

**CHAPTER 9**  
**SPECIAL VEHICLES**  
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**CHAPTER 9**  
**SPECIAL VEHICLES**

1. SPECIAL MOBILE EQUIPMENT.

a. Definitions. Special mobile equipment is defined in Section 575 of the California Vehicle Code (CVC) and contains the following elements:

(1) Not self-propelled.

(2) Not designed or used primarily for the transportation of persons or property.

(a) The term “not designed primarily for the transportation of persons or property” does not prohibit the transportation of any property by a vehicle which otherwise meets the definition of special mobile equipment.

(3) Incidentally operated over a highway: The term “incidentally operated over a highway” refers to an operation that is secondary to the primary purpose for which the vehicle was designed. If the primary purpose of a vehicle is not related to highway operation, then any operation over the highway would be an “incidental operation.” Examples of special mobile equipment are:

(a) Roofer’s tar pot.

(b) Carnival ride constructed on a trailer or semitrailer chassis.

(c) Portable welding machine or apparatus (i.e., acetylene bottles, welding cables, clamps, tools, welding rods).

(d) Emergency portable electric generators or a power plant mounted inside van trailers or semitrailers.

NOTE: Portable cement trailer: The small trailers normally towed behind a passenger vehicle and/or a pick-up truck, which are used to transport ready mixed concrete do not meet the definition of special mobile equipment. The primary purpose of these trailers is the transportation of property (cement).

b. Special Provisions.

(1) Width. Section 35104 CVC provides an exemption to the width limitation up to a maximum of 120 inches. This exemption does not apply when a vehicle is transported as a load.

(2) Brakes.

(a) Special mobile equipment is not required to have a brake system.

(b) Combinations of vehicles, which include special mobile equipment, are exempt from stopping distance requirements; however, the combination must comply with the requirements outlined in Section 26457 CVC.

(c) If the special mobile equipment is equipped with a brake system, Section 26453 CVC will apply.

(3) Lighting Equipment.

(a) Special mobile equipment is exempt from lighting requirements as outlined in Section 25800 CVC.

(b) Special mobile equipment is not exempt from Section 24252 CVC. Therefore, if lighting equipment is installed on the vehicle, it must be maintained and in working order. (Refer to Chapter 6, Equipment Requirements, of this manual.)

(c) Special mobile equipment is not exempt from Section 22110 CVC. Therefore, turn signals are required if the body of the vehicle extends more than 24 inches to the left of the center of the steering wheel of the towing vehicle and the turn signals on the towing vehicle are obscured.

(d) Special mobile equipment is required to be equipped with lighting equipment during hours of darkness as outlined in Section 25803 CVC.

1 Red lamps, white lamps, and amber lamps outlined in the section are not required to be electrical lamps. If an electrical lamp is used, it is not required to be of any type subject to departmental standards and specifications.

2 The reflectors specified in the section are required to comply with regulations found in Title 13 of the California Code of Regulations (Title 13 CCR), Division 2, Chapter 2, per Section 26103 CVC.

(4) Miscellaneous Equipment.

(a) Special mobile equipment is not defined as a motor vehicle or trailer and is not required to be registered per Section 4000(a)(1) CVC. Therefore, any section of the CVC requiring equipment on “vehicles subject to registration” is not applicable. For example, Section 27600 CVC, which requires mudguards and fenders, applies only to vehicles subject to registration.

(b) Special mobile equipment must display an identification plate as outlined in Section 5011 CVC.

(c) However, special mobile equipment requiring registration are subject to certain CVC sections regarding equipment requirements. For example, Section 29003 CVC relating to hitches and coupling devices applies to all vehicles regardless of registration requirements.

(5) Slow-Moving Vehicle Emblem. Requirements on “slow-moving vehicle emblems” are contained in Sections 24615 and 36508 CVC.

(a) Emblems shall be covered or otherwise removed from the view of other motorists when any vehicle equipped with such emblem is:

1 Operated upon a public highway at a speed above 25 miles per hour (mph).

2 Carried as a load upon another vehicle on a public highway at a speed above 25 mph.

(b) Notwithstanding the provisions of Section 36508 CVC, no enforcement action shall be taken to require a slow-moving vehicle emblem on any vehicle carried as a load upon another vehicle or any vehicle not being operated on a public highway.

## 2. SPECIAL CONSTRUCTION EQUIPMENT.

a. Definition. Special construction equipment is defined in Section 565 CVC.

(1) The definition divides this category of vehicles into two classes:

(a) Oversize vehicles used primarily for construction purposes and which would require a permit, as outlined in Section 35780 CVC, are classified as special construction equipment, regardless of the type of construction job.

(b) Legal size vehicles used primarily for highway construction or for construction or maintenance on a railroad right-of-way. Highway maintenance is not mentioned in Section 565 CVC; therefore, a vehicle used primarily for this purpose would not meet the definition of special construction.

(2) Primarily. For purposes of this section, the term “primarily” means the vehicle must be used as specified in the section at least 51 percent of the time in order for the vehicle to be classified as special construction equipment.

(3) Used. Legal size equipment may or may not be special construction equipment depending on its use. Examples are:

(a) A backhoe used primarily to dig trenches for highway construction, for maintenance, or for construction on railroad right-of-way meets the definition of special construction equipment. The same backhoe used to dig sewer lines is not special construction equipment.

(b) An air compressor used primarily for highway construction, for maintenance, or for construction on railroad right-of-way meets the definition of special construction equipment. The same compressor used for other purposes meets the definition of special mobile equipment.

