

CDL Disqualification Penalties

A Summary of Recent Changes in Federal and State Laws

As of October 1, 2005, individuals holding a commercial driver's license (CDL) in the United States are subject to harsh new disqualification penalties and other restrictions that could result in the loss of their CDL.

Under these new regulations, a driver may have his or her CDL suspended or revoked if they are convicted of certain offenses or traffic violations in either a commercial motor vehicle (CMV) or in their own personal car or other non-commercial motor vehicle (non-CMV). In addition, States are now prohibited from masking, deferring imposition of judgment, or allowing an individual to enter into a diversion program that would prevent a CDL holder's conviction for any of the disqualifying offenses from appearing on the driver's record.

Below is a summary of all of the federal disqualification offenses and violations and the required suspension periods. It is important to note that the federal regulations are only a minimum requirement and States have the authority to implement additional disqualification penalties for CDL holders.

Major Disqualifying Offenses in a non-CMV:

Upon a first conviction of any of the following disqualifying offenses committed while operating a non-CMV, an individual will have their CDL immediately suspended for one year. A second conviction will result in a lifetime suspension (States may allow for reinstatement after 10 years in certain circumstances):

- Driving under the influence of alcohol or a controlled substance (DUI)
- Refusing to take an alcohol test
- Leaving the scene of an accident
- Using a vehicle to commit a felony

Upon a first conviction of the following disqualifying offense committed while operating a non-CMV, an individual will have their CDL immediately suspended for life and will not be eligible for the 10-year reinstatement:

- Using a vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance

Major Disqualifying Offenses in a CMV:

Upon a first conviction of any of the following disqualifying offenses committed while operating a CMV, an individual will have their CDL immediately suspended for one year. A second conviction will result in a lifetime suspension (States may allow for reinstatement after 10 years in certain circumstances):

- Having an alcohol concentration of 0.04 or greater while operating a CMV
- Driving under the influence of a controlled substance
- Refusing to take an alcohol test
- Leaving the scene of an accident
- Using a vehicle to commit a felony
- Driving a CMV if the driver's CDL has been revoked, suspended, or canceled, or if the driver has been disqualified from operating a CMV
- Causing a fatality through the negligent operation of a CMV

Upon a first conviction of the following disqualifying offense committed while operating a CMV, an individual will have their CDL immediately suspended for life and will not be eligible for the 10-year reinstatement:

- Using a vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance

Serious Traffic Violations in a non-CMV:

Upon a second conviction within three years of any combination of the following serious traffic violations while operating a non-CMV, an individual will have their CDL immediately suspended for 60 days. A third or subsequent conviction within three years will result in a suspension of 120 days:

- Speeding excessively
- Driving recklessly
- Making improper or erratic lane changes
- Following the vehicle ahead too closely
- Violating a State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident

Serious Traffic Violations in a CMV:

Upon a second conviction within three years of any combination of the following serious traffic violations while operating a CMV, an individual will have their CDL immediately suspended for 60 days. A third or subsequent conviction within three years will result in a suspension of 120 days:

- Speeding excessively
- Driving recklessly
- Making improper or erratic lane changes
- Following the vehicle ahead too closely
- Violating a State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident
- Driving a CMV without obtaining a CDL
- Driving a CMV without a CDL in the driver's possession (an individual will not be guilty of this offense if they provide proof to the enforcement authority that issued the citation, by the date indicated on the citation, that the individual held a valid CDL on the date the citation was issued)
- Driving a CMV without the proper class of CDL and/or required endorsement

Railroad Crossing Violations in a CMV:

Upon a first conviction of operating a CMV in violation of Federal, State or local railroad crossing laws, an individual will have their CDL suspended for no less than 60 days. A second conviction will result in a suspension of no less than 120 days and a third conviction will result in a suspension of no less than a year.

Out-of-Service Order Violations in a CMV:

Upon a first conviction of operating a CMV in violation of a driver or vehicle out-of-service order, an individual will have their CDL suspended for no less than 90 days or no more than a year. A second conviction will result in a suspension of no less than 1 year and no more than 5 years and a third conviction will result in a suspension of no less than 3 years and no more than 5 years.

Emergency Disqualification of Drivers Posing an Imminent Hazard:

The revisions to the federal regulations allow FMCSA to immediately disqualify an individual from operating a CMV if it determine that the driver poses an "imminent hazard" - a condition that presents a likelihood of death, serious personal injury, or substantial danger to the public. The period of disqualification under this provision may not exceed 30 days unless the driver has been notified of the opportunity for a hearing to present a defense to the proposed disqualification.

If you have any additonal questions about this matter, please contact the ATU Legislative Department at 202-537-1645.