2023 MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

MICHIGAN FARM BUREAU®

Published by Michigan Farm Bureau in conjunction with
Michigan State Police Commercial Vehicle Enforcement Division

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This publication is for educational purposes only and does not attempt to substitute or directly quote the laws referenced herein. Although it is the intent to keep this document current, regulations are constantly being revised, so readers are cautioned to consult the actual regulations for compliance. This document does not address all regulations, but rather those generating the most questions and concern among farmers.

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Introduction

This publication is based on state and federal statutes, including Michigan's adoption of the Federal Motor Carrier Safety Regulations (FMCSR). Statutes and regulations referenced in this document include:

- The Motor Vehicle Code of 1949 (MVC) as referenced to Michigan Compiled Laws (MCL)
- The Michigan Motor Carrier Safety Act of 1963
- The Michigan Motor Carrier Fuel (Act 403 of 2000, as amended)
- The Federal Motor Carrier Safety Improvement Act of 1999 (FMCSA)
  - Federal Motor Carrier Safety Regulations (FMCSR)
  - Federal Hazardous Materials Program (HM)
- The Federal Migrant and Seasonal Agricultural Worker Protection Act (MSPA) and regulations
- The Federal Fair Labor Standards Act, Youth Standards

The commercial use, operation and maintenance of many vehicles is regulated separately from most private use of vehicles on roads and right-of-ways. State, federal and international regulations may apply to a particular commercial use of a vehicle. While there are many exemptions, exceptions and qualifications to various regulations for certain farm-related activities, those using these options must recognize there are limitations.

For commercial motor vehicle operation Michigan has adopted the Federal Motor Carrier Safety Regulations (FMCSR) and the Federal Hazardous Materials Regulations (FHMR) into state law. Compliance with these regulations is required unless a specific federal or state exception exists. If the vehicle meets the state and/or federal definition(s), then it must comply with the FMCSR, unless it is operated under a specific exception. The primary day-to-day commercial vehicle operation requirements are generally within the regulations under FMCSR Parts:

390 Federal Motor Carrier Safety Regulations; General

391 Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors

392 Driving of Commercial Motor Vehicles

393 Parts and Accessories Necessary for Safe Operation

395 Hours of Service of Drivers

396 Inspection, Repair, and Maintenance

397 Transportation of Hazardous Materials; Driving and Parking Rules

398 Transportation of Migrant Workers

399 Employee Safety and Health Standards

Implements of husbandry are generally covered by state laws and regulations. This document focuses on Michigan Vehicle Code requirements. Operations using implements of husbandry or other farm equipment in interstate operations should check with the adjoining or other state they intend to operate within.

Sources of Information

The Michigan Trucking Association
www.mitrucking.org • 517-321-1951
Copies of Michigan and federal laws, forms and documents

The Michigan Center for Truck Safety
www.truckingsafety.org • 517-321-1955
Truck Drivers Guidebook, commercial trucking questions answered, training, etc.

The Michigan State Police Commercial Vehicle Enforcement Division
www.michigan.gov/motorcarrier
Contact your local Michigan State Police post

The Michigan Department of Agriculture and Rural Development
www.michigan.gov/mdard • 800-292-3939
Agricultural crop protection material spills

U.S. Department of Transportation, Federal Motor Carrier Safety Administration
www.fmcsa.dot.gov • 202-366-1790
FMCSA Violation Hotline: ***888-368-7238***
Medical Waivers: ***202-366-4001***
Hazardous Materials Hotline: ***800-467-4922 • http://hazmat.dot.gov***

USDOT Numbers
Interstate: ***800-832-5660***
Intrastate: ***888-464-8736***
www.safersys.org

County Road Association of Michigan
www.micountyroads.org • 517-482-1189
Local government regulations

U.S. Department of Labor, Wage and Hour Division: Vehicle Safety Standards
http://www.dol.gov/whd/mspa/
https://www.dol.gov/whd/forms/wh514.pdf
http://www.dol.gov/whd/forms/wh514a.pdf
http://www.dol.gov/whd/regs/compliance/childlabor101.htm
http://www.dol.gov/whd/regs/compliance/childlabor102.htm

All Michigan statutes can be accessed at ***www.legislature.mi.gov***. The Federal Motor Carrier Safety Regulations can be accessed at ***www.fmcsa.dot.gov.***

Definitions Related to Vehicle Use

If the vehicle meets a definition below, it must comply with the FMCSR or state law for that vehicle or for the operation of a vehicle unless excepted. The same vehicle could fall under a different definition depending on use.

Agricultural Commodity

Federal law defines agricultural commodity to mean any agricultural commodity, non-processed food, feed, fiber, insects or livestock. Farm supplies means products directly related to the growing or harvesting of agricultural commodities, and livestock feed. Also, USDOT interpretations state that fuel can meet the definition of an agricultural commodity if being used in tractors and other farm equipment.

Intrastate

When a load originates and ends within the same state without crossing any state or federal boundaries during shipment.

Interstate

When a load originates in one state, and crosses in transit, or ends in another state or federal boundary.

Motor Carrier – (FMCSR 390.5)

Means a for-hire motor carrier or private motor carrier. The term includes a motor carrier's agent, officer and representative as well as employees responsible for hiring. Supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/ or accessories.

Commercial Motor Vehicle – Federal (FMCSR 390.5)

- Designed and used on public highways to transport passengers or property;
- Has either a gross vehicle weight rating (single or combination) or an actual gross weight of 10,001 lbs. or more;
- Is designed for carrying more than 15 passengers including the driver (not for compensation);
- Is designed for carrying more than 8 passengers including the driver (for compensation);
- Is used to transport hazardous materials in an amount that requires placarding.

As used above, "for compensation" means transportation for-hire. "Not for compensation" would include transportation of employees or contractors in the furtherance of the business or farm.

Implements of husbandry are not considered as commercial motor vehicles (see MCL 480.15(2) for exception then MCL 257.21 for definition of implements of husbandry).

Commercial Motor Vehicle – Federal (FMCSR 383.5)

- Has a gross combination weight rating or gross combination weight of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 lbs., whichever is greater; or
- Has a gross vehicle weight rating or gross vehicle weight of 26,001 lbs. or more, whichever is greater; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials as defined in this section.

Commercial Vehicle – State (MCL 257.7)

"Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Commercial Motor Vehicle – State (MCL 257.7a)

"Commercial motor vehicle" means a motor vehicle designed to transport 16 or more passengers, including the driver; a motor vehicle, having a gross vehicle weight rating of 26,001 or more pounds; a motor vehicle with a gross combination weight rating of 26,001 pounds or more including a towed unit with a gross vehicle weight rating of more than 10,000 lbs.; or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 C.F.R. parts 100 to 199. A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

Commercial Motor Vehicle – State (MCL r480.11a)

The Michigan Motor Carrier Safety Act of 1963 adopts the federal commercial motor vehicle as defined in 49 CFR 383.5 (see above) for vehicles operated in intrastate commerce. These vehicles are not covered by the state's adoption of federal Motor Carrier Safety Regulations (FMCSR), being 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387, 390 through 393 and 395 through 399 including the appendices of each part. These vehicles remain subject to 49 CFR parts 391 through 393.

Covered Farm Vehicle – (FMCSR 390.5)

A "covered farm vehicle" (CFV) must meet all of the following:

1. Travels in the State in which the vehicle is registered or in another State;
2. Is operated by an owner or operator of a farm or ranch, or by a family member or employee of the owner or operator;
3. Transports agricultural commodities, livestock, machinery or supplies to or from a farm or ranch;
4. Has a license plate or some other means specified by the State that identifies it as a farm vehicle (This is the farm plate in Michigan)

5. Is not used in for-hire motor carrier operations (but for-hire operations do not include use of a vehicle owned and operated by a tenant farmer to transport the landlord's portion of the crops under a crop-share agreement)
6. Is not transporting hazardous materials that require placarding, and either of the following:
    a. Has a GVW or GVWR (whichever is greater) of 26,001 or less, in which case the CFV exemptions in FMCSR 390.39 apply anywhere in the United States
    b. Has a GVW or GVWR (whichever is greater) of more than 26,001 lbs. and travels within the State where it is registered or, if traveling out of the State where it is registered, stays within a 150 air-miles of the owner or operator's farm or ranch

The federal exemptions for covered farm vehicles, adopted by Michigan, include five major areas related to drivers and operating:

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

Farm Vehicle Driver (FMCSR 383.3(d))

"Farm vehicle driver" is a person who operates a commercial motor vehicle that is all of the following:

1. Controlled and operated by a farmer, as a private motor carrier of property;
2. Being used to transport agricultural products, farm supplies, or farm machinery to or from a farm;
3. Not being used in a for-hire operation;
4. Not carrying hazardous materials in an amount that requires placarding; AND
5. Being used within 150 air miles (173 statute miles) of the farm.

Farmer (FMCSR 390.5)

"Farmer" means any person who operates a farm or is directly involved in the cultivation of the land, crops, or livestock which are either owned by that person or are under the direct control of that person.

For-Hire

The term "for-hire" can differ considerably from one act of law to another. Generally speaking, "for-hire" means a verbal or written contract to transport someone else's property for monetary compensation. For certain statutes, it may include compensation other than monetary.

Driver-Related Information

Nearly all motor vehicle operation on the road requires some form of licensing. The required license depends on:

1. Vehicle type, size, and registration.
2. Type of use such as for-hire, farm operations, materials or people transported.
3. The location and time of use.

It is important to understand each qualification or exception the driver may be operating within.

Table 1. Commercial Driver License (CDL) Requirements by Vehicle Type and Farm Related Exceptions

Vehicle/Operation	Interstate[1]	Intrastate
Single Vehicle GVWR and GVW under 26K	No	No
Single Vehicle GVWR or GVW over 26K	Yes	Yes
"Farm Vehicle Driver"[3]	Yes – See "covered farm vehicle" exception	No, within 150 air miles from the farm
Operating a "Covered Farm Vehicle"[4]	No, within 150 air miles of the farm	No
Combination Vehicle	Yes – Towing a trailer or other vehicles with a GVWR or GCW of 10,001 lbs. or more with a gross combination weight rating of 26,001 lbs. or more	Yes – Towing a trailer or other vehicles with a GVWR or GCW of 10,001 lbs. or more with a gross combination weight rating of 26,001 lbs. or more
"Farm Vehicle Drivers"[3]	Yes – Towing a trailer or other vehicles with a GVWR or GCW of 10,001 lbs. or more with a gross combination weight rating of 26,001 lbs. or more (unless there is a reciprocity agreement with adjoining state)	No, provided the power unit is under 26,000 lbs. If power unit is over 26,000 lbs., an "F" Endorsement is required[2]
Operating a "Covered Farm Vehicle"[4]	No, within 150 air miles of the farm	No, if operating a covered farm vehicle, an "F" endorsement is not required

[1] Other states may, but are not required to, recognize Michigan's "F" endorsement provision.

[2] F Endorsement is an exception to the CDL requirements in Michigan. (MCL 257.312e, 257.312f(1)(a))

[3] See definition related to "farm vehicle driver."

[4] See definition related to "covered farm vehicle" which is subject to Special License Plate or other State designation registration (currently a Michigan Farm plate or Special Farm plate).

[5] "Covered farm vehicle" exceptions do not apply to vehicles requiring a placard. See Seasonal Restricted License (MCL 257.312f(2))

[6] The driver, to carry hazardous materials on which a placard is required, shall successfully complete both a knowledge test and a driving skills test. Upon successful completion of the knowledge test and driving skills test, the person shall be issued the appropriate vehicle group designation and any vehicle endorsement necessary under this MI Act. (MCL 257.312e(10))

[7] The farm operations HM exception can apply to "covered farm vehicles."

