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INTERSTATE FARM VEHICLE POLICY COMPARISON STUDY

FINAL REPORT

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**Prepared by the Study Group at the Agricultural Law and Resource Center
Penn State Dickinson School of Law**

PENNSSTATE



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16. Abstract In the past several years, advocacy groups and trade organizations associated with agricultural operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Pennsylvania Department of Transportation commissioned a Farm Vehicle Law and Regulations Comparison Study. The first part of the study focused on the current status of Pennsylvania laws regulating the registration, use, and movement upon state highways of farm vehicles and equipment. The second part of the study investigated how the registration, use, and movement of farm vehicles and equipment are regulated in other farming jurisdictions. The final stage of the study involved compilation and analysis of all information gathered through the first and second stages of the study. The final report consists of four parts. The first part summarizes all research and feedback for Pennsylvania. The second part summarizes all research and feedback for Maryland, Ohio, West Virginia, Delaware, New Jersey, and New York. The third part summarizes all research and feedback for Virginia, Texas, Michigan, and California. The fourth part consists of two chapters: the first summarizes all findings; the second presents all recommendations made by the study group.					
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Out-of-State Entities:

Maryland: Department of Transportation, Department of Agriculture, State Police

Ohio: Farm Bureau and Highway Patrol

West Virginia: Department of Transportation and Farm Bureau

New Jersey: New Jersey Agriculture Interests and State Police

New York: New York Agriculture Interest

Texas: Department of Transportation and Department of Agriculture

Virginia: Farm Bureau

Michigan: Michigan Agriculture Interest and State Police

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INTRODUCTION

In the past several years, advocacy groups and trade organizations associated with agricultural operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Pennsylvania Department of Transportation commissioned a Farm Vehicle Law and Regulations Comparison Study.

The first part of the study focused on the current status of the Pennsylvania laws regulating the registration, use, and movement upon state highways of farm vehicles and equipment. The Draft Report was submitted to the Pennsylvania Department of Transportation on September 14, 2007. The Report consisted of two parts. The first part included the current statutory provisions governing the registration, use, and movement of farm vehicles and equipment. The second part included a summary of the opinions on the current situation in Pennsylvania with respect to farm vehicles, from the state agencies to which the study group provided a survey instrument. The survey was distributed to the Pennsylvania Department of Transportation, Pennsylvania Department of Agriculture, Pennsylvania Farm Bureau, PennAg Industries Association, Pennsylvania State Police, and Pennsylvania State Association of Township Supervisors.

The second part of the study investigated how the registration, use, and movement of farm vehicles and equipment are regulated in other farming jurisdictions. As part of this task, the study group submitted a draft report to the Pennsylvania Department of Transportation on December 6, 2007. The draft report consisted of ten chapters, each containing a summary of the current statutory provisions regulating farm vehicles and equipment and a summary of the surveys prepared for each of the researched states. At that stage complete responses to the surveys were returned only by the Maryland Department of Agriculture and the Ohio Farm Bureau, and partial responses were returned only by the Texas Department of Transportation and the Texas Department of Agriculture.

The final stage of the study required compilation and analysis of all information gathered through the first and second stages of the study. In addition, in order to objectively achieve the goals of the study, the study group continued to pursue getting more responses to the surveys from state agencies in Maryland, Ohio, West Virginia, Texas, Virginia, Delaware, New Jersey, New York, Michigan, and California. Based on all findings and feedback, the study group was

able to make certain recommendations. The final report consists of four parts. The first part summarizes all research and feedback for Pennsylvania. The second part summarizes all research and feedback for Maryland, Ohio, West Virginia, Delaware, New Jersey, and New York. The third part summarizes all research and feedback for Virginia, Texas, Michigan, and California. The fourth part consists of two chapters. The first chapter summarizes all findings. The second chapter includes all recommendations made by the study group. Two previously submitted reports, including all responses to the surveys from other states and numerous tables that summarize and graphically illustrate the findings, are attached to the final report as appendices.

EXECUTIVE SUMMARY

The study group found that in Pennsylvania the major concerns were about the lack of clarity in current definitions, lack of examples illustrating the definitions, restrictions imposed on travel distances and time of operation of registration-exempt vehicles, restrictions imposed on the operation of vehicles bearing farm registration plates, safety issues with farm vehicles and equipment being moved on public roadways, and size limitations imposed on farm vehicles and equipment.

Many of the findings in the other surveyed states echoed the concerns expressed in Pennsylvania. A primary concern of the stakeholders in the other states was a lack of clarity in the definitions. Although most stakeholders found the definitions to be adequate, many expressed a desire to see consolidation of the definitions into one section and a modernization of the definitions to reflect vehicles used in farming practices today. Other concerns involved the expansion or reduction in the number of exemptions provided for farm vehicles, or the dimensions of the farm vehicles. A few stakeholders indicated that they would like to see an increase in the mileage that a farm vehicle is allowed to move from farm to farm. A lot of stakeholders also indicated a complete satisfaction with the current provisions regarding farm vehicles in their respective Vehicle Codes, and expressed no desire for changes.

The study group sent out 40 surveys to the various out-of-state agencies and received a response rate of 40%. The major difficulty encountered by the study group was the lack of any response from the contacted agencies, despite the study group's numerous phone calls and e-mails. Another problem was that many of the agencies simply refused to fill out the survey, or

indicated they would do so and never did. Despite these difficulties, the out-of-state agencies that returned completed surveys provided very helpful information.

Based on all findings made as a result of research and the feedback gathered from the stakeholders, the study group recommends actions in three directions. (1) Legislative: Consolidation and clarification of all definitions dealing with farm vehicles; changing the limitations on travel distances imposed on farm vehicles; changing the secure load requirements; changing the width of exempted trailers; considering vehicles with farm vehicle plates to be duly registered. (2) Practical: Creation of identification plates/stickers for registration-exempt farm vehicles. (3) Educational: Training for law enforcement personnel to be conducted by the Pennsylvania Department of Agriculture and the Pennsylvania Department of Motor Vehicles (DMV); preparation of a small booklet as part of the training; establishing and encouraging consultations on current farming practices and equipment between the PA DMV and PA Department of Agriculture; preparation of a comprehensive booklet for farmers by PA DMV, PA Department of Agriculture, and PA State Police; and making the latter booklet available to the farming community at no charge or minimum charge.

PART A: PENNSYLVANIA STAKEHOLDERS

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use of agricultural vehicles and equipment in Pennsylvania is governed by provisions of the Vehicle Code¹, state regulations issued by the Department of Transportation², and federal regulations governing the interstate operation of vehicles.³ The most important definitions in the Vehicle Code concerning agricultural vehicles are those for “farm vehicle,”⁴ “implement of husbandry,”⁵ “commercial implement of husbandry,”⁶ “farm equipment,”⁷ “multi-purpose

¹ 75 Pa. C. S. § 101 (2008).

² 67 Pa. Code § 1.1 (2008).

³ 49 CFR § 1.1 (2008).

⁴ 75 Pa. C. S. § 102.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

agricultural vehicle,”⁸ and “trailer.”⁹ The Vehicle Code imposes different registration requirements, inspection and safety requirements, and size limitations for farm vehicles, implements of husbandry, commercial implements of husbandry, multi-purpose agricultural vehicles, and trailers.

1. Farm Vehicles

Farm vehicles can be exempt from registration, can be subject to farm vehicle registration, or can be subject to the general registration requirements in Pennsylvania.

Farm vehicles exempt from registration are Type I and Type II farm vehicles. To qualify for Type I farm registration exemption, the vehicle must be used exclusively on a farm that is owned or operated by the owner of the vehicle, and must be either (1) a vehicle with a gross weight or registered gross weight of no more than 17,000 lb, or (2) a motor carrier vehicle bearing a valid annual certificate of inspection.¹⁰ Type I vehicles may only be driven between (i) parts of a farm, (ii) farms located not more than 25 miles apart, (iii) a farm and a place of business located within 25 miles of that farm for the purpose of buying or selling agricultural commodities or supplies, or (iv) a farm and a place of business within 50 miles of that farm for the purpose of repair or servicing the farm vehicle.¹¹ To qualify for Type II farm registration exemption, the vehicle must be a motor carrier vehicle that does not bear a valid certificate of inspection and is used exclusively on a farm owned or operated by the owner of the vehicle.¹² A Type II vehicle can only be driven on the highway from sunrise to sunset and between (i) parts of a farm, (ii) farms located not more than 10 miles apart, (iii) a farm and a place of business not more than 10 miles apart for the purpose of buying or selling agricultural commodities, or (iv) a farm and a place of business 25 miles apart for the purpose of service and repair.¹³ The Vehicle Code requires that owners of Type I or Type II vehicles obtain a biennial certification of exemption.¹⁴ The code also requires that exempt vehicles maintain the minimum levels of

⁸ *Id.*

⁹ *Id.*

¹⁰ 75 Pa.C.S § 1302(10)(i).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ 75 Pa.C.S § 1302(10)(iii).

liability insurance.¹⁵ Type I and II farm vehicles must display a farm exemption sticker on the front windshield.

If the farm vehicle does not qualify as a Type I or Type II registration-exempt vehicle, it can be registered as a farm vehicle bearing special farm vehicle registration plates.¹⁶ Although there are no distance limitations for registered farm vehicles, they may be operated only on a farm or farms owned or operated by the registrant of the vehicle and upon highways between: (a) parts of the farm; (b) the farm and a place of business for the purpose of buying or selling supplies, for the examination of an applicant for a driver's license, or for the inspection, repair, or servicing of the vehicle; or (c) a place of business and a place of delivery following the sale of the owner's agricultural commodities by an auctioneer, and the delivery is made in the same farm vehicle that delivered the commodities to the place of business.¹⁷ Any farm vehicle not exempt from registration with a gross vehicle weight of 9,000 lb or less can be registered only for the months of the year in which it is actually used.¹⁸

Farm vehicles that do not qualify for farm vehicle registration or registration exemption must comply with Pennsylvania's general registration requirements.¹⁹

Farm vehicles exempt from registration are exempt from annual safety inspection requirements. All farm vehicles, however, must comply with the minimum safety requirements and equipment when operated on public roads. There are no height, length, width, or weight exceptions for farm vehicles.²⁰ However, a person wishing to operate an oversize or overweight farm vehicle on the roads may obtain a permit from the Department of Transportation.²¹

2. Implements of Husbandry

Implements of husbandry can either be exempt from registration or are subject to Pennsylvania's general registration requirements. An implement of husbandry is exempt from registration if it is operated on roads that adjoin the implement owner's farm,²² roads between the

¹⁵ 75 Pa.C.S § 1302(10)(iv).

¹⁶ 75 Pa.C.S § 1344(a).

¹⁷ *Id.*

¹⁸ 75 Pa.C.S § 1307(a.1).

¹⁹ 75 Pa.C.S § 1301(a).

²⁰ 75 Pa.C.S §§ 4922(a), 4923(a)(1).

²¹ 75 Pa.C.S § 4961.

²² 75 Pa.C.S § 1302(2)(i).

implement owner's farms located not more than 25 miles apart,²³ or roads between the implement owner's farm and a place of business within a radius of 25 miles of the farm for the purpose of buying or selling agricultural commodities or supplies or for the purpose of repairing or servicing the implement.²⁴ Implements of husbandry that do not qualify for exemption must be registered to be operated on a highway. Implements of husbandry that are used for-hire to perform custom farm services for other farms are also subject to registration.

Implements of husbandry are exempt from annual safety inspection requirements unless the implement of husbandry is registered and determined by the Department of Transportation to have a truck body type.²⁵ Implements of husbandry are also exempt from requirements to have a rearview mirror.²⁶ If not equipped by the original manufacturer, implements of husbandry are not required to have a horn²⁷ or front or rear bumpers.²⁸ Lighting equipment is not required for implements of husbandry operated between sunrise and sunset, or during periods other than periods of reduced visibility.²⁹ Vehicles towed by an implement of husbandry between sunrise and sunset are not required to have rear lighting if the implement is properly displaying a slow-moving-vehicle emblem on the rear of the implement.³⁰ Implements of husbandry and other vehicles designed to be operated at 25 miles per hour or less must also display a slow-moving-vehicle emblem on the rear of the vehicle.³¹ If the implement is towing a trailer or other vehicle and the slow-moving-vehicle emblem on the rear of the implement is not clearly visible to those approaching from the rear, a slow-moving-vehicle emblem must also be placed on the rear of the towed vehicle.³²

There are no height, weight, or length exceptions for implements of husbandry. Generally, an implement of husbandry cannot be wider than 8 ft. However, if it is used between sunrise and sunset to haul vegetables or forage crops on highways other than freeways, it may be up to 11 ft wide.³³ It may be 14 ft, 6 inches if it is driven, hauled or towed between sunset and

²³ 75 Pa.C.S § 1302(2)(ii).

²⁴ 75 Pa.C.S § 1302(2)(iii).

²⁵ 75 Pa.C.S § 4703(b)(2).

²⁶ 75 Pa.C.S § 4534.

²⁷ 75 Pa.C.S § 4535(c).

²⁸ 75 Pa.C.S § 4536.

²⁹ 75 Pa.C.S § 4303(e); 67 Pa. Code § 175.225.

³⁰ 75 Pa.C.S § 4905(e).

³¹ 75 Pa.C.S § 4529(a).

³² 75 Pa.C.S § 4529(c).

³³ 75 Pa.C.S § 4921(b)(2).

sunrise only from May 20 to October 15 on highways other than freeways between (1) parts of one farm owned or operated by the owner of the implement of husbandry; (2) farms owned or operated by the owner of the implement of husbandry located not more than 50 miles apart (non-registered) or 25 miles apart (registered); or (3) farms or a farm and a place of business of a mechanic or dealer in implements of husbandry located not more than 100 miles away for the purpose of buying, selling, trading, loaning, and leasing, demonstrating, repairing or servicing the implement of husbandry.³⁴

3. Commercial Implements of Husbandry

Commercial implements of husbandry are subject to the general registration requirements in Pennsylvania. The registration fee is \$76.50 or half the regular registration fee, whichever is greater per year.³⁵ Registered commercial implements of husbandry of 17,000 lb or less are subject to annual inspection, while registered commercial implements of husbandry of 17,001 lb or more are subject to semi-annual inspection.³⁶

A commercial implement of husbandry operated exclusively between the hours of sunrise and sunset and not during periods of reduced visibility or insufficient illumination is exempt from lighting requirements.³⁷ However, the vehicle must display a slow-moving-vehicle emblem. Otherwise, the vehicle must meet all general lighting inspection requirements.³⁸ Vehicular hazard signal lamps must be used when the vehicle is travelling below the minimum speed limit on any highway, and if the vehicle is not equipped with a rear bumper.³⁹

A commercial implement of husbandry generally cannot be wider than 8 ft.⁴⁰ However, if it is driven, hauled, or towed between sunrise and sunset on highways other than freeways, it may be 12 ft in width, including wheels and tires.⁴¹

³⁴ *Id.*

³⁵ 75 Pa.C.S § 1933.

³⁶ *Id.*

³⁷ 75 Pa.C.S § 4303(e).

³⁸ 75 Pa.C.S § 4303.

³⁹ 75 Pa.C.S § 4305.

⁴⁰ 75 Pa.C.S § 4921.

⁴¹ *Id.*

4. Multi-purpose Agricultural Vehicles

Multi-purpose agricultural vehicles are exempt from Pennsylvania's general registration requirements if they are operated on farms owned or operated by the owner of the vehicle, on roads that immediately adjoin the vehicle owner's farm, or between farms of the vehicle owner that are located not more than 2 miles apart.⁴²

There is no inspection requirement for multi-purpose agricultural vehicles.⁴³ Vehicles used exclusively for highly perishable crops for processing, operating only between May 20 and October 15, and between sunset and sunrise, must have two rotating yellow beacons and vehicular hazard signal lamps while travelling on highways other than freeways.⁴⁴

Multi-purpose agricultural vehicles generally cannot be wider than 60 inches.⁴⁵ They also must be 1,200 lb or less in dry weight.⁴⁶

5. Trailers

Even though a towing vehicle may be exempt from registration, the exemption does not automatically apply to the trailer. The Vehicle Code requires that all trailers be registered, unless they are specifically exempt from registration.⁴⁷ In order for the trailer to be exempt, the Department of Transportation must determine whether the trailer is exclusively used for agricultural operations.⁴⁸ The Department has determined by regulation that farm wagons, field equipment, and vehicles designed to haul and apply fertilizers and insecticides during daylight hours and not operated more than 25 miles per hour are exclusively used in agriculture.⁴⁹ In all other cases, the Department of Transportation has to specifically determine whether an individual trailer is exclusively used in agriculture and therefore exempt from registration. Farm trailers exempt from registration may only be operated on roads that adjoin the trailer owner's farm,⁵⁰ roads between the trailer owner's farms located not more than 25 miles apart,⁵¹ or roads between the trailer owner's farm and a place of business within a radius of 25 miles of the farm

⁴² 75 Pa.C.S § 1302(17).

⁴³ 75 Pa.C.S § 4702.

⁴⁴ 75 Pa.C.S § 4305.

⁴⁵ 75 Pa.C.S § 102.

⁴⁶ *Id.*

⁴⁷ 75 Pa.C.S § 1301(a).

⁴⁸ 75 Pa.C.S § 1302(2).

⁴⁹ 67 Pa. Code § 11.2.

⁵⁰ 75 Pa.C.S § 1302(2)(i).

⁵¹ 75 Pa.C.S § 1302(2)(ii).

for the purpose of buying or selling agricultural commodities or supplies or for the purpose of repairing or servicing the trailer.⁵² The Vehicle Code also exempts from registration any trailer to be used primarily for off-highway use and only operated incidentally upon the highway.⁵³

If the trailer does not fall under the exemption provided by the Vehicle Code, it must be registered annually. The registration fee for trailers is \$6 for trailers registered at 3,000 lb gross weight or less, \$12 for trailers registered between 3,001 and 10,000 lb gross weight, and \$27 for trailers registered at greater than 10,000 lb gross weight.⁵⁴

Registered trailers are subject to periodic inspections. They are also required to display a valid inspection sticker.⁵⁵ However, an exemption from periodic inspection is provided to trailers with a registered gross weight of 3,000 lb or less.⁵⁶ Trailers towed by vehicles other than implements of husbandry must have rear lighting, if the trailer or the trailer's load obstructs the rear lights of the towing vehicle.⁵⁷ Required lighting would include rear lights and reflectors, brake lights, turn signals, and hazard warning lights that meet the standards established in the Department of Transportation regulations.⁵⁸ Trailers over 3,000 lb gross weight must be equipped with a breakaway system allowing the trailer to stop automatically in the event it becomes disconnected from the towing vehicle during travel.⁵⁹ If the trailer displays a slow-moving-vehicle emblem, the Vehicle Code prohibits operation of the vehicle at a speed greater than 25 miles per hour.⁶⁰

SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT AND REGULATION

A short survey was prepared and distributed to officials from the Department of Transportation, the Agricultural Department, the Farm Bureau, PennAg Industries Association,

⁵² 75 Pa.C.S § 1302(2)(iii).

⁵³ 75 Pa.C.S § 1302(11).

⁵⁴ 75 Pa.C.S § 1920(a).

⁵⁵ 75 Pa.C.S § 4703(a).

⁵⁶ 75 Pa.C.S § 4703(b)(5).

⁵⁷ 75 Pa.C.S § 4905(e).

⁵⁸ 75 Pa.C.S § 4303(b),(c).

⁵⁹ 75 Pa.C.S § 4502(c).

⁶⁰ 75 Pa.C.S § 4529(b).

the State Police, and the State Association of Township Supervisors. Each agency returned one completed survey, apart from the Department of Transportation, which returned three completed surveys. The responses of each agency are summarized below.⁶¹ As a whole, the overwhelming majority of responses call for the need of updating the current definitions of “farm vehicle,” “farm equipment,” “implement of husbandry,” “commercial implement of husbandry,” and “multi-purpose agricultural vehicle” to match technological advancements in the farming industry and the vehicles and equipment used by farmers today. A large number of responses call for clarification of some of these definitions or for providing examples. Another group of responses call for removing from the Vehicle Code certain restrictions and limitations on the movement and operation of agricultural vehicles and equipment. These responses also indicate a desire to remove restrictions pertaining to the size of these vehicles and equipment. Both law enforcement and representatives of the agriculture industry point out the need for a “registration plate” that would serve to identify the type of vehicle and provide clarification for law enforcement personnel. All of the interviewees agree that a lack of clarity in certain provisions of the Vehicle Code leaves too much room for interpretation and causes inconsistent enforcement in the Commonwealth.

1. Pennsylvania Department of Transportation⁶²

The responses received from the Department of Transportation indicate that the main concerns are regarding clarity of the current definitions, lack of examples illustrating the definitions, lack of sufficient knowledge on the part of the Department’s personnel regarding farm equipment and farming practices, and the fact that farmers are using equipment that either does not fall in either of the definitions, or cannot be registered due to certain specifics. Some of the responses indicate that the problems are purely definitional and can be solved by changing the current definitions; others indicated that the problems are educational, and that simple changes in the definitions will not provide a solution. However, all of the responses agree that some of the definitions are not clear and that ultimately this creates problems for the registration personnel in the Department, law enforcement, and the farming community. In addition, all of

⁶¹ For detailed summary of each PA agency’s response see pp. 22-50 of Appendix A: Report Task 1: Commonwealth Status.

⁶² The responses of the Pennsylvania Department of Transportation can be found on pp.26-33 of Appendix B: Pennsylvania Survey and Responses from Stakeholders.

the responses indicate that it would be very helpful if examples of vehicles can be given in the definitions, somewhere else in the Code, or in a regulation.

Some of the responses give specific examples of vehicles and equipment that present registration problems. For example, some implements of husbandry cannot be registered because of the lack of a vehicle identification number. In fact, the only implements of husbandry with vehicle identification number are tractors and sprayers. Another example is the gator utility vehicles. Currently, many farmers are using these gator vehicles; however, they are not covered under the current definitions in the Vehicle Code. Yet another example are farm vehicles being used to remove waste from septic tanks, which is then taken to a processing center to be converted to a fertilizer for the farm. In similar situations, it is not clear whether these vehicles should be treated as farm vehicles or not.

Finally, all responses indicate that everyone will benefit from clearer definitions and a better understanding of current farming practices and equipment.

2. Pennsylvania Department of Agriculture⁶³

The response from the Department of Agriculture indicates as main problems the lack of clarity in the current definitions, the distance limitations imposed on registration-exempt vehicles and equipment, the fact that the definitions do not include certain vehicles and equipment used by farmers, and the requirements imposed by the secure load provisions in the Code.

The Department points out that parts of the definitions stating “...and any other vehicle determined by the Department to be...” are not clear, because they do not provide information as to who makes the determination and on what basis. It also points out that the requirement for “infrequent” operation of the vehicle on the road is not clear, because nowhere in the Code is stated what is considered to be “infrequent.” The Department states that the farming practices and the farming community have changed significantly in the last 20 years, and the 25-mile distance limitation imposed on the movement of registration-exempt vehicles and equipment is not only unrealistic, but imposes an unreasonable burden on the farming community in Pennsylvania. Therefore, it suggests that this distance limitation should be increased to 50 miles.

⁶³ The response of the Pennsylvania Department of Agriculture can be found on pp.19-22 of Appendix B: Pennsylvania Survey and Responses from Stakeholders.

Finally, it suggests that the secure load requirements in the Code should be changed to allow the inclusion of plant materials in the exemption so long as it does not create a road hazard.

3. PennAg Industries Association⁶⁴

PennAg Industries Association indicates that the two types of registration-exempt farm vehicles create confusions, as well as the existence of “implements of husbandry” and “commercial implements of husbandry.” In addition, it points out that when purchasing agricultural equipment, it is not possible to obtain gross vehicle weight rating, title, and certificate of origin, and therefore this equipment cannot be registered. Therefore, for farmers to be able to perform their farming operations by using the most economical and efficient farming equipment, it is crucial to have the option of registration-exempt vehicles and equipment. PennAg suggests that the definition of “commercial implement of husbandry” should be eliminated and there should only be “implements of husbandry.” Furthermore, it suggests the removal of the distance limitations imposed on both “implements of husbandry” and “commercial implements of husbandry.” PennAg suggests the implementation of a “custom” farm tag for implements of husbandry, in addition to the existing “farm tag.” The “custom” tag would still require registration, but would be exempt from inspection.

4. Pennsylvania Farm Bureau⁶⁵

The Farm Bureau indicates that the problem is not so much with the definitions, but rather with the rest of the provisions in the Vehicle Code, which impose various restrictions on the movement of farm vehicles and equipment. The Bureau points out that the restrictions imposed on the use and movement of farm vehicles are not adequate to the locations of agribusinesses, the farmers’ need to operate more than one farm, the farmers’ increased use of specialized businesses, and the extreme cost in purchasing farm machinery that may later be unjustified due to the restrictions imposed on the operations of these vehicles. Therefore, it suggests that the travel distance limitation for registration-exempt farm vehicles be increased.

⁶⁴ The response of PennAg Industries Association can be found on pp.34-8 of Appendix B: Pennsylvania Survey and Responses from Stakeholders.

⁶⁵ The response of the Pennsylvania Farm Bureau can be found on pp. 9-19 of Appendix B: Pennsylvania Survey and Responses from Stakeholders.

The Bureau also states that many of the definitions present problems because they are not clear enough. There is no standard for when a vehicle is being operated on the road “infrequently.” Some regulations still contain the language of “farm truck” when describing farm vehicles, and the Bureau suggests that this should be changed to reflect the language in the Code. The distinction between “implements of husbandry” and “commercial implements of husbandry” is not clear. Farm equipment used by a business to perform a contract with a farmer on the farmer’s farm should be classified as an implement of husbandry. A vehicle towing an implement of husbandry should also be considered an implement of husbandry.

The size limitations imposed by the Code on multi-purpose agricultural vehicles preclude many all-terrain vehicles used by farmers from being included in this category. The width limitations as applied to farm vehicles and equipment are a problem, as is the covered load requirement. The current farm exemption sticker on the windshield is not visible and leads to frequent stops of farmers by law enforcement personnel. The Farm Bureau is the driving force behind the 2007-08 House Bills 1076 and 946.⁶⁶

5. Pennsylvania State Police⁶⁷

The State Police indicates that its main concerns relate to the safety of the farm vehicles on the road, the practical difficulties in identifying what type of vehicle the vehicle has been registered as, the lack of examples of vehicles and equipment in the Code or anywhere else, and the need for training of law enforcement officers to better understand the farming practices and equipment and the provisions of the Code relating to farm vehicles.

The definitions containing the phrase “...any other vehicle determined by the Department...” are not clear and create confusion. The State Police suggests that the Department of Transportation provide a list of which vehicles have been determined to be implements of husbandry or commercial implements of husbandry. The definition of “commercial implement of husbandry” should be clarified. Definitions for “agricultural commodity” and “agricultural

⁶⁶ Copy of HB 1076 can be found at:

<http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=1076&pn=1311> . Copy of HB 946 can be found at:

<http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=0946&pn=1112>

⁶⁷ The response of the Pennsylvania State Police can be found on pp. 22-25 of Appendix B: Pennsylvania Survey and Responses from Stakeholders.

supplies” should be provided. The Department of Transportation’s policy issued on September 15, 1994, relating to the use of farm vehicle registration plates should be made available.

The State Police would like to see registration plates on the farm vehicles and equipment that identify what type of vehicles they have been registered as. There are no problems with these vehicles not paying a registration fee as long as law enforcement personnel have some means of identifying the type of vehicle. The most serious concern pertains to the condition of farm vehicles and equipment on the road, mainly brakes, tires, lighting, unsecured loads, and anything that may lead to a road hazard. Law enforcement officers will have a better understanding of farm vehicles and equipment and the related provisions of the Code, if some training is provided to them.

6. The Pennsylvania State Association of Township Supervisors (PSATS)⁶⁸

PSATS indicates that its main concerns are regarding clarity of definitions, the fact that all farm-related exemptions are spread throughout the Code, the travel distance allowance for registration-exempt farm vehicles, the possibility of night travels of farm vehicles, and the need for registration plates.

The current definitions are not clear. PSATS provides the examples of “used exclusively for agricultural purposes” and “infrequently” to demonstrate the lack of standards in the definitions. In addition, it states that earthmoving equipment should not be included in the definition of “implement of husbandry.” PSATS thinks that the travel distance allowance of 25 miles for registration-exempt farm vehicles is too long a distance for a farm vehicle to travel and should be reduced. It suggests putting all farm related exemptions in one section of the Code, not allowing night travel for farm vehicles, and introducing registration plates that would identify the type of vehicle.

⁶⁸ The response of the Pennsylvania State association of Township Supervisors can be found on pp. 39-45 of Appendix B: Pennsylvania Survey and Responses from Stakeholders.

PART B: SURROUNDING STATES

CHAPTER I: MARYLAND

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in Maryland are governed by the provisions of the Transportation Code⁶⁹ and Federal Motor Carrier Safety Regulations.⁷⁰ The most relevant definitions in the Transportation Code are those for “farm equipment,” “farm tractor,” and “farm vehicle.”⁷¹ It is important to note that although farm vehicles, tractors, or equipment may satisfy the definition of “commercial motor vehicle,”⁷² they are specifically excluded if the vehicle is controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from a farm; not used in the operations of a common or contract motor carrier; and used within 150 miles of the farmer’s farm.⁷³ Maryland also uses the definitions of “farm vehicle driver” and “farmer” found in the Federal Motor Carrier Safety Regulations.⁷⁴

The Transportation Code does not require registration for a farm tractor or any farm equipment.⁷⁵ The Code provides an option for registering trucks, truck tractors, and trailers as farm vehicles.⁷⁶ Additionally, any motor vehicle owned by a farmer and operated only on the farm, can be registered as a farm area vehicle.⁷⁷ However, in order to register a vehicle as a farm truck, farm truck tractor, or farm trailer, the vehicle must be used as a farm vehicle.⁷⁸ In addition, the farm truck must have a gross vehicle weight (GVW) of 10,000 lb or more.⁷⁹ Once registered as a farm truck, farm truck tractor, or farm trailer, these vehicles cannot be used in any manner

⁶⁹ Md. Transportation Code Ann. § 1-101 (2008).

⁷⁰ 49 CFR § 1.1 (2008).

⁷¹ For the definitions see p. 15 of Appendix C: Draft Report Task 2: Neighboring States, or Md. Transportation Code Ann. §§ 11-120, 11-121, 13-911(c).

⁷² Md. Transportation Code Ann. § 16-803(1).

⁷³ Md. Transportation Code Ann. § 16-803(2).

⁷⁴ For the definitions see p. 16 of Appendix C: Draft Report Task 2: Neighboring States, or 49 CFR § 390.5.

⁷⁵ Md. Transportation Code Ann. § 13-402(c)(3).

⁷⁶ See Md. Transportation Code Ann. §§ 13-921, 13-924, 13-930.

⁷⁷ See Md. Transportation Code Ann. §13-935.

⁷⁸ See definition of **farm vehicle** *supra* 3.

⁷⁹ Md. Transportation Code Ann. § 13-921(c).

other than that for which they were registered. They also cannot be used for hire, except to haul farm products for another farmer. The annual registration fee for a farm area vehicle is \$2.50.⁸⁰

The Transportation Code provides that farm equipment temporarily moved on a highway is exempt from the regulations governing size, weight, and load.⁸¹ Farm equipment and vehicles transporting farm equipment are exempt from the width limitations.⁸² General exemptions from height and length requirements are available, and do not pertain particularly to farm vehicles and equipment. The Code provides certain exceptions from the weight requirements for vehicles or combination of vehicles transporting agricultural products.⁸³ The operators of vehicles transporting certain products may also obtain permits to haul a load exceeding the weight limitations in the Code.

Although Maryland requires that the beds of all vehicles transporting loose materials be fully enclosed and covered,⁸⁴ these requirements do not apply to agricultural products in their natural state or residue developed from processing vegetable agricultural products that can be used as feed for animals and that are being transported to a farm.⁸⁵ Farm area vehicles are exempted from these requirements.⁸⁶

Every farm tractor, every self-propelled unit of farm equipment, and every combination of farm tractor and towed farm equipment must be equipped with single-beam or multiple-beam headlamps and additional red lamps.⁸⁷ A slow-moving-vehicle emblem is required to be displayed when operating on a highway any vehicle or combination of vehicles that is driven at a speed of 25 mph or less.⁸⁸

⁸⁰ Md. Transportation Code Ann. § 13-935(c).

⁸¹ Md. Transportation Code Ann. § 24-101.

⁸² Md. Transportation Code Ann. § 24-102(b)(1)(2).

⁸³ Md. Transportation Code Ann. § 24-109(f).

⁸⁴ Md. Transportation Code Ann. § 24-106.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ Md. Transportation Code Ann. § 22-215.

⁸⁸ Md. Transportation Code Ann. § 21-805.

**SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT
LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT
AND REGULATION**

A short survey was prepared and distributed to officials from the Department of Transportation, the Department of Agriculture, the Farm Bureau, the State Police, and the Maryland Grain Producers Association. The Grain Producers Association and the Farm Bureau did not complete the survey. The Department of Transportation, the Department of Agriculture, and the State Police completed the survey. Their responses are summarized below.

The Department of Transportation finds that the current definitions in the Transportation Code are adequate, fit the equipment commonly used by farmers, and do not present any problems. The registration exemption for farm tractors and farm equipment is appropriate. Nothing should be added or changed in the current registration exemption. There are no problems with the current provisions governing farm truck registration, farm truck tractor registration, farm trailer and semitrailer registration, and farm area vehicle registration. The current size limitations and their application to farm vehicles and equipment are appropriate.

The Department of Agriculture finds that the current definitions are adequate, fit the equipment commonly used by farmers, and do not present any problems. Most helpful are the lower vehicle registration fees, based on the seasonal use of farm vehicles, and the registration exemption for farm equipment. The registration exemption for farm tractors and farm equipment is appropriate; nothing should be added or changed in the current registration exemption; there are no problems with the current provisions regarding farm truck registration, farm truck tractor registration, farm trailer and semitrailer registration, and farm area vehicle registration; the current size limitations and their application to farm vehicles and equipment are appropriate. However, the mileage that a farm area registered vehicle can operate should be extended. If an out-of-state unregistered farm vehicle, such as Pennsylvania Registration Exempt Farm Vehicle Type I and II, were to operate on Maryland roads, the State Police would have no means to confirm registration. Consequently, these vehicles would be required to return to their home state and would possibly be fined. It is important to remind Pennsylvania farmers operating registration-exempt vehicles that they should only operate intrastate.

The State Police finds that the current definitions fit the equipment used by farmers. The most troublesome aspect of the current definitions is that they are scattered in too many sections through the Transportation Code. This can be solved by consolidation of the definitions. The registration exemption for farm tractors and farm equipment is appropriate, and nothing should be added or changed in this exemption. There are no problem areas with the provisions regarding farm truck registration, farm truck tractor registration, farm trailer and semitrailer registration, and farm area vehicle registration. The current size limitations as applied to farm vehicles and equipment are appropriate. The rules applied to interstate operation should also be applied to intrastate operation. The most common concerns regarding farm vehicles and equipment are the weight violations and too many exceptions. Many times the condition of farm vehicles and equipment is unsafe, and the farmers are under the impression that they are exempt from nearly everything pertaining to their operations. There is nothing confusing in the Code, but there should be fewer exemptions.

CHAPTER II: OHIO

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in Ohio are governed by the provisions of the Vehicle Code⁸⁹ and Federal Motor Carrier Safety Regulations.⁹⁰ The most relevant definitions in the Vehicle Code are those for “agricultural tractor,” “farm machinery,” and “farm truck.”⁹¹ In addition, Ohio also uses the definitions of “farm vehicle driver” and “farmer” found in the Federal Motor Carrier Safety Regulations.⁹²

Under Ohio law, no person is required to obtain a driver’s or commercial driver’s license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of 25 miles

⁸⁹ ORC Ann. 4501.01 (2008).

⁹⁰ 49 CFR § 1.1 (2008).

⁹¹ For definitions see p. 25-6 of Appendix C: Draft Report Task 2: Neighboring States, or ORC Ann. 4501.01 (C), (U), 4506.01 (O).

⁹² 49 CFR § 390.5

per hour or less.⁹³ The Vehicle Code also provides a commercial driver's license exemption for farm trucks.⁹⁴

First-time registration of any vehicle is done at the local Deputy Registrar. The fees for new registrations are prorated. However, fees are not prorated for farm trucks or recreational vehicles.⁹⁵

The Vehicle Code provides that no person shall drive or move on any highway any vehicle or combination of vehicles that is in such unsafe condition as to endanger any person.⁹⁶ However, the Code provides some equipment exceptions for certain vehicles. Sections 4513.01 through 4513.37 do not apply to implements of husbandry, or agricultural tractors.⁹⁷

The Vehicle Code requires that vehicles driven or moved on any highway are loaded or covered in a manner that would prevent any dropping, sifting, leaking, or escaping of their loads.⁹⁸ However, the Code provides an exception from this provision for farm vehicles used to transport agricultural produce or agricultural production materials.⁹⁹ The Vehicle Code requires that every multi-wheel agricultural tractor with model year 2001 or earlier and every unit of farm machinery with model year 2002 or earlier, when travelling on a street or highway, be equipped with display markings and illuminated lamps that meet or exceed the American Society of Agricultural Engineers Standard.¹⁰⁰

The Vehicle Code requires that all vehicles, including animal-drawn vehicles, be equipped with at least one white light visible from a distance of not less than 1,000 ft; two red lamps visible from the same distance; or, as an alternative, one red lamp and two red reflectors.¹⁰¹ The Code also requires that farm machinery operated at a speed not exceeding 25 miles per hour must display a triangular slow-moving-vehicle emblem.¹⁰² Any farm machinery and any unit of farm machinery, designed by its manufacturer to operate at a speed greater than 25 miles per hour, in addition to the use of the slow-moving-vehicle emblem, should be equipped

⁹³ ORC Ann. 4507.03 (A)(2).

⁹⁴ ORC Ann. 4506.03 (B)(1).

⁹⁵ A table with Farm Truck Registration fees can be found at:

http://bmv.ohio.gov/vehicle_registration/farm_trk_reg_fees.htm

⁹⁶ ORC Ann. 4513.02 (A).

⁹⁷ ORC Ann. 4513.02 (G).

⁹⁸ ORC Ann. 4513.31 (A).

⁹⁹ *Id.*

¹⁰⁰ ORC Ann. 4513.111(A)(B).

¹⁰¹ ORC Ann. 4513.11 (A).

¹⁰² ORC Ann. 4513.11 (B).

with a red flashing light that shall be visible from a distance of not less than 1,000 ft.¹⁰³ Agricultural equipment designed by its manufacturer to operate at a speed greater than 25 miles per hour shall display speed identification symbol when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway.¹⁰⁴ If an agricultural tractor that is designed by the manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed greater than 25 miles per hour and is towing, pulling, or drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving-vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.¹⁰⁵

SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT AND REGULATION

A short survey was prepared and distributed to officials from the Department of Transportation, the Farm Bureau, and the Highway Patrol. A survey was never sent to the Department of Agriculture because it stated in a phone conversation that it did not have the necessary information and did not wish to participate. The Department of Transportation did not complete the survey. The Farm Bureau and the Highway Patrol completed the survey. Their responses are summarized below.

The Farm Bureau thinks that the current definition of agricultural tractor is adequate. On October 18, 2007, Ohio adopted a new law, which removed the 25 mph speed limitation for farm machinery as long as the farm machinery has a speed indicator symbol. The definition of farm truck should allow the truck to be operated by a farmer's employee or agent, not only the farmer. The current definitions for agricultural tractor, farm machinery, and farm truck fit the equipment used by farmers. The most helpful aspect of the current definitions is the broad language that allows flexibility for modern farm equipment that was not originally included in the definitions. There are no problem areas in the current definitions. The driver's license and commercial driver's license exemption for agricultural tractors and implements of husbandry are appropriate,

¹⁰³ ORC Ann. 4513.11 (E).

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

as well as the commercial driver’s license exemption for farm trucks. The lighting requirements for agricultural tractors and farm machinery are appropriate as well as the load and equipment exception for implements of husbandry and agricultural tractors. The legislature should consider changing “implements of husbandry” to “farm machinery.” Ohio laws governing farm vehicles and equipment are up-to-date and complete.

After Ohio adopted a new law that removed the 25 mph speed limitation for farm machinery, the Highway Patrol finds the current definitions adequate. The current definitions also fit the equipment commonly used by farmers. The definitions do not present any problems. There are no troublesome aspects of the current definitions. The driver’s license and commercial driver’s license exemption for agricultural tractors and implements of husbandry is appropriate; however, the new law requires that the driver of a tractor operated at speeds of 25 mph or more must possess a valid driver’s license. The commercial driver’s license exception for farm trucks is appropriate, as are the restrictions imposed on holders of a restricted commercial driver’s license. The most serious concern law enforcement personnel expressed regarding the movement of farm vehicles on intrastate highways is the safe operation of these vehicles with regard to other motorists. The most common issue encountered by law enforcement personnel regarding farm vehicles on the road is traffic congestion. There are no confusing areas of Ohio law regarding farm vehicles and nothing should be changed.

CHAPTER III: WEST VIRGINIA

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in West Virginia are governed by the provisions of the Vehicle Code.¹⁰⁶ The most relevant definitions in the Vehicle Code are those for “farm tractor,” “implement of husbandry,” and “farm truck.”¹⁰⁷

The Code provides general registration exemption for implements of husbandry, farm machinery, and farm tractors. It exempts from registration and licensing any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the

¹⁰⁶ W. Va. Code § 17A-1-1 (2008).

¹⁰⁷ For definitions see p. 34 of Appendix C: Draft Report Task 2: Neighboring States, or W. Va. Code §§ 17A-1-1(g)(q), 17A-10-1.

owner or lessee, or any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the implement and which is not operated on or over any public highways of the state for any purpose other than operating it across a highway or along a highway from one point of the owner's land to another part of the owner's land, irrespective of whether or not the tracts adjoin.¹⁰⁸ However, the distance between the points may not exceed 25 miles.¹⁰⁹ The other occasion under which the implement of husbandry would be exempt is when it is taken to and from a repair shop for repair.¹¹⁰ The general registration exemption also applies to farm machinery and tractors, provided that the machinery and tractors use the highway in going from one tract of land to another, regardless of whether the land is owned by the same or different persons.¹¹¹ Any implement of husbandry exempt from registration should have the words "farm use" affixed to both sides of the implement in 10-inch letters.¹¹²

The Code also provides for a farm-use exemption certificate. The farm-use exemption certificate is provided by the commissioner and is issued annually by the assessor of the applicant's county of residence.¹¹³ The Code requires that any vehicle that would be subject to registration as a Class A or B vehicle, and is not subject to the general registration exemption, but is subject to the farm-use registration exemption, must display a farm-use exemption certificate on the lower driver's side of the windshield.¹¹⁴

The Code requires that every farm tractor equipped with an electric lighting system display at all times a red tail lamp and either multiple-beam or single-beam head lamps.¹¹⁵ It is a misdemeanor for any person to drive or move on any highway any vehicle or combination of vehicles that are in unsafe condition or are not at all times equipped with such lamps and other equipment required by the Code.¹¹⁶ However, the Code provides an exemption from the equipment requirements for implements of husbandry and farm tractors.¹¹⁷

¹⁰⁸ W. Va. Code § 17A-3-2(a)(2).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ W. Va. Code § 17A-3-2(a)(2)(A).

¹¹² W. Va. Code § 17A-3-2(a)(2)(D).

¹¹³ W. Va. Code § 17A-3-2(a)(2)(D)(i).

¹¹⁴ W. Va. Code § 17A-3-2(a)(2)(D).

¹¹⁵ W. Va. Code § 17C-15-1(c).

¹¹⁶ W. Va. Code § 17C-15-1(a).

¹¹⁷ W. Va. Code § 17C-15-1(c).

**SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT
LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT
AND REGULATION**

A short survey was prepared and distributed to officials from the Department of Transportation, the Department of Agriculture, the Farm Bureau, and the State Police. The Department of Agriculture and the State Police did not complete the survey. The Department of Transportation and the Farm Bureau completed the survey. Their responses are summarized below.

The Department of Transportation finds adequate the current definitions in the Vehicle Code regarding farm vehicles. The definitions fit the equipment used by farmers and create no problem areas. The registration exemption for implements of husbandry, farm machinery, and farm tractors is appropriate and does not create problems. Nothing should be added or changed in the registration exemption. The size limitations for farm tractors and machinery are appropriate. Nothing in the Vehicle Code regarding farm vehicles should be changed.

The Farm Bureau finds that the current definitions are adequate and fit the equipment used by farmers. The most troublesome aspect of the current definitions is the “farm use” vehicle. It is unclear what exactly a “farm use” vehicle is, and whether it is insured as a piece of farm equipment or as a motor vehicle. The only problem with the current definitions is that they do not include all-terrain vehicles (ATVs) as an implement of husbandry. This problem can be solved by a simple change in the definitions. The registration exemption for farm machinery, farm tractors, and implements of husbandry is appropriate. Acquiring the “farm use” sticker is sometimes subject to abuse, but acquiring it from the assessor helps limit the abuse. ATVs should be included in the registration exemption. The current size limitations for farm vehicles are appropriate.

CHAPTER IV: DELAWARE

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in Delaware are governed by the provisions of the Vehicle Code Title 21.¹¹⁸ The most relevant definitions in the Vehicle Code are those for “farm equipment,” “farm tractor,” and “truck tractor.”¹¹⁹ It is important to note that the distinguishing factor among the vehicles contained within these definitions is that their use is either exclusively or primarily farm related.

The Vehicle Code generally requires the registration of a vehicle pursuant to chapter 21 of the Code.¹²⁰ However, the Code also recognizes the unique situation of farm vehicles, and section 2113 specifically covers the registration and exemption of farm vehicles. If a farmer meets the minimum requirements of farming at least 10 acres and deriving at least \$1,000, the farmer may register a vehicle used exclusively in that operation for Farm Trucks tags. These tags operate the same as general registration but have a reduced fee and require that the vehicle be used exclusively for the farming operation and not be rented or hired out.¹²¹ The fees for this type of registration are a function of the weight of the vehicle so registered.¹²² The Code also provides an option for registering a vehicle and receiving “Farm Vehicle” tags, which exempt the farmer from registration fees and inspection. Vehicles possessing Farm Vehicle tags may not be operated on public roads subject to some geographic and safety exceptions.¹²³

The Code also has provisions governing the weight and equipment requirements of registered vehicles. The weight requirements deal with farm vehicles of great weight (greater than 26,000 lb). The code requires that at certain weight thresholds a certain number of axles is required with an upward limit of 70,000 lb and a fee of \$100 for using this extra weight.¹²⁴ The Code exempts vehicles from this weight requirement if they are being moved temporarily on the

¹¹⁸ DL Code Title 21 (2008).

¹¹⁹ For the definitions see p. 65 of Appendix C: Draft Report Task 2: Neighboring States, or DL Code Title 21 §1

¹²⁰ DL Code Title 21 Chapter 21.

¹²¹ DL Code Title 21 Chapter 21 section 2113

¹²² DL Code Title 21 Chapter 21 subchapter 4.

¹²³ For the full list see p. 67 of Appendix C: Draft Report Task 2: Neighboring States, or DL Code Title 21 Chapter 21 §2113.

¹²⁴ DL code Title 21, Ch. 21.

highways, the move is related to the farmer's agriculture practice, and the farmer accepts liability for damages.¹²⁵ Equipment requirements on farm vehicles are generally the same as for normal vehicles, but there are some exceptions that are found in Chapter 43, Subchapter I of the Code. Most of these exceptions cover the functionality of the vehicle as to its intended purpose. For example, section 4317 exempts farm vehicles from the required tire flaps if the construction is such that complete freedom around the wheel area is necessary to secure the designed use of the vehicle.¹²⁶

SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT AND REGULATION

A short survey was prepared and distributed to officials from the Department of Transportation, the Agricultural Interest, and State Police. Unfortunately, despite continuous efforts by the study group, none of the contacted groups completed the survey.

CHAPTER V: NEW JERSEY

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in New Jersey are governed by the provisions of the NJSA, specifically Title 39.¹²⁷ The most relevant definition(s) present in the NJSA are those for "farm tractor."¹²⁸ It is important to note that the definition covers any motor vehicle if it is engaged primarily in a farming use.¹²⁹

The NJSA does require the registration of motor vehicles, not for hire, which are used exclusively as farm tractors, traction equipment, farm machinery, or farm implements that cannot

¹²⁵ DL code Title 21, Ch. 45.

¹²⁶ For more examples see pgs. 68-69 of Appendix C: Draft Report Task 2: Neighboring States, or DL Code Title 21 Chapter 43 subchapter 1 §4302, 4317, 4318.

¹²⁷ NJSA §39 (2008).

¹²⁸ For the definitions see p. 71 of Appendix C: Draft Report Task 2: Neighboring States, or NJSA § 39.

¹²⁹ *Id.*

be operated at a speed in excess of 20 miles per hour.¹³⁰ However, the Code requires that any farm vehicle that is used for farm operations and is to travel upon the public highways be registered and pay a \$5 fee.¹³¹ Additionally, any farm vehicle registered by a farmer may draw one vehicle engaged in farm use that is not registered.¹³² Furthermore, New Jersey's Vehicle Code has an entirely separate subchapter that deals with the operation of vehicles registered under NJSA 39: 3-24. Specifically, vehicles so registered may be operated on the highways singly or towing farm machinery or an implement of husbandry, and such vehicles or combinations in either case may exceed the commercial vehicle dimension limitations as provided for under N.J.S.A. 39:3-84.¹³³

The New Jersey Administrative Code provides that farm equipment temporarily moved on a highway is exempt from the regulations governing size, weight, and load.¹³⁴ Farm equipment and vehicles transporting farm equipment are exempt from the width limitations, but are required to display warning flags.¹³⁵ The Code also provides that in certain situations escort vehicles would be required.¹³⁶

Specifically, New Jersey requires that all farm vehicles moved on the public highways meet certain safety requirements. These are not as stringent as those required of normal vehicles, but they still are necessary. Generally, the NJSA requires that the vehicles be equipped with systems to adequately control the vehicle on downgrades and upgrades and must comply with further requirements set forth by the director of the Division of Motor Vehicles. Further requirements include not only limitations on travel time of day, but also on vehicle dimensions, speed, weather conditions, load coverage, and warning indicators.¹³⁷

¹³⁰ *Id.*

¹³¹ See NJSA §39.

¹³² See NJSA §39:3-25.

¹³³ NJAC, Title 13, Chapter 21, Subchapter 12.

¹³⁴ NJAC 13:21-12.2.

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ For the specifics see p. 73-74 of Appendix C: Draft Report Task 2: Neighboring States, or NJAC § 13

**SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT
LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT
AND REGULATION**

A short survey was prepared and distributed to officials from the Department of Transportation, Agricultural Interest, and State Police. The Department of Transportation did not complete the survey. The Agriculture interests and State Police completed the survey. Their responses are summarized below.

The Agricultural interest finds significant problems with the current definitions in the NJ Code. Specifically, limiting the definition to only a single vehicle and not adequately covering the multitude of vehicles used for farming causes confusion. Furthermore, the definition does not adequately keep up with the modern evolution of farming and the various vehicles that have come on the market since the definition was first put forth in 1938. Additionally, the 20 mph limitation is a source of contention between local law enforcement and farmers. Furthermore, when dealing with the limitations placed on travel as well as the necessary equipment, they specifically mention a desire to have a slow-moving-vehicle emblem placed on the rear of the vehicle. The exemptions provided within the Code are appropriate and that simple definitional change would take care of many of the problems that may be occurring.

The State Police finds that the current definitions are adequate, fit the equipment commonly used by farmers, allow the farmer some leeway on registration cost and travel time, and do not present any problems. The definitions are broad enough to cover most of the vehicles used in the farming community as well as most of the situations that may arise. Simple education of law enforcement officers could end most of the problems. There are no problems with the limitations of travel time and necessary equipment. This may be the reason that New Jersey does not have “many of the large scale farming operations that some states do.”

CHAPTER VI: NEW YORK

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in New York are governed by the provisions of the New York Consolidated Law Service Vehicle and Traffic Code.¹³⁸ The most relevant definition in the Code is the “motor vehicle” exclusionary definition contained within section 125, which specifically excludes farm vehicles from its scope.¹³⁹ The exclusion is made on the basis that the vehicles are used exclusively in a farming activity and not for hire.¹⁴⁰ In addition, the New York laws and regulations contain definitions for “farm equipment,”¹⁴¹ “agricultural vehicle,”¹⁴² “agricultural truck,”¹⁴³ “agricultural spreader or sprayer,”¹⁴⁴ and “farming purposes.”¹⁴⁵ However, these definitions are scattered throughout many different parts of the New York Code, which makes their location and use quite difficult.

The New York Code allows the registration of motor vehicles used in farming activities and that will be on public roads.¹⁴⁶ This registration is subject to some provisions that will be discussed later, but in general these are temporal and geographic limitations. In order to register the vehicle, the individual must send a description of the use of the vehicle to the commissioner of motor vehicles and if the commissioner or agent of the commissioner is satisfied that the vehicle will be used in said manner (e.g., exclusively for farm use), a fee of \$1 will be assessed for the registration and a unique number assigned to the vehicle.¹⁴⁷

Generally, New York places restrictions on the dimensions of a motor vehicle moving on public roads; however, the Code provides that farm equipment temporarily moved on a highway

¹³⁸ For the definitions see p. 75 of Appendix C: Draft Report Task 2: Neighboring States, or NY CLS Veh & Tr 125

¹³⁹ NY CLS Veh & Tr § 125.

¹⁴⁰ *Id.*

¹⁴¹ 1 NYCRR § 127.1 (d).

¹⁴² 15 NYCRR § 27.2 (c).

¹⁴³ NY CLS Veh & Tr § 401.7(E)(2).

¹⁴⁴ 15 NYCRR § 105.3 (a).

¹⁴⁵ 15 NYCRR § 27.2 (d).

¹⁴⁶ NY CLS Veh & Tr § 401.

¹⁴⁷ NY CLS Veh & Tr § 401.

is exempt from the regulations governing size, weight, and load if they meet five criteria.¹⁴⁸ Even with the exceptions, the overall width cannot be over 17 ft.

Even though New York allows the use of public roads, it still places limitations on this use. These limitations prevent any vehicle that has a load securing, braking, coupling, or steering defect from use of public roads, as well as limiting travel to between 1 hour before sunset and 1 hour after sunrise. The limitations also forbid traveling on any limited-access road (e.g., interstate highways).¹⁴⁹ Lastly, New York generally requires that loose loads be secured but provides an exemption to vehicles transporting farm produce that is loose.¹⁵⁰

SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT AND REGULATION

A short survey was prepared and distributed to officials from the Department of Transportation, the Agriculture Interest, and the State Police. The Department of Transportation and the State Police did not complete the survey. The Agriculture interest completed the survey. Its response is summarized below.

The Agriculture interest finds the definition to be acceptable. The definition is broad enough to cover most of the vehicles in use and it provides sufficient notice of the unique status of farm vehicles to law enforcement. The exclusivity requirement is an issue, as potential grey areas exist for certain farm implements, as well as for multiple definitions throughout the vehicle laws. “...[U]sed exclusively...” should be changed to “...used predominantly...” because farmers occasionally use their vehicles for non-farm use, such as “pulling a neighbor’s car out of a snow bank.” Sometimes liability results, and the central issue is the registration of the vehicle. The definitions fit most of the equipment used by farmers, but there should be exemption for vehicles under 26,000 lb to prevent them from being classified as commercial motor vehicles. An expansion of the exemption provided to bulk agricultural commodity implements and an increase up to 50,000 lb GVWR for the vehicles that tow the aforementioned implements is also

¹⁴⁸ For the 5 criteria see p. 77-78 of Appendix C: Draft Report Task 2: Neighboring States, or NY CLS Veh & Tr § 385.

¹⁴⁹ *Id.*

¹⁵⁰ NY CLS Veh & Tr § 380-a.

necessary. The other exemptions mentioned in the section above do a good job of recognizing the unique position of farmers. There should be an expansion in the exemptions of hours of operation to include more commercial motor vehicle requirements. The practice of a unique farm plate is worthwhile. The concerns mentioned above will not be solved with a simple definitional change; the regulations must be changed.

PART C: NON-CONTIGUOUS STATES

CHAPTER I: TEXAS

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in Texas are governed by provisions of the Transportation Code¹⁵¹ and Federal Motor Carrier Safety Regulations.¹⁵² Farmers operating intrastate 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 of 48,000 lb or more. Farmers operating interstate are subject to the federal regulations if the vehicle or combination of vehicles has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 10,001 lb or more. The most relevant definitions in the Transportation Code regarding farm vehicles are those for “implements of husbandry,” “farm trailer,” “farm semitrailer,” and “farm tractor.”¹⁵³ In addition, the Administrative Code provides the definitions for “farm vehicle,” “agricultural commodity,” and “producer.”¹⁵⁴ Texas also uses the definitions of “farm vehicle driver” and “farmer” found in the Federal Motor Carrier Safety Regulations.¹⁵⁵

The Transportation Code provides certain exceptions from the general license requirements. A driver’s license is not required for a person operating a farm tractor or implement of husbandry on a highway, unless the vehicle is a commercial motor vehicle under

¹⁵¹ Tex. Transp. Code § 502-001 (2008).

¹⁵² 49 CFR § 1.1 (2008).

¹⁵³ For definitions see p. 42-3 of Appendix C: Draft Report Task 2: Neighboring States, or Tex. Transp. Code § 502-001(4), (5), (6), (8).

¹⁵⁴ For definitions see p. 43-4 of Appendix C: Draft Report Task 2: Neighboring States, or 37 TAC § 4.11(7), (10), (12).

¹⁵⁵ For definitions see p. 43-4 of Appendix C: Draft Report Task 2: Neighboring States, or 49 CFR § 390.5.

Section 522.003.¹⁵⁶ The Code also provides certain exceptions from the commercial driver's license requirement. Even though the vehicle may qualify as a commercial motor vehicle, a commercial driver's license is not required if the vehicle is controlled and operated by a farmer; is used to transport agricultural products, farm machinery, or farm supplies to or from a farm; is used within 150 miles of the person's farm; and is not used in the operations of a common or contract motor carrier.¹⁵⁷ However, farm vehicle drivers operating outside the 150-mile radius of their farm or operating as a for-hire carrier will lose the commercial driver's license exemption and will be required to obtain a commercial driver's license for the class of vehicle being driven. Additionally, the Department of Transportation may issue a restricted commercial driver's license to an employee of a farm-related service industry.¹⁵⁸

The registration of farm vehicles in Texas depends on whether the farm vehicle is exempt from the commercial driver's license requirement or not. If the farm vehicle is exempt from the commercial driver's license requirement, then the general rules for registration apply.¹⁵⁹ However, the Code provides certain exceptions from the general registration rule. An owner is not required to register a vehicle that is used only temporarily on the highways if the vehicle is a farm trailer or farm semitrailer with a gross weight of more than 4,000 lb but not more than 34,000 lb and 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.¹⁶⁰ An owner is also not required to register a vehicle that is: (1) a farm trailer or farm semitrailer owned by a cotton gin and used exclusively to transport agricultural products without charge from the place of production to the place of processing, market, or storage; (2) a trailer used exclusively to transport fertilizer without charge from a place of supply or storage to a farm; or (3) a trailer used exclusively to transport cottonseed without charge from a place of supply or storage to a farm or place of processing.¹⁶¹ The Department of Transportation must issue specialty license plates for this type of registration-exempted vehicle.¹⁶² The fee for the license plate is \$5.¹⁶³ However, these exemptions do not

¹⁵⁶ Tex. Transp. Code § 521.027(2).

¹⁵⁷ Tex. Transp. Code § 522.004(a)(1).

¹⁵⁸ Tex. Transp. Code § 522.012(a).

¹⁵⁹ Tex. Transp. Code §§502.001 – 502.456.

¹⁶⁰ Tex. Transp. Code § 504.504(b)(1).

¹⁶¹ Tex. Transp. Code § 504.504(c)(1)-(3).

¹⁶² Tex. Transp. Code § 504.504(a).

¹⁶³ *Id.*

apply to a farm trailer or farm semitrailer that: (1) is used for hire; (2) has metal tires operating in contact with the highway; (3) is not equipped with an adequate hitch that can be pinned or locked so that it will remain securely engaged to the towing vehicle while in motion; or (4) is not operated and equipped in compliance with all other laws.¹⁶⁴

If the farm vehicle, however, is subject to the commercial driver's license requirement, it is subject to a farm vehicle registration. The fee to register a commercial motor vehicle as a farm vehicle is 50% of the applicable fee for the particular class of commercial vehicle.¹⁶⁵ However, this fee is applicable only 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 for 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.¹⁶⁶ The Department of Transportation must provide distinguishing license plates for vehicles registered under this section.¹⁶⁷ The law prohibits the use of a vehicle registered under this section for any gainful employment, other than farming or ranching.¹⁶⁸

The width limitation does not apply to a vehicle traveling during daylight on a public highway or traveling for not more than 50 miles on a highway that is part of the national system of interstate and defense highways if the vehicle is: (a) a farm tractor or implement of husbandry; or (b) 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: (i) to deliver the tractor or implement to a new owner; (ii) to transport the tractor or implement to or from a mechanic for maintenance or repair; or (iii) in the course of an agricultural operation.¹⁶⁹

A farm tractor, self-propelled unit of farm equipment, or implement of husbandry must be equipped with at least two headlamps, at least one rear red lamp visible at a distance of at least 1,000 ft from the rear and mounted as far to the left of the center of the vehicle as

¹⁶⁴ Tex. Transp. Code § 504.504(e).

¹⁶⁵ Tex. Transp. Code § 502.163(a).

¹⁶⁶ *Id.*

¹⁶⁷ Tex. Transp. Code § 502.163(d).

¹⁶⁸ Tex. Transp. Code § 502.163(c).

¹⁶⁹ Tex. Transp. Code § 622.901(2).

practicable, at least two rear red reflectors visible at all distances from 100 to 600 ft from the rear when directly in front of lawful lower beams of headlamps, and hazard lamps which shall be lighted and visible in normal sunlight at a distance of at least 1,000 ft from the front and rear.¹⁷⁰ 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 4 ft to the rear of the tractor or obscures a light on the tractor, the towed object shall be equipped with at least two rear red reflectors that are visible at all distances from 100 to 600 ft when directly in front of lawful lower beams of headlamps, and mounted to indicate, as nearly as practicable, the extreme width of the vehicle or combination of vehicles.¹⁷¹ If a unit of farm equipment or implement of husbandry is towed by a farm tractor and extends more than 4 ft to the left of the centerline of the tractor, the towed object shall be equipped with a front amber reflector that is visible at all distances from 100 to 600 ft when directly in front of lawful lower beams of headlamps, and mounted to indicate, as nearly as practicable, the extreme left projection of the towed object.¹⁷²

SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT AND REGULATION

A short survey was prepared and distributed to officials from the Department of Transportation, the Department of Agriculture, the Farm Bureau, and the Highway Patrol. The Farm Bureau did not complete the survey, and the Highway Patrol stated in a phone conversation that the survey was too involving and there was not sufficient time to complete it. Although the Department of Transportation and the Department of Agriculture did not complete the survey, they did provide some feedback. Their responses are summarized below.

Mr. Mike Craig, Deputy Director of Vehicles Title and Registration Division in the Department of Transportation, sent an e-mail stating that the issue of farm vehicle classifications and vehicles operated under reduced registration fees has long been a point of concern in Texas, as the proper use of such vehicles is frequently in question. The problem is not so much with the enabling statute or statute definitions, but rather with the difficulty of enforcing proper operation

¹⁷⁰ Tex. Transp. Code § 547.371.

¹⁷¹ Tex. Transp. Code § 547.372.

¹⁷² *Id.*

of vehicles displaying such plates. Unless the unique farm vehicle statutory provisions were removed entirely and the vehicles were registered as any other, the Texas statutes as currently written adequately serve the purpose for which they are intended. The Department of Transportation is currently undergoing a revision by the Sunset Commission.

Ms. Catherine Wright-Steele, Governmental Affairs Liaison in the Department of Agriculture, sent an e-mail stating that at the moment the Department is not aware of problems with provisions of the Transportation Code governing farm vehicles. She further indicated that if the Department of Agriculture becomes aware of inadequacies in the Transportation Code it will work with the Department of Transportation to review the issue. In addition, Ms. Steele advised that the Transportation Department is currently undergoing a detailed review process conducted by the Sunset Commission, and that the Commission will consider issues such as the ones listed in the survey. Revisions to the code will be recommended by the Commission and considered by the Texas Legislature. The Department of Agriculture is also currently undergoing a revision by the Sunset Commission.

CHAPTER II: VIRGINIA

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in Virginia are governed by the provisions of the Vehicle Code.¹⁷³ The most relevant definitions in the Code regarding farm vehicles are those for “farm tractor,” “farm utility vehicle,” and “farm vehicles used exclusively for farm use.”¹⁷⁴

License is not required for the operation of any farm tractor, farm machinery, or vehicle as defined in Sections 46.2-663 through 46.2-674 of the Vehicle Code, if these vehicles are temporarily drawn, moved, or propelled on the highways.¹⁷⁵

The Vehicle Code provides exemptions from the registration requirements for certain vehicles. Certain farm vehicles are exempt from registration, license plates, and registration fees.

¹⁷³ Va. Code Ann. § 46.2-100 (2008).

¹⁷⁴ For definitions see p. 54-5 of Appendix C: Draft Report Task 2: Neighboring States, or Va. Code Ann. §§ 46.2-100, 46.2-698(B)(1).

¹⁷⁵ Va. Code Ann. § 46.2-303.

These are vehicles used for spraying fruit trees and other plants;¹⁷⁶ vehicles used for agricultural or horticultural purposes;¹⁷⁷ vehicles used for seasonal transportation of farm produce and livestock;¹⁷⁸ farm machinery and tractors;¹⁷⁹ vehicles owned by farmers and used to transport certain wood products;¹⁸⁰ certain vehicles transporting fertilizer, cotton, or peanuts.¹⁸¹ The Code also provides that when an exempt vehicle is making a return trip from any marketplace, transporting back to a farm ordinary and essential food and other products for home and farm use, or transporting supplies to the farm, it is not required to obtain a registration certificate, license plates and decals, or pay a registration fee.¹⁸² However, the Code prohibits the use of highways between sunset and sunrise by any exempted vehicles, unless they are equipped with lights as required by the law.¹⁸³

For those farm vehicles that are not exempt from registration, license plates, and registration fees, the Code provides that the registration fees for farm vehicles used exclusively for farm use and having gross weight of 7,500 lb or more, is half the fee per 1,000 lb of gross weight for private carriers as calculated under Section 46.2-697 and half the fee for overload permits under Section 46.2-1128, but not less than \$15 for each farm vehicle on an annual basis.¹⁸⁴ The Code prohibits the operation of vehicles registered under this section as for-hire vehicles.¹⁸⁵ The Code also prohibits the operation of vehicles registered under this section for purposes other than exclusive farm use.¹⁸⁶

The vehicle size limitations set in Sections 46.2-2201 through 46.2-1138.2 of the Code do not apply to any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural multipurpose drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business.¹⁸⁷ However, any farm tractor or agricultural multipurpose drying unit wider than 108 inches, which is so propelled, hauled, transported, or

¹⁷⁶ Va. Code Ann. § 46.2-664.

¹⁷⁷ Va. Code Ann. § 46.2-665(B).

¹⁷⁸ Va. Code Ann. § 46.2-666.

¹⁷⁹ Va. Code Ann. § 46.2-667.

¹⁸⁰ Va. Code Ann. § 46.2-670.

¹⁸¹ Va. Code Ann. § 46.2-672.

¹⁸² Va. Code Ann. § 46.2-673.

¹⁸³ Va. Code Ann. § 46.2-684.

¹⁸⁴ Va. Code Ann. § 46.2-698(A).

¹⁸⁵ Va. Code Ann. § 46.2-698(F)(iii).

¹⁸⁶ Va. Code Ann. § 46.2-698(F)(ii).

¹⁸⁷ Va. Code Ann. § 46.2-1102(A).

moved on the highway, must be equipped with a safety light of a type approved by the Superintendent of State Police.¹⁸⁸ The light must be plainly visible from the rear of the tractor or agricultural multipurpose drying unit.¹⁸⁹ Additionally, any farm tractor or other farm, agricultural, or horticultural vehicle wider than 108 inches may be equipped with an amber flashing, blinking, or alternating warning light.¹⁹⁰

The Code prohibits any vehicle from being operated or moved on any highway unless it is loaded in a way preventing its contents from dropping, sifting, leaking, or escaping.¹⁹¹ However, this provision does not apply to any motor vehicle that is used exclusively for agricultural purposes and is not licensed in any other state; agricultural vehicle, tractor, or other vehicle exempted from registration and licensing requirements; or motor vehicle transporting forest products, poultry, or livestock.¹⁹² Every farm tractor, self-propelled unit of farm equipment or implement of husbandry, and any other vehicle designed for operation at speeds not in excess of 25 mph or normally operated at speeds not in excess of 25 mph, must display a triangular slow-moving-vehicle emblem on the rear of the vehicle when travelling on a public highway at any time of the day or night.¹⁹³

SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT AND REGULATION

A short survey was prepared and distributed to officials from the Department of Motor Vehicles, the Farm Bureau, and the State Police. The Department of Motor Vehicles did not complete the survey. The Department of Agriculture stated in a phone conversation that the Department does not work with such information and could not help; therefore, the survey was not distributed to them. The State Police stated in a phone conversation that the survey was too involving and there was not sufficient time to complete it. The Farm Bureau completed the survey and its response is summarized below.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ Va. Code Ann. § 46.2-1102(B).

¹⁹¹ Va. Code Ann. § 46.2-1156(A).

¹⁹² *Id.*

¹⁹³ Va. Code Ann. § 46.2-1081(A).

