

A Texas Guide To Farm Vehicle Compliance



Texas Department of Public Safety
Commercial Vehicle Enforcement

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Texas Department of Public Safety Commercial Vehicle Enforcement

Introduction

Purpose

The Texas Department of Public Safety's Commercial Vehicle Enforcement Service produces this pamphlet in order to provide basic information to Texas farmers. However, it is not intended to be a complete listing of all laws affecting farmers.

Compliance translates into saved lives, decreased injuries, and reduction of property loss. The information provided in this booklet is an effort to gain voluntary compliance with all Texas and Federal statutes.

About the Contents

The various sections of this booklet are listed in the table of contents. You may reproduce and distribute any or all of the material contained in this booklet. You may also obtain further information from the Federal Motor Carrier Safety Administration's web site at www.fmcsa.dot.gov, Texas Administrative Rules at www.sos.state.tx.us (Title 37, Part 1, Chapter 4, Subchapter B), Texas Department of Motor Vehicles www.txdmv.gov and the Texas Department of Public Safety at www.txdps.texas.gov

Disclaimer

Although every effort was made to assure the information contained in this booklet is complete and accurate, it is not intended to take the place of published agency regulations. This booklet only paraphrases Texas statutes. **The contents may not be relied upon as a substitute for the official text.**

It is the responsibility of all farmers to know and comply with all Texas Laws pertaining to farm vehicle operations.

The following definitions are used throughout this document.

FMCSR = 49 Code of Federal Regulations
HMR = Hazardous Material Regulations
TRC = Texas Transportation Code
TAC = Texas Administrative Code

TO OBTAIN A TXDOT MOTOR CARRIER INSURANCE CERTIFICATE (*referred to as a Cab Card*)
Call 1-888-368-4689 or www.txdmv.gov or contact the local Texas Department of Motor Vehicles.

TO OBTAIN A USDOT NUMBER
Call 1-800-832-5660 or www.fmcsa.dot.gov

TO OBTAIN AN IFTA FUEL PERMIT
Call the Texas Comptroller at 1-800-252-1383 or www.window.state.tx.us

TO OBTAIN INFORMATION ON APPORTIONED REGISTRATION
Contact your local TXDMV office or www.txdmv.gov

FOR REGULAR LICENSE PLATES
Contact your local County Tax Assessor Collector.

TO OBTAIN INFORMATION ON HAZARDOUS MATERIALS
Call 1-800-467-4922

**TO OBTAIN INFORMATION ON MOTOR CARRIER AUTHORITY, PERMITS FOR THE MOVEMENT OF
OVERSIZE AND OVERWEIGHT LOADS ON THE HIGHWAY**

Call 1-888-368-4689 or contact your local Texas Department of Motor Vehicles or www.txdmv.gov

Telephone Directory

DALLAS REGION

Garland	(214) 861-2229	Waxahachie	(972) 923-6771
Tyler	(903) 939-6123	Decatur	(940) 627-0035
Hurst	(817) 299-1381	Queen City	(903) 796-4782
Mt. Pleasant	(903) 572-3139	Palestine	(903) 661-5023

HOUSTON REGION

Houston	(281) 517-1256	Beaumont	(409) 924-5444
Richmond	(281) 633-5408	Lufkin	(936) 699-7318
Huntsville	(936) 435-0474	New Waverly	(936) 344-8553
Baytown	(281) 424-0315		

WESLACO REGION

WESLACO

Weslaco	(956) 565-7581	Brownsville – Los Tomates	(956) 541-4619
Pharr	(956) 782-9261	Los Indios	(956) 399-5473
Harlingen	(956) 440-6705		

LAREDO

Laredo	(956) 728-2251	Rio Grand City	(956) 487-5411
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CORPUS CHRISTI

Corpus Christi	(361) 698-5632	Alice	(361) 668-8296
Riviera	(361) 296-3391	Del Rio	(830) 703-1210
Falfurrias	(361) 325-4765	Eagle Pass	(830) 757-4683

EL PASO REGION

EL PASO

El Paso (Gateway North)	(915) 838-7715	El Paso (Rio del Norte)	(915) 790-5300
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MIDLAND

Midland	(432) 498-2180	Ft. Stockton	(432) 336-3414
San Angelo	(325) 223-6880		

LUBBOCK REGION

Lubbock	(806) 472-2732	Childress	(940) 937-2548
Wichita Falls	(940) 851-5587	Abilene	(325) 795-4013
Amarillo	(806) 468-1330		

SAN ANTONIO REGION

Waco	(254) 759-7129	San Marcos	(512) 353-4245
San Antonio	(210) 531-2245	Austin	(512) 997-4142
Devine	(830) 665-8035		
Victoria	(361) 578-3405		

HEADQUARTERS – AUSTIN

Motor Carrier Bureau	(512) 424-2051 or (512) 424-2052
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Definitions and Applicability

What is a Farmer? (Federal Motor Carrier Safety Regulations (FMCSR) 390.5)

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.

What is a Farm Vehicle Driver? (FMCSR 390.5)

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 49 CFR (Code of Federal Regulations), §177.823 of this subtitle; and
- (e) Being used within 150 air miles of the farmer's farm.

What is a Covered Farm Vehicle? (FMCSR 390.5)

- (a) Means a straight truck or articulated vehicle---
 - (1) Registered in a State with a license plate or other designation issued by the State of registration that allows law enforcement officials to identify it as a farm vehicle;
 - (2) Operated by the owner or operator of a farm or ranch, or an employee of family member of an owner or operator of a farm or ranch;
 - (3) Used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch; and
 - (4) Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of paragraphs (a)(1) through (3) of this definition by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement.
- (b) Meeting the requirements of paragraphs (a)(1) through (4) of this definition:
 - (1) With a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less may utilize the exemptions in 390.39 anywhere in the United States; or
 - (2) With a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds may utilize the exemptions in 390.39 anywhere in the State of registration or across State lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

Applicability of Federal Regulations (FMCSR 390.39)

- (a) The FMCSR apply to all carriers operating and engaged in interstate commerce, except as outlined in 390.39 below.
FMCSR 390.39 Exemptions for "covered farm vehicles."
 - (1) Federal Requirements. A covered farm vehicle, as defined in 390.5, including the individual operating that vehicle, is exempt from the following:
 - (i) Any requirement relating to commercial driver's licenses in 49 CFR Part 383 or controlled substances and alcohol use and testing in 49 CFR Part 382;
 - (ii) Any requirement in 49 CFR Part 391, Subpart E, Physical Qualifications and Examinations.
 - (iii) Any requirement in 49 CFR Part 395, Hours of Service of Drivers.
 - (iv) Any requirement in 49 CFR Part 396, Inspection, Repair and Maintenance.

- (b) 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 (GVWR) of 26,001 pounds or more unless they are transporting a quantity of hazardous material that requires placarding.
- (c) Intrastate farmers are subject to the FMCSR if the vehicle or combination of vehicles has an actual gross weight, registered gross weight, or gross vehicle weight rating (GVWR) of 48,000 pounds or more.

Types of Driver Licenses Required on Texas Farm Vehicles

Classes of Texas Driver License: Non-Commercial Driver License (Non-CDL)

- Class A** – Any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of the vehicle, or vehicles being towed, exceeds 10,000 pounds.
- Class B** – Any single vehicle with a GVWR of 26,001 pounds or more towing a vehicle with a GVWR of 10,000 pounds or less.
Exception in Texas only: (TRC (Transportation Code) 521.082)
 - (a) towing a vehicle, other than a farm trailer, with a gross weight rating that is not more than 10,000 pounds; or
 - (b) a farm trailer with a gross vehicle weight rating that is not more than 20,000 pounds.
- Class C** – Any single vehicle or combination of vehicles that does not conform to the description under Class A or B of this section.

**CDL Exceptions

- (a) Farm vehicle drivers are exempt from CDL requirements if:
 - (1) Used to transport their own agricultural products, farm machinery, or farm supplies to or from their farm;
 - (2) Used within 150 miles of the person's farm.
- (b) FMCSR interpretation - Farm supplies are placardable amounts of hazardous materials, including fuels such as diesel or gasoline, and all types of fertilizers such as anhydrous ammonia, etc.

Important Note

- **Farm vehicle drivers operating outside the 150 miles of their farm or operating as a for-hire carrier will lose the CDL exemption and must then obtain a commercial driver license for the class of vehicle being driven.**
- **Drivers who are subject to the CDL requirements will be required to comply with various sections of the FMCSRs, including drug and alcohol testing.**
- **Please contact your local Driver License or Commercial Vehicle Enforcement office for further details.**

****MAP – 21 provides for exemptions to CDL requirements when a Covered Farm Vehicle is operated in intrastate commerce. This is in direct conflict with state statute.**

Restricted CDL - Farm Related Service Industries (FRSI)

- (a) Agri-Chemical businesses;
- (b) Custom harvesters;
- (c) Farm retail outlets and suppliers;
- (d) Livestock feeders.

