

CHAPTER 9
IMPLEMENTS OF HUSBANDRY
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CHAPTER 9

IMPLEMENTS OF HUSBANDRY

1. DEFINITIONS AND EXPLANATIONS.

a. Implement of Husbandry Definition. Section 36000 of the California Vehicle Code (CVC) defines an implement of husbandry (IOH) as a vehicle which is used exclusively in the conduct of agricultural operations. An IOH does not include a vehicle if its existing design is primarily for the transportation of persons or property on a highway unless specifically designated as such by some other provision of the CVC.

(1) Notwithstanding Section 36000 CVC, Sections 36005 and 36015 CVC define certain property-carrying vehicles as IOHs.

(2) In order to determine if a vehicle is an IOH, it is necessary to compare it to the three standards based on Sections 36000, 36005, or 36015 CVC.

(a) The first standard is provided by the first paragraph of Section 36000 CVC. An IOH is a vehicle which is used exclusively in the conduct of agricultural operations. A determination must be made as to the use of the vehicle. If the vehicle is not used exclusively in the conduct of agricultural operations, it cannot be an IOH under Section 36000 CVC. Ownership of the vehicle is not relevant.

(b) The second standard is provided by the initial phrase of the second paragraph of Section 36000 CVC. In this phrase, vehicles are excluded from the IOH category when the existing design is primarily for the transportation of persons or property on a highway. A determination must be made as to the existing design of the vehicle. Even if a vehicle is used exclusively in the conduct of agricultural operations, it is disqualified from being classified as an IOH under Section 36000 CVC when the existing design is primarily for the transportation of persons or property on a highway.

1 A vehicle's existing design takes precedence over its original primary design and is based on its current function and physical configuration.

2 The phrase "does not include a vehicle if its existing design is primarily for the transportation of persons or property on a highway" does not strictly prohibit the transportation of property by an IOH. For example, agricultural harvesting machinery (e.g., cotton pickers, grain

combines) may transport agricultural products on a highway incidental to harvesting operations without losing their IOH classification.

(c) The third standard is provided by the second phrase of the second paragraph of Section 36000 CVC. The second phrase specifies that vehicles otherwise not meeting the definition in Section 36000 CVC are IOHs when specifically designated as such by some other provision of the CVC. A determination must be made as to whether the vehicle is specifically designated as an IOH by some other provision of the CVC. Sections 36005 and 36015 CVC define such vehicles.

1 Vehicles listed in Sections 36005 and 36015 CVC must meet requirements specified in the respective sections relating to design, description, use, and ownership, before they qualify as an IOH.

2 Any vehicle which does not meet the requirements of Section 36000 CVC, or is not specifically designated as an IOH in Sections 36005 or 36015 CVC, is not an IOH.

b. Agricultural Operations. The term “agricultural operations,” as it applies to Division 16 CVC, may be defined as any branch of farming carried out by a farmer; the exclusive business of a farmer in the production and harvesting of agricultural products. A farming operation is defined in Black’s Law Dictionary (Eighth Edition) as “... farming, tillage of soil, dairy farming, ranching, raising of crops, poultry, or livestock, and production of poultry or livestock products in an unmanufactured state.” The agricultural operation ends when the harvest is completed.

(1) Agricultural operations do not include the following:

(a) Activities not pertaining to farming operations; any use of vehicles or equipment in the performance of nonagricultural work. Case example (Attorney General Opinion): A farm tractor, otherwise an IOH, used for nonagricultural work (building fire trails in the off-season) was not being used exclusively in the conduct of an agricultural operation and, therefore, lost its exemption as an IOH. The building of fire trails could not be considered agricultural work or an activity pertaining to a farming operation (17 OPS Cal Atty Gen 62 [1951]).

(b) Services performed in the course of conducting a separate commercial enterprise for profit; the business of a contractor (non-farm) as distinguished from the business of a farmer or farm contractor. (Refer to the definitions in paragraphs 1.c., 1.p., and 1.q. for “farmer,” “contractor,” and “farm contractor.”)

NOTE: The loading and transportation of agricultural products (e.g., baled hay from field to consumer or to market or to commercial storage) for compensation, whether by a contractor or by a farmer acting as a contractor, constitutes a post-harvest commercial enterprise and cannot be considered a function within the agricultural operation. Whereas, the harvesting (cutting and baling) and farm storage of an agricultural product (hay) by a farmer or farm contractor would be considered a function within the agricultural operation.

(c) Any subsequent movement of an agricultural product beyond the “point of first handling” or initial storage location.

1 Example: The transfer of paddy rice from field to a storage warehouse may fall within the realm of the agricultural operation when the rice is moved (immediately incidental to the harvest) in preparation for transportation. However, the movement of paddy rice from storage warehouses to milling facilities, and/or the transportation of paddy rice in commercial-type vehicles, constitutes post-harvest activities after the agricultural operation.

2 “Initial storage location,” as used above, refers to the first storage location after harvesting. However, it does not preclude nor prohibit the movement and storage of unprocessed agricultural products from one part of a farm to another part thereof, or from one farm to another farm, when incidental to a farming operation. For instance, livestock feed products (e.g., hay or grain) produced, harvested, and stored on a farm or farms for later use in farming operations may be moved to various storage locations on such farm or farms without regard to the initial storage location provision.

(2) The statement, “...used exclusively in the conduct of agricultural operations,” as used in Section 36000 CVC, means that if an IOH is used for any purpose other than in the conduct of agricultural operations, it loses its exemption as an IOH.

NOTE: Spray rigs used part-time in agricultural pest control and part-time in commercial weed spraying were held by the court not to have been “... used exclusively in the performance of the work of a farmer in the cultivation of land, e.g., in the conduct of agricultural operations” and, therefore, are not IOHs (Sohner v. Mason [1955] Cal. App. 288 P.2d 616).

c. Farmer. A farmer is defined as a person who cultivates land or crops or raises livestock; a person whose principal occupation is raising crops or livestock.

(1) To be a farmer, a person must own farmland or control such land (e.g., sharecropping, renting, leasing).

(2) A person who does not conduct agricultural activities, such as cultivating, harvesting, or otherwise growing agricultural products or raising livestock, is not a farmer.

(3) A person who conducts agricultural activities (e.g., cultivation, seeding) for-hire, and who does not own or control the land on which the activities are performed, is not a farmer.

(4) The fact that a person owns livestock would not necessarily classify the individual as a farmer. The activity must be that of raising the livestock to qualify as a farmer.

(5) A person conducting horticultural operations, such as a nursery or Christmas tree farm, is a farmer. To be so classified, a person must grow, cultivate, and care for plants and/or trees. The harvesting of wild plants or Christmas trees would not qualify a person as a farmer because there is no cultivation or care of the item. Additionally, a person who operates a retail or wholesale nursery where plants are not grown, but only cared for during an interim period prior to their sale, is not a farmer.

(6) For the purposes of establishing vehicle ownership, an association of farmers or a co-op composed of farmers is classified as a farmer provided the association or co-op is engaged in the business of farming. Therefore, a vehicle is farmer-owned if it is owned by an association of farmers and the association is engaged in the business of farming.

d. Point of First Handling and Return. The point of first handling is generally the first processing point for the product. The following examples illustrate the meaning of the term as used in Sections 36010 and 36015 CVC.

(1) A farmer may use a farm trailer to haul their livestock or poultry to market, but could not use it to haul them to a stock show nor could they process them and then use it to haul the carcasses.

(2) A farmer could use a farm trailer to haul walnuts from the field to market or to a huller, but could not use it to haul them from a huller on their farm to market.

e. Incidental Operation. The term “incidentally operated or moved over a highway” refers to an operation that is secondary to the primary purpose for which the vehicle was designed, and does not infer either a distance or a percentage of time in use on the highway. If the primary purpose of a vehicle is not related to

highway operation, then any operation over the highway would be an incidental operation. For example, if a cotton harvester is moved over the highway from one harvesting site to another harvesting site, the highway operation would be an incidental use since the primary purpose of the harvester is to harvest cotton.

f. Agricultural Tools. As used in Sections 36005, 36105, 36400, and 36605 CVC, an agricultural tool would be any instrument or apparatus necessary to a farmer in the production of agricultural products. Examples to illustrate the term “tools used exclusively for the production or harvesting of agricultural products” within the meaning of Section 36105 CVC are as follows:

(1) If a portable irrigation system is necessary for the efficient operation of an agricultural operation and is used exclusively for the production of agricultural products, the pipes which comprise the system would be tools used exclusively for the production or harvesting of agricultural products.

(2) If ladders are necessary and used to harvest fruit raised by a farmer or for other purposes which are exclusively for the production or harvesting of agricultural products, they are tools used exclusively for the production or harvesting of agricultural products.

(3) If a portable spray machine without wheels is used exclusively to spray a farmer's crops, it is a tool used exclusively for the production or harvesting of agricultural products.