Table 2. Agricultural Use of "Commercial Motor Vehicles" (FMCSR 390.5)

Regulation	Interstate	Intrastate
Hours of Service (FMCSR 395.1)	Yes, ("Short-Haul" exemption) if operating over 150 air miles (172.6 statute miles) (FMCSR 395.1(e))	No, if a "Farm Vehicle Driver" (FMCSR 395.1(k)) (MCL 480.15(1))
	Yes, operating an articulated vehicle or vehicle over 26,001 GVW/GVWR covered farm vehicle over 150 air miles (173 statute miles) from the farm (regular rules apply, FMCSR 395.1(k))	No, if operating a covered farm vehicle anywhere in the state (FMCSR 395.1(s))
	No, straight truck under 26,001 GVW/GVWR covered farm vehicle (FMCSR 395.1(s), 390.39, 390.5)	Yes, if a farm vehicle driver operates beyond 150 air miles (173 statute miles) from the farm
Medical Cards* (FMCSR 391.2)	Single vehicle – No (FMCSR 391.2) Combination vehicle – Yes	No, if a farm vehicle driver
	No, if operating a covered farm vehicle (FMCSR 391.2(d))	No, if operating a covered farm vehicle (FMCSR 391.2(d))
Driver Age* (FMCSR 391.11, 391.67)	See Table 3 and Table 7	
CDL (MCL 257.312f, FMCSR 383–Interstate)	See Table 7	
Driver Files* (FMCSR 391.2)	Single vehicle – No Combination vehicle – No, if a farm vehicle driver or driver of a covered farm vehicle	
Accident Records	Yes	Yes

* ***Farm Custom Operations and Beekeepers (FMCSR 391.2(b)) are exempt from all of Part 391, which includes driver files and medical cards. Farm Custom Operations include any harvester who does not own the farm being harvested. Custom harvest operations (FMCSR 391.2(a)) are those operations that move from farm to farm, harvesting various crops across Michigan and the country transporting farm machinery, supplies, or both to or from a farm for custom-harvesting; or transporting custom-harvested crops to storage or market.***

Table 3. Age of Driver

Vehicle/Operation	Not a "Farm Vehicle Driver" or Operating a "Covered Farm Vehicle"	"Farm Vehicle Driver" Intrastate or Interstate	"Covered Farm Vehicle" Driver
Single Vehicle	18, Intrastate 21, Interstate (FMCSR 391.11)	Minimum age to obtain license	Minimum age to obtain license
Combination Vehicle		18	18
Transporting Hazardous Materials that requires placarding	21 Intrastate or Interstate	21	21

DRIVER LICENSE REQUIREMENTS

As used in the FMCSR, "farmer" means 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. This includes a business that operates a farm. (FMCSA 390.5)

The term "for-hire" means a person engaged in transportation of property for compensation. (FMCSA 390.5)

Commercial Driver License (CDL)

Farmers have some unique exceptions to the CDL standard. First, we will discuss the normal CDL requirements, and then we will cover the farmer exceptions. There are three significant farm exceptions: the Farm Vehicle Driver exception; the Covered Farm Vehicle exception; and the "F" endorsement. Each exception covers similar but different vehicle operations.

Normal CDL Thresholds (MCL 257.312e, FMCSR Part 383.91)

- A combination vehicle with a gross combination weight rating or gross combination weight, whichever is greater, of 26,001 or more pounds that includes a trailer that has a gross vehicle weight rating or gross vehicle weight, whichever is greater, of more than 10,000 lbs.;
- A single vehicle with a gross vehicle weight rating or gross vehicle weight, whichever is greater, of 26,001 or more pounds, with or without a trailer under 10,000 lbs. gross vehicle weight rating or gross vehicle weight.
- A vehicle that is designed to transport 16 or more passengers, including the driver; or
- A vehicle of any size (including passenger cars) transporting hazardous materials in an amount that requires placarding.

Anhydrous ammonia nurse tanks require placarding. The supplier's commercial vehicle driver would need the appropriate CDL and hazardous material endorsement.

CDL License Group Designations

A Group A, B, or C CDL is required to obtain the H, N, P, S, T or X endorsement.

Commercial Driver License with appropriate group designation is required to operate the following vehicles:

Group A is required to operate a combination of vehicles with a gross combination weight rating, or actual gross weight of 26,001 or more, and tows a vehicle with a gross vehicle weight rating of more than 10,000 lbs.

Group B is required to operate a single vehicle having a gross vehicle weight rating or actual gross weight of 26,001 lbs. or more.

Group C is required to operate a small vehicle designed to carry 16 or more people including the driver; or not meeting the requirement for group A or B which carry hazardous material in amount requiring placarding.

Primary CDL License Exceptions

- Active Military Duty, operating military vehicles;
- Police and firefighting operating authorized emergency vehicles;
- Vehicles operated as "cover farm vehicles;"
- "Farm vehicle drivers" operating within 150-mile radius of a farm ("F" endorsement may be required); and
- Individuals operating vehicles used exclusively to transport personal possessions or family members for nonbusiness purposes.

Chauffeur's License

A farmer or employee of a farmer operating a vehicle exclusively in connection with the farming operation of the farmer does not require a Chauffeur's License which implies that a graduate or operator's license can transport up to 15 people, including themselves. This exemption only pertains to the Chauffeur's License, not the P Endorsement. (MCL 257.6 (3)(a))

Be aware, definitions related to driver licensing, while similar, are not the same for all commercial vehicle regulations.

Covered Farm Vehicle

It is important to understand the covered farm vehicle exception to a CDL applies *to the vehicle* rather than to the driver. The "vehicle" must meet following requirements for the driver to obtain a CDL exception.

A "Covered Farm Vehicle" is one that is:

- Operated by a farm/ranch owner or operator, employee, or family member.
- Transporting agricultural commodities, livestock, machinery or supplies to or from the farm/ranch.
- The vehicle must be identified by a special license plate or designation.
- The vehicle must not be used in for-hire operation.

The federal exemptions for covered farm vehicles, adopted by Michigan, include five major areas related to drivers and operating:

- Part 383: Commercial Driver's License Standards; Requirements and Penalties
- Part 382: Controlled Substances and Alcohol Use and Testing
- Part 391: Subpart E: Physical Qualifications and Examinations

- Part 395: Hours of Service
- Part 395: Inspection, Repair, and Maintenance

Drivers operating a covered farm vehicle do not need to obtain an F Endorsement when the power unit of a combination vehicle exceeds 26,000 lbs. GVWR as the F Endorsement is an exception to a required CDL. There is no mileage limit when operated solely in intrastate transportation. Drivers of single vehicles with a GVWR or GVW less than 26,001 lbs. are not required to have a CDL in interstate transportation. Covered farm vehicle drivers of combination vehicles over 10,000 lbs. GVWR will need a CDL when operated beyond 150 statutory miles from the farm location across state lines.

Farm Vehicle Driver (interstate (FMCSR 383.3(d)) and intrastate (by reference to federal code))

The following drivers operating "covered farm vehicles", for intrastate transportation, do not require CDLs:

- A single vehicle, regardless of gross vehicle weight rating, unless the power unit has a GVWR over 26,000 lbs., and is transporting hazardous materials in an amount that requires placarding;
- A combination vehicle, provided that the power unit has a gross weight rating of less than 26,000 lbs., even if transporting hazardous materials in an amount that requires placarding.

"Farm vehicle driver" is a person who operates a commercial motor vehicle that is **all of the** following:

1. Controlled and operated by a *farmer*, as a private motor carrier of property;
2. Being used to transport agricultural products, farm supplies, or farm machinery to or from a farm;
3. Not being used in a for-hire operation;
4. Not carrying hazardous materials in an amount that requires placarding; **AND**
5. Being used within **150 air miles** (173 statute miles) of the farm.

Under item 4), anhydrous ammonia tanks require placards, so the vehicles are not eligible for the Farm Vehicle Driver provisions unless the cargo tanks are "implements of husbandry" under FMCSR 173.315(m): used exclusively for agricultural purposes; minimum design pressure of 250 psig; rated relief valves; painted white or aluminum; capacity less than 3000 gls,; filling density below 57 percent; secured to a farm wagon or inspected field truck.

The term Farm Vehicle Driver is used in several places in the Federal Motor Carrier Safety Regulations, usually providing relief from compliance with the regulations. It must be remembered, however, that to use that exception from the regulations, you must comply with ALL the above components of the definition.

The term "farmer" includes businesses that operate farms and their employees. Agribusiness operations, such as co-ops or farm dealers do not meet the Farm Vehicle Driver exemption for CDLs. Custom harvesters and farmers that contract with other farmers to transport product are not employees of the farmer and must have full CDLs and comply with drug and alcohol testing and other requirements. A farmer that contracts to transport

freight, even if it is farm products, is "hauling for-hire" and subject to all the commercial trucking regulations. For example, a farm employee operating a pickup truck and anhydrous ammonia tank (including leased or rented tanks) does not need a CDL (power unit is less than 26,000 lbs. GVWR), but the driver must be at least 21 years old (hazardous materials that requires placarding). A co-op employee or a custom harvester operating a pickup truck and anhydrous ammonia tank needs a CDL with an X Endorsement and must be at least 21 years old.

As used in the FMCSR (390.5), "farmer" means 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. This includes a business that operates a farm.

The term "for-hire" means a person engaged in transportation of property or persons for compensation.

Farm Vehicle Drivers are not required to obtain a CDL, however, if the power unit, in a combination vehicle, exceeds 26,000 lbs. GVWR the driver must have an "F" Endorsement.

Michigan F Endorsement (MCL 257.312e, MCL 257.312f))

The F Endorsement is a Michigan only endorsement and is required only when the driver is using the "farm vehicle driver" CDL exception. To qualify for the "F" endorsement, a person must meet all the following conditions. The vehicle:

- Is controlled and operated (not necessarily owned) by the farmer, their employee, or their family member;
- Is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items to and from a farm;
- Not be used for-hire;
- Is operated within 150 statute miles of the farm; **and**
- Is being operated as a combination vehicle with a power unit having a GVWR over 26,000 lbs. towing a trailer of any size.

A person, before driving or operating a farm vehicle with a combination of vehicles having a gross vehicle weight rating of 26,001 lbs. or more on the power unit, shall obtain an "F" Endorsement. The "F" Endorsement shall be issued upon successful completion of a knowledge test only. The "F" Endorsement is not required for single farm vehicles.

Farmers or employees MUST have a CDL (not the F Endorsement or Operator's License) when:

- They transport hazardous materials in an amount requiring placarding in a vehicle with a gross vehicle weight rating of 26,001 lbs. or more, or a combination vehicle with a power unit that has a gross vehicle weight rating of 26,001 lbs. or more;
- They transport any commodity for hire (paid compensation, including custom harvesters; does not include in-kind labor);
- They transport any commodity outside a 150-mile radius (statute miles) from the farm (See covered farm vehicle exemption that may apply); or
- They operate a "bus" that is designed to transport 16 or more persons.

Seasonal Restricted License (MCL 257.312(f)(2))

Seasonal Restricted Licenses for Group B or C vehicles are issued from April 2 to June 30 and from September 2 to November 30, OR for not more than 180 days from the date of issue in a 12-month period. The Seasonal Restricted License is only valid on routes within 150 statute miles from the place of business to the farm or farms being served, and may not transport hazardous materials for which placards are required except for:

- Diesel fuel in quantities of 1,000 gallons or less;
- Liquid fertilizers (including anhydrous ammonia) in quantities of 3,000 gallons or less;
- Solid fertilizers that are not transported with any organic substance (e.g., seed, corn, soybeans, etc.)

The Seasonal Restricted License is not valid for any vehicle that requires an H, N, P, S, T, or X endorsement, except as provided in the three bullets above.

Chauffeur License and Agriculture (MCL 257.6(3)(a))

The Chauffeur License is a Michigan-specific requirement. It does not apply to farmers or their employees when operating vehicles exclusively in connection with the farming operation. Generally, for registration and license purposes, Christmas tree growing operations are farms.

Regular requirements, unless exempt, a Chauffeur License is required if you:

- Are employed for the principal purpose of operating a motor vehicle with a gross vehicle weight rating (GVWR) of 10,000 lbs. or more. Note: Michigan law considers someone to be employed for the principal purpose of operating a motor vehicle "when the person's employment customarily involves the necessary use of a motor vehicle for-hire or for transporting passengers for-hire, or for transporting for gain or hire any merchandise for display, sale or delivery."
- Operate a motor vehicle as a carrier of passengers or as a common or contract carrier of property.
- Operate a bus or a school bus (subject to CDL P requirements).
- Operate a taxi or limousine.

Certain farm labor contractors, transporting agricultural workers, may be required to obtain a Chauffeurs License or a CDL with a P Endorsement.

CDL-P

A CDL with a P Endorsement (Passenger) is required for drivers of vehicles which are designed to carry 16 or more people (including the driver). The farm related CDL exceptions do not apply to this transportation. Operations transporting migrant, seasonal or H-2A visa workers have additional requirements, see Agricultural Related Transportation Requirements section near end of document.

Drivers from Canada and Mexico (FMCSR 383.21)

Drivers with valid licenses from Canada or Mexico can legally operate vehicles, including vehicles for commercial use, in Michigan. If the vehicle is above CDL thresholds, the driver must have a valid CDL from the Federal

Government of Mexico or a CDL from the appropriate Canadian province. The F Endorsement is only an option for Michigan residents. Drivers from Mexico or Canada are still eligible for the various exceptions to the Federal Motor Carrier Safety Regulations (e.g., the farm vehicle driver exemption from medical cards for single vehicles).

