

FARM TRUCKS AND COMBINATIONS

Trucks and truck tractors (the pulling vehicle in a tractor-trailer combination) that are exclusively used for agricultural purposes are defined as “farm vehicles” in the Vehicle Code (PVC § 102). To be a “farm vehicle” the vehicle must be a truck or truck tractor. Automobiles and other vehicles may not qualify as a “farm vehicle.”

A vehicle does not become a “farm vehicle” unless it receives a farm vehicle registration or a certificate of exemption from the PA Department of Transportation. To obtain a farm vehicle registration or certificate of exemption, you need to complete and file form MV 77 with the Department, along with the appropriate registration or administration fee. That form is available on the Internet at: www.dmv.state.pa.us/pdotforms/mv_forms/mv-77.pdf.

Farm Vehicle Registration (“Farm Vehicle Plate”).

There are several differences between trucks and truck tractors operating under a farm vehicle registration and those operating under a certificate of exemption. Unlike the farm exempt vehicle, the farm registered vehicle may be operated at any time and at any location in the state (PVC § 1344). Registration is valid for one year.

The annual registration fee is based on the weight class the vehicle is registered. The weights that apply for each class of farm registered mirrors the weight classes established for commercial vehicles. The registration fee is \$76.50 for vehicles registered in weight classes 1 through 4 and one-third the commercial vehicle registration fee for all other weight classes (PVC § 1924(a)).

The farm registered vehicle is limited in the functions for which the vehicle may be used. This vehicle may be only operated:

- On roads that adjoin the registrant’s farm (PVC § 1344(a)(1));
- On roads between farms owned or operated by the registrant (PVC § 1344(a)(2));
- On roads between the registrant’s farm and a place of business, if being operated “for the purpose of buying or selling agricultural commodities or supplies” (PVC § 1344(a)(3));
- On roads between the registrant’s farm and a place of business, if being operated for purposes of inspecting, repairing or servicing the vehicle (PVC § 1344(a)(6));
- In situations where the registrant’s agricultural products are sold at an auction site, the farm registered vehicle that transported the products to the auction site is allowed to be used to transport the products from the auction site to the purchaser’s place of delivery (PVC § 1344(a)(4));

- When used for the purpose of participating in a driver's license examination (PVC § 1344(5)).

In 1994, the Department of Transportation published an interpretative document to identify uses of farm registered vehicles considered to be authorized and not authorized under the Vehicle Code. The text of that document is printed below.

Since the farm registered vehicle is considered to be a "registered motor vehicle" under the Vehicle Code, the owner must secure for the vehicle the minimum amount of insurance coverage prescribed by law (PVC § 1786(a)). Farm registered vehicles are also subject to the same requirements for periodic inspections and display of valid inspection stickers as other registered vehicles (PVC §§ 4702(a) and 4703(a)). Farm vehicles registered at greater than 17,000 pounds are required to be inspected semiannually (PVC § 4702(b)(7)).

Additionally, during operation on roads, a farm vehicle registered at greater than 17,000 pounds must meet all of the minimum requirements for "safe operation of motor carrier vehicles" (PaDOTRegs § 231.2(a) and §§ 231.191 and following). These requirements include carrying a fire extinguisher on the vehicle that is filled and readily accessible (PaDOTRegs § 231.301 and FedRegs § 393.95).

Farm registered vehicles operating exclusively within Pennsylvania are exempt from requirements to obtain or display a motor carriers road tax decal (PVC § 2105(a)(1)).

Federal laws require owners of all registered vehicles with a registered gross weight of greater than 55,000, including farm registered vehicles, to annually file a Heavy Vehicle Use Tax Return (IRS Form 2290) and, when applicable, pay the tax. The return must be filed by the end of the month following the month the vehicle is first used on the highway during the 12-month period of July 1 through June 30. The law provides an exemption from payment of tax to agricultural vehicles that operate 7,500 miles or less during the July-to-June tax year. However, even if the vehicle is exempt from tax, the owner must still complete and file the 2290 return. Forms and instructions for Form 2290 are available on the Internet at the IRS website. 2290 Forms themselves can be obtained on the Internet at www.irs.gov/pub/irs-pdf/f2290.pdf. It is important that Form 2290s be timely completed and filed each year, as the state Department of Transportation will require proof the return has been filed before it will issue a renewal of the vehicle's registration.

Drivers of Farm Registered Vehicles.

