

New Laws for Hauling Horses

By Mark McGowan

Are you ready to see if you are CDL compliant or road ready? Use these simple tips to see if you are a "commercial driver" by Mark McGowan, President of Lone Star Friesian Horse Club and CDL Advisor for Ross and Mathews Legal Shield, Fort Worth Texas.

It's that time again. Everyone is preparing for trips to parades and horse shows, selling horses, going on trail rides, transporting horses for friends and, yes, inspection time. In the midst of all this activity, it is important to remember the things we can do to make travel safe and the things we can bring on our trips to protect and make our horses safe.

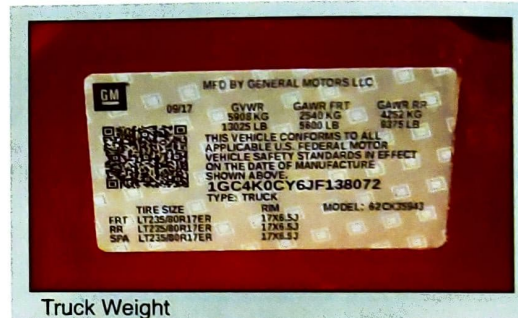
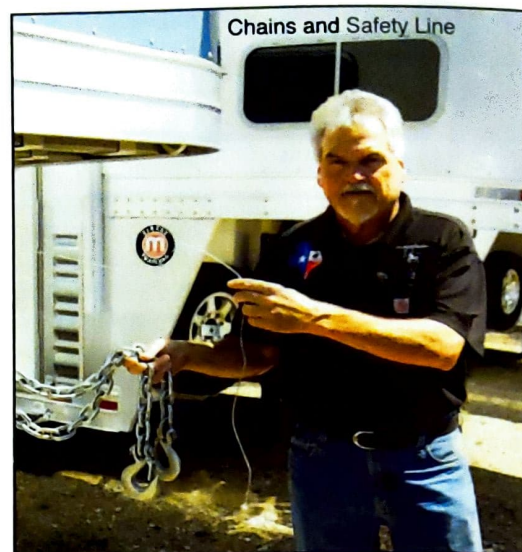
Many people either do not understand or are unaware of the commercial transport laws that regulate the things we can and cannot do on our trips with horses, whether we are going across the street or on a long adventure. In 1986, Congress passed the Federal Commercial Motor Vehicle Safety Act (FCMVSA/86). This law requires each state to meet the same minimum standards for commercial driver licensing. The United State Dept. of Transportation (USDOT) and the Federal Highway Administration (FHA) are the governing bodies that oversee all vehicles on any highway or rural roadway. Each state may or may not have local laws,

I have been a CDL driver for over 30 years. I have transported hazardous material and I transport horses for myself and many others. I have learned what horses need when traveling to help make their trips safe, and I've learned to make sure I'm CDL compliant over many years of tickets, USDA checkpoints, and quarantine outbreaks. I'm also a CDL advisor for a law firm, so I talk to horse groups and companies about changes in regulations and what is needed to stay legal. It is a process that changes every day.

Most people think they are not commercial if they don't drive a big semi like our friends at Equine Express. Because of this, many people find out the hard way that they are commercial, when they are stopped by the police.

How does having a CDL apply to my truck and horse trailer?

If you are driving a vehicle, or combination of vehicles (truck and horse trailer), that are 10,001 to 26,000 gross vehicle weight (GVW), you do not have to have a CDL. GVW information can be found inside the door of your truck on the serial plate, and usually on the neck of your trailer or trailer door. Of course, even if you do not have to have a CDL, you still must follow the safety requirements of your state. However, if you are making money with your two-horse bumper pull and truck selling horses, using your stallion to breed mares for profit, or doing carriage rides, you are "commercial."



