MOTOR VEHICLE Laws Affecting FARMERS in Delaware

Delaware Division of Motor Vehicles

Revised June 5, 2014

PREFACE

This brochure has been prepared to inform farmers of the various provisions of the Delaware Motor Vehicle laws affecting owners and users of implements of husbandry.

While it is impossible to cover the entire motor vehicle code, the provisions that concern the use of farm vehicles on public highways are presented. The Delaware Legislature has adopted many laws and amendments to existing laws that govern the licensing and operation of farm vehicles used primarily in connection with agricultural endeavors. Farmers need to be aware of such laws and observe both the spirit and the letter of the law.

We have attempted to extract those state laws and federal regulations which apply to farmers. Every attempt has been made to keep the contents of this book accurate. However, Delaware's Motor Vehicle Code and the Federal Motor Carrier Safety Regulations (49 CFR, Parts 390-397) should be checked for any changes.

CONTENTS

	Page
DEFINITIONS…….……	1
REGISTRATION AND TITLING…….	2
FEE FOR REGISTRATION ……	3
RENEWING REGISTRATION…….	4
INTERNATIONAL REGISTRATION PLAN……..	5
DRIVER LICENSE FOR FARMERS……	6
INTERNATIONAL FUEL TAX AGREEMENT ……	9
VEHICLE EQUIPMENT……	10
OVERSIZED VEHICLES AND LOADS……	12
HEAVY VEHICLE WEIGHT LAW……	12
FEDERAL REGULATIONS AFFECTING FARMERS……	16
QUALIFICATIONS OF DRIVERS……	18
FARM TRACTORS AND IMPLEMENTS OF HUSBANDRY……	21
FREQUENTLY ASKED QUESTIONS……	23
STATE OF DELAWARE TRUCK/TRAILER SIZE & WEIGHTS....	27
FARM TRUCK FEE SCHEDULE……..	31

State Law Definitions

Section 101, Title 21, Delaware Code

Farm Tractor: Includes every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Farm Equipment: Means an implement that:

(a) Is designed and adapted only for agricultural, horticultural, or; livestock raising operations; or
(b) Is designed and adapted only for lifting or carrying an implement described in paragraph (a) of this definition.

Motor Vehicle: Includes every vehicle, as defined in this section, which is self-propelled, except farm tractors and HOVs.

Trailer: Includes a mobile home, travel trailer, house trailer, office trailer, camping trailer, or any vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

Semi-Trailer: Includes every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that its own load rests upon or is carried by another vehicle, and piling and pole trailers are to be considered to fall within the meaning of this definition.

REGISTRATION AND TITLING

Delaware provides farmers several different options to register and/or title vehicles; restrictions apply to the operation of vehicles or trailers in three of the options. Farmers must be aware of the restrictions and comply with the law or be subject to fines and a possible loss of the special privileges granted by Delaware law. The following options are available:

1. Normal Registration and License Plates:

   Vehicles using this option pay the normal fees required for commercial trucks and passenger license plates. Farmers may use these vehicles with no restrictions as to hauling merchandise, farm products or other items for hire or for pay.

2. Farm Truck License Plates (FT Tags):

   FT Tags provide the farmer with a significant fee reduction for trucks with a registered gross weight over 5,000 pounds compared to the normal commercial license plate fee. Farmers cannot qualify for an FT Tag unless they derive at least $1,000 of their annual income from the operation of their farm, and they own or rent at least 10 acres which is actively used in the farming operation from which they derive that income. The truck must be used exclusively in operation of their farm. Farmers cannot hire or rent the farm truck or permit the truck to be used for hauling merchandise, farm products or other items whatsoever under rent, hire or for pay, or shall not use such motor farm trucks for <u>any use except in the operation of the farms owned or rented</u> by the registered owner of such trucks or in aid of and assistance to other farmers for harvest purposes.

   Farmers may qualify for the FT Tags by signing a Farm Truck Registration Affidavit Form (MV31) when applying for the vehicle title. Farmers desiring to change to a FT Tag from a regular Delaware commercial license plate must bring the vehicle title and license plate into any DMV office.

3. Farm Vehicle (FV) License Plate Vehicles:

   The requirements for registration and inspection of motor vehicles, vehicles and trailers are waived, if they are:

   (a) Not used for hire;

   (b) Operated or towed upon the public highways or roads within a twenty mile radius of a farm owned or managed by the owner of the vehicles; and

   (c) Properly equipped with a stoplight, turn signals and brakes that are in safe operating condition.

   (d) There is a one-time fee of $10 for the FV plate.

   Note: Vehicles can be titled and will be given an unregistered title (U-title) when titled by DMV.

4. Tractors and Implements of Husbandry *(Husbandry – cultivation of crops; agriculture)*

   These vehicles are not required to be registered, titled or inspected, as long as they are not used for hire. Special restrictions apply to their use – refer to the "Farm Tractors and Implements of Husbandry" section of this book on page 21.

FEE FOR REGISTRATION

The fee for registration of commercial trucks, trailers, passenger cars and pickups is $40 if the gross load weight does not exceed 5,000 pounds. In the event the gross load weight exceeds 5,000 pounds, $18.00 is charged for each 1,000 pounds or fraction thereof over and above 5,000 pounds. The gross load weight shall be the weight of the chassis, body, equipment and maximum allowable load as specified by the application.

The fee for registration of farm trucks owned and used exclusively by farmers who derive at least $1,000 income from the

annual operation of their farms shall be $40 per year if the gross registration weight does not exceed 5,000 pounds. Registered weights above 5,000 pounds will be charged $3.80 for each 1,000 pounds or fraction thereof above 5,000 pounds.