(c) Special Equipment (SE) plated vehicles used in any manner shall not receive a Commercial Vehicle Safety Alliance (CVSA) sticker. Vehicles outlined in Section 565 CVC are not considered commercial motor vehicles; therefore, they do not meet the qualifications outlined in the CVSA guidelines to conduct a Level I inspection. Follow your Area standard operating procedure to provide a safety inspection if requested.

(d) Legal size tank truck used primarily for watering highway construction sites, or railroad right-of-way maintenance or construction sites, are defined as special construction equipment. The same vehicle used for any other purpose is not defined as special construction equipment. For example, a privately owned water truck used exclusively for firefighting purposes is not special construction equipment. Therefore, the provisions of Section 5011 CVC do not apply. However, a privately owned water truck used for firefighting purposes and used at least 51 percent of the time for highway construction, or railroad right-of-way construction or maintenance, does not lose its special construction equipment classification and the provisions of Section 5011 CVC apply.

NOTE: Water trucks with SE plates may carry a load of water from an off-site water source to the construction site.

b. Special Provisions.

(1) Length. Special construction equipment is not exempt from length regulations.

(2) Width. Special construction equipment is granted a special width exemption per Section 35104 CVC and may be ten feet wide without obtaining a permit for over width. When transported as a load, the maximum permissible width is 102 inches without a permit.

(3) Height. Special construction equipment is not exempt from height regulations.

(4) Equipment Requirements.

(a) Lighting Equipment.

1 Special construction equipment is exempt from most lighting requirements as outlined in Section 25801 CVC.

2 Special construction equipment is not exempt from Section 24252 CVC. Therefore, all lighting equipment installed on the vehicle must be maintained and in working order. (Refer to Chapter 6 of this manual.)

3 Special construction equipment is not exempt from Section 22110 CVC. Therefore, turn signals must be installed if the body of the vehicle extends more than 24 inches to the left of the center of the steering wheel of the towing vehicle and the hand and arm signal of the driver is not visible to a following or approaching driver.

4 Special construction equipment is required to be equipped with lighting equipment during the hours of darkness as outlined in Section 25803 CVC.

a Red lamps, white lamps, and amber lamps specified in the section are not required to be electrical lamps. If an electrical lamp is used, it is not required to be of a type subject to departmental standards and specifications.

b The reflectors specified in the section are required to comply with regulations found in Title 13 CCR, Division 2, Chapter 2, per Section 26103 CVC.

(b) Brakes.

1 Special construction equipment operated singly or in a combination of vehicles is subject to the stopping distance requirements of Section 26454 CVC, as long as the width of the special construction equipment does not exceed 120 inches per Section 35104 CVC. Special construction equipment, or combinations which include such equipment, are not subject to the stopping distance requirements when the vehicles are of a size and require an oversize permit for operation over the highway. However, they must comply with the provisions of Section 26457 CVC.

2 Special construction equipment is not required to be equipped with an emergency stopping system per Section 26508(m) CVC.

3 Special construction equipment is subject to all brake requirements, unless specifically exempted by statute or regulation.

4 Section 26453 CVC is applicable to any brake system or component part installed on special construction equipment.

(c) Miscellaneous Equipment.

1 Special construction equipment must display an identification plate and be registered pursuant to Section 5011 CVC.

(d) Slow-Moving Vehicle Emblem. Requirements on slow-moving vehicle emblems are outlined in Sections 24615 and 36508 CVC.

1 Emblems shall be covered or otherwise removed from the view of other motorists when any vehicle equipped with such emblem is:

a Operated upon a public highway at a speed above 25 mph.

b Carried as a load upon another vehicle on a public highway at a speed above 25 mph.

2 Notwithstanding the provisions of Section 36508 CVC, no enforcement action shall be taken to require a slow-moving vehicle emblem on a vehicle carried as a load upon another vehicle, or when the vehicle is not being operated on a public highway.

3. VEHICLES OF A TYPE SUBJECT TO REGISTRATION INCIDENTALLY OPERATED OVER THE HIGHWAYS.

a. General. Logging vehicles, as defined in Section 379 CVC, and vehicles of any type which are subject to registration, and not used for the transportation of persons or property, and incidentally operated over the highways are granted specific exemptions from equipment requirements outlined in Section 25802 CVC. There is no definition for vehicles incidentally operated over the highways; however, some examples of vehicles that fall within this category are:

- (1) Mobile crane.
- (2) Forklift truck.
- (3) Well drilling equipment.

b. Special Provisions.

(1) Length. There is a special provision relating to length for vehicles with cranes, booms, masts, machinery, or other equipment outlined in Section 35003 CVC.

(a) The section requires all such devices to be regarded as a load.

(b) Measurements of this type of vehicle to determine compliance with the provisions of Section 35400 CVC shall exclude such equipment.

(c) Booms and masts of shovels, cranes, or water well drilling equipment are limited to a projection of two-thirds of the wheelbase of the vehicle to the front or rear per Sections 35407 and 35410 CVC. The provisions of Section 35410 CVC are not applicable when the equipment is supported in part by another vehicle.

(d) The projection to the front of any equipment not specifically listed in Section 35407 CVC is limited to three feet beyond the tires or bumper as outlined in Section 35406 CVC.

(2) Width. There are no special provisions or exemptions relating to the width for vehicles in this class.

(3) Height. There are no special provisions or exemptions relating to height for vehicles in this class.