Drivers of farm registered vehicles need at least a valid Class C driver's license (PVC §§ 1501 and 1606(b)(5)). If the driver of a farm vehicle is lawfully operating the vehicle within Pennsylvania and within a 150-mile radius of the farm, the driver is not required to have a commercial driver's license (PVC § 1606(b)(5)). A driver of a farm vehicle with a gross weight rating of greater than 26,000 that is being operated outside

the 150-mile radius of the farm will be required to have a commercial driver's license with proper license endorsements for the type of vehicle being operated (PVC § 1606(a) and 1606(b)(5)).

The driver of a farm registered truck with a registered gross weight of greater than 17,000 pounds which is operated exclusively within Pennsylvania is not required to have a medical certificate to operate the truck, and is not subject to the hours of services and driver's logging requirements prescribed in state regulations for drivers of "motor carrier vehicles", unless the truck is carrying hazardous materials in quantities that require the vehicle to be placarded (PaDOTRegs § 231.2(d)). If the farm registered vehicle is a truck tractor or if the truck is required to be placarded for hazardous materials, the driver will be subject to driver's medical certification and driver's logging requirements (PaDOTRegs § 231.2(d)).

The driver of a registered farm vehicle with a registered gross weight of greater than 17,000 pounds must comply with all other requirements imposed by state regulations on drivers operating "motor carrier vehicles" intrastate (PaDOTRegs § 231.2(a)), including requirements to:

- Check and make sure the service and parking brakes, steering, lights, tires, windshield wipers, horn, rearview mirrors, and coupling devices are functioning properly before operating the vehicle (PaDOTRegs § 231.107 and FedRegs § 392.7);
- Make sure the vehicle is equipped with the proper emergency equipment to warn motorists in the event the vehicle breaks down (PaDOTRegs § 231.108 and FedRegs § 392.8);
- Stop at railroad crossings (PaDOTRegs § 231.121 and FedRegs § 392.10); and
- Check the cargo before the trip, within the first 50 miles, and every 3-hour or 150-mile segment thereafter to ensure the cargo is properly secured and the weight of the cargo is properly distributed (PaDOTRegs §231.109 and FedRegs § 392.9).

The driver must also complete and file end-of-day inspection reports on the condition of the vehicle (PaDOTRegs §231.365 and FedRegs § 396.11). A driver who will drive the vehicle next must review and certify his/her review of the most recent inspection report. Deficiencies discovered during pre-operation and post-operation inspections must be immediately corrected (PaDOTRegs §231.366 and FedRegs § 396.13).

Pennsylvania Farm Registered Vehicles Operated Outside of Pennsylvania.

Two main requirements are generally imposed by other states on Pennsylvania farm registered vehicles that operate outside of Pennsylvania – requirements for "registration" in the state where the vehicle is operated and for display of the state's fuel

tax decal. Recently, the development of interstate agreements among states has made compliance with both requirements easier.

Nearly all states, including Pennsylvania, have entered into an interstate agreement known as the International Registration Plan (IRP), which streamlines registrations of “commercial vehicles” operating in more than one state. IRP allows owners of vehicles operating in more than one state to obtain an “apportioned registration” in the owner’s home state. The acquisition of an “apportioned registration” allows the vehicle to meet registration requirements for all states in which the vehicle operates.

The IRP agreement allows, but does not require, each state to honor vehicles registered for “restricted use” in other states, such as Pennsylvania’s farm vehicle registration. In response to an inquiry by Pennsylvania’s Department of Transportation several years ago, most IRP states indicated they would honor Pennsylvania’s farm vehicle registration. Arizona, California, Florida, Idaho and Wyoming specifically indicated that they would not honor Pennsylvania’s farm vehicle registration. Minnesota, Nevada and New Hampshire specifically indicated that they would not honor those Pennsylvania farm registered vehicles with a registered weight of greater than 26,000 pounds, and they would only honor Pennsylvania farm registered vehicles of 26,000 pounds or less if the vehicle is performing interstate movement of product through their state. Virginia indicated that it would only honor Pennsylvania’s farm registration if the vehicle is operated within 30 miles of the state’s borders. In order to operate a farm vehicle in a state that does not honor Pennsylvania’s farm vehicle registration, the owner will either need to obtain a Pennsylvania apportioned registration (not available for farm vehicle registrations) or obtain a temporary permit from that state.

Most states are also participants in an interstate agreement for administration of state fuels taxes. The Interstate Fuel Tax Agreement (IFTA) allows owners of larger vehicles operating in more than one state to obtain one fuel tax decal and to file one quarterly consolidated fuel tax return to account for vehicle miles driven and fuels taxes paid through fuel purchases in each state and to reconcile taxes due each state. IFTA applies to all registered trucks or truck tractors with a registered or actual weight of greater than 26,000 pounds, registered trucks with 3 or more total axles, and combinations with a registered or actual weight of greater than 26,000 pounds.

