

A Texas Guide

To Farm Vehicle Compliance



Texas Department of Public Safety
Commercial Vehicle Enforcement

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Texas Department of Public Safety Commercial Vehicle Enforcement

Introduction

Purpose

The Texas Department of Public Safety's Commercial Vehicle Enforcement Service produces this pamphlet in order to provide basic information to Texas farmers. However, it is not intended to be a complete listing of all laws affecting farmers.

Compliance translates into saved lives, decreased injuries, and reduction of property loss. The information provided in this booklet is an effort to gain voluntary compliance with all Texas and Federal statutes.

About the Contents

The various sections of this booklet are listed in the table of contents. You may reproduce and distribute any or all of the material contained in this booklet. You may also obtain further information from the Federal Motor Carrier Safety Administration's web site at www.fmcsa.dot.gov, Texas Administrative Rules at www.sos.state.tx.us (Title 37, Part 1, Chapter 4, Subchapter B), Texas Department of Transportation at www.dot.state.tx.us, and the Texas Department of Public Safety at www.txdps.state.tx.us.

Disclaimer

Although every effort was made to assure the information contained in this booklet is complete and accurate, it is not intended to take the place of published agency regulations. This booklet only paraphrases Texas statutes. **The contents may not be relied upon as a substitute for the official text.**

It is the responsibility of all farmers to know and comply with all Texas Laws pertaining to farm vehicle operations.

The following definitions are used throughout this document.

FMCSR = 49 Code of Federal Regulations
HMR = Hazardous Material Regulations
TRC = Texas Transportation Code
TAC = Texas Administrative Code

TO OBTAIN A TXDOT MOTOR CARRIER INSURANCE CERTIFICATE (*referred to as a Cab Card*)
Call 1-800-299-1700 or www.dot.state.tx.us or contact the local Texas Department of Transportation Office.

TO OBTAIN A USDOT NUMBER
Call 1-800-832-5660 or www.fmcsa.dot.gov.

TO OBTAIN AN IFTA FUEL PERMIT
Call the Texas Comptroller at 1-800-252-1383 or www.window.state.tx.us

TO OBTAIN INFORMATION ON APPORTIONED OR REGULAR LICENSE PLATES
Contact your local County Tax Assessor Collector.

TO OBTAIN INFORMATION ON HAZARDOUS MATERIALS
Call 1-800-467-4922

**TO OBTAIN INFORMATION ON MOTOR CARRIER AUTHORITY, PERMITS FOR THE MOVEMENT OF
OVERSIZE AND OVERWEIGHT LOADS ON THE HIGHWAY**
Call 1-800-299-1700 or contact your local Texas Department of Transportation Office

Telephone Directory

REGION 1 – GARLAND

Garland	Captain	(214) 861-2220	Hurst	1A3	Sergeant	(817) 299-1381	
	Lieutenant	(214) 861-2221					
	1A1	Sergeant	(214) 861-2222	Mt. Pleasant	1A4	Sergeant	(903) 572-3139
Tyler	1A2	Sergeant	(903) 939-6006	Queen City	1A5	Sergeant	(903) 796-4782

REGION 2 – HOUSTON

Houston	Captain	(281) 517-1260	Baytown	2A4	Sergeant	(281) 424-1339
	Lieutenant	(281) 517-1261				
	Lieutenant	(281) 517-1262	Beaumont	2A5	Sergeant	(409) 924-5444
	2A1	Sergeant	(281) 517-1259			
			Lufkin	2A6	Sergeant	(936) 699-7318
Richmond	2A2	Sergeant	(281) 633-5408			
			New Waverly	2A7	Sergeant	(936) 344-8553
Huntsville	2A3	Sergeant	(936) 435-0474			

REGION 3A – CORPUS CHRISTI

Corpus Christi	Captain	(361) 698-5630	Victoria	3A3	Sergeant	(361) 575-2543	
	Lieutenant	(361) 698-5631					
	3A1	Sergeant	(361) 698-5632	Devine	3A4	Sergeant	(830) 665-8035
San Antonio	3A2	Sergeant	(210) 531-2247	Alice	3A5	Sergeant	(361) 668-8296
				Riviera	3A6	Sergeant	(361) 296-3391

REGION 4A – MIDLAND

Midland	Captain	(432) 498-2181	Ft. Stockton	4A3	Sergeant	(432) 336-3414	
	Lieutenant	(432) 498-2182					
	4A1	Sergeant	(432) 498-2183	San Angelo	Lieutenant	(325) 223-6881	
					4A4	Sergeant	(325) 223-6882
Abilene	4A2	Sergeant	(325) 795-4060		Inspector	(325) 223-6886	

REGION 4B – EL PASO

El Paso		Captain	(915) 858-7031	Ysleta POE*	4B3	Sergeant	(915) 858-5823
		Lieutenant	(915) 858-7031				
	4B1	Sergeant	(915) 838-7800	BOTA POE*	4B4	Sergeant	(915) 838-7715
BOTA POE*	4B2	Sergeant	(915) 838-7800	Ysleta POE*	4B5	Sergeant	(915) 858-5823
				Ysleta POE*	4B6	Sergeant	(915) 858-5823

REGION 5 – LUBBOCK

Lubbock		Captain	(806) 472-2730	Amarillo	5A3	Sergeant	(806) 468-1330
		Lieutenant	(806) 472-2731				
	5A1	Sergeant	(806) 472-2733	Childress	5A4	Sergeant	(940) 937-2548
Wichita Falls	5A2	Sergeant	(940) 851-5531	Decatur	5A5	Sergeant	(940) 627-0035

REGION 6 – WACO

Waco		Captain	(254) 759-7167	Palestine	6A3	Sergeant	(903) 661-5023
		Lieutenant	(254) 759-7168				
	6A1	Sergeant	(254) 759-7169	San Marcos	6A4	Sergeant	(512)353-7000 x3
Austin	6A2	Sergeant	(512) 997-4120	Waxahachie	6A5	Sergeant	(972) 825-5106

REGION 8A – McALLEN

McAllen		Captain	(956) 984-5690	Los Indios POE*			
	(A1, A2, A6, A8)	Lieutenant	(956) 984-5649	Brownsville	8A5	Sergeant	(956) 399-5473
	(A3, A4, A5, A7)	Lieutenant	(956) 984-5745				
	8A1	Sergeant	(956) 984-5676	Pharr POE*	8A6	Sergeant	(956) 782-9261
Pharr POE*	8A2	Sergeant	(956) 782-9261	Los Tomatos POE*			
Harlingen	8A3	Sergeant	(956) 440-6703	Brownsville	8A7	Sergeant	(956) 541-4619
Veterans Los Tomatos POE*				Rio Grande City	8A8	Sergeant	(956) 487-5411
Brownsville	8A4	Sergeant	(956) 541-4619				

REGION 8B – LAREDO

Laredo		Captain	(956) 728-2278	Del Rio		Lieutenant	(830) 703-1209
		Lieutenant	(956) 728-2261				
	8B1	Sergeant	(956) 728-2210	Del Rio POE*	8B6	Sergeant	(830) 768-1849
World Trade POE*	8B2	Sergeant	(956) 795-1373	Camino Real BSIF*			
				Eagle Pass	8B7	Sergeant	(830) 757-5337
Columbia BSIF*	8B3	Sergeant	(956) 417-5637				
				Eagle Pass	8B8	Sergeant	(830) 757-4683
World Trade POE*	8B4	Sergeant	(956) 795-1357	World Trade POE*	8B9	Sergeant	(956) 795-1373
Columbia BSIF*	8B5	Sergeant	(956) 417-5637	World Trade POE*	8B10	Sergeant	(956) 417-5637

* Port of Entry

HEADQUARTERS – AUSTIN

Austin–THP–Commercial Vehicle Enforcement

Major	(512) 424-2775
Captain	(512) 424-2728

Austin – Motor Carrier Bureau

Captain	(512)424-5926
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Austin – Audit and Inspection

Inspector	(512) 424-2137
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Austin – Motor Carrier Bureau Safety

Lieutenant	(512) 424-2880
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Austin – Motor Carrier Bureau – New Entrant

Lieutenant	(512) 424-2851
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Definitions and Applicability

What is a Farmer? (FMCSR 390.5)

Any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which —

- (a) Are owned by that person; or
- (b) Are under the direct control of that person and
- (c) Does not include custom harvester.

What is a Farm Vehicle Driver? (FMCSR 390.5)

A person who drives only a commercial motor vehicle that is —

- (a) Controlled and operated by a farmer as a private motor carrier of property;
- (b) Being used to transport either —
 - (1) Agricultural products, or
 - (2) Farm machinery, farm supplies, or both, to or from a farm;
- (c) Not being used in the operation of a for hire motor carrier;
- (d) Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with HMR 171.101 of this subtitle; and
- (e) Being used within 150 air miles of the farmer's farm.

Applicability of Federal Regulations

1. The FMCSR apply to all carriers operating and engaged in interstate commerce.
2. Intrastate carriers are subject to the federal regulations if the vehicle or combination of vehicles has an actual gross weight, registered gross weight, or gross vehicle weight rating (GVWR) of 26,001 pounds or more unless they are transporting a quantity of hazardous material that requires placarding.
3. Intrastate farmers are subject to the FMCSR if the vehicle or combination of vehicles has an actual gross weight, registered gross weight, or gross vehicle weight rating (GVWR) of 48,000 pounds or more.
4. Interstate farmers are subject to the FMCSR if the vehicle or combination of vehicles has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of 10,001 pounds or more.

Types of Driver Licenses Required on Texas Farm Vehicles

Classes of Texas Driver License: Non-Commercial Driver License (Non-CDL) (TRC 521.081, 082, 083)

Class A – Any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of the vehicle or vehicles being towed exceeds 10,000 pounds.

Class B – Any single vehicle with a GVWR of 26,001 pounds or more towing a vehicle with a GVWR of 10,000 pounds or less.

Exception in Texas only: (TRC (Transportation Code) 521.082)

- (a) towing a vehicle, other than a farm trailer, with a gross weight rating that is not more than 10,000 pounds; or
- (b) a farm trailer with a gross vehicle weight rating that is not more than 20,000 pounds.

Class C – Any single vehicle or combination of vehicles that does not conform to the description under Class A or B of this section.

A vehicle with a gross vehicle weight rating of less than 26,001 pounds towing a farm trailer with a gross weight rating that is not more than 20,000 pounds.

CDL Exceptions TRC 522.004

- (a) Farm vehicle drivers are exempt from CDL requirements if:
 - (1) Used to transport their own agricultural products, farm machinery, or farm supplies to or from their farm;
 - (2) Used within 150 miles of the person's farm.
- (b) FMCSR interpretation - Farm supplies include placardable amounts of hazardous materials, including fuels such as diesel or gasoline, and all types of fertilizers such as anhydrous ammonia, etc.
- (c) a vehicle used exclusively to transport seed cotton modules or cotton burrs (TRC 522.004(6))

Important Note

- **Farm vehicle drivers operating outside the 150 miles radius of their farm or operating as a for-hire carrier will lose the CDL exemption and must then obtain a commercial driver license for the class of vehicle being driven.**
- **Fertilizer spreaders over 26,000 pounds operated by a farmer would be exempt from the CDL requirement. However, a commercial dealer would require a Class B CDL.**
- **Drivers who are subject to the CDL requirements will be required to comply with various sections of the FMCSRs.**
- **Please contact your local Driver License or Commercial Vehicle Enforcement office for further details.**

Restricted CDL - Farm Related Service Industries (FRSI)

- (a) Agri-Chemical businesses;
- (b) Custom harvesters;
- (c) Farm retail outlets and suppliers;
- (d) Livestock feeders.

