



Kansas Corporation Commission - Transportation Division

# Compliance Guidelines for the Kansas Farm Vehicle Driver Transporting Diesel Fuel 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.

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 other than a Class 2 material such as "Diesel Fuel" transported in quantities greater than 119 gallons but less than 502 gallons over local roads between fields of the same farm are exempt from the HM regulations under 173.5. However, the driver no longer meets the definition of a farm vehicle driver in 390.5 because placarding is required, and therefore is 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 Diesel Fuel 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](http://www.fmcsa.dot.gov)**

State and/or FMCSR	Straight Trucks	Combination Vehicle
Part 382 Part 40	<b>Yes</b> , 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	<b>Yes</b> , subject to a CDL beyond 150 miles from the farm	
Part 390	<b>Yes</b> , subject to DOT number and marking requirements	
Part 391	<b>No</b> , drivers that operate straight trucks are exempt from all driver qualification requirements	<b>Yes</b> , 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	<b>Yes</b> , subject to emergency equipment, use of seat belts and all applicable parts related to driving of commercial motor vehicles	
Part 393	<b>Yes</b> , subject to all parts and accessories necessary for safe operation	
Part 395	<b>Yes</b> , subject beyond a 100 air-miles from the farm in <u>interstate</u> commerce	
Part 396	<b>Yes</b> , 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>Farmers transporting Diesel Fuel in quantities greater than 119 gallons but less than 502 gallons in direct support of their intrastate farm operations over local roads between fields of the same farm are not subject to the HM regulations, 107.601 PHMSA HM certificate or 385.403 Safety Permit.</p> <p>However, if you operate beyond the scope of local roads or between fields of the same farm exception, you will be required to understand and comply with the Hazardous Material (HM) Table, Special Provisions, HM Communications, such as; Subpart A: General; Subpart B: Table of HM and Special Provisions; Subpart C: Shipping Papers; Subpart D: Marking; Subpart F: Placarding; before you operate.</p> <p>Additionally if your intrastate operations take you beyond 150 miles from the farm you will also be subject to Subpart G: Emergency Response Information; and Subpart H: Training.</p>	