The Farm Bureau finds the current definitions of farm tractor and farm utility vehicle “as good as anyone can find.” The definitions fit the equipment used by farmers. The most helpful aspect regarding the current definitions is that they are “on target.” A troublesome aspect may be the “lack of enforcement, as it may create more liability and higher insurance claims and cost.” There are no other problem areas with the current definitions. While the license exemption for farm tractors may be creating an increased risk from an insurance standpoint, it is well placed. The registration exemption for vehicles used exclusively for agricultural and horticultural purposes, and the limitations imposed by the Vehicle Code on the operation of these vehicles, are appropriate. The registration exemption for farm machinery and tractors; vehicles used for seasonal transportation of farm produce and livestock; vehicles owned by farmers and used to transport certain wood products; and vehicles transporting fertilizer, cotton, or peanuts, is also appropriate. The registration exemption for return trips of exempted vehicles is appropriate. The conditions imposed by the Vehicle Code on the nocturnal use of highways by registration-exempt vehicles are appropriate. The weight limitation extension for certain vehicles hauling VA-grown farm or forest products is appropriate. No amendments to the Vehicle Code are necessary, just enforcement of the current provisions regarding farm vehicles.

CHAPTER III: MICHIGAN

SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in Michigan are governed by the provisions of the Vehicle Code and Act 300 of 1949-I. The most relevant definitions are those for “implement of husbandry,” “truck tractor,” and “farm tractor.”¹⁹⁴ As with most of the definitions mentioned in the prior states, the definition depends mainly on the primacy of use in a farming activity.

Michigan, like other states, requires the registration of all vehicles except implements of husbandry.¹⁹⁵ Further, farmers may be subject to a unique registration process found in section 257.801(c). Section 257.801(c) provides that the registration fee assessed on a truck tractor used

¹⁹⁴ For the definitions see p. 80 of Appendix C: Draft Report Task 2: Neighboring States, or section 257 of act 300

¹⁹⁵ Section 257.216

exclusively in connection with a farming operation (and not used for hire or rented out) is a function of the empty weight of the vehicle. The rate specified is 74 cents per 100 lb. A farmer may also petition the Secretary of State for a special registration for a vehicle that will be used exclusively to transport agriculture products.¹⁹⁶ This registration is good for 12 months and a fee of \$20 must be paid.

Michigan has similar safety concerns and equipment requirements as the other states. In addition to this, like Pennsylvania, Michigan has a segment of the population that exclusively uses animals instead of machines. Section 257.604 provides the same rights and responsibility to these individuals as is provided to any other individual using machines except where it is not applicable.

Michigan limits the speed a farm vehicle weighing 10,000 lb or more may travel to 55 mph in general circumstances and 35 mph in special circumstances.¹⁹⁷ Michigan also limits the liability to farmers operating implements of husbandry on public bridges, viaducts, etc., where the movement of the implement is necessary to the farming activity¹⁹⁸. When moved on public roads, implements of husbandry are exempted if they are *incidentally* moved on public roads or are operating under a special permit.¹⁹⁹

Michigan exempts implements of husbandry that exceed 96 inches in width provided that they are moved in a manner that minimizes traffic problems, and wide loads may not be moved on the highways between ½ an hour after sunset and ½ an hour before sunrise.²⁰⁰ Additionally, state transportation officials may designate a route for implements of husbandry that require special consideration.²⁰¹

Michigan provides special consideration to vehicles transporting agricultural products. It exempts farm vehicles from covering their loads provided that the actual product does not fall out and that it does not interfere with the traffic on the road.²⁰²

Section 648(a) specifies the particular safety equipment that Michigan requires be included on all farm vehicles being sold after January 1st, 2007 and that every implement of husbandry must have a slow-moving-vehicle reflector mounted at the rear.²⁰³

¹⁹⁶ Section 257.802(9)

¹⁹⁷ Section 257.627(6)

¹⁹⁸ Section 257.631(2)

¹⁹⁹ Section 257.716(2)

²⁰⁰ Section 257.717

²⁰¹ *Id.*

²⁰² Section 257.720

**SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT
LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT
AND REGULATION**

A short survey was prepared and distributed to officials from the Department of Transportation, the Agriculture Interest, and the State Police. The Department of Transportation did not complete the survey. The Agriculture interest worked briefly with the State Police, which completed the survey. The response of the State Police is summarized below.

The major concern expressed by the State Police is that the definitions need to be changed. Particular frustration was expressed with regard to the use of a vehicle versus the design of a vehicle. An example given is that a farmer pulled out all the seats on a school bus and used it to harvest watermelons. Is that bus now an implement of husbandry? This stems from the term “used primarily,” which is confusing for law enforcement because they have never been given a working definition. Additionally, the terms “designed to” and “which directly” also cause confusion. Because the definitions were written in 1949 and have never been updated, they are inadequate to accurately enforce the vehicle code. Thus, it would be better to change the definitions than prescribe more drastic action.

As per the exemptions contained in MVC Section 257.802 (10), the State Police views them as generally useful, but acknowledges that there are some individuals that use the exemptions unfairly and that this could be prevented by simply excluding them in the relevant sections and by more accurately defining what a “farm” is because people can claim their garden as a farm under the current law. There is no problem with making the registration fee a function of the time desired for the registration under MVC Section 257.802 (10).

²⁰³ section 257. 688

CHAPTER IV: CALIFORNIA
SUMMARY OF CURRENT LAWS AND REGULATIONS GOVERNING THE
USE OF FARM VEHICLES

The use, registration, and movement of farm vehicles and equipment in California are governed by the provisions of the Motor Vehicle Code Division 1 and Division 16.²⁰⁴ The most relevant definitions in the Motor Vehicle Code are those for “farm labor vehicle,” “implement of husbandry,” “implement of husbandry: definition of farm trailer,” “implement of husbandry: definition of automatic bale wagon,” “implement of husbandry: definition of cotton module mover,” “implement of husbandry: farm tractor used for towing,” and “implement of husbandry: trap wagon.”²⁰⁵ Again, the most important feature of these definitions is the inclusion of the primacy of agricultural use.

The Motor Vehicle Code completely exempts implements of husbandry that are incidentally moved or operated on the highways, as well as those implements covered under sections 36005 and 36016.²⁰⁶ Furthermore, California allows the exemption of vehicles that have and display identification plates subject to Section 5014, vehicles that require a permit under Section 35780 and are used exclusively in a farming capacity, and cotton movers defined in section 36012.²⁰⁷ Further exemptions cover specially designed farm vehicles as well as vehicles that do not travel more than 20 miles to a similarly owned farm.²⁰⁸

The Vehicle Code also requires that certain safety issues be looked at with reference to farm vehicles. Importantly, the vehicle must be operated by the farmer while on public roads. Width requirements do not apply to implements of husbandry when incidentally operated on a road, but if the load is between 102 and 120 inches the implement shall not be transported more than 25 miles.²⁰⁹ Length requirements do not generally apply to implements of husbandry, except that if the overall length exceeds Section 35401 the combination is limited to two vehicles in tandem.²¹⁰ Height requirements are similar to the width requirements in that they do not apply to

²⁰⁴ California Motor Vehicle Code Division 1 and Division 16 (2008).

²⁰⁵ For the definitions see p. 87-89 of Appendix C: Draft Report Task 2: Neighboring States, or California Motor Vehicle Code Divisions 1 and 16.

²⁰⁶ CMVC Div 16 Chp 2 Section 36100.

²⁰⁷ CMVC Div 16 Chp 2 Section 36101.

²⁰⁸ *Id.*

²⁰⁹ CMVC Div 16Chp 6 Section 36600.

²¹⁰ CMVC Div 16Chp 6 Section 36615.

implements of husbandry incidentally operated on public roads, but when transported and the height exceeds 14 feet, they are limited to 25 miles from the point of origin.²¹¹

The Vehicle Code specifies that farm tractors shall display an identification plate and are not exempted from the provisions of Sections 24400 and 25100 when operating after dark. Additionally, any implement of husbandry that cannot stop within 32 feet from an initial speed of 15 mph shall not be operated in excess of the speed that makes it impossible to stop within 32 feet.²¹²

SUMMARY OF CONCERNS AND ISSUES RELATED TO CURRENT LAWS GOVERNING THE USE OF FARM VEHICLES AND THEIR ENFORCEMENT AND REGULATION

A short survey was prepared and distributed to officials from the Department of Transportation, the Agriculture Interests, and the Highway Patrol. None of the contacted officials completed the survey.

²¹¹ CMVC Div 16Chp 6 Section 36610.

²¹² CMVC Div 16Chp 5 Section 36510.

PART D: SUMMARY OF ALL FINDINGS AND RECOMMENDATIONS

CHAPTER I: SUMMARY OF ALL FINDINGS

The following findings are a result of many months of extensive research and interviews with each state’s stakeholders. The first stage of the research focused on gathering Pennsylvania laws and regulations governing farm vehicles and equipment, and the opinions of Pennsylvania stakeholders. The second stage of the research focused on gathering laws and regulations governing farm vehicles and equipment and the opinions of stakeholders in Maryland, Delaware, New York, New Jersey, West Virginia, Ohio, Virginia, Texas, Michigan, and California.²¹³ The third stage of the research required putting together all findings and careful analysis of all materials. In performing the research of the states’ laws and regulations, the study group used standard research methods and analytical skills to filter the relevant provisions. To gather the opinions of states’ stakeholders, the study group prepared short surveys that were distributed to officials from relevant state agencies in each state. This experience showed that the stakeholders in Pennsylvania were eager to provide feedback and identify all possible concerns. However, stakeholders from other states were more difficult to reach and work with. The study group had to keep contacting them continuously over a period of several months in order to receive feedback from them. In fact, the study group received no feedback from any agency in some of the states.²¹⁴

1. States’ Laws and Regulations

All researched states use some definitions to describe the vehicles and equipment used by the farming communities and to regulate their use, registration, and movement on public roadways. Pennsylvania has five operative definitions and also uses the definition of “trailer” to exempt certain trailers from registration; Maryland has three operative definitions; Ohio also has three definitions; Texas has five definitions; Virginia has three definitions; West Virginia has

²¹³ To perform this extensive second-stage research, the researchers divided equally the researched states between them. Dale Page was responsible for: DE, NJ, NY, MI, and CA. Diana Mitkova Miller was responsible for: MD, OH, VA, WV, and TX.

²¹⁴ For details see Appendix F: Table Survey Response Percentage. Overall % of responses received from all ten states – 40%.

three definitions; Delaware has three definitions; New Jersey has one definition; New York has six definitions; Michigan has three definitions; California has seven definitions.²¹⁵ In addition to each state’s own definitions, some of the states use the definitions for “farmer” and “farm vehicle driver” found in the Federal Motor Carrier Safety Regulations. The research found that some of the states use the same terminology, although the contents of the definition itself differ. Pennsylvania, Maryland, and Texas all use “farm vehicle.”²¹⁶ California has a slight variation of “farm vehicle” – “farm labor vehicle.”²¹⁷ Pennsylvania, Maryland, Delaware, and New York all use “farm equipment.”²¹⁸ Pennsylvania, Texas, West Virginia, Michigan, and California all use “implements of husbandry.”²¹⁹ Almost all states, except Pennsylvania, use the terms “farm truck,” “farm tractor,” “truck tractor,” and “agricultural truck.”²²⁰

All states also have established a particular registration regime for vehicles and equipment used by farmers. Pennsylvania has established different requirements for registration and exemption from registration for farm vehicles, implements of husbandry, commercial implements of husbandry, multi-purpose agricultural vehicles, and trailers. Farm vehicles can be either exempt from registration, subject to farm vehicle registration and special registration plates, or subject to the general registration requirements. Implements of husbandry satisfying certain requirements are exempt from registration. Commercial implements of husbandry are subject to the general registration requirements. Multi-purpose agricultural vehicles are also exempt from registration, provided they satisfy the requirements in the Vehicle Code. Certain trailers determined by the Pennsylvania Department of Transportation to be used exclusively for agricultural operations are also exempt from registration. If a trailer does not fall under the exemption provided in the Code, it must be registered.

Maryland exempts from registration farm tractors and farm equipment. The Transportation Code also provides that the farm truck, farm truck tractor, farm trailer, and farm semitrailer can be registered as farm vehicles. In addition, any motor vehicle owned by a farmer and operated only on a farm can be registered as a farm area vehicle.

²¹⁵ See Appendix H: Summary Table MD OH VA TX WV and Appendix I: Summary Table DE NJ NY CA MI.

²¹⁶ See Appendix K: Common Definitions Table.

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ *Id.*

Farm vehicles and equipment in Ohio must be registered. However, there are no prorated fees for farm trucks; instead, there is a special table that lists the farm truck registration fees.

The Texas registration regime for farm vehicles and equipment is based on whether the vehicle is exempt from the commercial driver's license requirements. If the vehicle is exempt from these requirements, then the general registration requirements apply. However, there are no registration requirements for a farm trailer or semitrailer temporarily used on a highway with certain gross weight and used exclusively to transport agricultural products, and for farm trailers and semi-trailers used to transport certain products. If the vehicle is not exempt from the commercial driver's license requirements, and satisfies certain requirements, then it is subject to special registration, pursuant to which the fee to register a commercial motor vehicle as a farm vehicle is 50% of the applicable fee for the particular class of commercial vehicle. Once registered in this way, the farm vehicles are also provided distinguishing license plates.

Virginia exempts from registration, license plates, and registration fees vehicles used to spray fruit trees and other plants; vehicles used for agricultural or horticultural purposes; vehicles used for seasonal transportation of farm produce and livestock; farm machinery and tractors; vehicles owned by farmers and used to transport certain wood products; and certain vehicles transporting fertilizer, cotton, or peanuts. Farm vehicles that do not fall into one of categories of exempted vehicles, but are used exclusively for farm use, must be registered. However, the registration fee for these farm vehicles is 50% the regular registration fee and these vehicles are also issued special license plates.

West Virginia exempts from registration and licensing implements of husbandry if they are used exclusively for agricultural purposes and operated on a highway for the purpose of going between one tract of land and another, the distance not exceeding 25 miles. The implement of husbandry is required to have the words "farm use" affixed to both sides of the implement in 10-inch letters. This exemption applies also to farm machinery and tractors. In addition, a farm vehicle can obtain a farm-use exemption certificate and is required to display it on the lower driver's side of the windshield.

Delaware exempts from registration a farm motor vehicle, farm vehicle, or farm trailer from which farmers derive at least \$1,000 of their annual income from the operation of their farm, if the vehicle is used exclusively in the operation of the farm. Delaware law provides that

farm trucks can be registered as farm vehicles, paying reduced farm truck registration fees, and bearing farm truck license plates.

The only exception from the general registration requirement that New Jersey provides is for not-for-hire motor vehicles used exclusively as farm tractors, traction equipment, farm machinery or farm implements that cannot be operated at a speed greater than 20 mph.

The New York registration regime operates upon an investigation determination. An owner of a vehicle used for farming can file an application for registration of farm vehicle. Upon investigation done by a commissioner or agent, it is determined whether the vehicle satisfies the requirements. Then upon a payment of \$1, the applicant is issued a set of number plates and a certificate of registration, indicating the extent to which the vehicle may be operated on public highways.

Michigan exempts implements of husbandry from registration, license plates, and registration fees. The registration fee for farm vehicles used exclusively for farm use is determined by measuring the empty weight of the vehicles and charging a rate of 74 cents per 100 lb.

California exempts from registration implements of husbandry that are only incidentally moved on highways, vehicles that display identification plates subject to Section 5014, vehicles that require a permit under Section 35780 and are used exclusively in a farming capacity, cotton movers, specially designed farm vehicles, and vehicles that do not travel more than 20 miles to a similarly owned farm.

In addition, all states have established certain safety and size limitations for the operation of farm vehicles and equipment on public roadways. In Pennsylvania, farm vehicles exempt from registration are exempt from annual safety inspection requirements. All farm vehicles, however, must comply with the minimum safety requirements and equipment when operated on public roads. There are no height, length, width, or weight exceptions for farm vehicles. However, a person wishing to operate an oversize or overweight farm vehicle on the roads may obtain a permit from the Department of Transportation. There are no height, weight, or length exceptions for implements of husbandry. Generally, an implement of husbandry cannot be wider than 8 ft. However, if it is used between sunrise and sunset to haul vegetables or forage crops on highways other than freeways, it may be up to 11 ft wide. It may be 14 ft, 6 inches if it is driven, hauled or

towed between sunset and sunrise only from May 20 to October 15 on highways other than freeways between parts of one farm owned/operated by the owner of the implement of husbandry; farms owned or operated by the owner of the implement of husbandry located not more than 50 miles apart (non-registered) or 25 miles apart (registered); farms or a farm and a place of business of a mechanic or dealer in implements of husbandry located not more than 100 miles away for the purpose of buying, selling, trading, loaning, and leasing, demonstrating, repairing or servicing the implement of husbandry. A commercial implement of husbandry generally cannot be wider than 8 ft. However, if it is driven, hauled, or towed between sunrise and sunset on highways other than freeways, it may be 12 ft in width, including wheels and tires. Multi-purpose agricultural vehicles generally cannot be wider than 60 inches. They also must be 1,200 lb or less in dry weight. Trailers towed by vehicles other than implements of husbandry must have rear lighting if the trailer or the trailer's load obstructs the rear lights of the towing vehicle. Required lighting would include rear lights and reflectors, brake lights, turn signals and hazard warning lights that meet the standards established in the Department of Transportation regulations. Trailers over 3,000 lb gross weight must be equipped with a breakaway system allowing the trailer to stop automatically in the event it became disconnected from the towing vehicle during travel. If the trailer displays a slow-moving-vehicle emblem, the Vehicle Code prohibits operation of the vehicle at a speed greater than 25 miles per hour.

In Maryland, farm equipment temporarily moved on a highway is exempt from regulations governing size, weight, and load. Farm equipment and vehicles transporting farm equipment are exempt from width limitations. General exemptions from height and length requirements are available, and do not pertain particularly to farm vehicles and equipment. The Code provides certain exceptions from the weight requirements for vehicles or combination of vehicles transporting agricultural products. The operators of vehicles transporting certain products may also obtain permits to haul a load exceeding the weight limitations in the Code. Although Maryland requires that the beds of all vehicles transporting loose materials be fully enclosed and covered, these requirements do not apply to agricultural products in their natural state or residue developed from processing vegetable agricultural products that can be used as feed for animals and that are being transported to a farm. Farm area vehicles are exempted from these requirements.

In Ohio, vehicles driven or moved on any highway should be loaded and covered in a manner that would prevent any dropping, sifting, leaking, or escaping of their loads. However, farm vehicles used to transport agricultural produce or agricultural production materials are exempt from this requirement. Agricultural equipment designed by its manufacturer to operate at a speed greater than 25 miles per hour must display a speed identification symbol when the unit is operated on a street or highway, irrespective of the speed at which the unit is operated on the street or highway. If an agricultural tractor that is designed by the manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed greater than 25 miles per hour and is towing, pulling, or drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving-vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

In West Virginia, every farm tractor must be equipped with an electric lighting system that displays at all times a red tail lamp and either multiple-beam or single-beam head lamps. It is a misdemeanor for any person to drive or move on any highway any vehicle or combination of vehicles that are in unsafe condition or are not at all times equipped with such lamps and other equipment required by the Code. However, implements of husbandry and farm tractors are exempt from the equipment requirements.

In Texas, the width limitation does not apply to a vehicle traveling during daylight on a public highway or traveling for not more than 50 miles on a highway that is part of the national system of interstate and defense highways if the vehicle is a farm tractor or implement of husbandry; 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 to deliver the tractor or implement to a new owner, to transport the tractor or implement to or from a mechanic for maintenance or repair, or in the course of an agricultural operation.

In Virginia, the vehicle size limitations do not apply to any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural multipurpose drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business. However, any farm tractor or agricultural multipurpose drying unit wider than 108 inches that is so propelled, hauled, transported, or moved on the highway must be equipped with a safety light

of a type approved by the Superintendent of State Police. The Code prohibits any vehicle from being operated or moved on any highway unless it is loaded in a way preventing its contents from dropping, sifting, leaking, or escaping. However, this provision does not apply to any motor vehicle that is used exclusively for agricultural purposes and is not licensed in any other state; agricultural vehicle, tractor, or other vehicle exempted from registration and licensing requirements; or motor vehicle transporting forest products, poultry, or livestock.

In Delaware, the code requires that at certain weight thresholds a certain number of axles is required with an upward limit of 70,000 lb and a fee of \$100 for using this extra weight. The Code exempts vehicles from this weight requirement if they are being moved temporarily on the highways, the move is related to the farmer's agriculture practice, and the farmer accepts liability for damages.

In New Jersey, farm equipment temporarily moved on a highway is exempt from the regulations governing size, weight, and load. Farm equipment and vehicles transporting farm equipment are exempt from the width limitations, but are required to display warning flags. Additionally, there are temporal restrictions placed on this travel.

In New York, there is a distance limitation of 25 miles for operating vehicles between fields, buildings, and facilities managed or operated as part of a single farm enterprise in connection with the production, harvesting, processing or marketing on that farm of crops, livestock, or livestock products produced on that farm; or for the purpose of transporting materials from a farm to the nearest available municipal sanitary landfill; or for the purpose of transporting the motor vehicle, trailer or semitrailer to a motor vehicle repair shop licensed pursuant to this chapter for the repair or adjustment of equipment.

In Michigan, a farm vehicle weighing 10,000 lb or more may travel up to 55 mph in general circumstances and 35 mph in special circumstances. Implements of husbandry that exceed 96 inches in width are exempted from the width limitations provided that they are moved in a manner that minimizes traffic problems, and wide loads may not be moved on the highways between ½ an hour after sunset and ½ an hour before sunrise. Farm vehicles are exempt from covering their loads provided that the actual product does not fall out and that it does not interfere with the traffic on the road.

In California, width requirements do not apply to implements of husbandry when incidentally operated on a road. Length requirements generally do not apply to implements of

husbandry. Height requirements do not apply to implements of husbandry incidentally operated on the public roads. The Vehicle Code specifies that farm tractors shall display an identification plate and are not exempted from the provisions of Sections 24400 and 25100 when operating after dark. Additionally, any implement of husbandry that cannot stop within 32 ft from an initial speed of 15 mph shall not be operated in excess of the speed that makes it impossible to stop within 32 ft.

2. Feedback from Stakeholders

The study group prepared and distributed short surveys to officials from the Departments of Motor Vehicles, the Departments of Agriculture, the Farm Bureaus, and the State Police in each of the researched states in an attempt to gather their opinions regarding the efficiency of the existing laws and regulations governing farm vehicles. The most important concerns identified in the responses are summarized below.

In Pennsylvania, the received responses indicate that the main concerns are regarding clarity of the current definitions; lack of examples illustrating the definitions; lack of sufficient knowledge and understanding on the part of law enforcement personnel and Department of Transportation personnel regarding farm equipment and farming practices; the fact that farmers are using equipment that either does not fall in either of the definitions, or cannot be registered due to certain specifics; the limitations on the travel distance imposed on farm vehicles and implements of husbandry; the size limitations imposed on implements of husbandry and multi-purpose agricultural vehicles; the requirement for covering loads to prevent escaping or spilling of materials; the safety of farm vehicles on the road; the practical difficulties in identifying what type of vehicle the vehicle has been registered as; and finally, the fact that all farm-related provisions and exemptions are spread throughout the Vehicle Code. Some of the responses indicate that the problems are purely definitional and can be solved by changing the current definitions; others indicated that the problems are educational, and that simple change in the definitions will not provide a solution. However, all of the responses agree the lack of clarity in the definitions ultimately creates problems for the registration personnel in the Department, law enforcement, and the farming community.

In Virginia, the responses indicate that the sections in the Virginia Code concerning farm vehicles appear to adequately address the scope and purpose for the operation of such

equipment. Some of the responses indicate that the lack of enforcement is a problem, as it may create more liability and higher insurance costs and claims. In addition, while the license exemption for farm tractors may be creating an increased risk from an insurance standpoint, from the farming community's perspective it is well placed. No need for amendments in the provisions of the Vehicle Code governing farm vehicles and equipment has been indicated.

In Texas, the responses indicate that the issue of farm vehicle classifications and vehicles operated under reduced registration fees has been a point of concern, as the proper use of such vehicles is frequently in question. However, the problem is not so much with the enabling statute or statute definitions, but rather with the difficulty of enforcing proper operation of vehicles displaying farming plates. The responses also indicate that the Texas statutes as currently written adequately serve the purpose for which they are intended.

In Ohio, the responses indicate that after the adoption of the new law, which removed the 25 mph speed limitation for farm machinery, the current definitions are adequate. Some of the responses suggest that the definition of farm truck should allow the truck to be operated by a farmer's employee or agent, not only the farmer. Other responses suggest that the legislature should consider changing "implements of husbandry" to "farm machinery." Finally, the responses indicate that Ohio laws governing farm vehicles and equipment are up-to-date and complete, and no need for amendments has been identified.

In West Virginia, the responses indicate that the definition of "farm use vehicle" is unclear. It does not explain what exactly a "farm use vehicle" is, and whether it is insured as a piece of farm equipment, or as a motor vehicle. The responses also indicate as a problem the fact that the current definitions do not include all-terrain vehicles as implements of husbandry. However, the responses indicate that this problem can be solved by a simple change in the definitions. Additionally, some of the responses indicate that acquiring the "farm use" sticker is sometime subject to abuse, but acquiring it from the assessor helps limit the abuse. No further need for amendments has been identified.

In Maryland, some of the responses indicate as a main concern the fact that the current definitions are scattered in too many sections through the Transportation Code and suggest that this can be solved by consolidation of the definitions. Other responses indicate that the rules applied to interstate operation should also be applied to intrastate operation. Still other responses indicate as most common concerns the weight violations committed by farm vehicles and

equipment and the many exceptions provided for them. The responses indicate as a concern the overall condition of farm vehicles and equipment and the farmers' impression that they are exempt from nearly everything pertaining to their operations. Additional responses indicate that the mileage that a farm area registered vehicle can operate should be extended.

The attitude of the officials interviewed from New York toward their vehicle legislation was one of general acceptance. For the most part, New York was generally satisfied with their farm vehicle legislation. Many of the suggestions for change involved fairly minor changes to the definitions of the various vehicles. An example of this would be a suggested change from "used exclusively" to "used predominantly" to reflect the occasional non-farm use of the vehicles. Concerning the exemptions provided to farm vehicles, the officials interviewed advocated expansion of the exemptions to include vehicles under 26,000 lb. The individuals do not feel simple definitional changes will suffice.

In New Jersey there was a difference of opinion with regard to the officials interviewed, this difference mainly revolved around the definitions present in the Code. One side felt that the definitions were not adequately descriptive of the vehicles in use today in New Jersey. Additionally, they felt that the definitions did not take into consideration the changes that have taken place over time in the farm industry. The other side felt that the definition was sufficiently broad to cover most of the vehicles used on the public roads in New Jersey. Instead, they focused on the lack of education that was provided to inform them of the definitions. Obviously, one group felt that simple changes in definition would solve the problems they mentioned, while the other group felt that no change was necessary.

Unlike New Jersey, the officials interviewed in Michigan had a similar opinion as to what the problems they perceived were with their vehicle legislation. Both agreed that the major problem was found in the definitions, but more specifically, the problem stemmed from the silence of the definitions as to use versus design of the vehicles. In other words, was the vehicle *designed* to be a farm vehicle, or is it being *used* as a farm vehicle, and in which case or both cases is it exempted? Further concerns echoed other states in that the officials felt that the definitions were antiquated and did not sufficiently take into consideration the evolution of the farm industry over that time, as well as an inadequate definition of the term "incidentally operated." The officials felt that simple definitional changes would solve these problems.

CHAPTER II: RECOMMENDATIONS

Based on the findings from the research conducted in Pennsylvania and the 10 other states, and the major concerns identified with the surveys, the study group would like to make the following recommendations. In its evaluation and conclusions, the study group has made a concerted effort to remain objective and impartial, to keep in mind the extremely important role of agriculture and farming in Pennsylvania's economy, and to find a way to preserve the interests of all stakeholders involved.

1. Legislative Recommendations

a. Consolidation of Provisions

Consolidation and organization of all existing provisions regarding farm vehicles and equipment into a separate section in the Vehicle Code can solve some of the current problems. The title of the section can be "Farm Vehicles" and can include the current definitions for farm vehicles, implements of husbandry, commercial implements of husbandry, farm equipment, multi-purpose agricultural vehicles, and trailers (farm trailers), registration, exemption from registration, inspection and safety requirements, and size limitations. Consolidation of the provisions will facilitate an easier and better understanding for law enforcement personnel regarding farm vehicles and equipment.

b. Clarification of Current Definitions

The Pennsylvania Department of Transportation should consider issuing a regulation or guideline that provides clarification on terms and phrases that have been identified in the surveys as not sufficiently clear, such as: "infrequently operated on the road," "incidentally moved upon the road," "used exclusively for agricultural purposes." In the regulation or guideline the Department can explain what is considered "infrequently," "incidentally," or "used exclusively." The Department can also add to the regulation or guideline any other term or definition related to agriculture that is important in the farm vehicle context. For example: "agricultural product," "agricultural supplies," "agricultural commodity," "agricultural operation."

In addition, as many of the interviewed stakeholders have complained that the phrase “...and any other vehicle determined by the Department...” is vague, the Department can include in the regulation or guideline all vehicles that have been determined to be implements of husbandry, commercial implements of husbandry, and farm equipment. Additionally, the Department can also include clarification as to the criteria used to make this determination. Finally, the Department can also include in the regulation or guideline examples of vehicles illustrating each definition.

c. Change in Travel Distance Limitations

The travel distance limitation in § 1302(10)(i)(C) can be changed from 25 miles to 50 miles for farm vehicles that qualify as a motor carrier vehicle and display a currently valid certificate of inspection.²²¹

d. Change in Secure Load Requirements

Section 4903(e) of the Vehicle Code can be amended to exclude from the scope of the secure load requirements the falling or escaping of pieces of plant material from vehicles transporting harvested forage crops to storage facilities, provided that such escape does not cause road hazard.²²²

e. Farm Vehicle Plates

Farm vehicles bearing farm registration plates can be considered duly registered for purposes of § 1301,²²³ notwithstanding the commission of any violation under § 1344.²²⁴

f. Width of Registration-Exempt Trailers

The width limitations for trailers that are exempt from registration can be adjusted to match the width limitations for implements of husbandry.

²²¹ 75 Pa.C.S § 1302(10)(i).

²²² 75 Pa.C.S § 4903(e).

²²³ 75 Pa.C.S § 1301.

²²⁴ 75 Pa.C.S § 1344.

2. Practical Recommendations

The introduction of identification plates or stickers for registration-exempt farm vehicles and equipment should be considered. The identification plate or sticker can be provided by the Department at a minimal charge. The identification plates or stickers should be for “farm vehicle,” “implement of husbandry,” and “multi-purpose agricultural vehicle.” In addition to the type of vehicle indicated on the identification plate or sticker, the plate or sticker should also contain the term “registration exempt.” The plate or sticker can be affixed to the front, back, or sides of the vehicle (depending on the type of vehicle) and should be easily visible from a distance.

3. Educational Recommendations

a. State Police

Training for law enforcement personnel by representatives from the Department of Motor Vehicles and the Department of Agriculture should be considered. The goal of the training should be twofold. On one hand, it should facilitate a better understanding of farming practices, farm vehicles, equipment, and technology that farmers are using nowadays. On the other hand, it should facilitate a better and easier understanding of the provisions in the Vehicle Code relating to farm vehicles and equipment.

For the purpose of this training, representatives of the Department of Motor Vehicles and the Department of Agriculture could develop a small booklet. Part of the booklet should contain a comprehensive and concise description of the farming community in Pennsylvania, the farming practices they engage in, and the most commonly used vehicles and equipment (it would be helpful if pictures, description of purpose, and dimensions are included as well). Another part of the booklet should contain a comprehensive and concise description of what are farm vehicles, implements of husbandry, commercial implements of husbandry, multi-purpose agricultural vehicles (it would be helpful if examples illustrating each category are provided); how farm vehicles and equipment are registered; what documents need to be provided for registration; which vehicles and equipment are exempt from registration; what limitations are imposed on registration-exempt vehicles and equipment; which vehicles are subject to farm vehicle registration; what limitations are imposed on vehicles bearing farm vehicle registration plates; what are the safety and inspection requirements for all farm vehicles and equipment; and what

are the size limitations for all farm vehicles and equipment. Finally, another part of the booklet can contain information on why certain vehicles and equipment used by farmers cannot be registered (do not fit any of the current definitions; lack a vehicle identification number; lack other necessary documentation, etc.); why sometimes farmers cannot comply with the secure load requirements; and finally, what law enforcement officers should do when presented with such cases.

b. Farmers

The preparation of a small informational booklet for farmers by the Department of Transportation, the Department of Agriculture, and the State Police should be considered. The booklet should include clear, concise information regarding everything farmers need to know about how to register their vehicles and equipment; under what classification they can register their vehicles and equipment; what documents they need to provide to register the vehicles and equipment; which of their vehicles and equipment can be exempt from registration; what limitations are imposed on the travel distance and time of day their exempt vehicles can be operated; which vehicles can bear farm vehicle registration plates and what are the limitations associated with these plates; what are the inspection requirements that farmers must comply with; what are the safety requirements that farmers must comply with (speed, lighting, brakes, loads, distance, time of day, etc.); what are the size limitations for farm vehicles, implements of husbandry, commercial implements of husbandry, multi-purpose agricultural vehicles, and trailers; what are the exemptions from the size limitations; what oversize permits are available and how they can be obtained; what farmers can be fined for; the amounts of the fines; and how fines can be avoided (compliance).

While some of this information may already be available online or in other publications, it is safe to assume that some of the farmers engaged in small-scale family farming do not have the time or resources to research information online. It appears that a large number of road violations committed by farmers may be due to insufficient knowledge and understanding of the law governing farm vehicles movement and registration. The preparation and distribution of this informational booklet may facilitate a better understanding of the vehicle laws by farmers and help reduce the number of violations. The institutions involved in the preparation of the booklet should make it readily available to farmers, and may consider including a telephone directory

with phone numbers from the Department of Transportation, the Department of Agriculture, and the State Police, that farmers can call if they have questions or problems.

c. Department of Transportation

The Department of Transportation may consider creating a task force for reaching out, consultation, and cooperation with the Department of Agriculture and the State Police in cases where problems in the area of farm vehicles are identified.

CONCLUSION

The information gathered from out-of-state and Pennsylvania stakeholders, along with the major concerns expressed by each stakeholder, was combined and analyzed to prepare an objective and impartial report. The main objective of the study and this report is to assist in solving problems arising out of the use, movement and registration of farm vehicles in Pennsylvania, to preserve the interests of all stakeholders involved, and to preserve the major role of farming and agriculture in Pennsylvania's economy.

APPENDIX A FOR FINAL REPORT

INTERSTATE FARM VEHICLE STUDY

TASK 1: COMMONWEALTH STATUS DRAFT SUMMARY

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION BY
PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE AND DIANA MILLER**

DATE: 3/7/2008

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INTRODUCTION

In the past several years, advocacy groups and trade organizations associated with agricultural operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Pennsylvania Department of Transportation (PennDOT) has contracted with The Penn State Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The first part of the study focuses on the current status of the Pennsylvania laws regulating the operation and use of farm vehicles and equipment. The second part of the study investigates how the operation and use of agricultural vehicles is regulated in neighboring jurisdictions. Finally, a comprehensive assessment was performed to determine whether Pennsylvania laws and regulations have kept pace with the advancements in farming practices and needs.

As part of the first task of the study, a draft report prepared by the project research assistants reflects the current situation in the Commonwealth with respect to agricultural vehicles and equipment. The draft report is divided into two parts. The first part provides a summary of the provisions in the Pennsylvania Vehicle Code, and other regulations, which provide definitions and guidance for the registration, operation, use, and size of agricultural vehicles and equipment. The second part includes a summary of all responses provided to the survey prepared by the researchers as part of the first task of the study. The survey was distributed to officials at PennDOT, the Pennsylvania Department of Agriculture, the Pennsylvania Farm Bureau, PennAg Industries Association, the Pennsylvania State Police, and the Pennsylvania State Association of Township Supervisors.

As a separate part of the draft report, the researchers have included an appendix containing the original survey distributed to all agencies and the original responses to the survey provided by each agency.

CURRENT LAWS GOVERNING THE USE OF AGRICULTURAL VEHICLES IN PENNSYLVANIA¹

The use of agricultural vehicles and equipment is governed by provisions of the Pennsylvania Vehicle Code², state regulations issued by the Pennsylvania Department of Transportation³, and federal regulations governing the interstate operation of vehicles.⁴

I. Farm Vehicle

1. Definition

Farm vehicle is defined in the Vehicle Code as a truck or truck tractor determined by the Department of transportation to be used exclusively for agricultural purposes.⁵ To be a “farm vehicle” the vehicle must be a truck or truck tractor. Automobiles and other vehicles may not qualify as a “farm vehicle.” All trucks and truck tractors, including farm vehicles, are required to have certificate of title.⁶

2. Registration

In order for a vehicle to become a “farm vehicle” it must receive a farm vehicle registration or a certificate of exemption from the PA Department of Transportation. To obtain a farm vehicle registration or certificate of exemption, the owner or operator of the farm vehicle needs to complete and file form MV 77 with the Department of Transportation, along with the appropriate registration or administration fee.⁷

¹ To prepare this part of the Draft Report, the Pennsylvania State University Research Assistants have largely relied on variety of materials and sources generously provided by Mr. John Bell, Governmental Affairs Counsel for the Pennsylvania Farm Bureau.

² 75 Pa.C.S. § 101 (2006).

³ 67 Pa. Code § 1.1 (2007).

⁴ 49 CFR § 1.1 (2007).

⁵ 75 Pa.C.S § 102.

⁶ 75 Pa.C.S § 1101.

⁷ Available online at: www.dmv.state.pa.us/pdotforms/mv_forms/mv-77.pdf Last accessed on 9/12/2007.

There are three categories of farm vehicle registrations: (i) exemption from registration, (ii) registration as a farm vehicle, and (iii) general registration.

i. Registration Exemption

a. *Type I Farm Vehicles*⁸

Type I vehicles are those vehicles used exclusively on a farm which is owned or operated by the owner of the vehicle. A Type I vehicle may either be (1) a vehicle with a gross weight or registered gross weight of no more than 17,000 lbs, or (2) a motor carrier vehicle bearing a valid annual certificate of inspection.⁹ A Type I non-motor carrier vehicle may only be driven from sunrise to sunset. A Type I motor carrier vehicle that bears a valid certificate of inspection, may be driven without any restriction as to the time of day.

Type I vehicles may only be driven between (a) parts of a farm, (b) farms located not more than 25 miles apart, (c) a farm and a place of business located within 25 miles of that farm for the purpose of buying or selling agricultural commodities or supplies, or (d) a farm and a place of business within 50 miles for the purpose of repair or servicing the farm vehicle.

b. *Type II Farm Vehicles*¹⁰

A Type II registration exempt vehicle is a motor carrier vehicle which is used exclusively on a farm owned or operated by the owner of the vehicle but does not bear a valid certificate of inspection. A Type II vehicle can only be driven on the highway from sunrise to sunset and between (a) parts of a farm, (b) farms located not more than 10 miles apart, (c) a farm and a place of business not more than 10 miles apart for the purpose of buying or selling agricultural commodities, or (d) a farm and a place of business 25 miles apart for the purpose of service and repair.

⁸ 75 Pa.C.S § 1302(10)(i).

⁹ 75 Pa.C.S § 102.

¹⁰ 75 Pa.C.S § 1302(10)(i).

While Type I and Type II vehicles are exempt from registration, the PA Vehicle Code requires that owners of Type I or Type II vehicles obtain a biennial certification of exemption.¹¹ The vehicle code also requires that registration-exempt vehicles maintain the minimum levels of liability insurance.¹²

ii. Registered Farm Vehicles

If the vehicle does not qualify as a Type I or Type II vehicle, it must be registered. However, it can be registered as a farm vehicle bearing special farm vehicle registration plates, if it meets certain requirements.¹³ To qualify, the vehicle may be operated only on a farm or farms owned or operated by the registrant of the vehicle and upon highways between: (a) parts of the farm; (b) the farm and a place of business for the purpose of buying or selling supplies, for the examination of an applicant for a driver's license, or for the inspection, repair, or servicing of the vehicle; or (c) a place of business and a place of delivery following the sale of the owner's agricultural commodities by an auctioneer, and the delivery is made in the same farm vehicle that delivered the commodities to the place of business.¹⁴

There are no distance limitations for registered farm vehicles. Any farm vehicle not exempt from the registration requirement may be registered for only the months of the year that it is in use. To be eligible, the vehicle must have a gross vehicle weight rating of less than 9,000 pounds. Insurance is not required for the months of the year the vehicle is not registered.¹⁵

iii. General Registration

A vehicle that does not qualify for farm vehicle registration or registration exemption must comply with the Pennsylvania Department of Transportation's general registration requirements.¹⁶

¹¹ 75 Pa.C.S § 1302(10)(iii).

¹² 75 Pa.C.S § 1302(10)(iv).

¹³ 75 Pa.C.S § 1344(a).

¹⁴ *Id.*

¹⁵ 75 Pa.C.S § 1307(a.1).

¹⁶ 75 Pa.C.S § 1301(a).

3. Inspection and Safety Requirements

A farm vehicle exempt from registration is exempt from annual safety inspection requirements, unless the vehicle qualifies as a Type I vehicle and has a gross weight or gross vehicle weight rating greater than 17,000 lbs.¹⁷ Regardless of whether an exempt farm vehicle is subject to periodic inspection, the following minimum safety requirements and equipment must be met while the vehicle is operated on public roads:

- Rear Reflectors,
- Brake lights,
- Adequate braking system,
- Tires in safe operating condition,
- Rear wheel shields to bar substances from being thrown from the rear wheels at tangents exceeding 22.5 degrees from the road surface,
- Rear view mirror,
- Horn, and
- Functional exhaust and muffler system.¹⁸

4. Size Limitations

*a. Height*¹⁹

No vehicle, including farm vehicles, may exceed 13 feet 6 inches in height.

b. Width

A single vehicle may not exceed a width of 8 feet, except for some farm vehicles.²⁰ A vehicle carrying vegetable produce or forage crops, which does not exceed a width of 11 feet can be driven, hauled or towed between sunrise and sunset.²¹ A vehicle used exclusively for highly perishable crops which does not exceed a width of 14 feet six inches may be operated on

¹⁷ 75 Pa.C.S § 4703.

¹⁸ 75 Pa.C.S §§ 4301-4536.

¹⁹ 75 Pa.C.S § 4922(a).

²⁰ 75 Pa.C.S § 4921(a).

²¹ 75 Pa.C.S § 4921(b)(1).

highways other than freeways between May 20 and October 15 of the same year, but the vehicle must be equipped with two rotating yellow beacons and have its hazard lights flashing.²² Regardless of these exceptions, all vehicles are still subject to width restrictions for particular roads or bridges.

c. Length

No individual motor vehicle, including farm vehicles, may exceed a length of 40 feet, including load and bumpers.²³ For a combination consisting of a tractor and one or two trailers, the length of a single trailer may not exceed 53 feet, provided the distance between the kingpin of the trailer and the centerline of the rear axle or axle group does not exceed 41 feet.²⁴ The length of each double trailer shall not exceed 28½ feet.²⁵ There is no exception for farm vehicles.

d. Projecting Load Limitations

The load on any individual vehicle or the front vehicle of a combination may not extend more than three feet beyond the front of the vehicle nor more than six feet beyond the rear.²⁶ If a load extends more than 4 feet beyond the rear, a red flag or cloth of not less than 12 inches square, or a red light if at night, must be attached to the projecting load.²⁷ Projecting loads are also limited to the length restrictions imposed on the entire vehicle. No load may be projected in a manner that will cause the vehicle or combination to exceed the maximum total length allowed for vehicles and combinations.²⁸ However, projecting load limitations are not applicable to vehicles transporting live trees for planting.

²² 75 Pa.C.S § 4921(b)(2).

²³ 75 Pa.C.S § 4923(a)(1).

²⁴ 75 Pa.C.S § 4923(b.1)(1).

²⁵ *Id.*

²⁶ 75 Pa.C.S § 4924(a).

²⁷ 75 Pa.C.S § 4924(b).

²⁸ 75 Pa.C.S § 4924(c).

*e. Weight Limitations*²⁹

Every truck shall have its own registered gross weight based on the gross vehicle weight rating assigned by the manufacturer and an equivalent weight rating determined by the Pennsylvania Department of Transportation based on axle and wheel strength, horsepower, braking power and other factors affecting the ability of the vehicle to handle heavier loads.

No truck can be operated with a gross weight in excess of its registered gross weight. For a truck-trailer combination with a trailer having a registered gross weight over 10,000 pounds at full loading capacity, the pulling truck must be registered at a weight equal to the weight of the combination of the truck and trailer at full trailer load capacity.

The owner of a trailer with a gross vehicle weight rating over 10,000 lbs. has the option to reduce the registered gross weight of the trailer to 10,000 without the obligation to increase the registered gross weight of the pulling truck. The actual weight of the trailer however, may not exceed the registered gross weight of the trailer. Trucks whose gross vehicle weight ratings fall within the weight ranges of Classes 1 through 4 may be registered at the highest gross or combination weight assigned for the class in which the truck falls.³⁰ Therefore a truck:

- with a gross vehicle weight rating of 5,000 lbs. or less (Class 1) can be registered at 5,000 lbs.
- with a gross vehicle weight rating of 5,001- 7,000 lbs (Class 2) can be registered at 7,000 lbs.
- with a gross vehicle weight rating of 7,001-9,000 lbs. (Class 3) can be registered at 9,000 lbs.
- with a gross vehicle weight rating of 9,001-11,000 lbs. (Class 4) can be registered at 11,000 lbs.

The gross maximum weight of any individual vehicle, including farm vehicles, is 80,000 pounds. The gross maximum weight of any combination is 80,000 pounds. These limits are subject to the registered gross weight of the vehicle, requirements regarding axle weight, and requirements regarding wheel load. Vehicles are also subject to any weight restrictions applied to

²⁹ 75 Pa.C.S §§ 4941-4949.

³⁰ 75 Pa.C.S § 1916(b).

particular roads or bridges. In order to be operated outside the above limits, a vehicle needs a permit from the Pennsylvania Department of Transportation.

5. Registration Fees³¹

The fees for the certificates of exemption are \$24 for a Type I non-MCV, \$100 for a Type I MCV, and \$50 for a Type II farm vehicle. The annual fee for a farm vehicle registration is \$76.50, or one-third of the regular fee, whichever is greater.

II. Implements of Husbandry

1. Definition

Implement of Husbandry is defined in the Vehicle Code as farm equipment, that is equipped with pneumatic tires - except if prohibited by religious beliefs; is infrequently operated or moved upon highways; and is used in the performance of agriculture production or harvesting activities for the farmer's agricultural operations; or for transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation. The term also includes earthmoving equipment and any other vehicle determined by the Pennsylvania Department of Transportation to be an implement of husbandry.³² Typical examples of what would qualify as implement of husbandry are farm tractors and combines.

Farm equipment is defined in the Vehicle Code as a vehicle that is specifically designed, manufactured for, and used exclusively in agriculture to plant, seed, cultivate, harvest, or to apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the Pennsylvania Department of Transportation to be farm equipment.³³

³¹ 75 Pa.C.S § 1924.

³² 75 Pa.C.S § 102.

³³ *Id.*

2. Registration

a. Exemption from registration

An implement of husbandry is exempt from registration if it is operated on roads that adjoin the implement owner's farm,³⁴ roads between the implement owner's farms located not more than 25 miles apart,³⁵ or roads between the implement owner's farm and a place of business within a radius of 25 miles of the farm for the purpose of buying or selling agricultural commodities or supplies or for the purpose of repairing or servicing the implement.³⁶

b. Registered Implements of Husbandry

Implements of husbandry not meeting the above criteria may have to be registered to be operated on a highway. Also, implements of husbandry that are used for-hire to perform custom farm services for other farms are subject to registration.

3. Inspection and Safety Requirements

Implements of Husbandry are exempt from annual safety inspection requirements unless the implement of husbandry is registered and determined by the Pennsylvania Department of Transportation to have a truck body type.³⁷ Implements of husbandry are also exempt from requirements to have a rearview mirror.³⁸ If not equipped by the original manufacturer, implements of husbandry are not required to have a horn,³⁹ or front or rear bumpers.⁴⁰

Lighting equipment is not required for implements of husbandry operated between sunrise and sunset, or during periods other than periods of reduced visibility.⁴¹ However, during

³⁴ 75 Pa.C.S § 1302(2)(i).

³⁵ 75 Pa.C.S § 1302(2)(ii).

³⁶ 75 Pa.C.S § 1302(2)(iii).

³⁷ 75 Pa.C.S § 4703(b)(2).

³⁸ 75 Pa.C.S § 4534.

³⁹ 75 Pa.C.S § 4535(c).

⁴⁰ 75 Pa.C.S § 4536.

⁴¹ 75 Pa.C.S § 4303(e); 67 Pa. Code § 175.225.

nighttime hours and periods of reduced visibility, implements of husbandry must meet the lighting requirements prescribed in state regulations. The regulations require two headlights controlled by a dimmer switch, one amber reflector or reflective tape at least 3 square inches in area, one red reflector or reflective tape at least 3 square inches in area, and a flashing hazard lamp system with either one double-faced lamp warning with amber to the front on each side of the vehicle or two amber lamps on the front and red lamps on the rear of the vehicle.⁴² An implement of husbandry transporting highly perishable crops during nighttime hours for processing must also have and use two rotating yellow beacons.⁴³

Vehicles towed by an implement of husbandry between sunrise and sunset are not required to have rear lighting, if the implement is properly displaying a slow moving vehicle emblem on the rear of the implement.⁴⁴

Implements of husbandry and other vehicles designed to be operated at 25 miles per hour or less must also display a slow moving vehicle emblem on the rear of the vehicle.⁴⁵ If the implement is towing a trailer or other vehicle and the slow moving emblem on the rear of the implement is not clearly visible to those approaching from the rear, a slow moving vehicle emblem must also be placed on the rear of the towed vehicle.⁴⁶

4. Size Limitations⁴⁷

An implement of husbandry generally cannot be wider than eight feet. However, if it is used between sunrise and sunset to haul vegetables or forage crops on highways, other than freeways, it may be up to eleven feet wide. It may be 14 feet, 6 inches if it is driven, hauled or towed between sunset and sunrise only from May 20 to October 15 on highways other than freeways between (1) parts of one farm owned/operated by the owner of the implement of husbandry; (2) farms owned or operated by the owner of the implement of husbandry located not

⁴² *Id.*

⁴³ 75 Pa.C.S § 4307(e).

⁴⁴ 75 Pa.C.S § 4905(e).

⁴⁵ 75 Pa.C.S § 4529(a).

⁴⁶ 75 Pa.C.S § 4529(c).

⁴⁷ 75 Pa.C.S § 4921(b)(2).

more than 50 miles apart (non-registered) or 25 miles apart (registered); (3) farms or a farm and a place of business of a mechanic or dealer in implements of husbandry located not more than 100 miles away for the purpose of buying, selling, trading, loaning, and leasing, demonstrating, repairing or servicing the implement of husbandry.

5. Registration Fees⁴⁸

The annual fee for an implement of husbandry that does not meet the exemption requirements is \$18.

III. Commercial Implements of Husbandry

1. Definition

Commercial implement of husbandry is defined in the Vehicle Code as an implement of husbandry that is a self-propelled vehicle, is used commercially, and is operated or moved upon highways for not more than 180 days in a calendar year. The term also includes any other vehicle determined by the Pennsylvania Department of Transportation to be a commercial implement of husbandry.⁴⁹

2. Inspection and Safety Requirements

There is an annual inspection requirement for registered commercial implements of husbandry of 17,000 lbs. or less, and a semi-annual inspection requirement for registered commercial implements of husbandry of 17,001 lbs. or more.⁵⁰

A commercial implement of husbandry operated exclusively between the hours of sunrise and sunset and not during periods of reduced visibility or insufficient illumination is exempt

⁴⁸ 75 Pa.C.S § 1922.

⁴⁹ 75 Pa.C.S § 102.

⁵⁰ 75 Pa.C.S § 4702(a).

from lighting requirements.⁵¹ However, the vehicle must display a slow moving vehicle emblem. Otherwise, the vehicle must meet all general lighting inspection requirements.⁵² Vehicular hazard signal lamps must be used when the vehicle is travelling below the minimum speed limit on any highway, and the vehicle is not equipped with a rear bumper.⁵³

3. Size limitations⁵⁴

A commercial implement of husbandry generally cannot be wider than eight feet. However, if it is driven, hauled, or towed between sunrise and sunset on highways other than freeways, it may be twelve feet in width, including wheels and tires.

4. Registration Fees⁵⁵

The registration fee is \$76.50 or half the regular registration fee, whichever is greater per year.

IV. Multi-Purpose Agricultural Vehicles

1. Definition

Multi-purpose agricultural vehicle is defined in the Vehicle Code as a motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight, used exclusively for agricultural operations and only incidentally operated or moved upon the highways.⁵⁶ If, for example, the vehicle is also used for recreational purposes, it does not meet the definition as a multi-purpose agricultural vehicle.

⁵¹ 75 Pa.C.S § 4303(e).

⁵² 75 Pa.C.S § 4303.

⁵³ 75 Pa.C.S § 4305.

⁵⁴ 75 Pa.C.S § 4921.

⁵⁵ 75 Pa.C.S § 1933.

⁵⁶ 75 Pa.C.S § 102.

2. Registration

Multi-purpose agricultural vehicles are exempt from vehicle registration if they are operated on farms owned or operated by the owner of the vehicle, on roads that immediately adjoin the vehicle owner's farm, or between farms of the vehicle owner that are located not more than 2 miles apart.⁵⁷

3. Inspection and Safety Requirements

There is no inspection requirement for multi-purpose agricultural vehicles.⁵⁸ Vehicles used exclusively for highly perishable crops for processing, operating only between May 20 to October 15, and between sunset and sunrise, must have two rotating yellow beacons and vehicular hazard signal lamps while travelling on highways other than freeways.⁵⁹

4. Size Limitations

Multi-purpose agricultural vehicles generally cannot be wider than 50 inches. They also must be 600 pounds or less in dry weight.

V. Trailers

1. Definition

Trailers are defined in the Vehicle Code as vehicles designed to be towed by a motor vehicle.⁶⁰

⁵⁷ 75 Pa.C.S § 1302(17).

⁵⁸ 75 Pa.C.S § 4702.

⁵⁹ 75 Pa.C.S § 4305.

⁶⁰ 75 Pa.C.S § 102.

2. *Registration*

The fact that a towing vehicle is exempt from registration does not automatically exempt the towed trailer from registration. The Vehicle Code requires all trailers to be registered, unless they are specifically exempt from registration.⁶¹

a. Exemption from Registration

The Vehicle Code provides an exemption from registration for certain trailers used in farming operations. However, in order for the trailer to be exempt, the Pennsylvania Department of Transportation must determine whether the trailer is exclusively used for agricultural operations.⁶² The Pennsylvania Department of Transportation has determined by regulation that farm wagons, field equipment and vehicles designed to haul and apply fertilizers and insecticides during daylight hours and not operated more than 25 miles per hour are exclusively used in agriculture.⁶³ In all other cases, the Pennsylvania Department of Transportation has to specifically determine whether an individual trailer is exclusively used in agriculture and therefore exempt from registration.

Farm trailers exempt from registration may only be operated on roads that adjoin the trailer owner's farm,⁶⁴ roads between the trailer owner's farms located not more than 25 miles apart,⁶⁵ or roads between the trailer owner's farm and a place of business within a radius of 25-miles of the farm for the purpose of buying or selling agricultural commodities or supplies or for the purpose of repairing or servicing the trailer.⁶⁶

The Vehicle Code also exempts from registration any trailer to be used primarily for off-highway use and only operated incidentally upon the highway.⁶⁷

⁶¹ 75 Pa.C.S § 1301(a).

⁶² 75 Pa.C.S § 1302(2).

⁶³ 67 Pa. Code § 11.2.

⁶⁴ 75 Pa.C.S § 1302(2)(i).

⁶⁵ 75 Pa.C.S § 1302(2)(ii).

⁶⁶ 75 Pa.C.S § 1302(2)(iii).

⁶⁷ 75 Pa.C.S § 1302(11).

b. Registered Trailers and Registration Fees

If the trailer does not fall under the exemption provided by the Vehicle Code, it must be registered annually. The registration fee for trailers is \$6 for trailers registered at 3,000 pounds gross weight or less, \$12 for trailers registered between 3,001 and 10,000 pounds gross weight, and \$27 for trailers registered at greater than 10,000 pounds gross weight.⁶⁸ Owners of trailers registered at 10,000 pounds or less may obtain a 5-year registration for the trailer at 5 times the annual fee.⁶⁹ Owners of trailers registered at greater than 10,000 pounds may obtain a permanent registration for the trailer at a fee of \$135.⁷⁰

3. Inspection and Safety Requirements

Registered trailers are subject to periodic inspections. They are also required to display a valid inspection sticker.⁷¹ However, an exemption from periodic inspection is provided to trailers with a registered gross weight of 3,000 pounds or less.⁷²

Trailers towed by vehicles other than implements of husbandry must have rear lighting, if the trailer or the trailer's load obstructs the rear lights of the towing vehicle.⁷³ Required lighting would include rear lights and reflectors, brake lights, turn signals and hazard warning lights that meet the standards established in the Department of Transportation regulations.⁷⁴

If the trailer is connected to a ball-and-socket hitch or a pintle hook without a locking device, two safety chains must also be used to link the trailer with the towing vehicle. The chains must be of equal length, and the chain's strength must be at least equal to the gross weight of the trailer. The chains must be connected in a crossed pattern, must be connected in a manner that prevents the tow bar from going to the ground in the event the bar becomes disconnected

⁶⁸ 75 Pa.C.S § 1920(a).

⁶⁹ 75 Pa.C.S § 1920(b).

⁷⁰ 75 Pa.C.S § 1920(c).

⁷¹ 75 Pa.C.S § 4703(a).

⁷² 75 Pa.C.S § 4703(b)(5).

⁷³ 75 Pa.C.S § 4905(e).

⁷⁴ 75 Pa.C.S § 4303(b),(c).

from the ball or hook, and must not have more slack than is necessary to permit proper turning when connected.⁷⁵

Trailers over 3,000 pounds gross weight must be equipped with a breakaway system that the trailer will automatically stop in the event it become disconnected from towing vehicle during travel.⁷⁶

If the trailer displays a slow moving vehicle emblem, the Vehicle Code prohibits operation of the vehicle at a speed greater than 25 miles per hour.⁷⁷

VI. Secure Load Requirements

The Pennsylvania Vehicle Code prohibits any part of the load to leak or escape the vehicle.⁷⁸ The only exception is for falling feathers, or other matter from vehicles hauling live or slaughtered birds, or animals.⁷⁹ The Vehicle Code also requires the person who permits any “dangerous or detrimental substance” to drop onto a public highway or on public or private property to immediately remove the dropped substance.⁸⁰

Pennsylvania farm registered vehicles and vehicle combinations with a registered gross weight of greater than 17,000 pounds operating within Pennsylvania, and Pennsylvania farm registered vehicles and combinations with a registered gross weight of greater than 10,000 pounds operating outside the state, must comply with the requirements prescribed in the Federal Motor Carrier Safety Regulations for securing cargo and using fastening devices to prevent falling or shifting cargo.⁸¹ The regulations also require that:

⁷⁵ 75 Pa.C.S § 4905(d).

⁷⁶ 75 Pa.C.S § 4502(c).

⁷⁷ 75 Pa.C.S § 4529(b).

⁷⁸ 75 Pa.C.S § 4903(a).

⁷⁹ 75 Pa.C.S § 4903(e)(2).

⁸⁰ 75 Pa.C.S § 3709(b)(1).

⁸¹ 67 Pa. Code §§ 231.311- 231-314; 49 CFR §§ 393.100-393.114.

- Cargo must be contained, immobilized or secured to prevent shifting upon or within the vehicle to such an extent that the vehicle's stability or maneuverability is adversely affected.⁸²
- The systems and devices used to secure cargo must be capable of withstanding specified forces during acceleration, deceleration, and lateral movement of the vehicle.⁸³
- For portions of the loads that are not contained within the structure of the vehicle, the system to secure cargo must provide a downward force equivalent to at least 20 percent of the weight of the article of cargo.⁸⁴

These requirements are satisfied if loads are fastened in a manner that meets the guidelines for fastening cargo loads prescribed in Sections 393.104 through 393.136 of the Federal Motor Carrier Safety Regulations.⁸⁵

The guidelines for fastening cargo, prescribed by the regulations, also specify the number of required tie-down devices based on the length and weight of articles of cargo.⁸⁶ When the article of cargo is blocked or braced by a headboard, bulkhead, or other device to prevent forward movement of cargo, one tie-down should be provided for each 10 feet in length of the article.⁸⁷ When the article or cargo is not blocked or positioned to prevent forward movement:

- One tie-down should be provided for articles of cargo five feet or less in length and 1,100 pounds or less in weight.
- Two tie-downs should be provided for articles of cargo that are five feet or less in length and more than 1,100 pounds in weight or articles that are longer than 5 feet but less than 10 feet.
- Two tie-downs should be provided for articles of cargo that are longer than 10 feet and one additional tie-down should be provided for each 10 feet of article length or fraction thereof beyond the first 10 feet.⁸⁸

⁸² 49 CFR §§ 393.100(c).

⁸³ 49 CFR §§ 393.102(a).

⁸⁴ 49 CFR §§ 393.102(b).

⁸⁵ 49 CFR §§ 393.102(d).

⁸⁶ 49 CFR §§ 393.110(b).

⁸⁷ *Id.*

⁸⁸ *Id.*

The tie-down devices must, under normal circumstances, be capable of being tightened by the driver,⁸⁹ and must be in good working order and not have any weakened components, cracks or cuts.⁹⁰ The total number of tie-down devices used on the entire load must ensure that the total sum of the working load limits for each tie-down equals at least one-half of the total weight of the cargo being secured.⁹¹

⁸⁹ 49 CFR §§ 393.112.

⁹⁰ 49 CFR §§ 393.104(b).

⁹¹ 49 CFR §§ 393.106(d).

SUCCESSSES AND CONCERNS WITH THE CURRENT LAWS GOVERNING THE USE OF AGRICULTURAL VEHICLES IN PENNSYLVANIA

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether Pennsylvania laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in the Commonwealth. The survey was distributed to officials from the Pennsylvania Department of Transportation, the Pennsylvania Agricultural Department, the Pennsylvania Farm Bureau, PennAg Industries Association, the Pennsylvania State Police, and the Pennsylvania State Association of Township Supervisors.

The survey consisted of eleven questions directed to all participating agencies; five additional questions for the Pennsylvania State Police and the Pennsylvania State Association of Township Supervisors; and two additional questions for the remaining four agencies. The questions in the survey focused on the definitions for agricultural vehicles and equipment in the Pennsylvania Vehicle Code, the most helpful and most detrimental aspect of these definitions, problems with the current definitions and how they can be solved, whether the registration exemption in Section 1302 of the Code is confusing or creates problems, what changes each entity would like to see in the Code, and the most common law enforcement issues.⁹²

Each agency returned one response, except for the Pennsylvania Department of Transportation which returned three separate responses.⁹³ Altogether there are eight responses to the survey.⁹⁴ The table below summarizes the number of positive and negative answers to the yes/no questions asked of all agencies in the survey.⁹⁵

⁹² See Appendix A in the Appendix to the Draft Report: it contains the survey distributed to each agency.

⁹³ See Appendix B in the Appendix to the Draft Report; it contains the original responses to the survey received from each agency.

⁹⁴ Supra 93.

⁹⁵ Supra 92. The yes/no questions in the survey that were asked of all the agencies are question numbers 1, 2, 5, 6, 7, 8, 9, and 10.

Question	Yes	No
1	1	7
2	1	7
5	8	0
6	2	6
7	2	6
8	6	2
9	6	2
10	6	1

The overwhelming majority of responses call for the need of updating the current definitions of “farm vehicle,” “farm equipment,” “implement of husbandry,” “commercial implement of husbandry,” and “multi-purpose agricultural vehicle” to match the technological advancement in the farming industry and the vehicles and equipment used by the farmers today. A large number of responses call for clarification of some of these definitions or for providing examples.

Another group of responses call for removing from the Vehicle Code certain restrictions and limitations on the movement and operation of agricultural vehicles and equipment. These responses also indicate a desire to remove restrictions pertaining to the size of these vehicles and equipment. Both law enforcement and the representatives of the agriculture industry point out the need for a “registration plate” which would serve to identify the type of vehicle and provide clarification for the law enforcement personnel.

As a whole, all of the interviewees agree that the lack of clarity in certain provisions of the Vehicle Code leaves too much room for interpretation and causes inconsistent enforcement in the Commonwealth.

II. Successes and Concerns Identified with the Survey

1. *Question 1 and the Responses*

The first survey question asked the interviewed individuals to consider whether the current definitions of “farm equipment,” “farm vehicle,” “implement of husbandry,” and “multi-purpose agricultural vehicle” are adequate.

a. Farm Bureau

The Pennsylvania Farm Bureau’s main concerns are not about the way the agricultural vehicles are defined in the Pennsylvania Vehicle Code, but rather the restrictions in the use of these vehicles imposed by other sections of the Code. The Farm Bureau believes that these restrictions are not adequately responsive to the reality of the farming business in Pennsylvania and the changing needs of Pennsylvania farmers. The Farm Bureau believes that the definition of farm vehicle is currently adequate. However, the Farm Bureau believes that there has been insufficient effort to incorporate the term “farm vehicle” within the provisions of applicable state regulations. The Farm Bureau believes that the continuation of “farm truck” language in certain regulations after the statutory changes from 1993 is causing enforcement officers to read and literally apply the exclusion only to “farm trucks” and not to other vehicles operating under farm vehicle registration or exemption. The Farm Bureau suggests that the Pennsylvania Department of Transportation amends the regulations to reflect the statutory changes.

The Farm Bureau also expresses a concern with the prevailing interpretation of the limitation prescribed in Sections 1302(10) and 1344 of the Vehicle Code. This provision has been interpreted to allow a farmer to use a farm vehicle to transport agricultural products to a purchaser’s premises before the farmer had contracted for sale of the products with the purchasers. The Farm Bureau believes that the timing limitation surrounding the sales between farmers and purchasers should not be the legal basis for distinguishing between legal and illegal use of farm vehicles.

Another concern expressed by the Farm Bureau is about implements of husbandry. The Farm Bureau believes that farm equipment should be classified as “implements of husbandry” when the implement is used by a business in the course of performing a contract with a farmer on the farmer’s farm. As such, the equipment should be eligible for the same privileges under the Vehicle Code as implements of husbandry that farmers operate for their own farming operations. The Farm Bureau believes that the issue is even more unclear when it comes to “commercial implements of husbandry” and that clearer statutory guidance is needed to help custom farming businesses and law enforcement personnel.

The Farm Bureau additionally identified two specific concerns regarding implements of husbandry. The first concern is that the definition fails to recognize that motorized farm implements may also perform implement of husbandry functions. The second concern pertains to the requirements that the vehicle is “infrequently operated or moved upon highways”. The requirement is met if the vehicle is operated or moved upon highways for less than 180 days per year. The Farm Bureau believes that there are no means by which this limitation can be monitored or enforced by the law enforcement officers and therefore should be deleted from the statutory language.

The Farm Bureau’s final concern pertains to the size limitations for multi-purpose agricultural vehicles. The Farm Bureau believes that these limitations are inadequate and that the statutory language should be responsive to future advancements in technology and design of these vehicles.

b. Pennsylvania State Police

The Pennsylvania State Police finds the current definitions for farm equipment, farm vehicle, implements of husbandry, and multi-purpose agricultural vehicles adequate.

c. The Pennsylvania Department of Agriculture

The Pennsylvania Department of Agriculture believes that the definition of “farm equipment” does not seem to include tractors, trailers, or wagons. However, the definition of “implement of husbandry” appears to include tractors, trailers and wagons but requires that they are “farm equipment.” The Pennsylvania Department of Agriculture also believes that the reference to “other vehicles determined by the department” does not specify how or who will be making the determination. The same critique applies to the language in the definition of “farm vehicle.”

The Pennsylvania Department of Agriculture also believes that the definition of multi-purpose agricultural vehicles does not appear to include many currently available utility vehicles designed specifically for farm use.

d. PennAg Industries Association

PennAg believes that any definition using the term “truck tractor” is confusing and difficult to interpret. They think that the Pennsylvania Department of Transportation terms that refer to long haul trucking or interstate trucking should not be used for agricultural equipment. They believe there should be specific standard and references for agricultural equipment.

PennAg also believes that the creation of the two terms “implements of husbandry” and “commercial implements of husbandry” does not make understanding or compliance easier. PennAg believes there should be only one category – “implements of husbandry.” PennAg also suggests the implementation of a “custom” farm tag. The custom tag would still require a registration process; however, the equipment would be exempt from inspection, sales tax, and motor carrier regulations. The creation of this license plate and category would eliminate many enforcement issues because the officers would see the plate and would know which enforcement actions are proper.

e. The Pennsylvania State Association of Township Supervisors

The Pennsylvania State Association of Township Supervisors (PSATS) believes that the part of the current definition of “farm vehicle” that states “used exclusively for agricultural purposes” is not clear. PSATS thinks it would be more appropriate to define “farm vehicle” by stating how far a farm vehicle can travel upon public highways.

The next problem PSATS points out is the definition of “implement of husbandry.” PSATS believes it is inappropriate to include earthmoving equipment in the definition.

f. The Pennsylvania Department of Transportation

The Pennsylvania Department of Transportation thinks that farm vehicles cannot be used in a solid waste business for removal of human waste, even if the end product is used on farm land for non-consumable crops, and this policy should be reflected somewhere in the Vehicle Code. Another response from the Department states that all of the definitions should be revised because the farming community and its equipment has changed. The response also suggests that there appears to be grey areas in the Vehicle Code of defining a modern farmer.

The last response from the Department suggests that any part of the current definitions that states “...any other vehicle determined by the department to be...” has to be changed because of the lack of clarity of which vehicles the Department will classify as farm vehicles/farm equipment.

