Farm Motor Carriers

Motor Carriers of Agricultural Products

Overview

Farmers and producers are mainly concerned with the operation of the farm. If your operation includes moving your commodities, products or supplies by commercial vehicle, you are a motor carrier in addition to being a farmer and may be subject to federal safety regulations. In order to determine the applicability of the safety regulations, we need to consider the following definitions:

Definitions

Interstate commerce is trade, traffic or transportation in the United States between states, or originating in one state and destined in another state, or between two points in a state through another state, or between two places in a state with the origin or destination outside the state.

Intrastate commerce means any trade, traffic or transportation in any state which does not meet the definition of interstate commerce.

Motor carrier is a for-hire motor carrier or a private motor carrier.

For-hire motor carrier means a person engaged in the transportation of goods for compensation.

Private motor carrier means a person who provides transportation of property by commercial motor vehicle and is not a for-hire motor carrier.

Commercial motor vehicle is a vehicle operated in interstate commerce with a Gross Vehicle Weight Rating, Gross Vehicle Weight, Gross Combination Weight Rating or Gross Combination Weight greater than 10,000 pounds, or, is any vehicle used to transport a type or quantity of hazardous materials required to be placarded. This definition is adopted into Missouri state statute and is applicable to vehicles operating in intrastate commerce.

Farmer means any person who operates a farm or is directly involved in the cultivation of land, crops or livestock which are owned or are under the direct control of that person.

Applicability of Federal Motor Carrier Safety Regulations to Farmers

The Revised Statutes of Missouri adopt the Federal Motor Carrier Safety Regulations. This means the FMCSRs apply to both interstate and intrastate commerce. Any vehicle meeting the definition of commercial motor vehicle is subject to the FMCSR. (See the definition on the left side of this page.)

However, as of October 1, 2012, some of the FMCSRs may not apply to **covered farm vehicles,** defined as:

- A motor vehicle owned and operated by a farm or ranch owner, family member or employee, and;
- Used to transport agricultural commodities, livestock, or machinery and supplies to and from the farm or ranch, and;
- Equipped with a special license plate or other designation issued by the state the vehicle is registered in clearly identifying the vehicle is a farm vehicle, and;
- Vehicles with a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or less are not subject to the requirements for commercial driver's license, drug testing, medical certification, hours of service, and vehicle inspection, repair and maintenance, or;
- Vehicles with a GVWR in excess of 26,001 pounds are not subject to the requirements for commercial driver's license, drug testing, medical certification, hours of service, and vehicle inspection, repair and maintenance when operated within the state or within 150 air-miles from the farm or ranch.

The above exceptions do not apply to a vehicle used in a for-hire operation or used to transport a type or quantity of hazardous materials that must bear a hazmat placard.

Also, a farm plated vehicle licensed for 42,000 pounds or less and operated solely in intrastate commerce is not subject to any part of the FMCSR. Vehicles must only transport the property of the farmer owner of a vehicle displaying an F-plate.

A vehicle with a GVWR OR GCWR of 26,000 or GCWR pounds or less (not identified as a farm vehicle) and operated solely in intrastate commerce is not subject to any part of the FMCSR unless:

- It transports any hazardous material, or;
- It is designed to transport more than 16 passengers including the driver.
- If either of the above apply, the vehicle is subject to the FMCSR when the GVWR or GCWR is over 10,000 pounds and not excepted as a covered farm vehicle.

In order to determine the applicability of the federal safety regulations to your commercial vehicle operations, you need to consider your scope of operation (interstate, intrastate, and distance traveled), the Gross Vehicle Weight Rating of the commercial vehicle and, in some cases, the licensed weight of the vehicle.

The following information will assist you to determine when the federal safety regulations apply:

Part 382 – Controlled Substance and Alcohol Testing

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate commerce* – the requirements for controlled substance testing are not applicable.
- *Intrastate commerce* – the requirements for controlled substance testing are not applicable.

Covered farm vehicle: GVWR exceeds 26,001 lbs:
- *Interstate commerce* – the requirements for controlled substance testing are applicable if the vehicle is operated beyond a 150 air-mile radius (172.6 land miles) of the farm or ranch.
- *Intrastate commerce* – the requirements for controlled substance testing are not applicable.

Farm-plated vehicle licensed at 42,000 pounds or less:
- *Interstate commerce* – the requirements for controlled substance testing is applicable if the vehicle has a GVWR or GCWR in excess of 26,000 pounds, unless subject to any exception for covered farm vehicles.
- *Intrastate commerce* – the requirements for controlled substance testing may not be applicable based on the GVWR or GCWR of the vehicle and any exception for covered farm vehicles.