(4) Water troughs, tanks, barrels, and similar-type containers used exclusively to provide water for a farmer's livestock are tools used exclusively for the production or harvesting of agricultural products.

g. Agricultural Products. The term “agricultural products” as used in Division 16 CVC shall be applied in its broad sense. All things produced (grown or raised) on a farm in their natural, unmanufactured condition shall be considered agricultural products (e.g., grain, silage, vegetables, fruit, Christmas trees, plants grown in a nursery [not just cared for], livestock, poultry). Manure, as a by-product of a livestock or poultry farming operation, shall also be considered an agricultural product. Silage includes field corn, sorghum, grass, legumes, cereals, or cereal mixes, either green or mature, which has been converted, in the field, by machine into feed for livestock (Section 36101[i] CVC).

h. Automatic Bale Wagon. An automatic bale wagon is a motor vehicle (MV) capable of transporting property on a highway and equipped with an apparatus specifically designed to pick up single bales of hay or straw from a field, and to load and unload baled hay or straw (Section 36011 CVC).

i. Cotton Module Mover. A cotton module mover (CMM) is a motortruck, semitrailer, or a truck tractor in combination with a semitrailer that is equipped with a self-loading bed, and is designed and used exclusively to transport field-manufactured cotton modules to a cotton gin (Section 36012 CVC).

j. Farm Trailer. A farm trailer is a trailer or semitrailer owned and operated by a farmer in the conduct of agricultural operations, and used exclusively to transport agricultural products upon the highway to the point of first handling and return (Section 36010 CVC).

k. Tip-Bed Trailer. A tip-bed trailer (also referred to as a tilt-bed trailer) is a vehicle designed to permit the bed to be tipped down and become a loading ramp while the frame remains level, to be used to transport an IOH or tools (Section 36005[b] CVC).

l. Trap Wagon. A trap wagon is a trailer or semitrailer used exclusively in the conduct of agricultural operations to fuel, service, or repair an IOH. A trap wagon may be equipped with tools, spare parts, lubricating supplies, or fuel tanks (Section 36016 CVC).

m. Point of Origin. As used in Sections 36005(k), 36101(h), 36600, and 36610 CVC, point of origin relates to the location (e.g., field, farm, ranch, business, residence) where an IOH or a farm vehicle (FV) may be found prior to being moved upon a highway. It is not to be construed to mean a specific or a single location, such as the owner's business or residence. For example, Section 36600 CVC allows the operator of a vehicle transporting an over-width IOH to go 25 miles from their place of business or residence, or a place of storage or work to a farm where work is performed and upon completion of that work go an additional 25 miles, and so on, ad infinitum. Each place where work is completed becomes the point of origin.

n. Transportation for Compensation. As used in Sections 36005(o), 36101(g), 36101(h), and 36102(c) CVC, transportation for compensation refers to on-highway transportation/vehicle operation for compensation by any entity except an employee of a farmer (see paragraph 1.o.). A vehicle being operated for compensation, other than within the scope of an employee of a farmer, is disqualified from being classified as an IOH or FV. Compensation is defined by Black's Law Dictionary (Eighth Edition) as "remuneration and other benefits received in return for services rendered; esp., salary or wages."

o. Employee of a Farmer. As used in Section 36102(c) CVC, an employee of a farmer refers to a person employed by a farmer usually for wages or salary as opposed to a person who contracts services to a farmer. Employee is defined in Black's Law Dictionary (Eighth Edition) as "...a person who works in the service of

another person under an express or implied contract of hire, under which the employer has the right to control the details of work performance.”

p. Contractor. As used in this chapter, contractor refers to a business (i.e., person, partnership, company, or corporation) contracted by a farmer to perform a specific job or piece of work on a farm, as opposed to a person employed by a farmer to work on a farm for salary or wages. Contractor is defined in Black’s Law Dictionary (Eighth Edition) as “...one who contracts to do work or provide supplies for another.”

q. Farm Contractor. As used in this chapter, a farm contractor refers to a business as defined in paragraph 1.p. A farm contractor is hired to perform a specific farm function within the agricultural operation (e.g., preparation of land, seeding, spraying, fertilizing, harvesting of orchards or crops).

r. Driver License. Driver license (DL) requirements for the driver of an IOH are contained in Sections 36300 and 36305 CVC. The driver of an FV, not meeting the definition of an IOH pursuant to Section 36005(k) CVC (refer to paragraph 2.c.), is required to possess a DL of the appropriate class.

s. Applicator Rig. An applicator rig (spray or fertilizer), as exemplified in Section 36005(d) CVC, may be any type of vehicle (self-propelled or non-self-propelled) used exclusively for spraying or fertilizing in the conduct of agricultural operations. An anhydrous ammonia tank vehicle (transportation capacity not exceeding 500 gallons) used exclusively for the transportation and application of anhydrous ammonia is also included. (Any vehicle used solely within the parameters of agricultural operations for placing fertilizer in direct contact with the soil would be considered a fertilizer applicator rig.)

t. Nurse Rig. A nurse rig, as exemplified in Section 36005(f) CVC, may be any type of vehicle (self-propelled or non-self-propelled), designed or modified for the fueling, repairing, or loading of an applicator rig, or an airplane used for the dusting, spraying, fertilizing, or seeding of crops (e.g., trucks or vehicles designed and used to keep spray rigs supplied with chemicals used in the spraying of crops or orchards; trucks or vehicles designed and used to supply an airplane with seeds, chemicals, or fertilizer which the airplane delivers over agricultural land).

u. Row Duster. A row duster, as exemplified in Section 36005(g) CVC, is a vehicle designed to handle powders for the control of insects, disease, or weeds in row crops, and consists of a hopper, agitator, fan, boom, and outlets for discharging the dust over trees and plants.

v. Van. As used in Section 36005(h) CVC, a van refers to a partially or totally enclosed wagon.

w. Wagon. As used in Sections 36005(h) and 36005(i) CVC, a wagon refers to a four-wheeled vehicle designed for carrying heavy loads, having only a flat bed, a box, high sides, or covering.

x. Trailer. A trailer is a vehicle designed for carrying persons or property on its own structure, and for being drawn by an MV and so constructed that no part of its weight rests upon any other vehicle. As used in Division 15 of the CVC (commencing with Section 35000), a trailer includes a semitrailer when used in conjunction with an auxiliary dolly, if the auxiliary dolly is of a type constructed to replace the function of the drawbar and the front axle or axles of a trailer (Section 630 CVC).

y. Fertilizing. As used in Sections 36005(d) and 36005(f) CVC, fertilizing refers to the application of any substance that enriches or makes the land productive. Application of fertilizer may be accomplished in different ways by using equipment designed to broadcast, inject, introduce, or spray the material.

z. Spraying. As used in Section 36005(d) and (f) CVC, spraying refers to the application of insecticides, fungicides, weed killers, or emulsions in the form of a spray (i.e., a jet or vapor of finely divided liquid).

aa. Hay-Squeeze. A baled hay-squeeze loader or hay-squeeze, as referred to in Section 36101(g) CVC, is a vehicle specially designed for lifting and moving large stacks of baled hay in a single movement. These vehicles are frequently built on a chassis similar to a truck tractor. They are equipped for highway use and are capable of freeway speeds. Vehicles of this type are forklift trucks by definition, and are subject to registration and equipment requirements/exemptions as such.

2. VEHICLE CLASSIFICATION.

a. Vehicles Owned by Farmers. All vehicles owned by farmers are not IOHs. A vehicle, to be classified as an IOH, must meet the criteria specified in paragraph 1.a. A vehicle owned by a farmer may not be an IOH, yet still qualify for an exemption from registration. To determine the correct classification for a vehicle, it is necessary to apply the criteria in paragraph 1.a. and, in addition, the criteria of design, operation, use, and ownership.

b. Design. A vehicle cannot be placed into a particular classification, when design is a criterion, if the design of the vehicle is not as specified in the CVC section. For example, a trailer with a flatbed design, used solely for transporting a hay loader or swather, would not qualify as an IOH since the design criterion in Section 36005(c) CVC specifies that the vehicle must have no bed. However, it could qualify under Section 36005(b) CVC if the trailer is of the tip-bed type.

c. Operation. A vehicle cannot be placed into a specific classification when the operation of the vehicle is a criterion, if the vehicle is not operated as specified in the CVC section. For example, any vehicle qualifies as an IOH only if used to transport agricultural products across a highway and is not operated for more than one mile along the highway. When such vehicle is operated along a highway for more than one mile, it is not an IOH unless qualified by some other provision of the CVC (Section 36005[k] CVC).

d. Use. A vehicle cannot be placed into a specific classification when the use of the vehicle is a criterion, if the vehicle is not used as specified in the CVC section. For example, a trailer of the tip-bed type used by a farmer to carry a passenger car would not qualify as an IOH since the section specifies the vehicle must carry an IOH or tools (Section 36005[b] CVC).

e. Ownership. A vehicle cannot be placed into a particular classification when ownership is a criterion, if it is owned by a person other than as specified in the CVC section. For example, a trailer, to be classified as a farm trailer, must be owned by a farmer (Section 36010 CVC).

