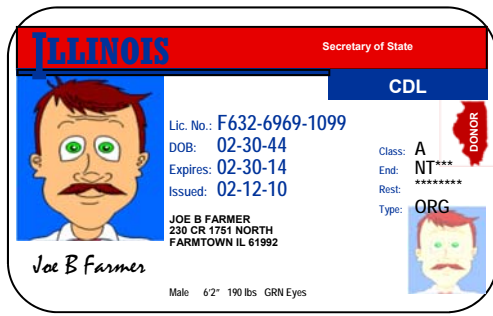


# DRIVER QUALIFICATIONS AND THE

(DIFFERS FROM CFV)

FOR ILLINOIS FARMERS



# FVD



Besides the driver's license, there are other conditions associated with qualifying each individual to drive a commercial motor vehicle. Three major stipulations apply under both state and federal regulations: CDL, drug and alcohol testing, and the medical card. Farmers enjoy some breaks under the well-established Farm Vehicle Driver (FVD) exemption. However, there are limits to those. Additional exemptions have been added under the title of Covered Farm Vehicle (CFV.) They differ from the FVD exemptions. (See separate documentation.)

## CDL (Commercial Driver's License)

### Commercial Motor Vehicle

[625 ILCS 5/6-500] & [49 CFR 383.5]

With some exceptions, a CDL generally must be obtained by the driver of any of the following vehicles:

- Any combination of vehicles with a Gross Combination Weight Rating (GCWR) or a Gross Combination Weight (GCW) of more than 26,000 pounds, providing the GVWR or GVW of the vehicle being towed is in excess of 10,000 pounds.
- Any single vehicle with a GVWR or GVW of 26,001 or more pounds, or any such vehicle towing another not in excess of 10,000 pounds.
- Any vehicle regardless of size, designed to transport 16 or more persons, including the driver.
- Any vehicle required by federal regulations to be placarded for transporting hazardous materials.

[Note: This 26,000-pound threshold differs from the 10,000-pound threshold used for the Medical Card requirement.]

### Farm Vehicle Driver Exemption [625 ILCS 5/6-507(c)]

If operating as a Farm Vehicle Driver (FVD), a CDL is not required for most truck types; semis differ. A FVD driver must be operating a vehicle:

- Controlled and operated by a farmer, a member of the farmer's family or an employee;
- Used to transport farm products, equipment or supplies to or from a farm (including nurseries and aquaculture farms);
- Not operated in for-hire carriage;
- Used within 150 air miles of the farm (in-state or out-of-state); and
- Used in nursery or agricultural operations.

### Farm Semi and the FVD

In addition to the five conditions listed previously, farm semi drivers operating under the FVD exemption must also meet these four additional conditions in order to be eligible for an exemption from having to obtain a CDL.

- Semi must be "farm" plated;

- Driver must be age 21 or older;
- Does not operate a truck outside of Illinois; and
- "Employee" must be a family member (parent, spouse, sibling, or child – in blood or in law.)

This Non-CDL farm semi license comes with a "J50" restriction that prohibits the driver from operating a truck outside of Illinois.

[Since all tests and penalties for this "Non-CDL Farm Semi Drivers License" are the same as for the CDL, there is little benefit in obtaining it. Instead, the farmer could get the CDL; he/she need only to qualify for this Non-CDL in order to be exempt from the requirement to submit to drug and alcohol testing—the true value of the exemption.]

### Classification

Whether operating with a CDL or a Non-CDL, drivers must have a properly-classified driver's license for the vehicle size and type they are operating.

- **Class A** – Combination vehicles, 26,001 pounds or more GCWR or GCW, providing the GVWR or GVW of the vehicle being towed is in excess of 10,000 pounds.
- **Class B** – Single vehicle with a GVWR or GVW of 26,001 or more pounds, or any such vehicle [May include trailer of 10,000 pounds or less.]
- **Class C** – Single vehicle with a GVWR of at least 16,001 pounds but less than 26,001 pounds. [May include trailer of 10,000 pounds or less.]
- **Class D** – Single vehicle with a GVWR of less than 16,001 pounds. [May include small trailer, but combined weight may not exceed 26,000 pounds.]