Gross Load Weight	Regular Fee for Commercial Vehicles	Fee for Farm Truck
5,000 lbs. or less	$40.00	$40.00
More than 5,000 lbs.	$40 plus $18.00 for each 1,000 lbs. or fraction thereof over 5,000 lbs.	$40 plus $3.80 for each 1,000 lbs. or fraction thereof over 5,000 lbs.

RENEWING REGISTRATION

When renewing registration at DMV you must present proof that the vehicle is covered by adequate liability insurance, a Heavy Vehicle Use Tax Form for vehicles over 55,000 pounds (IRS Form 2290) and has passed inspection. You may have your vehicle inspected anytime within 90 days prior to the expiration of the registration; that is, if your registration expires on June 30, you may have your vehicle inspected anytime from April 1 on. You may also renew your registration at that time or you may wait until any day up to the last day. It is suggested that you avoid the waiting lines normally experienced on the 15th and last few days of each month by presenting your vehicle for inspection early in the month. Registration can be renewed for two years. **No renewal notices are mailed on vehicle registrations; however, you can request to receive automated notification. The Division emails and/or sends automated voice mail renewal notices to each vehicle owner that has supplied DMV with an email address and/or telephone number. There is a $10 late fee for late renewals. Please visit the DMV website (www.dmv.de.gov) or visit the nearest DMV facility for more information.**

INTERNATIONAL REGISTRATION PLAN

The International Registration Plan, known as IRP, is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the bases of total distance operated in all jurisdictions. The unique feature of this Plan is that, even though license fees are paid to the various jurisdictions in which fleet vehicles are operated, only one license plate and one cab card is issued for each fleet vehicle when registered under the Plan.

Delaware became a member of the IRP effective January 1, 1995. Today, the 48 contiguous US States, the District of Columbia and ten Canadian provinces, Alberta, British Columbia, Manitoba, New Brunswick, Ontario, Prince Edward Island, Newfoundland and Labrador, Nova Scotia, Quebec and Saskatchewan are all members of IRP and participate in the Plan, which authorizes registration of over 2 million commercial vehicles. In addition, the repository continues to have an open dialogue with Mexico on entering the IRP.

Who must obtain apportioned registration:

Apportion registration must be obtained by any vehicle, which operates or intends to operate in two or more member jurisdictions that allocate or proportionally register vehicles. These vehicles are used for the transportation of persons for hire or designed, used or maintained primarily for the transportation of property and:

- is a power unit having two axles and a gross vehicle weight or registered weight in excess of 26,000 pounds, or 11,793.401 kilograms; or
- is a power unit having three or more axles, regardless of weight; or
- is used in combination when the weight of such combination exceeds 26,000 pounds or 11,793.401 kilograms gross vehicle weight.

Exemptions:

These vehicles do not need to be licensed with apportioned registration:

- Government owned vehicles
- Vehicles used for pickup and delivery within cities
- Buses used to transport chartered groups and/or school buses engaged in school related activities.
- Recreational vehicles, (defined as a vehicle used for personal pleasure or travel by an individual or his family)
- Trailers or semi-trailers
- Vehicles displaying a restricted plate. (FT, RV, State/County/City owned, Dealer plates used to transport vehicles for resale, Antique plates, transport plates i.e. mobile/modular homes towed behind a tractor)

More information on IRP can be found by calling (302) 744-2701 (option 4) or at the Division of Motor Vehicles website (www.dmv.de.gov).

DRIVER LICENSES FOR FARMERS

All individuals operating vehicles on public highways are required to be licensed, although there is an exemption for farm tractors or implements of husbandry temporarily drawn, moved or propelled on the highways. To operate within this exemption non-licensed drivers should not be operating for hire, and should stay within five miles of the farm which is owned or managed by the vehicle owner.

The basic Delaware Classified License System is described below with special remarks pertaining to farmers. More detailed information on licensing is available in the State of Delaware Driver Manual, available at each of the Motor Vehicle Offices.

Class D License – This license permits the holder to drive all passenger type pleasure automobiles, station wagons, panel or pickup trucks and all other vehicles with Gross Vehicle Weight Ratings (GVWR) less than 26,000 pounds. The Class D license **does not** permit one to drive vehicles designed to carry 16 or more persons, or

to drive vehicles required to be placarded for carrying hazardous material (HAZMAT). See Section I. Part 397, for Transportation of Hazardous Materials. This license is available to Delaware residents for a fee of $25.00, after passing a written test, a road test, and an eye screening examination. The Class D license may be issued to persons 18 years or older who generally meet the above requirements. Persons 16 years of age may be issued a Graduated Driver License (GDL) if they have passed a certified Driver's Education Course.

NON-CDL and CDL Licenses

Commercial Drivers License (CDL) – A Commercial Driver's License (CDL) is required for all operators of Commercial Motor Vehicles (CMVs). The law generally defines Commercial Motor Vehicles or CMVs as vehicles over 26,000 lbs., vehicles designed to carry more than 16 persons, or vehicles placarded for carrying HAZMAT. See Section I. Part 397, for Transportation of Hazardous Materials. Since by definition these vehicles are CMVs, a CDL license is required to drive such vehicles on public highways. Farmers, however, even though operating vehicles with Gross Vehicle Weight Ratings over 26,000 lbs. are waived from the CDL requirements in the following circumstances:

1. The vehicle is controlled and operated by a farmer.

2. The vehicle is transporting agricultural products, farm machinery, or farm supplies to or from a farm.

3. Not in common or contract motor carrier operations.

4. Within 150 miles of the person's farm.

5. Not used for hire.

Delaware law does require a farmer operating a CMV under the above conditions to be in possession of a Delaware Non-CDL License.