Restrictions on Farm Related Service Industries CDL

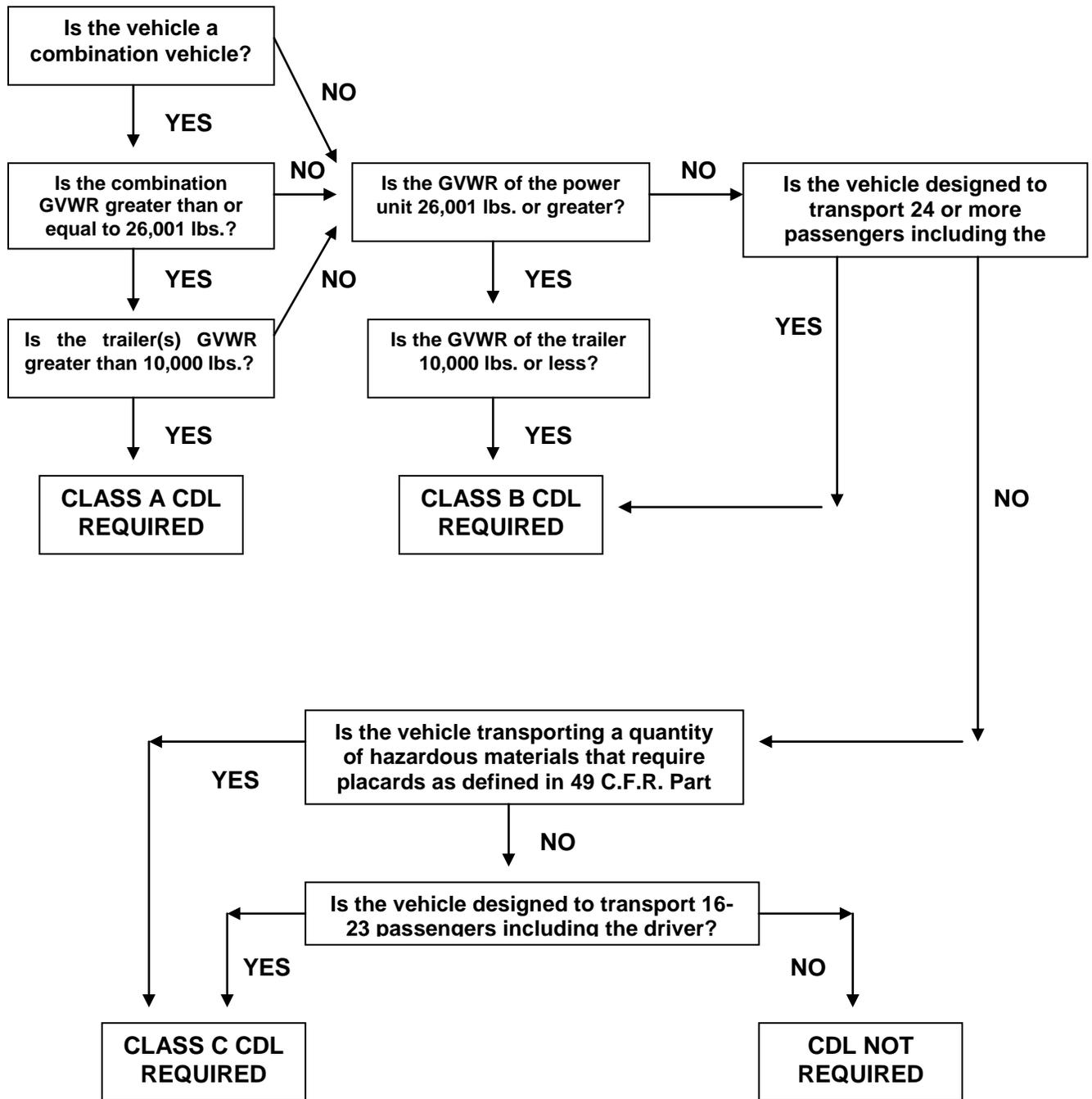
- (a) The CDL knowledge and skills test may be waived;
- (b) *Cost of \$40.00 is good for 180 days* only and the driver cannot be issued a Class A CDL;
- (c) Restricted license holders are limited to operating class B and C vehicles;
- (d) Restricted licensee may not transport placardable amounts of hazardous material;
 - (1) This hazardous material restriction does not apply to diesel fuel in quantities of 1,000 gallons or less;
 - (2) Liquid fertilizers (i.e., plant nutrients) in vehicles or implements of husbandry in total quantities of 3,000 gallons or less; and
 - (3) May transport any amount of solid fertilizers not mixed with any organic substance.
- (e) Restricted licensee may not operate over 150 miles from their place of business or the farm currently being served.

Requirements for Restricted CDL

- (a) good driving record,
- (b) must have had a DL in the past year,
- (c) must have one year of driving experience in any type of vehicle.

TX DPS Policy: Out of State CDL's restricted to "Intrastate only" will be allowed to operate in Texas as long as the transportation of property is in intrastate commerce only.

**TRC Sec. 522.041
COMMERCIAL DRIVER'S LICENSE
FLOW CHART**

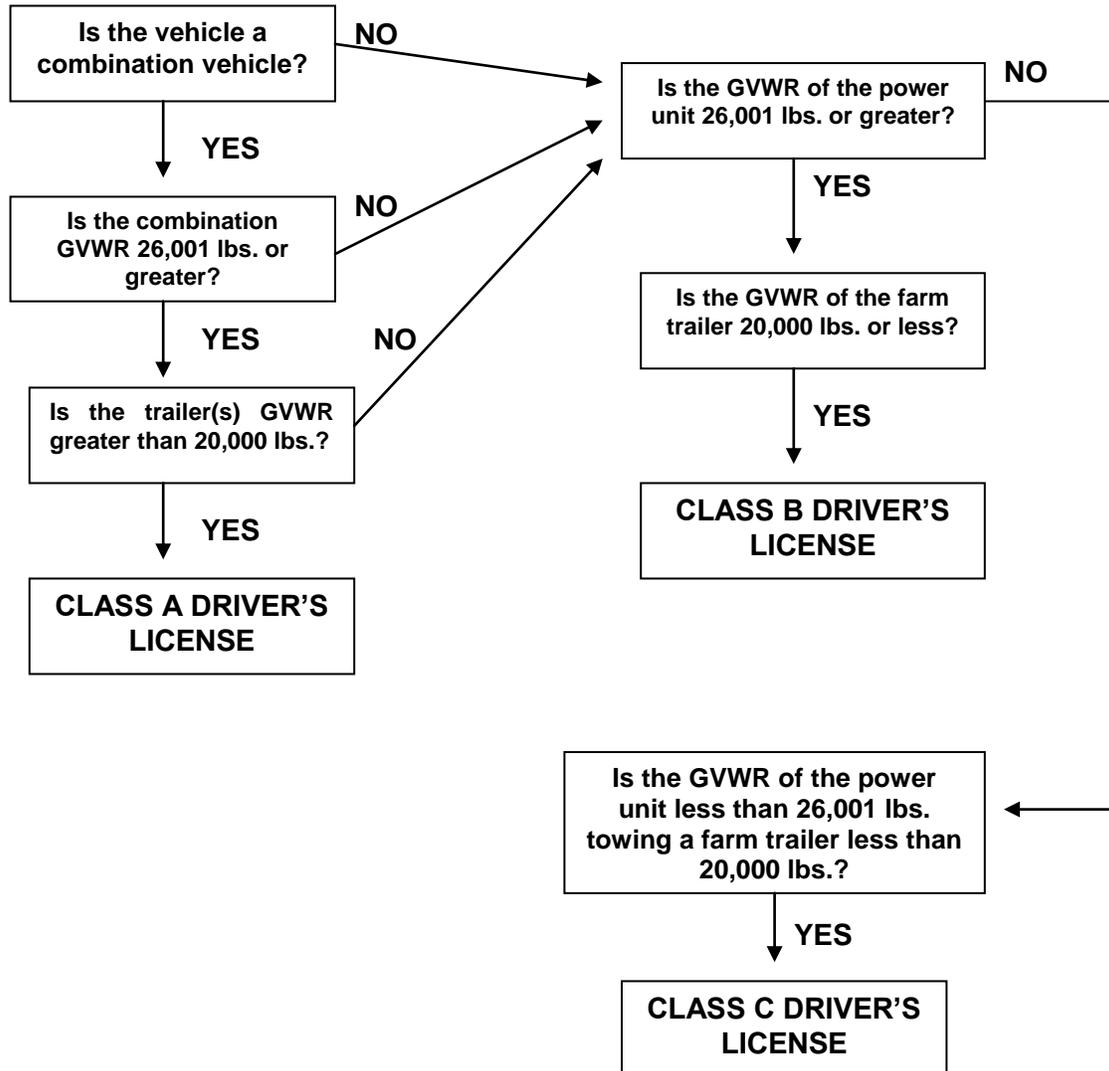


* REMINDER: THERE ARE EXEMPTIONS TO TEXAS CDL FOUND IN TRC SEC. 522.004
 ** NOTE: IF THE GVWR CANNOT BE DETERMINED, THEN THE GROSS REGISTERED WEIGHT OR THE GROSS ACTUAL WEIGHT, WHICH EVER IS GREATER MAY BE USED FOR CDL REQUIREMENTS.

TEXAS DRIVER'S LICENSE REQUIREMENTS FOR FARMERS

Texas Administrative Code 16.3 states a person operating a vehicle that is controlled and operated by a farmer which is used to transport agricultural products, farm machinery or farm supplies to or from a farm and is not used in the operation of a common or contract carrier used within 150 miles of the person's farm are exempt from Texas Commercial Driver's License (CDL).

Classification of Driver's License (Non-CDL) TRC 521.081 – 521.082 – 521.083



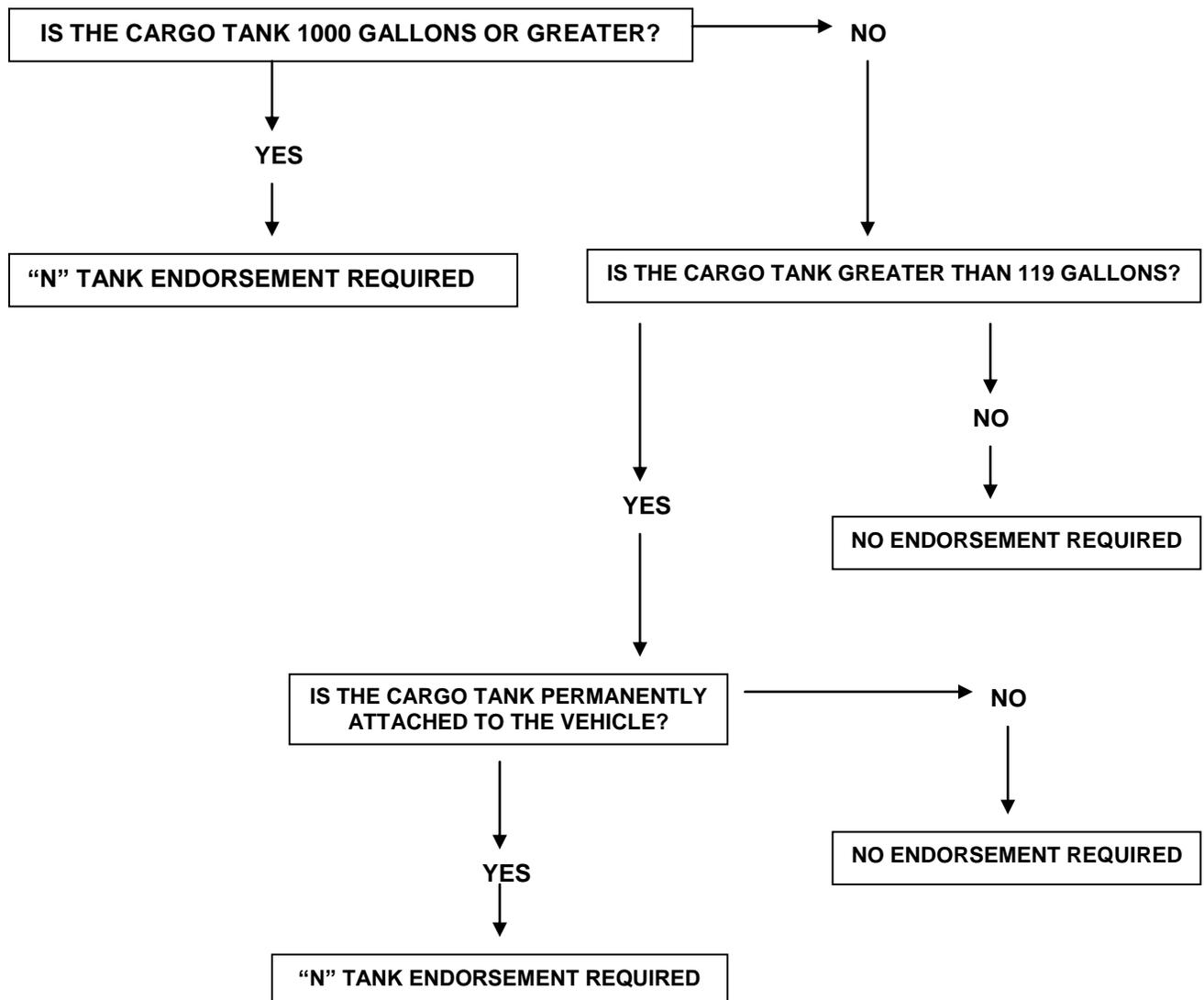
NOTE: TAC 16.2 – If the GVWR cannot be determined, then the registered gross weight or the actual gross weight, whichever is greater, can be used for enforcement purpose.

