



Farmer's Guide

To Commercial Vehicles Regulations

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Commercial Motor Vehicle

- What is a Commercial Motor Vehicle?



• DEFINITIONS!!!!

Commercial Motor Vehicle – 390.5

- any self-propelled or towed motor vehicle used on a highway
- Used to transport passengers or property when the vehicle—

Commercial Motor Vehicle

- Has a gross vehicle weight rating (GVWR) or gross combination weight rating, or gross vehicle weight or gross combination weight, of (10,001 pounds) or more, whichever is greater;

• OR

Commercial Motor Vehicle

- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation;

• OR

Commercial Motor Vehicle

- Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Commerce

- The buying or selling of goods or services.
- In order to be considered a Commercial Vehicle as defined by the Federal Regulations you must be engaged in Commerce.
- Rule of Thumb: If you are using your Commercial Vehicle to make money / loose money and claiming it on your taxes you are in Commerce

Agricultural Equipment

- Agricultural Equipment is: Every agricultural tractor, self-propelled implement of husbandry, and towed, mounted or semi-mounted implement of husbandry, as defined in section 100-d of the Vehicle and Traffic Law.

Implement of Husbandry

- Means a vehicle designed or adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry.
- Husbandry – The cultivation of crops and the breeding and raising of livestock.

Farmer – 390.5

- **Farmer** means 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



Farm Vehicle Driver – 390.5

- **Farm vehicle driver** means a person who drives only a commercial motor vehicle that is —
- (a) Controlled and operated by a farmer as a private motor carrier of property;

Farm Vehicle Driver

- (b) Being used to transport either —
- (1) Agricultural products, or
- (2) Farm machinery, farm supplies, or both, to or from a farm;

Farm Vehicle Driver

- (c) Not being used in the operation of a for-hire motor carrier;

Farm Vehicle Driver

- (d) Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with §177.823 of this subtitle; and

Farm Vehicle Driver

- (e) Being used within 150 air miles of the farmer's farm.



BULK AGRICULTURAL COMMODITY IMPLEMENT

- Shall mean a piece of *FARM EQUIPMENT* such as a bulk dry fertilizer spreader, gravity box, hay wagon or forage wagon that is specifically designed for and carrying non-hazardous bulk agricultural commodities. For the purpose of this section, livestock shall NOT be considered a bulk agricultural commodity.



BULK AGRICULTURAL COMMODITY IMPLEMENT

- Bulk agricultural commodity implement being towed by a validly registered, inspected and insured truck shall not be classified as a trailer
 - Provided

BULK AGRICULTURAL COMMODITY IMPLEMENT

- They meet the width restriction provisions contained in the Vehicle and Traffic Law, section 385 (1)
 - And

BULK AGRICULTURAL COMMODITY IMPLEMENT

- A bulk agricultural implement being towed by a truck meeting the requirements of this subdivision may only be operated on a public highway
 - if:

BULK AGRICULTURAL COMMODITY IMPLEMENT

- It is being operated from sunrise to sunset; and
- It does not exceed a speed of 25 miles per hour; and
- The implement exhibits an official slow-moving vehicle emblem; and

BULK AGRICULTURAL COMMODITY IMPLEMENT

- It is within a 50-mile radius of the address on the truck's registration or, it is within 50 miles of the dealership leasing the bulk agricultural implement; and

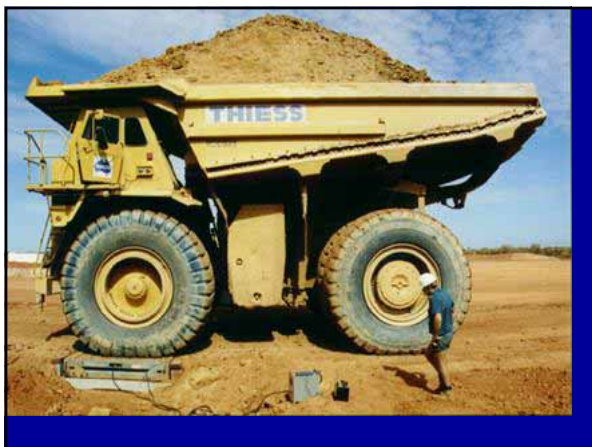
BULK AGRICULTURAL COMMODITY IMPLEMENT

- It is not being operated on an interstate highway; and
- It is not being driven at any time when a highway visibility is less than 1,000 feet.



License Requirements 501 NYS VTL

- Farm B endorsement or Class B License required for single vehicle over 26,000 lbs.
- Can pull a trailer 10,000 pounds or under.



License Requirements 501 NYS VTL

- Farm A Endorsement or Class A License required for combination vehicles over 26,000 lbs.