NON-CDL Licenses (for farmers) – The NON-CDL License is for farmers operating CMVs under the above conditions. The license is issued to farmers for a fee of $25.00 after passing a written test, a road test in the CMV, and an eye screening examination. A farmer must be at least 18 years of age with one year of driving experience to get the NON-CDL license. The NON-CDL license includes regular driving privileges.

NON-CDL Class A - The Class A license covers vehicles pulling trailers with a combined GVWR over 26,000 lbs. when the towed vehicle is over 10,000 lbs.

NON-CDL Class B - The Class B license is for all other vehicles with a GVWR over 26,000 lbs.

Regular CDL Licenses – If a farmer operates CMVs not under the 5 waived conditions described above then a CDL license is required. The CDL license is issued for a fee of $30.00 and requires the driver to pass a series of written tests and a skills test in the CMV. Special endorsements to the license are required for tank vehicles, passenger vehicles, and the movement of hazardous material requiring placarding. A CDL permit is available; allowing the driver to drive with another fully qualified CDL driver, once the driver passes the CDL written knowledge test. Motor Vehicle Offices have a Commercial Driver's Manual available which contains all the information necessary to obtain the CDL license. There are three classes of the CDL license:

CDL Class A - For vehicles with combination weights over 26,000 lbs. pulling a trailer over 10,000 lbs.

CDL Class B - For vehicles over 26,000 lbs. with trailers less than 10,001 lbs.

CDL Class C - For all other vehicles under 26,000 lbs., but defined as CMVs because they carry over 16

passengers or are required to be placarded for carrying hazardous material.

INTERNATIONAL FUEL TAX AGREEMENT

The International Fuel Tax Agreement, known as IFTA, is a base jurisdiction fuel tax agreement among jurisdictions to simplify the reporting of fuel taxes by interstate motor carriers. Upon application, the carrier's base jurisdiction will issue credentials that will allow the IFTA carrier to travel in all IFTA jurisdictions. Currently, 48 states are a member of IFTA and ten Canadian provinces, Alberta, British Columbia, Manitoba, New Brunswick, Ontario, Prince Edward Island, Newfoundland and Labrador, Nova Scotia, Quebec and Saskatchewan.

All qualified motor vehicles must obtain IFTA if the registrant operates, or intends to operate, in two or more member jurisdictions A qualified motor vehicle is defined as a motor vehicle used, designed, or maintained for the transportation of persons or property and:

- has two axles and a gross vehicle weight or registered gross weight exceeding 26,000 pounds or 11,797 kilograms; or
- has three or more axles regardless of weight; or
- is used in combination when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle weight, or registered gross vehicle weight.

A qualified motor vehicle does not include recreational vehicles.

More information on IFTA can be found by calling (302) 744-2702 or at the DMV website (www.dmv.de.gov).

VEHICLE EQUIPMENT

1. Scope and Effect of Regulations

(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles that is in such unsafe condition as to endanger any person, or that does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this subchapter (Chapter 43, Title 21), or that is equipped in any manner in violation of this subchapter or for any person to do any act forbidden or fail to perform any act required under this subchapter.

(b) Nothing contained in this subchapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this subchapter.

(c) The provisions of the Delaware Motor Vehicle Code with respect to equipment or vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except herein made applicable.

2. Equipment Requirements

(a) Service brakes on any motor vehicle or combination of vehicles shall be adequate to stop it when traveling 20 MPH within a distance of 30 feet when on dry asphalt or concrete where the grade does not exceed 1 percent.

(b) Equipped with a horn capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.

(c) Equipped with rear view mirror.

(d) Lighting requirements for motor vehicles-includes headlights, taillights, reflectors, and stoplights and the following additional equipment is required:

i. On every bus or truck, whatever its size, there shall be the following: on the rear, two reflectors, one at each side; and one stoplight.

ii. On every bus or truck 80 inches or more in overall width, in addition to the requirements in paragraph (i): on the front, two clearance lamps, one at each side; on the rear, two clearance lamps, one at each side; on the side, two side marker lamps, one at or near the front and one at or near the rear; on each side, two reflectors, one at or near the front and one at or near the rear.

iii. On every truck tractor: on the front, two clearance lamps, one at each side; on the rear, one stoplight.

iv. On every trailer or semi-trailer having a gross weight in excess of 3,000 pounds: on the front, two clearance lamps, one at each side; on each side, two side marker lamps, one at or near the front and one at or near the rear; on each side, two reflectors, one at or near the front and one at or near the rear; on the rear, two clearance lamps, one at each side; also, two reflectors, one at each side; and one stoplight.

v. On every pole trailer in excess of 3,000 pounds gross weight: on each side, one side marker lamp and one clearance lamp which may be in combination to show to the front, side and rear; on the rear of the pole trailer or load, two reflectors, one at each side.

vi. On every trailer, semi-trailer or pole trailer weighing 3,000 pounds gross or less: on the rear, two reflectors, one on each side. If any trailer or semi-trailer is so loaded or is such dimensions as to obscure the stoplight on the

towing vehicle, then such vehicle shall also be equipped with one stoplight.

(e) Emergency Equipment

No person shall operate any vehicle having a width in any part in excess of 80 inches or a gross weight of vehicle and load of 8,000 pounds or more, upon the highways of this state outside of a business or residential district during the period when lighted lamps must be displayed on vehicles, unless there shall be carried in such vehicle at least three flares, or three red electric lanterns or three portable red emergency reflectors capable of being distinguished at a distance of not less than 600 feet under normal atmospheric conditions at night.