“N” – TANK ENDORSEMENT

REMINDER: THE DRIVER MUST BE REQUIRED TO HAVE A CDL BEFORE ANY ENDORSEMENTS APPLY.

DEFINITION

Tank Vehicle means any Commercial Motor Vehicle that is DESIGNED to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to a vehicle or the chassis. Such vehicles include, but are not limited to cargo tanks and portable tanks, as defined in Part 171 of this title. However, this definition does not include portable tanks having a rated capacity under 1000 gallons.



Qualifications of Drivers – FMCSR Part 391

Applicability – FMCSR 391.2

- (a) Farm Custom Operation. The rules in this part, except 391.15(e), do not apply to a driver who drives a commercial motor vehicle controlled and operated by a person engaged in custom-harvesting operations, if the commercial motor vehicle is used to---
 - (1) Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or
 - (2) Transport custom-harvesting crops to storage or market.
- (b) Apiarian industries. The rules in this part, except 391.15(e) do not apply to a driver who is operating a commercial motor vehicle controlled and operated by a beekeeper engaged in the seasonal transportation of bees.
- (c) Certain farm vehicle drivers. The rules in this part, except for 391.15(e), do not apply to a farm vehicle driver except a farm vehicle driver who drives an articulated (combination) commercial motor vehicle, as defined in 390.5 of this chapter. For limited exemptions for farm vehicle drivers of articulated commercial motor vehicles, see 391.67.
- (d) Covered farm vehicles. The rules in part 391, Subpart E – Physical Qualifications and Examinations – do not apply to drivers of “covered farm vehicles,” as defined in 49 CFR 390.5.

391.2 INTERPRETATION

Question 2: What driver qualification requirements must a farm vehicle driver (as defined in 390.5) comply with in part 391?

Guidance: Drivers meeting the definition of “farm vehicle driver” who operate straight trucks are exempted from all driver qualification requirements of part 391. All drivers of articulated motor vehicles with a GCWR of 10,001 pounds or more are required to possess a current medical certificate as required in 391.41 and 391.45.

391.67

- (e) Farm vehicle drivers (as defined in Part 390.5) operating articulated (combination) commercial vehicles are exempt from the following requirements in Part 391. (391.67)
 - (1) Minimum age of 21 (Must be at least 18 years of age) (391.11(b)(1))
 - (2) Has prepared and furnished the motor carrier that employs him with a list of violations or the certificate required by Part 391.27. (391.11(b)(6))
 - (3) Has successfully completed a driver’s road test and has been issued a certificate of driver’s road test in accordance with 391.31, or has presented an operator’s license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test in accordance with 391.33. (391.11(b)(8))
 - (4) Disclosure of, investigation into, and inquiries about the background, character, and driving record of drivers. (Subpart C)
 - (5) Road tests (Subpart D)
 - (6) Maintenance of files and records (Subpart F)
- (f) Drivers of articulated (combination) commercial vehicles with a gross vehicle weight rating, actual weight, or registered weight of 48,000 pounds or more operating in **INTRASTATE** commerce must meet the following requirements:
 - (1) Must have a medical card if born on or after August 28, 1971.
 - (2) A Texas intrastate exemption provides that drivers born before August 28, 1971 are not required a medical card as long as they are not transporting placardable amounts of hazardous material.
 - (3) Must remain within 150 air miles (172.6 statute miles) of the farm.
 - Farm vehicle drivers lose the CDL and farm exemption if they exceed the 150 air mile (172.6 statute mile) radius.

Hours of Service of Drivers – FMCSR Part 395

Applicability - FMCSR 395.1

- (a) Agricultural operations (FMCSR 395.1(k))
 - (1) The provisions of this part shall not apply during planting and harvesting periods, as determined by each State (January 1 thru December 31 in Texas), to drivers transporting
 - (i) Agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source;
 - (ii) Farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or
 - (iii) Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point.
- (b) Covered Farm Vehicles (FMCSR 395.1(s)) The rules in this part do not apply to drivers of “covered farm vehicles,” as defined in 390.5.
- (c) Federal Interpretations (FMCSR 395.1)
 - (1) The *agriculture* exception in §395.1(k) for “drivers transporting agricultural commodities or farm supplies for agricultural purposes” provides in part that the hours of service regulations “shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes...” The terms “agricultural commodities or farm supplies for agricultural purposes” were not defined, but the context clarifies their meaning. Because the statute made the exception available only “during the planting and harvesting seasons” in each State, Congress obviously intended to restrict it to agriculture in the traditional (and etymological) sense, i.e., the cultivation of fields. “*Agricultural commodities*” therefore means products grown on and harvested from the land, and “*farm supplies for agricultural purposes*” means products directly related to the growing or harvesting of agricultural commodities. In addition, drivers transporting livestock or slaughtered animals, or the grain, corn, hay, etc., used to feed animals, may not use the “agricultural operations” exception. (FMCSR 395.1 Interpretation)
 - (2) Fuel used in the production of agricultural commodities qualify as “farm supplies” under §395.1(k) if (1) it is “for agricultural purposes,” e.g. used in tractors or other equipment that cultivate agricultural commodities or trucks that haul them, but not in automobiles, station wagons, SUVs or other vehicles designed primarily to carry passengers, or for residential heating or cooking; (2) it is transported within the planting and harvesting season, as determined by the State, and within a 100 air-mile radius of the distribution point for fuel; (3) the motor carrier is operating in interstate commerce; and (4) the entire fuel load on the vehicle is to be delivered to one or more farms. A carrier may not use the exemption if any portion of the fuel load is to be delivered to a non-farm customer. (FMCSR 395.1 Interpretation)
- (d) Texas Administrative Code (Title 37, Rule §4.11)
 - (1) *Farm vehicle* means any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agriculture commodities, farm machinery, and farm supplies to or from a farm or ranch.
 - (2) *Agricultural commodity* is defined as an 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.
 - (3) *Producer* is defined as a 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.
- (e) 100 Air Mile (INTERSTATE)/ 150 Air Mile Radius (INTRASTATE) **SHORT HAUL EXEMPTION 395.1(e)**
 - (1) A driver is exempt from the requirements of completing a driver's record of duty status (395.8) if:
 - (a) The driver operates within a 100/150 air mile radius of the normal work reporting location;
 - (b) The driver returns to the work reporting location and is released from work within 12 consecutive hours;
 - (c) At least 10 consecutive hours off duty separate each 12 hours on duty;

- (d) The driver does not exceed 11 hours (interstate) maximum driving time following 10 consecutive hours off duty or 12 hours (intrastate) maximum driving time following 8 consecutive hours off duty; and
 - (e) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - (i) The time the driver reports for duty each day;
 - (ii) The total number of hours the driver is on duty each day;
 - (iii) The time the driver is released from duty each day; and
 - (iv) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.
- A farm vehicle driver that cannot claim the agricultural exemption must either complete a record of duty status or maintain time records as previously explained.
- The agricultural and 100/150 air mile radius exemptions are two separate exemptions and cannot be used together. You must use one or the other, they cannot be combined.

(Any period of 7 or 8 consecutive days may end with the beginning of any off duty period of 34 or more consecutive hours. This applies to Intrastate drivers. Interstate drivers not exempt must comply with maximum driving times in 395.3)

Inspection, Repair and Maintenance Part 396

Inspection, repair and maintenance (396.3)

- (a) **General** – Every motor carrier shall systematically inspect, repair and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles subject to its control.
- (a)(1) Intrastate farmers are subject to Part 396 if the vehicle or combination of vehicles has an actual gross weight, registered gross weight, or gross vehicle weight rating (GVWR) of 48,000 pounds or more.
- (a)(2) Interstate farmers are subject to Part 396 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 pounds or more
- (a)(3) Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in Part 393 of this subchapter and any additional parts and accessories which may affect safety of operation, including but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems.
- (b) **Required records** – The motor carriers shall maintain, or cause to be maintained, the following record for each vehicle:
 - (b)(1) An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;
 - (b)(2) A means to indicate the nature and due date of the various inspection and maintenance operations to be performed;
 - (b)(3) A record of inspection, repairs and maintenance indicating their date and nature;

Driver vehicle inspection report(s) (396.11)

- (a) **Report required** – Every motor carrier shall require its drivers to report, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated and the report shall cover at least the following parts and accessories:

- Service brakes including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers

- Rear vision mirrors
 - Coupling devices
 - Wheels and rims
 - Emergency equipment
- (b) **Report content** – The report shall identify the vehicle and list any defect or deficiency discovered by or reported by the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported by the driver, the report shall so indicate. In all instances, the driver shall sign the report. If a driver operates more than one vehicle during the day, a report shall be prepared for each vehicle operated.
- (c) **Corrective action** – Prior to requiring or permitting a driver to operate a vehicle, every motor carrier or its agent shall repair any defect or deficiency listed on the driver vehicle inspection report which would be likely to affect the safety of operation of the vehicle.
- (1) Every motor carrier or its agent shall certify on the original driver vehicle inspection report which lists any defect or deficiency that the defect or deficiency has been repaired or that repair is unnecessary before the vehicle is operated again.
 - (2) Every motor carrier shall maintain the original driver vehicle inspection report, the certification of repairs, and the certification of the driver’s review for three months from the date the written report was prepared.
- (d) **Exceptions** – The rules in this section shall not apply to any motor carrier operating only one commercial motor vehicle.

