



EXHIBIT 2  
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ASSOC., MONTANA MANUFACTURED HOUSING & RECREATIONAL VEHICLE ASSOCIATION

## RV DEFINITIONS



Buses that are manufactured by an automaker then modified for transportation and/or recreation use by a company specializing in customized vehicles. These changes may include windows, carpeting, paneling, seats, sofas, and accessories.



Class A

The Class A motorhome, also commonly referred to as the conventional motorhome, is the largest, most luxurious of the motorized RVs, a virtual "home away from home" on wheels. Fully loaded and equipped for short trips, lengthy vacations and full-time living. The Class A is entirely constructed on a bare, specially designed motor vehicle chassis.



Class B

Also commonly referred to as the van camper, the Class B motorhome is a panel truck that has been customized to include temporary sleeping, eating and bathroom facilities.



Class C

The Class C motorhome, sometimes referred to as a mini-motorhome, provides the convenience of a larger motorhome in a scaled-down version and at a lower price. The Class C is built on an automotive manufactured van frame with an attached cab section.



Fifth Wheel

Designed to be stored and towed by a pickup equipped with special hitch in the bed, these two-level units can provide the greatest living of all towable RVs. Five-wheel travel trailers come equipped with all the comforts of home, and are perfectly adaptable for week-end getaways, long vacations and full-time living.



Travel Trailer

A lightweight unit with sides that collapse for towing and storage, the folding camping trailer combines the experience of open-air tent camping with sleeping comforts, basic conveniences and weather protection found in other RVs.

A unit designed to be towed by a car, van or pickup by means of a bumper

**Trailer**

or trailer hitch, the travel trailer provides all the comforts of home and is perfectly adaptable for weekend getaways, family vacations, and full time living.

**Camper**

A unit loaded onto, or affixed to, the bed or chassis of a pickup, the truck camper is popular for back road journeys, accessing remote locales and family recreational camping.

**Boat**

Boats are used generally used in activities such as fishing, swimming, water skiing, and cruising. Most boats are made of fiberglass or aluminum and are powered by a gas outboard engine, or a gas inboard outboard. Some manufacturers build boats specifically tailored to specific activities such as a bass boat is designed for fishing and a ski boat is designed for water skiing.

**Watercraft**

Personal Watercraft means a vessel that uses an inboard motor powering a jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling inside the vessel.

**ATV**

All terrain vehicle" or "ATV" means any recreation vehicle with two (2) or more tires, less than forty-eight (48) inches in width, traveling on low pressure tires of less than five (5) psi, and designed to be ridden by one (1) person and less, usually under eight hundred pounds.

**Snowmobile**

The definition of a Snowmobile is a vehicle that is propelled by motorized power and capable of travel on or off a highway. Snowmobiles include any self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, designed primarily for travel on snow or ice. It may be steered by skis or runners.

**Motorcycle**

The definition of a motorcycle is "a two-wheeled cycle with an internal combustion engine attached." Motorcycle" is every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor and moped.

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HOME - NEW - USED - RENTALS - FINANCING - MAINTENANCE - INSURANCE - SNOWMOBILE - TRAILERS -  
 BOATS - STREAMERS - CONCEPTS - ETC. AD - DEALER AD - PRIVATE PARTY AD - PRIVATE PARTY RATES  
 TERMS & CONDITIONS - USEFUL LINKS



U.S. Department  
of Transportation

**Federal Highway  
Administration**

NOV 29 2004

400 Seventh St., S.W.  
Washington, D.C. 20590

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November 22, 2004

Reply to: HOFM-1

Ms. Susan Moriak  
Assistant Director  
Government Affairs  
Recreation Vehicle Industry Association  
P.O. Box 2999  
Reston, VA 20195-0999

Dear Ms. Moriak:

This replies to your recent letter to Phillip Forjan, a member of my staff, which asked that we confirm three statements. Each statement is shown below, followed by our comments.

1. The Federal Highway Administration (FHWA) does not set maximum width limits for noncommercial, personal-use, vehicles such as motorhomes, travel trailers, fifth-wheel trailers, camping trailers and truck campers. Each individual State has this responsibility.

