

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 Agriculture

BILL: SB 1374

INTRODUCER: Senator Evers

SUBJECT: Farm Vehicles

DATE: April .14, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	Favorable
2.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

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.

Interstate Reciprocity Agreements for Farm Vehicles¹

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

¹ 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. 24, 2015).

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.

Florida Department of Highway Safety & Motor Vehicles²

The DHSMV has indicated that the bill creates duplicative statutory authority, as it currently enters into reciprocity agreements as authorized in s. 320.39, F.S., as follows:

(1) The Department of Highway Safety and Motor Vehicles may negotiate and consummate with the proper authorities of the several states of the United States or any foreign country reciprocal agreements whereby residents of such other states or foreign country operating motor vehicles properly licensed and registered in their respective states or foreign country may have such privileges and exemption in the operation of their motor vehicles in this state as residents of this state whose vehicles are properly registered in this state may have and enjoy in the operation of their motor vehicles in such other states or foreign country. However, nothing herein may be construed to relieve any motor vehicle owner or operator from complying with and abiding by all other applicable laws and rules relating to safety of operation of motor vehicles and the preservation of the highways of this state. In the making of such reciprocal agreements, such departments shall have due regard for the benefits to be achieved for and the convenience of motor vehicle owners and the citizens of this state.

(2) The Department of Highway Safety and Motor Vehicles is authorized to continue membership in the International Registration Plan, a reciprocal agreement among the states and the provinces of Canada which provides for proportional payment of license fees.

² Information for this analysis was submitted to the Senate Agriculture Committee on March 6, 2015, by the Department of Highway Safety and Motor Vehicles.

(3) No such reciprocal agreement consummated by the Department of Highway Safety and Motor Vehicles may become effective until approved by the Governor; and all such reciprocal agreements shall be made subject to cancellation at any time by the Legislature.

(4) The Department of Highway Safety and Motor Vehicles shall give proper publicity to the terms of every such reciprocal agreement.

Florida, Alabama, and Georgia are members of the International Registration Plan (IRP) and the Multistate Reciprocity Agreement (MRA). The IRP governs the operations of apportionable vehicles throughout the 59 member jurisdictions, while the MRA governs the interstate operations of non-apportioned vehicles throughout its 17 member jurisdictions. Florida also has separate reciprocity agreements with Alabama and Georgia governing the intrastate operations of non-apportioned vehicles.

III. Effect of Proposed Changes:

Section 1 creates s. 320.515, F.S., to authorize 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.

Section 2 provides that this bill shall take effect July 1, 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.