3. REGISTRATION EXEMPTIONS AND REQUIREMENTS.

a. Conditions for Registration Exemption. Vehicles used by farmers in the conduct of agricultural operations are not always exempt from registration. Implements of husbandry and other vehicles operated by farmers are only exempt from registration when granted a specific exemption by some provision of the CVC. The exemptions granted are restrictive, and the exemption is lost if the specified conditions (e.g., design, operation, use, ownership) in the applicable CVC section or subdivision are not complied with.

b. Registration Exemption for Implements of Husbandry. Implements of husbandry which are only incidentally operated or moved over a highway, and IOHs listed in Sections 36005 or 36015 CVC are exempt from registration pursuant to Section 36100 CVC. In other words, all vehicles falling within Sections 36005 and 36015 CVC are exempt from registration, whereas those meeting only the definition in Section 36000 CVC are exempt only when incidentally operated or moved over a highway in conjunction with agricultural operations.

c. Registration Exemption for Farm Vehicles. An FV described in Sections 36101 or 36102 CVC is not an IOH. However, when used as specified in those sections, they are exempt from registration if they have and display an identification (ID) plate as specified in Section 5014 CVC. Such vehicles are required to comply with all equipment and device requirements, as if registered. Although these vehicles are defined as FVs, they may qualify as an IOH when operated pursuant to

Section 36005(k) CVC (refer to paragraph 2.c.). Additionally, Sections 36105 and 36109 CVC exempt certain trailers from registration.

4. IDENTIFICATION PLATES.

a. Vehicles Permitted to Display Identification Plates. Any person who owns an IOH which is exempt from registration may obtain an ID plate (Section 36115[a] CVC). Certain IOHs and farm trailers are required to display an ID plate (refer to paragraph 4.b.). Although optional, it is to the owner's advantage to obtain this plate to clearly define the vehicle's exempt status when moved on the highway. It also benefits the owner by enabling the vehicle to be identified and recovered, should it be stolen.

b. Vehicles Required to Display Identification Plates. To be exempt from registration requirements, FVs described in Sections 36101 or 36102 CVC are required to display an ID plate (refer to paragraph 3.c.). The registration exemption for the following vehicles is not dependent upon the display of an ID plate; however, they are required by the referenced CVC sections to display an ID plate pursuant to Section 5014 CVC:

(1) Any cotton trailer pursuant to Section 36005(n) CVC.

(2) Farm trailers, defined in Section 36010 CVC, having a gross weight of 10,000 pounds or less pursuant to Section 36109 CVC.

(3) An IOH operated or moved upon the highway by a dealer or manufacturer for the purpose of delivery or demonstration for sale of the vehicle pursuant to Section 5016.5(b) CVC.

NOTE: An FV, described in Sections 36101 and 36102 CVC, failing to display an ID plate as required is subject to registration (Section 4000[a][1] CVC). Failure to display an ID plate on a trailer described in paragraph 4.b. is a violation of Section 5011 CVC.

c. Display of Identification Plates on Vehicles. Sections 5200, 5201, and 4850.5 CVC, relating to the display of license plates, are not applicable to the display of ID plates. Additionally, there are no display requirements relating to position or visibility of an ID plate on these vehicles in the CVC. Typically, an ID plate is displayed on the front or rear of the vehicle; however, an ID plate visible from any location outside the vehicle shall be deemed to be in compliance. Although a dealer or manufacturer is required to display an ID plate when delivering or demonstrating an IOH, there is no provision in the CVC to enforce this requirement.

d. Period of Validity. An ID plate issued for an IOH or FV is valid for five calendar years or until the vehicle for which it was issued is junked, wrecked, dismantled, etc., or until the ownership has changed.

e. Improperly Displayed or Issued Identification Plates. An ID plate may be improperly displayed on or issued to a vehicle which is required to be registered under the provisions of the CVC (e.g., an ordinary truck tractor registered with an ID plate). In some instances, Special Equipment (SE) ID plates were incorrectly issued by California Department of Motor Vehicles (DMV) personnel; in other situations, the registered owners falsified DMV documents to acquire the SE plate. Regardless of how the SE plate came to be improperly displayed or issued, enforcement personnel need a mechanism to have SE plates revoked when the indicia have been improperly displayed, issued, or used. The DMV has agreed to retract improperly issued/used SE plates upon notification by California Highway Patrol (CHP) personnel through the following control process:

(1) When an officer comes into contact with a vehicle displaying an SE plate and it is the officer's opinion the vehicle is subject to registration (e.g., passenger vehicle, commercial vehicle), in addition to any other enforcement action, the officer shall complete a copy of the memorandum titled, "Special Equipment License Plate Violation." The officer shall complete all applicable information on the memorandum to assist DMV personnel in revoking the specified SE plate. (Refer to Annex A for a sample memorandum.)

(2) The memorandum shall be forwarded to Commercial Vehicle Section (CVS) within 30 days for further investigation and processing.

(3) Commercial Vehicle Section will then forward the memorandum to DMV, Special Processing Unit, requesting that DMV revoke the specified SE plate.

(4) Once DMV has forwarded correspondence to the registered owner informing them the SE plate has been revoked and must be removed from the vehicle and returned to DMV, they will forward a copy of the letter to CVS. After receiving the copy of the revocation notification, CVS will forward it to the officer who originated the initial investigation for their information.

5. DESCRIPTIONS AND PHOTOGRAPHIC EXAMPLES.

a. Implements of Husbandry. Vehicles described and shown in the following photographs (Figures 9-1 through 9-33) are examples of IOHs as defined in Section 36000 CVC, or exemplified in Sections 36005 and 36015 CVC. Limitations of design, operation, use, and ownership are written into each description, as well as other pertinent information.

(1) An IOH defined in Section 36000 CVC includes:

(a) An auxiliary dolly (Figure 9-1) as defined in Section 225 CVC.



Figure 9-1 Auxiliary Dolly

1 Vehicle. A vehicle, not designed for carrying persons or property on its own structure, which is so constructed and used in conjunction with a semitrailer as to support a portion of the weight of the semitrailer and any load thereon, but not permanently attached to the semitrailer, although a part of the weight of such dolly may rest on another vehicle.

2 Operation. Not limited to distance or frequency.

3 Use. Restricted to being incidentally moved on highways when used exclusively for the conduct of agricultural operations (Section 36000 CVC).

4 Ownership. Not limited.

5 Other Pertinent Information.

a Identification plate not required.

b When the use of the vehicle is other than as specified, the vehicle loses its IOH classification.

(b) A windrower (hay swather) and cotton picker (Figures 9-2 and 9-3).



Figure 9-2
Windrower (Hay Swather)

Figure 9-3
Cotton Picker

- 1 Vehicle. A vehicle designed for the harvesting of crops.
- 2 Operation. Not limited to distance or frequency.
- 3 Use. Restricted to being used exclusively for the conduct of agricultural operations.
- 4 Ownership. Not limited.
- 5 Other Pertinent Information.
 - a Identification plate not required.
 - b When the use of the vehicle is other than as specified, the vehicle loses its IOH classification.

(c) A truck-mounted hoof-trimming apparatus (Figure 9-4).



Figure 9-4 Truck-Mounted Hoof-Trimming Apparatus

1 Vehicle. Legal size truck chassis upon which is mounted specially designed equipment for conducting livestock hoof-trimming operations.

2 Operation. Not limited to distance or frequency.

3 Use. Restricted to being used exclusively for trimming hooves of livestock as a segment of an agricultural operation (Section 36000 CVC).

4 Ownership. Not limited.

5 Other Pertinent Information.

a Hoof-trimming vehicles have only “incidental load capacity,” and their existing design is not primarily for the transportation of persons or property on a highway. They may qualify as an IOH when used exclusively in the conduct of agricultural operations (Section 36000 CVC).

b Identification plate not required.

c When the design or use of the vehicle is other than as specified above, the vehicle loses its IOH classification.

d Hoof-trimming vehicles operated by nonfarm contractors, and/or used in the performance of nonagricultural work, cannot qualify as an IOH since they are not being “used exclusively in the conduct of agricultural operations.” Such vehicles are subject to registration, and must comply with all applicable equipment and device requirements.

(2) An IOH defined in Section 36005 CVC includes:

(a) A lift carrier (Figure 9-5) or other vehicle designed and used exclusively for lifting and carrying an IOH or tools used exclusively for the production or harvesting of agricultural products, when operated or moved upon a highway (Section 36005[a] CVC).



