

\$5.00

Florida Farm Bureau



Transportation Laws and Agriculture

What You Need to Know
to Stay in Compliance

Florida Farm Bureau Transportation Tips Handbook

Page 1

2004-2005

Dear Farm Bureau Members,

The rules and regulations surrounding a farmer's ability to transport crops, equipment and other materials can often be a source of frustration. It is very important that farmers be able to understand their responsibilities so they can avoid the headaches and the fines that come with not knowing the rules and regulations.



At Florida Farm Bureau, we have fielded many questions on the subject of transportation and we feel that a resource is needed that will help clarify transportation laws as they apply to agriculture.

In the following pages you will find the answers to several common questions that apply to farm transportation. For most of them the relevant Florida Statute is provided as well as a simple description of how it applies to you.

This booklet is meant to be a reference to help you, but it cannot be completely comprehensive. There are many complicated rules and regulations surrounding the issue of transportation that can not be fully explained in this booklet. However, the information contained here will be very useful to you as you work to comply with transportation laws on your operation.

If you have any questions about your specific situation or anything not contained in this booklet, please use the information on the contacts page to contact the Department of Transportation.

Sincerely,

A handwritten signature in black ink that reads "Carl B. Loop Jr." in a cursive style.

Carl B. Loop Jr.
President
Florida Farm Bureau Federation

Disclaimer:

This publication is designed to provide accurate, current and authoritative information on this subject. However, since the laws, administrative rulings and court decisions on which it is based are subject to constant revision, portions of this publication could become outdated at any time.

This publication is distributed with the understanding that it is not intended to render legal or other professional advice, and the information contained herein should not be regarded, or relied upon, as a substitute for professional advice.

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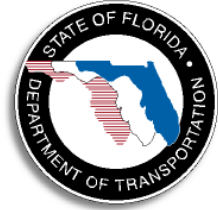
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Contact Information

If you have any questions about your specific situation or anything not contained in this booklet please use the information on this page to contact the Department of Transportation.

Florida Department of Transportation



Motor Carrier Compliance Office

1815 Thomasville Road
Tallahassee, FL 32303-5750
www.dot.state.fl.us/mcco
www.floridatruckinginfo.com
Phone: (850) 245-7900
Fax: (850) 245-7901

Hazardous Materials Enforcement

(850) 245-7900

DOT Field Offices

| | |
|--|--|
| Pensacola Field Office Phone: (850) 981-3100 Fax: (850) 981-3034 | Miami Field Office Phone: (305) 499-2298 Fax: (305) 429-2452 |
| Panama City Field Office Phone: (850) 872-7703 Fax: (850) 747-5419 | West Palm Beach Field Office Phone: (561) 432-4966 ext. 3 Fax: (561) 432-4766 |
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License Requirements

What do the Florida drivers license classifications stand for?

The Department of Highway Safety and Motor Vehicles issues the following classes of licenses: Class A, B, C, D, and E.

- Classes A, B, and C are Commercial Drivers Licenses and are for drivers of commercial motor vehicles such as large trucks and busses.
- Classes D, and E are for drivers of non-commercial vehicles. Farm vehicles typically fit into this category as long as they are not used for hire.

Do I need a Commercial Drivers License (CDL)?

The Letter of the Law [F.S. 322.53(2) (c)]

(2) The following persons are exempt from the requirement to obtain a commercial driver's license:

(c) Farmers transporting farm supplies or farm machinery within 150 miles of their farm, or transporting agricultural products to or from the first place of storage or processing or directly to or from market, within 150 miles of their farm.

What It Means to You

Simply put, as long as you are a farmer transporting your own farm supplies, products or machinery within 150 miles of your farm, you are exempt from the requirement to obtain a CDL.



However, in most cases a regular Class E license is not sufficient for farmers. Florida law states that anyone who is exempt from obtaining a CDL and drives a commercial vehicle must obtain a Class D driver's license.

License Requirements ctd.

Do I need a Class D drivers license?

The Letter of the Law [F.S. 322.54(2) (d)]

(d) Any person, except a person who possesses a valid Class A, valid Class B, or valid Class C driver's license, who drives a truck or a truck tractor having a gross vehicle weight rating, a declared weight, or an actual weight, whichever is greatest, of 8,000 pounds or more but less than 26,001 pounds, or which has a width of more than 80 inches must possess a valid Class D driver's license.