Vehicles with GVWR or GCWR of 26,000 pounds and less (not identified as a farm vehicle):
- *Interstate commerce* – the requirements for controlled substance testing are not applicable.
- *Intrastate commerce* – the requirements for controlled substance testing are not applicable.

Any vehicle for which a commercial driver's license is required also makes the driver subject to controlled substance and alcohol testing requirements.

Part 383 – Commercial Driver's License

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate commerce* – the requirements for CDL are not applicable
- *Intrastate commerce* – the requirements for CDL are not applicable

Covered farm vehicle: GVWR exceeds 26,001 pounds
- *Interstate commerce* – the requirements for CDL apply to farmers, family members and employees of the farm if the vehicle is operated beyond a 150 air-mile radius (172.6 land miles) of the farm or ranch.
- *Intrastate commerce* – the requirements for CDL are not applicable to farmers, family members and employees of the farm.

Farm plated vehicle; licensed at 42,000 pounds or less:
- *Interstate commerce* – the requirements for CDL apply if the GVWR or GCWR of the vehicle exceeds 26,000 pounds unless subject to exceptions for covered farm vehicle or reciprocity agreements between Missouri and bordering states (does not include Kentucky).
- *Intrastate commerce* – the requirements for CDL do not apply to farmers, family members and employees of the farm.

Vehicles with GVWR or GCWR of 26,000 pounds or less (not identified as a farm vehicle):
- *Interstate and Intrastate commerce* – the requirements for CDL are not applicable.

Part 390 – General Applicability of the Safety Regulations

Covered farm vehicle; GVWR 26,001 pounds or less:

- Interstate commerce – vehicles with GVWR in excess of 10,000 pounds must be marked with USDOT number and legal name or a single trade name on both sides of the vehicle.
- Intrastate commerce – Vehicles are not required to have a USDOT number but must be marked on at least one side of the vehicle with legal name and address (City, MO).

Covered farm vehicle; with GVWR over 26,001 lbs:

- Interstate commerce – vehicles must be marked with USDOT number and legal name or single trade name on both sides of the vehicle.
- Intrastate commerce – Vehicles are not required to have a USDOT number but must be marked on at least one side of the vehicle with legal name and address (City, MO).

Farm plated vehicle licensed at 42,000 pounds or less:

- *Interstate commerce* – USDOT number and legal name or single trade name markings required for vehicles with a GVWR or GCWR in excess of 10,000 pounds.
- *Intrastate commerce* – Vehicles are not required to have a USDOT number but must be marked on at least one side of the vehicle with legal name and address (City, MO).

Vehicles with GVWR or GCWR 26,000 pounds or less (not identified as a farm vehicle):

- *Interstate commerce* – USDOT number and legal name or single trade name markings required for vehicles with a GVWR or GCWR in excess of 10,000 pounds.
- *Intrastate commerce* – Vehicles are not required to have a USDOT number but must be marked on at least one side of the vehicle with legal name and address (City, MO).

Part 391 – Driver Qualification

Covered farm vehicle; GVWR 26,001 pounds or less

- *Interstate and Intrastate commerce* – medical certification for drivers is not required.

Covered farm vehicle; GVWR over 26,001 pounds:

- *Interstate commerce* – drivers required to have a medical certificate if vehicle is operated beyond a 150 air-mile radius (172.6 land miles) of the farm.
- *Intrastate commerce* – drivers are not required to have a medical certificate.

Farm plated vehicle licensed at 42,000 pounds or less:

- *Interstate commerce* – drivers are required medical certification if GVWR or GCWR exceeds 10,000 pounds unless subject to exception for covered farm vehicles.
- *Intrastate commerce* – medical certificate is not required.

Vehicles with GVWR or GCWR 26,000 pounds or less (not identified as a farm vehicle):

- *Interstate commerce* – drivers are required medical certification if GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* – medical certification not required unless GVWR or GCWR exceeds 10,000 pounds and transporting hazardous materials of any kind or quantity.

Drivers operating solely in intrastate commerce are not required to be medically certified if the driver had a valid Missouri chauffeur's license on May 13, 1988.

Medical certification of drivers is a portion of Part 391, other sections of this specific part may be applicable (drivers operating vehicles with GVWR or GCWR over 10,000 pounds in interstate commerce required to be 21 years of age).

Part 392 – Driving Commercial Vehicles

Covered farm vehicle; GVWR 26,001 pounds or less:

- *Interstate commerce* – all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* - all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR exceeds 10,000 pounds, unless subject to another exception.