A person while driving or operating a road roller, a snow motor, road machinery, or a farm tractor or implement of husbandry temporarily drawn, moved, or propelled on a highway, does not need a license if the person is a citizen of the United States or is otherwise eligible to be issued a Michigan Operator's License or Chauffeur's License. (MCL 257.302(b))

Seasonal Guest Workers

H-2A workers are eligible for Michigan Driver Licenses provided they meet the regular license requirements. The licenses will be valid for the period of the visa. ***https://www.michigan.gov/sos/faqs/license-and-id/license-and-id-document-requirements***

Driver License Qualifications

A person shall be not less than 18 years of age before he or she is issued a vehicle group designation or endorsement, other than a motorcycle endorsement, or not less than 21 years of age and has been approved by the transportation security administration for a hazardous material endorsement before he or she is issued a hazardous material endorsement on an Operator's or Chauffeur's License and, as provided in this section, the person shall pass knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383. A person who is 18 years of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle endorsement on an Operator's, Chauffeur's or CDL License. (MCL 257.312f(1))

Any farm labor contractor, agricultural employer or agricultural association providing transportation in vehicles other than passenger automobiles and station wagons used for either day haul operation or any trip of a distance greater than 75 miles by a farm labor contractor, agricultural employer or agricultural association shall comply with the motor carrier safety standards including FMCSR 398.3 which sets the minimum age of 21. (29 CFR 500.102)

A seasonal restricted CDL is available for agri-business employees operating Group B and C vehicles on routes within 150 miles from the place of business. Buses and school buses cannot be operated with this restricted license. Although CDL knowledge and skills tests are not required, applicants must have a clean driving record for the prior three-year period and have held an Operator or Chauffeur License for at least one year prior to application for a Seasonal Restricted CDL.

Youth Employment Equipment Restrictions

For farm tractors, under the Fair Labor Standards Act, the U.S. Department of Labor has said that driving a farm tractor to school is "incidental" to farm operations. There is no minimum age requirement for an immediate family member of the owner of the farm, however, certain business structures may defeat the family exemption. There are additional equipment and work activity restrictions, see Bulletin 102 below. If not an immediate family member of the farm owner, the youth driver:

- Cannot operate a farm tractor (20HP and over) if under the age of 14.
- Ages 14-15, can operate a farm tractor (20HP and over) if he/she has a 4-H or Extension Safety Certificate specifically for farm tractor (or specified equipment) operations.
- No restrictions apply to youth age 16 and older for agricultural tractor operation.

(See USDOL Child Labor Bulletin 102, WH-1295, Revised November 2016, for the tractor and other hazardous equipment restrictions. ***https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor102.pdf***

For farms that operate non-agricultural operations on or in conjunction with the farm, tractor and other equipment operation is more restrictive. Those under 16 may not operate any power-driven machinery. Those 16 and 17 years of age have restrictions related to equipment operation.

(See USDOL Child Labor Bulletin 101, WH-1330 Revised November 2016, for non-agricultural restrictions. ***https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor101.pdf)***

The Michigan Youth Employment Standards Act 90 of 1978 rules establish additional restrictions. ***(http://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-90-of-1978.pdf)***

DRIVER STANDARDS

Hours of Service (FMCSR 395.1)

Congress provides four statutory exemptions to the Federal Motor Carrier Safety Hours of Service (HOS) regulations for agricultural operations. ***(https://www.fmcsa.dot.gov/hours-service/elds/eld-hours-service-hos-and-agriculture-exemptions)***

1. Covered farm vehicles weighing 26,001 lbs. or more, operated by a farmer or a farmer's employee, are exempt from HOS and CDL regulations if the vehicle is operated in the State of registration or within a 150-air mile radius of the farmer's farm or ranch. Covered farm vehicles weighing 26,000 lbs. or less are exempt throughout the country.
2. Drivers who transport agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius (172.6 statute miles) of the source; farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail

distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point are exempt from HOS regulations.

3. Drivers who transport commercial bees in interstate commerce are exempt from the 30-minute break required by the HOS regulations if there are bees on board the vehicle.
4. Drivers who transport livestock in interstate commerce are exempt from the 30-minute break required by the HOS regulations if there is livestock on board the vehicle.

For intrastate transportation, farm vehicle drivers are not required to comply with hours of service and log books, Part 395 of the Federal Motor Carrier Safety Regulations (MCL 480.15), provided they stay within all the provisions of the definition of "farm vehicle driver" (FMCSR Section 390.5), including the 150 air-mile radius (173 statute miles) of the farm.

Drivers of covered farm vehicles are exempt from hours of service and log books in intrastate transportation. (49 CFR 395.1(s))

For interstate transportation, agricultural operations, including farmers, are allowed short-haul operations exemption from all of the Hours of Service regulations if operating within a 150 air-mile radius (115 statute miles) from the normal work reporting location. (FMCSR 395.1(a) and (e))

Drivers of covered farm vehicle that are 26,001 lbs. or less GVWR are exempt from hours of service and log books in interstate transportation. Drivers of a covered farm vehicle over 26,001 lbs. GVWR across state lines must be within 150 air miles from the farm to qualify for the HOS exemption (49 CFR 395.1(s)).

USDOT interpretations allow the motor carrier to assign drivers to a new work reporting location, thus changing the base for the 150air-mile radius calculation. For interstate transportation outside of the 150 air-mile radius (115 statute miles), farmers must comply with the hours of service requirements (Part 395 of the FMCSR). See Table 2.

Electronic Logging Devices are required on commercial motor vehicles of manufacture year 2000 and newer (interpretation indicates it's the engine year) for individuals who are not exempted from Hours of Service requirements. Several ELD exemptions may apply to a carrier's operation, including, but not limited to, the following:

- The short-haul operations exception for preparing a logbook found in FMCSR 395.1(e) for drivers who operate within a 150-air mile radius of their normal work reporting location for vehicles that require a CDL (or 150 air-mile radius for vehicles that do not require a CDL), and work no longer than 12 hours a day.
- Vehicles that are older than model year 2000.
- Drivers who are required to complete paper records of duty status eight (8) days or fewer in any 30-day period.

It is important to note that ELD rules are within the HOS regulations. If an individual is exempted from HOS, they are not subject to ELD requirements.

Drivers can drive CMVs equipped with ELDs and still use their HOS exception. A motor carrier may configure an ELD to show the exception for drivers who are exempt from using the ELD or use the ELD annotation to record the status.

Wholesale Farm Supply Exception (FMCSR 395(k))

Regulations regarding maximum driving and on-duty time for agricultural operations drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to drivers transporting—

A. Agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source;

B. Farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or

C. Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point.

Note: FMCSA has provided exception guidance at: ***https://www.fmcsa.dot.gov/regulations/regulatory-guidance-concerning-transportation-agricultural-commodities***

Driver Qualifications (FMCSR 391.2)

For interstate transportation, single motor vehicles do not have to comply with any of the provisions of Part 391 (Qualification of Drivers).

For interstate transportation of combination motor vehicles (articulated; e.g., truck tractor and semi-trailer or a pickup truck and a stock trailer), farm vehicle drivers are excepted from FMCSR Part 391 except for medical certificates.

Drivers of covered farm vehicles are exempt from Driver Qualifications in all intrastate and allowed interstate operation. Drivers of a covered farm vehicle are also exempt from any requirement relating to Commercial Driver's Licenses, any requirement relating to drug-testing established, any requirement relating to medical certificates.

Additional exceptions are provided to Farm Custom Operations. Part 391 (Driver Qualifications, including medical certificates) does not apply to drivers engaged in "farm custom operations", if the vehicle is used to transport farm machinery, supplies to or from a farm for custom-harvesting, or to transport custom-harvested crops to storage or market. Part 391 also does not apply to beekeepers engaged in the seasonal transportation of bees.

Driver Files (FMCSR 391.51)

For intrastate transportation (MCL 480.15), farm vehicle drivers are excepted from:

- Employment applications; (FMCSR 391.21)
- Investigations and Inquiries of prospective drivers; (FMCSR 391.23)
- Annual driving record (FMCSR 391.25)
- Road tests; (FMCSR 391.31)
- Medical qualifications and Medical Certificates; (FMCSR 391.41, 391.43)
- Maintenance of driver files. (FMCSR 391.51)

Drivers of covered farm vehicle are exempt from FMCSR Part 391 requirements.

Drug and Alcohol Testing

Drivers operating a **vehicle that requires a CDL** must comply with the drug and alcohol testing requirements (Part 40 and Part 382 of the Federal Motor Carrier Safety Regulations), except that operators of a farm vehicle, and their employers, who meet all the following farm vehicle driver conditions are not required to comply with the drug and alcohol testing requirements:

- Controlled and operated by a farmer;
- Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- Not used in the operation of a common or contract motor carrier; **and**
- Used within 150 air-mile radius (173 statute miles) of the farmer's farm. (49 CFR 382.103(d)(3))

Drivers of covered farm vehicles are exempt from drug and alcohol testing requirements. (49 CFR 382.103(d)(4))

Additionally, the F Endorsement is a Michigan exception to the CDL requirements that has been recognized by USDOT. As such, drivers with an F Endorsement do not require drug and alcohol testing. A driver who operates within the F Endorsement provisions is not required to comply with the drug and alcohol testing requirements, even if the driver holds a CDL.

Having a CDL does not necessarily mandate the individual be in a drug and alcohol testing program. An individual can hold a CDL for years without being in a drug and alcohol testing program if he/she is not driving a commercial motor vehicle that requires a CDL. For more information about the drug and alcohol testing requirements, contact one of the organizations listed under "Sources."

MEDICAL CARD CERTIFICATION

Non-CDL drivers have no requirement to certify medical certification with SOS. CDL Holders can certify online or at an SOS branch office. Interstate CDL drivers are no longer required to carry their medical card as long as they have certified it with SOS. Intrastate CDL drivers must still carry a copy of their medical card when operating a CDL required vehicle.

Certain drivers of migrant or seasonal agricultural worker need a medical evaluation. See 49 CFR § 398.3.

The Michigan CDL Help Desk is available during normal business hours at 517-636-7474 and can assist with medical certification questions and issues.

MOTOR CARRIER STANDARDS

"Motor Carrier" means a for-hire motor carrier or a private motor carrier. The term includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. (FMCSR 390.5)

Insurance (FMCSR 387.3, 387.7)

Part 387 applies to all farmers, interstate or intrastate, who are "hauling for hire" or anyone transporting any amount of hazardous materials. This law requires an MCS-90 Form to be on file at the company's place of business. The MCS-90 Form is available from your insurance carrier. An MCS-90 may also be required if the farmer accepts compensation for another farmer's products. See Administrative Ruling No. 119 for details. ***https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Administrative_Ruling_119.pdf***

Vehicles transporting covered migrant, seasonal or H-2A visa agricultural workers must comply with the insurance requirements of 29 CFR Part 500.121-128 (Federal Migrant and Seasonal Agricultural Worker Protection Act) and the H-2A provisions at 20 CFR 655.132 if under an H-2A contract.

Accident Records (FMCSR 390.15)

Motor carriers, including farm operations, must maintain an accident register for a period of one year after an accident occurs containing the following information:

- Date of accident;
- City or town nearest the location the accident occurred, and the State;
- Driver name;
- Number of injuries;
- Number of fatalities;
- Whether hazardous materials (other than fuel from fuel tanks) was released; and
- Copies of all accident reports required by States or insurance companies.

TRAFFIC REGULATIONS

Traffic regulations vary from state to state. This is a discussion of some of the state requirements that apply to farmers and certain agricultural related operations in Michigan. It must be remembered that, although the Michigan Vehicle Code and the Federal Motor Carrier Safety Regulations often use the same terms, they may have different definitions for those terms.

Truck Routes

MCL 257.726 allows local jurisdictions to establish truck routes. The statute requires the routes to be posted. The state truck routes are located at ***http://www.michigan.gov/truckers***. However, ordinances that prohibit the operation of trucks or other commercial vehicles on designated highways or streets do not apply to vehicles that are used to transport agricultural products, farm machinery, farm supplies, or a combination of these items to or from a farm or as necessary for agricultural production (MCL 257.726 (4)).

Text Messaging Ban

A person shall not read, manually type or send a text message on a wireless 2-way communication device that is in the person's hand or lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a motor vehicle that is moving on

a highway or street in this state. Use of global positioning or navigation systems that are affixed to the motor vehicle is allowed. **Phones may be used for navigation, however, the device must be affixed to vehicle and may not be operated in the person's hand or in the person's lap.**

Drivers may text to report: a traffic accident, medical emergency, or serious road hazard; a situation in which the person believes his or her personal safety is in jeopardy; or to avert the perpetration or potential perpetration of a criminal act against the individual or another person.