What It Means to You

If you have a vehicle with a gross weight over 8,000 pounds or over 80 inches wide that is classified as a truck or a truck tractor and you use it for agricultural purposes, a Class D license is required.

In order to know whether or not you need a Class D license, you need to determine if your vehicle qualifies as

a truck or a truck tractor and whether it is over 8,000 pounds or 80 inches wide.

Your vehicle is a truck or truck tractor if it meets any of the following qualifications.

- It is a motor vehicle designed or used principally for carrying goods.
- It has a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.
- It is designed with a fifth-wheel for the primary purpose of hauling or pulling a trailer or semi-trailer.

Note: By legal definitions, a pickup truck could be classified as a truck and can require a Class D license if it is over 8,000 pounds.

You can determine the weight of your vehicle by finding its gross vehicle weight rating (GVWR).

- This information is usually found on a sticker or engraved plate on the driver's door jamb. If this weight rating, or the actual gross weight of the vehicle including its load is over 8,000 lbs. a Class D is required.

License Requirements ctd.

Note: If the GVWR is under 8,000 lbs. but the load causes the weight to be over 8,000 lbs. a Class D license is required.

Example: A pickup truck with a GVWR of 7,800 lbs. hauling four 50 lb. bags of feed will require a Class D license. Many larger pickup trucks such as Ford F350s and F250s are above or around 8,000 pounds, so this may apply to many farmers.

A Class D license is NOT needed for personal use of a truck. You only need a Class D if the truck is being used for agricultural purposes.

What are the requirements to get a Class D drivers license?

The requirements for obtaining a Class D license are much the same as a regular Class E license. You will be required to take several tests including: vision, hearing, road signs, Class D road rules and driving test (driving test not required if applicant holds valid Florida Class E operator's license).

For the complete Driver's Handbook as well as other information, visit <http://www.hsmv.state.fl.us/handbooks/English/> or contact your local highway patrol office.

What is an endorsement, and do I need one?

The Letter of the Law [F.S. 322.53, (4)]

A resident who is exempt from obtaining a commercial driver's license and who drives a commercial motor vehicle must obtain a Class D driver's license endorsed to authorize the operation of the particular type of vehicle for which his or her exemption is granted.

What It Means to You

An endorsement is basically a code on your license that allows law enforcement to see any special conditions associated with your license. An "F endorsement" is issued to those who drive farm type commercial motor vehicles, but who are exempt by law from obtaining a commercial driver license.

License Requirements ctd.

This “F endorsement” clearly indicates to law enforcement officials that you can drive commercial type vehicles with only a Class D license. If you obtain a Class D license because you drive agricultural trucks, be sure to have the “F-endorsement” included on your license.

Other things you should know about your license.

- **In most farm situations you will need a Class D license.**
The law requires a Class D license when a truck that weighs over 8,000 pounds or is over 80 inches wide is used to transport agricultural supplies or equipment. Under this requirement, when a Ford F250 (which has a gross weight of 8,800 pounds) is used for any agricultural purpose, a Class D license is required.
- **If you own a vehicle that weighs over 26,000 pounds and you ever use it for hire, you will need a CDL.**
Your agricultural exemption only applies when you are using your vehicle to transport your products or equipment for the purposes of your farm.

Example: If you are paid to use your truck weighing over 26,000 pounds to move someone else’s products or equipment at any time, a CDL is required.

Size and Weight Requirements

What are the legal lengths and widths for vehicles used in agriculture?

The Letter of the Law [F.S. 316.515 (5)]

(5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS, SAFETY REQUIREMENTS.

Notwithstanding any other provisions of law, straight trucks, agricultural tractors, and cotton module movers, not exceeding 50 feet in length, or any combination of up to and including three implements of husbandry including the towing power unit, and any single agricultural trailer with a load thereon or any agricultural implements attached to a towing power unit not exceeding 130 inches in width, or a self-propelled agricultural implement or an agricultural tractor not exceeding 130 inches in width, is authorized for the purpose of transporting peanuts, grains, soybeans, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, or for the purpose of moving such tractors, movers, and implements from one point of agricultural production to another, by a person engaged in the production of any such product or custom hauler, if such vehicle or combination of vehicles otherwise complies with this section. Such vehicles shall be operated in accordance with all safety requirements prescribed by law and Department of Transportation rules. The Department of Transportation may issue overlength permits for cotton module movers greater than 50 feet but not more than 55 feet in overall length.



