

CDL Farm Reciprocity

Idaho
Transportation
Department



REAL ID Act Update



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Driver's License Program Supervisor

June 2011



Commercial Driver License (CDL) Exemption

Per 49CFR 383.3(d), FMCSA allows CDL exemption for operators of farm vehicles in reciprocating bordering states:

- 1. Operated by farmer, employees, family members**
- 2. Transporting agricultural products, farm machinery/supplies to or from the farm**
- 3. Not used as for-hire motor carrier**



Commercial Driver License (CDL) Exemption

- 4. Not carrying placardable amounts of hazmat (49CFR 177.823)**
- 5. Used within 150 miles of the farm**
- 6. Must have a valid driver's license**



Farmer Definition

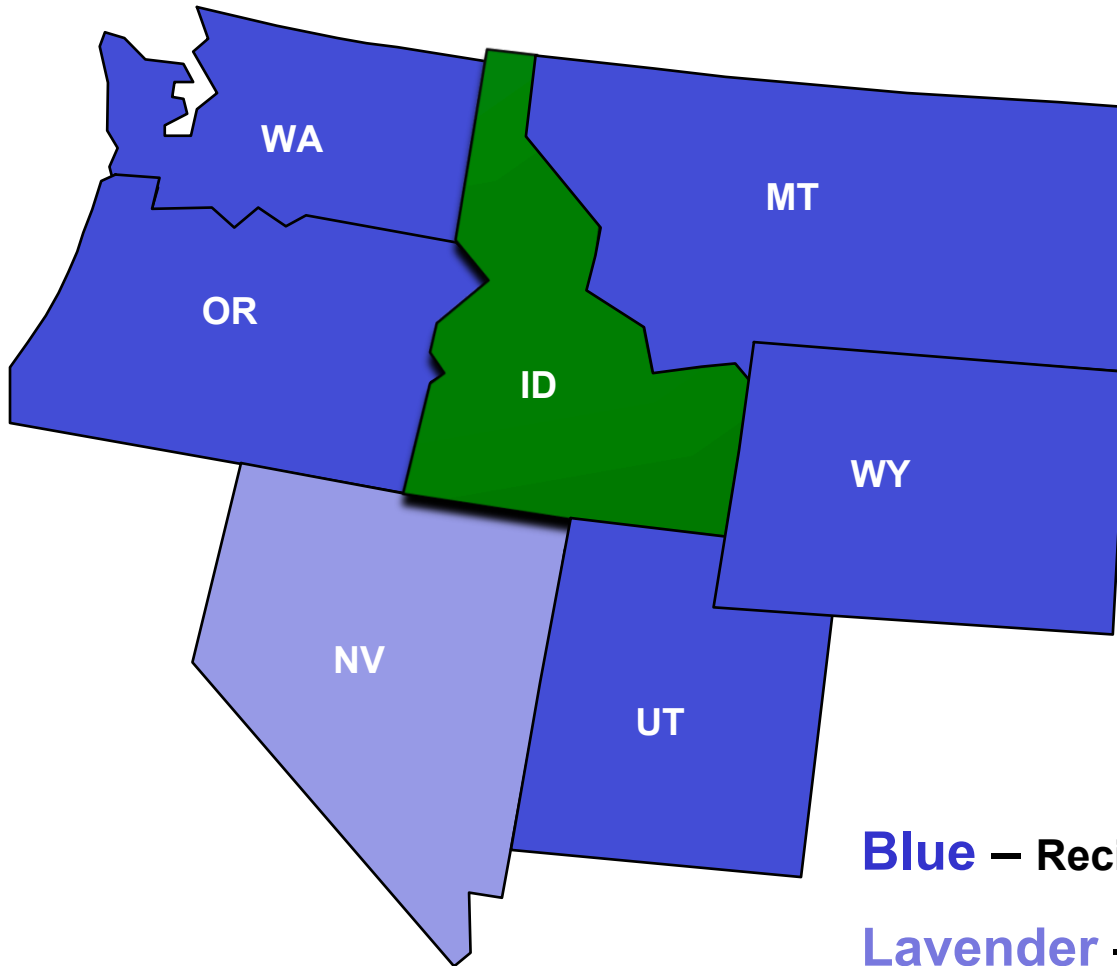
Any person who operates a farm

- ✓ **Directly involved in cultivation of land, crops, or livestock**
- ✓ **Owned by that person; or**
- ✓ **Under direct control of that person**





