STATE OF OKLAHOMA
DEPARTMENT OF PUBLIC SAFETY

Oklahoma Highway Patrol

Information for Farmers and Ranchers

PURPOSE

The Department of Public Safety's Commercial Vehicle Enforcement Division has produced this pamphlet in order to provide basic regulatory information to Oklahoma 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 Oklahoma and Federal statutes.

> **Farmers and ranchers who operate commercial vehicles in Oklahoma are not generally exempted from complying with the Federal Motor Carrier Safety Regulations when operating commercial motor vehicles. To obtain information about the regulations or applicable state laws, see the resource list in the back of this pamphlet**.

DISCLAIMER

Although every effort was made to ensure 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 Oklahoma statutes. The contents may not be relied upon as a substitute for the official statutory text.

References to any particular publication or company is not an official endorsement of these sources by the State of Oklahoma, the Department of Public Safety or the Oklahoma Highway Patrol.

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

DEFINITIONS

To clarify the various exceptions to and the application of the rules and regulations for farmers, it is necessary to set forth the following definitions:

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle —

(1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or

(2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or

(3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Farm vehicle driver means 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 §177.823 of this subtitle; and

(e) Being used within 150 air miles of the farmer's farm.

Farmer means 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. (CFR Title 49 Part 390.5)

Gross combination weight rating (GCWR) means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

Implement of Husbandry means every device, whether it is self-propelled, designed and adapted so as to be used exclusively for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and, in either case, not subject to registration if operated upon the highways.

1. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallons capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or field or from one farm or field to another, shall be considered implements of husbandry for purposes of this title.

2. Trailers or semitrailer's owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon shall also be considered implements of husbandry for purposes of this title. Provided, no truck or semitrailer with an axle weight of twenty thousand (20,000) pounds or more, which is used to haul manure and operated on the public roads or highways of this state shall be considered an implement of husbandry for the purposes of this title.

3. Utility-type, all-terrain vehicles with a maximum curb weight of one thousand five hundred (1,500) pounds which are equipped with metal front or rear carrying racks when used for agricultural, horticultural or livestock-raising operations shall be considered implements of husbandry for purposes of this title. (47 O.S. Section 1-125)

Interstate commerce means trade, traffic, or transportation in the United States —
(1) Between a place in a State and a place outside of such State (including a place outside of the United States);
(2) Between two places in a State through another State or a place outside of the United States; or
(3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Intrastate commerce means any trade, traffic, or transportation in any State which is not described in the term "interstate commerce."

Medical examiner means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic.

Motor vehicle means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Motor Carrier Safety Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING
49 CFR PART 382

Part 382 requires controlled substance and alcohol testing for all drivers of commercial vehicles, requiring a CDL for operation except —

a. Operators of a farm vehicle which is:
   1. Controlled and operated by a farmer;
   2. Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
   3. Not used in the operations of a common or contract motor carrier; and
   4. Used within 241 kilometers (150 miles) of the farmer's farm.

COMMERCIAL MOTOR VEHICLES
47 O.S., CHAPTER 1

Section 1-107.1. Class A Commercial Motor Vehicle.

Any combination of vehicles, except a Class D motor vehicle, with a gross combined weight rating of twenty-six thousand one (26,001) or more pounds provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds.

Section 1-107.2. Class B Commercial Motor Vehicle.

Any single vehicle, except a Class D motor vehicle, with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds gross vehicle weight rating. This class shall apply to a bus with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds and designed to transport sixteen or more persons, including the driver.

Section 1-107.3. Class C Commercial Motor Vehicle.

Any single vehicle or combination of vehicles, other than a Class A or Class B vehicle as defined in this title, which is:

1. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; or
2. Designed by the manufacturer to transport sixteen or more persons, including the driver.

Section 1-107.4. Class D Motor Vehicle.

A. A Class D motor vehicle is any motor vehicle or combination of vehicles which:

1. Regardless of weight:
   a. is marked and used as an authorized emergency vehicle, as defined in Section 1-103 of this title, or
   b. is designed and used solely as a recreational vehicle;

2. Is a single or combination vehicle with a gross combined weight rating of less than twenty-six thousand one (26,001) pounds; or

3. Is a single or combination farm vehicle with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:

a. it is entitled to be registered with a farm tag and has a farm tag attached thereto,

b. it is controlled and operated by a farmer, his family or his employees,

c. it is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm,

d. it is not used in the operations of a common or contract motor carrier, and

e. it is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law.