An owner of a Pennsylvania farm registered vehicle that meets any of the thresholds described above must comply with the requirements of IFTA in order to operate in another state, unless that state specifically exempts that vehicle from IFTA requirements. New York and New Jersey have provided such an exemption to Pennsylvania farm registered vehicles. To meet IFTA requirements, the owner must obtain a Pennsylvania IFTA decal and display the decal on the vehicle, and must file quarterly tax returns that identify the miles driven in each state and the fuel taxes in each state through purchases of fuel.

Federal Motor Carrier Safety Regulations require any “commercial motor vehicle” operating interstate to meet all the minimum vehicle safety standards prescribed in

sections 393.1 through 393.209 of the regulations. The regulations define a “commercial motor vehicle” as a vehicle that has a gross vehicle or combination weight rating of greater than 10,000 pounds or that is carrying hazardous materials in quantities that require the vehicle to display hazardous materials placards (FedRegs 390.5). This would include any Pennsylvania farm registered vehicle operated outside of Pennsylvania that meets the definition of a “commercial motor vehicle.”

Federal regulations also require every Pennsylvania farm registered vehicle meeting the definition of a “commercial motor vehicle” that is operated outside Pennsylvania to display on each side of the vehicle the name of the business, the place where the business is located and the USDOT number that has been assigned to the business (FedRegs § 390.21). If your business does not have a USDOT number, you may obtain one by filing form MCS-150. MCS-Forms are available on the Internet at safer.fmcsa.dot.gov/public/MCS-150.pdf. And you may apply for a number electronically at the Federal Motor Carrier Safety Website at: https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option.

Drivers of Pennsylvania Farm Registered Vehicles Operated Outside of Pennsylvania.

If a Pennsylvania farm registered vehicle operated outside the state meets the definition of a “commercial motor vehicle,” the driver must comply with the requirements imposed under the Federal Motor Carrier Regulations, unless there is a specific exemption provided in the regulations. A “commercial motor vehicle” is defined in the federal regulations as vehicle that has a gross vehicle or combination weight rating of greater than 10,000 pounds or that is carrying hazardous materials in quantities that require the vehicle to display hazardous materials placards (FedRegs 390.5).

Drivers of “commercial” farm vehicles other than combinations are not subject to medical certification and other requirements for driver qualification prescribed in Part 391 of the regulations, if the vehicle is operated within a 150-mile radius of the farm and the vehicle is not required to be placarded for hazardous materials. (FedRegs §§ 391.2(c) and 390.5’s definition of “farm vehicle driver”). If the farm vehicle is operated beyond the 150-mile radius, the driver must a medical certificate in order to operate the vehicle. Persons 18 years of age and older operating a “commercial” combination farm vehicle interstate must meet the requirements for periodic medical examination and medical certification prescribed in the regulations (FedRegs § 391.2(c)). If the combination is not required to be placarded for hazardous materials, the driver of the combination farm vehicle is exempt from many of the other requirements for “qualification of drivers” prescribed under Part 391 (FedRegs § 391.67).

Drivers of “commercial” Pennsylvania farm vehicles operated outside the state must also comply with all of the requirements and prohibitions prescribed in Parts 392 and 393 of the Federal Motor Carrier Safety Regulations for the “safe operation” of commercial motor vehicles operating interstate, including requirements to:

- Check and make sure the service and parking brakes, steering, lights, tires, windshield wipers, horn, rearview mirrors, and coupling devices are function properly before operating the vehicle (FedRegs § 392.7);
- Make sure the vehicle is equipped with the proper emergency equipment to warn motorists in the event the vehicle breaks down (FedRegs § 392.8);
- Stop at railroad crossings (FedRegs § 392.10); and
- Check the cargo before the trip, within the first 50 miles, and every 3-hour or 150-mile segment thereafter to ensure the cargo is properly secured and the weight of the cargo is properly distributed (FedRegs § 392.9).

The driver must also complete and file end-of-day inspection reports on the condition of the vehicle (FedRegs § 396.11). A driver who will drive the vehicle next must review and certify his/her review of the most recent inspection report. Deficiencies discovered during pre-operation and post-operation inspections must be immediately corrected (FedRegs § 396.13).