License Requirements 501 NYS VTL

Farm Endorsements – Can only operate within 150 miles from farm.

Can only operate farm vehicles for farm purposes only.

Farm and Agricultural Vehicles

- (NYS VTL 401-7E2) – must be:
 - a. Engaged in planting, harvesting, or cultivation farm related crops – veggies, trees, and flowers...
 - b. Raising, feeding, care of livestock, bees and poultry

Farm and Agricultural Vehicles

- c. Dairy farming
- d. Used for transportation of his own agricultural commodities or supplies, or personal passenger use, or lumbering operations but only incidental to the operation of the farm.

Can not be used in For Hire Operations not related to the farm

Farm Plated Vehicles NYS VTL 501-a7 / 401-13 NYS VTL

- Farm Plated Vehicles
- Can only be used for the following:

Farm Plated Vehicles NYS VTL 501-a7–

- Must be between connected portions of farm or farms.
- Cannot be used more than 25 miles one way from farm.

Farm Plated Vehicles NYS VTL 501-a7-

- Transporting *FARM* materials to the nearest municipal landfill.
- To repair shop for repairs.
- Farm plated vehicles as of 10/01/12 no longer need a Federal Inspection (truck must still be safe to drive)

Agricultural Plated Vehicles NYS VTL 501-a7-

- Agricultural Plated Vehicles

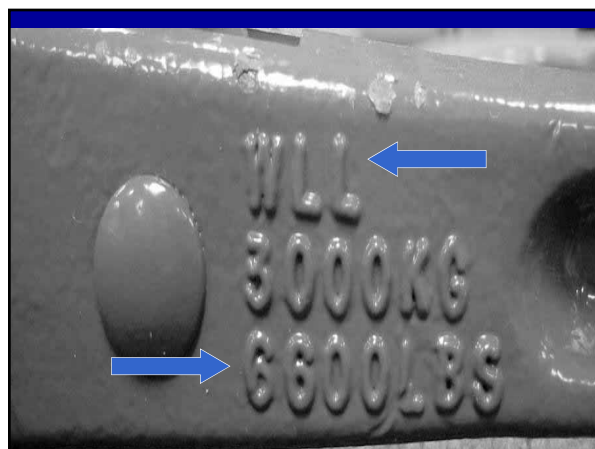
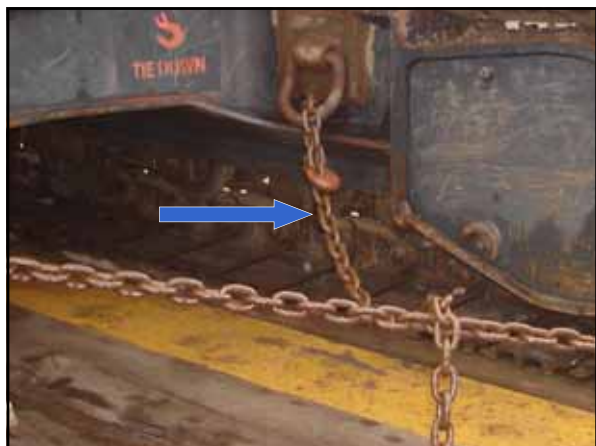
Agricultural Plated Vehicles NYS VTL 501-a7 / 401-13 NYS VTL

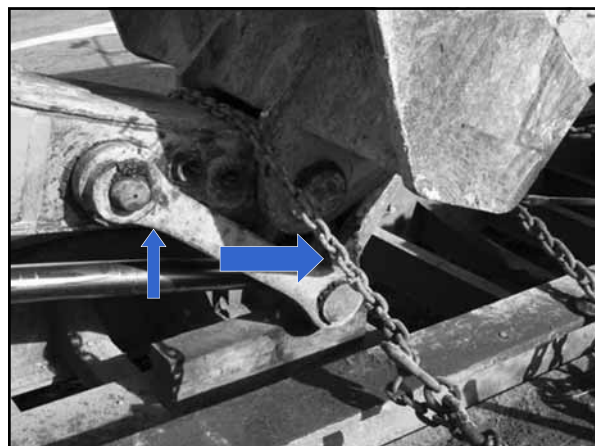
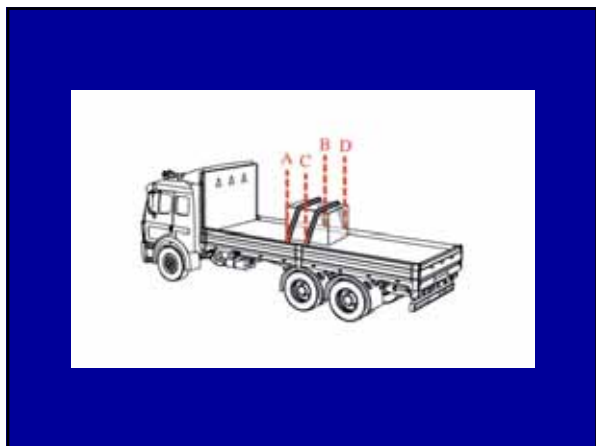
- No restriction on distance from farm (Over 26,000 lbs and used out of State you must check to see if you have to be apportioned in that State)
- No restriction on where you can travel in New York.

