



# FARM VEHICLE DRIVER (FVD) EXEMPTION

Qualifying for the FVD 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. This exemption still exists; however, it has fewer benefits and more limitations than the CFV exemption.

## HOW TO QUALIFY

1. Farmer or family member.
2. Hauling only for the farm.
3. Not hauling for hire.
4. Range 150 miles.

## WHAT IS EXEMPT

Exemptions cover two major areas:

1. Commercial Driver's License (CDL) [49 CFR 383]
  - Available for most farm trucks.
  - Available for semi operators if additional qualifications are met. \*See Farm Semi note below.
2. Physical Qualifications and Examinations [49 CFR 391, Subpart E] for operators of straight trucks only [49 CFR 391.67].

\*Note - The FVD rule provides a back-door exemption from the controlled substances, alcohol use testing due to the exemption from the CDL. If a CDL is not required, neither is the testing.

## SPECIAL NOTES ON EXEMPTIONS COMMERCIAL DRIVER'S LICENSE (CDL)

[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:

1. 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 Gross Vehicle Weight (GVW) of the vehicle being towed is in excess of 10,000 pounds.
2. 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.
3. Any vehicle regardless of size, designed to transport **16 or more persons**, including the driver.
4. 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.*

## FARM SEMI AND THE FVD

In addition to the four 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:

1. Semi must be "farm" plated.
2. Driver must be age 21 or older.
3. Does not operate the semi outside the state of Illinois.
4. Employee must be a family member (parent, spouse, sibling, or child in blood or in law).

## J50

This Non-CDL farm semi license comes with a **J50** restriction. Since all tests and penalties for this Non-CDL farm semi license are all the same as those required for the CDL, there is little benefit in obtaining the **J50** instead of going ahead and getting the full CDL.

## 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 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:

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.

## DRUG AND ALCOHOL TESTING 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>