B. A **Class D** Motor Vehicle **shall not include** any vehicle which is:

1. Designed to carry sixteen or more passengers, including the driver; or

2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in paragraph 3 of subsection A of this section, which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, shall be considered to be a Class D motor vehicle.

FARMER EXCEPTIONS (CDL)

Exception for farmers, firefighters, emergency response vehicle drivers, and drivers removing snow and ice.

A State may, at its discretion, exempt individuals identified in paragraphs (d)(1), (d)(2), and (d)(3) of this section from the requirements of this part. The use of this waiver is limited to the driver's home State unless there is a reciprocity agreement with adjoining States.

(d)(1) Operators of a farm vehicle which is:

(i) Controlled and operated by a farmer, including operation by employees or family members;

(ii) Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within 241 kilometers (150 miles) of the farmer's farm.

(d)(2) Firefighters and other persons who operate CMVs which are necessary to the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals and are not subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances, or other vehicles that are used in response to emergencies.

(d)(3)(i) A driver, employed by an eligible unit of local government, operating a commercial motor vehicle within the boundaries of that unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, if

(A) The properly licensed employee who ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle; or

(B) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance.

(d)(3)(ii) This exemption shall not preempt State laws and regulations concerning the safe operation of commercial motor vehicles.

MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS 49 CFR PART 387

(a) This subpart applies to **for hire motor carriers** operating motor vehicles transporting property in interstate or foreign commerce.

(b) This subpart applies to motor carriers operating motor vehicles **transporting hazardous materials, hazardous substances, or hazardous wastes** in interstate, foreign, or intrastate commerce.

(c) **Exception.**

(1) The rules in this part do not apply to a motor vehicle that has a gross vehicle weight rating (GVWR) of less than 10,000 pounds. This exception does not apply if the vehicle is used to transport any quantity of a Division 1.1, 1.2, or 1.3 material, any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A, or to a highway route controlled quantity of a Class 7 material as it is defined in 49 CFR 173.403, in interstate or foreign commerce.

(2) The rules in this part do not apply to the transportation of nonbulk oil, nonbulk hazardous materials, substances, or wastes in intrastate commerce, except that the rules in this part do apply to the transportation of a highway route controlled quantity of a Class 7 material as defined in 49 CFR 173.403, in intrastate commerce.

COMMERCIAL VEHICLE MARKINGS
49 CFR PART 390

Intrastate farm vehicles that **exceed 26,000 pounds** alone or in combination must be marked with the legal trade name and an Oklahoma DOT number on both sides.

Interstate farm operations **must comply** with the marking requirements when the vehicles exceed **10,000 pounds** GVWR or GCWR.

(f) **Exceptions.** Unless otherwise specifically provided, the rules in this subchapter do not apply to:

(3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise

Interpretation of the exception.

Question 21: Does the exemption in 390.3(f)(3) for the "occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise" apply to persons who occasionally use CMVs to transport cars, boats, horses, etc., to races, tournaments, shows or similar events, even if prize money is offered at these events?

Guidance: The exemption would apply to this kind of transportation, provided: (1) The underlying activities are not undertaken for profit, i.e., (a) prize money is declared as ordinary income for tax purposes, and (b) the cost of the underlying activities is not deducted as a business expense for tax purposes; and, where relevant; (2) corporate sponsorship is not involved. Drivers must confer with their State of licensure to determine the licensing provisions to which they are subject.

Interstate and intrastate carrier requirements can be found in the Federal Code of Safety Regulations, Part 390.21 and in Oklahoma state law (48 O.S., Section 1133.2).

DRIVER QUALIFICATIONS
49 CFR PART 391

(1) **Intrastate:**

Farm vehicle drivers of articulated commercial vehicles with a GCWR of more than 26,000 lbs. are required to possess a medical card. Farm vehicle drivers operating straight trucks are exempt from Part 391.

(2) **Interstate:**

Farm vehicle drivers of articulated commercial vehicles with a GCWR of more than 10,000 lbs. are required to possess a medical card. Farm vehicle drivers operating straight trucks are exempt from Part 391.

(3) **Interstate and Intrastate:**

When the farm vehicle driver of a commercial motor vehicle **exceeds 150 air miles** from the farm and **exceeds 10,000 lbs interstate** or **26,000 lbs intrastate**, the farmer **must comply** with all the requirements of this part.

