

National CDL Program Training: Convictions and Disqualifications

Course Overview

The goal of the National Commercial Driver License (CDL) program is to reduce the number and severity of commercial motor vehicle (CMV) crashes in the United States by ensuring that only qualified drivers are eligible to receive and retain a CDL. For every **one CDL driver**, there should be **one record** and **one licensing document**.

The **convictions** and **disqualifications** process plays an essential role in the CDL Program as well as a vital part in supporting safety on our Nation's roads. Read through the following **five learning modules** at your own pace in order to gain insight into the background, tools, systems, and processes that provide the backbone for accurate, complete, and timely convictions and disqualifications record processing.

All links and materials have been updated as of **June 2020**.

Module 1: Introduction to the CDL Program

1.1 Welcome

Welcome to the Commercial Driver's License (CDL) Program training. The goal of this training is to support you as a CDL Coordinator (or State personnel with similar responsibilities) and provide a detailed overview of the safety goals, regulatory requirements, and standards of compliance of the National CDL Program that are essential to helping keep our roads safe. The training focuses on two pieces of the regulation that are specific to the National CDL Program: [49 CFR Part 383](#) and [49 CFR Part 384](#).

In this module, we will provide an overview of the National CDL Program, including:

1. The role of the Federal Motor Carrier Safety Administration (FMCSA) within the Department of Transportation (DOT)
2. The evolution and essential role of FMCSA's Commercial Driver's License (CDL) Program in supporting safety on our Nation's roads
3. The function of the Federal Motor Carrier Safety Regulations (FMCSRs), including how to read and access the Electronic Code of Federal Regulations (e-CFR)
4. Federal grant opportunities that support compliance with FMCSA regulations

1.2 What is the Federal Motor Carrier Safety Administration (FMCSA)?

This training introduces you to the regulations and associated standards of compliance required by the [Federal Motor Carrier Safety Administration \(FMCSA\)](#), one of 11 operating administrations within the Department of Transportation. As the lead organization responsible for regulating and providing safety oversight of commercial

motor vehicles (CMVs), FMCSA's mission is to **reduce crashes, injuries, and fatalities involving large trucks and buses.**

Pursuing this safety mission is impossible without collaboration. **FMCSA partners** with industry, safety advocates, and State and local governments to improve CMV safety across the nation through regulation, education, enforcement, research, technology, and other activities and initiatives.

1.3 CDL Legislative Timeline

Let's take a moment and review how the National CDL Program has evolved over the years.

1. Commercial Motor Vehicle Safety Act (CMVSA) of 1986
 - Establishes the CDL Program
 - Implements minimum Commercial Driver's Licensing standards
 - Prohibits any person who operates a CMV from having more than one driver's license, establishing the backbone of the CDL Program: One Driver, One License, One Record
 - Improves highway safety by requiring drivers of large trucks and buses to take Knowledge and Skills Tests before an SDLA can issue a license
 - Removes unsafe drivers from the highways by establishing a process for disqualification
 - Link to the CMVSA of 1986: <https://www.congress.gov/bill/99th-congress/house-bill/5568>
2. Motor Carrier Safety Improvement Act (MCSIA) of 1999
 - Establishes FMCSA within the Department of Transportation (DOT)
 - Disqualifies CMV drivers from operating with a revoked, suspended, or canceled CDL
 - Disqualifies for life CMV drivers who have received more than one violation for driving with a revoked, suspended, or canceled CDL
 - Disqualifies CDL holders convicted of committing certain violations while operating a non-CMV
 - Link to MCSIA: <https://www.congress.gov/bill/106th-congress/house-bill/3419>
3. Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012
 - Requires States to implement a system and processes for the exclusive electronic exchange of driver history record (DHR) information, including convictions and disqualifications
 - Requires States to request drug and alcohol information pertaining to a CDL applicant before renewing or issuing that individual a CDL
 - Establishes a deadline for the establishment of a National Registry of Medical Examiners and the electronic filing of Medical Examination Certificates

- Establishes a deadline for the issuance of minimum entry-level training requirements for an individual operation a CMV
 - Establishes a deadline for developing a program to assist veterans in acquiring CDLs
 - Link to MAP-21: <https://www.congress.gov/bill/112th-congress/house-bill/4348/text>
4. Fixing America’s Surface Transportation (FAST) Act of 2015
- Extends the exemption allowing qualified military personnel one year to transition to civilian driver status absent the completion of the skills tests
 - Allows a State to permit active duty military personnel with a CDL even if it is not their State of domicile
 - Initiates a rulemaking to allow physicians within the Department of Veterans Affairs to perform FMCSA medical examinations and issue medical certificates to veteran CMV drivers
 - Initiates a rulemaking to permit hair testing as an acceptable alternative to urine testing for certain drug tests, following guidelines passed by the Department of Health and Human Services
 - Link to the FAST Act: <https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf>

1.4 Federal Motor Carrier Safety Regulations (FMCSRs)

FMCSA implements and enforces its safety legislation through the Federal Motor Carrier Safety Regulations (FMCSRs). The FMCSRs provide the building blocks for FMCSA’s authority and regulatory programs, allowing the Agency to clarify and enforce the data-driven policies that support motor carrier safety.

All FMCSRs are published in the **Federal Register**, a daily journal of the Federal Government that includes Federal Agency regulations, proposed rules and notices of interest to the public, Executive Orders, proclamations, and other presidential documents.

You can easily access and review the FMCSRs via the [Electronic Code of Federal Regulations \(e-CFR\)](#). The DOT’s regulations are published and compiled under Title 49, Code of Federal Regulations (CFR).

1.5 Reading an FMCSA

At first, reading and referencing a Federal regulation might seem overwhelming. Each regulation contains multiple identifiers to help you navigate to the most specific information. Once you understand each piece of the code, it becomes easier to decipher.

Let’s review the basic components of reading a Federal regulation:

- **Title:** The Title of an FMCSR refers to the topic that will be discussed within the regulations in that section. You can find all DOT regulations in Title 49 of the CFR.

When you reference an FMCSR within the Department of Transportation, you generally don't need to clarify that it is within Title 49.

- **Parts and Sections:** Title 49 is broken into Parts. Each Part is broken down further into Sections that lay out the regulations. The Parts and Sections include detailed information on exceptions, exemptions, and questions related to interpretations.
- **CDL Regulations:** You can find regulations unique to FMCSA in Parts 300-399. This training focuses on the two pieces of regulation specific to the CDL Program: 49 CFR 383 and 49 CFR 384.

Now let's consider an example. Broken down, you can read FMCSR **383.77(a)(2)(ii)** as Part 383, Section 77, Subsection a, and subparagraph 2ii. Knowing this, you can locate the exact reference point for 383.77(a)(2)(ii) in the e-CFR.

1.6 CDL Compliance: 49 CFR Parts 383 and 384

This training focuses on [49 CFR Part 383](#) and [49 CFR Part 384](#), the two sections of the Federal regulations responsible for establishing and maintaining the CDL Program.

The rest of this training will focus on what these regulations are and what compliance looks like, and provide you with tools and resources to help you achieve compliance and make the roads safer in your State and across the country.

1.7 How does FMCSA create new regulations?

The FMCSRs are subject to the [rulemaking process](#), or the steps through which executive and independent agencies create, establish, and promote regulations. The rulemaking process is dictated by the Administrative Procedure Act of 1946.

Rulemaking begins when Congress grants regulatory authority to an agency, continues within the agency itself, and concludes only after incorporating feedback from the public. On the day a Final Rule is published in the **Federal Register**, the Office of the Federal Register and Government Printing Office (GPO) prepares the material for codification into the CFR. Rules that are effective immediately are integrated within the [e-CFR database](#).

Historically, States have had three years to implement changes to the FMCSRs. Any changes to the timeline for compliance, as well as any other information regarding the implementation of a rule or changes to it, are published in the Federal Register.

1.8 Grant Support

FMCSA knows that it takes time, money, and support to comply with new and existing Federal regulations. The [Commercial Driver's License Program Implementation \(CDLPI\) Grant](#) provides grant funding to support State Driver Licensing Agencies (SDLAs) and

other agencies and other organizations working to improve the National CDL Program as we all pursue the same goal: safety on our Nation's roads.

You can access FMCSA grant training resources and learn more about CDLPI Grant funding at <https://ai.fmcsa.dot.gov/StatePrograms/GrantManagement.aspx>. These resources will guide you through the grant application process as well as support grant implementation and management throughout your time as a grantee.

1.9 Additional Information

For additional information on the CDL program, military driver program, and resources for State and local partners, visit www.fmcsa.dot.gov. You can also find contact information for your FMCSA CDL contacts—your Division Administrator (DA) and State Program Specialist (SPS).

2.0 Congratulations

You have finished **Module 1: Introduction to the FMCSA and the Commercial Driver's License (CDL) Program**. You are now ready to dive into the backbone of the CDL Program: **Module 2: Convictions and Disqualifications**.

Module 2: Introduction to Compliance and Disqualification

2.1 Performance Factors Learning Objectives

To ensure compliance with Federal regulations, in support of the National Commercial Driver's License (CDL) Program, you will need to be familiar with the regulatory standards outlined within [49 CFR Part 383](#) and [49 CFR Part 384](#).