Restrictions on Farm Related Service Industries CDL

- (a) The CDL knowledge and skills test may be waived;
- (b) *The fee is good for 180 days* only and the driver cannot be issued a Class A CDL;
- (c) Restricted license holders are limited to operating class B and C vehicles;
- (d) Restricted licensee may not transport placardable amounts of hazardous material:
 - (1) This hazardous material restriction does not apply to diesel fuel in quantities of 1,000 gallons or less;
 - (2) Liquid fertilizers (i.e., plant nutrients) in vehicles or implements of husbandry in total quantities of 3,000 gallons or less; and
 - (3) May transport any amount of solid fertilizers not mixed with any organic substance.
- (e) Restricted licensee may not operate over 150 miles from their place of business or the farm currently being served.

Requirements for Restricted CDL

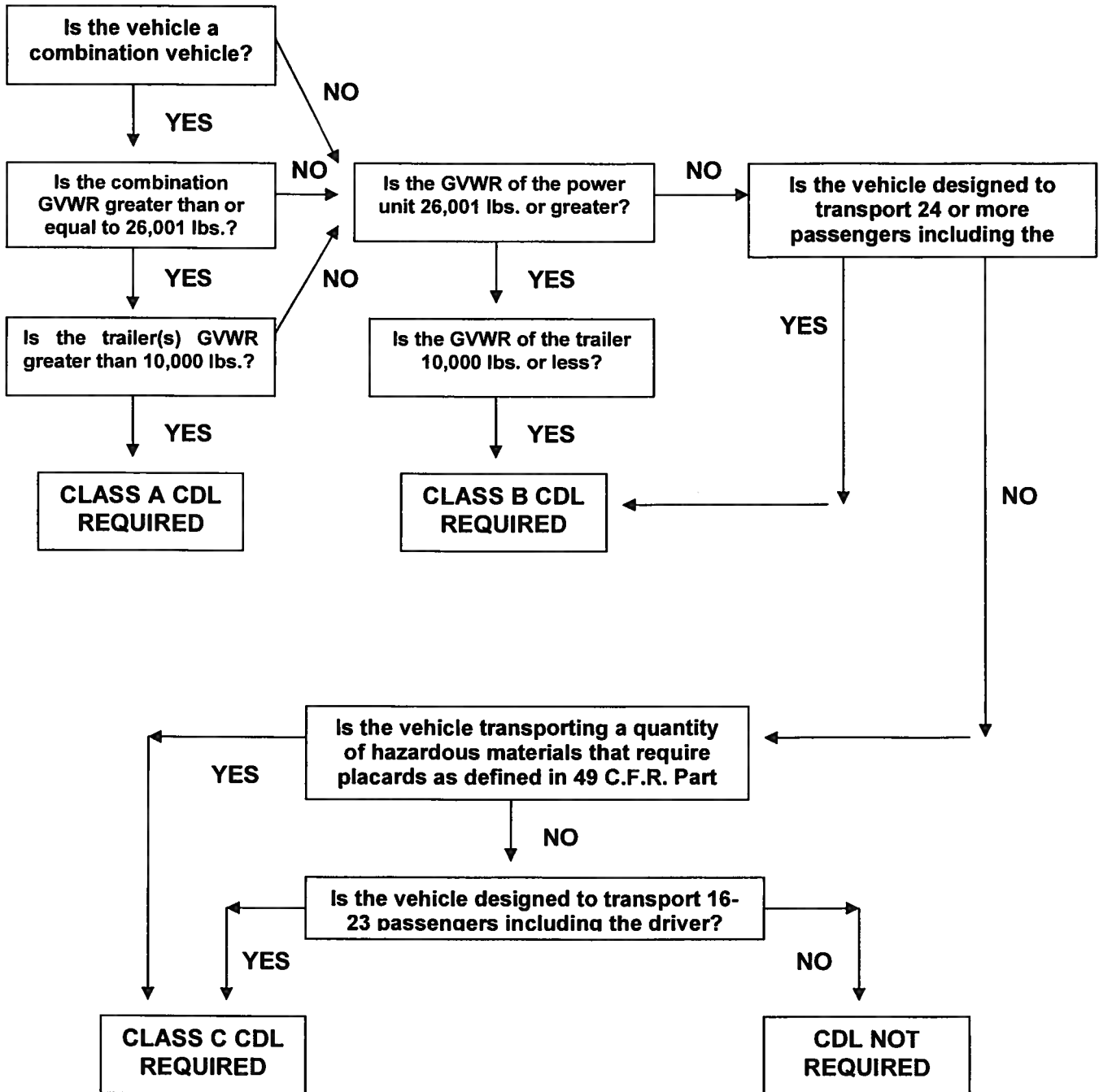
- (a) good driving record,
- (b) must have had a DL in the past year,
- (c) must have one year of driving experience in any type of vehicle.

TX DPS Policy: Out of State CDL's restricted to "Intrastate only" will be allowed to operate in Texas as long as the transportation of property is in intrastate commerce only.

CDL Training Requirements – Intrastate – TAC §4.12(9)

Title 49, Code of Federal Regulations, Part 380, (Subparts A-D), is not adopted for intrastate motor carriers and drivers. Title 49, Code of Federal Regulations, Part 380 (Subpart E) is adopted for intrastate motor carriers and drivers. Intrastate motor carriers and drivers must complete the requirements of Title 49, Code of Federal Regulations, Part 380.500 on or before July 31, 2005.

**TRC Sec. 522.041
COMMERCIAL DRIVER'S LICENSE
FLOW CHART**

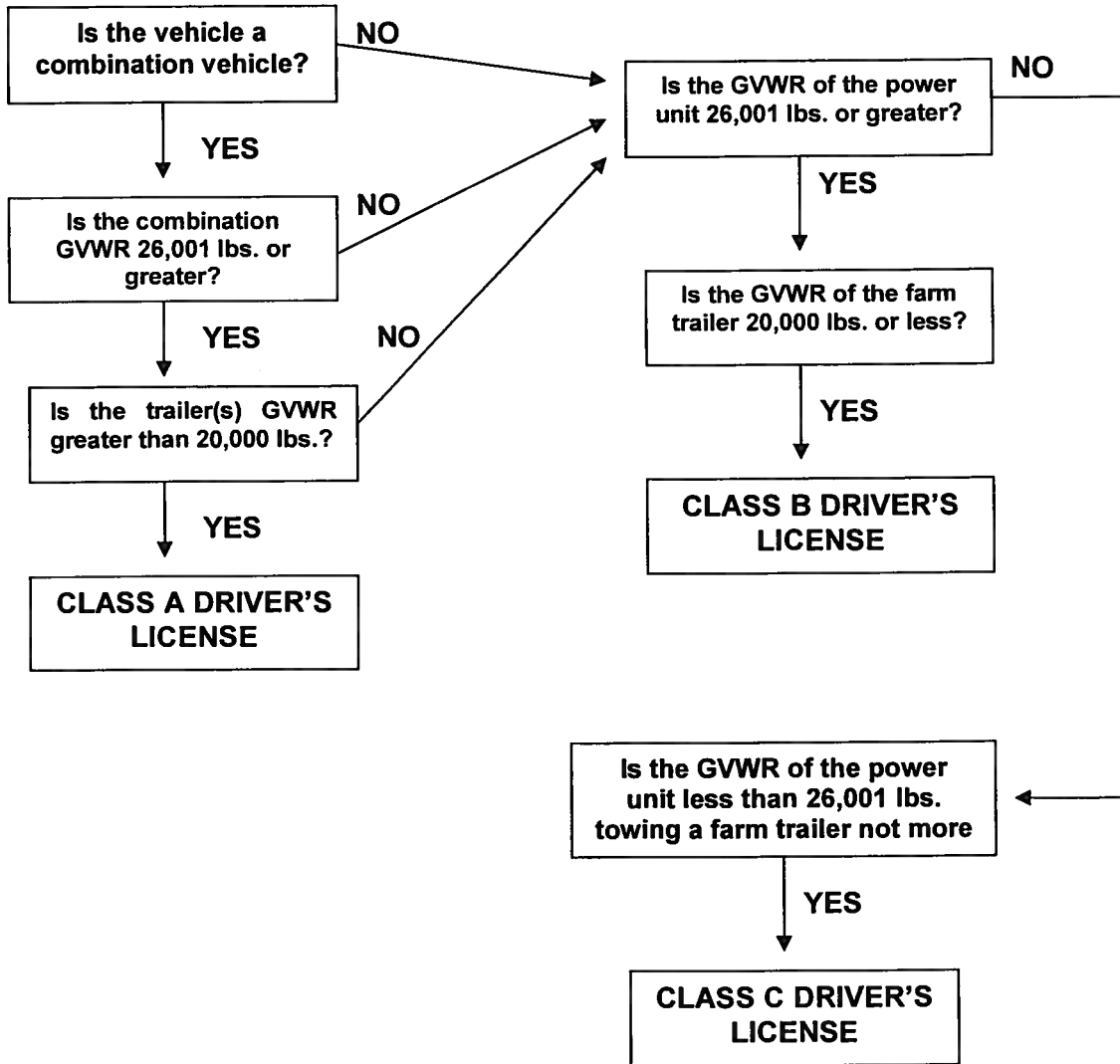


* REMINDER: THERE ARE EXEMPTIONS TO TEXAS CDL FOUND IN TRC SEC. 522.004
 ** NOTE: IF THE GVWR CANNOT BE DETERMIND, THEN THE GROSS REGISTERED WEIGHT OR THE GROSS ACTUAL WEIGHT, WHICH EVER IS GREATER MAY BE USED FOR CDL REQUIREMENTS.

TEXAS DRIVER'S LICENSE REQUIREMENTS FOR FARMERS

Texas Administrative Code 16.3 states a person operating a vehicle that is controlled and operated by a farmer which is used to transport agricultural products, farm machinery or farm supplies to or from a farm and is not used in the operation of a common or contract carrier AND used within 150 miles of the person's farm are exempt from Texas Commercial Driver's License (CDL).

Classification of Driver's License (Non-CDL) TRC 521.081 – 521.082 – 521.083



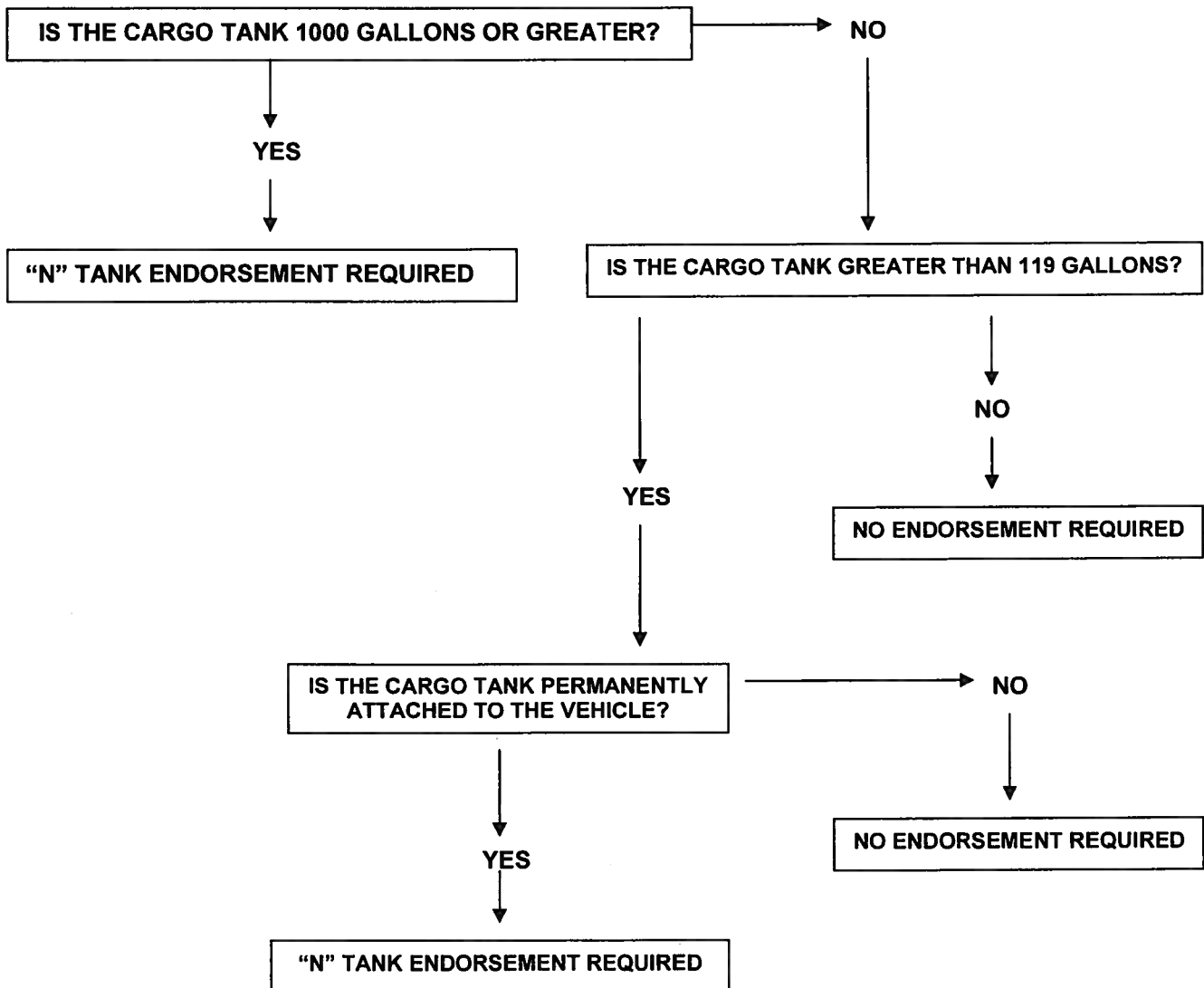
NOTE: TAC 16.2 – If the GVWR cannot be determined, then the registered gross weight or the actual gross weight, whichever is greater, can be used for enforcement purpose.