The term motor vehicle means every motor vehicle that is self-propelled including farm implements and tractors.

The penalty for a first violation is $100.00 and $200.00 subsequent violation(s). (MCL 257.602(b))

Commercial Motor Vehicle Cell Phone Ban

The federal rule prohibits Commercial Motor Vehicle (CMV) drivers, in interstate transportation and Michigan has adopted the rule by reference for intrastate, from holding, dialing, or reaching for a hand-held cellular phone. This includes all push-to-talk functions.

This applies to covered farm vehicle CDL-excepted vehicles.

The rule does not restrict or prohibit the use of hands-free mobile telephone devices. The ban does not prohibit or restrict the use of Citizen Band Radios (CBs), Global Positioning Systems (GPS), or fleet management systems.

Dialing: As defined by the regulation, a driver can initiate, answer, or terminate a call by touching a single button on a mobile telephone or on a headset. This action should not require the driver to take his or her eyes off the road.

Reaching: The rule bans reaching for a cell phone or hands-free device that is done in "an unacceptable and unsafe manner." Examples of this behavior would be reaching for a cell phone on the passenger seat, under the driver's seat, or into the sleeper berth. To be in compliance with the rule, a driver must have a cell phone and/or hands-free device within "close proximity" to his or her person.

State Requirement: Michigan has adopted the federal ban under MCL 257.602b(3).

Exemption: The only exception to allow hand-held cell phone use by drivers is for emergency purposes.

Non-CMV Drivers: The FMCSA stated it "does not have statutory authority to regulate non-CMV drivers, other than transportation covered by statutory exemptions. FMCSA has authority to restrict the use of mobile telephones by drivers operating CMVs in interstate commerce."

Farm Vehicle Drivers: The federal rule amends 49 CFR 391.2, which provides certain exceptions to the requirements of Part 391 for custom farm operations, apiarian industries, and specific farm vehicle drivers, to enable the agency to make violations of the cell phone restriction a disqualifying offense for such drivers. The explicit federal restriction against hand-held cell telephone use applies directly to these drivers as well as the disqualification provision according to the agency.

Hazardous Materials: The use of hand-held mobile telephones by any CMV driver transporting a quantity of hazardous materials requiring placarding (such as an ammonia nurse tank) or any quantity of a material listed as a select agent or toxin by both intrastate and interstate motor carriers operating CMVs is prohibited.

Driving of a Commercial Motor Vehicle: For the purpose of this section only (the cell phone ban), driving means operating a CMV on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a CMV when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

Employer Liability: The rule states that "no motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a CMV. In the preamble, FMCSA discusses the regulatory language to mean that "motor carriers are accountable for their employees or drivers, especially when the employer allows or requires the prohibited action. In other words, the employer will generally be held accountable if the employee was doing his or her job, carrying out company business, or otherwise acting on the employer's behalf when the violation occurred. A motor carrier must require drivers to observe a duty or prohibition. . ."

Vehicle Information

VEHICLE STANDARDS

Inspection – Annual & Post Trip (FMCSR 396.17)

Covered farm vehicles are not covered by any requirement in FMCSR Part 396 relating to vehicle inspection, repair, and maintenance. Vehicles operated by farm vehicle drivers remain subject to certain inspection requirements.

A farmer whose vehicle does not meet the covered farm vehicle exemption will still have to do pre- and post-trip inspections, but if nothing is wrong with the vehicle there is no requirement to fill out a Driver Vehicle Inspection Report (DVIR), and no need for carriers to retain documentation of a DVIR. Reports are still required when something is not operating correctly in the vehicle. Motor carriers are still responsible to have inspection, repair, and maintenance programs in place, as well as documentation that prove proper maintenance programs are implemented. (FMCSR Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (DVIR) Rule, 49 CFR Parts 392 and 396)

A pick-up truck towing an anhydrous ammonia nurse tank meets the definition of a "commercial motor vehicle" (any size vehicle that requires placards) and both units are required to have an annual inspection. Annual inspection forms or stickers must be present for all units in the combination when operated on a roadway. It is the responsibility of the person operating the vehicle on the roadway to ensure that the inspection documentation is available. Agribusiness operations that lease or rent vehicles, including anhydrous ammonia tanks, to farmers, are responsible for ensuring their vehicles have received an annual inspection, as well as the mandatory periodic hazardous materials tank tests.

Vehicles that are not a commercial motor vehicle as defined in FMCSR 383.5 (see Commercial Motor Vehicle – Federal (Section 383.5 of the FMCSR)) and that are operated in intrastate commerce are not covered by the vehicle inspection requirements.

Retroreflective Tape (FMCSR 393.11, 393.13)

The Federal Motor Carrier Safety Regulations require trailers and semi-trailers manufactured prior to December 1, 1993 to be retrofitted with retroreflective tape (red and white "truck tape"). The regulation applies to trailers and semi-trailers with an overall width of 80" and a gross vehicle weight rating of 10,001 lbs. or more. There is no exception for implements of husbandry or nurse tanks meeting the 80"/10,000 lbs level towed by a pickup truck or truck from this requirement. The federal definition of trailer and semi-trailer includes **all** vehicles that are **towed by another motor vehicle**. Many implements of husbandry are not designed to transport property or are under the 10,001 GVWR rating. Refer to FMCSR Section 393.13 for the color combinations and placement locations that are permitted. Implements of husbandry manufactured after 1/1/2007, must meet the extremity marker & lighting requirements of ASAE (MCL 257.684a). See implement of husbandry section. Covered farm vehicles are covered by this requirement.

Brakes (FMCSR Part 393)

Generally, state and federal regulations require brakes on all wheels for commercial motor vehicle. Brakes are not required (intrastate and interstate) on a full trailer or semi-trailer having an actual gross weight of 3,000 lbs. or less and the weight of the towed vehicle resting on the towing vehicle does not exceed 40% of the actual gross weight of the towing vehicle. (FMCSR Part 393.42 and MCL 257.705)

Farm tractors, or other implement of husbandry, towing implements of husbandry and self-propelled implements of husbandry are exempt from all the Federal Motor Carrier Safety Regulations, intrastate and interstate, including brakes. (480.15(2)) However, individual states regulate implement of husbandry equipment and operation requirements.

Michigan requires a motor vehicle or combination of motor-drawn vehicles shall be capable at times and under all conditions of loading, of being stopped on dry, smooth, level road free from loose material within the distance specified below or shall be capable of being decelerated at a sustained rate corresponding to theses distances upon initial application of service (foot) brake. (MCL 257.705 (2))

The state stopping distance requirement does not apply to a combination of motor-drawn vehicles under all of the following circumstances: (MCL 257.705(3))

A. The drawn vehicle is an implement of husbandry;

B. **The motor vehicle hauling the implement of husbandry does not exceed a maximum speed of 25 miles per hour if the implement of husbandry being drawn is not equipped with brakes** that meet the standards set forth in 49 CFR 393.40 and this act; and

C. If the implement of husbandry being drawn does not exceed any other implement or component design maximum speed limitation, the combination of vehicles shall not exceed that maximum speed limitation.

Table 4. State Vehicle Stopping Distance

	Feet to stop from 20 mph	Deceleration in feet per second
Vehicles or combination of vehicles having brakes on all wheels	30	14
Vehicles or combination of vehicles not having brakes on all wheels	40	10.7

Surge Brakes (MCL 257.705(1)(c))

Intrastate: Surge brakes are allowed on a combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 lbs. or less, provided the trailer or semitrailer has an actual gross vehicle weight or gross vehicle weight rating of 15,000 lbs. or less. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than 8 passengers, including the driver, are prohibited from being equipped with surge brakes.

Interstate: A surge brake is defined in FMCSR Section 393.5 as "A self-contained, permanently closed hydraulic brake system for trailers that relies on inertial forces, developed in response to the braking action of the towing vehicle, applied to a hydraulic device mounted on or connected to the tongue of the trailer, to slow down or stop the towed vehicle."

FMCSR Section 393.40 specifies that vehicles with surge brakes must have a service brake system that meets FMCSR Sections 393.42, 48, 49, 51 and 52. FMCSR Section 393.48(d) exempts surge brake vehicles from the provision that requires brakes to be operational at all times. In addition, it states that surge brakes are allowed on:

- Any trailer with a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs. or less, when its GVWR does not exceed 1.75 times the GVWR of the towing vehicle; and
- Any trailer with a GVWR greater than 12,000 lbs., but less than 20,001 lbs., when it's GVWR does not exceed 1.25 times the GVWR of the towing vehicle.

The regulation states that the gross vehicle weight (GVW) of a trailer may be used instead of the GVWR to calculate compliance when the GVWR is unavailable. The regulation further specifies that the GVW must be used to calculate compliance when the trailer's GVW exceeds its GVWR.

FMCSR Section 393.49 requires a vehicle to have a braking system so that one application valve when activated, causes all the service brakes on the vehicle or combination to operate. This section has been amended to exempt the following:

- Driveaway-towaway operations unless the brakes on such operations are designed to be operated by a single valve; and
- Trailers equipped with surge brakes that satisfy the conditions specified in FMCSR Section 393.48(d).

Hitches/Safety Chains/Pulling Trailers (MCL 257.721)

Michigan restricts the number of trailers that may be towed and sets standards for the connecting devices. Michigan permits certain vehicles to tow two trailers and requires those trailers to employ fifth wheel mechanisms. There are three exceptions to the 5th wheel requirement:

1. The recreational combination (e.g., pickup truck, camper, a trailer and the first vehicle towed must be a fifth wheel connection);
2. A certain type of garbage truck and trailer combination; and
3. The farm tractor with two wagons combination.

A pickup truck or straight truck may tow only one farm wagon or nurse tank, regardless of the type of connecting device.

For vehicles meeting the definition of a "commercial motor vehicle" (interstate and intrastate), the Federal Motor Carrier Safety Regulations require the use of two safety chains, one on each side, or one chain in a bridle arrangement. Chains must have an ultimate strength of not less than the actual gross weight of the trailer being towed (FMCSR 393.70(d)).

For intrastate transportation, vehicles that do not meet the definition of a "commercial motor vehicle" (under 10,000 lbs. combination gross weight), are required to have two safety chains, one on each side. This applies to pickups,

trucks or farm tractors. However, an implement of husbandry with a GVWR (combination or single) of 10,000 lbs. or less, may use the single bridle chain.

Farm tractors are exempt from the safety chain requirements of the federal FMCSR (480.15(2)) but are subject to the safety chain requirements of the Michigan Motor Vehicle Code, (MCL 257.721(3)). This applies when drawing another implement on the road.

LOAD SECUREMENT

Tarping and Spilling

A person operating a vehicle to transport agricultural commodities is not required to cover the load (MCL 257.720). In addition, the movement of sand, gravel, and dirt in a farm truck or implement of husbandry in the normal operation of a farm does not require a tarp.

A person operating a vehicle transporting agricultural commodities shall not spill under the Motor Vehicle Code (MCL 257.720), however the statute does state that "...hay, straw, silage, or residue from a product, but not including the product itself, or when materials such as water used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway" shall not be considered a violation of the spilling statute. "Silage" is any plant material that is used for animal feed and is also commonly referred to as "forage."

There is no requirement to display farm plates to use these exceptions.

Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section.

While the language of subsection MCL (257.720(6)) gives the impression that a person transporting agricultural products does not have to "secure" their load at all, FMCSR Part 393 subpart 1 requires "load securement" (rather than tarping) for agricultural products.

It is important to note there is no farm or agricultural exemption in the Michigan Motor Carrier Safety Act that adopts the Federal Motor Carrier Safety Regulations (FMCSR). Farm vehicles that meet the definition of a "commercial motor vehicle" (FMCSR 390.5 definition) must comply with the cargo securement regulations of the FMCSR. The regulations are commodity-specific.

Refer to Part 393, Sections 393.100-136 for specific requirements. Due to changes in the Federal Motor Carrier Safety Regulations (FMCSR), it is NOT acceptable to use a secured tarp or canvas to secure sod. However, compliance with the FMCSR is not to be inferred to include that a tarp is required on open-top bulk transportation of agricultural commodities.

Securement of Hay and Straw Bales

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration has issued a policy regarding the securement of square bales of hay or straw.

