

CAN I INSPECT A FARM VEHICLE?

July 2021

MAP-21 / Covered Farm Vehicle (CFV) Agricultural Exemptions from FMCSRs

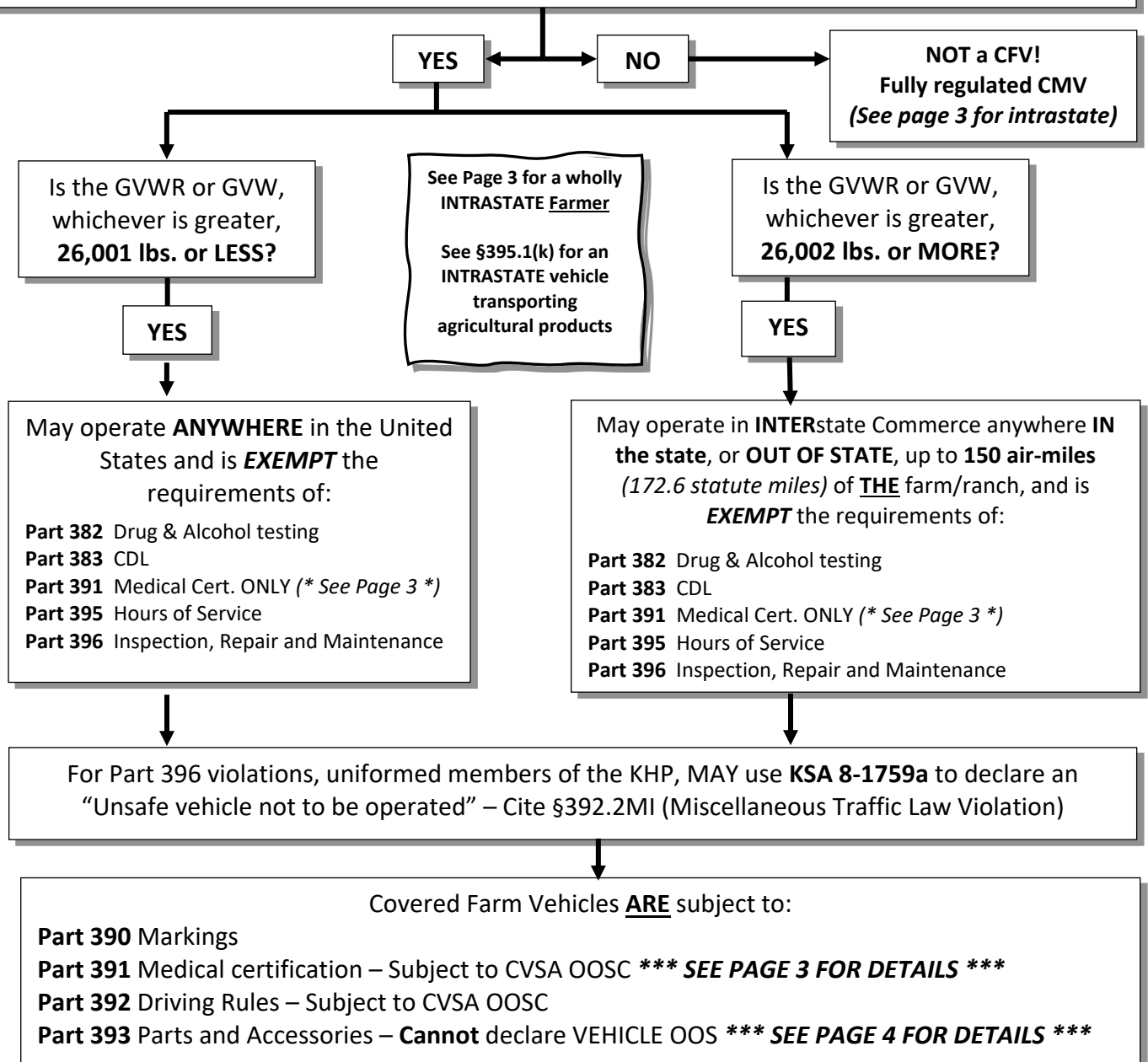
IMPORTANT NOTE: The provisions of MAP-21 generally only apply to **INTERSTATE COMMERCE**. The determination of whether a shipment occurring within a State is interstate or intrastate commerce is rather complex and must be made on a case-by-case basis. See §390.3T, Interpretation question #6.