Medical examination; certificate of physical examination.

(a) Except as provided in paragraph (b) of this section, the medical examination shall be performed by a licensed medical examiner as defined in 390.5 of this subchapter.

(b) A licensed optometrist may perform so much of the medical examination as pertains to visual acuity, field of vision, and the ability to recognize colors as specified in paragraph (10) of 391.41(b).

DRIVING OF COMMERCIAL MOTOR VEHICLES
49 CFR PART 392

Rules directly relating to the driving of commercial motor vehicles are found in Part 392. Both interstate and intrastate farm operations are subject to the requirements of this part. Particular attention should be paid to the requirements of Part 392.3. This section prohibits the operation of a commercial vehicle by an operator whose ability to safely operate the vehicle is impaired by illness, fatigue or any other cause.

(Note) Seat belts are required for drivers of any Federal Motor Carrier Safety regulated vehicle.

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION
49 CFR PART 393

Part 393 addresses parts and accessories that are necessary for safe operation. This includes but is not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, steering systems lighting, reflectors, and safety equipment such as fire extinguishers, and the proper securement of cargo. Farming and ranching operations are subject to the requirements of this Part.

HOURS OF SERVICE OF DRIVERS
49 CFR PART 395

Hours of service provisions apply to all motor carriers and drivers **except** those provided for in part 395. Generally an **intrastate farm vehicle driver** that is operating a motor vehicle **not exceeding 26,000 pounds** GVWR or GCWR, is **not regulated** by the hours of service requirements in this section.

FARMER EXCEPTIONS FROM PART 395
(HOURS OF SERVICE)

Interstate farm vehicle drivers **exceeding 10,000** GVWR or GCWR or **intrastate farm** vehicle drivers **exceeding 26,000** GVWR or GCWR are provided the following exception:

(395.1 (k). Agricultural operations. The provisions of this part **shall not** apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:

(1) **Is limited to an area within a 100 air-mile radius** from the source of the commodities or the distribution point for the farm supplies, and

(2) Is conducted during the planting and harvesting seasons within such State, as determined by the State.

Agricultural commodity. The term 'agricultural commodity' means any agricultural commodity, non-processed food, feed, fiber, or livestock (including livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) and insects.

Livestock is defined in the Emergency Livestock Feed Assistance Act as "cattle, sheep, goals, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, fish used for food, and other animals designated by the Secretary".

Farm supplies for agricultural purposes. The term 'farm supplies for agricultural purposes' means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.

> Note: Farm supplies for agricultural purposes allows transporters of livestock feed to take advantage of the hours of service exemption year round. FMCSA staff, therefore, should not limit the exemption for livestock feed transporters to the "harvest season" as defined by the State.
>
> **Note: The planting and harvesting season in Oklahoma is January 1 through December 31.**

INSPECTION, REPAIR AND MAINTENANCE
49 CFR PART 396

The inspection repair and maintenance of commercial motor vehicles is covered in the regulations in Part 396. Driver inspections are conducted in accordance with Part 396.13. This section requires the driver to be satisfied that the vehicle is in safe operating condition, to review the last driver/vehicle inspection report and sign that report if defects or deficiencies are found.

Exceptions. The rules in this section shall not apply to a private motor carrier of passengers (nonbusiness), a driveaway-towaway operation, **or any motor carrier operating only one commercial motor vehicle.**

There are eleven specific areas that must be inspected:

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

Annual inspections are required in Part 396.17, and proof of their completion is required to be carried on the vehicle. A copy of the inspection is also required to be in the vehicles' maintenance file. Part 396.19 addresses the requirements necessary for a person to be deemed qualified to conduct the annual inspections.

Finally, Part 396 also requires maintenance files to be kept on all commercial vehicles. **Intrastate** farmers and ranchers are not excluded from these requirements unless the commercial vehicle has a GVWR or GCWR of **less than** 26,001.

MISCELLANEOUS REGULATIONS AFFECTING FARMERS

Implements of Husbandry

Implements of husbandry designed primarily or exclusively for use and used in agricultural operations are not required to be registered. However, implements of husbandry used as conveyances shall display the following information:

47 O.S. Section 1102 states "implements of husbandry used as conveyances shall be required to display the owner's driver's license number or license plate number of any vehicle owned by the owner of the implement of husbandry on the rear of the implement in numbers not less than two (2) inches in height. The use of the owner's social security number on the rear of the implement of husbandry shall not be required."