Periodic inspection (396.17)

- (a) Every commercial motor vehicle shall be inspected as required by this section. The inspection shall include, at a minimum, the parts and accessories set forth in Appendix G. Appendix G of Part 396 FMCSR consists of the following items:
- (1) Brake System
The appendix G criteria rejects vehicles with any defective brakes, and air leaks, etc. The out-of-service criteria allows 20% defective brakes on non-steering axles and a certain latitude on air leaks before placing a vehicle out-of-service.
 - (2) Coupling Devices
Appendix G rejects vehicles with any fifth wheel mounting fastener missing or ineffective. The out of service criteria allows up to 20% missing or ineffective fasteners on frame mountings and pivot bracket mountings and 25% on slider latching fasteners. The out-of-service criteria also allows some latitude on cracked welds.
 - (3) Exhaust System
Appendix G follows Section 393.83 verbatim. The Commercial Vehicle Safety Alliance out-of-service criteria allows vehicles to exhaust forward of the dimensions given in Section 393.83 as long as the exhaust does not leak or exhaust under the chassis.
 - (4) Fuel System
Same for Appendix G and the out-of-service criteria.
 - (5) Lighting Devices
Appendix G requires all lighting devices required by section 393 to be operative at all times. The out-of-service criteria only requires one stop light and functioning turn signals on the rear-most vehicle of a combination of vehicles to be operative at all times. In addition one operative head lamp and tail lamp are required during the hours of darkness.
 - (6) Safe Loading
Same for both Appendix G and the out-of-service criteria.
 - (7) Steering Mechanism
Steering lash requirements of Appendix G follows the new requirements of 393.209.
 - (8) Suspension
Appendix G follows the new requirements of 393.207 which does not allow any broken leaves in a leaf spring assembly. The out-of-service criteria allows up to 25% broken or missing leaves before being placed out-of-service.
 - (9) Frame
The out-of-service criteria allows a certain latitude in frame cracks before placing a vehicle out-of-service. Appendix G follows the new requirements of 393.201 which does not allow any frame cracks.
 - (10) Tires
Appendix G follows the requirements of 393.75 which requires a tire tread depth of 4/32 inch on power unit steering axles and 2/32 inch on all other axles. The out-of-service criteria only requires 2/32 inch tire tread depth on power unit steering axles and 1/32 inch on all other axles.

(11) Wheel and Rims

The out-of-service criteria allows a certain amount latitude for wheel and rim cracks and missing or defective fasteners. Appendix G meets the requirements of the 393.205 which does not allow defective wheels and rims, non-effective nuts and bolts.

(12) Windshield Glazing

The out-of-service criteria places in a restricted service condition any vehicle that has a crack or discoloration in the windshield area lying within the sweep of the wiper on the drivers side and does not address the remaining area of the windshield. Appendix G addresses requirements for the whole windshield as specified in 393.60.

(13) Windshield Wipers

Appendix G requires windshield wipers to be operative at all times. The out-of-service criteria only requires that the windshield wiper on the driver's side to be inspected during inclement weather.

Note: *The term commercial motor vehicle includes each vehicle in a combination of vehicles. For example, for a tractor semi-trailer, full trailer combination, the tractor, semi-trailer and the full trailer*

Equivalent to periodic inspection (396.23)

- (b)(1) If a commercial motor vehicle is subject to a mandatory State inspection program which is determined by the Administrator to be as effective as 396.17, the motor carrier shall meet the requirement of 396.17 through that State's inspection program. Commercial motor vehicle inspections may be conducted by State personnel, at State authorized commercial facilities, or by the motor carrier under the auspices of a State authorized self inspection program.

Note: Texas has a State Inspection Program and all commercial motor vehicles must have the State Periodic Inspection in order to meet the requirements of 396.17.

Hazardous Material (HM) Regulations for Farmers

What is a Farmer?

As defined in section 171.8 of Chapter 49 of the Code of Federal Regulations (CFR) a farmer is a person engaged in the production or raising of crops, poultry, or livestock.

Hazardous Material Registration – HMR 107.601

Hazardous material registration does not apply to those activities of a farmer, as defined in 171.8 of 49 CFR, that are in direct support of the farmer's farming operations when transporting a quantity of hazardous material that requires placarding, under the provisions of subpart F of part 172 of 49 CFR. (HMR 107.601(a)(6) and 107.601(b))

Copies of DOT Form F 5800.2 and instructions for its completion may be obtained from the Hazardous Materials Registration Program, DHM- 60, U.S. Department of Transportation, Washington, DC 20590-0001, by calling 617-494-2545 or 202-366-4109, or via the Internet at <http://hazmat.dot.gov>

NOTE: HMR 107.601(a) requires certain persons to register if transporting certain hazardous materials. Contact the US DOT Hazardous Material Registration Program at (800) 467-4922 for specific assistance.

Shipping Papers – HMR 172.200

General entry requirements for shipping papers. (172.200)

Basic description of shipping papers. (172.202)

- | | |
|--|----------------------|
| (1) Identification number. | (UN1993) |
| (2) Proper shipping name from 172.101 table | (Diesel fuel) |
| (3) Hazard class or division of the HM . | (3) |
| (4) Packing group in Roman numerals. | (III) |
| (5) Total quantity of HM being transported. | (503 gallons) |

Additional entries if needed (Example: Limited quantities, poisonous materials, gases, etc.)(172.203)

The Hazardous Material Regulations allow diesel fuel to be reclassified as a combustible liquid.

Farmers transporting diesel fuel for farm use should use the following basic shipping paper.

EXAMPLE:

UN1993 / Diesel Fuel / Combustible Liquid / III – 503 gallons

- This shipping paper must be carried at all times and must be within reach of the driver or in view for someone else entering the driver compartment. It must also be carried separate from other papers, tabbed or otherwise marked so it stands out from the rest of the papers.

Marking – HMR 172.300

General requirements for non-bulk packages. (172.301)

(Any amount less than the definition for a bulk package listed below)

General requirements for bulk packages. (172.302)

A **bulk package** is defined as:

- | | |
|---|---------------------|
| (1) Having a capacity greater than 119 gallons for liquids. | (Diesel Fuel) |
| (2) A capacity greater than 882 pounds for a solid. | (Urea) |
| (3) A water capacity greater than 1000 pounds for a gas. | (Anhydrous Ammonia) |

Marking requirements. (What the markings must look like) (172.304)

This would include placards, labels, identification numbers, proper shipping names, and tank owner, which would depend on the type of package.

Additional marking requirements for package types

Portable tanks (172.326)

- (1) Proper shipping name for 172.101 table. (Anhydrous ammonia)
- (2) The owner of the tanks name. (Joe's chemical)

A **portable tank** is designed to be temporarily loaded onto another vehicle, and is equipped with skids, mountings or other accessories to aid in the handling of the tank.

Cargo tanks. (172.328)

A **cargo tank** is a **bulk** package and is permanently attached to or forms part of a motor vehicle.

Identification number marking can be; (172.332)

- (1) On an orange panel.
- (2) On a placard.
- (3) Or on a white square on point display.

Labeling Requirements – HMR 172.400

General labeling requirement for non-bulk, bulk, and portable tanks.

(Labels are small placards used for non-bulk packages and cylinders)

Placarding Requirements – HMR 172.500

General placarding requirements. (172.504)

A placard is required if certain amounts of hazardous materials are carried:

- (1) Any amount of a table 1 product (i.e., Poison by inhalation hazard, Zone A or B – **Anhydrous ammonia.**)
- (2) 1,001 or more pounds of a table 2 product. (i.e., Diesel fuel)
- (3) This is an aggregate weight meaning the total of the package and the product in the package.
- (4) Any BULK package. (as previously defined)

Nurse tanks. (Defined later) (172.507)

- (1) Not required to display placards on an end containing valves, fittings, regulators or gauges.

Emergency Response Information – HMR 172.600

No person to whom this subpart applies may transport, transfer, store or handle during transportation a hazardous material unless: (172.600(c))

- (1) Emergency response information is immediately available at all times the hazardous material is present. Examples: Material Safety Data Sheet (MSDS) or Emergency Response Guide Book.
- (2) Emergency response information (including emergency response phone number) is available to Federal, State, or Local government agency.

Exceptions – this section does not apply to hazardous material excepted from the shipping paper requirements. (See nurse tanks)

Agricultural operations (HMR 173.5)

- (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 the Emergency Response Information and Hazardous Material Training Requirements. 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 the 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.

***Agricultural product means a hazardous material, other than a hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to a fertilizer, pesticide, soil amendment or fuel. An agricultural product is limited to a material in Class 3, 8 or 9, Division 2.1, 2.2, 5.1, or 6.1, or an ORM-D material.**

- (b) The transportation of an agricultural product to or from a farm, within 150 miles of the farm, is excepted from the Emergency Response Information and Hazardous Material Training requirements 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 pounds) 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,
 - (iii) or 2,300 kg (5,070 pounds) for solids, of any other agricultural product;
 - (3) The movement and packaging of the agricultural product conforms 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.
 - (d) See [173.315\(m\)](#) pertaining to nurse tanks of anhydrous ammonia.
 - (e) See [173.6](#) pertaining to materials of trade.
- Most of the above information can be obtained from the supplier of the hazardous material when needed.

Training – HMR 172.700

Prescribes requirements for training hazardous material employees. (172.700) Applicability (172.702)

- (a) A hazardous material employer shall ensure all employees are trained.
 - (1) Hazardous material employer as defined in 171.8 means a person who uses one or more of its employees in connection with transporting of **HM** in commerce.
 - (2) Hazardous material employee as defined in 171.8 means a person who is employed by a hazardous material employer who directly affects **HM** transportation safety.

Packaging Requirements – HMR 173

Packaging requirements for commonly used hazardous materials.

DIESEL FUEL (49 CFR 173.150 & Special Provision B1)

- (a) A vehicle transporting a combustible liquid is not required specification packages (tanks).
- (b) A combustible liquid that is in a **bulk** packaging or a combustible liquid that is a hazardous substance, a hazardous waste, or a marine pollutant is not subject to the Hazardous Material Regulations, except for shipping papers, marking of packages, display of identification numbers, placarding requirements, reporting of hazardous material incidents and other requirements.
- (c) A combustible liquid that is in a non-bulk packaging is not subject to the hazardous material regulations.

Exception to HM Regulations NOTE – (Not subject to Inspection) – The following farm vehicles when displaying farm license plates, not transporting hazardous materials requiring placards, and not operating as a for-hire motor carrier (Effective 10/01/12 – “Moving Ahead for Progress in the 21st Century Act” are exempt from inspection procedures.