The policy permits the securement of bales that satisfies the "equivalent means of securement" requirements found in Section 49 CFR 393.102(c). The bales must be loaded in a pattern that interlocks adjacent square bales

together, to "unitize" the load such that the individual bales effectively act as a single unit. When the bales are unitized by loading them in the interlocking patterns, the following tiedown requirements apply:

1. Trucks or trailers 32 feet or less in length require the use of a minimum of one lateral tiedown placed in the approximate center of the length of a truck or trailer.
2. Trucks or trailers greater than 32 feet in length require the use of a minimum of two lateral tiedowns which must be positioned at approximately one-third and two-thirds the length of the truck or trailer.
3. In both cases above, the aggregate working load limit requirements (Section 393.106(d)) must also be met.
4. For loads of square bales of hay or straw that are not unitized by the interlocking methods and the tiedown requirements listed above must comply with all the cargo securement provisions of FMCSR Sections 393.100-114.

Working Load Limits for Tiedowns (FMCSR, Part 393)

Each cargo securement system must be able to withstand a minimum amount of force in each direction.

- Forward Force = 80% (0.8 g.) of cargo weight when braking while driving straight ahead.
- Rearward Force = 50% (0.5 g.) of cargo weight when accelerating, shifting gears while climbing a hill, or braking in reverse.
- Sideways Force = 50% (0.5 g.) of cargo weight when turning, changing lanes, or braking while turning.
- Upward Force = 20% (0.2 g.) of cargo weight when traveling over bumps in the road or cresting a hill.

This requirement is satisfied when the cargo is "fully contained."

Work Load Limit tables are available at: ***https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-393/subpart-I/section-393.108*** During an inspection, if the device is not marked with a WLL, it will be deemed to have the lowest WLL for the type and dimension of the device.

Operators should obtain the reference manual – A Drivers Guide to Load Securement – A Guide to the North American Cargo Securement Standard ***(https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Drivers_Handbook_Cargo_Securement.pdf)***

SIZE AND WEIGHT LAWS

Because of its complexity, the entire weight law will not be discussed here. However, there are some provisions specific to agricultural operations. Weight laws do not apply to implements of husbandry (MCL 257.716(2) and 257.631(2)) if it is moved incidentally on the highway. There is no exception for vehicles coming out of a farm field or gravel pit; all vehicles, commercial and personal, are subject to Michigan's size and weight laws (see "misload" below). Also, there is no provision that requires a police officer to allow the driver an opportunity to make the load legal prior to taking enforcement action. Vehicles are required to be within legal weights whenever they are being operated on the roadway.

Federal Length and Width Exemptions

MCL 257.719(9)(b) was amended to adopt FMCSR Section 658.16 and Part 658 Appendix D by reference. These provisions specify certain safety and energy conservation devices that are exempt from measurement for length and width. This includes mirrors, mud flaps, door flaps, etc.

The law does allow certain trailer manufactures or distributors to utilize double ball and hitch combination to deliver newly manufactured trailers provided they do not exceed a total weight of 26,000 lbs, are no longer than 82 feet combined and are hauled empty. This exemption is specific for dealers or manufacturers inventory being delivered and is not allowed for farms or other agricultural operations. **The law does not allow any other combination of vehicles to utilize a double ball and hitch connection**.

Table 5. Normal Maximum Allowable Gross Axle Loadings

Spacing Between Axles	Normal Loadings When Seasonal Load Limitations Are Not in Force		Seasonal Load Limitations (Speed Limit 35 MPH)	
	Vehicles Exceeding 80,000 lbs. Gross Weight	† Vehicles 80,000 lbs. OR Under Gross Weight	Rigid	Flexible
			25% reduction	35% reduction
9 feet or over	18,000 lbs.	20,000 lbs.	13,500 lbs.	11,700 lbs.
More than or equal to 3 ½ feet but less than 9 feet	13,000 lbs.		9,750 lbs.	8,450 lbs.
When part of a tandem axle assembly	*16,000 lbs.	34,000 lbs. on tandem	**12,000 lbs.	***10,400 lbs.
When less than 3 ½ feet	9,000 lbs.		6,750 lbs.	5,850 lbs.
Maximum load on any wheel shall not exceed: (lbs. per inch of tire width)	700 lbs.	700 lbs.	525 lbs.	450 lbs.

† Gross vehicle weight may not exceed 80,000 lbs. and the Bridge Gross Weight Formula as follows: An overall gross weight on a group of 2 or more consecutive axles equaling: W = 500 [(LN /(N – 1))+ 12N + 36]

Where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 lbs.

L = distance in feet between the extreme of a group of 2 or more consecutive axles

N = number of axles in the group under consideration with the following exceptions:

- *2 consecutive sets of tandem axles may carry a gross load of 34,000 lbs. each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart, and the gross vehicle weight does not exceed 80,000 lbs. including all enforcement tolerances.*
- *5-axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 lbs. or in excess of the vehicle gross weight, determined by application of the formula in this subsection, shall be subject to the maximum axle loads*

specified in column 2 (Normal Loadings When Seasonal Load Limitations Are Not in Force).

A vehicle or combination of vehicles, when operating within 5 miles from a "Special Designated Highway" for access to or from points of origin or destination, must reduce to the following weights when the route being traveled is under seasonal load limitations:

- *Rigid route – 13,500 lbs. on a single axle, 12,000 lbs. per axle on a tandem axle assembly.*
- *Flexible route – 11,700 lbs. on a single axle, 10,400 lbs. per axle on a tandem axle assembly.*

** On any legal combination of vehicles, only one (1) tandem axle assembly (with no other axle within 9 feet) shall be permitted at the gross weight of 16,000 lbs. per axle. On a combination of a truck tractor and semitrailer having not more than 5 axles, two (2) consecutive tandem axle assemblies shall be permitted at a gross permissible weight of 16,000 lbs. per axle, if there is no other axle within 9 feet of any axle of the assembly.*

See the Truck Driver's Guidebook at ***https://www.truckingsafety.org/GuidebooksMaterials.aspx*** for normal loading requirements.

Misload Fines

Although the term is not specifically defined, misload weight citations have a separate fine schedule. MCL 257.724 provides for a set fine if the court finds "...that the motor vehicle or combination of vehicles would be lawful by a proper distribution of the load upon all the axles of the vehicle or combination of vehicles..." The fine is to be $200 per axle, with a limit of 3 axles, for a maximum "misload" fine of $600 granted the vehicle exceeds the permitted axle by 1,000 lbs. or less. If the vehicle exceeds the permit axle weight by more than 1,000 lbs., the court shall impose a fine subject to the cents per pound schedule in subsection (3). However, if any one axle in the combination is more than 4,000 lbs. up to 8,000 overweight, the fine is to be $400 per axle, with a limit of 3 axles, for a maximum "misload" fine of $1,200 total. Vehicles that are "over gross" (would not be lawful by a proper distribution of all the axles) are also fined the cents per pound schedule according to subsection (3).

10% Axle Allowance

The axle loading maximums under MCL 257.722 subsections (1), (2), (3), and (4) are increased by 10% for vehicles transporting "agricultural commodities" (see below definition) **or raw timber, excluding farm equipment and fuel,** from the place of harvest or farm storage to the first point of delivery on a road in this state. However, the axle loading maximums as increased under this subsection do not alter the gross vehicle weight restrictions. **Also, if the 10% is exceeded the penalty rate is calculated on original load maximums.** (MCL 257.724(3)) This subsection does not apply to either of the following:

A. A vehicle utilizing an interstate highway.

B. A vehicle utilizing a road that is subject to seasonal weight restrictions during the time that the seasonal weight restrictions are in effect. (MCL 257.722(13))

Five-axle Truck Tractor-Semi Trailer Combination (Agricultural Commodities only)

A five-axle truck tractor–semi trailer combination having two consecutive sets of tandems (a "tandem-tandem") may operate at a gross weight of 17,000 lbs. for each axle of the tandem provided there is no other axle within 9 feet of any axle of the tandem axles. The first and last axles of the consecutive sets of tandems must be at least 36 feet apart and the gross vehicle weight cannot exceed 80,000 lbs. The vehicle combination must pick up and deliver **"agricultural commodities" (see below for definition)** between the national truck network or special designated highways and any other highway. (MCL 257.722(4))

For purposes of this subsection, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This subsection does not apply during that period when reduced maximum loads are in effect pursuant to subsection. (MCL 257.722(8))

Agricultural commodities for this section only means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term does not include trees or lumber. (MCL 257.722(14))

Farm storage means any of the following: An edifice, silo, tank, bin, crib, interstice, or protected enclosed structure, or more than 1 edifice, silo, tank, bin, crib, interstice, or protected enclosed structure located contiguous to each other. An open environment used for the purpose of temporarily storing a crop. (MCL 257.722(15(c))

Lift Axles

MCL 257.724(a) addresses the weighing of lift axles. Subsection (1) exempts a vehicle equipped with lift axles from all weight laws during the period that the axles are raised to negotiate an intersection, driveway, or other turn, and until the lift axles are fully engaged after the time necessary to negotiate the turn. In addition, subsection (2) requires that prior to weighing a vehicle equipped with air axles that have been raised to negotiate a turn, the officer shall allow the lift axles to be lowered and placed under full operational pressure.

Frost Law Exception

During reduced loading (frost law) on local roads (not state highways), a person transporting agricultural commodities (as defined above) may obtain a permit from the county road commission to run normal loading weights. This permit must be applied for not less than 48 hours prior to the movement. The permit must contain the route, date/time, and maximum speed. Milk haulers are also eligible for frost law permits if not operating under a negotiated agreement. (MCL 257.722(5))

For more information regarding local seasonal weight restrictions, visit ***https://micountyroads.org/business/seasonal-weight-restrictions/***

Implement of Husbandry Size Laws

Implements of husbandry loaded on trailers or semi-trailers must obtain a permit if it exceeds the height, width, and length laws. There is no requirement to remove the tires on an implement of husbandry on a trailer when operating under a permit.

Projecting Loads

No vehicle or combination vehicle may have a load or equipment that projects more than 3' to the front. (MCL 257.719(5)(e)) No vehicle may have a load or equipment that extends more than 4' to the rear without having a flag during daylight hours or a red light when vehicle headlights are required. (MCL 257.693)

Farm Related Equipment

Traffic regulations vary from state to state. This is a discussion of some of the state requirements that apply to farmers and certain agricultural related operations in Michigan. It must be remembered that, although the Michigan Vehicle Code and the Federal Motor Carrier Safety Regulations often use the same terms, they may have different definitions for those terms.

IMPLEMENTS OF HUSBANDRY

"Implement of husbandry" means a vehicle or trailer in use for the exclusive function of serving agricultural, horticultural, or livestock operations. Implement of husbandry includes a farm tractor, self-propelled application-type vehicle, farm wagon, farm trailer, a vehicle or trailer adapted for lifting or carrying another implement of husbandry being used in agricultural production, or any substantially similar equipment used to transport products necessary for agricultural production. (MCL 257.21)

Implements of Husbandry Discussion

The most important question to consider when determining if a vehicle is an implement of husbandry is, "Does it meet one of the six descriptions?"

"Implement of husbandry" is defined in the Michigan Motor Vehicle Code (MCL 257.21) as a vehicle or trailer in **use for the *exclusive function* of serving agricultural, horticultural, or livestock operations.** The definition specifically includes:

1. A farm tractor;
2. A self-propelled application-type vehicle;
3. A farm wagon;
4. A farm trailer;
5. A vehicle or trailer *adapted* for lifting or carrying another implement of husbandry being used in agricultural production; or
6. Any substantially similar equipment used to transport products necessary for agricultural production.

Under this definition, a farm tractor, a farm wagon, and a self-propelled application-type vehicle are always implements of husbandry.

Item 5) of the regulation uses the term "adapted for," implying that a vehicle may be an implement of husbandry even if it was not originally designed to exclusively serve agricultural, horticultural, or livestock operations. It is also important, however, that this "adaptation" category is limited to those vehicles that have been adapted to ***lift* or *carry*** other implements of husbandry being used in agricultural production.

Item 6) could cover any number of vehicles not otherwise expressly listed. For a vehicle to fall within this residuary category, there appears to be three requirements:

1. The vehicle must be ***used exclusively*** for agricultural, horticultural, or livestock operations.

2. The vehicle must be ***substantially similar*** to the five example categories.
3. The vehicle must be used to ***transport products*** necessary for agricultural production.

Therefore, a vehicle may not fit in this category if it is used for a purpose other than transporting products for agricultural production, or if it was used for anything other than exclusively for agricultural, horticultural, or livestock operations.

Note the six categories only mention application-type equipment but not cultivation, planting, irrigation, harvest or other production equipment. To the extent these vehicles ***are used for the exclusive function of serving agricultural production*** they are implements of husbandry. Examples include, but are not limited to, combines, cherry shakers, conditioners, potato harvesters, hedgers, balers, and many other vehicles.

