

Section 32934 of MAP-21

Section 32934 of MAP-21 provides a statutory exemption from certain Federal Motor Carrier Safety Regulation (FMCSRs), including those pertaining to commercial driver licenses (CDLS) and driver physical qualifications (medical) requirements, for the operation of covered farm vehicles by farm and ranch operators, and their employees and family members under specific circumstances. Specifically, the operation of covered farm vehicles is exempt from the following:

- 49 CFR § 383: Commercial Driver's License Standards; Requirements and Penalties
- 49 CFR § 382: Controlled Substances and Alcohol Use and Testing
- 49 CFR § 391: Subpart E: Physical Qualifications and Examinations
- 49 CFR § 395: Hours of Service
- 49 CFR § 396: Inspection, Repair and Maintenance

Covered farm vehicles and their operators are not exempt from and must comply with 49 CFR § 390, FMCSRs, General; 49 CFR § 392, Driving of Commercial Motor Vehicles (CMV); 49 CFR § 393, Parts and Accessories Necessary for Safe Operation; and all state size and weight, safety, and operation laws applicable to the operation of motor vehicles.

What is a covered farm vehicle? A commercial motor vehicle as defined in 49 CFR § 390.5, including an articulated vehicle, which meets the following criteria:

- a. It is operated by a farm or ranch owner or operator, or an employee or family member of the farm or ranch owner or operator;
- b. It is being used to transport to or from a farm or ranch:
 1. agricultural commodities.
 2. livestock.
 3. machinery or supplies.
- c. It is equipped with a special license plate or other designation by the state in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel.
- d. It has a gross vehicle weight rating (GVWR), gross combination weight rating (GCWR) or gross vehicle weight or gross combination weight, whichever is greater, that is either:
 1. 26,000 pounds or less.
 2. greater than 26,000 pounds and traveling anywhere within the state in which it is registered, or within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

A covered farm vehicle does not include a vehicle that is transporting hazardous materials in an amount that requires placarding, nor a vehicle that is operating on a for-hire basis. These vehicles and their operators are not subject to the covered farm vehicle exemptions.

Operation of truck-tractor/semi-trailer combinations as covered farm vehicles: Although the operator of a covered farm vehicle is not required to hold a CDL to operate a vehicle within the scope of Section 32394, a South Dakota operator is still required to have a Class 1 license.

If you need information regarding the FMCSRs or South Dakota law regarding the operation of CMVs, whether designated as a covered farm vehicle or commercial vehicle, call 605.773.4578 Monday through Friday between 8AM and 5PM Central Time.