

## **COLORADO STATE PATROL INFORMATION FOR FARMERS AND RANCHERS**

The regulations are contained in state law under §42-4-235, Colorado Revised Statutes (CRS), and Title 49, Parts 40, 100 to 185, 325, 350 and 355 to 399 of the 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. To obtain copies of the regulations or applicable state laws, see the resource list in the back of this pamphlet. 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: A **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. (CRS 42-4-235)

A **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.  
(CFR Title 49 Part 390.5)

A **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. (CFR Title 49 Part 390.5)

An **Implement of Husbandry** is every vehicle that is designed, adapted or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay bailers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specifically designed to move such equipment on highways shall, for the purposes of this definition shall be considered to be a component part of such implements of husbandry (§42-1-102, C.R.S.).

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

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

1) **Part 382** requires controlled substance and alcohol testing for all drivers of commercial vehicles, requiring a CDL for operation.

a. Any farm vehicles:

- i. That are controlled and operated by a farmer;
- ii. Used to transport agriculture products, farm machinery, or farm supplies to or from a farm;
- iii. Not used in the operations of a common or contract carrier; or
- iv. Used within 150 miles of the person's farm,

are exempt from a CDL and subsequently exempt from drug and alcohol testing.

### **COMMERCIAL DRIVERS LICENSES:**

§42-4-401, C.R.S., illustrates the requirements for CDL's. A combination vehicle with a gross vehicle weight rating of 26,001 pounds or more, which includes a towed unit with a weight rating of 10,001 pounds or more requires a Class A CDL. A Class B CDL is required when operating a single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 lbs GVWR. If a commercial vehicle is carrying a placarded amount of a hazardous materials and it does not meet the licensing requirements for a Class A or B CDL, it requires a Class C CDL. A Class C license is also required when operating a vehicle designed to carry 16 or more people, including the driver.

For the purpose of determining the need for a commercial driver's license, §42-2-402(b), C.R.S., explains that the definition of a commercial vehicle does not include any farm vehicle,

- 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; and
- 4) Used within one hundred fifty miles of the person's farm.

The driver of a farm vehicle with a GVWR or GCWR of 10,001 pounds or more must be at least 18 years old.

### **DRIVER QUALIFICATIONS:**

#### **1) Intrastate:**

Farm vehicle drivers of articulated commercial vehicles with a GCWR of more than 26,000 lbs. are required to possess a medical card. Farm vehicle drivers operating straight trucks are exempt from **Part 391**.

#### **2) Interstate:**

Farm vehicle drivers of articulated commercial vehicles with a GCWR of more than 10,000 lbs. are required to possess a medical card. Farm vehicle drivers operating straight trucks are exempted from **Part 391**.

### **COMMERCIAL VEHICLE MARKINGS:**

Intrastate farm vehicles must be marked with the legal trade name on both sides. A farm operation that has vehicles that exceed 10,000 pounds alone or in combination must have a DOT number. However, that DOT number is only required to be displayed on the vehicles whose GVWR or GCWR exceeds 26,000 pounds. If the combination exceeds the 26,000 pound GCWR marking requirement, and the power unit does not exceed 10,000 pound GVWR, the marking requirements may be met by marking the trailer.

Farms operating in interstate commerce must comply with the marking requirements when the vehicles exceed 10,000 pounds GVWR or GCWR. These requirements can be found in **Parts 390.19** and **390.21**.

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

Rules directly relating to the driving of commercial motor vehicles are found in **Part 392**. Both interstate and intrastate farm operations are subject to the requirements of this section. Particular attention should be paid to the requirements of **Part 392.3**. This section prohibits the operation of a commercial vehicle by an operator whose ability to safely operate the vehicle is impaired by illness, fatigue or any other cause.

### **PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION:**

**Part 393** addresses parts and accessories that are necessary for safe operation. This includes required lighting, reflectors, and safety equipment such as fire extinguishers, and the proper securement of cargo. Farming and ranching operations are subject to the requirements of this Part.

### **HOURS OF SERVICE:**

Hours of service restrictions and record keeping are covered in **Part 395**. A farmer, as defined in Part 390.5, 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 **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.