(4) Equipment Requirements.

(a) Brakes.

1 This type of equipment is not exempt from brake requirements, except for towed forklift trucks manufactured before January 1, 1970, which are not equipped with brakes as outlined in Section 26307 CVC.

2 The stopping distance requirements and speed restrictions specified in Section 26457 CVC are applicable to this type of equipment per Section 25802 CVC.

(b) Lighting Equipment.

1 This type of equipment is exempt from the lighting requirements specified in Section 25802 CVC, except for towed forklift trucks which must be equipped with lighting equipment as outlined in Section 25805 CVC.

2 There is no exemption from Section 24252 CVC. Therefore, if lighting equipment of a required type is installed on the vehicle, it must be maintained and in proper working order. (Refer to Chapter 6 of this manual.)

3 There is no exemption from Section 22110 CVC. Therefore, turn signals must be installed if the body of the vehicle extends more than 24 inches to the left of the center of the steering wheel and the hand and arm signal is not visible to a following or approaching driver.

4 Vehicles in this category are required to be equipped with lighting equipment and devices as outlined in Section 25803 CVC.

a Red lamps, white lamps, and amber lamps outlined in the section are not required to be electrical lamps. If an electrical lamp is used, it is not required to be of a type subject to departmental standards and specifications.

b The reflectors specified in the section are required to comply with regulations found in Title 13 CCR, Division 2, Chapter 2, per Section 26103 CVC.

(c) Other Equipment.

1 Vehicles in this category are exempt from the miscellaneous equipment requirements of the CVC as outlined in Section 25802 CVC. The exemption includes, but is not limited to flaps, fenders, mufflers, windshields, wipers, and horns.

(d) Slow-Moving Vehicle Emblem. Requirements for slow-moving vehicle emblems are contained in Sections 24615 and 36508 CVC.

1 Emblems shall be covered or otherwise removed from the view of other motorists when any vehicle equipped with such emblem is:

a Operated upon a public highway at a speed above 25 mph.

b Carried as a load upon another vehicle on a public highway at a speed above 25 mph.

2 Notwithstanding the provisions of Section 36508 CVC, no enforcement action shall be taken which would require a slow-moving vehicle emblem on any vehicle carried as a load upon another vehicle or any vehicle not being operated on a public highway.

#### 4. IMPLEMENTS OF HUSBANDRY.

a. Definition: Implement of Husbandry. An “implement of husbandry” is a vehicle which is used exclusively in the conduct of agricultural operations. An implement of husbandry 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 per Section 36000 CVC.

(1) Sections 36005 and 36015 CVC exemplify certain vehicles as implements of husbandry whether or not they meet the definition specified in Section 36000 CVC.

(2) In order to determine if a vehicle is an implement of husbandry, it is necessary to put it to three tests based on Sections 36000, 36005, and 36015 CVC.

(a) The first test is provided by the first paragraph of Section 36000 CVC. An implement of husbandry 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 implement of husbandry under Section 36000 CVC. Ownership of the vehicle is not relevant.

(b) The second test is provided by the initial phrase of the second paragraph of Section 36000 CVC. This phrase excludes from the implement of husbandry category a vehicle 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 implement of husbandry 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 implement of husbandry. For example, agricultural harvesting machinery (cotton pickers, grain combines, etc.) may transport agricultural products on a highway incidental to harvesting operations without losing their implement of husbandry classification.

(c) The third and final test 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 implements of husbandry when specifically designated as such by some other provision of the CVC. A determination must be made as to whether or not the vehicle is specifically designated as an implement of husbandry by some other provision of the CVC. Sections 36005 and 36015 CVC exemplify such vehicles.

1 Vehicles listed in Sections 36005 and 36015 CVC must meet the requirements specified in the section or subdivision relating to design, description, use, and ownership before they qualify as implements of husbandry.

(3) Any vehicle which does not meet the requirements outlined in Section 36000 CVC, or is not specifically designated as an implement of husbandry in Sections 36005 or 36015 CVC, is not an implement of husbandry.

b. Other Definitions and Explanations.

(1) Agricultural Operations. The term "agricultural operations," as it applies to Division 16 of the CVC, may be defined as any branch of farming carried out by a farmer; the exclusive business of a farmer is the production and harvesting of agricultural products. A farming operation is defined in Black's Law Dictionary (Eighth Edition) as "...farming, tillage of the soil, dairy farming,

ranching, production or raising of crops, poultry or livestock, and production of poultry or livestock products in an unmanufactured state.”

(a) Agricultural operations do not include the following:

1 Activities not pertaining to farming operations; any use of vehicles or equipment in the performance of nonagricultural work. For example (Attorney General’s Opinion), a farm tractor, otherwise an implement of husbandry, 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 implement of husbandry. 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]).

2 Services performed in the course of conducting a separate commercial enterprise for profit; the business of a contractor (nonfarm) as distinguished from the business of a farmer or farm contractor. (Refer to the definition of “farmer” in paragraph 4.b.[11] and “contractor” in paragraph 4.b.[7] of this chapter.) For example, the loading and transportation of agricultural products 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 postharvest 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 (such as hay) by a farmer or farm contractor would be considered a function within the agricultural operation.

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

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

b “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 (hay, grain, etc.) 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 noted above.

(b) “Used exclusively in the conduct of agricultural operations” as used in Section 36000 CVC, means an implement of husbandry, which if used for any purpose other than “in the conduct of agricultural operations,” loses its exemption as an implement of husbandry. For example, 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, i.e., in the conduct of agricultural operations” and, therefore, were not implements of husbandry (Sohner v. Mason [1955] Cal. App. 288 P.2d 616).

