



NORTH DAKOTA Agriculture Transportation Handbook

State and Federal Statutes,
Rules and Exemptions
for the
Agricultural Industry



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Federal Resources

Federal Motor Carrier Safety Admin. (ND) (701) 250-4346
Website..... www.fmcsa.dot.gov

North Dakota Resources

North Dakota Highway Patrol
(Motor Carrier Division)..... (701) 328-2490
Website..... www.nd.gov/ndhp/mcarrier

Vehicle Size and Weight/Permits (DOT Building,
Capitol Grounds, Bismarck, ND)..... (701) 328-2621

North Dakota Department of Transportation.. (701) 328-2500
Website..... www.dot.nd.gov

Surrounding State Transportation Resources

South Dakota DOT (605) 773-3265
Website..... www.sddot.com

Minnesota DOT (Central)..... (800) 657-3774
Website..... www.dot.state.mn.us

Montana DT..... (406) 444.6200
Website..... www.mdt.mt.gov

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PUT SAFETY INTO PRACTICE

Agricultural operators are accustomed to hazardous working conditions and are familiar with the importance of operating dangerous machinery in a safe manner on the farm and in agricultural processing operations.

Since most agricultural operations are seasonal, the work can be intense for short periods. Due to the nature of the business, many agricultural operations use temporary workers who might not be familiar with safe operating procedures. This unique aspect of the business increases the importance of diligent management.

Practical steps for managers include:

KNOW YOUR DRIVERS

To qualify for a truck driving job with a company operating in interstate commerce, a driver must meet the minimum requirements prescribed in the Federal Motor Carrier Safety Regulations guide.

While these requirements may not apply to all trucking operations, they are a good guide to follow.

A driver must meet the following requirements:

- Be in good health and physically able to perform all duties of a driver.
- Be at least 21 years of age.
- Be able to drive the vehicle safely.
- Know how to safely load and properly block, brace, and secure the cargo.
- Speak and read English well enough to converse with the general public, understand highway traffic signs and signals, respond to official questions, and be able to make legible entries on reports and records.

- Have only one valid commercial motor vehicle operator's license.
- Provide an employing motor carrier with a list of all motor vehicle violations or a signed statement that the driver has not been convicted of any motor vehicle violations during the past 12 months. A disqualified driver must not be allowed to drive a commercial motor vehicle for any reason.
- Pass a driver's road test or equivalent.
- Complete an application for employment.
- Possess a valid medical certificate.

[Source: <http://www.fmcsa.dot.gov/safety-security/eta/part391.htm>]

COMMUNICATE WITH YOUR DRIVERS

Stay in contact with your drivers on a daily basis to know how issues in their personal lives could affect their alertness behind the wheel.

MONITOR AND MANAGE FATIGUE OF YOUR DRIVERS

Rest is really the only recommended antidote to fatigue. However, also encourage drivers to make a commitment to a healthy lifestyle. Five prescriptions for personal health and wellness are:

- Refuel: healthy eating habits
- Rejuvenate: exercise
- Revitalize: get adequate rest and sleep
- Relax: manage stress
- Relate: relationships with family and friends

[Source: Manager's Guide to Safe Trucking During Agricultural Planting and Harvest Season: Agricultural and Food Transporters Conference: <http://www.truckline.com/Federation/Conferences/AFTC/Pages/Default.aspx>]

ANHYDROUS AMMONIA

Farm Transfer Facilities

Agricultural producers can transfer anhydrous ammonia only from cargo tanks to nurse tanks when the following safety requirements are met:

- The transport tank must have complete, up-to-date certification and labeling.
- Wheel chocks of adequate size must be used on the transport tank and the nurse tank before the transfer processes begin.
- The following articles must be on the **transport** tank: 1) a 5-gallon reservoir of clean water, 2) ammonia-impervious gloves, 3) two full-face piece respirators with ammonia canisters and non-vented goggles.
- The following articles must be on **nurse** tanks: 1) a 5-gallon reservoir of clean water, 2) a legal decal illustrating the step-by-step ammonia transfer process and 3) a legal decal explaining first aid procedures to follow when exposed to anhydrous ammonia.
- The transfer process must be done on a firm, well-prepared, level surface during daylight hours on the owner's or consignee's property.

