

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1374

INTRODUCER: Senator Evers

SUBJECT: Farm Vehicles

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Favorable
2.			AG	
3.			FP	

I. Summary:

SB 1374 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to enter into an agreement of reciprocity with the respective departments of the State of Georgia and Alabama regarding the traveling of farm vehicles across state lines.

II. Present Situation:

Federal regulations of farm vehicles allow some flexibility for a state to make choices regarding the application of laws, as well as exemptions to laws, in its jurisdiction. Federal regulations do not allow an exemption to a law made by one state to apply in another state unless there is an agreement of reciprocity between the two states.

For example, federal regulations allow a state, at its discretion, to exempt certain operators of farm vehicles from commercial driver license (CDL) requirements. Specifically, an exemption from CDL requirements is authorized for operators of a farm vehicle which is¹:

- Controlled and operated by a farmer, including operation by employees or family members;
- Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- Not used in the operations of a common or contract motor carrier; *and*
- Used within 150 miles of the farmer's farm.

Florida has adopted this exemption into Florida Statutes.² However, the exemption is limited to the driver's home state *unless* there is a reciprocity agreement with adjoining states.³

¹ 49 C.F.R. s. 383.3(d)(1).

² Section 322.53, F.S.

³ 49 C.F.R. s. 383.3(d).

Interstate Reciprocity Agreements for Farm Vehicles⁴

Numerous states have reciprocity agreements regarding farm vehicles. Reciprocity agreements can include provisions related to the licensing, movement, taxing, registration, regulation, and fees of farm vehicles licensed in this state and operating on the highways of another state, and those licensed in another state and operating in this state. After being authorized by state law, a state entity may enter into an agreement of reciprocity with another state. These entities can include, but are not limited to:

- Motor Vehicle Commissions;
- Directors or Divisions of Vehicles;
- State Patrols; and
- State Departments, such as:
 - Department of Motor Vehicles;
 - Department of Transportation;
 - Department of Highway Safety; and
 - Department of Revenue

These agreements typically include information specifying:

- The terms of the agreement;
- The duration of the agreement; and
- The obligations of the parties involved.

Many agreements of reciprocity relative to the travel of farm vehicles across state lines primarily address the issue of CDL exemptions for farm vehicle operators.

III. Effect of Proposed Changes:

The bill authorizes the DHSMV to enter into a reciprocal agreement with the respective departments of the State of Georgia and Alabama relative to the traveling of farm vehicles across state lines.

Generally, if adjoining states come to an agreement of reciprocity regarding the traveling of farm vehicles across state lines, it allows a greater degree of interstate commerce for farmers by being granted benefits or exemptions exclusive to one's home state in an adjoining state.

The bill takes effect July 1, 2015.

⁴ See The States of New Jersey and Delaware, and the State of New Jersey and the Commonwealth of Pennsylvania, *Reciprocal Agreement Regarding the Exemption From Commercial Driver License Requirements for Farmers*, available at: <http://www.state.nj.us/agriculture/divisions/md/pdf/delcdlfarmers.pdf> and <http://www.state.nj.us/agriculture/divisions/md/pdf/panjcdlreciprocity.pdf>; the States of Nebraska and Kansas and the States of Kansas and Oklahoma, *Declaration of Interstate Reciprocity Agreement*, available at: <http://www.ksrevenue.org/pdf/KsNebReciprocity.pdf> and <http://www.ksrevenue.org/pdf/KsOkReciprocity.pdf>; the States of Missouri and Iowa, *Memorandum of Understanding*, available at: <http://www.modot.org/mcs/documents/SignedMissouri.IowaCDLReciprocityAgreement.pdf>; and the Iowa/Wisconsin Reciprocity Agreement, available at: <http://www.iowadot.gov/farmersafety/publications/Iowa-Wisconsin%20Farm%20Reciprocity.pdf> (last visited Mar. 16, 2015).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may have a positive fiscal impact on farmers transporting crops or farming equipment and materials from Florida to Alabama or Georgia, and vice versa.

C. Government Sector Impact:

The bill does not appear to have a fiscal impact on state or local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 320.515 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