OVERSIZED VEHICLES AND LOADS

Implements of husbandry which are being temporarily operated, moved or transported upon State maintained highways except Interstate and U. S. Routes are not required to obtain a hauling permit. A permit is not required on the Interstate and U.S. Routes when the equipment is being used by farmers engaged in their agricultural related practices. A permit is required at all other times.

More information regarding requirement for OSOW hauling permits can be found by calling the Hauling Permits Section (302) 744-2700 or at the OSOW Permit System web site www.osow.deldot.gov

HEAVY VEHICLE WEIGHT LAW

The 2nd session of the 145th General Assembly produced legislation which affected Delaware's heavy vehicle weight laws. SB 200 was signed into law by the Governor on April 27, 2010. SB314 was signed into law by the Governor on July 1, 2010. These bills modified the heavy vehicle registration and maximum gross weight sections of Title 21.

ANY vehicle over 26,000lbs registering for the ***first time*** in Delaware must be under the manufacturer's Gross Vehicle Weight Rating (GVWR).

For vehicles 20 years old from time of registration which are ***reregistering***:

For 2010 - 1990 and newer model years, agricultural and construction vehicles over 26,000lbs. must have a GVWR of at least 65,000lbs to be eligible to register at 70,000lbs. They must pay an additional $100 to go to 70,000lbs.

For 2011 - 1991 and newer model years, agricultural and construction vehicles over 26,000lbs. must have a GVWR of at least 65,000lbs to be eligible to register at 70,000lbs. They must pay an additional $100 to go to 70,000lbs.

etc.

Until 2022, when **NO** vehicle can be registered over its GVWR.

§ 2105. Registration of heavy vehicles.

(a) Every person applying to register a vehicle at a registered gross vehicle weight in excess of 26,000 pounds shall provide to the Department with the application documentation of the manufacturer's gross vehicle weight rating for such vehicle.

(b) Any of the following items shall constitute acceptable documentation of the manufacturer's gross vehicle weight rating in accordance with this section:

(1) A valid manufacturer's gross vehicle weight rating plate, sticker or plaque permanently affixed to the vehicle; or

(2) New vehicle delivery documents which contain the vehicle identification number (VIN), and the gross vehicle weight rating; or

(3) A written statement from the manufacturer setting forth the vehicle identification number (VIN), the weight ratings of the major component parts of the vehicle,

including axle assemblies, suspension system, frame and tires, and the overall gross vehicle weight rating. The manufacturer's statement must be based on the design weight rating of the component parts, including tires, and upon the professional judgment of the manufacturer, in the exercise of due care, that the components and their installation are in accordance with accepted industry practice and in compliance with the Federal Motor Vehicle Safety Standard found in Title 49 of the Code of Federal Regulations.

(4) In the case that a vehicle is missing a valid manufacturer's gross vehicle weight rating plate, sticker, or plaque, or can not obtain a manufacture's statement, DMV shall assign a GVWR for that vehicle based on the federal bridge formula, or acceptable alternative.

(c) As used in this chapter, "manufacturer" shall include any maker of new, incomplete vehicles and such maker's authorized sales and service representatives; any maker or final assembler of vehicle bodies, components or specialized equipment; and any installer of vehicle bodies, major components or specialized equipment which alters the vehicle's gross vehicle weight rating, or which substantially changes its use, and which conforms to the requirements of the National Traffic and Motor Vehicle Safety Act [repealed; see now 49 U.S.C. §§ 30101, et seq.] and of the Federal Motor Vehicle Safety Standard found in Title 49 of the Code of Federal Regulations.

(d) Any vehicle which has a gross weight in excess of 26,000 pounds, except as provided in §2152 and §4502(c)(2) of this Title, shall not be registered at a weight in excess of the manufacturer’s gross vehicle weight for such vehicle or the Federal Bridge Formula in the absence of a manufacturer’s gross vehicle weight rating. For those vehicles registered pursuant to §2152 of this Title, the actual gross weight of the vehicle, or each vehicle in combination, shall not exceed the manufacturer’s gross vehicle weight rating. For those vehicles registered for extra weight capacity pursuant to the exception of §4502(c)(2) of this Title, the following shall apply: (i) vehicles

registering for such extra weight capacity shall pay a fee of $100.00 per vehicle at the time of registration; (ii) no vehicle with a manufacturer's gross vehicle weight rating of less than 65,000 shall be registered at a weight in excess of the manufacturer's gross vehicle weight rating for such vehicle; (iii) no vehicle being registered for the first time shall be registered at a weight in excess of the manufacturer's gross vehicle weight rating for such vehicle; (iv) no vehicle with a model year 20 or more years prior to the date of registration shall be registered at a weight in excess of the manufacturer's gross vehicle weight rating for such vehicle; and (v) commencing June 15, 2022, no vehicle shall be registered at a weight in excess of the manufacturer's gross vehicle weight rating for such vehicle.

§ 4502. Size and weight of vehicles except on interstate highways and United States numbered routes.

(in part: only the relevant sections affected by SB 200 and SB 314)

(c)(2) A vehicle equipped with 3 axles, having each of the 3 axles equipped with 2 hubs, with a power brake on each hub, shall not exceed a total gross weight of 65,000 lbs. or manufacturer's gross vehicle weight rating which ever is less; provided, however, that it shall also be lawful to operate such a vehicle to and from any construction site located in this State when the total gross weight does not exceed 70,000 lbs.; and it shall also be lawful to operate such a vehicle containing agricultural products when the gross weight, including vehicle and load, does not exceed 70,000 lbs.; provided in either case, the total gross weight of the vehicle does not exceed the manufacturer's gross vehicle weight rating for that vehicle; provided further that a fee of $100 per vehicle be levied for the use of this extra weight capacity.