(2) Agricultural Products. The term “agricultural products” as used in Division 16 of the CVC shall be applied in its broad sense. All things produced (grown or raised) on a farm in their natural, nonmanufactured condition shall be considered agricultural products. This includes grain, vegetables, fruit, Christmas trees, plants grown in a nursery (not just cared for), livestock, poultry, etc. Manure, as a by-product of a livestock or poultry farming operation, shall also be considered an agricultural product. In addition, West’s Annotated Food and Agriculture Code (FAC) states that “agricultural or farm products include any horticultural product” per Section 5010 FAC. The code further states that “horticultural product” means those products...“grown under cover or outdoors, including bulbs, flowers, shrubbery, florist greens, fruit stocks, floral products, nursery stock, ornamental plants, potted plants, roses, seed, sod, fruits, food crops grown in greenhouses, vegetables, and horticultural specialties not otherwise specified” per Section 5009 FAC.

(3) Agricultural Tools. As used in Sections 36005, 36105, 36400, and 36605 CVC, an agricultural tool is 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:

(a) If a portable irrigation system is necessary for the efficient operation of a particular 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.”

(b) If ladders are necessary and used to harvest fruit grown 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.

(c) 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.

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

(4) All-Terrain Vehicle. An “all-terrain vehicle,” as exemplified in Section 36005(p) CVC, is a motor vehicle designed for operation off of the highway by an operator with no more than one passenger. It is 50 inches or less in width, 900 pounds or less unladen weight, suspended on three or more low pressure tires, has a single seat designed to be straddled by the operator, or a single seat designed to be straddled by the operator and a seat for no more than one passenger, and has handlebars for steering control per Section 111 CVC.

(5) 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. Also included is an anhydrous ammonia tank vehicle (transportation capacity not exceeding 500 gallons) used exclusively for the transportation and application of anhydrous ammonia. For example, 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.”

(6) Automatic Bale Wagon. An “automatic bale wagon” is a motor vehicle capable of transporting property 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 per Section 36011 CVC.

(7) Contractor. This term as used in this chapter refers to a business (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 in pursuit of independent

business undertakes to perform a job or piece of work, retaining in himself control of means, method and manner of accomplishing the desired result.”

(8) Cotton Module Mover. A “cotton module mover” is a motor truck or semitrailer which is equipped with a self-loading bed and which is designed and used exclusively to transport field-manufactured cotton modules to a cotton gin per Section 36012 CVC. (Refer to Highway Patrol Manual [HPM] 82.5, Registration Enforcement Manual, Chapter 9, Implements of Husbandry.)

(9) Employee of a Farmer. This term, as used in Section 36102(c) CVC, 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 working for salary or wages. Generally, when a person for whom services are performed has the right to control and direct an individual who performs services not only as to the result to be accomplished by work but also as to the details and means by which the result is accomplished, an individual subject to direction is an ‘employee’.”

(10) Empty Bins, Pallets, and Tie-Down Straps. For the exclusive purpose of Division 16 of the CVC, empty bins, pallets, and tie-down straps shall not be considered a load when transported within the parameters of agricultural operations. Any farm trailer or other vehicle transporting these items shall continue to be regulated pursuant to Division 16 of the CVC. The total outside width of any of the transported items shall not exceed 102 inches per Section 36017 CVC.

(11) 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.

(a) To be a farmer, a person must own farmland or control such land by sharecropping, renting, leasing, etc.

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

(c) A person who conducts agricultural activities such as cultivation, seeding, etc., for hire, and who does not own or control the land on which the activities are performed, is not a farmer.

(d) 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.

(e) A person conducting horticultural operations, such as a nursery or Christmas tree farm, is a farmer. To be so classified, however, a person must actually grow, cultivate and care for plants, trees, shrubs, etc. 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.

(f) 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.

(12) Farm Contractor. This term, as used in this chapter, refers to a business as defined in paragraph 4.b.(7) above. A “farm contractor” is hired to perform a specific farm function within the agricultural operation, such as preparation of land, seeding, spraying, fertilizing, and harvesting of orchards or crops.

(13) Farm Trailer. A farm trailer is either of the following:

(a) 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 per Section 36010(a) CVC.

(b) A trailer or semitrailer equipped with rollers on the bed and a frame not taller than ten inches high, and with a gross vehicle weight rating (GVWR) of 6,000 pounds or less that is owned, rented, or leased by a farmer. This type of trailer must have been manufactured and in use prior to January 1, 1997, and is used exclusively to transport agricultural products to the point of first handling and return per Section 36010(b) CVC.

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

(15) 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, equipment requirements, and exemptions.

(16) 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 considered an incidental use, since the primary purpose of the harvester is to harvest cotton.

(17) 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. A couple of examples are trucks or vehicles designed and used to keep spray rigs supplied with chemicals used in the spraying of crops and orchards, or trucks or vehicles designed and used to supply an airplane with seeds, chemicals, and fertilizer which the airplane delivers over agricultural land.

(18) 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:

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

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

(19) Point of Origin. The term, as used in Sections 36005(k), 36101(h), 36600, and 36610 CVC, relates to the location (field, farm, ranch, business, residence, or other particular place) where a farm vehicle or an implement of husbandry 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 overwidth implement of husbandry 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,

ad infinitum. Each place where work is completed becomes the “point of origin.”

