

The Colorado State Patrol Commercial Vehicle Safety Units

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Intrastate Commercial Vehicle Operations For Farmers and Ranchers



Colorado State Patrol
Motor Carrier Safety Section
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This pamphlet is intended only as an informational guide to assist the farming and ranching communities with understanding some of the State Laws and Federal Regulations. It does not cover all the laws required to maintain compliance. All reference to the State and Federal Regulations should be confirmed using the Colorado Revised Statutes and Title 49 Code of Federal Regulations.

Farmers and ranchers who operate commercial vehicles in Colorado are not generally exempted from complying with the Federal Motor Carrier Safety Regulations when operating a commercial motor vehicle.

Definitions: To clarify the various exceptions to and the application of the rules and regulations to farmers, it is necessary to set forth the following definitions. Please refer to these definitions when seen in **BOLD** print throughout this pamphlet:

Commercial Motor Vehicle is defined as any self propelled or towed vehicle bearing an apportioned plate or having a Gross Vehicle Weight Rating (**GVWR**) or Gross Combination Weight Rating (**GCWR**) of 10,001 pounds or more, which is used in commerce on a public highway. (§42-4-235 C.R.S.)

Farm Vehicle Driver is a person who drives only a **commercial motor vehicle** that is:

- 1) Controlled and operated by a farmer as a private motor carrier of property;
- 2) Being used to transport either:
 - a) Agricultural products, or
 - b) Farm machinery, farm supplies or both to or from a farm;
- 3) Not being used in the operation of a for hire motor carrier;
- 4) Not carrying hazardous material of a type or quantity that requires the commercial motor vehicle to have placards according to the regulations;
- 5) Being used within 150 air miles of the farmer's farm. (49 CFR Part 390.5)

Farmer is any person who operates a farm or is directly involved in the cultivation of land, crops or livestock, which are owned by that person or are under the direct control of that person. As stated within this pamphlet the word farmer shall also include ranchers. (49 CFR Part 390.5)

GVWR (Gross vehicle weight rating) is the value specified by the manufacture as the loaded weight of a single vehicle. Usually found on the VIN label. (49 CFR Part 390.5)

GCWR (Gross combination weight rating) is the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR Part 390.5)

Implement of Husbandry is every vehicle that is designed, adapted or used for agricultural purposes and is primarily used on the farm and not on the highway . (refer to §42-1-102(44) C.R.S. for entire definition).

With these definitions in mind, a brief summary of the laws and regulations applicable to farmers and ranchers now follows.

COMMERCIAL DRIVERS LICENSES:

Class "A"



Any combination of vehicles with a **GCWR** of 26,001 pounds or more if the **GVWR** of the trailer(s) being towed are in excess of 10,000 pounds.

Class "B"



Heavy Straight Vehicle Any single vehicle with a **GVWR** of 26,001 pounds or more, or any such vehicle towing a trailer not in excess of 10,000 pounds **GVWR**.

If the Farm vehicle is operated within the following requirements then a CDL may not be required for the farmer/rancher,

- 1) Controlled and operated by a **farmer**,
- 2) Used to transport agriculture products, farm machinery, or farm supplies to or from a farm,
- 3) Not used in the operation of a common or contract motor carrier;
- 4) Used within 150 miles of the person's farm.

DRUG AND ALCOHOL TESTING FOR DRIVERS:

49 CFR Part 382 requires controlled substance and alcohol testing for all drivers of commercial vehicles, requiring a CDL for operation. See the following two examples.

- 1) John is a **farmer** driving a large Truck Tractor and Semi Trailer (Class "A" CDL Type Vehicle). John has driven 140 miles from his farm. *John, does not need a CDL because he may utilize the CDL exception therefore no drug and alcohol testing program is required*
- 2) Todd is a **farmer** driving a 1 ton dual axle pickup pulling a gooseneck two axle dual tires trailer. The total **GCWR** for the truck and trailer is 32,000 lbs and the trailer **GVWR** is 20,000 lbs (Class "A" CDL Type Vehicle). Todd has driven 160 miles from his farm. *Todd must possess a valid Class "A" CDL and must be enrolled in a drug and alcohol testing program.*

MEDICAL CARDS:

Intrastate Farm Vehicle Drivers:

- 1) Operating combination (Truck/Trailer) **commercial motor vehicles** with a **GCWR** of more than 26,000 lbs. are required to possess a current medical card.
- 2) **Farm Vehicle Driver** operating straight trucks without trailers are excepted from all the requirements of 49 CFR **Part 391**.