Livestock Trailer Identification

2 O.S. Section 6-303

A. It shall be unlawful to operate any trailer, not otherwise required to be licensed by law, which is used for the hauling of livestock upon the roads or highways of the State of Oklahoma unless that trailer bears an identifying number.

B. Trailers owned by individual persons shall be identified with the driver license number of the owner. Trailers owned by corporations, partnerships, and other associations or owned by a person who has no driver license shall be identified with numbers as designated by rules of the State Board of Agriculture with advice from the Oklahoma Department of Public Safety.

C. The identifying number shall be in Arabic numerals in a contrasting color of not less than two (2) inches high painted or otherwise affixed to the rear of the trailer so it is clearly visible from the rear at all times and in a manner as to reasonably assure against alteration or destruction.

D. The State Board of Agriculture may promulgate rules, and with the advice of the Oklahoma Department of Public Safety, direct the affixing of identifying numbers to livestock trailers.

E. It shall be unlawful to alter a livestock trailer identifying number other than to comply with this subarticle or rules issued pursuant to this subarticle.

F. No fee shall be charged for the issuance of any trailer identification number required by this subarticle.

Official Slow Moving Vehicle Emblem

47 O.S. Section 12-427

A. The triangular yellow-orange and red slow moving vehicle emblem which meets the

standards and specifications of the American Society of Agricultural Engineers, ASAE S276.3, Slow-Moving Vehicle Identification Emblem, shall be recognized as the official slow-moving vehicle emblem of this state.

B. 1. All farm machinery, other machinery including all road construction and maintenance machinery, and all other vehicles and animal-drawn vehicles designed to operate and operating at a maximum speed of no more than twenty-five (25) miles per hour traveling on a highway during day or night shall display a slow-moving vehicle emblem on the rear of the vehicle.

2. When such road construction and maintenance machinery is engaged in actual construction or maintenance work and there is either a flagman or clearly visible warning signs to warn of such machinery's presence on the roadway are exempt from the requirements of this section.

C. The emblem shall be positioned as near as practicable to the center on the rear of the vehicle or machinery; provided however, that in the case of a string of farm machinery or implements being towed only one clearly visible emblem must be displayed on the rearmost vehicle.

D. The use of such emblem shall be in addition to any lighting devices or other equipment required by law. The failure on the part of an owner or driver of any nonmotor vehicle to display the emblem required in this section shall not relieve the operator of a motor vehicle from negligence in the event of a collision. No person shall use the slow-moving vehicle emblem except as required in this section.

Lamp or Flag on Projecting Load

47 O.S. Section 12-213

A. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in subsection B of Section 12-201 of this title:

1. Two red lights and two red reflectors positioned to indicate maximum width; and
2. One red light facing to each side positioned to indicate maximum overhang.

B. At any other time on any such vehicle, there shall be displayed at the extreme rear end of such load red flags not less than twelve (12) inches square marking the extremities of such load at each point where a lamp would otherwise be required by this section.

C. The required lights and reflectors may be mounted in combination at each side of the vehicle and shall be visible from a distance of one thousand (1,000) feet.

Lamps on Implements of Husbandry

47 O.S. Section 12-215

(a) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times mentioned in Section 47-12-201 be equipped with at least one lamp displaying a white light visible when lighted from a distance of not

less than five hundred (500) feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of such vehicle.

(b) Every self-propelled unit of farm equipment not equipped with an electric lighting system shall at all times mentioned in Section 47-12-201, in addition to the lamps required in paragraph (a), be equipped with two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

(c) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall at all times mentioned in Section 47-12-201 be equipped with the following lamps:

1. At least one lamp mounted to indicate as nearly as practicable the extreme left projection of said combination and displaying a white light visible when lighted from a distance of not less than five hundred (500) feet to the front of said combination, and

2. Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear thereof and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear thereof when illuminated by the upper beams of head lamps.

(d) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall at all times mentioned in Section 47-12-201 be equipped with two single-beam or multiple-beam head lamps meeting the requirements of Section 47-12-221 or 47-12-223 of this act respectively or, as an alternative, Section 47-12-224 of this act, and at least one red lamp visible when lighted from a distance of not less than five hundred (500) feet to the rear; provided, however, that every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet when directly in front of lawful upper beams of head lamps.