Implements of husbandry (not all farm vehicles) are exempt from size, weight and length requirements. (MCL 257.716(2)). However, MCL 257.717 restricts an implement of husbandry from being operated left of the center line whenever headlights are required. Implements of husbandry must be operated in a manner to minimize the interruption of traffic flow.

A person while driving or operating a road roller, a snow motor, road machinery, or a farm tractor or implement of husbandry temporarily drawn, moved, or propelled on a highway does not need a driver's license **if the person is a citizen of the United States or is otherwise eligible to be issued an Operator's license or Chauffeur's license** under section MCL 257.307(1). (MCL 257.302(b) A "resident" means every person who resides in this state and establishes that he or she is legally present in the United States. (MCL 257.51a) Implements of husbandry are not covered by the Michigan Motor Carrier Safety Act. MCL 480.15(2)

A "Farm Tractor" is defined as every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. (MCL 257.16)

License and Plate Requirements related to Implements of Husbandry

- A driver's license is not required for the operation of an implement of husbandry." (MCL257.302(b)) However, the person must be a citizen of the United States or is otherwise eligible to be issued a Michigan operator's license or chauffeur's license.
- A license plate is not required on any implement of husbandry (or special mobile equipment, however, SOS may issue a special mobile equipment plate on request). (MCL 257.216)

Safety Regulations related to Implements of Husbandry

- Implements of husbandry and farm tractors manufactured before January 1, 2007 require at least 1 lighted white light, visible from a distance of 500 feet, on the front of the vehicle and one red light to the rear of the vehicle, visible from a distance of 500 feet, at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead. (MCL 257.695)

- Implements of husbandry and farm tractors manufactured after January 1, 2007, are required to meet the ASAE lighting standards (MCL 257.684(a)). The standard provides that tractors and self-propelled vehicles should include the following: (ASAE S279.12)
  - At least two head lamps mounted at the same height and spaced laterally as widely as practicable
  - Two red tail lamps symmetrically mounted to the rear of the machine and widely spaced laterally as practicable.
  - At least two amber flashing warning lamps as symmetrically and as widely spaced laterally as practicable
  - Turn indicators
  - At least two red reflective devices visible for a distance between 100 feet and 1000 feet from the rear of machine.
- Slow Moving Vehicle (SMV) emblems and additional red reflectors on the outboard edges are required on any implement of husbandry, farm tractors, modified agriculture vehicles, or special mobile equipment.
  - Implements of husbandry and farm tractors manufactured after January 1, 2007, are required to meet the ASAE standards including the use of Slow Moving Vehicle emblems.
  - A SMV is also required on every vehicle that has a maximum speed potential of 25 miles an hour operated on public highways. (MCL 257.688(1)(g))
  - This section does not mean that all vehicles with an SMV sign are limited to a speed of 25 mph. Each vehicle stands separately: ANY implement of husbandry; ANY farm tractor; ANY special mobile equipment; **or** ANY vehicle with a maximum speed of 25 mph. It is possible for a vehicle to have license plates and display the SMV sign. There is no requirement to cover SMV signs when being transported on a trailer in Michigan.
  - The use of the SMV emblem is limited to the vehicles described above, and the use on any other vehicle or stationary object on the highway is prohibited. (MCL 257.688(2)) A vehicle towing an implement of husbandry, or an implement of husbandry, may be equipped with flashing, rotating, or oscillating amber lights. Amber is the only color permitted for this application (MCL 257.698(f)). Vehicles using the light(s) must still display the SMV and reflective materials.
- Implements of husbandry and farm tractors do not need to be equipped with a windshield. (MCL 257.708a)
- Crawler or track-type tractors with metal or plastic tread (not rubber) must not be operated on roads unless owner has a special permit from state highway commissioner, county road commission or other authority having jurisdiction. (MCL 257.725(3) and 257.710)
- The bumper and suspension system requirements do not apply to "implements of husbandry." (MCL 257.710c(7))
- There is no exception in federal law from seat belts for self-propelled "implements of husbandry" manufactured after 1976. Primary seat belt enforcement rules apply. (MCL 257.710e(f))

Traffic Regulations related to Implements of Husbandry

- A person operating an implement of husbandry shall follow all traffic regulations. (MCL 257.717(2))
- An implement of husbandry must be operated so-as-to minimize the interruption of traffic flow. (MCL 257.717(2))
- Posted weight limitations on public bridges, causeways, or viaducts do not apply to implements of husbandry being used for a function ***essential to a farm operation otherwise reasonably inaccessible*** to vehicles performing the essential agricultural function. (MCL 257.631(2)(a)(b))
- **Self-propelled farm implements, or farm tractors** must not be operated on freeways or limited access highways. (MCL 257.679a(1))
- The provisions governing size, weight, and load do not apply to an implement of husbandry incidentally moved upon a highway (MCL 257.716(2) and 257.631(2)). However, an implement of husbandry hauled on a trailer, when that trailer does not meet the definition of an implement of husbandry, is subject to oversize load permit requirements. (MCL 257.717(2))
- An implement of husbandry must be operated to the right of the center of the roadway; when approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction; when the view is obstructed upon approaching within 100 feet of a bridge, viaduct, or tunnel; and from a half hour after sunset to a half hour before sunrise or any time visibility is substantially diminished due to weather conditions. (MCL 257.639, 257.717(2))
- Drinking and driving laws apply to implements of husbandry. (MCL 257.625)
- A person shall not operate a vehicle while under the influence of a controlled substance, or other intoxicating substance or a combination thereof. (MCL 257.625(1)(a))
- A person cannot block, obstruct or interfere with traffic on a roadway with a vehicle, object, device, or their person. (MCL 257.676b) This may include dirt, mud, etc., coming off tires and vehicles, that makes travel difficult or dangerous.
- An individual issued a level 1 or level 2 graduated license shall not use a cellular telephone while **operating a motor vehicle** upon a highway or street. (MCL 257.602c)
- A person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while **operating a motor vehicle** that is moving on a highway or street. (MCL 257.602b(2))

Note: "Motor vehicle" means every vehicle that is self-propelled. The definition excludes "industrial equipment such as a forklift, a front-end loader, or other construction equipment that is not subject to registration" but is silent on "implements of husbandry."

Dyed Diesel Fuel

It is illegal to operate a motor vehicle on a public roadway with dyed diesel fuel (MCL 207.1122).

Implements of husbandry (not all farm vehicles) are exempt from this prohibition. Implements of husbandry that are exempted are defined to include, **"a farm tractor, a vehicle designed to be drawn or pulled by a farm tractor or animal, a vehicle that directly harvests farm products, or a vehicle that directly applies fertilizer, spray, or seeds to a farm field."** (MCL 207.1003(h)) Implement of husbandry does not include a motor vehicle licensed for use on the public roads or highways of this state. (MCL 207.1026)

NOTE: The definition for implement of husbandry under the dyed diesel fuel section, MCL 207.1003, is different than definition under MCL 257.21 defining which vehicles may be operated on the road under the "implement of husbandry" exceptions.

OTHER VEHICLES USED BY FARMS

Modified Agriculture Vehicle

"Modified agriculture vehicle" means a vehicle that satisfies both of the following conditions:

A. It has been modified from its original use so that the transport of agricultural commodities is the vehicle's primary purpose.

B. It is certified by the United States department of transportation and United States environmental protection agency for road use before being modified. (MCL 257.30c)

"Modified agriculture vehicles" shall be operated at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition then existing.

"Modified agriculture vehicles" are required to display SMVs regardless of speed. (MCL 257.688(1)(g))

Special mobile equipment

"Special mobile equipment" is defined as "every vehicle not designed or used primarily for transportation of persons or property and incidentally operated or moved over the highways, including farm tractors..." (MCL 257.62) The exemptions for "special mobile equipment" are found only in the Michigan Motor Vehicle Code. There are NO exemptions for special mobile equipment in the FMCSR.

ORV OPERATIONS

A farmer, employee of a farmer, or family member of a farmer who is at least 16 years of age may operate an ORV on a street, county road, or highway while traveling to or from the farmer's residence or work location or field "during the course of farming operations." An ORV shall not be operated pursuant to this subdivision during the period of 30 minutes before sunset to 30 minutes after sunrise or when visibility is substantially reduced due to weather conditions. The individual shall operate the ORV in the same manner and on the same portion of the street, county road, or highway as required. See ORV Local Ordinances below for additional operation practices. An operator of an ORV under this subdivision shall have attached to the ORV a flag made of reflective material. The flag shall extend not less than 8 feet from the surface of the street, county road, or highway and not less than 4 feet above the top of the ORV. The flag shall be not less than 12 inches high by 18 inches long and not measure less than 100 square inches. (MCL 324.81122(1)(c))

The definition of ORV does not include a "farm vehicle being used for farming." (MCL 324.81101(u))

A "farm vehicle" means either of the following:

A. An implement of husbandry as defined by the Michigan Vehicle Code, or (MCL 257.21)

B. A vehicle used in connection with a farm operation defined in the Michigan Right to Farm Act. (MCL 286.472)

An ORV permit is required except for "...a farm vehicle being used for farming..." (MCL 324.81101(g) and (u), MCL 324.81115) For the ORV to be a "farm vehicle" it must meet the definition of implement of husbandry or be used in connection with a farm operation as defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93. (MCL 286.472)

ORV Local Ordinances

Local municipalities may open local/state roads for ORV use. Check with local municipalities for those ordinances. These ordinances provide for operation restrictions including:

- A person may operate an ORV with the flow of traffic on the far right of the maintained portion of the street or county road covered by the ordinance.
- If the operation of ORVs on a highway is authorized by the county a person may operate an ORV with the flow of traffic as follows:
    a. On the right shoulder of the highway.
    b. If there is not a right shoulder or the right shoulder is not of adequate width, on the right unmaintained portion of the highway.
    c. On the far right of the right traffic lane of the highway, if necessary to cross a bridge or culvert and if the operator brings the ORV to a complete stop before entering and yields the right-of-way to an approaching vehicle on that traffic lane.

Registration and Documentation

VEHICLE REGISTRATION

Vehicle Identification (FMCSR 390.21)

If the vehicle meets the federal definition of a "commercial motor vehicle" (see DEFINITIONS RELATED TO VEHICLES) and is operated in interstate commerce, it must display the company's name and USDOT number on both sides of the power unit. The identification/marking must be in a contrasting color and legible from at least 50 feet.

For **interstate** transportation you are required to obtain an interstate indicated USDOT number if you have a vehicle that:

- Is used in transporting hazardous material in a quantity requiring placarding (whether interstate or intrastate).

OR

- 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
- 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

See more at: ***http://www.fmcsa.dot.gov/registration/do-i-need-usdot-number#sthash.D6NAUHMB.dpuf*** or the FMCSA Unified Registration System at: ***https://portal.fmcsa.dot.gov/UrsRegistrationWizard/***

For **intrastate** transportation, the USDOT intrastate number requirements apply to a vehicle that meets the following definition:

A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle—

1. Has a gross combination weight rating or gross combination weight of **26,001 lbs. or more**, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 lbs., whichever is greater; or
2. Has a gross vehicle weight rating or gross vehicle weight of **26,001 lbs. or more**, whichever is greater; or
3. Is designed to transport **16 or more passengers**, including the driver; or
4. Is of **any size and is used in the transportation of hazardous materials** as defined in this section. (Michigan Motor Carrier Safety Act 480.11a(3))

Vehicle identification does not apply to vehicles used exclusively for personal use. Farm operations are considered in commerce. There is no prohibition against using a vehicle displaying identification and/or a USDOT number for personal use. Implements of husbandry are exempt from USDOT number requirements.

To obtain a USDOT number, go to ***https://www.fmcsa.dot.gov/registration*** or call 800-832-5660. Registration information can be accessed and updated at any time using the online registration.

All non-personal business-related information on this website is available to the public in accordance with the government's open data policy. Many consulting services utilize this website to solicit business for themselves by telephone, email, and US Mail. Some are legitimate consulting firms offering services for a fee and others may be questionable. FMCSA does not endorse any of these businesses and does not require the use of a service provider to complete filing requirements. FMCSA will not ask for a credit card number or payment to complete registration or filing updates. These actions can be completed online for free by the carrier. If you are concerned about any correspondence received, contact FMCSA/USDOT at 800-832-5660.

Biennial Update of Motor Carrier Identification Report (MCS-150)

All motor carriers operating commercial motor vehicles (CMVs) in interstate commerce are required to file a Motor Carrier Identification Report, Form MCS-150. A CMV has a gross vehicle or combination weight rating (GVWR) of 10,001 lbs. or more, carrying hazardous material in quantities requiring a placard, or designed or used to transport 16 or more passengers including driver.