In this module, we will discuss the following parts of the **convictions** and **disqualifications** process:

1. The definition of conviction and disqualification
2. How a roadside violation moves through the convictions and disqualifications process
3. The systems, tools, and reports that support compliance with the convictions and disqualifications process

2.2 Overview

To ensure compliance with Federal regulations, in support of the Commercial Driver's License (CDL) Program, you will need to be familiar with the regulatory standards outlined within [49 CFR 383](#) and [49 CFR 384](#).

The purpose of **49 CFR Part 383** is to help prevent truck and bus crashes, fatalities, and injuries by requiring drivers to have a single Commercial Driver's License and by disqualifying drivers who operate commercial motor vehicles (CMVs) in an unsafe manner. It sets standards that are applicable to drivers, motor carriers, and States.

The purpose of **49 CFR Part 384** is to ensure that the States comply with Federal Motor Carrier Safety Administration (FMCSA) CDL regulations by establishing procedures to measure State compliance and specifying the consequences of noncompliance.

49 CFR Parts 383 and 384 seek to achieve the same end: to ensure CDL holders are qualified to operate a CMV safely on the roads and that States have the necessary systems and processes in place to remove unsafe drivers. These regulations support the heart of the CDL Program's goal of **One Driver, One License, One Record**.

For this section of the training, we will focus on an essential component of 49 CFR Parts 383 and 384: convictions and disqualifications.

2.3 Definitions

49 CFR Part 383 specifies the minimum standards for the type of **convictions** that will impact a CDL holder's status. This piece of regulation also establishes the length of time a driver is **disqualified** from operating a CMV as a result of certain convictions. We'll talk more about what this means throughout the training. For now, take a moment and review the definitions of convictions and disqualifications, as outlined in [49 CFR Part](#)

[383.5](#) of the Federal Motor Carrier Safety Regulations (FMCSRs).

A **conviction** is defined as any of the following:

- An unvacated adjudication of guilt
- A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal
- An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court
- A plea of guilty or nolo contendere (“no contest”) accepted by the court
- The payment of a fine or court cost
- A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated

A **disqualification** is defined as:

- The suspension, revocation, or cancellation of a Commercial Learner’s Permit (CLP) or Commercial Driver’s License (CDL) by the State or jurisdiction of issuance
- Any withdrawal of a person's privileges to drive a CMV by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control
- A determination by the FMCSA that a person is not qualified to operate a CMV under 49 CFR Part 391

A Note on Language: Synonyms and Acronyms

Withdrawal, suspension, revocation, or cancellation are often used as synonyms for disqualification. Depending on your background, you may exclusively use one of these terms. For instance, you may always say “withdrawal” or “suspension” to describe the process of taking away a CDL holder’s license.

In [49 CFR Part 383.5](#) – Definitions, FMCSA defines disqualifications “as including the suspension, revocation, or cancellation of a CLP or CDL by the State or jurisdiction of issuance.” For this training, we are going to exclusively use the term disqualifications to refer to this action.

2.4 From Roadside to Record

Processing convictions and disqualifications for CDL holders begins and ends the same way: local or State law enforcement record a roadside citation. If convicted, a driver must be disqualified from all relevant CMV operations based on FMCSRs and State Laws.

At the roadside, citations may be issued using an electronic or paper system. Each State has its own systems and processes for transferring a citation from the roadside enforcement to a driver’s record. Different law enforcement agencies within a single State may even use different systems. Different courts may also use different systems

(electronic or paper) to send convictions to the State Driver's Licensing Agency (SDLA). However, there are a number of milestones that each State must meet no matter their internal processes or systems used.

Let's take a moment and review the process of reporting convictions. Remember that this is a general overview. Each State has its own system for citation and conviction processing, and your State may include additional roles, tasks, or steps within each part of the process.

- **Roadside Violation:** When there is a roadside violation involving a CMV driver or CDL/CLP holder, law enforcement (often an officer or inspector) records the violation and the driver's information. Depending on State procedures and the method of collection (electronic or paper systems), a record may pass through several rounds of review to ensure that complete and accurate data is recorded within a State database. When finalized, the record is transferred to the courts.
- **Judicial Review/Processing:** The applicable judicial court receives the violation and takes appropriate steps to move the driver through the convictions process. If a driver is convicted, the judiciary will then transfer the record to the SDLA.
- **Records Uploaded to the Driver's State of Record through CDLIS Central Site:** The SDLA is responsible for transmitting the record using the Commercial Driver's License Information System (CDLIS). You will learn more about CDLIS later in this module.
- **In addition to accuracy and completeness, this step also involves a high degree of timeliness.** 49 CFR Part 384.209 requires the State of Conviction to report the conviction to the State of Record within 10 days of the conviction date. Prior to this requirement, there were sometimes lengthy gaps between conviction and reporting, creating situations in which unsafe drivers were continuing to operate CMVs on the roads. FMCSA monitors a sample of CDLIS reports in order to ensure compliance.
- **Processing a Record in CDLIS:** Processing a record in CDLIS requires the following steps in order to maintain compliance with Federal regulations:
 1. **State of Conviction (SOC)** sends **Report Conviction (HA)** via **CDLIS** within 10 days
 2. **CDLIS** Central Site forwards **Report Conviction (HF)** to the **State of Record (SOR)**
 3. **State of Record (SOR)** acknowledges **Conviction Receipt (CA)**³ in **CDLIS** within 10 days
 4. **State of Record (SOR)** posts the conviction to the **Driver History Record (DHR)** and sends a confirmation to the **CDLIS Central Site**; **CDLIS Central Site** sends a confirmation to the **State of Conviction (SOC)** that the transaction is complete

5. **State of Conviction (SOC)** acknowledges receipt of **Conviction Receipt (CA)** from **State of Record (SOR)** within CDLIS
6. Finally, the **State of Record (SOR)** acts on the conviction as required by FMCSRs and State Law.

As a reminder, Convictions returned by the State of Record (SOR) for errors or missing information **must be corrected by the State of Conviction (SOC) and retransmitted to the SOR**. We'll talk more about the roles of SORs and SOC's and how they relate to the convictions process in Module 3: Convictions.

2.5 In-State Process Overview

Convictions received from in-State courts are posted to the Driver's History Record (DHR). The SDLA processes disqualifications or other applicable actions and posts them to the DHR. Convictions that contain errors or missing information are returned to the convicting court until the record is corrected. Note that in-State convictions are subject to the **same 10 day timeliness requirement** as out-of-State convictions.

Keep in mind that if law enforcement does not enter the correct information at roadside, the conviction and disqualification process ends before it can begin. The officer must include the following information in order to initiate the CDL convictions process. This information may be indicated by a check box on the Uniform Traffic Citation or by citing a specific State Code.

- Commercial Motor Vehicle (CMV)
- Hazardous Materials (Hazmat)
- Passenger

2.6 Accurate, Complete, and Timely Data

Before we move on and learn about the systems that support convictions and disqualifications, let's take a moment to consider why record transfer and data quality is so essential to the National CDL Program.

Accurate, complete, and timely record processing is essential for ensuring compliance with FMCSA regulations and safety on the roads. If we cannot disqualify (or remove) unsafe drivers who have been convicted of traffic offenses, the system fails.

A 2015 FMCSA study revealed that driver behavior was responsible for **87%** of crashes involving CMVs. Driving large trucks and buses is both a privilege and a responsibility—one that must be taken away if drivers have put other people at risk.

From local law enforcement officers to the clerk at the SDLA, each person at every step of the process plays a crucial role when it comes to making sure our roads are safe. No one is simply processing paper. If a Driving Under the Influence (DUI) conviction does not make it to the State of Record, that means one more unsafe driver operating a vehicle next to our families, neighbors, and children.

If there is a gap in the system, the *State as a whole* is held accountable, even if the process unraveled long before a record reaches the SDLA. As a CDL Coordinator, or someone with similar responsibilities, it is your job to know your own State processes inside and out so that you can help ensure complete, accurate, and timely record processing. A record is more than documentation—it is an opportunity to save lives.

2.7 Relevant Systems

There are a number of tools and systems that support data quality and the National CDL Program. We'll dive deeper into many of these tools throughout the training.

Note that not all of the systems detailed below relate directly to the conviction and disqualification process. However, they are important to the National CDL Program as a whole and may be referenced throughout record processing.

1. The Commercial Motor Vehicle Safety Act (CMVSA) of 1986

The Commercial Motor Vehicle Safety Act (CMVSA) of 1986 mandated the development of a [National Commercial Driver's License Information System](#) (CDLIS). CDLIS enables each State to ensure that each CMV driver has only one driver's license and one complete driver record. SDLAs use CDLIS to complete various procedures, including:

- Transmitting out-of-State convictions and disqualifications
- Transferring the driver record when a CDL holder moves to another State
- Responding to requests for driver status and history

The [American Association of Motor Vehicle Administrators](#) (AAMVA) is responsible for developing and maintaining CDLIS. Throughout the training, we will reference relevant AAMVA reports included in CDLIS that support both safety and compliance with 49 CFR Part 383 and 49 CFR Part 384.

For more information on how to use CDLIS, view AAMVA's CDLIS Master Specifications Document (also known as Master Specs or CDLIS System Specs) and the CDLIS State Procedures Manual (SPM). CDLIS System Specs provides guidance on the technical aspects of CDLIS required to operate and maintain CDLIS. The SPM outlines the standard administrative practices required by each jurisdiction. Both are helpful resources for navigating the convictions and disqualifications process. Note, you must log into your [AAMVA](#) portal in order to access these documents.