What It Means to You

- You can pull no more than two trailers or agricultural implements behind any truck or tractor.
- The total **length** of the truck or tractor plus the trailers or implements cannot exceed 50 feet in length.
 - Cotton module movers over 50 feet but less than 55 feet in length need to obtain permits in order to be moved.
- The **width** of any truck, tractor, trailer or implement being hauled cannot be over 130 inches (10 feet 10 inches) **unless you obtain a permit.**

Size and Weight Requirements ctd.

IMPORTANT

If your vehicle exceeds either the length or width limitations, you need a permit to comply with the law. You can find out how to request a permit on page 11 of this booklet.

How can I determine my vehicle's maximum legal weight?

The Letter of the Law [F.S. 316.535]

(1) *The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds.*

(2) *For the purposes of this chapter, an "axle load" shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.*

(3) *Subject to the limit upon the weight imposed upon the highways through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the provided table.*

| Distance between first and last axles of vehicle or combination of vehicles (in feet). | Maximum load on all axles (in pounds). | Distance between first and last axles of vehicle or combination of vehicles (in feet). | Maximum load on all axles (in pounds). |
|--|--|--|--|
| 4 | 40,000 | 21 | 54,140 |
| 5 | 40,000 | 22 | 54,980 |
| 6 | 40,000 | 23 | 55,810 |
| 7 | 40,000 | 24 | 56,640 |
| 8 | 40,000 | 25 | 57,470 |
| 9 | 44,140 | 26 | 58,310 |
| 10 | 44,980 | 27 | 59,140 |
| 11 | 45,810 | 28 | 59,970 |
| 12 | 46,640 | 29 | 60,810 |
| 13 | 47,480 | 30 | 61,640 |
| 14 | 48,310 | 31 | 62,470 |
| 15 | 49,150 | 32 | 63,310 |
| 16 | 49,980 | 33 | 64,140 |
| 17 | 50,810 | 34 | 64,970 |
| 18 | 51,640 | 35 | 65,800 |
| 19 | 52,480 | 36 | 66,610 |
| 20 | 53,310 | | |

Size and Weight Requirements ctd.

What It Means to You

- Determining the maximum weight for a vehicle can be very complicated.
- Much of the time the maximum weight for a vehicle can be determined by following these steps and using the provided table.
 - Simply measure the distance between the first and last axles of your vehicle or vehicle/trailer combination.
 - On the table on the previous page, find the number closest to this length.
 - The number directly to its right is the vehicle's maximum legal weight.



IMPORTANT

While this table will be sufficient in many cases there are situations where different regulations apply. For more specific information on regulations regarding maximum weight please contact the Department of Transportation. You can also access information from the DOT Trucking Manual online.

<http://www.dot.state.fl.us/mcco/pdf/manual1998.pdf>

How can I obtain a permit and how much does it cost?

You can obtain a permit by contacting the Department of Transportation's Permits Office or by applying online.

Permits Office—(850)488-4961

<http://www2.dot.state.fl.us/permit/default.asp>

Permits can range in price depending on how oversize or overweight a vehicle happens to be. However, permits for towed farm equipment generally cost \$25 for a single trip permit and \$250 for a blanket permit that lasts 12 months.

Load Information

Do I need a cover for my load?

The Letter of the Law [F.S. 316.520]

(1) A vehicle may not be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, any inanimate object or objects, or any similar material that could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover or a load securing device designed to reasonably ensure that cargo will not shift upon or fall from the vehicle is required and shall constitute compliance with this section.

What It Means to You

- You can only haul loads in vehicles designed to keep the load in place.
- Loose materials should be covered with a tight fitting tarpaulin.

How do I legally tie down a load?

The Letter of the Law [F.S. 316.525]

It is the duty of every owner, licensee, and driver, severally, of any truck, trailer, semitrailer, or pole trailer to use such stanchions, standards, stays, supports, or other equipment, appliances, or contrivances, together with one or more lock chains, when lock chains are the most suitable means of fastening the load, or together with nylon strapping, when nylon strapping is the most suitable means of securing the load, so as to fasten the load securely to the vehicle.

What It Means to You

- It is your responsibility to use chains or straps to secure a load of any kind.
- The chains or straps must simply keep the load safely secured to the vehicle.

Note: There may be additional, more specific requirements for some types of loads. If you have any questions, please contact the Department of Transportation.

Hazardous Materials



Many agricultural operations use and transport hazardous materials as a part of their normal activity. Hazardous materials can include fertilizer, pesticides and even diesel fuel. By transporting any of these materials on public roads, farmers may be subject to the Hazardous Material Regulations. The following section will help you to know when you are exempt from Hazardous Material Regulations and in what situations they apply.