"N" – TANK ENDORSEMENT

REMINDER: THE DRIVER MUST BE REQUIRED TO HAVE A CDL BEFORE ANY ENDORSEMENTS APPLY.

DEFINITION

Tank Vehicle means any Commercial Motor Vehicle that is DESIGNED to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to a vehicle or the chassis. Such vehicles include, but are not limited to cargo tanks and portable tanks, as defined in Part 171 of this title. However, this definition does not include portable tanks having a rated capacity under 1000 gallons.



Qualifications of Drivers – FMCSR Part 391

Applicability – FMCSR 391.2

- (a) Farmers operating commercial vehicles that are not articulated (in combination) are exempt from all of the requirements in Part 391. (391.2(c))
- (b) Farm vehicle drivers (as defined in Part 390.5) operating articulated (combination) commercial vehicles are exempt from the following requirements in Part 391. (391.67)
 - (1) Minimum age of 21 (Must be at least 18 years of age) (391.11(b)(1))
 - (2) Has prepared and furnished the motor carrier that employs him with a list of violations or the certificate required by Part 391.27. (391.11(b)(6))
 - (3) Has completed a driver's road test. (391.11(b)(8))
 - (4) Has furnished the employer with an application for employment. (391.11(b)(8))
 - (5) Disclosure of, investigation into, and inquiries about the background, character, and driving record of drivers. (Subpart C)
 - (6) Road tests (Subpart D)
 - (7) Maintenance of files and records (Subpart F)
- (c) Drivers of articulated (combination) commercial vehicles with a gross vehicle weight rating, actual weight, or registered weight of 48,000 pounds or more operating in **INTRASTATE** commerce must meet the following requirements:
 - (1) Must have a medical card if born on or after August 28, 1971.
 - (2) A Texas intrastate exemption provides that drivers born before August 28, 1971 are not required a medical card as long as they are not transporting placardable amounts of hazardous material.
 - (3) Must remain within 150 air miles (172.6 statute miles) of the farm.
 - Farm vehicle drivers lose the CDL and farm exemption if they exceed the 150 air mile (172.6 statute mile) radius.
- (d) **INTERSTATE** farm vehicle drivers are exempt from the medical card requirement if they are operating a straight truck of any size gross vehicle weight rating (GVWR), articulated (combination) vehicles with a gross weight or GVWR of 10,000 pounds or less and not transporting a placardable amount of hazardous material.
- (e) **INTERSTATE** farm vehicle drivers operating articulated (combination) commercial vehicles with a gross weight or GVWR exceeding 10,000 pounds or transporting hazardous material with placards must have medical cards. (391.2 Interpretation)
- (f) Farm vehicle drivers operating articulated (combination) commercial vehicles of 48,000 pounds or more are required a medical card but they are exempt from the commercial driver license (CDL) law and therefore exempt from controlled substance testing when operating within the 150 air mile radius.

Hours of Service of Drivers – FMCSR Part 395

Applicability - FMCSR 395.1

- (a) Agricultural operations (FMCSR 395.1(k))
 - (1) The provisions of 395.3 regarding the 11, 12 (Intrastate), 14, 15 (Intrastate), 60, or 70 hour rules shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:
 - (A) Is limited to an area within a 100 air mile radius (INTERSTATE) or 150 air mile radius (INTRASTATE) from the source of the commodities or the distribution point for the farm supplies, and
 - (B) Is conducted during the planting and harvesting seasons within such State, as determined by the State. Texas has designated January 1 through December 31 of each year as planting and harvesting season.

(b) Federal Interpretations (FMCSR 395.1)

- (1) The *agriculture* exception in 395.1(k) for "drivers transporting agricultural commodities or farm supplies for agricultural purposes" provides in part that the hours of service regulations "shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes..." The terms "agricultural commodities or farm supplies for agricultural purposes" were not defined, but the context clarifies their meaning. Because the statute made the exception available only "during the planting and harvesting seasons" in each State, Congress obviously intended to restrict it to agriculture in the traditional (and etymological) sense, i.e., the cultivation of fields. "*Agricultural commodities*" therefore means products grown on and harvested from the land, and "*farm supplies for agricultural purposes*" means products directly related to the growing or harvesting of agricultural commodities.
- (2) Fuel used in the production of agricultural commodities qualifies as "farm supplies" under 395.1(k) if (1) it is "for agricultural purposes," e.g. used in tractors or other equipment that cultivate agricultural commodities or trucks that haul them, but not in automobiles, station wagons, SUVs or other vehicles designed primarily to carry passengers, or for residential heating or cooking; (2) it is transported within the planting and harvesting season, as determined by the State, and within a 100 air-mile radius of the distribution point for fuel; (3) the motor carrier is operating in interstate commerce; and (4) the entire fuel load on the vehicle is to be delivered to one or more farms. A carrier may not use the exemption if any portion of the fuel load is to be delivered to a non-farm customer. (FMCSR 395.1 Interpretation #32)

(c) Texas Administrative Code (Title 37, Rule §4.11)

- (1) *Farm vehicle* means any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agriculture products, farm machinery, and farm supplies to or from a farm or ranch.
- (2) *Agricultural commodity* is defined as an agricultural, horticultural, viticultural, silvicultural, or vegetable product, bees and honey, planting seed, cottonseed, rice, livestock or a livestock product, or poultry or a poultry product that is produced in this state, either in its natural form or as processed by the producer, including wood chips. The term does not include a product which has been stored in a facility not owned by its producer.
- (3) *Producer* is defined as a person engaged in the business of producing or causing to be produced for commercial purposes an agricultural commodity. The term includes the owner of a farm on which the commodity is produced and the owner's tenant or sharecropper.

(d) 100 Air Mile Radius (INTERSTATE) Exemption

- (1) The provisions of this part shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:
 - (A) Is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies, and
 - (B) Is conducted during the planting and harvesting seasons within such State, as determined by the State.

(e) 150 Air Mile Radius (INTRASTATE) Exemption

- (1) A driver is exempt from the requirements of completing a driver's record of duty status (395.8) if:
 - (A) By interpretation, the Federal Highway Administration has determined that the federal statute exempts the driver from all of the requirements of 395, including the record-keeping requirements. The driver would, however, be required to comply with the provisions of 395.8(j)(2) which requires the driver to give the motor carrier a signed statement giving the total time on duty during the immediate preceding seven days and the time at which the driver was last relieved from duty prior to beginning work for the motor carrier when he or she was not transporting agricultural commodities or farm supplies under the exemption.
 - (B) Based upon the federal statute and the interpretation, the Department will not require a driver transporting agricultural commodities or farm supplies within a 150 air-mile radius of the source of the commodities or the distribution point for the farm supplies during planting and harvesting seasons to prepare and maintain a record of duty status. The driver operating under the agricultural exemption will not be subject to the hours of service requirements as specified in 395.3 of Title 49, Code of Federal Regulations. In no instance will the driver operating under the exemption be required to display proof of his or her hours of service time to a trooper during a traffic contact or roadside inspection. A driver that is no longer eligible for the agricultural exemption will be required to comply with the provisions of 395.8(j)(2).

- A farm vehicle driver that can not claim the agricultural exemption must either complete a record of duty status or maintain time records as previously explained.
- The agricultural and 100/150 air mile radius exemptions are two separate exemptions and can not be used together. You must use one or the other, they can not be combined.

(Any period of 7 or 8 consecutive days may end with the beginning of any off duty period of 34 or more consecutive hours. This applies to both Interstate and Intrastate drivers.)

Inspection, Repair and Maintenance Part 396

Inspection, repair and maintenance (396.3)

- (a) **General** – Every motor carrier shall systematically inspect, repair and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles subject to its control.
- (1) Intrastate farmers are subject to Part 396 if the vehicle or combination of vehicles has an actual gross weight, registered gross weight, or gross vehicle weight rating (GVWR) of 48, 000 pounds or more.
 - (2) Interstate farmers are subject to Part 396 if the vehicle or combination of vehicles has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of 10, 001 pounds or more
 - (3) Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in Part 393 of this subchapter and any additional parts and accessories which may affect safety of operation, including but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems.
- (b) **Required records** – The motor carriers shall maintain, or cause to be maintained, the following record for each vehicle:
- (1) An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;
 - (2) A means to indicate the nature and due date of the various inspection and maintenance operations to be performed;
 - (3) A record of inspection, repairs and maintenance indicating their date and nature;

Driver vehicle inspection report(s) (396.11)

- (a) **Report required** – Every motor carrier shall require its drivers to report, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated and the report shall cover at least the following parts and accessories:

Service brakes including trailer brake connections	Windshield wipers
Parking (hand) brake	Rear vision mirrors
Steering mechanism	Coupling devices
Lighting devices and reflectors	Wheels and rims
Tires	Emergency equipment
Horn	

- (b) **Report content** – The report shall identify the vehicle and list any defect or deficiency discovered by or reported by the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported by the driver, the report shall so indicate. In all instances, the driver shall sign the report. If a driver operates more than one vehicle during the day, a report shall be prepared for each vehicle operated.
- (c) **Corrective action** – Prior to requiring or permitting a driver to operate a vehicle, every motor carrier or its agent shall repair any defect or deficiency listed on the driver vehicle inspection report which would be likely to affect the safety of operation of the vehicle.

- (1) Every motor carrier or its agent shall certify on the original driver vehicle inspection report which lists any defect or deficiency that the defect or deficiency has been repaired or that repair is unnecessary before the vehicle is operated again.
 - (2) Every motor carrier shall maintain the original driver vehicle inspection report, the certification of repairs, and the certification of the driver's review for three months from the date the written report was prepared.
- (d) **Exceptions** – The rules in this section shall not apply to any motor carrier operating only one commercial motor vehicle.