[49 CFR Part 384.107](#) incorporates AAMVA material into the FMCSR by reference. This makes compliance with AAMVA material mandatory.

2. Internal State Systems

There are a number of internal State systems that support CDL compliance. This training does not outline the uses of each system or their benefits, which may vary by State. Please seek training locally to learn about your State-specific systems, tools,

and processes.

3. Nonresident Violator Compact (NRVC)

Established in 1965, the [Nonresident Violator Compact](#) (NRVC) standardizes methods to process nonresident violators receiving citations or otherwise failing to comply with outstanding moving traffic summons. If an out-of-State driver violates specific driving laws of an NRVC member State, the State may send a non-compliance notice to the driver's State of Record (SOR). Currently, 44 States and Washington, DC belong to the NRVC.

NRVC specifies the information that must be included with convictions sent to other States and establishes the procedures used for reporting cases of Failure to Appear, Failure to Pay, and Failure to Comply (FTA/FTP/FTC). States must treat out-of-State FTA/FTP/FTC as if they were from an in-State court.

For additional guidance, please reference the [NRVC Manual](#).

4. Problem Driver Pointer System (PDPS)

The [Problem Driver Pointer System](#) (PDPS) allows States and other relevant organizations to search National Driver Register (NDR) data. The NDR is a National repository of information on problem drivers. Based on information received as a result of an NDR search, PDPS directs the inquiry to the State of Record (SOR) that stores a driver's status and history. Based on the information received from the SOR, the issuing jurisdiction decides if the applicant is eligible to receive a new or renewed driver license.

5. Social Security Online Verification (SSOLV)

The [Social Security Online Verification](#) (SSOLV) system allows jurisdictions to verify Social Security Numbers in real time against the Social Security Database (SSD). This process is used to verify drivers, allowing SDLAs to verify drivers' names and Social Security Numbers. There is both a live and batch process. The live process permits SDLAs to receive immediate online results. Typically, the batch process is an overnight process that permits States to process large numbers of driver names and Social Security Numbers.

2.8 AAMVA

The [American Association of Motor Vehicle Administrators](#) (AAMVA) is a tax-exempt, nonprofit organization that supports FMCSA's mission by developing and maintaining programs for motor vehicle administration, law enforcement, and highway safety. Founded in 1933, AAMVA represents the State, provincial, and territorial officials in the United States and Canada who administer and enforce motor vehicle laws. Its membership includes associations, organizations, and businesses that support motor vehicle administration. The goal of AAMVA's programs is to encourage uniformity and reciprocity among all States and provinces for the administration of motor vehicles.

AAMVA hosts and maintains a number of National CDL Program tools and systems. It also provides training on the use of systems and procedures to ensure commercial driver safety and compliance with regulations. For more information, go to <https://www.aamva.org/systems-training/>.

2.9 AAMVA Code Dictionary

As you've learned, AAMVA is responsible for developing CDLIS. CDLIS enables each state to ensure that each commercial driver has only one driver's license and one complete driver record. This is a requirement of CMVSA, which specifies that a driver who has been disqualified from operating a CMV by their State of Record (SOR) must not be able to obtain a CDL in any other State.

Originally, each State used its own system of record documentation within CDLIS. This allowed States to transfer CDL records between one another, but not necessarily to interpret what was sent.

In the 1990s, AAMVA developed the code set that eventually became the AAMVA Code Dictionary (ACD). This helps States communicate via CDLIS by establishing uniform codes to identify the type of driver **conviction** and the reason for a driver **disqualification**.

Each offense in 49 CFR Part 383 has one or more ACD Code. **Use of these codes is mandatory, as determined by FMCSA regulation.** You will see ACD codes referenced multiple times throughout this training. For more information on all relevant ACD codes, please refer to the [AAMVA ACD Manual](#).

2.10 Congratulations!

Now that you've gained some background information on convictions and disqualifications, let's dive into **Module 3: Convictions** to learn what you are required to report and how to report them.

Module 3: Convictions

3.1 Introduction

The goal of Commercial Driver's License Program (CDL) interactive training is to support you as a CDL Coordinator (or State personnel with similar responsibilities) and help you understand the **safety goal, regulatory requirements, and standards of compliance** essential to helping keep our roads safe. Convictions and disqualifications lies at the heart of the National CDL Program and the safety mission of the Federal Motor Carrier Safety Administration (FMCSA). Together, we must partner to remove unqualified or unfit drivers from the road, helping to ensure safety for us all.

In this module, we will explore the convictions process, including:

1. The role of convictions in the National CDL Program
2. The types of convictions that require action
3. State compliance procedures
4. Driver compliance requirements

3.2 Process Overview

Before we dive into the type of convictions that require action, let's take a step back and consider the National CDL Program as a whole.

When an individual applies for a Commercial Learner's Permit (CLP) or Commercial Driver's License (CDL), or attempts to renew or update a CDL, the State must perform a check of its databases, the Commercial Driver's License Information System (CDLIS), and the National Driver Registry (NDR). This is all to ensure that the driver is not disqualified in that State or another jurisdiction or does not possess another commercial license. This establishes **One Driver, One License, One Record**. For example, if a driver in Arkansas is convicted of a Federal offense that impacts her commercial privileges, proper recordkeeping and reporting via CDLIS and NDR will prevent that driver from receiving a CDL in Oklahoma.

In this way, the system only works if each State knows which types of convictions to report and how to report them. States must be connected to CDLIS and the NDR in order to exchange information about CDL drivers, traffic convictions, and disqualifications.

Each State uses its own systems and procedures for moving a record through the conviction and disqualification process and into CDLIS. As a CDL Coordinator, or someone with similar responsibilities, you must be an expert in your State's processes to ensure accurate, complete, and timely record processing. But using standardized codes from the American Association of Motor Vehicle Administrators (AAMVA) Code Dictionary, known as ACD Codes, allows States to communicate universally understood and accepted driver information within CDLIS.

3.3 Definition – Convictions

Before we dive into the types of convictions and reporting process, let's review several terms that are essential to the convictions process. For additional definitions and guidance, please download the **Glossary and Acronym Guide** or see [49 CFR Part 383.5: Definitions](#).

As you learned in Module 2: Introduction to Convictions and Disqualifications, a conviction means that a driver was cited for a roadside violation and the court system found that driver to be at fault.

FMCSA defines convictions specifically based on 49 CFR §383.31 as follows:

- An unvacated adjudication of guilt
- A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal
- An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court
- A plea of guilty or nolo contendere ("no contest") accepted by the court
- The payment of a fine or court cost
- A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated

3.4 Definition: State of Record (SOR) and State of Conviction (SOC)

Within the convictions process, there is an important distinction between the **State of Record (SOR)** and the **State of Conviction (SOC)**.

The **SOR** issues the CDL to the driver as well as maintains the Master Point Record (MPR) on the CDLIS Central Site (CS) and Driver History Record (DHR) on its own database.

The **SOC** is any State that convicts a driver of a reportable offense. It maintains the original conviction records and any negations in its own database or on paper records. It is also the authority for conviction on the DHR.

Let's take a closer look at the roles of the SOR and SOC.

Definition of State of Record (SOR)

- Maintains Master Point Record (MPR) at CDLIS Central Site (CS)
- Maintains Driver History Record (DHR) on its own database
- Posts out-of-State convictions received from other SDLA's and sends confirmations within 10 days of receipt
- Responds to inquiries and State-to-State Status and History Requests

Definition of State of Conviction (SOC)

- Maintains original conviction record
- Sends convictions to State of Record (SOR) within 10 days
- Sends conviction negations to SOR

3.5 Definition of Commercial Learner's Permit (CLP) and Commercial Driver's License (CDL)

As defined by AAMVA, a **CLP holder** is an individual who held a valid (unexpired) CLP at the time of the citation. A **CDL holder** is an individual whose last jurisdiction-issued license was a CDL. This applies even if the driver is disqualified from the use of his/her commercial driving privileges. It also applies if the CDL has expired and no other license has been issued.

A CDL holder becomes a non-CDL holder when he/she voluntarily surrenders his/her CDL or the State Driver's Licensing Agency (SDLA) downgrades the CDL to a non-CDL.

As defined by FMCSA, a CDL driver means a person holding a CDL or a person required to hold a CDL. In this way, a CDL driver is someone who is operating a commercial motor vehicle (CMV) with or without a commercial license.

Unless the driver falls under one of the exceptions outlined in [49 CFR Part 383.3: Applicability](#), such as certain military drivers, **a CDL driver is subject to the same convictions process and penalties as CDL holders.**

3.6 Categories of Conviction

A CDL driver may be convicted of a **Federal** or a **State** offense. There are four categories of offenses that require a Federally-mandated disqualification. State-specific convictions do not apply within every jurisdiction. For instance, if Georgia disqualifies an Alabama Commercial Driver's License (CDL) holder from driving due to a Boating Under the Influence conviction in Georgia, Alabama does not have to honor the suspension.

Let's take some time and explore the categories of convictions. We'll dive into the **periods of disqualification** for each category in Module 5: Disqualifications. You can also find information on **enhanced penalties** in Module 5.

Note that not all vehicles that meet the Federal definition of a CMV require a CDL to operate legally. For the purposes of this training, a CMV implies a CMV requiring a CDL.¹

All Federal offenses apply to CLP and CDL holders operating any vehicle, and non-CLP/CDL holders operating a CMV that requires a CDL. For example, if a lawn maintenance company buys a tractor for mowing and then uses a truck and trailer above the minimum gross combination weight rating thresholds (as defined in [§383](#)) to haul it, the driver of the truck and trailer would be subject to the processes and penalties outlined in 49 CFR Part 383 and 49 CFR Part 384 even if they do not hold a CDL.

