



# Intra/Interstate Guidelines for the Kansas Farm Vehicle Driver Transporting Grain, Cattle & Hay

The State of Kansas and the Federal Motor Carrier Safety Administration (FMCSA) both have jurisdiction over Safety regulations, Commercial Drivers License (CDL), and Hazardous Material operators engaged in intrastate and/or interstate commerce.

## **Kansas Agriculture Exemption:**

K.S.A. 66-1,129(c)(1) states: 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.

## **49 C.F.R. § 390.5, and Kansas Administrative Regulation (K.A.R) 82-4-1 define CMV as:**

Any self-propelled or towed motor vehicle used on a highway in interstate and/or intrastate commerce to transport passengers or property when the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 lbs.) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting hazardous material in a quantity requiring placarding.

## **49 C.F.R. § 390.5, and K.A.R. 82-4-3f define Weight Rating as:**

- Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single motor vehicle.
- Gross combination weight rating (GCWR) means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

## **49 C.F.R. § 395.1, Regulatory Guidance Question #12 defines Air Mile as:**

The term "air mile" is internationally defined as a "nautical mile" which is equivalent to 6,076 feet or 1,852 meters. Thus the 100 air miles are equivalent to 115.08 statute miles or 185.2 kilometers and the 150 air miles equals 172.6 statute miles.

**MAP-21. Moving Ahead for Progress in the 21<sup>st</sup> Century Act**, Pub. L. No. 112-141, § 32934, 126 Stat. 405, 830-32 (2012), provides exemptions from regulations for Covered Farm Vehicles (CFV) The statute defines a CFV as:

- (1) Operated by a farmer/rancher or their family/employee.
- (2) Must operate as a private carrier.
- (3) Must include designation/identification (i.e. special license plate by the State).
- (4) Used to transport agricultural commodities, livestock, machinery, or supplies.
- (5) Must not require an HM placard.

## **Vehicles that meet this definition of a CFV are statutorily exempt from most of the FMCSRs including:**

- 49 CFR Part 382: *Controlled Substances and Alcohol Use and Testing*;
- 49 CFR Part 383: *Commercial Driver's License Standards; Requirements and Penalties*;
- 49 CFR Part 391, Subpart E: *Physical Qualifications and Examinations*;
- 49 CFR Part 395: *Hours of Service*;
- 49 CFR Part 396: *Inspection, Repair, and Maintenance*.

## **CFV Categories Include:**

CFVs 10,001 – 26,001 lbs. may use the exemption anywhere in the US;

CFVs greater than 26,001 lbs. may use the exemption anywhere in the state the vehicle is registered, and within a 150 air mile radius of the farm in interstate commerce.

*Drivers of CFVs in interstate commerce are subject to federal safety regulations listed on the reverse side:*

Table One	<b>Federal Motor Carrier Safety Regulation (FMCSRs) and MAP-21 Applicability &amp; Exemptions</b>	
	<p><b>The following FMCSRs apply to Interstate Commerce:</b></p> <ul style="list-style-type: none"> <li>10,001 – 26,001 lbs. CFVs and Drivers anywhere in the US</li> <li>Greater than 26,001 lbs., CFVs and Drivers may use the exemption anywhere in the state the vehicle is registered, and within a 150 air mile radius of the farm in interstate commerce</li> </ul>	
Part 367	<p><b>Unified Carrier Registration (UCR)</b></p> <ul style="list-style-type: none"> <li>Subpart B - Fees under the unified carrier registration plan and agreement</li> <li>To apply for UCR online go to: <a href="http://www.ucr.in.gov">www.ucr.in.gov</a></li> </ul>	<p><i>Part 392 continued</i></p> <ul style="list-style-type: none"> <li>Subpart D - Use of lighted lamps and reflectors</li> <li>Subpart E - License revocation; duties of driver</li> <li>Subpart F - Fueling precautions</li> <li>Subpart G - Prohibited practices</li> <li>Subpart H - Limiting the use of electronic devices, prohibition against texting and using hand held devices</li> </ul>
Part 390	<p><b>General Applicability and Definitions</b></p> <ul style="list-style-type: none"> <li>Subpart A - General applicability and definitions</li> <li>Subpart B - General requirements and information, USDOT number and marking requirements</li> <li>To apply for a USDOT # go to: <a href="http://www.safersys.org">www.safersys.org</a></li> <li>Subpart D - National registry of certified medical examiners</li> </ul>	<p>Part 393</p> <p><b>Parts &amp; Accessories Necessary for Safe Operation</b></p> <ul style="list-style-type: none"> <li>Subpart A - General</li> <li>Subpart B - Lamps, reflective devices, and electrical wiring</li> <li>Subpart C - Brakes</li> <li>Subpart D - Glazing and window construction</li> <li>Subpart E - Fuel systems</li> <li>Subpart G - Miscellaneous parts and accessories</li> <li>Subpart H - Emergency equipment</li> <li>Subpart I - Protection against shifting and falling cargo</li> <li>Subpart J - Frames, cab and body components, wheels, steering, and suspension systems</li> </ul>
Part 392	<p><b>Operating Commercial Motor Vehicles</b></p> <ul style="list-style-type: none"> <li>Subpart A - General, ill or fatigued operator, alcohol and controlled substance prohibition</li> <li>Subpart B - Driving of commercial motor vehicles, use of seat belts</li> <li>Subpart C - Stopped commercial motor vehicles</li> </ul> <p><i>Continued next column</i></p>	

