
September 5, 2014

TRUCKERS MEETING AND FARM LIABILITY

The trucker information seminars in Beatrice and Dorchester were quite successful with 73 in attendance in Beatrice and 82 at the Dorchester Legion. We ran out of the new 2014-15 truck driver's books so more will be available at the Extension Office the week of the 15th. I was also asked to get some books to the Extension Offices in Beatrice and Fairbury. One use of the book was licensing and plating with different axel groupings and distances between the axels.

Farm liability was the major take-home message along with the proper farm tags and how to calculate the 15% over. There are many exemptions in agriculture with driving trucks, especially under 26,000 pounds, if it is for farm business and not for hire. One of the questions was, "Does hauling hay from the farm get the 15% overload?" Trooper Gary Bergmeier, Nebraska State Patrol Investigator, confirmed "yes" in a follow-up email after the meeting and as the statute states grain or "other seasonally harvested product." There was a question about farm hauling and over-width signs on a truck. A farmer does not need them when hauling something up to 15 feet wide. But once again, for liability issues, Trooper Bergmeier would put them on anyway.

One point came out loud and clear. I could be asked to operate any farm plated vehicle including a truck semi-trailer anywhere in Nebraska or 150 air miles from the home farm base into another state without a Class A CDL license because it is for a farm. (I wouldn't do that, I have never driven a semi in my life). The only requirements with a semi in this example are you need to be 18 years of age and hold a valid Class O driver's license. Nowhere does it say in the law it has to be a family member involved with the farm, so you don't even have to know that person. So a farmer can have someone else drive a semi-truck loaded with 80,000 pounds from Omaha to Scottsbluff or Omaha to Kansas City with no checks.

But Trooper Bergmeier, who taught the class, said common sense and the insurance industry are dictating those decisions. He encouraged every farmer in the room, whoever drives your semi-truck, should obtain a Class A CDL, even though it's legal without it on the 150 mile rule. If there is an accident and a bad one, you could lose your farm. It doesn't matter if it was within the farm exemption or not on the licensing. If the person had never driven a semi before and was not prepared or poor maintenance/negligence, and you stuck him in that situation, there have been some things happen with accidents where you really need to rethink farm liability. The court will argue you should have known better. Make sure your insurance agent is going to cover you in these situations and your farm umbrella policy is in force. If it isn't, make the necessary changes.

If you missed the meeting and would like to hear what Trooper Bergmeier had to say in the trucking class for farmers, Co-op drivers, and others, I videotaped the session and you can borrow the DVD from the Extension Office.

CUT CORN ON THOSE CORNERS

It's catching on in parts of Saline County to cut those corners with tall corn close to the road to enhance rural safety. I wish more farmers would do this at our most dangerous intersections. Trooper Bergmeier said there is an intersection in Gage County where he knows soybeans are even a visual problem because of the road slope. In October 2007, in Saunders County, two pickups collided at a rural intersection where the drivers' view was obstructed by 7-foot-tall corn planted only feet from the roadway. The crash killed one passenger and paralyzed another, who died from his injuries three years later. In May of this year, the Nebraska Supreme Court ruled ultimately it was the liability of the drivers to recognize the hazard and no fault to the farmer that planted the corn. Despite this ruling, anyone who is cutting the corners is doing the right thing for the community. I hope everyone has a safe harvest this year.

Randy Pryor, Extension Educator

University of Nebraska-Lincoln Extension in Saline County • 306 West 3rd Street, Wilber, NE 68465

Phone (402) 821-2151 • Fax (402) 821-3398 • e-mail: randy.pryor@unl.edu



Extension is a Division of the Institute of Agriculture and Natural Resources at the University of Nebraska-Lincoln cooperating with the Counties and the United States Department of Agriculture.

University of Nebraska-Lincoln Extension educational programs abide with the nondiscrimination policies of the University of Nebraska-Lincoln and the United States Department of Agriculture.