(20) 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. The trailer consists of a hopper, agitator, fan, boom, and outlets for discharging the dust over trees and plants.

(21) Spraying. This term, as used in Section 36005(d) and (f) CVC, 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).

(22) Tip-Bed Trailer. A “tip-bed trailer” is a vehicle designed to permit the bed to be tipped down and become a loading ramp while the frame remains level.

(23) Trailer. A “trailer” is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle, 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 CVC), “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 per Section 630 CVC.

(24) Transportation for Compensation. This term, as used in Sections 36005(o), 36101(g), 36101(h), and 36102(c) CVC, refers to on-highway transportation or vehicle operation for compensation by any entity except an “employee of a farmer” (refer to paragraph 4.b.[9] above). A vehicle being operated for compensation, other than within the scope of an employee of a farmer, is disqualified from being classified as an implement of husbandry or a farm vehicle. “Compensation” is defined by Black’s Law Dictionary (Eighth Edition) as “...remuneration for services rendered, whether in salary, fees or commissions.”

(25) Trap Wagon. A “trap wagon” is a trailer or semitrailer used exclusively in the conduct of agricultural operations to fuel, service, or repair implements of husbandry. A trap wagon may be equipped with tools, spare parts, lubrication supplies, or fuel tanks per Section 36016 CVC.

(26) Van. This term, as used in Section 36005(h) CVC, refers to a partially or totally enclosed wagon.

(27) Wagon. This term, as used in Sections 36005(h) and 36005(i) CVC, refers to a four-wheeled vehicle designed for carrying heavy loads, having only a flat bed, a box, high sides, or covering. “Wagon” is defined in Webster’s New International Dictionary (Third Edition) as “...a heavy four-wheel, usually

uncovered, vehicle designed especially for transporting bulky commodities and drawn originally by animals (ox) but now often by a motor vehicle (as a tractor).”

c. Vehicle Classifications.

(1) Vehicles Owned by Farmers. All vehicles owned by farmers are not implements of husbandry. To be classified as an implement of husbandry, a vehicle must meet the criteria specified in paragraph 4.a.(1) above. A vehicle owned by a farmer may not be an implement of husbandry, 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 4.a.(1) above and in addition, the criteria of design, operation, use, and ownership.

(2) 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. For example, a trailer with a flatbed design, used solely for transporting a hay loader or swather, would not qualify as an implement of husbandry since the design criterion in Section 36005(c) CVC specifies that the vehicle must not have a bed. However, the vehicle could qualify under Section 36005(b) CVC if the trailer is of the tip-bed type.

(3) 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. For example, any vehicle qualifies as an implement of husbandry only if used to transport agricultural products across a highway and in no event is operated for more than one mile along the highway. When such a vehicle is operated along a highway for more than one mile, it is not an implement of husbandry unless qualified by some other provision of the CVC per Section 36005(k) CVC.

(4) 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. For example, a trailer of the tip-bed type used by a farmer to carry a passenger vehicle would not qualify as an implement of husbandry since the section specifies the vehicle must carry other implements of husbandry or tools per Section 36005(b) CVC.

(5) 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. For example, a trailer described in Section 36010(a) CVC must be owned by the farmer to be classified as a “farm trailer.”

d. Registration Exemptions and Requirements.

(1) 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 (design, operation, use, ownership) in the applicable CVC section or subdivision are not complied with.

(a) Enforcement personnel who come in contact with a vehicle with improperly issued, or improperly displayed special equipment plates shall follow procedures as outlined in HPM 82.5, Chapter 9, paragraph 4.d.

(2) Registration Exemption for Implements of Husbandry. Implements of husbandry which are only incidentally operated or moved over a highway, and implements of husbandry listed in Section 36005 or 36015 CVC are exempt from registration per 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. (Refer to HPM 82.5, Chapter 9, for descriptions and photo examples of implements of husbandry.)

(a) Any person who owns an implement of husbandry, which is exempt from registration, may obtain an identification plate as specified in Section 5014 CVC per Section 36115 CVC.

(3) Registration Exemption for Farm Trailers. A trailer or semitrailer owned and used exclusively by a farmer to haul his own implements of husbandry, or a portable sanitary facility, or tools used exclusively for the production or harvesting of agricultural products is exempt from registration per Section 36105 CVC.

(4) Registration Exemption for Other Vehicles. Some farm vehicles used in agricultural operations that are not implements of husbandry are granted an exemption from registration. Sections 36101 and 36102 CVC describe farm vehicles which are not implements of husbandry, unless operated pursuant to Section 36005(k) CVC, but are granted an exemption from registration if they have and display an identification plate as specified in Section 5014 CVC. Such vehicles are required to comply with all equipment and device requirements as if registered. Section 36109 CVC exempts certain trailers from registration fees. (Refer to HPM 82.5, Chapter 9, for descriptions and photo examples of farm vehicles.)

e. Equipment Requirements.

(1) Lighting Equipment.

(a) Implements of husbandry are exempt from most lighting requirements as specified in Section 36500 CVC.

(b) Implements of husbandry are not exempt from Section 24252 CVC, which requires maintenance of required lighting devices installed on a vehicle. If lighting equipment of a required type (e.g., head lamps, tail lamps, stop lamps, turn signal lamps, clearance lamps, side marker lamps) is installed on an implement of husbandry, the equipment must be maintained in good working order as specified in Sections 24252 CVC, per Section 36500 CVC.