Periodic inspection (396.17)

- (a) Every commercial motor vehicle shall be inspected as required by this section. The inspection shall include, at a minimum, the parts and accessories set forth in Appendix G. Appendix G of Part 396 FMCSR consists of the following items:
- (1) Brake System
The appendix G criteria rejects vehicles with any defective brakes, and air leaks, etc. The out-of-service criteria allows 20% defective brakes on non-steering axles and a certain latitude on air leaks before placing a vehicle out-of-service.
 - (2) Coupling Devices
Appendix G rejects vehicles with any fifth wheel mounting fastener missing or ineffective. The out of service criteria allows up to 20% missing or ineffective fasteners on frame mountings and pivot bracket mountings and 25% on slider latching fasteners. The out-of-service criteria also allows some latitude on cracked welds.
 - (4) Exhaust System
Appendix G follows Section 393.83 verbatim. The Commercial Vehicle Safety Alliance out-of-service criteria allows vehicles to exhaust forward of the dimensions given in Section 393.83 as long as the exhaust does not leak or exhaust under the chassis.
 - (5) Fuel System
Same for Appendix G and the out-of-service criteria.
 - (6) Lighting Devices
Appendix G requires all lighting devices required by section 393 to be operative at all times. The out-of-service criteria only requires one stop light and functioning turn signals on the rear-most vehicle of a combination of vehicles to be operative at all times. In addition one operative head lamp and tail lamp are required during the hours of darkness.
 - (7) Safe Loading
Same for both Appendix G and the out-of-service criteria.
 - (8) Steering Mechanism
Steering lash requirements of Appendix G follows the new requirements of 393.209.
 - (9) Suspension
Appendix G follows the new requirements of 393.207 which does not allow any broken leaves in a leaf spring assembly. The out-of-service criteria allows up to 25% broken or missing leaves before being placed out-of-service.
 - (10) Frame
The out-of-service criteria allows a certain latitude in frame cracks before placing a vehicle out-of-service. Appendix G follows the new requirements of 393.201 which does not allow any frame cracks.
 - (11) Tires
Appendix G follows the requirements of 393.75 which requires a tire tread depth of 4/32 inch on power unit steering axles and 2/32 inch on all other axles. The out-of-service criteria only requires 2/32 inch tire tread depth on power unit steering axles and 1/32 inch on all other axles.
 - (12) Wheel and Rims
The out-of-service criteria allows a certain amount latitude for wheel and rim cracks and missing or defective fasteners. Appendix G meets the requirements of the 393.205 which does not allow defective wheels and rims or non-effective nuts and bolts.
 - (13) Windshield Glazing
The out-of-service criteria places in a restricted service condition any vehicle that has a crack or discoloration in the windshield area lying within the sweep of the wiper on the driver side and does not address the remaining area of the windshield. Appendix G addresses requirements for the whole windshield as specified in 393.60.

(14) Windshield Wipers

Appendix G requires windshield wipers to be operative at all times. The out-of-service criteria only requires that the windshield wiper on the driver's side to be inspected during inclement weather.

Note: *The term commercial motor vehicle includes each vehicle in a combination of vehicles. For example, for a tractor semi-trailer, full trailer combination, the tractor, semi-trailer and the full trailer*

Equivalent to periodic inspection (396.23)

(b)(1) If a commercial motor vehicle is subject to a mandatory State inspection program which is determined by the Administrator to be as effective as 396.17, the motor carrier shall meet the requirement of 396.17 through that State's inspection program. Commercial motor vehicle inspections may be conducted by State personnel, at State authorized commercial facilities, or by the motor carrier under the auspices of a State authorized self inspection program.

Note: Texas has a State Inspection Program and all commercial motor vehicles must have the State Periodic Inspection in order to meet the requirements of 396.17.

Hazardous Material (HM) Regulations for Farmers

What is a farmer?

As defined in section 171.8 of Chapter 49 of the Code of Federal Regulations (CFR) a farmer is a person engaged in the production or raising of crops, poultry, or livestock.

Hazardous Material Registration – HMR 107.601

Hazardous material registration does not apply to those activities of a farmer, as defined in 171.8 of 49 CFR, that are in direct support of the farmer's farming operations when transporting a quantity of hazardous material that requires placarding, under the provisions of subpart F of part 172 of 49 CFR. (HMR 107.601(a)(6) and 107.601(b))

Copies of US DOT Form F 5800.2 and instructions for its completion may be obtained from the Hazardous Materials Registration Program, DHM- 60, U.S. Department of Transportation, Washington, DC 20590-0001, by calling 617-494-2545 or 202-366-4109, or via the Internet at "<http://hazmat.dot.gov>".

NOTE: HMR 107.601(a) requires certain persons to register if transporting certain hazardous materials. Contact the US DOT Hazardous Material Registration Program at (800) 467-4922 for specific assistance.

Shipping Papers – HMR 172.200

General entry requirements for shipping papers. (172.200)

Basic description of shipping papers. (172.202)

- | | |
|--|----------------------|
| (1) Proper shipping name from 172.101 table. | (Diesel fuel) |
| (2) Hazard class or division of the HM . | (3) |
| (3) Identification number. | (NA1993) |
| (4) Packing group in Roman numerals. | (III) |
| (5) Total quantity & unit of measure of HM being transported. | (500 gallons) |

Additional entries if needed (Example: Limited quantities, poisonous materials, gases, etc.)(172.203)

The Hazardous Material Regulations allow diesel fuel to be reclassified as a combustible liquid.

Farmers transporting diesel fuel for farm use should use the following basic shipping paper.

EXAMPLE:

500 gallons - Diesel fuel/ Combustible Liquid/ NA1993/ III

or

500 gallons - NA1993 Diesel Fuel/Combustible Liquid/III

- This shipping paper must be carried at all times and must be within reach of the driver when belted in or in view for someone else entering the driver compartment. It must also be carried separate from other papers, tabbed or otherwise marked so it stands out from the rest of the papers.

Marking – HMR 172.300

General requirements for non-bulk packages. (172.301)

(Any amount less than the definition for a bulk package listed below)

General requirements for bulk packages. (172.302)

A **bulk package** is defined as:

- (1) Having a capacity greater than 119 gallons for liquids. (Diesel Fuel)
- (2) A capacity greater than 882 pounds for a solid. (Urea)
- (3) A water capacity greater than 1000 pounds for a gas. (Anhydrous Ammonia)

Marking requirements. (What the markings must look like) (172.304)

This includes placards, labels, identification numbers, proper shipping names, and tank owner, which would depend on the type of package.

Additional marking requirements for package types

Portable tanks (172.326)

- (1) Proper shipping name for 172.101 table. (Anhydrous ammonia)
- (2) The owner of the tanks name. (Joe's chemical)

A **portable tank** is designed to be temporarily loaded onto another vehicle, and is equipped with skids, mountings or other accessories to aid in the handling of the tank.

A **cargo tank** (172.328) is a **bulk package** and is permanently attached to or forms part of a motor vehicle.

Identification number marking can be; (172.332)

- (1) On an orange panel.
- (2) On a placard.
- (3) Or on a white square on point display.

Labeling Requirements – HMR 172.400

General labeling requirement for non-bulk, bulk, and portable tanks.

(Labels are small placards used for non-bulk packages and cylinders)

Placarding Requirements – HMR 172.500

General placarding requirements. (172.504)

A placard is required if certain amounts of hazardous materials are carried:

- (1) Any amount of a table 1 product (i.e., Poison by inhalation hazard, Zone A or B – **Anhydrous ammonia.**)
- (2) 1,001 or more pounds of a table 2 product. (i.e., Diesel fuel)
- (3) This is an aggregate weight meaning the total of the package and the product in the package.
- (4) Any BULK package. (as previously defined)

Nurse tanks. (Defined later) (172.507)

- (1) Not required to display placards on an end containing valves, fittings, regulators or gauges.

Emergency Response Information – HMR 172.600

No person to whom this subpart applies may transport, transfer, store or handle during transportation a hazardous material unless: (172.600(c))

- (1) Emergency response information is immediately available at all times the hazardous material is present. Examples: Material Safety Data Sheet (MSDS) or Emergency Response Guide Book.
- (2) Emergency response information (including emergency response phone number) is available to Federal, State, or Local government agency.

Exceptions – this section does not apply to hazardous material excepted from the shipping paper requirements. (See nurse tanks)

Agricultural operations (HMR 173.5)

- (a) For other than flammable gas material, the transportation of an agricultural product over local roads between fields of the same farm is excepted from the requirements of this subchapter. A Class 2 material transported over local roads between fields of the same farm is excepted from the Emergency Response Information and Hazardous Material Training Requirements. In either instance, transportation of the hazardous material is subject to the following conditions:
 - (1) It is transported by a farmer who is an intrastate private motor carrier; and
 - (2) The movement of the agricultural product conforms to the requirements of the State in which it is transported and is specifically authorized by a State statute or regulation in effect before October 1, 1998.
- (b) The transportation of an agricultural product to or from a farm, within 150 miles of the farm, is excepted from the Emergency Response Information and Hazardous Material Training requirements and from the specific packaging requirements of this subchapter when:
 - (1) It is transported by a farmer who is an intrastate private motor carrier;
 - (2) The total amount of agricultural product being transported on a single vehicle does not exceed:
 - (i) 7,300 kg (16,094 pounds) of ammonium nitrate fertilizer properly classed as Division 5.1, PG III, in a bulk packaging, or
 - (ii) 1900 L (502 gallons) for liquids or gases,
 - (iii) or 2,300 kg (5,070 pounds) for solids, of any other agricultural product;
 - (3) The movement and packaging of the agricultural product conforms to the requirements of the State in which it is transported and are specifically authorized by a State statute or regulation in effect before October 1, 1998; and
 - (4) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of this subchapter.
- (c) Formulated liquid agricultural products in specification packagings of 220 L (58 gallons) capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.
- (d) See 173.315(m) pertaining to nurse tanks of anhydrous ammonia.

(e) See 173.6 pertaining to materials of trade.

- Most of the above information can be obtained from the supplier of the hazardous material when needed.

Training – HMR 172.700

Prescribes requirements for training hazardous material employees. (172.700)

Applicability (172.702)

- (a) A hazardous material employer shall ensure all employees are trained.
- (1) Hazardous material employer as defined in 171.8 means a person who uses one or more of its employees in connection with transporting of **HM** in commerce.
 - (2) Hazardous material employee as defined in 171.8 means a person who is employed by a hazardous material employer who directly affects **HM** transportation safety.

Packaging Requirements – HMR 173

Packaging requirements for commonly used hazardous materials.

DIESEL FUEL (HMR 173.150 & Special Provision B1)

- (a) A vehicle transporting a combustible liquid is not required specification packages (tanks).
- (b) A combustible liquid that is in a **bulk** packaging or a combustible liquid that is a hazardous substance, a hazardous waste, or a marine pollutant is not subject to the Hazardous Material Regulations, except for shipping papers, marking of packages, display of identification numbers, placarding requirements, reporting of hazardous material incidents and other requirements.
- (c) A combustible liquid that is in a non-bulk packaging is not subject to the hazardous material regulations.

ANHYDROUS AMMONIA

- (a) HMR 173.315(m) states a cargo tank (commonly known as a **nurse tank** and considered an implement of husbandry) transporting anhydrous ammonia, and operated by a private carrier exclusively for agricultural purposes does not have to meet the specification requirements of part 178 of the subchapter if it:
- (1) Has a minimum design pressure of 250 psig and meets the requirements of the ASME code;
 - (2) Is equipped with safety relief valves meeting the requirements of CGA pamphlet S1.2;
 - (3) Is painted white or aluminum;
 - (4) Has a capacity of 3,000 gallons or less;
 - (5) Is loaded to a filling density no greater than 56 percent by weight, 82 percent by volume, or 87.5 percent by volume if the temperature is not lower than 30 degrees Fahrenheit (173.315);
 - (6) Is securely mounted on a farm wagon;
 - (7) Is in conformance with the requirements of part 172 of the subchapter except that shipping papers are not required; and it need not be marked or placarded on one end if that end contains valves, fittings, regulators or gauges when those appurtenances prevent the markings and placard from being properly placed and visible.

