

RECIPROCAL AGREEMENT REGARDING THE EXEMPTION FROM COMMERCIAL  
DRIVER LICENSE REQUIREMENTS FOR FARMERS

THIS MEMORANDUM OF AGREEMENT is made and entered into by and between the State of New Jersey, acting through the Chief Administrator of the New Jersey Motor Vehicle Commission and the State of Delaware, acting through its Director of Motor Vehicles. (When referred to collectively, the State of New Jersey and the State of Delaware shall be referred to as the "signatory jurisdictions.")

WITNESSETH:

WHEREAS, the "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570 (49 U.S.C. §2701 et seq.), requires a person who operates a vehicle that has a gross vehicle weight rating in excess of 26,000 pounds, carries 15 or more passengers or transports hazardous materials to have a commercial driver license.

WHEREAS, Secretary of the United States Department of Transportation has granted the states of this nation the authority to exempt certain drivers, including operators of farm vehicles, from the commercial driver license requirements.

WHEREAS, the laws of the signatory jurisdictions under certain circumstances exempt drivers of farm vehicles from the requirement to possess a commercial driver license pursuant to N.J.S.A. 39:3-10k and Del. Code Ann. Tit. 21, §2621.

WHEREAS, the Federal Motor Carrier Safety Administration regulations limit the use of commercial driver license exemptions for the operators of farm vehicles to the driver's home state unless there is a reciprocity agreement with the adjoining states. 49 C.F.R. §383.3 (d).

WHEREAS, each of the signatory jurisdictions wishes to enter into a reciprocal agreement which provides to the farmers in each jurisdiction, who have a valid license and are exempted from commercial driver license requirements, the same exemption from a commercial driver license they have in their own jurisdiction.

NOW, THEREFORE, for and in consideration of the foregoing promises and the mutual promises set forth below, the signatory jurisdictions, with the intention of being legally bound, agree to the following:

1. Recitals

The foregoing recitals are incorporated by reference as a material part of this Agreement.

2. Reciprocal Agreement

The signatory jurisdictions agree that a person with a valid non-commercial license from the reciprocating jurisdiction may operate a farm vehicle within either jurisdiction provided that the farm vehicle:

- (a) Is properly registered as a farm vehicle under the laws of either jurisdiction;

(b) Is controlled and operated by a farmer who is properly licensed under the laws of that jurisdiction;

(c) Is used exclusively to transport agricultural products, farm machinery or farm supplies to or from the farm of the farmer;

(d) Is not used in operations of a common or contract carrier, or for hire; and

(e) Is used within a radius of 150 miles of the farmer's farm.

### 3. Interpretation

This Agreement shall be liberally construed so as to effectuate the purpose thereof. The final decision regarding interpretation of questions at issue relating to this Agreement shall be reached by joint action of the signatory jurisdictions, acting through their proper officials. Any interpretations shall be placed in writing and become a part of the Agreement.

### 4. Effective Date of Agreement

This Agreement shall be effective upon execution of the signatory jurisdictions and shall continue in full force and effect until terminated by the proper official of a signatory jurisdiction.

### 5. Termination

Each signatory jurisdiction shall have the right to terminate this Agreement if the jurisdiction determines that termination is in its best interest. Termination of this Agreement shall be effective 30 days after written notice is provided the other jurisdiction.

### 6. Amendments

This Agreement may be amended only by joint action of the signatory jurisdictions in writing. This Agreement and amendments may be executed in counterparts, each of which shall be deemed as original, but all of which taken together shall constitute one and the same instrument.

### 7. Scope of Agreement

This Agreement constitutes the entire agreement between the signatory jurisdictions with respect to the subject matter of this Agreement and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions between the jurisdictions, whether oral or written; but this Agreement shall not affect any other agreement, arrangement or understanding that a signatory jurisdiction has with any other jurisdiction.

IN WITNESS WHEREOF, both parties have caused this instrument to be signed, attested and sealed.

**For the State of New Jersey:**

By: Sharon J. Harrington  
Sharon Harrington, Chief Administrator  
New Jersey Motor Vehicle Commission

Date: January 21, 2009

The foregoing document has been reviewed and approved as to form.

Anne Milgram  
Attorney General of New Jersey

By: Malachuk  
Deputy Attorney General

Date: 02/03/09

**For the State of Delaware**

By: J. Cohan  
Jennifer L. Cohan, Director  
Delaware Division of Motor Vehicles

Date: 12/31/08

The foregoing document has been reviewed and approved as to form.

By: F. Schranck  
Frederick H. Schranck  
Deputy Attorney General  
Delaware Department of Justice

Date: 12/31/08