

# Changes in Farm Use during the 2022 General Assembly Session

During the 2022 General Assembly Session, legislation passed that will institute a certification program through the Department of Motor Vehicles (DMV) for the non-registered farm vehicles commonly known as “Farm Use”. The agriculture industry worked with the patrons to make the program as simple as possible while still trying to eliminate the abuse that has grown over the years throughout the state to ensure farmers can still benefit from the existing exemptions from registration of their vehicle used for the limited purposes for farm activity. **This new placard will go into effect July 1, 2023 to give farmers time to get ready for the change.**

## What was approved by the General Assembly?

The legislation approved requires an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semitrailer to obtain a nontransferable **permanent farm use placard** from the Department of Motor Vehicles and to display the farm use placard on the vehicle at all times. The bill requires the applicant to provide specified information about the vehicle and its usage, pay a \$15 fee, and certify that the vehicle is insured. The provisions of the bill requiring the owner or lessee of a farm vehicle to obtain and display a farm use placard have a delayed effective date of July 1, 2023.

## What information will a farmer have to provide when going to the DMV?

The DMV application will include:

1. The name of the owner or lessee of the vehicle for which the exemption is claimed;
2. The location and acreage of each farm on which the vehicle is to be used;
3. The type of agricultural commodities, poultry, dairy products, or livestock produced on such farms and the approximate amounts produced annually;
4. A statement, signed by the owner or lessee, that the vehicle shall only be used for one or more of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673; (Farm Use Sections) and
5. A statement, signed by the owner or lessee, that the vehicle is an insured motor vehicle as defined in § 46.2-705 or is insured by a policy authorized pursuant to § 46.2-684.1. (Blanket Policy)

## Frequently Asked Questions

- **When will it take effect?** There is a delayed effective date of **July 1, 2023**
- **How much?** DMV may charge a fee of \$15 for a farm use placard.
- **What will the placard look like?** It will have an alphanumeric identification number on it and will be similar to a license plate.
- **Will I have to provide Proof of Ownership?** The vehicle owner may need to show proof of ownership by showing their vehicle title. The requirement for motor vehicles, trailer or semitrailers operated on any highway in the Commonwealth must be titled with the DMV under § 46.2-600 has been in place since around 1950.
- **Vehicle must be owned by farmer:** The motor vehicle, trailer, or semitrailer used under the farm use exemption must be owned by the owner or lessee of the farm for which it is used. (this is existing law)
- **The farm use placards are nontransferable.** An owner or lessee of a farm use vehicle shall return the farm use placard to the Department within 30 days of the vehicle ceasing to be used for one or more of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673.
- **Will the farm vehicle now be considered “registered” requiring it to do through additional requirements?** No, even though the farmer will have to obtain the Permanent Farm Use Placard, the vehicle is still considered “nonregistered” which is what the “Farm Use” exemption actually is.
- **Does the change require the farm vehicles with Permanent Farm Use Placard to be go through a State Inspection?** No, only vehicles required to be registered must go through a State Inspection.
- **Other than having to obtain the Permanent Farm Use Placard from DMV and having the vehicle covered by a liability policy, no other changes were made.**
- **What is the penalty for being found in violation of the “Farm Use” exemption?** § 46.2-613. states “Willfully and intentionally violate the limitations imposed under §§ 46.2-665, 46.2-666, and 46.2-670 while operating an unregistered vehicle pursuant to the agricultural and horticultural exemptions allowed under those sections. A first violation of this subdivision shall constitute a traffic infraction punishable by a fine of not more than \$250, and a second or subsequent violation of this subdivision shall constitute a traffic infraction punishable by a fine of \$250.”

## Code Sections for Permanent Farm Use Placards § 46.2-684.2

### § 46.2-665. Vehicles used for agricultural or horticultural purposes.

- A. No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.
- B. This exemption shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers that are not operated on or over any public highway in the Commonwealth for any purpose other than:
1. Crossing a highway;
  2. Operating along a highway for a distance of no more than 75 miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;
  3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;
  4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;
  5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm;
  6. Operating along a highway for a distance of no more than 75 miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning; or
  7. Transporting the vehicle's owner between his residence and the lands being used for agricultural or horticultural purposes.
- C. The owner or lessee of a vehicle, trailer, or semitrailer-claiming the exemption provided pursuant to this section shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.

