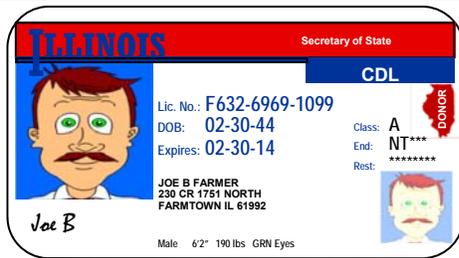


# DRIVER QUALIFICATIONS AND THE

(DIFFERS FROM FVD)

FOR ILLINOIS FARMERS



# CFV



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 Covered Farm Vehicle (CFV) exemption. However, there are limits to those. Other exemptions have existed for years under the title of Farm Vehicle Driver (FVD.) They differ from these exemptions.

## 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.]

### Covered Farm Vehicle Exemption [49 CFR 383.3(h) & 390.5]

If operating a qualified Covered Farm Vehicle (CFV), a CDL is not required. To be considered a CFV operator, the vehicle must:

- Be controlled and operated by a farmer, a member of the farmer's family or an employee;
- Be used to transport farm products, equipment or supplies to or from a farm (including nurseries and aquaculture farms);
- Not operated in for-hire carriage;
- If: > 26,001 lbs. it may be used anywhere in Illinois or if operated outside of Illinois, within 150 air miles of the farm.; If ≤ 26,001 lbs. there is no range limitation inside or outside the state.
- Not be hauling HazMat that requires a placard; and
- Be registered with a "farm" license plate or— if registered for 12,000 pounds or less— have a CFV Designation (See CFV designation page for more information)

## J51

This Non-CDL farm semi license comes with a J51 restriction. Since all tests and penalties for this Non-CDL farm semi license are the same as those required for the CDL, there is little benefit in obtaining the J51 instead of going ahead and getting the full CDL.

### Applicability

Unlike the FVD exemption, the CFV exemption applies to the truck-tractor/semi-trailer (semi) equally as it does to other vehicle types.

Also unlike the FVD exemption, the CFV exemption for farm semi operators can be applied to non-family farm employees, not just family members.

### 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 the special endorsements associated only with the CDL. However, those drivers who are required to

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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*);
- 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 driver's license expiration.*); or,
- With capacity for 16 or more passengers, including the driver.

## 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 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 (consortium) to ensure random selection.

### Farm Exemption and the CFV [49 CFR 382.103(d) & (d)(4)]

There are two avenues of exemption. 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.*) And, drivers of a CFV are expressly exempted from drug and alcohol testing.

### Overview of Drug & Alcohol Testing Requirements

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



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## 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 (unless it is registered in CDLIS) 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 a commercial enterprise (*includes farming*); or
- Operate a passenger vehicle designed to transport 16 or more passengers—8 or more if for-hire—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 CFV [49 CFR 391.2(d)]

Drivers operating a CFV are exempt from the requirement to have a Medical Card. Specifically, the exemption is from the rules in Part 391, Subpart E.

## Hours of Service

### Requirement [49 CFR 395]

Generally, drivers of a CMV are subject to limitations on the number of hours they may operate a CMV in any given day or week.

### Farm Exemption and the CFV [49 CFR 395.1(s)]

Drivers operating a CFV are exempt from the limitations on hours of service, including the maintenance of a log book. This is in addition to the more general, seasonal exemption for haulers of agricultural products that is also available to farmers.

### More Information

- Illinois Farm Bureau® 309-557-3274 [www.ilfb.org](http://www.ilfb.org)
- Illinois State Police 217-782-6267 <http://www.isp.state.il.us/>
- Illinois Dept. of Transportation 217-785-1181 (*Medical Card and Drug Testing*) <http://www.dot.state.il.us/tpublic.html#truckers>
- Secretary of State 217-524-1350 <http://www.sos.state.il.us/> *CDL Study Guide*—Available at SOS driver facilities—