CDL Farm Reciprocity



Blue – Reciprocity Agreement

Lavender – No Reciprocity Agreement (NV law change required)



- Farm Reciprocity - CDL vs. Vehicle Registration

Vehicle registration reciprocity

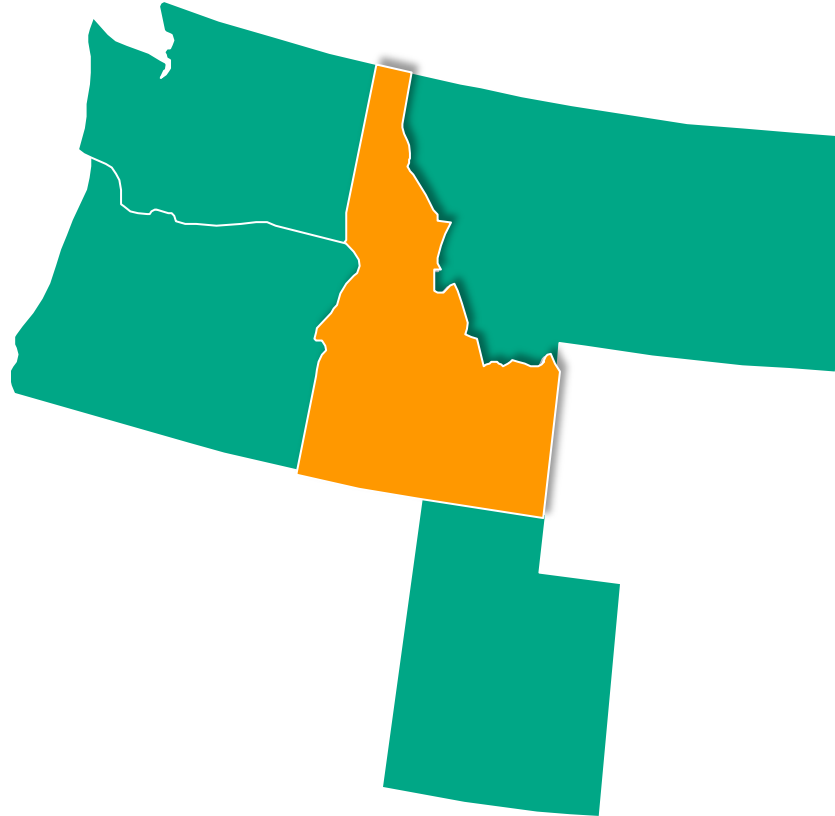
- ✓ Drive interstate w/o purchasing new registration or permit
- ✓ Registered in base state as a farm vehicle
- ✓ Not used as for-hire motor carrier
- ✓ Within specific miles of border
- ✓ Within specified weight restrictions



Farm Vehicle Registration Reciprocity

Idaho –

- ✓ **Utah**
- ✓ **Montana**
- ✓ **Oregon**
- ✓ **Washington**





CDL Farm Reciprocity

Advantages

- ✓ **Less government regulations**
- ✓ **Helps farms on or close to state lines**
- ✓ **Facilitates transportation of agricultural products**
- ✓ **Easier to hire seasonal workers**
- ✓ **Younger family members can transport products**



Idaho CDL Reciprocity Agreements

Terms

- ✓ **Two have 5-year terms with automatic renewals**
- ✓ **Three are non-expiring**
- ✓ **Any may be canceled by giving 60 days notice**

Interstate Reciprocity Agreement

**Idaho Department of Motor Vehicles
And
Montana Department of Justice, Motor Vehicle Division -**

Contract No.

