

The Colorado State Patrol  
Commercial Vehicle Safety Unit  
Colorado Commercial Vehicle Operations For  
Farmers and Ranchers



This pamphlet is intended only as an informational guide to assist 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.

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Colorado State Patrol  
Motor Carrier Safety Section  
15075 South Golden Road  
Golden, Colorado 80401  
303-273-1875 Office



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. Instead farmers and ranchers have limited exemptions and exceptions based upon the type of vehicle operated, nature of the operation, type of commodity hauled and how the vehicle is registered.

Definitions: It is necessary to set forth the following definitions. Please refer to these definitions when seen in **BOLD** print throughout this pamphlet:

**CV (Commercial Vehicle)** (CRS 42-4-235) 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 (Interstate) or 16,001 pounds or more (Intrastate) which is used in commerce on a public highway...

**Farm Vehicle Driver** (49 CFR 390.5) 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: agricultural products, farm machinery, farm supplies, or both, to or from a farm;
3. Not being used in an operation as 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.

**Covered farm vehicle** (49 CFR 390.5)

1. Means a straight truck or articulated vehicle—

- (i) Registered in a State with a license plate or other designation issued by the State of registration that allows law enforcement officials to identify it as a farm vehicle;
- (ii) Operated by the owner or operator of a farm or ranch, or an employee or family member of an owner or operator of a farm or ranch;
- (iii) Used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch; and
- (iv) Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of paragraphs (1)(i) through (iii) of this definition by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement.

2. Meeting the requirements of paragraphs (1)(i) through (iv) of this definition:

- (i) With a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less may utilize the exemptions in § 390.39 anywhere in the United States; or
- (ii) With a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds may utilize the exemptions in § 390.39 anywhere in the State of registration or across State lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

**Exemption** a condition where you do not have to comply with a certain regulation.

**Exception** a change to a regulation is changed based on a circumstance.

**Farmer** (49 CFR 390.5) 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.

**Gross combination weight rating (GCWR)** is the greater of:(1) A value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration, or (2) The sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value. Exception: The GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

**Gross vehicle weight rating (GVWR)** means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

**Implement of Husbandry** (CRS 42-1-102.44) every vehicle that is designed, adapted or used for agricultural purposes and is primarily used on the farm and not on the highway.

**MAP21** (Moving Ahead for Progress in the 21st Century) Highway appropriations bill enacted by US Congress Oct. 1, 2012

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

### **GENERAL REQUIREMENTS:**

To qualify for most exemptions and exceptions discussed in this pamphlet a driver must meet the definition of a **Farm Vehicle Driver** or operate a **Covered Farm Vehicle**.

**Farm vehicles under 26001lbs GVWR/GCWR operating exclusively in Colorado are exempt from all Commercial Motor Vehicle regulations.** These vehicles are subject to normal traffic laws.

### **COMMERCIAL DRIVER'S LICENSE**

A driver meeting the definition of a **Farm Vehicle Driver** or operating a **Covered Farm Vehicle** is not required to possess a CDL. Drivers are required to have a regular driver's license.

#### **Class "A"**



Heavy Combination Vehicle: any combination of vehicles with a GCWR of 26,001 pounds or more if the GVWR/GVW of the trailer/trailers being towed are more than 10,000 pounds. (may include a pickup truck trailer combination.)

#### **Class "B"**



Heavy Straight Vehicle: any single vehicle with a **GVWR** of 26,001 pounds or more by itself or towing a trailer with a **GVWR or GVW** of less than 10,001 pounds.

#### **Class "C"**

A vehicle that doesn't meet the definition of a Class A or Class B vehicle, but is used to transport a placardable load of hazmat or is designed to transport 16 passengers or more including the driver.

### **DRUG AND ALCOHOL TESTING FOR DRIVERS:**

49 CFR 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 air-miles interstate 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 dually pickup pulling a gooseneck two axle dual tire trailer. The total **GCWR** for the truck and trailer is 32,000lbs and the trailer **GVWR** is 20,000lbs (Class "A" CDL Type Vehicle). Todd has driven 160 air-miles interstate from his farm. *Todd must possess a valid Class "A" CDL and must be enrolled in a drug and alcohol testing program.*

### **MEDICAL CARDS:**

Drivers operating a **Covered Farm Vehicle** are exempt from having to get medical cards.

### **DRIVER QUALIFICATIONS:**

Drivers operating a **Covered Farm Vehicle**, which is a straight truck, are excepted from most of the other requirements of 49 CFR 391.

Drivers operating a **Covered Farm Vehicle**, which is pulling a trailer, must comply with 49 CFR 391.1, 391.11(b)(2, 3, 5, 7), 391.13, 391.15.

391.11(b)

- (2) Can read and speak the English language
- (3) Can, by reason of experience, training, or both, safely operate the type of commercial motor vehicle he/she drives
- (4) Has a currently valid commercial motor vehicle operator's license issued only by one State or jurisdiction
- (7) Is not disqualified to drive a commercial motor vehicle under the rules in [§391.15](#);

### **COMMERCIAL VEHICLE MARKINGS:**

All farms/ranches, in interstate operations, which are using commercial motor vehicles 10,001 pounds or more GVWR/GCWR, must have and display a USDOT # in accordance with the regulations 49 CFR 390.21.