¹To review which CMVs require a CDL, please see FMCSA’s description of [Classes of Commercial Licenses and Learner’s Permits](#).

3.7 Category of Convictions: Federally-Mandated Offenses

Let’s walk through the categories of Federally-Mandated Offenses. Note that "Federally-mandated" means that these offenses result in a Federally-required disqualification, not that they are processed in a Federal jurisdiction. A DUI conviction, for instance, is generally processed in a State court. You can learn more about disqualifying Federal offenses by reviewing [49 CFR §383.51 \(b\)](#).

Major Offenses	Major Offenses include: <ol style="list-style-type: none">1. Being under the influence of alcohol as prescribed by State law2. Being under the influence of a controlled substance3. Having an alcohol concentration of 0.04 or greater while operating a CMV4. Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in §383.725. Leaving the scene of an accident6. Using the vehicle to commit a felony, other than a felony described in paragraph (b)(9) of this table7. Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CLP or CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV8. Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle, and negligent homicide9. Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance10. Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11)
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<p>Serious Traffic Violations</p>	<p>Serious Traffic Violations include:</p> <ol style="list-style-type: none"> 1. Excessive speeding (15 mph or more above posted speed limit) 2. Reckless driving, as defined by law 3. Making improper or erratic traffic lane changes 4. Following the vehicle ahead too closely 5. Violating State or local law relating to motor vehicle traffic control (other than a parking violation) in connection with a fatal accident 6. Driving a CMV without obtaining a CLP or CDL 7. Driving a CMV without a CLP or CDL in the driver's possession¹ 8. Driving a CMV without the proper class of CLP or CDL and/or endorsements 9. Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a CMV² 10. Violating a State or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a CMV² <p>¹ If a driver provides proof to the enforcement authority that issued the citation (by the date the driver must appear in court or pay any fine for such a violation) that he/she held a valid CLP or CDL on the date the citation was issued, the driver shall not be found guilty of this offense.</p> <p>² For the purpose of these disqualification offenses, “driving” means operating a CMV on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. It does not include situations in which the driver has moved the vehicle to the side of (or off) a highway and has halted in a location where the vehicle can safely remain stationary.</p>
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Railroad Highway Grade Crossing Offenses	<p>Types of Railroad-Highway Grade Crossing Offenses include:</p> <ol style="list-style-type: none"> 1. Failure to slow down and check that tracks are clear of an approaching train 2. Failure to stop before reaching the crossing, if the tracks are not clear 3. Failure to stop before driving onto the crossing 4. Failure to have sufficient space to drive completely through the crossing without stopping 5. Failure to obey a traffic control device or the directions of an enforcement official at the crossing 6. Failure to negotiate a crossing because of insufficient undercarriage clearance
Violating Out-of-Service Order Offenses	<p>VIOLATING OUT-OF-SERVICE (OOS) ORDER OFFENSES</p> <p>For safety reasons, certain law enforcement officers may place a driver or vehicle out of service for a specific period of time or until vehicle repairs are made. Annually, the Commercial Vehicle Safety Alliance (CVSA) publishes the North American Standard Out-of-Service Order (OOSO) Criteria. Convictions of violating driver or vehicle OOSO orders result in driver disqualifications.</p> <p>Out-of-Service (OOS) offenses include:</p> <ol style="list-style-type: none"> 1. Violating a driver or vehicle out-of-service (OOS) order while transporting nonhazardous materials 2. Violating a driver or vehicle OOS order while transporting hazardous materials, as defined in §383.5, or while operating a vehicle designed to transport 16 or more passengers, including the driver

3.8 Category of Convictions: Special Topics

In addition to the four categories of disqualifying **Federally-mandated major offenses**, there are five Federal special topic offenses that result in disqualification. You will learn about the associated disqualification periods and enhanced penalties in Module 5: Disqualifications.

<p>Falsify/Fraud Offenses</p>	<p>Falsify/Fraud offenses occur when:</p> <ol style="list-style-type: none"> 1. The CLP/CDL applicant has falsified information: a) contained in 49 CFR Subpart J, such as the applicant’s name, address information, physical identifiers; b) any of the certifications required in §383.71(b) or (g), such as driving history, citizenship, residency, and operation types, or any of the medical certification documents required to be submitted by §383.71(h) 2. The CLP/CDL applicant or holder has been convicted of fraud related to the issuance of his/her CLP or CDL and seeks to renew, transfer, or upgrade the fraudulently obtained CLP or CDL
<p>USA Patriot Act Offense</p>	<p>A CMV driver may not obtain, renew, upgrade, or transfer a Hazmat endorsement until the Transportation Security Administration (TSA) determines the driver meets the security threat assessment standards contained in 49 CFR Part 1572.</p> <p>The State of Record (SOR) must revoke or deny the driver’s Hazmat endorsement if TSA serves the State with a “Final Determination of Threat Assessment.” A State may disqualify a driver until the driver surrenders their Hazmat endorsement.</p>
<p>Failure to Appear/Pay/Comply (FTA/FTP/FTC)</p>	<p>The Failure to Appear/Pay/Comply (FTA/FTP/FTC) Program is designed to prevent drivers from avoiding the penalties of prior offenses (court costs, fines, etc.). Under the FTA/FTP/FTC Program, an SDLA may deny the renewal of a CDL if the driver has failed to appear for a citation or pay a fine. Depending on the State, a CDL may be disqualified or denied renewal until the reported citations or violations are cleared and reported by the court(s) to the SDLA.</p> <p>Most States, but not all, have a process for dealing with in-State FTA/FTP/FTC convictions. Some jurisdictions base their in-State FTA/FTP/FTC disqualification on an underlying citation/conviction. States are required to process an out-of-State FTA/FTP/FTC as if it was received from an in-State court. FTA/FTP/FTC is transmitted using ACD Codes D45, D53, or D56. The message must include a valid ACD Code in the detail field.</p> <p>When the driver clears the FTA/FTP/FTC, the State of Conviction (SOC)/State of Withdrawal¹ (SOW) is not required to send a Negate Out-of-State Conviction message nor a Negate Out-of-</p>

	<p>State Withdrawal message to the State of Record (SOR).² The SOC/SOW reinstates the disqualification and provides the driver with proof of compliance. When the driver offers the proof of compliance to the State of Record (SOR) and pays any applicable reinstatement fee, the SOR reinstates the driver and updates the driver history record with the reinstatement date for the disqualification from the SOR.</p> <p>¹ Note that ACD Codes use the term “withdrawal” to refer to a disqualification.</p> <p>² What is negation? CDLIS uses a process called negation to reverse convictions and disqualifications sent to an SOR. Negation is used to remove transactions sent to an SOR in error or to remove transactions with errors and replace them with a corrected transaction.</p>
<p>Imminent Hazard</p>	<p>Any driver who is determined to constitute an imminent hazard, as defined in §383.5, can receive a disqualification without a conviction. The FMCSA Assistant Administrator or his/her designee must disqualify the driver from operating a CMV. Imminent hazard means: the existence of any condition of vehicle, employee, or CMV operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.</p> <p>The disqualification must be transmitted by FMCSA to the jurisdiction wherever the driver is licensed, and it must also become a part of the driver's record maintained by that jurisdiction. A driver who is simultaneously disqualified under Imminent Hazard and under categories of conviction, or under any additional State laws or regulations, will serve those disqualification periods concurrently.</p> <p>A driver is reinstated from an imminent hazard disqualification by FMCSA after they have completed the requirements outlined in the disqualification document. You will learn more about disqualification in the next module.</p>

<p>Admin Per Se</p>	<p>An Admin Per Se (APS) disqualification occurs based on administrative process (rather than a criminal conviction) after a person refuses to be tested under a State’s implied consent laws or for a Driving Under the Influence (DUI) arrest. These are included as convictions because they are determined by an authorized administrative tribunal based on a breath, blood, or urine test; or a refusal. Admin Per Se determinations¹ constitute a conviction, and a disqualification usually goes into effect after a State-defined period of time during which the driver can request an administrative hearing. This disqualification is required irrespective of whether the determination was made in the State of Record (SOR) or any other State.</p> <p>States must take action and impose a one year disqualification for either an Admin per se conviction or a DUI conviction regardless of whether they are reported together or independently and regardless of whether the other is adjudicated in favor of the driver. For example, an adjudication of not guilty for a DUI does not impact the disqualification for the administrative process for the same incident. However, a State should never treat the administrative conviction and the criminal conviction as two separate incidents requiring a lifetime disqualification.</p> <p>To impose the one-year disqualification requirement for an Admin Per Se arising from a single incident without requiring the driver to serve longer than a one year disqualification, States may adjust the reinstatement eligibility date of the disqualifications to end both disqualifications on the same date.</p> <p>If the violation occurred while the driver was operating a vehicle transporting hazardous materials, as defined in §383.5, the disqualification should be for no less than three years.</p> <p>For more information and examples of this process, view Appendix F of the AAMVA Code Dictionary.</p> <p>¹Admin Per Se is a major offense. We will discuss it separately for clarity.</p>
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3.9 Category of Convictions: Examples of State Offenses

Some States impose disqualifications for non-driving offenses or actions such as a failure to pay child support, possession of illegal drugs, point disqualifications (accumulation of

convictions), or Boating Under the Influence (BUI). It is important to remember that a disqualification of the underlying driving privileges also affects Commercial Driver's License (CDL) privileges, even if the offense does not specifically require a disqualification under Federal regulations.

