperative associations.

(d) Farmer. The term “farmer” means
any individual, partnership, corpora-
tion, or other business entity to the ex-
tent engaged in farming operations ei-
ther as a producer of agricultural com-
modities or as a farm owner.

(e) Interstate transportation. The term
“interstate transportation” means
transportation by motor vehicle in
interstate or foreign commerce subject
to the FMCSA’s jurisdiction as set

(f) Member transportation. The term
“member transportation” means trans-
portation performed by a cooperative
association or federation of coopera-
tive associations for itself or for its