Anhydrous Ammonia, Nurse Tank Requirements (UPDATE to HM-200 effective October 1, 1997)

HMR Questions and Answers

Question 1

Do nurse tanks transporting anhydrous ammonia come under the FMCSR?

Answer

Anhydrous Ammonia Nurse Tanks are required to meet all FMCSR Requirements.

Texas has some individual exemptions for Intrastate operation.

Under 390.5 a commercial motor vehicle means any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:

- (1) The vehicle has a *gross weight rating of 10,001 pounds or more*; or
- (2) The vehicle is designed to transport *more than 15 passengers*, including the driver; or
- (3) The vehicle is used in the *transportation of hazardous materials in a quantity requiring placarding* under regulations issued by the Secretary under the Hazardous Materials Transportation Act (49 U.S.C. 5101 et. seq.).

Question 2

What does "**Bulk Packaging**" mean?

Answer

HMR 171.8 Definitions

Bulk packaging - means a packaging, including a transport vehicle in which hazardous materials are loaded with no immediate form of containment and which has;

- (1) A maximum capacity greater than 450 L (*119 gallons*) as a receptacle for a liquid;
- (2) A maximum net mass greater than 400 kg (*882 pounds*) and a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid;
- (3) A water capacity greater than 454 kg (*1000 pounds*) as a receptacle for a gas as defined in 173.115 of this subchapter.

Question 3

What determines or at what point does **bulk packaging** meet the **definition of a cargo tank**?

Answer

Cargo Tank - means a bulk packaging which:

- (1) Is a tank ***intended primarily for the carriage of liquids or gasses*** and includes appurtenances, reinforcements, fitting, and closures as applicable;
- (2) Is ***permanently attached to or forms a part of a motor vehicle, or is not permanently attached to a motor vehicle but which, by reason of its size, construction or attachment to a motor vehicle is loaded and unloaded without being removed from the motor vehicle***; and is not fabricated under a specification for cylinders, portable tanks, tank cars, or multi-unit tank car tanks.

Question 4

When and how is an anhydrous ammonia nurse tank required to be marked and/or placarded?

Answer

HMR 172.504, Table 2 - requires placarding when the weight exceeds 1,000 pounds.

HMR 172.328(b)(1), required marking for gases, requires nurse tanks must be marked in lettering of *2 inches on each side and end with* -

- (1) The ***proper shipping name*** specified for the gas in the 172.101 Table; or
- (2) An appropriate common name for the material. (**Anhydrous Ammonia**)

Question 5

What kind of placard or marking is required on an anhydrous ammonia nurse tank?

Answer

"Non-flammable gas, Class 2.2" placards and "Inhalation hazard" markings in 2 inch lettering.

Placarding (HMR 172.500)

General Placarding Requirements (HMR 172.504)

General. Except as otherwise provided in this subchapter, each **bulk packaging or transport vehicle** containing any quantity of a hazardous material must be **placarded on each side and each end** with the type placard specified in Table 1 and 2 of this section and in accordance with other placarding requirements of this subpart, including the specifications for the placards named in the tables and described in detail in **172.519** through **172.560**.

Special Placarding Provisions: Highway. (HMR 172.507)

A nurse tank, meeting the provisions of 173.315(m) of this subchapter, is not required to be placarded on an end containing valves, fitting, regulators or gauges when those appurtenances prevent the marking and placard from being properly placed and visible.

Poisonous Hazardous Materials (HMR 172.313)

- (a) For materials **poisonous by inhalation**, the package *shall be marked "Inhalation Hazard"*. (Bulk packaging must be marked on **two opposite sides in 2 inch letters**.) (Required on both domestic and international shipments.)
- (b) Effective October 1, 1998, **Inhalation Hazardous placards** may be used to replace **non-flammable gas placards** and **inhalation hazard markings** on nurse tanks.

Question 6

Are **shipping papers** as described in HMR 172.200 required to accompany shipments of anhydrous ammon transported in nurse tanks when pulled by the "**Farmer user**" from the dealer to the farm?

Answer

- (a) **No**, if the requirements in **173.315(m)** are met.
- (b) **Yes**, if Part 173.315(m) is not met then shipping papers are required.

DPS Administrative Rule 4.1

Regulations adopted by this department, including the federal motor carrier safety regulations, will apply to farm tank trailers used exclusively to transport anhydrous ammonia from the dealer to the farm. The usage of non-specification farm tank trailers by motor carriers to transport anhydrous ammonia must be in compliance with Title 49, Code of Federal Regulations, 173.315(m).

The previous reference to 1974 has been removed and the rule now only references compliance with 49 CFR 173.315(m).

Question 7

Are dealers transporting nurse tanks to the farm required to have shipping papers?

Answer

YES, if **neither 49 CFR, State Law, or administrative rule provides an exemption from the regulations to the dealer**. All requirements are applicable with the exceptions under 173.315(m), which exempts shipping papers and DOT specification packaging if the requirements in 173.315(m) are met.

Question 8

What is required on shipping papers for domestic shipments?

Answer

Domestic Shipment

Shipping Papers (HMR 172.200)

Proper Shipping Name (Ammonia, Anhydrous, liquefied)
Hazard Class (2.2) (Non-flammable, nonpoisonous compressed gas)
ID Number (UN 1005)
Packing Group
Weight or Quantity
Special Provisions #13 - *Inhalation Hazard*
Emergency Response Telephone Number
0.2 Percent Water

Transportation by highway (HMR 172.203(h)) (Required on both Domestic and International shipping Papers.)

Following the basic description for a hazardous material in a Specification *MC 330* or *MC 331* cargo tank, there **must be entered** for –

(1) Anhydrous Ammonia.

- (a) The words “**0.2” PERCENT WATER**” for tanks made with QUENCHED and TEMPERED STEEL.
- (b) The words “**NOT FOR Q AND T TANKS**” when anhydrous ammonia does not contain “**0.2” or more of water by weight.**

Special Provisions #13 - (domestic shipments) The words “*Inhalation Hazard*” shall be entered on each shipping paper in association with the shipping description, and shall be marked on *two opposing sides of each bulk package*. The size of marking must conform to 172.302(b). The requirements of 172.203(m) (Poisonous Materials) and 172.505 (Placarding for Subsidiary Hazards) do not apply.

Question 9

What is required on shipping papers for International shipments of anhydrous ammonia?

Answer

International Shipment

Proper Shipping Name (*Ammonia, Anhydrous, liquefied or ammonia solutions*)
Hazard Class (2.3) (*Gas Poisonous by Inhalation*)
ID Number (UN 1005)
Packing Group
Weight or Quantity
Special Provisions #4 *Is Poisonous by Inhalation in Hazard Zone D* (173.116(a))
Emergency Response Telephone Number
0.2 Percent Water

Placarding for Subsidiary Hazards (HMR 172.505)

Each transport vehicle containing a *poisonous material* subject to the “**Poisonous-Inhalation Hazard**” shipping description required by 172.203(m)(3) must be placarded with a *poison or poison gas placard* on each side and each end, in addition to any other placard required for that material in 172.504 (General Placarding).

For shipments of anhydrous ammonia, the shipping paper *must contain an indication that the marking, labels, and placards have been applied in conformance with the TDG Regulations and this paragraph.* (HMR 172.12a(b)(5)(iii))

Question 10

What is required in regard to the **emergency response information** on the shipping papers?

Answer

Emergency Response Information (HMR Subpart G)

No person to whom this subpart applies may offer for transportation, accept for transportation, transfer, store, or otherwise handle during transportation a hazardous material unless:

- (1) **Emergency response information conforming to this subpart is immediately available for use at all times the hazardous material is present.** and
- (2) Emergency response information, including the **emergency response telephone number**, required by this subpart is **immediately available** to any person who, as a representative of a Federal, State, or Local government agency, responds to an incident involving a hazardous material, or is conducting an investigation which involves a hazardous material.

HMR 173.315(m) - A cargo tank (**commonly known as a nurse tank** and considered an implement of husbandry) transporting anhydrous ammonia and operated by a private carrier exclusively for agricultural purposes does not have to meet the specifications requirements of part 178 (Specifications for Packaging) of this subchapter if it:

- (1) Has a minimum design pressure of *250 psig* and meets the requirements of the edition of the ASME code in effect at the time it was manufactured and is marked accordingly;
- (2) Is equipped with *safety relief valves* meeting the requirements of CGA pamphlet S1.2;
- (3) Is *painted white or aluminum*;
- (4) Has a capacity of *3,000 gallons or less*;
- (5) Is *loaded to a filling density no greater than 56 percent*;
- (6) Is *securely mounted* on a farm wagon; and
- (7) Is in conformance with the requirements of HMR Part 172 (Requirements for shipping papers, packaging marking, labeling, and transport vehicle placarding.) of this *subchapter except shipping papers are not required; and it need not be marked or placarded on one end if that end contains valves, fitting, regulators or gauges when those appurtenances prevent the markings and placard from being properly placed and visible.*

Farmers in private carriage transporting anhydrous ammonia exclusively for agricultural purposes are **exempt from shipping papers and specification packaging (spec. tanks)** if they meet the requirements in **173.315(m)**.

Question 11

Is a vehicle used to transport or tow anhydrous ammonia nurse tanks considered a **commercial motor vehicle (CMV) and subject to FMCSRs?**

Answer

Yes, provided the vehicle's GVWR or GCWR meets or exceeds that of a CMV as defined in section 390.5 and/or the vehicle transports hazardous materials in a quantity that **requires placarding.**

Question 12

What FMSCRs would apply to a motor vehicle used to tow a nurse tank?

Answer

A vehicle used to tow a nurse tank would be required to meet all of **Part 393: Parts and Accessories Necessary for Safe Operation**. This section pertains to almost all equipment such as lights, brakes, coupling devices, towing methods, **safety chains**, frames, suspension, wheels, tires, horn, and emergency equipment. **In Part 396. Inspection, Repair, and Maintenance** the vehicle would need to have a Periodic Annual Inspection. **In Texas**

the **Commercial Vehicle Inspection Certificate** would be required. Maintenance and post-trip inspection records must also be maintained.

Question 13

What driver qualification requirements must a farm vehicle driver comply with in Part 391 if he is operating a vehicle towing a nurse tank?

Answer

All drivers of articulated (combination) motor vehicles with a GVWR of 10,001 pounds or greater are required to possess a current medical certificate as required in 391.41 and 391.45 and a current drug test as required in 391 subpart H (see section 391.67).

Question 14

What type of driver license is a farm vehicle driver required in Texas?

Answer

A farm driver would need a regular driver license for the type of vehicle being operated. (In Texas, a non-CDL Class A, B, or C license)

Question 15

(1) What type of driver license would the driver of a fertilizer dealer need, when delivering an anhydrous ammonia nurse tank to a farm from the dealer?

Answer

The driver would need a Class C CDL with hazardous material and tank endorsements.

Question 16

What other FMCSRs would apply to the driver of a motor vehicle from the dealer to the farm?

Answer

The driver would have to meet all FMCSRs. He would need a driver qualification file, drug testing, medical certificate, hours of service, etc.

Texas Motor Carrier Registration – Operating Authority

What is a commercial vehicle under this program?

- (a) Commercial motor vehicle as defined in TRC 548.001 means **any self-propelled or towed vehicle**, (except a farm vehicle with a gross weight, registered weight, and/or gross vehicle weight rating of less than 48,000 pounds), used on a public highway to transport passengers or cargo when:
- (1) The vehicle or combination of vehicles with a **gross weight, registered weight, or gross weight rating in excess of 26,000 pounds**;
 - (2) The vehicle is **designed to transport more than 15 passengers**, including the driver; or
 - (3) The vehicle is **used in the transportation of hazardous materials in a quantity requiring placarding** under the regulations issued by the Federal Hazardous Materials Transportation Act (49 U.S.C. app. 1801-1813).
 - (4) The vehicle is a **household goods mover exceeding 26,000 pounds (Type A Carrier)** or a household goods mover **not exceeding 26,000 pounds (Type B Carrier)** transporting for compensation.
 - (5) The vehicle is a **tow truck**, regardless of the weight.