2. Question 2 and the Responses

The second question asks the interviewed individuals to consider whether the current definitions of “farm equipment,” “farm vehicle,” “implement of husbandry,” and “multi-purpose agricultural vehicle” fit the equipment commonly used by farmers.

a. Farm Bureau

The Farm Bureau again points out that their concern is not so much about how the vehicles/equipment are defined in the Vehicle Code, but rather the restrictions in their use placed by various provisions of the Code. The Bureau cites as concerns Sections 4921, 1302(2), 1302(10), and 4903 of the Pennsylvania Vehicle Code, and the requirements imposed under Chapter 231 of the Pennsylvania Code.

With respect to Section 4921, the Farm Bureau stresses that it essentially prohibits the use of any farm equipment at night. The Bureau also states that the width limitations imposed by this section of the Code, prevent farmers from feasibly utilizing many implements more commonly manufactured today that provide greater cost efficiency. According to the Bureau, this section also causes farmers who operate more than one farm near metropolitan areas to move their equipment through narrower and significantly more congested urban and suburban roads, instead of utilizing the highways.

With respect to Section 1302(2), the Bureau's concern is the changed administrative policy of the Pennsylvania Department of Transportation, which essentially no longer grants registration exemptions. The Farm Bureau believes that this changed policy is based on a misreading of Section 1302(2) and theorizes that the Department of Transportation cannot determine whether the trailer will be used "exclusively for agricultural purposes" since the Department of Transportation can never be sure whether the trailer will be actually used in the manner represented by the farmer's request for exemption.

With respect to Section 1302(10), the Farm Bureau believes that the current distance allowances between farms and agribusiness centers prescribed by the section do not adequately facilitate the local transportation needs of many farmers, and the section will become increasingly inadequate in the future. For this reasons, the Bureau recommends increasing the distance allowance.

With respect to Section 4903, the Farm Bureau believes that it is unrealistic that farmers can fully comply with the prohibition that any material the farmers transport from harvesting

activities which escapes the vehicle without seriously hindering the efficiency of harvesting tasks.

Finally, the Farm Bureau questions the need for Pennsylvania to apply any of the requirements imposed under the Intrastate Motor Carrier Regulations for commercial trucking operations and drivers to any farm vehicle or its driver. The reason for that is that the times, distances, and intensity of operation of farm vehicles are comparable to those that occur among commercial trucking operations and other commercial businesses.

b. Pennsylvania State Police

The State Police believes that there is need for clarification of the “commercial implement of husbandry” definition. The State Police states that a large tractor pulling a liquid manure tank is currently considered a commercial implement of husbandry if it is used for profit. These large tractors are exempt from safety inspection but are allowed to travel on main highways without distance restrictions. However, if the manure tank they are pulling is full, the vehicle may actually exceed the allowable weight limits for road on which it is travelling.

c. The Pennsylvania Department of Agriculture

The Department of Agriculture refers to their response to the first question of the survey, and once again states that the definitions of “farm equipment,” “implement of husbandry,” and “multi-purpose agricultural vehicle” fail to include certain commonly manufactured and used agricultural vehicles. The Department of Agriculture is also concerned with the “infrequency” requirement imposed by the Code. The Department of Agriculture states that in some cases there may be a need for more frequent operation of the vehicles on the highway, therefore creating issues between farmers and law enforcement.

d. PennAg Industries Association

PennAg believes that the current legislation, regulations, and the Vehicle Code do not reflect the practical and actual equipment used by the farming and agribusiness communities. The Association believes that there is a gap within the difference between an “implement of husbandry” and “commercial implement of husbandry.” The Association points out that agricultural equipment are constantly changing, and equipment are not manufactured according to the regulations of each state. Therefore, the Association suggests that state regulations be flexible and allow for adjustments and changes as agricultural equipment changes.

e. Pennsylvania State Association of Township Supervisors

PSATS believes that the current definitions of “trucks and truck tractors” and “earthmoving equipment” do not fit the equipment commonly used by the farming community.

f. The Pennsylvania Department of Transportation

The first response provided by the Department states that the current definitions of “farm vehicle,” “implement of husbandry,” and “multi-purpose agricultural vehicle,” fit the equipment commonly used by farmers. The second response states that as the farming equipment has changed, many registration decisions are made on an individual application basis for new equipment or its new intended uses. The last response stated that the part of the definitions “...any other vehicle determined by the department to be...” is difficult to apply in each individual case.

3. Question 3 and the Responses

The third question asks the interviewed individuals to consider, from their area of responsibility, which are the three most helpful aspects of the current definitions of “farm equipment,” “farm vehicle,” “implement of husbandry,” and “multi-purpose agricultural vehicle.”

a. Farm Bureau

The Farm Bureau states that any provision in the Vehicle Code that facilitates farmers' ability to better use the equipment they have, which increases their efficiency and productivity, is helpful.

b. Pennsylvania State Police

The Pennsylvania State Police finds the definition of "farm truck" most helpful.

c. The Pennsylvania Department of Agriculture

The Pennsylvania Department of Agriculture refers back to the answers it gave in questions one and two.

d. PennAg Industries Association

PennAg Industries finds the exclusivity of farming activity to be most helpful.

e. Pennsylvania State Association of Township Supervisors

PSATS are not sure whether anything in the provisions is really helpful.

f. The Pennsylvania Department of Transportation

The Pennsylvania Department of Transportation finds the examples of the vehicle type, the use of the vehicle, the statement "agriculture purpose," Sections 1302(10), 1302.1, and 1302.11 of the Vehicle Code most helpful.

4. Question 4 and the Responses

The asks the interviewed individuals to consider from their area of responsibility, the three most detrimental aspects of the current definitions of “farm equipment,” “farm vehicle,” “implement of husbandry,” and “multi-purpose agricultural vehicle.”

a. Farm Bureau

Farm Bureau refers back to the concerns expressed in the first two questions and states that it would be difficult to choose three of these concerns.

b. Pennsylvania State Police

The Pennsylvania State Police finds most detrimental the definitions of “commercial implement of husbandry”, and the term “or any other vehicle determined by the department to be farm equipment.”

c. The Pennsylvania Department of Agriculture

The Pennsylvania Department of Agriculture refers back to the answers in the first two questions.

d. PennAg Industries Association

PennAg Industries finds most detrimental the distinction made between the equipment used on a farm by the farmer, and the equipment used on the farm by a supplier of an agriculture service; the fact that the Vehicle Code does not reflect changes in industry and technology; and that the definitions do not relate to agribusiness/commercial/custom farm service providers.

e. Pennsylvania State Association of Township Supervisors

PSATS finds most detrimental the term “infrequently”, the confusion over the transport of organic products, and the confusion dealing with farm vehicles over 26,000 pounds.

f. The Pennsylvania Department of Transportation

The Department of Transportation finds as most detrimental the lack of specificity for some of the definitions; the lack of examples in the PA code concerning farm vehicles; that some vehicles used on farms are not covered in the definitions; the details on the vehicle’s intended use; the fact that some equipment is not listed in the Vehicle Code; and that it is difficult to determine who qualifies as a farmer.

5. Question 5 and the Responses

The fifth question asks the interviewed individuals whether they see any problems with the current definitions in the Vehicle Code, and if yes, to list what they believe the problems are.

a. Farm Bureau

Farm Bureau refers back to their responses to the first two questions. The Bureau emphasizes that its main concern is the inability of the Vehicle Code to adequately identify and meet the transportation needs of the Pennsylvania farmers.

b. Pennsylvania State Police

The State Police states that the Department of Transportation needs to provide a list of which vehicles are classified as implements of husbandry, and which as commercial implements of husbandry.

c. The Pennsylvania Department of Agriculture

The Pennsylvania Department of Agriculture refers back to their response to the first two questions.

d. PennAg Industries Association

PennAg stated that having multiple definitions for agriculture related equipment, and therefore different regulations for each definition, is a problem. Additionally, the Association stated that nowhere in the definitions is it clearly noted where custom farming falls. Another problem according to PennAg is the inclusion of highway access limitation in the definitions of implement of husbandry and commercial implement of husbandry. The Association thinks that these limitations should be removed from the definition. The reason is that many of the newer models of agricultural vehicles are manufactured to have the ability for safe travel at long distances and higher speeds. In addition, the agricultural industry has expressed willingness to consider adding safety features. Finally, PennAg points out that the limitation on the width of implements of husbandry and commercial implements of husbandry are also a problem.

e. Pennsylvania State Association of Township Supervisors

PSATS thinks that the lack of clarity in the definitions creates a problem, because it leaves too much discretion for interpretation.

f. The Pennsylvania Department of Transportation

The Department points out that because of the lack of vehicle identification numbers, some implements of husbandry cannot be registered. As a result, the Department of Transportation has problems registering a vehicle, which a police officer may require to be registered, because these vehicles are exempt under Section 1302(17) of the Vehicle Code. However, the Department believes that this is more of an educational, rather than a definition problem.

The other responses provided from the Department of Transportation state that the Department needs to better define who is a farmer today and better defining the equipment and operations performed in the farming activity. The Department thinks redefining the current regulations would provide a better understanding of the vehicle types, and more consistency since farming entities and equipment have changed. The last response from the Department stresses the fact that lack of clarity in the definitions is a problem and provides examples.

6.Question 6 and the Responses

The sixth question asks the interviewed individuals whether the problems they identified in the previous question can be solved by a simple change in the definitions regarding farm vehicles and equipment.

a. Farm Bureau

The Farm Bureau states that a simple change in the definitions would not solve the problems they identified, and a more concerted effort is needed to remedy the situations. Specifically, they refer back to the concerns expressed in their responses to the first two questions.

b. Pennsylvania State Police

The State Police does not think that a simple change in definitions would solve the problems they identified. However, they suggest that a registration plate identifying the type of vehicle would clarify matters for law enforcement officers who otherwise do not know how the Department of Transportation would categorize it.

c. The Pennsylvania Department of Agriculture

The Pennsylvania Department of Agriculture refers back to their answers provided earlier in the survey.

d. PennAg Industries Association

PennAg indicate that the goal should be changing the actual language in the Vehicle Code. PennAg cites as an example the two types of farm vehicles in Section 1302 from the Vehicle Code, and PennAg states that it is not necessary to have two types of farm vehicles in this context. Additionally, PennAg feels that the Department of Transportation must be flexible and allow all farm equipment/vehicles the same ability to operate.

e. Pennsylvania State Association of Township Supervisors

PSATS proposes that the Code stipulates that “vehicles/equipment driven on roads may only be used to go from one piece of property to another.” Furthermore, PSATS states that trucks should be licensed and inspected, and that the only exemption should be “large equipment,” which PSATS would want registered.

f. The Pennsylvania Department of Transportation

The first response from the Department of Transportation indicates that again this is more educational than definition problem. Another response indicates that changes will be necessary to provide clarity for enforcement reasons. The last response indicates that providing more details in the definitions would be helpful.

7.Question 7 and the Responses

The seventh question asks the interviewed individuals whether the registration exemption for “farm vehicles” and “farm equipment” is appropriate.

a. Farm Bureau

The Farm Bureau states that if the Researchers meant “adequate to facilitate farmers in meeting their transportation needs,” the answer is negative. They refer back to the concerns expressed in their responses to the first two questions.

b. Pennsylvania State Police

The State Police thinks the exemption is not appropriate and again states that the exemption from registration fee is not objectionable. But, a registration plate identifying the type of registered vehicle would clarify matters for law enforcement officers.

c. The Pennsylvania Department of Agriculture

The Department of Agriculture believes that the requirement that the farms are not more than 25 miles apart does not mirror modern agricultural practices. The Department of Agriculture suggests that there should be at least a 50 mile limit. The next point they disagree with is the requirement that a place of business must be located within 25 mile radius when it comes to buying or selling agricultural commodities or for repair or servicing farm vehicles. The Department of Agriculture questions the need of such limitations because the reason for the movement of these vehicles is almost always connected with farming activities. The Department of Agriculture also wants a clarification of the term “farm and garden vehicle,” clarification of who determines when driving is “incidental,” and what is the need for the horsepower requirement.

d. PennAg Industries Association

PennAg thinks that, in general, the language in the Vehicle Code is very confusing and limiting. They believe that exemption from registration for some types of farm equipment is critical because the requirements and documentation to complete registration are unattainable. They specify that in order to register equipment, a farmer needs gross vehicle weight rating, title,

and certificate of origin, and these items are not normally documents provided when purchasing agricultural equipment.

e. Pennsylvania State Association of Township Supervisors

PSATS thinks that the registration exemption provided in Section 1302 of the Vehicle Code is inappropriate, and that 25 miles is too far a distance, especially for farm vehicles.

f. The Pennsylvania Department of Transportation

The Department of Transportation thinks that the exemption provided in Section 1302 is appropriate.

8. Question 8 and the Responses

The eighth question asks the interviewed individuals whether the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems, and if yes, to list the problems.

a. Farm Bureau

The Farm Bureau believes that the registration exemption under Section 1302 creates problems. They refer back to the issues identified in their responses to the first two questions. They also explain that the current means of identifying farm vehicle exempt from registration causes transportation delays. The reason is because the current form of identification is a display of sticker on the windshield of the vehicle, and the visibility of this sticker is limited. The limited visibility of the sticker on the front of the vehicle and the absence of any registration plate or any identification form on the rear of the vehicle, sometimes creates an impressions to law enforcement officers that the vehicle is operated unlawfully without a valid registration. This subjects farmers to unnecessary stops and lengthy examinations.

b. The Pennsylvania State Police

The State Police also believes that the registration exemption creates problems, and again refers to their response in question 6, which explains the need for a registration plate identifying the type of vehicle.

c. The Pennsylvania Department of Agriculture

The Department of Agriculture refers back to their response in question 7.

d. PennAg Industries Association

PennAg also thinks that the registration exemption creates problems, especially for law enforcement personnel. They point out that on the road there is no way of telling who is operating the tractor or the piece of equipment – the farmer or his agent. The Department of Transportation recognizes that a tractor operated by the farmer should be exempt. PennAg believes that since the equipment is the same, it should not matter whether it is operated by a farmer or by someone performing a task on his behalf.

e. The Pennsylvania State Associations of Township Supervisors

PSATS also thinks that the registration exemption creates problems, and that farm vehicles can present a problem, depending on the type of truck.

f. The Pennsylvania Department of Transportation

The Department of Transportation's responses state that the registration exemption does not cause problems.

9. Question 9 and the Responses

The ninth question asks the interviewed individuals whether anything should be added to the registration exemption in Section 1302, and if yes, what should be added.

a. Farm Bureau

The Farm Bureau refers back to their responses in the first two questions.

b. Pennsylvania State Police

The State Police does not think that anything should be added to the registration exemption in Section 1302.

c. The Pennsylvania Department of Agriculture

The Department of Agriculture refers back to their response in question 7.

d. PennAg Industries Association

PennAg thinks that the exemption registration should also apply to agricultural equipment, used to provide a farmer any of the services listed in the definition of “farm equipment.”

e. Pennsylvania State Association of Township Supervisors

PSATS does not think that anything should be added to the registration exemption.

f. The Pennsylvania Department of Transportation

The Department of Transportation indicates that lots of farmers are using gator utility vehicles, which cannot be titled or registered, are not covered under section 1302, and therefore cannot be legally driven on public roads. Another response states that a better understanding of the types of vehicles and equipment the farming community currently uses is necessary.

10. Question 10 and the Responses

The tenth question asks the interviewed individuals whether the current version of section 1302 should be changed, and if yes, how it should be changed.

a. Farm Bureau

The Farm Bureau refers back to their responses in the first two questions.

b. Pennsylvania State Police

The State Police would like to see the current registration exemption in Section 1302 changed and refers back to the reasoning they provided in their response to question 6.

c. The Pennsylvania Department of Agriculture

The Department of Transportation refers back to their response in question 7.

d. PennAg Industries Association

PennAg refers back to their answer in question 9.

e. Pennsylvania State Association of Township Supervisors

PSATS would like to see the 25 miles distance in the current registration exemption changed.

f. The Pennsylvania Department of Transportation

One of the responses from the Department of Transportation indicates that no changes are necessary in the registration exemption provision. Another response however, states that some changes probably need to be made after a review of some of the vehicle types and their intended use.

11. Question 11 and the Responses

The eleventh question asks the interviewed individuals whether the provisions of the PA Vehicle Code regarding “farm vehicles” or “farm equipment” need to be amended, and if yes, what they would like to see amended.

a. Farm Bureau

The Farm Bureau refers back to their responses in the first two questions.

b. Pennsylvania State Police

The State Police would like to see definitions added for “agricultural commodity,” and “agricultural supplies.” They would also like to see the definition of “commercial implement of husbandry” clarified. They also would like to see the Policy issued by the Department of Transportation on September 15, 1994 relating to the use of farm vehicle registration plates published in the Pennsylvania Bulletin so that law enforcement officers are able to utilize it for the enforcement of the provisions of Section 1344(a) of the Vehicle Code.

c. The Pennsylvania Department of Agriculture

The Department of Agriculture thinks that there should be a change to allow appeals of decisions made by posting authorities in charge of enforcing the provisions related to hauling in excess of posted weight limit. The Department of Agriculture also thinks that exemption should be provided in the current provisions related to securing loads in vehicles to allow inclusion of all agricultural products, provided that the spillage does not create a safety hazard. Finally, the Department of Agriculture recommends that the Department of Transportation establish a consistent statewide approach in regulating field access from roadways.

d. PennAg Industries Association

PennAg thinks that the issues and difficulties faced by the agribusiness and farming communities will not be resolved by changes to the Vehicle Code alone. Instead, the changes must be reflected within the entire Department of Transportation process of enforcing and implementing the Vehicle Code. PennAg thinks that procedures and forms must be created or revised to reflect the reality of agricultural equipment. PenAg also suggests that there should be increased knowledge of the agriculture industry and equipment for Department of Transportation personnel.

e. Pennsylvania State Association of Township Supervisors

PSATS thinks that there should be a stipulation that all exempted equipment must follow the Vehicle Code requirements and may not be driven on public roads after dark, unless with headlights, tail lights, and turning signals. PSATS also thinks that all farm exemptions should be put in one subsection for more clarity.

f. The Pennsylvania Department of Transportation

The Department of Transportation thinks that examples of farm vehicle use should be given either in the definition in the Vehicle Code or in the Pennsylvania Code. Another response

thinks it is necessary to define the parameters of farming and registration. The last response thinks it is necessary to pinpoint the vehicle types.

12. Specific Questions

In addition to the eleven general questions in the survey, some specific questions were directed to each agency. There are two specific questions identical for the Pennsylvania Department of Transportation, the Pennsylvania Department of Agriculture, The Pennsylvania Farm Bureau, and the PennAg Industries Association. Additionally, there are five specific questions identical for the Pennsylvania State Police and the Pennsylvania State Association of Township Supervisors.

A. Questions for the Pennsylvania Department of Transportation, the Pennsylvania Department of Agriculture, the Pennsylvania Farm Bureau, and PennAg Industries Association

1. Specific Question 1 and the Responses

The first specific question asked the interviewed individuals whether a revised code dealing specifically with commercial growers, farmers, and businesses would result in a more accurate enforcement.

a. The Farm Bureau

The Farm Bureau thinks that if their recommendations are taken into consideration and the suggested amendments are made, they hope that the end product would be laws that better facilitate the transportation needs of the Pennsylvania farmers and would also help to avoid inconsistent enforcement practices.

b. The Pennsylvania Department of Agriculture

The Department of Agriculture thinks that the Vehicle Code should be crafted in a manner that accounts for changes in the agricultural practices. The Code should ensure that agriculture retains its vital role in the economy of Pennsylvania. The language of the Vehicle Code should be written in a way that would leave very little room for interpretation from law enforcement officers and courts. The consistent enforcement of the Vehicle Code will result in predictable results throughout Pennsylvania.

c. PennAg Industries Association

PennAg thinks that the enforcement issues arise because there are already provisions in the Vehicle Code that are specific for commercial entities. This fact by itself creates the presumption that the commercial entities operate in a way that is different than the way non-commercial entities operate.

d. The Pennsylvania Department of Transportation

The Department of Transportation thinks that if they could differentiate between the vehicles based on registration types and definitions, it would help law enforcement because right now everyone is under the same umbrella. Another response from the Department of Transportation states such distinction would be especially helpful for law enforcement officials.

2. Specific Question 2 and the Responses

The second specific question asks the interviewed individuals to consider whether the provisions of the Vehicle Code regarding farm vehicles and equipment accurately reflect the type of farm vehicles and equipment most commonly used by farmers and businesses in Pennsylvania.

a. The Farm Bureau

The Farm Bureau states that in their opinion the more relevant question is whether the current provisions of the Vehicle Code provide a sufficient opportunity for Pennsylvania farmers to adapt to economic changes and utilize the latest technological advancements in their operations. The Farm Bureau thinks that based on the concerns they expressed earlier in the survey, the answer to this question would be negative.

b. PennAg Industries Association

PennAg answers the question negatively. PennAg states that based on the separation of “implements of husbandry” and “commercial implements of husbandry,” the Vehicle Code assumes that the equipment is different if used commercially or by the farmer himself, and this assumption is incorrect. PennAg also points out that the newer agricultural equipment reflect the appropriate safety standards. However, the Vehicle Code fails to take this into consideration by prohibiting travel past sunset.

c. The Pennsylvania Department of Transportation

According to the Department of Transportation, the Vehicle Code appropriately reflects almost all vehicles and equipment used by farmers, except for utility gators. Another opinion from the Department states that the Vehicle Code probably covers most of the vehicles and equipment, and that it is the newer type of vehicles and equipment that generates most of the concerns. The last response states that the farming industry has changed in the past twenty years, and therefore the requirements need to be adjusted to better address today’s farmer’s needs while still comporting with proper safety and enforcement requirements on the public roadways.

B. Questions for the Pennsylvania State Police and the Pennsylvania State Associations of Township Supervisors

1. Specific Question 1 and the Responses

The first question asks the interviewed individuals to consider what are the most serious concerns regarding the movement of agricultural vehicles and equipment upon public roadways from a law enforcement perspective.

a. The Pennsylvania State Police

The State Police states that the most serious concern is the overall general condition of many of the vehicles, especially brakes, tires, lighting, etc. Some of the vehicles pull tank trailers loaded in excess of 80,000 lbs and are not designed to pull or stop such heavy loads.

b. The Pennsylvania State Association of Township Supervisors

PSATS points out the size of the vehicles, and mainly their width, as a problem. There is a problem with non-lighted vehicles and wagons.

2. Specific Question 2 and the Responses

The second specific question asks which are the most common issues regarding farm vehicles and equipment on public roads encountered by law enforcement officers.

a. The Pennsylvania State Police

The State Police thinks these are farm vehicles hauling loads that are not securely fastened.

b. The Pennsylvania State Association of Township Supervisors

PSATS most commonly has to deal with complaints by other motorists on the road about vehicles without lights and appropriate signals.

3. Specific Question 3 and the Responses

The third specific question asks whether law enforcement officers find the registration exemption for Type I and Type II farm vehicles in Section 1302(10) of the Vehicle Code confusing, and if yes, what could be done to help with this.

a. The Pennsylvania State Police

The State Police thinks that the exception as currently stated is confusing, and that additional training would help officers to better understand the types of vehicles and the restrictions associated with each type.

b. The Pennsylvania Association of Township Supervisors

PSATS also finds the provision confusing, and suggests providing the owner with “free plates” for the vehicle.

4. Specific Question 4 and the Responses

The fourth specific question asks whether simplifying the Type I and Type II registration exceptions would lessen the confusion for law enforcement personnel. No answers have been provided to the question.

5. Specific Question 5 and the Responses

The fifth specific question asks whether additional training on Types I and II farm vehicle registration exemption would significantly help.

a. The Pennsylvania State Police

The State Police answered positively.

b. The Pennsylvania State Associations of Township Supervisors

PSATS answers negatively, and thinks that registration plates would help.

CONCLUSION

This draft report does not attempt to be exhaustive or to provide conclusions and recommendations. The researchers do not possess expert knowledge on the researched matter, nor do they speak on behalf of any agency. It is possible that certain aspects were overlooked and not included in the report. In such case, the researchers welcome the advice and suggestions from all participating agencies as to what should be additionally included.

The researchers would like to thank Ms. Lisa Karavage, Mr. Craig Johnson, and Mr. Andy Cleaver for their support and guidance. The research assistants would also like to thank Mr. John Bell for the valuable information he generously provided and Mr. Robert Davidson for his valuable assistance.

**APPENDIX B FOR FINAL REPORT
OF THE INTERSTATE FARM VEHICLE
POLICY COMPARISON STUDY**

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
BY THE PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE
AND DIANA MITKOVA MILLER**

DATE: 3/7/2008

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**CHAPTER I:
PA SURVEY INTERSTATE FARM VEHICLE POLICY COMPARISON STUDY**

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, underline clearly the answers you have chosen. If the allocated space in the survey is not enough for your answer, please attach a separate sheet and indicate the number of the question. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey within ten business days from the date you received it. Please return via e-mail to Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). Thank you!

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1. Do you think that the following definitions currently in PA Vehicle Code, Section 102, are adequate?

Farm equipment: “a vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.”

Farm vehicle: “a truck or truck tractor determined by the Department of transportation to be used exclusively for agricultural purposes.”

Implement of husbandry: “farm equipment that meets all of the following criteria:

(1) Is equipped with pneumatic tires except if prohibited by religious beliefs.

(2) Is infrequently operated or moved upon highways.

(3) Is used in agriculture for any of the following purposes:

(i) performance of agriculture production or harvesting activities for the farmer's agricultural operations; or

(ii) transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation.

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.”

Multi-purpose agricultural vehicle: “a motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.”

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. _____

2. _____

3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. _____

2. _____

3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the PA Vehicle Code?
A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.
B. If you do not think there are any problems, please indicate so.
6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?
A. Yes
B. No ---- What do you think should be changed?
7. Do you think that the registration exemption provided in Section 1302 of the PA Vehicle Code for farm vehicles/equipment is appropriate?
A. Yes.
B. No. ---- Please explain why.
8. Do you think that the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems?
A. Yes. ---- Please explain what these problems are.
B.No.
9. Do you think that anything should be added to the registration exemption in Section 1302?
A. Yes. ---- Please list what and explain why it should be added.
B. No.
10. Would you like to see the current farm vehicles/equipment registration exemption in Section 1302 changed?
A. Yes. ---- Please explain why and how.
B. No.
11. If the provisions of the PA Vehicle Code regarding farm vehicles/equipment are to be amended what are the changes you would like see included?

Pennsylvania Department of Agriculture
Pennsylvania Department of Transportation
Pennsylvania Farm Bureau
PennAg Industries Association

In your opinion, would a revised code dealing specifically with commercial growers, farmers, and businesses result in a more accurate enforcement?

- A. Yes. ---- Please explain why.
B. No. ---- Please explain why.

Do the provisions of the Vehicle Code regarding farm vehicles/equipment accurately reflect the type of farm vehicles/equipment most commonly used by farmers and businesses in PA?

Pennsylvania Law Enforcement

1. From law enforcement perspective what are the most serious concerns regarding the movement of agricultural equipment upon public roadways in PA?
2. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles/equipment on public roads?
3. Do law enforcement officers find the Type I and Type II exceptions (Pennsylvania Vehicle Code, Section 1302(10)(i),(ii)) for unregistered farm vehicles traveling on public roads confusing?
 - A. Yes. ---- What could be done to help with this?
 - B. No. --- Go to question 4.
4. If in question 3 above, you have ***not*** suggested simplifying the Type I and Type II exceptions, would such a move significantly lessen the confusion for officers?
 - A. Yes.
 - B. No. ---- If you do ***not*** think a simplification would significantly lessen the confusion, what would help?
5. If in question 4 above, you have ***not*** suggested additional officer training on Type I and Type II exceptions, would such training be of significant help?
 - A. Yes
 - B. No ---- If you do ***not*** think additional training would be of significant help, what would?

Sections from the PA Vehicle Code referred to in the Survey

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Farm equipment." A vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.

"Farm vehicle." A truck or truck tractor determined by the Department of Transportation to be used exclusively for agricultural purposes.

"Implement of husbandry." Farm equipment that meets all of the following criteria:

- (1) Is equipped with pneumatic tires except if prohibited by religious beliefs.
- (2) Is infrequently operated or moved upon highways.
- (3) Is used in agriculture for any of the following purposes:
 - (i) performance of agriculture production or harvesting activities for the farmer's agricultural operations; or
 - (ii) transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operations.

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.

"Multipurpose agricultural vehicle." A motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

(1) Any vehicle used in conformance with the provisions of this chapter relating to dealers, persons registered under any of the miscellaneous motor vehicle business classes or nonresidents.

(2) Any implement of husbandry, trailer or semitrailer determined by the department to be used exclusively for agricultural operations and only infrequently operated upon highways.

Vehicles exempt from registration under this paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicle or upon highways between:

(i) Parts of one such farm.

(ii) Such farms located not more than 25 miles apart.

(iii) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies or for delivery, repair or servicing of the vehicle.

(3) Any self-propelled golf cart used for the transportation of persons engaged in the game of golf while crossing any public highway during any game of golf.

(4) Any vehicle moved by special permit as provided for in sections 4965 (relating to single permits for multiple highway crossings), 4966 (relating to permit for movement of quarry equipment), and 4970(a) (relating to permit for movement of construction equipment).

(5) Any vehicle registered and displaying plates issued in a foreign country by the armed forces of the United States for a period of 45 days from the date of the return of the owner to the United States.

(6) Any vehicle owned by a resident legally required to be registered in another state based and used principally outside of this Commonwealth.

(7) Any vehicle moved solely by human or animal power.

(8) (Deleted by amendment).

(9) Any mobile home or modular housing unit.

(10) Any farm vehicle used exclusively upon a farm or farms owned or operated by the owner of the vehicle.

(i) Type I--Such a farm vehicle which does not qualify as a motor carrier vehicle may be driven upon highways only from sunrise to sunset. However, a farm vehicle which qualifies as a motor carrier vehicle and displays a currently valid certificate of inspection may be driven upon highways without any restriction as to time. Such a farm vehicle may only be driven on highways between:

(A) Parts of one such farm.

(B) Such farms located not more than 25 miles apart.

(C) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 50 miles from such farm or farms for the purpose of repair or servicing of the farm vehicle.

(ii) Type II--Such a farm vehicle which does qualify as a motor carrier vehicle and which does not display a currently valid certificate of inspection may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than ten miles apart.

(C) Such farm or farms and a place of business located within a radius of ten miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of repair or servicing of the farm vehicle.

(iii) A biennial certificate of exemption shall be required for such a farm vehicle.

(iv) The owner of the farm vehicle shall maintain such minimum levels of liability insurance coverage on the vehicle as are required to be maintained under Chapter 17 (relating to financial responsibility)

by owners of registered motor vehicles. The owner shall satisfy the requirements of this subparagraph if the minimum amounts of liability insurance coverage for the farm vehicle have been provided under farm liability insurance

coverage maintained generally by the owner. Coverage prescribed in Subchapter B of Chapter 17 shall not be required to be maintained or provided for the farm vehicle.

(11) Any trailer or semitrailer, including but not limited to non-self-propelled special mobile equipment, to be used primarily for off highway use and only operated incidentally upon the highway.

(12) Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.

(13) Any oversized or overweight vehicle which may be moved or operated only under a permit and without a load pursuant to section 4961(a) (relating to authority to issue permits) and 4962(f) (relating to when loads permitted).

(14) Any vehicle used for golf course or resort maintenance when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by said golf course or resort.

(15) Any motor vehicle being towed.

(16) Any trailer registered in another state towed by a motor vehicle registered in this Commonwealth provided:

(i) the owner has as many trailers registered in this Commonwealth as combinations so registered; or

(ii) the towing vehicle is being operated under a permanent lease to a person meeting the requirements of subparagraph (i).

(17) Any multipurpose agricultural vehicle. Vehicles exempt from registration under this paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicles or upon highways between:

(i) Parts of one such farm.

(ii) Such farms located not more than two miles apart.

(18) Any farm and garden vehicle under 20 horsepower driven incidentally upon a highway, as determined by the department.

(19) A tow dolly.

(20) An electric personal assistive mobility device.

(21) Special mobile equipment engaged in construction activities within one mile of an active construction site where the vehicle is being used. Unregistered vehicles used under this paragraph shall be required to meet lighting and other requirements of special mobile equipment. This exemption shall not apply to tracked vehicles.

CHAPTER II: PA STAKEHOLDERS RESPONSES TO THE SURVEY

a. Farm Bureau



Pennsylvania Farm Bureau

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Phone (717) 761-2740 • FAX 731-3515 • www.pfb.com

August 13, 2007

Diana Mitkova
Dale Page
Student Research Assistants
Dickinson School of Law
Pennsylvania State University
150 South College Street
Carlisle, PA 17103

**Re: Questionnaire – Interstate Farm Vehicle Policy Comparison Study
VIA ELECTRONIC MAIL TRANSMISSION**

[\(dum155@psu.edu\)](mailto:dum155@psu.edu)

[\(dep180@psu.edu\)](mailto:dep180@psu.edu)

Dear Ms. Mitkova and Mr. Page:

The following pages contain Farm Bureau's responses to the questions asked per the aforementioned questionnaire and study. Our responses include an introductory statement that attempts to reflect our focus and objectives relative to our response to the survey questions.

We are happy to provide further clarification of our responses or to provide you with further information and insight on matters the Law School is attempting to pursue through this study. Please feel free to contact me or John Bell, Counsel for Governmental Affairs.

We also believe it would be extremely helpful for those conducting the study to directly meet with individual farmers to see first-hand how farmers utilize agricultural vehicles on their farming operations and to personally discuss with them what they believe to be the inadequacies of current laws and regulations in meeting those needs. And we would be happy to help you identify and arrange meetings with farmers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel B. Rotz'.

Joel Rotz, Director
State Governmental Relations

Attachment

cc: Leslie MacRae (w/attachment)
S:\jjb\PSU Survey – Ag Trans – Aug 2008.doc

**RESPONSES BY PENNSYLVANIA FARM BUREAU
TO PENN STATE UNIVERSITY QUESTIONNAIRE
PURSUANT TO INTERSTATE VEHICLE POLICY COMPARISON STUDY**

Introductory Statement.

Pennsylvania Farm Bureau is a statewide general farm organization with a farm and rural membership of more than 42,600 farm and rural families in the Commonwealth.

While agriculture continues to play a major role in economy of Pennsylvania, the future economic well-being of Pennsylvania's agriculture is at a critical crossroad. In the wake of the continually changing farm economy in response national and international economic and consumer demands, Pennsylvania's farm families are finding it increasingly difficult to sustain economic viability for their farm operations. To remain viable, farm families in the Commonwealth must be able to timely adapt to the changing demands of consumers in the production and marketing of agricultural products and must continue to seek ways to maintain and improve the cost-efficiencies of production practices and overall operations of their farm businesses.

Pennsylvania's laws and infrastructure can be key factors in the future economic success or demise of Pennsylvania's farm families. Deficient laws and infrastructure that fail to legally or economically allow farming operations in the Commonwealth to take full advantage of emerging technologies and adapt to changing demands will seriously impede the economic progress that farm families will need in the future to sustain their farm operations.

In this light, it is our hope that the major objectives to be accomplished through this study is to identify the current and foreseeable needs for use of agricultural vehicles and equipment that will facilitate cost efficiency and profitability of Pennsylvania farming operations and the impediments to those needs which current provisions of Pennsylvania's Vehicle Code and Pennsylvania's regulations governing the use of agricultural vehicles are imposing. Our responses to the questions posed in this questionnaire will be offered with these views in mind. Our focus in responding to the following questions will be more practical than legal. We will try to identify why the legal provisions (or their interpretation) do not adequately work in the context of today's farming operations.

During the last several years, Pennsylvania Farm Bureau and other organizations have identified a number of areas where we believe the current provisions of the Vehicle Code impose unworkable impediments upon today's farming operations and the daily operation of agricultural vehicles, and have recommended legislative changes to correct the deficiencies we see in current law. To more fully understand those areas we are recommending for change, we would encourage you to review the areas for change being proposed in legislation introduced for the 2007-2008 term in House Bills 1076 and 946. We would note, however, that while we believe all of the provisions for which amendments are proposed in these bills are in need of change, we are not endorsing all of the specific changes that are proposed in the bills' current versions. In responding to the following questions, we hope to identify other areas where current law inadequately addresses the transportation needs of today's farming operations in Pennsylvania.

Question 1. Do you think the following definitions currently in PA Vehicle Code, Section 102, are adequate?

- ***Farm equipment . . .***
- ***Farm vehicle . . .***
- ***Implement of husbandry . . .***
- ***Multipurpose agricultural vehicle . . .***

Our main concerns with the Vehicle Code's treatment of these vehicle types do not pertain as much to how they are defined as they pertain to the restrictions in use that the other provisions of the Vehicle Code place on these vehicles. Generally speaking, the restrictions imposed by other provisions of the Code on time, manner and location of use and persons authorized to use these vehicles are not adequately responsive to:

- the changes that have taken place in location of agribusinesses from farms;
- the growing needs for Pennsylvania's farm families to operate more than one farm to economically sustain their farming businesses;
- the continuing and critical need for farming operations to complete farm tasks in a timely manner and substantial adverse impacts that failure to complete specific tasks within an optimum time frame has upon the productivity and profitability of the farming operation;
- farmers' increasing use of specialized businesses that can perform custom practices (tilling, planting, fertilizer and pesticide application, harvesting and others) on farms in a manner more cost efficient manner to the farmer; or
- the extreme costs that farmers face in purchasing farm machinery and the economic inability to justify the costs for purchasing machinery in the wake of the restrictions in use imposed by the Vehicle Code; and other factors.

With respect to the language contained in the definitions of the aforementioned terms, we would offer the following comments:

Farm vehicle.

We believe the definition, as stated currently, is adequate. However, we feel that there has not been a sufficient effort made to incorporate the term within the provisions of applicable state regulations. In 1993, both the term and definition were changed to recognize literally that truck tractors, as well as trucks, were included within the scope of vehicles that qualified for this classification. The amendment itself was a legislative response to a PennDOT legal opinion which concluded that the term "farm trucks" – the term used in the Vehicle Code prior to the 1993 amendment – only authorized "trucks" to qualify for the classification. The legislative change made in 1993 essentially incorporated the belief common held among farmers and enforcement officers before issuance of the PennDOT opinion that vehicles eligible for specialized registrations and exemptions was not limited to trucks.

While the statutory change was welcome, it has created interpretation and enforcement problems with respect to regulations applicable to vehicles of this class which were promulgated before the statutory change was enacted. A number of regulations continue to use the term "farm truck" in describing the scope of vehicles for which the regulation applies. In many instances, these provisions are identifying the types of vehicles that are **excluded** from the regulatory standards or requirements that would otherwise apply. For example, Regulation 231.2(b) of the Department of

Transportation regulations, 67 Pa. Code § 231.2(b) – promulgated before the 1993 amendment – provides that “farm trucks not required to be registered” are fully excluded from the requirements of the requirements of the Intrastate Motor Carrier Regulations,¹ and that “drivers of farm trucks” are excluded from the requirements for medical certification and several other requirements that would otherwise applicable to drivers regulated under Chapter 231.

As a matter of practical application, it is our belief that the scope of vehicles and drivers excluded from regulation under Chapter 231 should reflect and be consistent with the change in statute that occurred in 1993. However, the continuation of the “farm truck” language in Regulation 231.2 post-1993 has caused some officers in charge of enforcement of Chapter 231 to read and literally apply the exclusion only to “farm trucks” and not to truck tractors operating under a farm vehicle registration or exemption or to farm vehicles that are operated as part of a combination. These officers have failed to recognize the 1993 statutory change in their interpretation and enforcement actions.

Relative to this and other matters, we believe there should be a concerted effort to amend the Department of Transportation regulations to reflect the statutory change.

We would also express our concerns with the prevailing interpretation of the limitation prescribed in Sections 1302(10) and 1344 of the Vehicle Code that farm vehicles may only be operated between the farm and a place of business “for the purpose of . . .selling agricultural commodities . . .”² It is our understanding that this limitation has been interpreted to only allow a farmer to use a farm vehicle to transport agricultural products he or she produced to a purchaser’s premises **before** the farmer had contracted for sale of the products with the purchaser. A farmer would be prohibited from using a farm vehicle to transport these same products **after** he or she had entered into an agreement with a purchaser for sale of those products.³ We believe the use of time of agreement between farmer and purchaser buying the farmer’s agricultural products as the legal basis for distinguishing between legal and illegal uses of farm vehicles does not make common sense, and causes farmers to create needless and artificial processes with buyers in order to ensure the time of “agreement” meets the limitations prescribed in the Code.⁴

¹ Chapter 231 is the chapter that contains the body of regulations applicable to vehicles and drivers of vehicles meeting the definition of a “motor carrier vehicle.” The standards and requirements established under this Chapter mirror those standards that are applicable to vehicles and drivers of vehicles operating interstate that are subject to the Federal Motor Carrier Safety Regulations (49 CFR Ch 391 through 396).

² The same concern applies to the limitation prescribed for operation of implements of husbandry and trailers exempt from regulation prescribed in Section 1302(2)(iii).

³ The interpretation would seem to be consistent with the provisions of 1344(4).

⁴ We would note that an error in the farmer’s timing of his or her use of farm vehicles to transport goods to purchasers of farm products can be extremely costly to the farmer. Although Section 1344 specifically provides for penalties for violating the restrictions in use of farm registered vehicles, persons who violate 1344 are also commonly prosecuted for violating Section 1301 – operation of a vehicle without a registration. The fine for violating Section 1301 is twice the value of the commercial registration fee that

Implement of husbandry.

We believe that farm equipment used by a business in the course of performance of a contract with a farmer to perform custom farming tasks on the farmer's farm (tilling, planting, fertilizing and pesticide application, harvesting, etc.) should be classified as "implements of husbandry" and be eligible for the same privileges under the Vehicle Code as implements of husbandry that farmers operate for their own farming operations. These privileges should include exemption from registration. Whether this objective is accomplished through change in Section 102's definition or through changes in Section 1302 or other Code provisions, we believe the Vehicle Code should clearly recognize this objective.

It is our understanding that some administrative accommodation has been made by PennDOT to recognize in certain circumstances that farm equipment used by custom farming businesses may qualify as "implements of husbandry." However, the current provisions of the Vehicle Code do not adequately specify the applicability of the classification in the context of custom farming services or the extent or limitation of privileges that are provided to those vehicles used to perform custom farming tasks on farms. The issue becomes even more clouded when considered in the context of other provisions of the Vehicle Code that pertain to vehicles to be classified as "commercial implements of husbandry" under the Code. Clearer statutory guidance needs to be provided to help custom farming businesses and law enforcement personnel in their understanding of legal privileges and requirements and to better ensure more consistent enforcement of law.

We have two concerns specific to the language contained in the "implement of husbandry" definition. First, the definition does not seem to specifically recognize an important function that motorized farm implements perform on farms, that is, towing other equipment that may more directly perform the farming practices that are specified in the definition. For example, a farm tractor may be the towing vehicle for another apparatus that physically performs the functions of planting, seeding, cultivating and other functions identified in the definition. Or a farm tractor may also be towing a trailer that is being used to receive and transport harvested products from farm fields to storage areas or is being used to receive and transport animal manure from the manure storage area to farm fields.

In these examples, even though the specific function being performed by the farm tractor is to tow another vehicle and the vehicle being towed by the tractor is actually performing the agricultural task, people of common sense would overwhelmingly agree that the farm tractor should still be treated as an "implement of husbandry." Yet the definition's current language may prompt law enforcement officials to interpret and enforce the definition in a manner that treats the towing farm tractor not falling within the scope of the definition. We have seen law enforcement officials make this distinction in interpreting a previous version of this definition.⁵

would otherwise apply. This fine can amount to thousands of dollars and virtually wipe out the income the farmer would have generated from the sale.

⁵ Changes to the definition of "implement of husbandry" were enacted in 2001 under Act 33.

The second concern pertains to the requirement prescribed in the definition that the vehicle “be infrequently operated or moved upon highways.” It is our understanding that the basis for determining whether the “infrequency” requirement has been met is the number of days in which the vehicle is operated or moved upon highways. More specifically, we understand that the requirement is met if the vehicle is moved or operated for 180 days or less per year. We cannot envision any means by which this limitation in use can be practically monitored or enforced by law enforcement officers. And we believe the limitation itself is arbitrary and has no meaningful ties to the experience of Pennsylvania farms. For these reasons, we believe the requirement for “infrequency” of use of implements of husbandry should be deleted.

Multipurpose agricultural vehicle.

We recognize and appreciate the efforts made by the General Assembly in 2004 to increase the dimensions of vehicles that would qualify for this classification.⁶ The changes made in 2004 were in response to the significant advancements that had occurred in the development of “utility ATVs” and attachments that could perform work tasks significantly beneficial to agriculture and other land use enterprises. While the 2004 changes have appreciably increased the scope of utility ATVs that can qualify as multipurpose agricultural vehicles, the currently prescribed limitations in dimension would still exclude from eligibility a number of utility ATVs developed by manufacturers that would benefit working farms. We would expect that development efforts by utility ATV manufacturers in the future will likely cause the dimensions of these vehicles to increase. We believe the definition should be responsive to future advancements in technology and design that may occur in utility ATVs, and should provide the statutory flexibility that would allow for the future inclusion of these vehicles within the definition’s scope.

Question 2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

As stated in our response to Question 1, it is not necessarily the definition that is the real problem for farmers, but rather the restrictions and limitations that the Vehicle Code places on these vehicles as conditions for authorized use on roads. For example, Section 4921 of the Vehicle Code generally prohibits any vehicle from being operated at a width of greater than 8 feet. Implements of husbandry are provided a greater width allowance of 14 feet 6 inches, but only during daytime and only on one-lane or two-lane roads. The current width limitations imposed under Section 4921 essentially prohibit the use of any farm equipment at night. The width limitations currently prescribed in Section 4921 also prevent farmers from feasibly utilizing many implements more commonly manufactured today that would afford farmers greater cost efficiency in the performance of farm tasks, as the widths of these newer implements exceed the Section 4921’s maximum width allowances. Section 4921’s restrictions also cause other farmers who operate more than one farm near metropolitan areas to move their equipment through narrower and significantly more congested urban and suburban roads, and prevent them

⁶ Before Act 211 of 2004, only those vehicles which were less than 50 inches and 600 pounds were eligible for this classification.

from utilizing highways whose traffic, while moving at greater speeds, is far more open and less congested.

Another example is the Vehicle Code provision in Section 1302(2) that provides for the exemption of trailers and semitrailers used by farmers in the course of their farming operations. The provision imposes, as a condition for eligibility for exemption, that the trailer or semitrailer be “determined by the department”⁷ to be exempt. It is our understanding, however, that PennDOT has drastically changed from past administrative policy that readily granted exemptions of individual trailers used on farms, and is essentially no longer granting registration exemptions. The department’s apparent rationale for its change in administrative policy is based on what we believe to be a misreading of Section 1302(2) – since the department can never be sure the trailer will actually be used in a manner the farmer has represented in his or her request for exemption, the department cannot “determine” that the trailer will be “exclusively used for agricultural operations.” This circuitous reasoning makes the benefits intended to be provided under Section 1302(2) for limited use farm trailers practically meaningless to farmers, and either causes farmers to incur significantly more costs in meeting all of the Code’s requirements applicable to registered trailers or significantly compromises farmers’ ability to obtain and utilize affordable and functional pre-owned trailers for farm use.

In addition to the problems we have described in our response to Question 1 with respect to farm vehicles, we have increasing concerns with the limitations in distance that Section 1302(10) imposes in operation of farm vehicles exempt from registration between farms and businesses pursuant to the buying or selling of agricultural commodities or supplies. The farm vehicle exemption from registration has provided farm families with significant and needed cost savings, both in terms of savings from vehicle registration costs and in terms of savings from vehicle insurance costs, which farmers would otherwise incur if the farm vehicles exemption did not exist. But the passage of time and the economic changes that have occurred among agribusiness suppliers and purchasers in the Commonwealth that support farms have made it much more difficult for farmers to utilize exempt farm vehicles in manner that fully complies with law. Section 1302(10)’s current distance limitations only allow farm exempt vehicles, at a maximum, to travel to those agribusiness suppliers and purchasers that are within a 25-mile radius of the farm. Yet, because of business attrition, consolidation and other factors, many of the supporting agribusiness centers are now outside the range where farm exempt vehicles may legally be operated. In order to transport agricultural supplies and products between the farm and an agribusiness center, many farmers now face the ominous choice of operating their farm exempt vehicles in violation of the Code, incurring significantly higher costs to register and insure their farm exempt vehicles, or pay the agribusiness or a transportation carrier to transport the supplies or products to and from the farm.

We believe the current distance allowances between farms and agribusiness centers prescribed in Section 1302(10) do not adequately facilitate local transportation needs of many farmers, and will become increasingly inadequate in the future. We would

⁷ The Vehicle Code defines the “department” to mean PennDOT.

recommend the distance allowances for use of farm vehicles exempt from registration between farms and agribusiness centers be increased.

Another area for which we have concern pertains to the requirements imposed under the Vehicle Code with respect to transportation of harvested agricultural products between farm fields and areas where the products are stored. The Code, specifically Section 4903, unequivocally prohibits any material that farmers would transport in the course of harvesting activities from escaping the vehicle. Frankly, any expectation that farmers can fully comply with this prohibition without seriously hindering the efficiency of completion of harvesting tasks is unrealistic. For legitimate reasons, farmers commonly use open-bedded trucks and trailers to harvest and transport harvested agricultural products from field to farm storage areas. In order to fully comply with Section 4903, farm families would need to engage in a cumbersome process of placing tarps on bed tops of these vehicles during transportation of the harvested agricultural products from fields and removing these tarps to unload the harvested products at the storage site.

We also question the need for Pennsylvania to apply any of the requirements imposed under the Intrastate Motor Carrier Regulations (67 Pa. Code Ch. 231) for commercial trucking operations and drivers to any farm vehicle or its driver. Neither the times, distances, nor intensity of operation of farm vehicles comes close to those characteristics of operation that commonly occur among commercial trucking operations and other commercial businesses. We feel that the marginal degree of benefit to highway safety that the regimen of compliance with the Intrastate Motor Carrier Regulations that farmers must undertake does not justify the onerous burdens that full compliance with these regulations imposes upon farm families.

Question 3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

From our standpoint, any provision in the Vehicle Code or its definitions that facilitates farmers' ability to utilize farm machinery, farm vehicles and other vehicles in a manner that enhances productivity of the farm operation, provides farm families with flexibility and opportunity to improve cost efficiency in production and local transportation of their agricultural products and supplies, and helps farm families sustain and improve the viability of their farming businesses is helpful. In this regard, all provisions that would accomplish these objectives are equally important. It would be difficult for us to choose three from among these provisions.

Question 4. From your perspective, what are the three aspects of the current definitions that you find most detrimental?

From our standpoint, any provision in the definitions or in the Vehicle Code that inhibits farmers' ability to utilize farm machinery, farm vehicles and other vehicles in a manner that enhances productivity of the farm operation, provides farm families with flexibility and opportunity to improve cost efficiency in production and local transportation of their agricultural products and supplies, and helps farm families sustain and improve the viability of their farming businesses is detrimental. Our responses to Questions 1 and 2 have identified several areas in the Vehicle Code for which we have

concerns. It would be difficult for us to choose from among our concerns three that are more detrimental than others.

Question 5. What are the problems that you see with the current definitions of farm vehicles/equipment in the PA Vehicle Code?

As we mentioned in our responses to previous questions, our focus relative to the Pennsylvania Vehicle Code is the functionality of the Code and the Code's allowances and restrictions in meeting the local transportation needs Pennsylvania's farm families. In that regard, our responses to Questions 1 and 2 identify many of the major areas where the Vehicle Code and other laws applicable to operation and use of agricultural vehicles fail to adequately meet those needs. While we may not have identified all of our areas of concern, we believe the responses to Question 1 and 2 should help you understand the nature of impediments that have resulted from the Code and regulations and their interpretation and application to farmers.

Question 6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

No. See our responses to Questions 1 and 2.

Question 7. Do you think that the registration exemption provided in Section 1302 of the PA Vehicle Code for farm vehicles/equipment is appropriate?

If by "appropriate" you mean adequate to facilitate farmers in meeting their transportation needs, the answer is no. See our responses to Questions 1 and 2.

Question 8. Do you think that the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems?

Yes. See our responses to Questions 1 and 2. We would also add, as a practical note, that the means current used to identify a farm vehicle that is exempt from registration can cause transportation delays and impediments for farmers. The current form of identification is a display of a sticker on the windshield of the exempt farm vehicle (similar in nature to the sticker that is issued and displayed pursuant to vehicle inspections). The visibility of this farm exemption sticker from areas to the front of the vehicle is limited. Nothing is displayed on the rear of a farm vehicle to identify that the vehicle is exempt from registration, as is the case with vehicles that are registered and display a vehicle registration plate.⁸ The limited visibility of the farm exemption sticker in front of the vehicle and the absence of any registration plate or other visible display on the rear of the vehicle to show the vehicle is operating under a currently valid certificate of exemption create the impression to law enforcement officials that the vehicle is operating unlawfully without a valid registration. Many farmers have been subjected to repeated and needless stoppages of their farm exempt vehicles by enforcement officials

⁸ Some farmers who have been frustrated by the continuous stoppage of their exempt farm vehicles by law enforcement officers have attempted to display expired farm vehicle registration plates in an effort to convey the message that the vehicle is a farm vehicle and is being operated under a farm vehicle exemption. Such practice itself would be a violation of the Code. See Section 1372.

because of the inadequacy of the current means for farm vehicle exemption identification. And, unless the farmer becomes personally known to patrolling officers or unless officers routinely experience the existence of exempt farm vehicles on roads where they normally enforce, stoppages of exempt farm vehicles will likely continue.

Question 9. Do you think that anything should be added to the registration exemption in Section 1302?

Yes. See our responses to Questions 1 and 2.

Question 10. Would you like to see the current farm vehicles/equipment registration exemption in Section 1302 changed?

Yes. See our responses to Questions 1 and 2.

11. If the provisions of the PA Vehicle Code regarding farm vehicles/equipment are to be amended what are the changes you would like see included?

See our responses to Questions 1 and 2.

Question 1 for Pennsylvania Farm Bureau. In your opinion, would a revised code dealing specifically with commercial growers, farmers, and businesses result in a more accurate enforcement?

If the amendments we have identified and recommended above were made to the Vehicle Code and to other applicable laws, we would hope that the end product would be laws that better facilitate the transportation needs of Pennsylvania's farm families and would help avoid inconsistent and arbitrary enforcement practices against agricultural vehicles and their operators.

Question 2 for Pennsylvania Farm Bureau. Do the provisions of the Vehicle Code regarding farm vehicles/equipment accurately reflect the type of farm vehicles/equipment most commonly used by farmers and businesses in PA?

We think the more relevant question is whether the current provisions of the Vehicle Code provide a sufficient opportunity for Pennsylvania's farm families to fully adapt to changing economic circumstances and fully utilize latest technological advancements in agricultural transportation. As demonstrated in our responses to Questions 1 and 2, our answer would be no.

Epilogue

Farm Bureau appreciates the difficulty that those involved in the administration of this survey may have in not only understanding the legal shortcoming of language and interpretation that may arise from the Vehicle Code and other laws applicable to farm transportation but also in obtaining understanding and insight on the practical burdens and inadequacies of transportation laws to the needs of Pennsylvania agriculture. We have tried to be concise in our responses to the questions raised in this questionnaire. However, there may be portions of our responses that you do not understand, and some of our responses may lead to further questions that you may wish to pose to us. We welcome any further inquiry you may have, and will try to timely provide you with

additional information or comment that you feel would be helpful in your understanding and evaluation.

Thank you for the opportunity to participate in this survey and to share with you our views.

b. PA Department of Agriculture

Pennsylvania Department of Agriculture's Response to the Pennsylvania State University Agricultural Law Resource and Reference Center Farm Vehicle Law and Regulations Comparison Study.

1. Do you think that the following definitions currently in PA Vehicle Code, Section 102, are adequate?

No.

The definition for "Farm Equipment" does not seem to include tractors, trailers or wagons. The reference to "other vehicles determined by the department to be farm equipment" does not include who specifically would be making this determination and under what process this review would occur.

The definition of "Farm Vehicle" again includes "determined by the Department of Transportation", but fails to specify who would be making this determination and under what process this review would occur.

The definition of "Implement of Husbandry" although appearing to include tractors, wagons and trailers requires that they be "Farm Equipment" which does not seem to include these items. In (3)(i), reference is made to "agricultural production". How does Penn DOT define agricultural production? I would recommend that Penn DOT adopt the definition of "Normal Agricultural Operation" found in Act 455 of 1982, The Protection Of Agricultural Operations From Nuisance Suits And Ordinances (The Right to Farm Law).

The definition of "Implement of Husbandry" again includes "determined by the Department", but fails to specify who would be making this determination and under what process this review would occur.

The definition of "Multi-purpose Agricultural Vehicle" does not appear to include many currently available ATVs. Previously farmers have adapted ATVs for farm use. Now many ATVs are specifically designed for farm use. The current restrictions do not permit these vehicles to be considered Multi-purpose Agricultural Vehicles. For example, both RTV models offered by Kubota are marketed specifically to the agricultural community but do not meet the Multi-purpose Agricultural Vehicle definition.

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

No.

Please review the above information. Another consideration is the infrequency requirement. There may be a need to frequently move on the highway. This could become a provision which may be misused by local law enforcement to unnecessarily burden farmers.

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?
4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?
5. What are the problems that you see with the current definitions of farm vehicles/equipment in the PA Vehicle Code?
6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

See the above information.

7. Do you think that the registration exemption provided in Section 1302 of the PA Vehicle Code for farm vehicles/equipment is appropriate?

The requirement that farms be not more than 25 miles apart does not meet with modern agricultural practices. Many farmers are farming multiple tracts of land which are greater than 25 miles apart. There should be at a minimum a 50 mile limit. I would question the need for any limit provided that they are traveling between farms.

The requirement that a place of business must be located within a radius of 25 miles from such farm or farms for the purpose of buying or selling agricultural commodities or supplies or for delivery repair or servicing of the vehicle does not reflect modern trends. With fewer of these facilities available there is a need for farmers to travel a greater distance for these services. I would question the need for any limit provided that they are traveling in conjunction with farming activities.

What is a "farm and garden vehicle" in (18)? Who at the Department will determine if the driving is incidental? Why is there a horse power requirement? Most farm tractors exceed 20 hp as do many ATVs designed for agricultural use.

8. Do you think that the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems?
9. Do you think that anything should be added to the registration exemption in Section 1302?
10. Would you like to see the current farm vehicles/equipment registration exemption in Section 1302 changed?

See the above information.

11. If the provisions of the PA Vehicle Code regarding farm vehicles/equipment are to be amended what are the changes you would like see included?

There have been instances where the provisions of Chapter 189. Hauling In Excess of Posted Weight Limit has been abused by local officials to limit the expansion of existing or the creation of new agricultural operations. The manner in which the posting authority determines that an over-posted-weight vehicle or vehicles being driven to or from a particular destination or destinations are likely to damage the highway should be specified and should include more than antidotal evidence. There should be a method to appeal decisions made by the posting authority.

§ 4903. Securing loads in vehicles has had inconsistent application by local law enforcement that has resulted in farmers being cited while transporting harvested crops from the field to the farm or to market. There is an exception for the shedding or dropping of feathers or other matter from vehicles hauling live or slaughtered birds or animals, but none for crops such as silage, hay and string beans. The existing exemption should be included for all agricultural products being transported to the farm or to market provided that any spillage does not create a safety hazard.

Highway Occupancy Permits for access to farm fields have been increasing become an issue. There have been instances where permitting officials have denied a farmer access to fields from public roadways due to an inability to meet permit requirements. In many cases it was for an existing access that had been used for many years. In many cases upgrades were required similar to an access that would be used for a retail establishment. Penn Dot should establish a consistent Statewide approach to regulating field access from roadways that is consistent with the limited use such accesses will see.

Railroad Grade Crossings are another significant issue. The recent resurgence in railroad traffic has led to conflicts between farmers and railroads. There are many new owners and operators of these lines. These operators are not honoring pre-existing crossing that permit farmers to access fields. During the upgrade and maintenance of these lines many crossing have been removed. In many cases the railroads are requiring farmers to complete improvements at crossing that have been used for generations at significant expense to the farmers. Additionally farmers are being required to enter into agreements which have significant annual expense just to receive permission to cross the railroad to access their fields. Penn DOT should require railroads to honor existing crossing and to maintain such during track maintenance and upgrades. Farmers should not be required to obtain and pay for annual approval to enter their fields.

Pennsylvania Department of Agriculture

In your opinion, would a revised code dealing specifically with commercial growers, farmers, and businesses result in a more accurate enforcement?

With 1,344 local police departments as well as the Pennsylvania State Police there are bound to be many different levels of experience with agriculture. The vehicle code needs to be written in such a

manor as to leave little for officers and courts to interpret. Consistent enforcement of the code by all law enforcement entities will result in predictable results throughout the State.

The Code needs to be crafted in such a manner to account for changes in agricultural practices that will not require changes to the code to permit them to occur. It is absolutely necessary to provide for special consideration in the vehicle code to insure that agriculture retains its vital role in the economy of Pennsylvania.

c. Pennsylvania State Police Response

1. Do you think that the following definitions currently in PA Vehicle Code, Section 102, are adequate?

Farm equipment: “a vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.”

Farm vehicle: “a truck or truck tractor determined by the Department of transportation to be used exclusively for agricultural purposes.”

Implement of husbandry: “farm equipment that meets all of the following criteria:

(1) Is equipped with pneumatic tires except if prohibited by religious beliefs.

(2) Is infrequently operated or moved upon highways.

(3) Is used in agriculture for any of the following purposes:

(i) performance of agriculture production or harvesting activities for the farmer's agricultural operations; or

(ii) transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation.

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.”

Multi-purpose agricultural vehicle: “a motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.”

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

The definition of “Commercial Implement of Husbandry” needs to be further clarified. At the present time, a large tractor that is pulling a liquid manure tank is considered a commercial implement of husbandry if it is being used for profit. These large tractors are exempt from the State Safety Inspection program; however, they are allowed to travel on main highways, without any restriction concerning the amount of distance to be traveled. If the manure tank that they’re pulling is full, the vehicle may actually exceed the allowable weight limits for the roadways on which it is traveling.

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. ____Definition of Farm Truck.
2. _____
3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. ____More clarification needed in the definition of “Commercial Implement of Husbandry”.
2. ____The term, “Or any other vehicle determined by the department to be farm equipment.”
3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the PA Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

Section 102 lists in part under the definition of “Commercial Implement of Husbandry” the language “Any other vehicle determined by the department to be a commercial implement of husbandry.” The department needs to provide a list of which vehicles have been determined to be implements of husbandry or commercial implements of husbandry.

B. If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed?

Allowing these vehicles to be exempt from a registration fee is not objectionable. However, if they were to display a registration plate that identified the type of vehicle that they're registered as would clarify matters for law enforcement officers who do not know how the department would categorize these vehicles.

7. Do you think that the registration exemption provided in Section 1302 of the PA Vehicle Code for farm vehicles/equipment is appropriate?

A. Yes.

B. No. ---- Please explain why.

Refer to response to question #6-B.

8. Do you think that the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems?

A. Yes. ---- Please explain what these problems are.

Refer to response to question #6-B.

B. No.

9. Do you think that anything should be added to the registration exemption in Section 1302?

A. Yes. ---- Please list what and explain why it should be added.

B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in Section 1302 changed?

A. Yes. ---- Please explain why and how.

Refer to response to question #6-B.

B. No.

11. If the provisions of the PA Vehicle Code regarding farm vehicles/equipment are to be amended what are the changes you would like see included?

Definitions added for "agricultural commodity" and "agricultural supplies".

Clarify definition of "commercial implement of husbandry."

Publication of policy that was issued by the Pennsylvania Department of Transportation on September 15, 1994 that relates to the use of Farm Vehicle Registration Plates. This policy should be published in the PA. Bulletin, so that law enforcement officers could utilize it for enforcement of the provisions of section 1344(a) of the Vehicle Code.

Pennsylvania Law Enforcement

1. From law enforcement perspective what are the most serious concerns regarding the movement of agricultural equipment upon public roadways in PA?

The most serious concern is the overall general condition of many of these vehicles with regard to their brakes, tires, lighting, etc. Some of these vehicles are farm tractors that are pulling tank trailers that are loaded in excess of 80,000 lbs. and are not primarily designed to pull or have adequate braking capacity to stop loads that are this heavy.

2. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles/equipment on public roads?

Farm vehicles that are hauling loads that are not securely fastened in the vehicle.

3. Do law enforcement officers find the Type I and Type II exceptions (Pennsylvania Vehicle Code, Section 1302(10)(i),(ii)) for unregistered farm vehicles traveling on public roads confusing?

A. Yes. ---- What could be done to help with this?

Additional training would help officers to better understand the types and restrictions associated with them.

B. No. --- Go to question 4.

4. If in question 3 above, you have ***not*** suggested simplifying the Type I and Type II exceptions, would such a move significantly lessen the confusion for officers?

A. Yes.

B. No. ---- If you do ***not*** think a simplification would significantly lessen the confusion, what would help?

5. If in question 4 above, you have ***not*** suggested additional officer training on Type I and Type II exceptions, would such training be of significant help?

A. Yes

B. No ---- If you do ***not*** think additional training would be of significant help, what would?

d. Pennsylvania Department of Transportation

Survey Response #1

1. Do you think that the following definitions currently in PA Vehicle Code, Section 102, are adequate?

Farm equipment: “a vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.”

Farm vehicle: “a truck or truck tractor determined by the Department of transportation to be used exclusively for agricultural purposes.”

Implement of husbandry: “farm equipment that meets all of the following criteria:

- (1) Is equipped with pneumatic tires except if prohibited by religious beliefs.
- (2) Is infrequently operated or moved upon highways.
- (3) Is used in agriculture for any of the following purposes:
 - (i) performance of agriculture production or harvesting activities for the farmer's agricultural operations; or
 - (ii) transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation.

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.”

Multi-purpose agricultural vehicle: “a motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.”

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

No necessarily the definition for Farm vehicle, but to put something in the PA code stating that it can not be used in a solid waste business for removal of human waste even if the end product is used on farm land for non-consumable crops.

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. ___example of the vehicle type_____

2. ___use of the vehicle_____

4. ___agriculture purpose_____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. ___some definitions could be more specific_____

2. ___helpful if examples could be given if not in definitions in PA code_____

3. some equipment used on farms not cover under definitions example gator_____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the PA Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

Section 102 IMPH, some IMPH can not be registered because they do not have a vehicle identification number (VIN) since it is not required by Federal regulations about the only type of IMPH that have a VIN are tractors and sprayers. Sometime it is impossible for us to register vehicles that police officer request to be register when they do not need to be because they are exempt under 1302 (17)

I think this is more of an educational problem then a definition problem.

B. If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed?

I think this is more of an educational problem then a definition problem.

7. Do you think that the registration exemption provided in Section 1302 of the PA Vehicle Code for farm vehicles/equipment is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems?

A. Yes. ---- Please explain what these problems are.

B.No.

9. Do you think that anything should be added to the registration exemption in Section 1302?

A. Yes. ---- Please list what and explain why it should be added.

A lot of farmers are using gator utility vehicles. They are not covered under 1302 nor can they be titled or registered. There fore they can not be legally driven on public roads.

B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in Section 1302 changed?

A. Yes. ---- Please explain why and how.

B. No.

11. If the provisions of the PA Vehicle Code regarding farm vehicles/equipment are to be amended what are the changes you would like see included?

For farm vehicle give examples of use either in the definition or the PA code.

Pennsylvania Department of Transportation

1. In your opinion, would a revised code dealing specifically with commercial growers, farmers, and businesses result in a more accurate enforcement?

A. Yes. ---- Please explain why. If we could differentiate between then by registration types and definitions it would help law enforcement in regulating the law since right now everyone is basically under the same umbrella regardless.

B. No. ---- Please explain why.

2. Do the provisions of the Vehicle Code regarding farm vehicles/equipment accurately reflect the type of farm vehicles/equipment most commonly used by farmers and businesses in PA?

I far as I can tell it cover almost every thing except utility gators.

Survey #2

1. Do you think that the following definitions currently in PA Vehicle Code, Section 102, are adequate?

Farm equipment: “a vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.”

Farm vehicle: “a truck or truck tractor determined by the Department of transportation to be used exclusively for agricultural purposes.”

Implement of husbandry: “farm equipment that meets all of the following criteria:

- (1) Is equipped with pneumatic tires except if prohibited by religious beliefs.
- (2) Is infrequently operated or moved upon highways.
- (3) Is used in agriculture for any of the following purposes:
 - (i) performance of agriculture production or harvesting activities for the farmer's agricultural operations; or
 - (ii) transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation.

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.”

Multi-purpose agricultural vehicle: “a motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.”

C. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

B. No. I believe all of the definitions regarding agriculture registration need to be revised. The farming community has changed along with the equipment and its intended use. To me there appear to be grey areas as to who is now considered a farmer.

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators? *Unknown, As previously mentioned farming equipment has changed since this language was created. Many registration decisions are made based on an individual application basis because of new equipment or its intended use.*

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. vehicle types to reference_____

2. The intended use of the vehicle_____

3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. Detail on the vehicles intended use_____

2. Equipment not listed in the vehicle code__

3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the PA Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem. Farm Vehicles and Farm equipment definitions, I've experienced issues with farm vehicles being used to removing waste from septic tanks which is then taken to a processing center to be converted to fertilize a farm. Because this vehicle is removing waste from a residential location and then taken to a treatment center to be converted to fertilizer for a farm, I do not consider this to be a farm vehicle. I have run into opposition along with law enforcement as to the use of this vehicle from farmers.

B.If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed?

I don't think any changes suggested are simple however they will be necessary to provide clarity for enforcement reasons.

7. Do you think that the registration exemption provided in Section 1302 of the PA Vehicle Code for farm vehicles/equipment is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems?

A. Yes. ---- Please explain what these problems are.

B.No.

9. Do you think that anything should be added to the registration exemption in Section 1302?

A. Yes. ---- Please list what and explain why it should be added.

B. No.

Probably, from a DMV & law enforcement perspective I would prefer to have a better understanding of the types of vehicles and equipment the farming community currently uses to better answer this question.