As a reminder, **during a period in which an individual's base driving privileges are disqualified, the State must also disqualify the commercial privileges.**

Furthermore, there are instances in which the Federally-established minimum period of disqualification for the CDL exceeds the minimum period of disqualification of the non-commercial privileges (according to State law). In these instances, a non-commercial disqualification may end before the CDL disqualification. The State can reinstate the non-commercial privileges but cannot reinstate the CDL privileges until the minimum period of disqualification has passed.

To evaluate the differences between the two periods of disqualification, one must examine the table of disqualifications in the Federal regulations compared to the minimum disqualification period for non-CDL privileges provided within State laws or regulations. You can perform a CDLIS status check to confirm the status of a driver's CDL. You will learn more about how to read the table of disqualifications in Module 5: Disqualifications.

3.10 Compliance Procedures

Now that we've looked at the types of convictions States are required or choose to post, let's look at what it means for a State to maintain compliance.

As you learned in Module 2: Introduction to Convictions and Disqualifications, the SDLA is responsible for transmitting driver records via either CDLIS or paper records. CDLIS is a pointer system that directs an inquiry to the correct driver information maintained by the State of Record (SOR). To maintain Federal compliance, any State of Conviction (SOC) must report a conviction to the SOR **within 10 days of the conviction date** via CDLIS or paper reporting, as defined by [49 CFR Part 384.209](#). We'll discuss the process for transmitting paper records later in this module.

Transmitting a Report Out-of-State Conviction (ROOSC) via CDLIS requires the following steps to maintain Federal compliance:

1. **State of Conviction (SOC)** sends **Report Conviction (HA)** via **CDLIS** within 10 days
2. **CDLIS** Central Site forwards **Report Conviction (HF)** to the **State of Record (SOR)**
3. **State of Record (SOR)** acknowledges **Conviction Receipt (CA)**³ in **CDLIS** within 10 days
4. **State of Record (SOR)** posts the conviction to the **Driver History Record (DHR)** and sends a confirmation to the CDLIS Central Site; **CDLIS Central Site** sends a confirmation to the **State of Conviction (SOC)** that the transaction is complete

5. **State of Conviction (SOC)** acknowledges receipt of **Conviction Receipt (CA)** from **State of Record (SOR)** within CDLIS
6. Finally, the **State of Record (SOR)** acts on the conviction as required by FMCSRs and State Law.

3.12 Foreign Conviction Withdrawal Database (FCWD)

Based on [49 CFR § 384.209](#), whenever a person who holds a foreign commercial driver's license (Canadian or Mexican), while operating any vehicle, or is operating a CMV while holding a foreign non-commercial license, and is convicted of a violation of any State or local law relating to motor vehicle traffic control (other than parking, vehicle weight, or vehicle defect violations), the licensing entity of the State in which the conviction occurs must report that conviction to the Foreign Convictions and Withdrawal Database (FCWD).

The process of submitting convictions to the FCWD is important. For example, if Indiana convicts a Canadian Driver, it will send the conviction via CDLIS to the destination "OX" (Canada), allowing the AAMVA network to forward the message to the FCWD. The code "OX" alerts the system that the conviction belongs to a Canadian Driver.¹ For Mexican drivers, States of Conviction should send messages to MX. For other, foreign country licensed drivers, the conviction would have to be mailed to the FCWD.

¹ For more information on how to submit convictions to the FCWD and the role of Canadian provincial codes, please see the CDLIS Systems Specs (CD11.1 Report Conviction or CD11.2.3 Transmission For Your Reference).

3.13 AAMVA Reports

There are a number of CDLIS Reports created by [AAMVA](#) that a State can use to evaluate whether or not it is meeting FMCSA compliance requirements for timeliness and accuracy of convictions processing. Note that AAMVA refers to disqualifications as "withdrawals."

3.14 Paper Convictions

The preferred method of transmitting out-of-State convictions is electronically via CDLIS. If an out-of-State conviction cannot be transmitted via CDLIS, the same information must be provided in **paper form** with a tracking sheet attached, per Appendix C of the CDLIS State Procedures Manual. With the exception of check boxes, handwritten entries are not acceptable.

Whether submitting records electronically or through paper records, the **State of Conviction (SOC) must report a conviction within 10 days of the conviction.**

Transmitting a Report Out-of-State Conviction (ROOSC) on paper requires the following process, as outlined in Appendix C of the State Procedures Manual:

1. The **State of Conviction (SOC)** fills out the logging form according to the specifications and its portion of the **Report Conviction/Withdrawal**

(Disqualification) Log, listing all the convictions/disqualifications sent in the mailing packet, as well as the date of the mailing and the State of Record's (SOR) name. **The SOC mails the packet to the SOR.**

2. The **SOR receives the packet and validates the information.** If the report does not pass validation, the SOR returns the report in error. If the report passes validation, the **SOR enters the convictions/disqualifications** in the CDLIS Driver History Record (DHR) either as an electronic record or on paper. To confirm the information, the SOR fills out its portion of the log form, makes a copy of the log form, and **mails the log form back to the SOC.**
3. The **SOC receives the log** and is responsible for keeping the log. If the SOC does not receive the log form back, they must **contact the SOR** to obtain the information and resolve any problems.

Note: A common problem with paper convictions is that the State Native Code is used at roadside and in court as opposed to ACD Codes. Remember that the State of Conviction (SOC) **must add ACD Codes** to a paper conviction before sending it to the State of Record (SOR).

3.15 Driver Compliance

It is not only the State that is held in compliance with Federal regulations. CDL holders with out-of-State convictions are required to notify the State of Record (SOR) within 30 days of conviction. CDL holders must also notify their current employers of a conviction within 30 days.

3.16 Congratulations!

You have finished **Module 3: Convictions.** In the next module we will discuss a special challenge in the convictions process: **Masking.**

Module 4: Masking

4.1 Introduction

As you learned in the first three modules, the effective processing of convictions and disqualifications is vital to the Commercial Driver's License (CDL) Program and fulfilling our shared safety mission to reduce crashes, injuries, and fatalities involving large trucks and buses. Now we're going to dive deeper into another challenge in conviction records processing: Masking.

Throughout this module, we will discuss:

- The definition of deferral and diversion ("masking")
- Minimum conviction standards required by States
- The role of the Court Outreach Program

4.2 What is Masking?

The Federal Motor Carrier Safety Administration (FMCSA) defines masking as any action whereby a State **defers** or **diverts** the conviction of a Commercial Learner's Permit (CLP) or Commercial Driver's License (CDL) holder from appearing in a Commercial Driver's License Information System (CDLIS) driver record. In other words, a State "masks" the conviction by preventing it from appearing in the Driver History Record (DHR). You can learn more about Masking in [49 CFR Part 384.226](#).

Masking applies to **in-State** and **out-of-State** convictions. It includes any **State or local traffic control laws**, with the exception of parking, vehicle weight, and vehicle defect violations.

4.3 Why Anti-Masking Regulations?

Following the Commercial Motor Vehicle Safety Act (CMVSA) of 1986, which created the National CDL Program and established the core tenants of **One Driver, One License, One Record**, some CDL drivers who were convicted of traffic-related offenses tried to convince law enforcement and the courts to divert, dismiss, or defer citations. This allowed convicted drivers to continue operations without a disqualifying offense appearing on their record. FMCSA implemented the anti-masking regulation in an effort to curb this loophole that was keeping convicted drivers on the road.

This pattern was particularly prevalent among long-haul drivers. CDL holders who benefited from masking could apply for a new license in a new jurisdiction regardless of convictions or citations they had received in the past. Federal anti-masking regulation was designed to end this cycle and ensure that a driver's record accurately reflects their driver history.

For more information, see: Kristen Shea, "Unmasking CDL Convictions," National Traffic Law Center, Vol 19 No 4, July/August 2011

4.4 Examples of Masking

Let's take some time and review two examples of masking: Deferral and Diversion.

Deferral

If a State engages in masking by **deferral**, the courts allow a driver (before an adjudication of guilt) to perform or abstain from certain actions that result in the charge being dismissed. Deferral might also be known as **Probation Before Judgement (PBJ)**, **Adjournment Pending Dismissal**, or classifying a charge as **Held in Abeyance**.

In **masking by deferral**, a driver might willingly surrender CDL before appearing in court for a citation. If a driver is no longer technically a CDL holder at the time of sentencing, the court may determine that they do not need to receive any penalties related to their commercial motor vehicle (CMV) license.

In 2010, a California Court of Appeals determined that traffic or trial courts that allowed this practice were **violating the intent of the Federal regulation**. The Court stated that permitting drivers to willingly surrender CDL before sentencing allowed them to avoid disqualification and maintain records free of traffic convictions. A driver could then reapply for a license without repercussion.

For more information, see: *People v Mayer*, 112 Cal. Repr. 3d 889, (Cal. Ct. App. 2010).

Diversion

In masking by **diversion**, a State allows a driver (after an adjudication of guilt) to perform actions that result in the conviction being reduced or erased.