MAP-21 DEFINITION OF A COVERED FARM VEHICLE – Straight or Articulated Truck:

1. Is the VEHICLE operating in **INTERstate** commerce, **AND**
2. Is the DRIVER (1) a farm owner or operator; or (2) a ranch owner or operator; or (3) an employee or family member of the farm, ranch or operator; or operated pursuant to a crop share agreement, **AND**
3. Is the vehicle transporting agricultural commodities, livestock, machinery or supplies to or from **THE** farm or ranch, **AND**
4. Does the vehicle have a special license plate (i.e. **FARM TAG**) or other designation, or document (e.g. KDOR TR-600 form) by the state in which it is registered to allow for identification of the vehicle as a **Covered Farm Vehicle**, **AND**
5. The vehicle is **NOT** transporting hazardous materials **requiring** placards (any Table 1, any bulk, or 1,001 lbs Table 2).

(**MUST MEET ALL 5 REQUIREMENTS** TO BE A COVERED FARM VEHICLE)

DOES THE VEHICLE MEET THE DEFINITION OF A COVERED FARM VEHICLE?



CAN I INSPECT A FARM VEHICLE?

July 2021

INTERSTATE

SUBJECT TO CVSA INSPECTION:	YES! §390.3T(f), (g) and (h), does not list any exceptions for a Covered Farm Vehicle. Refer to eCFR or GUARD to read the exceptions.
FMCSA REGISTRATION:	All CMVs operating as either a CFV or driven by a farm vehicle driver (§390.5T) operating in INTERSTATE commerce must have a USDOT number. If they have not registered for a USDOT number, record a violation for §392.9b(a). If they have a previous history of operating without a USDOT number, declare the vehicle OOS. If they have a USDOT number and CVIEW shows it as "INACTIVE," record a violation for §392.9b(a) and declare the vehicle OOS.
OPERATING AUTHORITY:	<p>All CMVs operating as either a CFV or driven by a farm vehicle driver must be operated as a PRIVATE carrier. If the operation is for hire, they are not a covered farm vehicle or a farm vehicle driver. A for hire carrier is required operating authority per §392.9a(a)(1) - "No operating authority."</p> <p>If the covered farm vehicle or farm vehicle driver is transporting a quantity of haz-mat that requires placards, they lose the exemptions described, and all applicable laws, rules and regulations apply (safety regulations and haz-mat regulations).</p>
REGISTRATION:	Follow the flow chart for "Applying Registration." Refer to KSA 8-142, Ninth and Tenth, for Kansas farm tag rules. Customer harvesters will need KS registration/IRP. Farmers will not.
LOGBOOK:	<p>A <u>Covered Farm Vehicle</u>, 26,001 lbs. or less, is EXEMPT logbooks anywhere in the United States.</p> <p>A <u>Covered Farm Vehicle</u>, more than 26,001 lbs., operating in INTRAstate commerce or INTERstate commerce within a state, is EXEMPT logbooks anywhere in the State.</p> <p>A <u>Covered Farm Vehicle</u>, more than 26,001 lbs., operating in INTERstate commerce, is EXEMPT logbooks within 150 air-miles or 172.6 statute miles of the farm or ranch.</p>
NOTE: 395.1 (k)	<p><u>Any interstate or intrastate</u> driver transporting agricultural commodities or farm supplies for agricultural purposes (as defined by §395.2), <u>is not required a logbook</u> IF the driver is within 172.6 statute miles (150 air miles) radius from THE source of the commodities or the distribution point for the farm supplies, and the move is conducted during the planting and harvesting seasons as determined by the state (January 1st to December 31st).</p> <p>Agricultural Commodities as defined in §395.2, means (1) Any agricultural commodity, non-processed food, feed, fiber, or livestock as defined in this section, or (2) As used in this definition, the term "any agricultural commodity" means horticultural products at risk of perishing, or degrading in quality, during transport by commercial motor vehicle, including plants, sod, flowers, shrubs, ornamentals, seedlings, live trees, and Christmas trees.</p>
CDL:	<p>A <u>Covered Farm Vehicle</u>, 26,001 lbs. or less, is EXEMPT a CDL anywhere in the United States.</p> <p>A <u>Covered Farm Vehicle</u>, more than 26,001 lbs., operating in INTRAstate commerce or INTERstate commerce within a state, is EXEMPT a CDL anywhere in the State.</p> <p>A <u>Covered Farm Vehicle</u>, more than 26,001 lbs., operating in INTERstate commerce, is EXEMPT a CDL within 150 air-miles or 172.6 statute miles of the farm or ranch.</p>

REFER TO BORDER STATE CDL RECIPROCITY AGREEMENTS ON

PAGE 5

CAN I INSPECT A FARM VEHICLE?