10. Would you like to see the current farm vehicles/equipment registration exemption in Section 1302 changed?

A. Yes. ---- Please explain why and how.

B. No.

Same as question 9, some changes probably need to be made after a review of some of the vehicle types and their intended uses.

11. If the provisions of the PA Vehicle Code regarding farm vehicles/equipment are to be amended what are the changes you would like see included?

Same as question 9 & 10, also definitions that pinpoint vehicle types.

Pennsylvania Department of Transportation

In your opinion, would a revised code dealing specifically with commercial growers, farmers, and businesses result in a more accurate enforcement?

A. Yes. ---- Please explain why.

B. No. ---- Please explain why.

Do the provisions of the Vehicle Code regarding farm vehicles/equipment accurately reflect the type of farm vehicles/equipment most commonly used by farmers and businesses in PA?

Unknown, it probably covers most of the vehicles/equipment however it is the newer type vehicles and equipment that generates most of our questions and concerns .

Survey #3

1. Do you think that the following definitions currently in PA Vehicle Code, Section 102, are adequate?

Farm equipment: “a vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.”

Farm vehicle: “a truck or truck tractor determined by the Department of transportation to be used exclusively for agricultural purposes.”

Implement of husbandry: “farm equipment that meets all of the following criteria:

- (1) Is equipped with pneumatic tires except if prohibited by religious beliefs.
- (2) Is infrequently operated or moved upon highways.
- (3) Is used in agriculture for any of the following purposes:
 - (i) performance of agriculture production or harvesting activities for the farmer's agricultural operations; or
 - (ii) transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation.

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.”

Multi-purpose agricultural vehicle: “a motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.”

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

No, to the parts of the definitions that say, “.....any other vehicle determined by the department to be.....” The department does not okay any other vehicles because the vehicles can be used for other than farm vehicle uses, etc.

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

See note on page 3.

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. 1302.10_____

2. 1302.1_____

3. 1302.11_____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. 1302.10 it is difficult to determine who qualifies as a farm_

2. _____

3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the PA Vehicle Code? We should better define who our farmers are today along with the equipment and operations they are performing.

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B. If you do not think there are any problems, please indicate so.

Farming entities and equipment have changed, redefining our current regulations would provide us a better understanding of vehicle types and registration consistency.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed?

I don't know about every registration situation that occurs but more detail would be helpful.

7. Do you think that the registration exemption provided in Section 1302 of the PA Vehicle Code for farm vehicles/equipment is appropriate?

A. Yes.

B. No. ---- Please explain why.

See note on page 3.

8. Do you think that the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems?

A. Yes. ---- Please explain what these problems are.

See note on page 3.

B. No.

9. Do you think that anything should be added to the registration exemption in Section 1302?

A. Yes. ---- Please list what and explain why it should be added.

See note on page 3.

B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in Section 1302 changed?

A. Yes. ---- Please explain why and how.

B. No.

11. If the provisions of the PA Vehicle Code regarding farm vehicles/equipment are to be amended what are the changes you would like see included?

Only to define the farming and registration parameters.

Pennsylvania Department of Transportation

In your opinion, would a revised code dealing specifically with commercial growers, farmers, and businesses result in a more accurate enforcement?

A. Yes. ---- Please explain why.

B. No. ---- Please explain why.

I believe that this is would be helpful especially to law enforcement.

Do the provisions of the Vehicle Code regarding farm vehicles/equipment accurately reflect the type of farm vehicles/equipment most commonly used by farmers and businesses in PA?

I don't know. The farming industry has changed in the past 20 years, requirements need to be adjusted to better address today's farmers while maintaining proper safety and enforcement on our roads and highways.

e. PennAg Industries Association Response

1. Do you think that the following definitions currently in PA Vehicle Code, Section 102, are adequate?

Farm equipment: “a vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.”

Farm vehicle: “a truck or truck tractor determined by the Department of transportation to be used exclusively for agricultural purposes.”

Implement of husbandry: “farm equipment that meets all of the following criteria:

- (1) Is equipped with pneumatic tires except if prohibited by religious beliefs.
- (2) Is infrequently operated or moved upon highways.
- (3) Is used in agriculture for any of the following purposes:
 - (i) performance of agriculture production or harvesting activities for the farmer's agricultural operations; or
 - (ii) transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation.

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.”

Multi-purpose agricultural vehicle: “a motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.”

A. Yes.

B. **No.** ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

Farm vehicle – Any definition using the term “truck tractor” is confusing and difficult to interpret. DOT terms that refer to long haul trucking or interstate trucking (traditional 18 wheeler/box truck/cab and trailer) should not be used for agricultural equipment as well. There has to be specific standards and references for agricultural equipment. The two types of equipment are too unique to be using generalized terminology.

Implement of husbandry/ Commercial Implement of Husbandry – Unfortunately the creation of these two terms has not made understanding or compliance with regulations easier for the ag operator. It would be most beneficial to have one definition – Implement of Husbandry. To differentiate and still provide acknowledgment of commercially-used equipment a suggestion would be to implement a “custom” farm tag as well as the current farm tag. This custom tag would still require a registration process, which has been designed specifically to represent ag equipment and not motor vehicles, truck tractors/trailers, etc. Registration of these pieces of equipment however would be exempt from inspection, sales tax and motor carrier regulations just like a farm truck plate.

The creation of this license plate and category would eliminate much of the law enforcement issues faced by the agricultural community. An officer would see the plate and know what enforcement actions are proper.

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- Please underline the appropriate definitions.

B. **No.** --- Where are and what are the perceived gaps?

Agricultural equipment is constantly changing. Just as with motor vehicles, manufacturers develop new makes and models every year integrating the newest technology and features. Equipment is not manufactured according to the regulations of each state. Farmers and agribusiness are at the mercy of current manufacturer offerings. The gap lies within the difference between an Implement of Husbandry and Commercial Implement of Husbandry. Current legislation, regulations, and Code do not reflect the practical and actual equipment being utilized by the farming and agribusiness community. Often times these pieces of equipment do not reflect what the transportation requirements intend. State regulations must be flexible and allow for adjustments and changes as equipment changes.

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. The exclusivity of farming activity_____

2. _____

3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. Make the assumption that there are differences between the equipment being used on farm, by the farm owner, and that of what is being used by a supplier of the ag service. (very evident in Section 4921(b)(5), (6). An Implement of Husbandry in some cases can be as wide as 14 feet 6 inches, whereas a Commercial Implement of Husbandry cannot exceed 12 feet. One can only assume it is based on perceived risk, which is an unacceptable and unexplained bias/philosophy.)

2. Does not reflect changes in industry, including increasing shift to custom applicators and service providers rather than each individual owning and operating equipment.

3. Does not reflect flexibility for changes in equipment due to changing technology.

4. None of the definitions you identified relate to agribusiness/commercial/custom farm service providers.

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the PA Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

1. That there are multiple definitions for agriculture related equipment and thus different regulations for each, for example farm equipment and implement of husbandry/commercial implement of husbandry.

2. Nowhere in the definitions it is clearly noted where custom farming falls.

3. The inclusion of highway access limitation in the definitions of Implement of Husbandry and Commercial Implement of Husbandry needs to be removed. It is unfair and unrealistic to limit where and how often these pieces of equipment can travel. This type of limitation forces travel on smaller, more congested and lesser maintained roads, thus causing longer travel time to occur within an already limited timeframe (sunrise to sunset). The agriculture industry deserves to have more efficient routes and utilize quicker, safer and better roads just as any other vehicle. Many of the newer models are manufactured to have the ability for safe travel at long distances at higher speed. In some situations travel on larger roads (multiple lane, limited access or freeway) may be safer for the ag equipment as well as other vehicles on the road. The industry has expressed the willingness to consider permitting added safety features and even elimination of escorts if this type of limitation were removed. More specific road limitations exist in Section 4921(b)(6) relating to the width of Commercial

Implements of husbandry with the additional language of "...other than freeways." All the reasons given above that support elimination of limitations of accessible roads can be made for this section as well.

B. If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. **No** ---- What do you think should be changed?

No. Nothing is simple when it comes to complying with a document that has a 22 page Table of Contents and is as cumbersome as the Vehicle Code. Consolidation of definitions would only provide clarity and reduce confusion to a limited degree. The work lies in changing the language of the Title. For instance, Section 1302. Vehicles Exempt from Registration – 10(i), (ii). Why must there be two types of farm vehicles? There must be understanding and flexibility by the Department of Transportation to permit all farm equipment/vehicles the same ability to operate.

7. Do you think that the registration exemption provided in Section 1302 of the PA Vehicle Code for farm vehicles/equipment is appropriate?

A. Yes.

B. **No**. ---- Please explain why.

See above. This language is very confusing and limiting. There is no consideration of agricultural equipment used to provide farming services to a producer. Exemption of registration is critical for some types of farm equipment, such as tractors, because the requirements and documentation in order to complete registration are unattainable. Specifically, in order to register equipment you need a gross vehicle weight rating, title and certificate of origin, items which are not normal classifications or documents provided when purchasing agricultural equipment.

8. Do you think that the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems?

A. **Yes**. ---- Please explain what these problems are.

Yes, especially for law enforcement. As stated throughout these responses, from the road there is no way of telling who is operating a tractor or other piece of equipment – the farmer or someone performing the task on his behalf. Since DOT recognizes it is appropriate for a tractor being used by a farmer to be exempt, then the same should be applied to tractors being used on behalf of a farmer. The equipment is the same, why should something change based on the person operating it?

B.No.

9. Do you think that anything should be added to the registration exemption in Section 1302?

A. **Yes**. ---- Please list what and explain why it should be added.

Yes, an exemption of registration should also apply to agricultural equipment being used to provide a farmer any of the services listed in the definition of "farm equipment".

B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in Section 1302 changed?

A. **Yes.** ---- Please explain why and how.
See above.

B. No.

11. If the provisions of the PA Vehicle Code regarding farm vehicles/equipment are to be amended what are the changes you would like see included?

The issues and difficulties facing agribusiness and the equipment they use will not be resolved by changes to the Title alone. Changes must be reflected within the entire DOT process of enforcing and implementing the Title. Procedures and forms must be created or revised that reflect the reality of agricultural equipment. There must be also an increased level of knowledge of the agriculture industry and the equipment it uses within DOT personnel. A tractor is not a car or a semi-trailer and thus should not be viewed and handled as such.

PennAg Industries Association

1. In your opinion, would a revised code dealing specifically with commercial growers, farmers, and businesses result in a more accurate enforcement?

The issues in enforcement arise because there are already code provisions specifically for commercial entities. The fact that there is definition for Commercial Implements of Husbandry makes the assumption that they are of higher risk and operate differently than non-commercial operators. Unless a piece of equipment has a company name on it somewhere, there is no way of knowing if it is being operated commercially or not.

2. Do the provisions of the Vehicle Code regarding farm vehicles/equipment accurately reflect the type of farm vehicles/equipment most commonly used by farmers and businesses in PA?

No. First of all, as written by having Implements of Husbandry and Commercial Implements of Husbandry separated, the Title reflects that equipment is different if used commercially or by the farmer himself. This is not the case. The equipment is likely the same, it is just who the driver is working for that is different. He may either be working for himself, since he is the farmer, or he may be working under the direction of the farmer. Newer agricultural equipment reflects safety issues and is appropriately equipped. The provisions of the Title do not reflect this by prohibiting travel past sunset. Because of the presence of beacons and lighting, often times the equipment operators feel it easier to see and be seen by other vehicles in the dark. Few production – centered businesses operate only during sunrise and sunset. Agriculture is no exception. Farmers who are producing our population’s food perform field work and activities that do not begin and end based on the position of the sun.

f. Pennsylvania State Association of Township Supervisors

1. Do you think that the following definitions currently in PA Vehicle Code, Section 102, are adequate?

Farm equipment: “a vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.”

Farm vehicle: “a truck or truck tractor determined by the Department of transportation to be used exclusively for agricultural purposes.”

Implement of husbandry: “farm equipment that meets all of the following criteria:

- (1) Is equipped with pneumatic tires except if prohibited by religious beliefs.
- (2) Is infrequently operated or moved upon highways.
- (3) Is used in agriculture for any of the following purposes:
 - (i) performance of agriculture production or harvesting activities for the farmer's agricultural operations; or

(ii) transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation.

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.”

Multi-purpose agricultural vehicle: “a motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.”

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

Farm Vehicle: “ a truck or truck tractor determined by the Department of Transportation to be used exclusively for agricultural purposes.” What does “used exclusively for agricultural purposes” mean? Is there no limit how far a “farm vehicle” can travel on the roads?

Implement of Husbandry: Do not understand why “earthmoving equipment” is included in this definition.

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

Trucks and truck tractors

Earthmoving equipment

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. ___ not sure anything really does _____

2. ___ if farm related is exempt _____

3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. ___ What does infrequently mean? One time/10 times?_____

2. ___ transport of organic products – where? How often? _____

3. ___ Do drivers of farm vehicles over 26,000 pounds have to be CDL licensed? ___

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the PA Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

Definitions are not clear. Leave too much discretion for interpretation.

B. If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed?

Stipulate that vehicles/equipment driven on roads may only be used to go from one piece of property to another. Trucks have to be licensed/ inspected. Exemption would be large equipment (would be registered).

7. Do you think that the registration exemption provided in Section 1302 of the PA Vehicle Code for farm vehicles/equipment is appropriate?

A. Yes.

B. No. ---- Please explain why.

25 miles is too far a distance, especially for farm vehicles.

8. Do you think that the registration exemption for farm vehicles/equipment in Section 1302 of the PA Vehicle Code creates problems?

A. Yes. ---- Please explain what these problems are.

Farm vehicles can present problems depending on the type of truck.

B.No.

9. Do you think that anything should be added to the registration exemption in Section 1302?

A. Yes. ---- Please list what and explain why it should be added.

B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in Section 1302 changed?

A. Yes. ---- Please explain why and how.

The 25 miles distance as it relates to trucks, etc.

B. No.

11. If the provisions of the PA Vehicle Code regarding farm vehicles/equipment are to be amended what are the changes you would like see included?

Stipulate that all exempted equipment must follow Vehicle Code and may not be driven on public roads after dark, unless with headlights and tail lights, turning signals. Put all farm exemptions in one subsection instead of the present multi-subsections.

Pennsylvania Law Enforcement

1. From law enforcement perspective what are the most serious concerns regarding the movement of agricultural equipment upon public roadways in PA?

Size of vehicles – width of vehicles. Night travel (with primary vehicle and wagons, etc.) is from sunrise to sunset. This is/gets to be a problem with non-lighted vehicles/wagons, etc.

2. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles/equipment on public roads?

Complaints by other motorists about vehicles on roads without lights and appropriate signals: width of farm vehicles.

3. Do law enforcement officers find the Type I and Type II exceptions (Pennsylvania Vehicle Code, Section 1302(10)(i),(ii)) for unregistered farm vehicles traveling on public roads confusing?

A. Yes. ---- What could be done to help with this?

Yes, registered farm vehicles/ implements of husbandry. Provide owner with “free plates” for vehicles.

B. No. --- Go to question 4.

4. If in question 3 above, you have **not** suggested simplifying the Type I and Type II exceptions, would such a move significantly lessen the confusion for officers?

A. Yes.

B. No. ---- If you do **not** think a simplification would significantly lessen the confusion, what would help?

5. If in question 4 above, you have **not** suggested additional officer training on Type I and Type II exceptions, would such training be of significant help?

A. Yes

B. No ---- If you do **not** think additional training would be of significant help, what would?

No. Registration plates.

CHAPTER III: PROVISIONS CITED IN SURVEY RESPONSES

Farm Bureau

Section 231.2 of the PA Code

§ 231.2. Scope

- (a) Except as otherwise provided, this chapter applies to vehicles, including buses, motor vehicles and combinations of vehicles; and to drivers of buses or motor vehicles engaged in intrastate commerce if the registered gross weight of the vehicle or combination of vehicles exceeds 17,000 pounds.
- (b) This chapter applies to motor carriers of property or passengers involved in intrastate commerce, whether common carriers, contract carriers or private carriers.
- (c) This chapter does not apply to the following classes of vehicles and their drivers:
 - (1) Farm trucks not required to be registered.
 - (2) Special mobile equipment.
 - (3) Implements of husbandry.
- (d) Subchapters B and E (relating to qualifications of drivers; and hours of service of drivers) do not apply to drivers of farm trucks whether or not required to be registered and not carrying hazardous materials in an amount and type which require the vehicle to be placarded or marked under regulations promulgated under 75 Pa.C.S. § § 8301—8308 (relating to hazardous materials transportation).
- (e) This chapter does not apply to maintenance mechanics driving vehicles as part of their duties related to routine road tests or other maintenance tests provided the mechanic operates the vehicle within 25 air miles of the maintenance facility to which he is assigned.

Section 4909 of the PA Vehicle Code

§ 4909. Transporting foodstuffs in vehicles used to transport waste.

- (a) Offense defined.--
 - (1) A person commits a violation of this section if he transports or knowingly provides a vehicle for the transportation of any food product or produce intended for human consumption in a vehicle which has been used to transport any municipal, residual or hazardous waste or any chemical or liquid, in bulk, which is not a food product or produce.
 - (2) A person commits a violation of this section if he knowingly accepts any food product or produce from, or provides any food product or produce to, a vehicle used to transport any municipal, residual or hazardous waste or any chemical or liquid, in bulk, which is not a food product or produce.
- (b) Penalties.--
 - (1) A person who violates subsection (a)(1) shall, upon conviction for the first offense, pay a fine of not less than \$1,000 nor more than \$10,000. Upon the second or subsequent conviction of subsection (a)(1), a person shall pay a fine of not less than \$5,000 nor more than \$25,000, or the court shall order the operating privilege of the vehicle operator suspended for a period of up to one year, or both. A copy of the order shall be transmitted to the department.
 - (2) A person who violates subsection (a)(2) shall, upon conviction for the first offense,

pay a fine of not less than \$1,000 nor more than \$10,000. A person who violates subsection (a)(2) shall, upon the second or subsequent conviction, pay a fine of not less than \$5,000 nor more than \$25,000.

(c) Vehicle forfeiture.--Any vehicle or conveyance used in the commission of an offense under this section shall be deemed contraband and forfeited to the Department of Environmental Resources. The provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of intoxicating liquor shall apply to seizures and forfeitures under this section. Proceeds from the sale of forfeited vehicles or conveyances shall be deposited in the Solid Waste Abatement Fund.

(d) Responsibility for cost.--The owner of any vehicle or conveyance forfeited under subsection (c) shall be responsible for any costs incurred in properly disposing of waste in the vehicle or conveyance.

(e) Environmental Quality Board.--The Environmental Quality Board shall have the power and its duty shall be to adopt regulations, if necessary, to carry out the requirements of this section. Regulations, if necessary, shall be proposed within 90 days.

(f) Emergency telephone number.--The Pennsylvania State Police shall establish or designate a tollfree telephone number to report violations of illegal hauling.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Food product or produce." Any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

"In bulk." Not divided into parts or packaged in separate units.

"Municipal waste," "residual waste" or "hazardous waste." The terms shall have the meanings given to them under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste

Reduction Act.

(Mar. 13, 1990, P.L.69, No.14, eff. imd.)

1990 Amendment. Act 14 added section 4909. See section 6 of Act 14 in the appendix to this title for special provisions relating to construction of act.

Environmental Quality Board. Section 502(c) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Protection, provided that the Environmental Quality Board shall have the powers and duties currently vested in it, except as vested in the Department of Conservation and Natural Resources by Act 18 of 1995, which powers and duties include those set forth in section 4909.

State Police

PA Vehicle Code

§ 1334. Return of registration plate.

(a) General rule.--Registration plates shall be returned to the department under the following circumstances:

(1) A registration plate shall be returned if the registrant no longer has a vehicle titled in this Commonwealth.

(2) A legislative registration plate shall be returned on the expiration or termination of

the term of office of the legislative member.

(3) A dealer or "Miscellaneous Motor Vehicle Business" registration plate shall be returned if the business is discontinued.

(4) A person with a disability registration plate shall be returned if the person to whom it was issued no longer qualifies under section 1338 (relating to person with disability plate and placard).

(b) Time for return of plate.--Each registration plate required to be returned under this section shall be returned to the department within five days of the occurrence requiring its return.

(c) Statement accompanying returned plate.--Each returned registration plate shall be accompanied by a statement of the reason for the return of the plate and the date of the occurrence requiring its return.

(July 11, 1980, P.L.550, No.113, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended subsec. (a)(4).

PA Department of Agriculture

PA Code Chapter 189

§ 189.1. Scope; authority.

(a) This chapter regulates the use of highways posted with weight restrictions authorized under 75 Pa.C.S. § 4902 by vehicles and combinations having a gross weight in excess of the posted weight limit, and applies to both State highways and highways under the jurisdiction of local authorities.

(b) This chapter is promulgated under authority of 75 Pa.C.S. §§ 4902 and 6103.

(c) The provisions of this chapter apply to bridges located on posted highways but do not apply to bridges posted independently of highways.

§ 189.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Excess maintenance—Maintenance or restoration or both (but not betterment) of a posted highway in excess of normal maintenance, caused by use of over-posted-weight vehicles.

Local traffic—The following shall be regarded as local traffic for the purposes of § 189.3 (relating to local traffic):

(1) Emergency vehicles.

(2) School buses.

(3) Vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway.

(4) Vehicles and combinations going to or coming from a residence, commercial establishment, or farm located on a posted highway or which can be reached only via a posted highway.

Normal maintenance—The usual and typical activities necessary to maintain the roadway, shoulders and drainage facilities in the state of repair existing at the date of the inspection prescribed in § 189.4(f)(1) (relating to use under permit).

Over-posted-weight vehicle—A vehicle or combination having a gross weight in excess of a posted weight limit.

Posted highway—A highway having a posted weight limit.

Posted weight limit—A restricted weight limit posted on a highway under authority of 75 Pa.C.S. § 4902.

Posting authority—The Department, as to State designated highways and local authorities, as to all other streets and highways.

§ 189.3. Local traffic.

(a) General rule. Over-posted-weight local traffic may exceed posted weight limits unless the posting authority determines that an over-posted-weight vehicle or vehicles being driven to or from a particular destination or destinations are likely to damage the highway.

(b) Vehicles determined likely to damage highway. If the posting authority determines that one or more over-posted-weight vehicles are likely to damage the highway, the posting authority will so notify the registrants of the over-posted-weight vehicles or owners of the destination or destinations, or both, and will also notify State and local police. After 2 business days following delivery of the notice, or after 5 days following mailing of the notice, such over-posted-weight vehicles shall not exceed the posted weight limits except in accordance with the provisions of § 189.4 (relating to use under permit).

(c) Proof of local traffic status. The following types of documents will constitute evidence that a vehicle is local traffic:

(1) A bill of lading, shipping order or similar document which shows a destination on the posted highway.

(2) Certification by the permittee or an official of a permittee company on the company letterhead describing the local traffic nature of the activity which the vehicle is engaged in.

Cross References

This section cited in 67 Pa. Code § 189.2 (relating to definitions); and 67 Pa. Code § 189.4 (relating to use under permit).

§ 189.4. Use under permit.

(a) General rule. No over-posted-weight vehicle, except local traffic authorized under § 189.3(a) (relating to local traffic), shall be driven on a posted highway with a gross weight in excess of the posted weight limit unless the posting authority has issued a permit for the vehicle or vehicles in accordance with this section.

(b) Types of permits. Types of permits shall include the following:

(1) A Type 1 permit authorizes use of a particular posted highway or portion thereof by an over-posted-weight vehicle. It is valid only when carried in the over-posted-weight vehicle.

(2) A Type 2 permit authorizes use of a particular posted highway or portion thereof by any number of over-posted-weight vehicles being driven to or from a common destination.

(i) Documents of the type set forth in § 189.3(c) (relating to local traffic) will constitute evidence of the destination of a vehicle.

(ii) A Type 2 permit will be issued only upon request of the permittee and if the posting authority determines that it is not feasible to issue a Type 1 permit for each vehicle, for example, most over-posted-weight vehicles hauling to and from the place of business of

the permittee belong to or are hauling under contract with customers or suppliers of the permittee.

(3) A Type 3 permit authorizes use of a number of specified posted highways or portions thereof by an over-posted-weight vehicle.

(i) A Type 3 permit is valid only when carried in the over-posted-weight vehicle.

(ii) A Type 3 permit is issued only if the posting authority determines that damage to the posted highway covered by the permit will be minimal because of the limited number of moves by over-posted-weight vehicles and short term use of the highways anticipated by the permittee.

(c) Excess maintenance agreement. Issuance of a permit to exceed a posted weight limit or limits will be conditioned on the agreement by the permittee to accept financial responsibility for excess maintenance of the posted highway or portion thereof to be used by the permittee. The agreement may provide for the work to be performed by the posting authority or its contractor or by the permittee or its contractor, except that in the case of a self-bonded agreement, the Department will require that all work be performed by the permittee or its contractor.

(d) Security. Except as provided in paragraph (4), the permittee shall be required to provide security in favor of the posting authority to assure compliance with the maintenance-reconstruction agreement.

(1) Amount of security. Amount of security shall be as follows:

(i) Type 1 and Type 2 permits. Type 1 and Type 2 permits shall include:

(A) \$6,000 per linear mile for unpaved highways to be maintained at a level consistent with the type of highway.

(B) \$12,500 per linear mile for paved highways to be maintained at a level consistent with the type of highway.

(C) \$50,000 per linear mile for any highway which the posting authority allows to be maintained below a level consistent with the type of highway.

(ii) Type 3 permits. \$10,000 for each county or municipality covered by the permit.

(iii) Schedule of bonding amounts. The Department will from time to time, but not more often than annually, publish a revised schedule of bonding amounts based on increased or decreased maintenance costs.

(2) Form of security. The security may be in the form of a performance bond with surety by a company authorized to do business in the Commonwealth; or, at the option of the permittee, in the form of a certified or cashier's check, bank account, or irrevocable letter of credit in favor of the posting authority; or in some other form of security acceptable to the posting authority.

(3) Additional security. When the amount of damage in excess of normal maintenance to a posted highway is estimated by the posting authority to constitute 75% or more of the amount of the security, the posting authority may require the highway to be maintained or reconstructed within 30 days unless the permittee agrees to provide such additional security as the posting authority shall determine.

(4) Self-bonding. The posting authority may authorize self-bonding if it determines, on the basis of the financial ability of the permittee, that it is unlikely that the posting authority will be

unable to collect a judgment rendered against the permittee for failure to comply with the maintenance agreement.

(i) The posting authority may require corporate officers and stockholders and their spouses to execute a self-bond, if the financial ability of a corporation is insufficient in itself to justify self-bonding.

(ii) The posting authority may require the permittee to execute liens on real or personal property, or both, as a condition for authorizing self-bonding.

(iii) In order to be considered for self-bonding by the Department, a permittee shall file Contractor's Financial Statement, Department Form CS 4300, Part 1. The financial statement shall be updated annually, and within 30 days of any Department request for an update.

(e) Multiple permittees. Multiple permittees shall conform with the following:

(1) Agreement to share excess maintenance responsibility. If two or more persons wish to obtain Type 1 or Type 2 permits to operate over-posted-weight vehicles on the same posted highway or portion thereof, they may agree among themselves as to their relative responsibility for the cost of excess maintenance and the posting authority will enter into agreements and accept security on the basis of the agreed shares.

(2) Determination by posting authority. If multiple applicants for Type 1 or Type 2 permits cannot agree on their relative responsibility, the posting authority will determine their relative shares, and will enter into agreements with and accept security from any person agreeing to such determination.

(3) Subsequent permit applicants. Paragraphs (1) and (2) shall apply even if one or more persons have already entered into a Type 1 or Type 2 permit agreement and posted security when another person expresses the desire to obtain a Type 1 or Type 2 permit to operate over- posted-weight vehicles on the same posted highway.

(f) Determination of highway condition. Determination of highway condition shall consist of the following:

(1) Inspection. Representatives of the posting authority and of the permittee or permittees will make an onsite inspection of the posted highway immediately before issuance of each permit in order to determine its condition.

(2) Reinspection. The posted highway will be reinspected:

(i) Upon issuance of any new permit.

(ii) From time to time as the posting authority determines repairs may be required.

(iii) Upon termination of any permit, in order to determine the amount of damage for which the permittee or permittees are responsible.

(3) Type 3 permits. Before and after using a Type 3 permit on any posted highway specified in the permit, the representatives of the permittee and the posting authority will make an onsite inspection to determine the relative condition of the highway before and after the use and to assess any excess maintenance caused by the permittee.

(4) Notification of inspections and reinspections. All Type 1 and Type 2 permittees on a posted highway or portion thereof will be notified of all inspections and reinspections on the highway or portion, and may participate in the inspections and reinspections.

(5) Inspection costs. The inspection costs of the posting authority shall be paid by the permittee or permittees. Inspection costs related to a county wide or municipality wide—Type 3—permit will be paid solely by the Type 3 permittee.

(g) Administrative fee. The Department will charge a \$15 administrative fee for issuance of each Type 3 permit. Local authorities may charge an administrative fee of no more than \$15 for issuance of each Type 3 permit.

Cross References: This section cited in 67 Pa. Code § 189.2 (relating to definitions); and 67 Pa. Code § 189.3 (relating to local traffic).

APPENDIX C FOR TASK 4: DRAFT FINAL REPORT
INTERSTATE FARM VEHICLE POLICY COMPARISON STUDY
TASK 2: NEIGHBORING STATES DRAFT SUMMARY

PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
BY PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE AND DIANA MILLER

DATE: 3/7/2008

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INTRODUCTION

In the past several years, advocacy groups and trade organizations associated with agricultural operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Pennsylvania Department of Transportation (PennDOT) contracted with the Penn State Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The first part of the study focused on the current status of the Pennsylvania laws regulating the registration, use, and movement upon state highways of farm vehicles and equipment. The draft report was submitted to the Pennsylvania Department of Transportation on September 14, 2007. The report consisted of two parts. The first part included the current statutory provisions governing the registration, use, and movement of farm vehicles and equipment. The second part included a summary of the opinions on the current situation in Pennsylvania with respect to farm vehicles from each state agency to which the Penn State research assistants submitted a survey. The state agencies included in the survey were: the Pennsylvania Department of Transportation, the Pennsylvania Department of Agriculture, the Pennsylvania Farm Bureau, PennAg Industries Association, the Pennsylvania State Police, and the Pennsylvania State Association of Township Supervisors.

The second part of the study investigates how the registration, use, and movement of farm vehicles and equipment are regulated in other farming jurisdictions. As part of the second task of the study, the Penn State research assistants prepared a draft report reflecting the current situation with respect to farm vehicles and equipment in the following ten states: Maryland, Ohio, West Virginia, Texas, Virginia, Delaware, New Jersey, New York, Michigan, and California. The draft report consists of ten chapters: Chapter I: Maryland; Chapter II: Ohio; Chapter III: West Virginia; Chapter IV: Texas; Chapter V: Virginia; Chapter VI: Delaware; Chapter VII: New Jersey; Chapter VIII: New York; Chapter IX: Michigan; Chapter X: California. The chapters contain a summary of the current statutory provisions regulating the registration, use, and movement of farm vehicles and equipment for each of the researched states, and a summary of the surveys prepared for each of the researched states. Due to the lack

of participation on the part of the state agencies to which the surveys were distributed in each state, the researchers were unable to gather information regarding their opinion with respect to the registration, use, and movement of farm vehicles in each respective state. Complete responses to the surveys were returned by the Maryland Department of Agriculture and the Ohio Farm Bureau; partial responses were returned by the Texas Department of Transportation and the Texas Department of Agriculture.

As a separate part of the draft report, the researchers have included two appendices that contain the original surveys distributed to all agencies in all states, and the original two complete responses returned by the Maryland Department of Agriculture and the Ohio Farm Bureau.

EXECUTIVE SUMMARY

PART I: MARYLAND, OHIO, WEST VIRGINIA, TEXAS, AND VIRGINIA

The Maryland Transportation Code provides definitions for farm equipment, farm tractor, and farm vehicle. Maryland employs the definitions for a farm vehicle driver and a farmer provided in the FMCSR. Farm tractors and farm equipment are exempt from registration. Trucks, truck tractors, and trailers can be registered as farm vehicles, if they are used as farm vehicles. Any motor vehicle owned by a farmer and operated only on a farm may be registered as a farm area vehicle. Farm equipment moved temporarily on a highway is exempt from regulations governing size, weight, and load. Vehicles transporting agricultural products are also exempt. Overweight load permits are available. Farm area vehicles are exempt from the requirements for covering of loads when transporting loose materials. An exception for covering loads is also provided for agricultural products being transported to a farm. Every farm tractor, every self-propelled unit of farm equipment, and every combination of farm tractor and towed farm equipment must have single-beam or multiple-beam headlamps and additional red lamps. A slow-moving vehicle emblem is required for every vehicle travelling at speed of 25 mph or less.

A survey was distributed to officials from the Maryland Department of Transportation, the Maryland Department of Agriculture, the Maryland Farm Bureau, the Maryland State Police, and the Maryland Grain Producers Association. Only the Maryland Department of Agriculture returned a completed survey. The Department thinks that Maryland law regarding farm vehicles is up-to-date and adequate. The Department states there is a law enforcement concern with out-of-state unregistered farm vehicles, such as Pennsylvania Registration Exempt Farm Vehicles Type I and II.

The Ohio Vehicle Code provides definitions for agricultural tractor, farm machinery, and farm truck. Ohio employs the definitions for a farm vehicle driver and a farmer provided in the FMCSR. No license is required for temporarily operating, driving, or moving upon a highway at a speed of 25 mph or less any agricultural tractor or implement of husbandry. Farm trucks are exempted from the commercial driver's license requirements. There are no prorated registration fees for farm trucks. Farm vehicles used to transport agricultural products are exempt from the

requirement for securing loads. Slow-moving vehicle emblem and various lights are required for farm vehicles.

A survey was distributed to officials from the Ohio Department of Transportation, the Ohio Farm Bureau, and the Ohio Highway Patrol. The Ohio Department of Agriculture indicated that it could not provide assistance with the survey. Only the Ohio Farm Bureau returned a completed survey. The Farm Bureau thinks that Ohio law regarding farm vehicles is generally up-to-date and complete, and the language is broad enough to allow flexibility for modern farm equipment, which was not included within the definitions. The Farm Bureau points out that in certain provisions the legislature should change “implements of husbandry” to “farm machinery.”

The West Virginia Vehicle Code provides definitions for farm tractor, implement of husbandry, and farm truck. Implements of husbandry are exempt from licensing and registration if they are exclusively used for agricultural purposes, have a machine for spraying trees attached upon them, if they are taken to and from a repair shop, and the distance travelled upon a highway is not more than 25 miles. This general registration exemption applies also to farm machinery and tractors. Implements of husbandry exempted under the general registration and licensing exception must have the words “farm use” affixed. Farm-use registration exemption applies to any Class A or B vehicle, which is not subject to the general licensing and registration exemption. These vehicles must display farm-use exemption certificate. The registration fees for Class Farm Truck vehicles depend on the gross vehicle weight and the type of tires. Provisions regarding size, weight, and load do not apply to implements of husbandry and farm tractors temporarily moved on a highway. Every farm tractor equipped with an electric lighting system must display at all times a red tail lamp and either multiple-beam or single-beam head lamps.

A survey was distributed to officials from the West Virginia Department of Transportation, the West Virginia Department of Agriculture, the West Virginia Farm Bureau, and the West Virginia State Police. None of them returned a response.

The Texas Transportation Code provides definitions for farm semitrailer, farm tractor, farm trailer, and implements of husbandry. The Texas Administrative Code provides definition for farm vehicle, agricultural commodity, and producer. Texas employs the definitions for a farm

vehicle driver and a farmer provided in the FMCSR. Driver's license is not required for the operation of farm tractor or implement of husbandry on a highway, unless the vehicle is a commercial motor vehicle. Even if the vehicle may qualify as a commercial motor vehicle, commercial driver's license is not required if the vehicle is controlled and operated by a farmer; is used to transport agricultural products, farm machinery, or farm supplies to or from a farm; is used within 150 miles of the person's farm; and is not used in the operations of a common or contract motor carrier. General rules of registration apply for farm vehicles exempt from the commercial driver's license requirement. An owner is not required to register a farm trailer or semitrailer if the vehicle is only temporarily on a highway, with a gross weight between 4,000 and 34,000 lbs, and is used to transport agricultural products, livestock, or farm supplies. For these types of vehicles, the Department of Transportation issues specialty license plates that cost \$5. If the farm vehicle is not exempt from the commercial driver's license requirement, the registration fee is 50% of the applicable fee for the particular class commercial vehicle. This fee is only applicable if the vehicle will be used for commercial purposes to transport only certain products. The width limitations do not apply to farm tractors and implements of husbandry under certain conditions. There are certain lighting requirements in the Code that apply to farm vehicles.

A survey was distributed to officials from the Texas Department of Transportation, the Texas Department of Agriculture, the Texas Farm Bureau, and the Texas Highway Patrol. Only The Texas Department of Transportation and the Texas Department of Agriculture returned partial response via e-mail. The Department of Transportation indicates that the problem is mainly in the enforcement of the statutory provisions for farm vehicles. The Department of Agriculture states that it is unaware of any specific problems with these provisions, but if there are such that it will work together with the Department of Transportation to address the issues.

The Virginia Vehicle Code provides definitions for farm tractor, farm utility vehicle, farm, agricultural products, and farm vehicles used exclusively for farm use. License is not required for farm tractor or farm machinery if operated only temporarily on a highway. Vehicles that are used for spraying trees, for agricultural or horticultural purposes, for seasonal transportation of produce and livestock, farm machinery and tractors, owned by farmers and used to transport wood products, vehicles transporting fertilizer, peanuts, and cotton, are all exempt

from registration, license plates, and registration fees. The registration fee for farm vehicles used exclusively for farm use, and having gross weight of 7,500 lbs or more, is half the fee for private carriers and half the fee for overload permits.

A survey was distributed to officials from the Virginia Department of Motor Vehicles, the Virginia Farm Bureau, and the Virginia State Police. None of them returned a response. The Virginia Department of Agriculture stated in phone conversation that it did not have any information that would be helpful with the surveys.

PART II: DELAWARE, NEW JERSEY, NEW YORK, MICHIGAN, AND CALIFORNIA

Generally, all states recognized that farm vehicles needed to be treated differently than other vehicles, even commercial vehicles. Most states provided a general definitional section in which they specifically defined each term that is related to farm vehicles. The exception to this seems to be New York which chose to define generally what a “motor vehicle” was and then provide exclusions to it that carved out a niche for farm vehicles.

Additionally, each state provided a different registration process to the farm vehicles. While each state chose to go about this in somewhat different ways, they were common in their attempt to set standards, usually temporal and geographic restrictions on what could be classified as a farm vehicle. Furthermore, most states chose to reduce the registration fees and taxes that are charged to register/operate a farm vehicle. An example of one fairly unique system is that of Michigan which chose to utilize the empty weight of the vehicle to determine the monetary charge that was expected from the farmer. This had the added benefit that the heavier the vehicle (thus the more damage it would do to the highway) the higher the charge.

The states also had specific equipment requirements that the farm vehicles were expected to meet, as well as exemptions to the normal size and weight regulations placed on normal or even commercial vehicles.

While the statutory analysis of the various states was very successful, the attempts to gain additional information by contacting the various states were unsuccessful. While the states eagerly provided their codes on the internet, the difficulty in contacting individuals with the requisite administrative ability to participate in the survey was difficult. Those individuals who

were contacted either refused to fill out the survey stating that they are unfamiliar with the organization conducting the research (eg. The Dickinson School of Law) or that they would require a detailed briefing, directly from PennDOT, of the project before they would even consider examining the survey.

In conclusion, while it is unfortunate that additional information could not be obtained to put into further focus the methods that the five above mentioned states use to handle the often times confusing methods of dealing with vehicle registration, the vast amount of information gained from the various vehicle codes alone sheds a significant light on how the states choose to handle their farm vehicle issues.

CHAPTER I: MARYLAND

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

The use, registration, and movement of farm vehicles and equipment in Maryland are governed by the provisions of the Maryland Transportation Code¹ and The Federal Motor Carrier Safety Regulations.²

I. Definitions

1. Farm Equipment

Farm equipment is defined in the Transportation Code as a “vehicle that: 1) is designed and adapted only for agricultural, horticultural, or livestock raising operations; 2) is designed and adapted only for lifting or carrying a “farm vehicle”; or 3) is designed and adapted for splitting firewood.”³

2. Farm Tractor

Farm tractor is defined in the Transportation Code as a “motor vehicle that is designed and used primarily as a farm implement for drawing farm equipment.”⁴

3. Farm Vehicle

Farm vehicle is defined in the Transportation Code as “a vehicle that: 1) is owned by a farmer; 2) is used only in the farmer’s farming business and about the farmer’s farm home and in hauling farm products and the labor, supplies, equipment, and other materials necessary to the operation of the farm and farm home; and 3) is not used to haul farm products previously

¹ Md. Transportation Code Ann. § 1-101 (2007).

² 49 CFR § 1.1 (2007).

³ Md. Transportation Code Ann. § 11-120.

⁴ Md. Transportation Code Ann. § 11-121.

acquired by the farmer for resale or to haul farm products for hire for another person who is not a farmer.”⁵

4. Farm Vehicle Driver

Farm Vehicle Driver is defined in the Federal Motor Carrier Safety Regulations as 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 § 177.823 of this subtitle; and (e) being used within 150 air-miles of the farmer's farm.”⁶

5. Farmer

Farmer is defined in the Federal Motor Carrier Safety Regulations as “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.”⁷

Farmer is also defined in the Maryland Transportation Code as “any person who: (1) raises, grows, and produces farm products on a farm of at least 3 acres; or (2) keeps at least 25 hives of bees for the pollination of orchards and farm crops and the commercial production of honey.”⁸

Farm products are defined in the Maryland Transportation Code to “include food for consumption of humans or livestock, tobacco, shrubbery, flowers, plants, trees for replanting, seed, fertilizer, mulch, peat, sod, livestock and livestock products, poultry and poultry products, farm wood lot products, and fibers.”⁹

⁵ Md. Transportation Code Ann. § 13-911(c).

⁶ 49 CFR § 390.5

⁷ *Id.*

⁸ Md. Transportation Code Ann. § 13-911(d).

⁹ Md. Transportation Code Ann. § 13-911(b).

II. Registration

The Maryland Transportation Code provides that each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered.¹⁰ However, the Code also provides certain exceptions. Registration is not required for a farm tractor or any farm equipment.¹¹ The Code also provides an option for registering trucks, truck tractors, and trailers as farm vehicles.¹² Additionally, any motor vehicle owned by a farmer and operated only on the farm, can be registered as a farm area vehicle.¹³ However, in order to register a vehicle as a farm truck, farm truck tractor, or a farm trailer, the vehicle must be used as a farm vehicle.¹⁴ In addition the farm truck must have a gross vehicle weight (GVW) of 10,000 lbs. or more.¹⁵

1. Farm Truck

The Maryland Transportation Code classifies farm truck as a Class E vehicle with a shipping weight of its chassis and battery, as certified by the manufacturer of more than $\frac{3}{4}$ ton.¹⁶ The registration application documents include an Application Form, Maryland Safety Inspection Certificate, and Application and Certification for Issuance of Farm Tags. In addition Class E farm trucks are eligible to display a specialty plates such as agricultural plates.¹⁷ In this case the application documents will also include a Specialty License Plate Application Form. If the gross vehicle weight of the farm truck is more than 55,000 lbs., the application documents should also include a proof of payment of the Heavy Highway Vehicle Use Tax.

Upon reviewing the application, the Maryland Motor Vehicle Administration shall issue a Class E “farm truck registration” if the applicant is a farmer, the vehicle for which the application is made is a farm truck, and the proposed use of the vehicle is specified.¹⁸ The annual registration fee is based on the gross vehicle weight: \$5 per 1,000 lbs for vehicles with GVW

¹⁰ Md. Transportation Code Ann. § 13-402(a)(1).

¹¹ Md. Transportation Code Ann. § 13-402(c)(3).

¹² See Md. Transportation Code Ann. §§ 13-921, 13-924, 13-930.

¹³ See Md. Transportation Code Ann. §13-935.

¹⁴ See definition of **farm vehicle** *supra* p.5.

¹⁵ Md. Transportation Code Ann. § 13-921(c).

¹⁶ Md. Transportation Code Ann. § 13-921(a).

¹⁷ Md. Transportation Code Ann. § 13-619.2 (subject to abrogation effective June 30, 2013).

¹⁸ Md. Transportation Code Ann. § 13-921(b).

between 10,000 lbs and 40,000 lbs; and \$5.25 per 1,000 lbs for vehicles with GVW between 40,001 lbs and 65,000 lbs.¹⁹

Once the vehicle has been registered as a farm truck, it may not be used for hire, except to haul farm products for another farmer.²⁰ Additionally, the vehicle may not be used in any other manner other than as a farm truck.²¹

2. Farm Truck Tractor

The Maryland Transportation Code classifies farm truck tractor as a Class F farm vehicle.²² The registration application documents include an Application Form, Maryland Safety Inspection Certificate, and Application and Certification for Issuance of Farm Tags. If the gross vehicle weight of the farm truck tractor is more than 55,000 lbs., the application documents should also include a proof of payment of the Heavy Highway Vehicle Use Tax.

Upon reviewing the application, the Maryland Motor Vehicle Administration shall issue a Class F “farm truck tractor” registration if the applicant is a farmer, the vehicle for which the application is made is a farm truck tractor, and the proposed use of the vehicle is specified.²³ The annual registration fee is based on the gross weight of the vehicle in combination with a trailer or a semitrailer: \$5.25 per 1,000 lbs for vehicles with GVW between 40,000 lbs (minimum) and 80,000 lbs (maximum).²⁴

Once the vehicle has been registered as a farm truck tractor, it may not be used for hire, except to haul farm products for another farmer.²⁵ Additionally, the vehicle may not be used in any other manner other than as a farm truck tractor.²⁶

¹⁹ Md. Transportation Code Ann. § 13-921(c).

²⁰ Md. Transportation Code Ann. § 13-921(d).

²¹ Md. Transportation Code Ann. § 13-921(e).

²² Md. Transportation Code Ann. § 13-924(a).

²³ Md. Transportation Code Ann. § 13-924(b).

²⁴ Md. Transportation Code Ann. § 13-924(c).

²⁵ Md. Transportation Code Ann. § 13-924(d).

²⁶ Md. Transportation Code Ann. § 13-924(e).

3. Farm Trailer and Semitrailer

The Maryland Transportation Code classifies farm trailers and semitrailers as a Class G farm vehicle.²⁷ The registration application documents include an Application Form, Maryland Safety Inspection Certificate, and Application and Certification for Issuance of Farm Tags.

Upon reviewing the application, the Maryland Motor Vehicle Administration shall issue a Class G “farm trailer or semitrailer” registration if the applicant is a farmer, the vehicle for which the application is made is a farm trailer or semitrailer, and the proposed use of the vehicle is specified.²⁸ The annual registration fee is based on the maximum gross weight limitations for the vehicle: \$12.75 for 3,000 lbs, \$25.50 for 5,000 lbs, \$40.00 for 10,000 lbs, \$62.00 for 20,000 lbs.²⁹

Once the vehicle has been registered as a farm trailer or semitrailer, it may not be used for hire, except to haul farm products for another farmer.³⁰ Additionally, the vehicle may not be used in any other manner other than as a farm trailer or semitrailer.³¹

4. Farm Area Vehicle

Farm area vehicle is defined as a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 10-mile radius of the farm.³² The Maryland Transportation Code classifies farm area vehicle as a Class K vehicle.³³ The registration application documents include an Application Form and Application and Certification for Issuance of Farm Tags. A Maryland Safety Inspection Certificate is not required to register a vehicle as a farm area vehicle. The annual registration fee for farm area vehicle is \$2.50.³⁴

²⁷ Md. Transportation Code Ann. § 13-930(a).

²⁸ Md. Transportation Code Ann. § 13-930(b).

²⁹ Md. Transportation Code Ann. § 13-930(c).

³⁰ Md. Transportation Code Ann. § 13-930(d).

³¹ Md. Transportation Code Ann. § 13-930(e).

³² Md. Transportation Code Ann. § 13-935(a)(2).

³³ Md. Transportation Code Ann. § 13-935(b).

³⁴ Md. Transportation Code Ann. § 13-935(c).

III. Size Limitations

The Code provides certain width, height, length, and weight limitations for vehicles and combination of vehicles moved on public roads. The Code also provides certain exemptions from these limitations for certain types of vehicles or for vehicles transporting certain types of products. The overall size limitations and the exemptions are discussed below. The Code provides that farm equipment temporarily moved on a highway is exempt from the regulations governing size, weight, and load.³⁵

1. Maximum Width Limits

The width of a vehicle includes the width of the vehicle and any load it carries, exclusive of safety and energy conservation devices.³⁶ The maximum width limit is 102 inches.³⁷ A vehicle exceeding 102 inches in width may not be driven on a highway unless it has a special hauling permit issued from the State Highway Administration, or has permission from the local authority of a particular highway.³⁸ However, farm equipment and vehicles transporting farm equipment are exempt from the width limitations.³⁹

2. Maximum Height Limits

The height of any vehicle and its load may not exceed 13 feet 6 inches.⁴⁰ However, the Code provides certain exceptions. If the vehicle is a vehicle combination transporting farm equipment, the overall height of the vehicle combination and its load may extend to 16 feet, provided that the vehicle combination is travelling on the highway for a distance not exceeding 75 miles and the load cannot readily be reduced in height.⁴¹

³⁵ Md. Transportation Code Ann. § 24-101.

³⁶ Md. Transportation Code Ann. § 24-102(a)(1).

³⁷ Md. Transportation Code Ann. § 24-102(c)(1).

³⁸ Md. Transportation Code Ann. § 24-102(c)(1)(i)(ii).

³⁹ Md. Transportation Code Ann. § 24-102(b)(1)(2).

⁴⁰ Md. Transportation Code Ann. § 24-104(a).

⁴¹ Md. Transportation Code Ann. § 24-104(c)(1).

3. Length Limitations

A single unit truck may not be more than 40 feet long.⁴² The length of the vehicle includes its load.⁴³ However, semitrailer and trailer operated in combination with truck tractor, the combination of vehicle is not subject to the overall length limitation.⁴⁴ A semitrailer or trailer operated in this combination cannot exceed 28 feet in length for each unit.⁴⁵ A semitrailer operated in combination with a truck tractor, is not subject to the overall length limit; however the semitrailer cannot exceed 48 feet in length.⁴⁶

4. Gross Weight Limitations

The gross weight of any vehicle or combination of vehicles cannot exceed the following limits depending on the number of axles:⁴⁷

No of Axles	Gross Weight (lbs.)
3 or less	55,000
4	66,000
5	80,000

However, the Code provides certain exceptions from the size requirements for vehicles or combination of vehicles transporting agricultural products.⁴⁸

In addition the operators of vehicles transporting certain products may obtain permits to haul a load, exceeding the weight limitations provided in the Code. Garrett and Allegany counties provide the option for obtaining Forest Products Exceptional Hauling Permit.⁴⁹ The permit is renewable yearly and costs \$500.⁵⁰ Allegany, Anne Arundel, Baltimore, Carroll, Frederick, Garrett, Howard, Montgomery, Prince George's, and Washington counties provide the option for obtaining Exceptional Milk Hauling Permit.⁵¹ The permit is renewable yearly and

⁴² Md. Transportation Code Ann. § 24-104.1(d)(1).

⁴³ Md. Transportation Code Ann. § 24-104.1(b)(1)(2).

⁴⁴ Md. Transportation Code Ann. § 24-104.1(h).

⁴⁵ *Id.*

⁴⁶ Md. Transportation Code Ann. § 24-104.1(i).

⁴⁷ Md. Transportation Code Ann. § 24-109(d).

⁴⁸ Md. Transportation Code Ann. § 24-109(f).

⁴⁹ Md. Transportation Code Ann. § 24-113.2.

⁵⁰ *Id.*

⁵¹ *Id.*

costs \$500.⁵² In addition, the Code also provides the option for 5% tolerance for vehicles hauling liquid milk intrastate.⁵³

IV. Safety Issues

1. Covering of Loads

The beds of all vehicles transporting loose materials that can blow, fall, or spill, must be fully enclosed on all sides and covered with canvas or other type of approved cover.⁵⁴ However, these requirements do not apply to agricultural products in their natural state or residue developed from processing vegetable agricultural products that can be used as feed for animals and that are being transported to a farm.⁵⁵ Farm area vehicles (Class K) when transporting loose materials are exempted from these requirements.⁵⁶

2. Lamps on Farm Tractors and Farm Equipment

The Code provides a requirement for equipping every farm tractor, every self-propelled unit of farm equipment, and every combination of farm tractor and towed farm equipment with single-beam or multiple-beam headlamps and additional red lamps.⁵⁷

3. Slow Moving Vehicle Emblem

A slow moving vehicle emblem is required to be displayed when operating on a highway any vehicle or combination of vehicles that is driven at a speed of 25 mph or less.⁵⁸ In Maryland, new farm equipment designed or intended by the manufacturer to be driven or moved at speed of 25 mph or less, cannot be sold unless equipped with a slow moving vehicle emblem.

⁵² *Id.*

⁵³ Md. Transportation Code Ann. § 24-111.19(c).

⁵⁴ Md. Transportation Code Ann. § 24-106.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Md. Transportation Code Ann. § 22-215.

⁵⁸ Md. Transportation Code Ann. § 21-805.

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether Maryland laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in Maryland. The survey was distributed to officials from the Maryland Department of Transportation, the Maryland Department of Agriculture, the Maryland Farm Bureau, the Maryland State Police, and the Maryland Grain Producers Association.

The survey consisted of sixteen questions directed to all participating agencies and four additional questions for the Maryland State Police. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the Maryland Transportation Code; whether they fit the equipment most commonly used by farmers; the most helpful and most troublesome aspects of these definitions; problems with the current definitions and how they can be solved; whether the registration exemption in Section 13-402 of the Code is confusing or creates problems; problems with the provisions of Sections 13-921, 13-924, 13-930, and 13-935 in the Code; issues with the current size limitations when applied to farm vehicles and equipment; what changes each entity would like to see in the Code, and the most common law enforcement issues.

Unfortunately, the only agency that has returned a completed survey was the Maryland Department of Agriculture. Below is provided the summarized response to the survey from this institution.

II. Successes and Concerns Identified with the Survey - By Agency

1. Maryland Department of Agriculture

The Maryland Department of Agriculture thinks that the current definitions of farm

equipment, farm tractor, and farm vehicle found in the Maryland Transportation Code are adequate. In addition, the Department of Agriculture thinks that these definitions fit the equipment commonly used by farmers.

The Department believes that the most helpful aspects of the current definitions are the lower vehicle registration fees because of the seasonal use of farm vehicles and the registration exemption for farm equipment. The Department finds no troublesome aspects with the current definitions.

The Department believes that the registration exemption in Section 13-402 of the Transportation Code for farm tractors and farm equipment is appropriate and does not create any problems. The Department does not think that anything should be added or changed in the current registration exemption in Section 13-402.

The Department finds no problems with the current provisions in Section 13-921 regarding farm truck registration, Section 13-924 regarding farm truck tractor registration, Section 13-930 regarding farm trailer and semitrailer registration, and Section 13-935 regarding farm area vehicle registration. The Department finds the current size limitations in the Transportation Code and their application to farm vehicles and equipment appropriate. The only change in the Transportation Code that the Department would like to see is extending the mileage that a farm area registered vehicle can operate.

Additionally, the Department has provided an input on out-of-state agricultural vehicles. The Department explains that Maryland law requires all motor vehicles driven on a highway, including any out-of-state farm vehicles, to be registered and insured. The Department points out that if an out-of-state unregistered farm vehicle, such as Pennsylvania Registration Exempt Farm Vehicle Type I and II, were to operate on Maryland roads, the Maryland State Police would have no means to confirm registration. Consequently, these vehicles would be required to return to their home state and would be possibly fined. The Department further explains that Maryland does honor out-of-state registered farm vehicles. Finally, the Department recommends to the Researchers that it may be important to remind Pennsylvania farmers operating registration exempt vehicles that they should only operate intrastate.

CHAPTER II: OHIO

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

The use, registration, and movement of farm vehicles and equipment in Ohio are governed by the provisions of the Ohio Vehicle Code⁵⁹ and The Federal Motor Carrier Safety Regulations.⁶⁰

I. Definitions

1. Agricultural Tractor

Agricultural tractor is defined in the Vehicle Code as “any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.”⁶¹

2. Farm Machinery

Farm machinery is defined in the Vehicle Code as “all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.”⁶²

⁵⁹ ORC Ann. 4501.01 (2007).

⁶⁰ 49 CFR § 1.1 (2007).

⁶¹ ORC Ann. 4501.01 (C).

⁶² ORC Ann. 4501.01 (U).

3. *Farm Truck*

Farm truck is defined in the Vehicle Code as “a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this division and is not used in the operations of a motor transportation company or private motor carrier.”⁶³

4. *Farm Vehicle Driver*

Farm Vehicle Driver is defined in the Federal Motor Carrier Safety Regulations as 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 § 177.823 of this subtitle; and (e) being used within 150 air-miles of the farmer's farm.”⁶⁴

5. *Farmer*

Farmer is defined in the Federal Motor Carrier Safety Regulations as “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.”⁶⁵

⁶³ ORC Ann. 4506.01 (O).

⁶⁴ 49 CFR § 390.5

⁶⁵ *Id.*

II. Licensing

The Ohio Vehicle Code prohibits the operation of a motor vehicle upon any public or private roadways without a valid driver's license.⁶⁶ However, the Code also provides certain exceptions for this requirement. Under Ohio law no person is required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of twenty-five miles per hour or less.⁶⁷ However, the law also places the requirement that no person drives, operates, draws, moves, or propels any agricultural tractor or implement of husbandry upon a street or highway at a speed greater than twenty-five miles per hour unless the person has a current, valid driver's or commercial driver's license.⁶⁸ Additionally, the Ohio Vehicle Code provides a commercial driver's license exemption for farm trucks.⁶⁹

III. Registration

First time registration of any vehicle is done at the local Deputy Registrar. The first time registration requires that the owner of the vehicle brings the original Certificate of Title or Memorandum Certificate of Title. These are the documents that prove ownership. The title must be notarized and contain the Clerk of Court's seal. The original registration period on new registrations goes from the title date or the date the vehicle was first used on the highway to the expiration date. The fees for new registrations are prorated. However, fees are not prorated for farm trucks or recreational vehicles.⁷⁰

IV. Safety Issues

Chapter 4513 of the Ohio Vehicle Code regulates mainly safety issues pertaining to

⁶⁶ ORC Ann. 4507.02 (A)(1).

⁶⁷ ORC Ann. 4507.03 (A)(2).

⁶⁸ ORC Ann. 4507.03 (A)(3).

⁶⁹ ORC Ann. 4506.03 (B)(1).

⁷⁰ A table with Farm Truck Registration fees can be found at:
http://bmv.ohio.gov/vehicle_registration/farm_trk_reg_fees.htm

equipment that Ohio vehicles should have when operated on the road, and load safety requirements. The Code provides that no person shall drive or move on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.⁷¹ However, the Code provides some equipment exceptions for certain vehicles. The Code provides that Sections 4513.01 to 4513.37 of the Revised Code do not apply to implements of husbandry, or agricultural tractors.⁷²

1. Securing Loads

Ohio law requires that all loads are properly secured. The Vehicle Code requires that vehicles driven or moved on any highway are loaded or covered in a manner that would prevent any dropping, sifting, leaking, or escaping of their loads.⁷³ The Code further prohibits vehicles loaded garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle, to be driven or moved on any highway, unless the load is covered in a way to prevent the load or any part of the load from spilling onto the highway.⁷⁴ However, the Code provides an exception from this provision for farm vehicles used to transport agricultural produce or agricultural production materials.⁷⁵

2. Lamps, Reflectors, and Emblems for Animal-Drawn or Slow-Moving Vehicles

The Ohio Vehicle Code requires all vehicles, including animal-drawn vehicles to be equipped with at least one white light visible from a distance of not less than one thousand feet; two red lamps visible from the same distance; or as an alternative one red light lamp and two red reflectors.⁷⁶ The Code also requires that farm machinery be operated at a speed not exceeding

⁷¹ ORC Ann. 4513.02 (A).

⁷² ORC Ann. 4513.02 (G).

⁷³ ORC Ann. 4513.31 (A).

⁷⁴ ORC Ann. 4513.31 (B).

⁷⁵ *Id.*

⁷⁶ ORC Ann. 4513.11 (A).

twenty-five miles per hour and display a triangular slow-moving vehicle emblem.⁷⁷ The slow-moving vehicle emblem is restricted to animal-drawn vehicles and slow-moving vehicles described in Section 4513.11(B) when operating or travelling within the limits of the highway.⁷⁸

Any farm machinery and any unit of farm machinery, designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the use of the slow-moving vehicle emblem, should be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet.⁷⁹ Additionally, every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard.⁸⁰ Agricultural equipment designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display speed identification symbol when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway.⁸¹

If an agricultural tractor that is designed by the manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.⁸²

3. Lights and Reflectors for Multi-Wheel Agricultural Tractors and Farm Machinery Units

The Ohio Vehicle Code requires that every multi-wheel agricultural tractor with model year 2001 or earlier and every unit of farm machinery with model year 2002 or earlier when travelling on a street or highway, be equipped with display markings and illuminated lamps that

⁷⁷ ORC Ann. 4513.11 (B).

⁷⁸ ORC Ann. 4513.11 (C).

⁷⁹ ORC Ann. 4513.11 (E).

⁸⁰ ORC Ann. 4513.11 (G).

⁸¹ *Id.*

⁸² *Id.*

meet or exceed the American Society of Agricultural Engineers Standard.⁸³ The Code prohibits any person from operating any unit of farm machinery on a street or highway in violation of Section 4513.111 (A) and (B).⁸⁴

⁸³ ORC Ann. 4513.111(A)(B).

⁸⁴ ORC Ann. 4513.11 1(D).

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

1. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether Ohio laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in Ohio. The survey was distributed to officials from the Ohio Department of Transportation, the Ohio Farm Bureau, and the Ohio Highway Patrol. The Ohio Department of Agriculture indicated that it has never collected any data that may relate to the survey and therefore it could not participate.

The survey consisted of thirteen questions directed to all participating agencies and four additional questions for the Ohio State Patrol. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the Ohio Vehicle Code; whether they fit the equipment commonly used by farmers; the most helpful and most troublesome aspects of these definitions; problems with the current definitions and how they can be solved; whether the license exemption in Section 4507.03(2) of the Code is appropriate; whether the commercial driver's license exemption for farm trucks in Section 4506.03(B)(1) of the Code is appropriate; whether the lighting requirements imposed by Sections 4513.11 and 4513.111 of the Code are appropriate; whether the load and equipment exceptions for implements of husbandry and agricultural tractors provided in Section 4513.02(G) are appropriate; what changes each entity would like to see in the Code, and the most common law enforcement issues.

Unfortunately, the only agency that has returned a completed survey was the Ohio Farm Bureau. Below is provided the summarized response to the survey from this institution.

II. Successes and Concerns Identified with the Survey - By Agency

1. Ohio Farm Bureau

The Ohio Farm Bureau thinks that the current definition of agricultural tractor found in the Ohio Vehicle Code is adequate. However, the Farm Bureau points out that on October 18, 2007, Ohio adopted H.B.9. This new law moved some of the definitions found in Section 4501.01 for clarification to the definition of “farm machinery.” The new law also removed the 25 mph speed limitation for farm machinery as long as the farm machinery has a speed indicator symbol. The reason for this change was the fact that Ohio had tractors travelling faster than 25 mph and they were breaking the slow-moving vehicle law. The Farm Bureau also thinks that the definition of “farm truck” should allow the truck to be operated by a farmer’s employee or agent, not only the farmer.

The Farm Bureau believes that the current definitions for “agricultural tractor,” “farm machinery,” and “farm truck” fit the equipment commonly used by farmers.

The Farm Bureau believes that the most helpful aspect of the current definitions is that the language is broad enough to allow some flexibility for modern farm equipment that was not included within the definitions.

The Farm Bureau thinks that the most troublesome aspect of the current definitions is that before the change in the law from October 18, 2007, allowing tractors and machinery to go faster than 25 mph, they had trouble with tractors violating the 25 mph slow-moving vehicle law. The Bureau points out again that the definition of “farm truck” should allow the truck to be operated by farmer’s employee or agent.

The Farm Bureau sees no other problem areas with the current definitions regarding farm vehicles and equipment.

The Farm Bureau thinks that the driver’s license and commercial driver’s license exemption for agricultural tractors and implements of husbandry in Section 4507.03(2) of the Code is appropriate. The Bureau further believes that the commercial driver’s license exemption for farm trucks in Section 4506.03(B)(1) of the Code is appropriate.

The Farm Bureau finds the lighting requirements imposed agricultural tractors and farm machinery by Sections 4513.11 and 4513.111 of the Code appropriate.

The Farm Bureau thinks that the load and equipment exception for implements of husbandry and agricultural tractors in Section 4513.02(G) of the Code is appropriate. The Bureau points out that although they have not had problems with this provision in the past, the legislature should probably change “implements of husbandry” to “farm machinery.”

Finally, the Farm Bureau believes that the Ohio law relating to farm vehicles and equipment is up-to-date and complete.

CHAPTER III: WEST VIRGINIA

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

The use, registration, and movement of farm vehicles and equipment in West Virginia are governed by the provisions of the West Virginia Vehicle Code⁸⁵ and The Federal Motor Carrier Safety Regulations.⁸⁶

I. Definitions

1. Farm Tractor

Farm tractor is defined in the Vehicle Code as “every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.”⁸⁷

2. Implement of Husbandry

Implement of husbandry is defined in the Vehicle Code as a “every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations, including, but not limited to, trucks used for spraying trees and plants: Provided, that the vehicle may not be let for hire at any time.”⁸⁸

3. Farm truck

Farm trucks are defined in the Vehicle Code as “motor vehicles designed as trucks having a minimum gross weight of more than eight thousand pounds and a maximum gross weight of

⁸⁵ W. Va. Code § 17A-1-1 (2007).

⁸⁶ 49 CFR § 1.1 (2007).

⁸⁷ W. Va. Code § 17A-1-1(g).

⁸⁸ W. Va. Code § 17A-1-1(q).

eighty thousand pounds, used exclusively in the conduct of a farming business, engaged in the production of agricultural products by means of: (a) the planting, cultivation, and harvesting of agricultural, horticultural, vegetable, or other products of the soil; or (b) the raising, feeding, and care of livestock, poultry, bees, and dairy cattle. A farm truck may be used only for the transportation of agricultural products produced by the owner of the truck, for the transportation of agricultural supplies used in the production, or for private passenger use.”⁸⁹

II. Registration

West Virginia law requires that every motor vehicle, trailer, semitrailer, pole trailer, and recreational vehicle be registered when driven or moved upon a highway.⁹⁰ The Vehicle Code however, provides certain exceptions from that rule.

1. General Exemption from Registration and Licensing

The Code exempts from registration and licensing any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee, or any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the implement and which is not operated on or over any public highways of the state for any other purpose other than for the purpose of operating it across a highway or along a highway from one point of the owner’s land to another part of the owner’s land, irrespective of whether or not the tracts adjoin.⁹¹ However, the distance between the points may not exceed 25 miles.⁹² The other occasion under which the implement of husbandry would be exempt is when it is taken to and from a repair shop for repair.⁹³

⁸⁹ W. Va. Code § 17A-10-1.

⁹⁰ W. Va. Code § 17A-3-2(a).

⁹¹ W. Va. Code § 17A-3-2(a)(2).

⁹² *Id.*

⁹³ *Id.*

The registration exemption also applies to farm machinery and tractors, provided that the machinery and tractors use the highway in going from one tract of land to another regardless of whether the land is owned by the same or different persons.⁹⁴

Any implement of husbandry exempt from registration under Section 17A-3-2 of the Code, should have the words “farm use” affixed to both sides of the implement in ten-inch letters.⁹⁵ In addition, any vehicle exempted under Section 17A-3-2 of the Code from the requirements for annual registration certificate, license plates, and fees, may not use the highways between sunset and sunrise, unless the vehicle is classified as a Class A motor vehicle with a farm-use exemption under Section 17A-10-1, has a valid and current inspection sticker, and is travelling from one tract of land to another over a distance of twenty-five miles or less.⁹⁶

2. Farm-Use Registration Exemption

The farm-use exemption certificate is provided by the commissioner and is issued annually by the assessor of the applicant’s county of residence.⁹⁷ The assessor issues a farm-use exemption certificate to the applicant upon determination pursuant to an examination of the property books or documentation provided by the applicant that the vehicle has been properly assessed as Class I personal property.⁹⁸ For each certificate the assessor charges a two-dollar fee.⁹⁹ The possession of a farm-use exemption certificate does not exempt the owner of the certificate from maintaining the security required by Section 17D-1-1 and next of the Code on any vehicle being operated on the roads or highways of West Virginia.¹⁰⁰ The Code requires that any vehicle which would be subject to registration as Class A or B vehicle, and is not subject to the general registration and licensing exemption, but is subject to the farm-use registration exemption, displays a farm-use exemption certificate on the lower driver’s side of the windshield.¹⁰¹ The restrictions on the highway use between sunset and sunrise, imposed by

⁹⁴ W. Va. Code § 17A-3-2(a)(2)(A).

⁹⁵ W. Va. Code § 17A-3-2(a)(2)(D).

⁹⁶ W. Va. Code § 17A-3-2(a)(2)(B).

⁹⁷ W. Va. Code § 17A-3-2(a)(2)(D)(i).

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ W. Va. Code § 17A-3-2(a)(2)(D)(ii).

¹⁰¹ W. Va. Code § 17A-3-2(a)(2)(D).