The following minimum setback distances apply to transfer facilities:

- 50 feet from any adjoining property or any highway or railroad mainline
- 450 feet from any residence or public assembly
- 750 feet from any institutional residence
- one mile from any city limits

Transport Safety Practices

Highway towing rules:

- Tow no more than two portable tanks behind one vehicle.
- The speed limit is 25 miles per hour.
- The overall length of the entire transporting unit may not exceed 75 feet.
- Nurse tanks can be transported only on public roads between sunrise and sunset.
- A slow moving vehicle (SMV) emblem or a lighted rotating or flashing amber light must be displayed on the rear of the towed nurse tank.
- Safety chains must be used if nurse tanks are towed faster than 15 miles per hour.
- Tanks must be identified in the front and rear and both sides with the words "ANHYDROUS AMMONIA" in letters not less than 2 inches high.
- Tanks must be placarded in the front and rear and on both sides with approved Department of Transportation (DOT) "NON-FLAMMABLE GAS" placards.
- The DOT "NON-FLAMMABLE GAS" placard ("1005" decals) is also required to be on the nurse tank.

[Source: Anhydrous Ammonia: Managing the Risks: John Nowatzki, NDSU, Revised August 2008]

INSPECTION – The insurance commissioner may inspect any farm transportation wagon or vehicle designed to apply anhydrous ammonia which is in the vicinity of an anhydrous ammonia storage facility. The commissioner may order the discontinuance of use of any farm transportation wagon or implement of husbandry which is found unsafe or hazardous.

[Source: ND Century Code 19-20.2-07]

HAZARDOUS MATERIAL PERMIT

– North Dakota does not require a state permit for **intrastate** hazardous material transportation. **Interstate** movement of the agricultural product must conform to the requirements of the state in which it is transported. Transporters of hazardous waste must have a permit from the Health Department.

[Source: NDHP Trucker's Handbook] [Source: 49 CFR 173.5]

Additional information regarding the transportation of hazardous materials in agricultural operations can be found in the North Dakota Administrative Code, Chapter 38-03-02 and the Code of Federal Regulations: 49CFR 173.5.

HEALTH CARD/AGE/ DRUG & ALCOHOL

ALCOHOL AND SUBSTANCE

ABUSE TESTING – Federal Law exempts operators of a farm vehicle from alcohol and controlled substance testing if the farm vehicle is:

- Controlled and operated by a farmer;
- Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- Not used in the operations of a common or contract motor carrier; and
- Used within 150 miles of the farmer's farm.

[Source: 49 CFR 382.103]

MEDICAL CARDS – Medical cards **are not required** for a driver involved in **intrastate** or **interstate** commerce who drives a CMV controlled and operated by a person engaged in custom-harvesting operations under the following conditions. The CMV is:

- Used to transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm
- Used to transport custom-harvested crops to storage or market
- Operated by a beekeeper engaged in the seasonal transportation of bees
- A **non-articulated** farm vehicle (Articulated farm vehicles are not exempt from this requirement.)
- Operated within 150 miles of farm

[Source: 49 CFR 391.2] [Source: 49 CFR 391.67]

AGE – Class A, B, or C license may be issued to a person at least 16 years of age for **custom harvesting purposes** only for **intrastate** transport. You must be at least 21 years of age to drive a commercial vehicle across state lines (**interstate**).

[Source: CDL Guide 2007-2009: Department of Transportation]

HEIGHT/WEIGHT LIMITS

WIDTH, HEIGHT, WEIGHT, AND LENGTH LIMITATIONS ON VEHICLES

Height – Vehicles operated on a highway in this state may not exceed a height of 14 feet, whether loaded or unloaded. This limitation **does not apply** to vehicles that are at most 15 feet 6 inches high when **all** of the following apply:

- The vehicle is an implement of husbandry and is being moved by a resident farmer, rancher, dealer, or manufacturer.
- The trip is at most 60 miles.
- The trip is between sunrise and sunset.
- None of the trip is on an interstate highway.