- (a) Has a gross vehicle weight rating (GVWR), gross combination weight rating (GCWR) or gross weight or gross combination weight, whichever is greater, that is:
 - i) 26,001 pounds or less, for vehicles operating in interstate commerce anywhere in the United States, or,
 - ii) Greater than 26,001 pounds and operating in interstate commerce within Texas and is registered as a farm covered vehicle in Texas,
 - iii) Greater than 26,001 pounds and operating in interstate commerce within 150 air miles of the farm or ranch with respect to which the vehicle is being operated, regardless of whether it is being operated within the State it is registered.

Texas Motor Carrier Registration – Operating Authority

Registration required. Operators of Intrastate commercial motor vehicles that meet the following criteria must register with TXDMV as motor carriers:

- Vehicle (or combination of vehicles) with a gross weight, registered weight, or gross weight rating exceeding 26,000 pounds, that is designed or used for transportation of cargo in furtherance of any commercial enterprise
- For-hire vehicle used to transport household goods, regardless of gross weight rating
- Vehicle, including a bus, designed or used to transport more than 15 passengers, including the driver
- Vehicle used to transport hazardous materials in a quantity requiring placarding under the regulations issued under the Federal Hazardous Materials Transportation Act (49 USC, § 5101-5127)
- Vehicle defined by 49 CFR § 390.5, owned or controlled by someone domiciled in, or a citizen of, a country other than the United States

Registration not required. For motor carrier registration purposes, operators of the following types of vehicles are not required to register with TXDMV:

- Farm vehicle with a gross weight, registered weight, and gross weight rating of less than 48,000 pounds
- Cotton vehicles registered under Texas Transportation Code (TRC), § 502.277
- Vehicle registered with the Texas Railroad Commission under Texas Natural Resources Code, § 113.131 and § 116.072
- Vehicle used to transport liquor under a private carrier permit issued under Alcoholic Beverage Code, Chapter 42
- Vehicle used to transport passengers and operated by an entity whose primary function is not to transport passengers, such as a vehicle operated by a hotel, day-care center, nursing home, etc.
- Vehicle operated by a governmental entity.

****EFFECTIVE SEPTEMBER 1, 2009****

The purpose of this notice is to inform intrastate motor carriers that the 81st Texas Legislature passed HB 2985, which requires all intrastate motor carriers to have a USDOT number. All motor carriers that are required to have Texas motor carrier registration will continue to be issued a TXDMV certificate number in addition to the USDOT number. USDOT numbers can be obtained from www.fmcsa.dot.gov.

Note: If you already have an “active” USDOT number, you do not have to re-apply for another one.

USDOT numbers do not come into affect for intrastate farm vehicles until they exceed 48,000 lbs. Interstate farm vehicles require a USDOT number when they exceed 10,000 lbs.

How do I register under this program?

- (a) A person may contact the Texas Department of Motor Vehicles at 1-888-368-4689 and request Form 1899 to register or you may visit TXDMV’s web site at www.txdmv.gov.
- (b) There is no provision to secure temporary registration under this program. A motor carrier must have the documentation in his/her possession in order to comply with this statute. There is presently

a 30-day processing time required to obtain this document. Please take this into consideration when applying.

- (c) The carrier will receive a temporary registration number. This number must be given to the insurer to electronically file form E/E-2.

Implements owned by Fertilizer Stores

- (a) Motor vehicles designed to carry a load over 26,000 pounds must register with TXDMV when owned by a fertilizer store.

International Fuel Tax Agreement (IFTA) (Texas Tax Code)

- (a) The Texas Comptroller of Public Accounts administers the IFTA program.
- (b) An interstate carrier is determined by the operation of a qualified motor vehicle across state lines and not the load.
- (c) A "Qualified Motor Vehicle" is a vehicle with:
 - (1) Two axles and a gross weight or registered weight exceeding 26,000 pounds.
 - (2) Three or more axles regardless of weight
 - (3) In combination & weight of combination exceeds 26,000 pounds.

Note: The number of axles applies only to the power unit.

- (d) **Farm vehicles** are not exempt from the IFTA requirements.
- (e) A single IFTA license is issued for all qualified motor vehicles.
- (f) A photocopy of the original license must be carried in each qualified motor vehicle.
- (g) Two decals are issued for each qualified motor vehicle.
- (h) The IFTA license is valid for one calendar year.
- (i) Current year IFTA credentials must be displayed by March 1st of each new calendar year.

You may obtain information or an application (form AP-178) by calling the Texas Comptroller of Public Accounts at 800-252-1383 or visiting the Comptroller's web site at www.cpa.state.tx.us/taxinfo/taxforms

NOTE: Texas Tax Code 162.235(A) – A person may not operate a motor vehicle on a public highway in this state with taxable motor fuel that contains dye in the fuel supply tank of the motor vehicle. Violation of this law subjects the violator to criminal and civil penalties.

Farm Registration

Farm Vehicle Registration (TRC 502.433)

- (a) The registration fee for a commercial motor vehicle as a farm vehicle is 50% of the applicable fee, 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 of 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;

Farm registration cannot be used for other types of gainful employment other than farming and ranching.

Farm Trailer Registration (TRC 502.146)

(a) An owner is not required to register a vehicle that is used only temporarily on the highways, if the vehicle is:

- (1) 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.
 - (c) For the purpose participating in equine activities or attending livestock shows, as defined in Sec. 87.001 Civil Practice & Remedies Code.

*A specialty license plate under section 502.433 and 502.146 (farm vehicle registration and farm trailer registration) cannot be issued unless the vehicles owner provides a registration number issued by the comptroller under Section 151.1551, Tax code.

* Farm trailer and Semi-trailers are generally exempt from Texas Motor Vehicle Inspection. If the vehicle has a combined gross vehicle weight rating, registered weight, or gross weight of 48,000 pounds or more, the vehicle is required to display a Texas Commercial Vehicle Inspection Certificate.

Out of State Vehicles/ Reciprocity/ Permits

(a) Out of state vehicles

- (1) Texas Department of Motor Vehicles has entered into bilateral reciprocity agreements with several states and is also a member of the International Registration Plan.
- (2) The bilateral agreements vary in the definition of an "*apportionable vehicle*." For uniformity in enforcement the Texas Department of Public Safety will adopt the definition of an "*apportionable vehicle*" that affords the greatest benefit to the public.
- (3) The term "*apportionable vehicle*" means (except as provided below) any Power Unit that is used or intended for use in two or more Member Jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:
 - (a) has two Axles and a gross Vehicle weight or registered gross Vehicle weight in excess of 26,000 pounds (11,793.401 kilograms), or
 - (b) has three or more Axles, regardless of weight, or
 - (c) is used in combination, when the gross Vehicle weight of such combination exceeds 26,000 pounds (11,793.401 kilograms).

* The following jurisdictions are member of the International Registration Plan (IRP). As of July 1, 2008 there are no Exceptions to the Plan.

MEMBER JURISDICTIONS

Jurisdiction	Date Approved	Date of Entry
1	Kentucky	September 13, 1973
2	Tennessee	September 13, 1973
3	Missouri	September 13, 1973
4	Texas	September 13, 1973
5	Minnesota	September 13, 1973
6	Oregon	September 13, 1973
7	Nebraska	September 13, 1973
8	Utah	September 13, 1973
9	Colorado	September 13, 1973
10	Alberta	July 22, 1974
11	South Dakota	August 5, 1974
12	Mississippi	November 4, 1974
13	Virginia	February 24, 1975
14	Wyoming	July 14, 1975
15	Montana	October 10, 1975
16	Arkansas	October 10, 1975
17	Louisiana	December 1, 1975
18	Idaho	December 10, 1975
19	Illinois	July 7, 1976
20	North Carolina	July 16, 1976
21	Oklahoma	January 19, 1977
22	Wisconsin	May 23, 1977
23	Iowa	August 17, 1977
24	Alabama	September 5, 1979
25	Arizona	May 9, 1980
26	North Dakota	June 19, 1980
27	Kansas	July 9, 1980
28	Pennsylvania	September 15, 1982
29	Michigan	August 10, 1983
30	Florida	January 30, 1984
31	Connecticut	August 6, 1984
32	California	August 6, 1984
33	West Virginia	November 15, 1984
34	South Carolina	March 12, 1985
35	Indiana	July 14, 1986
36	Vermont	February 24, 1987
37	Maryland	March 20, 1987
38	Washington	April 27, 1987
39	New York	February 3, 1988
40	New Hampshire	July 26, 1988
41	New Mexico	December 19, 1988
42	Nevada	May 11, 1990
43	Georgia	May 27, 1990
44	Ohio	July 27, 1990
45	Maine	February 22, 1991
46	Massachusetts	May 22, 1992
47	Saskatchewan	February 24, 1993

- (b) Commercial motor vehicles and combinations exceeding 26,000 pounds gross weight must comply with one of the following:
- (1) Must display a valid Apportioned vehicle registration from their home state or
 - (2) Temporary 72 or 144-hour Texas registration permit. This permit must be purchased for both vehicles in a combination.
 - (3) Agricultural or regular Texas registration. This type of registration is required for *Intrastate* movement and a copy of the registration receipt must be carried on each vehicle.
 - (4) All temporary registration permits, with the exception of the 30-day agriculture permit, may be obtained through TX DMV by contacting 800-299-1700.

- (c) Non-resident 30-day registration permit for the transportation of seasonally harvested agricultural commodities (TRC 502. 092)
- (1) The non-resident owner's vehicle must be legally registered in his home state.
 - (2) The permit shall remain valid only as long as the home state registration is valid.
 - (3) In no case will the permit remain valid for longer than 30 days from date of issuance.
 - (4) Used to move machinery used to harvest farm products produced in this state.
 - (5) Must show proof of insurance under an insurance policy written by an insurance company or surety Company authorized to do business in Texas.
 - (6) No more than three such temporary permits will be issued to any non-resident owner during any one registration year.
 - (7) No vehicle registered under this act shall be operated after the expiration of the temporary permit unless the non-resident secures another permit or regular Texas registration for the remainder of the registration year.
 - (8) This temporary registration permit authorizes non-resident vehicle owners to transport the agricultural products from one Texas point to another Texas point when the movement is from the place of production to market, storage, or railhead not more than **75 miles** from the place of production.
 - (9) Temporary registration may be obtained if the vehicle has a current Texas vehicle inspection certificate, or has an inspection certificate from a state that is recognized by Texas as having a similar State inspection program.
 - (10) Vehicles from states with no inspection program will be required to secure a Texas inspection before temporary registration can be issued.
 - (11) This permit may be obtained at any Texas County Tax-Assessor's Office. This is usually located in the County Courthouse of the county in which you enter the state.
 - (12) You must secure this permit before operating intrastate or when you first enter the state to comply with this statute.