(b) What is a Tow Truck?

- (1) A motor vehicle, including a wrecker, **equipped with a mechanical device used to tow, winch, or otherwise move another vehicle.**

Who must register under this program?

- (a) Commercial motor vehicle owner(s) or operator(s). As defined in TRC 548.001
- (b) Tow truck owner(s) or operator(s).
- (c) Household goods movers transporting for compensation.

Exemptions:

- (a) A vehicle operating exclusively in interstate commerce under FHWA authority currently registered under the Unified Carrier Registration (UCR)). Texas carriers must obtain Unified Carrier Registration from the Texas Department of Transportation by calling 800-299-1700 or visiting their Web site at www.dot.state.tx.us;
- (b) Cotton Vehicles registered in accordance with Texas Transportation Code 504.505 (Cotton Module and Burr Trucks registered with a "Cotton Vehicle" license plate);
- (c) A vehicle registered with the Texas Railroad Commission pursuant to Texas Natural Resources Code, 113.131 and 116.072 (Examples: Vehicles transporting Liquid Petroleum Gases (LPG) and Compressed Natural Gases (NGR) products);
- (d) A vehicle transportation liquor under a private carrier permit issued in accordance with the Alcoholic Beverage Code, Chapter 42;
- (e) Motor vehicle used to transport passengers, operated by an entity whose primary function is not the transportation of passengers, such as a vehicle operated by a hotel, daycare center, public school nursing home, governmental entity or similar organization;
- (f) A farm vehicle with a gross weight, registered weight, or gross weight rating of less than 48,000 pounds.

When must a carrier register under this program?

A motor carrier possessing **Unified Carrier Registration** may:

- (a) Enter the state and deliver to a destination and pick up a load and leave the state without registering his insurance with TX DOT.
- (b) A motor carrier possessing Unified Carrier Registration that picks up a load at a point in Texas and delivers to a point in Texas (INTRASTATE) do not need TxDOT Registration except that all first time UCR Registrants must also make a one time registration with TxDOT as a motor carrier.
- (c) All other motor carriers that meet the definition above for this program **MUST** be registered. This includes all private carriers such as **Custom Harvester and Cotton Gin vehicles over 26,000 pounds and farm vehicles when they are 48,000 pounds or more.** (Except cotton module trucks)

How do I register under this program?

- (a) A person may contact the Texas Department of Transportation at 800-299-1700 and request Form 1899 to register or you may visit TX DOT's web site at www.dot.state.tx.us
- (b) There is no provision to secure temporary registration under this program. A motor carrier must have the documentation in his/her possession in order to comply with this statute. There is presently a 30-day processing time required to obtain this document. Please take this into consideration when applying.
- (c) The carrier will receive a temporary registration number. This number must be given to the insurer to electronically file form E/E-2.

Implements owned by Fertilizer Stores

- (a) Motor vehicles designed to carry a load over 26,000 pounds must register with TxDOT when owned by a fertilizer store.

Unified Carrier Registration (UCR)

- (a) Unified Carrier Registration affects the farmer and the cotton gin vehicles (except cotton module trucks) in much the same manner as TX DOT Insurance. Any time a farmer or cotton gin vehicle hauls a load in **interstate commerce, for hire, the driver must have UCR**. Texas residents may obtain UCR by contacting TX DOT at 800-299-1700.
- (b) Cotton Gin and Custom Harvesters or farmers based in another state must Obtain UCR from their own state.
- (c) All Mexico based trucks are required to have UCR.

All farm vehicles not meeting any of TX DOT or UCR requirements will still need basic minimum liability insurance of 20/40/15 and proof will be required to be carried in the vehicle.

International Fuel Tax Agreement (IFTA) (Texas Tax Code)

- (a) The Texas Comptroller of Public Accounts administers the IFTA program.
- (b) An interstate carrier is determined by the operation of a qualified motor vehicle across state lines and not the load.
- (c) A "Qualified Motor Vehicle" is a vehicle with:
 - (1) Two axles and a gross weight or registered weight exceeding 26,000 pounds.
 - (2) Three or more axles regardless of weight
 - (3) In combination & weight of combination exceeds 26,000 pounds.

Note: The number of axles applies only to the power unit.

- (d) **Farm vehicles** are not exempt from the IFTA requirements.
- (e) A single IFTA license is issued for all qualified motor vehicles.
- (f) A photocopy of the original license must be carried in each qualified motor vehicle.
- (g) Two decals are issued for each qualified motor vehicle.
- (h) The IFTA license is valid for one calendar year.
- (i) Current year IFTA credentials must be displayed by March 1st of each new calendar year.
- (j) You may obtain information or an application (form AP-178) by calling the Texas Comptroller of Public Accounts at 800-252-1383 or visiting the Comptroller's web site at www.cpa.state.tx.us/taxinfo/taxforms

Farm Registration

Vehicle Registration

Registration must be for the maximum permissible weight for a particular vehicle, not to exceed 80,000 pounds. The 1547 permit does not increase the registered weight limit but only allows a tolerance above the maximum registered weight.

When a semitrailer registered with a token plate or an apportioned trailer plate operates in combination with a Texas-registered truck-tractor operating with a 1547 permit, the semitrailer must increase the token fee from \$15 to \$30.

A vehicle registered in another state qualifies for a permit if it has apportioned registration and Texas is listed on its cab card. If a vehicle does not have apportioned registration, full Texas registration is required. **Temporary registration is not issued to this type of vehicle.**

Farm Vehicle Registration (TRC 502.163)

- (a) The registration fee for a commercial motor vehicle as a farm vehicle is 50% of the applicable fee, under TRC 502.163, if the vehicle's owner will use the vehicle for commercial purposes only to transport:
 - (1) the person's own poultry, dairy, livestock, livestock products, timber in its natural state, or farm products to market or another place of sale or processing;
 - (2) laborers from their place of residence to the owner's farm or ranch; or
 - (3) without charge, materials, tools, equipment, or supplies from the place of purchase or storage to the owner's farm or ranch exclusively for the owner's use or for use on the farm or ranch;

Farm registration can not be used for other types of gainful employment other than farming and ranching.

Farm Trailer Registration (TRC 504.504)

- (a) An owner is not required to register a farm tractor, a farm trailer or farm semitrailer that has a gross weight of 4,000 pounds or less, or an implement of husbandry, that is operated only temporarily on the highways, if the vehicle is:
 - (1) A farm trailer or semitrailer with a gross weight of more than 4,000 pounds but not more than 34,000 pounds that is used exclusively to transport:
 - (a) Seasonally harvested agricultural products or livestock from the place of production to the place of processing, market, or storage; or
 - (b) Farm supplies from the place of loading to the farm.
 - (c) Cottonseed trailers, regardless of ownership, which are used to haul cottonseed without charge, between a place of supply or storage to farms or place of process and return.

* Farm trailer and Semi-trailers are generally exempt from Texas Motor Vehicle Inspection. If the vehicle has a combined gross vehicle weight rating, registered weight, or gross weight of 48,000 pounds or more, the vehicle is required to display a Texas Commercial Vehicle Inspection Certificate.

Out of state vehicles/ Reciprocity/ Permits

- (a) Out of state vehicles
 - (1) Texas Department of Transportation has entered into bilateral reciprocity agreements with several states and is also a member of the International Registration Plan.
 - (2) The bilateral agreements vary in the definition of an "apportionable vehicle." For uniformity in enforcement, the Texas Department of Public Safety will adopt the definition of an "apportionable vehicle" that affords the greatest benefit to the public.
 - (3) The term "apportionable vehicle" means:
 - (a) a vehicle that has a gross weight in excess of 26,000 pounds;
 - (b) has three or more axles, regardless of weight; or
 - (c) is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight.
- * Effective 12/31/1996, all states are members of the International Registration Plan (IRP).
- (b) Commercial motor vehicles and combinations exceeding 26,000 pounds gross weight must comply with one of the following:
 - (1) Must display a valid Apportioned vehicle registration from their home state or
 - (2) Temporary 72 or 144-hour Texas registration permit. This permit must be purchased for both vehicles in a combination.
 - (3) Agricultural or regular Texas registration. This type of registration is required for *Intrastate* movement and a copy of the registration receipt must be carried on each vehicle.
 - (4) All temporary registration permits, with the exception of the 30-day agriculture permit, may be obtained through TX DOT by contacting 800-299-1700.
- (c) Non-resident 30-day registration permit for the transportation of seasonally harvested agricultural commodities (TRC 502.355)
 - (1) The non-resident owner's vehicle must be legally registered in his home state.
 - (2) The permit shall remain valid only as long as the home state registration is valid.
 - (3) In no case will the permit remain valid for longer than 30 days from date of issuance.

- (4) Used to move machinery used to harvest farm products produced in this state.
- (5) Must show proof of insurance under an insurance policy written by an insurance company or Surety Company authorized to do business in Texas.
- (6) No more than three such temporary permits will be issued to any non-resident owner during any one registration year.
- (7) No vehicle registered under this act shall be operated after the expiration of the temporary permit unless the non-resident secures another permit or regular Texas registration for the remainder of the registration year.
- (8) This temporary registration permit authorizes non-resident vehicle owners to transport the agricultural products from one Texas point to another Texas point when the movement is from the place of production to market, storage, or railhead not more than **75 miles** from the place of production.
- (9) Temporary registration may be obtained if the vehicle has a current Texas Commercial Vehicle inspection certificate, or has an inspection certificate from a state that is recognized by Texas as having a similar State inspection program.
- (10) Vehicles from states with no inspection program will be required to secure a Texas inspection before temporary registration can be issued.
- (11) This permit may be obtained at any Texas County Tax-Assessor's Office. This is usually located in the County Courthouse of the county in which you enter the state.
- (12) You must secure this permit before operating intrastate or when you first enter the state to comply with this statute.

States with inspection reciprocity are:

Arkansas	Delaware	District of Columbia	Hawaii	Louisiana
Maine	Massachusetts	Mississippi	Missouri	New Hampshire
New Jersey	New York	North Carolina	Oklahoma	Pennsylvania
Rhode Island	South Carolina	Utah	Vermont	Virginia
West Virginia	Oklahoma	Pennsylvania		

Example: Vehicles from states with no inspection program such as New Mexico and Oklahoma are required to obtain a Texas inspection certificate before purchasing the non-resident agricultural Permit.

Vehicles apprehended for operating without a 30-day agricultural permit or apportioned registration shall be required to purchase full Texas registration. Once apprehended, Texas law prohibits the purchase of 30-day agricultural or 72/144-hour temporary permits.

(d) Out of State Farm Vehicles

- (1) Out-of-state *farm vehicles* may operate into the state or out of the state with valid "farm vehicle" registration from another state.
- (2) A person may never make an intrastate movement on out of state farm registration.
- (3) Vehicles with less than three or more axles on the power unit that weighs less than 26,000 pounds are not eligible for apportioned registration. If an out-of-state farm vehicle with three or more axles on the power unit, or overall combination exceeding 26,000 pounds is operating on an intrastate run, then he/she will need to purchase temporary 72/144-hour permits or 30-day non-agricultural permits.
- (4) The vehicle(s) will be required by law to obtain full Texas registration or apportioned registration if apprehended.

