



HAULIN' AG: A Guide to Transporting Farm Products & Equipment in North Carolina

Second Edition



Foreword



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North Carolina Farm Bureau enjoys a good working relationship with local, state and federal law enforcement agencies. Most recently, our collaboration with the NC State Highway Patrol has been geared toward helping Farm Bureau members decipher the laws that apply to them when they are transporting agricultural products or equipment from farm to farm, farm to market or market to farm.

North Carolina Farm Bureau's *Hauling Ag* handbook is a result of our ongoing efforts to smooth out the many regulatory bumps and potholes that exist along the state's agricultural highways and rural routes. The handbook was designed to fit in the glove box of your farm truck and other vehicles so that it can be readily available to be used as a quick-reference guide to assist you in preventing or responding to traffic stops by law enforcement agencies.

For the sake of utility, *Hauling Ag* reduces many state and federal highway laws (as of October 1, 2009) to their essence, but it is not intended as a comprehensive explanation of all of the transportation laws that may affect the farmer. We hope you find it useful.

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➔ Commercial Driver's License

GENERAL RULE

Operators of vehicles with a gross combined vehicle weight rating (GVWR) of 26,001 pounds or more; operators of vehicles designed to carry 16 or more passengers, including the driver; and operators of vehicles hauling placardable quantities of hazardous materials are required to have a commercial driver's license (CDL). (N.C.G.S 20-37.12)

AGRICULTURAL EXEMPTION

An operator of a farm vehicle is exempt from CDL requirements if the vehicle he or she is operating meets all of the following four criteria: (N.C.G.S. 20-37.16(e))

- 1) It is controlled and operated by the farmer or the farmer's employee and is used exclusively for farm business;
- 2) It is used to transport either agricultural products, farm machinery or farm supplies to or from a farm;
- 3) It is not being used for hire (*remember that "for hire" is interpreted by Motor Carrier Enforcement as including work done for a neighbor if the farmer receives anything of value in return*)
- 4) It is used within 150 miles of the farmer's farm.

LIMITATION OF EXEMPTION

- 1) Drivers of articulated vehicles with a combined GVWR of 10,001 pounds or more are required to possess a current medical certificate that is required of drivers of commercial motor vehicles by federal regulation. This rule applies also to farmers who are exempt from CDL requirements. (49 CFR Part 391.2(c))
- 2) Drivers of school buses that have been converted for farm use require a CDL with a passenger endorsement if the title for the vehicle lists it as a school bus. For the CDL farm exemptions to apply, the title must be changed to reflect that the vehicle is no longer a school bus.

➔ Regular Driver's License

GENERAL RULE

Operators of farm vehicles that are exempt from the requirement of a Commercial Driver's License (*See Commercial Driver's License*) still need to be sure that they are operating with the correct class of regular North Carolina driver's license. (N.C.G.S. 20-7)

Class A – A Class "A" driver's license is required for operators of all combinations of vehicles that include a towed unit with a Gross Vehicle Weight Rating (GVWR) of at least 10,001 pounds.

Class B – A Class "B" driver's license is required for operators of all single motor vehicles with a GVWR of at least 26,001 pounds and all combinations of vehicles with a GVWR of at least 26,001 pounds that include a towed unit with a GVWR of less than 10,001 pounds.

Class C – All operators of vehicles that are exempt from CDL requirements and do not require a Class "A" or Class "B" license may operate with a Class "C" license.