The Letter of the Law [49 CFR, 173.5]

Agricultural operations

(a) *For other than a Class 2 material, the transportation of an agricultural product over local roads between fields of the same farm is excepted from the requirements of this subchapter. A Class 2 material transported over local roads between fields of the same farm is excepted from subparts G and H of part 172 of this subchapter. In either instance, transportation of the hazardous material is subject to the following conditions:*

- (1) *It is transported by a farmer who is an intrastate private motor carrier; and*
- (2) *The movement of the agricultural product conforms to requirements of the State in which it is transported and is specifically authorized by a State statute or regulation in effect before October 1, 1998.*

(b) *The transportation of an agricultural product to or from a farm, within 150 miles of the farm, is excepted from the requirements in subparts G and H of part 172 of this subchapter and from the specific packaging requirements of this subchapter when:*

- (1) *It is transported by a farmer who is an intrastate private motor carrier;*
- (2) *The total amount of agricultural product being transported on a single vehicle does not exceed:*
 - (i) *7,300 kg (16,094 lbs.) of ammonium nitrate fertilizer properly classed as Division 5.1, PG III, in a bulk packaging, or*
 - (ii) *1900 L (502 gallons) for liquids or gases, or 2,300 kg (5,070 lbs.) for solids, of any other agricultural product;*

Hazardous Materials ctd.

The Letter of the Law ctd.

(3) *The movement and packaging of the agricultural product conform to the requirements of the State in which it is transported and are specifically authorized by a State statute or regulation in effect before October 1, 1998; and*

(4) *Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of this subchapter.*

(c) *Formulated liquid agricultural products in specification packagings of 220 L (58 gallons) capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.*

When am I exempt from hazardous materials requirements?

- You are exempt from most hazardous material regulations when you are transporting agricultural products between fields of the same farm.
 - o **Note:** This exemption does not apply to Class 2 materials (gasses such as anhydrous ammonia). When transporting hazardous materials in a gas form, you must abide by all regulations.
- You are exempt from the requirement to comply with the emergency response and training requirements of the Hazardous Material Requirements if you are transporting agricultural products to or from your farm, within 150 miles of the farm.

IMPORTANT

In all circumstances you must comply with the hazard communication section that requires proper shipping papers, placards, etc. Retailers are required to provide you with the shipping papers and placards if the product requires them. However, it is your responsibility to keep these things in the vehicle transporting the hazardous materials. Be sure to keep shipping papers in the passenger seat so that they are easily visible in case of an accident.

Hazardous Materials ctd.

When would this exemption not apply to me?

- You would not be exempt from the Hazardous Material Requirements if...
 - o You are transporting more than 502 gallons of a liquid or gas agricultural product.
 - o You are transporting more than 5,070 pounds of solid agricultural product.
 - o You are transporting more than 16,094 pounds of ammonium nitrate fertilizer in a bulk container.
-

Other information regarding hazardous materials.

- Fuel tanks having a capacity greater than 119 gallons of gasoline or diesel fuel must be properly placarded.

Does someone need a license to drive a tractor on the road?

The Letter of the Law [F.S. 322.04(1) (b)]

(1) The following persons are exempt from obtaining a driver's license:

(b) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

What It Means to You

A driver's license is not needed if a person is driving a farm tractor or implement of husbandry on the highway.

Are tractors and implements exempt from size requirements?

The Letter of the Law

See F.S. 316.515 (5) on page 9.

What It Means to You

Tractors and farm implements are exempt from some size requirements. However, as explained on page 9, farm equipment over 130 inches wide or over 50 feet long require a permit. See page 11 for more information on obtaining a permit.



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This document has been produced by Florida Farm Bureau's Agricultural Policy Division as a service to Farm Bureau members.

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**Florida Department of Transportation
Motor Carrier Compliance Office**

**Florida Department of Agriculture
and Consumer Services**

The Florida Farm Bureau Federation is the state's largest general-interest agricultural association with more than 151,000 member-families statewide. There are Farm Bureaus representing 64 counties in Florida, where agriculture comprises a stable, vital foundation of Florida's economy, rivaling the tourism industry in economic importance. Headquartered in Gainesville, the Federation is an independent, non-profit agricultural organization and is not associated with any arm of the government.

**For further information about
Florida Farm Bureau, visit our website
floridafarmbureau.org.**