Examples of diversion include times when the driver is allowed to perform the following actions in lieu of receiving a conviction/disqualification on their CDL record:

- Community Service
- Drug and Alcohol Treatment
- Traffic School
- Donation to a cause
- Paying a cost/fine/fee/penalty
- Paying Restitution
- Not receiving traffic charges for a specific length of time
- Holding convictions in court

4.5 Non-Masking Actions

FMCSA's anti-masking regulation **does not** interfere with a State's normal judicial processes. Judges may impose sentences like community service, drug and alcohol treatment, traffic school, and paying a fine or restitution as part of a driver's sentence following conviction. However, sentences such as "Not receiving traffic charges for a specific length of time" and "Holding convictions in court" are examples of deferrals, which constitutes masking.

In this way, masking refers to any actions whereby the conviction of a CLP or CDL holder is prevented from appearing in the driver's history/record, not the determination of the courts throughout normal judicial processes.

Examples of non-masking actions include:

- Dismissal
- Acquittal
- Nolle Prosequi (refusal to prosecute)

Note that anti-masking regulation also does not prohibit "Roadside Justice," whereby the citing officer reduces charges when citing the driver. For example, a driver is stopped for driving 60 mph in a 40 mph zone and the officer cites the driver for 50 mph in a 40 mph zone. Since the driver was not convicted of driving 60 mph in a 40 mph zone, it is not considered masking.

4.6 Scenarios

Based on what you've learned, walk through the next four scenarios and determine if they show an example of masking.

Scenario One

A CDL holder is arrested and issued a citation for Driving Under the Influence (DUI). The driver was in a 2015 Toyota Camry—his own personal vehicle. The prosecutor reviews the records and determines that there is a problem with the evidence. She chooses not to prosecute the case, so no charges are filed within the court. No conviction is entered.

Is this an example of masking?

Answer: This is not an example of masking. There was a problem with the evidence, and the case was dismissed for cause. Anti-masking regulation does not impact normal judicial proceedings.

Scenario Two

A CDL holder is cited for speeding 55 in a 35 mph zone while driving a CMV. The driver is convicted of speeding 55 in a 35 mph zone. The defense argues that, because this is the driver's first conviction, the sentence should be reduced to speeding less than 15 mph in the posted speed limit. The court reduces the conviction to 49 in a 35 mph zone in a CMV.

Is this an example of masking?

Answer: The driver was already convicted of speeding 55 in a 35 mph zone. The conviction was not vacated. The speed was simply changed for the purpose of avoiding the sanction required by 383.51.

Scenario Three

A CDL holder operating a non-CMV is issued a citation for "Failure to Yield Right of Way." The prosecutor files charges, and the court convicts the driver of "Failure to Yield Right of Way." The conviction is posted on the driver's record. The court allows a Driver Improvement Program

in lieu of having the State Driver's Licensing Agency (SDLA) assess points on the State driving record.

Is this an example of masking?

Answer: As long as the conviction is posted and the driver serves any applicable sanction, the State is not engaged in masking. The State determines whether or not to assess points to a driving record.

Scenario Four

A CDL holder is issued a citation for "Operating a CMV while Suspended/Revoked/Withdrawn." The prosecutor files charges, and the court convicts the accused of "Operating a CMV while Suspended/Revoked/Withdrawn."

Later, the court allows the CDL holder's attorney to withdraw the original plea and conviction. After a new court hearing, the court ultimately enters a conviction for "Improper CDL Class Endorsement."

The answer is—it depends. In and of itself, withdrawing a plea does not constitute masking. The State is allowed to engage in normal judicial proceedings.

Scenario 4 illustrates the complexity of masking. There are often multiple factors involved in determining culpability. In and of itself, withdrawing a plea does not constitute masking. The State is allowed to engage in normal judicial proceedings. As for the conviction that was ultimately entered, it depends if there was a factual or legal basis for the charge, or if the charge was amended/reduced solely to avoid sanctions and the conviction of a more serious offense.

4.6 Court Outreach Program

The issue of what constitutes "masking" remains one of the most frequently asked questions related to the convictions and disqualification process. As FMCSA and States continue to answer this question, judicial review and case law will provide additional guidance to support prosecutors, judges, and others involved in the prosecution and adjudication of CDL violations.

The **Commercial Driver's License Court Outreach Program** also provides specialized training and information for judges, prosecutors, court clerks, and court administrators on the importance of CMV enforcement and adjudication of CDL cases. For more information, please go to www.ndaa.org and select the "Commercial Driver's License" link. Most States list a Traffic Safety Resource Prosecutor on this site. The site also contains a list of resources that apply to the CDL program (e.g. the CDL Quick Reference Guide).

4.7 Congratulations!

Nice work! So far in this training you have received an introduction to the CDL Program, learned how to recognize and report a conviction record, and seen the impact of masking on the convictions process. Now let's move into the final module of this series, **Module 5: Disqualifications**.

Module 5: Disqualifications

5.1 Introduction

The collective mission of everyone involved in the National Commercial Driver's License (CDL) Program is **saving lives** by reducing crashes, injuries, and fatalities involving commercial motor vehicle (CMV) transportation through education, innovation, regulation, enforcement, financial assistance, partnerships, and full accountability. This includes the work of the Federal Motor Carrier Administration (FMCSA), the American Association of Motor Vehicle Administrators (AAMVA), and State Driver's Licensing Agencies (SDLAs), among other partners.

This National CDL Program interactive training intends to support you as a CDL Coordinator (or State personnel with similar responsibilities) in understanding the **safety goal, regulatory requirements, and standards of compliance** essential to help keep our roads safe. The convictions and disqualifications process lies at the heart of the National CDL Program and aims to uphold **One Driver, One License, One Record**. By working together, we can identify and remove unqualified or unfit drivers, helping to ensure safety on our Nation's roadways.

In this module, we will explore the disqualification process, including:

1. The role of disqualifications in the National CDL Program
2. Disqualification and retention periods
3. Common State problems
4. State compliance procedures

5.2 Process Overview

Before we explore the intricacies of CDL driver disqualifications, let's take a step back and consider the National CDL Program as a whole.

Processing CDL convictions and disqualifications always begin and end the same way. Local or State law enforcement record a roadside citation, and if convicted, a driver must be disqualified from all relevant operations. Each State has its own systems and practices for a citation issued by law enforcement at roadside and how the process is adjudicated in the court system, reported to an SDLA, and posted to a driver's record. Thus, there may be additional considerations within each step of the process in your State.

As a record moves through the process and into CDLIS States will implement their own procedures. Regardless of their internal processes, all States must be connected to the Commercial Driver's License Information System (CDLIS) and the National Driver Register (NDR) in order to exchange information about CDL drivers, traffic convictions, and disqualifications. The use of AAMVA's Code Dictionary, or ACD Codes, to exchange conviction and disqualification information is also mandatory, as it provides States with a consistent way to communicate within CDLIS.

In order to accomplish our shared safety mission, it is essential to understand the different types of disqualifications to report and how to effectively communicate this information to other States. As a CDL Coordinator, or someone with similar responsibilities, you must be an expert in your State's processes to ensure accurate, complete, and timely record processing. If there is any breakdown in the process, *the State as a whole* is held responsible for non-compliance. You play a vital role in helping to ensure compliance and promote safety.

5.3 Definition: Disqualifications

Before we dive deeper into the types of disqualifications and record retention periods, let's review several terms that are essential to the disqualifications process.

As you learned in Module Two: Introduction to Convictions and Disqualifications, a conviction means that a driver was cited for a roadside violation and the court system found that driver to be at fault.

The terms withdrawal, suspension, revocation, or cancellation are often used as synonyms for disqualification. **For this training, we are going to exclusively use the term disqualification.**

A **disqualification** prohibits a driver required to have a Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP) from driving a CMV for a federally specified period of time based on his/her violation of applicable Federal or State offenses. The period of time a driver is disqualified varies by offense.

FMCSA defines **disqualification** specifically based on 49 CFR §383.5 as follows:

- The suspension, revocation, or cancellation of a CLP or CDL by the State or jurisdiction of issuance
- Any withdrawal of a person's privileges to drive a CMV by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control
- A determination by the FMCSA that a person is not qualified to operate a commercial motor vehicle under part 391

Note that although an SDLA may use the term "cancellation" to refer to the action of downgrading a CDL due to an expired Medical Examiner's Certificate, that downgrade is not a cancellation as included in the definition of a disqualification.

5.4 Definition: Commercial Learner's Permit (CLP) and Commercial Driver's License (CDL)

As defined by AAMVA, a **CLP holder** is an individual who held a valid (unexpired) CLP at the time of the citation. A **CDL holder** is an individual whose last jurisdiction-issued license was a CDL. This applies even if the driver is disqualified from the use of his/her commercial driving privileges. It also applies if the CDL has expired and no other license has been issued.

A CDL holder becomes a non-CDL holder when he/she voluntarily surrenders his/her CDL or the State Driver's Licensing Agency (SDLA) downgrades the CDL to a non-CDL.

As defined by FMCSA, a CDL driver means a person holding a CDL or a person required to hold a CDL. In this way, a CDL driver is someone who is operating a commercial motor vehicle (CMV) with or without a commercial license.

Unless the driver falls under one of the exceptions outlined in [§383.3: Applicability](#) (such as certain military drivers), **a CDL driver is subject to the same convictions process and penalties as CDL holders.**

5.5 Interstate Communication

As you've previously learned, AAMVA developed the Commercial Driver's License Information System (CDLIS) and the AAMVA Code Dictionary (ACD) codes, as the USDOT-authorized operator of a National system. Let's take a look at the connection between CDLIS, ACD codes, and driver disqualifications.