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

The inspection repair and maintenance of commercial motor vehicles is covered in the regulations in **Part 396**. Driver inspections are conducted in accordance with **Part 396.13**. This section requires the driver to be satisfied that the vehicle is in safe operating condition, to review the last driver/vehicle inspection report and sign that report if defects or deficiencies are found.

If a carrier owns more than one commercial vehicle, section **Part 396.11** requires the driver to complete a written report at the completion of each days work. There are eleven specific areas that must be inspected. Neither of these requirements are applicable to intrastate farmers during planting and harvest seasons as defined by the Department of Agriculture to be from January 1 to December 31.

Annual inspections are required in **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. **Part 396.19** addresses the requirements necessary for a person to be deemed qualified to conduct the annual inspections.

Finally, **Part 396** also requires maintenance files to be kept on all commercial vehicles. Farmers and ranchers are not excluded from this requirement.

### **REGISTRATION OF VEHICLES:**

State statute **42-3-134(12)** addresses the registration of farm vehicles. It says that a farm plate may be used on any truck tractors and trucks owned by a farmer or rancher, 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.

### **HAZARDOUS MATERIALS INFORMATION:**

Hazardous materials regulations are applicable to farming operations. **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 gasses, when transporting the agricultural product over local roads between fields of the same farm. Gasses that are transported over local roads between fields of the same farm are exempted from the requirements for emergency response information and training.

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 gasses, 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 **Part 178**. They do, however, have to meet the requirements set forth within Part **173.315(m)**.

### **HAZARDOUS MATERIALS ROUTING:**

Farm machinery which is exempted from registration requirements under §**42-43-104(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 gasses, is exempted from the hazardous materials regulations when transported by an intrastate farmer over local roads between fields of the same farm. Section **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

Hazardous Materials Regulations, Title 49 of the Code of Federal Regulations, Parts 100 through 185

**RELATED AGENCIES:**

**COLORADO STATE PATROL  
MOTOR CARRIER SAFETY**

15075 S Golden Road  
Golden, CO 80401  
(303) 273-1875  
[www.csp.state.co.us](http://www.csp.state.co.us)

**Troop 8-C Hazardous Materials Transport Safety and Response**

15075 South Golden Road  
Golden, CO 80401  
(303) 273-1875  
[www.csp.state.co.us](http://www.csp.state.co.us)

**COLORADO DEPARTMENT OF REVENUE  
MOTOR CARRIER SERVICES  
PORT OF ENTRY SECTION**

1881 Pierce Street  
Lakewood, CO 80214  
(303) 205-5691  
[www.csp.state.co.us](http://www.csp.state.co.us)

**FEDERAL HIGHWAY ADMINISTRATION**

12300 West Dakota Avenue  
Suite 130  
Lakewood, CO 80228  
(720) 963-3130

**COMMERCIAL VEHICLE SAFETY ASSOCIATIONS AND SUPPLIERS:**

**COLORADO MOTOR CARRIERS ASSOCIATION**

4060 Elati Street  
Denver, CO 80216  
(303) 433-3375  
[www.cmca.com](http://www.cmca.com)

**AMERICAN TRUCKING ASSOCIATION**

2200 Mill Road  
Alexandria, VA 22314  
(703) 838-1700  
[www.truckline.com](http://www.truckline.com)

**J.J. KELLER AND ASSOCIATES**

145 West Wisconsin Avenue  
Neenah, WI 54956  
(800) 558-0511  
[www.jjkeller.com](http://www.jjkeller.com)

**LABELMASTER**

5724 North Pulaski Road  
Chicago, IL 60646  
(800) 621-5808  
[www.labelmaster.com](http://www.labelmaster.com)

**OTHER RESOURCES:**

**COLORADO FARM BUREAU**

9177 East Mineral Circle  
Centennial, CO 80112  
(303) 749-7500  
[www.colofb.com](http://www.colofb.com)

**COLORADO CATTLEMAN'S ASSOCIATION**

8833 Ralston Road  
Arvada, CO 80002  
(303) 431-6422  
[www.cca.beef.org](http://www.cca.beef.org)