

CMV AND CDL HOLDER DISQUALIFYING VIOLATIONS

The Federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) requires a commercial driver license (CDL) holder to be disqualified from operating a commercial motor vehicle (CMV) **when convicted of certain types of moving violations in a private passenger vehicle or in a CMV**. No CDL driving authority is permitted when any driving privileges are suspended, revoked, disqualified, denied, or cancelled. This document provides an overview of the MCSIA disqualifying violations and is only intended to describe the key elements of State and Federal law and is subject to change without notice.

MAJOR VIOLATIONS

- Administrative per se (probable cause) for operating a CMV with a blood alcohol concentration at or above .04.
- Administrative per se (probable cause) for operating a motor vehicle with a blood alcohol concentration at or above .08.
- Operating a CMV while your blood alcohol concentration is .04 or higher.
- Operating a motor vehicle under the influence of alcohol.
- Operating a motor vehicle under the influence of a controlled substance.
- Refusal to take an alcohol test.
- Leaving the scene of an accident.
- Using a motor vehicle to commit a felony (not a traffic offense).
- Causing a fatality through negligent operation of a CMV.
- Driving a CMV when as a result of prior violations committed while operating a CMV, the driver's license is revoked, suspended, disqualified, canceled, denied, barred, or withdrawn.
- Using a vehicle in the commission of a felony involving controlled substances. (Automatic Lifetime Disqualification)

If convicted of a Major violation in a private passenger vehicle or in a CMV, your CDL will be disqualified for one year for the first offense or three years if carrying hazardous materials. If convicted of a second Major violation in a private vehicle or in a CMV, your CDL will be disqualified for life.

SERIOUS TRAFFIC VIOLATIONS

- Excessive speeding (15 mph or more above the posted limit).
- Reckless driving.
- Improper or erratic lane changes.
- Following a vehicle too closely.
- Violating state or local law relating to motor vehicle traffic control 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.
- Driving a CMV without the proper class of CDL and/or endorsements.
- Texting OR Using a hand held mobile telephone while operating a CMV

If convicted of two Serious Traffic violations in a CMV within any three-year period, your CDL will be disqualified for 60 days or 120 days if convicted of three or more Serious Traffic violations in a CMV within any three-year period. Additionally, if convicted of a Serious Traffic violation in a private passenger vehicle and your private passenger vehicle driving privileges are suspended as a result thereof, your CDL may also be disqualified accordingly

FRAUD VIOLATIONS

- Misrepresentation of identity
- Fraudulently obtaining a CDL

If a State determines, in its check of a license status and record prior to issuing a CDL, or at any time after the CDL is issued, that the applicant has falsified information contained in subpart J of 383.73, or in any of the certifications required in §383.71(b) or (g), or in any of the documents required to be submitted by §383.71(h), the State must at a minimum disqualify the person's CLP or CDL or his/her pending application, or disqualify the person from operating a commercial motor vehicle for a period of at least 60 consecutive days.

VIOLATING OUT-OF-SERVICE ORDERS

If convicted of violating an Out-Of-Service Order in a CMV, your CDL will be disqualified for a period, no less than 90 days and no more than 1 year for a first offense. If convicted of violating an Out-Of-Service Order while transporting hazardous materials in a CMV, your CDL will be disqualified for no less than 180 days, and not more than 2 years for a first offense. Your CDL will be disqualified for no less than one year, and no more than 5 years for a second offense within any ten-year period. Your CDL will be disqualified for no less than 3 years, and no more than 5 years for a second offense while transporting hazardous materials within any ten-year period. Your CDL will be disqualified for no less than 3 years, and no more than 5 years, for three or more offenses within any ten-year period.

RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS

Railroad-Highway Grade Crossing violations include violation of a federal, state or local law or regulation pertaining to the following six offenses:

- For drivers who are not required to always stop, failing to stop before reaching the crossing if the tracks are not clear.
- For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train.
- For drivers who are always required to stop, failing to stop before driving onto the crossing.
- For all drivers failing to have sufficient space to drive completely through the crossing without stopping.
- For all drivers failing to obey a traffic control device or the directions of an enforcement official at the crossing.
- For all drivers failing to negotiate a crossing because of insufficient undercarriage clearance.

If convicted of a Railroad-Highway Grade Crossing violation in a CMV, your CDL will be disqualified for no less than 60 days for the first offense. Your CDL will be disqualified for no less than 120 days for a second offense within any three-year period. Your CDL will be disqualified for no less than 1 year for a third offense within any three-year period.