Covered farm vehicle; GVWR over 26,001 pounds:

- *Interstate and intrastate commerce* – all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc.

Farm plated vehicle licensed at 42,000 pounds or less:
- *Interstate commerce* - all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* – requirements of Part 392 are not applicable.

Vehicle with GVWR or GCWR 26.000 pounds and less (not identified as a farm vehicle):
- *Interstate commerce* – all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* - all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR or GCWR exceeds 10,000 pounds and transporting hazardous material of any type or quantity.

Part 393 – Equipment

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc. if the GVWR exceeds 10,000 pounds.
- *Intrastate commerce* - All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc. if the GVWR exceeds 10,000 pounds, unless subject to another exception.

Covered farm vehicle, GVWR over 26,001 pounds:
- *Interstate and intrastate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc.

Farm plated vehicle licensed at 42,000 pounds or less:
- *Interstate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc., if GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* – requirements of Part 393 are not applicable.

Vehicle with GVWR or GCWR 26,000 pounds or less (not identified as a farm vehicle):
- *Interstate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc., if GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc., if GVWR or GCWR exceeds 10,000 pounds and transporting hazardous material of any type or quantity.

Part 395 – Hours of Service

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate commerce* – drivers are not subject to the hours of service or log book requirements.
- *Intrastate commerce* – drivers are not subject to the hours of service or log book requirements.

Covered farm vehicle; GVWR over 26,001 pounds:
- *Interstate commerce* – drivers are subject to the hours of service and log book requirements if vehicle is operated beyond 150 air-mile radius (172.6 land miles) of the farm.
- *Intrastate commerce* – drivers are not subject to the hours of service or log book requirements.

Farm plated vehicle licensed at 42,000 pounds or less:
- *Interstate commerce* – drivers are subject to the hours of service and log book requirements if vehicle GVWR or GCWR exceeds 10,000 pounds, unless subject to covered farm vehicle exception.
- *Intrastate commerce* – drivers are not subject to the hours of service or log book requirements.

Vehicle with GVWR or GCWR of 26,000 pounds or less (not identified as a farm vehicle):
- *Interstate commerce* – drivers are subject to the hours of service and log book requirements if

GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* – drivers are subject to the hours of service and log book requirements if GVWR or GCWR exceeds 10,000 pounds and if transporting hazardous materials of any type or quantity, unless subject to another exception (see exceptions for agricultural operations).

Other exceptions found in Part 395, such as 100 air-mile radius driver, may be applicable.

Part 396 – Inspection, Repair and Maintenance

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate and intrastate commerce* – annual DOT inspection and daily vehicle inspection requirements are not applicable.

Covered farm vehicle with GVWR over 26,001 pounds:
- *Interstate commerce* – annual DOT inspection and daily vehicle inspection requirements are applicable if vehicle is operated beyond a 150 air-mile radius (172.6 land miles) from the farm.
- *Intrastate commerce* – annual DOT inspection and daily vehicle inspection requirements are not applicable.

Farm plated vehicle licensed at 42,000 pounds or less:
- *Interstate commerce* – annual DOT inspection and daily vehicle inspection requirements apply if the vehicle GVWR or GCWR exceeds 10,000 pounds, unless subject to another exception.
- *Intrastate commerce* – annual DOT inspection and daily vehicle inspection requirements are not applicable.

Vehicle with GVWR or GCWR 26,000 pounds or less (not identified as a farm vehicle):
- *Interstate commerce* – annual DOT inspection and daily vehicle inspection requirements apply if the vehicle GVWR or GCWR exceeds 10,000 pounds, unless another exception applies.
- *Intrastate commerce* – annual DOT inspection and daily vehicle inspection requirements apply if the vehicle GVWR or GCWR exceeds 10,000 pounds and transporting hazardous material of any type or quantity, unless subject to another exception.

Carriers that operate only one vehicle are not required to comply with daily vehicle inspection requirements.

Transportation of Agricultural Commodities and Farm Supplies

Effective October 1, 2012, the hours of service regulations are not applicable to drivers used by motor carriers during planting and harvesting seasons when:

- Transporting agricultural commodities from the source of the commodities within a 150 air-mile (172.6 land miles) radius of the source, or;
- Transporting farm supplies for agricultural purposes from a wholesale or retail distribution point of the supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile (172.6 land miles) radius of the distribution point, or;
- Transporting farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile (172.6 land miles) radius of the wholesale distribution point.

The above exception is limited to hours of service only. The exception does apply to for-hire carriers and the transportation of hazardous materials. Other safety regulations may apply.