[Source: ND Century Code 39-12.04]

Width – Vehicles operated on a highway in this state may not exceed a total outside width, including load thereon, of 8 feet 6 inches. This limitation **does not apply** to:

- Implements of husbandry being moved by resident farmers, ranchers, governmental entities, dealers, or manufacturers between sunrise and sunset on public state, county, or township highway systems other than interstate highway systems.
- Hay in the stack or bale being moved along the extreme right edge of a roadway between sunrise and sunset by someone other than a commercial mover.
- Commercial movement of haystacks or hay bales with vehicles designed specifically for hauling hay, commercial

movement of self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators, whether operating under their own power or being transported by another vehicle, commercial movement of portable grain cleaners, commercial movement of forage harvesters, and the commercial movement of hay grinders, which may be moved on the highway after obtaining a seasonal permit issued by the highway patrol. The highway patrol shall issue seasonal permits that are valid during daylight hours on any day of the week, or that are valid at all times for the movement of self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators, to any commercial entity otherwise qualified under this subdivision.

[Source: ND Century Code 39-12.04]

Length – Length limitations **do not apply** to truck-mounted haystack moving equipment, provided such equipment does not exceed a length of 56 feet.

[Source: NDHP Trucker’s Handbook]

Weight – A person **may not** operate on a highway which is part of the **interstate** system or **intrastate** highways any vehicle with a single axle that carries a gross weight in excess of 20,000 lbs. or a wheel load over 10,000 lbs. A wheel may not carry a gross weight over 550 lbs. for each inch of tire width.

[Source: ND Century Code 39-12-05]

Pilot car(s) are required for all movements exceeding 14 feet 6 inches in width, 18 feet in height, and 120 feet in overall length. In lieu of the pilot car, over-width movements exceeding 14 feet 6 inches but not 16 feet may be equipped with lighted rotating or flashing amber light(s) that are visible from the front and rear at 500 feet. Load movements exceeding 18 feet in overall width are subject to an NDHP escort. Excessive overweight load movements are also subject to pilot cars and an official escort.

[Source: NDHP Trucker's Handbook]

HOURS OF SERVICE

INTRASTATE TRAVEL – Federal and state regulations governing maximum driving and on-duty time **do not apply** to a driver transporting agricultural commodities or farm supplies, including farm equipment and machinery, for agricultural purposes in North Dakota during planting and harvesting seasons from January 1 through December 31, if the transportation is limited to an area within a **100 air-mile radius** from the source of the commodities or the distribution for the supplies. Drivers of vehicles with a manufacturer’s gross vehicle rating of 26,000 lbs. or less are exempt from hours of service limitations when operating wholly within the state of North Dakota. For drivers exceeding the 100 air-mile radius, hours of service regulations apply. Intrastate regulations of the 12, 15 and 70 hour rule apply.

[Source: NDHP Trucker’s Handbook] [Source: ND Century Code 39-06.2-17; and 39-32]

INTERSTATE COMMERCE requires all drivers to stay within the hours of service limits if:

- Vehicle 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, whichever is greater.
- Is used in transporting hazardous material in a quantity requiring placarding.

[Source: CFR 390.5 Definition of CMV]

Ag exemption – operators transporting agricultural commodities or farm supplies with a 100 air-mile radius. (rev. 4/1/2010)

IN CANADA, driving time is limited by Canadian regulations. Drivers must always be in compliance with the rules in the country they are driving.

[Source: NDHP Trucker's Handbook]

LOG BOOKS – Log book records **are required** if the exemptions are not met in interstate or intrastate travel.

Interstate

- Cannot drive more than 11 cumulative hours following 10 consecutive hours off duty; or
- For any period after the end of the 14th hour after coming on duty following 10 consecutive hours off duty.
- Having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates a commercial motor vehicle every day of the week.
- Any period of 8 consecutive days may end with the beginning of any off duty period of 34 or more consecutive hours.