Drivers of “commercial” Pennsylvania farm vehicles operated outside the state must also comply with the limitations in on-duty and driving time prescribed in Part 395 of the Federal Motor Carrier Safety Regulations (FedRegs § 395.1). The general rule prohibits the driver from:

- Driving more than 11 total hours or being on duty more than 14 hours without a continuous 10-hour period of off-duty time (FedRegs § 395.3(a)(1) and (2));
- Being on-duty for 60 hours in a 7-day period in cases where vehicles are not operated every day of the week (FedRegs § 395.3(b)(1)); and
- Driving after being on-duty for 70 hours in an 8-day period in cases where vehicles are operated every day of the week (FedRegs § 395.3(b)(2)).

However, Part 395 of the federal regulations provides a limited exemption from these requirements for drivers of agricultural vehicles transporting agricultural commodities and farm supplies during planting and harvesting seasons within a 100-mile radius of the location where the commodity is produced or farm supply is distributed (FedRegs 395.1(k)).

Part 395 of the Federal Motor Carrier Safety Regulations also requires drivers of Pennsylvania “commercial” farm vehicles operated outside the state to record and keep a driver’s log of on-duty, driving and off-duty time for each day (FedRegs § 395.8). The driver of an “agricultural vehicle” who meets the exemption from hours of service requirements described in the previous paragraph is also exempt from driver’s logging requirements (FedRegs 395.1(k)).

An exemption from driver’s logging requirements is also provided to drivers of vehicles being operated “locally.” To qualify for this exemption, the driver must not operate vehicles beyond 100-mile radius of the place where he/she reports to work, must return to the reporting place and be released from work within 12 hours of

reporting, must receive at least 10 hours of off-duty time between work shifts, and must not total more than 11 hours driving time without a 10-hour period of off-duty time (FedRegs § 395.1(e)(1), (2), (3) and (4)). The driver's employer must also keep accurate records of the times the driver reports to work and is released from work and the total hours each day the driver is on duty in order for the local driver exemption from driver's logging to apply (FedRegs § 395.1(e)(5)).

Commercial driver's licensing requirements may also apply to drivers of farm vehicles and combinations with a gross vehicle weight rating of greater than 26,000 pounds operating interstate, unless reciprocity agreements have been made between those states (FedRegs § 383.3(d)). Recently, Pennsylvania and New Jersey have entered into a reciprocity agreement that exempts drivers of registered farm vehicles between the states from commercial driver's licensing requirements if the vehicle is operated within a 150-mile radius of the farm.

Transportation of Hazardous Materials.

The requirements for transportation of hazardous materials will not be covered in depth. Generally speaking, however, transporters of hazardous materials are subject to both state and federal requirements for packing, marking packages, and documentation of transportation of hazardous materials, regardless of whether the vehicle is operating intrastate or interstate. If the weight or quantity of hazardous material transported is at or above the threshold weight or quantity prescribed in federal regulations, the outside of the vehicle must display placards that identify the type of hazardous material being transported. Normally, the exemptions from driver requirements provided to farm vehicle drivers do not apply in cases where the vehicle is required to be placarded. Farms transporting hazardous materials from agricultural suppliers to the farm in quantities that require the vehicle to be placarded are also required to develop and implement a "hazardous materials security plan" to reduce the risk the materials will be used for terroristic or illegal purposes. Components this plan include measures to confirm background information of employees used to transport hazardous vehicles, measures to prevent unauthorized persons from accessing hazardous materials during transit, and measures to enhance the security of the hazardous materials while the vehicle is being operated in route.

Farm Vehicle Exemption ("Farm Vehicle Sticker").

There are two types of exemption that are available to farmers for trucks and truck tractors – the Type I exemption and the Type II exemption. The Type I exemption can apply to both vehicles with a gross vehicle weight rating of 17,000 pounds or less and vehicles with a gross vehicle weight rating of greater than 17,000 pounds. The Type II exemption only applies to vehicles with a gross vehicle weight rating of greater than 17,000 pounds. Exemptions for these vehicles are valid for a period of two years.

Like the farm registered vehicle, the farm exempt vehicle is limited in the functions for which the vehicle may be used. The farm exempt vehicle is additionally limited in distances from the farm or between farms that the vehicle may be operated.

Farm exempt vehicles must carry the minimum amount of liability insurance coverage that the Vehicle Code requires for other vehicles; however, the farmer may satisfy this requirement by covering the vehicle under the farm's general liability insurance policy (PVC § 1302(10)(iv)).