Interstate Farm Vehicle Drivers:

- 1) Operating combination (Truck/Trailer) **commercial motor vehicles** with a **GCWR** of more than 10,000 lbs. are required to possess a medical card.

- 2) **Farm Vehicle Driver** operating straight trucks are excepted from all of the requirements of 49 CFR **Part 391**.

COMMERCIAL VEHICLE MARKINGS:

All farm operations utilizing **commercial motor vehicles** must obtain a USDOT number.

Interstate:

Farm **commercial motor vehicles** with a GVWR/GCWR of 10,001 lbs or more must be marked in accordance with the regulations 49 CFR 390.21.

Intrastate:

Farm **commercial motor vehicles** with a **GVWR/GCWR** between 10,001-26,000 lbs must only possess a USDOT number and are not required to mark the vehicle.

Farm vehicles with a **GVWR/GCWR** greater than 26,000 lbs must be marked with the legal trade name and USDOT number on both left and right sides.

PROHIBITED PRACTICES AND DRIVING COMMERCIAL MOTOR VEHICLES:

49 CFR Part 392 prohibits unsafe driving practices for all drivers (Farmers Included) operating **commercial motor vehicles**. These prohibited practices include but are not limited to the following:

- Driving a commercial motor vehicle while ill or fatigued
- Possession/Consumption of Alcohol
- Possession/Consumption of Drugs or other substances
- Driver must wear a safety belt

§42-4-239(2)(3) C.R.S. A person under 18 years of age shall use a wireless telephone while operating a motor vehicle. Also a person 18 years of age or older shall not use a wireless telephone for text messaging or similar forms of manual data entry or transmission while operating a motor vehicle.

HOURS OF SERVICE:

Hours of service restrictions and record keeping are covered in **49 CFR Part 395**. A **farmer**, who is operating a commercial motor vehicle not exceeding 26,000 pounds **GVWR** or **GCWR**, is not required to adhere to the hours of service requirements in this section.

Additionally, the rules of 49 CFR Part 395 do not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in Colorado if such transportation:

- 1) Is limited to an area within 100 air mile radius from the source of the commodities or the distribution point for the farm supplies; and
- 2) Is conducted during the planting and harvesting seasons within Colorado. Planting and harvesting seasons are designated by the Colorado Department of Agriculture. The Department of Agriculture has determined that the planting and harvesting season is to be from January 1 to December 31.

SAFE OPERATION AND INSPECTION, REPAIR AND MAINTENANCE:

49 CFR Part 393 addresses parts and accessories that are necessary for safe operation. There are no exceptions/exemptions for farm **commercial motor vehicles** in this part.

49 CFR Part 396 covers the inspection repair and maintenance for all **commercial motor vehicles**. Prior to operating the vehicle a farmer is required to check the vehicle's parts and accessories at the beginning of each day to ensure the vehicle is in safe working order.

49 CFR Part 396 requires maintenance files to be kept on all **commercial motor vehicles** including trailers. Farmers are not excluded from this requirement.

All **commercial motor vehicles** shall be systematically inspected, repaired, and maintained.

Commercial motor vehicles that are not owned by the **farmer**, but are within their control are also required to be inspected, repaired and maintained. Also all parts and accessories on the commercial motor vehicle shall be in safe and proper operating condition at all times.

All trucks and trailers must have Periodic Inspections completed as required in **49 CFR Part 396.17**, and proof of their completion is required to be carried on the vehicle. A copy of the inspection is also required to be in the vehicles' maintenance file.

Periodic Inspections are required to be completed annually by a qualified individual. Examples of these qualifications are as follows but not limited to:

- Certified Mechanic and is knowledgeable with 49 CFR Part 393 and Appendix G
- Successfully completed a State or Federal training program or having a certificate from a state qualifying the individual to perform safety inspections

REGISTRATION OF VEHICLES:

§42-3-134(12) C.R.S. addresses the registration of farm vehicles. A farm plate may be used on any truck tractors and trucks owned by a **farmer**, which vehicles are operated over the public highways and whose only commercial uses are transporting to market or place of storage, raw agricultural products actually produced, or livestock actually raised by such farmer or rancher, or transporting commodities and livestock purchased by the farmer or rancher for personal use and used in such person's farming or ranching operation.

Farm tractors and **implements of husbandry** designed primarily or exclusively for use and used in agricultural operations are not required to be registered.

OVERSIZE VEHICLES AND PERMITTING

Width of Vehicles:

§42-4-502(1) C.R.S. States that the width of a vehicle or load shall not exceed eight feet six inches

§42-4-502(2)(a)(b) C.R.S. States that a load of loose hay, including loosely bound, round bales shall not exceed twelve feet in width. Rectangular hay bales shall not exceed ten feet six inches in width.