(c) Implements of husbandry are required to be equipped with lamps and devices during the hours of darkness as specified in Section 25803 CVC, per Section 36500 CVC.

1 The red, white, and amber lamps specified in the section are not required to be electrical lamps. If an electrical lamp is used, it is not required to be of a type subject to departmental standards and specifications.

2 The reflectors specified in the section are required to comply with regulations found in Title 13 CCR, Division 2, Chapter 2, per Section 26103 CVC.

(d) Farm tractors, as defined in Section 36015 CVC, are required to be equipped with headlamps as specified in Section 24400 CVC, per Section 36505 CVC.

(e) Farm tractors (Section 36015 CVC), farm trailers (Section 36109 CVC), cotton trailers (Section 36005[n] CVC), water tank trailers (Section 36101[b] CVC), plenum chamber drying trailers (Section 36101[e] CVC), cotton module mover semitrailers (Section 36101[d] CVC), melon semitrailers (Section 36101[h] CVC), and trap wagons (Section 36101[f] CVC) are required to be equipped with clearance lamps and side marker lamps as specified in Section 25100 CVC, per Section 36505 CVC.

(f) An implement of husbandry, a farm vehicle, or any vehicle escorting or towing an implement of husbandry or farm vehicle may display flashing amber warning lamps or flashing amber turn signals:

1 When the vehicle is required to display a slow-moving vehicle emblem as specified in Section 24615 CVC.

2 When the width, length, height, or speed of the vehicle may cause a hazard to other traffic on the highway per Section 36509(a) CVC.

(g) An implement of husbandry, a farm vehicle as specified in Sections 36101 and 36102 CVC, or any vehicle towing an implement of husbandry or farm vehicle when the load upon the vehicle exceeds 120 inches in width, shall display either:

1 Flashing amber warning lamps.

2 Flashing amber turn signals.

3 During daylight hours, red flags, each of which shall be not less than 16 inches square, mounted at the left and right outer extremities of the vehicle or load, whichever has the greater horizontal dimension, per Section 36509(b) CVC.

(2) Slow-Moving Vehicle Emblem. Requirements on slow-moving vehicle emblems are contained in Sections 24615 and 36508 CVC.

(a) Emblems shall be covered or otherwise removed from the view of other motorists when any vehicle equipped with such emblem is:

1 Operated upon a public highway at a speed above 25 mph.

2 Carried as a load upon another vehicle on a public highway at a speed above 25 mph.

(b) Notwithstanding the provision of Section 36508 CVC, no enforcement action shall be taken to require a slow-moving vehicle emblem on any vehicle carried as a load upon another vehicle or any vehicle not being operated on a public highway.

(3) Brakes. Implements of husbandry must comply with all applicable brake regulations and requirements.

(a) Motor vehicles must be equipped with brakes, as required by Sections 26311 and 26450 CVC, regardless of whether they are exempt from registration or classified as implements of husbandry. Such vehicles are also subject to the requirements of Section 26453 CVC.

(b) Trailers and semitrailers which are exempt from registration are also exempt from brake requirements per Section 26302 CVC.

(c) Only those implements of husbandry listed in Sections 36005 and 36015 CVC, and those which are not listed but are only incidentally operated or moved over a highway, are exempt from registration per Section 36100 CVC.

1 Optionally installed brakes must be maintained in good condition and in good working order per Section 26453 CVC.

(d) Implements of husbandry are not subject to stopping distance requirements contained in Section 26454 CVC, but if any such vehicle cannot be stopped within 32 feet from an initial speed of 15 mph, it shall not be operated at a speed in excess of that permitting a stop within 32 feet per Section 36510 CVC.

(4) Miscellaneous Equipment.

(a) The provisions of Sections 26700 and 26706 CVC, relating to windshields and windshield wipers, do not apply to implements of husbandry per Sections 36515 and 36520 CVC.

(b) The requirements of Section 27465 CVC, relating to tread depth of pneumatic tires, do not apply to implements of husbandry per Section 27465(d) CVC.

(c) The provisions of Section 27600 CVC, relating to fenders and mudguards, do not apply to vehicles exempt from registration, including implements of husbandry.

(d) Equipment and device requirements that specify registration as a prerequisite are applicable only to those implements of husbandry which are subject to registration (i.e., Sections 26709 and 27150 CVC).

(e) Equipment and device requirements that are not limited to vehicles requiring registration are applicable to all implements of husbandry (i.e., Section 29003 CVC).

f. Weight and Size Limitations.

(1) Weight.

(a) Implements of husbandry are not exempt from the weight limitations either when operated in contact with the road or as a load on another vehicle. When an overweight implement of husbandry is moved over the highway, it must be moved under the provisions of a transportation permit, as with any other overweight vehicle.

(b) The weight limitations of Section 35551 CVC do not apply to any cotton module mover or any truck tractor pulling a semitrailer that is a cotton module mover when operated laterally across state routes, or upon any county highway within certain specified counties pursuant to Section 35555(a) CVC. (Refer to Chapter 8, Size and Weight, paragraph 2.c.[18], of this manual.) Section 35555(b) CVC allows a cotton module mover to operate on state routes, which are not designated as a portion of the national network, under the following conditions:

1 The maximum allowable tandem axle weight, as set forth in Section 35551 CVC (34,000 pounds), is not exceeded by more than 6,000 pounds per tandem axle group.