Federal law 49 U.S.C. 31113, provides that States adopt and enforce a maximum/minimum width limit of 102 inches for commercial motor vehicles (CMVs) on the Interstate System and designated Federal-aid primary highways. CMVs are not defined in the statute but are defined in 23 CFR 658.5 as follows:

For purposes of this regulation, a motor vehicle designed or regularly used to carry freight, merchandise, or more than 10 passengers, whether loaded or empty, including buses, but not including vehicles used for vanpools, or vehicles built and operated as recreational vehicles (emphasis added).

The final rule that adopted this definition, published March 12, 2004 (69 FR 11994), clearly removes recreational vehicles (RV) from the definition of a CMV. While the FHWA has never defined what constitutes an RV, it appears from the language of the law that the vehicle must be built and operated for personal and noncommercial use. Consequently, for personal, noncommercial vehicles built and operated as recreational vehicles, there are no Federal width requirements, and each State is free to set its own width limits for them on all highways within the State.

2. The FHWA, for purposes of length, width and weight limitations, has determined that the definition of "commercial motor vehicle" does not include vehicles built and operated as RVs.

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This is not entirely true; States are required to enforce Federal weight limits for all vehicles, including RVs, on the Interstate System. States may set weight limits on all other highways within their jurisdiction.

Federal minimum and/or maximum length requirements apply only on specified CMVs, not RVs. Consequently, States may set maximum length limits for RVs being operated on all highways within their jurisdiction. Widths were addressed under your first statement.

3. The FHWA sets the maximum width for commercial vehicles traveling on the Federal-aid highways. The limit is 102 inches wide. (Width is measured at the maximum horizontal dimension except that certain safety devices are excluded.) All States have to adopt this width limit for commercial vehicles or lose a portion of their highway monies. However, FHWA rules specify that a State may allow recreational vehicles with safety and/or noncargo carrying appurtenances extending beyond 3 inches from the side of the vehicle to operate without a special use over-width permit.

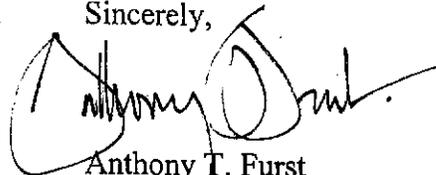
Since RVs are not subject to Federal width requirements, States may determine how they are to be measured. As you indicate, 23 CFR 658.15(c)(2) does provide that:

A State may allow recreational vehicles with safety and/or noncargo carrying appurtenances extending beyond 3 inches from the side of the vehicle to operate without a special use over-width permit.

Since removing RVs from the definition of CMV means that States are free to regulate their width as they wish, this provision merely emphasizes that there is no Federal requirement that States issue permits for those exceeding Federal width limits.

In summary, each State may regulate the width and length of vehicles built and operated as RVs on all roads and highways within its borders as it sees fit. However, States are required to enforce Federal weight limits for all vehicles, including RVs, on the Interstate System. States may set weight limits on all other highways within their jurisdiction.

Sincerely,



Anthony T. Furst  
Director, Office of Freight Management  
and Operations

## DEPARTMENT OF TRANSPORTATION

## Federal Highway Administration

## 23 CFR Part 658

[FHWA Docket No. FHWA-2001-10370]

RIN 2125-AE90

## Commercial Vehicle Width Exclusive Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

**SUMMARY:** The FHWA amends its regulation on truck size and weight by removing Recreational Vehicles (RVs) from consideration as commercial motor vehicles (CMVs) and grants States additional flexibility to deal with certain appurtenances extending from the side of the RVs. These changes allow the States the discretion to regulate the width of RVs and allows RVs to be exempt from any special use over-width permit requirements.

EFFECTIVE DATE: April 12, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Forjan, Office of Freight Management and Operations (202) 366-6817, or Mr. Raymond W. Cuprill, Office of the Chief Counsel (202) 366-0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

## SUPPLEMENTARY INFORMATION:

## Electronic Access

Internet users may access all comments received by the U.S.DOT Docket Facility, Room PL-401, by using the universal resource locator (URL) <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's Home page at: <http://www.archives.gov> and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

## Background

The FHWA published a notice of proposed rulemaking (NPRM) on July 29, 2002 (67 FR 48994), that proposed two separate issues. First, a proposal was made to remove RVs from their treatment as CMVs when en route from

manufacturer to sales location, allowing the States to use their discretion to regulate the width. Second, a proposal was made to increase by one inch the distance that non-cargo carrying, width exclusive devices could project from the side of a CMV.

