

FARMER REQUIREMENTS

Straight trucks and trucks with trailers having Gross Vehicle Weight Ratings or Gross Combination Weight Ratings of 26,000 pounds or less (other than passenger busses and hazardous material haulers):

- 1) Exempt from all Federal Regulations while operating within the State of Alabama.

Straight trucks and trucks used with a trailer other than hazardous material, having Gross Vehicle Weight Ratings or Gross Combination Weight Ratings of more than 26,000 lbs. operating within 150 miles from the farm will also be treated as exempt from all Federal Regulations while operating within the State of Alabama except for the following;

- 1) Drivers must be at least 18 years of age to operate the vehicles (391.67);
- 2) Inspection, repair and maintenance of vehicle, including driver vehicle inspection reports if more than one commercial vehicle is owned (49 CFR 396);
- 3) The driver must meet physical qualification to operate a combination vehicle (391.67) (Medical Cards 49 CFR 391.43).

CDL, DOT marking or DOT registration will not be required for farm-owned vehicles operating within 150 air miles of the farm.

Hours of service rules for drivers (49 CFR 395) will not be applied to drivers transporting agricultural or farm supplies for agricultural purposes in Alabama at anytime during the year.

Motor Carrier Safety Unit

334-242-4395

www.dps.alabama.gov/mc

1 SB482
2 96944-5
3 By Senator Singleton
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 04-MAR-08

1 SB482

2
3
4 ENROLLED, An Act,

5 To amend Section 32-9A-2 of the Code of Alabama
6 1975, as amended by Act 2007-298 of the 2007 Regular Session
7 (Acts 2007, p. 536), relating to commercial motor vehicles and
8 providing that certain federal motor carrier regulations are
9 applicable to commercial motor vehicles operating in the
10 state; to delete certain exemptions operated in intrastate
11 commerce under certain conditions; and to further provide for
12 an exemption for commercial motor vehicles having a gross
13 vehicle weight or combination weight of 26,000 pounds or less
14 operated in intrastate commerce except for commercial motor
15 vehicles used to transport passengers under certain conditions
16 or hazardous waste.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 32-9A-2 of the Code of Alabama
19 1975, as amended, is further amended to read as follows:

20 "§32-9A-2.

21 "(a) Except as otherwise provided in subsection (b),
22 no person may operate a commercial motor vehicle in this
23 state, or fail to maintain required records or reports, in
24 violation of the federal motor carrier safety regulations as
25 prescribed by the U.S. Department of Transportation, 49 C.F.R.

1 Part 107, Parts 171-180, Parts 382-384, and Parts 390-399 and
2 as they may be amended in the future. Except as otherwise
3 provided herein, this chapter shall not be construed to repeal
4 or supersede other laws relating to the operation of motor
5 vehicles.

6 "No law enforcement officer may make an arrest or
7 issue a citation under this chapter unless he or she has
8 satisfactorily completed, as a part of his or her training,
9 the basic course of instruction developed by the Commercial
10 Vehicle Safety Alliance. Those law enforcement officers
11 authorized to enforce this chapter shall annually receive in
12 service training related to commercial motor vehicle
13 operations, including, but not limited to, training in current
14 federal motor carrier safety regulations, safety inspection
15 procedures, and out-of-service criteria. The annual training
16 requirements shall be designated and specified by the
17 director.

18 "(b) Notwithstanding subsection (a) or any other
19 provision of law to the contrary:

20 "(1) Amendments to the hours of service regulations
21 promulgated by the U.S. Department of Transportation at 68
22 Federal Register 22456, April 28, 2003 and effective June 27,
23 2003, shall not apply to utility service vehicles as defined
24 at 49 C.F.R. 395.2, not including television cable or
25 community antenna service vehicles, which are owned or

1 operated by utilities regulated by the Public Service
2 Commission or electric cooperatives and which are engaged
3 solely in intrastate commerce in this state until June 27,
4 2006, provided the amendments are valid and remain in effect
5 as of that date. Hours of service regulations which are
6 applicable in this state immediately prior to June 27, 2003,
7 shall remain applicable to utility service vehicles engaged
8 solely in intrastate commerce in this state until June 27,
9 2006. If the U.S. Department of Transportation issues an
10 official finding that this provision may result in the loss of
11 federal Motor Carrier Safety Assistance Program funding, the
12 department may promulgate regulations providing for earlier
13 implementation of the amendments to the federal hours of
14 service regulations. If federal law or regulations are amended
15 at any time to exempt utility service vehicles from the hours
16 of service requirements, any exemption shall be effective in
17 this state immediately for the duration of the federal
18 exemption.

19 "(2) The department may promulgate regulations
20 suspending the effective date for up to three years after
21 adoption of any motor carrier safety regulation by the U.S.
22 Department of Transportation as applied to vehicles engaged
23 solely in intrastate commerce in this state, provided that the
24 suspension does not result in the loss of federal Motor
25 Carrier Safety Assistance Program funding.

1 "(3) The department may enter into agreements with
2 state and local emergency management agencies and private
3 parties establishing procedures for complying with 49 U.S.C.
4 Section 31502(e) and federal regulations promulgated thereto
5 at 49 C.F.R. Section 390.23 which provide an exemption from
6 the hours of service regulations during certain emergencies.

7 "(4) The department may promulgate regulations
8 granting any waiver, variance, or exemption permitted under 49
9 U.S.C. Section 31104(h) and federal regulations promulgated
10 thereto at 49 C.F.R. Sections 350.339-350.345, provided that
11 the waiver, variance, or exemption does not result in the loss
12 of federal Motor Carrier Safety Assistance Program funding and
13 does not take effect unless approved by the U.S. Department of
14 Transportation if that approval is required.

15 "(5) A commercial motor vehicle operated in
16 intrastate commerce which does not equal or exceed 26,001
17 pounds, except a motor vehicle, regardless of weight, which is
18 designed or used to transport 16 or more passengers, including
19 the driver, or which is used in the transportation of
20 hazardous materials and required to be placarded pursuant to
21 49 CFR Part 172, Subpart F, shall be exempt from the federal
22 motor carrier regulations otherwise made applicable in this
23 state pursuant to subsection (a). For purposes of this
24 subdivision, "commercial motor vehicle" means a commercial
25 motor vehicle as defined in 49 CFR 390.5.

1 "(6) For purposes of those provisions of 49 C.F.R.
2 Section 395 providing for exemptions from the hours of service
3 requirements of that section respecting the operation of motor
4 vehicles for the transportation of agricultural commodities as
5 contemplated in that section, the planting and harvesting
6 season for this state is defined by the Legislature as the
7 period from April 1 of each calendar year to March 31 of the
8 next succeeding calendar year.

9 "(c) Nothing in this section as amended by the act
10 adding this language shall be interpreted to exempt any person
11 from the obligations to operate a motor vehicle in a safe and
12 proper manner or to observe the rules of the road, nor shall
13 any provision of this section as amended by the act adding
14 this language be interpreted to immunize any person from civil
15 liability for actionable conduct.

16 Section 2. All laws or parts of laws which conflict
17 with this act are repealed.

18 Section 3. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Jim Foburn

President and Presiding Officer of the Senate

Ray Hurd

Speaker of the House of Representatives

SB482

Senate 30-APR-08

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Passed: 08-MAY-08

By: Senator Singleton

APPROVED *May 13, 2008*
TIME *9:50 a.m.*
[Signature]
GOVERNOR

Alabama Secretary Of State

Act Num....: 2008-336
Bill Num...: S-482