Michigan has adopted by reference the federal registration requirement for intrastate commerce which applies to those vehicles that have a gross combination weight rating or gross combination weight of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 lbs., whichever is greater; or has a gross vehicle weight rating or gross vehicle weight of 26,001 lbs. or more), whichever is greater.

If you do not currently have a USDOT number you must file the form before you begin operations in a covered vehicle. Since 2001 interstate carriers must also file an update at least every 24 months. Updating can be done electronically.

Intrastate carriers are not required to follow the biennial reporting procedures **but are required to update their MCS -150's with current information**. Intra to Interstate conversions must be updated prior to transporting in interstate. At that time the carrier will also need to pay the Unified Carrier Registration fee as indicated for the interstate vehicle(s).

Unified Carrier Registration

The Unified Carrier Registration (UCR) Program requires individuals and companies operating commercial motor vehicles in interstate or international commerce to register with and pay an annual UCR fee based on the size of their fleet. A motor carrier may register and pay the UCR fee by contacting MSP Commercial Vehicle Enforcement Division, Regulatory and Credentialing Section at 517-284-3250, or at the federal site: ***www.ucr.gov.***

A "commercial motor vehicles" under UCR is defined to mean a self-propelled vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle:

- Has a gross vehicle weight rating (GVWR) or gross vehicle weight (GVW) of **10,001 lbs. or more**
- Is designed to transport **11 or more passengers**, including the driver (note: this definition is different than other passenger transportation levels); or
- Is used in transporting **hazardous materials in a quantity that requires placarding.**

It does not include, for this purpose, a vehicle that operates wholly in intrastate commerce.

There are NO EXEMPTIONS to the UCR fee. All "Motor Carriers" **operating interstate are required to pay the UCR fee**, even if they don't have any "Commercial Motor Vehicles" as defined. The base fee is for 0-2 vehicles. The "0" is for carriers with vehicles under 10,001 lbs., freight forwarder, brokers, and leasing companies.

REGISTRATION REQUIREMENTS (MCL 257.801)

This section covers the typical registration plates used by agricultural operation. Nearly all "commercial motor vehicles" require "registration." The basic Michigan agricultural related vehicle registration allows for industry specific registration plates including "Farm," "Special Farm," "Log," and "Milk." Each one of these options include restriction(s) on the use of the vehicle. For example, a "Farm" plate allows for personal use of the vehicle while a "Special Farm" plate does not. Farm operations may also choose to obtain commercial plates such as "Gross Vehicle Weight" plate. Farm operations need to review their activities to assure purchase of the correct plate for the intended transportation activities.

Table 6 summarizes the use(s) allowed for agricultural related registrations.

Table 6. Differences Between "Farm," "Log" and Other Related Registration Plates

Type of Use	Log Plate	Farm Plate	Milk Plates	Special Farm Plate
For-Hire Operations[1]	Yes	No	Yes	No
Personal Use	No	Yes	No	No
Farm Use[2]	No	Yes	No[3]	Yes

[1] *Does not include vehicle sharing between farmers.*

[2] *Logging and farming operations are separately covered activities. See below.*

[3] *May only be used to transport milk.*

Log Plates

Log plates must be used exclusively in connection with a logging operation (MCL 257.801(d)). A wood harvester includes a person(s) hauling and transporting raw materials in the form produced at the harvest site or transporting wood harvesting equipment.

A wood harvester may transport logging equipment on a log plate. A Log plate may be used for for-hire operations. Wood harvesting does not include the transportation of processed lumber, Christmas trees, or processed firewood for a profit-making venture. So, if the logs are debarked or chipped, or even chipped and bagged at the site, they can be moved on a Log plate.

In addition, Log plates are not valid for tree trimming or landscaping operations.

Farm Plates

Farm plates must be used exclusively in connection with the farm or for the transportation of the farmer and the farmer's family, including transportation for personal use (MCL 257.801(c)). The Farm plate may not be used for hire. A farmer may loan his Farm-plated vehicle to another farmer for use in that farmer's farming operation, and not used for-hire. A Farm plate may be used by a farmer hauling livestock or farm equipment for other farmers for remuneration in kind or in labor, but not for money.

Generally speaking, for registration and license purposes, Christmas tree growing operations are farms. Farm plates cannot be used on vehicles transporting products in support of retail sales operations.

Farm plates may be used for the purpose of sod growing operations to deliver their commodity (sod) to market (e.g. residential home) as long as they are in compliance with the other requirements of the Farm plate (see above).

Milk Plates

Milk plates must be used exclusively to haul milk from the farm to the first point of delivery (MCL 257.801(d)). Milk plates may be used by for-hire operations.

Special Farm Plates

Special Farm plates must be used exclusively for:

- The purpose of gratuitously transporting farm crops or livestock bedding (straw, sawdust, or sand) between the field where produced and the place of storage;
- Feed (hay or silage) from on-farm storage to an on-farm feeding site; or fertilizer, seed or spray material from the farm location to the field (MCL (257.802 (9));
- These plates may also be used for transporting crops from the field to a grain elevator (SOS ruling).
- Special Farm plates cannot be used in transportation for-hire ("custom harvesting work") or to transport general supplies.

Covered Farm Vehicle State "Agriculture Designation"

Only vehicles with Farm plates or Special Farm plates will meet the marking requirements for a "covered farm vehicle." There are currently no other available designations. Farm operations may not use the "covered farm vehicle" exceptions with a personal or commercial plated vehicle. Drivers of these vehicles are eligible for the "farm vehicle driver" exceptions.

Commercial Plates

Unless using a Farm plate, the following commercial motor vehicles must have "Elected Gross Vehicle Weight" (EGVW) plates (MCL 257.801(1)(k)):

- A pickup truck or truck with an empty weight of more than 8,000 lbs. (with or without a trailer);
- A truck under 8,000 lbs. empty weight towing a non-recreational trailer of any size; and
- Road tractors and truck tractors, unless towing a recreational trailer.

Modified Agricultural Vehicle

A "modified agricultural vehicle" owned by a farmer and used exclusively in connection with a farming operation, including a farmer hauling livestock or farm equipment for other farmers for remuneration in kind or in labor, but not for money, or used for the transportation of the farmer and the farmer's family, and not used for hire is required to have a registration plate. The plate will be a Farm plate. (MCL 257. 801(1)(c))

OTHER REGISTRATION REQUIREMENTS

Fuel Tax Permits

The Motor Carrier Fuel Tax Act (Act 119 of 1980) exempts trucks, truck tractors and road tractors owned by a farmer, used in the farming operation and not used for hire from obtaining a fuel tax permit, regardless of whether the vehicle is displaying Farm plates or commercial plates (MCL 207.211(m)). Not all states extend the same exemption. Farmers traveling interstate are advised to check the jurisdictions they are traveling in or through to see if an International Fuel Tax Agreement (IFTA) permit is required. Permit exemptions for each jurisdiction are found online at: ***www.iftach.org***

Qualifying vehicles:

1. A power unit having three or more axles; or
2. A power unit having two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 lbs.; or
3. A combination weight exceeding 26,000 lbs. (IFTA also includes: "or a combination registered weight exceeding 26,000 lbs..")

All "commercial motor vehicles" that operate solely within Michigan are exempt from the fuel tax permit requirement.

"Covered Farm Vehicles" operating interstate are NOT exempt from IFTA requirements.

Heavy Highway Vehicle Use Tax

Highway motor vehicles that have a taxable gross weight of 55,000 pounds or more are taxable. To register these vehicles, you will need:

- A copy of your validated IRS Form 2290 schedule printed from the IRS website (including a claim suspension for an exempt vehicle). The IRS website copies have an electronic watermark. Or
- A photocopy of the front page of the 2290 form, a photocopy of Schedule 1 of Form 2290, and a photocopy of both sides of a check validated by the IRS or an IRS cash receipt (Form 809) identifying that heavy vehicle use taxes (shown as "2290" on the receipt) were paid, or an Electronic Federal Tax Payment System (EFTPS) payment confirmation receipt showing payment was submitted electronically using the EFTPS website.

Use Form 2290 to figure and pay the tax, claim an agricultural exception (available for vehicles driven 7,500 miles or less), or claim a commercial low milage exception (available for vehicles driven 5,000 miles or less).

A self-propelled vehicle isn't a highway vehicle if the following apply. The chassis has permanently mounted to it machinery or equipment used to perform certain operations (construction, manufacturing, drilling, mining, timbering, processing, farming, or similar operations) if the operation of the machinery or equipment is unrelated to transportation on or off the public highways.

Different fees apply to logging vehicles defined as:

1. It is used exclusively for the transportation of products harvested from the forested site, or it exclusively transports the products harvested from the forested site to and from locations on a forested site (public highways may be used between the forested site locations); and
2. It is registered (under the laws of the state or states in which the vehicle is required to be registered) as a highway motor vehicle used exclusively in the transportation of harvested forest products. A vehicle will be considered to be registered under the laws of a state as a highway motor vehicle used exclusively in the transportation of harvested forest products if the vehicle is so registered under a state statute or legally valid regulations. In addition, no special tag or license plate identifying a vehicle as being used in the transportation of harvested forest products is required.

Note: Part 529 of the Michigan Natural Resources and Environmental Protection Act (Act 451 PA 1994) regulates the removal and transportation of Christmas trees and other plants. Section 324.52901 of this Act requires a person to have a bill of sale in their possession when moving most trees and shrubs. There are additional requirements for carriers and sellers of trees and plants in Part 529.

Agricultural Related Transportation Requirements

MIGRANT WORKER TRANSPORTATION

All passenger capacities noted include the driver.

The transportation of migrant workers is regulated by the Michigan Motor Carrier Safety Act 181 of 1963, which has adopted Part 398 of the FMCSR into state law.

Part 398 defines a "migrant worker" as any individual proceeding to or returning from employment in agriculture as defined in Section 3(f) of the Fair Labor Standards Act of 1938 or Section 3121(g) of the Internal Revenue Code of 1954. The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) provides additional requirements for certain persons, including Farm Labor Contractors, transporting migrant and seasonal agricultural workers. See regulations at 29 CFR Part 500 Subpart D.

"Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 1141j(g) of Title 12), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market. (Section 3(f) of the Fair Labor Standards Act) Therefore, not all activity on the farm is defined as "agriculture."

A "carrier of migrant workers" is any carrier that transports at any one time, three or more migrant workers to or from their employment by any motor vehicle other than a passenger automobile or station wagon. A carrier of migrant workers does not include a migrant worker transporting himself/herself or his/her immediate family. Also, a carrier of migrant workers does not include a "common carrier," such as a transit bus or for-hire motor coach that is providing transportation to the general public.

Applicability

Operations that are subject to Part 398 are identified below. It is important to realize that while an operation may be exempt from Part 398, it may still be regulated by one or more of the other acts or regulations identified in this document, including Parts 390-396 of the FMCSR.

Part 398 only applies to a carrier of migrant workers (see above) that is transporting any migrant worker a total distance of more than 75 miles (note that it is not an air-mile radius, as other FMCSR exemptions).

Also, Part 398 does not apply to the transportation of migrant workers when:

- The motor vehicle is designed or used to transport between 9 and 15 passengers;

- The motor carrier is directly compensated for the transportation; and
- The motor vehicle is operated beyond a 75 air-mile radius from the driver's normal work reporting location. (Section 398.2(b)(1))

However, Section 398.2(b)(2) goes on to state that operations described in the three regulations above are subject to the applicable requirements of Parts 385, 390, 391, 392, 393, 395, and 396 when the motor vehicle is operated beyond a 75 air-mile radius (86.3 statute miles) from the driver's normal work reporting location.

Table 7. Age to Transporting Migrant Workers

Age to Transporting Migrant Workers (29 CFR 500.105)	<15 Passengers1 (29 CFR 500.102)		>16 Passengers[1]	
	Under 75 miles	Over 75 miles	Under 75 miles	Over 75 miles
Operator license	16	16[2]	No	No
CDL P endorsement (not for hire)	18	21	18	21
Chauffeur license (for hire)	16	21	18	21

[1] *Includes driver (MCL 257.6 (3)(a))*

[2] *Must be passenger vehicle or station wagon*

The remainder of Part 398 specifies standards for drivers and vehicles.

For those drivers transporting workers in vehicles covered by MSPA the "covered farm vehicle" and "farm vehicle driver" exceptions do not apply.