Section 17A-3-2(B) do not apply to Class A motor vehicles with a farm-use registration exemption.¹⁰²

3. Vehicle Classification for Registration Purposes¹⁰³

- a. Class A. Motor vehicles of passenger type and trucks with a gross weight of not more than eight thousand pounds.
- b. Class B. Motor vehicles designated as trucks with a gross weight of more than eight thousand pounds, truck tractors, or road tractors.
- c. Class C. All trailers and semi-trailers, except house trailers and trailers and semi-trailers designed to be drawn by Class A motor vehicles and having a gross weight of less than two thousand pounds.
- d. Class G. Motorcycles and parking enforcement vehicles.
- e. Class H. Motor vehicles operated regularly for the transportation of persons for compensation under a certificate of convenience and necessity or contract carrier permit issued by the public service commission.
- f. Class J. Motor vehicles operated for transportation of persons for compensation by common carriers, not running over a regular route or between fixed termini.
- g. Class M. Mobile equipment as defined in Section 17A-1-1(oo).
- h. Class R. House trailers.
- i. Class T. Trailers or semi-trailers of a type designed to be drawn by Class A vehicle and having a gross weight of less than two thousand pounds.
- j. Class Farm Truck. Motor vehicles designed as trucks having a minimum gross weight of more than eight thousand pounds and a maximum gross weight of eighty thousand pounds, used exclusively in the conduct of a farming business, engaged in the production of agricultural products by means of: (a) the planting, cultivation, and harvesting of agricultural, horticultural, vegetable, or other products of the soil; or (b) the raising, feeding, and care of livestock, poultry, bees, and dairy cattle. A farm truck may be used only for the transportation of agricultural products produced by the owner of the truck,

¹⁰² W. Va. Code § 17A-3-2(a)(2)(B).

¹⁰³ W. Va. Code § 17A-10-1.

for the transportation of agricultural supplies used in the production, or for private passenger use.

4. Registration Fees for Class Farm Truck Vehicles

The registration fees for Class Farm Truck vehicles are paid annually and depend on the gross weight of the vehicle and the type of tires.¹⁰⁴ For vehicles with pneumatic tires:

GW	\$
8,001 – 16,000	30
16,001 – 22,000	60
22,001 – 28,000	90
28,001 – 34,000	115
34,001 – 44,000	160
44,001 – 54,000	205
54,001 – 80,000	250

Vehicles equipped with tires other than pneumatic pay double the registration fee for vehicles of its class.¹⁰⁵

III. Size Limitations

The Code provides certain width, height, length, and weight limitations for vehicles and combination of vehicles moved on public roads. The overall size limitations are discussed below. The Code provides that it is unlawful for any owner, lessee, or borrower of a vehicle or combination of vehicles to operate on any highway such vehicle or combination of vehicles that exceed the size or weight limitation provided in Section 17C-17-1 and next.¹⁰⁶ However, the

¹⁰⁴ W. Va. Code § 17A-10-3(a)(7).

¹⁰⁵ W. Va. Code § 17A-10-4.

¹⁰⁶ W. Va. Code § 17C-17-1(a).

Code provides that the provisions regarding size, weight, and load do not apply to implements of husbandry, including farm tractors, temporarily moved upon a highway.¹⁰⁷

1. Width Limits

The maximum width of any vehicle or the load thereon may not exceed ninety-six inches except as otherwise provided.¹⁰⁸

2. Height and Length Limits

A vehicle, including any load thereon, may not exceed a height of thirteen feet six inches.¹⁰⁹ A motor vehicle, including any load thereon, may not exceed a length of forty feet extreme overall dimension, inclusive of front and rear bumper.¹¹⁰ A combination of vehicles coupled together may not consist of more than two units and no combination of vehicles including any load thereon shall have an overall length, inclusive of front and rear bumpers, in excess of fifty-five feet.¹¹¹

3. Gross Weight Limitations

The gross weight of any vehicle or combination of vehicles cannot exceed the following limits depending on the number of axles:¹¹²

No of Axles	Gross Weight (lbs.)
3	60,000
4	70,000
5	73,000

¹⁰⁷ W. Va. Code § 17C-17-1(b).

¹⁰⁸ W. Va. Code § 17C-17-2.

¹⁰⁹ W. Va. Code § 17C-17-4(a).

¹¹⁰ W. Va. Code § 17C-17-4(b).

¹¹¹ W. Va. Code § 17C-17-4(c).

¹¹² W. Va. Code § 17C-17-9a.

5 or more

80,000

IV. Safety Issues

1. Securing Loads

West Virginia law requires vehicles or combination of vehicles operated on highways to be loaded in a manner to prevent any load from dropping, sifting, leaking, or escaping.¹¹³ The Code makes it unlawful to operate on any highway any vehicle or combination of vehicles with any load unless the load and any covering thereon is securely fastened to prevent the covering or the load from becoming loose, detached, or in any manner a hazard to other users of the highway.¹¹⁴

2. Lamps on Farm Tractors

The Code requires that every farm tractor equipped with an electric lighting system displays at all times a red tail lamp and either multiple-beam or single-beam head lamps.¹¹⁵

3. Equipment on Vehicles

It is a misdemeanor for any person to drive or move on any highway any vehicle or combination of vehicles, which are in unsafe condition, or are not at all times equipped with such lamps and other equipment required by the Code.¹¹⁶ However, the Code provides an exemption from the equipment requirements for implements of husbandry and farm tractors.¹¹⁷

¹¹³ W. Va. Code § 17C-17-6(a).

¹¹⁴ W. Va. Code § 17C-17-6(b).

¹¹⁵ W. Va. Code § 17C-15-1(c).

¹¹⁶ W. Va. Code § 17C-15-1(a).

¹¹⁷ W. Va. Code § 17C-15-1(c).

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether West Virginia laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in West Virginia. The survey was distributed to officials from the West Virginia Department of Transportation, the West Virginia Department of Agriculture, the West Virginia Farm Bureau, and the West Virginia State Police.

The survey consisted of thirteen questions directed to all participating agencies and four additional questions for the West Virginia State Police. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the West Virginia Vehicle Code; whether they fit the equipment commonly used by farmers; the most helpful and most troublesome aspects of these definitions; problems with the current definitions and how they can be solved; whether the registration exemption in Section 17A-3-2(2) of the Code is appropriate; whether this exemption creates problems; whether anything in the provisions regarding the registration exemption should be added or changed; whether there are any problems with the provisions for Class Farm Truck in Section 17A-10-1 of the Code; issues with the current size limitations when applied to farm vehicles and equipment; what changes each entity would like to see in the Code, and the most common law enforcement issues.

Unfortunately, none of the agencies to which the survey was distributed returned a response.

CHAPTER IV: TEXAS

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

The use, registration, and movement of farm vehicles and equipment in Texas are governed by the provisions of the Texas Transportation Code¹¹⁸ and The Federal Motor Carrier Safety Regulations.¹¹⁹ The Federal Motor Carrier Safety Regulations apply to all carriers operating and engaging in interstate commerce. 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 of 26,001 lbs or more. Farmers operating intrastate 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 of 48,000 or more. Farmers operating interstate are subject to the federal regulations 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 lbs or more.

I. Definitions

1. Farm Semitrailer

Farm semitrailer is defined in the Transportation Code as a “semitrailer designed and used primarily as a farm vehicle.”¹²⁰

2. Farm Tractor

Farm tractor is defined in the Transportation Code as a “motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.”¹²¹

¹¹⁸ Tex. Transp. Code § 502-001 (2007).

¹¹⁹ 49 CFR § 1.1 (2007).

¹²⁰ Tex. Transp. Code § 502-001(4).

¹²¹ Tex. Transp. Code § 502.001(5).

3. Farm Trailer

Farm trailer is defined in the Transportation Code as “trailer designed and used primarily as a farm vehicle.”¹²²

4. Implements of Husbandry

Implements of husbandry are defined in the Transportation Code as “farm implements, machinery, and tools as used in tilling the soil, including self-propelled machinery specifically designed or adapted for applying plant food materials or agricultural chemicals but not specifically designed or adapted for the sole purpose of transporting the materials or chemicals. The term does not include a passenger car or truck.”¹²³

5. Farm Vehicle

Farm Vehicle is defined in the Texas Administrative Code as “any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agricultural products, farm machinery, and farm supplies to or from a farm or ranch.”¹²⁴

6. Farm Vehicle Driver

Farm Vehicle Driver is defined in the Federal Motor Carrier Safety Regulations as 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 § 177.823 of this subtitle; and (e) being used within 150 air-miles of the farmer's farm.”¹²⁵

¹²² Tex. Transp. Code § 502.001(6).

¹²³ Tex. Transp. Code § 502.001(8).

¹²⁴ 37 TAC § 4.11(7).

¹²⁵ 49 CFR § 390.5

7. Farmer

Farmer is defined in the Federal Motor Carrier Safety Regulations as “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.”¹²⁶

8. Agricultural Commodity

Agricultural commodity is defined in the Texas Administrative Code as “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.”¹²⁷

9. Producer

Producer is defined in the Texas Administrative Code as “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.”¹²⁸

II. Licensing of Farmers

1. General License Requirements

Texas law prohibits people from operating a motor vehicle on a highway in Texas, without holding a validly issued driver’s license.¹²⁹ However, the Transportation Code provides certain exceptions from the general license requirements. Driver’s license is not required for a

¹²⁶ *Id.*

¹²⁷ 37 TAC § 4.11(10).

¹²⁸ 37 TAC § 4.11(12).

person operating farm tractor or implement of husbandry on a highway, unless the vehicle is a commercial motor vehicle under Section 522.003.¹³⁰

2. Classification of Licenses

a. Non-Commercial Driver's License

The Texas Transportation Code has four classes of non-commercial driver's licenses: Class A, Class B, Class C, and Class M. Depending on the gross vehicle weight rating, the operator of a farm vehicle can obtain a Class A, or Class B, or Class C non-commercial driver's license.

Class A non-commercial driver's license is required for any combination of vehicles with a gross vehicle weight rating of 26,001 lbs or more, provided that the gross vehicle weight rating of the vehicle or vehicles being towed exceeds 10,000 lbs.¹³¹

Class B non-commercial driver's license is required for any single vehicle with a gross vehicle weight rating of 26,001 lbs or more, towing a vehicle with a gross vehicle weight rating of 10,000 lbs or less.¹³² This Section also provides that Class B driver's license can also allow the towing of a farm trailer with a gross vehicle weight rating that is not more than 20,000 lbs.¹³³

Class C non-commercial driver's license is required for any single vehicle or combination of vehicles that does not conform to the description under Class A or B, or a vehicle with a gross vehicle weight rating of less than 26,000 lbs towing a farm trailer with a gross vehicle weight rating that is not more than 20,000 lbs.¹³⁴

b. Commercial Driver's License

The Texas Transportation Code defines commercial driver's license as "a license issued

¹²⁹ Tex. Transp. Code § 521.021.

¹³⁰ Tex. Transp. Code § 521.027(2).

¹³¹ Tex. Transp. Code § 521.081.

¹³² Tex. Transp. Code § 521.082.

¹³³ *Id.*

¹³⁴ Tex. Transp. Code § 521.083.

to an individual that authorizes the individual to drive a class of commercial motor vehicle.”¹³⁵ The Code recognizes three classes of commercial driver’s licenses depending on the gross vehicle weight rating of the vehicle or combination of vehicles: Class A, Class B, and Class C.¹³⁶ Commercial motor vehicle is defined in the Transportation Code as “motor vehicle or combination of motor vehicles used to transport passengers or property that: (a) has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds; (b) has a gross vehicle weight rating of 26,001 or more pounds; (c) is designed to transport 16 or more passengers, including the driver; or (d) is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F.”¹³⁷

The Transportation Code provides certain exceptions from the commercial driver’s license requirement. Even though the vehicle may qualify as a commercial motor vehicle, commercial driver’s license is not required if the vehicle is controlled and operated by a farmer; is used to transport agricultural products, farm machinery, or farm supplies to or from a farm; is used within 150 miles of the person’s farm; and is not used in the operations of a common or contract motor carrier.¹³⁸ However, farm vehicle drivers operating outside the 150 miles radius of their farm or operating as a for-hire carrier, will lose the commercial driver’s license exemption and will be required to obtain a commercial driver’s license for the class of vehicle being driven.

Additionally, the Texas Department of Transportation may issue a restricted commercial driver’s license to an employee of a farm-related service industry.¹³⁹

III. Registration

1. Farm Vehicles Exempt from Commercial Driver’s License Requirements

The registration of farm vehicles in Texas depends on whether the farm vehicle is exempt

¹³⁵ Tex. Transp. Code § 522.003(3).

¹³⁶ Tex. Transp. Code § 522.041.

¹³⁷ Tex. Transp. Code § 522.003(5).

¹³⁸ Tex. Transp. Code § 522.004(a)(1).

¹³⁹ Tex. Transp. Code § 522.012(a).

from the commercial driver's license requirement or not. If the farm vehicle is exempt from the commercial driver's license requirement, then the general rules for registration apply.¹⁴⁰ The general rule is that every owner of a motor vehicle, trailer, or semitrailer that is used or will be used on a public highway shall apply for registration of the vehicle for each registration year by submitting an application to the Department of Transportation through the county assessor-collector of the county where the owner of the vehicle resides.¹⁴¹ However, the Code also provides certain exceptions.

An owner is not required to register a vehicle that is used only temporarily on the highways if the vehicle is a farm trailer or farm 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.¹⁴² The Department of Transportation must issue specialty license plates for this type of registration exempted vehicle.¹⁴³ The fee for the license plate is \$5.¹⁴⁴ Farm trailers and semitrailers exempted from registration under this section, are generally exempted from the Texas Motor Vehicle Inspection.¹⁴⁵

An owner is also not required to register a vehicle that is: (1) a farm trailer or farm semitrailer owned by a cotton gin and used exclusively to transport agricultural products without charge from the place of production to the place of processing, market, or storage; (2) a trailer used exclusively to transport fertilizer without charge from a place of supply or storage to a farm; or (3) a trailer used exclusively to transport cottonseed without charge from a place of supply or storage to a farm or place of processing.¹⁴⁶ The Department of Transportation must issue specialty license plates for this type of registration exempted vehicle.¹⁴⁷ The fee for the license plate is \$5.¹⁴⁸

¹⁴⁰ Tex. Transp. Code §§502.001 – 502.456.

¹⁴¹ Tex. Transp. Code § 502.002.

¹⁴² Tex. Transp. Code § 504.504(b)(1).

¹⁴³ Tex. Transp. Code § 504.504(a).

¹⁴⁴ *Id.*

¹⁴⁵ Tex. Transp. Code § 504.504(d).

¹⁴⁶ Tex. Transp. Code § 504.504(c)(1)-(3).

¹⁴⁷ Tex. Transp. Code § 504.504(a).

¹⁴⁸ *Id.*

The provisions of Section 504.504 of the Code do not apply to a farm trailer or farm semitrailer that: (1) is used for hire; (2) has metal tires operating in contact with the highway; (3) is not equipped with an adequate hitch pinned or locked so that it will remain securely engaged to the towing vehicle while in motion; or (4) is not operated and equipped in compliance with all other law.¹⁴⁹

2. Farm Vehicles Not Exempt from the Commercial Driver's License Requirements

If the farm vehicle, however, is subject to the commercial driver's license requirement, it is subject to registration pursuant to Section 502.163. The fee to register a commercial motor vehicle as a farm vehicle is 50% of the applicable fee for the particular class commercial vehicle.¹⁵⁰ However, this fee is applicable only 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 for 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.¹⁵¹ The Department of Transportation must provide distinguishing license plates for vehicles registered under this section.¹⁵² The law prohibits the use of a vehicle registered under this section for any gainful employment, other than farming or ranching.¹⁵³ The Code prohibits use of the vehicles registered under this section for any purposes other than purposes permitted by the section.¹⁵⁴

¹⁴⁹ Tex. Transp. Code § 504.504(e).

¹⁵⁰ Tex. Transp. Code § 502.163(a).

¹⁵¹ *Id.*

¹⁵² Tex. Transp. Code § 502.163(d).

¹⁵³ Tex. Transp. Code § 502.163(c).

¹⁵⁴ Tex. Transp. Code § 502.163(e).

IV. Size Limitations

1. Maximum Weight

Texas law provides that a vehicle cannot be operated on a public highway in Texas if it has: (1) a single axle weight heavier than 20,000 pounds, including all enforcement tolerances; (2) a tandem axle weight heavier than 34,000 pounds, including all enforcement tolerances; (3) an overall gross weight on a group of two or more consecutive axles heavier than the weight computed using the following formula and rounding the result to the nearest 500 pounds: $W = 500((LN/(N - 1)) E 12N E 36)$ where: "W" is maximum overall gross weight on the group; "L" is distance in feet between the axles of the group that are the farthest apart; and "N" is number of axles in the group; or (4) tires that carry a weight heavier than the weight specified and marked on the sidewall of the tire, unless the vehicle is being operated under the terms of a special permit.¹⁵⁵

2. Maximum Width and Height

The total width of a vehicle operated on a public highway including a load on the vehicle may not be greater than 102 inches.¹⁵⁶ A vehicle and its load may not be higher than 14 feet.¹⁵⁷

3. Length Limitations

A motor vehicle, other than a truck-tractor, may not be longer than 45 feet.¹⁵⁸ A combination of not more than three vehicles, including a truck and semitrailer, truck and trailer, truck-tractor and semitrailer and trailer, or a truck-tractor and two trailers, may be coupled together if the combination of vehicles, other than a truck-tractor combination, is not longer than 65 feet.¹⁵⁹

¹⁵⁵ Tex. Transp. Code § 621.101(a).

¹⁵⁶ Tex. Transp. Code § 621.201(a).

¹⁵⁷ Tex. Transp. Code § 621.207(a).

¹⁵⁸ Tex. Transp. Code § 621.203(a).

¹⁵⁹ Tex. Transp. Code § 621.205(a).

4. Exceptions to the Size Limitations

The width limitation provided by Section 621.201 does not apply to a vehicle traveling during daylight on a public highway or traveling for not more than 50 miles on a highway that is part of the national system of interstate and defense highways if the vehicle is: (a) a farm tractor or implement of husbandry; or (b) 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: (i) to deliver the tractor or implement to a new owner; (ii) to transport the tractor or implement to or from a mechanic for maintenance or repair; or (iii) in the course of an agricultural operation.¹⁶⁰

A single motor vehicle used exclusively to transport chile pepper modules, seed cotton, cotton, cotton burrs, or equipment used to transport or process chile pepper modules or cotton, including a motor vehicle or burr spreader, may not be operated on a highway or road if the vehicle is: (1) wider than 10 feet and the highway has not been designated by the commission under Section 621.202; (2) longer than 48 feet; or (3) higher than 14 feet 6 inches.¹⁶¹

V. Safety Issues

A farm tractor, self-propelled unit of farm equipment, or implement of husbandry must be equipped with at least two headlamps, 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, 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 hazard lamps which shall be lighted and visible in normal sunlight at a distance of at least 1,000 feet from the front and rear.¹⁶²

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 with at least two rear red reflectors that are visible at all distances from 100 to 600 feet when directly in front of lawful lower beams of

¹⁶⁰ Tex. Transp. Code § 622.901(2).

¹⁶¹ Tex. Transp. Code § 622.101.

¹⁶² Tex. Transp. Code § 547.371.

headlamps, and mounted to indicate, as nearly as practicable, the extreme width of the vehicle or combination of vehicles.¹⁶³ 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 with a front amber reflector that is visible at all distances from 100 to 600 feet when directly in front of lawful lower beams of headlamps, and mounted to indicate, as nearly as practicable, the extreme left projection of the towed object.¹⁶⁴

¹⁶³ Tex. Transp. Code § 547.372.

¹⁶⁴ *Id.*

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether Texas laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in Texas. The survey was distributed to officials from the Texas Department of Transportation, the Texas Department of Agriculture, the Texas Farm Bureau, and the Texas Highway Patrol.

The survey consisted of thirteen questions directed to all participating agencies and four additional questions for the Texas Highway Patrol. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the Texas Transportation Code; whether they fit the equipment commonly used by farmers; the most helpful and most troublesome aspects of these definitions; problems with the current definitions and how they can be solved; whether the license exemption in Section 521.027(2) of the Code is appropriate; whether the general inapplicability of the commercial driver's license requirements to vehicles operated by a farmer as stated in Section 522.004(a)(1) of the Code is appropriate; whether the option for registered commercial motor vehicles to obtain short-term permit for hauling excess loads as provided by Section 502.351 of the Code is appropriate; whether the current width exception for farm tractors and implements of husbandry in Section 622.901(2) of the Code is appropriate; whether the reduced fee for registering commercial motor vehicle as a farm vehicle under Section 502.163(a) of the Code is appropriate; what changes each entity would like to see in the Transportation Code, and the most common law enforcement issues.

Unfortunately, none of the agencies to which the survey was distributed returned a completed survey. The Texas Department of Transportation and the Texas Department of Agriculture returned via e-mails short, written replies explaining why they would not complete the survey. Their responses are provided below.

II. Successes and Concerns Identified with the Survey - By Agency

1. Texas Department of Transportation

Mr. Mike Craig, the Deputy Director of the Vehicle Titles and Registration Division for the Texas Department of Transportation, responded that the issue of farm vehicle classifications and vehicles operated under reduced registration fees has long been a point of concern in Texas as the proper use of such vehicles is frequently in question. The Deputy Director further points out that from the Department of Transportation's perspective, the problem is not so much with the enabling statute or the statute's definitions, but rather with the difficulty in enforcing proper operation of vehicles displaying such plates. Mr. Craig concludes that unless the unique farm vehicle statutory provisions were removed entirely and the vehicles were registered as any other, the Texas statutes as currently written adequately serve the purpose for which they are intended. Finally, the Deputy Director informed the researcher team that regrettably the Department of Transportation is currently unable to dedicate resources necessary to fully respond to the survey.

2. Texas Department of Agriculture

Ms. Catherine Wright Steele, the Governmental Affairs Liaison for the Texas Department of Agriculture, responded that currently the Texas Department of Transportation is undergoing a detailed review process conducted by the Texas Sunset Commission. The commission will consider issues such as the ones listed in the survey. Revisions to the code will be recommended by the commission and considered by the Texas Legislature. Ms. Steele indicated that at this time the Texas Department of Agriculture is not aware of problems with the cited portions of the Texas Transportation Code in the survey. Ms. Steele further pointed out that if the Department of Agriculture becomes aware of inadequacies in the Texas Transportation Code, the Department of Agriculture will work with the Department of Transportation to review the issues.

Upon checking the website of the Texas Sunset Commission, the researchers found out that both the Texas Department of Transportation and the Texas Department of Agriculture are scheduled for a review for upcoming 2008-2009.

CHAPTER V: VIRGINIA

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

The use, registration, and movement of farm vehicles and equipment in Virginia are governed by the provisions of the Virginia Vehicle Code.¹⁶⁵

I. Definitions

1. Farm Tractor

Farm tractor is defined in the Vehicle Code as “every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.”¹⁶⁶

2. Farm Utility Vehicle

Farm utility vehicle is defined in the Vehicle Code as a “vehicle that is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. “Farm utility vehicle” does not include pickup or panel trucks, golf carts, low-speed vehicles, riding lawn mower, or all-terrain vehicles.”¹⁶⁷

¹⁶⁵ Va. Code Ann. § 46.2-100 (2007).

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

3. Farm

The Code defines “farm” as “one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm.”¹⁶⁸

4. Agricultural Products

“Agricultural products” is defined as “any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; agriculture; dairy; livestock; poultry; bee; or other farm products.”¹⁶⁹

5. Farm Vehicles Used Exclusively for Farm Use

The Code provides that a farm motor vehicle is used exclusively for farm use when it is owned by a person engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle and the vehicle is used in the transportation of agricultural products of the farm to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm, or when used for any other transportation incidental to the regular operation of such farm; or used in transporting forest products to or from the farm; or used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by the farmer, pursuant to a mutual cooperative agreement.¹⁷⁰ In addition, a farm motor vehicle is used exclusively for farm use, when the nonfarm use of such motor vehicle is limited to the personal use of the owner and his immediate family in attending church or school, securing medical treatment or supplies, or securing other household or family necessities.¹⁷¹

¹⁶⁸ Va. Code Ann. § 46.2-698(C).

¹⁶⁹ *Id.*

¹⁷⁰ Va. Code Ann. § 46.2-698(B)(1).

¹⁷¹ Va. Code Ann. § 46.2-698(B)(2).

II. Licensing

Virginia law prohibits any person from driving any motor vehicle on any highway in Virginia without validly obtained driver's license, except for these persons for which exemptions in the law have been created.¹⁷² License is not required for the operation of any farm tractor, farm machinery, or vehicle as defined in Sections 46.2-663 through 46.2-674 of the Vehicle Code, if these vehicles are temporarily drawn, moved, or propelled on the highways.¹⁷³

III. Registration

Virginia law requires each person to submit an application for registration of any motor vehicle to the Department of Motor Vehicles and if the Department is satisfied, it shall register the vehicle.¹⁷⁴ However, Virginia law also provides exemptions from the registration requirements for certain vehicles. The registration exemptions are set forth in Sections 46.2-662 through 46.2-684.1 of the Vehicle Code. Discussed below are the registration exemptions that relate to agricultural vehicles and equipment.

1. Farm Vehicles Exempt from Registration, License Plates, and Registration Fees

a. Vehicles Used for Spraying Fruit Trees and Other Plants

No person is required to obtain a registration certificate, license plates and decals, or pay a registration fee for any vehicle on which is securely attached a machine for spraying fruit trees and other plants of the owner or lessee of the truck.¹⁷⁵

¹⁷² Va. Code Ann. § 46.2-300.

¹⁷³ Va. Code Ann. § 46.2-303.

¹⁷⁴ Va. Code Ann. § 46.2-645.

¹⁷⁵ Va. Code Ann. § 46.2-664.

b. Vehicles Used for Agricultural or Horticultural Purposes

No person is required to obtain a registration certificate, license plates and decals, or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.¹⁷⁶ However, this exemption applies only to vehicles, which are not operated on or over any public highway in Virginia, for any purpose other than: (1) crossing a highway; (2) operating along a highway for a distance of no more than thirty miles from one part of the owner's land to another, irrespective of whether the tracts adjoin; (3) taking the vehicle or attached fixtures to and from a repair shop for repairs; (4) taking another vehicle exempt from registration, or any part or subcomponent of such vehicle, to or from a repair shop for repairs, including return trips; (5) operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm; or (6) operating along a highway for a distance of no more than thirty miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning.¹⁷⁷

c. Vehicles Used for Seasonal Transportation of Farm Produce and Livestock

No person is required to obtain a registration certificate, license plates and decals, or pay a registration fee prescribed for any motor vehicle, trailer, or semitrailer owned by the owner or lessee of a farm and used by the owner or the lessee on a seasonal basis, in transporting farm produce and livestock along public highways for a distance of no more than thirty miles, or the distance to the nearest storage house, packing plant, or market, but for not more than fifty miles.¹⁷⁸

d. Farm Machinery and Tractors

No person is required to obtain a registration certificate, license plates and decals, or pay the prescribed fee for any farm machinery or tractor when operated on a highway: (i) between

¹⁷⁶ Va. Code Ann. § 46.2-665(A).

¹⁷⁷ Va. Code Ann. § 46.2-665(B).

¹⁷⁸ Va. Code Ann. § 46.2-666.

one tract of land and another regardless of whether the land is owned by the same person, or (ii) to and from a repair shop for repairs.¹⁷⁹

e. Vehicles Owned by Farmers and Used to Transport Certain Wood Products

No person is required to obtain a registration certificate, license plates and decals, or pay a registration fee for any motor vehicle, trailer, or semitrailer owned by a farm owner when the vehicle is operated or moved along a highway for no more than twenty miles between a sawmill or sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes.¹⁸⁰

f. Certain Vehicles Transporting Fertilizer, Cotton, or Peanuts

No person is required to obtain a registration certificate, license plates and decals, or pay a registration fee for any motor vehicle or trailer, semitrailer, or fertilizer spreader drawn by a farm tractor used by a farmer, the farmer's tenant, agent or employee, or a cotton ginner, peanut buyer, or fertilizer distributor to transport unginning cotton, peanuts, or fertilizer owned by the farmer, cotton ginner, peanut buyer, or fertilizer distributor from one farm to another, from farm to gin, from farm to dryer, from farm to market, or from fertilizer distributor to farm and on return to the distributor.¹⁸¹

The Vehicle Code also provides that no person is required to obtain a registration certificate, license plates and decals, or pay a registration fee for any farm vehicle exempted from registration under Sections 46.2-662 through 46.2-684.1 of the Code, when the vehicle is making a return trip from any marketplace, transporting back to a farm ordinary and essential food and other products for home and farm use, or transporting supplies to the farm.¹⁸² However,

¹⁷⁹ Va. Code Ann. § 46.2-667.

¹⁸⁰ Va. Code Ann. § 46.2-670.

¹⁸¹ Va. Code Ann. § 46.2-672.

¹⁸² Va. Code Ann. § 46.2-673.

the Code prohibits the use of highways between sunset and sunrise by any exempted under these Sections vehicles, unless they are equipped with lights as required by the law.¹⁸³

2. Registration Fees for Farm Vehicles Not Exempt from Registration, License Plates, and Registration Fees

The Vehicle Code states that the registration fees for farm vehicles used exclusively for farm use and having gross weight of 7,500 lbs or more, is half the fee per 1,000 lbs of gross weight for private carriers as calculated under Section 46.2-697 and half the fee for overload permits under Section 46.2-1128, but no less than \$15 for each farm vehicle on an annual basis.¹⁸⁴

Upon reviewing the registration application, the Department of Motor Vehicles issues appropriately designated license plates for the motor vehicles registered under Section 46.2-698.¹⁸⁵ The Code prohibits the operation of vehicles registered under this section as for-hire vehicles.¹⁸⁶ The Code also prohibits the operation of vehicles registered under this section for purposes other than exclusive farm use.¹⁸⁷

IV. Size Limitations

1. Maximum Width and Height

No vehicle, including the load may exceed a total outside width as follows: (1) passenger bus operated in an incorporated city or town - 102 inches; (2) school buses - 100 inches; (3) vehicles hauling boats or other watercraft - 102 inches; (4) other vehicles - 102 inches.¹⁸⁸

No loaded or unloaded vehicle may exceed a height of 13 feet, six inches.¹⁸⁹

¹⁸³ Va. Code Ann. § 46.2-684.

¹⁸⁴ Va. Code Ann. § 46.2-698(A).

¹⁸⁵ Va. Code Ann. § 46.2-698(E).

¹⁸⁶ Va. Code Ann. § 46.2-698(F)(iii).

¹⁸⁷ Va. Code Ann. § 46.2-698(F)(ii).

¹⁸⁸ Va. Code Ann. § 46.2-1105(A).

¹⁸⁹ Va. Code Ann. § 46.2-1110.

2. Maximum Length

No motor vehicle longer than 40 feet may be operated on any highway in Virginia.¹⁹⁰ The actual length of any combination of vehicles coupled together including the load may not exceed a total of 65 feet.¹⁹¹ However, the length of a tractor truck semitrailer combination may exceed 65 feet in length, provided the semitrailer does not exceed 53 feet in length and the distance between the kingpin of the semitrailer and the rearmost axle or a point midway between the rear tandem axles does not exceed 41 feet.¹⁹² No tolerance may exceed 12 inches.¹⁹³

3. Maximum Gross Weight

The gross weight of a vehicle or combination of vehicles may not exceed the maximum weight given for the respective distance between the first and last axle of the vehicle or combination, nor shall any two or more consecutive axles exceed the maximum weight given, when measured longitudinally with any fraction of a foot rounded to the next highest as set forth below:

Distance in feet between the extremes of any group of two or more consecu- tive axles	or Maximum weight in pounds on any group of axles					
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000	...	...	...	...	...
5	34,000	...	...	...	...	...
6	34,000	...	...	...	...	...
7	34,000	...	...	...	...	...
8	34,000	34,000	...	...	...	...
9	39,000	42,500	...	...	...	...
10	40,000	43,500	...	...	...	...
11	...	44,000	...	...	...	...
12	...	45,000	50,000	...	...	...
13	...	45,000	50,500	...	...	...
14	...	46,500	51,500	...	...	...
15	...	47,000	52,000	...	...	...
16	...	48,000	52,500	58,000	...	...
17	...	48,500	53,500	58,500	...	...

¹⁹⁰ Va. Code Ann. § 46.2-1112.

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

18	...	49,500	54,000	59,000	...	...
19	...	50,000	54,500	60,000	...	...
20	...	51,000	55,500	60,500	66,000	...
21	...	51,500	56,000	61,000	66,500	...
22	...	52,500	56,500	61,500	67,000	...
23	...	53,000	57,500	62,500	68,000	...
24	...	54,000	58,000	63,000	68,500	74,000
25	...	54,500	58,500	63,500	69,000	74,500
26	...	55,500	59,500	64,000	69,500	75,000
27	...	56,000	60,000	65,000	70,000	75,500
28	...	57,000	60,500	65,500	71,000	76,500
29	...	57,500	61,500	66,000	71,500	77,000
30	...	58,500	62,000	66,500	72,000	77,500
31	...	59,000	62,500	67,500	72,500	78,000
32	...	60,000	63,500	68,000	73,000	78,500
33	...	...	64,000	68,500	74,000	79,000
34	...	...	64,500	69,000	74,500	80,000
35	...	...	65,500	70,000	75,000	...
36	...	...	66,000	70,500	75,500	...
37	...	...	66,500	71,000	76,000	...
38	...	...	67,500	72,000	77,000	...
39	...	...	68,000	72,500	77,500	...
40	...	...	68,500	73,000	78,000	...
41	...	...	69,500	73,500	78,500	...
42	...	...	70,000	74,000	79,000	...
43	...	...	70,500	75,000	80,000	...
44	...	...	71,500	75,500	...	...
45	...	...	72,000	76,000	...	...
46	...	...	72,500	76,500	...	...
47	...	...	73,500	77,500	...	...
48	...	...	74,000	78,000	...	...
49	...	...	74,500	78,500	...	...
50	...	...	75,500	79,000	...	...
51	...	...	76,000	80,000	...	...

4. Applicability of Size Limitations to Farm Vehicles

The vehicle size limitations set in Sections 46.2-2201 through 46.2-1138.2 of the Code do not apply to any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural multipurpose drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business.¹⁹⁵ However, any farm tractor or agricultural multipurpose drying unit wider than 108 inches, which is so propelled, hauled, transported, or moved on the highway must be equipped with a safety light of a type approved by the

¹⁹⁴ Va. Code Ann. § 46.2-1126.

¹⁹⁵ Va. Code Ann. § 46.2-1102(A).

Superintendent of State Police.¹⁹⁶ The light must be plainly visible from the rear of the tractor or agricultural multipurpose drying unit.¹⁹⁷ Additionally, any farm tractor or other farm, agricultural, or horticultural vehicle wider than 108 inches may be equipped with an amber flashing, blinking, or alternating warning light.¹⁹⁸

5. Oversize Permits

The Commissioner and local authorities of cities and towns, upon written application by the owner or operator of any three-axle vehicle used for hauling farm produce grown in Virginia may issue permits for overweight operation of such vehicles.¹⁹⁹ The overweight permit for hauling Virginia-grown farm produce allows the vehicles to have a gross weight of no more than 50,000 pounds, a single axle weight of no more than 20,000 pounds, and a tandem axle weight of no more than 36,000 pounds.²⁰⁰ Additionally, any five-axle combination used for hauling Virginia-grown farm products may have a gross weight of no more than 80,000 pounds and any four-axle combination hauling Virginia-grown produce, may have a tandem axle weight of 36,000 pounds.²⁰¹

V. Safety Issues

1. Securing Loads

The Code prohibits any vehicle from being operated or moved on any highway unless it is so constructed, maintained, and loaded as to prevent its contents from dropping, sifting, leaking, or escaping.²⁰² However, this provision does not apply to: any motor vehicle that is used exclusively for agricultural purposes and is not licensed in any other state; agricultural vehicle,

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ Va. Code Ann. § 46.2-1102(B).

¹⁹⁹ Va. Code Ann. § 46.2-1148.

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² Va. Code Ann. § 46.2-1156(A).

tractor, or other vehicle exempted from registration and licensing requirements; or motor vehicle transporting forest products, poultry, or livestock.²⁰³

2. Slow-Moving Vehicle Emblem

Every farm tractor, self-propelled unit of farm equipment or implement of husbandry, and any other vehicle designed for operation at speeds not in excess of 25 mph or normally operated at speeds not in excess of 25 mph, must display a triangular slow-moving vehicle emblem on the rear of the vehicle when travelling on a public highway at any time of the day or night.²⁰⁴

²⁰³ *Id.*

²⁰⁴ Va. Code Ann. § 46.2-1081(A).

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether Virginia laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in Virginia. The survey was distributed to officials from the Virginia Department of Motor Vehicles, the Virginia Farm Bureau, and the Virginia State Police.

The survey consisted of eighteen questions directed to all participating agencies and four additional questions for the Virginia State Police. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the Virginia Vehicle Code; whether they fit the equipment commonly used by farmers; the most helpful and most troublesome aspects of these definitions; problems with the current definitions and how they can be solved; whether the license exemption in Section 46.2-303 of the Code is appropriate; whether the registration exemptions in Sections 46.2-665, 46.2-666, 46.2-667, 46.2-670, 46.2-672, and 46.2-673 of the Code are appropriate; whether the limitations for the nocturnal use of highways by registration exempted vehicles imposed by Section 46.2-684 of the Code are appropriate; issues with the current size limitations when applied to farm vehicles and equipment; what changes each entity would like to see in the Code, and the most common law enforcement issues.

Mr. Wally Seward from the Virginia Department of Agriculture stated in a phone conversation that they cannot provide any help with the survey because they do not have the necessary information. Therefore, the survey was not distributed to the Virginia Department of Agriculture. Unfortunately, none of the other agencies to which the survey was distributed returned an answer.

CHAPTER VI: DELAWARE

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

I. Definitions

The definitions for the Delaware Vehicle Code are contained in Title 21, Chapter 1.

1. Farm Equipment

Farm equipment, as defined in the code means an implement that is a) designed and adapted only for agricultural, horticultural or livestock raising operations; or b) Is designed and adapted only for lifting or carrying an implement described in paragraph a. of this subdivision.²⁰⁵

2. Farm Tractor

Farm tractor, as defined in the code, includes every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.²⁰⁶

3. Truck Tractor

Truck tractor, as defined in the code, includes every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.²⁰⁷

²⁰⁵ DL Code Title 21, Ch. 1.

²⁰⁶ *Id.*

²⁰⁷ *Id.*

II. Registration

The Delaware regulations for registering a vehicle are contained in Title 21, Chapter 21 of its Vehicle Code. Chapter 21 provides that no person shall drive or move, nor shall any person, being the owner of a vehicle, knowingly permit to be driven or moved upon any highway any vehicle, except trackless trolley coaches, of a type required to be registered hereunder, which is not registered and for which current registration plates have not been issued as provided in this chapter or for which the appropriate fees have not been paid when and as required by this chapter, except that when application accompanied by the proper fee has been made for registration and certificate of title for a vehicle, the same may be operated temporarily pending complete registration upon displaying a duplicate application duly verified or other evidence of such application or otherwise under rules and regulations promulgated by the Department.²⁰⁸

As such, the Delaware Code has a special section under Chapter 21, Section 2113 that deals specifically with the registration of farm vehicles. Section 2113 provides that Farmers may register vehicles for farm use in the following manner.

For Farm truck license plates (“FT” tags) farmers may qualify for the reduced registration fee for “FT” license tags if they derive at least \$1,000 of their annual income from the operation of their farm and they own or rent at least 10 acres which is actively used in the farming operation from which they derive that income. However, any vehicle upon which an “FT” license tag is affixed must be used exclusively in the operation of a farm and farmers shall not hire or rent the farm truck, or permit a farm truck to be used for hauling merchandise, farm products, or other items whatsoever under rent, hire, or for pay. Farmers shall not use any vehicle upon which an “FT” license tag is affixed for any use except in the operation of a farm owned or rented by the registered owner of such vehicle or in aid of and assistance to another farmer for harvest purposes.

Concerning farm vehicles exempt from inspection and registration (“Farm Vehicle” tags), farmers may qualify for a registration and inspection waiver for a farm motor vehicle, farm

²⁰⁸ DL Code Title 21, Ch. 21.

vehicle, or farm trailer if they derive at least \$1,000 of their annual income from the operation of their farm and they own or rent at least 10 acres which are actively used in the farming operation from which they derive that income. However, any vehicle or trailer upon which a "Farm Vehicle" tag is affixed must be used exclusively in the operation of a farm, and no farm motor vehicle, farm vehicle, or farm trailer may be used for hire or for any use except in the exclusive operation of a farm owned or rented by the owner of such vehicle or trailer, or in aid of and assistance to another farmer for harvest purposes. Additionally, farmers shall not hire or rent any farm motor vehicle, farm vehicle, or farm trailer, or permit a farm motor vehicle, farm vehicle, or farm trailer to be used for hauling merchandise, farm products, or other items whatsoever under rent, hire, or for pay; and farmers shall not use any vehicle or trailer upon which an "Farm Vehicle" tag is affixed for any use except in the operation of a farm owned or rented by the titled owner of such vehicle or trailer or in aid of and assistance to another farmer for harvest purposes. Furthermore, these vehicles (farm motor vehicle, farm vehicle, or farm trailer) may be operated or towed upon the public highways or roads unless the highways and roads are within a 10 mile radius of a farm owned or managed by the owner of the vehicle or trailer, the vehicle or trailer is operated or towed by a person who is properly licensed by the Division of Motor Vehicles, or the vehicle or trailer is properly equipped with a stop light, turn signals and brakes which are in a safe operating condition.

The fees for registration are contained in Chapter 21, Subchapter 4, and provide that the registration of motor farm trucks owned and used exclusively by farmers who derive at least \$1,000 of their annual income from the operation of their farm and they own or rent at least 10 acres which are actively used in the farming operation from which they derive that income, the fee shall be \$2 per year for each 1,000 pounds or fraction thereof, and in the event the gross load weight exceeds 5,000 pounds, \$2.60 per year for each 1,000 pounds or fraction thereof over and above 5,000 pounds. The gross load weight shall be as calculated in paragraph (3) of this section, but in no case shall the required fee for motor vehicles, except trailers, under this paragraph be less than \$20 per year.

III. Size Limitations

While Chapter 21 of the Delaware vehicle does provide regulations regarding the registering of heavy farm vehicles (refer immediately below), there are additional restrictions on farm vehicles traveling on Delaware highways that are located in chapter 45.

Chapter 21 provides that, notwithstanding any provision to the contrary in chapter 21, effective January 1, 2001, and extending through December 31, 2009, the registered weight for any vehicle registered at a gross weight of 26,000 pounds or greater and farm trucks applying for a registration renewal shall not exceed the following:

- (1) 2 axle truck = 36,000 pounds;
- (2) 3 axle truck = 65,000 pounds; provided however, that in the case of a farm truck, it shall also be lawful to operate such a vehicle containing agricultural products when the gross weight, including the vehicle and load, does not exceed 70,000 pounds; provided, further, that a fee of \$100 per vehicle be levied for the use of this extra weight capacity.²⁰⁹

Outside of the registration regulations, the code provides that the regulations of section 4502 of chapter 45 do not apply to farm vehicle being moved *temporarily* on the highways.²¹⁰ Furthermore, the provision of 4503 do not apply to farm vehicles when such vehicles are being operated on interstate highways and United States numbered routes; provided, however, that the liability for damages caused by any vehicle operated under this provision shall be borne by the owner of said vehicle and when the farm equipment being temporarily operated, moved or transported on a highway. This provision only applies to farmers engaged in their agricultural related practices.²¹¹

IV. Equipment Requirements

The required equipment for vehicles operating on Delaware highways are found in Chapter 43, Subchapter I of the Delaware code. Most requirements for highway vehicles are also

²⁰⁹DL code Title 21, Ch. 21.

²¹⁰DL code Title 21, Ch. 45.

²¹¹ *Id.*

found on farm vehicles (e.g. lights); however, there are a few exceptions. Section 4302 allows protrusions from farm vehicle tires provided that they do not damage the highway. Section 4317 exempts farm vehicles from the required tire flaps if the construction is such that complete freedom around the wheel area is necessary to secure the designed use of the vehicle. The requirements for the bumper frame, rail, and body heights found in section 4318 are not applied to farm vehicles either.

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in Delaware. The survey was distributed to officials from the Delaware Department of Motor Vehicles, and the Delaware Department of Transportation and attempts were made to distribute it to the concerned parties within the Delaware farming community.

The survey consisted of eleven questions directed to all participating parties. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the Delaware Vehicle Code; whether they fit the equipment commonly used by farmers; the most helpful and most troublesome aspects of these definitions; problems with the current definitions and how they can be solved; whether the exemption in Section 2113(2) and in 2113(1) of the Code are appropriate; if the exemptions adequately reflected the changing issues with regard to the current farming technology, and if the regulations allowed accurate enforcement of the code.

Unfortunately, none of the agencies to which the survey was distributed returned an answer.

CHAPTER VII: NEW JERSEY

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

I. Definitions

The definitions for the vehicle code are found in Title 39 of the New Jersey Statutes Annotated, Section 1.

1. Farm Tractor

“Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

II. Registration

Farm Vehicles shall be registered if used for farm operation to travel upon the public highways. The fee for such registration shall be \$5 per annum, whether the registration is issued for the yearly period or only a portion thereof. Such traction equipment or farm tractors may draw farm machinery and implements while in transit from one farm to another without additional registration therefore. Vehicles, not for hire, and used exclusively as farm machinery or farm implements may be registered to travel upon the public highways, from one farm, or portion thereof, to another farm, or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles. The fee for such registration shall be \$5 per annum, whether the registration is issued for a yearly period or only a portion thereof. Any vehicle so registered and any truck registered pursuant to the provisions of 39:3-25 of this Title may draw not more than one vehicle used exclusively on the farm and a vehicle so drawn need not be registered. A vehicle registered pursuant to this section or to R.S.39:3-25 may be used under contract with a

municipality to remove snow upon a public highway.²¹²

Every such vehicle when operated on a public highway shall have means adequate to control the movement of and to stop and hold such vehicle on any up or down grade and shall be operated in accordance with uniform rules and regulations prescribed by the Director of the Division of Motor Vehicles. Such rules and regulations shall specify the coverings that may be used on the wheels of such vehicles, the days, hours and conditions under which such vehicles can be operated, the circumstance under which escort vehicles shall be required, the distance that may be traveled upon the public highways and such vehicle equipment or other requirements or restrictions as may be necessary to protect the safety of the users of the public highways.²¹³

Motor vehicles, not for hire, which are used exclusively as farm tractors, traction equipment, farm machinery or farm implements which cannot be operated at a speed in excess of 20 miles per hour shall not be required to be registered under this section.²¹⁴

III. Supplementary Provisions

New Jersey's vehicle code has an entirely separate subchapter that deals with farm vehicles. This is Title 13, Chapter 21, Subchapter 12 of New Jersey's Administrative Code. It provides that within the restrictions listed in this Subchapter, vehicles registered under the provisions of N.J.S.A. 39:3-24 (self-propelled farm tractors, traction equipment, farm machinery and implements being operated singly or while drawing other farm implements or machinery), and N.J.S.A. 39:3-25 (farmer trucks, while drawing a farm implement or machine) may be operated on highways of this State singly or while drawing one piece of farm machinery or implement except that a farm tractor may draw two pieces of farm machinery or implements, one of which may carry a load, and such vehicles or combinations in either case may exceed the commercial vehicle dimension limitations as provided for under N.J.S.A. 39:3-84.²¹⁵

²¹² NJSA 39:3-24

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ NJAC, Title 13, Chapter 21, Subchapter 12.

IV. Limitations on Travel

This section provides that such farm vehicles, machinery or implements may be operated or drawn upon the public highways from one farm or portion thereof, to another farm or portion thereof, both owned or managed by the registered owner of the farm vehicle, machinery or implement.²¹⁶ The subchapter also places limits on the time these vehicles may operate, their physical speed, etc.

Vehicles as described in Section 12.1 (Vehicles exempted from statutory provisions) of this Chapter shall not be operated on a public highway at any time between sunset and sunrise. Movements shall not be made during those times when forward visibility is limited to 500 feet, or when hazardous road conditions, such as snow or ice, exist.²¹⁷ The vehicle or vehicles shall not be used to traverse a distance exceeding 15 miles of highway in traveling from one farm or portion thereof, to another farm or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles. The speed of the vehicles shall be restricted to a maximum speed not in excess of 25 miles per hour. If more than one implement of farm machinery or vehicle is being towed by a farm tractor, the speed shall be restricted to a maximum of 15 miles per hour. Finally, Such vehicles may not travel any highway which is a part of the National System of Interstate and Defense Highways, or on any highway which has been designated a freeway or parkway.

V. Vehicle Dimensions

Vehicles as described in this Subchapter may not be operated on a highway when the vehicle, including load, exceeds a maximum width of eight feet and/or maximum overall length exceeds 50 feet unless such operation is in compliance with the following safety regulations concerning vehicles in excess of the following regulatory dimensions: 1) Any farm vehicle, implement or machinery, including load, which exceeds eight feet in width and/or 50 feet in length shall display four red flags, one each on the outside extremities of the vehicle, both front

²¹⁶ NJAC 13:21-12.2.

²¹⁷ *Id.*

and rear. These flags shall measure not less than 18 inches square having the top edge of the flags shall not be less than 48 inches from the surface of the roadway. 2) Any farm vehicle, implement or machinery and/or load which exceeds 12 feet in width and/or 60 feet in length will, in addition to the red flags provided for in subsection (a) of this Section, require one escorting vehicle when operating on a highway; and such operation may not be made on Sundays or holidays, and 3) Farm vehicles, implements or machinery towed by a farm tractor shall be connected to the motor propelled vehicle or to the vehicle to which it is immediately attached, by at least one chain in addition to the hitch bar, of sufficient strength to hold the motor drawn vehicle on a hill if the hitching bar becomes disconnected.²¹⁸

²¹⁸ *Id.*

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in New Jersey. The survey was distributed to officials from the New Jersey Department of Motor Vehicles, New Jersey Department of Transportation, and the New Jersey State Police. Attempts were made to distribute it to the concerned parties within the New Jersey farming community.

The survey consisted of eleven questions directed to all participating parties. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the New Jersey Vehicle Code; whether they fit the equipment commonly used by farmers; the most helpful and most troublesome aspects of these definitions; problems with the current definitions and how they can be solved; whether the exemption in 39:24 of the New Jersey Statutes Annotated are appropriate; if the exemptions adequately reflected the changing issues with regard to the current farming technology, and if the regulations allowed accurate enforcement of the code. Additional inquiries were made into of NJAC 13:21-12.2-12.8 which concerns the limitation placed on travel and the necessary requirements for equipment and if this was needed given the requirements of 39:24.

Unfortunately, none of the agencies to which the survey was distributed returned an answer.

CHAPTER VIII: NEW YORK

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

I. Definitions

The New York definition of motor vehicle is found in NY CLS Veh & Tr § 125. This definition is different from most other states in that the definition is an exclusionary one in which farm vehicles are mentioned specifically as to how they *do not* equate with being a motor vehicle. Specifically, section 125 provides that a motor vehicle is: every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, and (d) all terrain vehicles as defined in article forty-eight-B of this chapter. For the purposes of title four, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.²¹⁹

II. Registration

New York allows the registration of motor vehicles, trailers and semitrailers operated upon public highways connecting portions of a farm or farms, municipal sanitary landfills and licensed motor vehicle repair shops. Motor vehicles, other than motor vehicles manufactured and equipped primarily for the transportation of passengers, trailers and semitrailers, to be operated by any person, upon a public highway for the purpose of traveling by the most direct route, but in no event further than twenty-five miles one-way from a point on the farm

²¹⁹ NY CLS Veh & Tr § 125.

as designated by the vehicle owner and set forth in an attachment to the vehicle registration, (a) between fields, buildings, and facilities managed or operated as part of a single farm enterprise in connection with the production, harvesting, processing or marketing on that farm of crops, livestock, or livestock products produced on that farm; or (b) for the purpose of transporting materials from a farm to the nearest available municipal sanitary landfill; or (c) for the purpose of transporting the motor vehicle, trailer or semitrailer to a motor vehicle repair shop licensed pursuant to this chapter for the repair or adjustment of equipment provided that, in addition to the route restrictions set forth in this subdivision.²²⁰

Every owner of such vehicles may cause to be filed by mail or otherwise, with the commissioner or with any agent of the commissioner, an application for registration of such vehicle, addressed to the commissioner, and on a blank to be furnished by the commissioner for that purpose, containing the information required by subdivision one of this section and such other information as the commissioner shall require. The commissioner or agent shall make such investigation, as he or she shall determine necessary, and if satisfied that the vehicle is to be operated exclusively as provided in this subdivision shall, upon the payment of a fee of one dollar, assign to such vehicle a distinctive number and issue and deliver to the applicant a set of number plates and a certificate of registration in such form as the commissioner shall prescribe, indicating the extent to which the vehicle registered may be operated on the public highways and such vehicle may be operated only as so indicated.

III. Size Limitations

New York places a general limitation on the dimensions of vehicles in section 385. The state limits the width of a vehicle, including the load to a maximum of 96 inches plus safety devices, unless the highway qualifies for a larger width. In that case, the maximum width of a vehicle, including of load, shall be 102 inches plus safety devices.²²¹

New York places exceptions to this rule when dealing with farm vehicles if the farm vehicle meets five conditions. First, the vehicle must be solely used in farming. Second, the

²²⁰ NY CLS Veh & Tr § 401.

²²¹ NY CLS Veh & Tr § 385.

vehicle and implement or combination thereof is operated during the period from one-half hour before sunrise to one-half hour after sunset. Third, red or orange fluorescent flags not smaller than eighteen inches square, and reflectors are placed on the extreme corners of the load. Fourth, two flashing amber lights in compliance with regulations prescribed by the commissioner of transportation are attached to the rear of the load or, if the vehicle hauling such implement is equipped with hazard lights which are visible from the rear of the load, such lights are flashing. Fifth, if the vehicle or load extends beyond the center line of a highway or if the vehicle is being operated during any time when, due to rain, sleet, snow, hail, fog, insufficient light, or for any other reason, visibility for a distance of one thousand feet ahead is not clear, the vehicle is preceded by an escort vehicle which is equipped with a warning sign and flashing lights in compliance with regulations prescribed by the commissioner of transportation.

Even with the exception to farm vehicles, the maximum width of the vehicle must be no more than 17 feet.²²²

IV. Safety Issues

1. Limitations on travel

New York limits the travel of any farm vehicle on highways if 1) such vehicle has an out-of-service defect relating to load securing, 2) brake systems, steering components and/or coupling devices are inadequate, 3) the vehicle wishes to travel on any limited access highway or, 4) during the period of one hour before sunset to one hour after sunrise.

2. Covered Loads

Although New York has a requirement that loose loads be secured or covered, the state exempts vehicle transporting farm products from the requirement of having a cover when involved in the transportation of any loose substances.²²³

²²² *Id.*

²²³ NY CLS Veh & Tr § 380-a.

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in New York. The survey was distributed to officials from the New York Farm Bureau, New York Department of Transportation, New York State Police and New York DMV. Attempts were made to distribute it to the further concerned parties within the New York farming community.

The survey consisted of eleven questions directed to all participating parties. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the New York Vehicle Code. Specifically whether the unique definition presented in section 125 of the New York Vehicle and Traffic law adequately fit the equipment commonly used by farmers; the most helpful and most troublesome aspects of said definition; problems with the current definition and how they can be solved; whether the exemption in NY Transportation Law Section 214(c) and Section 171 (8)(12)(13) is appropriate; if the exemptions adequately reflected the changing issues with regard to the current farming technology, and if the regulations allowed accurate enforcement of the code. Additional inquires were made into of New York Vehicle Laws Section 401 Section (7)(A)(e) which concerns the making the fee paid to register a farm vehicle a function of the gross empty weight of the farm vehicle. Whether said section accurately reflected the fair enforcement of the statute.

Unfortunately, none of the agencies to which the survey was distributed returned an answer.

CHAPTER IX: MICHIGAN

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

I. Definitions

The definitions for the various farm vehicles are contained in act 300 of 1949-I.

257.16 “Farm tractor” defined.

“Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

257.21 “Implement of husbandry” defined.

“Implement of husbandry” means a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field.

257.77 “Truck tractor” defined.

“Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

II. Registration

Section 257.216 provides the exemptions to the required registration within Michigan. Specifically it provides that every motor vehicle, pickup camper, trailer coach, trailer,

semitrailer, and pole trailer, when driven or moved upon a highway, is subject to the registration and certificate of title provisions of this act except implements of husbandry.

Furthermore, the registration fee for farmers is dependent on the empty weight of the vehicle, specifically, section 257.801(c) provides that for a road tractor, truck, or truck tractor owned by a farmer and used exclusively in connection with a farming operation, including a farmer hauling livestock or farm equipment for other farmers for remuneration in kind or in labor, but not for money, or used for the transportation of the farmer and the farmer's family, and not used for hire, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. If the road tractor, truck, or truck tractor owned by a farmer is also used for a non-farming operation, the farmer is subject to the highest registration tax applicable to the nonfarm use of the vehicle but is not subject to more than 1 tax rate under this act.

Furthermore, section 257.802(9) provides that upon application to the secretary of state, an owner of a truck, truck tractor, or road tractor that is used exclusively for the purpose of gratuitously transporting farm crops or livestock bedding between the field where produced and the place of storage, feed from on-farm storage to an on-farm feeding site, or fertilizer, seed, or spray material from the farm location to the field may obtain a special registration. The service fee for each special registration shall be \$20.00. The special registration shall be valid for a period of up to 12 months and shall expire on December 31. As used in this subsection:

(a) "Feed" means hay or silage.

(b) "Livestock bedding" means straw, sawdust, or sand.

(10) The secretary of state, upon request, may issue a special registration valid for 3 or more months for a road tractor, truck, or truck tractor owned by a farmer, if the motor vehicle is used exclusively in connection with the farmer's farming operations or for the transportation of the farmer and the farmer's family and not used for hire. The fee for the registration shall be 1/10 of the fee provided in section 801(1)(c) times the number of months for which the special registration is requested and, in addition, a service fee of \$10.00. No special registration shall be issued for a motor vehicle for which the fee under section 801(1)(c) would be less than \$50.00.

III. Transportation Safety Concerns

Michigan, like Pennsylvania, has a segment of the population that utilizes animals in farming. Section 257.604 provides that a person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all the duties, criminal penalties, and civil sanctions applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature may not have application.

1. Speed

The section covering the speed that a farm vehicle may travel at is section 257.627(6) which provides that, except as otherwise provided in this subsection, a person operating a truck with a gross weight of 10,000 pounds or more, a truck-tractor, a truck-tractor with a semi-trailer or trailer, or a combination of these vehicles shall not exceed a speed of 55 miles per hour on highways, streets, or freeways and shall not exceed a speed of 35 miles per hour during the period when reduced loadings are being enforced in accordance with this chapter. However, a person operating a school bus, a truck, a truck-tractor, or a truck-tractor with a semi-trailer or trailer described in this subsection shall not exceed a speed of 60 miles per hour on a freeway if the maximum speed limit on that freeway is 70 miles per hour.

2. Weight and Size

Michigan's concerns about weight are covered in section 257.631(2) which provides that a person who drives or moves a vehicle or combination of vehicles, or the owner or lessee of a vehicle who causes or allows such a vehicle or combination of vehicles to be loaded and driven or moved, upon a public bridge, causeway, or viaduct when the gross weight of the vehicle or combination of vehicles exceeds the limitations established and signposted pursuant to this section is responsible for a civil infraction and shall be assessed a civil fine as set forth in this subsection. However, this subsection shall not apply to either of the following: (a) implements of husbandry operated upon a public bridge, causeway, or viaduct or (b) the use of a public bridge, causeway, or viaduct by a vehicle or combination of vehicles for a function essential to a farm

operation otherwise reasonably inaccessible to vehicles performing the essential agricultural function.

Furthermore, section 257.716(2) States that the provisions of this chapter governing size, weight, and load do not apply to a fire apparatus, to an implement of husbandry incidentally moved upon a highway, a combination of vehicles described in, and under the conditions provided by, subsection (4), or to a vehicle operated under the terms of a special permit issued as provided in this chapter.

The physical dimensions of the farm vehicles are detailed in section 257.717. The total outside width of a vehicle or the load on a vehicle shall not exceed 96 inches, except as otherwise provided in this section. The statute then exempts implements of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement of implements of husbandry being driven or towed and not hauled on a trailer, without obtaining a special permit for an excessively wide vehicle or load under section 725. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of the center of the roadway from a half hour after sunset to a half hour before sunrise, under the conditions specified in section 639, or at any time visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.

The total outside width of the load of a vehicle hauling concrete pipe, agricultural products, or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches. Except as provided in subsections (2) and (5) and this subsection, if a vehicle equipped with pneumatic tires is operated on a highway, the maximum width from the outside of 1 wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck and trailer or a tractor and semitrailer combination hauling pulpwood or unprocessed logs may be operated with a maximum width of not to exceed 108 inches in accordance with a special permit issued under section 725.

Furthermore, a vehicle shall not extend beyond the center line of a state trunk line highway except when authorized by law. Except as provided in subsection (2), if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under section 725. The director of the state transportation department, a county road commission, or a local authority may designate a highway under the agency's jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would otherwise be prohibited by this section. The agency making the designation may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This subsection does not restrict the issuance of a special permit under section 725 for the operation of a vehicle or vehicle combination. This subsection does not permit the operation of a vehicle or vehicle combination described in section 722a carrying a load described in that section if the operation would otherwise result in a violation of that section.

3. Covered loads

Section 257.720 addresses Michigan's concerns about covering the loads its farmers haul. A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products when hay, straw, silage, or residue from a product, but not including the product itself, or when materials such as water used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this section.

4. Equipment

Michigan indicates in Sec. 684a its desired equipment requirements for farm machinery:

- (1) Beginning January 1, 2007, a person shall not sell an implement of husbandry that does not comply with this section. This section does not apply to an implement of husbandry that was manufactured before January 1, 2007.
- (2) An implement of husbandry shall comply with the following, which are incorporated by reference:
 - (a) ANSI/ASAE S276.6 JAN2005, Slow-Moving Vehicle Identification Emblem.
 - (b) ANSI/ASAE S279.12 DEC02, Lighting and Marking of Agricultural Equipment on Highways.
- (3) The secretary of state shall post, on its website, the standards incorporated by reference under subsection (2) not later than 30 days after enactment of the amendatory act that added this section.

Furthermore, section 257. 688 provides that when operated on the highway, every vehicle which has a maximum potential speed of 25 miles an hour, implement of husbandry, farm tractor, or special mobile equipment shall be identified with a reflective device as follows: (i) An equilateral triangle in shape, at least 16 inches wide at the base and at least 14 inches in height: with a dark red border, at least 1-3/4 inches wide of highly reflective beaded material, (ii) A center triangle, at least 12-1/4 inches on each side of yellow-orange fluorescent material, and the device described in subdivision (g) shall be mounted on the rear of the vehicle, broad base down, not less than 3 feet nor more than 5 feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow moving vehicles specified in this section, and use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited. On the rear, at each side, red reflectors or reflectorized material visible from all distances within 500 to 50 feet to the rear when directly in front of lawful upper beams of headlamps.

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in Michigan. The survey was distributed to officials from the Michigan Department of Transportation, and the Michigan State Police. Attempts were made to distribute it to the further concerned parties within the Michigan farming community.

The survey consisted of eleven questions directed to all participating parties. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the Michigan Vehicle Code. Specifically whether the definitions presented in the Michigan Vehicle code Section 257 adequately fit the equipment commonly used by farmers; the most helpful and most troublesome aspects of said definition; problems with the current definition and how they can be solved; whether the exemption in MVC Section 257.802 (10) is appropriate; if the exemptions adequately reflected the changing issues with regard to the current farming technology, and if the regulations allowed accurate enforcement of the code. Additional inquires were made into the part of MVC Section 257.802 (10) which concerns the making the fee paid to register a farm vehicle a function of the registration time desired and whether said section accurately reflected the fair enforcement of the statute.

Unfortunately, none of the agencies to which the survey was distributed returned an answer.

CHAPTER X: CALIFORNIA

PART A: CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES AND EQUIPMENT

California has a completely separate and distinct section for the handling of the issues surrounding farm vehicles - Division 16 of the California Motor Vehicle Code.

I. Definitions

The definitions for California are contained in the California Motor Vehicle Code Division 1 and Division 16.

1. Farm Labor Vehicle

(a) A "farm labor vehicle" is any motor vehicle designed, used, or maintained for the transportation of nine or more farm workers, in addition to the driver, to or from a place of employment or employment-related activities. (b) For the purpose of this section, a farm worker is any person engaged in rendering personal services for hire and compensation in connection with the production or harvesting of any farm products. (c) "Farm labor vehicle" does not include: (1) Any vehicle carrying only members of the immediate family of the owner or driver thereof. (2) Any vehicle while being operated under specific authority granted by the Public Utilities Commission or under specific authority granted to a transit system by an authorized city or county agency.²²⁴

2. Implement of husbandry

A vehicle which is used exclusively in the conduct of agricultural operations. An implement of husbandry does not include a vehicle if its existing design is primarily for the

²²⁴ CMVC Div 1 section 322.

transportation of persons or property on a highway, unless specifically designated as such by some other provision of this code.²²⁵

3. Implement of Husbandry: Definition of Farm Trailer

A "farm trailer" is either of the following: (a) A trailer or semitrailer owned and operated by a farmer in the conduct of agricultural operations, and used exclusively to transport agricultural products upon the highway to the point of first handling and return. (b) A trailer or semitrailer equipped with rollers on the bed, with a frame not taller than 10 inches high, and with a gross vehicle weight rating of 10,000 pounds or less, that is owned, rented, or leased by a farmer and operated by that farmer in the conduct of agricultural operations, used exclusively to transport fruit and vegetables upon the highway to the point of first handling and return, and that was manufactured and in use prior to January 1, 1997. These vehicles may also be operated on the highways without a load for the purposes of delivering a rented or leased vehicle to the renting or leasing farmer's farm, or returning empty to the owner's premises.²²⁶

4. Implement of Husbandry: Automatic Bale Wagon Defined

An "automatic bale wagon" is a motor vehicle capable of transporting property on a highway and equipped with apparatus specifically designed to pick up single bales of hay or straw from a field and to load and unload baled hay or straw.²²⁷

5. Implement of Husbandry: Cotton Module Mover Defined

A "cotton module mover" is a motor truck, semitrailer, or a truck tractor, in combination with a semitrailer, that is equipped with a self-loading bed and is designed and used exclusively to transport field manufactured cotton modules to a cotton gin.²²⁸

²²⁵ CMVC Div 16 Chp. 1 Section 36000.

²²⁶ CMVC Div 16 Chp 1 Section 36010.

²²⁷ CMVC Div 16 Chp 1 Section 36011.

²²⁸ CMVC Div 16 Chp 1 Section 36012.

6. Implement of Husbandry: Farm Tractor Used for Towing

"Implement of husbandry" includes any farm tractor, otherwise an implement of husbandry used upon a highway to draw a farm trailer carrying farm produce, or to draw any trailer or semitrailer carrying other implements of husbandry, between farms, or from a farm to a processing or handling point and returning with or without the trailer.²²⁹

7. Implement of Husbandry: Trap Wagon

A "trap wagon" is a trailer or semitrailer used exclusively in the conduct of agricultural operations to fuel, service, or repair implements of husbandry. A trap wagon may be equipped with tools, spare parts, lubricating supplies, or fuel tanks.²³⁰

II. Registration

California completely exempts implements of husbandry which are only incidentally operated or moved over a highway and implements of husbandry listed in Section 36005 or 36015.²³¹

Furthermore, California allows the exemption of the following farm, if they have and display an identification plate as specified in Section 5014, and the vehicles shall not be deemed to be implements of husbandry and they shall be subject to all equipment and device requirements as if registered: a motor vehicle of a size so as to require a permit under Section 35780 owned and operated by a farmer, designed and used exclusively for carrying, or returning empty from carrying, feed and seed products of farming, and used on a highway between one part of a farm to another part of that farm or from one farm to another farm, a vehicle equipped with a water tank owned by a farmer and used exclusively to service his or her own implements of husbandry, a water tank truck that is owned by a farmer, not operated for compensation, and used extensively in the conduct of agricultural operations, when used exclusively for sprinkling

²²⁹ CMVC Div 16 Chp 1 Section 36015.

²³⁰ CMVC Div 16 Chp 1 Section 36016.

²³¹ CMVC Div 16 Chp 2 Section 36100.

water on dirt roads providing access to agricultural fields or transportation of water for irrigation of crops or trees, or A cotton module mover, as defined in Section 36012.²³²

Additional exemptions apply to, a motor vehicle specifically designed for, and used exclusively in, an agricultural operation for purposes of carrying, or returning empty from carrying, silage that is operated by a farmer, an employee of the farmer, or a contracted employee of the farmer between one part of a farm to another part of that farm or from one farm to another farm, on a highway for a distance not to exceed 20 miles from the point of origin of the trip. This subdivision does not include a vehicle that is used for the transportation of silage for retail sales.²³³

III. Size Limitations

1. Maximum Width

When traveling on the highways, the driver of a farm vehicle must be the farmer and must be in possession of said papers indicating so. The limitations as to width as set forth in Chapter 2 (commencing with Section 35100) of Division 15 do not apply to implements of husbandry incidentally operated, transported, towed, or otherwise moved over a highway. When an implement of husbandry is transported or moved over a highway which is a part of the National System of Interstate and Defense Highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) as a load on another vehicle, if the load exceeds 102 inches to 120 in width, the vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip.²³⁴

2. Maximum Length

The limitations as to length of vehicles contained in Chapter 4 (commencing with Section 35400) do not apply to implements of husbandry operated or moved over a highway incidental to agricultural operations. Notwithstanding Section 36626, when an implement of husbandry is

²³² CMVC Div 16 Chp 2 Section 36101.

²³³ CMVC Div 16 Chp 2 Section 36101.