(e) Cotton Vehicle Registration (Seed Cotton Module and Chile Pepper Vehicles) (TRC 504.505)

- (1) A special Cotton Vehicle Plate will be issued to single motor vehicles that:
 - Are used only to transport seed cotton modules, cotton, or equipment used in transporting or processing cotton; and
 - Are not more than 10 feet in width.
- (2) Cost is set by State statute plus regular registration fees for amount of weight to be carried up to 64,000 pounds for Cotton Modules, and 54,000 pounds for Chile Pepper Vehicles.
- (3) This plate allows the empty seed cotton modules truck to operate on Interstate Highway System over Width (10 feet), Length (48 feet), and Height (14 feet 6 inches).
- (4) Cotton burr trucks must have this registration to operate over width on the Interstate Highway System.
- (5) Cotton module vehicles cannot be operated on the Interstate Highway System.

Vehicle Registration Receipt (TRC 621.501)

- (a) A copy of the registration receipt issued for a commercial motor vehicle, truck-tractor, trailer or semi-trailer shall be:
 - (1) Carried on the vehicle.
 - (2) Presented to an officer upon demand.
 - This includes farm registered vehicles.

Farm Vehicles: Excess Weight (TRC 502.351)

- (a) Registered commercial motor vehicle, truck tractor, trailer, or semi-trailer may obtain a short term permit to haul loads of more weight than for which the vehicle is registered by paying an additional fee before the additional weight is hauled or transported:
 - (1) Must be the farmer's own seasonal products to market or another point for sale or processing;
 - (2) May not be issued for a period of less than one month or more than one year.

This allows a farmer to register his vehicle for the minimum amount and raise the registered weight whenever the harvest begins.

Commercial Motor Vehicle Identification Markings

Farm Vehicle Exemption (TRC 642.002)

TRC 642.002 (Commercial vehicle markings) **does not apply** to a commercial motor vehicle, road tractor, or truck-tractor that is;

- (1) Registered under TRC 502.163 as a farm vehicle.
 - (2) All vehicles **legally registered with farm license plates** are exempt from the commercial vehicle marking requirements, regardless of weight.
 - (3) This exception includes farm vehicles of 48,000 pounds or more.
- **Warning** - This exemption only applies to farm vehicles displaying the FARM VEHICLE LICENSE PLATE described in TRC 502.163.

Markings Required on Commercial Motor Vehicles (Intrastate) (TRC 642.002)

- (a) A person commits an offense if:
 - (1) the person operates on a public street, road, or highway:
 - (A) a commercial motor vehicle that has three or more axles;
 - (B) a truck-tractor;
 - (C) a road-tractor; or
 - (D) a tow truck; and
 - (2) the vehicle does not have on each side of the power unit identifying markings that comply with the identifying marking requirements specified by FMCSR 390.21 or that:
 - (A) show the name of the owner or operator of the vehicle;
 - (B) have clearly legible letters and numbers of a height of at least two inches; and
 - (C) show the motor carrier registration number in clearly legible letters and numbers, if the vehicle is required to be registered under this chapter.
- (b) A person commits an offense if the person operates on a public street, road, or highway a tow truck that does not show on each side of the power unit, in addition to the markings required by Subsection (a)(2), the city in which the owner or operator maintains its place of business and the telephone number, including area code, at that place of business in clearly legible letters and numbers.
- (c) The owner of a vehicle commits an offense if the owner or operator permits another to operate a vehicle in violation of Subsection (a) or (b).
- (d) The Texas Department of Transportation by rule may prescribe additional requirements regarding the form of the markings required by Subsection (a)(2) that are not inconsistent with that subsection.
- (e) An offense under this section is a Class C misdemeanor.

Markings Required on Commercial Motor Vehicles (Interstate) (FMCSR 390.21)

- (a) General. Every self-propelled CMV, as defined in 390.5, subject to subchapter B of this chapter must be marked as specified in paragraphs (b), (c), and (d) of this section.
- (b) Nature of marking. The marking must display the following information:
 - (1) The legal name or a single trade name of the motor carrier operating the self-propelled CMV, as listed on the motor carrier identification report (Form MCS-150) and submitted in accordance with §390.19.
 - (2) The motor carrier identification number issued by the FMCSA, preceded by the letters "USDOT".
 - (3) If the name of any person other than the operating carrier appears on the CMV, the name of the operating carrier must be followed by the information required by paragraphs (b)(1), and (2) of this section, and be preceded by the words "operated by."
 - (4) Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this paragraph.
 - (5) Each motor carrier shall meet the following requirements pertaining to its operation:

- (i) All CMVs that are part of a motor carrier's existing fleet on July 3, 2000, and which are marked with an ICCMC number must come into compliance with paragraph (b)(2) of this section by July 3, 2002.
- (ii) All CMVs that are part of a motor carrier's existing fleet on July 3, 2000, and which are not marked with the legal name or a single trade name on both sides of their CMVs, as shown on the Motor Carrier Identification Report, Form MCS-150, must come into compliance with paragraph (b)(1) of this section by July 5, 2005.
- (iii) All CMVs added to a motor carrier's fleet on or after July 3, 2000, must meet the requirements of this section before being put into service and operating on public ways.
- (c) Size, shape, location, and color of marking. The marking must—
 - (1) Appear on both sides of the self-propelled CMV;
 - (2) Be in letters that contrast sharply in color with the background on which the letters are placed;
 - (3) Be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and
 - (4) Be kept and maintained in a manner that retains the legibility required by paragraph (c)(3) of this section.
- (d) Construction and durability. The marking may be painted on the CMV or may consist of a removable device, if that device meets the identification and legibility requirements of paragraph (c) of this section, and such marking must be maintained as required by paragraph (c)(4) of this section.
- (e) Rented CMVs. A motor carrier operating a self-propelled CMV under a rental agreement having a term not in excess of 30 calendar days meets the requirements of this section if:
 - (1) The CMV is marked in accordance with the provisions of paragraphs (b) through (d) of this section; or
 - (2) The CMV is marked as set forth in paragraph (e)(2)(i) through (iv) of this section:
 - (i) The legal name or a single trade name of the lessor is displayed in accordance with paragraphs (c) and (d) of this section.
 - (ii) The lessor's identification number preceded by the letters "USDOT" is displayed in accordance with paragraphs (c) and (d) of this section; and
 - (iii) The rental agreement entered into by the lessor and the renting motor carrier conspicuously contains the following information:
 - (A) The name and complete physical address of the principal place of business of the renting motor carrier;
 - (B) The identification number issued the renting motor carrier by the FMCSA, preceded by the letters "USDOT," if the motor carrier has been issued such a number. In lieu of the identification number required in this paragraph, the following may be shown in the rental agreement:
 - (1) Information which indicates whether the motor carrier is engaged in "interstate" or "intrastate" commerce; and
 - (2) Information which indicates whether the renting motor carrier is transporting hazardous materials in the rented CMV;
 - (C) The sentence: "This lessor cooperates with all Federal, State, and local law enforcement officials nationwide to provide the identity of customers who operate this rental CMV"; and
 - (iv) The rental agreement entered into by the lessor and the renting motor carrier is carried on the rental CMV during the full term of the rental agreement. See the leasing at FMCSR 376 for information that should be included in all leasing documents.
- (f) Driveaway services. In driveaway services, a removable device may be affixed on both sides or at the rear of a single driven vehicle. In a combination driveaway operation, the device may be affixed on both sides of any one unit or at the rear of the last unit. The removable device must display the legal name or a single trade name of the motor carrier and the motor carrier's USDOT number.

To obtain a US DOT number call 1-800-832-5660 or www.usdotnumberregistration.com or diy.dot.gov

Weight Law (TRC 621.101)

- (1) **Single Axle Weight - 20,000 pounds**
 - (a) Agricultural products are allowed an additional 12% or 22,400 pounds if:
 - (1) the vehicle is loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products that are;
 - (a) in their natural state and being transported from the place of production to the place of first marketing or first processing; **and**

- (b) not being operated on a portion of the Interstate Highway System. (TRC 621.508)
- (b) 1547 Overweight permit allows an additional 10% or 22,000 pounds. (TRC 623.011)
 - (1) This permit is not valid on the Interstate Highway System.
- (2) **Tandem Axle Weight - 34,000 pounds**
 - (a) Agricultural products are allowed an additional 12% or 38,080 pounds if:
 - (1) the vehicle is loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products that are;
 - (a) in their natural state and being transported from the place of production to the place of first marketing or first processing; **and**
 - (b) not being operated on a portion of the Interstate Highway System. (TRC 621.508)
 - (b) 1547 Overweight permit allows an additional 10% or 37,400 pounds. (TRC 623.011)
 - (1) This permit is not valid on the Interstate Highway System.
- (3) **Gross Weight - 80,000 pounds**
 - (a) Agricultural products are not allowed any additional weight on total gross weight.
 - (b) 1547 Overweight permit allows an additional 5% or 84,000 pounds if the vehicle has an outside bridge of 51 feet or more. (TRC 623.011) This permit is not allowed on the Interstate Highway System.
- (4) The maximum weights of 20,000, 34,000, and 80,000 pounds are allowed on the *Interstate Highway System*. No additional weight allowance is permitted on this type of road. The 1547 permits are not valid on the Interstate Highway System or its frontage roads.
- (5) Seed Cotton Module (TRC 622.953)

The overall gross weight of a single motor vehicle used to transport seed cotton or equipment used to transport or process seed cotton may not be heavier than 64,000 pounds. This vehicle weight is not allowed on the Interstate Highway System. If the vehicle is operated on the Interstate Highway System, they are allowed only 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.
- (6) Chile Pepper Module Trucks (TRC 622.953)

The overall gross weight of a single motor vehicle used to transport chile pepper modules or equipment used to transport or process chile pepper modules may not be heavier than 54,000 pounds. There is no single or tandem axle weight on this vehicle. This vehicle weight is not allowed on the Interstate Highway System. If the vehicle is operated on the Interstate Highway System, they are allowed only 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

Tire Weight Rating Limitation (FMCSR 393.75(f) and TRC 621.101)

- (1) FMCSR 393.75(f) - No motor vehicle shall be operated with tires that carry a greater weight than specified and marked on the sidewall of the tire. (This is an out-of-service violation)
 - (a) Exception:
 - (1) Special permit issued by the State; and
 - (2) Operated at a reduced speed to compensate for tire loading.
- (2) TRC 621.101 – No tires may carry a weight greater than the weight specified and marked on the sidewall of the tire.
 - (a) Exception:
 - (1) Unless the vehicle is being operated under the terms of a special permit.

Unloading (TRC 621.403, 621.404, 621.405)

The operator or owner of a vehicle is not required to unload any part of the vehicle's load under TRC 621.403 or 621.404 if the vehicle is a motor vehicle loaded with timber, pulp wood, or agricultural products in their natural state being transported from the place of production to the place of marketing or first processing; a vehicle crossing a highway as provided by Subchapter C, Chapter 623; or the operator of a motor vehicle may proceed to the vehicle's destination without unloading the vehicle as required by TRC 621.403 or 621.404 if the vehicle is loaded with livestock.