FEDERAL REGULATIONS AFFECTING FARMERS

The provisions of this section are subject to the laws, rules and regulations of the United States of America, its agencies or commissions that may impose weight and size limitations or restrictions for any vehicles on federal interstate highways that are a part of, and that have been or are constructed pursuant to the act creating the national system of interstate and defense highways. No vehicles shall be operated on any such federal interstate highway located in this state with a size or gross weight in excess of that permitted by such limitations and restrictions in force at the time.

REMEMBER: In Delaware, the driver is held responsible for a truck being operated with improper equipment or over the legal size and weight limits.

Trucks and special vehicles must, in general, have all the equipment required of ordinary passenger vehicles; but some must have additional equipment. Those vehicles operating interstate must comply with the federal laws as well as our state laws. Owners of these vehicles in the interstate operations are required to keep an annual check of the driving records of drivers employed by them.

General Applicability

In general, all commercial vehicles including farm vehicles are subject to CFR49 – Parts 390-397 (excluding 394) and Part 383, if the vehicle exceeds 10,000 pounds and crosses state lines. These regulations are known as the Federal Motor Carrier Safety Regulations.

If your vehicle(s) never cross a State line and operate within Delaware, you are not subject to these regulations until your vehicle has a registered weight exceeding 26,000 pounds, or has seats for 15 passengers or carries 15 passengers.

You are also subject to these regulations without consideration of either weight or passengers if you are transporting hazardous materials which requires the vehicle to be marked and/or placarded.

Part 383 of the Federal Motor Carrier Safety Regulations is similar to Delaware's Commercial Vehicle Driver Licensing Law.

Definitions (Federal)

The following definitions apply when regulated by the Federal Motor Carrier Safety Regulations:

1. **Commercial Motor Vehicle** means any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:

   (a) The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or

   (b) The vehicle is designed to transport more than 15 passengers including the driver; or

   (c) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary as the Hazardous Materials Transportation Act.

2. **Farm Vehicle Driver** means a person who drives only a motor vehicle that is:

   (a) Controlled and operated by a farmer as a private motor carrier of property;

   (b) Being used to transport either
      - Agricultural products; or
      - 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 vehicle to be placard in accordance with Section 177.823 of CFR 49;

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

3. **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.

Other definitions can be found in 49 CFR, Part 390.

QUALIFICATIONS OF DRIVERS

391.2 General Exemptions

(a) Farm custom operations. The rules in this part do not apply to a driver who drives a motor vehicle controlled and operated by a person engaged in custom-harvesting operations, if the 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-harvested crops to storage or market.

(b) Apiarian industries. The rules in this part do not apply to a driver who is operating a 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 do not apply to a farm vehicle driver except a farm vehicle driver who drives an articulated (combination) motor vehicle that has a gross weight, including its load, of more than 10,000 pounds.

Part 391.67 Drivers of articulated (combination farm vehicles)

The following rules in this part do not apply to a farm vehicle driver (as defined in Part 390.5) who is 18 years of age or older and who drives an articulated motor vehicle:

(a) Paragraphs (1), (8), (10), (11), and (12) of Part 391.11(b) (relating to driver qualifications in general).

(b) Subpart C (relating to disclosure of, investigation into, and inquiries about background, character, and driving record of drivers).

(c) Subpart D (relating to road tests and written examinations).

(d) So much of Part 391.41 and 391.45 as require a driver to be medically examined and to have a medical examiner's certificate on his person before January 1, 1973.

(e) Subpart F (relating to maintenance of files and records).

The remaining 123 subparts of this part (Part 391) apply to farmers.

Part 392 – Driving of Motor Vehicles

Farmers must comply with all the requirements of this part – (Part 392).

Part 393 – Parts and Accessories

Farmers must comply with all the requirements of this part – (Part 393).

Part 394 – Notification and Reporting of Accidents

This Part was not adopted by the Delaware Legislature.

The Federal Highway Administration has deleted it in total from 49 CFR.

Farmers must report motor vehicle accidents as required in Title 21, Chapter 42, Delaware Code.

Part 395 – Hours of Services

Farmers are required to keep their operations within the maximum work hours of this Part (395).

Simply put, Farmers must comply with Part 395.

Part 396 – Inspection, Repair, and Maintenance

Farmers must comply with the requirements of this Part, except: "Farm vehicles being operated on an intrastate basis within this state shall be exempt from the recordkeeping requirements as provided in Part 396".

Part 397 – Transportation of Hazardous Materials

Driving and Parking Rules:

Farmers must comply with requirements of this part (Part 397).

YOU ARE NO LONGER A "FARM VEHICLE DRIVER" AS DEFINED IN THESE FEDERAL REGULATIONS WHEN TRANSPORTING ANY HAZARDOUS MATERIAL WHICH REQUIRES PLACARDS.

Please refer to Title 21, Chapter 47 of the Delaware Code for further requirements regarding motor carrier safety.

FARM TRACTORS & IMPLEMENTS OF HUSBANDRY

A. Rights and Duties

For the purpose of this section you as the driver of any such tractor or other self-propelled equipment whether or not hauling another vehicle or piece of machinery or equipment, have **all the rights and all of the duties** of any other motor vehicle driver on the highway. The special laws and regulations further governing their registration, size, weight, and operation on the highways are covered previously in this booklet.

TRAFFIC LAWS APPLY TO EVERYONE

All users of its highways are subject to Delaware traffic laws. Whether you are driving a motor vehicle, propelling or guiding some other vehicle, riding an animal, or walking, you must obey these laws.

B. Registration Provisions

Registration provisions do not apply to implements of husbandry. Yet no person shall drive or move, or cause or knowingly permit to be driven or moved on any highway, any vehicle or combination of vehicles, that is in such unsafe condition as to endanger any person, or that is equipped in any manner in violation of this title. The provisions with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors, except as herein made applicable.