WHEREAS, the Department of Motor Vehicles of the State of Idaho ("IDAHO") and the Department of Justice, Motor Vehicle Division, of the State of Montana ("MONTANA") desire to enter into this reciprocal Agreement as authorized by Idaho Code § 49-201, and by Mont. Code Ann. §§ 61-5-112(2) and 61-1-1010(7)(b)(ii).

WHEREAS, it is necessary and desirable that a cooperative reciprocity agreement be executed as authorized by 49 CFR §383.3, which requires adjoining states to enter into a reciprocity agreement before waiving the commercial driver license requirement for specified individuals. Pursuant to 49 CFR §383.3(d), a state is allowed to exempt an individual who operates a commercial motor vehicle from the requirement to obtain a commercial driver license. In the absence of a reciprocity agreement, however, the use of this exemption is limited to the driver's home state.

WHEREAS, IDAHO desires to grant driving privileges authorizing Montana farmers to operate farm vehicles in Idaho without commercial driver's licenses, but only to the extent these driving privileges do not exceed the driving privileges granted to Idaho farmers by MONTANA, and

WHEREAS, MONTANA desires to grant driving privileges authorizing Idaho farmers to operate farm vehicles in Montana without commercial driver's licenses, but only to the extent these driving privileges do not exceed the driving privileges granted to Montana farmers by IDAHO, and

WHEREAS, it is the purpose of this Agreement to permit IDAHO and MONTANA to cooperate with each other on a basis of mutual advantage and thereby provide services in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

NOW, THEREFORE, for the purpose of this agreement, IDAHO and MONTANA agree as follows:

SECTION 1 – DEFINITIONS

- (a) "Party" means either IDAHO or MONTANA as the context so requires.
- (b) "Farmer" means an individual, corporation, partnership or association, or family or employees of such, which owns or leases property in the State of Idaho and/or Montana and engages in the commercial production or harvesting of agricultural products on that property.

(C) "Farm Vehicle" means a commercial vehicle operated or controlled by a farmer that is:

(A) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

(B) Used within 150 miles of the farmer's farm; and

(C) Is not used in the operation of a common or contract motor carrier.

SECTION 2 – AUTHORITY TO OPERATE A FARM VEHICLE WITHOUT A COMMERCIAL DRIVER LICENSE

IDAHO agrees that Montana farmers having in their possession valid Montana driver's licenses are authorized to operate farm vehicles in the State of Idaho without commercial driver's licenses, but only to the extent these driving privileges do not exceed the driving privileges granted to farmers by MONTANA.

MONTANA agrees that IDAHO farmers having in their possession valid Idaho driver's licenses are authorized to operate farm vehicles in the State of Montana without commercial driver's licenses, but only to the extent these driving privileges do not exceed the driving privileges granted to farmers by IDAHO.

Nothing in this Section shall be construed to exempt the farmers from compliance with any other law or regulation of either Parties' jurisdiction related to the operation or registration of farm vehicles, including, but not limited to, registration requirements, financial responsibility, vehicle equipment, weight and dimension limitations, traffic laws and the payment of required taxes, such as fuel, sales or weight mile taxes.

SECTION 3 – DURATION

This Agreement shall remain in full force and effect as long as the statutory authority allowing for this reciprocal agreement in both states, shall remain current law.

SECTION 4 – MODIFICATION OR TERMINATION

This Agreement may be modified or terminated, upon notice by either Party given in writing to the other Party not less than sixty (60) days in advance of the contemplated modification or termination.

SECTION 5 – MISCELLANEOUS

(a) Nothing in this Agreement shall be construed as either limiting or extending the lawful jurisdiction of any Party hereto other than as expressly set forth herein.