For the Type I vehicle with a gross vehicle weight rating of 17,000 pounds or less, the biennial fee is \$24 (PVC § 1924(b)). This vehicle may only be operated on roads between sunrise and sunset (PVC §1302(10)(i)). It is limited in its operation on public roads to:

- Roads which adjoin the vehicle owner's farm (PVC § 1302(10)(i)(A));
- Roads between farms owned or operated by the vehicle owner that are located not more than 25 miles apart (PVC § 1302(10)(i)(B));
- Roads between the vehicle owner's farm and a place of business not more than 25 miles away for the purpose of buying or selling agricultural commodities or supplies (PVC § 1302(10)(i)(C)); and
- Roads between the vehicle owner's farm and a place of business not more than 50 miles away for the purpose of repairing or servicing the vehicle (PVC § 1302(10)(i) (D)).

For the Type I vehicle with a gross vehicle weight rating of greater than 17,000 pounds, the biennial fee is \$100 (PVC § 1924(b)). This vehicle must be inspected annually (PVC § 4702(a)) and must display a valid inspection certificate (PVC § 4703(a)), but is provided greater allowances in time and distance the vehicle may be operated than the Type II vehicle. It is not limited in time of operation on roads if it displays a valid inspection certificate (PVC § 1302(10)(i)). It is limited in its operation on public roads to:

- Roads which adjoin the vehicle owner's farm (PVC § 1302(10)(i)(A));
- Roads between farms owned or operated by the vehicle owner that are located not more than 25 miles apart (PVC § 1302(10)(i)(B));
- Roads between the vehicle owner's farm and a place of business not more than 25 miles away for the purpose of buying or selling agricultural commodities or supplies (PVC § 1302(10)(i)(C)); and
- Roads between the vehicle owner's farm and a place of business not more than 50 miles away for the purpose of repairing or servicing the vehicle (PVC § 1302(10)(i)(D)).

For the Type II vehicle (greater than 17,000 pounds gross vehicle weight rating), the biennial fee is \$50 (PVC § 1924(b)). This vehicle is not required to be inspected (PVC § 1302(10)(ii)), but is limited in time it may be operated on roads to the time

between sunrise and sunset (PVC § 1302(10)(ii)). This vehicle is subject to stricter limitations where the vehicle may be operated than the Type I vehicle. It may only be operated on:

- Roads which adjoin the vehicle owner's farm (PVC § 1302(10)(ii)(A));
- Roads between farms owned or operated by the vehicle owner that are located not more than 10 miles apart (PVC § 1302(10)(ii)(B));
- Roads between the vehicle owner's farm and a place of business not more than 10 miles away for the purpose of buying or selling agricultural commodities or supplies (PVC § 1302(10)(ii)(C)); and
- Roads between the vehicle owner's farm and a place of business not more than 25 miles away for the purpose of repair or servicing the vehicle (PVC § 1302(10)(ii)(D)).

While the Department of Transportation's 1994 interpretative document on authorized and unauthorized uses of "farm vehicles" particularly focused on farm vehicles that are "registered," this document should also serve as guidance for determining authorized and unauthorized uses of farm exempt vehicles.

A farm exempt vehicle is not required to comply with the vehicle standards established for motor carrier vehicles (PADOTRegs § 231.2(c)(1)). However, a farm exempt vehicle must meet general safety standards prescribed in the Vehicle Code when it is operated on the roads, regardless of whether or not the vehicle is required to be inspected. The vehicle must have operational headlights, rear lighting (rear lamps, brake lamps and rear reflectors), turn signals and side lamps that meet the standards prescribed in regulation (PVC § 4303(a), (b), (c) and (d)). The vehicle must also have functional brakes and parking brakes (PVC § 4502(a) and (b)), a functional exhaust and muffler system (PVC § 4523(b) and (c)), tires in safe operation (PVC § 4525(a)), a rearview mirror (PVC § 4534), and a functional horn (PVC § 4535(a)), and front and rear bumpers (PVC § 4536). If the vehicle's gross weight is greater than 7,000 pounds or the vehicle is a truck tractor, it must also carry equipment to warn motorists in the event the vehicle becomes disabled (PVC § 4530(a)). If the vehicle's gross weight is greater than 11,000 pounds, the vehicle must have rear wheel shields that prevent substances from being thrown from the rear wheels at a greater than 22.5 degrees from the road surface (PVC § 4533).

Drivers of Farm Exempt Vehicles.

Drivers of farm exempt vehicles need at least a valid Class C driver's license (PVC § 1501). Since a lawfully operated farm exempt vehicle will be operated within a 150-mile radius of the vehicle owner's farm, the driver of a lawfully operated farm exempt vehicle should not be required to have a commercial driver's license (CDL) (PVC § 1606(b)(5)).