## Increase of Width

The FHWA has determined that it is appropriate to issue a supplemental Notice of Proposed Rulemaking (SNPRM) to solicit further public input about the possible effects on highway safety and traffic that may result from the 1-inch increase. There were concerns raised by several respondents to the July 29, 2002, NPRM concerning the proposed 1-inch increase in the allowed width distance exclusion of non-cargo carrying devices. This SNPRM appears elsewhere in today's Federal Register and solicits crash statistics, safety studies, and any other information related to the possible effects of such an increase.

## Remove RVs From CMV Definition and Clarification of Special Use Permits in Section 658.15

The current definition of a CMV at 23 CFR 658.5 is as follows: "Commercial motor vehicle. For purposes of this regulation, a motor vehicle designed or regularly used to carry freight, merchandise, or more than ten passengers, whether loaded or empty, including buses, but not including vehicles used for vanpools." Under this definition when RVs are being moved to the point of customer delivery, as from a manufacturing location to a dealer, or between a dealer and a tradeshow, these vehicles are considered CMVs (the vehicle itself is the merchandise being transported).

The RV manufacturers are currently building awnings into the structure of the RVs to provide additional stability and strength. These awnings come with the vehicle, rather than being an aftermarket or dealer add-on. However, when rolled up in the traveling position, the roll extends up to 6 inches from the side of the unit. Customarily, if the RV has an appurtenance extending beyond 3 inches on each side of the vehicle, the motor carrier would be required to obtain an over-width special permit from the State for an RV moving as a CMV. The special permit would authorize their CMVs to operate in excess of the maximum width limit of 102 inches. However, once a customer takes possession of the RV for the purpose of private or personal use, it is no longer considered a CMV and is not subject to the Federal requirement that States issue over-width permits.

The language proposed in this final rule differs slightly from the language proposed in the NPRM. Since we are issuing an SNPRM for the proposed 1-inch increase in the allowed width distance of non-property carrying devices, this final rule authorizes States to allow RVs with appurtenances extending beyond 3 inches, rather than 4 inches, to operate without a special use over-width permit. In the SNPRM, we propose changing the distance from 3 inches to 4 inches for consistency with the other proposed changes.

In recent years, many States have enacted legislation specifically exempting roll-up awnings from any width requirements for personal use vehicles. The FHWA, like many of the commenters, believes that, for the short time and distance (relative to its use over the lifetime of the vehicle) an RV is now considered a CMV, the RV should be exempted from any special use over-width permit requirements.

Therefore, this final rule removes RVs from the definition of a commercial motor vehicle, and clarifies the language in § 658.15, regarding special use permits for RVs with safety and/or non-cargo carrying appurtenances extending beyond 3 inches from the side of the vehicle to operate without a special use over-width permit.

## Discussion of Comments

We received eight sets of comments to the docket. Of the eight commenters, two were from State transportation departments (Illinois Department of Transportation, and Iowa Department of Transportation); one from a law enforcement entity (Department of California Highway Patrol); one comment from the Vermont Department of Motor Vehicles; two comments from associations (the Truck Trailer Manufacturers Association (TTMA) and the Recreational Vehicle Industry Association (RVIA)); one comment from a safety organization (Advocates for Highway and Auto Safety (Advocates)); and one comment from a manufacturer (Tire Pressure Control International Ltd). The majority of the commenters were in favor of the proposed changes.

The comments from the California Highway Patrol, the Vermont DMV, and the Iowa DOT favored the removal of RVs from consideration as a commercial motor vehicle (CMV). The reasons given included: The inefficient use of the State's resources and an administrative burden to process a commercial over-width permit for RVs; no evidence of safety problems as a result of an awning or appurtenance; and the 2000 Fatal Accident Reporting System (FARS)