AGRICULTURAL EXEMPTION

Exempt from NC Driver's License – A nonresident who possesses a valid driver's license issued by his home state or country is exempt from having a NC driver's license. (The nonresident must operate the vehicle in accordance with the license restrictions and vehicle classifications that would be applicable to him under the laws and regulations of his home state or country). (N.C.G.S. 20-8(3))

- A "Resident" is any person who resides within this State for other than a temporary or transitory purpose for more than six months. (20-4.01(34))

→ Registration of Vehicles and Trailers

GENERAL RULE

Commercial vehicles and trailers that are intended to be operated on any state highway are required to be registered with the North Carolina Division of Motor Vehicles (DMV). (N.C.G.S. 20-50)

AGRICULTURAL EXEMPTION

(N.C.G.S. 20-51)

The following are exempt from registration:

- 1) Farm tractors and trailers when used to transport farm implements, supplies, or products from farm to market or farm to farm.
- 2) Farm tractors and trailers on any trip within 10 miles from point of loading, not to exceed 35 miles per hour.
- 3) Farm trailers attached to licensed motor vehicles used to transport most agricultural commodities or equipment from farm to market or farm to farm.
- 4) Agricultural spreader vehicles designed for off-road use so long as they:
 - a. do not exceed 35 miles per hour,
 - b. do not exceed 50 miles from source,
 - c. are driven by licensed person,
 - d. are covered by liability insurance, and
 - e. have had a federal safety inspection.

LIMITATION OF EXEMPTION

- 1) For-hire farm tractors and trailers are not exempt from registration.
- 2) Livestock trailers are not exempt from registration.

→ Registration Weight and Fees for Vehicles and Trailers

GENERAL RULE

Annual registration fees for self-propelled, property-hauling (commercial) vehicles are required. The fees are based on the Gross Vehicle Weight (GVW) of the vehicle, including the weight of the truck, trailer, and load. Annual or multiyear registration fees are also required for trailers or semi-trailers. (N.C.G.S. 20-88)

AGRICULTURAL EXEMPTION

- 1) Farm equipment and trailers that are exempt from registration are also exempt from the registration fees. *(See Registration of Vehicles and Trailers)*
- 2) Farm tagged vehicle annual registration fees are approximately one half the full rate. (N.C.G.S. 20-88(b))
- 3) Farm tags may be purchased for any 3-month period for one quarter of the farmer rate. (N.C.G.S. 20-88(b)(5a))

LIMITATION OF EXEMPTION

- 1) License plates issued at the farmer rate shall be placed upon trucks and truck-tractors that are operated for the primary purpose of carrying or transportation of applicant's farm products, raised or produced on his farm, and farm supplies and not operated in hauling for hire. (N.C.G.S. 20-88(b)(3))
- 2) A person may not drive a vehicle on a highway if the vehicle's gross weight exceeds its declared gross weight. A vehicle driven in violation of this subsection is subject to axle-group weight penalties. The penalties apply to the amount by which the vehicle's gross weight exceeds its declared weight. (N.C.G.S. 20-88(k))

➔ Vehicle Inspections

GENERAL RULE

State Regulations – All registered motor vehicles are required to have an annual safety inspection performed by an authorized person. Certain motor vehicles in designated counties are subject to an annual emissions inspection. (N.C.G.S. 20-183.2)

Federal Regulations – All commercial motor vehicles over 26,000 pounds GVWR are subject to Federal Motor Carrier Safety Regulations related to inspection, repair, and maintenance if engaged in intrastate commerce. Vehicles over 10,000 pounds GVWR are subject if engaged in interstate commerce. (14A NCAC 09J .0101 & 49 CFR Part 396)

AGRICULTURAL EXEMPTION

The following are exempt from **State safety** inspections: (N.C.G.S. 20-183.2(a))

- 1) Commercial vehicles subject to inspection through Federal Motor Carrier Safety Regulations.
- 2) Trailers with gross weight less than 4,000 pounds.

The following are exempt from **State emissions** inspections: (N.C.G.S. 20-183.2(b))

- 1) A motor vehicle registered with a farm tag.
- 2) A motor vehicle that is a 1996 or earlier model.