²³⁴ CMVC Div 16Chp 6 Section 36600.

operated in a combination of vehicles that exceeds the length requirements of Section 35401, the combination is limited to two vehicles in tandem.²³⁵

3. Maximum Height

When traveling on the highways, the driver of a farm vehicle must be the farmer and must be in possession of said papers indicating so. a) The limitations as to height of vehicles contained in Chapter 3 (commencing with Section 35250) of Division 15 do not apply to implements of husbandry incidentally operated, transported, towed, or otherwise moved over a highway. When an implement of husbandry is transported or moved over a highway as a load on another vehicle and the load exceeds 14 feet in height, the vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip.²³⁶

IV. Safety Issues

1. Lighting Requirements

Farm tractors as defined in Section 36015, and trailers displaying an identification plate, as provided for in Section 36115 or 36130, when operated during darkness shall not be exempted from the provisions of Sections 24400 and 25100.²³⁷

2. Stopping Requirements

Implements of husbandry are not subject to stopping distance requirements contained in Section 26454, but if any such vehicle cannot be stopped within 32 feet from an initial speed of 15 miles per hour, it shall not be operated at a speed in excess of that permitting a stop in 32 feet.²³⁸

²³⁵ CMVC Div 16Chp 6 Section 36615.

²³⁶ CMVC Div 16Chp 6 Section 36610.

²³⁷ CMVC Div 16Chp 5 Section 36505.

²³⁸ CMVC Div 16Chp 5 Section 36510.

PART B: ADEQUACY OF THE CURRENT LAWS AND REGULATIONS GOVERNING THE USE, REGISTRATION, AND MOVEMENT OF FARM VEHICLES

I. Summary

The Pennsylvania State University Research Assistants have prepared a short survey to gather interviewees' opinions as to whether laws have kept pace with advancements in farming needs and practices and to identify major issues, successes, concerns, and suggestions regarding the use of agricultural vehicles in California. The survey was distributed to officials from the California Department of Transportation, the California State Police, the California DMV, and the various California farming parties.

The survey consisted of eleven questions directed to all participating parties. The questions in the survey focused on the adequacy of the definitions regarding farm vehicles and equipment in the California Vehicle Code. The definitions were spread out among two different Divisions. Division 1 Section 322 and Division 16 sections 36000 – 36016. Specifically whether the definitions presented adequately fit the equipment commonly used by farmers; the most helpful and most troublesome aspects of said definition; problems with the current definition and how they can be solved; whether the exemption in CVC Section 36100 is appropriate; if the exemptions adequately reflected the changing issues with regard to the current farming technology, and if the regulations allowed accurate enforcement of the code. Additional inquiries were made into the part of CVC Section 36101 which concerns the specific types of farm vehicles exempt and whether those vehicles have changed over the time the code has been in enforcement or whether the specific types of vehicles presented in that section still accurately describe the vehicles used in agriculture today.

Unfortunately, none of the agencies to which the survey was distributed returned an answer.

CONCLUSION

This draft report does not attempt to be exhaustive or to provide conclusions and recommendations. The Researchers do not possess expert knowledge on the researched matter, nor do they speak on behalf of any agency. It is possible that certain aspects were overlooked and not included in the report. In such case, the Researchers welcome the advice and suggestions as to what should be additionally included. The matters researched and included in this report relate only to the current laws and regulations governing the use, registration, and movement of farm vehicles and equipment in the ten researched states – Maryland, Ohio, West Virginia, Texas, Virginia, New York, New Jersey, Delaware, Michigan, and California. Due to the lack of active participation on the part of each state agency contacted by the Researchers, the Researchers were unable to gather these agencies' opinions as to the adequacy of farm vehicle laws and regulations in each researched state. The Researchers will continue to pursue contact with the same agencies and will include an attachment to this report, if additional information is obtained before March 1, 2008.

**APPENDIX D: SURVEYS FOR OTHER STATES
FINAL REPORT
INTERSTATE FARM VEHICLE POLICY
COMPARISON STUDY**

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
BY THE PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE
AND DIANA MITKOVA MILLER**

DATE: 3/7/2008

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CHAPTER I: MARYLAND

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey by November 29, 2007. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

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Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definitions in the MD Transportation Code are adequate?

Farm equipment: “In general farm equipment means a vehicle that:

- 1) Is designed and adapted only for agricultural, horticultural, or livestock raising operations;
- 2) Is designed and adapted only for lifting or carrying a “farm vehicle”; or
- 3) Is designed and adapted for splitting firewood.”

MD Annotated Code, Transportation § 11-120.

Farm Tractor: “Is a motor vehicle that is designed and used primarily as a farm implement for drawing farm equipment.”

MD Annotated Code, Transportation § 11-121.

Farm vehicle: “A vehicle that:

- 1) Is owned by a farmer;
- 2) Is used only in the farmer’s farming business and about the farmer’s farm home and in hauling farm products and the labor, supplies, equipment, and other materials necessary to the operation of the farm and farm home; and
- 3) Is not used to haul farm products previously acquired by the farmer for resale or to haul farm products for hire for another person who is not a farmer.”

MD Annotated Code, Transportation § 13-911.

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by farmers?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles/equipment?

4. Which are the most troublesome aspects of the current definitions from your perspective?

5. Do you see any problem areas with the current definitions in the Transportation Code regarding farm used vehicles and equipment?

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B. No.

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption provided in Section 13-402 of the MD Transportation Code for farm tractors or any farm equipment is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption for farm tractors or any farm equipment in Section 13-402 of the MD Transportation Code creates problems?

A. Yes. ---- Please explain what these problems are.

B. No.

9. Do you think that anything should be added to the registration exemption in Section 13-402 of the MD Transportation Code?

A. Yes. ---- Please list what and explain why it should be added.

B. No.

10. Would you like to see the current registration exemption in Section 13-402 of the MD Transportation Code, regarding farm tractors and farm equipment, changed?

A. Yes. ---- Please explain why and how.

B. No.

11. Do you see any problems with the provisions of Section 13-921 of the MD Transportation Code regarding Farm Truck registration?

A. Yes. --- Please explain.

B. No.

12. Do you see any problem areas with the provisions of Section 13-924 of the MD Transportation Code regarding Farm Truck Tractor registration?

A. Yes. --- Please explain.

B. No.

13. Do you see any problem areas with the provisions of Section 13-930 of the MD Transportation Code regarding Farm Trailer and Semitrailer registration?

A. Yes. --- Please explain.

B. No.

14. Do you see any problem areas with the provisions of Section 13-935 of the MD Transportation Code regarding Farm Area Vehicles?

A. Yes. --- Please, explain.

B. No.

15. Do you agree with the current size limitations in the MD Transportation Code, Sections 24-102, 24-104, 24-109, when applied to farm vehicles?

A. Yes.

B. No. --- Please explain why.

16. If the provisions of the MD Transportation Code regarding the classification, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included?

17. If an area of concern has not been covered by the survey questions, please feel free to add your input.

For Law Enforcement:

1. From law enforcement perspective what are the most serious concerns regarding the movement of farm vehicles and equipment upon public roadways in Maryland?
2. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles and equipment on the highways?
3. Are there particular sections of the MD Transportation Code regarding farm vehicles and equipment that law enforcement officers find confusing?
 - A. Yes. ---- Please explain which sections of the Code, why, and what could be done to help the confusion.
 - B. No.
4. From law enforcement perspective, is there anything in the MD Transportation Code regarding farm vehicles and equipment that you would like to see changed?
 - A. Yes. --- Please explain what and how it should be changed.
 - B. No.

Thank you!

APPENDIX

SECTIONS OF MD TRANSPORTATION CODE REFERRED TO IN THE SURVEY

§ 13-402. Vehicles subject to registration; exceptions

(a) General rule; parking unregistered vehicles. --

(1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.

(c) Exceptions -- In general. -- Registration under this subtitle is not required for:

(3) A farm tractor or any farm equipment;

§ 13-921. Single unit (two or more axles): Class E (truck) vehicles -- Farm truck registration

(a) "Farm truck" defined. -- In this section, "farm truck" means a farm vehicle that

(1) Is a Class E (truck) vehicle; and

(2) Has a shipping weight of its chassis and battery, as certified by the manufacturer, of more than 3/4 ton.

(b) Application for registration. -- On application, the Administration shall issue a Class E "farm truck registration" to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm truck, specifying its proposed use.

(c) Annual fee. -- For each vehicle registered under this section, the annual registration fee is based on the maximum gross vehicle weight, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
10,000 (minimum) -- 40,000	\$ 5.00
40,001 -- 65,000 (maximum)	\$ 5.25

(d) Prohibited uses -- Vehicle for hire. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.

(e) Same -- Use in manner other than as farm truck. -- A vehicle registered under this section may not be used in any manner other than as a farm truck.

§ 13-924. Truck tractors: Class F (tractor) vehicles -- Farm truck tractor registration

(a) "Farm truck tractor" defined. -- In this section, "farm truck tractor" means a farm vehicle that is a Class F (tractor) vehicle.

(b) Application for registration. -- On application, the Administration shall issue a Class F "farm truck tractor" registration to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm truck tractor, specifying its proposed use.

(c) Annual fee. -- For each farm truck tractor the annual registration fee is based on the maximum gross weight of the vehicle in combination with a trailer or semitrailer, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
40,000 (minimum) -- 80,000 (maximum)	\$ 5.25

(d) Prohibited uses -- Vehicle for hire. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.

(e) Same -- Use in manner other than as farm truck tractor. -- A vehicle registered under this section may not be used in any manner other than as a farm truck tractor.

§ 13-930. Trailers and semitrailers: Class G (trailer) vehicles -- Farm trailer and semitrailer registration

- (a) "Farm trailer or semitrailer" defined. -- In this section, "farm trailer or semitrailer" means a farm vehicle that is a Class G (trailer) vehicle.
- (b) Application for registration. -- On application, the Administration shall issue a special Class G "farm trailer or semitrailer" registration to any applicant who certifies:
 - (1) That the applicant is a farmer; and
 - (2) That the vehicle for which the application is made is a farm trailer or semitrailer, specifying its proposed use.
- (c) Annual fee. -- Except as otherwise provided in this part, for each farm trailer or semitrailer, the annual registration fee is based on the maximum gross weight limitations for the vehicle, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee
3,000	\$ 12.75
5,000	25.50
10,000	40.00
20,000	62.00

- (d) Prohibited uses. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.
- (e) Use of vehicle in manner other than as farm trailer or semitrailer. -- A vehicle registered under this section may not be used in any manner other than as a farm trailer or semitrailer.

§ 13-935. Farm area vehicles: Class K (farm area) vehicles

- (a) Definitions. --
 - (1) In this section the following words have the meanings indicated.
 - (2) "Farm area motor vehicle" means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 10-mile radius of the farm.
 - (3) "Island vehicle" means a motor vehicle, other than a golf cart, operated exclusively on an island that:
 - (i) Is not accessible by a highway;
 - (ii) Does not have State maintained highways; and
 - (iii) Contains less than 20 miles of highways.
- (b) Classification. -- If registered with the Administration under this section, every farm area motor vehicle, every island vehicle, and every vehicle that meets the requirements of subsection (d)(1) of this section is a Class K (farm area/island) vehicle.
- (c) Annual fee. -- Except as provided in subsection (d) of this section, for each Class K (farm area/island) vehicle, the annual registration fee is \$ 2.50.
- (d) Temporary registration. --
 - (1) The Administration may issue a temporary registration under this section to a vehicle, other than an island vehicle, that:
 - (i) Is owned by a resident of another state, or a company operating out of another state, if the individual or company is under contract with a Maryland farmer to conduct seasonal harvesting operations in this State;
 - (ii) Is used to transport perishable commodities directly between a farm and a packing plant for sorting and processing;
 - (iii) Passes a level 1 safety inspection conducted by the Department of State Police; and
 - (iv) Is only operated within a 35-mile radius of the location where the seasonal harvesting operations will occur.
 - (2) A temporary registration issued under this subsection may not be in effect for more than 90 days.
 - (3) The Department of State Police shall establish a weight limitation for vehicles registered under this subsection.
 - (4) A vehicle issued temporary registration under this subsection shall meet the mandatory minimum security

requirements of Title 17, Subtitle 1 of this article.

(5) A person may not operate a vehicle registered under this subsection unless the person holds a driver's license issued under Title 16 of this article, or a license to drive issued by the state of the person's residence.

(6) The Administration may establish a fee for a temporary registration issued under this subsection.

(e) Limitation on operation of island vehicle. -- An island vehicle registered under this section may not be operated on a highway in the State that is not on an island described in subsection (a)(3) of this section.

§ 24-102. Width of vehicles

(a) How width to be measured. --

(1) Except as provided in paragraph (2) of this subsection, for purposes of this section, the width of a vehicle includes any load that it carries and shall be exclusive of safety and energy conservation devices, such as side mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and spray suppressant devices, and load-induced tire bulges; providing the equipment or device, other than mirrors, does not extend more than 3 inches on each side of the vehicle beyond the statutory width limitation.

(2) For purposes of this section, the width of a motor home or travel trailer shall be exclusive of retractable awnings installed by the vehicle manufacturer or dealer, provided that the awnings do not extend more than 6 inches from each side of the vehicle.

(b) Exceptions. -- This section does not apply to any:

(1) Farm equipment;

(2) Vehicle transporting farm equipment; or

(3) Vehicle carrying a load of forage crops in connection with harvesting operations, if the distance traveled with the load on the highways in this State is less than 5 miles.

(c) Maximum width limits -- In general. --

(1) Except as provided in paragraph (2) of this subsection, a vehicle may not be driven on any highway if the width of the vehicle exceeds 102 inches unless:

(i) It has a permit issued by the State Highway Administration under § 24-112 of this subtitle; or

(ii) As to a highway under the jurisdiction of a local authority, it has special permission from the local authority.

(2) (i) Notwithstanding paragraph (1) of this subsection, the State Highway Administration or a local authority may prohibit the use of a highway or part of a highway under its jurisdiction by a vehicle exceeding a certain width if it finds that a vehicle exceeding a certain width likely would:

1. Endanger road users;

2. Cause excessive deterioration to the highway; or

3. Harm property adjacent to the highway.

(ii) If the State Highway Administration or a local authority imposes a vehicle width restriction under subparagraph (i) of this subsection, it shall place and maintain a sign providing notice of the restriction before the affected location.

§ 24-104. Height of vehicles and loads

(a) Height limit. -- Except as provided in subsection (c) of this section, the height of any vehicle and its load may not exceed 13 feet 6 inches.

(b) Owner of bridge or overpass not liable for damage caused by low clearance. -- Except as provided in subsection (c) of this section, any person responsible for the operation of a vehicle that collides with any bridge having a clearance of less than 13 feet 6 inches shall save the owner of the bridge harmless from any liability for damages proximately caused by the low clearance.

(c) Vehicle combination transporting farm equipment. --

(1) While a vehicle combination is transporting farm equipment, the overall height of the vehicle combination and its load may extend up to 16 feet if:

(i) The vehicle combination is traveling on a highway for a distance not exceeding 75 miles; and

(ii) The load cannot readily be reduced in height.

(2) Any person responsible for the operation of a vehicle combination described in paragraph (1) of this subsection that collides with any bridge, overhead wire, traffic control device, or light, having a clearance of less than 16 feet, shall save the owner of the bridge, wire, traffic control device, or light harmless from any liability for damages proximately caused by the low clearance.

§ 24-109. Gross weight of vehicles

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Single axle weight" means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

(3) "Tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.

(b) Formula for determining gross weight. -- Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.

(c) Permissible overall gross weights. -- The following table indicates the permissible overall gross weights based upon the above formula:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
and less						
More						
than	38,000	42,000				
8						
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			

15	47,000	52,000			
16	48,000	52,500	58,000		
17	48,500	53,500	58,500		
18	49,500	54,000	59,000		
19	50,000	54,500	60,000		
20	51,000	55,500	60,500	66,000	
21	51,500	56,000	61,000	66,500	
22	52,500	56,500	61,500	67,000	
23	53,000	57,500	62,500	68,000	
24	54,000	58,000	63,000	68,500	74,000
25	54,500	58,500	63,500	69,000	74,500
26	55,500	59,500	64,000	69,500	75,000
27	56,000	60,000	65,000	70,000	75,500
28	57,000	60,500	65,500	71,000	76,500
29	57,500	61,500	66,000	71,500	77,000
30	58,500	62,000	66,500	72,000	77,500
31	59,000	62,500	67,500	72,500	78,000
32	60,000	63,500	68,000	73,000	78,500
33		64,000	68,500	74,000	79,000
34		64,500	69,000	74,500	80,000
35		65,500	70,000	75,000	
36	Exception: See subsection (b),	(66,000)	70,500	75,500	
37	this section	(66,500)	71,000	76,000	
38		(67,500)	72,000	77,000	
39		68,000	72,500	77,500	
40		68,500	73,000	78,000	
41		69,500	73,500	78,500	
42		70,000	74,000	79,000	
43		70,500	75,000	80,000	
44		71,500	75,500		
45		72,000	76,000		
46		72,500	76,500		
47		73,500	77,500		
48		74,000	78,000		
49		74,500	78,500		
50		75,500	79,000		
51		76,000	80,000		
52		76,500			
53		77,500			
54		78,000			
55		78,500			
56		79,500			
57		80,000			

(d) Number of axles. -- The gross weight of any vehicle or combination of vehicles may not exceed the following limits:

Number of axles	Gross weight
--------------------	-----------------

	(in pounds)
Three or less	55,000
Four	66,000
Five as provided for in § 13-916 or § 13-923 of this article	80,000

(e) Trailers with metal tires. -- A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.

(f) Transport of agricultural products. --

(1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under § 10-601 of the Agriculture Article that were loaded in fields or other off-highway locations, is permitted an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except during harvest time when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted for a vehicle carrying the following agricultural products:

- (i) Wheat, for the period from June 1 to August 15;
- (ii) Corn, for the period from July 1 to December 1;
- (iii) Soybeans, for the period from September 1 to December 31; and
- (iv) Vegetable crops, for the period from June 1 to October 31.

(2) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 10 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.

(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.

CHAPTER II: OHIO

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey by November 29, 2007. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). In case e-mail is not an option please fax the survey to: 717-240-5126, Attn: Prof. MacRae/Diana Mitkova. Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

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1. Do you think that the following definitions in the OH Vehicle Code are adequate?

Agricultural tractor: “Any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.”

Ohio Revised Code § 4501.01(C).

Farm machinery: “All machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less.”

Ohio Revised Code § 4501.01(U).

Farm truck: “A truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this division and is not used in the operations of a motor transportation company or private motor carrier.”

Ohio Revised Code § 4506.01(O).

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the definitions in the WV Vehicle Code used to describe vehicles and equipment used in farming operations, fit the equipment commonly used by farmers?

A. Yes.

B. No. --- Where are and what are the perceived gaps?

3. Do you think that the exclusion of “utility vehicles,” “farm machinery,” “trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less,” “agricultural tractors,” and “machinery used in the production of horticultural, agricultural, and vegetable products” from the definition of Motor Vehicle in Section 4501.01(B) of the OH Vehicle Code, promotes clarification and better enforcement?

A. Yes.

B. No. --- Please, explain why.

4. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles and equipment?

5. Which are the most troublesome aspects of the current definitions from your perspective?

6. Do you see any problem areas with the current definitions in the Vehicle Code regarding farm vehicles and equipment?

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B.No.

7. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

8. Do you think that the driver’s license and commercial driver’s license exemption provided in Section 4507.03(2) of the OH Vehicle Code for agricultural tractor or implement of husbandry is appropriate?

A. Yes.

B. No. ---- Please explain why.

9. Do you think that the commercial driver’s license exemption for farm trucks in Section 4506.03(B)(1) of the OH Vehicle Code is appropriate?

A. Yes.

B. No. --- Please explain.

10. Do you think that the restrictions imposed by Section 4506.24(D) (1) of the OH Vehicle Code on holders of restricted commercial driver’s license are appropriate?

A. Yes.

B. No. --- Please explain.

11. Do you think that lighting requirements imposed on multi-wheel agricultural tractors and farm machinery by Section 4513.11 of the OH Vehicle Code are appropriate?

A. Yes.

B. No. --- Please, explain.

12. Do you think the exception for implements of husbandry, and agricultural tractors, provided by Section 4513.02(G) of the OH Vehicle Code, is appropriate?

A. Yes.

B. No. --- Please, explain.

13. If the provisions of the OH Vehicle Code regarding the licensing, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included?

14. If an area of concern has not been covered by the survey questions, please feel free to add your input.

Thank you!

For Law Enforcement:

4. From law enforcement perspective what are the most serious concerns regarding the movement of farm vehicles and equipment upon public roadways in Ohio?
5. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles and equipment on the highways?
6. Are there particular sections of the OH Vehicle Code regarding farm vehicles and equipment that law enforcement officers find confusing?
 - A. Yes. ---- Please explain which sections of the Code, why, and what could be done to help the confusion.
 - B. No.
7. From law enforcement perspective, is there anything in the OH Vehicle Code regarding farm vehicles and equipment that you would like to see changed?
 - B. Yes. --- Please explain what and how it should be changed.
 - C. No.

Thank you!

APPENDIX

Sections of the Ohio Vehicle Code Referenced In the Survey

§ 4507.03. Exemptions

(A) (1) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling a road roller or road machinery upon a street or highway.

(2) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of twenty-five miles per hour or less.

§ 4506.03. Commercial driver's license or permit required; exceptions

(A) Except as provided in divisions (B) and (C) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this state unless the person holds, and has in the person's possession, a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the registrar of motor vehicles, a valid examiner's commercial driving permit issued under section 4506.13 of the Revised Code, a valid restricted commercial driver's license and waiver for farm-related service industries issued under section 4506.24 of the Revised Code, or a valid commercial driver's license temporary instruction permit issued by the registrar and is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven.

(B) Nothing in division (A) of this section applies to any qualified person when engaged in the operation of any of the following:

(1) A farm truck;

§ 4506.24. Restricted license and waiver for farm-related service industries

(D) The holder of a restricted commercial driver's license and valid waiver for farm-related service industries may operate a class B or C commercial motor vehicle subject to all of the following restrictions:

(1) The commercial motor vehicle is operated within a distance of no more than one hundred fifty miles of the employer's place of business or the farm currently being served;

§ 4513.11. Lamps, reflectors and emblems for animal-drawn or slow-moving vehicles; speed identification symbol for farm machinery designed to operate at greater than 25 MPH

(A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (G) of section 4513.02 of the Revised Code, not specifically required to be equipped with lamps or other lighting devices by sections 4513.03 to 4513.10 of the Revised Code, shall, at the times specified in section 4513.03 of the Revised Code, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section shall meet standards adopted by the director of public safety.

(B) All boat trailers, farm machinery, and other machinery, including all road construction machinery, upon a

street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the director of transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in section 4511.09 of the Revised Code, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The director of public safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour may be operated on a street or highway at a speed greater than twenty-five miles per hour provided it is operated in accordance with this section.

As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

(C) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in division (B) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(D) (1) No person shall sell, lease, rent, or operate any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (B) of this section.

(2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays a slow-moving vehicle emblem as specified in division (B) of this section and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS).

(E) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the display of a speed identification symbol, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 4513.03 of the Revised Code. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 4513.17 of the Revised Code, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(F) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

- (1) With a slow-moving vehicle emblem complying with division (B) of this section;
- (2) With alternate reflective material complying with rules adopted under this division;
- (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall permit, as a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in section 4513.03 of the Revised Code, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584

JAN2005, agricultural equipment: speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

§ 4513.02. Unsafe vehicles, prohibition against operation; inspection by state highway patrol

(A) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.

(G) Sections 4513.01 to 4513.37 of the Revised Code, with respect to equipment on vehicles, do not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors except as made applicable to such articles of machinery.

CHAPTER III: WEST VIRGINIA

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

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Carlisle, PA 17103

Fax: 717-240-5126

Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definitions in the WV Vehicle Code are adequate?

Farm tractor: “Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.”

W. Va. Code § 17A-1-1(g).

Implement of husbandry: “Every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations, including, but not limited to, trucks used for spraying trees and plants: Provided, that the vehicle may not be let for hire at any time.”

W. Va. Code § 17A-1-1(q).

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by farmers?

A. Yes.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farming vehicles and equipment?

4. Which are the most troublesome aspects of the current definitions regarding farming vehicles and equipment from your perspective?

5. Do you see any problem areas with the current definitions in the Vehicle Code regarding farming vehicles and equipment?

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

C. No.

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption provided in Section 17A-3-2(2) of the WV Vehicle Code for implements of husbandry, farm machinery, and farm tractors is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption for implements of husbandry, farm machinery, and farm tractors in Section 17A-3-2(2) of the WV Vehicle Code creates problems?

A. Yes. ---- Please explain what these problems are.

B. No.

9. Do you think that anything should be added to the registration exemption in Section 17A-3-2(2) of the WV Vehicle Code?

A. Yes. ---- Please list what and explain why it should be added.

B. No.

10. Would you like to see the current registration exemption in Section 17A-3-2(2) of the WV Vehicle Code, regarding implements of husbandry, farm machinery, and farm tractors, changed?

A. Yes. ---- Please explain why and how.

B. No.

11. Do you see any problems with the provisions for Class Farm Truck in Section 17A-10-1 of the WV Vehicle Code?

A. Yes. --- Please explain.

B. No.

12. Do you think that the current size limitations in Section 17C-17-1 of the WV Vehicle Code are adequate when applied to farm tractors and machinery?

A. Yes.

B. No. --- Please explain why.

13. If the provisions of the WV Vehicle Code regarding the classification, registration, use and safety of farm tractors, machinery and equipment are to be amended, what changes you would like see included?

14. If an area of concern has not been covered by the survey questions, please feel free to add your input.

For Law Enforcement:

1. From law enforcement perspective what are the most serious concerns regarding the movement of farm vehicles and equipment upon public roadways in West Virginia?

2. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles and equipment on the highways?

3. Are there particular sections of the WV Vehicle Code regarding farm vehicles and equipment that law enforcement officers find confusing?

A. Yes. ---- Please explain which sections of the Code, why, and what could be done to help the confusion.

B. No.

4. From law enforcement perspective, is there anything in the WV Vehicle Code regarding farm vehicles and equipment that you would like to see changed?

A. Yes. --- Please explain what and how it should be changed.

B. No.

APPENDIX

Sections From the West Virginia Vehicle Code Referenced in the Survey

§ 17A-3-2. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

(a) Every motor vehicle, trailer, semitrailer, pole trailer and recreational vehicle when driven or moved upon a highway is subject to the registration and certificate of title provisions of this chapter except:

(2) Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the implement and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the commissioner of the division of highways from one point of the owner's land to another part of the owner's land, irrespective of whether or not the tracts adjoin: Provided, That the distance between the points may not exceed twenty-five miles, or for the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for repairs. The exemption in this subdivision from registration and license requirements also applies to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the purpose of moving farm produce and livestock from the farm along a public highway for a distance not to exceed twenty-five miles to a storage house or packing plant, when the use is a seasonal operation:

(A) The exemptions contained in this section also apply to farm machinery and tractors: Provided, That the machinery and tractors may use the highways in going from one tract of land to another tract of land regardless of whether the land is owned by the same or different persons;

(B) Any vehicle exempted under this subsection from the requirements of annual registration certificate and license plates and fees for the registration certificate and license plate may not use the highways between sunset and sunrise unless the vehicle is classified as a Class A motor vehicle with a farm-use exemption under the provisions of section one [§ 17A-10-1], article ten of this chapter and has a valid and current inspection sticker as required by the provisions of article sixteen [§§ 17C-16-1 et seq.], chapter seventeen-c of this code and is traveling from one tract of land to another over a distance of twenty-five miles or less;

(C) Any vehicle exempted under this section from the requirements of annual registration certificate and license plates may use the highways as provided in this section whether the exempt vehicle is self-propelled, towed by another exempt vehicle or towed by another vehicle required to be registered;

(D) Any vehicle used as an implement of husbandry exempt under this section shall have the words "farm use" affixed to both sides of the implement in ten-inch letters. Any vehicle which would be subject to registration as a Class A or B vehicle if not exempted by this section shall display a farm-use exemption certificate on the lower driver's side of the windshield:

(i) The farm-use exemption certificate shall be provided by the commissioner and shall be issued annually by the assessor of the applicant's county of residence. The assessor shall issue a farm-use exemption certificate to the applicant upon his or her determination pursuant to an examination of the property books or documentation provided by the applicant that the vehicle has been properly assessed as Class I personal property. The assessor shall charge a fee of two dollars for each certificate, which shall be retained by the assessor;

(ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the security required by chapter seventeen-d [§§ 17D-1-1 et seq.] of this code on any vehicle being operated on the roads or highways of this state;

(iii) No person charged with the offense of operating a vehicle without a farm-use exemption certificate, if required under this section, may be convicted of the offense if he or she produces in court, or in the office of the arresting officer, a valid farm-use exemption certificate for the vehicle in question within five days;

§ 17A-10-1. Classification of vehicles for purpose of registration.

Vehicles subject to registration under the provisions of this chapter shall be placed in the following classes for the purpose of registration:

Class A. Motor vehicles of passenger type and trucks with a gross weight of not more than eight thousand pounds;

Class B. Motor vehicles designated as trucks with a gross weight of more than eight thousand pounds, truck tractors or road tractors;

Class C. All trailers and semitrailers, except house trailers and trailers or semitrailers designed to be drawn by Class A motor vehicles and having a gross weight of less than two thousand pounds;

Class G. Motorcycles and parking enforcement vehicles;

Class H. Motor vehicles operated regularly for the transportation of persons for compensation under a certificate of convenience and necessity or contract carrier permit issued by the public service commission;

Class J. Motor vehicles operated for transportation of persons for compensation by common carriers, not running over a regular route or between fixed termini;

Class M. Mobile equipment as defined in subdivision (oo), section one [§ 17A-1-1(oo)], article one of this chapter;

Class R. House trailers;

Class T. Trailers or semitrailers of a type designed to be drawn by Class A vehicles and having a gross weight of less than two thousand pounds; and

Class Farm Truck. Motor vehicles designated as trucks having a minimum gross weight of more than eight thousand pounds and a maximum gross weight of eighty thousand pounds, used exclusively in the conduct of a farming business, engaged in the production of agricultural products by means of: (a) The planting, cultivation and harvesting of agricultural, horticultural, vegetable or other products of the soil; or (b) the raising, feeding and care of livestock, poultry, bees and dairy cattle. A farm truck may be used only for the transportation of agricultural products produced by the owner of the truck, for the transportation of agricultural supplies used in the production or for private passenger use.

§ 17C-17-1. Unlawful to exceed size and weight limitations; application of article to fire apparatus, farm machinery, etc.; "operate a vehicle or combination of vehicles" construed.

(a) It shall be unlawful for any owner, lessee or borrower of a vehicle or combination of vehicles to operate on any highway such vehicle or combination of vehicles, whether driven by such owner, lessee or borrower, or by some person on behalf of such owner, lessee or borrower, of a size or weight exceeding any limitation stated in this article, or otherwise in violation of any provision of this article, whether such limitation or provision be specifically stated in this article or set by express authority granted in this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter said limitations or provisions except as express authority shall be granted in this article. Subject to the penalties for weight violations provided in section 14 [§ 17C-17-14] of this article, violation of this section shall constitute a misdemeanor.

(b) The provisions of this article governing size, weight, and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

(c) The phrase "operate a vehicle or combination of vehicles" shall in this article be interpreted to mean the use of such vehicle or combination of vehicles on behalf of the owner, lessee or borrower, whether driven by him or by some person on behalf of him.

CHAPTER IV: TEXAS

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey by November 29, 2007. Please answer all questions in the survey. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). If e-mail is not an option, please fax the survey to: 717-240-5126, attn: Prof. MacRae/Diana Mitkova. Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

Penn State Dickinson School of Law Research Team

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Fax: 717-240-5126
Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definitions in the TX Transportation Code are adequate?

Farm semitrailer: “A semitrailer designed and used primarily as a farm vehicle.”

Texas Transportation Code § 502.001(4).

Farm tractor: “A motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry”

Texas Transportation Code § 502.001(5).

Farm trailer: “A trailer designed and used primarily as a farm vehicle.”

Texas Transportation Code § 502.001(6).

Implements of husbandry: “Farm implements, machinery, and tools as used in tilling the soil, including self-propelled machinery specifically designed or adapted for applying plant food materials or agricultural chemicals but not specifically designed or adapted for the sole purpose of transporting the materials or chemicals. The term does not include a passenger car or truck.”

Texas Transportation Code § 502.001(8).

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the definitions in the TX Transportation Code used to describe vehicles and equipment used in farming operations, fit the equipment commonly used by farmers?

A. Yes.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles and equipment?

4. Which are the most troublesome aspects of the current definitions from your perspective?

5. Do you see any problem areas with the current definitions in the Transportation Code regarding farm vehicles and equipment?

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B. No.

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the license exemption provided in Section 521.027(2) of the TX Transportation Code for persons operating a non-commercial farm tractor or implement of husbandry on a highway is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the general inapplicability of commercial driver’s licensing requirements to vehicles controlled and operated by a farmer as stated in Section 522.004(a) (1) of the TX Transportation Code is appropriate?

- A. Yes.
- B. No. --- Please explain.

9. Do you think that the requirements imposed by Section 522.004(a) (1) (A), (B), (C) in order for the provisions of Chapter 522 of the TX Transportation Code to NOT apply to vehicles controlled and operated by farmers are appropriate?

- A. Yes.
- B. No. --- Please explain.

10. Do you agree with the option for registered commercial motor vehicles, truck –tractors, trailers or semitrailers to obtain short-term permit for hauling excess loads as provided in Section 502.351 of the TX Transportation Code?

- A. Yes.
- B. No. --- Please explain.

11. Do you agree with the exception from width limitations for farm tractors, implements of husbandry, or vehicles used to transport farm tractors or implements of husbandry in Section 622.901(2) in the TX Transportation Code?

- A. Yes.
- B. No. --- Please explain.

12. Do think that the reduced registration fee for commercial motor vehicles as farm vehicles under Section 502.163(a) of the TX Transportation Code is appropriate?

- A. Yes.
- B. No. --- Please explain.

13. If the provisions of the TX Transportation Code regarding the licensing, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included?

14. If an area of concern has not been covered by the survey questions, please feel free to add your input.

For Law Enforcement:

1. From law enforcement perspective what are the most serious concerns regarding the movement of farm vehicles and equipment upon public roadways in Texas?
2. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles and equipment on the highways?
3. Are there particular sections of the TX Transportation Code regarding farm vehicles and equipment that law enforcement officers find confusing?
 - A. Yes. ---- Please explain which sections of the Code, why, and what could be done to help the confusion.
 - B. No.
4. From law enforcement perspective, is there anything in the TX Transportation Code regarding farm vehicles and equipment that you would like to see changed?
 - A. Yes. --- Please explain what and how it should be changed.
 - B. No.

APPENDIX

Sections of the Texas Transportation Code Referred in the Survey

§ 502.163. Fee: Commercial Motor Vehicle Used Primarily for Farm Purposes; Offense

(a) The registration fee for a commercial motor vehicle as a farm vehicle is 50 percent of the applicable fee under Section 502.162 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 for 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.

§ 502.351. Farm Vehicles: Excess Weight

(a) The owner of a registered commercial motor vehicle, truck-tractor, trailer, or semitrailer may obtain a short-term permit to haul loads of a weight more than that for which the vehicle is registered by paying an additional fee before the additional weight is hauled to transport:

- (1) the person's own seasonal agricultural products to market or another point for sale or processing;
 - (2) seasonal laborers from their place of residence to a farm or ranch;
- or
- (3) materials, tools, equipment, or supplies, without charge, from the place of purchase or storage to a farm or ranch exclusively for use on the farm or ranch.

(b) A permit may not be issued under this section for a period that is less than one month or that:

- (1) is greater than one year; or
- (2) extends beyond the expiration of the registration year for the vehicle.

(c) A permit issued under this section for a quarter must be for a calendar quarter.

(d) The fee for a permit under this section is a percentage of the difference between the registration fee otherwise prescribed by this chapter for the vehicle and the annual fee for the desired weight, as follows:

One month (30 consecutive days)	10 percent
One quarter	30 percent
Two quarters	60 percent
Three quarters	90 percent

(e) The department shall design, prescribe, and furnish a sticker, plate, or other means of indicating the additional weight and the registration period for each vehicle registered under this section.

§ 521.027. Persons Exempt From License Requirement

The following persons are exempt from the license requirement imposed under this chapter:

(2) a person while the person is operating a road machine, farm tractor, or implement of husbandry on a highway, unless the vehicle is a commercial motor vehicle under Section 522.003;

§ 522.004. Applicability

(a) This chapter (CHAPTER 522. COMMERCIAL DRIVER'S LICENSES) does not apply to:

- (1) a vehicle that is controlled and operated by a farmer and:
 - (A) used to transport agricultural products, farm machinery, or farm supplies to or from a farm;
 - (B) used within 150 miles of the person's farm; and
 - (C) not used in the operations of a common or contract motor carrier;

§ 622.901. Width Exceptions

The width limitation provided by Section 621.201 does not apply to:

(2) 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 the vehicle is:

(A) a farm tractor or implement of husbandry; or

(B) 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:

(i) to deliver the tractor or implement to a new owner;

(ii) to transport the tractor or implement to or from a mechanic for maintenance or repair; or

(iii) in the course of an agricultural operation;

CHAPTER V: VIRGINIA

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

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If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please answer all questions in the survey. Please complete and return the survey by November 29, 2007. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). If e-mail is not an option, please fax the survey to: 717-240-5126, attn: Prof. MacRae/Diana Mitkova. Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

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Carlisle, PA 17103
Fax: 717-240-5126
Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definitions in the VA Vehicle Code are adequate?

Farm tractor: “Every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.”

Va. Code Ann. § 46.2-100.

Farm utility vehicle: “A vehicle that is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. “Farm utility vehicle” does not include pickup or panel trucks, golf-carts, low-speed vehicles, riding lawn mowers, or all-terrain vehicles.”

Va. Code Ann. § 46.2-100.

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the definitions in the VA Vehicle Code used to describe vehicles and equipment used in farming operations, fit the equipment commonly used by farmers?

A. Yes.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles and equipment?

4. Which are the most troublesome aspects of the current definitions from your perspective?

5. Do you see any problem areas with the current definitions in the Vehicle Code regarding farm vehicles and equipment?

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

3. No.

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the license exemption provided in Section 46.2-303 of the VA Vehicle Code for farm tractors is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption for vehicles used exclusively for agricultural or horticultural purposes provided in Section 46.2-665 of the VA Vehicle Code is appropriate?

A. Yes.

B. No. --- Please explain.

9. Do you think that limitations imposed on the operation of the vehicles used exclusively for agricultural or horticultural purposes by Section 46.2-665 of the VA Vehicle Code are appropriate?

- A. Yes.
- B. No. --- Please explain.

10. Do you think that the registration exemption for vehicles used for seasonal transportation of farm produce and livestock provided in Section 46.2-666 of the VA Vehicle Code is appropriate?

- A. Yes.
- B. No. --- Please explain.

11. Do you think that the registration exemption for farm machinery and tractors provided in Section 46.2-667 of the VA Vehicle Code is appropriate?

- A. Yes.
- B. No. --- Please explain.

12. Do you think that the registration exemption for vehicles owned by farmers and used to transport certain wood products provided in Section 46.2-670 of the VA Vehicle Code is appropriate?

- A. Yes.
- B. No. --- Please explain.

13. Do you think that the registration exemption for certain vehicles transporting fertilizer, cotton, or peanuts provided in Section 46.2-672 of the VA Vehicle Code is appropriate?

- A. Yes.
- B. No. --- Please explain.

14. Do you think that the registration exemption for the return trips of exempted farm vehicles provided in Section 46.2-673 of the VA Vehicle Code is appropriate?

- A. Yes.
- B. No. --- Please explain.

15. Do you agree with the conditions for nocturnal use of highways by vehicles exempted from registration as provided in Section 46.2-684 of the VA Vehicle Code?

- A. Yes.
- B. No. --- Please explain.

16. Do you think that the size limitations inapplicability to farm machinery and agricultural multipurpose drying units moved temporarily on a highway, stated in Section 46.2-1102 of the VA Vehicle Code, is appropriate?

- A. Yes.
- B. No. --- Please explain.

17. Do you agree with the extension of weight limits for certain vehicles hauling Virginia-grown farm or forest products provided in Section 46.2-1129 of the VA Vehicle Code?

- A. Yes.
- B. No. --- Please explain.

18. If the provisions of the VA Vehicle Code regarding the licensing, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included?

19. If an area of concern has not been covered by the survey questions, please feel free to add your input.

For Law Enforcement:

1. From law enforcement perspective what are the most serious concerns regarding the movement of farm vehicles and equipment upon public roadways in Virginia?
2. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles and equipment on the highways?
3. Are there particular sections of the VA Vehicle Code regarding farm vehicles and equipment that law enforcement officers find confusing?
 - A. Yes. ---- Please explain which sections of the Code, why, and what could be done to help the confusion.
 - B. No.
4. From law enforcement perspective, is there anything in the VA Vehicle Code regarding farm vehicles and equipment that you would like to see changed?
 - A. Yes. --- Please explain what and how it should be changed.
 - B. No.

APPENDIX

Sections of the VA Vehicle Code Referenced in the Survey

§ 46.2-303. Licenses not required for operating road roller or farm tractor

No person shall be required to obtain a driver's license to operate a road roller or road machinery used under the supervision and control of the Department of Transportation for construction or maintenance purposes. No person shall be required to obtain a driver's license for the purpose of operating any farm tractor, farm machinery, or vehicle defined in §§ 46.2-663 through 46.2-674, temporarily drawn, moved, or propelled on the highways. The term "road machinery" shall not include motor vehicles required to be licensed by the Department of Motor Vehicles.

§ 46.2-665. Vehicles used for agricultural or horticultural purposes

A. No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.

B. This exemption shall only apply to vehicles which are not operated on or over any public highway in this Commonwealth for any purpose other than:

1. Crossing a highway;
2. Operating along a highway for a distance of no more than thirty miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;
3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;
4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or § 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;
5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm; or
6. Operating along a highway for a distance of no more than thirty miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning.

§ 46.2-666. Vehicles used for seasonal transportation of farm produce and livestock

No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee prescribed for any motor vehicle, trailer, or semitrailer owned by the owner or lessee of a farm and used by him on a seasonal basis in transporting farm produce and livestock along public highways for a distance of no more than thirty miles or the distance to the nearest storage house, packing plant, or market, but in no event more than fifty miles.

§ 46.2-667. Farm machinery and tractors

No person shall be required to obtain the registration certificate, license plates and decals, or pay the prescribed fee for any farm machinery or tractor when operated on a highway (i) between one tract of land and another regardless of whether the land is owned by the same person or (ii) to and from a repair shop for repairs.

§ 46.2-670. Vehicles owned by farmers and used to transport certain wood products

No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any motor vehicle, trailer, or semitrailer owned by a farm owner when the vehicle is operated or moved along a highway for no more than twenty miles between a sawmill or sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes.

§ 46.2-672. Certain vehicles transporting fertilizer, cotton, or peanuts

No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any motor vehicle or trailer, semitrailer, or fertilizer spreader drawn by a farm tractor used by a farmer, his tenant, agent or employee or a cotton ginner, peanut buyer, or fertilizer distributor to transport unginning

cotton, peanuts, or fertilizer owned by the farmer, cotton ginner, peanut buyer, or fertilizer distributor from one farm to another, from farm to gin, from farm to dryer, from farm to market, or from fertilizer distributor to farm and on return to the distributor.

The provisions of this section shall not apply to vehicles operated on a for-hire basis.

§ 46.2-673. Return trips of exempted farm vehicles

No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any farm vehicle exempted from registration under the provisions of this article when that vehicle is:

1. Making a return trip from any marketplace;
2. Transporting back to a farm ordinary and essential food and other products for home and farm use; or
3. Transporting supplies to the farm.

§ 46.2-684. Nocturnal use of highways by exempted vehicles

It shall be unlawful for any vehicle exempted under this article from registration under this chapter to use the highways between sunset and sunrise unless it is equipped with lights as required by law.

§ 46.2-1102. Size limitations inapplicable to farm machinery, agricultural multipurpose drying units, and fire-fighting equipment; amber warning lights

A. The vehicle size limitations contained in Articles 14 through 17 (§ 46.2-1101 et seq.) of this chapter shall not apply to any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural multipurpose drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business. Nor shall those limitations apply to fire-fighting equipment of any county, city, town, or fire-fighting company or association. Any farm tractor or agricultural multipurpose drying unit wider than 108 inches, however, which is so propelled, hauled, transported, or moved on the highway shall be equipped with a safety light of a type approved by the Superintendent of State Police. The light shall be plainly visible from the rear of the tractor or agricultural multipurpose drying unit.

B. Notwithstanding subsection A of this section, any farm tractor or other farm, agricultural, or horticultural vehicle wider than 108 inches may be equipped with an amber flashing, blinking, or alternating warning light as provided in § 46.2-1025. Any such light may be installed in lieu of or in addition to the safety light described in subsection A of this section. The absence of amber flashing, blinking, or alternating warning lights on any farm tractor or other farm, agricultural, or horticultural vehicle, as authorized under this subsection, shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of any motor vehicle or farm tractor, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

§ 46.2-1129. Further extensions of weight limits for certain vehicles hauling Virginia-grown farm or forest products

The owner of any motor vehicle used for hauling Virginia-grown forest or farm products, as defined in § 3.1-692, from the place where they are first produced, cut, harvested, or felled to the location where they are first processed may obtain from the Commissioner an extension for such vehicle of the single axle, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle weight limit, and gross weight limit based on axle spacing and number of axles on such vehicle by five percent, respectively.

No permit issued under this section shall permit the operation on an interstate highway of any vehicle with (i) a single axle weight in excess of 20,000 pounds, or (ii) a tandem axle weight in excess of 34,000 pounds, or (iii) a gross weight, based on axle spacing, greater than that permitted in § 46.2-1126, or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds. The Commissioner shall promulgate regulations governing such permits.

Weight extensions provided in this section shall be in addition to those provided in § 46.2-1128, but no weights beyond those permitted by the combination of the extensions provided in this section and § 46.2-1128 shall be tolerated.

Vehicles that are registered as farm use vehicles as provided in § 46.2-698 may operate as authorized under this section; provided, however, that should such vehicle violate the weight limits permitted by this section and § 46.2-1128, such vehicle shall no longer be permitted to operate as authorized in this section.

CHAPTER VI: DELAWARE

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, underline clearly the answers you have chosen. If the allocated space in the survey is not enough for your answer, please attach a separate sheet and indicate the number of the question. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey within ten business days from the date you received it. Please return via e-mail to Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

Penn State Dickinson School of Law Research Team

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Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definitions currently in DL Vehicle Code (Title 21), Chapter 1, are adequate?

(19) "Farm equipment" means an implement that:

a. Is designed and adapted only for agricultural, horticultural or livestock raising operations; or

b. Is designed and adapted only for lifting or carrying an implement described in paragraph a. of this subdivision.

(20) "Farm tractor" includes every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(69)a. "Special mobile equipment" means a motor vehicle that:

(1) Is not used primarily for highway transportation of people or property;

(2) Is operated or moved on a public highway or road only as an incident to its non highway use;

(3) Is used in agriculture;

(4) Is not operated at speeds greater than 30 miles per hour on the highway; and

(5) Does not travel a distance of greater than 50 miles on the highway on any 1 trip.

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. _____

2. _____

3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. _____

2. _____

3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the DL Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B. If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?
A. Yes
B. No ---- What do you think should be changed?
7. Do you think that the registration procedure and exemption from registration provided in Section 2113(2) of the DL Vehicle Code for farm vehicles/equipment is appropriate?
A. Yes.
B. No. ---- Please explain why.
8. Do you think that the registration exemption for farm vehicles/equipment in Section 2113(2) of the DL Vehicle Code creates problems?
A. Yes. ---- Please explain what these problems are.
B. No.
9. Do you think that anything should be added to the registration exemption in Section 2113(2)?
A. Yes. ---- Please list what and explain why it should be added.
B. No.
10. Would you like to see the current farm vehicles/equipment registration exemption in Section 2113(2) changed?
A. Yes. ---- Please explain why and how.
B. No.
11. In your opinion, have the provisions of the DL Vehicle Code Section 2113(1) regarding farm vehicles/equipment registration been successful in preventing confusion on highways about what is a Farm Vehicle and what laws/exemptions apply?

CHAPTER VII: NEW JERSEY

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

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Carlisle, PA 17103

Fax: 717-240-5126

Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definition(s) currently in NJ Vehicle Code, Title 39, Chapter 1 are adequate?

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. _____

2. _____

3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. _____

2. _____

3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the NJ Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B. If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption provided in NJSA.39:24, dealing with "Farm Use" plates is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption in NJSA.39:24, dealing with "Farm Use" plates creates problems?

A. Yes. ---- Please explain what these problems are.

B. No.

9. Do you think that anything should be added to the registration exemption in NJSA.39:24?

A. Yes. ---- Please list what and explain why it should be added.

B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in NJSA.39:24 changed?

A. Yes. ---- Please explain why and how.

B. No.

11. Do you feel the provisions of NJAC 13:21-12.2-12.8 regarding the limitations on travel and necessary equipment are satisfactory?

A. Yes

B. No – Please explain why and how

CHAPTER VIII: NEW YORK

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

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Fax: 717-240-5126

Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definition(s) currently in the NY Vehicle and Traffic Law Section 125 are adequate? (Please note that this is an exclusionary definition and not an Inclusionary one)

Motor vehicles: Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, and (d) all terrain vehicles as defined in article forty-eight-B of this chapter. For the purposes of title four, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

- A. Yes.
- B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators; or would a more inclusive definition be appropriate?

- A. Yes. --- Please underline the appropriate definitions.
- B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. _____
2. _____
3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. _____
2. _____
3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the NY Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B. If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption(s) provided in NY Transportation Law Section 214(c) and Section 171 (8)(12)(13) is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption in NY Transportation Law Section 214(c) and Section 171 (8)(12)(13) creates problems?

A. Yes. ---- Please explain what these problems are.

B. No.

9. Do you think that anything should be added to the registration exemption in NY Transportation Law Section 214(c) and Section 171 (8)(12)(13)?

A. Yes. ---- Please list what and explain why it should be added.

B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in NY Transportation Law Section 214(c) and Section 171 (8)(12)(13) changed?

A. Yes. ---- Please explain why and how.

B. No.

11. Do you feel the provisions of New York Vehicle Laws Section 401 Section (7)(A)(e) regarding registration fee as a function of weight is appropriate/satisfactory?

A. Yes

B. No – Please explain why and how

CHAPTER IX: MICHIGAN

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

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Student Research Assistant: Dale E. Page
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Fax: 717-240-5126
Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definition(s) currently in the MI Vehicle code Section 257 are adequate? "Implement of Husbandry" is defined as a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field (MVC 257.21). See Appendix A at the end of this document for an in-depth discussion of this term.

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

"Special Mobile Equipment" is defined as every vehicle not designed or used primarily for transportation of persons or property and incidentally operated or moved over the highways, including farm tractors (MVC 257.62).

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators; or would a more inclusive definition be appropriate?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. _____

2. _____

3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. _____

2. _____

3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the MI Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B. If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption(s) provided in the MVC Section 257.802 (10) is appropriate?
- A. Yes.
 - B. No. ---- Please explain why.
8. Do you think that the registration exemption in MVC Section 257.802 (10) creates problems?
- A. Yes. ---- Please explain what these problems are.
 - B. No.
9. Do you think that anything should be added to the registration exemption in MVC Section 257.802 (10)?
- A. Yes. ---- Please list what and explain why it should be added.
 - B. No.
10. Would you like to see the current farm vehicles/equipment registration exemption in MVC Section 257.802 (10) changed?
- A. Yes. ---- Please explain why and how.
 - B. No.
11. Do you feel the provisions of MVC Section 257.802 (10) regarding registration fee as a function of time desired for the registration is appropriate/satisfactory?
- A. Yes
 - B. No – Please explain why and how

CHAPTER X: CALIFORNIA

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

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Fax: 717-240-5126

Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definition(s) currently in the CA Vehicle code Division 1 and Division 16 are adequate?

Farm Labor Vehicle (Division 1 Section 322):

(a) A "farm labor vehicle" is any motor vehicle designed, used, or maintained for the transportation of nine or more farmworkers, in addition to the driver, to or from a place of employment or employment-related activities.

(b) For the purpose of this section, a farmworker is any person engaged in rendering personal services for hire and compensation in connection with the production or harvesting of any farm products.

(c) "Farm labor vehicle" does not include:

(1) Any vehicle carrying only members of the immediate family of the owner or driver thereof.

(2) Any vehicle while being operated under specific authority granted by the Public Utilities Commission or under specific authority granted to a transit system by an authorized city or county agency.

Division 16 Chapter 1 Definitions:

"Implement of husbandry" (Section 36000):

a vehicle which is used exclusively in the conduct of agricultural operations.

An implement of husbandry does not include a vehicle if its existing design is primarily for the transportation of persons or property on a highway, unless specifically designated as such by some other provision of this code.

Implement of Husbandry: Definition of Farm Trailer (Section 36010)

A "farm trailer" is either of the following:

(a) A trailer or semitrailer owned and operated by a farmer in the conduct of agricultural operations, and used exclusively to transport agricultural products upon the highway to the point of first handling and return.

(b) A trailer or semitrailer equipped with rollers on the bed, with a frame not taller than 10 inches high, and with a gross vehicle weight rating of 10,000 pounds or less, that is owned, rented, or leased by a farmer and operated by that farmer in the conduct of agricultural operations, used exclusively to transport fruit and vegetables upon the highway to the point of first handling and return, and that was manufactured and in use prior to January 1, 1997. These vehicles may also be operated on the highways without a load for the purposes of delivering a rented or leased vehicle to the renting or leasing farmer's farm, or returning empty to the owner's premises.

Implement of Husbandry: Automatic Bale Wagon Defined (Section 36011)

An "automatic bale wagon" is a motor vehicle capable of transporting property on a highway and equipped with apparatus specifically designed to pick up single bales of hay or straw from a field and to load and unload baled hay or straw.

Implement of Husbandry: Cotton Module Mover Defined (Section 36012)

A "cotton module mover" is a motortruck, semitrailer, or a truck tractor, in combination with a semitrailer, that is equipped with a self-loading bed and is designed and used exclusively to transport field manufactured cotton modules to a cotton gin.

Implement of Husbandry: Farm Tractor Used for Towing (Section 36015)

"Implement of husbandry" includes any farm tractor, otherwise an implement of husbandry used upon a highway to draw a farm trailer carrying farm produce, or to draw any trailer or semitrailer carrying other implements of husbandry, between farms, or from a farm to a processing or handling point and returning with or without the trailer.

Implement of Husbandry: Trap Wagon (Section 36016)

A "trap wagon" is a trailer or semitrailer used exclusively in the conduct of agricultural operations to fuel, service, or repair implements of husbandry. A trap wagon may be equipped with tools, spare parts, lubricating supplies, or fuel tanks.

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators; or would a more inclusive definition be appropriate?

- A. Yes. --- Please underline the appropriate definitions.
- B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

- 1. _____
- 2. _____
- 3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

- 1. _____
- 2. _____
- 3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the CA Vehicle Code?

- A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.
- C. If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

- A. Yes
- B. No ---- What do you think should be changed?

7. Do you think that the registration exemption(s) provided in the CA Division 16 Chapter 2 Section 36100 is appropriate?

- A. Yes.
- B. No. ---- Please explain why.

8. Do you think that the registration exemption in CA Division 16 Chapter 2 Section 36100 creates problems?

- A. Yes. ---- Please explain what these problems are.
- D. No.

9. Do you think that anything should be added to the registration exemption in CA Division 16 Chapter 2 Section 36100?

- A. Yes. ---- Please list what and explain why it should be added.
- B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in CA Division 16 Chapter 2 Section 36100 changed?

A. Yes. ---- Please explain why and how.

B. No.

11. Do you feel the provisions of CA Division 16 Chapter 2 Section 36101 regarding the specific exemptions of specific types of farm vehicles appropriate/satisfactory?

A. Yes

B. No – Please explain why and how

APPENDIX E: OTHER STATES' RESPONSES TO SURVEYS

FOR FINAL REPORT

INTERSTATE FARM VEHICLE STUDY

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION BY THE
PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE AND DIANA MITKOVA MILLER**

DATE: 3/7/2008

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CHAPTER A: MARYLAND

I. MARYLAND DEPARTMENT OF TRANSPORTATION

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey by November 29, 2007. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). If e-mail is not an option, please fax your responses to: 717-240-5126, attn: Prof. MacRae/Diana Mitkova. Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

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Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definitions in the MD Transportation Code are adequate?

Farm equipment: “In general farm equipment means a vehicle that:

- 1) Is designed and adapted only for agricultural, horticultural, or livestock raising operations;
- 2) Is designed and adapted only for lifting or carrying a “farm vehicle”; or
- 3) Is designed and adapted for splitting firewood.”

MD Annotated Code, Transportation § 11-120.

Farm Tractor: “Is a motor vehicle that is designed and used primarily as a farm implement for drawing farm equipment.”

MD Annotated Code, Transportation § 11-121.

Farm vehicle: “A vehicle that:

- 1) Is owned by a farmer;
- 2) Is used only in the farmer’s farming business and about the farmer’s farm home and in hauling farm products and the labor, supplies, equipment, and other materials necessary to the operation of the farm and farm home; and
- 3) Is not used to haul farm products previously acquired by the farmer for resale or to haul farm products for hire for another person who is not a farmer.”

MD Annotated Code, Transportation § 13-911.

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by farmers?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles/equipment?

4. Which are the most troublesome aspects of the current definitions from your perspective?

5. Do you see any problem areas with the current definitions in the Transportation Code regarding farm used vehicles and equipment?

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B. No.

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption provided in Section 13-402 of the MD Transportation Code for farm tractors or any farm equipment is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption for farm tractors or any farm equipment in Section 13-402 of the MD Transportation Code creates problems?

A. Yes. ---- Please explain what these problems are.

B. No.

9. Do you think that anything should be added to the registration exemption in Section 13-402 of the MD Transportation Code?

A. Yes. ---- Please list what and explain why it should be added.

B. No.

10. Would you like to see the current registration exemption in Section 13-402 of the MD Transportation Code, regarding farm tractors and farm equipment, changed?

A. Yes. ---- Please explain why and how.

B. No.

11. Do you see any problems with the provisions of Section 13-921 of the MD Transportation Code regarding Farm Truck registration?

A. Yes. --- Please explain.

B. No.

12. Do you see any problem areas with the provisions of Section 13-924 of the MD Transportation Code regarding Farm Truck Tractor registration?

A. Yes. --- Please explain.

B. No.

13. Do you see any problem areas with the provisions of Section 13-930 of the MD Transportation Code regarding Farm Trailer and Semitrailer registration?

A. Yes. --- Please explain.

B. No.

14. Do you see any problem areas with the provisions of Section 13-935 of the MD Transportation Code regarding Farm Area Vehicles?

A. Yes. --- Please, explain.

B. No.

15. Do you agree with the current size limitations in the MD Transportation Code, Sections 24-102, 24-104, 24-109, when applied to farm vehicles?

A. Yes.

B. No. --- Please explain why.

16. If the provisions of the MD Transportation Code regarding the classification, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included?

17. If an area of concern has not been covered by the survey questions, please feel free to add your input.

Thank you!

APPENDIX
SECTIONS OF MD TRANSPORTATION CODE REFERRED TO IN THE SURVEY

§ 13-402. Vehicles subject to registration; exceptions

- (a) General rule; parking unregistered vehicles. --
 - (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.
- (c) Exceptions -- In general. -- Registration under this subtitle is not required for:
 - (3) A farm tractor or any farm equipment;

§ 13-921. Single unit (two or more axles): Class E (truck) vehicles -- Farm truck registration

- (a) "Farm truck" defined. -- In this section, "farm truck" means a farm vehicle that
 - (1) Is a Class E (truck) vehicle; and
 - (2) Has a shipping weight of its chassis and battery, as certified by the manufacturer, of more than 3/4 ton.
- (b) Application for registration. -- On application, the Administration shall issue a Class E "farm truck registration" to any applicant who certifies:
 - (1) That the applicant is a farmer; and
 - (2) That the vehicle for which the application is made is a farm truck, specifying its proposed use.
- (c) Annual fee. -- For each vehicle registered under this section, the annual registration fee is based on the maximum gross vehicle weight, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
10,000 (minimum) -- 40,000	\$ 5.00
40,001 -- 65,000 (maximum)	\$ 5.25

- (d) Prohibited uses -- Vehicle for hire. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.
- (e) Same -- Use in manner other than as farm truck. -- A vehicle registered under this section may not be used in any manner other than as a farm truck.

§ 13-924. Truck tractors: Class F (tractor) vehicles -- Farm truck tractor registration

- (a) "Farm truck tractor" defined. -- In this section, "farm truck tractor" means a farm vehicle that is a Class F (tractor) vehicle.
- (b) Application for registration. -- On application, the Administration shall issue a Class F "farm truck tractor" registration to any applicant who certifies:
 - (1) That the applicant is a farmer; and
 - (2) That the vehicle for which the application is made is a farm truck tractor, specifying its proposed use.
- (c) Annual fee. -- For each farm truck tractor the annual registration fee is based on the maximum gross weight of the vehicle in combination with a trailer or semitrailer, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
40,000 (minimum) -- 80,000 (maximum)	\$ 5.25

- (d) Prohibited uses -- Vehicle for hire. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.
- (e) Same -- Use in manner other than as farm truck tractor. -- A vehicle registered under this section may not be used in any manner other than as a farm truck tractor.

§ 13-930. Trailers and semitrailers: Class G (trailer) vehicles -- Farm trailer and semitrailer registration

- (a) "Farm trailer or semitrailer" defined. -- In this section, "farm trailer or semitrailer" means a farm vehicle

that is a Class G (trailer) vehicle.

(b) Application for registration. -- On application, the Administration shall issue a special Class G "farm trailer or semitrailer" registration to any applicant who certifies:

- (1) That the applicant is a farmer; and
- (2) That the vehicle for which the application is made is a farm trailer or semitrailer, specifying its proposed use.

(c) Annual fee. -- Except as otherwise provided in this part, for each farm trailer or semitrailer, the annual registration fee is based on the maximum gross weight limitations for the vehicle, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee
3,000	\$ 12.75
5,000	25.50
10,000	40.00
20,000	62.00

(d) Prohibited uses. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.

(e) Use of vehicle in manner other than as farm trailer or semitrailer. -- A vehicle registered under this section may not be used in any manner other than as a farm trailer or semitrailer.

§ 13-935. Farm area vehicles: Class K (farm area) vehicles

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Farm area motor vehicle" means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 10-mile radius of the farm.

(3) "Island vehicle" means a motor vehicle, other than a golf cart, operated exclusively on an island that:

- (i) Is not accessible by a highway;
- (ii) Does not have State maintained highways; and
- (iii) Contains less than 20 miles of highways.

(b) Classification. -- If registered with the Administration under this section, every farm area motor vehicle, every island vehicle, and every vehicle that meets the requirements of subsection (d)(1) of this section is a Class K (farm area/island) vehicle.

(c) Annual fee. -- Except as provided in subsection (d) of this section, for each Class K (farm area/island) vehicle, the annual registration fee is \$ 2.50.

(d) Temporary registration. --

(1) The Administration may issue a temporary registration under this section to a vehicle, other than an island vehicle, that:

- (i) Is owned by a resident of another state, or a company operating out of another state, if the individual or company is under contract with a Maryland farmer to conduct seasonal harvesting operations in this State;
- (ii) Is used to transport perishable commodities directly between a farm and a packing plant for sorting and processing;
- (iii) Passes a level 1 safety inspection conducted by the Department of State Police; and
- (iv) Is only operated within a 35-mile radius of the location where the seasonal harvesting operations will occur.

(2) A temporary registration issued under this subsection may not be in effect for more than 90 days.

(3) The Department of State Police shall establish a weight limitation for vehicles registered under this subsection.

(4) A vehicle issued temporary registration under this subsection shall meet the mandatory minimum security requirements of Title 17, Subtitle 1 of this article.

(5) A person may not operate a vehicle registered under this subsection unless the person holds a driver's

license issued under Title 16 of this article, or a license to drive issued by the state of the person's residence.

(6) The Administration may establish a fee for a temporary registration issued under this subsection.

(e) Limitation on operation of island vehicle. -- An island vehicle registered under this section may not be operated on a highway in the State that is not on an island described in subsection (a)(3) of this section.

§ 24-102. Width of vehicles

(a) How width to be measured. --

(1) Except as provided in paragraph (2) of this subsection, for purposes of this section, the width of a vehicle includes any load that it carries and shall be exclusive of safety and energy conservation devices, such as side mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and spray suppressant devices, and load-induced tire bulges; providing the equipment or device, other than mirrors, does not extend more than 3 inches on each side of the vehicle beyond the statutory width limitation.

(2) For purposes of this section, the width of a motor home or travel trailer shall be exclusive of retractable awnings installed by the vehicle manufacturer or dealer, provided that the awnings do not extend more than 6 inches from each side of the vehicle.

(b) Exceptions. -- This section does not apply to any:

(1) Farm equipment;

(2) Vehicle transporting farm equipment; or

(3) Vehicle carrying a load of forage crops in connection with harvesting operations, if the distance traveled with the load on the highways in this State is less than 5 miles.

(c) Maximum width limits -- In general. --

(1) Except as provided in paragraph (2) of this subsection, a vehicle may not be driven on any highway if the width of the vehicle exceeds 102 inches unless:

(i) It has a permit issued by the State Highway Administration under § 24-112 of this subtitle; or

(ii) As to a highway under the jurisdiction of a local authority, it has special permission from the local authority.

(2) (i) Notwithstanding paragraph (1) of this subsection, the State Highway Administration or a local authority may prohibit the use of a highway or part of a highway under its jurisdiction by a vehicle exceeding a certain width if it finds that a vehicle exceeding a certain width likely would:

1. Endanger road users;

2. Cause excessive deterioration to the highway; or

3. Harm property adjacent to the highway.

(ii) If the State Highway Administration or a local authority imposes a vehicle width restriction under subparagraph (i) of this subsection, it shall place and maintain a sign providing notice of the restriction before the affected location.

§ 24-104. Height of vehicles and loads

(a) Height limit. -- Except as provided in subsection (c) of this section, the height of any vehicle and its load may not exceed 13 feet 6 inches.

(b) Owner of bridge or overpass not liable for damage caused by low clearance. -- Except as provided in subsection (c) of this section, any person responsible for the operation of a vehicle that collides with any bridge having a clearance of less than 13 feet 6 inches shall save the owner of the bridge harmless from any liability for damages proximately caused by the low clearance.

(c) Vehicle combination transporting farm equipment. --

(1) While a vehicle combination is transporting farm equipment, the overall height of the vehicle combination and its load may extend up to 16 feet if:

(i) The vehicle combination is traveling on a highway for a distance not exceeding 75 miles; and

(ii) The load cannot readily be reduced in height.

(2) Any person responsible for the operation of a vehicle combination described in paragraph (1) of this subsection that collides with any bridge, overhead wire, traffic control device, or light, having a clearance of

less than 16 feet, shall save the owner of the bridge, wire, traffic control device, or light harmless from any liability for damages proximately caused by the low clearance.

§ 24-109. Gross weight of vehicles

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Single axle weight" means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

(3) "Tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.

(b) Formula for determining gross weight. -- Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.

(c) Permissible overall gross weights. -- The following table indicates the permissible overall gross weights based upon the above formula:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
and less						
More						
than	38,000	42,000				
8						
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		

17	48,500	53,500	58,500		
18	49,500	54,000	59,000		
19	50,000	54,500	60,000		
20	51,000	55,500	60,500	66,000	
21	51,500	56,000	61,000	66,500	
22	52,500	56,500	61,500	67,000	
23	53,000	57,500	62,500	68,000	
24	54,000	58,000	63,000	68,500	74,000
25	54,500	58,500	63,500	69,000	74,500
26	55,500	59,500	64,000	69,500	75,000
27	56,000	60,000	65,000	70,000	75,500
28	57,000	60,500	65,500	71,000	76,500
29	57,500	61,500	66,000	71,500	77,000
30	58,500	62,000	66,500	72,000	77,500
31	59,000	62,500	67,500	72,500	78,000
32	60,000	63,500	68,000	73,000	78,500
33		64,000	68,500	74,000	79,000
34		64,500	69,000	74,500	80,000
35		65,500	70,000	75,000	
36	Exception: See subsection (b), this section	(66,000)	70,500	75,500	
37		(66,500)	71,000	76,000	
38		(67,500)	72,000	77,000	
39		68,000	72,500	77,500	
40		68,500	73,000	78,000	
41		69,500	73,500	78,500	
42		70,000	74,000	79,000	
43		70,500	75,000	80,000	
44		71,500	75,500		
45		72,000	76,000		
46		72,500	76,500		
47		73,500	77,500		
48		74,000	78,000		
49		74,500	78,500		
50		75,500	79,000		
51		76,000	80,000		
52		76,500			
53		77,500			
54		78,000			
55		78,500			
56		79,500			
57		80,000			

(d) Number of axles. -- The gross weight of any vehicle or combination of vehicles may not exceed the following limits:

Number of axles	Gross weight (in pounds)
Three or less	55,000

Four	66,000
Five as provided for in § 13-916 or § 13-923 of this article	80,000

(e) Trailers with metal tires. -- A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.

(f) Transport of agricultural products. --

(1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under [§ 10-601 of the Agriculture Article](#) that were loaded in fields or other off-highway locations, is permitted an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except during harvest time when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted for a vehicle carrying the following agricultural products:

- (i) Wheat, for the period from June 1 to August 15;
- (ii) Corn, for the period from July 1 to December 1;
- (iii) Soybeans, for the period from September 1 to December 31; and
- (iv) Vegetable crops, for the period from June 1 to October 31.

(2) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 10 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.

(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.

II. MARYLAND DEPARTMENT OF AGRICULTURE

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

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If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

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Sincerely,

Penn State Dickinson School of Law Research Team

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Supervisor: Professor Leslie MacRae
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- 4) Is designed and adapted only for agricultural, horticultural, or livestock raising operations;
- 5) Is designed and adapted only for lifting or carrying a “farm vehicle”; or
- 6) Is designed and adapted for splitting firewood.”

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- 4) Is owned by a farmer;
- 5) Is used only in the farmer’s farming business and about the farmer’s farm home and in hauling farm products and the labor, supplies, equipment, and other materials necessary to the operation of the farm and farm home; and
- 6) Is not used to haul farm products previously acquired by the farmer for resale or to haul farm products for hire for another person who is not a farmer.”

MD Annotated Code, Transportation § 13-911.

a. Yes.

b. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by farmers?