Figure 9-5 Lift Carrier

- 1 Vehicle. Designed for lifting and carrying an IOH and agricultural tools.
 - 2 Operation. Not limited to distance or frequency.
 - 3 Use. Restricted to being used exclusively for lifting and carrying an IOH or agricultural tools.
 - 4 Ownership. Not limited.
 - 5 Other Pertinent Information.
 - a Identification plate not required.
 - b When the design or use of the vehicle is other than as specified in Section 36005(a) CVC, the vehicle loses its IOH classification.
- (b) A trailer of the tip-bed type (Figure 9-6) when used exclusively in the transportation of an IOH or tools used exclusively for the production or harvesting of agricultural products (Section 36005[b] CVC).



Figure 9-6 Tip-Bed Semitrailer

- 1 Vehicle. A trailer or semitrailer of the tip-bed type which can be raised at one end to permit an IOH or agricultural tools to be loaded or unloaded (refer to the definition in paragraph 1.k.).

2 Operation. Not limited to distance or frequency.

3 Use. Restricted to being used exclusively for the transportation of other IOHs or agricultural tools.

4 Ownership. Not limited.

5 Other Pertinent Information.

a A tip-bed trailer, which is owned by an implement dealer and used to transport a farm tractor (which is an IOH) for repair or delivery, is an IOH and exempt from registration.

b A tip-bed trailer owned by a nursery, which is engaged in horticultural operations, used to transport a tractor used in horticulture, is an IOH and is exempt from registration.

c When the design or use of the vehicle is other than as specified in Section 36005(b) CVC, the vehicle loses its IOH classification.

d Identification plate not required.

(c) A trailer or semitrailer having no bed (Figure 9-7), designed and used solely for transporting a hay loader or swather (Section 36005[c] CVC).



Figure 9-7 Swather Semitrailer

1 Vehicle. A trailer or semitrailer having no bed, designed and used solely for transporting a hay loader or swather.

2 Operation. Not limited to distance or frequency.

3 Use. Solely for transporting a hay loader or swather.

4 Ownership. Not limited.

5 Other Pertinent Information.

a Identification plate not required.

b When the design or use of the vehicle is other than as specified in Section 36005(c) CVC, the vehicle loses its IOH classification.

(d) A spray or fertilizer applicator rig (Figures 9-8 through 9-12) used exclusively for spraying or fertilizing in the conduct of agricultural operations (Section 36005[d] CVC).



Figure 9-8 Anhydrous Ammonia Fertilizer Applicator Rig



Figure 9-9 Spray Rig



Figure 9-10 Three Wheel Fertilizer Rig



Figure 9-11 Fertilizer Spreader



Figure 9-12 Truck-Mounted Fertilizer Spreader

1 Vehicle. A spray or fertilizer applicator rig. Does not include an anhydrous ammonia fertilizer applicator rig which has a transportation capacity in excess of 500 gallons (refer to the definition in paragraph 1.s.).

2 Operation. Not limited to distance or frequency.

3 Use. Restricted to being used exclusively for spraying or fertilizing in the conduct of agricultural operations.

4 Ownership. Not limited.

5 Hazardous Materials Regulations.

a A spray or fertilizer applicator rig, if operated on-highway, must comply with all applicable laws and regulations governing the transportation of hazardous materials, including, but not limited to, Title 49, Code of Federal Regulations (CFR), Parts 172 and 173.

b Exception.

1/ A spray or fertilizer applicator rig (IOH) is exempt from Hazardous Material Transportation License (HMTL) requirements pursuant to Section 32000.5(c) CVC.

6 Other Pertinent Information.

a Applicator rigs (e.g., spreaders, sprayers, injectors), by their very nature and the work they are designed to perform, must, by necessity, act as the carrier of fertilizer or spray material to be applied. If the on-highway transportation of fertilizer or spray material is incidental to the application of fertilizer or spray material in the farm field, it may be considered a part of the conduct of agricultural operations. However, if the rigs are used to deliver fertilizer or spray material from a bulk supply source to another location where the product is unloaded, as opposed to spread or applied; to transport any product other than fertilizer or spray material; or to perform any type of nonagricultural work, the movement would not be considered within the agricultural operation.

b Spray or fertilizer applicator rigs used exclusively for spraying or fertilizing in the conduct of agricultural operations qualify as an IOH and may be operated over the highway either laden or unladen.

c A vehicle used solely to transport spray material or fertilizer cannot qualify as an IOH unless Section 36005(k) CVC is applicable.

d A fertilizer tank trailer or fertilizer applicator rig (whether owned and operated by a farmer, commercial supplier, or other entity) with a transportation capacity not exceeding 500 gallons, and used exclusively for the transportation and application of anhydrous ammonia qualifies as an IOH.

e Identification plate not required.

f When the use of the vehicle is other than as specified in Section 36005(d) CVC, the vehicle loses its IOH classification unless Section 36005(k) CVC is applicable.

(e) A trailer or semitrailer (Figure 9-13) used exclusively for the transportation and application of anhydrous ammonia (Section 36005[e] CVC).



Figure 9-13 Anhydrous Ammonia Trailer

1 Vehicle. A trailer or semitrailer which has a maximum transportation capacity in excess of 500 gallons, but not more than 1,000 gallons, of anhydrous ammonia, equipped with operating brakes or towed upon a highway by a motortruck with a gross vehicle weight rating (GVWR) of 3/4 ton or more. Subject to Section 24603 CVC if the stop lamps of the towing vehicle are not clearly visible.

2 Operation. Not limited to distance or frequency. Combination limited to two vehicles in tandem (power unit and one trailer).

3 Use. Restricted to being used exclusively for the transportation and application of anhydrous ammonia.

4 Ownership. Not limited.

5 Hazardous Materials Regulations.

a An anhydrous ammonia tank trailer or semitrailer, if operated on-highway, must comply with all applicable laws and regulations governing the transportation of hazardous materials, including, but not limited to, Title 49, CFR, Parts 172 and 173.

b Exception.

1/ An anhydrous ammonia tank trailer or semitrailer (IOH) is exempt from HMTL requirements pursuant to Section 32000.5(c) CVC.

6 Other Pertinent Information.

a An anhydrous ammonia tank trailer or semitrailer (whether owned and operated by a farmer, commercial supplier, or other entity) with a maximum transportation capacity in excess of 500 gallons, but not more than 1,000 gallons, used exclusively for the transportation and application of anhydrous ammonia qualifies as an IOH.

b The vehicle must be used for the application of anhydrous ammonia. A vehicle used solely to transport anhydrous ammonia is not an IOH.

c Identification plate not required.

d When the operation or use of the vehicle is other than as specified in Section 36005(e) CVC, the vehicle loses its IOH classification.

(f) A nurse rig or equipment (Figures 9-14 through 9-16) auxiliary to the use of and designed or modified for the fueling, repairing, or loading of an applicator rig or an airplane used for the dusting, spraying, fertilizing, or seeding of crops (Section 36005[f] CVC).



Figure 9-14 Nurse Rig (Auxiliary to a Helicopter)



Figure 9-15 Nurse Rig (Auxiliary to an Airplane)



Figure 9-16 Nurse Rig (Auxiliary to an Applicator Rig)

- 1 Vehicle. A nurse rig or equipment auxiliary by design or modification for the fueling, repairing, or loading of an applicator rig or an airplane (refer to the definition in paragraph 1.t.).
- 2 Operation. Not limited to distance or frequency.

3 Use. Restricted to nurse or auxiliary services for an applicator rig or an airplane used for the dusting, spraying, fertilizing, or seeding of crops.

4 Ownership. Not limited.

5 Hazardous Materials Regulations.

a Any nurse rig, if operated on-highway, must comply with all applicable laws and regulations governing the transportation of hazardous materials, including, but not limited to, Title 49, CFR, Parts 172 and 173.

b Exceptions.

1/ Nurse rigs (IOH) are exempt from HMTL requirements pursuant to Section 32000.5(c) CVC.

2/ A combustible liquid transported in packaging with a capacity of 119 gallons or less is exempt from regulations contained in Title 49, CFR. This exemption does not include a combustible liquid which is also a hazardous substance or hazardous waste as defined in Title 49, CFR, Part 171.8.

6 Other Pertinent Information.

a Identification plate not required.

b When the design or use of the vehicle is other than as specified in Section 36005(f) CVC, the vehicle loses its IOH classification.

(g) A row duster (Figure 9-17) used to distribute powders in row crops (Section 36005[g] CVC).



Figure 9-17 Row Duster

- 1 Vehicle. A row duster. (Refer to the definition in paragraph 1.u.)
- 2 Operation. Not limited to distance or frequency.
- 3 Use. Restricted to dusting.
- 4 Ownership. Not limited.
- 5 Other Pertinent Information.
 - a Identification plate not required.
 - b When the use of the vehicle is other than as specified in Section 36005(g) CVC, the vehicle loses its IOH classification.

