

# COVERED FARM VEHICLE (CFV) EXEMPTION

Qualifying for the CFV exemption allows farmers to enjoy breaks from the Federal Motor Carrier Safety Regulations (FMCSR). There are limits to the exemptions. If at any time not all qualifications are met, none of the exemptions are available.

## HOW TO QUALIFY

1. Farmer, family member, or employee of a farmer
2. Hauling only for the farm
3. Not hauling for hire
4. Range [see chart]
5. Registered with a “farm” license plate
6. Not required to be placarded

| RANGE<br>(WITHIN WHICH THE EXEMPTION MAY BE APPLIED) |                 |                 |
|--|-----------------|-----------------|
| LOCATION   | CFV             |                 |
|  | ≤ 26,001 pounds | > 26,001 pounds |
| INSIDE ILLINOIS                                      | No limit        | No limit        |
| OUTSIDE ILLINOIS                                     | No limit        | 150 Miles       |

The 150 miles is from the carrier’s base of operation, i.e., the farm.

## WHAT IS EXEMPT

CFV Exemptions cover five major areas:

1. Commercial Driver’s License (CDL) [49 CFR 383] Non-CDL Class A or B required depending on vehicle with J51 restriction
2. Controlled Substances, Alcohol Use, and Testing [49 CFR 382]
3. Physical Qualifications and Examinations [49 CFR 391, Subpart E] Includes the medical card requirement
4. Hours of Service [49 CFR 395]
5. Inspection, Repair, and Maintenance [49 CFR 396]. Only for interstate commerce vehicles

### Special Notes on Exemptions

CDL [Commercial Driver’s License] [625 ILC 5/6-5x00] and [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 Gross Vehicle Weight Rating (GVWR) or Gross Vehicle Weight (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.*

## 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.*

## CDL AND THE FARM SEMI

Farm semi drivers must possess a Class A CDL or a Non-CDL farm semi license with a **J51** restriction. All tests and penalties for this Non-CDL farm semi license are the same as those required for the CDL, so there is little benefit in obtaining the **J51** instead of going ahead and getting the full CDL.

The Farm Vehicle Driver (FVD) exemption allows for a Non-CDL farm semi driver’s license with a J50 restriction.



## APPLICABILITY

The CFV exemption applies to the truck-tractor/semi-trailer (semi) equally as it does to other vehicle types. No additional requirements need to be met to qualify. Unlike the FVD exemption, the CFV exemption for farm semi operators can be applied to non-family farm employees, not just family members.

## 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 have a CDL must undergo special knowledge and/or skills testing if they will be driving a vehicle:

1. With double or triple trailers.
2. 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).
3. 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
4. With capacity for 16 or more passengers, including the driver.

## DRUG AND ALCOHOL TESTING

### Requirement [49 DFR 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:

1. Having a CDL when not required does not trigger this testing requirement.
2. The employer is responsible for providing the testing program, not the driver.
3. 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).
4. 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 and the drug and alcohol clearinghouse requirements.

## OVERVIEW OF DRUG & ALCOHOL TESTING REQUIREMENTS

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