Lighting and Brake Requirements

General Lighting Equipment Requirements (TRC 547.371)

- (a) Except as provided by Subsection (b), a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be equipped with:
 - (1) at least two headlamps that comply with TRC 547.333, 547.334, or 547.335;
 - (2) at least one red lamp visible at a distance of at least 1,000 feet from the rear and mounted as far to the left of the center of the vehicle as practicable;
 - (3) at least two red reflectors visible at all distances from 100 to 600 feet from the rear when directly in front of lawful lower beams of headlamps; and
 - (4) hazard lamps as described in TRC 547.331, which shall be lighted and visible in normal sunlight at a distance of at least 1,000 feet from the front and rear.
- (b) A farm tractor, self-propelled unit of farm equipment, or implement of husbandry manufactured or assembled on or before January 1, 1972, is required to be equipped as provided by Subsection (a) only at the times specified by TRC 547.302(a), and hazard lamps are not required. (TRC 547.371 (b))

Lighting Requirements for Combination Vehicles (TRC 547.372)

- (a) If a unit of farm equipment or implement of husbandry is towed by a farm tractor and the towed object or its load extends more than four feet to the rear of the tractor or obscures a light on the tractor, the towed object shall be equipped at the times specified by TRC 547.302(a) with at least two rear red reflectors that are:
 - (1) visible at all distances from 100 to 600 feet when directly in front of lawful lower beams of headlamps; and
 - (2) mounted to indicate, as nearly as practicable, the extreme width of the vehicle or combination of vehicles.
- (b) If a unit of farm equipment or implement of husbandry is towed by a farm tractor and extends more than four feet to the left of the centerline of the tractor, the towed object shall be equipped at the times specified by TRC 547.302(a) with a front amber reflector that is:
 - (1) visible at all distances from 100 to 600 feet when directly in front of lawful lower beams of headlamps; and
 - (2) mounted to indicate, as nearly as practicable, the extreme left projection of the towed object.
- (c) Reflective tape or paint may be used as an alternative to the reflectors required by this section if the alternative complies with the other requirements of this section. (TRC 547.372(c))

Duty to Display Lights (TRC 547.302)

- (a) A vehicle shall display each lighted lamp and illuminating device required by this chapter to be on the vehicle:
 - (1) at nighttime; and
 - (2) when light is insufficient or atmospheric conditions are unfavorable so that a person or vehicle on the highway is not clearly discernible at a distance of 1,000 feet ahead.
- (b) A signaling device, including a stop lamp or a turn signal lamp, shall be lighted as prescribed by this chapter.
- (c) At least one lighted lamp shall be displayed on each side of the front of a motor vehicle.
- (d) Not more than four of the following may be lighted at one time on the front of a motor vehicle:
 - (1) a headlamp required by this chapter; or
 - (2) a lamp, including an auxiliary lamp or spot lamp, that projects a beam with an intensity brighter than 300 candlepower. (V.A.C.S. Art. 6701d, Secs. 109(a), 130.)

Brakes (TRC 547.401)

A motor vehicle, trailer, semitrailer, pole trailer, or combination of those vehicles shall be equipped with brakes.

A trailer, semitrailer, or pole trailer is not required to have brakes if:

- (1) its gross weight is 4,500 pounds or less; or
- (2) its gross weight is heavier than 4,500 pounds but not heavier than 15,000 pounds, and it is drawn at a speed of not more than 30 miles per hour.

Each power unit must be equipped with a parking brake.

A motor vehicle used to tow a trailer, semitrailer, or pole trailer equipped with brakes shall be equipped with service brakes arranged so that, in case of a breakaway of the towed vehicle, the towing vehicle is capable of stopping by use of its service brakes.

SLOW MOVING VEHICLES

Slow Moving Vehicle Emblem

- (a) Slow-moving vehicle is defined as a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less; or a vehicle, implement of husbandry, or machinery, including road construction machinery, that is towed by: an animal; or a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less.
- (b) Slow-moving-vehicle emblem means a triangular emblem that conforms to standards and specifications adopted by the director under TRC 547.104 relating to color, size, and mounting position of a slow-moving-vehicle emblem.
- (c) The slow moving vehicle emblem must be mounted (base down) from 3 to 5 feet above the surface of the road. It must be of a clean reflective surface.

Right of Way

- (a) Operators of vehicles driving more slowly than the normal speed of other vehicles must drive in the right hand lane or as close as practicable to the right hand edge of the roadway. Operators moving in the opposite direction shall move to the right and yield at least one-half of the roadway to the other vehicle.

Definition

- (a) **Implement of husbandry** means a vehicle, other than a passenger car or truck, that is designed and adapted for use as a farm implement, machinery, or tool for tilling the soil.

Cylindrical Hay Bale Permit - Width

Permit for Movement of Cylindrical Hay Bales (TRC 623.017)

- (a) The Texas Department of Transportation may issue an annual permit to authorize the movement of a vehicle that is used to carry cylindrical bales of hay and that is wider than the maximum allowable vehicle width (102 inches) but not wider than 12 feet.
- (b) The appropriate fee must accompany an application for a permit under this section.
- (c) This permit may be obtained by calling the Texas Department of Transportation at 800-299-1700 or visiting their Web site at www.dot.state.tx.us.

Implement of Husbandry - Width Exception

Width Exceptions (TRC 622.901)

- (a) The width limitation provided by TRC 621.201 does not apply to a vehicle traveling during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways or traveling for not more than 50 miles on a highway that is part of the national system of interstate and defense highways if:
 - (1) the vehicle is a farm tractor or implement of husbandry; or a vehicle on which a farm tractor or implement of husbandry, other than a tractor or implement being transported from one dealer to another, is being moved by the owner of the tractor or implement or by an agent or employee of the owner:
 - a. to deliver the tractor or implement to a new owner;
 - b. to transport the tractor or implement to or from a mechanic for maintenance or repair; or

- c. in the course of an agricultural operation;
- (2) during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways; or
- (3) for not more than 50 miles on a highway that is part of the national system of interstate and defense highways;
- (4) a vehicle registered under TRC 502.164 (Fertilizer License Plate)

Oversize Permits

General Requirements

- (a) Oversize permits are issued for oversize loads that cannot be reasonably dismantled.
 - (1) Implements of husbandry that exceed legal size limitations (weight, length, height, and sometimes width) must secure oversize permits. Example: Cotton stripper on trailer may need Annual Implement of Husbandry permit for over height. Cost \$130.00.
 - (2) Over width must secure a permit if operated over 50 miles on the Interstate highway system.
 - (3) Permits may be obtained by calling the Texas Department of Transportation at 800-299-1700 or visiting their Web site at www.dot.state.tx.us.

Legal Overhang (TRC 621.206) – No Permit Required

- (a) Front overhang – 3 feet.
 - (b) Rear overhang – 4 feet.
 - (c) Pipes and poles – not longer than 65 feet are exempt from overhang requirements.
- Any overhang that exceeds 4 feet is restricted to daylight movement only.
 - All overhangs are required to have a 12 inch X 12 inch red flag attached to the rear of the extension during the daytime and a red light during the nighttime.

Legal Length (TRC 622.902) - combines

- (a) A vehicle or combination of vehicles used to transport a **combine** that is used in farm custom harvesting operations on a farm is allowed an overall length of the vehicle or combination that is **not longer than 75 feet**.

Seat Belts - Farm Vehicles

Definitions (TRC 545.412)

- (a) Passenger vehicle means a passenger car, light truck, sport utility vehicle, truck, or truck tractor.
- (b) Safety belt means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- (c) Secured, in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:
 - (1) the manufacturer of the vehicle, if the safety belt is original equipment; or
 - (2) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

Safety Belts - Offense (TRC 545.413)

- (a) A person commits an offense if the person:
 - (1) is at least 15 years of age;
 - (2) is riding in the front seat of a passenger vehicle while the vehicle is being operated;
 - (3) is occupying a seat that is equipped with a safety belt; and
 - (4) is not secured by a safety belt.
- (b) A person commits an offense if the person:
 - (1) operates a passenger vehicle that is equipped with safety belts; and

- (2) transports a child who is younger than 5 years of age and less than 36 inches in height, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacture of the safety seat system.
- (c) A passenger vehicle or a seat in a passenger vehicle is considered to be equipped with a safety belt if the vehicle is required under TRC 547.601 to be equipped with safety belts.
- (d) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$25 or more than \$50. An offense under Subsection (b) is a misdemeanor punishable by a fine of not less than \$100 or more than \$200.
- (e) It is a defense to prosecution under this section that:
 - (1) the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
 - (2) the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
 - (3) the person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;
 - (4) the person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;
 - (5) the person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle; or
 - (6) **The person is operating a commercial vehicle registered as a farm vehicle under the provisions of TRC 502.163 that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more.**

Use of Seat Belts (FMCSR 392.16)

- (a) A commercial motor vehicle which has a seat belt assembly installed at the driver's seat shall not be driven unless the driver has properly restrained himself/herself with the seat belt assembly.

IMPORTANT NOTES:

- The defense to prosecution under TRC 545.413 (e)(6) applies only to the driver of a farm vehicle registered with valid farm vehicle license plates. This defense to prosecution does not apply to the passenger in a farm vehicle.
- A commercial vehicle registered as a farm vehicle under TRC 502.163 (farm vehicle license plate) must comply with the federal requirements in FMCSR 392.16 regarding the use of seat belts when they are regulated by FMCSR. (INTERSTATE at 10,001 pounds or more and INTRASTATE at 48,000 pounds or more)

Safety Chains – TAC §21.7

- (a) A person may not operate a passenger car or light truck while towing a trailer, semitrailer, house trailer, or another motor vehicle on a public highway unless safety chains of a type approved by the department are attached in a manner approved by the department from the trailer, semitrailer, house trailer, or drawn motor vehicle to the towing vehicle.
- (b) Exceptions.
 - (1) does not apply to trailers, or semitrailers, used for agricultural purposes.
 - (2) does not apply to trailers, semitrailers, house trailers, or drawn motor vehicles operated in compliance with FMCSR.
 - (3) does not apply to trailers, semitrailers, house trailers, or drawn motor vehicles which are equipped with safety chains installed by the original manufacture before the effective date of this section.
 - (4) does not apply to fifth wheel or gooseneck semitrailers.
- (c) Definition of Terms.
 - (1) House Trailer - A trailer or semitrailer:

- (A) which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways; or
 - (B) whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subparagraph (A) of this paragraph, but which is used instead permanently or temporarily for the services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- (2) Light truck--Any truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds and is intended to include those trucks commonly known as pickup trucks, panel delivery trucks and carryall trucks.
 - (3) Motor Vehicle--A self-propelled or towed vehicle used to transport passengers or property upon a public highway.
 - (4) Passenger car--A motor vehicle, other than a motorcycle, golf cart, light truck, or bus, designed or used primarily for the transportation of persons.
 - (5) Safety chains--A series of metal links or rings connected to or fitted into one another, and are inclusive of the hooks, coupling devices, and other connections, necessary in the coupling together of a towing or towed vehicle.
 - (6) Semitrailer--Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
 - (7) Trailer--Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so connected that no part of its weight rests upon the towing vehicle.
 - (8) Truck--Every motor vehicle designed, used, or maintained primarily for transportation of property.
- (d) Specifications for safety chains.
- (1) Two separate and individual safety chains shall be used simultaneously in all situations where safety chains are required.
 - (2) The two safety chains will be of equal length, long enough to permit free turning of the vehicles without placing stress on the chains, and attached to the towing vehicle equidistant right and left of the point at which the vehicles are connected. They must be of appropriate length to allow for them to be crossed under the tongue, or connecting apparatus, of the towed vehicle in such a manner that they would prevent it from coming into contact with the road surface should the vehicles become detached. In no event will the safety chains be allowed to contact the road surface during movement of the vehicles.
 - (3) Safety chains shall be of sufficient strength to prevent the vehicles from separating in the event the towed vehicle disengages from the towing vehicle under ordinary towing conditions.
 - (4) Safety chains must be attached to either side of the tongue or connecting apparatus of the towed vehicle, equidistant forward and aft of the hitch or connector. They shall not be directly welded to the towed vehicle, but rather shall be connected by means of bolts, pins, or other secure connecting methods, that meet necessary strength requirements.

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- (a) Provides a person must transport loose material, (defined as material that can be blown or spilled from a vehicle, the term includes dirt, sand, gravel, refuse and wood chips but excludes an agricultural product in its natural state) in compliance with Chapter 725; fine is now a minimum of \$25.00 to a maximum of \$500.00, regardless if the first offense or a subsequent offense.

- (b) Subsection (e), Section 725.021 provides that if a commercial motor vehicle (in this section defined as a "vehicle of any GVWR or GCWR that is used primarily in the business of transporting property. This would include everything from pick-ups to truck-tractor semitrailers combinations.), **transporting loose materials**, the load shall be covered. The covering shall be firmly secured at the front and the back, or shall be completely enclosed by the load carrying compartment.