(h) A wagon or van (Figure 9-18) used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa or cotton, which is only incidentally operated or moved on a highway as a trailer (Section 36005[h] CVC).



Figure 9-18 Forage Wagon or Van

- 1 Vehicle. A wagon or van. Includes alfalfa or cotton vans used in harvesting which are only incidentally moved upon a highway as a trailer. (Refer to the definitions in paragraphs 1.v. and 1.w.)
- 2 Operation. Limited to movement from one part of a farm to another part thereof, or from one farm to another farm.
- 3 Use. Solely for agricultural purposes. Must carry only products of farming.
- 4 Ownership. Not limited.

5 Other Pertinent Information.

a Identification plate not required.

b The term “used solely for agricultural purposes” shall be considered synonymous with the term “used exclusively in the conduct of agricultural operations” as used in Section 36000 CVC.

c When the operation or use of the vehicle is other than as specified in Section 36005(h) CVC, the vehicle loses its IOH classification unless Section 36005(k) CVC is applicable.

(i) A wagon or portable house on wheels (Figure 9-19) used solely by shepherds as a permanent residence in connection with sheep-raising operations, and moved from one part of a ranch to another part thereof or from one ranch to another ranch, and which is only incidentally operated or moved on a highway as a trailer (Section 36005[i] CVC).



Figure 9-19 Portable House

1 Vehicle. A wagon or portable house. Must carry only the household belongings of a shepherd.

2 Operation. Limited to movement from one part of a ranch to another part thereof, or from one ranch to another ranch.

3 Use. Used solely by shepherds as a permanent residence.

4 Ownership. Not limited.

5 Other Pertinent Information.

a Identification plate not required.

b When the operation or use of the vehicle is other than as specified in Section 36005(i) CVC, the vehicle loses its IOH classification.

(j) A trap wagon, as defined in Section 36016 CVC (Figures 9-20 and 9-21), moved from one part of a ranch to another part of the same ranch or from one ranch to another, and which is only operated or moved on a highway incidental to agricultural operations (Section 36005[jj] CVC).



Figure 9-20 Trap Wagon (Hazardous Materials Placard Present)



Figure 9-21 Trap Wagon (Hazardous Materials Placard Not Present)

1 Vehicle. A trailer or semitrailer. May be equipped with tools, spare parts, lubricating supplies, or fuel tanks. The fuel tank or tanks shall not exceed 1,000 gallons total capacity.

2 Operation. Limited to movement from one part of a ranch to another part of the same ranch or from one ranch to another ranch. Movement on a highway must be incidental to agricultural operations.

3 Use. Restricted to being used exclusively for the conduct of agricultural operations to fuel, service, or repair an IOH.

4 Ownership. Not limited.

5 Hazardous Materials Regulations.

a A trap wagon (IOH), if operated on-highway, must comply with all applicable laws and regulations governing the transportation of hazardous materials, including, but not limited to, Title 49, CFR, Parts 172 and 173.

b Exemption.

1/ A trap wagon (IOH) is exempt from HMTL requirements pursuant to Section 32000.5(c) CVC.

6 Other Pertinent Information.

a A tank trailer (trap wagon), not exceeding 1,000 gallons total fuel capacity, operated and used pursuant to Section 36005(j) CVC is classified as an IOH.

b A trap wagon used as an IOH may not go to an off-farm bulk supply facility to refuel. Therefore, an owner may elect to classify a trap wagon, otherwise in compliance with Section 36005(j) CVC (e.g., a 700-gallon trap wagon), as an FV (refer to paragraph 5.b.[1][f]) so as to obtain greater operating privileges.

c Identification plate not required.

d When the operation or use of the vehicle is other than as specified in Section 36005(j) CVC, the vehicle loses its IOH classification.

(k) Any vehicle (Figures 9-22 through 9-25), regardless of configuration, which is operated upon a highway only for transporting agricultural products and is in no event operated along a highway for a total distance greater than one mile from the point of origin of the trip (Section 36005[k] CVC).



Figure 9-22 Truck Transporting Melons



Figure 9-23 Truck Transporting Wheat



Figure 9-24 Truck-Mounted Stack Retriever



Figure 9-25 Chopped Feed Semitrailer

- 1 Vehicle. Not limited as to type.
- 2 Operation. Limited to movement along a highway for a total distance not greater than one mile from the point of origin of the trip.
- 3 Use. Restricted to transporting agricultural products.
- 4 Ownership. Not limited.
- 5 Other Pertinent Information.

a In the event a vehicle, which only qualifies as an IOH under Section 36005(k) CVC, is operated upon a highway for any purpose other than transporting agricultural products across the highway or is operated along the highway for any purpose for a greater distance than one mile, it loses its IOH classification.

1/ A chopped feed semitrailer (Figure 9-25) is designed (legal size) and equipped (highway tires and running gear) to transport property on a highway and, as such, cannot qualify as an IOH under the general definition of Section 36000 CVC, nor can it qualify as an IOH under Section 36005(h) CVC since:

a/ It does not meet the definition of either a “wagon” or “van.” (Refer to the definitions in paragraphs 1.v. and 1.w.)

b/ On-highway movement is clearly one of the primary functions (not merely an incidental use) of the vehicle.

c/ An exception to the foregoing could exist if the vehicle is being operated with the restrictions and limitations of Section 36005(k) CVC.

b Identification plate not required.

(l) A portable honey-extracting trailer or semitrailer (Figures 9-26 and 9-27) (Section 36005[[j]] CVC).



Figure 9-26 Portable Honey-Extracting Semitrailer



Figure 9-27 Portable Honey-Extracting Semitrailer (Interior)

- 1 Vehicle. A trailer or semitrailer designed for honey-extracting.
- 2 Operation. Not limited to distance or frequency.
- 3 Use. Restricted to transporting honey-extracting equipment. Not for moving bee hives.
- 4 Ownership. Not limited.
- 5 Other Pertinent Information.

a Identification plate not required.

b When the design or use of the vehicle is other than as specified in Section 36005(l) CVC, the vehicle loses its IOH classification.

(m) A fertilizer nurse tank or trailer that is not self-propelled (Figure 9-28) and which is moved unladen on the highway and auxiliary to the use of a spray or fertilizer applicator rig (Section 36005[m] CVC).



Figure 9-28 Nurse Tank

- 1 Vehicle. A non-self-propelled fertilizer nurse tank. May be a trailer or semitrailer.
- 2 Operation. Limited to unladen movement on the highway.
- 3 Use. Restricted to auxiliary use of a spray rig or fertilizer applicator rig.
- 4 Ownership. Not limited.

5 Hazardous Materials Regulations. A fertilizer nurse tank, if operated on a highway containing any quantity, including residue, of a hazardous material, must comply with all applicable laws and regulations governing the transportation of hazardous materials, including, but not limited to, Title 49, CFR, Parts 172 and 173.

a Exemption.

1/ A fertilizer nurse tank (IOH) is exempt from HMTL requirements pursuant to Section 32000.5(c) CVC.

6 Other Pertinent Information.

a Identification plate not required.

b When the operation or use of the vehicle is other than as specified in Section 36005(m) CVC, the vehicle loses its IOH classification.

(n) Any cotton trailer (Figure 9-29) when used on the highway for the exclusive purpose of transporting cotton from a farm to a cotton gin, and returning the empty trailer to such farm (Section 36005[n] CVC).



Figure 9-29 Cotton Trailer

1 Vehicle. A cotton trailer.

2 Operation. Limited to transporting cotton from a farm to a cotton gin and returning empty to the farm.

3 Use. Restricted to the exclusive purpose of transporting cotton.

4 Ownership. Not limited.

5 Other Pertinent Information.

a A cotton trailer is required to display a valid ID plate as specified in Section 5014 CVC.

b Any trailer may be classified as a cotton trailer when operated and used pursuant to Section 36005(n) CVC.

c When the operation or use of the vehicle is other than as specified in Section 36005(n) CVC, the vehicle loses its IOH classification unless Section 36005(k) CVC is applicable.

(o) A truck tractor or truck tractor and semitrailer combination (Figure 9-30) which is owned by a farmer and operated on the highway, (1) only incidental to a farming operation, (2) not for compensation, and (3) for a distance of not more than two miles (on the highway) each way. This definition only applies to truck tractors with a manufacturer's GVWR over 10,000 pounds that are equipped with all-wheel drive and off-highway traction tires on all wheels, and only to semitrailers used in combination with such a truck tractor, and exclusively in the production or harvesting of tomatoes (Section 36005[o] CVC).



Figure 9-30 All-wheel Drive Truck Tractor,
Semitrailer and Tomato Harvesting Bin

1 Vehicle. A truck tractor or truck tractor and semitrailer combination. Truck tractor must have a GVWR over 10,000 pounds and be equipped with all-wheel drive and off-highway traction tires on all wheels. Semitrailer must be used in combination with such a truck tractor.

