

**CHAPTER 38-03-02**  
**HAZARDOUS MATERIALS - AGRICULTURAL OPERATIONS**

Section

38-03-02-01      Anhydrous Ammonia - Portable Tanks

38-03-02-02      Intrastate Farm Operations

**38-03-02-01. Anhydrous ammonia - Portable tanks.**

1. Portable tanks, commonly referred to as nurse tanks, intended for farm fertilizer application, designed and utilized for the carriage of anhydrous ammonia, are exempt from the container specification and other regulations adopted in this article when the tank:
  - a. Has a minimum design pressure of two hundred fifty pounds per square inch gauge [1,683.7 kilopascals] and meets the requirements of the edition of the American Society of Mechanical Engineers Code in effect at the time it was manufactured and is marked accordingly;
  - b. Is equipped with safety relief valves meeting the requirements of the compressed gas association, pamphlet 51.2;
  - c. Is painted white or aluminum;
  - d. Has the capacity of three thousand gallons [11.36 cubic meters] or less;
  - e. Is loaded to a filling density no greater than fifty-six percent;
  - f. Is securely mounted on a farm wagon; and
    - (1) Is placarded front and rear, and on both sides with approved department of transportation nonflammable gas placards; or
    - (2) Is identified front and rear, and on both sides with the words "anhydrous ammonia" in letters not less than three inches [7.62 centimeters] high, utilizing a one-inch [2.54-centimeter] brush stroke.
2. Portable tanks containing anhydrous ammonia must be marked with a slow-moving vehicle emblem on the rear of the unit and may not be towed in excess of twenty-five miles [40.23 kilometers] per hour on any road or highway.
3. Shipping papers may not be required to accompany the movement of portable tanks containing anhydrous ammonia when transported under the provisions of this chapter.
4. No material other than anhydrous ammonia may be carried in any portable container identified in this chapter and exempted as such from the regulations contained in this article.

**History:** Effective October 1, 1983.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 39-21-44; 49 CFR 173.315(m)  
38-03-02-02. Intrastate farm operations.

1. The transportation of an agricultural product other than a Class 2 material, over local roads between fields of the same farm, is exempted from the requirements of this chapter when:
  - a. It is transported by a farmer who is an intrastate private motor carrier; and
  - b. The movement of the agricultural product conforms to all other state statutes or rules in effect before July 1, 1998.

2. The transportation of an agricultural product to or from a farm, within one hundred fifty miles [241.40 kilometers] of the farm, is exempted from the requirements in subparts G and H of 49 CFR part 172 when:
  - a. It is transported by a farmer who is an intrastate private motor carrier.
  - b. The total amount of agricultural product being transported on a single vehicle does not exceed:
    - (1) Sixteen thousand ninety-four pounds [7300 kilograms] of ammonium nitrate fertilizer properly classed as Division 5.1, PGIII, in a bulk packaging; or
    - (2) Five hundred two gallons [1900 liters] for liquids or gases, or five thousand seventy pounds [2300 kilograms] for solids, of any other agricultural product.
  - c. The packaging conforms to the general packaging requirements of 49 CFR parts 173.24, 173.24A, and 173.24B.
  - d. Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of this chapter.
  - e. Formulated liquid agricultural products in specification packagings of fifty-eight gallons [220 liters] capacity or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.
  - f. See 49 CFR part 173.315(m) and North Dakota Administrative Code section 38-03-02-01 pertaining to nurse tanks of anhydrous ammonia.
  - g. See 49 CFR part 173.6 pertaining to materials of trade.

**History:** Effective February 1, 1999.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 39-21-44