Federal Regulations – Vehicles used to transport agricultural products, farm machinery, or farm supplies within 150 air miles of the farm are exempt from the Federal Motor Carrier Safety inspection requirements. (14A NCAC 09J .0101(c))

LIMITATION OF EXEMPTION

- 1) Motor vehicles with a farm tag are not exempt from the State safety inspection.
- 2) Farm commercial motor vehicles are not exempt from Federal inspection requirements if engaged in interstate commerce (crossing state boundaries).
- 3) Farm commercial motor vehicles are not exempt from Federal inspection requirements if hazardous materials placarding is required. (See *Hauling Hazardous Materials*)

➔ Size of Vehicles and Loads

GENERAL RULE

Vehicles and trailers shall not exceed maximum width, length, or height limitations: (N.C.G.S. 20-116, 115.1, 119)

- 1) *Width shall not exceed 102 inches.*
- 2) *A single vehicle with two or more axles shall not exceed 40 feet in length.*
- 3) *Truck tractors are allowed with trailers not exceeding 53 feet. Trailer lengths exceeding 48 feet may be operated only on interstate highways and primary routes not excluded by DOT (Department of Transportation). Routes limiting trailer length are posted on DOT maps but are not posted on road signage. DOT maps web site can be found at www.ncdot.org.*
- 4) *Height shall not exceed 13 feet, 6 inches.*
- 5) *For indivisible loads exceeding any of the above dimensions, an oversize permit may be obtained from DOT. Permit requirements typically require the use of a certified escort.*

AGRICULTURAL EXEMPTION

The following are vehicle size exemptions:

- 1) Self propelled farm equipment, including cotton module haulers, is allowed up to 10 feet in width. (N.C.G.S. 20-116(j))
- 2) Self propelled farm equipment is allowed in excess of 10 feet but not exceeding 25 feet with the following conditions:
 - a. During daylight hours only
 - b. Equipment must display a 3'x4' red flag mounted to a 4' pole at the front and rear of the equipment
 - c. If traveling more than 10 miles, a flag vehicle with flashing lights must be position in front and behind the equipment

- d. Equipment must be operated to the right of the center line when meeting opposing traffic
- e. Equipment must be folded to its minimal width
- 3) Cotton and sage module haulers shall not exceed 50 feet in length. (N.C.G.S. 20-116(d)(2))
- 4) Annual oversize permits for hauling farm equipment up to 14 feet are available at no charge. (N.C.G.S. 20-119(b))
- 5) Hauling ag equipment from the farm to dealer is allowed under permit without certified escorts, other destinations require an escort if designated in the permit. (N.C.G.S. 20-119 (g)(1))

DOT OVERSIZE/OVERWEIGHT PERMIT OFFICE:
1-800-221-8166

LIMITATION OF EXEMPTION

- 1) None of the farm exemptions apply on interstate highways.
- 2) Width exemptions do not apply on fully controlled access highways.

➔ Weight of Vehicles and Loads

GENERAL RULE

Vehicles and trailers shall not exceed maximum single-axle, tandem-axle, or gross weight limitations: (N.C.G.S. 20-118)

- 1) *Single-axle weight shall not exceed 20,000 pounds.*
- 2) *Tandem-axle weight shall not exceed 38,000 pounds.*
- 3) *Gross weight shall not exceed the amount determined by the distance between the first and last axle of any axle group as determined by the Bridge Formula Table.*
- 4) *The posted weight on any bridge or light-traffic road shall not be exceeded.*
- 5) *The actual weight may not exceed the declared gross weight on the vehicle registration. (See Registration Weight and Fees for Vehicles and Trailers)*
- 6) *Any vehicle or combination with a GVWR exceeding 10,000 pounds or hauling placarded hazardous material is required to enter a permanent or temporary weigh station. (N.C.G.S. 20-118.1)*

AGRICULTURAL EXEMPTION

The following are vehicle weight exemptions:

- 1) Vehicles hauling agricultural crops from the farm to any market within 150 miles shall not exceed:
 - a. Single-axle weight of 22,000 pounds.
 - b. Tandem-axle weight of 42,000 pounds.
 - c. Gross weight of 90,000 pounds.
- (N.C.G.S. 20-118(c)(12))