Commercial Driver's License Information System (CDLIS)

The Commercial Motor Vehicle Safety Act (CMVSA) of 1986 mandated the development of a National Commercial Driver's License Information System. CDLIS enables each State to ensure that each CMV driver has only one driver's license and one complete driver record. SDLAs use CDLIS to complete various procedures, including:

- Transmitting out-of-State convictions and disqualifications
- Transferring the driver record when a CDL holder moves to another State
- Responding to requests for driver status and history

AAMVA Code Dictionary (ACD)

The AAMVA Code Dictionary (ACD) provides uniform codes to identify the type of driver **conviction** and the reason for a driver **disqualification**. The ACD codes' primary function is to enable the interstate exchange of convictions and disqualifications, and it is mandatory that all States use these codes.

The use of uniform **ACD codes** throughout the U.S. allows States to communicate effectively via CDLIS and helps ensure that only qualified drivers are operating on our Nation's roadways. For most first convictions, the ACD code of the conviction is used as the ACD code of the disqualification. However, there are disqualifications that have their own ACD code. This is generally the case when a disqualification does not necessarily require an underlying conviction or when it is based on the accumulation of two or more convictions over a specified time period.

For more information on all relevant ACD codes, please refer to the [AAMVA ACD Manual](#). Appendix A of this manual contains an alphabetized list of the ACD codes used to communicate convictions and disqualifications and is grouped by category of violations. Appendix C contains CDL disqualification periods for certain offenses along with the Federal Motor Carrier Safety

Regulations (FMCSRs) description and ACD description. Note that AAMVA documentation refers to disqualifications as “withdrawals.”

5.6 Disqualification Processes

An SDLA must impose a disqualification and include it as part of the **Driver History Record (DHR)** as mandated by [49 CFR §383.51](#).

States must use the date of conviction or a later date, rather than the citation date (the date the offense occurred), as the basis for calculating the starting and ending dates for the driver disqualification period. The State may allow the driver additional time after the conviction date to appeal the conviction before the disqualification period begins.

The use of the conviction date (or a later date when all appeals are exhausted) allows the driver to receive due process of law even if the conviction is upheld in the case of appeals while ensuring that he/she still serves the full disqualification period that §383.51 requires. For example, a driver is cited for a disqualifying offense on March 9 and is convicted of the offense on May 9. If the offense date were used for the starting date of the disqualification, it would shorten the actual disqualification by two months.

Let’s learn more about **three key dates** in the **disqualification process**.

- **Disqualification Effective Date**
The date the license is disqualified. There may be a delay between when the State of Record (SOR) is notified of a conviction and when it imposes a disqualification. This is so the State may give the mandated notification to the driver and for the driver to have an opportunity to request an administrative hearing.
- **Disqualification Eligibility Date**
The earliest date the driver may satisfy any conditions to end the disqualification, such as paying any fees.
- **Disqualification Reinstatement Date**
The actual date the driver’s driving privileges are reinstated. This date is typically blank when the disqualification is first posted and must never be a future date.

Now we’ll examine the processes for in-State and out-of-State disqualifications.

In-State Disqualification Process

When the disqualifying jurisdiction is the **State of Record (SOR)** and the driver holds a CDL, the disqualification is posted to the DHR and any necessary driver control actions are taken, including the addition of a Problem Driver Pointer System (PDPS) pointer. If the driver is a base license holder (non-CDL) and convicted of an offense requiring a CDL, the disqualification and underlying conviction must be posted to the DHR and the SDLA must create a Master Pointer Record at the CDLIS Central Site.

Out-of-State Disqualification Process

You previously learned that a State must notify a driver’s SOR when it has convicted a CDL or

CLP holder of an offense. The **State of Conviction (SOC)** may disqualify out-of-State drivers, but this is not required by the FMCSRs. However, **disqualifications must be reported accurately and completely by the SOC to the SOR within 10 days (Federal time limit) of the disqualification effective date** if the driver is a CDL or CLP holder, the disqualification has an ACD code, and the disqualification duration is for at least 60 days or an indefinite period.

The disqualification must be sent to the SOR to be applied to the DHR. A jurisdiction must send required disqualifications to the SOR either via CDLIS or by mail (using paper forms with a tracking sheet attached, per Appendix C of the CDLIS State Procedures Manual). The SOR is not required to impose its own disqualification just because another State did so. However, SORs are required to act on the underlying convictions and impose a disqualification if it is mandated by §383.51.

Disqualifications must be reinstated by the State that disqualified the driver. This may result in drivers being required to reinstate their license in both the SOC and their SOR. Some circumstances will result in a lifetime disqualification from operating CMVs, with potential eligibility for reinstatement after 10 years. However, reinstatement for a lifetime disqualification will **not** apply if the SOR does not allow this process.

Record Retention

States are required to record all convictions, disqualifications and other licensing actions for violations for a driver within his or her DHR. AAMVA documentation establishes the retention periods for all disqualifications related to 49 CFR §383.51. View the ACD Manual for a list of minimum retention periods. Jurisdictions may choose to keep records longer than the stated retention requirements. All other disqualifications must be retained for a minimum of 3 years per 49 CFR §384.225(d). Jurisdictions must retain records of convictions and associated disqualifications to ensure the reason for the disqualification is maintained (in addition, the requirement allows jurisdictions to select longer disqualification periods within their jurisdiction).

In many cases the penalties for a second conviction are different than those for a first conviction, so the original conviction must be retained to allow the jurisdiction to check whether there is a prior conviction. Disqualifications should be retained for the length of time the record of any underlying conviction is retained and for a minimum of 3 years from the effective date, eligibility date, or reinstatement date, whichever is later. This process helps to ensure that a new SOR will not impose a second disqualification on an underlying conviction. Refer to the ACD Manual for additional information regarding retention periods.

5.7 Category of Disqualifying Offenses

A driver can be legally disqualified from driving a CMV when convicted of any applicable Federal, State or local offense. This includes many instances when the offense occurs while operating a non-CMV. The following sections will provide information on disqualifying **Federal** and **State** offenses including special topics.

Note that not all vehicles that meet the Federal definition of a CMV require a CDL. For the purposes of this training, a CMV implies a CMV whose operation requires a CDL.¹

All Federal offenses apply to CLP and CDL holders operating any vehicle (unless the offense stipulates operation of a CMV only), and non-CLP/CDL holders operating a CMV that requires a CDL. For example, if a lawn maintenance company buys a tractor for mowing and then uses a truck and trailer above the minimum gross combination weight rating thresholds to haul it (as defined in §383), the driver of the truck and trailer would be subject to the processes and penalties outlined in 49 CFR Part 383 and 49 CFR Part 384, even if they do not hold a CDL.

¹To review which CMVs require a CDL, please see FMCSA’s description of [Classes of Commercial Licenses and Learner’s Permits](#).

5.8 Category of Disqualifications: Federally-Mandated Offenses

There are four categories of disqualifying Federally-mandated offenses. The period of disqualification for each category is based on statute established by U.S. Congress. The disqualification period for Federally-mandated offenses must be in addition to any other previous period of disqualification (run consecutively), as stated in 49 CFR §383.51(a)(5).

Let’s examine the categories of Federally-Mandated Offenses. Note that "Federally-mandated" means that these offenses result in a Federally-required disqualification, not that they are processed in a Federal jurisdiction. A DUI conviction, for instance, is generally processed in a State court. You can learn more about disqualifying Federal offenses by reviewing [49 CFR §383.51 \(b\)](#).

<p>Major Offenses</p>	<p>There are three potential disqualification periods for qualifying major offenses. A first conviction results in a one-year disqualification. A first conviction in a CMV with hazmat results in a three-year disqualification. A second conviction results in a lifetime disqualification. There is no time limitation between the first and second major offense. The record retention period for major offenses is 55 years from the conviction date (life).</p> <p>Important Notes:</p> <ul style="list-style-type: none"> • A State may allow a driver who has been disqualified for life to reinstate his or her CDL privileges after 10 years if the State follows the guidance in 49 CFR §383.51(a)(6). The State must require the driver to successfully complete an appropriate rehabilitation program approved by the State and may impose any other conditions it sees fit. • If a driver is convicted of any major offense after being reinstated, he or she must be disqualified for life without the possibility of reinstatement. • Using a motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, results in a lifetime disqualification for a first conviction without possibility of reinstatement.
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	<ul style="list-style-type: none"> Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons¹, as defined and described in 22 U.S.C. 7102(11), results in a lifetime disqualification for a first conviction without possibility of reinstatement.
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Major Offenses (Table 1 to §383.51)

Type of Offense	First Conviction in a CMV	First Conviction in a Non-CMV	First Conviction in a CMV While Driving Hazardous Materials	Second Conviction in a CMV	Second Conviction in a Non-CMV
(1) Driving under the influence of alcohol, as prescribed by State Law	1 year	1 year	3 years	Life	Life
(2) Driving under the influence of a controlled substance	1 year	1 year	3 years	Life	Life
(3) Operating a CMV with a blood alcohol concentration of 0.04 or greater	1 year	Not applicable	3 years	Life	Not applicable
(4) Refusing to take an alcohol test as required by law, as defined in 383.72	1 year	1 year	3 years	Life	Life
(5) Leaving the scene of an accident	1 year	1 year	3 years	Life	Life

Type of Offense	First Conviction in a CMV	First Conviction in a Non-CMV	First Conviction in a CMV While Driving Hazardous Materials	Second Conviction in a CMV	Second Conviction in a Non-CMV
(6) Using a vehicle to commit a felony, other than a felony described in sections (9) and (10) of this table	1 year	1 year	3 years	Life	Life
(7) Driving a CMV with a disqualified CLP or CDL, as a result of prior violations committed while operating a CMV	1 year	Not applicable	3 years	Life	Not applicable
(8) Causing a fatality through the negligent operation of a CMV	1 year	Not applicable	3 years	Life	Not applicable
(9) Using a vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)

Type of Offense	First Conviction in a CMV	First Conviction in a Non-CMV	First Conviction in a CMV While Driving Hazardous Materials	Second Conviction in a CMV	Second Conviction in a Non-CMV
(10) Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons ¹ , as defined and described in 22 U.S.C. 7102(11)	Life (Not eligible for 10-year reinstatement)	Not applicable	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)	Not applicable

¹Note that the Federal effective date for using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons is September 23, 2022.