2 Operation. Shall be operated on the highway only incidental to a farming operation, not for compensation, and for a distance of not more than two miles (on the highway) each way. Vehicles shall not be operated in excess of 25 miles per hour (mph) on the highway.

3 Use. Restricted to exclusive use in the production or harvesting of tomatoes.

4 Ownership. Limited to a farmer.

5 Other Pertinent Information.

a Identification plate(s) not required.

b When the operation, use, or ownership of the vehicle(s) is other than as specified in Section 36005(o) CVC, the vehicle or combination loses its IOH classification.

(p) An all-terrain or utility-terrain vehicle (Figures 9-31 and 9-32), defined in Sections 111 and 531 CVC, used exclusively in agricultural operations (Section 36005[p] CVC).



Figure 9-31 All-terrain Vehicle



Figure 9-32 Utility-terrain Vehicle

1 Vehicle. An all-terrain or utility-terrain vehicle designed for operation off-highway by an operator and no more than one passenger, suspended on three or more low-pressure tires, and meeting the following requirements:

a Equipped with a seat designed to be straddled by the operator and passenger, fifty inches or less in width, an unladen weight of 900 pounds or less, and handlebars; or

b Equipped with a seat designed to accommodate a driver and one passenger sitting side-by-side, and a steering wheel.

2 Operation. Not limited to distance or frequency.

3 Use. Restricted to being used exclusively for the conduct of agricultural operations.

4 Ownership. Not limited.

5 Other Pertinent Information.

a Identification plate not required.

b When the design or use of the vehicle is other than as specified in Section 36005(p) CVC, the vehicle loses its IOH classification.

(q) "Implement of Husbandry" includes any farm tractor (Figure 9-33), otherwise an IOH used upon a highway to draw a farm trailer carrying farm produce, or to draw any trailer or semitrailer carrying an IOH between farms or from a farm to a processing or handling point, and returning with or without the trailer (Section 36015 CVC).



Figure 9-33 Farm Tractor Towing a Farm Trailer

1 Vehicle. A farm tractor, otherwise an IOH, towing upon a highway either a farm trailer carrying farm produce, or trailer or semitrailer carrying an IOH.

2 Operation. Limited to movement between farms, or from a farm to a processing or handling point, and returning with or without the trailer.

3 Use. Agricultural operations.

4 Ownership. Farm trailer limited to a farmer. Farm tractor and any other trailer or semitrailer not limited.

5 Other Pertinent Information.

a This section allows farm tractors to retain IOH status while providing special operating privileges (tractor towing in conjunction with specified trailers) not otherwise granted under Section 36000 CVC.

b Identification plate not required.

c When the operation, use, or ownership of the combination is other than as specified in Section 36015 CVC, the farm tractor loses its IOH classification.

b. Registration Exemption for Farm Vehicles. Sections 36101, 36102, 36105, and 36109 CVC exempt certain FVs which are not IOHs from registration (refer to paragraph 3.c.). Vehicles described and shown in the following photographs (Figures 9-34 through 9-56) are examples of FVs. Limitations of design, operation, use, and ownership are written into each description, as well as other pertinent information.

(1) Farm vehicles defined in Section 36101 CVC include:

(a) An MV of a size (Figure 9-34) so as to require a permit under Section 35780 CVC, owned and operated by a farmer, designed and used exclusively for carrying or returning empty from carrying feed and seed products of farming, and used on a highway between one part of a farm to another part of that farm, or from one farm to another farm (Section 36101[a] CVC).



Figure 9-34 Oversize Feed Truck

- 1 Vehicle. Oversize MV designed for carrying feed and seed products of farming.
- 2 Operation. Limited to farmer-owner operation on a highway between one part of a farm to another part thereof, or from one farm to another farm.
- 3 Use. Restricted to being used exclusively for carrying feed and seed products of farming, or returning empty from carrying such products.
- 4 Ownership. Limited to a farmer.
- 5 Other Pertinent Information.
 - a Valid ID plate required (Section 5014 CVC).
 - b Can qualify as an IOH only pursuant to Section 36005(k) CVC.
 - c Subject to all equipment and device requirements, as if registered.
 - d When the design, operation, use, or ownership of the vehicle is other than as specified in Section 36101(a) CVC, the vehicle loses its exemption from registration.

(b) A vehicle equipped with a water tank (Figure 9-35), owned by a farmer, and used exclusively to service their own IOHs (Section 36101[b] CVC).



Figure 9-35 Water Tank Trailer

- 1 Vehicle. A vehicle (self-propelled or trailer) equipped with a water tank.
- 2 Operation. Not limited to distance or frequency.
- 3 Use. Restricted to being used exclusively by a farmer-owner in servicing their own IOHs.
- 4 Ownership. Limited to a farmer.
- 5 Other Pertinent Information.
 - a Valid ID plate required (Section 5014 CVC).
 - b Not an IOH.
 - c Subject to all equipment and device requirements, as if registered.
 - d When the use or ownership of the vehicle is other than as specified in Section 36101(b) CVC, the vehicle loses its exemption from registration.

(c) A water tank truck (Figure 9-36) which is used exclusively for sprinkling water on dirt roads providing access to agricultural fields, or transportation of water for irrigation of crops or trees (Section 36101[c] CVC).



Figure 9-36 Water Tank Truck

- 1 Vehicle. A water tank truck.
- 2 Operation. Not operated for compensation and used extensively in the conduct of agricultural operations.
- 3 Use. Restricted to being used exclusively for sprinkling water on dirt roads providing access to agricultural fields, or transportation of water for irrigation of crops or trees.
- 4 Ownership. Limited to a farmer.
- 5 Other Pertinent Information.
 - a Valid ID plate required (Section 5014 CVC).
 - b Not an IOH.
 - c Subject to all equipment and device requirements, as if registered. This includes marking requirements pursuant to Sections 27900 and 34507.5 CVC.
 - d When the operation or use of the vehicle is other than as specified in Section 36101(c) CVC, the vehicle loses its exemption from registration.

(d) A CMM (Figures 9-37 through 9-41), as defined in Section 36012 CVC (Section 36101[d] CVC).



Figure 9-37 Cotton Module Mover Motortruck



Figure 9-38 Cotton Module Mover Motortruck (Alternate Image)



Figure 9-39 Cotton Module Mover Semitrailer (Covered)



Figure 9-40 Cotton Module Mover Semitrailer



Figure 9-41 Truck Tractor Combined with Cotton Module Mover Semitrailer

1 Vehicle. A motortruck, semitrailer, or a truck tractor in combination with a semitrailer that is equipped with a self-loading bed, designed and used exclusively to transport field-manufactured cotton modules to a cotton gin (Section 36012 CVC).

2 Operation. Not limited to distance or frequency.

a The weight limitations of Section 35551 CVC do not apply to a CMM operated during the period set forth in Section 35555 CVC, either laterally across a state highway or upon a county highway within the counties set forth in Section 35555 CVC. Additionally, a CMM may be operated upon a state highway within the counties set forth in Section 35555 CVC, if the following conditions are met:

1/ The operator of a CMM possesses a DL of the appropriate class for the vehicle(s) being operated (Section 12804.9 CVC).

2/ The CMM is operated in compliance with all CVC sections described in Section 35555(b)(2) CVC.

3/ The CMM tandem axle weights may not exceed the maximum allowable weights set forth in Section 35551 CVC by more than 6,000 pounds.

4/ Any person operating a CMM that exceeds the maximum allowable gross axle weight for tandem axles, as set forth in Section 35551 CVC, shall possess a commercial DL, as defined in Section 15210(a) CVC.

b The provisions of Section 35555 CVC do not apply to National Network routes.

3 Use. Restricted to being used exclusively for the transportation of field-manufactured cotton modules to a cotton gin.

4 Ownership. Not limited.

5 Other Pertinent Information.

a Valid ID plate required (Section 5014 CVC).

b In order to maintain the exemption from registration granted under Section 36101(d) CVC, the owner of a truck tractor in combination with a semitrailer:

1/ Shall not operate the truck tractor in a combination of vehicles in any manner other than as a CMM during the exemption period.

2/ Shall comply with DL requirements (e.g., hours-of-service provisions, drug and alcohol testing requirements) contained in Section 36101(d)(3) CVC.

3/ Must register the truck tractor before operating it as a commercial motor vehicle.

c Can qualify as an IOH only pursuant to Section 36005(k) CVC.

d Subject to all equipment and device requirements, as if registered.

e When the design or use of the vehicle is other than as specified in Sections 36101(d) and 36012 CVC, the vehicle loses its exemption from registration.

(e) A plenum chamber trailer (Figure 9-42) (Section 36101[e] CVC).