Table Two	<b>The additional FMCSRs apply to CFVs greater than 26,001 lbs. operating beyond 150 air miles of the farm in Interstate Commerce.</b> Vehicles that do not meet the definition of the CFV exemption must comply with tables one and two.	
Part 382	<p><b>Drug and Alcohol Testing Programs</b></p> <ul style="list-style-type: none"> <li>Subpart A - General</li> <li>Subpart B - Prohibitions</li> <li>Subpart C - Tests required, pre-employment, post-accident, reasonable suspicion, and random alcohol and controlled substance testing</li> <li>Subpart D - Handling of test results, records retention, and confidentiality</li> <li>Subpart E - Consequences for drivers engaging in substance use-related conduct</li> <li>Subpart F - Alcohol misuse and controlled substances use information, training, and referral, documentation of supervisors tow hour training for reasonable suspicion</li> </ul>	<p>Part 395</p> <p><b>Hours of Service (HOS)</b></p> <ul style="list-style-type: none"> <li>395.1 - Scope of rules in this part</li> <li>395.2 - Definitions</li> <li>395.3 - Maximum driving time for property-carrying vehicles</li> <li>395.8 - Driver's record of duty status</li> <li>395.13 - Drivers declared out of service</li> <li>395.15 - Automatic on-board recording devices</li> </ul>
Part 383	<p><b>Commercial Drivers License (CDL)*</b> <small>* Other limited exemptions may apply to farmers.</small></p> <ul style="list-style-type: none"> <li>Subpart A - General</li> <li>Subpart B - Single license requirement</li> <li>Subpart C - Notification requirements and employer responsibilities</li> <li>Subpart D - Driver disqualifications and penalties</li> <li>Subpart E - Testing and licensing procedures</li> <li>Subpart F - Vehicle groups and endorsements</li> <li>Subpart G - Required knowledge and skills</li> </ul>	<p>Part 396</p> <p><b>Inspection, Repair, and Maintenance</b></p> <ul style="list-style-type: none"> <li>396.3 - Inspection, repair, and maintenance</li> <li>396.7 - Unsafe operations forbidden</li> <li>396.9 - Inspection of motor vehicles and intermodal equipment in operation</li> <li>396.11 - Driver vehicle inspection report(s)</li> <li>396.13 - Driver inspection</li> <li>396.15 - Driveaway-towaway operations and inspections</li> <li>396.17 - Periodic inspection</li> <li>396.19 - Inspector qualifications</li> <li>396.21 - Periodic inspection recordkeeping requirements</li> <li>396.23 - Equivalent to periodic inspection</li> <li>396.25 - Qualifications of brake inspectors</li> </ul>
Part 391	<p><b>Qualification of Drivers*</b> <small>* Other limited exemptions may apply to farmers.</small></p> <ul style="list-style-type: none"> <li>Subpart A - General</li> <li>Subpart B - Qualification and disqualification of drivers</li> <li>Subpart C - Background and character</li> <li>Subpart D - Tests</li> <li>Subpart E - Physical qualifications and examinations</li> <li>Subpart F - Files and records</li> <li>Subpart G - Limited exemptions</li> </ul>	<p>Part 397</p> <p><b>Hazardous Materials (HM) Driving &amp; Parking Rules</b></p> <p>Before transporting hazardous materials in any quantity, see Part 173.5 intrastate agriculture exceptions and requirements.</p> <ul style="list-style-type: none"> <li>✓ Currently, the statutory provision of Section 32934 of MAP-21 explicitly excludes vehicles transporting hazardous materials in a quantity requiring placards. This statutory guidance is currently under review by FMCSA.</li> <li>✓ For more information please visit the PHMSA website at: <a href="http://www.phmsa.dot.gov">www.phmsa.dot.gov</a></li> </ul>

**Visit the FMCSA website at: <http://www.fmcsa.dot.gov/rules-regulations/rules-regulations.htm> for additional information on each regulation.**