Hours of Service

- Cannot drive more than 12 hours following 10 consecutive hours off duty.
- For any period after having been on duty more than 15 hours.
- After having been on duty for 70 hours in any period of 7 consecutive days.

(rev. 4/1/2010)

IMPLEMENTS OF HUSBANDRY

LAMPS, REFLECTORS, & REFLECTIVE MATERIALS ON FARM TRACTORS, FARM EQUIPMENT, AND IMPLEMENTS OF HUSBANDRY

Every farm tractor, self-propelled unit of farm equipment, or towed implement of husbandry must be equipped as follows:

- **Tractors and self-propelled units of farm equipment** must be equipped with **two single-beam or multiple-beam headlamps**. If said unit is not equipped with an electrical system, it must be equipped with at least **one lamp displaying a white light** visible when lighted from a distance of not less than 1,000 feet to the front of the vehicle and at least **one lamp displaying a red light** visible when lighted from a distance of 1,000 feet to the rear of the vehicle. In addition, it must be equipped with **two red reflectors** visible from all distances from 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps.
- Lights must be illuminated one half hour after sunset to one half hour before sunrise.
- **Every towed unit of farm equipment or implement of husbandry** must be equipped with at least **one lamp displaying a red light** visible when lighted from a distance of 1,000 feet to the

rear or **two red reflectors** visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps. In addition, if the extreme left projection of a towed unit of farm equipment or implement of husbandry extends beyond the extreme left projection of the towing tractor or vehicle, the unit or implement must be equipped with at least **one amber lamp or reflector** mounted to indicate as nearly as practicable the extreme left projection and visible from all distances within 600 feet to 100 feet to the front when illuminated by the lower beams of headlamps and at least **one red lamp reflector** mounted and visible from the same distances to the rear.

[Source: ND Century Code 39-21-15]

Height and Weight Limits on Implements of Husbandry – *(For information on height/weight limits refer to Height/Weight tab)*

TRUCK INSPECTIONS

ANNUAL INSPECTIONS – An annual vehicle inspection is required on all **interstate** vehicles with a GVWR or GCWR exceeding 10,000 lbs., including farm vehicles crossing state lines, when used for conducting business. This inspection must also be done on all **intrastate** vehicles, including farm vehicles, with a GVWR over 26,000 lbs. (Intrastate commercial motor vehicles with a gross vehicle weight of 26,000 lbs. or less are exempt from all federal motor carrier safety regulations.)

A copy of the periodic annual vehicle inspection must be kept in the vehicle to be produced at roadside inspections. This can either be a sticker on the vehicle or a copy of the actual inspection form. A copy of the periodic annual vehicle inspection report must also be kept at the carrier's principal place of business in the maintenance file for a period of 14 months from the date of inspection.

[Source: NDHP, Who Needs a Periodic Annual Vehicle Inspection? <http://www.nd.gov/ndhp/pdf/permits/inspections.pdf>]

Failure to properly perform inspections may result in monetary penalties. Additional information regarding inspections and inspector qualifications can be found online at FMCSA, Vehicle Related Regulations in Parts 393, 396, and Appendix G. http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.aspx?section_type=V

ROADSIDE INSPECTIONS

- All vehicles over 10,000 lbs. gross vehicle weight rating are subject to safety inspection at fixed or roadside locations.
- All vehicles within the state are subject to having their weight verified on portable or fixed scales.
- During safety or weight inspections, random vehicle and log book checks are conducted. Vehicles and/or operators found with an out-of-service violation will be placed out of service.

[Source: NDHP Trucker's Handbook]

Annual and roadside inspections **are not** required on **implements of husbandry**.