July 2021

MEDICAL CARD:

EXEMPT ALL
OF
PART 391

Drivers involved in “farm custom operations” (custom cutters/harvesters) or “apiarian industries” (beekeepers), are **EXEMPT. No Medical Card Required.** §391.2

Drivers meeting the definition of a “farm vehicle driver” §390.5T (*private carrier, transporting only AG, not carrying a quantity of haz-mat that requires placards AND is within 150 air miles of the farm*) who operate **STRAIGHT TRUCKS**, are **EXEMPT** from all driver qualification requirements of Part 391. **No Medical Card Required.** (§391.2 Interpretation Question #2)

A driver meeting the definition of a “**FARM VEHICLE DRIVER**” (§390.5T) of an **ARTICULATED motor vehicle** must be at least **18 years old** and **possess a valid medical card** (§391.67).

A Covered Farm Vehicle, 26,001 lbs. or **less**, is **EXEMPT MEDICAL CARD** anywhere in the U.S.

A Covered Farm Vehicle, **more** than 26,001 lbs., operating in **INTRASTATE** commerce or **INTERSTATE** commerce **within** a state, is **EXEMPT MEDICAL CARD** anywhere in the State.

A Covered Farm Vehicle, **more** than 26,001 lbs., operating in **INTERSTATE** commerce, is **EXEMPT MEDICAL CARD** within 150 air-miles (**172.6 statute miles**) of the farm or ranch.

MARKINGS:

Must be marked in accordance with §390.21T(a), (b) & (c) with USDOT # and carrier name.

ANNUAL

INSPECTIONS:

A Covered Farm Vehicle, 26,001 lbs. or **less**, is **EXEMPT** an annual inspection anywhere in the U.S.

A Covered Farm Vehicle, **more** than 26,001 lbs., operating in **INTRASTATE** commerce or **INTERSTATE** commerce **within** a state, is **EXEMPT** an annual inspection anywhere in the State.

A Covered Farm Vehicle, **more** than 26,001 lbs., operating in **INTERSTATE** commerce, is **EXEMPT** an Annual Inspection within 150 air-miles or **172.6 statute miles** of the farm or ranch.

HAZARDOUS MATERIALS:

A vehicle transporting a quantity of **hazmat that requires placards** engaged in **INTERSTATE** commerce, **does NOT** meet the definition of a “Covered Farm Vehicle” or a “farm vehicle driver” as defined in §390.5T, and is subject to **ALL** the applicable state and federal regulations (haz-mat regulations and safety regulations).

INTRASTATE

Title 49 CFR §390.5T as adopted by KAR 82-4-3f defines a “**farmer**” as: Any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which—

- (a) Are owned by that person; or
- (b) Are under the direct control of that person.

K.S.A. 66-1,109 Exempts INTRASTATE farm operations from all State ECONOMIC (authority) regulations:

- (a) The owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in a motor vehicle of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment.

(If the vehicle stopped does NOT meet this exemption, they would need private carrier authority if more than a 25 mile radius from city or domicile; common or contract carrier authority if more than a 3 mile radius from city or domicile. Be sure to check all exemptions listed in 66-1,109).

CAN I INSPECT A FARM VEHICLE?

July 2021

INTRASTATE

K.S.A. 66-1,129 (c)(1) Exempts INTRASTATE farm operations from all SAFETY (CVSA inspection) regulations:

- (a) The owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment.

*If the vehicle stopped does **NOT** meet this exemption, they are subject to a CVSA inspection. Be sure to check all exemptions listed in 66-1,129, and if it meets the definition of a "Covered Farm Vehicle".*

*If the vehicle stopped is exempt all of the federal SAFETY REGULATIONS, the only enforcement action that can be taken is based on state law (e.g. – size, weight, traffic laws, etc.). They are **NOT** required a USDOT number, logbook, medical card, CDL, etc. A CVSA inspection cannot be completed.*

*** ALWAYS REFER TO THE CURRENT REGULATIONS ***

383.3 CDL Applicability

383.5 CDL Definitions. Commercial motor vehicle

390.3T General Applicability to safety regulations

390.3T(f) (g) (h) Exceptions to safety regulations

390.5T Definitions. Commercial motor vehicle

Farmer

Farmer Vehicle Driver

Covered Farm Vehicle

395.1(k) **Logbook Agricultural operations.** Exempt ALL hours of service within 150 air miles of the original source or distribution point. Must completely off-load original load to get a new 150 air mile radius.