C. Licensing Requirements

No person shall be required to obtain a driver’s license for the purpose of driving or operating a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highways.

D. **Lamps on Other Vehicles and Equipment**

Every vehicle, including animal-drawn vehicles not specifically required by the provisions of this subchapter to be equipped with lamps or other lighting devices, shall, from sunset to sunrise or during fog, smoke or rain be equipped with two lamps displaying red light visible from a distance of not less than 500 feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 500 feet to the rear and two red reflectors visible for distances of 100 to 600 feet to the rear when illuminated by the upper beams of head lamps.

E. **Size Limitations**

The limitations as to size of vehicles shall not apply to implements of husbandry temporarily propelled or move upon the public highway.

F. **Turning Out of Slow-Moving Vehicle**

On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, **a slow-moving vehicle, behind which five (5) or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turnout exists,** in order to permit the vehicles following to proceed. As used in this section, a slow-moving vehicle is one that is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

There are no width requirements for implements of husbandry, but farmers are strongly urged to display their SMV emblems, use rotating or flashing lights, and to provide an escort vehicle where excessively oversized implements of husbandry are being transported.

G. Emerging from Alley, Driveway or Building

The driver of a vehicle emerging from an alley, driveway, private road or building where there is no official traffic-control device shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, driveway, or private road and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and before entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

H. SMV Sign

A "Slow-Moving Vehicle" sign - a triangular, fluorescent and reflective orange sign – is sometimes attached to farm tractors and other slow-moving vehicles to warn approaching drivers. When you see this sign, slow down immediately and proceed with caution. The Occupational Safety and Health Act do require that the SMV sign be properly attached to equipment operated by employees on the highways.

I. Insurance

Liability for damages caused by any vehicle operated on the highway shall be borne by the owner of the vehicle.

FREQUENTLY ASKED QUESTIONS

How far can a farmer drive a truck between farms without it being licensed?

Within a 20 mile radius of a farm owned or managed by the owner of the vehicle or trailer.

Are farm trucks subject to spot safety checks by the state police?

Yes.

Can a registration be obtained for a farm implement?

No.

Can a farmer go from his farm to a feed mill, if it is located between his two farms?

Yes, as long as it is within a 20 mile radius of a farm owned or managed by the owner of the vehicle or trailer.

Can a farmer increase the load limit on a farm truck?

Yes, the owner must present the registration card to the Division of Motor Vehicles and pay a pro-rated fee. (Title is no longer required.)

Can a 15 year old operate a tractor on a state highway?

Yes, and it is your responsibility to instruct them of the highway laws. However, if the tractor is being used for hire, a driver's license is required.

If I am not driving a truck for hire, what type of driver license do I need?

If the Gross Vehicle Weight Rating (GVWR) registered weight or actual vehicle weight on the truck is over 26,000 lbs., then a CDL or Non-CDL license is required. If under 26,000 lbs., then the regular Class D license is all that is required, unless the vehicle is designed to carry more than 16 persons or is placarded to carry HAZMAT.

Farmers are waived from the CDL license requirements in the following circumstances:

(a) Vehicle controlled and operated by the farmer.

(b) Used to transport agricultural products, farm machinery, and farm supplies to and from the farm.

(c) Not common or contract motor carrier operations.

(d) Used only within 150 miles of the farm.

(e) Not for hire.

If the vehicle meets the weight requirements (over 26,000 lbs.) for the Commercial Drivers License (CDL) and is operated within the above waived circumstances then the driver only requires the Non-CDL license.

How do I qualify for farm truck plates?

One thousand dollars ($1,000) of your total annual income must be from the operation of your farm, you own or rent at least 10 acres which are actively used in the farming operation from which you derive that income, and the truck must be used exclusively in the operation of your farm. The truck cannot be used for rent or for hire or for any other use except in the operation of your farm.

Is there an advantage for me to have my pickup truck registered with an "FT" plate?

No. Pickup trucks with a registered gross weight of 5,000 pounds have an annual registration fee of $40 (minimum) with either an "FT" or a "C" (commercial) plate.

Is liability insurance required on farm trucks being operated on the highway, even though they may not be required to be registered?

Yes. Any motor vehicle being operated on the highway must be insured for liability. Owners and operators are subject to liability suits.

What about truck trailers?

They can be registered under the farmer classification and receive an FT plate.

What precautions should one take when pulling equipment on the highway?

Farmers are strongly encouraged to display an SMV emblem and provide an escort when vision is blocked and turns are frequent. Remember that you must make a safe turnout when five (5) or more vehicles accumulate in back of you.

Are there any laws affecting the transporting of farm labor?

Delaware motor vehicle laws do not address this question. The Occupational Safety and Health Administration is considering a proposed standard covering the transportation of farm labor.

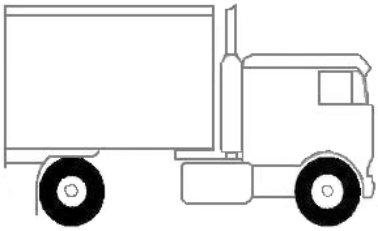
STATE OF DELAWARE TRUCK AND TRAILER SIZE AND WEIGHTS

NOTES:

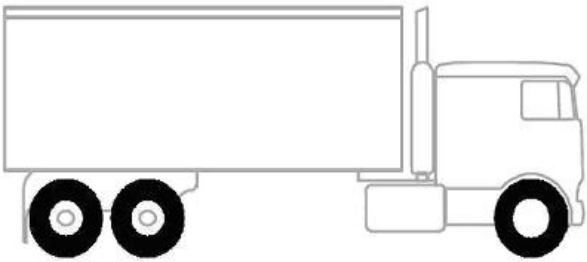
(1) Routes which are excepted (posted) will have the same requirements as all other State Highways.