(e) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times mentioned in Section 47-12-201 be equipped with lamps as follows:

1. The farm tractor element of every such combination shall be equipped as required in paragraph (d) of this section.

2. The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible when lighted from a distance of not less than five hundred (500) feet to the rear or, as an alternative, two red reflectors visible from all distances within six hundred (600) to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

3. Said combinations shall also be equipped with a lamp displaying a white or amber light, of any shade of color between white and amber, visible when lighted from a distance of not less than five hundred (500) feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred (500) feet to the rear.

(f) The lamps and reflectors required in the foregoing paragraphs of this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor, or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of said vehicle shall be indicated as nearly as practicable.

Coupling Devices - Towing - Stay Chains

47 O.S. Section 12-405.1

A. Every trailer, semitrailer, manufactured home, or towed motor vehicle shall be equipped with a coupling device which shall be designed, constructed, and used so that the trailer, semitrailer, manufactured home, or towed motor vehicle will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer, semitrailer, manufactured home, or towed motor vehicle, except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with:

1. Stay chains or cables to the vehicle by which it is being drawn, which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle, should the regular coupling device break or become otherwise disengaged; or

2. Chains, cables or a safety device which provides strength, security of attachment and directional stability equal to or greater than that provided by safety chains and which prevent parting from the drawing vehicle should the regular coupling device break or otherwise become disengaged. The safety device shall be designed, constructed, and installed so that if the coupling device fails or becomes disconnected the coupling device will not drop to the ground.

B. Nothing in this section shall be construed as excepting commercial vehicles subject to the provisions of 49 C.F.R., Subpart F, Coupling Devices and Towing Methods, from complying with the provisions thereof.

C. No person shall tow any vehicle by sole use of a chain, cable, ropes, or any combination thereof.

Size, Weight and Load

47 O.S. Section 14-101

B. The provisions of this chapter governing size, weight and load shall not apply to fire apparatus, vehicles transporting heavy equipment on any highway other than an interstate and defense highway to and from areas during emergencies for the purpose of fighting fires, Department of Transportation research testing equipment, vehicles used by retail implement dealers while hauling implements of husbandry or to implements of husbandry, including farm tractors,

temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

47 O.S. Section 14-103

The provisions of this subsection shall not apply to any person engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less when the hay is owned by such person and is being hauled for any purpose other than resale. The provisions of this subsection shall also not apply to any county official or employee engaged in the hauling or pulling of a trailer or equipment owned by the county on the county roads of such county.

47 O.S. Section 14-105

(a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or otherwise escaping shall have such load covered so as to prevent the blowing or escaping of said load from the vehicle.

(c) This section shall not apply to trucks loaded with livestock, poultry or agricultural products only except baled agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock or poultry from escaping therefrom.

47 O.S. Section 14-106

Every trailer, or semitrailer, shall be equipped with a coupling device which shall be so designed and constructed that the trailer, or semitrailer will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer or semitrailer except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be coupled with stay chains or cables to the vehicle by which it is being drawn which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle should the regular coupling device break or become otherwise disengaged.

47 O.S. Section 11-406

A. A farm tractor, as defined in Section 1-118 of this title, or any implement of husbandry, as defined in Section 1-125 of this title, except trailers and semitrailers when operated in accordance with statutory limits or provisions of Section 14-101 of this title, shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. However, the Department of Public Safety shall have the authority to permit such travel in certain geographic areas of the state as deemed necessary. Such tractor or implement may be operated on any other roadway in this state if the operator has attached all the safety devices required

by law and has taken reasonable steps to reduce the width of the tractor or implement as provided for by the manufacturer. Whenever the width of a farm tractor or implement of husbandry exceeds the width of that portion of a roadway on which the tractor or implement is driven, which is marked as a single lane of traffic, or, if the roadway has not been marked for lanes of traffic and the width of the tractor or implement exceeds more than fifty percent (50%) of the width of the roadway, the operator shall move the tractor or implement, as soon as possible, as far to the right-hand side of the roadway as is practicable and safe upon approach of any oncoming or following vehicle and upon approaching the crest of a hill.