See §395.1, interpretation questions 34 – 37.

Exempt 30-minute rest break when transporting bees (§395.1(u)) and livestock (§395.1(v)).

GUIDANCE:

§390.3T Interpretation Question 6: How does one distinguish between intra and interstate commerce for the purposes of applicability of the FMCSRs?

Guidance: Interstate commerce is determined by the essential character of the movement, manifested by the shipper's fixed and persistent **intent** at the time of shipment, and is ascertained from all of the facts and circumstances surrounding the transportation. When the intent of the transportation being performed is interstate in nature, even when the route is within the boundaries of a single State, the driver and CMV are subject to the FMCSRs.

Declaring Drivers and Vehicles OOS:

For **Parts 391 (non-medical)**, and **Part 392**, follow standard OOS procedures for **regulated CMVs**.

For **Parts 393 and 396**, use CVSA OOSC for guidance, but **cannot officially declare OOS**. Record a violation for §392.2MI (Miscellaneous Traffic Law Violation), reference KSA 8-1759a, verbally advise driver the vehicle has been declared unsafe and it cannot be operated until the violation is corrected. Violating the directive is a misdemeanor per 8-1759a(d).

CAN I INSPECT A FARM VEHICLE?

July 2021

CDL Farm Exception **MISSOURI** Reciprocity

<https://ksrevenue.org/pdf/KsMoReciprocity.pdf>

- MO driver entering KS does not need a CDL if:
 - Is properly operated as a farm vehicle under the laws of either state.
 - Is operated by a farmer with a valid DL and is at least 18 years old.
 - Transports ag products, farm equip., farm supplies to/from farm.
 - Not used as common or contract carrier.
 - Registered as a Farm Vehicle.
 - Used within 150 miles of the farm.
- Vehicles transporting **haz-mat** must comply with federal laws relating to the transportation of hazardous materials, including, but not limited to, 49 CFR Pars 171, 172, 385, and 397.
- Any person who is **21 years of age** or older driving a farm vehicle exclusively for the transportation of agricultural products, farm machinery, farm supplies or fertilizers, which may include **haz-mat**, may operate in either state, provided the total combined **gross vehicle weight rating** of the farm vehicle **does not exceed 26,001 lbs**, when transporting haz-mat and provided the driver and farm vehicle meet the federal requirements of a covered farm vehicle.
- Same applies to a KS driver entering MO.

CDL Farm Exception **NEBRASKA** Reciprocity

<https://ksrevenue.org/pdf/KsNebReciprocity.pdf>

- NE driver entering KS does not need a CDL if:
 - Is properly operated as a farm vehicle under the laws of either state.
 - Is operated by a farmer with a valid DL and is at least 18 years old.
 - Transports ag products, farm equip., farm supplies to/from farm.
 - Not used as common or contract carrier.
 - **Is not** a truck-tractor semi-trailer combination. (Needs Class A CDL)
 - Registered as a Farm Vehicle.
 - Used within 150 miles of the farm.
- Vehicles required to be placarded will not affect this agreement.

CDL Farm Exception **OKLAHOMA** Reciprocity

<https://ksrevenue.org/pdf/KsOkReciprocity.pdf>

- OK driver entering KS does not need a CDL if:
 - Is properly operated as a farm vehicle under the laws of either state.
 - Is controlled and operated by a farmer, including operation by his or her employees or family members, so long as the operator holds a valid driver's license in either state.
 - Is used exclusively to transport agricultural products, and/or farm machinery, and/or farm supplies, to or from the farmer's farm.
 - Not used as common or contract carrier.
 - Registered as a farm vehicle.
 - Used within 150 miles of the farm.
- Vehicles required to be placarded will not affect this agreement.

COLORADO

- There is currently **NO RECIPROCITY** agreement between Kansas and Colorado.
- Farmers entering Kansas from non-reciprocity states will only qualify for the CDL exceptions if they meet the requirements of a **Covered Farm Vehicle**.