- 2) Vehicles hauling agricultural equipment or materials are exempt from the light-traffic road weight limits if the farm or destination is located solely on the light-traffic road. Vehicles are exempt only to either one of the two closest roads that is not posted as a light-traffic road. (N.C.G.S. 20-118(c)(5))
- 3) Privately owned, noncommercial horse trailers constructed for 4 or fewer horses is not required to stop at a weigh station while transporting horses unless directed by a law enforcement officer. (N.C.G.S. 20-118.1)

LIMITATION OF EXEMPTION

- 1) There are no exemptions for posted bridge weights.
- 2) Weight exemptions do not apply on interstate highways.

➔ Securing of Cargo

GENERAL RULE

State Regulations — *Vehicles must be constructed and loaded to prevent any of the load from falling, blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle. When hauling rock, gravel, stone, or similar substance the load must be 6 inches below the top of the walls and covered with a tarp. (N.C.G.S. 20-116(g))*

Federal Regulations — *All commercial motor vehicles over 26,000 pounds GVWR are subject to Federal Motor Carrier Safety Regulations related to load securement if engaged in intrastate commerce (operating within NC boundaries). Commercial vehicles over 10,000 pounds GVWR are subject to federal regulations if engaged in interstate commerce (crossing state lines). (14A NCAC 09J .0101 & 49 CFR Part 393)*

AGRICULTURAL EXEMPTION

State Regulations are not applicable to transportation of seed cotton, poultry or livestock, or silage or other feed grain used in the feeding of poultry or livestock. (N.C.G.S. 20-116(g)(4))

Federal Regulations only apply to farm vehicles that cross state lines or exceed 26,000 pounds when operating solely within the state.

SPECIFIC FEDERAL REQUIREMENTS

Federal Motor Carrier Safety Regulations for securing cargo are listed specifically in 49 CFR Parts 393.100 through 393.136. These regulations are very detailed; listing the specific standards for each type of tiedown, number of tiedowns required, and cargo specific requirements. In general the requirements that are imposed under the regulations are:

- Cargo must be contained, immobilized or secured to prevent the loss of any part of the load and prevent any shifting of the load that could adversely affect the vehicle's stability (Part 393.100).
- The systems and devices used to secure cargo must meet minimum performance criteria for breaking strength and working load limit, typically 50% of the weight of the load. Equivalent to the performance criteria is complete immobilization of the load (Part 393.102).
- For cargo that requires tiedowns, the number of tiedowns used is determined by the length and weight of the individual cargo articles and whether the trailer has a headerboard. As an example, only one tiedown is needed for articles 5 feet or less and weighing less than 1,100 pounds (Part 393.110).
- Heavy equipment (>10,000 pounds) must be secured with a minimum of four tiedowns as close to the front and rear of the equipment as possible. Accessory equipment must be lowered and separately secured to the trailer (Part 393.120).

→ Hauling Hazardous Materials

GENERAL RULE

Vehicles hauling hazardous materials in bulk packaging (a tank with a capacity of greater than 119 gallons), including diesel fuel, are required to be placarded. Operators of vehicles required to be placarded are required to have a commercial driver license.

AGRICULTURAL EXEMPTION

- 1) Farmers engaged in the transportation of “agricultural products,” including fuels and other hazardous materials that support the production of an agricultural commodity, over local roads, between fields of the same farm are exempt from all placarding requirements. (N.C.G.S. 20-381(b), 40 CFR Part 173.5(a))
- 2) Vehicles hauling agricultural products intrastate to and from the farm within 150 miles of the farm are required to be placarded but are exempt from the specific packaging requirements, training requirements and emergency response information requirements contained in federal regulations for placarded vehicles. Drivers of such placarded vehicles must maintain shipping papers in the cab of the vehicle that describe the type of hazardous material being hauled, but are still exempt from CDL requirements. (N.C.G.S. 20-381(b), 40 CFR Part 173.5(b))

LIMITATION OF EXEMPTION

- 1) None of the exemptions (CDL or placarding) apply to someone who is hauling fuel “for hire.” For hire is defined broadly to include a farmer who is bringing fuel to a neighbor in exchange for anything of value.

