STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL

March 12, 2014

Opinion No. 14-30

Application of Weight Limits To Farm Trucks Traveling On State Highway System

QUESTION

When a farmer contracts to raise, produce, or feed poultry for the owner of the poultry, is a truck used to transport poultry from the farm pursuant to the contract between the farmer and the owner of the poultry a "farm truck" for purposes of Tenn. Code Ann. § 55-7-203(b)(7)(C)?

OPINION

Yes. When a truck is being utilized by the farmer to transport the poultry from the farm to the market on a State highway system other than the portion designated as the interstate system, it qualifies as a "farm truck" for purposes of Tenn. Code Ann. § 55-7-203(b)(7)(C).

ANALYSIS

Tenn. Code Ann. §§ 55-7-201 to -209 provide for weight and length restrictions on motor vehicles driven on State highways. These sections were enacted as a public-safety measure to protect motorists and their passengers traveling over the highways of the State. *London v. Stepp*, 56 Tenn. App. 161, 174, 405 S.W.2d 598 (Tenn. Ct. App. 1965). Violations of this part may result in fines, penalties, and forfeiture as set forth in Tenn. Code Ann. § 55-7-206.

Weight restrictions for freight motor vehicles are found in Tenn. Code Ann. § 55-7-203:

> [N]o freight motor vehicle shall be operated over, on, or upon the public highways of this state where the total weight on a single axle or any group of axles exceeds the weight limitations set forth in subdivisions (b)(1)-(7).

Tenn. Code Ann. § 55-7-203(a). Section 55-7-203(b)(7) states that "[f]or purposes of enforcement of this section, weight restrictions shall be deemed to have a margin of error of ten percent (10%) of the true gross or axle weight for all . . . farm trucks . . . when being operated over the state highway system other than the portion

designated as the interstate system." The provision defines "farm truck" to mean "those trucks utilized by farmers to load grain, fiber, produce, livestock, milk or other agricultural products produced on their farms and to transport the agricultural commodities to their respective markets." Tenn. Code Ann. § 55-7-203(b)(7)(C). Farm trucks include "farm to market transportation when the truck is operated by the farmer, the farmer's family or employee or a representative hired by the farmer to haul the commodity." *Id.*

The statute does not expressly include poultry in its list of farm products, but it does include "livestock . . . or other agricultural products." *Id.* The meaning of "agricultural products" can be derived from the State's agriculture statutes. Tenn. Code Ann. § 43-16-103(a)(1) includes in its definition of "[a]gricultural products" the following: "horticultural, viticultural, forestry, dairy, livestock, *poultry,* bee and any farm products" (emphasis added). Tenn. Code Ann. § 43-1-113(b) defines "agriculture" with reference to "the commercial production of farm products," and the term "farm products" includes "poultry and poultry products." Tenn. Code Ann. § 43-1-113(b)(1)-(2).[1]

Based upon these statutory definitions, we conclude that in enacting the weight restrictions contained in Tenn. Code Ann. § 55-7-203(b)(7), the legislature intended to include within the scope of "farm truck" transportation of poultry to market by a farmer under contract to the owner of the poultry.

ROBERT E. COOPER, JR.
Attorney General and Reporter

JOSEPH F. WHALEN
Acting Solicitor General

PHYLLIS CHILDS
Senior Counsel

[1] Tenn. Code Ann. § 43-1-113(a) provides that the "definition of agriculture as set forth in subsection (b) shall be applicable to the term wherever it appears in the code, unless a different definition is specifically made applicable to the part, chapter, or section in which the term appears."

Requested by:

The Honorable Pat Marsh
State Representative
G-19A War Memorial Building
Nashville, Tennessee 37243