B. Upon the immediate approach of a farm tractor or implement of husbandry which cannot be moved by the operator thereof to the far right-hand side of the roadway, as required in subsection A of this section, due to the existence of any bridge or guardrail, sign or any other physical impediment which would not safely allow such tractor or implement to travel on the far right-hand side of the road, the driver of every other vehicle shall yield the right-of-way and shall immediately pull over to the far right-hand side of the road and remain in such position until the tractor or implement has passed.

C. This section shall not operate to relieve any operator of a farm tractor or implement of husbandry from the duty to drive with due regard for the safety of all persons using the roadway.

ADOPTION OF FMCSR

OAC 595:35-1-4. Adoption by reference

The Department of Public Safety adopts by reference the United States Department of Transportation regulations pertaining to motor carrier safety and hazardous materials transportation, as contained in Title 49 of the Code of Federal Regulations (49 CFR) [47 O.S. §230.5(2)]. Information relative to this adoption is available through various sources, such as the Labelmaster publication, "Federal Motor Carrier Safety Regulations." Copies of this publication are available by contacting the Oklahoma Trucking Association at (405) 843-9488. Those regulations pertaining to motor carrier safety and hazardous materials transportation adopted by reference under this Section are:

(1) Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs. [49 CFR §40.1 et seq.]

(2) Part 107 Hazardous Materials Programs and Procedures. [49 CFR §107.1 et seq.]

(3) Part 171 Hazardous Materials Regulations...General Information, Regulations, and Definitions. [49 CFR §171.1 et seq.]

(4) Part 172 Hazardous Materials Tables and Hazardous Material Communication Regulations and Emergency Response Information Requirements. [49 CFR §172.1 et seq.]

(5) Part 173 Shippers-General Requirements for Shipments and Packagings. [49 CFR §173.1 et seq.]

(6) Part 177 Carriage by Public Highway. [49 CFR §177.800 et seq.]

(7) Part 178 Shipping Container Specifications. [49 CFR §178.0 et seq.]

(8) Part 180 Continuing Qualification and Maintenance of Packagings. [49 CFR §180.00 et seq.]

(9) Part 382 Controlled Substances and Alcohol Use and Testing. [49 CFR §382 et seq.]

(10) Part 383 Commercial Driver's License Standards; Requirements and Penalties [49 CFR §383.1 et seq.], in so much as it does not conflict with state law

(11) Part 385 Safety Fitness Procedures. [49 CFR §§ 385.1 through 385.8]

(12) Part 390 Federal Motor Carrier Safety Regulations: General. [49 CFR §390.1 et seq.]

(13) Part 391 Qualifications of Drivers. [49 CFR §391.1 et seq.]

(14) Part 392 Driving of Motor Vehicles. [49 CFR §392.1 et seq.]

(15) Part 393 Parts and Accessories Necessary for Safe Operation. [49 CFR §393.1 et seq.]

(16) Part 395 Hours of Service of Drivers. [49 CFR §395.1 et seq.]

(17) Part 396 Inspection, Repair, and Maintenance. [49 CFR §396.1 et seq.]

(18) Part 397 Transportation of Hazardous Materials; Driving and Parking Rules. [49 CFR §397.1 et seq.]

OAC 595:35-1-5. Applicability

(b) The motor carrier safety regulations found in 49 CFR Parts 40, 382, and 390 through 397 are applicable to:

(1) Motor carriers and their agents, employees, or representatives participating in interstate

commerce who are currently subject to the federal regulations concerning motor carrier safety indicated by 49 CFR §390.1.

(2) Motor carriers and their agents, employees and representatives participating in intrastate commerce.

(A) Using vehicles with:

(i) a gross vehicle weight rating or a gross combination weight rating in excess of 26,000 pounds, or

(ii) a gross vehicle weight or gross combination weight in excess of 26,000 pounds.

(B) Using a vehicle designed to transport more than 8 passengers, including the driver, for compensation.

(C) Using a vehicle designed to transport more than 15 passengers, including the driver, but which is not used to transport passengers for compensation.

(D) Using a vehicle in the transportation of hazardous material in a quantity requiring placarding as per 49 CFR Part 172 Subpart F.

Note: The following applies to intrastate regulated farm operations.

595:35-1-6. Deletions, substitutions, and additions to federal rules adopted by reference

(e) **Motor Carrier Identification Report.**

(1) **Applicability.** All motor carriers conducting operations in intrastate commerce shall file a Motor Carrier Identification Report (Form MCS-150) before commencing operations, or if already operating, as soon as practical.