SAMPLE

(b) Nothing in this Agreement shall affect either Party's sovereign immunity or any other defenses permitted by law.

(c) Appropriate officials of the Parties may promulgate such written operational procedures in implementation of this Agreement as to them appear desirable.

(d) This Agreement shall be effective upon the execution of (2) two originals by the Parties hereto, and upon one original being deposited with the keeper of records of each of the Parties hereto.

(e) This Agreement will not prevent the drafting of independent compacts or agreements between said Parties for whatever other needs may arise in the future. Also, any compacts or agreements which have been previously drafted shall remain unaffected by this Agreement.

IN WITNESS WHEREOF, the Duly Authorized Officials of IDAHO and MONTANA, each acting through its duly authorized and responsible officers have executed this Agreement in duplicate on the date indicated.

FOR THE STATE OF MONTANA FOR THE STATE OF IDAHO

Brenda Nordlund, Administrator

Alan Frew, Administrator

Montana Department of Justice

Division of Motor Vehicles
Idaho Transportation Department

Date

12/13/10

Date

12/20/2010

APPROVED AS TO FORM:

Assistant Attorney General
State of Montana

Deputy Attorney General
State of Idaho

Date

12/13/10

Date

10/27/10

GENIDOC



FMCSA

Request for Public Comment

Federal Docket Management Number:
FMCSA-2011-0146

Goal: Help ensure uniform application of safety regulations between states

1) Interstate and Intrastate Commerce

- ✓ **Distinction between the two when operating intrastate**
- ✓ **Determine whether certain intrastate transportation is subject to FMCSRs**



FMCSA

Request for Public Comment

2) Drivers working under share crop arrangement

- ✓ Determine relevance of direct and indirect compensation
- ✓ Determine whether a CDL is required



FMCSA

Request for Public Comment

3) Off-Road Farm Equipment and Implements of Husbandry

- ✓ Determine if certain of these vehicles operated on public roads should be considered CMVs



FMCSA

Request for Public Comment

Federal Docket Management Number: FMCSA-2011-0146

- ✓ Comments due: **June 30, 2011**
- ✓ Portal: <http://www.regulations.gov>
- ✓ Fax: 1-202-493-2251
- ✓ Mail: Docket Management Facility (M-30), U.S. DOT,
1200 New Jersey Ave, SE., West Bldg, Rm 12-140,
Washington DC 20590-0001

REAL ID Act of 2005 Update

- Overview
- Current Status





REAL ID Act

Department of Homeland Security (DHS)

Passed May 11, 2005

- ✓ **Part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act (P.L. 109-13)**
- ✓ **Sets national minimum standards for state-issued driver license and ID cards that will have federal recognition**
- ✓ **States initially had 3 years to implement**



REAL ID Act

Department of Homeland Security (DHS)

September 11, 2001 –

✓ **19 Terrorists**

✓ **364 Aliases**

✓ **26 State-issued identification documents**





REAL ID Act Non-Compliance Penalty

Non-compliance:

- ✓ **DL/ID cards will not be recognized for any official federal purpose, including presentation to TSA agents at the airport and entry into federal facilities**





REAL ID Act

General Requirements

- ✓ **Information and security features that must be incorporated into each card**
- ✓ **Proof of identity and lawful status of an applicant**
- ✓ **Verification and image retention of source documents provided by an applicant**
- ✓ **Security standards for offices and employees that issue licenses and identification cards**



REAL ID Act

Material Compliance –

- ✓ **18 (core) Requirements**

1/1/2010

Full Compliance –

- ✓ **All 39 Requirements**

5/11/2011



REAL ID Act

States may issue a DL/ID card that does not meet the Act's requirements

- ✓ **Must state on card's face that it may not be accepted by any federal agency for identification or any official purpose**
- ✓ **Must use a unique alerting indicator on card**