2 The operator of the mover exceeding the maximum allowable gross axle weights shall possess a commercial driver license of the appropriate class as specified in Section 15210(a) CVC per Section 35555(b)(4) CVC.

3 The cotton module mover is operated in compliance with the lighting and braking equipment requirements of this code.

(2) Height.

(a) Limitations on the height of implements of husbandry are contained in Section 36610 CVC.

(b) An implement of husbandry being operated on its own wheels and which is only incidentally operated, transported, towed, or otherwise moved over a highway may be driven or towed on the highway without restriction as to distance regardless of its height per Section 36610(a) CVC.

(c) When an implement of husbandry is being transported as a load on another vehicle, including another implement of husbandry, it is subject to the restrictions and limitations set forth in Section 36610(b) CVC; i.e., if such a load exceeds 14 feet in height, it may not be moved more than 25 miles from the point of origin of the trip. The transporting vehicle must be operated by a farmer or a person regularly employed by a farmer or farm corporation, and a document signed by the farmer or farm corporation agent which states the origin and destination of the trip must be in the immediate possession of the operator. These restrictions do not apply to a load being transported under the authority of a transportation permit.

(d) Implements of husbandry, other than those which are only incidentally operated or moved over the highway, are not exempt from

height limitations. The following vehicles, which are specifically designated as implements of husbandry in Section 36005 CVC, are examples of implements of husbandry which are subject to the height limitation contained in Division 15, Chapter 4 of the CVC, because they are not implements of husbandry which are only incidentally operated or moved over the highway. These vehicles are designed and used for transporting property over a highway, and as such, highway movement is a primary function and not merely an incidental usage.

1 A lift carrier, or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry or tools, used exclusively for the production or harvesting of agricultural products, when operated or moved upon a highway per Section 36005(a) CVC.

2 A trailer of the tip-bed type, when used exclusively in the transportation of other implements of husbandry or tools, used exclusively for the production or harvesting of agricultural products per Section 36005(b) CVC.

3 Any cotton trailer when used on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin, and returning the empty trailer to such farm per Section 36005(n) CVC.

(3) Length.

(a) The limitations as to length of vehicles contained in Division 15, Chapter 4 of the CVC, commencing with Section 35400 CVC, do not apply to implements of husbandry operated or moved over a highway incidental to agricultural operations per Section 36615 CVC.

(b) Notwithstanding Section 36626 CVC, when an implement of husbandry is operated in a combination of vehicles that exceeds the length requirements of Section 35401 CVC, the combination is limited to two vehicles in tandem per Section 36615 CVC.

(c) Implements of husbandry, other than those which are only operated or moved over a highway incidental to agricultural operations, are not exempt from length limitations whether operated singly or in a combination of vehicles.

(d) Section 35400(a) CVC (40 feet length limitation) does not apply to a motor truck used solely as a cotton module mover and which does not exceed 48 feet in length per Section 34500.5 CVC.

(4) Width.

(a) Limitations on the width of implements of husbandry are contained in Sections 36600 and 36605 CVC.

(b) An implement of husbandry being operated on its own wheels and which is only incidentally operated, transported, towed, or otherwise moved over a highway may be driven or towed on the highway without restriction as to distance regardless of its width per Section 36600 CVC.

(c) When an implement of husbandry is being transported as a load on another vehicle, including another implement of husbandry, it is subject to the restrictions and limitations specified in Section 36600, subsections (b) and (c) CVC; i.e., if such a load exceeds 102 inches in width, and is being transported over federal aid highways, it may not be moved more than 25 miles from the point of origin of the trip, or if the load is being transported or moved over any other highway, it may not be moved more than 25 miles from the point of origin of the trip. The transporting vehicle must be operated by a farmer or a person regularly employed by a farmer or farm corporation, and a document signed by the farmer or farm corporation agent which states the origin and destination of the trip must be in the immediate possession of this operator. These restrictions do not apply to a load being transported under the authority of a transportation permit.

(d) Implements of husbandry, other than those which are only incidentally operated or moved over the highway, are not exempt from width limitations unless identified or listed in Section 36605 CVC.

(e) Section 36605 CVC specifies that trailers or semitrailers, including lift carriers and tip-bed trailers, used exclusively for the transportation of implements of husbandry or tools used exclusively for the production or harvesting of agricultural products by farmers or implement dealers, are exempt from the 102 inch width limitation, except as follows:

1 Any trailer or semitrailer transporting a grain-harvesting combine shall not exceed a width of 144 inches.

2 Any trailer or semitrailer used solely for transporting a hay loader or swather, as described in Section 36005(c), shall not exceed a width of 174 inches (14 feet 6 inches), and shall be subject to Section 36600, subsections (b) and (c) CVC.

3 Any other trailer or semitrailer described in the section, or the load thereon when such load consists of agricultural tools, shall not exceed a width of 120 inches (10 feet).

(f) Cotton trailers, as described in Section 36005(n) CVC, and other implements of husbandry not identified in Section 36605 CVC, which are designed and used for transporting property over a highway are subject to the width limitations contained in Division 15, Chapter 4 of the CVC, since they are not implements of husbandry which are only incidentally operated or moved over the highway.

(g) Section 36606(a) CVC provides an exemption to the width limitation, up to a maximum width of 120 inches, for automatic bale wagons or the load thereon. The exemption does not apply when the vehicles are operated on a highway during darkness per Section 36705 CVC.

(h) Section 35102 CVC provides that loads of certain loosely piled agricultural products in bulk, but not crated, baled, boxed, or sacked, and any loading racks retaining such loads are permitted a maximum width of 120 inches. (Refer to Chapter 8, paragraph 1.b.[3], of this manual.)