### § 46.2-666. Vehicles used for seasonal transportation of farm produce and livestock.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee prescribed for any motor vehicle, trailer, or semitrailer owned by the owner or lessee of a farm and used by him on a seasonal basis in transporting farm produce and livestock along public highways for a distance of no more than 75 miles including the distance to the nearest storage house, packing plant, or market. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers. The owner or lessee of a vehicle, trailer, or semitrailer claiming the exemption provided pursuant to this section shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.

### § 46.2-670. Vehicles owned by farmers and used to transport certain wood products.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle, trailer, or semitrailer owned by a farm owner when the vehicle is operated or moved along a highway for no more than 75 miles between a sawmill or sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers. The owner or lessee of a vehicle, trailer, or semitrailer claiming the exemption provided pursuant to this section shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.

### § 46.2-672. Certain vehicles transporting fertilizer, cotton, or peanuts.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any motor vehicle or trailer, semitrailer, or fertilizer spreader drawn by a farm tractor used by a farmer, his tenant, agent or employee or a cotton ginner, peanut buyer, or fertilizer distributor to transport unginning cotton, peanuts, or fertilizer owned by the farmer, cotton ginner, peanut buyer, or fertilizer distributor from one farm to another, from farm to gin, from farm to dryer, from farm to market, or from fertilizer distributor to farm and on return to the distributor. The owner or lessee of a vehicle, trailer, or semitrailer claiming the exemption provided pursuant to this section shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.

The provisions of this section shall not apply to vehicles operated on a for-hire basis.

### § 46.2-673. Return trips of exempted farm vehicles.

No person shall be required to obtain the registration certificate, license plates, or decals for or pay a registration fee for any farm vehicle exempted from registration under the provisions of this article when that vehicle is:

1. Making a return trip from any marketplace;
2. Transporting back to a farm ordinary and essential food and other products for home and farm use; or
3. Transporting supplies to the farm.

The owner or lessee of a vehicle, trailer, or semitrailer claiming the exemption provided pursuant to this section shall be required to obtain a permanent farm use placard pursuant to § 46.2-684.2.

### § 46.2-684.2. Permanent farm use placards.

- A. For the purposes of this section, "farm use placard" means a device containing letters, numerals, or a combination of both attached to a vehicle that is used for one of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673.
- B. An owner or lessee of a farm vehicle claiming an exemption for a farm vehicle provided pursuant to § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673 shall obtain a farm use placard from the Department and display such placard on the vehicle at all times. Such farm use placard shall be permanent and valid for so long as the owner or lessee uses the vehicle for an exempt purpose and shall not require renewal.
- C. Application for a permanent farm use placard shall be made on a form provided by the Department and shall include:
1. The name of the owner or lessee of the vehicle for which the exemption is claimed;
  2. The location and acreage of each farm on which the vehicle is to be used;
  3. The type of agricultural commodities, poultry, dairy products, or livestock produced on such farms and the approximate amounts produced annually;
  4. A statement, signed by the owner or lessee, that the vehicle shall only be used for one or more of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673; and
  5. A statement, signed by the owner or lessee, that the vehicle is an insured motor vehicle as defined in § 46.2-705 or is insured by a policy authorized pursuant to § 46.2-684.1.
- D. The Department may charge a fee of \$15 for a farm use placard. All fees collected by the Commissioner pursuant to this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.
- E. Farm use placards are nontransferable.
- F. An owner or lessee of a farm use vehicle shall return the farm use placard to the Department within 30 days of the vehicle ceasing to be used for one or more of the exempt purposes set forth in § 46.2-665, 46.2-666, 46.2-670, 46.2-672, or 46.2-673.

### Questions? Contact:

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The new law for the permanent farm use placard goes into effect July 1, 2023.