LICENSING & REGISTRATION

DRIVER'S LICENSING – North Dakota

Law states a CDL requirement is waived for farm-to-market operations. Exemptions must meet the following criteria:

- Drivers age 14 or 15 may drive a farm motor vehicle within 150 miles of driver's farm, having a gross weight of not more than 50,000 lbs., when transporting agricultural products or farm supplies.
- Any two-axle, tandem axle, or truck-tractor farm vehicle controlled and operated by a farmer transporting agricultural products, farm machines, or farm supplies to or from a farm within 150 miles of the person's farm. Farm vehicle may tow a trailer, semi-trailer, or farm trailer **except** double, triple trailers or if under 18 years of age, a truck-tractor.
- Any farm vehicle operated by a farmer may transport hazardous material within 150 miles of the farm without a hazardous material endorsement on the operator's license.

[Source: CDL Guide 2007-2009 http://www.dot.nd.gov/divisions/dlts/docs/class_c1.pdf]

RESTRICTED CDL – The required knowledge and skills tests may be waived and a restricted commercial driver's license issued to employees of agrichemical businesses, custom harvesters, farm retail outlets and suppliers, including retailers and suppliers of trees, and livestock feeders. The restricted CDL is valid for a seasonal period or periods defined by the State but not exceeding 180 days in any 12-month period. If a State elects

to provide for more than one seasonal period, the restricted CDL is valid for CMV operation only during the currently approved season, and must be revalidated for each successive season. Only one seasonal period of validity may appear on the license document at a time.

[Source: ND Century Code 39-06-2] [Source: 49 CFR 383.3]

VEHICLE REGISTRATION – Farm vehicles are required to register with the state and be furnished with registration plates. Farm vehicles not required to register must be furnished with an identification plate. Farm vehicles are considered to be trucks or combinations of trucks and trailers weighing more than 20,000 lbs. but not more than 105,500 lbs., owned or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer’s own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places, but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire.

[Source: ND Century Code 39-04-19]

Farm tractors may be operated upon the highways, roads, and streets of this state without being registered. Lamps, reflectors and other reflective equipment compliance is required. (For more information regarding lamps/reflective equipment refer to Implements of Husbandry tab.)

[Source: ND Century Code 39-04-19]

CERTIFICATE OF TITLE REQUIREMENT – No certificate of title need be obtained for **implements of husbandry**.

[Source: ND Century Code 39-05-02]

FARM VEHICLE REGISTRATION RECIPROcity AGREEMENTS – For North Dakota farm plated vehicles hauling their own product, supplies, or equipment for interstate commerce:

- **Manitoba, Saskatchewan, and Montana** – no mileage restriction provided movement is interstate operation only.
- **Minnesota** – expanded free zone for farmers – approximate north-south line from Cass Lake, MN to Fairmont, MN.
- **South Dakota** – 20 mile free zone from ND/SD border traveling most reasonably direct route.

[Source: NDHP <http://www.nd.gov/ndhp/permits/reciprocity.html>]

U.S. DOT IDENTIFICATION NUMBERS

Anyone who is participating in a business venture and has a vehicle(s) which meets the definition of a CMV must have a USDOT number prior to operating in **interstate** commerce. Example: A farmer with a 1/2 ton pickup that has a GVWR of 6,000 lbs., and a bumper hitch stock trailer that has a GVWR of 4,500 lbs., who hauls a load of cows to South Dakota to an auction barn will need to have a USDOT number. (The pickup GVWR added to the trailer GVWR is 10,500 lbs.) A U.S. DOT number **is not** required for **intrastate** travel.

[Source: NDHP, Who Needs a USDOT Number and Operating Authority, <http://www.nd.gov/ndhp/pdf/permits/dot.pdf>]

IMPORTANT PARTS & ACCESSORIES

All vehicles on roadways must meet state operating conditions. There are no farm exemptions for parts and accessories necessary for safe operation. Parts & accessories shall be in safe and proper operating condition at all times.

LIGHTED LAMPS – Every farm vehicle upon a highway within this state must have working lamps and proper illuminating devices if traveling within a half hour after sunset to a half hour before sunrise.

[Source: ND Century Code 39-21-01]

BRAKES – Motor vehicles, when operated upon a highway, must be equipped with brakes adequate to control the movement of and to stop and hold such vehicle. Every farm tractor, when operated upon a highway, must be equipped with at least one brake, which may be operated by hand or foot.

