

CHAPTER 3: AGRICULTURAL REQUIREMENTS

This chapter explains requirements for licensing and operation of vehicles used exclusively in agriculture.

Licensing

Non-Commercial Vehicles

License fees are based upon the weight and the age of the vehicle. If a vehicle is more than 5 model years old there is a 30% reduction in the license fees.

The schedule of fees listed in Table 4 is for non-commercial vehicles excluding automobiles, pickup trucks, or vans. These fees are determined by the maximum operational weight, which is the total weight of the chassis, body, equipment, and maximum load of each motor vehicle, trailer, and semi-trailer being used in combination.

Table 4: Non-Commercial Vehicle License Fee Schedule

Maximum Operational Weight	Fee
Eight thousand pounds or less, inclusive	\$55
For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000 pounds, inclusive	\$3
For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000 pounds, inclusive	\$6
For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000 pounds, inclusive	\$18
For each additional 2,000 pounds or major fraction thereof in excess of 80,000 pounds	\$24

It is a Class 2 misdemeanor for a person to operate a motor vehicle at a gross weight in excess of the gross weight for which it has been licensed.

For vehicles with a gross vehicle weight of 55,000 pounds or more, the applicant must provide proof of payment of the Heavy Vehicle Use Tax (HVUT). The form can be obtained from the Internal Revenue Service at <http://www.irs.gov/formspubs/>.

All-Terrain vehicles

Three-wheeled or four-wheeled all-terrain vehicles using a highway ditch or crossing a highway to get to and from a field or pasture and being used in the course of farm or ranch labor are exempt from licensing. However, these units must be titled.

Self-Propelled Application Equipment

Self-propelled fertilizer or pesticide applicators, if used by a farmer for his own farming operation, are exempt from licensing and titling. However, if these units are used by a commercial entity, they must be titled and licensed under the non-commercial vehicle fee schedule listed in Table 4. Licensed fertilizer or pesticide applicators may use dyed (untaxed) diesel fuel. All other licensed vehicles are prohibited under South Dakota law from using dyed diesel fuel.

Fuel Tax

A person who is doing interstate movement with a qualified vehicle must either license under the International Fuel Tax Agreement (IFTA) or purchase a fuel permit.

A qualified motor vehicle is a motor vehicle used, designed, or maintained for transportation of persons or property and:

- having two axles and a gross weight or registered gross vehicle weight exceeding 26,000 pounds;
- having three or more axles regardless of weight; or
- used in combination exceeding 26,000 pounds gross vehicle weight.

Dyed Fuel

The penalty for using dyed (untaxed) diesel fuel in a licensed vehicle is \$500 for IFTA-qualified vehicles and \$250 for unqualified vehicles. The Internal Revenue Service may also assess a federal penalty.

Federal Motor Carrier Safety Regulations/Annual Inspections

South Dakota farm vehicles or combinations of vehicles must comply with the Federal Motor Carrier Safety Regulations, including annual DOT inspections, if they:

- engage in interstate commerce and exceed 10,000 pounds Gross Vehicle Weight Rating; or
- engage only in intrastate operation and have more than 3 axles and a Gross Vehicle Weight Rating exceeding 26,000 pounds.

Proof of the inspection must be carried in the vehicle at all times and displayed upon demand from any peace officer. More detailed information on vehicle inspection requirements is presented in Commercial Vehicle Inspections beginning on page 67.

Driver License Requirements

All farmers are required to have a valid Driver License for the vehicle they are driving. If a vehicle requires the driver to hold a Commercial Driver License (CDL), the driver (including farmers) must have a CDL with the proper class and endorsements attached. However, farmers who operate within 150 miles of their farm and use the vehicle for their own farming operations are not required to have a Commercial Driver License. Chapter 7: COMMERCIAL DRIVER LICENSE (page 71) provides complete information on CDL requirements.

Seasonal CDL

Drivers who are seasonal employees of a farm-related service industry—such as custom harvesters, farm retail outlet suppliers, agrichemical business, and livestock feeders—are eligible for a Restricted Commercial Driver License. Applicants for the Restricted CDL must be at least 16 years of age and have a good driving record for the two most recent years. Upon meeting these requirements, all knowledge and skill testing will be waived to obtain this seasonal CDL. A Restricted CDL allows operators to

operate only Class B and C Commercial vehicles within 150 miles from the place of business or farm being served. Operators may not drive vehicles carrying any placarded quantities of hazardous materials, except for:

- diesel fuel in quantities of 1,000 gallons or less;
- liquid fertilizers, such as plant nutrients, in vehicles or implements of husbandry with total capacities of 3,000 gallons or less;
- solid fertilizers, such as solid plant nutrients, that aren't transported with any organic substance.