(i) The total outside width of a cotton module mover operated on the highways pursuant to Section 35555 CVC and the load thereon shall not exceed 130 inches (10 feet 10 inches) per Section 35100.5 CVC.

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

(5) Transportation Permits.

(a) Anyone, including an implement dealer, moving an implement of husbandry as a load upon another vehicle, is required to obtain a permit from the California Department of Transportation (Caltrans) and local authorities, as applicable, if the distance of the movement exceeds 25 miles, and the height exceeds 14 feet or the width exceeds either of the limitations set forth in Section 36600 CVC, for the specific type highway over which the vehicle is being transported.

(b) The movement of an overheight or overwidth implement of husbandry as a load on another vehicle and under the authority of a permit from Caltrans or local authorities is subject only to the restrictions specified in the permit. The limitations specified in Sections 36600 and 36610 CVC are not applicable.

g. Driver Licenses-Implements of Husbandry Operation.

(1) A driver license is not required while driving or operating an implement of husbandry incidentally operated or moved over a highway. For example, the operation of a cotton harvester over a highway between harvesting sites is an incidental movement and the driver need not obtain or possess a driver license per Section 12501(b) CVC.

(2) A driver license is required while operating certain combinations of vehicles as specified in Sections 36300 and 36305 CVC.

(a) The driver of a farm tractor towing a farm trailer carrying farm produce shall possess a driver license of the appropriate class other than a junior permit per Section 36300 CVC.

(b) The driver of any implement of husbandry must possess a valid class "C" driver license when:

1 Operating a combination of vehicles (the towing vehicle is an implement of husbandry) at a speed in excess of 25 mph; or

2 Towing any implement of husbandry as specified in Section 36005 CVC subsections (d) (spray or fertilizer applicator rig), (e) (anhydrous ammonia trailer or semitrailer), or (j) (trap wagon) per Section 36305 CVC; or

3 Operating any two-axle motor truck or implement of husbandry as specified in Section 12804.7 CVC.

NOTE: The driver of a vehicle which does not meet the definition of an implement of husbandry, while towing an implement of husbandry, is required to possess a driver license of the appropriate type for the vehicle being operated.

## 5. COVERED FARM VEHICLES.

a. Definition. Covered farm vehicles (CFV) are defined in Sections 390.39 and 390.5 of Title 49, Code of Federal Regulations (CFR), as the following:

(1) Travels in the state in which the vehicle is registered or in another state;

(2) Is operated by an owner or operator of a farm or ranch, or by a family member or employee of the owner or operator;

(3) Transports agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch;

- (4) Has a license plate or some other means specified by the state that identifies it as a farm vehicle;
- (5) Is not used in for-hire motor carrier operations (for-hire operations do not include use of a vehicle owned and operated by a tenant farmer to transport the landlord's portion of the crops under a crop-share agreement);
- (6) Is not transporting hazardous materials that require placarding, and either of the following:
  - (a) Has a gross vehicle weight (GVW) or gross vehicle weight rating GVWR (whichever is greater) of 26,001 pounds or less, in which case the CFV exemptions in Section 390.39, Title 49, CFR apply anywhere in the United States.
  - (b) Has a GVW or GVWR (whichever is greater) of more than 26,001 pounds and travels within the state where it is registered or, if traveling out of the state where it is registered, stays within 150 air miles of the owner or operator's farm or ranch.

NOTE: On July 6, 2012, President Obama signed into law the Moving Ahead for Progress in the 21st Century (MAP-21) Act, which provides exemptions to CFVs from any requirement relating to commercial driver's licenses; medical certificates; hours-of-service; and vehicle inspection, repair, and maintenance programs.

NOTE: On December 4, 2015, President Obama signed into law the Fixing America's Surface Transportation (FAST) Act, which extended the exemptions provided by the requirements of the expired MAP-21 Act. Consequently, states with legislative authority to adopt federal regulations immediately began to provide the exemptions outlined by the FAST Act to qualified agricultural entities.

b. Enforcement.

- (1) California-based vehicles and drivers are not authorized to claim the MAP-21 Act exemptions. Therefore, any California-based vehicle or driver claiming the exemptions, even if engaged in interstate commerce, is not exempt from any lawful requirements. Currently, MAP-21 Act exemptions have not been adopted through legislative action or through the regulatory process.
- (2) Out-of-state vehicles with a GVW or GVWR of 26,001 pounds or less operating in this state, and drivers claiming the exemptions should be verified through the vehicle's state of registration before the exemptions are granted.

(3) Out-of-state vehicles with a GVW or GVWR over 26,001 pounds operating in this state and drivers claiming the exemptions are to be exempted, after verification, from the requirements as outlined in the MAP-21 Act.

(4) Covered farm vehicles under the exemptions may be designated by special license plates, special documents indicating MAP-21 Act exempt, or decals affixed to the vehicle(s).

(5) Covered farm vehicles and drivers exempted under the MAP-21 Act are not precluded from the requirement to enter Commercial Vehicle Enforcement Facilities when the facilities are operational. Additionally, CFVs are not exempt from vehicle inspections conducted under the guidelines established by the CVSA. Covered farm vehicles are not exempt from the North American Standard Out-of-Service Criteria, as published by CVSA, until the State of California adopts the MAP-21 Act exemptions through legislative action, or through the regulatory process.

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