Figure 9-42 Plenum Chamber Trailer

- 1 Vehicle. A trailer equipped with a plenum chamber for the drying of agricultural commodities.
- 2 Operation. Not limited to distance or frequency.
- 3 Use. Transportation and drying of agricultural products/commodities.
- 4 Ownership. Not limited.
- 5 Other Pertinent Information.
 - a The 10,000-pound weight limitation (Section 36109 CVC) does not apply to these vehicles.
 - b Valid ID plate required (Section 5014 CVC).
 - c Can qualify as an IOH only pursuant to Section 36005(k) CVC.
 - d Subject to all equipment and device requirements, as if registered.
 - e When the use of the vehicle is other than as specified in Section 36101(e) CVC, the vehicle loses its exemption from registration.

(f) A trap wagon, as defined in Section 36016 CVC (Figure 9-43) (Section 36101[f] CVC).



Figure 9-43 Trap Wagon

1 Vehicle. A trailer or semitrailer equipped with a fuel tank or tanks not exceeding 3,000 gallons total capacity. May be equipped with tools, spare parts, and lubricating supplies in addition to fuel storage.

2 Operation. Not limited to distance or frequency.

3 Use. Restricted to being used exclusively for the conduct of agricultural operations to fuel, service, or repair IOHs.

4 Ownership. Not limited.

5 Hazardous Materials Regulations.

a A trap wagon (farm vehicle), if operated on highway, must comply with all applicable laws and regulations governing the transportation of hazardous materials, including, but not limited to, Title 49, CFR, Parts 172 and 173; Title 13, California Code of Regulations, Section 1160.4(g); and Section 32000.5(c) CVC.

6 Other Pertinent Information.

a A tank trailer (trap wagon), not exceeding 3,000 gallons total fuel capacity, operated in accordance with Section 36101(f) CVC is classified as an FV.

b Does not qualify as an IOH.

c May go to an off-farm bulk supply facility to refuel.

d Valid ID plate required (Section 5014 CVC).

e Subject to all equipment and device requirements, as if registered.

f When the use of the vehicle is other than as specified in Section 36101(f) CVC, the vehicle loses its exemption from registration.

(g) A forklift truck or hay-squeeze (Figures 9-44 and 9-45), operated by a farmer not for compensation (Section 36101[g] CVC).



Figure 9-44 Hay-Squeeze



Figure 9-45 Forklift

- 1 Vehicle. Forklift truck or hay-squeeze (refer to the definition in paragraph 1.aa.).
- 2 Operation. Not limited to distance or frequency. Must be operated by a farmer, not for compensation.
- 3 Use. Restricted to use by a farmer.
- 4 Ownership. Not limited.
- 5 Other Pertinent Information.
 - a A forklift truck or hay-squeeze can qualify as an IOH only pursuant to Section 36005(k) CVC.
 - b All other forklift trucks and hay-squeeze vehicles are not IOHs, and must be registered, unless operated in the following manner:
 - 1/ Operated or moved across a highway or along a highway for a distance of one-quarter mile or less, laden or unladen, in accordance with Section 4013 CVC.
 - 2/ Operated pursuant to Section 36101(g) CVC and displays a valid ID plate (Section 5014 CVC), and complies with all equipment and device requirements, as if registered. (Forklift trucks, and vehicles of a type subject to registration not used

for the transportation of persons or property and incidentally operated over the highways, are granted specific exemptions from equipment requirements as provided by Section 25802 CVC. Towed forklift trucks are subject to brake and lighting requirements specified in Sections 26307 and 25805 CVC.)

c When the operation or use of the vehicle is other than as specified in Sections 4013 or 36101(g) CVC, the vehicle loses its exemption from registration and becomes subject to registration as follows:

1/ Laden operation, commercial registration required.

2/ Unladen operation, exempt from weight fees and noncommercial vehicle registration permitted.

(h) A truck tractor or truck tractor and semitrailer combination (Figure 9-46) which is owned by a farmer and operated on the highway only incidental to a farming operation and not for compensation. Only truck tractors with a manufacturer's GVWR over 10,000 pounds that are equipped with all-wheel drive and off-highway traction tires on all wheels, and semitrailers used in combination with such a truck tractor, used exclusively in the production or harvesting of melons, are included in this CVC subdivision (Section 36101[h] CVC).



Figure 9-46 All-wheel Drive Truck Tractor, Semitrailer and Harvesting Unit

1 Vehicle. A truck tractor or truck tractor and semitrailer combination. Truck tractors must have a GVWR over 10,000 pounds, and be equipped with all-wheel drive and off-highway traction tires on all wheels; only semitrailers used in combination with such a truck tractor may qualify as an FV.

2 Operation. Shall be operated on the highways only incidental to a farming operation, not for compensation, and for a distance of not more than two miles from the point of origin when laden, and for a

distance of not more than 30 miles from the point of origin when unladen. Operation on the highway exceeding 15 miles from the point of origin requires escort vehicles to the front and rear. Vehicles shall not be operated in excess of 25 mph on the highway. The Commissioner of the CHP may, by regulation, prohibit the vehicles specified in this CVC subdivision from operating on specific routes.

3 Use. Restricted to being used exclusively for the production or harvesting of melons.

4 Ownership. Limited to a farmer.

5 Other Pertinent Information.

a Valid ID plate(s) required (Section 5014 CVC).

b Not an IOH.

c Subject to all equipment and device requirements, as if registered.

d When the operation, use, or ownership of the vehicle(s) is other than as specified in Section 36101(h) CVC, the vehicle or combination loses its exemption from registration.

(i) An MV (Figures 9-47 and 9-48) specifically designed for, and used exclusively in, an agricultural operation for purposes of carrying or returning empty from carrying silage, and operated by a farmer, an employee of the farmer, or a contracted employee of the farmer between one part of a farm to another part of that farm or from one farm to another farm on a highway for a distance not to exceed 20 miles from the point of origin of the trip. This does not include a vehicle that is used for the transportation of silage for retail sales. Silage includes field corn, sorghum, grass, legumes, cereals, or cereal mixes, either green or mature, converted into feed for livestock (Section 36101[i] CVC).



Figure 9-47 Silage Truck (Two-Axle)



Figure 9-48 Silage Truck (Three-Axle)

1 Vehicle. The vehicle must be an MV used exclusively in an agricultural operation for the purposes of carrying or returning empty from carrying silage.

2 Operation. May only be operated by a farmer, an employee of the farmer, or a contracted employee of the farmer upon the highway for a distance not to exceed 20 miles from the point of origin (refer to definition in paragraph 1.m.).

3 Use. Restricted to being used exclusively for carrying silage or returning empty from carrying silage.

4 Ownership. Not limited.

5 Other Pertinent Information.

a Valid ID plate required (Section 5014 CVC).

b Can qualify as an IOH only pursuant to Section 36005(k) CVC.

c Subject to all equipment and device requirements, as if registered.

d When the operation, use, or ownership of the vehicle(s) is other than as specified in Section 36101(i) CVC, the vehicle loses its exemption from registration.

e The provisions of Section 36101(i) CVC do not apply to trailers or semitrailers.

f The provisions of Section 36101(i) CVC do not include vehicles used for the transportation of silage for retail sale.

(2) Farm vehicles defined in Section 36102 CVC include:

(a) An automatic bale wagon (Figure 9-49) operated unladen on a highway (Section 36102[a] CVC).



Figure 9-49 Automatic Bale Wagon, Unladen

1 Vehicle. An MV capable of transporting baled hay or straw on a highway, and equipped with apparatus specifically designed to pick up single bales of hay or straw from a field, and to load and unload baled hay or straw (Section 36011 CVC).

2 Operation. Limited to unladen operation on a highway. The distance when operating unladen is unlimited.

3 Use. Restricted to unladen use.

4 Ownership. Not limited.

5 Other Pertinent Information.

a Valid ID plate required (Section 5014 CVC).

b Can qualify as an IOH only pursuant to Section 36005(k) CVC.

c Subject to all equipment and device requirements, as if registered.

d When the operation or use of the vehicle is other than as specified in Section 36102(a) CVC, the vehicle loses its exemption from registration.

(b) An automatic bale wagon (Figure 9-50) operated laden on a highway (Section 36102[b] CVC).



Figure 9-50 Automatic Bale Wagon, Laden

1 Vehicle. An MV capable of transporting baled hay or straw on a highway, and equipped with apparatus specifically designed to pick up

single bales of hay or straw from a field, and to load and unload baled hay or straw (Section 36011 CVC).

2 Operation. Laden operation limited to a distance of not more than five continuous road miles on a highway from one parcel of property owned, leased, or controlled by a farmer to another parcel of property owned, leased, or controlled by such farmer.

3 Use. Restricted to transporting baled hay or straw.

4 Ownership. Not limited.

5 Other Pertinent Information.

a Valid ID plate required (Section 5014 CVC).

b Can qualify as an IOH only pursuant to Section 36005(k) CVC.

c Subject to all equipment and device requirements, as if registered.

d When the operation or use of the vehicle is other than as specified in Section 36102(b) CVC, the vehicle loses its exemption from registration.