States with inspection reciprocity are:

Alabama (LPG Board)	Massachusetts	Texas
California	Michigan	Utah
Connecticut (B.I.P)*	Minnesota	Vermont
District of Columbia	New Hampshire	Virginia
Hawaii	New Jersey	West Virginia
Illinois	New York	Wisconsin (B.I.P)*
Louisiana	Ohio (B.I.P)*	Ten Canadian Provinces
Maine	Pennsylvania	Yukon Territory
Maryland	Rhode Island	(* Bus Inspection Program)

Example: Vehicles from states with no inspection program such as New Mexico and Oklahoma are required to obtain a Texas inspection certificate before purchasing the non-resident agricultural Permit.

Vehicles apprehended for operating without a 30-day agricultural permit or apportioned registration shall be required to purchase full Texas registration. Once apprehended, Texas law prohibits the purchase of 30-day agricultural or 72/144-hour temporary permits.

(d) Out of State Farm Vehicles

- (1) Out-of-state *farm vehicles* may operate into the state or out of the state with valid "farm vehicle" registration from another state.
- (2) A person may never make an intrastate movement on out of state farm registration.

- (3) Vehicles with less than three or more axles on the power unit that weighs less than 26,000 pounds are not eligible for apportioned registration. If an out-of-state farm vehicle with three or more axles on the power unit, or overall combination exceeding 26,000 pounds is operating on an intrastate run, then he/she will need to purchase temporary 72/144-hour permits or 30-day non-agricultural permits.
 - (4) The vehicle(s) will be required by law to obtain full Texas registration or apportioned registration if apprehended.
- (e) Cotton Vehicle Registration (Seed Cotton Module Vehicles.) (TRC 504.505)
- (1) A special Cotton Vehicle Plate will be issued to single motor vehicles that:
 - Are used only to transport seed cotton modules, cotton, or equipment used in transporting or processing cotton; and
 - Are not more than 10 feet in width.
 - (2) Cost is \$8.00 plus regular registration fees for amount of weight to be carried up to 64,000 pounds.
 - (3) This plate allows the empty seed cotton modules truck to operate on Interstate Highway System over Width (10 feet), Length (48 feet), and Height (14 feet 6 inches).
 - (4) Cotton burr trucks must have this registration to operate over width on the Interstate Highway System.
 - (5) Cotton module vehicles that operate on the Interstate Highway System cannot exceed 34,000 pounds on a tandem axle, except when there is no other route available for loading or unloading purposes.

Vehicle Registration Receipt (TRC 621.002 and 621.501)

- (a) A copy of the registration receipt issued for a commercial motor vehicle, truck-tractor, trailer or semi-trailer shall be:
 - (1) Carried on the vehicle.
 - (2) Presented to an officer upon demand.
- This includes farm registered vehicles.

Farm Vehicles: Excess Registered Weight (TRC 502.434)

- (a) Registered commercial motor vehicle, truck tractor, trailer, or semi-trailer may obtain a short term permit to haul loads of more weight than 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) May not be issued for a period of less than one month or more than one year.

This allows a farmer to register his vehicle for the minimum amount and raise the registered weight whenever the harvest begins.

Commercial Motor Vehicle Identification Markings

FMCSR 390.21

All intrastate farm vehicles exceeding 48,000 lbs. will be required to display the following ID markings:

- (a) Legal name or single trade name of the motor carrier.
- (b) The motor carrier identification number issued by the FMCSA, preceded by the letters "USDOT"
- (c) The words "Operated by" if operated by any other carrier.
 - (1) Size, shape, and location of signs
 - (a) On both sides of the self-propelled commercial motor vehicle.
 - (b) Letters that contrast sharply with background.
 - (c) Legible from at least 50 feet.
 - (d) Be kept and maintained to meet legibility requirements.

Farm Vehicle Exemption (TRC 642.003)

TRC 642.002 (Commercial vehicle markings) **does not apply** to a commercial motor vehicle, road tractor, or truck-tractor that is registered under TRC 502.433 as a farm vehicle less than 48,000 lbs and operated in Intrastate commerce.

Weight Law (TRC 621.101)

- (a) **Single Axle Weight - 20,000 pounds**

Agricultural products are allowed an additional 12% or 22,400 pounds if:
The vehicle is loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products that are;

 - (a) in their natural state and being transported from the place of production to the place of first marketing or first processing; and
 - (b) not being operated on a portion of the Interstate Highway System. (TRC 621.508)
- (b) **Tandem Axle Weight - 34,000 pounds**

Agricultural products are allowed an additional 12% or 38,080 pounds if:
The vehicle is loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products that are:

 - (a) in their natural state and being transported from the place of production to the place of first marketing or first processing; and
 - (b) inner bridge cannot exceed 68,000 lbs
 - (c) not being operated on a portion of the Interstate Highway System. (TRC 621.508)
- (c) **Gross Weight - 80,000 pounds**

Agricultural products are not allowed any additional weight on total gross weight.
- (d) **The maximum weights of 20,000, 34,000, and 80,000 pounds** are allowed on the *Interstate Highway System*. No additional weight allowance is permitted on this type of road.
- (e) **Over Axle/Over Gross Weight Tolerance Permits**
 - (1) **Overview:**
 - (a) **Introduction:**

House Bills 2060 (71st Legislature) and 1547 (74th Legislature) authorized the issuance of Over Axle/Over Gross Weight Tolerance Permits to commercial motor vehicles (trucks or truck-tractors in combination with trailers and semi-trailers). These permits are also known as 2060 or 1547 Permits.

An Over Axle/Over Gross Weight Tolerance Permit allows for the operation of a vehicle within certain tolerances above legal axle and gross weight limits, as provided by TRC Chapter 621. The MCD will only issue this permit to the power unit.

House Bill 1547 (74th Legislature) amended HB 2060 (71st Legislature) to:

- Require that every vehicle that is issued an Over Axle/Over Gross Weight Tolerance Permit be issued a sticker to be placed six inches above the state inspection sticker on the front windshield of the vehicle. The sticker must be removed for the vehicle at the time the permit expires, when a lease of the vehicle expires, or when the vehicle is sold.
- Require the Texas Department of Motor Vehicles (TXDMV) to report all Over Axle/Over gross Weight Tolerance Permits issued to each county.
- The applicant can apply for a prorated credit voucher for the remaining time on the permit to be applied to another vehicle when the applicant provides the MCD with a copy of the permit and a "Proof of Loss" letter from their insurance company stating that the vehicle was damaged to such an extent that it cannot be operated upon the highways of Texas. There is a \$25 fee for the credit voucher.
- Provide that carriers operating vehicles which are destroyed or permanently inoperable be issued a credit voucher which can only be applied toward the purchase of another weight tolerance permit (permit cannot be transferred).
- Allow the applicant to select specific counties for travel under the permit where the operator of the vehicle may travel on county or state-maintained roadways.
- Require that fines for offenses committed under this section to be doubled for violators receiving a subsequent conviction within one year of a previous conviction.
- Modify the permit fee schedule to include a permit base fee of \$90, any additional fee set by the department and a county designation fee based on the number of counties selected.

NOTE: Permit fees are nonrefundable. Permits are not transferable from one vehicle to another. Counties cannot be changed once the permit issued.

- (b) **General Information:** An Over Axle/Over Gross Weight Tolerance Permit allows a vehicle to operate on all state and county roads, including Farm-to-Market (FM) and U.S. highway systems within Texas. The Over Axle/Over Gross Weight Tolerance Permit does not authorize a vehicle to operate on interstate highway system as defined by the Federal Highway Administration (FHWA). Effective September 1, 2001, all loads permitted with an Over Axle/Over Gross Weight Tolerance Permit are prohibited from traveling on state and county bridges when exceeding posted weight and load limits, unless the bridge provides the only public vehicular access from an origin or to a destination.

Drivers Must carry the permit in the cab of the vehicle for which it was issued and affix the windshield sticker provided by the MCD to the inside of the windshield of the vehicle within six inches above the vehicle's inspection sticker.

(2) Permit Provisions:

Vehicles Transporting Non-Agricultural Products: The Over Axle/Over Gross Weight Tolerance Permit authorizes the operation of vehicles transporting nonagricultural products with a tolerance of:

- Up to 10 percent above legal axle weight.
- Up to, but not more than 5 percent above the gross vehicular weight.

Vehicles Transporting Agricultural Products: Over Axle/Over Gross Weight Tolerance Permit authorizes the operation of vehicles transporting agricultural products with a tolerance of:

- Up to 12 percent above legal axle weight on one single axle or tandem axle, up to 10 percent above legal axle weight on all remaining single axle or tandem axle.
- Up to, but not more than 5 percent above the gross vehicular weight.

NOTE: For agricultural and non-agricultural products, the gross weight should never exceed 84,000 pounds.

Examples of agricultural products include, but are not limited to, the items listed below.

- Cottonseed hulls, cottonseed meal, and sugar beet pulp.
- Cotton (not baled).
- Fresh eggs.
- Fresh fruits and vegetables.
- Grain, including rice.
- Hay.
- Live animals, including livestock, poultry and game birds.
- Live horticultural products and live nursery stock, including any tree, shrub, vine, cutting, graft, scion, grass, bulb, or bud that is in a growing state and is grown for, kept for, or is capable of propagation and distribution for sale.
- Manure produced by livestock, poultry, or game birds.
- Nuts.
- Oil seed.
- Peanuts.
- Raw milk.
- Seed for planting.
- Sugar cane.
- Timber.
- Wool and mohair.
- Wood pulp.
- Wood Chips

Load-Zoned Roads

Vehicle operating under this permit may travel on load-zoned roads with:

- Up to their allowed tolerance above their legal axle weights.
- Up to 5 percent above their gross vehicular weight.

Load-Zoned Bridges

Effective September 2, 2001, all loads permitted with an Over Axle/Over Gross Weight Tolerance Permit are prohibited from traveling on state and county bridges when exceeding posted weight and load limits, unless the bridge provides the only public vehicular access from an origin or to a destination.

(3) Permit Information:

Vehicle Registration Requirement: Vehicles issued an Over Axle/Over Gross Weight Tolerance Permit must be registered for the maximum permissible weight for the particular vehicle, not to exceed 80,000 pounds. This permit does not increase the registered weight limit, but only allows a tolerance above the maximum registered weight.