### Endorsements

Drivers who qualify for a Non-CDL license are not required to have these special endorsements. However, those drivers who are required to have a CDL must undergo special knowledge and/or skills testing if they will be driving a vehicle:

- With double or triple trailers;
- With a tank of 1,000 gallons or more liquid capacity or multiple tanks each with a capacity of more than 119 gallons that, in aggregate, total to more than 1,000 gallons (Measure tank capacity, not content. Applies to any liquid, even water);

(Continued on page 2)

- That is placarded because of the type and quantity of hazardous materials carried (*Requires fingerprinting and background check. Apply at least 90 days in advance of expiration.*); or,
- With capacity for 16 or more passengers, including the driver.

An air brake restriction will also have to be removed through additional testing.

*(Except for the farm semi driver, these extra tests are not required for a non-CDL.)*

## Drug and Alcohol Testing

### Requirement [49 CFR 382.103]

Generally, if a driver is required to have a CDL, he/she is also required to submit to drug & alcohol testing.

The testing involves pre-employment, random, post-accident, reasonable suspicion and return-to-duty testing requirements. Several other factors are worthy of note.

- Having a CDL when one is not required does not trigger this testing requirement.
- The employer is responsible for providing the testing program, not the driver.
- An employer who employs himself/herself as a driver (*as many farmers do*) must comply with both the requirements that apply to employers and the requirements that apply to drivers (employees.)
- Individual drivers must be pooled with a larger group to ensure random selection.

### Farm Exemption and the FVD [49 CFR 382.103(d)]

Drug and alcohol testing is generally not required of drivers who have been exempted from the requirement to have a CDL—even if that farmer has a CDL. (*It is the requirement that the driver have a CDL that triggers drug testing, not merely the coincidence that the driver has that license.*)

### Overview of Drug & Alcohol Testing Requirements

<http://www.fmcsa.dot.gov/rules-regulations/topics/drug/engtesting.htm>

## Medical Card

### Requirement [49 CFR 391.1]

Drivers of commercial vehicles generally must undergo a DOT Driver Physical once every two years and carry a card (at least through May, 2015) signed by the examining physician indicating he/she is physically qualified to drive a commercial motor vehicle.

With some exceptions, a medical card must be obtained by a driver if they:

- Operate a commercial vehicle with a gross vehicle weight rating (GVWR) or a gross combination weight rating (GCWR) of 10,001 pounds or more in the furtherance of a commercial enterprise (*includes farming*); or
- Operate a passenger vehicle designed to transport 16 or more passengers, including the driver; or
- Operate a vehicle required by federal regulations to be placarded while transporting hazardous materials.

*[Note: This definition of "Commercial Vehicle" differs from that used for the CDL.]*

### Farm Exemption and the FVD [49 CFR 391.2(c)]

Custom harvesting operations, apiarian industries and certain farm vehicle drivers operating commercial vehicles may be eligible for an exemption from the requirement to have a bi-annual physical.

Certain farm vehicle drivers may be exempt if they are operating a single vehicle that is:

- Controlled and operated by a farmer, a member of the farmer's family or an employee;
- Used to transport farm products, equipment or supplies to or from a farm (*Including nurseries & aquaculture farms*);
- Used within 150 air miles of the farm (*Whether in-state or out-of-state*);
- Used in nursery or agricultural operations;
- Not operated in for-hire carriage;
- Not required by federal regulations to be placarded while transporting hazardous materials; and,
- Not an articulated vehicle over 10,000 pounds GCWR.

*(Generally, farm vehicle drivers operating articulated vehicles – semis, trucks pulling trailers, and even pickups pulling gooseneck trailers – lose this exemption and must carry a valid medical card.)*

### Covered Farm Vehicle (CFV)

An entirely separate set of farmer exemptions have been added since 2013. The qualifications for those exemptions differ from those of the FVD found here. See separate document for more information.

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