→ Hours of Service — Recordkeeping

GENERAL RULE

Federal safety regulations set maximum consecutive and weekly working hours for commercial drivers. These rules are in place to keep fatigued drivers off the road. Under these rules, a commercial driver must get off the road after 11 consecutive hours driving or 14 consecutive hours on duty, whether driving or not. Also a commercial driver may not drive after being on duty for 70 hours in any eight-day period. The driver must have at least 34 hours off duty to be allowed to get behind the wheel of a commercial motor vehicle. Co-drivers may take over for the off duty driver to keep the vehicle on the road.

Drivers of commercial motor vehicles are required to keep time logs showing driving status and duty status. Failure to properly maintain time logs can subject the driver and his employer to fines of up to \$1,000.00 per violation day. (49 CFR Part 395.1)

AGRICULTURAL EXEMPTION

Hours of Service and recordkeeping regulations do not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation: (49 CFR Part 395.1(k))

- 1) 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
- 2) Is conducted (except in the case of livestock feed transporters) during the planting and harvesting seasons within such State, as determined by the State. (It has been determined that agriculture is a year-round activity in North Carolina for the purpose of this exemption.)

➔ Seatbelt Use

Agricultural commodity is defined as any agricultural commodity, nonprocessed food, feed, fiber, or livestock. Farm supplies for agricultural purposes is defined as products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.

GENERAL RULE

Each occupant of a motor vehicle shall wear a seatbelt when the vehicle is in motion on a street or highway. (N.C.G.S. 20-135.2A)

AGRICULTURAL EXEMPTION

The following are exempt from mandatory seatbelt use:

- 1) Any vehicle registered and licensed as a property-carrying vehicle, while being used for *agricultural purposes*. Property-carrying vehicles include farm and commercial registrations. (N.C.G.S. 20-135.2A(c)(4))
- 2) A motor vehicle not required to have seatbelts under federal law.

LIMITATION OF EXEMPTION

Seatbelt exemption does not apply if the vehicle is not being used for agricultural purposes, even if the vehicle has farm tags.

→ Transportation of Farm Workers

GENERAL RULE

According to the Migrant Seasonal Agricultural Worker Protection Act (MSPA), any non-exempt person, including a farm labor contractor, agricultural employer or agricultural association, who uses a vehicle to transport a migrant or seasonal worker must comply with applicable federal vehicle safety standards. The operators of such vehicles must also have valid driver's licenses in compliance with state law to operate the vehicles.

MSPA regulations provide two sets of vehicle safety standards for the protection of migrant workers. Which standards apply depends on the type of vehicle used to transport the workers and how the vehicle is used.

SPECIFIC FEDERAL REQUIREMENTS

Cars & Station Wagons

MSPA safety standards for passenger automobiles and station wagons and all vehicles traveling 75 miles or less (round trip). (29 C.F.R. Sec. 500.104)

External Lights: Head lights, tail lights, stop lights, back-up lights, turn signals and hazard warning lights shall be operable.

Brakes: Every vehicle shall be equipped with operable brakes for stopping and holding on an incline. Brake systems shall be free of leaks.

Tires: Tires shall have at least 2/32 inch tread depth, and have no cracks or defects in the sidewall.

Steering: The steering wheel and associated mechanism shall be maintained so as to safely and accurately turn the vehicles.

Horn: Vehicles shall have an operable air or electric horn.

Mirrors: Mirrors shall provide the driver full vision of the sides and to the rear of the vehicle.

