

# INDIANA STATE POLICE

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Mr. Whitford:

The Commercial Vehicle Enforcement Division, a division of the Indiana State Police, is the primary entity responsible for enforcement of size and weight statutes in the state, and for enforcement of the Federal Motor Carrier Safety Regulations. Part of our responsibility includes a duty to provide clear, concise, and correct information regarding Indiana statutes. Specifically, this memorandum's intent is to address frequently asked questions dealing with trucks registered for or used as farm vehicles, in an effort to assist you with communicating this information to Indiana farmers.

Indiana Code 9-20-4-2 addresses farm commodities, the transportation from place of production to first point of delivery, and related limited exemptions. Section two of the statute states:

**Sec.2. (a) Section 1 of this chapter relating to vehicle weight, IC 9-30 assessing a penalty for transporting a load in excess of the registered limit of the load for the transporting vehicle, and IC 9-30 prohibiting a person from moving a transported vehicle with an excess load until a penalty is paid do not apply to a vehicle or combination of vehicles that transports farm commodities from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred if the weight of the vehicle with load or combination of vehicles with load does not exceed the gross weight limit by more than ten percent (10%).**

**(b) The exemption in subsection (a) does not apply to the following:**

- (1) Weight limits imposed for bridges or sections for highways under IC 9-20-1-4.**
- (2) A vehicle operated on any part of an interstate highway.**

**(c) For purposes of this section, "farm commodities" includes logs, wood chips, bark, sawdust, and bulk milk. The exemptions that apply to vehicles that transport farm commodities under subsection (a) apply to the transportation of wood chips, bark, and sawdust at all times if the weight of the vehicle with load does not exceed either the gross weight limit or the axle weight limit by more than ten percent (10%).**

Commercial Vehicle Enforcement Division personnel have been provided the following interpretations for the enforcement of this statute:

- A farmer may plate a farm truck or combination farm vehicle with a declared registered weight that represents the empty weight of the farm vehicle or combination farm vehicle if he transports farm commodities from the field or farm to the first point of delivery where weighed and titled, (the grain elevator), as long as the gross weight of the combination of vehicle(s) and load does not exceed the allowable total gross weight by 10%. Exceeding the 10% allowance, or operating in any capacity other than from the field or farm to the first point of sale would result in enforcement action, and the amount overweight is determined by the declared weight (plate registered weight).
- A farmer may not cross bridges or other sections of highways exceeding the posted restricted weight limits that have been determined by The Indiana Department of Highways as allowed by 9-20-1-4. If a farmer exceeds a posted state weight limit on a bridge or highway they lose the exemption. Full enforcement may be taken on the overweight from the farm to the elevator, and the amount overweight is determined by the declared weight (plate registered weight).
- The exemption is not valid on the interstate system.
- Farm commodities for the purpose of (a) and (b) are for the typical crops farmers produce (corn, soybeans, grains, vegetables, etc.). For those, only gross weight is examined to determine if the exemption is valid. For the additional farm commodities listed in (c) to qualify for the exemption, the gross weight and the axle weight limits cannot be over 10% over the normal legal limit. If either the gross weight exceeds the 10% exemption amount, or any one set of axles exceeds the axle allowable limit (regardless of the total gross weight), this would constitute a violation and the amount overweight would be determined by the declared weight (plate registered weight).

The exemptions in this statute provide an opportunity to provide economic relief to farmers when registering vehicles for farm use, and I encourage eligible persons to take full advantage of this exemption. It is important that persons understand that the exemptions are limited and specific, and operation outside the parameters specifically described by statute, and interpreted above, could result in substantial penalties in an enforcement situation.

I appreciate the effort and energy you have contributed to communicating an array of useful information to Indiana's farmers, and it is my hope that this guidance assists you to that end. Please contact our office at any time, and encourage others to do the same, with any questions at (800) 523-2226. First Sergeant Mike Addison has intimate knowledge on this topic, and developed much of the enforcement policy for our field personnel. Thank you for your conscientious work to improve commercial vehicle safety.

Sincerely,



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