Texas registered semi-trailers having either TOKEN or APPORTIONED tags must upgrade their registration fee by paying an additional \$15. The applicant may contract their local County Tax Assessor-Collector's Office in the county where the semi-trailer is registered.

Vehicles registered in another state may buy an Over Axle/Over Weight Tolerance Permit if they have apportioned registration and Texas is listed on their cab card. If the vehicle does not have apportioned registration, they must obtain full Texas registration. The MCD will not sell temporary registration to any vehicle operating under the Over Axle/Over Gross Weight Tolerance Permit.

Vehicles registered with out-of-state farm tags may purchase an Over Axle/Over Gross Weight Tolerance Permit if they operate within the restrictions of the use of the farm tags as outlined below

- The applicant must be hauling their own product; they cannot haul for hire.
- The applicant may bring products into the state or take products out of state, but no intrastate movement is allowed.

Bond/Letter of Credit Requirement: A company must have a valid Over Axle/Over Gross Weight Tolerance Permit Bond or an Irrevocable Letter of Credit on file with the MCD in the amount of \$15,000 for vehicles hauling nonagricultural products. The bond or letter of credit must be payable to the Texas Department of Motor Vehicles (TXDMV) and to the counties of Texas. The Federal Deposit Insurance Corporation (FDIC) must guarantee deposits of any financial institution that issues the letter of credit.

The bond remains in effect until the insurance or bonding company notifies the MCD that the bond is cancelled.

For vehicles hauling agricultural products, neither a bond nor a letter of credit is required.

Fees:

An Over Axle/Over Gross Weight Tolerance Permit has a \$90 base fee and any additional fee set by the department. In addition to the fees listed above, the applicant must also pay an additional fee based on the following fee schedule:

County Designation Fee Charged In Addition to the \$90 Base Fee

Number of Counties	Fee
1-5	\$175
6-20	\$250
21-40	\$450
41-60	\$625
61-80	\$800
81-100	\$900
101-254	\$1000

Duration of Permit:

The permit is valid for one year from the permit start date.

(4) How Do I Apply?

- Complete Form 1751. Over Axle/Over Gross Weight Tolerance Permit Application.
- Applicants who do not have a current permit bond on file must pay by check, cashier's check or money order payable to the Texas Department of Motor Vehicles and mail the original bond, with the application and fees, to: Weight Tolerance Permit Applications, P.O. Box 13529, Austin, Texas 78711-3529.
- Applicants with a current permit bond on file and paying by check, cashier's check or money order (payable to the Texas Department of Motor Vehicles) should mail the application and fees to: Weight Tolerance Permit Applications, P.O. Box 13529, Austin, Texas 78711-3529.
- Applicants with a current permit bond on file and paying by credit card, PAC or escrow account may submit their applications and payment information by fax to (512) 302-2154.
- Submit renewal applications four to five weeks prior to the current permit's expiration date and include desired permit start date (i.e. expiration date plus one day).
- Weight tolerance permits are non-transferable. Weight tolerance permits are issued to the power unit (such as a truck or truck/tractor) only. Applicants hauling both non-agricultural and agricultural commodities must obtain a \$15,000 permit bond on Form 1793, or Irrevocable Letter of Credit, and submit the original with the initial application.

(5) Application Requirements: Motor Carrier Division (MCD) Requirements

To apply for an Over Axle/Over Gross Weight Tolerance Permit by mail or facsimile, the applicant must submit the information listed below to the MCD:

- a completed and signed TXDMV Form 1751- - Over Axle and Over Gross Weight Tolerance Permit Application available over the internet at www.txdmv.gov (select "Doing Business with TXDMV," then "Motor Carriers," then "Oversize and Overweight permits," then "Over Axle/Over Gross Weight Tolerance" under TXDMV Quick Link menu)
- an original bond or irrevocable letter of credit for non-agricultural commodities in the amount of \$15,000.
- Payment with a nonrefundable cashier's check, personal check, company check, money order, credit card, PAC or escrow account.

An Over Axle/Over Gross Weight Tolerance Permit may also be self-issued on-line when the following conditions are met:

- issued for agricultural commodities
- an original bond or irrevocable letter of credit for non-agricultural commodities in the amount of \$15,000 is on file with MCD.
- payment method is credit card, PAC or escrow account.

To self-issue an Over Axle/Over Gross Weight Tolerance Permit on line, the applicant must complete the process below:

- Go to www.txdmv.gov and select "Doing Business with TXDMV," then "Motor Carriers," then "Oversize and Overweight permits," then "Over Axle/Over Gross Weight Tolerance," then "Order a Permit Now" to logon to the Central Permit System and follow the screens.

The applicant will receive the permit number when they complete the process. The MCD will print the permit with the windshield sticker and mail the permit to the address provided by the applicant. The permit can also be sent over night using the carrier requested by the applicant with the fee being charged to the provided credit card.

The MCD does not send out renewal notices before Over Axle/Over Gross Weight Tolerance Permits expires. It is the customer's responsibility to submit a new Over Axle/Over Gross Weight Tolerance Permit Application by mail or facsimile at least four weeks prior to the expiration of the permit, or self-issue new permit on-line prior to the expiration date.

(f) Seed Cotton Module (TRC 622.953)

The overall gross weight of a single motor vehicle used to transport seed cotton or equipment used to transport or process seed cotton may not be heavier than 64,000 pounds. This vehicle weight is not allowed on the Interstate Highway System. If the vehicle is operated on the Interstate Highway System, they are allowed only 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

(g) Chile Pepper Module Trucks (TRC 622.953)

The overall gross weight of a single motor vehicle used to transport chile pepper modules or equipment used to transport or process chile pepper modules may not be heavier than 54,000 pounds. There is no single or tandem axle weight on this vehicle. This vehicle weight is not allowed on the Interstate Highway System. If the vehicle is operated on the Interstate Highway System, they are allowed only 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

Tire Weight Rating Limitation (FMCSR 393.75(f) and TRC 621.101)

- (a) FMCSR 393.75(f) - No motor vehicle shall be operated with tires that carry a greater weight than specified and marked on the sidewall of the tire. (This is an out-of-service violation)
 - (1) Exception:
 - (a) Special permit issued by the State; and
 - (b) Operated at a reduced speed to compensate for tire loading.
- (b) TRC 621.101 – No tires may carry a weight greater than the weight specified and marked on the sidewall of the tire.
 - (1) Exception:
 - (a) Unless the vehicle is being operated under the terms of a special permit.

Unloading (TRC 621.403, 621.404, 621.405)

The operator or owner of a vehicle is not required to unload any part of the vehicle's load under TRC 621.403 or 621.404 if the vehicle is a motor vehicle loaded with timber, pulp wood, or agricultural products in their natural state being transported from the place of production to the place of marketing or first processing; a vehicle crossing a highway as provided by Subchapter C, Chapter 623; or the operator of a motor vehicle may proceed to the vehicle's destination without unloading the vehicle as required by TRC 621.403 or 621.404 if the vehicle is loaded with livestock.

Lighting and Brake Requirements

Item on the Vehicle	Quantity	Location	Position	Required on
Headlamps	2 at least	front	on front at same height equal # on each side	A,B,C
Turn Signal (Front)	2 amber	at or near front	one on each side	A,B,C
Identification lamp (front)	3 amber	front	vertical centerline	B,C
Tail Lamp	2 red	rear	one on each side	A,B,C,D,E,F,G,H
Stop Lamp	2 red	rear	one on each side	A,B,C,D,E,F,G
Clearance Lamp	2 amber	front	one on each side to indicate width	B,C,D,G,H
Side Marker, intermediate	2 amber	midpoint	one on each side if over 30' in length	A,B,D,F,G
Reflector, intermediate	2 amber	midpoint	one on each side if over 30' in length	A,B,D,F,G
Reflector, rear	2 red	rear	one on each side	A,B,C,D,F,G
Reflector, rear side	2 red	as far to the rear as practicable	one on each side	A,B,D,F,G
Reflector, front side	2 amber	as far to the front as practicable	one on each side	A,B,C,D,F,G
License plate lamp	1 white		at rear license plate	A,B,C,D,F,G
Side marker lamp front	2 amber	as far to the front as practicable	one on each side	A,B,C,D,F
Side marker lamp rear	2 red	as far to the rear as practicable	one on each side	A,B,D,F,G
Turn Signal rear	2 amber or red	rear	one on each side	A,B,C,D,E,F, G
Identification lamp rear	3 red	rear	vertical centerline	
Hazard lamps	2 red	rear	one on each side	A,B,C,D,E
	2 amber	front	one on each side	F,G
Backup lamp	1 white	rear	rear	A,B,C
Parking lamp	2 amber or white	front	one on each side	A

A - Small buses & trucks less than 80" wide

B - Buses & Trucks over 80" wide

C - Truck tractors

D - Trailers 80" or more wide

E - Converter dolly

F - Trailers under 80" wide

G - Pole Trailers

>H - Projecting loads

See Table One 393.11 For Complete Lighting Chart

General Lighting Equipment Requirements (TRC 547.371)

- (a) Except as provided by Subsection (b), a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be equipped with:
 - (1) at least two headlamps that comply with TRC 547.333, 547.334, or 547.335;
 - (2) 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;
 - (3) 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
 - (4) hazard lamps as described in TRC 547.331, which shall be lighted and visible in normal sunlight at a distance of at least 1,000 feet from the front and rear.
- (b) A farm tractor, self-propelled unit of farm equipment, or implement of husbandry manufactured or assembled on or before January 1, 1972, is required to be equipped as provided by Subsection (a) only at the times specified by TRC 547.302(a), and hazard lamps are not required. (TRC 547.371(b))

Lighting Requirements for Combination Vehicles (TRC 547.372)

- (a) 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 at the times specified by TRC 547.302(a) with at least two rear red reflectors that are:
 - (1) visible at all distances from 100 to 600 feet when directly in front of lawful lower beams of headlamps; and
 - (2) mounted to indicate, as nearly as practicable, the extreme width of the vehicle or combination of vehicles.
- (b) 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 at the times specified by TRC 547.302(a) with a front amber reflector that is:
 - (1) visible at all distances from 100 to 600 feet when directly in front of lawful lower beams of headlamps; and
 - (2) mounted to indicate, as nearly as practicable, the extreme left projection of the towed object.
- (c) Reflective tape or paint may be used as an alternative to the reflectors required by this section if the alternative complies with the other requirements of this section. (TRC 547.372(c))

Duty to Display Lights (TRC 547.302)

- (a) A vehicle shall display each lighted lamp and illuminating device required by this chapter to be on the vehicle:
 - (1) at nighttime; and
 - (2) when light is insufficient or atmospheric conditions are unfavorable so that a person or vehicle on the highway is not clearly discernible at a distance of 1,000 feet ahead.
- (b) A signaling device, including a stop lamp or a turn signal lamp, shall be lighted as prescribed by this chapter.
- (c) At least one lighted lamp shall be displayed on each side of the front of a motor vehicle.
- (d) Not more than four of the following may be lighted at one time on the front of a motor vehicle:
 - (1) a headlamp required by this chapter; or
 - (2) a lamp, including an auxiliary lamp or spot lamp, that projects a beam with an intensity brighter than 300 candlepower. (V.A.C.S. Art. 6701d, Secs. 109(a), 130.)