A. Yes. --- Please underline the appropriate definitions.

B. No. ---- ~~Where are and what are the perceived gaps?~~

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles/equipment?

Given the seasonal use of farm vehicles, Maryland provides for lower vehicle registration fees. Also farm equipment moved on the highway is not required to be registered, subsequently no titling and registration fees.

4. Which are the most troublesome aspects of the current definitions from your perspective?

None.

5. Do you see any problem areas with the current definitions in the Transportation Code regarding farm used vehicles and equipment?

~~A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.~~

B.No.

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption provided in Section 13-402 of the MD Transportation Code for farm tractors or any farm equipment is appropriate?

A. Yes.

~~B. No. ---- Please explain why.~~

8. Do you think that the registration exemption for farm tractors or any farm equipment in Section 13-402 of the MD Transportation Code creates problems?

~~A. Yes. ---- Please explain what these problems are.~~

B. No.

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~~A. Yes. ---- Please list what and explain why it should be added.~~

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~~A. Yes. ---- Please explain.~~

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~~A. Yes. ---- Please explain.~~

B. No.

13. Do you see any problem areas with the provisions of Section 13-930 of the MD Transportation Code regarding Farm Trailer and Semitrailer registration?

~~A. Yes. ---- Please explain.~~

B. No.

14. Do you see any problem areas with the provisions of Section 13-935 of the MD Transportation Code regarding Farm Area Vehicles?

A. Yes. --- Please, explain. Perhaps consideration may be given to expand the use to 25 miles.

~~B. No.~~

15. Do you agree with the current size limitations in the MD Transportation Code, Sections 24-102, 24-104, 24-109, when applied to farm vehicles?

A. Yes.

B. ~~No.~~ ~~--- Please explain why.~~

16. If the provisions of the MD Transportation Code regarding the classification, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included? Perhaps extending the mileage a farm area "K" registered vehicle can operate.

17. If an area of concern has not been covered by the survey questions, please feel free to add your input.

Maryland law requires all motor vehicles driven on a highway, including any out of state farm vehicles, to be registered and insured. If an out of state unregistered farm vehicle (Pennsylvania - "Registration-Exempt Farm Vehicle" Type I and Type II) were to operate in Maryland, the State Police would have no means to confirm registration. These vehicles would be required to return to their home state and could possibly be fined. Maryland does honor registered farm vehicles from other states.

It may be important to remind Pennsylvania farmers operating "registration exempt vehicles" they should only operate intrastate.

Thank you!

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§ 13-402. Vehicles subject to registration; exceptions

- (a) General rule; parking unregistered vehicles. --
 - (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.
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 - (3) A farm tractor or any farm equipment;

§ 13-921. Single unit (two or more axles): Class E (truck) vehicles -- Farm truck registration

- (a) "Farm truck" defined. -- In this section, "farm truck" means a farm vehicle that
 - (1) Is a Class E (truck) vehicle; and
 - (2) Has a shipping weight of its chassis and battery, as certified by the manufacturer, of more than 3/4 ton.
- (b) Application for registration. -- On application, the Administration shall issue a Class E "farm truck registration" to any applicant who certifies:
 - (1) That the applicant is a farmer; and
 - (2) That the vehicle for which the application is made is a farm truck, specifying its proposed use.
- (c) Annual fee. -- For each vehicle registered under this section, the annual registration fee is based on the maximum gross vehicle weight, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
10,000 (minimum) -- 40,000	\$ 5.00
40,001 -- 65,000 (maximum)	\$ 5.25

- (d) Prohibited uses -- Vehicle for hire. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.
- (e) Same -- Use in manner other than as farm truck. -- A vehicle registered under this section may not be used in any manner other than as a farm truck.

§ 13-924. Truck tractors: Class F (tractor) vehicles -- Farm truck tractor registration

- (a) "Farm truck tractor" defined. -- In this section, "farm truck tractor" means a farm vehicle that is a Class F (tractor) vehicle.
- (b) Application for registration. -- On application, the Administration shall issue a Class F "farm truck tractor" registration to any applicant who certifies:
 - (1) That the applicant is a farmer; and
 - (2) That the vehicle for which the application is made is a farm truck tractor, specifying its proposed use.
- (c) Annual fee. -- For each farm truck tractor the annual registration fee is based on the maximum gross weight of the vehicle in combination with a trailer or semitrailer, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
40,000 (minimum) -- 80,000 (maximum)	\$ 5.25

- (d) Prohibited uses -- Vehicle for hire. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.
- (e) Same -- Use in manner other than as farm truck tractor. -- A vehicle registered under this section may not be used in any manner other than as a farm truck tractor.

§ 13-930. Trailers and semitrailers: Class G (trailer) vehicles -- Farm trailer and semitrailer registration

- (a) "Farm trailer or semitrailer" defined. -- In this section, "farm trailer or semitrailer" means a farm vehicle

that is a Class G (trailer) vehicle.

(b) Application for registration. -- On application, the Administration shall issue a special Class G "farm trailer or semitrailer" registration to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm trailer or semitrailer, specifying its proposed use.

(c) Annual fee. -- Except as otherwise provided in this part, for each farm trailer or semitrailer, the annual registration fee is based on the maximum gross weight limitations for the vehicle, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee
3,000	\$ 12.75
5,000	25.50
10,000	40.00
20,000	62.00

(d) Prohibited uses. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.

(e) Use of vehicle in manner other than as farm trailer or semitrailer. -- A vehicle registered under this section may not be used in any manner other than as a farm trailer or semitrailer.

§ 13-935. Farm area vehicles: Class K (farm area) vehicles

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Farm area motor vehicle" means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 10-mile radius of the farm.

(3) "Island vehicle" means a motor vehicle, other than a golf cart, operated exclusively on an island that:

(i) Is not accessible by a highway;

(ii) Does not have State maintained highways; and

(iii) Contains less than 20 miles of highways.

(b) Classification. -- If registered with the Administration under this section, every farm area motor vehicle, every island vehicle, and every vehicle that meets the requirements of subsection (d)(1) of this section is a Class K (farm area/island) vehicle.

(c) Annual fee. -- Except as provided in subsection (d) of this section, for each Class K (farm area/island) vehicle, the annual registration fee is \$ 2.50.

(d) Temporary registration. --

(1) The Administration may issue a temporary registration under this section to a vehicle, other than an island vehicle, that:

(i) Is owned by a resident of another state, or a company operating out of another state, if the individual or company is under contract with a Maryland farmer to conduct seasonal harvesting operations in this State;

(ii) Is used to transport perishable commodities directly between a farm and a packing plant for sorting and processing;

(iii) Passes a level 1 safety inspection conducted by the Department of State Police; and

(iv) Is only operated within a 35-mile radius of the location where the seasonal harvesting operations will occur.

(2) A temporary registration issued under this subsection may not be in effect for more than 90 days.

(3) The Department of State Police shall establish a weight limitation for vehicles registered under this subsection.

(4) A vehicle issued temporary registration under this subsection shall meet the mandatory minimum security requirements of Title 17, Subtitle 1 of this article.

(5) A person may not operate a vehicle registered under this subsection unless the person holds a driver's

license issued under Title 16 of this article, or a license to drive issued by the state of the person's residence.

(6) The Administration may establish a fee for a temporary registration issued under this subsection.

(e) Limitation on operation of island vehicle. -- An island vehicle registered under this section may not be operated on a highway in the State that is not on an island described in subsection (a)(3) of this section.

§ 24-102. Width of vehicles

(a) How width to be measured. --

(1) Except as provided in paragraph (2) of this subsection, for purposes of this section, the width of a vehicle includes any load that it carries and shall be exclusive of safety and energy conservation devices, such as side mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and spray suppressant devices, and load-induced tire bulges; providing the equipment or device, other than mirrors, does not extend more than 3 inches on each side of the vehicle beyond the statutory width limitation.

(2) For purposes of this section, the width of a motor home or travel trailer shall be exclusive of retractable awnings installed by the vehicle manufacturer or dealer, provided that the awnings do not extend more than 6 inches from each side of the vehicle.

(b) Exceptions. -- This section does not apply to any:

(1) Farm equipment;

(2) Vehicle transporting farm equipment; or

(3) Vehicle carrying a load of forage crops in connection with harvesting operations, if the distance traveled with the load on the highways in this State is less than 5 miles.

(c) Maximum width limits -- In general. --

(1) Except as provided in paragraph (2) of this subsection, a vehicle may not be driven on any highway if the width of the vehicle exceeds 102 inches unless:

(i) It has a permit issued by the State Highway Administration under § 24-112 of this subtitle; or

(ii) As to a highway under the jurisdiction of a local authority, it has special permission from the local authority.

(2) (i) Notwithstanding paragraph (1) of this subsection, the State Highway Administration or a local authority may prohibit the use of a highway or part of a highway under its jurisdiction by a vehicle exceeding a certain width if it finds that a vehicle exceeding a certain width likely would:

1. Endanger road users;

2. Cause excessive deterioration to the highway; or

3. Harm property adjacent to the highway.

(ii) If the State Highway Administration or a local authority imposes a vehicle width restriction under subparagraph (i) of this subsection, it shall place and maintain a sign providing notice of the restriction before the affected location.

§ 24-104. Height of vehicles and loads

(a) Height limit. -- Except as provided in subsection (c) of this section, the height of any vehicle and its load may not exceed 13 feet 6 inches.

(b) Owner of bridge or overpass not liable for damage caused by low clearance. -- Except as provided in subsection (c) of this section, any person responsible for the operation of a vehicle that collides with any bridge having a clearance of less than 13 feet 6 inches shall save the owner of the bridge harmless from any liability for damages proximately caused by the low clearance.

(c) Vehicle combination transporting farm equipment. --

(1) While a vehicle combination is transporting farm equipment, the overall height of the vehicle combination and its load may extend up to 16 feet if:

(i) The vehicle combination is traveling on a highway for a distance not exceeding 75 miles; and

(ii) The load cannot readily be reduced in height.

(2) Any person responsible for the operation of a vehicle combination described in paragraph (1) of this subsection that collides with any bridge, overhead wire, traffic control device, or light, having a clearance of

less than 16 feet, shall save the owner of the bridge, wire, traffic control device, or light harmless from any liability for damages proximately caused by the low clearance.

§ 24-109. Gross weight of vehicles

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Single axle weight" means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

(3) "Tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.

(b) Formula for determining gross weight. -- Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.

(c) Permissible overall gross weights. -- The following table indicates the permissible overall gross weights based upon the above formula:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
and less						
More						
than	38,000	42,000				
8						
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		

17	48,500	53,500	58,500		
18	49,500	54,000	59,000		
19	50,000	54,500	60,000		
20	51,000	55,500	60,500	66,000	
21	51,500	56,000	61,000	66,500	
22	52,500	56,500	61,500	67,000	
23	53,000	57,500	62,500	68,000	
24	54,000	58,000	63,000	68,500	74,000
25	54,500	58,500	63,500	69,000	74,500
26	55,500	59,500	64,000	69,500	75,000
27	56,000	60,000	65,000	70,000	75,500
28	57,000	60,500	65,500	71,000	76,500
29	57,500	61,500	66,000	71,500	77,000
30	58,500	62,000	66,500	72,000	77,500
31	59,000	62,500	67,500	72,500	78,000
32	60,000	63,500	68,000	73,000	78,500
33		64,000	68,500	74,000	79,000
34		64,500	69,000	74,500	80,000
35		65,500	70,000	75,000	
36	Exception: See subsection (b),	(66,000)	70,500	75,500	
37	this section	(66,500)	71,000	76,000	
38		(67,500)	72,000	77,000	
39		68,000	72,500	77,500	
40		68,500	73,000	78,000	
41		69,500	73,500	78,500	
42		70,000	74,000	79,000	
43		70,500	75,000	80,000	
44		71,500	75,500		
45		72,000	76,000		
46		72,500	76,500		
47		73,500	77,500		
48		74,000	78,000		
49		74,500	78,500		
50		75,500	79,000		
51		76,000	80,000		
52		76,500			
53		77,500			
54		78,000			
55		78,500			
56		79,500			
57		80,000			

(d) Number of axles. -- The gross weight of any vehicle or combination of vehicles may not exceed the following limits:

Number of axles	Gross weight (in pounds)
Three or less	55,000

Four	66,000
Five as provided for in § 13-916 or § 13-923 of this article	80,000

(e) Trailers with metal tires. -- A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.

(f) Transport of agricultural products. --

(1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under [§ 10-601 of the Agriculture Article](#) that were loaded in fields or other off-highway locations, is permitted an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except during harvest time when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted for a vehicle carrying the following agricultural products:

- (i) Wheat, for the period from June 1 to August 15;
- (ii) Corn, for the period from July 1 to December 1;
- (iii) Soybeans, for the period from September 1 to December 31; and
- (iv) Vegetable crops, for the period from June 1 to October 31.

(2) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 10 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.

(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.

III. MARYLAND STATE POLICE

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey by February 18, 2008. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova Miller (dum155@psu.edu) and Dale Page (dep180@psu.edu). Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

Penn State Dickinson School of Law Research Team

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Attn: Professor MacRae/Dale Page/Diana Miller

1. Do you think that the following definitions in the MD Transportation Code are adequate?

Farm equipment: “In general farm equipment means a vehicle that:

- 7) Is designed and adapted only for agricultural, horticultural, or livestock raising operations;
- 8) Is designed and adapted only for lifting or carrying a “farm vehicle”; or
- 9) Is designed and adapted for splitting firewood.”

MD Annotated Code, Transportation § 11-120.

ALSO INCLUDED IN THE DEFINITION OF FARM VEHICLE IS THE INFORMATION ON SILVICULTURAL EQUIPMENT WEIGHING 62,000 POUNDS OR LESS GROSS WEIGHT.

Farm Tractor: “Is a motor vehicle that is designed and used primarily as a farm implement for drawing farm equipment.”

MD Annotated Code, Transportation § 11-121.

Farm vehicle: “A vehicle that:

- 7) Is owned by a farmer;
- 8) Is used only in the farmer’s farming business and about the farmer’s farm home and in hauling farm products and the labor, supplies, equipment, and other materials necessary to the operation of the farm and farm home; and
- 9) Is not used to haul farm products previously acquired by the farmer for resale or to haul farm products for hire for another person who is not a farmer.”

MD Annotated Code, Transportation § 13-911.

WE ALSO USE THE DEFINITION(S) IN 49 CFR §390.5 AS WELL AS IN MD ANNOTATED CODE, TRANSPORTATION ARTICLE §16-802. THIS SECTION EXCLUDES FARM VEHICLES IN CERTAIN CONDITIONS FROM THE DEFINITION OF COMMERCIAL VEHICLE.

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by farmers?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles/equipment?

4. Which are the most troublesome aspects of the current definitions from your perspective?

Definitions are in too many sections scattered throughout the Transportation Article.

5. Do you see any problem areas with the current definitions in the Transportation Code regarding farm used vehicles and equipment?

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem. *See previous answer.*

B.No.

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed? *Consolidation of definitions.*

7. Do you think that the registration exemption provided in Section 13-402 of the MD Transportation Code for farm tractors or any farm equipment is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption for farm tractors or any farm equipment in Section 13-402 of the MD Transportation Code creates problems?

A. Yes. ---- Please explain what these problems are.

B. No.

9. Do you think that anything should be added to the registration exemption in Section 13-402 of the MD Transportation Code?

A. Yes. ---- Please list what and explain why it should be added.

B. No.

10. Would you like to see the current registration exemption in Section 13-402 of the MD Transportation Code, regarding farm tractors and farm equipment, changed?

A. Yes. ---- Please explain why and how.

B. No.

11. Do you see any problems with the provisions of Section 13-921 of the MD Transportation Code regarding Farm Truck registration?

A. Yes. --- Please explain.

B. No.

12. Do you see any problem areas with the provisions of Section 13-924 of the MD Transportation Code regarding Farm Truck Tractor registration?

A.Yes. --- Please explain. *The information in this section should include the fact that they can NOT be "for hire" but exclude "except to haul farm products for another farmer."*

B.No.

13. Do you see any problem areas with the provisions of Section 13-930 of the MD Transportation Code regarding Farm Trailer and Semitrailer registration?

A. Yes. --- Please explain. *Same as in 13-924.*

B. No.

14. Do you see any problem areas with the provisions of Section 13-935 of the MD Transportation Code regarding Farm Area Vehicles?

A.Yes. --- Please, explain.

B.No.

15. Do you agree with the current size limitations in the MD Transportation Code, Sections 24-102, 24-104, 24-109, when applied to farm vehicles?

A. Yes.

B. No. --- Please explain why.

16. If the provisions of the MD Transportation Code regarding the classification, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included?

The same rules that would apply to interstate operation be applied to intrastate operations.

17. If an area of concern has not been covered by the survey questions, please feel free to add your input.

For Law Enforcement:

1. From law enforcement perspective what are the most serious concerns regarding the movement of farm vehicles and equipment upon public roadways in Maryland?

Primarily, it is the weight violations encountered and there being too many exemptions for this particular aspect of the industry.

2. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles and equipment on the highways? *Vehicle conditions are many times unsafe and they are under the impression they are exempt from nearly everything pertaining to their operations.*

3. Are there particular sections of the MD Transportation Code regarding farm vehicles and equipment that law enforcement officers find confusing?

A. Yes. ---- Please explain which sections of the Code, why, and what could be done to help the confusion.

B. No.

4. From law enforcement perspective, is there anything in the MD Transportation Code regarding farm vehicles and equipment that you would like to see changed?

A. Yes. --- Please explain what and how it should be changed. *Less exemptions.*

B. No.

Thank you!

APPENDIX
SECTIONS OF MD TRANSPORTATION CODE REFERRED TO IN THE SURVEY

§ 13-402. Vehicles subject to registration; exceptions

- (a) General rule; parking unregistered vehicles. --
 - (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.
- (c) Exceptions -- In general. -- Registration under this subtitle is not required for:
 - (3) A farm tractor or any farm equipment;

§ 13-921. Single unit (two or more axles): Class E (truck) vehicles -- Farm truck registration

- (a) "Farm truck" defined. -- In this section, "farm truck" means a farm vehicle that
 - (1) Is a Class E (truck) vehicle; and
 - (2) Has a shipping weight of its chassis and battery, as certified by the manufacturer, of more than 3/4 ton.
- (b) Application for registration. -- On application, the Administration shall issue a Class E "farm truck registration" to any applicant who certifies:
 - (1) That the applicant is a farmer; and
 - (2) That the vehicle for which the application is made is a farm truck, specifying its proposed use.
- (c) Annual fee. -- For each vehicle registered under this section, the annual registration fee is based on the maximum gross vehicle weight, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
10,000 (minimum) -- 40,000	\$ 5.00
40,001 -- 65,000 (maximum)	\$ 5.25

- (d) Prohibited uses -- Vehicle for hire. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.
- (e) Same -- Use in manner other than as farm truck. -- A vehicle registered under this section may not be used in any manner other than as a farm truck.

§ 13-924. Truck tractors: Class F (tractor) vehicles -- Farm truck tractor registration

- (a) "Farm truck tractor" defined. -- In this section, "farm truck tractor" means a farm vehicle that is a Class F (tractor) vehicle.
- (b) Application for registration. -- On application, the Administration shall issue a Class F "farm truck tractor" registration to any applicant who certifies:
 - (1) That the applicant is a farmer; and
 - (2) That the vehicle for which the application is made is a farm truck tractor, specifying its proposed use.
- (c) Annual fee. -- For each farm truck tractor the annual registration fee is based on the maximum gross weight of the vehicle in combination with a trailer or semitrailer, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
40,000 (minimum) -- 80,000 (maximum)	\$ 5.25

- (d) Prohibited uses -- Vehicle for hire. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.
- (e) Same -- Use in manner other than as farm truck tractor. -- A vehicle registered under this section may not be used in any manner other than as a farm truck tractor.

§ 13-930. Trailers and semitrailers: Class G (trailer) vehicles -- Farm trailer and semitrailer registration

- (a) "Farm trailer or semitrailer" defined. -- In this section, "farm trailer or semitrailer" means a farm vehicle

that is a Class G (trailer) vehicle.

(b) Application for registration. -- On application, the Administration shall issue a special Class G "farm trailer or semitrailer" registration to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm trailer or semitrailer, specifying its proposed use.

(c) Annual fee. -- Except as otherwise provided in this part, for each farm trailer or semitrailer, the annual registration fee is based on the maximum gross weight limitations for the vehicle, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee
3,000	\$ 12.75
5,000	25.50
10,000	40.00
20,000	62.00

(d) Prohibited uses. -- A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.

(e) Use of vehicle in manner other than as farm trailer or semitrailer. -- A vehicle registered under this section may not be used in any manner other than as a farm trailer or semitrailer.

§ 13-935. Farm area vehicles: Class K (farm area) vehicles

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Farm area motor vehicle" means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 10-mile radius of the farm.

(3) "Island vehicle" means a motor vehicle, other than a golf cart, operated exclusively on an island that:

(i) Is not accessible by a highway;

(ii) Does not have State maintained highways; and

(iii) Contains less than 20 miles of highways.

(b) Classification. -- If registered with the Administration under this section, every farm area motor vehicle, every island vehicle, and every vehicle that meets the requirements of subsection (d)(1) of this section is a Class K (farm area/island) vehicle.

(c) Annual fee. -- Except as provided in subsection (d) of this section, for each Class K (farm area/island) vehicle, the annual registration fee is \$ 2.50.

(d) Temporary registration. --

(1) The Administration may issue a temporary registration under this section to a vehicle, other than an island vehicle, that:

(i) Is owned by a resident of another state, or a company operating out of another state, if the individual or company is under contract with a Maryland farmer to conduct seasonal harvesting operations in this State;

(ii) Is used to transport perishable commodities directly between a farm and a packing plant for sorting and processing;

(iii) Passes a level 1 safety inspection conducted by the Department of State Police; and

(iv) Is only operated within a 35-mile radius of the location where the seasonal harvesting operations will occur.

(2) A temporary registration issued under this subsection may not be in effect for more than 90 days.

(3) The Department of State Police shall establish a weight limitation for vehicles registered under this subsection.

(4) A vehicle issued temporary registration under this subsection shall meet the mandatory minimum security requirements of Title 17, Subtitle 1 of this article.

(5) A person may not operate a vehicle registered under this subsection unless the person holds a driver's

license issued under Title 16 of this article, or a license to drive issued by the state of the person's residence.

(6) The Administration may establish a fee for a temporary registration issued under this subsection.

(e) Limitation on operation of island vehicle. -- An island vehicle registered under this section may not be operated on a highway in the State that is not on an island described in subsection (a)(3) of this section.

§ 24-102. Width of vehicles

(a) How width to be measured. --

(1) Except as provided in paragraph (2) of this subsection, for purposes of this section, the width of a vehicle includes any load that it carries and shall be exclusive of safety and energy conservation devices, such as side mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and spray suppressant devices, and load-induced tire bulges; providing the equipment or device, other than mirrors, does not extend more than 3 inches on each side of the vehicle beyond the statutory width limitation.

(2) For purposes of this section, the width of a motor home or travel trailer shall be exclusive of retractable awnings installed by the vehicle manufacturer or dealer, provided that the awnings do not extend more than 6 inches from each side of the vehicle.

(b) Exceptions. -- This section does not apply to any:

(1) Farm equipment;

(2) Vehicle transporting farm equipment; or

(3) Vehicle carrying a load of forage crops in connection with harvesting operations, if the distance traveled with the load on the highways in this State is less than 5 miles.

(c) Maximum width limits -- In general. --

(1) Except as provided in paragraph (2) of this subsection, a vehicle may not be driven on any highway if the width of the vehicle exceeds 102 inches unless:

(i) It has a permit issued by the State Highway Administration under § 24-112 of this subtitle; or

(ii) As to a highway under the jurisdiction of a local authority, it has special permission from the local authority.

(2) (i) Notwithstanding paragraph (1) of this subsection, the State Highway Administration or a local authority may prohibit the use of a highway or part of a highway under its jurisdiction by a vehicle exceeding a certain width if it finds that a vehicle exceeding a certain width likely would:

1. Endanger road users;

2. Cause excessive deterioration to the highway; or

3. Harm property adjacent to the highway.

(ii) If the State Highway Administration or a local authority imposes a vehicle width restriction under subparagraph (i) of this subsection, it shall place and maintain a sign providing notice of the restriction before the affected location.

§ 24-104. Height of vehicles and loads

(a) Height limit. -- Except as provided in subsection (c) of this section, the height of any vehicle and its load may not exceed 13 feet 6 inches.

(b) Owner of bridge or overpass not liable for damage caused by low clearance. -- Except as provided in subsection (c) of this section, any person responsible for the operation of a vehicle that collides with any bridge having a clearance of less than 13 feet 6 inches shall save the owner of the bridge harmless from any liability for damages proximately caused by the low clearance.

(c) Vehicle combination transporting farm equipment. --

(1) While a vehicle combination is transporting farm equipment, the overall height of the vehicle combination and its load may extend up to 16 feet if:

(i) The vehicle combination is traveling on a highway for a distance not exceeding 75 miles; and

(ii) The load cannot readily be reduced in height.

(2) Any person responsible for the operation of a vehicle combination described in paragraph (1) of this subsection that collides with any bridge, overhead wire, traffic control device, or light, having a clearance of

less than 16 feet, shall save the owner of the bridge, wire, traffic control device, or light harmless from any liability for damages proximately caused by the low clearance.

§ 24-109. Gross weight of vehicles

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Single axle weight" means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

(3) "Tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.

(b) Formula for determining gross weight. -- Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.

(c) Permissible overall gross weights. -- The following table indicates the permissible overall gross weights based upon the above formula:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
and less						
More						
than	38,000	42,000				
8						
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		

17	48,500	53,500	58,500		
18	49,500	54,000	59,000		
19	50,000	54,500	60,000		
20	51,000	55,500	60,500	66,000	
21	51,500	56,000	61,000	66,500	
22	52,500	56,500	61,500	67,000	
23	53,000	57,500	62,500	68,000	
24	54,000	58,000	63,000	68,500	74,000
25	54,500	58,500	63,500	69,000	74,500
26	55,500	59,500	64,000	69,500	75,000
27	56,000	60,000	65,000	70,000	75,500
28	57,000	60,500	65,500	71,000	76,500
29	57,500	61,500	66,000	71,500	77,000
30	58,500	62,000	66,500	72,000	77,500
31	59,000	62,500	67,500	72,500	78,000
32	60,000	63,500	68,000	73,000	78,500
33		64,000	68,500	74,000	79,000
34		64,500	69,000	74,500	80,000
35		65,500	70,000	75,000	
36	Exception: See subsection (b),	(66,000)	70,500	75,500	
37	this section	(66,500)	71,000	76,000	
38		(67,500)	72,000	77,000	
39		68,000	72,500	77,500	
40		68,500	73,000	78,000	
41		69,500	73,500	78,500	
42		70,000	74,000	79,000	
43		70,500	75,000	80,000	
44		71,500	75,500		
45		72,000	76,000		
46		72,500	76,500		
47		73,500	77,500		
48		74,000	78,000		
49		74,500	78,500		
50		75,500	79,000		
51		76,000	80,000		
52		76,500			
53		77,500			
54		78,000			
55		78,500			
56		79,500			
57		80,000			

(d) Number of axles. -- The gross weight of any vehicle or combination of vehicles may not exceed the following limits:

Number of axles	Gross weight (in pounds)
Three or less	55,000

Four	66,000
Five as provided for in § 13-916 or § 13-923 of this article	80,000

(e) Trailers with metal tires. -- A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.

(f) Transport of agricultural products. --

(1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under [§ 10-601 of the Agriculture Article](#) that were loaded in fields or other off-highway locations, is permitted an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except during harvest time when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted for a vehicle carrying the following agricultural products:

- (i) Wheat, for the period from June 1 to August 15;
- (ii) Corn, for the period from July 1 to December 1;
- (iii) Soybeans, for the period from September 1 to December 31; and
- (iv) Vegetable crops, for the period from June 1 to October 31.

(2) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 10 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.

(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.

CHAPTER B: OHIO

I. OHIO FARM BUREAU

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey by November 29, 2007. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). In case e-mail is not an option please fax the survey to: 717-240-5126, Attn: Prof. MacRae/Diana Mitkova. Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

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Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definitions in the OH Vehicle Code are adequate?

Agricultural tractor: “Any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.”

Ohio Revised Code § 4501.01(C).

Farm machinery: “All machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less.”

Ohio Revised Code § 4501.01(U).

Farm truck: “A truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this division and is not used in the operations of a motor transportation company or private motor carrier.”

Ohio Revised Code § 4506.01(O).

A. Yes. For “agriculture tractor”

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with? *Ohio adopted H.B. 9 on October 18, 2007. This law moved some of the definitions found in 4501.01 for clarification to the definition of “farm machinery”. The biggest change was to remove the 25 MPH speed limitation as long as the farm machinery has a Speed Indicator Symbol (SIS). See new Ohio Code section 4513.11. We have a number of tractors that travel faster than 25 MPH and they were breaking the SMV law by traveling that speed. The definition of “farm truck” should allow the truck to be operated by a farmer’s employee or agent as well as the farmer.*

2. As far as you know, do the definitions in the WV Vehicle Code used to describe vehicles and equipment used in farming operations, fit the equipment commonly used by farmers?

A. Yes. XX

B. No. --- Where are and what are the perceived gaps?

3. Do you think that the exclusion of “utility vehicles,” “farm machinery,” “trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less,” “agricultural tractors,” and “machinery used in the production of horticultural, agricultural, and vegetable products” from the definition of Motor Vehicle in Section 4501.01(B) of the OH Vehicle Code, promotes clarification and better enforcement?

A. Yes. XX

B. No. --- Please, explain why.

4. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles and equipment? *The language is broad enough to allow some flexibility for modern farm equipment that was not included within the definitions.*

5. Which are the most troublesome aspects of the current definitions from your perspective? *Until we had a change in the law that allowed tractors and machinery to go faster than 25 MPH, we had trouble with tractors violating the 25 SMV law. Also, the definition of "farm truck" should allow for a truck to be operated by a farmer's employee or agent.*
6. Do you see any problem areas with the current definitions in the Vehicle Code regarding farm vehicles and equipment?
- A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.
B.No. *XX*
7. If you answer to the previous question was "Yes", do you think that the problem/s can be solved by a simple change in the definition/s?
- A. Yes
B. No ---- What do you think should be changed?
8. Do you think that the driver's license and commercial driver's license exemption provided in Section 4507.03(2) of the OH Vehicle Code for agricultural tractor or implement of husbandry is appropriate?
- A. Yes. *XX*
B. No. ---- Please explain why.
9. Do you think that the commercial driver's license exemption for farm trucks in Section 4506.03(B)(1) of the OH Vehicle Code is appropriate?
- A. Yes. *XX*
B. No. --- Please explain.
10. Do you think that the restrictions imposed by Section 4506.24(D) (1) of the OH Vehicle Code on holders of restricted commercial driver's license are appropriate?
- A. Yes. *However, we have been having discussions with the Department of Public Safety where they want to designate the six-month period that the license will be valid. They claim that it is coming from the Homeland Security Department.*
B. No. --- Please explain.
11. Do you think that lighting requirements imposed on multi-wheel agricultural tractors and farm machinery by Section 4513.11 of the OH Vehicle Code are appropriate?
- A. Yes. *XX*
B. No. --- Please, explain.
12. Do you think the exception for implements of husbandry, and agricultural tractors, provided by Section 4513.02(G) of the OH Vehicle Code, is appropriate?
- A. Yes. *We have not had a problem with this in the past, but to be correct, we should probably change "implements of husbandry" to "farm machinery"*
B. No. --- Please, explain.

13. If the provisions of the OH Vehicle Code regarding the licensing, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included? *I think that the Ohio law is currently up to date and complete.*

14. If an area of concern has not been covered by the survey questions, please feel free to add your input.

Thank you!

APPENDIX
Sections of the Ohio Vehicle Code Referenced In the Survey

§ 4507.03. Exemptions

(A) (1) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling a road roller or road machinery upon a street or highway.

(2) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of twenty-five miles per hour or less.

§ 4506.03. Commercial driver's license or permit required; exceptions

(A) Except as provided in divisions (B) and (C) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this state unless the person holds, and has in the person's possession, a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the registrar of motor vehicles, a valid examiner's commercial driving permit issued under section 4506.13 of the Revised Code, a valid restricted commercial driver's license and waiver for farm-related service industries issued under section 4506.24 of the Revised Code, or a valid commercial driver's license temporary instruction permit issued by the registrar and is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven.

(B) Nothing in division (A) of this section applies to any qualified person when engaged in the operation of any of the following:

(1) A farm truck;

§ 4506.24. Restricted license and waiver for farm-related service industries

(D) The holder of a restricted commercial driver's license and valid waiver for farm-related service industries may operate a class B or C commercial motor vehicle subject to all of the following restrictions:

(1) The commercial motor vehicle is operated within a distance of no more than one hundred fifty miles of the employer's place of business or the farm currently being served;

§ 4513.11. Lamps, reflectors and emblems for animal-drawn or slow-moving vehicles; speed identification symbol for farm machinery designed to operate at greater than 25 MPH

(A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (G) of section 4513.02 of the Revised Code, not specifically required to be equipped with lamps or other lighting devices by sections 4513.03 to 4513.10 of the Revised Code, shall, at the times specified in section 4513.03 of the Revised Code, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section shall meet standards adopted by the director of public safety.

(B) All boat trailers, farm machinery, and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area

designated by the director of transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in section 4511.09 of the Revised Code, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The director of public safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour may be operated on a street or highway at a speed greater than twenty-five miles per hour provided it is operated in accordance with this section.

As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

(C) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in division (B) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(D) (1) No person shall sell, lease, rent, or operate any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (B) of this section.

(2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays a slow-moving vehicle emblem as specified in division (B) of this section and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS).

(E) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the display of a speed identification symbol, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 4513.03 of the Revised Code. When a double-faced light is used, it shall display amber light to the front and red light to the rear. In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 4513.17 of the Revised Code, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(F) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

- (1) With a slow-moving vehicle emblem complying with division (B) of this section;
- (2) With alternate reflective material complying with rules adopted under this division;
- (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall permit, as a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in section 4513.03 of the Revised Code, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed

identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

§ 4513.02. Unsafe vehicles, prohibition against operation; inspection by state highway patrol

(A) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.

(G) Sections 4513.01 to 4513.37 of the Revised Code, with respect to equipment on vehicles, do not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors except as made applicable to such articles of machinery.

II. OHIO HIGHWAY PATROL

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

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Please complete and return the survey by February 17, 2008. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova Miller (dum155@psu.edu) and Dale Page (dep180@psu.edu). In case e-mail is not an option please fax the survey to: 717-240-5126, Attn: Prof. MacRae/Diana Miller. Thank you!

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Attn: Professor MacRae/Dale Page/Diana Miller

1. Do you think that the following definitions in the OH Vehicle Code are adequate?

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Ohio Revised Code § 4501.01(C).

Farm machinery: “All machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less.” *Ohio Revised Code § 4501.01(U).*

Farm truck: “A truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this division and is not used in the operations of a motor transportation company or private motor carrier

Ohio Revised Code § 4506.01(O).

A.C. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

Section 4513.11 of the Ohio Revised Code was recently changed to include the ability of farm tractors to travel in excess of 25 MPH. Below is a copy of the new law.

4513.11 Animal-drawn or slow-moving vehicles, lamps, reflectors and emblems.

(A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (G) of section 4513.02 of the Revised Code, not specifically required to be equipped with lamps or other lighting devices by sections 4513.03 to 4513.10 of the Revised Code, shall, at the times specified in section 4513.03 of the Revised Code, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section shall meet standards adopted by the director of public safety.

(B) All boat trailers, farm machinery, and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the director of transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in section 4511.09 of the Revised Code, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The director of public safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour may be operated on a street or highway at a speed greater than twenty-five miles per hour provided it is operated in accordance with this section.

As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

(C) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in division (B) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(D)(1) No person shall sell, lease, rent, or operate any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (B) of this section.

(2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays a slow-moving vehicle emblem as specified in division (B) of this section and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS).

(E) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the display of a speed identification symbol, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 4513.03 of the Revised Code. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 4513.17 of the Revised Code, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(F) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(1) With a slow-moving vehicle emblem complying with division (B) of this section;

(2) With alternate reflective material complying with rules adopted under this division;

(3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall permit, as a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in section 4513.03 of the Revised Code, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(I) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

(J) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

Effective Date: 01-01-2004; 2007

2. As far as you know, do the definitions in the **OH** Vehicle Code used to describe vehicles and equipment used in farming operations, fit the equipment commonly used by farmers? **YES**

A. Yes.

B. No. --- Where are and what are the perceived gaps?

3. Do you think that the exclusion of "utility vehicles," "farm machinery," "trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less," "agricultural tractors," and "machinery used in the production of horticultural, agricultural, and vegetable products" from the definition of Motor Vehicle in Section 4501.01(B) of the OH Vehicle Code, promotes clarification and better enforcement? **YES**

A. Yes.

B. No. --- Please, explain why.

4. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles and equipment?

None

5. Which are the most troublesome aspects of the current definitions from your perspective? **None**

6. Do you see any problem areas with the current definitions in the Vehicle Code regarding farm vehicles and equipment? **No**

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

~~B.~~ No.

7. If you answer to the previous question was "Yes", do you think that the problem/s can be solved by a simple change in the definition/s? **N/A**

A. Yes

B. No ---- What do you think should be changed?

8. Do you think that the driver's license and commercial driver's license exemption provided in Section 4507.03(2) of the OH Vehicle Code for agricultural tractor or implement of husbandry is appropriate?

YES, There are changes with the new high speed tractor law. The driver of a high speed tractor must possess a valid operator's license (non-CDL) to drive the vehicle.

A. Yes.

B. No. ---- Please explain why.

9. Do you think that the commercial driver's license exemption for farm trucks in Section 4506.03(B)(1) of the OH Vehicle Code is appropriate? **YES**

A. Yes.

B. No. --- Please explain.

10. Do you think that the restrictions imposed by Section 4506.24(D) (1) of the OH Vehicle Code on holders of restricted commercial driver's license are appropriate? **Yes**

A. Yes.

B. No. --- Please explain.

11. Do you think that lighting requirements imposed on multi-wheel agricultural tractors and farm machinery by Section 4513.11 of the OH Vehicle Code are appropriate? **Yes**

A. Yes.

B. No. --- Please, explain.

12. Do you think the exception for implements of husbandry, and agricultural tractors, provided by Section 4513.02(G) of the OH Vehicle Code, is appropriate? **YES**

A. Yes.

B. No. --- Please, explain.

13. If the provisions of the OH Vehicle Code regarding the licensing, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included?

14. If an area of concern has not been covered by the survey questions, please feel free to add your input.

For Law Enforcement:

1. From law enforcement perspective what are the most serious concerns regarding the movement of farm vehicles and equipment upon public roadways in Ohio? **Safe operation on roadways with regards to other motorists.**

2. What are the most commonly encountered issues by law enforcement officers regarding farm vehicles and equipment on the highways? **Traffic congestion**

3. Are there particular sections of the OH Vehicle Code regarding farm vehicles and equipment that law enforcement officers find confusing? **No**

A. Yes. ----Please explain which sections of the Code, why, and what could be done to help the confusion.

B. No.

4. From law enforcement perspective, is there anything in the OH Vehicle Code regarding farm vehicles and equipment that you would like to see changed? **No**

A. Yes. --- Please explain what and how it should be changed.

B. No.

Thank you!

APPENDIX
Sections of the Ohio Vehicle Code Referenced In the Survey

§ 4507.03. Exemptions

(A) (1) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling a road roller or road machinery upon a street or highway.

(2) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of twenty-five miles per hour or less.

§ 4506.03. Commercial driver's license or permit required; exceptions

(A) Except as provided in divisions (B) and (C) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this state unless the person holds, and has in the person's possession, a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the registrar of motor vehicles, a valid examiner's commercial driving permit issued under section 4506.13 of the Revised Code, a valid restricted commercial driver's license and waiver for farm-related service industries issued under section 4506.24 of the Revised Code, or a valid commercial driver's license temporary instruction permit issued by the registrar and is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven.

(B) Nothing in division (A) of this section applies to any qualified person when engaged in the operation of any of the following:

(1) A farm truck;

§ 4506.24. Restricted license and waiver for farm-related service industries

(D) The holder of a restricted commercial driver's license and valid waiver for farm-related service industries may operate a class B or C commercial motor vehicle subject to all of the following restrictions:

(1) The commercial motor vehicle is operated within a distance of no more than one hundred fifty miles of the employer's place of business or the farm currently being served;

§ 4513.11. Lamps, reflectors and emblems for animal-drawn or slow-moving vehicles; speed identification symbol for farm machinery designed to operate at greater than 25 MPH

(A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (G) of section 4513.02 of the Revised Code, not specifically required to be equipped with lamps or other lighting devices by sections 4513.03 to 4513.10 of the Revised Code, shall, at the times specified in section 4513.03 of the Revised Code, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section shall meet standards adopted by the director of public safety.

(B) All boat trailers, farm machinery, and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area

designated by the director of transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in section 4511.09 of the Revised Code, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The director of public safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour may be operated on a street or highway at a speed greater than twenty-five miles per hour provided it is operated in accordance with this section.

As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

(C) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in division (B) of this section operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(D) (1) No person shall sell, lease, rent, or operate any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (B) of this section.

(2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays a slow-moving vehicle emblem as specified in division (B) of this section and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS).

(E) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the display of a speed identification symbol, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 4513.03 of the Revised Code. When a double-faced light is used, it shall display amber light to the front and red light to the rear. In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 4513.17 of the Revised Code, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(F) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

- (1) With a slow-moving vehicle emblem complying with division (B) of this section;
- (2) With alternate reflective material complying with rules adopted under this division;
- (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall permit, as a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in section 4513.03 of the Revised Code, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed

identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

§ 4513.02. Unsafe vehicles, prohibition against operation; inspection by state highway patrol

(A) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.

(G) Sections 4513.01 to 4513.37 of the Revised Code, with respect to equipment on vehicles, do not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors except as made applicable to such articles of machinery.

CHAPTER C: TEXAS

I. TEXAS DEPARTMENT OF TRANSPORTATION

From: Mike Craig [mailto:MCRAIG1@dot.state.tx.us]
Sent: Tue 11/20/2007 12:29 PM
To: Mitkova, Diana
Cc: Kandi Marcyes; Linda Kirksey; Rebecca Davio
Subject: PA Farm Vehicle Study

Ms. Mitkova,

I am the deputy director of the Vehicle Titles and Registration Division for the Texas Department of Transportation, and am replying for our division director, Rebecca Davio.

The issue of farm vehicle classifications and vehicles operated under reduced registration fees has long been a point of concern in Texas as the proper use of such vehicles is frequently in question.

Unfortunately, we currently are unable to dedicate resources necessary to fully respond to your survey. However, from our perspective, the problem is not so much with the enabling statute (or statute definitions) so much as with the difficulty in enforcing proper operation of vehicles displaying such plates.

Based on this, unless the unique farm vehicle statutory provisions were removed entirely and the vehicles were registered as any other, the Texas statutes as currently written adequately serve the purpose for which they are intended.

Sorry we couldn't be of more assistance.

Mike Craig
Deputy Director
Vehicle Titles and Registration Division, TxDOT
Telephone: (512) 465-7593
FAX: (512) 467-5909
Email: mcraig1@dot.state.tx.us

II. TEXAS DEPARTMENT OF AGRICULTURE

From: Catherine Wright [mailto:Catherine.Wright-Steele@tda.state.tx.us]
Sent: Mon 12/3/2007 4:52 PM
To: Miller, Diana; Page, Dale
Cc: Brian Murray; Dolores Hibbs; Tonja Long
Subject: Interstate Farm Vehicle Policy Comparison Study

Dear Dr. MacRae and Diana Mitkova,

Thank you for including the Texas Department of Agriculture (TDA) in the Interstate Farm Vehicle Policy Comparison Study. The Texas Department of Transportation (TxDOT) is currently undergoing a detailed review process conducted by the Texas Sunset Commission. The commission will consider issues such as the ones listed in the survey. Revisions to the code will be recommended by the commission and considered by the Texas Legislature.

At this time I am not aware of problems with the sited portions of the Texas Transportation Code. As TDA becomes aware of inadequacies in the Texas Transportation Code the agency will work with TX DOT to review the issue(s).

If I may be of further assistance, please feel free to contact me.

Sincerely,
Catherine Wright Steele
Governmental Affairs Liaison
Texas Department of Agriculture
512-463-7700

CHAPTER D: VIRGINIA

I. VIRGINIA FARM BUREAU

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey by November 29, 2007. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). If e-mail is not an option, please fax the survey to: 717-240-5126, attn: Prof. MacRae/Diana Mitkova. Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

Penn State Dickinson School of Law Research Team

Supervisor: Professor Leslie MacRae
Phone: 717-240-5239
E-mail: lm21@psu.edu

Student Research Assistant: Dale E. Page
Cell: 336-577-4842
E-mail: dep180@psu.edu

Student Research Assistant: Diana M. Mitkova
Cell: 717-440-6103
E-mail: dum155@psu.edu

Address: Professor Leslie MacRae
Penn State Dickinson School of Law
150 South College Str.
Carlisle, PA 17103

Fax: 717-240-5126

Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definitions in the VA Vehicle Code are adequate?

Farm tractor: “Every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.”

Va. Code Ann. § 46.2-100.

Farm utility vehicle: “A vehicle that is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. “Farm utility vehicle” does not include pickup or panel trucks, golf-carts, low-speed vehicles, riding lawn mowers, or all-terrain vehicles.”

Va. Code Ann. § 46.2-100.

A. Yes. Response: the definitions of "farm tractor" and "farm utility vehicle" are about as good as you will find. [Larry Bidwell, VFB company attorney](#)

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the definitions in the VA Vehicle Code used to describe vehicles and equipment used in farming operations, fit the equipment commonly used by farmers?

A. Yes. Response: I'm not sure of any vehicles/equipment that wouldn't fall within the definitions. [Larry Bidwell, VFB company attorney](#)

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farm vehicles and equipment?

Response: I think the VA code definitions are on target. [Bruce Stone, Safety Manager, VFB](#)

4. Which are the most troublesome aspects of the current definitions from your perspective?

Response: Lack of enforcement may be one concern as this may create more liability and higher insurance claims and cost. [Bruce Stone, Safety Manager, VFB](#)

5. Do you see any problem areas with the current definitions in the Vehicle Code regarding farm vehicles and equipment?

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B.No. Response: NO [Bruce Stone, Safety Manager, VFB](#)

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the license exemption provided in Section 46.2-303 of the VA Vehicle Code for farm tractors is appropriate?

A. Yes. Response: I think we may--from an insurance standpoint be creating increased risk; but from our organization's standpoint, the exemption seems well placed. [Larry Bidwell, VFB Company attorney](#)

B. No. ---- Please explain why.

8. Do you think that the registration exemption for vehicles used exclusively for agricultural or horticultural purposes provided in Section 46.2-665 of the VA Vehicle Code is appropriate?

A. Yes. **Response: YES**

B. No. --- Please explain.

9. Do you think that limitations imposed on the operation of the vehicles used exclusively for agricultural or horticultural purposes by Section 46.2-665 of the VA Vehicle Code are appropriate?

A. Yes. **Response: YES**

B. No. --- Please explain.

10. Do you think that the registration exemption for vehicles used for seasonal transportation of farm produce and livestock provided in Section 46.2-666 of the VA Vehicle Code is appropriate?

A. Yes. **Response: YES**

B. No. --- Please explain.

11. Do you think that the registration exemption for farm machinery and tractors provided in Section 46.2-667 of the VA Vehicle Code is appropriate?

A. Yes. **Response: YES**

B. No. --- Please explain.

12. Do you think that the registration exemption for vehicles owned by farmers and used to transport certain wood products provided in Section 46.2-670 of the VA Vehicle Code is appropriate?

A. Yes. **Response: YES**

B. No. --- Please explain.

13. Do you think that the registration exemption for certain vehicles transporting fertilizer, cotton, or peanuts provided in Section 46.2-672 of the VA Vehicle Code is appropriate?

A. Yes. **Response: YES**

B. No. --- Please explain.

14. Do you think that the registration exemption for the return trips of exempted farm vehicles provided in Section 46.2-673 of the VA Vehicle Code is appropriate?

A. Yes. **Response: YES**

B. No. --- Please explain.

15. Do you agree with the conditions for nocturnal use of highways by vehicles exempted from registration as provided in Section 46.2-684 of the VA Vehicle Code?

A. Yes. **Response: YES**

B. No. --- Please explain.

16. Do you think that the size limitations inapplicability to farm machinery and agricultural multipurpose drying units moved temporarily on a highway, stated in Section 46.2-1102 of the VA Vehicle Code, is appropriate?

A. Yes. Response: YES

B. No. --- Please explain.

17. Do you agree with the extension of weight limits for certain vehicles hauling Virginia-grown farm or forest products provided in Section 46.2-1129 of the VA Vehicle Code?

A. Yes. Response: YES

B. No. --- Please explain.

18. If the provisions of the VA Vehicle Code regarding the licensing, registration, use and safety of farm vehicles and equipment are to be amended, what changes you would like see included?

Response: [Enforcement of current would be enough. Bruce Stone, Safety Manager, VFB](#)

19. If an area of concern has not been covered by the survey questions, please feel free to add your input.

Response: [None Bruce Stone, Safety Manager, VFB](#)

Thank you!

APPENDIX
Sections of the VA Vehicle Code Referenced in the Survey

§ 46.2-303. Licenses not required for operating road roller or farm tractor

No person shall be required to obtain a driver's license to operate a road roller or road machinery used under the supervision and control of the Department of Transportation for construction or maintenance purposes. No person shall be required to obtain a driver's license for the purpose of operating any farm tractor, farm machinery, or vehicle defined in §§ 46.2-663 through 46.2-674, temporarily drawn, moved, or propelled on the highways. The term "road machinery" shall not include motor vehicles required to be licensed by the Department of Motor Vehicles.

§ 46.2-665. Vehicles used for agricultural or horticultural purposes

A. No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.

B. This exemption shall only apply to vehicles which are not operated on or over any public highway in this Commonwealth for any purpose other than:

1. Crossing a highway;
2. Operating along a highway for a distance of no more than thirty miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;
3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;
4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or § 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;
5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm; or
6. Operating along a highway for a distance of no more than thirty miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning.

§ 46.2-666. Vehicles used for seasonal transportation of farm produce and livestock

No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee prescribed for any motor vehicle, trailer, or semitrailer owned by the owner or lessee of a farm and used by him on a seasonal basis in transporting farm produce and livestock along public highways for a distance of no more than thirty miles or the distance to the nearest storage house, packing plant, or market, but in no event more than fifty miles.

§ 46.2-667. Farm machinery and tractors

No person shall be required to obtain the registration certificate, license plates and decals, or pay the prescribed fee for any farm machinery or tractor when operated on a highway (i) between one tract of land and another regardless of whether the land is owned by the same person or (ii) to and from a repair shop for repairs.

§ 46.2-670. Vehicles owned by farmers and used to transport certain wood products

No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any motor vehicle, trailer, or semitrailer owned by a farm owner when the vehicle is operated or moved along a highway for no more than twenty miles between a sawmill or sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes.

§ 46.2-672. Certain vehicles transporting fertilizer, cotton, or peanuts

No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any motor vehicle or trailer, semitrailer, or fertilizer spreader drawn by a farm tractor used by a farmer, his tenant, agent or employee or a cotton ginner, peanut buyer, or fertilizer distributor to transport unground

cotton, peanuts, or fertilizer owned by the farmer, cotton ginner, peanut buyer, or fertilizer distributor from one farm to another, from farm to gin, from farm to dryer, from farm to market, or from fertilizer distributor to farm and on return to the distributor.

The provisions of this section shall not apply to vehicles operated on a for-hire basis.

§ 46.2-673. Return trips of exempted farm vehicles

No person shall be required to obtain the registration certificate, license plates and decals, or pay a registration fee for any farm vehicle exempted from registration under the provisions of this article when that vehicle is:

1. Making a return trip from any marketplace;
2. Transporting back to a farm ordinary and essential food and other products for home and farm use; or
3. Transporting supplies to the farm.

§ 46.2-684. Nocturnal use of highways by exempted vehicles

It shall be unlawful for any vehicle exempted under this article from registration under this chapter to use the highways between sunset and sunrise unless it is equipped with lights as required by law.

§ 46.2-1102. Size limitations inapplicable to farm machinery, agricultural multipurpose drying units, and fire-fighting equipment; amber warning lights

A. The vehicle size limitations contained in Articles 14 through 17 (§ 46.2-1101 et seq.) of this chapter shall not apply to any farm machinery or agricultural multipurpose drying unit when such farm machinery or agricultural multipurpose drying unit is temporarily propelled, hauled, transported, or moved on the highway by a farm machinery distributor or dealer, fertilizer distributor, or farmer in the ordinary course of business. Nor shall those limitations apply to fire-fighting equipment of any county, city, town, or fire-fighting company or association. Any farm tractor or agricultural multipurpose drying unit wider than 108 inches, however, which is so propelled, hauled, transported, or moved on the highway shall be equipped with a safety light of a type approved by the Superintendent of State Police. The light shall be plainly visible from the rear of the tractor or agricultural multipurpose drying unit.

B. Notwithstanding subsection A of this section, any farm tractor or other farm, agricultural, or horticultural vehicle wider than 108 inches may be equipped with an amber flashing, blinking, or alternating warning light as provided in § 46.2-1025. Any such light may be installed in lieu of or in addition to the safety light described in subsection A of this section. The absence of amber flashing, blinking, or alternating warning lights on any farm tractor or other farm, agricultural, or horticultural vehicle, as authorized under this subsection, shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of any motor vehicle or farm tractor, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

§ 46.2-1129. Further extensions of weight limits for certain vehicles hauling Virginia-grown farm or forest products

The owner of any motor vehicle used for hauling Virginia-grown forest or farm products, as defined in § 3.1-692, from the place where they are first produced, cut, harvested, or felled to the location where they are first processed may obtain from the Commissioner an extension for such vehicle of the single axle, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle, and gross weight limits set forth in this title. The permit shall extend the single axle weight limit, tandem axle weight limit, and gross weight limit based on axle spacing and number of axles on such vehicle by five percent, respectively.

No permit issued under this section shall permit the operation on an interstate highway of any vehicle with (i) a single axle weight in excess of 20,000 pounds, or (ii) a tandem axle weight in excess of 34,000 pounds, or (iii) a gross weight, based on axle spacing, greater than that permitted in § 46.2-1126, or (iv) a gross weight, regardless of axle spacing, in excess of 80,000 pounds. The Commissioner shall promulgate regulations governing such permits.

Weight extensions provided in this section shall be in addition to those provided in § 46.2-1128, but no weights beyond those permitted by the combination of the extensions provided in this section and § 46.2-1128 shall be tolerated.

Vehicles that are registered as farm use vehicles as provided in § 46.2-698 may operate as authorized under this section; provided, however, that should such vehicle violate the weight limits permitted by this section and § 46.2-1128, such vehicle shall no longer be permitted to operate as authorized in this section.

II. VIRGINIA STATE POLICE

From: Evans, Robert L., Sgt. [mailto:Robert.Evans@vsp.virginia.gov]
Sent: Thu 2/7/2008 8:24 AM
To: Miller, Diana
Cc: Bouldin, Jr., Wallace L., Lt.
Subject: Farm Vehicles in Virginia

Dear Ms. Diana Mitkova Miller,

Lieutenant Bouldin asked me to respond to you regarding farm vehicle operation in Virginia.

I'm not familiar with any issues or concerns pertaining to operation of farm equipment in Virginia. The sections in the Virginia Code concerning farm vehicles appear to adequately address the scope and purpose for the operation of such equipment. Over the past 22 years, I've not received any feed back from other sources to indicate the current laws are not satisfactory.

If you have any questions you may contact me at the number below. Thank you.

Sergeant Robert L. Evans – Virginia Department of State Police
Safety Division – Motor Vehicle Inspection
7700 Midlothian Turnpike – Richmond VA 23235

' 804 – 674 – 2171 w 6 804 – 674 – 2916

*Robert.Evans@vsp.virginia.gov w 8<http://www.vsp.state.va.us/Safety.shtm>

CHAPTER E: WEST VIRGINIA

I. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please, complete and return the survey by February 17, 2008. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova Miller (dum155@psu.edu) and Dale Page (dep180@psu.edu). In case e-mail is not an option, please fax the survey to: 717-240-5126, Attn: Prof. MacRae/Diana Miller. Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

Penn State Dickinson School of Law Research Team

Supervisor: Professor Leslie MacRae
Phone: 717-240-5239
E-mail: lm21@psu.edu

Student Research Assistant: Dale E. Page
Cell: 336-577-4842
E-mail: dep180@psu.edu

Student Research Assistant: Diana M. Miller
Cell: 717-440-6103
E-mail: dum155@psu.edu

Address: Professor Leslie MacRae
Penn State Dickinson School of Law
150 South College Str.
Carlisle, PA 17103

Fax: 717-240-5126

Attn: Professor MacRae/Dale Page/Diana Miller

1. Do you think that the following definitions in the WV Vehicle Code are adequate? **YES**

Farm tractor: “Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.”

W. Va. Code § 17A-1-1(g).

Implement of husbandry: “Every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations, including, but not limited to, trucks used for spraying trees and plants: Provided, that the vehicle may not be let for hire at any time.”

W. Va. Code § 17A-1-1(q).

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by farmers? **YES**

A. Yes.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farming vehicles and equipment?

4. Which are the most troublesome aspects of the current definitions regarding farming vehicles and equipment from your perspective?

5. Do you see any problem areas with the current definitions in the Vehicle Code regarding farming vehicles and equipment? **NO**

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

B.No.

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption provided in Section 17A-3-2(2) of the WV Vehicle Code for implements of husbandry, farm machinery, and farm tractors is appropriate? **YES**

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption for implements of husbandry, farm machinery, and farm tractors in Section 17A-3-2(2) of the WV Vehicle Code creates problems? **NO**

A. Yes. ---- Please explain what these problems are.

B. No.

9. Do you think that anything should be added to the registration exemption in Section

17A-3-2(2) of the WV Vehicle Code? **NO**

- A. Yes. ---- Please list what and explain why it should be added.
- B. No.

10. Would you like to see the current registration exemption in Section 17A-3-2(2) of the WV Vehicle Code, regarding implements of husbandry, farm machinery, and farm tractors, changed? **NO**

- A. Yes. ---- Please explain why and how.
- B. No.

11. Do you see any problems with the provisions for Class Farm Truck in Section 17A-10-1 of the WV Vehicle Code? **NO**

- A. Yes. --- Please explain.
- B. No.

12. Do you think that the current size limitations in Section 17C-17-1 of the WV Vehicle Code are adequate when applied to farm tractors and machinery? **YES**

- A. Yes.
- B. No. --- Please explain why.

13. If the provisions of the WV Vehicle Code regarding the classification, registration, use and safety of farm tractors, machinery and equipment are to be amended, what changes you would like see included? **NONE**

14. If an area of concern has not been covered by the survey questions, please feel free to add your input. **We have had no public outcry for changes to this section of the Code.**

Thank you!

APPENDIX
Sections of the West Virginia Vehicle Code Referenced in the Survey

§ 17A-3-2. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

(a) Every motor vehicle, trailer, semitrailer, pole trailer and recreational vehicle when driven or moved upon a highway is subject to the registration and certificate of title provisions of this chapter except:

(2) Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the implement and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the commissioner of the division of highways from one point of the owner's land to another part of the owner's land, irrespective of whether or not the tracts adjoin: Provided, That the distance between the points may not exceed twenty-five miles, or for the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for repairs. The exemption in this subdivision from registration and license requirements also applies to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the purpose of moving farm produce and livestock from the farm along a public highway for a distance not to exceed twenty-five miles to a storage house or packing plant, when the use is a seasonal operation:

(A) The exemptions contained in this section also apply to farm machinery and tractors: Provided, That the machinery and tractors may use the highways in going from one tract of land to another tract of land regardless of whether the land is owned by the same or different persons;

(B) Any vehicle exempted under this subsection from the requirements of annual registration certificate and license plates and fees for the registration certificate and license plate may not use the highways between sunset and sunrise unless the vehicle is classified as a Class A motor vehicle with a farm-use exemption under the provisions of section one [§ 17A-10-1], article ten of this chapter and has a valid and current inspection sticker as required by the provisions of article sixteen [§§ 17C-16-1 et seq.], chapter seventeen-c of this code and is traveling from one tract of land to another over a distance of twenty-five miles or less;

(C) Any vehicle exempted under this section from the requirements of annual registration certificate and license plates may use the highways as provided in this section whether the exempt vehicle is self-propelled, towed by another exempt vehicle or towed by another vehicle required to be registered;

(D) Any vehicle used as an implement of husbandry exempt under this section shall have the words "farm use" affixed to both sides of the implement in ten-inch letters. Any vehicle which would be subject to registration as a Class A or B vehicle if not exempted by this section shall display a farm-use exemption certificate on the lower driver's side of the windshield:

(i) The farm-use exemption certificate shall be provided by the commissioner and shall be issued annually by the assessor of the applicant's county of residence. The assessor shall issue a farm-use exemption certificate to the applicant upon his or her determination pursuant to an examination of the property books or documentation provided by the applicant that the vehicle has been properly assessed as Class I personal property. The assessor shall charge a fee of two dollars for each certificate, which shall be retained by the assessor;

(ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the security required by chapter seventeen-d [§§ 17D-1-1 et seq.] of this code on any vehicle being operated on the roads or highways of this state;

(iii) No person charged with the offense of operating a vehicle without a farm-use exemption certificate, if required under this section, may be convicted of the offense if he or she produces in court, or in the office of the arresting officer, a valid farm-use exemption certificate for the vehicle in question within five days;

§ 17A-10-1. Classification of vehicles for purpose of registration.

Vehicles subject to registration under the provisions of this chapter shall be placed in the following classes for the purpose of registration:

Class A. Motor vehicles of passenger type and trucks with a gross weight of not more than eight thousand pounds;

Class B. Motor vehicles designated as trucks with a gross weight of more than eight thousand pounds, truck tractors or road tractors;

Class C. All trailers and semitrailers, except house trailers and trailers or semitrailers designed to be drawn by Class A motor vehicles and having a gross weight of less than two thousand pounds;

Class G. Motorcycles and parking enforcement vehicles;

Class H. Motor vehicles operated regularly for the transportation of persons for compensation under a certificate of convenience and necessity or contract carrier permit issued by the public service commission;

Class J. Motor vehicles operated for transportation of persons for compensation by common carriers, not running over a regular route or between fixed termini;

Class M. Mobile equipment as defined in subdivision (oo), section one [§ 17A-1-1(oo)], article one of this chapter;

Class R. House trailers;

Class T. Trailers or semitrailers of a type designed to be drawn by Class A vehicles and having a gross weight of less than two thousand pounds; and

Class Farm Truck. Motor vehicles designated as trucks having a minimum gross weight of more than eight thousand pounds and a maximum gross weight of eighty thousand pounds, used exclusively in the conduct of a farming business, engaged in the production of agricultural products by means of: (a) The planting, cultivation and harvesting of agricultural, horticultural, vegetable or other products of the soil; or (b) the raising, feeding and care of livestock, poultry, bees and dairy cattle. A farm truck may be used only for the transportation of agricultural products produced by the owner of the truck, for the transportation of agricultural supplies used in the production or for private passenger use.

§ 17C-17-1. Unlawful to exceed size and weight limitations; application of article to fire apparatus, farm machinery, etc.; "operate a vehicle or combination of vehicles" construed.

(a) It shall be unlawful for any owner, lessee or borrower of a vehicle or combination of vehicles to operate on any highway such vehicle or combination of vehicles, whether driven by such owner, lessee or borrower, or by some person on behalf of such owner, lessee or borrower, of a size or weight exceeding any limitation stated in this article, or otherwise in violation of any provision of this article, whether such limitation or provision be specifically stated in this article or set by express authority granted in this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter said limitations or provisions except as express authority shall be granted in this article. Subject to the penalties for weight violations provided in section 14 [§ 17C-17-14] of this article, violation of this section shall constitute a misdemeanor.

(b) The provisions of this article governing size, weight, and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

(c) The phrase "operate a vehicle or combination of vehicles" shall in this article be interpreted to mean the use of such vehicle or combination of vehicles on behalf of the owner, lessee or borrower, whether driven by him or by some person on behalf of him.

II. WEST VIRGINIA FARM BUREAU

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Interstate Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please, complete and return the survey by November 29, 2007. Completing the survey electronically will facilitate accuracy in summarizing the results. Please, e-mail your responses to: Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). In case e-mail is not an option, please fax the survey to: 717-240-5126, Attn: Prof. MacRae/Diana Mitkova. Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

Penn State Dickinson School of Law Research Team

Supervisor: Professor Leslie MacRae
Phone: 717-240-5239
E-mail: lm21@psu.edu

Student Research Assistant: Dale E. Page
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Address: Professor Leslie MacRae
Penn State Dickinson School of Law
150 South College Str.
Carlisle, PA 17103

Fax: 717-240-5126

Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definitions in the WV Vehicle Code are adequate?

Farm tractor: “Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.”

W. Va. Code § 17A-1-1(g).

Implement of husbandry: “Every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations, including, but not limited to, trucks used for spraying trees and plants: Provided, that the vehicle may not be let for hire at any time.”

W. Va. Code § 17A-1-1(q).

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

2. As far as you know, do the above definitions fit the equipment commonly used by farmers?

A. Yes.

B. No. --- Where are and what are the perceived gaps?

3. Concerning your area of responsibility, what are the most helpful aspects of the current definitions regarding farming vehicles and equipment?

4. Which are the most troublesome aspects of the current definitions regarding farming vehicles and equipment from your perspective?

(What is “Farm Use” vehicle? Is a farm use vehicle insured as a piece of farm equipment or a motor vehicle.)

5. Do you see any problem areas with the current definitions in the Vehicle Code regarding farming vehicles and equipment?

A. Yes. --- Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

May want to include ATV use as a vehicle of husbandry

B.No.

6. If you answer to the previous question was “Yes”, do you think that the problem/s can be solved by a simple change in the definition/s?

A. Yes

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption provided in Section 17A-3-2(2) of the WV Vehicle Code for implements of husbandry, farm machinery, and farm tractors is appropriate?

A. Yes.

B. No. ---- Please explain why.

8. Do you think that the registration exemption for implements of husbandry, farm machinery, and farm tractors in Section 17A-3-2(2) of the WV Vehicle Code creates problems?

A. Yes. ---- Please explain what these problems are.

Acquiring the sticker from the assessor helps limit the abuse.

B. No.

9. Do you think that anything should be added to the registration exemption in Section 17A-3-2(2) of the WV Vehicle Code?

A. Yes. ---- Please list what and explain why it should be added. **ATV'S** (all terrain vehicles)

B. No.

10. Would you like to see the current registration exemption in Section 17A-3-2(2) of the WV Vehicle Code, regarding implements of husbandry, farm machinery, and farm tractors, changed?

A. Yes. ---- Please explain why and how. **Add ATV**

B. No.

11. Do you see any problems with the provisions for Class Farm Truck in Section 17A-10-1 of the WV Vehicle Code?

A. Yes. --- Please explain. **Non-farm use driving with no registration, license & insurance**

B. No.

12. Do you think that the current size limitations in Section 17C-17-1 of the WV Vehicle Code are adequate when applied to farm tractors and machinery?

A. Yes.

B. No. --- Please explain why.

13. If the provisions of the WV Vehicle Code regarding the classification, registration, use and safety of farm tractors, machinery and equipment are to be amended, what changes you would like see included?

14. If an area of concern has not been covered by the survey questions, please feel free to add your input.

Thank you!

APPENDIX
Sections of the West Virginia Vehicle Code Referenced in the Survey

§ 17A-3-2. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

(a) Every motor vehicle, trailer, semitrailer, pole trailer and recreational vehicle when driven or moved upon a highway is subject to the registration and certificate of title provisions of this chapter except:

(2) Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the implement and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the commissioner of the division of highways from one point of the owner's land to another part of the owner's land, irrespective of whether or not the tracts adjoin: Provided, That the distance between the points may not exceed twenty-five miles, or for the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for repairs. The exemption in this subdivision from registration and license requirements also applies to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the purpose of moving farm produce and livestock from the farm along a public highway for a distance not to exceed twenty-five miles to a storage house or packing plant, when the use is a seasonal operation:

(A) The exemptions contained in this section also apply to farm machinery and tractors: Provided, That the machinery and tractors may use the highways in going from one tract of land to another tract of land regardless of whether the land is owned by the same or different persons;

(B) Any vehicle exempted under this subsection from the requirements of annual registration certificate and license plates and fees for the registration certificate and license plate may not use the highways between sunset and sunrise unless the vehicle is classified as a Class A motor vehicle with a farm-use exemption under the provisions of section one [§ 17A-10-1], article ten of this chapter and has a valid and current inspection sticker as required by the provisions of article sixteen [§§ 17C-16-1 et seq.], chapter seventeen-c of this code and is traveling from one tract of land to another over a distance of twenty-five miles or less;

(C) Any vehicle exempted under this section from the requirements of annual registration certificate and license plates may use the highways as provided in this section whether the exempt vehicle is self-propelled, towed by another exempt vehicle or towed by another vehicle required to be registered;

(D) Any vehicle used as an implement of husbandry exempt under this section shall have the words "farm use" affixed to both sides of the implement in ten-inch letters. Any vehicle which would be subject to registration as a Class A or B vehicle if not exempted by this section shall display a farm-use exemption certificate on the lower driver's side of the windshield:

(i) The farm-use exemption certificate shall be provided by the commissioner and shall be issued annually by the assessor of the applicant's county of residence. The assessor shall issue a farm-use exemption certificate to the applicant upon his or her determination pursuant to an examination of the property books or documentation provided by the applicant that the vehicle has been properly assessed as Class I personal property. The assessor shall charge a fee of two dollars for each certificate, which shall be retained by the assessor;

(ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the security required by chapter seventeen-d [§§ 17D-1-1 et seq.] of this code on any vehicle being operated on the roads or highways of this state;

(iii) No person charged with the offense of operating a vehicle without a farm-use exemption certificate, if required under this section, may be convicted of the offense if he or she produces in court, or in the office of the arresting officer, a valid farm-use exemption certificate for the vehicle in question within five days;

§ 17A-10-1. Classification of vehicles for purpose of registration.