(c) An MV (Figure 9-51) which is designed for and used exclusively to haul feed for livestock, and which is owned and operated exclusively by a farmer or an employee of a farmer (Section 36102[c] CVC).



Figure 9-51 Livestock Feed Truck

1 Vehicle. An MV designed for hauling feed for livestock.

2 Operation. Limited to operation on local highways, only pursuant to a permit issued by local authorities (Section 35780 CVC), and only

for a distance of not more than five continuous road miles from one parcel of property owned, leased, or controlled by the farmer to another parcel of property owned, leased, or controlled by such farmer. Must be operated by a farmer or employee of a farmer. Does not include transportation for compensation.

3 Use. Restricted to being used exclusively for the hauling of feed for livestock.

4 Ownership. Limited to a farmer or an employee of a farmer.

5 Other Pertinent Information.

a Livestock feed MVs which are exempt from registration pursuant to Section 36102(c) CVC are granted a special width exemption by Section 35104 CVC and may be 120 inches wide without obtaining an oversize permit. The exemption does not apply when the vehicles are operated on a highway during darkness.

b Valid ID plate required (Section 5014 CVC).

c Can qualify as an IOH only pursuant to Section 36005(k) CVC.

d Subject to all equipment and device requirements, as if registered.

e When the design, operation, use, or ownership of the vehicle is other than as specified in Section 36102(c) CVC, the vehicle loses its exemption from registration.

f A person who contracts services to a farmer in the course of independent employment is defined as a contractor and cannot be considered as "an employee of a farmer" (refer to the definition in paragraph 1.p.).

(3) A trailer or semitrailer (Figures 9-52 through 9-54) owned and used exclusively by a farmer to haul their own IOHs or a portable sanitary facility or tools used exclusively for the production or harvesting of agricultural products is exempt from registration (Section 36105 CVC).



Figure 9-52 Trailer Used to Transport Implements of Husbandry



Figure 9-53 Portable Sanitary Facility



Figure 9-54 Semitrailer Transporting Irrigation Pipe

- (a) Vehicle. A trailer or semitrailer.
- (b) Operation. Not limited to distance or frequency.
- (c) Use. Restricted to being used exclusively by a farmer-owner in the hauling of their own IOHs, a portable sanitary facility, or tools used exclusively for the production or harvesting of agricultural products.
- (d) Ownership. Limited to a farmer.
- (e) Other Pertinent Information.
 - 1 Identification plate not required.
 - 2 Not an IOH.
 - 3 Subject only to equipment and device requirements that do not specify registration as a prerequisite (e.g., Section 29003 CVC).
 - 4 When the use or ownership of the vehicle is other than as specified in Section 36105 CVC, the vehicle loses its exemption from registration.

(4) "Farm trailers" (Figures 9-55 and 9-56) as defined in Section 36010 CVC, having a gross weight of 10,000 pounds or less, are exempt from registration except that Section 5014 CVC shall apply to such trailers (Section 36109 CVC).



Figure 9-55 Farm Trailer

(a) Description.

1 Vehicle. A trailer or semitrailer having a gross weight of 10,000 pounds or less.

2 Operation. Limited to farmer-owner operation in the conduct of agricultural operations.

3 Use. Restricted to being used exclusively for transporting agricultural products upon the highway to the point of first handling and return.

4 Ownership. Limited to a farmer.

5 Other Pertinent Information.

a Valid ID plate required (Section 5014 CVC).

b A farm trailer, as defined in Section 36010 CVC, is not an IOH unless it qualifies at such under the provisions of Section 36005(k) CVC.

c Farm trailers having a gross weight in excess of 10,000 pounds are not exempt from registration.

d When the ownership, use, or operation of the vehicle is other than as specified in Section 36010 CVC, registration is due on farm trailers having a gross weight of 10,000 pounds or less. For example, the use of a farm trailer by a farmer to transport rubbish to a disposal site causes registration to become due since the use criterion in Section 36010(a) CVC specifies that the trailer must be used exclusively to transport agricultural products.

e Subject only to equipment and device requirements that do not specify registration as a prerequisite (e.g., Section 29003 CVC).



Figure 9-56 Self-Unloading Farm Trailer

(b) Description.

1 Vehicle. A trailer or semitrailer equipped with rollers on the bed, with a frame not taller than 10 inches high, with a GVWR of 10,000 pounds or less, and that was manufactured and in use prior to January 1, 1997 (Section 36010[b] CVC).

2 Operation. Operation is limited to the farmer which owns or has rented or leased the vehicle, and the vehicle is used exclusively in the conduct of agricultural operations.

3 Use. Restricted to being used exclusively for transporting fruit or vegetables upon the highway to the point of first handling and return. The vehicle may also be operated on the highways without a load for the purposes of delivering a rented or leased vehicle to the renting or leasing farmer's farm, or returning empty to the owner's premises.

4 Ownership. Not limited.

5 Other Pertinent Information.

a Valid ID plate required (Section 5014 CVC).

b A farm trailer, as defined in Section 36010 CVC, is not an IOH unless it qualifies as such under the provisions of Section 36005(k) CVC.

c Farm trailers having a gross weight in excess of 10,000 pounds are not exempt from registration.

d When the ownership, use, or operation of the vehicle is other than as specified in Section 36010 CVC, registration is due on farm trailers having a gross weight of 10,000 pounds or less. For example, the use of a farm trailer by a farmer to transport rubbish to a disposal site causes registration to become due since the use criterion in Section 36010(b) CVC specifies that the trailer must be used exclusively to transport fruit or vegetables.

e Subject only to equipment and device requirements that do not specify registration as a prerequisite (e.g., Section 29003 CVC).

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ANNEX A

SAMPLE SPECIAL EQUIPMENT LICENSE PLATE VIOLATION MEMORANDUM

State of California

Transportation Agency

Memorandum

Date: November 16, 2020

To: Central Division

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Central Division

File No.: 401.41001

Subject: SPECIAL EQUIPMENT LICENSE PLATE VIOLATION

On November 16, 2020, the vehicle described below was observed by Officer J. F. Tribbiani, ID #41001, operating upon a highway. A subsequent investigation revealed the operation of the vehicle was not in compliance with the provisions of the California Vehicle Code (CVC) authorizing the use of the below-specified Special Equipment (SE) license plate. This conclusion is based upon the following:

This vehicle is configured and used for hauling silage, and meets the definition of a Farm Vehicle as described in Section 36101(i) CVC.

On November 16, 2020, I observed this vehicle traveling northbound on State Route 99 just south of Pelandale Avenue. I followed the vehicle for a distance of 22.1 miles before effecting a traffic stop south of Mathews Road on Interstate 5 northbound. The driver stated the origin of the trip was at the carrier's address located on Williams Avenue, Hilmar, CA. The destination was five miles west of Interstate 5 on State Route 4 in Stockton, CA. The distance from the carrier's address (origin of the trip) to Interstate 5 at State Route 4 on the route used is approximately 55 miles. Section 36101(i) CVC states this vehicle is exempt from registration for a distance not to exceed 20 miles from the point of origin of the trip. The stated destination was at least 55 miles from the origin of the trip. Although I did not observe the truck leave from the origin of the trip, I did follow it for a distance exceeding the 20 miles mentioned for the registration exemption. The truck was not exempt from registration as specified in any other CVC sections listed in Division 16, Implements of Husbandry. This vehicle is required to be registered with a commercial license plate and declared weight fees.

Safety, Service, and Security
CHP 51 (Rev. 06/2013) CFI 076



An Internationally Accredited Agency

ANNEX A

SAMPLE SPECIAL EQUIPMENT LICENSE PLATE VIOLATION MEMORANDUM
(continued)

Central Division
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November 16, 2020

Attached is a copy of the CHP 407F, Vehicle Inspection Report, completed at the scene.

	VEHICLE
SE Plate Number	SE458483
Vehicle Identification Number	1XP5PB9B4GL250635
Vehicle Year	1987
Vehicle Make	Peterbilt
Body Type	3-Axle Silage Truck
Unladen Weight	N/A
CHP 215 Number	CH12364
Miles Observed On Highway	22.1
Commodity Transported	Empty
Registered Owner	Slick's Custom Harvesting
Person Operating Vehicle	Frank Slick

I request this memorandum be forwarded through channels to the Commercial Vehicle Section, SE plate coordinator, and to the Department of Motor Vehicles requesting revocation of this SE plate issued to Slick's Custom Harvesting.

Questions regarding this memorandum may be directed to the Central Division Commercial Unit, at (209) 545-7440.

J. F. TRIBBIANI, ID# 41001
Officer

Attachments

*For a working copy of this memorandum, contact Commercial Vehicle Section.