A Restricted CDL cannot be issued for more than 180 days from the date of application.

International Driver Licenses

Custom harvesters' employees from foreign jurisdictions who operate commercial motor vehicles are required to have a valid CDL issued from any jurisdiction within the United States, Canada or Mexico. International driver licenses will not be honored as valid CDLs. To obtain a Commercial Driver License in South Dakota, foreign drivers will need to present a passport, visa, social security card and completed driver license application form (available at the driver exam station) to the driver license examiner.

Operational Requirements

Vehicle Weight Regulations

Agricultural vehicles are subject to the vehicle weight laws listed in Chapter 4:Size & Weight Regulations, which begins on page 24.

Oversize Permits

A motor vehicle owned by a farmer used to transport his own farm commodities or farm implements is exempt from width and height limitations on State Highways. However, all oversize movements on the Interstate highway system require oversize vehicle permits.

Movement of Overwidth Vehicles at Night

No person may move or operate upon any State or Interstate highway any farm machinery or farm implement exceeding one-hundred and two inches (8'6") in width between one-half hour after sunset and one-half hour before sunrise. However, over-dimension farm implements can be moved on all other (county and township) roads at night, if the equipment has flashing or rotating white or amber warning lights placed at each side of the equipment's widest extremity. These lights must be clearly visible to motorists approaching from the front and rear.

Hazardous Materials

All operators, including farmers, are subject to the requirements for transporting hazardous materials, which are explained in the section entitled Hazardous Material Transportation (page 57).

Slow Moving Vehicles

All farm machinery, including animal-drawn vehicles, designed for travel at speeds of 25 mph or less on a public highway must display a slow-moving vehicle emblem. The emblem must be in good condition and must be mounted on the rear of the vehicle in a clearly visible location. When traveling on a public road, slow-moving vehicles must be driven as

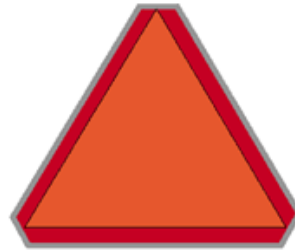


Figure 1: Slow-Moving Vehicle Emblem

close to the right-hand edge or curb of the road as possible, except when overtaking and passing another vehicle.

Any vehicle requiring the slow-moving vehicle sign is prohibited from operating on public roads between one-half hour after sunset and one-half hour before sunrise, unless it has a flashing or rotating warning light clearly visible to vehicles approaching from the rear.

Safety Chain Requirements

Every trailer towed on a public highway at a speed in excess of 20 mph must be coupled to the towing vehicle by means of a safety chain, chains, cables, or equivalent device. The device must be of sufficient strength and have enough slack to allow the vehicle to complete proper turning. The safety chains must be connected to the towing vehicle and to the drawbar of the towed vehicle to prevent the drawbar from dropping to the ground in the event of a failure.

Number of Farm Vehicles in Tow

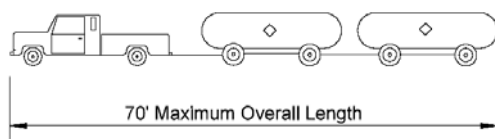
A farm tractor or other farm power unit may draw up to two other vehicles or implements of husbandry upon the public highways, if the vehicle is being used exclusively by the farmer transporting his own commodities or products, or is being used for agricultural purposes related to the operation and maintenance of his farm.

Lighting Requirements

Farm vehicles being drawn at the end of a train of vehicles may be equipped with two (2) four-inch reflectors in lieu of lighted lamps. The reflectors must be visible 500 feet to the rear.

Anhydrous Ammonia Trailers

The maximum overall length for a combination of a towing vehicle (including farm tractors) and two anhydrous ammonia fertilizer tank trailers is 70 feet.



This combination may travel on public highways only during daylight hours and may not exceed 25 miles per hour. Each trailer must display a slow-moving vehicle sign. The towing vehicle may not have a Gross Vehicle Weight Rating of less than 11,000 pounds.