



HR0470

LRB097 12451 GRL 56933 r

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HOUSE RESOLUTION

2 WHEREAS, Early this year, the Federal Motor Carrier Safety
3 Administration (FMCSA) began to define crop-share tenant
4 farmers as "for-hire" carriers and implements of husbandry as
5 "commercial motor vehicles"; and

6 WHEREAS, The "for-hire" designation for crop-share tenant
7 farmers would have a dramatic effect on farmers because it
8 voids exemptions from the Commercial Driver's License program
9 and would require a minimum of \$750,000 in insurance coverage
10 for the farmer; and

11 WHEREAS, Most Illinois farmers are impacted by the change,
12 as a reported 37% of farmland acres in Illinois in 2009 were
13 farmed under a crop-share arrangement; and

14 WHEREAS, Agricultural organizations in Illinois and across
15 the nation have been working with the FMCSA to come to an
16 agreement on these issues; and

17 WHEREAS, The FMCSA agreed to reconsider its recent
18 interpretation of these regulations; and

19 WHEREAS, In late May 2011, the FMCSA published a notice in
20 the Federal Register requesting comment on

1 previously-published regulatory guidance on the distinction of
2 interstate and intrastate commerce with regard to agricultural
3 operations; and

4 WHEREAS, The notice also requests comment on agricultural
5 transportation as part of a crop-share agreement being subject
6 to commercial driver's license regulations and whether
7 implements of husbandry are considered commercial motor
8 vehicles; and

9 WHEREAS, Regulators claim that because a crop-share tenant
10 farmer hauls grain to the elevator that ultimately will become
11 the property of the landlord, the tenant must then be
12 considered a "for-hire" carrier; and

13 WHEREAS, The requirement for a CDL mentioned in the Federal
14 Register falls far short of recognizing the range of impacts
15 associated with the for-hire designation of crop-share tenant
16 farmers under FMCSA's current interpretation; and

17 WHEREAS, No shipment of grain produced under a crop-share
18 agreement should be considered to be a for-hire move unless
19 there is a separate agreement between tenant and landlord for
20 the transportation of grain; and

21 WHEREAS, It is discriminatory to single out farmers who

1 compensate their landlord with a share of the crop produced on
2 the land versus those tenant farmers who make that payment in
3 the form of cash; and

4 WHEREAS, The form of compensation paid to the landlord by
5 the tenant farmer in exchange for use of the farmland does not
6 transform the farmer from a private carrier to a for-hire
7 carrier; and

8 WHEREAS, It is clear that the United States Congress and
9 early regulation administrators had not intended the Motor
10 Carrier Safety Regulations to apply to implements of husbandry;
11 and

12 WHEREAS, Implements of husbandry used on public roads
13 should not be considered commercial motor vehicles under the
14 MCSR; and

15 WHEREAS, The FMCSA is expected to provide final guidance on
16 these issues in August of 2011; therefore, be it

17 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
18 NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
19 we urge the Federal Motor Carrier Safety Administration to
20 carefully examine the comments received regarding crop-share
21 tenant farmers being considered for-hire carriers and

1 implements of husbandry being considered commercial motor
2 vehicles; and be it further

3 RESOLVED, That we urge the FMCSA to reverse its recent
4 interpretation so that agricultural operations are not
5 adversely affected; and be it further

6 RESOLVED, That suitable copies of this resolution be
7 delivered to the United States Secretary of Transportation, the
8 Secretary of the Illinois Department of Transportation, and
9 each member of the Illinois congressional delegation.