Brakes (TRC 547.401)

A motor vehicle, trailer, semitrailer, pole trailer, or combination of those vehicles shall be equipped with brakes.

A trailer, semitrailer, or pole trailer is not required to have brakes if:

- (1) its gross weight is 4,500 pounds or less; or
- (2) its gross weight is heavier than 4,500 pounds but not heavier than 15,000 pounds, and it is drawn at a speed of not more than 30 miles per hour.

Each power unit must be equipped with a parking brake.

A motor vehicle used to tow a trailer, semitrailer, or pole trailer equipped with brakes shall be equipped with service brakes arranged so that, in case of a breakaway of the towed vehicle, the towing vehicle is capable of stopping by use of its service brakes.

SLOW MOVING VEHICLES TRC 547.703

Slow Moving Vehicle Emblem

- (a) Slow-moving vehicle is defined as a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less; or a vehicle, implement of husbandry, or machinery, including road construction machinery, that is towed by: an animal; or a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less.
- (b) Slow-moving-vehicle emblem means a triangular emblem that conforms to standards and specifications adopted by the director under Section 547.104 relating to color, size, and mounting position of a slow-moving-vehicle emblem.
- (c) The slow moving vehicle emblem must be mounted (base down) from 3 to 5 feet above the surface of the road. It must be maintained in a clean, reflective condition.
- (d) If a motor vehicle displaying a slow-moving emblem tows machinery, including an implement of husbandry, and the visibility of the emblem is not obstructed, the towed unit is not required to display a slow moving-vehicle emblem.

Right of Way

- (a) Operators of vehicles driving more slowly than the normal speed of other vehicles must drive in the right hand lane or as close as practicable to the right hand edge of the roadway. Operators moving in the opposite direction shall move to the right and yield at least one-half of the roadway to the other vehicle.

Definition

- (a) **Implement of husbandry** (541.201) means a vehicle, other than a passenger car or truck, that is designed and adapted for use as a farm implement, machinery, or tool for tilling the soil.

Cylindrical Hay Bale Permit - Width

Permit for Movement of Cylindrical Hay Bales (TRC 623.017)

- (a) The Texas Department of Transportation may issue an annual permit to authorize the movement of a vehicle that is used to carry cylindrical bales of hay and that is wider than the maximum allowable vehicle width (102 inches) but not wider than 12 feet.
- (b) A \$10 permit fee must accompany an application for a permit under this section.
- (c) This permit may be obtained by calling the Texas Department of Motor Vehicles at 1-800-299-1700, Option 1, then Option 1, then Option 2, or visiting their Web site at www.txdmv.gov

Implement of Husbandry - Width Exception

Width Exceptions (TRC 622.901)

- (a) The width limitation provided by Section 621.201 does not apply to 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:
 - (1) the vehicle is a farm tractor or implement of husbandry; or 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:
 - a. to deliver the tractor or implement to a new owner;
 - b. to transport the tractor or implement to or from a mechanic for maintenance or repair; or
 - c. in the course of an agricultural operation;
 - (2) during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways; or
 - (3) for not more than 50 miles on a highway that is part of the national system of interstate and defense highways;
 - (4) a vehicle registered under Section 502.431 (Fertilizer License Plate)

Oversize Permits

General Requirements

- (a) Oversize permits are issued for oversize loads that cannot be reasonably dismantled.
 - (1) Implements of husbandry that exceed legal size limitations (weight, length, height, and sometimes width) must secure oversize permits.
 - (2) Over width must secure a permit if operated over 50 miles on the Interstate highway system.
 - (3) Permits may be obtained by calling the Texas Department of Motor Vehicles at 1-888-368-4689 or visiting their Web site at www.txdmv.gov.

Overhang (TRC 621.206)

- (a) Front overhang – 3 feet.
 - (b) Rear overhang – 4 feet.
 - (c) Pipes and poles – not longer than 65 feet are exempt from overhang requirements.
- Any overhang that exceeds 4 feet is restricted to daylight movement only.
 - All overhangs are required to have a 12 inch X 12 inch red flag attached to the rear of the extension during the daytime and a red light during the nighttime.

Length (TRC 622.902)

Vehicles or combination of vehicles used to transport combines:

- (a) 75 feet if the vehicle is traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system.
- (b) 81-1/2 feet if the vehicle is not traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system.
- (c) Measured bumper to bumper on both (a) & (b)

Seat Belts - Farm Vehicles

Definitions (TRC 545.412)

- (a) "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.
- (b) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- (c) "Secured", in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:
 - (1) the manufacturer of the vehicle, if the safety belt is original equipment; or
 - (2) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

Safety Belts; Offense (TRC 545.413)

- (a) A person commits an offense if:
 - (1) the person:
 - (A) is at least 15 years of age;
 - (B) is riding in a passenger vehicle while the vehicle is being operated;
 - (C) is occupying a seat that is equipped with a safety belt; and
 - (D) is not secured by a safety belt.
- (b) A person commits an offense if the person:
 - (1) operates a passenger vehicle that is equipped with safety belts; and
 - (2) allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section 545.412(a) to ride in the vehicle without requiring the child to be secured by a safety belt, provided the child is occupying a seat that is equipped with a safety belt.
- (b-1) A person commits an offense if the persons allows a child who is younger than 17 years of age and who is not required to be secured in a child passenger safety seat system under Section 545.412(a) to ride in a passenger van designed to transport 15 or fewer passengers, including the driver, without securing the child individually by a safety belt, if the child is occupying a seat that is equipped with a safety belt.
- (c) A passenger vehicle or a seat in a passenger vehicle is considered to be equipped with a safety belt if the vehicle is required under TRC 547.601 to be equipped with safety belts.
- (d) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$25 or more than \$50. An offense under Subsection (b) is a misdemeanor punishable by a fine of not less than \$100 or more than \$200.
- (e) It is a defense to prosecution under this section that:
 - (1) the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
 - (2) the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
 - (3) the person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;
 - (4) the person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;
 - (5) the person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle;
 - (6) **the person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.433 that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more;** or
 - (7) the person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

Use of Seat Belts (FMCSR 392.16)

- (a) 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.

IMPORTANT NOTES:

- The defense to prosecution under TRC 545.413 (e)(6) applies only to the driver of a farm vehicle registered with valid farm vehicle license plates. This defense to prosecution does not apply to the passenger in a farm vehicle.
- A commercial vehicle registered as a farm vehicle under TRC 502.433 (farm vehicle license plate) must comply with the federal requirements in FMCSR 392.16 regarding the use of seat belts when they are regulated by FMCSR. (INTERSTATE at 10,001 pounds or more and INTRASTATE at 48,000 pounds or more)
- *Section 545.412 offense. (a) A person commits an offense if the person operates a passenger vehicle, transports a child who is younger than 8 years of age, unless the child is taller than four feet, nine inches, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system. It is a fine of not less than \$25 and not more than \$250.*

Towing Safety Chains – TRC 545.410

- (a) An operator of a passenger car or light truck may not draw a trailer, semitrailer, house trailer, or another motor vehicle unless safety chains of a type approved by the department are attached in a manner approved by the department from the trailer, semitrailer, house trailer, or drawn motor vehicle to the drawing vehicle.
This subsection does not apply to the drawing of a trailer or semitrailer used for agricultural purposes.
- (b) The department shall adopt rules prescribing the type of safety chains required to be used according to the weight of the trailer, semitrailer, house trailer, or motor vehicle being drawn.
The rules shall:
- (1) require safety chains to be strong enough to maintain the connection between the trailer, semitrailer, house trailer, or drawn motor vehicle and the drawing vehicle; and
 - (2) show the proper method to attach safety chains between the trailer, semitrailer, house trailer, or drawn motor vehicle and the drawing vehicle.
- (c) Subsection (b) does not apply to trailers, semitrailers, or house trailers that are equipped with safety chains installed by the original manufacturer before the effect date of the rules.
- (d) This section does not apply to a trailer, semitrailer, house trailer or drawn motor vehicle that is operated in compliance with the federal motor carrier safety regulations.
- (e) In this section, "safety chains" means flexible tension members connected from the front of a drawn vehicle to the rear of the drawing vehicle to maintain connection between the vehicles if the primary connecting system fails.

IMPORTANT NOTES:

Safety chains do not apply to fifth wheel or gooseneck semitrailers.

Definitions. TRC 725.001.

"Load" means a load of loose material.

"Loose material" means material that can be blown or spilled from a vehicle because of movement or exposure to air, wind currents, or other weather. The term includes dirt, sand, gravel, refuse, and wood chips but excludes an agriculture product in its natural state.

IMPORTANT NOTE: Anything over 48,000 lbs. transported in a farm vehicle is subject to FMCSR 392.9 (inspection of cargo, cargo securement devices and systems) and all of FMCSR 393 Equipment and load securement.

"Refuse" means trash, rubbish, garbage, or any other discarded material.

Offense; Penalty. TRC 725.003.

An offense under this section is a misdemeanor punishable by a fine of not less than \$25 or more than \$500.

Containing Loose Materials - TRC 725.021

- (a) A vehicle subject to this chapter shall be equipped and maintained as required by this section to prevent loose material from escaping by blowing or spilling.
- (b) A vehicle bed carrying a load:
 - (1) may not have a hole, crack, or other opening through which loose material can escape: and
 - (2) shall be enclosed:
 - (A) on both sides by side panels;
 - (B) on the front by a panel or the vehicle cab; and
 - (C) on the rear by tailgate or panel.
- (c) Except as provided by Subsection (e), the load shall be covered and the covering firmly secured at the front and back, unless the load:
 - (1) is completely enclosed by the load-carrying compartment; or
 - (2) does not blow from or spill over the top of load-carrying compartment.
- (d) The tailgate of the vehicle shall be securely closed to prevent spillage during transportation.
- (e) If the vehicle is a commercial motor vehicle transporting loose material, the load shall be covered and the covering firmly secured at the front and back or shall be completely enclosed by the load-carrying compartment. For purpose of this section, "commercial motor vehicle" means a motor vehicle, trailer, or semitrailer used primarily in the business of transporting property.