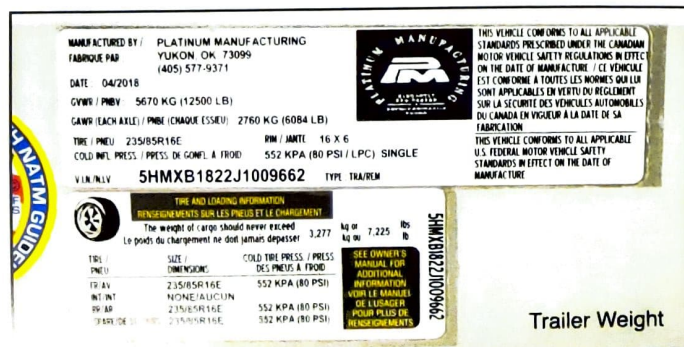
Truck Weight

If you are driving a vehicle and trailer with a combined weight of over 26,001 GVW, or more, you are also commercial, but each state may have exceptions based on where you live. In any case, we all have to follow the Federal guidelines. Under the Federal guidelines, if your truck has a bed of any kind which allows the truck to make a profit or revenue, then your overall length has to be 65 feet or less. If your overall length is more than 65 feet, you may need an additional permit. The overall length of 65 feet is measured from the tip of your bumper to the back of the trailer or your rear hay ladder. The Highway Patrol measures from the furthest point.

What are the terms and definitions that I need to know?

Interstate Commerce: Any trade, traffic, or transportation in any state that is between a place in a state (your home or business) and a place in another state, between two places in a state requiring travel through another state, or a place outside of the United States like Canada or Mexico.

Say you are traveling from Tennessee to Kansas to sell a horse, or someone has bought a horse and you are transporting it, you are commercial. Your status is "commercial" regardless of the size or weight of your truck and trailer because you are either making money selling the horse or



Trailer Weight



Measuring for Legal Length



Penny Tread Test

you are getting paid to transport a horse. Even if you're only being paid money for fuel, you are commercial. If you're stopped, you will have to prove the horse is yours and you are not making money from selling or transporting the horse for a friend.

Intrastate Commerce: Any trade, traffic, or transportation wholly in one state. This definition applies to trailering your horse to a show across town, going to the veterinarian or going to a local event.

Commerce: Commerce can be more loosely defined as actually "involved in a commercial venture" or acting with the "intent" to make a profit.

The use of the term commerce does not mean actually making a profit. Engaging in "commerce" can mean running a commercial stable, boarding, or hauling horses for show (with intent to profit), race, sale, training, or for any compensation. Prize money or the proceeds of a horse sale can also be profit. If you are a trainer or rider and you are taking someone else's horses to an event, you are commercial, even if you only get paid for fuel money or expenses. Law enforcement sees even these minor payments as a "profit."

What if it is determined I'm a commercial hauler?

If you are stopped and you are found to be commercial and you don't have the required inspections stickers, DOT numbers, medical card, logbook (some states require electronic

logs), required safety items, and possibly maintenance records, you may be subject to huge fines. In addition, the authorities may take your trailer and impound your animals. In determining whether you are commercial, the state highway department may run your plates, check your insurance, and check the names on Coggins and health certificates to make sure you are not getting any money or compensation. If you have your name or logo on your truck or trailer, this may also indicate you are engaged in commerce.

If you are determined to be commercial, the Highway Patrol may check your tires for tread, check your brakes and lights, and some may check to see if you have been driving without a rest break or required down time. As already discussed, the Highway Patrol may measure your truck and trailer to see if it is more than 65 feet long and may require you to produce a permit. You must also have commercial insurance if your regular individual insurance does not cover accidents involving your animals. Before you travel, you need to check your liability insurance coverage with your agent. If you are not hauling horses yourself, always use a licensed and legal transport company. Without the necessary licenses and insurance, if your friend or unlicensed transport company gets stopped, the Highway Patrol can impound your animals and shut you down on the road until you get the proper licenses and insurance. I've had to pick up horses from a Sheriff Agency who shut down an illegal non-commercial transport person because they were not commercially licensed. Not a fun thing to do. I've also seen transporters who had bald tires and no safety chains on their gooseneck or bumper pull connector. Be sure any transporter you use has working turn signals, emergency reflective triangles, a fire extinguisher, and a good safety plan.

Finally, if you have any questions or have a concern you can contact me at whoadamitwhoaaa@msn.com or my cell 469-474-1255. I will be glad to answer any CDL and commercial questions you have. Since I am based in Texas, the laws may be different, but Federal Motor Carriers Safety Association covers all states.

Canadian Equine Transportation Regulations

The Canadian Food Inspection Agency (CFIA), with the help of other federal, provincial and territorial authorities, enforces the requirements for the transport of animals found in Part XII of the Health of Animals Regulations.

The federal requirements regulate the movement of all animals by all modes of transport - land, air and sea. Some provinces have additional regulations related to animal transport. Contact your respective provincial or territorial government for further information.