Windshields and Windshield Wipers: Windshields and windows may not have cracks or opaque obstructions which obscure vision. Vehicles shall be equipped with windshield wipers that are operational to allow the operator full frontal vision in all weather conditions.

Fuel System: Fuel lines and the fuel tank shall be free of leaks. The tank shall be fitted with a cap to securely cover the filling opening.

Exhaust System: The exhaust system shall discharge carbon monoxide away from the passenger compartment and be free of leaks beneath the passenger compartment.

Ventilation: Windows will be operational to allow fresh air to the occupants of the vehicle.

Safe Loading: Vehicles will not be driven when loaded beyond the manufacturer's gross vehicle weight rating.

Seats: A seat securely fastened to the vehicle will be provided for each occupant or rider in, or on, any vehicle, except that transportation which is primarily on private farm roads will be excused from this requirement provided the total distance traveled does not exceed ten (10) miles, and so long as the trip begins and ends on a farm owned or operated by the same employer.

Handles and Latches: Door handles and latches shall be provided and maintained to allow exiting capability for vehicle occupants.

Passenger Compartment: Floor and sides of any part of the vehicle to be occupied by passengers must be free of openings, rusted areas or other defects which are likely to result in injury to passengers.

Buses & Other Vehicles

MSPA safety standards for vehicles other than passenger vehicles and station wagons — Those who transport workers in buses or other vehicles other than passenger vehicles have a whole host of other regulations with which to comply. Space prevents us from including the entire list, but here are some highlights: (29 C.F.R. Sec. 500.105)

Qualification of Drivers or Operators — Physical Requirements: Operators of these vehicles must submit to a physical examination at least once every three two years and have a doctor certify that they meet certain physical standards, including sufficient eyesight and hearing. The operator must keep this certificate on file at his principal place of business.

Minimum Age and Experience Requirements: Operators must be at least 21 years old and have at least one year of driving experience. They must also have familiarity with the rules and regulations regarding transportation of farm workers.

Knowledge of English: Operators must be able to read and speak the English language sufficiently to understand highway traffic signs and signals and directions given in English and to respond to official inquiries.

Equipment and Emergency Device: Drivers of these vehicles must have “satisfied themselves” that the following parts, accessories, and emergency devices are in good working order: service brakes, including trailer brake connections, parking (hand) brake, steering mechanism, lighting devices and reflectors, tires, horn, windshield wiper or wipers, rear-vision mirror or mirrors, coupling devices, at least one properly mounted fire extinguisher, road warning devices, at least one red burning fuse and at least three flares (oil burning pot torches), red electric lanterns or red emergency reflectors.

Property on Motor Vehicles: If the vehicle is transporting both persons and property, the property must

be stowed in a manner that will assure: (1) Unrestricted freedom of motion to the driver for proper operation of the vehicle; (2) unobstructed passage to all exits by any person; and (3) adequate protection to passengers and others from injury as a result of the displacement or falling of such articles.

Maximum Passengers on Motor Vehicles: The total number of passengers in the vehicle may not exceed the vehicle’s seating capacity.

Seats: A seat must be provided for each worker transported.

EXEMPTIONS

MSPA safety regulations do not apply to immediate family transporting family members or to carpooling arrangements made by the workers themselves.

For more information or answers to questions about transporting farm workers, contact the U.S. Department of Labor, Wage and Hour Division, (866) 487-9243; or, its North Carolina office, (919) 790-2741.



North Carolina Farm Bureau (NCFB) is the unified, statewide Voice of Agriculture®. Working through our grassroots organizations to enhance and strengthen the lives of rural North Carolinians, we strive to build strong, prosperous agricultural communities. We are a private, non-profit, grassroots organization that has been actively promoting farm and rural issues since 1936 through legislative and policy initiatives, member services, field representation, agricultural education, public relations and other programs.

Haulin' Ag will be periodically updated to reflect changes in transportation regulations affecting agriculture. To see the most recent version of this publication go to:
▶ www.HaulinAg.org



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