Vehicles subject to registration under the provisions of this chapter shall be placed in the following classes for the purpose of registration:

Class A. Motor vehicles of passenger type and trucks with a gross weight of not more than eight thousand pounds;

Class B. Motor vehicles designated as trucks with a gross weight of more than eight thousand pounds, truck tractors or road tractors;

Class C. All trailers and semitrailers, except house trailers and trailers or semitrailers designed to be drawn by Class A motor vehicles and having a gross weight of less than two thousand pounds;

Class G. Motorcycles and parking enforcement vehicles;

Class H. Motor vehicles operated regularly for the transportation of persons for compensation under a certificate of convenience and necessity or contract carrier permit issued by the public service commission;

Class J. Motor vehicles operated for transportation of persons for compensation by common carriers, not running over a regular route or between fixed termini;

Class M. Mobile equipment as defined in subdivision (oo), section one [§ 17A-1-1(oo)], article one of this chapter;

Class R. House trailers;

Class T. Trailers or semitrailers of a type designed to be drawn by Class A vehicles and having a gross weight of less than two thousand pounds; and

Class Farm Truck. Motor vehicles designated as trucks having a minimum gross weight of more than eight thousand pounds and a maximum gross weight of eighty thousand pounds, used exclusively in the conduct of a farming business, engaged in the production of agricultural products by means of: (a) The planting, cultivation and harvesting of agricultural, horticultural, vegetable or other products of the soil; or (b) the raising, feeding and care of livestock, poultry, bees and dairy cattle. A farm truck may be used only for the transportation of agricultural products produced by the owner of the truck, for the transportation of agricultural supplies used in the production or for private passenger use.

§ 17C-17-1. Unlawful to exceed size and weight limitations; application of article to fire apparatus, farm machinery, etc.; "operate a vehicle or combination of vehicles" construed.

(a) It shall be unlawful for any owner, lessee or borrower of a vehicle or combination of vehicles to operate on any highway such vehicle or combination of vehicles, whether driven by such owner, lessee or borrower, or by some person on behalf of such owner, lessee or borrower, of a size or weight exceeding any limitation stated in this article, or otherwise in violation of any provision of this article, whether such limitation or provision be specifically stated in this article or set by express authority granted in this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter said limitations or provisions except as express authority shall be granted in this article. Subject to the penalties for weight violations provided in section 14 [§ 17C-17-14] of this article, violation of this section shall constitute a misdemeanor.

(b) The provisions of this article governing size, weight, and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

(c) The phrase "operate a vehicle or combination of vehicles" shall in this article be interpreted to mean the use of such vehicle or combination of vehicles on behalf of the owner, lessee or borrower, whether driven by him or by some person on behalf of him.

CHAPTER F: NEW YORK

I. NEW YORK FARM BUREAU

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, underline clearly the answers you have chosen. If the allocated space in the survey is not enough for your answer, please attach a separate sheet and indicate the number of the question. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey within ten business days from the date you received it. Please return via e-mail to Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

Penn State Dickinson School of Law Research Team

Supervisor: Professor Leslie MacRae
Phone: 717-240-5239
E-mail: lm21@psu.edu

Student Research Assistant: Dale E. Page
Cell: 336-577-4842
E-mail: dep180@psu.edu

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Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definition(s) currently in the NY Vehicle and Traffic Law Section 125 are adequate? (Please note that this is an exclusionary definition and not an Inclusionary one)

Motor vehicles: Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, and (d) all terrain vehicles as defined in article forty-eight-B of this chapter. For the purposes of title four, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

Generally our experience has indicated that the definition is fairly complete. Within the statute the exemption for farm type tractors and equipment only applies to titles four and five (dealing with registration of vehicles and driver's licenses). Our preference would be to exclude farm equipment from all sections of the law except where they are specifically included. That being said, the provision provided above does generally result in an appropriate recognition by enforcement officials of the unique nature of farm equipment. One specific change we would like to see made would be to amend the definition from "...used exclusively..." to "...used predominantly..." Farmers occasionally use their equipment for non-farm purposes (to pull a neighbor's car out of a snow-bank for example). While law enforcement does not usually enforce these non-ag uses for purposes of registration, we have had private citizens, as part of private legal actions stemming from accidents with farm tractors, claim that farm tractors having at some point been used for non-ag purposes, should have been registered and therefore covered by motor vehicle insurance. The end result has been increased liability to farmers.

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators; or would a more inclusive definition be appropriate?

A. Yes. --- Please underline the appropriate definitions.

B. No. --- Where are and what are the perceived gaps?

From the perspective of a self-propelled implement this definition is fairly inclusive. Farms do need to register certain special use vehicles as part of NYS V&T Law §401 (7)(F). These include fertilizer and pesticide sprayers which to some degree could be included in the above definition.

From a statute perspective the definition of a trailer could over the long term exclude bulk agricultural commodity implements and wheeled machinery (hoof trimming tables). These are currently exempted via administrative action.

We would prefer to see changes for farm or agriculture plated vehicles that would provide an exemption for vehicles under 26,000 lbs. from being classified as commercial motor vehicles.

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. Very broad language for farm equipment _____
2. _____
3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. Exclusive provisions of farm equipment _____
2. Grey area does exist for certain farm implements _____
3. multiple definitions throughout V&T and transportation law _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the NY Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

From a farm equipment perspective, the provisions of the NY Vehicle Code are generally appropriate. Further expansion of bulk agricultural commodity implements (15 NYCRR §101.4) would help clarify enforcement interpretations that have arisen (for example irrigation pipe wagons may not be considered bulk agricultural commodity implements). We also feel these exemptions should be expanded to allow vehicles with a GVWR of up to 50,000 lbs to tow bulk agricultural commodity implements.

B.If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed?

No, since the definition is established in regulation it would be better initially to address it via regulation change.

7. Do you think that the registration exemption(s) provided in NY Transportation Law Section 214(c) and Section 171 (8)(12)(13) is appropriate?

A. Yes.

B. No. ---- Please explain why.

These exemptions recognize the unique nature of agricultural businesses and the transportation needs of farms. We feel they are highly appropriate and, as mentioned above, believe the exemption for hours-of-service should be expanded to include other commercial motor vehicle requirements.

8. Do you think that the registration exemption in NY Transportation Law Section 214(c) and Section 171 (8)(12)(13) creates problems?

A. Yes. ---- Please explain what these problems are.

B.No.

9. Do you think that anything should be added to the registration exemption in NY Transportation Law Section 214(c) and Section 171 (8)(12)(13)?

A. Yes. ---- Please list what and explain why it should be added.

We have not heard from our members about any problems related to this section of law.

B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in NY Transportation Law Section 214(c) and Section 171 (8)(12)(13) changed?

A. Yes. ---- Please explain why and how.

As noted above-we believe that for purposes of commercial motor vehicle regulations, farms using trucks registered with either a farm plate or agricultural plate that are under 26,000 lbs should be exempt for those vehicles on a statewide basis-similar to the hours-of-service exemption already provided.

B. No.

11. Do you feel the provisions of New York Vehicle Laws Section 401 Section (7)(A)(e) regarding registration fee as a function of weight is appropriate/satisfactory?

A. Yes

B. No – Please explain why and how

NYFB was a driving force behind the adoption of the agricultural truck plate and the farm truck plate (NYS V&T Section 401 (13)). The rate established under the agricultural truck plate follows the same concept as almost all other trucks registered in New York. Our members have not provided policy indicating that this should be changed.

When establishing the farm plate registration option, the statute uses a simple fee of \$1 per vehicle. This recognizes the similar role these trucks have to farm tractors and wagons.

CHAPTER G: MICHIGAN

I. MICHIGAN STATE POLICE

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, underline clearly the answers you have chosen. If the allocated space in the survey is not enough for your answer, please attach a separate sheet and indicate the number of the question. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey within ten business days from the date you received it. Please return via e-mail to Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

Penn State Dickinson School of Law Research Team

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Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definition(s) currently in the MI Vehicle code Section 257 are adequate?

"Implement of Husbandry" is defined as a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field (MVC 257.21). See Appendix A at the end of this document for an in-depth discussion of this term.

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

"Special Mobile Equipment" is defined as every vehicle not designed or used primarily for transportation of persons or property and incidentally operated or moved over the highways, including farm tractors (MVC 257.62).

A. Yes.

B. No. ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with?

I've had conversations with the Michigan Farm Bureau, and we agree the definitions need to be changed, but we're not sure what the language should be. You'll see I have more questions than answers. The problem is one of use vs. design. It's become a common practice for the construction industry, as well as others, to use vehicles that are truly "farm tractors" in their business – sometimes pulling flatbed trailers with backhoes to construction sites. That's not a farm use, but it is a farm tractor. Is it eligible for the exemptions provided by the definition? "Used primarily" is not defined and hasn't been considered by the Michigan courts.

It appears you have a copy of our Farmer's Transportation Guidebook. If you look at Appendix A, you'll see a discussion of some of the problems we've experienced. A dump truck with a feed spreader mounted on it can be a truck and an implement both several times in one day. What regulations apply to it depend upon how it is being used at the moment an officer stops it. How does one prove or disprove that it was or was not being used in a field just now?

It is very difficult to tell enforcement officers and farmers that the same vehicle can be a truck or an implement depending upon how it's being used that day. These definitions were written in 1949 and haven't been touched since. Obviously, the farming industry has changed dramatically since then.

For example, just about any type of trailer can be adapted to be drawn by a farm tractor. Does that mean any flatbed trailer is an implement of husbandry, regardless of what I do with it (the way the definition is worded, each phrase stands alone and is not controlled by other qualifications in the definition)? Because the statute says "designed to be drawn by a farm tractor or animal," does that mean when I'm pulling it with a truck it's still an implement?

A current court case in process right now involves a farmer that tore the seats out of an old bus and takes the bus onto the field to load watermelons on it. Is that an implement because it's being used to harvest produce?

Under Michigan law, anything meeting the definition of an implement is exempt from all size and weight regulations, in addition to registration plates, so there is a definite incentive to be classified as an implement. Farm trucks are subject to size and weight laws.

The definition of special mobile equipment is generally not claimed by farmers, but it's had its own problems. There is more case law in Michigan for special mobile equipment, so it's a little easier for enforcement and industry both. The biggest problem with the definition is "incidentally operated." If I use it more than twice a week, is it no longer incidental? If I use it five times in a month, and then it sits for six months, is that incidental? Again, the definition is from 1949, and things have changed since then! There is one court case on

this point, and the court found that special mobile equipment moved five days a week does not qualify for the exemption. Anything short of that is open to interpretation.

Another point to note is that the exceptions provided by these definitions do not apply to our adoption of the Federal Motor Carrier Safety Regulations (FMCSR). There is no special mobile equipment or implement of husbandry exemption in the FMCSR. This creates a lot of confusion for enforcement and industry, because both tend to think that an exemption in one act of law exempts the vehicle from all acts of law.

Another issue we've had concerns gravity boxes and hay wagons. Similar to the watermelon truck, they don't directly harvest – another implement puts produce in/on these vehicles in the field. For decades they have been treated as implements, even though they don't technically meet the definition. Trying to bring them into compliance as trailers now would be impossible.

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators; or would a more inclusive definition be appropriate?

- A. Yes. --- Please underline the appropriate definitions.
- B. No. --- Where are and what are the perceived gaps?

I have to say no here due to the issues discussed under #1, but there are portions of our definition that I think are very good. As I've noted, the problems are "used primarily," a term that is completely useless to law enforcement, and the dual use that many farmers now demand of their equipment.

"Implement of Husbandry" is defined as a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field (MVC 257.21).

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

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

- 1. a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field
- 2. a farm implement for drawing plows, mowing machines, and other implements of husbandry
- 3. None

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

- 1. "designed to" _____
- 2. "used primarily" _____
- 3. "which directly" – if it's not being used to directly harvest/apply at the time of the stop, is it a truck? How do you tell the industry to comply sometimes and not others? But is it good public policy to always exempt these units from size and weight laws?

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the MI Vehicle Code?

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

I think I've answered this question in my responses above.

B.If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. Yes

B. No ---- What do you think should be changed? See above.

7. Do you think that the registration exemption(s) provided in the MVC Section 257.802 (10) is appropriate?

A. Yes. For the most part. See next question.

B. No. ---- Please explain why.

8. Do you think that the registration exemption in MVC Section 257.802 (10) creates problems?

A. Yes. ---- Please explain what these problems are.

Landscaping companies often try to use farm plates. The statute could be strengthened by clearly stating that they are not eligible. Another problem is that the statute does not define a "farm." It's very popular to live in a subdivision and own an expensive SUV with farm plates, because you can claim your garden as a "farm." The definition doesn't address beekeepers or fish hatcheries, either, both common industries here. While the definition doesn't specifically allow it, we do allow farmers to use their farm-plated vehicles for recreational use (taking the camper or boat up north).

B.No.

9. Do you think that anything should be added to the registration exemption in MVC Section 257.802 (10)?

A. Yes. ---- Please list what and explain why it should be added.

See above.

B. No.

10. Would you like to see the current farm vehicles/equipment registration exemption in MVC Section 257.802 (10) changed?

A. Yes. ---- Please explain why and how.

See above.

B. No.

11. Do you feel the provisions of MVC Section 257.802 (10) regarding registration fee as a function of time desired for the registration is appropriate/satisfactory?

A. Yes

B. No – Please explain why and how

CHAPTER H: NEW JERSEY

I. NEW JERSEY DEPARTMENT OF AGRICULTURE

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

The project will research the need for updates on Pennsylvania farm vehicles and equipment regulations and laws based on comparison to other jurisdictions, primarily neighboring jurisdictions. It will include comparable vehicle registration codes, laws, and compliance standards. An assessment will also be performed of varying types of equipment categories and registration guidelines to determine if Pennsylvania law and regulations have kept pace with advancements in farming practices or needs.

We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, underline clearly the answers you have chosen. If the allocated space in the survey is not enough for your answer, please attach a separate sheet and indicate the number of the question. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey within ten business days from the date you received it. Please return via e-mail to Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). Thank you!

Sincerely,

Penn State Dickinson School of Law Research Team

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Fax: 717-240-5126

Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definition(s) currently in NJ Vehicle Code, Title 39, Chapter 1 are adequate?

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

A. Yes.

B. **No.** ---- Which of the definitions you find inadequate and why? How would you change the definition/s you disagree with? **NJ laws/rules fail to define "farm implement" or "implements of husbandry" and often times it creates confusion with motor vehicle registration and enforcement. A definition that could be considered for "farm implement" or "implements of husbandry" is a vehicle which is used exclusively in the conduct of agricultural operations, horticultural, or livestock raising operations and includes implements for the planting, harvesting or transportation of farm commodities and includes farm tractors and farm trailers.**

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- Please underline the appropriate definitions.

B. **No.** --- Where are and what are the perceived gaps? **Agriculture in NJ is continually evolving and equipment used by farmers is constantly undergoing changes to keep up with technology. NJ's laws for this matter were first adopted in 1938 and amended several times over the years. However, the laws/rules have not been amended to be more specific with regard to define a "farm implement" or "implements of husbandry".**

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. **they are not defined, so there is nothing helpful**

2. _____

3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. **The lack of a definition fails to provide adequate guidance for both the farmer and motor vehicle enforcement**

2. **Because these terms are not defined, if there was an accident, there may liability concerns**

3. **NJ is the most densely populated state in the nation and we have a very small number of farms (approximately 9,000). With a population of approximately 8.7 million people and 9,000 farms, our farmers are definitely a minority of the population and the failure to define a "farm implement" or "implements of husbandry" can often create differences of opinion on what constitutes these farming tools.**

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the NJ Vehicle Code? **There is a lack of definition for "farm implement" or "implements of husbandry".**

A. Please list the appropriate section/s of the Code in your answer and explain why you think there is a problem.

N.J.S.A. 39:3-24 Farm tractors, traction equipment; registration; operation; fee.

(b) The director may register motor vehicles, not for hire, used exclusively as farm machinery or farm implements, to travel upon the public highways, from one farm, or portion thereof, to another farm, or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles.

(c) Motor vehicles, not for hire, which are used exclusively as farm tractors, traction equipment, farm machinery or farm implements which cannot be operated at a speed in excess of 20 miles per hour shall not be required to be registered under this section.

B.If you do not think there are any problems, please indicate so.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

A. **Yes**

B. No ---- What do you think should be changed?

7. Do you think that the registration exemption provided in NJSA.39:24, dealing with “Farm Use” plates is appropriate?

A. **Yes.**

B. No. ---- Please explain why.

8. Do you think that the registration exemption in NJSA.39:24, dealing with “Farm Use” plates creates problems?

A. **Yes.** ---- Please explain what these problems are. **Local enforcement are not versed on tractors which cannot be operated at a speed in excess of 20 miles per hour so they often question why the tractor is not registered. Therefore, we have recommended that farmers have on hand a copy of the statute specifying the registration exemption and a copy of a bulletin that was secured from the NJ Division of Motor Vehicles further explaining the exemption contained in the statute.**

B.No.

9. Do you think that anything should be added to the registration exemption in NJSA.39:24?

A. Yes. ---- Please list what and explain why it should be added.

B. **No.**

10. Would you like to see the current farm vehicles/equipment registration exemption in NJSA.39:24 changed?

A. Yes. ---- Please explain why and how.

B. **No.**

11. Do you feel the provisions of NJAC 13:21-12.2-12.8 regarding the limitations on travel and necessary equipment are satisfactory?

A. Yes

B. **No** – Please explain why and how **The regulations fail to require the placement of a slow-moving vehicle emblem on the rear of the farm implement and farm tractor. The emblem is a fluorescent yellow-orange triangle with a dark red reflective border which conforms to standards set by the American Society of Agricultural Engineers (Standard S276). The emblem must be visible 600 feet from the rear of the implement.**

II. NEW JERSEY STATE POLICE

In the past several years advocacy groups and trade associations associated with agriculture operations in Pennsylvania have suggested modifications or restructuring of farm vehicle classifications. In response to these suggestions, the Department of Transportation has contracted with The Pennsylvania State University Agricultural Law Resource and Reference Center to perform a Farm Vehicle Law and Regulations Comparison Study.

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We would like to ask you to take a few moments to complete the following survey or to forward it to someone in your office who you feel would be able to give well-grounded advice.

If you have any questions about the survey, please do not hesitate to contact us at the numbers and e-mails provided below. Please, underline clearly the answers you have chosen. If the allocated space in the survey is not enough for your answer, please attach a separate sheet and indicate the number of the question. Please, feel free to add any additional comments that have not been covered by the survey. We welcome all input!

Please complete and return the survey within ten business days from the date you received it. Please return via e-mail to Diana Mitkova (dum155@psu.edu) and Dale Page (dep180@psu.edu). Thank you!

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Attn: Professor MacRae/Dale Page/Diana Mitkova

1. Do you think that the following definition(s) currently in NJ Vehicle Code, Title 39, Chapter 1 are adequate?

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

A. Yes.

2. As far as you know, do the above definitions fit the equipment commonly used by the farm owners/operators?

A. Yes. --- We have not seen any problems with our definitions, New Jersey does have a farming community, although fairly small, and our officers have not conveyed to us any problems with the definitions. As I read it, the Farm Tractor designation simply gives the farmer a break on the cost of his registrations and some minor allowances on where and when he can operate these vehicles.

3. Concerning your area of responsibility, what are the three aspects of the current definitions regarding farm vehicles/equipment that you find most helpful?

1. Definition is broad enough to include all applicable vehicle situations. _____

2. _____

3. _____

4. From your perspective, what are the three aspects of the current definitions that you find the most detrimental?

1. We have not had any issues with our definition.

2. _____

3. _____

5. What are the problems that you see with the current definitions of farm vehicles/equipment in the NJ Vehicle Code?

We have not had any issues with our definition.

6. Do you think that these problems would be best solved by a simple change in the definitions regarding farm vehicles/equipment?

Again, we have not had any problems with our definitions, any problems we have had would be in educating law enforcement personnel in the application of those definitions.

7. Do you think that the registration exemption provided in NJSA.39:24, dealing with "Farm Use" plates is appropriate?

Coming from law enforcement, this question is not something I could answer. Again, the registration exemption, I believe, was implemented to give a break to the farmer on some of the cost and administration of his farm equipment, especially in light of the fact that he may be operating this equipment for short distances across or on roadways between farm properties.

8. Do you think that the registration exemption in NJSA.39:24, dealing with "Farm Use" plates creates problems?

No problems have been uncovered.

9. Do you think that anything should be added to the registration exemption in NJSA.39:24?

No, but I think maybe someone from the farming community should be asked that question.

10. Would you like to see the current farm vehicles/equipment registration exemption in NJSA.39:24 changed?

No

11. Do you feel the provisions of NJAC 13:21-12.2-12.8 regarding the limitations on travel and necessary equipment are satisfactory?

Yes, again we have not receive reports from our officers about abuses to the law, which would require either changes or step up enforcement. I suspect that this is because we do not have many of the large scale farming operations that some states do.

**APPENDIX F: TABLE SURVEY RESPONSE PERCENTAGE
FOR FINAL REPORT**

INTERSTATE FARM VEHICLE STUDY

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION BY
THE PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE AND DIANA
MITKOVA MILLER**

DATE: 3/7/2008

Survey Response Percentage

State	State Agency				Response % for Each State
	DOT/DMV	Ag. Dept.	SP	FB	
MD	Y	Y	Y	N	75%
VA	N	N	*Y	Y	50%
OH	N	N	Y	Y	50%
TX	*Y	*Y	*N	N	50%
WV	Y	N	N	Y	50%
NJ	N	Y	Y	N	50%
NY	N	Y	*N	N	25%
DE	*N	N	*N	N	0%
MI	N	*N	Y	*Y	50%
CA	N	*N	*N	N	0%
*Total Response % for All States					40%

Y – Response Received

N – No Response Received

*Total Response % for All States – based on total of 40 contacted agencies in 10 states; 40 agencies = 100%.

*VASP – VA State Police did not provide a formal response to each question in the survey. Instead it sent an e-mail stating it does not have any issues or concerns with the use, movement, or registration of farm vehicles.

*TXDOT – TX Department of Transportation sent an e-mail stating that it is currently unable to allocate resources to respond to the survey. TXDOT thinks that the problem is not so much with the enabling statute or statute definitions, but rather with the difficulty in enforcing proper operation of vehicles displaying such plates. TXDOT thinks that the Texas statutes as currently written adequately serve the purpose for which they are intended. TXDOT is currently undergoing a revision by the TX Sunset Commission.

*TX Ag. Dept. – TX Department of Agriculture sent an e-mail that at the moment it is not aware of problems with the provisions of the TX Transportation Code governing farm vehicles. TX Ag. Dept. further states that if it becomes aware of inadequacies in the TX Transportation Code it will work with TXDOT to review the issue. TX Ag. Dept. is also currently undergoing a revision by the TX Sunset Commission.

*TXSP – TX State Police stated in a phone call that the survey is too “involving” and it does not have time to respond to it.

*NYSP – New York State Police sent an e-mail requesting more information as to the identity of the individual conducting the survey. PennDOT sent the requested additional information and no further contact was received.

*DEDOT – Attempted to contact the new director of the DOT but no response was received.

*DESP – Survey was sent to SP and was forwarded to its Commercial Vehicle Enforcement Unit, which never responded to contacts.

*MIFB – Worked briefly with the MISP on the survey.

*MIAD – Contacted Associate Legislative Counsel with no response.

*CASP – Indicated that it could only state what the law says and not offer opinions, and that it could not put that into an e-mail.

*CAAD – Suggested contacting the CADOT/DMV and provided no further contact.

**APPENDIX G: PA SUMMARY TABLE
FOR FINAL REPORT
INTERSTATE FARM VEHICLE STUDY**

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION BY THE
PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE AND DIANA MITKOVA
MILLER**

DATE: 3/7/2008

State	Definition	Registration
PA	<p>Farm Vehicle: A truck or truck tractor determined by the Department of Transportation to be used exclusively for agricultural purposes. 75 Pa.C.S § 102.</p>	<p>A farm vehicle can be exempt from registration, can be subject to farm vehicle registration, or can be subject to general registration.</p> <p>1. Farm Vehicles Exempt from Registration</p> <p>a. Type I Farm Vehicle: Vehicle used exclusively on a farm, which is owned or operated by the owner of the vehicle. Can be either (1) a vehicle with a gross weight or registered gross weight of no more than 17,000 lbs, or (2) a motor carrier vehicle bearing a valid annual certificate of inspection. Type I vehicles may only be driven between (i) parts of a farm, (ii) farms located not more than 25 miles apart, (iii) a farm and a place of business located within 25 miles of that farm for the purpose of buying or selling agricultural commodities or supplies, or (iv) a farm and a place of business within 50 miles for the purpose of repair or servicing the farm vehicle. 75 Pa.C.S § 1302(10)(i).</p> <p>b. Type II Farm Vehicle: A motor carrier vehicle which is used exclusively on a farm owned or operated by the owner of the vehicle but does not bear a valid certificate of inspection. A Type II vehicle can only be driven on the highway from sunrise to sunset and between (i) parts of a farm, (ii) farms located not more than 10 miles apart, (iii) a farm and a place of business not more than 10 miles apart for the purpose of buying or selling agricultural commodities, or (iv) a farm and a place of business 25 miles apart for the purpose of service and repair. 75 Pa.C.S § 1302(10)(i).</p> <p>2. Farm Vehicles Subject to Farm Vehicle Registration</p> <p>To qualify for special farm vehicle registration plates, the vehicle may be operated only on a farm or farms owned or operated by the registrant of the vehicle and upon highways between: (i) parts of the farm; (ii) the farm and a place of business for the purpose of buying or selling supplies, for the examination of an applicant for a driver’s license, or for the inspection, repair, or servicing of the vehicle; or (iii) a place of business and a place of delivery following the sale of the owner’s agricultural commodities by an auctioneer, and the delivery is made in the same farm vehicle that delivered the commodities to the place of business. There are no distance limitations for registered farm vehicles. Any farm vehicle not exempt from the registration requirement may be registered for only the months of the year that it is in use. To be eligible, the vehicle must have a gross vehicle weight rating of less than 9,000 pounds. Insurance is not required for the months of the year the vehicle is not registered. 75 Pa.C.S § 1344(a).</p> <p>3. Farm Vehicles Subject to General Registration</p> <p>A vehicle that does not qualify for farm vehicle registration or registration exemption must comply with the Pennsylvania Department of Transportation’s general registration requirements. 75 Pa.C.S § 1301(a).</p>
	<p>Implement of Husbandry: Farm equipment, that is equipped with pneumatic tires - except if prohibited by religious beliefs; is infrequently operated or moved upon highways; and is used in the performance of agriculture production or harvesting activities</p>	<p>1. Implements of Husbandry Exempt from Registration</p> <p>An implement of husbandry is exempt from registration if it is operated on roads that adjoin the implement owner’s farm, roads between the implement owner’s farms located not more than 25 miles apart, or roads between the implement owner’s farm and a place of business within a radius of 25 miles of the farm for the purpose of buying or selling agricultural commodities or supplies or for the purpose of repairing or servicing the implement. 75 Pa.C.S § 1302(2)(i), (ii), (iii).</p>

<p>for the farmer's agricultural operations; or for transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation. The term also includes earthmoving equipment and any other vehicle determined by the Pennsylvania Department of Transportation to be an implement of husbandry. 75 Pa.C.S § 102.</p>	<p>2. Implements of Husbandry Subject to Registration Implements of husbandry that do not qualify for the registration exemption must be registered in order to be operated on the road. Implements of husbandry that are used for-hire to perform custom farm services for other farms are also subject to registration.</p>
<p>Commercial Implement of Husbandry: An implement of husbandry that is a self-propelled vehicle, is used commercially, and is operated or moved upon highways for not more than 180 days in a calendar year. The term also includes any other vehicle determined by the Pennsylvania Department of Transportation to be a commercial implement of husbandry. 75 Pa.C.S § 102.</p>	<p>Commercial implements of husbandry are subject to the general registration requirements in Pennsylvania. The registration fee is \$76.50 or half the regular registration fee, whichever is greater per year. Registered commercial implements of husbandry of 17,000 lbs or less are subject to annual inspection, while registered commercial implements of husbandry of 17,001 lbs or more are subject to semi-annual inspection. 75 Pa.C.S § 1933.</p>
<p>Farm Equipment: A vehicle that is specifically designed, manufactured for, and used exclusively in agriculture to plant, seed, cultivate, harvest, or to apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the Pennsylvania Department of Transportation to be farm equipment. 75 Pa.C.S § 102.</p>	<p>See Implements of Husbandry.</p>
<p>Multipurpose Agricultural Vehicle: A motor vehicle which is 60 inches or less in width and 1,200 pounds or less in dry weight, used exclusively for agricultural operations and only incidentally operated or moved upon the highways. 75 Pa.C.S § 102.</p>	<p>Multi-purpose agricultural vehicles are exempt from Pennsylvania's general registration requirements if they are operated on farms owned or operated by the owner of the vehicle, on roads that immediately adjoin the vehicle owner's farm, or between farms of the vehicle owner that are located not more than 2 miles apart. 75 Pa.C.S § 1302(17).</p>
<p>Trailer: A vehicle designed to be towed by a motor vehicle. 75 Pa.C.S § 102.</p>	<p>The fact that a towing vehicle is exempt from registration does not automatically exempt the towed trailer from registration. The PA Vehicle Code requires all trailers to be registered, unless they are specifically exempt from registration. 1. Trailers Exempt from Registration Requirements The Vehicle Code provides an exemption from registration for certain trailers used in farming operations. However, in order for the trailer to be exempt, the Pennsylvania Department of</p>

Transportation must determine whether the trailer is exclusively used for agricultural operations. The Pennsylvania Department of Transportation has determined by regulation that farm wagons, field equipment and vehicles designed to haul and apply fertilizers and insecticides during daylight hours and not operated more than 25 miles per hour are exclusively used in agriculture. Farm trailers exempt from registration may only be operated on roads that adjoin the trailer owner's farm, roads between the trailer owner's farms located not more than 25 miles apart, or roads between the trailer owner's farm and a place of business within a radius of 25-miles of the farm for the purpose of buying or selling agricultural commodities or supplies or for the purpose of repairing or servicing the trailer. The Vehicle Code also exempts from registration any trailer to be used primarily for off-highway use and only operated incidentally upon the highway. 75 Pa.C.S § 1302(2)(i)(ii)(iii), (11).

2. Registered Trailers and Registration Fees

If the trailer does not fall under the exemption provided by the Vehicle Code, it must be registered annually. The registration fee for trailers is \$6 for trailers registered at 3,000 pounds gross weight or less, \$12 for trailers registered between 3,001 and 10,000 pounds gross weight, and \$27 for trailers registered at greater than 10,000 pounds gross weight. 75 Pa.C.S § 1920(a)(b)(c).

**APPENDIX H: SUMMARY TABLE
MD, VA, WV, TX, OH
FOR FINAL REPORT**

INTERSTATE FARM VEHICLE STUDY

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION BY THE
PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE AND DIANA MITKOVA
MILLER**

DATE: 3/7/2008

State	Definitions	Licensing	Registration
MD	<p>1. Farm Vehicle A vehicle that: 1) is owned by a farmer; 2) is used only in the farmer's farming business and about the farmer's farm home and in hauling farm products and the labor, supplies, equipment, and other materials necessary to the operation of the farm and farm home; and 3) is not used to haul farm products previously acquired by the farmer for resale or to haul farm products for hire for another person who is not a farmer. Md. Transp. Code Ann. § 13-911(c).</p>	N/A	<p>General Rule: Each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered. Md. Transp. Code Ann. § 13-402(a)(1). Exemptions: Registration not required for Farm Tractor or any Farm Equipment. Md. Transp. Code Ann. § 13-402(c)(3). Registration as Farm Vehicle: Farm Truck, Farm Truck Tractor, Farm Trailer and Semitrailer. Md. Transp. Code Ann. §§ 13-921, 13-924, 13-930. Registration as Farm Area Vehicle: Any motor vehicle owned by a farmer and operated only on the farm, can be registered as a farm area vehicle. Md. Transp. Code Ann. §13-935.</p>
	<p>2. Farm Tractor A motor vehicle that is designed and used primarily as a farm implement for drawing farm equipment. Md. Transp. Code Ann. § 11-121.</p>		
	<p>3. Farm Equipment A vehicle that: 1) is designed and adapted only for agricultural, horticultural, or livestock raising operations; 2) is designed and adapted only for lifting or carrying a "farm vehicle"; or 3) is designed and adapted for splitting firewood. It also includes silvicultural equipment weighing 62,000 pounds or less gross weight. Md. Transp. Code Ann. § 11-120(a)(b).</p>		
OH	<p>1. Agricultural Tractor Any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes. ORC Ann. 4501.01 (C).</p>	<p>General Rule: Operation of a motor vehicle upon any public or private roadways without a valid driver's license is prohibited. ORC Ann. 4507.02 (A)(1). Exceptions: No person is required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of twenty-five miles per hour or less. ORC Ann. 4507.03 (A)(2). Exception for Farm Trucks: Commercial driver's license is not required for farm trucks. ORC Ann. 4506.03 (B)(1).</p>	<p>General Rule: Prorated fees for new registration. Exceptions: No prorated fees for farm trucks. A table with farm truck registration fees can be found at: http://bmv.ohio.gov/vehicle_registration/farm_trk_reg_fees.htm</p>
	<p>2. Farm Machinery All machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products. ORC Ann. 4501.01 (U).</p>		
	<p>3. Farm Truck A truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this division and is not used in the operations of a motor transportation company or private motor</p>		

	carrier. ORC Ann. 4506.01 (O).		
TX	<p>1. Farm Vehicle Any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agricultural products, farm machinery, and farm supplies to or from a farm or ranch. 37 TAC § 4.11(7).</p>	<p>General Rule: The operation of motor vehicles on Texas highways without a validly issued driver’s license is prohibited. Tex. Transp. Code § 521.021. Exceptions: Driver’s license is not required for a person operating farm tractor or implement of husbandry on a highway. Tex. Transp. Code § 521.027(2). Commercial Driver’s License: A license issued to an individual that authorizes the individual to drive a class of commercial motor vehicle. Tex. Transp. Code § 522.003(3). Exceptions from Commercial Driver’s License: Not required if the vehicle is controlled and operated by a farmer; is used to transport agricultural products, farm machinery, or farm supplies to or from a farm; is used within 150 miles of the person’s farm; and is not used in the operations of a common or contract motor carrier. Tex. Transp. Code § 522.004(a)(1).</p>	<p>I. Farm Vehicles Exempt from Commercial Driver’s License Requirements: General rules for registration apply – every motor vehicle, trailer, or semitrailer that is used or will be used on a public highway shall be registered. Tex. Transp. Code § 502.002. Exceptions from General Registration Rule for Farm Vehicles Exempt from Commercial Driver’s License Requirements: a/ Farm trailer or semitrailer temporarily used on highway with certain gross weight and used exclusively to transport agricultural products. Tex. Transp. Code § 504.504(b)(1); b/ Farm trailers and semi-trailers used to transport certain products. Tex. Transp. Code § 504.504(c)(1)-(3). Specialty license plates are issued for these vehicles - \$5. Tex. Transp. Code § 504.504(a). II. Farm Vehicles Not Exempt from Commercial Driver’s License Requirements: Vehicle is subject to registration pursuant to Section 502.163. The fee to register a commercial motor vehicle as a farm vehicle is 50% of the applicable fee for the particular class commercial vehicle. Tex. Transp. Code § 502.163(a). This fee is only applicable if vehicle is used to transport only certain products. Distinguishing license plates must be provided under for vehicles registered under this section. Tex. Transp. Code § 502.163(d).</p>
	<p>2. Farm Tractor A motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry. Tex. Transp. Code § 502.001(5).</p>		
	<p>3. Implements of Husbandry Farm implements, machinery, and tools as used in tilling the soil, including self-propelled machinery specifically designed or adapted for applying plant food materials or agricultural chemicals but not specifically designed or adapted for the sole purpose of transporting the materials or chemicals. The term does not include a passenger car or truck. Tex. Transp. Code § 502.001(8).</p>		
	<p>4. Farm Trailer A trailer designed and used primarily as a farm vehicle. Tex. Transp. Code § 502.001(6).</p>		
	<p>5. Farm Semitrailer A semitrailer designed and used primarily as a farm vehicle. Tex. Transp. Code § 502-001(4).</p>		
VA	<p>1. Farm Tractor Every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns. Va. Code Ann. § 46.2-100.</p>	<p>General Rule: No motor vehicle shall be driven on a highway without valid driver’s license. Va. Code Ann. § 46.2-300. Exemptions: License not required for the operation of any farm tractor, farm machinery, or farm vehicle as defined in Sections 46.2-663 through 46.2-674 of the Vehicle Code, if temporarily</p>	<p>Farm Vehicles Exempt From Registration, License Plates, and Registration Fees: a/ Vehicles used to spray fruit trees and other plants. Va. Code Ann. § 46.2-664; b/ Vehicles used for agricultural or horticultural purposes. Va. Code Ann. § 46.2-665(A); c/ Vehicles used for seasonal transportation of farm produce and livestock. Va. Code Ann. § 46.2-666; d/ Farm machinery and tractors. Va. Code Ann. § 46.2-667; e/ Vehicles owned by farmers and used to transport certain wood products. Va. Code Ann. § 46.2-670; f/ Certain vehicles</p>
	<p>2. Farm Utility Vehicle A vehicle that is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having a gasoline or diesel engine, four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. “Farm utility vehicle” does not include pickup or panel trucks, golf carts, low-speed vehicles, riding lawn</p>		

	<p>mower, or all-terrain vehicles. Va. Code Ann. § 46.2-100.</p> <p>3. Farm Vehicles Used Exclusively For Farm Use A farm motor vehicle is used exclusively for farm use when it is owned by a person engaged either as an owner, renter, or operator of a farm of a size reasonably requiring the use of such vehicle and the vehicle is used in the transportation of agricultural products of the farm to market, or to other points for sale or processing, or when used to transport materials, tools, equipment, or supplies which are to be used or consumed on the farm, or when used for any other transportation incidental to the regular operation of such farm; or used in transporting forest products to or from the farm; or used in the transportation of farm produce, supplies, equipment, or materials to a farm not worked by the farmer, pursuant to a mutual cooperative agreement. Va. Code Ann. § 46.2-698(B)(1).</p>	<p>moved on highways. Va. Code Ann. § 46.2-303.</p>	<p>transporting fertilizer, cotton, or peanuts. Va. Code Ann. § 46.2-672.</p> <p>Farm Vehicles Not Exempt from Registration, License Plates, and Registration Fees: Registration fee for farm vehicles used exclusively for farm use is half the regular fee. Va. Code Ann. § 46.2-698(A). Appropriately designated license plates must be issued. Va. Code Ann. § 46.2-698(E).</p>
<p>WV</p>	<p>1. Farm Tractor Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. W. Va. Code § 17A-1-1(g).</p> <p>2. Farm Truck Motor vehicle designed as a truck having a minimum gross weight of more than eight thousand pounds and a maximum gross weight of eighty thousand pounds, used exclusively in the conduct of a farming business, engaged in the production of agricultural products by means of: (a) the planting, cultivation, and harvesting of agricultural, horticultural, vegetable, or other products of the soil; or (b) the raising, feeding, and care of livestock, poultry, bees, and dairy cattle. A farm truck may be used only for the transportation of agricultural products produced by the owner of the truck, for the transportation of agricultural supplies used in the production, or for private passenger use. W. Va. Code § 17A-10-1.</p> <p>3. Implement of Husbandry Every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations, including, but not limited to, trucks used for spraying trees and plants: Provided, that the vehicle may not be let for hire at any time. W. Va. Code § 17A-1-1(q).</p>	<p>N/A</p>	<p>General Rule: Every motor vehicle, trailer, semitrailer, pole trailer, and recreational vehicle must be registered when driven or moved upon a highway. W. Va. Code § 17A-3-2(a).</p> <p>General Exemption from Registration and Licensing: Implement of husbandry is exempt from registration and licensing if used exclusively for agricultural purposes and operated on highway for the purpose of going between one tract of land to another, with a distance between points not to exceed 25 miles. W. Va. Code § 17A-3-2(a)(2). The implement of husbandry should have the words “farm use” affixed to both sides of the implement in ten-inch letters. W. Va. Code § 17A-3-2(a)(2)(D). The exemption also applies to farm machinery and tractors. W. Va. Code § 17A-3-2(a)(2)(A).</p> <p>Farm-Use Exemption Certificate: Provided by the commissioner and is issued annually by the assessor of the applicant’s county of residence. The fee is two dollars. W. Va. Code § 17A-3-2(a)(2)(D)(i). Any vehicle subject to the farm-use registration exemption, displays a farm-use exemption certificate on the lower driver’s side of the windshield. W. Va. Code § 17A-3-2(a)(2)(D).</p> <p>Vehicle Classification for Registration Purposes: W. Va. Code § 17A-10-1.</p> <p>Registration Fees for Class Farm Truck Vehicles: W. Va. Code § 17A-10-3(a)(7).</p>

**APPENDIX I: SUMMARY TABLE
DE, NY, MI, CA, NJ
FOR FINAL REPORT**

INTERSTATE FARM VEHICLE STUDY

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION BY THE
PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE AND DIANA MITKOVA
MILLER**

DATE: 3/7/2008

State	Definitions	Additional Requirements	Registration
DE	<p>1. Truck Tractor Truck tractor, as defined in the code, includes every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. DE Code Title 21, Ch. 1.</p>	<p>The code requires that at certain weight thresholds a certain number of axels is required with an upward limit of 70,000 lbs and a fee of \$100 for using this extra weight. The Code exempts vehicles from this weight requirement if they are being moved temporarily on the highways, the move is related to the farmer's agriculture practice, and the farmer accepts liability for damages. DL Code Title 21 Chp. 21</p>	<p>General Rule: Any vehicle, except trackless trolley coaches, of a type required to be registered hereunder, which is not registered and for which current registration plates have not been issued as provided in this chapter may not be driven on a highway. Title 21, Chapter 21 of DE Vehicle Code. Exemptions: A farm motor vehicle, farm vehicle, or farm trailer from which farmers derive at least \$1,000 of their annual income from the operation of their farm and they own or rent at least 10 acres which are actively used in the farming operation from which they derive that income and the vehicle used exclusively in the operation of a farm. Title 21 Chapter 21, Section 2113 Registration as Farm Vehicle: Farm truck license plates, and reduced Farm Truck registration fees Chapter 21, Section 2113 and Subchapter 4</p>
	<p>2. Farm Tractor Farm tractor, as defined in the code, includes every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry. DE Code Title 21, Ch. 1.</p>		
	<p>3. Farm Equipment Farm equipment, as defined in the code means an implement that is a) designed and adapted only for agricultural, horticultural or livestock raising operations; or b) Is designed and adapted only for lifting or carrying an implement described in paragraph a. of this subdivision. DE Code Title 21, Ch. 1.</p>		
NJ	<p>1. Farm Tractor "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. Title 39 of the New Jersey Statutes Annotated, Section 1</p>	<p>The New Jersey Administrative Code provides that farm equipment temporarily moved on a highway is exempt from the regulations governing size, weight, and load. Farm equipment and vehicles transporting farm equipment are exempt from the width limitations, but are required to display warning flags. Additionally, there are temporal restrictions placed on this travel. NJAC 13:21-12.2.</p>	<p>General Rule: Prorated fees for new registration. This covers: vehicles, not for hire, and used exclusively as farm machinery or farm implements may be registered to travel upon the public highways, from one farm, or portion thereof, to another farm, or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles. NJSA 39:3-24 Exceptions: Motor vehicles, not for hire, which are used exclusively as farm tractors, traction equipment, farm machinery or farm implements which cannot be operated at a speed in excess of 20 miles per hour shall not be required to be registered under this section. NJSA 39:3-24</p>
NY	<p>1. Motor Vehicle The New York definition of motor vehicle is found in NY CLS Veh & Tr § 125. This definition is different from most other states because it excludes farm vehicles from the scope of motor vehicles. Specifically, the definition states that: "the term motor vehicles shall exclude farm type tractors and all terrain type</p>	<p>Distance Limitation: In no event further than twenty-five miles one-way from a point on the farm as designated by the vehicle owner and set forth in an attachment to the vehicle registration:</p>	<p>General: New York allows the registration of motor vehicles, trailers and semitrailers operated upon public highways connecting portions of a farm or farms NY CLS Veh & Tr § 401. Investigation Requirement: Every owner of</p>

<p>vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce.” NY CLS Veh & Tr § 125.</p> <p>2. Farm Equipment Machinery, vehicles, implements, bags, containers and articles necessary, desirable or used in the production and marketing of crops and the movement of soil. 1 NYCRR § 127.1 (d).</p> <p>3. Agricultural Vehicle Any heavy vehicle used primarily for farming purposes (more than one half of the vehicle's use during the taxable period for farming purposes), and registered as a vehicle used for farming purposes. 15 NYCRR § 27.2 (c).</p> <p>4. Agricultural Truck A truck owned by a person engaged in production by means of (a) the planting, cultivation and harvesting of agricultural, vegetable and food products of the soil, including horticultural specialties such as nursery stock, ornamental shrubs, ornamental trees and flowers, (b) the raising, feeding and care of live stock, bees and poultry or (c) dairy farming. Such agricultural truck shall be used only for the transportation of his own agricultural or dairy commodities or supplies or for personal passenger use, or use in conjunction with lumbering operations connected with but only incidental to the operation of a farm. NY CLS Veh & Tr § 401.7(E)(2).</p> <p>5. Agricultural Spreader or Sprayer A truck or tractor-trailer combination used to transport chemicals, including lime, fertilizer, pesticide and water, and spread or spray such chemicals on crops or fields. A spreader or sprayer of paint or anything but agricultural chemicals shall not qualify as an agricultural spreader or sprayer. A transporter of agricultural chemicals which does not spread or spray such chemicals on crops or fields shall not qualify as an agricultural spreader or sprayer. 15 NYCRR § 105.3 (a).</p> <p>6. Farming Purposes The transporting of any farm commodity to or from a farm, or used directly in agricultural production. 15 NYCRR § 27.2 (d).</p>	<p>(a) between fields, buildings, and facilities managed or operated as part of a single farm enterprise in connection with the production, harvesting, processing or marketing on that farm of crops, livestock, or livestock products produced on that farm; or (b) for the purpose of transporting materials from a farm to the nearest available municipal sanitary landfill; or (c) for the purpose of transporting the motor vehicle, trailer or semitrailer to a motor vehicle repair shop licensed pursuant to this chapter for the repair or adjustment of equipment provided that, in addition to the route restrictions set forth in this subdivision. NY CLS Veh & Tr § 401.</p>	<p>such vehicles can file an application for registration of a farm vehicle. The commissioner or agent shall make such investigation, as he or she shall determine necessary - if satisfied that the vehicle is to be operated exclusively as provided in this subdivision - shall upon the <i>payment of a fee of one dollar</i>, assign to such vehicle a distinctive number and issue and deliver to the applicant a set of number plates and a certificate of registration. This indicates the extent to which the vehicle registered may be operated on the public highways and such vehicle may be operated only as so indicated. NY CLS Veh & Tr § 401.</p>
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MI	<p>1. Farm Tractor “Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. MI Code Section 257.16.</p>	<p>Speed Limit: a farm vehicle weighing 10,000 lbs or more may travel to 55 mph in general circumstances and 35 mph in special circumstances. Section 257.627</p> <p>Width: exempts implements of husbandry that exceed 96 inches in width provided that they are moved in a manner that minimizes traffic problems and wide loads may not be moved on the highways between ½ an hour after sunset and ½ an hour before sunrise. Section 257.717</p> <p>Covered Loads: exempts farm vehicles from covering their loads provided that the actual product does not fall out and that it does not interfere with the traffic on the road. Section 257.720</p>	<p>Farm Vehicles Exempt From Registration, License Plates, and Registration Fees: As per Section 257.216, every motor vehicle, pickup camper, trailer coach, trailer, semitrailer, and pole trailer, when driven or moved upon a highway, is subject to the registration and certificate of title provisions of this act except the following...of which (c) An implement of husbandry is included.</p> <p>Determination of Registration Fees: Registration fee for farm vehicles used exclusively for farm use is determined by measuring the empty weight of the vehicles and charging a rate of 74 cents per 100 lbs. Section 257.801(c)</p>
	<p>2. Implement of husbandry Implement of husbandry” means a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field MI Code Section 257.21.</p>		
	<p>3. Truck Tractor “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit. MI Code Section 257.77.</p>		
CA	<p>1. Farm Labor Vehicle is any motor vehicle designed, used, or maintained for the transportation of nine or more farm workers, in addition to the driver, to or from a place of employment or employment-related activities. (b) For the purpose of this section, a farm worker is any person engaged in rendering personal services for hire and compensation in connection with the production or harvesting of any farm products. (c) "Farm labor vehicle" does not include: (1) Any vehicle carrying only members of the immediate family of the owner or driver thereof. (2) Any vehicle while being operated under specific authority granted by the Public Utilities Commission or under specific authority granted to a transit system by an authorized city or county agency. CMVC Div 1 section 322</p>	<p>Driver requirement: the vehicle must be operated by the farmer while on public roads.</p> <p>Width: requirements do not apply to implements of husbandry when incidentally operated on a road, but if being transported and the load is between 102 and 120 inches the implement shall not be transported more than 25 miles. CMVC Div 16Chp 6 Section 36600.</p> <p>Length: requirements do not generally apply to implements of husbandry except that if the overall length exceeds Section 35401 the combination is limited to two vehicles in tandem.</p>	<p>General Rule: California completely exempts implements of husbandry which are only incidentally operated or moved over a highway and implements of husbandry listed in Section 36005 or 36015 CMVC Div 16 Chp 2 Section 36100.</p> <p>Further Exemptions from Registration and Licensing: Furthermore, California allows the exemption of vehicles that have and display identification plates subject to Section 5014, vehicles that require a permit under Section 35780 and are used exclusively in a farming capacity, and cotton movers defined in section 36012. CMVC Div 16 Chp 2 Section 36101.</p> <p>Further exemptions cover specially designed farm vehicles as well as vehicles that do not</p>
	<p>2. Farm Trailer is either of the following: (a) A trailer or semitrailer owned and operated by a farmer in the conduct of agricultural operations, and used exclusively to transport agricultural products upon the</p>		

<p>highway to the point of first handling and return. (b) A trailer or semitrailer equipped with rollers on the bed, with a frame not taller than 10 inches high, and with a gross vehicle weight rating of 10,000 pounds or less, that is owned, rented, or leased by a farmer and operated by that farmer in the conduct of agricultural operations, used exclusively to transport fruit and vegetables upon the highway to the point of first handling and return, and that was manufactured and in use prior to January 1, 1997. These vehicles may also be operated on the highways without a load for the purposes of delivering a rented or leased vehicle to the renting or leasing farmer's farm, or returning empty to the owner's premises. CMVC Div 16 Chp 1 Section 36010</p>	<p>CMVC Div 16Chp 6 Section 36615. Height: requirements are similar to the width requirements in that they do not apply to implements of husbandry incidentally operated on the public roads, but when transported and the height exceeds 14 feet, the are limited to 25 miles from the point of origin. CMVC Div 16Chp 6 Section 36610.</p>	<p>travel more than 20 miles to a similarly owned farm. CMVC Div 16 Chp 2 Section 36101. Distance Limitations for specially designed vehicles: exemptions cover specially designed farm vehicles as well as vehicles that do not travel more than 20 miles to a similarly owned farm. CMVC Div 16 Chp 2 Section 36101.</p>
<p>3. Implement of Husbandry is a vehicle which is used exclusively in the conduct of agricultural operations. An implement of husbandry does not include a vehicle if its existing design is primarily for the transportation of persons or property on a highway, unless specifically designated as such by some other provision of this code CMVC Div 16 Chp. 1 Section 36000</p>	<p>Identification, temporal requirements, and braking: The California Vehicle Code specifies that farm tractors shall display an identification plate and are not exempted from the provisions of Sections 24400 and 25100 when operating after dark. Additionally, any implement of husbandry that can not stop within 32 feet from an initial speed of 15 mph shall not be operated in excess of the speed that makes it impossible to stop within 32 feet.</p>	
<p>4. Automatic Bale Wagon is a motor vehicle capable of transporting property on a highway and equipped with apparatus specifically designed to pick up single bales of hay or straw from a field and to load and unload baled hay or straw. CMVC Div 16 Chp 1 Section 36011</p>	<p>CMVC Div 16Chp 5 Section 36510.</p>	
<p>5. Cotton Module Mover Defined is a motor truck, semitrailer, or a truck tractor, in combination with a semitrailer, that is equipped with a self-loading bed and is designed and used exclusively to transport field manufactured cotton modules to a cotton gin. CMVC Div 16 Chp 1 Section 36012</p>		
<p>6. Farm Tractor Used for Towing includes any farm tractor, otherwise an implement of husbandry used upon a highway to draw a farm trailer carrying farm produce, or to draw any trailer or semitrailer carrying other implements of husbandry, between farms, or from a farm to a processing or handling point and returning with or without the trailer. CMVC Div 16 Chp 1 Section 36015</p>		
<p>7. Trap Wagon is a trailer or semitrailer used exclusively in the conduct of</p>		

	<p>agricultural operations to fuel, service, or repair implements of husbandry. A trap wagon may be equipped with tools, spare parts, lubricating supplies, or fuel tanks. CMVC Div 16 Chp 1 Section 36016</p>		
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**APPENDIX J: TABLE
STATE AGENCIES' CONCERNS
FOR FINAL REPORT**

INTERSTATE FARM VEHICLE STUDY

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION BY THE
PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE AND DIANA MITKOVA
MILLER**

DATE: 3/7/2008

State	State Agency			
	Department of Transportation/Department of Motor Vehicles	State Agricultural Interest	State Police/Highway Patrol	
VA	<p>The Virginia Department of Motor Vehicles did not complete the survey.</p>	<p>Wally Seward, Director of Policy in the Virginia Department of Agriculture, stated in a phone call that they cannot help because they do not have and do not work with information related to farm vehicles.</p>	<p>The current definitions of “farm tractor” and “farm utility vehicle” are “as good as anyone can find” and fit the equipment used by farmers. The most helpful aspect regarding the current definitions is that they are “on target.” A troublesome aspect may be the “lack of enforcement, as it may create more liability and higher insurance claims and cost.” VFB does not see any problem areas with the current definitions. While the license exemption for farm tractors may be creating an increased risk from insurance standpoint, from VFB’s perspective it is well placed. VFB thinks that the registration exemption for vehicles used exclusively for agricultural and horticultural purposes, and the limitations imposed by the Vehicle Code on the operation of these vehicles, are appropriate. VFB also finds appropriate the registration exemption for farm machinery and tractors; vehicles used for seasonal transportation of farm produce and livestock; vehicles owned by farmers and used to transport certain wood products; vehicles transporting fertilizer, cotton, or peanuts. VFB finds appropriate the registration exemption for return trips of exempted vehicles. VFB finds appropriate the conditions imposed by the Vehicle Code on the</p>	<p>Sergeant Robert Evans from the Virginia State Police, sent an e-mail stating that he is not familiar with any issues or concerns pertaining to the operation of farm equipment in Virginia. He further stated that the sections in the Virginia Code concerning farm vehicles appear to adequately address the scope and purpose for the operation of such equipment. Finally, Sergeant Evans stated that over the past 22 years he has not received any feedback from other sources indicating that the current laws are not satisfactory.</p>

			nocturnal use of highways by registration exempt vehicles. VFB finds appropriate the weight limitation extension for certain vehicles hauling VA grown farm or forest products. VFB does not think that any amendments in the Vehicle Code are necessary; just enforcement of the current provisions regarding farm vehicles.	
TX	<p>Mr. Mike Craig, Deputy Director of Vehicles Title and Registration Division, sent an e-mail stating that the issue of farm vehicle classifications and vehicles operated under reduced registration fees has long been a point of concern in Texas as the proper use of such vehicles is frequently in question. The problem is not so much with the enabling statute or statute definitions, but rather with the difficulty in enforcing proper operation of vehicles displaying such plates. Unless the unique farm vehicle statutory provisions were removed entirely and the vehicles were registered as any other, the Texas statutes as currently written adequately serve the purpose for which they are intended.</p> <p>Note: TXDOT is currently undergoing a revision by the TX Sunset Commission.</p>	<p>Ms. Catherine Wright-Steele, Governmental Affairs Liaison, sent an e-mail stating that at the moment they are not aware of problems with the provisions of the TX Transportation Code governing farm vehicles. She further indicated that if TX Ag. Dept. becomes aware of inadequacies in the TX Transportation Code it will work with TXDOT to review the issue. Ms. Steele further points out that TXDOT is currently undergoing a detailed review process conducted by the Texas Sunset Commission, and that the Commission will consider issues such as the ones listed in the survey. Revisions to the code will be recommended by the Commission and considered by the Texas Legislature.</p> <p>Note: TX Ag. Dept. is also currently undergoing a revision by the TX Sunset Commission.</p>	The Texas Farm Bureau did not complete the survey.	TX State Police was contacted on numerous occasions and the survey has been sent multiple times. Finally, Sergeant Whitfill stated in a phone call that the survey is too “involving” and they do not have time to respond to it.
OH	The Ohio Department of Transportation (OHDOT) did	They do not work with that information and cannot help.	The Ohio Farm Bureau (OHFB) thinks that the current definition of	After Ohio adopted a new law, which removed the 25 mph speed

	not complete the survey.		<p>agricultural tractor is adequate. On October 18, 2007, Ohio adopted a new law, which removed the 25 mph speed limitation for farm machinery as long as the farm machinery has a speed indicator symbol. OHFB suggests that the definition of farm truck should allow the truck to be operated by a farmer's employee or agent, not only the farmer. The current definitions for agricultural tractor, farm machinery, and farm truck fit the equipment used by farmers. The most helpful aspect of the current definitions is the broad language that allows flexibility for modern farm equipment that was not originally included in the definitions. OHFB finds no problem areas in the current definitions. OHFB finds appropriate the driver's license and commercial driver's license exemption for agricultural tractors and implements of husbandry, as well as the commercial driver's license exemption for farm trucks. OHFB finds appropriate the lighting requirements for agricultural tractors and farm machinery, and the load and equipment exception for implements of husbandry and agricultural tractors. OHFB suggests that the legislature should consider changing "implements of husbandry" to "farm machinery." Finally, OHFB finds the OH laws governing farm vehicles and equipment up-to-date and complete.</p>	<p>limitation for farm machinery, the Ohio Highway Patrol (OHHP) finds the current definitions adequate. The current definitions also fit the equipment commonly used by farmers. The definitions do not present any problems. OHHP finds no troublesome aspects of the current definitions. OHHP finds appropriate the driver's license and commercial driver's license exemption for agricultural tractors and implements of husbandry; however, OHHP points out that the new law requires the driver of a tractor operated at speed of 25 mph or more, to possess a valid driver's license. OHHP finds appropriate the commercial driver's license exception for farm trucks. It also finds appropriate the restrictions imposed on holders of restricted commercial driver's license. The most serious concern law enforcement personnel has regarding the movement of farm vehicles on intrastate highways is the safe operation of these vehicles with regards to other motorists. The most common issue encountered by law enforcement personnel regarding farm vehicles on the road, is traffic congestion. OHHP does not think that there are confusing areas of OH law regarding farm vehicles and does not think anything should be changed.</p>
WV	The West Virginia Department of Transportation	The West Virginia Department of Agriculture did not complete	The West Virginia Farm Bureau (WVFB) finds that the current	The West Virginia State Police did not complete the survey.

	<p>(WVDOT) finds adequate the current definitions in the WV Vehicle Code regarding farm vehicles. WVDOT thinks that they fit the equipment used by farmers, and does not find any problem areas with the definitions. WVDOT finds appropriate the registration exemption implements of husbandry, farm machinery, and farm tractors, does not think it creates problems, and does not think anything should be added or changed in the registration exemption. WVDOT finds appropriate the size limitations applicable to farm tractors and machinery. WVDOT does not think anything in the Vehicle Code regarding farm vehicles should be changed.</p>	<p>the survey.</p>	<p>definitions are adequate and fit the equipment used by farmers. As most troublesome aspect of the current definitions, WVFB points out the “Farm Use” vehicle. WVFB states it is unclear what exactly a “farm use” vehicle is, and whether it is insured as a piece of farm equipment, or as a motor vehicle. The only problem with the current definitions is that they do not include all-terrain vehicles (ATVs) as implement of husbandry. WVFB thinks this problem can be solved by a simple change in the definitions. WVFB finds appropriate the registration exemption for farm machinery, farm tractors, and implements of husbandry. WVFB points out that acquiring the “farm use” sticker is sometime subject to abuse, but acquiring it from the assessor helps limit the abuse. WVFB thinks that ATVs should be included in the registration exemption. WVFB agrees with the current size limitations applied to farm vehicles.</p>	
<p>MD</p>	<p>The Maryland Department of Transportation (MD DOT) finds that the current definitions in the Maryland Transportation Code are adequate, fit the equipment commonly used by farmers, and do not present any problems. MD DOT finds appropriate the registration exemption for farm tractors and farm equipment, does not think that anything should be added or changed in the</p>	<p>The Maryland Department of Agriculture (MD Ag) finds that the current definitions are adequate, fit the equipment commonly used by farmers, and do not present any problems. MD Ag finds as most helpful the lower vehicle registration fees, based on the seasonal use of farm vehicles, and the registration exemption for farm equipment. MD Ag finds appropriate the registration exemption for farm tractors and</p>	<p>The Maryland Farm Bureau (MDFB) did not complete the survey.</p>	<p>The Maryland State Police (MDSP) finds that the current definitions fit the equipment used by farmers. The most troublesome aspect of the current definitions is that they are scattered in too many sections through the Transportation Code. MDSP thinks that this can be solved by consolidation of the definitions. MDSP finds appropriate the registration exemption for farm tractors and farm equipment appropriate, and does not think anything should be added or</p>

	<p>current registration exemption, and finds no problems with the current provisions governing farm truck registration, farm truck tractor registration, farm trailer and semitrailer registration, and farm area vehicle registration. MD DOT finds appropriate the current size limitations and their application to farm vehicles and equipment.</p>	<p>farm equipment; does not think that anything should be added or changed in the current registration exemption; finds no problems with the current provisions regarding farm truck registration, farm truck tractor registration, farm trailer and semitrailer registration, and farm area vehicle registration. MD Ag finds appropriate the current size limitations and their application to farm vehicles and equipment. However, MD Ag would like to see extension of the mileage that a farm area registered vehicle can operate. MD Ag points out that if an out-of-state unregistered farm vehicle, such as Pennsylvania Registration Exempt Farm Vehicle Type I and II, were to operate on Maryland roads, the Maryland State Police would have no means to confirm registration. Consequently, these vehicles would be required to return to their home state and would be possibly fined. MD Ag recommends that it may be important to remind Pennsylvania farmers operating registration exempt vehicles that they should only operate intrastate.</p>		<p>changed in this exemption. MDSP does not see any problem areas with the provisions regarding farm truck registration, farm truck tractor registration, farm trailer and semitrailer registration, and farm area vehicle registration. MDSP agrees with the current size limitations as applied to farm vehicles and equipment. MDSP would like to see the rules applied to interstate operation to be applied to intrastate operation. The most common concerns regarding farm vehicles and equipment are the weight violations and too many exceptions. MDSP states that many times the condition of farm vehicles and equipment is unsafe, and the farmers are under the impression that they are exempt from nearly everything pertaining to their operations. MDSP does not find anything in the Code confusing they just think that fewer exemptions should be provided.</p>
<p>DE</p>	<p>The Delaware Department of Motor Vehicles did not complete the survey.</p>	<p>The Delaware Department of Agriculture did not complete the survey.</p>	<p>The Delaware Farm Bureau did not complete the survey.</p>	<p>A Lieutenant Mark N. Collender indicated that he forwarded the survey to Delaware's Commercial Vehicle Enforcement Unit, to a Sgt. Phil Strohm. Attempts to contact Sgt. Strohm were not successful.</p>

<p>NY</p>	<p>The New York Department of Motor Vehicles did not complete the survey.</p>		<p>New York Farm Bureau was generally satisfied with their farm vehicle legislation. Many of the suggestions for change involved fairly minor changes to the definitions of the various vehicles. An example of this would be a suggested change from “used exclusively” to “used predominantly” to reflect the occasional non-farm use of the vehicles. Concerning the exemptions provided to farm vehicles, the officials interviewed advocated expansion of the exemptions to include vehicles under 26,000 lbs. The individuals do not feel simple definitional changes will suffice.</p>	<p>The New York State Police requested additional information as to the identity of the entity conducting the survey. When provided, they still did not complete the survey.</p>
<p>MI</p>	<p>The Michigan Department of Motor Vehicles did not complete the survey.</p>	<p>The Michigan Department of Agriculture, a Mr. Craig, forwarded the survey to a Mr. Matt Smego, Associate Legislative Counsel to fill out. Unable to contact Mr. Smego’s after numerous attempts.</p>	<p>The Michigan Farm Bureau worked briefly with the New York State Police in filling out the survey.</p>	<p>The Michigan State Police worked briefly with the Michigan Farm Bureau in preparing the survey. Both agencies agreed that the main problem was the definitions. Specifically, the lack of explanation as to whether a vehicle meets the exemptions if it is <i>used</i> or <i>designed</i> as a farm vehicle. Additional examples they felt highlighted the problem were in the terms “used primarily”, “designed to”, and “which directly” as they felt these did not adequately indicate under what situations a vehicle would be in violation of the law. Furthermore, they felt that the definitions needed to be updated to reflect the passage of time between when the definitions were created (1949) and today. Lastly, the State Police specifically mentioned that the definition of “farm” needs to be</p>

				reworked because individuals can currently claim their garden as a farm and can get farm plates for their vehicles.
CA	The California Department of Motor Vehicles did not complete the survey.	A Mr. Harris from the Dept. of Food and Agriculture and suggested contacting the California Farm Bureau and the California DMV because he could not see how the Dept. of Agriculture could help.	The California Farm Bureau did not complete the survey after numerous attempts at contact.	The California Highway Patrol indicated that they could only state what the law was and could not offer their opinions on it, nor could they send an e-mail stating why.
NJ	The New Jersey Department of Motor Vehicles did not complete the survey.	The New Jersey Agriculture Department felt that the definitions did not at all define sufficiently the vehicles used in farming. Further, the definitions did not stand the test of time and were inadequate for modern times, having been developed in 1938. They feel that the lack of clarity in the definitions prevents accurate and fair enforcement and also opens up avenues of liability where there should not be any. They feel that simple definitional changes would suffice. The Department further indicated their belief that educating the enforcement officials as to what is and is not allowed is also necessary.	The New Jersey Farm Bureau did not complete the survey.	The New Jersey State Police felt that the definitions were sufficient in that they were broad enough to encompass most/all of the vehicles used by farmers. However, the agency felt that educating the individuals officers could help to prevent/reduce any problems that may come up.

**APPENDIX K:
COMMON DEFINITIONS TABLE
FOR FINAL REPORT**

INTERSTATE FARM VEHICLE STUDY

**PREPARED FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION BY THE
PENNSYLVANIA STATE UNIVERSITY RESEARCH TEAM: DALE PAGE AND DIANA MITKOVA
MILLER**

DATE: 3/7/2008

State	Common Definitions		
	Farm Vehicle	Farm Equipment	Implement of Husbandry
PA	<p>A truck or truck tractor determined by the Department of Transportation to be used exclusively for agricultural purposes. 75 Pa.C.S § 102.</p>	<p>A vehicle that is specifically designed, manufactured for, and used exclusively in agriculture to plant, seed, cultivate, harvest, or to apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the Pennsylvania Department of Transportation to be farm equipment. 75 Pa.C.S § 102.</p>	<p>Farm equipment, that is equipped with pneumatic tires - except if prohibited by religious beliefs; is infrequently operated or moved upon highways; and is used in the performance of agriculture production or harvesting activities for the farmer's agricultural operations; or for transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operation. The term also includes earthmoving equipment and any other vehicle determined by the Pennsylvania Department of Transportation to be an implement of husbandry. 75 Pa.C.S § 102.</p>
MD	<p>A vehicle that: 1) is owned by a farmer; 2) is used only in the farmer's farming business and about the farmer's farm home and in hauling farm products and the labor, supplies, equipment, and other materials necessary to the operation of the farm and farm home; and 3) is not used to haul farm products previously acquired by the farmer for resale or to haul farm products for hire for another person who is not a farmer. Md. Transp. Code Ann. § 13-911(c).</p>	<p>A vehicle that: 1) is designed and adapted only for agricultural, horticultural, or livestock raising operations; 2) is designed and adapted only for lifting or carrying a "farm vehicle"; or 3) is designed and adapted for splitting firewood. It also includes silvicultural equipment weighing 62,000 pounds or less gross weight. Md. Transp. Code Ann. § 11-120(a)(b).</p>	
TX	<p>Any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agricultural products, farm machinery, and farm supplies to or from a farm or ranch. 37 TAC § 4.11(7).</p>		<p>Farm implements, machinery, and tools as used in tilling the soil, including self-propelled machinery specifically designed or adapted for applying plant food materials or agricultural chemicals but not specifically designed or adapted for the sole purpose of transporting the materials or chemicals. The term does not include a passenger car or truck. Tex. Transp. Code § 502.001(8).</p>
WV			<p>Every vehicle which is designed for or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations,</p>

			including, but not limited to, trucks used for spraying trees and plants: Provided, that the vehicle may not be let for hire at any time. W. Va. Code § 17A-1-1(q).
DE		An implement that is a) designed and adapted only for agricultural, horticultural or livestock raising operations; or b) Is designed and adapted only for lifting or carrying an implement described in paragraph a. of this subdivision. DE Code Title 21, Ch. 1.	
NY		Machinery, vehicles, implements, bags, containers and articles necessary, desirable or used in the production and marketing of crops and the movement of soil. 1 NYCRR § 127.1 (d).	
MI			A vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field. MI Code Section 257.21.
CA			A vehicle which is used exclusively in the conduct of agricultural operations. An implement of husbandry does not include a vehicle if its existing design is primarily for the transportation of persons or property on a highway, unless specifically designated as such by some other provision of this code. CMVC Div 16 Chp. 1 Section 36000