(2) Bridge Formula only applies on Interstate Highways (although it can be used to determine the registration weight of the vehicle in the absence of the manufacturer's gross vehicle weight rating.

(3) Any farm loaded truck or farm vehicle carrying harvested products or livestock may exceed the established weight limits by no more than 3 percent.

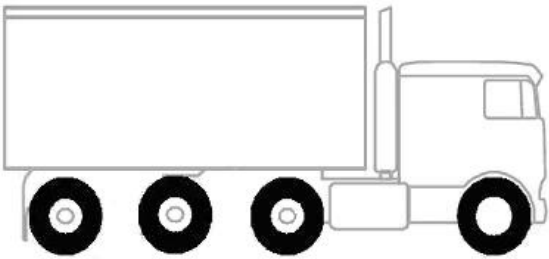
On Interstate and U.S. Numbered Routes (Except as Posted)		On Other State Highways
13 ft. 6 inches	Height	13 ft. 6 inches
8 ft. 6 inches	Width	8 ft. 6 inches
	Single Axle	
Maximum gross weight – 20,000 lbs.		22,400 lbs.
	Tandem Axle	
Maximum gross weight – 34,000 lbs. (Interstate Only)		20,000 lbs (less than 48 inches apart) 40,000 lbs (more than 48 inches apart)
	 2-Axle Truck	
Length – 40 ft.		40 ft.
Maximum gross weight – 40,000 lbs.		40,000 lbs. or manufacturer's gross vehicle weight rating, whichever is less
Maximum gross axle weight – 20,000 lbs.		22,400 lbs.

On Interstate and U.S. Numbered Routes (Except as Posted)	On Other State Highways



3-Axle Truck

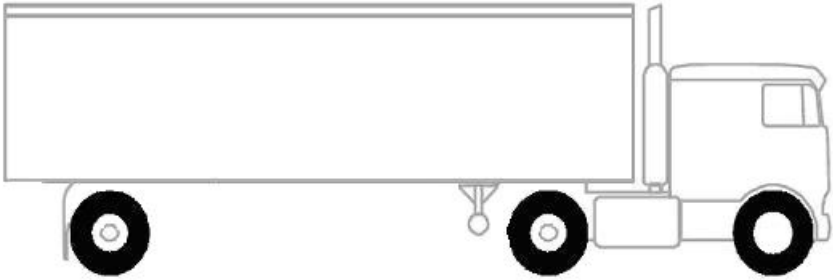
Length – 40 ft.	40 ft.
Maximum gross weight – 54,000 lbs.	*65,000 lbs. or manufacturer's gross vehicle weight rating, whichever is less *3 axle trucks used for construction or agriculture may carry 70,000 lbs. gross weight if an extra $100 is paid annually. Vehicle can only be used to and from construction site or for transporting agriculture products.
Maximum gross axle weight (Interstate only) Single axle – 20,000 lbs.	22,400 lbs.
Tandem axle weight – 34,000 lbs.	20,000 lbs. (less than 48 inches apart) 40,000 lbs. (more than 48 inches apart)



4-Axle Truck

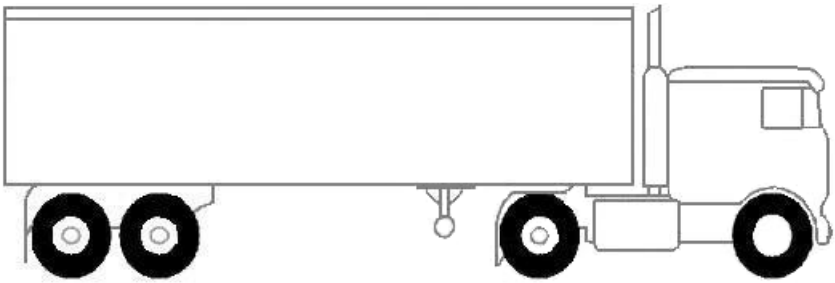
Length – 40 ft.	40 ft.
Maximum gross weight – 74,000 lbs.	73,280 lbs. or manufacturer's gross vehicle weight rating, whichever is less
Maximum gross axle weight Single axle weight – 20,000 lbs.	22,400 lbs.
Tandem axle weight – 34,000 lbs. (interstate only)	20,000 lbs. (less than 48 inches apart) 40,000 lbs. (more than 48 inches apart)

On Interstate and U.S. Numbered Routes (Except as Posted)	On Other State Highways



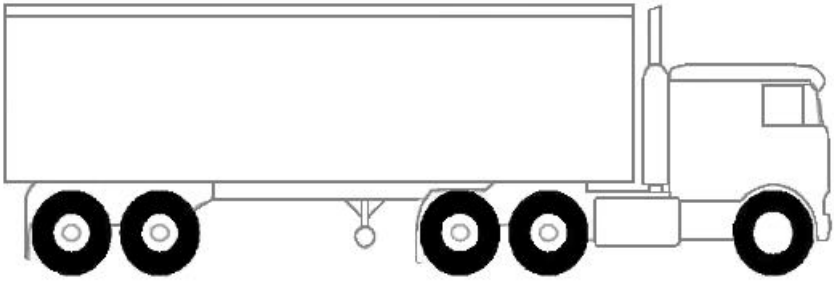
Tractor & Semi-Trailer
(Combination 3 axles)

Trailer Length – 53 ft.	Not Specified
Tractor Length – Not Specified	Not Specified
Combination Length – Not Specified	60 ft.
Maximum combination vehicle gross weight – 54,000 lbs. (Interstate only)	60,000 lbs. or manufacturer's gross vehicle weight rating, whichever is less
Maximum gross axle weight – 20,000 lbs.	22,400 lbs.