REAL ID Act Challenges

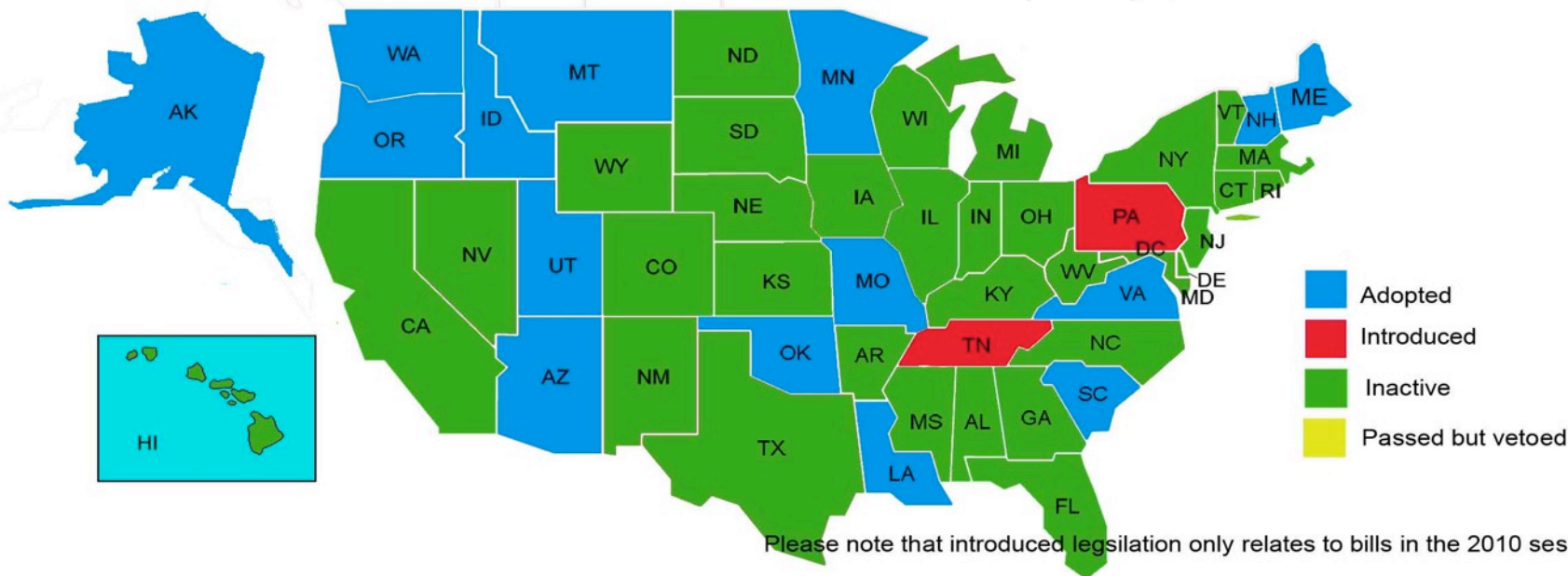
- ✓ **High cost of implementation**
- ✓ **Electronic verification systems not in place**
- ✓ **Resistance from “immigrant rights” groups**
- ✓ **Misunderstanding of Act’s requirements**
- ✓ **Some States passed laws forbidding enactment**



REAL ID Act National Compliance Status

Anti-Real-ID Legislation as Enacted in the States

Updated: July 14, 2010



Please note that introduced legislation only relates to bills in the 2010 session

As of July 2010, 15 states had binding legislation against Real ID – AK, AZ, ID, LA, ME, MN, MO, MT, NH, OK, OR, SC, UT, VA, WA



REAL ID Act

Most states initially resisted and publicly denounced the REAL ID Act

- ✓ **Many states acknowledge DHS listened to the states' concerns**
- ✓ **Allowed driver licensing agencies to apply for and accept federal grants**



REAL ID Act DHS Grants Since 2008

\$175,000,000 awarded in 150 separate grants for:

- ✓ **Facility infrastructure security upgrades**
- ✓ **IT infrastructure upgrades or systems overhaul**
- ✓ **Document security enhancements**
- ✓ **Equipment upgrades**
- ✓ **Reengineering of business practices**



REAL ID Act Compliance Status

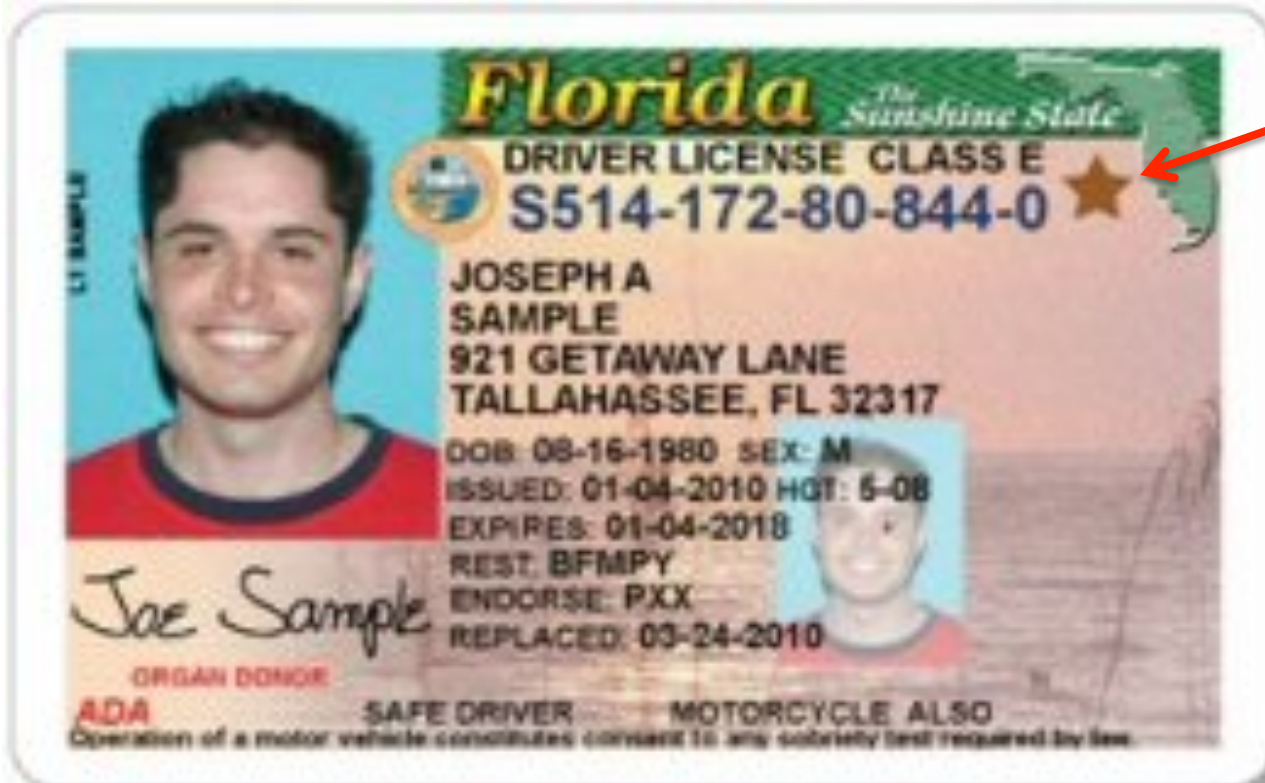
Except for electronic verification, political opposition is biggest barrier to compliance.

- However, most states are implementing substantial system and procedural improvements
- At least one state is issuing licenses with the “Material” star indicator





REAL ID Act





REAL ID Act Implementation Dates

DL/ID cards not accepted for “official purposes” -

- ✓ **Initial Deadline: May 11, 2008**
- ✓ **First Extension Date: May 11, 2011**
- ✓ **Second Extension Date: **January 15, 2013****