Farm and Agricultural Vehicles

- Can not be operated if has an out of service condition relating to load securement, brakes, steering, coupling devices or if it has been placed out of service.









Securing Trailers

- You are responsible for securing your equipment to your tractor / truck.
- Ensure you have a proper hitch pin for what you are pulling!
- **LOOK FOR DAMAGED PINS! And REPLACE THEM**





Transportation Law:

- 390.21 – USDOT numbers and Company Name

WWW.NYS DOT.GOV or
WWW.Fmcsa.DOT.GOV ,or
WWW.DOT.GOV

USDOT numbers and Company Name

- Company name and DOT number are required on all commercial motor vehicles over 10,000 lbs either single or in combination and displayed on power unit.

USDOT numbers and Company Name

- Must appear on both sides
- Be in letters of a sharply contrasting color from background
- Ready visible from 50 feet while stationary in daylight hours
- Keep and maintained in a manner that retains legibility requirements

USDOT numbers and Company Name

- Used for the furtherance of a commercial enterprise – (Businesses or Farm)
- Operated either in Inter or Intra state commerce

USDOT numbers and Company Name

- Remember!!!
- Rule of Thumb: if you are using your commercial vehicle to make money, lose money and claiming it on your taxes you need a DOT number.



393.95 – Emergency Equipment

- Every commercial vehicle is to be equipped with fire extinguisher with a rating of 5 B:C or more or 2 with a rating of 4 B:C.

Warning Devices - 393.95

- (1) Three bidirectional emergency reflective triangles

• OR



Warning Devices

- (2) At least 6 fuseses or 3 liquid-burning flares. The vehicle must have as many additional fuseses or liquid-burning flares as are necessary.

Warning Devices

- (3) Other warning devices may be used in addition to, but not in lieu of, the required warning devices, provided those warning devices do not decrease the effectiveness of the required warning devices.

391.11 – General qualifications of Drivers / Commercial Driver's License

- Must be 21 years of age unless for agricultural purposes then 18 for commercial motor vehicles over 26,000 lbs.

391.11 – General qualifications of Drivers / Commercial Driver's License

- Possess the proper class license or endorsement – Class A or B or Farm A or B Endorsement. Farm A & B endorsements only valid within 150 miles of the farm and only for farm purposes.
- Cannot haul any load that is required to be placarded if under 21.

General qualifications of Drivers / Commercial Driver's License

- Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records

391.11 – General qualifications of Drivers / Commercial Driver's License

- Is physically qualified to drive a commercial motor vehicle in accordance with Subpart E — Physical Qualifications and Examinations of this part

Medical Cards

- Farmers are exempt from the medical card requirement.
- NYS DMV requires a valid medical card in order to renew or obtain a CDL license (no exception for farmers)
- K restrictions (Intra-State CDL only) maybe issued – No medical card required

General qualifications of Drivers / Commercial Driver's License

- Is not disqualified to drive a commercial motor vehicle – IE: Suspended or revoked
- License **must be** in the driver's possession at all times when operating a commercial motor vehicle.

HOURS OF SERVICE

- Farmers in Intra-State commerce are exempt from the HOS requirements.
- If an Inter-State trip no log book is needed within 150 mile radius. Outside of 150 miles log is required for entire trip.

393.100 – Load Securement General

- Must prevent against cargo from Leaking, spilling, blowing or falling from the motor vehicle. – **NO EXCEPTIONS FOR FARMERS!**
- Prevent against shifting of load.
- Must meet minimum tie down requirements as defined by the Transportation Law.

393.9 – Required Lights

- All required lights must be operational if required – Includes Farm Plated Vehicles & Tractors

375-36 NYS VTL – Slow moving vehicle signs

- Required on vehicles that operate at 25 mph or less on both the towing and towed vehicle – Not valid if operating over 25 mph. Must be kept clean and replaced when faded.
- On public highways day or night.
- Used in addition to any other lighting or flags required.



New York State Laws

- Widths: Farm Vehicles



Widths: Farm Vehicles – 385 NYS VTL

- Cannot be over 12 feet wide and must be used solely for farm purposes
- From 12 feet to 17 feet if operated ½ hour before sunrise to ½ hour after sunset must have.
- Red or orange fluorescent flag not smaller than 18" x 18" placed on extreme corners of load.

