

2018 Changes to Hazardous Agricultural Materials Certificate

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Posted by CSTC Staff

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The requirements to obtain a Hazardous Agricultural Materials (HAM) Certificate changed January 1, 2018. We wanted to remind you of the existing requirements, while highlighting the changes.

Application

To obtain a HAM Certificate, complete and submit the application below:

CHP 516, Application - Hazardous Agricultural Materials Certificate (/__media/pdfs/Chp516.pdf)

If you are having difficulty viewing the application within your browser, right-click on the link and choose "Save link as..." or "Save file as..." from the menu which appears. Save the file to a location of your

choice. Once the application is saved to your computer, you can either double-click or right-click the file and choose “Open with” to view the file in Adobe Acrobat® Reader.

Requirements

Section 12804.2 of the California Vehicle Code (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=12804.2.&lawCode=VEH) (CVC) exempts a person from the requirement to obtain a hazardous materials (HM) endorsement on their driver license, provided the person:

- Is employed in agricultural operation.
- Is driving a vehicle which does not require a commercial driver license and is controlled by a farmer.
- Is transporting agricultural products or machinery to or from a farm.
- Has completed an agricultural HM transportation program offered or approved by the California Highway Patrol (CHP). Typically, this program is provided by each county Farm Bureau or the CHP.
- Possesses a verification of training document, commonly known as a HAM Certificate, when operating a vehicle requiring the display of placards pursuant to Section 27903 CVC (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=27903.&lawCode=VEH).
- Is operating the vehicle at a distance not more than 50 miles from farm to farm or from point of distribution to point of application.
- Is in possession of a CHP 344, Hazardous Materials Transportation Basic Incident Safety Procedures (<https://www.chp.ca.gov/CommercialVehicleSectionSite/Documents/chp344.pdf>).

Normally, if a driver license is required to operate a vehicle or combination of vehicles and placards are required to be displayed, a commercial driver license with an HM endorsement is required. A driver utilizing the provisions of the HAM Certificate is exempted from this requirement.

Changes to the Hazardous Agricultural Material Certificate

On September 30, 2017, Senate Bill 810 was signed by Governor Brown, which amended Section 12804.2 CVC.

On January 1, 2018, the following changes took effect:

- In lieu of completing a hazardous agricultural materials transportation program offered or approved by the CHP, the person requiring a HAM Certificate must provide proof of training meeting the requirements of Section 172.704(d) of Title 49 of the Code of Federal Regulations (CFR). (https://www.ecfr.gov/cgi-bin/text-idx?SID=6dac359f5ff69cf17b7e8df78a78990d&mc=true&node=se49.2.172_1704&rgn=div8)
- This training must be conducted at least once every **three** years.
- The HM training can be completed at the discretion of the applicant.
- The standardized training is available from numerous sources including consultants or organizations, on line, or other commercially-available training products. The training may also be developed and conducted internally. **The existing CHP-approved HAM Certificate training will no longer be offered.** The training meeting the requirements of Title 49, CFR will now be used to fulfill the training requirements for the HAM Certificate.
- The training indicated above is not a new requirement. The separate training requirement is explained to participants during the existing CHP-approved HAM Certificate training. Every

person operating a vehicle carrying HM must be trained according to the requirements set forth in Title 49, CFR.

- The HAM Certificate, usually provided to the applicant at the conclusion of a CHP-approved training program, **will now be issued only by the CHP.**
- Persons requesting a HAM Certificate will submit by mail, an application and a copy of a record of current training meeting the requirements of Section 172.704(d) of Title 49, CFR (https://www.ecfr.gov/cgi-bin/text-idx?SID=6dac359f5ff69cf17b7e8df78a78990d&mc=true&node=se49.2.172_1704&rgn=div8), directly to the CHP for review.
- Upon receipt and validation, the CHP will send, by mail, a HAM Certificate to the applicant which will be valid for **three** years.
- Once the completed document is received by the applicant, the submission process to the California Department of Motor Vehicles (DMV) will remain unchanged. Please note, pursuant to Section 12515(b) CVC, the DMV can only accept or process a HAM Certificate for drivers which are at least **21 years of age.**

Additional Information

The HAM Certificate is necessary only if a driver license is required to operate the vehicle or combination of vehicles.

Section 36300 CVC (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH§ionNum=36300.) allows a person to operate an implement of husbandry (IOH) incidentally over a highway, under certain circumstances without possessing a driver license; however, Section 36305 CVC (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH§ionNum=36305.) requires a person to possess, at minimum, a valid class C driver license when operating an IOH in either of the following circumstances:

- An IOH is being operated at a speed in excess of 25 miles per hour when in combination with another vehicle. For example, a crop duster nurse rig towing a loader/conveyer.
- An IOH is towing any fertilizer applicator rig, anhydrous ammonia nurse rig, or trap wagon, regardless of speed. For example, a farm tractor towing a trap wagon.

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