- The Colorado Department of Transportation will not issue a permit for a load of hay exceeding these widths.
- It is unlawful for a load of hay to exceed the stated width and the driver may be issued a citation for operation of an unlawful load width.

§42-4-509(9) C.R.S. Farmers transporting an **implement of husbandry** within the state is not required to obtain an oversize permit. (Hay trailers are not included because of being specifically defined in §42-4-502 C.R.S.)

HAZARDOUS MATERIALS INFORMATION:

Hazardous materials regulations are applicable to farming operations. **49 CFR Part 173.5** and **§42-20-108.5 C.R.S.**, provide for certain exceptions to their applicability. Intrastate agricultural operations are exempted from the requirements of the hazardous materials regulations, except for gases, when transporting the agricultural product over local roads between fields of the same farm. Gases that are transported over local roads between fields of the same farm are exempted from the requirements for emergency response information and training.

49 CFR Part 173.5 provides limited exceptions from the regulations. The transportation of an agriculture product to or from a farm, within 150 miles of a farm, is excepted from the requirements of Emergency Response, Training and specific packaging requirements when:

- a) It is transported by a farmer who is an intrastate private motor carrier;
- b) The total amount of agriculture product being transported on a single vehicle does not exceed
 - i) 16,094 pounds of ammonium nitrate fertilizer properly classed as Division 5.1, PG III, in a bulk packaging, or
 - ii) 502 gallons for liquids or gases, or 5,070 pounds for solids, of any other agricultural products.
- c) The movement and packaging of the agricultural product conform to the state requirements;
- d) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for the shipment has been instructed in the applicable requirements.

NURSE TANKS:

Nurse tanks are considered to be implements of husbandry when they are transporting anhydrous ammonia and operated by a private carrier exclusively for agricultural purposes. They do not have to meet the packaging requirements under **49 CFR Part 178**. They do, however, have to meet the requirements set forth within **49 CFR Part 173.315(m)**.

HAZARDOUS MATERIALS ROUTING:

Farm machinery which is exempted from registration requirements under **§42-3-104(3) C.R.S.**, agricultural distribution equipment attached to or conveyed by such farm machinery, or vehicles used to transport to or from a farm or ranch site products necessary for agricultural production are not subject to the permitting and routing rules as adopted by the Colorado State Patrol. This does not

apply if these vehicles are used in the furtherance of any commercial enterprise other than agriculture.

MATERIALS OF TRADE:

Under §42-20-108.5, C.R.S., the movement of hazardous materials, except for gases, is exempted from the hazardous materials regulations when transported by an intrastate farmer over local roads between fields of the same farm. **49 CFR Part 173.6** addresses other specific exemptions for materials of trade.

REFERENCES:

- 1) Titles 33 and 42, C.R.S.
- 2) Colorado Code of Regulations 8 CCR 1507-1 and 8 CCR 1507-25
- 3) Federal Motor Carrier Regulations, Title 49 of the Code of Federal Regulations, Parts 40,382, 383, 390, 391, 392, 393, 395, 396
- 4) Hazardous Materials Regulations, Title 49 of the Code of Federal Regulations, Parts 100 through 185

RELATED AGENCIES:

COLORADO STATE PATROL

Motor Carrier Safety

15075 South Golden Road

Golden, CO 80401

(303) 273-1875

www.csp.state.co.us/mcsap.html

COLORADO STATE PATROL

Hazardous Materials Transport Safety and Response

15075 South Golden Road

Golden, CO 80401

(303) 273-1875

www.csp.state.co.us/hazmat.html

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

12300 West Dakota Avenue, Suite 130

Lakewood, CO 80228

(720) 963-3130

www.fmcsa.dot.gov

COMMERCIAL VEHICLE SAFETY ASSOCIATIONS AND SUPPLIERS:

COLORADO MOTOR CARRIERS ASSOCIATION

4060 Elati Street

Denver, CO 80216

(303) 433-3375

www.cmca.com

OTHER RESOURCES:

COLORADO FARM BUREAU

9177 East Mineral Circle

Centennial, CO 80112

(303) 749-7500

www.colofb.com

COLORADO CATTLEMAN'S ASSOCIATION

8833 Ralston Road

Arvada, CO 80002

(303) 431-6422

www.coloradocattle.org

COLORADO BRAND BOARD

4701 Marion Street, # 201

Denver, CO 80216-213

(303) 294-0895

www.colorado.gov/cs/Satellite/Agriculture-Main/CDAG/1167928197096