Section 398.3 Driver Qualifications

This section specifies a minimum age of 21 years; a minimum of 1 year driving experience; the driver must have knowledge of the regulations, be able to speak and read English sufficiently to understand road signs and respond to official inquiries. (See 391.11(b)(2)) While this is no longer an out-of-service violation it is still a violation. It also specifies medical qualifications for drivers and requires a separate medical certificate.

Section 398.4 Driving of Motor Vehicles

This section prohibits ill or fatigued drivers and the use of alcoholic beverages. It requires obedience to traffic rules and speed limits, requires driver to inspect the vehicle, and specifies securement of loads. Drivers meeting the CDL P requirement will be in a drug and alcohol testing program.

The carrier must provide for meal stop intervals of no more than 6 hours and be at least 30 minutes in duration. If a truck is used to transport the migrant workers in excess of 600 miles, the truck must be stopped for a period of not less than 8 consecutive hours either before or after the completion of the 600 miles travel, and before or after the completion of any subsequent 600 miles travel.

Only the following types of vehicles are permitted for migrant worker transportation: a bus, a truck with no trailer attached, or a semitrailer attached to a truck-tractor provided that no other trailer is attached to the semitrailer. Closed vans without windows or means to assure ventilation shall not be used. Bus is defined as any motor vehicle designed, constructed, or used to transport passengers, other than passenger automobiles or station wagons other than taxicabs.

Section 398.4 also specifies requirements for: maximum number of passengers; prevention of the ignition of fuel and storage of reserve fuel; prohibits driving by unauthorized persons; requires protection of passengers from weather; sets precautions for unattended vehicles; and requires stops at all railroad grade crossings, and a displayed sign on the rear of the vehicle reading, "This Vehicle Stops at all Railroad Crossings."

Section 398.5 Parts and Accessories

This section specifies standards for lighting devices, brakes, coupling devices, and tires. In addition, it establishes standards for the passenger compartment and protection from cold and weather. A seat must be provided for each migrant worker. Exits must be available and operable, including ladders or steps and handholds. Gates and doors must work from the inside without the use of tools. Vehicles with roofs must have an emergency exit and all vehicles must have a method to communicate with the driver.

Section 398.6 Hours of Service of Drivers; Maximum Driving Time

Section 398.6 states that a driver may not operate a motor vehicle under this part for more than 10 hours aggregate (excluding rest stops and meal stops) in any 24, consecutive hour period. An eight, consecutive hour period of rest, must be provided once the 10-hour maximum is reached.

Section 398.7 Inspection and Maintenance of Motor Vehicles

Motor carriers are required to systematically inspect and maintain all motor vehicles and accessories. It does not specify an annual inspection.

Section 398.8 Administration

This section gives an officer or the FMCSA the authority to place a vehicle or driver Out-of-Service (OOS).

Table 8. Passenger Carrier Compliance Table

Vehicle Design Capacity	Need USDOT #?	Must Comply with FMCSR?
1-8 passengers, migrant workers, over 75-mile radius	No	No, except for Part 398
9-15 passengers, not for hire	No	No*
9-15 passengers, for hire	Yes	Yes
Over 15 passenger-capacity (for hire or not for hire)	Yes	Yes

**Only Sections 390.15, 390.19, 390.21(a) and (b)(2), 391.15(e) and (f), 392.80, 392.82 apply.*

FEDERAL HAZARDOUS MATERIALS REGULATIONS (FHMR)

The FHMR is found in Title 49, Code of Federal Regulations (49 CFR), Parts 100-180. It applies to all transportation in commerce, including farmers and agricultural retail operations. Michigan has adopted the FHMR into state law by reference with the exception of Section 173.8 (non-specification packages for flammable liquids).

The regulations are too complex and lengthy to discuss here in detail. Below are the basic components that are involved in hazardous materials transportation. There are exceptions within various components:

- Registration with USDOT (Part 107.600)
- Training Requirements (Part 172.700)
- Shipping Papers (Part 172.200)
- Marking (Part 172.300)
- Labeling (Part 172.400)
- Placarding (Part 172.500)
- Emergency Response Information and Telephone Number (Part 172.600)
- Specification Packages (Part 178)
- Testing and Inspections of Cargo Tanks (Part 180.400)

Shipping Papers

Except for hazardous materials, there is no requirement for a motor carrier to have shipping papers or a bill of lading in the vehicle during transportation. Most regulated hazardous materials do require shipping papers, unless exempted or excepted (see the Federal Hazardous Materials Regulations section).

All unintentional releases of hazardous materials must be reported on Form DOT F 5800.1.

Drivers of vehicles containing hazardous materials should also read the sections of this publication regarding Age of Drivers and Commercial Driver Licenses.

For-hire carriers transporting non-hazardous property and for-hire and private carriers transporting hazardous materials, the MCS-90 endorsement is a requirement under the Federal Motor Carrier Act of 1980. This Act states that each motor carrier participating in interstate, for hire commerce, is required to show proof that they have the financial responsibility equal to or greater than minimums set by each state. The MSC-90, Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980, will be obtained from your insurance carrier.

Agricultural Operations (Section 173.5)

Section 173.5 of the Federal Hazardous Materials Regulations (FHMR), adopted into state law, provides relief for farmers transporting certain hazardous materials.

This exemption only applies to intrastate transportation. It does not apply to the transportation of hazardous materials across state or national borders. Farmers must comply with all of the Federal Hazardous Materials Regulations for interstate transportation.

"Farmer" is defined in §171.8 as "...a person engaged in the production or raising of crops, poultry, or livestock."

"Agricultural product" is defined as "...a hazardous material, other than a hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to a fertilizer, pesticide, soil amendment or fuel. An agricultural product is limited to a material in Class 3, 8, or 9, Division 2.1, 2.2, 5.1, or 6.1, or an ORM-D material."

There are a number of restrictions in those two definitions. "Agricultural products" must **directly** support the farm, and excluded are hazardous wastes, and Classes/Divisions 1 (explosives), 2.3 (poison gases), 4 (flammable solids), 5.2 (organic peroxides), 6.2 (infectious substances), and 7 (radioactives).

HAZMAT Exceptions

Between Fields of the Same Farm

This exception for farmers applies to any agricultural product (see above) except Class 2 (e.g., anhydrous ammonia nurse tanks not meeting the implement of husbandry definition) that is transported "over local roads between fields of the same farm." It must be transported by a farmer (see above) who is an intrastate private motor carrier.

If all the above provisions are met, the farmer does not have to comply with any of the provisions of the FHMR. For example, taking a tank of gasoline over local roads to run farm equipment on your own fields is excepted from all hazardous materials regulations. **This exception does not include driving into town to pick up supplies, or other farm-related functions. It is strictly from the farm to the field and between fields.**

This means that any ***agricultural product*** (e.g., pesticides, diesel fuel or gasoline) transported **by a *farmer* over *local roads*** between fields of the same farm ***for farm use*** is completely out of the regulations. Packages still are to be secured in the vehicle and must be free of leaks. Vehicles are to comply with the Federal Motor Carrier Safety Regulations (FMCSR) and the Michigan Vehicle Code.

Within 150 Miles of the Farm

This second exception for farmers applies to any agricultural product transported ***to or from a farm***, within 150 miles (statute miles) of the farm. It must be transported by a farmer who is an intrastate private motor carrier.

The only exceptions in this provision, however, **are Emergency Response Information and Telephone Number** (Part 172, Subpart G, 172.600) and Training (Part 172, Subpart H, 172.700); **as well as specification packaging**. All other requirements (e.g., shipping papers, markings, labels, placards, etc.) still apply.

In addition, this provision has some quantity limitations. One vehicle may not exceed a total of:

- 7,300 kg (16,094 lbs.) of ammonium nitrate fertilizer, Division 5.1, PG III in a bulk packaging; or
- 1900 L (502 gallons) for liquids or gases, or 2,300 kg (5,070 lbs.) for solids, of any other agricultural product.

A vehicle may have a combination of these products on as long as each amount is not exceeded. For example, one vehicle may have a 300-gallon tote of a liquid pesticide, 2,000 lbs. of a solid pesticide, and 5,000 lbs. of ammonium nitrate fertilizer and still employ this provision.

If any of these amounts are exceeded, or the 150 miles (statute miles) is exceeded, then all of the FHMR applies and the movement must be in full compliance with the regulations. There are other exceptions to the regulations for operations that do not conform with Section 173.5, such as Materials of the Trade (MOTs; 173.6). Refer to the FHMR for details.

Anyone using the provisions of this section must be instructed in the applicable requirements of the FHMR Materials of Trade qualification.

Fuel Dispensing Tanks

Agricultural and construction operations often use dispensing tanks in the back of pickup trucks for gasoline and diesel fuel. There are some restrictions with their use. The requirements discussed here, however, do not apply to a vehicle that is eligible for and complying with the provisions of Section 173.5, agricultural operations (see above).

Gasoline in a package with a capacity of more than 8 gallons (see Section 173.6, Materials of Trade) must be in a USDOT specification container. **Most dispensing tanks purchased at local supply stores DO NOT meet this specification.** The use of non-USDOT specification tanks for gasoline is illegal.

Dispensing tanks may be used for diesel fuel with no restriction provided the capacity of the tank does not exceed 119 gallons (450 liters).

Diesel fuel or gasoline in a tank with a capacity of 119 gallons or more is required to have shipping papers, markings, and placards. Whenever placards are required, a HM driver license endorsement (and "H" or "X" endorsement) is necessary. Additionally, gasoline transported in a package with a capacity of 119 gallons or more must be in a USDOT specification package.

Anhydrous Nurse Tanks

Nurse tanks used to transport anhydrous ammonia may NOT use aluminum pressure relief valves. Anhydrous ammonia attacks and corrodes aluminum, and the valve may discharge suddenly and improperly. Owners of nurse tanks should inspect their tanks to ensure that aluminum safety devices are not present.

Nurse tanks may not be loaded to a filling density greater than 56%. Filling density is NOT the same as volume. The tank must be secured to a farm wagon and have a capacity of no more than 3,000 gallons. The tank must be painted white or aluminum. (49 CFR 173.315 (m))

The tank must be marked with the proper shipping name (anhydrous ammonia) on all four sides; the identification number (1005) on the placards or orange panels on all four sides; the words "Inhalation Hazard" on two opposing sides; and 2.2 (nonflammable gas) placards on all four sides. There is an exception to having a placard on the end of a nurse tank that is equipped with valves, fittings, regulators, or gauges that prevent the placement of the placard.

Safety chains, a Slow Moving Vehicle sign, and retroreflective tape on the trailer are required. A pickup truck may only tow one nurse tank; a farm tractor may tow two nurse tanks. Also, see the sections on Age of Drivers and CDLs to ensure compliance with driver qualification regulations.

Over time, ASME plates are often lost or destroyed. Previously, SP□13554 allowed for the continued use of these tanks when specific testing, inspection, and record□keeping requirements were met. This required becoming a grantee or party to the permit and periodic permit renewals. Effective March 3, 2011, this SP and many others were incorporated into the HMR.

Nurse Tanks with Missing or Illegible ASME Plate Requires:

- External visual test as specified in 180.407(d)
- Thickness Test as specified in 180.407(i)
  - < 1,500 gal. cap. must be 0.203" thick
  - > 1,500 gal. cap. Must be 0.250" thick
- Pressure Test as specified in 180.407(g)
  - No pneumatic testing
- Test/inspections to be done by a "Registered Inspector" registered with USDOT
- Test/inspection markings required on tank: V, P and T
- A unique number marked on tank (serves as a serial number)
- Copies of test/inspections must be retained by owner
- Tests/Inspection completed once plate is compromised, then every 5 years
- **UNDER NO CIRCUMSTANCE ARE WELDED REPAIRS PERMITTED**

Security Plan

Refer to Section 172.800 for specific requirements. For farmers not exempted under the "agricultural operations provision discussed above, a security plan must be developed for certain hazardous materials, except that transportation activities of a farmer who generates less than $500,000 annually in gross receipts from the sale of agricultural commodities or products, are not subject to the security plan requirements if such activities are:

1. Conducted by highway or rail;
2. In direct support of their farming operations;
3. Conducted within a 150-mile radius (statute miles) of those operations.

Emergency Contacts

Certain hazardous materials transportation incidents that occur on a public roadway must be reported to the Michigan State Police Commercial Vehicle Enforcement Division (CVED). Contacting 911 meets this requirement. A CVED Hazardous Materials Investigator can be contacted 24 hours a day by calling the:

Emergency *911*

Michigan State Police Operations Desk *517-241-8000*

EGLE Pollution Emergency Alerting System *800-292-4706*
24 HOURS

MDARD Agriculture Pollution Emergency Hotline *800-405-0101*
24 HOURS

National Response Center *800-424-8802*
24 HOURS

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