Tractor & Semi-Trailer
(Combination 4 axles)

Trailer Length – 53 ft.	Not Specified
Tractor Length – Not Specified	Not Specified
Combination Length – Not Specified	60 ft.
Maximum combination vehicle gross weight – 74,000 lbs. (Interstate only)	70,000 lbs. or manufacturer's gross vehicle weight rating, whichever is less
Maximum gross axle weight Single axle weight – 20,000 lbs.	22,400 lbs.
Tandem axle weight – 34,000 lbs. (Interstate Only)	20,000 lbs. (less than 48 inches apart) 40,000 lbs. (more than 48 inches apart)

On Interstate and U.S. Numbered Routes (Except as Posted)		On Other State Highways
		
	Tractor & Semi-Trailer (Combination 5 axles)	
Trailer Length – 53 ft. Tractor Length – Not Specified Combination Length – Not Specified		Not Specified Not Specified 60 ft.
Maximum combination vehicle gross weight – 80,000 lbs.		80,000 lbs. or manufacturer's gross vehicle weight rating, whichever is less
Maximum gross axle weight Single axle weight – 20,000 lbs.		22,400 lbs.
Tandem axle weight – 34,000 lbs. (Interstate only)		20,000 lbs. (less than 48 inches apart) 40,000 lbs. (more than 48 inches apart)

FARM TRUCK FEE SCHEDULE

Weight	2 Yr Fee	1 Yr Fee	1/2 Yr Fee	Weight	2 Yr Fee	1 Yr Fee	1/2 Yr Fee
5000	$80.00	$40.00	$21.00	43000	$368.80	$184.40	$93.20
6000	$87.60	$43.80	$22.90	44000	$376.40	$188.20	$95.10
7000	$95.20	$47.60	$24.80	45000	$384.00	$192.00	$97.00
8000	$102.80	$51.40	$26.70	46000	$391.60	$195.80	$98.90
9000	$110.40	$55.20	$28.60	47000	$399.20	$199.60	$100.80
10000	$118.00	$59.00	$30.50	48000	$406.80	$203.40	$102.70
11000	$125.60	$62.80	$32.40	49000	$414.40	$207.20	$104.60
12000	$133.20	$66.60	$34.30	50000	$422.00	$211.00	$106.50
13000	$140.80	$70.40	$36.20	51000	$429.60	$214.80	$108.40
14000	$148.40	$74.20	$38.10	52000	$437.20	$218.60	$110.30
15000	$156.00	$78.00	$40.00	53000	$444.80	$222.40	$112.20
16000	$163.60	$81.80	$41.90	54000	$452.40	$226.20	$114.10
17000	$171.20	$85.60	$43.80	55000	$460.00	$230.00	$116.00
18000	$178.80	$89.40	$45.70	56000	$467.60	$233.80	$117.90
19000	$186.40	$93.20	$47.60	57000	$475.20	$237.60	$119.80
20000	$194.00	$97.00	$49.50	58000	$482.80	$241.40	$121.70
21000	$201.60	$100.80	$51.40	59000	$490.40	$245.20	$123.60
22000	$209.20	$104.60	$53.30	60000	$498.00	$249.00	$125.50
23000	$216.80	$108.40	$55.20	61000	$505.60	$252.80	$127.40
24000	$224.40	$112.20	$57.10	62000	$513.20	$256.60	$129.30
25000	$232.00	$116.00	$59.00	63000	$520.80	$260.40	$131.20
26000	$239.60	$119.80	$60.90	64000	$528.40	$264.20	$133.10
27000	$247.20	$123.60	$62.80	65000	$536.00	$268.00	$135.00
28000	$254.80	$127.40	$64.70	66000	$543.60	$271.80	$136.90
29000	$262.40	$131.20	$66.60	67000	$551.20	$275.60	$138.80
30000	$270.00	$135.00	$68.50	68000	$558.80	$279.40	$140.70
31000	$277.60	$138.80	$70.40	69000	$566.40	$283.20	$142.60
32000	$285.20	$142.60	$72.30	70000	$574.00	$287.00	$144.50
33000	$292.80	$146.40	$74.20	71000	$581.60	$290.80	$146.40
34000	$300.40	$150.20	$76.10	72000	$589.20	$294.60	$148.30
35000	$308.00	$154.00	$78.00	73000	$596.80	$298.40	$150.20
36000	$315.60	$157.80	$79.90	74000	$604.40	$302.20	$152.10
37000	$323.20	$161.60	$81.80	75000	$612.00	$306.00	$154.00
38000	$330.80	$165.40	$83.70	76000	$619.60	$309.80	$155.90
39000	$338.40	$169.20	$85.60	77000	$627.20	$313.60	$157.80
40000	$346.00	$173.00	$87.50	78000	$634.80	$317.40	$159.70
41000	$353.60	$176.80	$89.40	79000	$642.40	$321.20	$161.60
42000	$361.20	$180.60	$91.30	80000	$650.00	$325.00	$163.50

Delaware Division of Motor Vehicles

www.dmv.de.gov

DMV LOCATIONS

Delaware City
2101 Mid County Drive
New Castle, DE 19720
302-326-5000

Greater Wilmington
2230 Hessler Boulevard
New Castle, DE 19720
302-434-3200

Dover
303 Transportation Circle
Dover, DE 19901
302-744-2500

Georgetown
23737 DuPont Blvd.
Georgetown, Delaware 19947
302-853-1000

Delaware Department of Transportation

Delaware Office of Highway Safety