



Kansas Corporation Commission - Transportation Division

Compliance Guidelines for the Kansas Farm Vehicle Driver Transporting Anhydrous Ammonia Intrastate

In order to determine the applicability of the state and/or federal safety regulations you must remember, the Federal Motor Carrier Safety Administration (FMCSA) has jurisdiction over Commercial Drivers License (CDL), Substance & Alcohol Testing and Hazardous Materials in intrastate and interstate commerce.

Remember, the Kansas Statute Annotated (K.S.A.) 66-1,129 (c) (1) does not exempt a farm vehicle driver that transports placardable amounts of hazardous materials from the state or federal safety regulations. The state of Kansas has adopted the FMCSA hazardous materials regulations through Kansas Administrative Regulation (K.A.R.) 82-4-3k and the Pipeline and Hazardous Materials Safety Administration (PHMSA) hazardous materials regulations through K.A.R. 82-4-20.

The Kansas Administrative Regulations (K.A.R.) 4-10-5 exempts Nurse Tanks transporting Anhydrous Ammonia intrastate, from the safety regulations such as lights and brakes.

PHMSA's hazardous materials regulations offer exemptions for intrastate private motor carriers in 173.5 "Agricultural Operations" (see attachment).

For the purposes of the Federal Motor Carrier Safety Regulations (49 CFR Parts 390 – 399), a **farm vehicle driver means** a person who drives only a commercial motor vehicle that is:

- Controlled and operated by a farmer as a private motor carrier of property;
- Being used to transport either agricultural products, or farm machinery, farm supplies, or both to or from a farm;
- Not being used in the operation of a for-hire motor carrier;
- Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded;
- Being used within 150 air-miles of the farmer's farm.

According to Haz Mat (HM) regulations, an Agricultural Product that is a Class 2 material such as "Anhydrous Ammonia when transported in a tank with a capacity of 502 gallons or less; over local roads between fields of the same farm are exempt from subparts G and H (training & emergency response) of part 172 of this subchapter. However, the driver no longer meets the definition of a farm vehicle driver as defined in 390.5. Since placarding is required, the driver and motor vehicle are subject to all the applicable safety regulations.

Farm vehicle drivers in intrastate or interstate commerce are subject to all the applicable state and federal safety and hazardous materials regulations listed on the reverse side:

Check List for Farm Operations Transporting Anhydrous Ammonia Intrastate

- ✓ **Are you subject to Federal Motor Carrier Safety Regulations?**
- ✓ **Do you operate a Commercial Motor Vehicle (CMV) in interstate commerce?**
- ✓ **To view the federal regulations online go to www.fmcsa.dot.gov**

State and/or FMCSR	Straight Trucks	Combination Vehicle
Part 382 Part 40	Yes , drivers are subject to Substance and Alcohol testing if they operate a CDL motor vehicle in <u>intrastate</u> or <u>interstate</u> commerce beyond 150 miles from the farm	
Part 383	Yes , subject to a CDL beyond 150 miles from the farm	
Part 390	Yes , subject to DOT number and marking requirements	
Part 391	No , drivers that operate straight trucks are exempt from all driver qualification requirements	Yes , drivers must be physically qualified and carry a medical examiners certificate; Farmers operating <u>within the 150 air-mile radius</u> of the farm are exempt the following: 391.11(b)(1) (21 years old) (b)(6) (list of violations or certificate) (b)(8) (road test or copy of CDL) Subpart C (relating to disclosure of investigation into background and driving record Subpart D (road test) Subpart F (maintenance files and records)
Part 392	Yes , subject to emergency equipment, use of seat belts and all applicable parts related to driving of commercial motor vehicles	
Part 393	Yes , subject to all parts and accessories necessary for safe operation	
Part 395	Yes , subject beyond a 100 air-miles from the farm in <u>interstate</u> commerce	
Part 396	Yes , subject to inspection of motor vehicles in operation, periodic inspections, driver vehicle inspection reports and all applicable parts of inspection, repair and maintenance	
Part 397 and 100 - 185	<p>Part 172 requires you to understand and comply with the HM Table, Special Provisions, Communications, such as; Subpart A: General; Subpart B: Table of HM and Special Provisions; Subpart C: Shipping Papers; Subpart D: Marking; Subpart E: Labeling; Subpart F: Placarding; Subpart G: Emergency Response Information, Subpart H: Training, See 173.5 for exceptions;</p> <p>Subpart I: Security Plans; Farmers that meet the following requirements are excepted from this requirement as stated in 172.800(c) if they earn less than \$500,000 annually in gross receipts from the sale of agricultural commodities or products and transportation activities are (1) Conducted by highway or rail; (2) In direct support of their farming operations; and (3) Conducted within a 150 air-mile radius of that operation.</p> <p>107.601(b)(4) provides a partial exception from the PHMSA registration;</p>	