[Source: ND Century Code 39-21-32]

MIRRORS – Every motor vehicle, operated singly or when towing any other vehicle, must be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle.

[Source: ND Century Code 39-21-38]

SEAT BELTS – A commercial motor vehicle which has a seat belt assembly installed at the driver’s seat shall not be driven unless the driver has properly restrained himself/herself with the seat belt assembly. Seat belts **are not** required in **implements of husbandry**.

[Source: 49 CFR 392.16]

Parts and accessories are not limited to those listed above.

SPECIAL AGRICULTURAL PERMITS & PROVISIONS

SEASONAL PERMITS

Seasonal permits will be issued in lieu of single trip permits for **commercial** movement of over-width haystacks, hay bales, forage harvesters, grain cleaners, hay grinders, fertilizer spreaders and chemical applicators transported by another vehicle, and for commercial movement of over-width and over-weight self-propelled fertilizer spreaders and self-propelled agricultural chemical applicators. An insurance certificate showing a minimum \$300,000 liability and property damage insurance **must be submitted** with the application.

[Source: NDHP Trucker's Handbook]

Seasonal permits **do not** authorize movement of haystacks and hay bales on I-29 and I-94 when using haystack moving equipment. If no alternate routes are available, a single trip permit may be issued provided a pilot car follows the movement.

(For more information regarding pilot cars refer to Height/Weight tab)

[Source: North Dakota Strategic Freight Analysis Truck Size and Weight Issues in North Dakota, Berwick, Mark, 2007]

A North Dakota farmer or rancher moving **his/her own hay** (bales or haystacks) is **not required** to have a seasonal permit or single trip permit, regardless of what type of equipment is used. A farm truck with mounted haystack moving equipment is considered an implement of husbandry and is exempt from registration.

[Source: North Dakota Strategic Freight Analysis Truck Size and Weight Issues in North Dakota, Berwick, Mark, 2007]

The seasonal permits issued for stack movers will show “**EXEMPT**” on the width. All other types of vehicles used for hauling hay bales will be restricted to 12 feet in overall width, except trailers designed specifically for hauling hay bales shall not exceed 12 feet 10 inches wide including the loading arm (trailer extensions must be retracted when unladen).

[Source: North Dakota Strategic Freight Analysis Truck Size and Weight Issues in North Dakota, Berwick, Mark, 2007]

DEFINITIONS

Anhydrous ammonia is a source of nitrogen fertilizer with very caustic properties. When used as an agricultural fertilizer, it is compressed into liquid.

Axle weight is the weight transmitted to the ground by one axle or one set of axles.

CDL means commercial driver's license.

Commercial freighting means the carriage of things other than passengers, for hire, except hauling done by farmers for their neighbors in transporting agricultural products to or from market.

[Source: ND Century Code 39-01-01]

CMV means commercial motor vehicle.

Farm tractor includes every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines, and other implements of husbandry.

[Source: ND Century Code 39-01-01]

Farm trailer includes those trailers and semitrailers towed by a bona fide resident farmer hauling the farmer's own agricultural, horticultural, dairy, and other farm products if the gross weight, not including the towing vehicle, does not exceed 24,000 lbs.

[Source: ND Century Code 39-01-01]

Gross vehicle weight (GVW) is the total weight of a single vehicle plus its load.

Gross combination weight (GCW) is the total weight of a powered unit, plus trailer(s), plus the cargo.

Gross vehicle weight rating (GVWR) is the maximum GVW specified by the manufacturer for a single vehicle plus its load.

Gross combination weight rating (GCWR) is the maximum GCW specified by the manufacturer for a specific combination of vehicles plus its load.

Implement of husbandry means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highway.

[Source: ND Century Code 39-01-01]

Gross weight means the weight of a vehicle without load plus the weight of any load thereon.

[Source: ND Century Code 39-01-01]

Intrastate refers to any goods transported within the state of North Dakota.

Interstate refers to any goods transported across state borders.