All farms/ranches, in intrastate/interstate operations, which are using/utilizing commercial motor vehicles 26,001 pounds or more GVWR/GCWR must have and display a USDOT # in accordance with the regulations 49 CFR 390.21.

### **DRIVING COMMERCIAL MOTOR VEHICLES:**

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

- (392.2) Operating a **CMV** in violation of a local law
- (392.3) Operating a **CMV** while ill or fatigued
- (393.4) Possession/Consumption of drugs or other substances
- (392.5) Possession/Consumption of alcohol
- (392.7) Operating a **CMV** when the driver has not determined the vehicle to be in safe operating condition
- (392.14) Failing to use extreme caution or discontinuing trip when adverse conditions are encountered
- (392.16) Driving a **CMV** while not wearing a safety belt
- (392.71) Operating a **CMV** that is equipped with a radar detector
- (392.80) Operating a **CMV** while texting
- (392.82) Using a handheld cellular phone while operating a **CMV**

### **HOURS OF SERVICE:**

The rules of 49 CFR Part 395 do not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a vehicle other than a "**Covered Farm Vehicle**" in Colorado if such transportation:

Is limited to an area within 150 air mile radius from the source of the commodities or the distribution point for the farm supplies; and

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.

- Vehicles less than 26,001 pounds GVWR/GCWR that meet the definition of **Covered Farm Vehicle** are exempt from Part 395 hours of service.
- Vehicles more than 26,000 pounds GVWR/GCWR operating intrastate or within 150 miles of the farm interstate, that meet the definition of **Covered Farm Vehicle** are exempt from Part 395 Hours of service.

### **INSPECTION, REPAIR AND MAINTENANCE:**

49 CFR 392.7 prior to operating the vehicle, a farmer is required to check the vehicle's parts and accessories, to ensure the vehicle is in safe working order. There are no exceptions/exemptions for farm **commercial motor vehicles** in this part.

49 CFR 393 addresses parts and accessories (lights, suspension, brakes, frame, couplings, cargo securement etc..) that are necessary for safe operation. There are no exceptions/exemptions for farm **commercial motor vehicles** in this part. All of these parts required by the regulations must be in proper working order.

49 CFR 396 covers records including inspections by the driver and carrier, repair records and maintenance records for all **commercial motor vehicles**. Farmers operating **Covered Farm Vehicles** are exempt from all of part 396.

### **OVERSIZE VEHICLES AND PERMITTING:**

#### **Width of Vehicles:**

CRS 42-4-502(1) States that the width of a vehicle or load shall not exceed eight feet six inches

CRS 42-4-502(2)(a)(b) 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.

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

### **HAZARDOUS MATERIALS INFORMATION:**

Hazardous materials regulations are applicable to farming operations.

49 CFR Part 173.5 and CRS 42-20-108.5, 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:

1. It is transported by a farmer who is an intrastate private motor carrier;
2. The total amount of agriculture product being transported on a single vehicle does not exceed:
  - 16,094 pounds of ammonium nitrate fertilizer properly classed as Division 5.1, PG III, in a bulk packaging,
  - 502 gallons for liquids or gases,
  - 5,070 pounds for solids, of any other agricultural products.
3. The movement and packaging of the agricultural product conform to the state requirements;
4. 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 178. They do, however, have to meet the requirements set forth within 49 CFR 173.315(m).

## **HAZARDOUS MATERIALS ROUTING:**

Farm machinery which is exempted from registration requirements under CRS 42-3-104(3), 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 CRS 42-20-108.5, 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) Colorado Revised Statutes Titles 33 and 42
- 2) Colorado Code of Regulations 8 CCR 1507-1 and 8 CCR 1507-25
- 3) Federal Motor Carrier Regulations, Title 49 Parts 40,382, 383, 390, 391, 392, 393, 395, 396
- 4) Hazardous Materials Regulations, Title 49 Parts 100 through 185

## **RELATED AGENCIES:**

### **COLORADO STATE PATROL**

**(Hazardous Materials Transport Safety and Response)**

**(Motor Carrier Safety)**

**(Port of Entry)**

15075 South Golden Road, Golden, CO 80401

(303) 273-1875

<https://www.colorado.gov/csp>

### **COLORADO DEPARTMENT OF REVENUE DIVISION OF MOTOR VEHICLES**

1881 Pierce St., Lakewood, Colorado 80214

(303) 205-5600

<https://www.colorado.gov/pacific/dmv>

### **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

12300 W. Dakota Ave. #130, Lakewood, CO 80228

(720) 963-3130

Main Site

[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

Public company safety scores

<http://ai.fmcsa.dot.gov/default.aspx>

Data Quality

<https://dataqs.fmcsa.dot.gov/>

## **OTHER RESOURCES:**

### **COLORADO MOTOR CARRIERS ASSOCIATION**

4060 Elati Street, Denver, CO 80216

(303) 433-3375

[www.cmca.com](http://www.cmca.com)

### **COLORADO BRAND BOARD**

305 Interlocken Parkway Broomfield, CO 80021

(303) 869-9000

<https://www.colorado.gov/pacific/agbrands/about-us-15>

### **COLORADO REVISED STATUTES**

<http://www.lexisnexis.com/hottopics/Colorado/>