Widths: Farm Vehicles

- Two flashing amber lights attached to the rear of the load or if vehicle hauling the load is equipped with hazard lights and they are visible from the rear of the load and such lights are flashing.



Widths: Farm Vehicles

- If vehicle or load extends beyond the center line of the highway or if operated when rain, snow, sleet, hail, fog, insufficient light or any other reason visibility for a distance of 1000 feet ahead is not clear the vehicle is to be preceded by an escort vehicle with warning signs and flashing lights.



- ### Weights – 385 NYS VTL
- Cannot exceed maximum Gross Vehicle Weight Rating (GVWR) of the vehicle.
 - Cannot exceed tire weight ratings
 - Cannot exceed axle weight ratings. – 22,400 single axle, 36,000 dual axle.
 - Cannot exceed registered weight
 - Cannot exceed posted weight restrictions for roads or bridges.



Heights – 385 NYS VTL
Cannot exceed 13'6" or any other posted height restriction.



Permits:

- If over *legal* dimension or weights you can apply for Special Hauling and Divisible Load Permits at
 - WWW.NYPERMITS.ORG

1219-b – Depositing Material on Highway

- Cannot drop or permit to drop or thrown any material onto the highway any destructive or injurious material or any material which interferes with the safe use of the highway. You shall immediately remove the same or cause it to be removed.

Trailers

Trailers:

- You ***CANNOT*** register your trailers in Maine unless ***you*** have a Physical Address: residence or business (Can NOT use a BOX number or resister through an agency) and the trailer is housed in Maine for part of the year. Trailers must be inspected in NYS. (Either NYS or Federal Annual Inspection) It does not matter where it's registered.

Trailers:

- If allowed to register out of State it must have Federal Annual Inspection or equivalent state inspection.
- If a New York registered trailer it **MUST** have a NYS Inspection.

Trailers

- Every trailer equipped with electric brakes must have a breakaway device capable of activating brakes on the trailer and it must be in working condition. Breakaway cable must be attached to towing vehicle.

Trailers

- 375.1c NYS VTL – Every trailer weighing more than 1,000 lbs empty or GVWR of 3,001 lbs or more must be equipped with working brakes on each axle.

Trailers:

- Safety chains must be attached to the towing vehicle and crossed.
- All cargo and equipment must be secured on the trailer.

2282 – NYS VTL – Registration of ATV's

- All ATV'S must be registered and insured if use for any other reason than farming - 2282-11.
- ATV's used *exclusively* for farming are not Motor Vehicles. – 125 & 2281 VTL. They are treated just like tractors.
- Owner of ATV is responsible for anyone under the age of 16 who operates their ATV.



UTV'S

- They can only be operated on the owner's private property or with the permission of another land owner.
- **If used exclusively for agricultural purposes or snow plowing not for hire, will fit the exemption for registration and licensing of an agricultural vehicle.**
- To meet agricultural requirements the UTV must be operated with a Slow Moving Vehicle (SMV) emblem, VTL 375(36b)
- UTVs cannot exceed 25 MPH on the highway (SMV requirement).

Towing more than 1 Vehicle 375.29(a) NYS VTL

- You can not tow more than one vehicle (trailer) at a time.



General Requirements

- Operator's must follow the rules of the road while operating a farm tractor and must adhere to federal age requirements/training requirements if less than 16 years of age.
- Farm tractors used outside of agricultural/snow plowing not for hire scope must be registered, insured and the operator must be licensed.
- Operator/owners must be able to articulate the "agricultural enterprise he or she is engaged in," or snow plowing not for hire.

General Requirements

- No specific VTL laws address age limitations for operation of agricultural vehicles or snowplowing not for hire. However, US Dept. of Labor laws state that minors under the age of 16 cannot engage in hazardous occupations in agriculture. Hazardous occupations include operating a tractor that exceeds 20 PTO horsepower. The prohibition of hazardous occupations does not apply to youths working on farms owned or operated by their parents.

General Requirements

- Other exceptions from the prohibition of engaging in hazardous occupations include children ages 14 and 15 who have attended and received certification under a 4-H or vocational program may work outside school hours on certain equipment for which they have been trained (tractor or machinery operation courses). Farmers employing these minors **MUST KEEP A COPY OF THE CERTIFICATE OF TRAINING ON HAND WITH A COPY OF THE MINOR'S RECORDS.**

Remember!!!

- Additional rules and regulations may apply from both NYS and Federal Transportation Laws

Remember!!!

- You must follow both New York State Vehicle and Traffic Law (VTL)
 - AND
- Federal Transportation Laws which New York State adopted.



QUESTIONS?