(2) **Availability.** The Motor Carrier Identification Report with complete instructions, is available from:

(A) Department of Public Safety:

(i) in person: Troop S Headquarters, 32 NE 23rd Street, Oklahoma City

(ii) by mail: Troop S, P.O. Box 11415, Oklahoma City, OK 73136-0415

(iii) by telephone: (405) 521-6103

(B) Corporation Commission:

(i) in person: 2101 N. Lincoln Blvd., Oklahoma City

(ii) by mail: P.O. Box 52000, Oklahoma City, OK 73152-2000

(iii) by telephone: (405) 521-2251

(C) Oklahoma Division Office of the Federal Motor Carrier Safety Administration:

(i) in person or by mail: 300 N. Meridian, Suite 106 S., Oklahoma City, OK 73107

(ii) by telephone: (800) 823-5660

(iii) from the internet: http://www.fmcsa.dot.gov

(3) **Filing.** The completed Motor Carrier Identification Report shall be filed:

(A) **Intrastate carriers.** For intrastate carriers, the Report must be filed with either:

(i) Department of Public Safety, Commercial Vehicle Enforcement Section, 32 NE 23rd Street, P.O. Box 11415, Oklahoma City, OK 73136-0415, or

(ii) Corporation Commission, 2101 N. Lincoln Blvd., P.O. Box 52000, Oklahoma City, OK 73152-2000.

(B) **Interstate carriers.** For interstate carriers, the Report must be filed at the address as indicated on the Motor Carrier Identification Report.

(4) **Motor carrier name.** Only the legal name or single trade name of the motor carrier may be used on the Motor Carrier Identification Report.

(5) **Penalties.** A motor carrier who fails to file a Motor Carrier Identification Report or who, upon the report, furnishes misleading information or makes false statements is subject to the penalties prescribed in 47 O.S., § 230.9.

(6) **Issuance and display of USDOT number.** Upon receipt and processing of the Motor Carrier Identification Report, an identification number (USDOT number) will be issued to the motor carrier. The motor carrier must display the number on each self-propelled commercial motor vehicle, as defined in 595:35-1-5, along with the additional information required by 49 C.F.R., Part 390.21. Intrastate USDOT numbers shall be displayed as follows:

(A) the letters "USDOT",

(B) the identification number itself, and

(C) the suffix letters "OK"

(f) **Qualification of drivers.** The following addition is made to the federal requirement in Qualifications of Drivers [49 CFR §391.11(b)(1)] that a driver be twenty-one (21) years of age or older: A driver in solely intrastate commerce must be at least eighteen (18) years old and be at least twenty-one (21) years old for the transportation of hazardous materials which are required to be placarded or marked in accordance with 49 CFR §177.823 or for transporting more than eight (8) passengers for compensation or more than fifteen (15) passengers not for compensation

(g) **Maximum driving and on-duty time.** The following exception is added to the federal restrictions on Maximum Driving and On-Duty Time [49 CFR §395.3(a)(1)] as required by the Act [47 O.S. §230.15(d)]: More than eleven (11) hours following ten (10) consecutive hours off duty, except the maximum driving time within a work period is twelve (12) hours and the maximum on-duty time is fifteen (15) hours following eight (8) consecutive hours off duty if the vehicle:

(1) is engaged solely in intrastate commerce, and

(2) is not:

(A) transporting hazardous materials which are required to be placarded or marked in accordance with 49 CFR §177.823, or

(B) a vehicle designed to transport 15 passengers.

RESOURCES

Oklahoma Highway Patrol
Troop S, Commercial Vehicle Enforcement Division
P.O. Box 11415
32 N.E. 23rd Street
Oklahoma City, Oklahoma 73136
405-521-6103
http://www.dps.state.ok.us

Federal Motor Carrier Safety Administration
300 N. Meridian Suite 106S
Oklahoma City, Oklahoma 73107
800-823-5660
http://www.fmcsa.dot.gov

Oklahoma Corporation Commission
2101 N. Lincoln
Oklahoma City, Oklahoma 73152
405-521-2251
http://www.occ.state.ok.us

Oklahoma Tax Commission
2501 N. Lincoln
Oklahoma City, Oklahoma 73194
405-521-3659
http://www.oktax.state.ok.us

Oklahoma Trucking Association
7201 N. Classen Blvd
Oklahoma City, Oklahoma 73116
http://www.oktrucking.org