Serious Traffic Violations	<p>There are three potential disqualification periods for qualifying serious traffic violations. A first conviction results in no disqualification. A second conviction in a three-year period results in a 60-day disqualification. A third conviction in a three-year period results in 120-day disqualification. The record retention period for serious traffic violations is four years from the conviction date or for as long as any resulting disqualification is retained, whichever is longer.</p> <p>Important Note:</p> <ul style="list-style-type: none"> The State must use the citation date to determine if two or more serious traffic convictions fall within the three-year period.
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Serious Traffic Violations (Table 2 to §383.51)

Type of Offense	Second Conviction in a Three-Year Period in a CMV	Second Conviction in a Three-Year Period in a Non-CMV ¹	Third Conviction in a Three-Year Period in a CMV	Third Conviction in a Three-Year Period in a Non-CMV ¹
(1) Excessive speeding (15 mph or more above posted speed limit)	60 days	60 days	120 Days	120 Days

Type of Offense	Second Conviction in a Three-Year Period in a CMV	Second Conviction in a Three-Year Period in a Non-CMV¹	Third Conviction in a Three-Year Period in a CMV	Third Conviction in a Three-Year Period in a Non-CMV¹
(2) Reckless driving, as defined by State or local law	60 days	60 days	120 Days	120 Days
(3) Making improper or erratic traffic lane changes	60 days	60 days	120 Days	120 Days
(4) Following the vehicle ahead too closely	60 days	60 days	120 Days	120 Days
(5) Violating State or local law or regulation relating to motor vehicle traffic control (other than a parking violation) in connection with a fatal accident	60 days	60 days	120 Days	120 Days
(6) Driving a CMV without obtaining a CLP or CDL	60 days	Not applicable	120 Days	Not applicable
(7) Driving a CMV without a CLP or CDL in the driver's possession ²	60 days	Not applicable	120 Days	Not applicable
(8) Driving a CMV without the proper class of CLP or CDL and/or endorsements	60 days	Not applicable	120 Days	Not applicable

Type of Offense	Second Conviction in a Three-Year Period in a CMV	Second Conviction in a Three-Year Period in a Non-CMV ¹	Third Conviction in a Three-Year Period in a CMV	Third Conviction in a Three-Year Period in a Non-CMV ¹
(9) Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a CMV. ³	60 days	Not applicable	120 Days	Not applicable
(10) Violating a State or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a CMV. ³	60 days	Not applicable	120 Days	Not applicable

Additional Information

¹While operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV driving privileges.

²If a driver provides proof to the enforcement authority that issued the citation, by the date the driver must appear in court or pay any fine for such a violation, that he/she held a valid CLP or CDL on the date the citation was issued, the driver shall not be found guilty of this offense.

³“Driving,” for the purpose of these disqualification offenses, means operating a CMV on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. It does not include situations in which the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

Railroad Highway Grade Crossing Offenses	<p>There are three potential disqualification periods for qualifying railroad highway grade crossing offenses. A first conviction results in a disqualification of no less than 60 days. A second conviction in a three-year period results in a disqualification of no less than 120 days. A third conviction in a three-year period results in a disqualification of no less than one year. The record retention period for railroad highway grade crossing offenses is four years from the conviction date or for as long as any resulting disqualification is retained, whichever is longer.</p> <p>Important Notes:</p> <ul style="list-style-type: none"> • Only applicable when the offense occurred in a CMV. • Drivers transporting hazardous materials (HM) or carrying passengers are always required to stop at a railroad-highway grade crossing when operating a CMV.
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Railroad-Highway Grade Crossing Offenses (Table 3 to §383.51)

Type of Offense	First Conviction	Second Conviction in a Three-Year Period	Third Conviction in a Three-Year Period
(1) Failure to slow down and check that tracks are clear of an approaching train	No less than 60 days	No less than 120 days	No less than 1 year
(2) Failure to stop before reaching the crossing, if the tracks are not clear	No less than 60 days	No less than 120 days	No less than 1 year
(3) Failure to stop before driving onto the crossing	No less than 60 days	No less than 120 days	No less than 1 year
(4) Failure to have sufficient space to drive completely through the crossing without stopping	No less than 60 days	No less than 120 days	No less than 1 year
(5) Failure to obey a traffic control device or the directions of an enforcement official at the crossing	No less than 60 days	No less than 120 days	No less than 1 year
(6) Failure to negotiate a crossing because of insufficient undercarriage clearance	No less than 60 days	No less than 120 days	No less than 1 year

<p>Violating Out-of-Service Order Offenses</p>	<p>There are five potential disqualification periods for qualifying violating out-of-service order offenses. A first conviction results in a disqualification of no less than 180 days or more than one year. A first conviction with hazmat or in a vehicle designed to transport 16 or more passengers results in a disqualification of no less than 180 days or more than two years. A second conviction in a 10-year period results in a disqualification of no less than two years or more than five years. A second conviction with hazmat or in a vehicle designed to transport 16 or more passengers results in a disqualification of no less than three years or more than five years. A third conviction in a 10-year period results in a disqualification of no less than three years or more than five years. The record retention period for violating out-of-service order offenses is 15 years from the conviction date, or for as long as any resulting disqualification is retained, whichever is longer.</p> <p>Important Notes:</p> <ul style="list-style-type: none"> • Only applicable when the offense occurred in a CMV. • For a second or subsequent conviction involving enhanced penalties (hazmat and passengers), the circumstances of the triggering conviction dictate the penalty.
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Violating Out-of-Service Order Offenses (Table 4 to §383.51)

Type of Offense	First Conviction	Second Conviction in a 10-Year Period	Third Conviction in a 10-Year Period
(1) Violating a driver or vehicle out-of-service order while transporting nonhazardous materials	No less than 180 days or more than 1 year	No less than 2 years or more than 5 years	No less than 3 years or more than 5 years
(2) Violating a driver or vehicle out-of-service order while transporting hazardous materials, as defined in §383.5, or while operating a vehicle designed to transport 16 or more passengers, including the driver	No less than 180 days or more than 2 years	No less than 3 years or more than 5 years	No less than 3 years or more than 5 years

5.9 Category of Disqualifications: Special Topics

In addition to the four categories of disqualifying **Federally-mandated offenses**, there are five Federal special offenses that also result in a disqualification.

Falsify/Fraud Offenses	<p>A driver is subject to disqualification if a State determines that the driver falsified or misrepresented information required to obtain a CLP/CDL or when convicted of fraud relating to obtaining a CLP/CDL.</p> <p>Each determination by a State of misrepresentation of information on CLP or CDL application results in a disqualification of no less than 60 days. Each conviction of fraud related to CLP or CDL issuance results in a disqualification of no less than one year. The record retention period is three years from the conviction date, or as long as any resulting disqualification is retained, whichever is longer.</p> <p>Note that the disqualification period must be in addition to any other previous period of disqualification (run consecutively), as stated in 49 CFR §383.51(a)(5).</p>
USA Patriot Act Offense	<p>A conviction for violating the USA PATRIOT Act results in the removal of a hazmat endorsement only. However, a State may disqualify a driver until the driver surrenders his or her hazmat endorsement. A CMV driver may not obtain, renew, upgrade, or transfer a hazmat endorsement until the Transportation Security Administration (TSA) determines the driver meets the security threat assessment standards contained in 49 CFR 1572. The State of Record (SOR) must revoke or deny the driver’s hazmat endorsement if TSA serves the State with a “Final Determination of Threat Assessment.”</p> <p>The record retention period is three years from the conviction date, or for as long as any resulting disqualification is retained, whichever is longer.</p>

<p>Failure to Appear/Pay/Comply (FTA/FTP/FTC)</p>	<p>The Failure to Appear/Pay/Comply (FTA/FTP/FTC) Program is designed to prevent drivers from avoiding the penalties of prior offenses (court costs, fines, etc.). Under the FTA/FTP/FTC Program, an SDLA may deny the renewal of a CDL if the driver has failed to appear for a citation or pay a fine. Depending on the State, a CDL may be disqualified or denied renewal until the reported citations or violations are cleared and reported by the court(s) to the SDLA.</p> <p>Most States, but not all, have a process for dealing with in-State FTA/FTP/FTC convictions. Some jurisdictions base their in-State FTA/FTP/FTC disqualification on an underlying citation/conviction. States are required to process an out-of-State FTA/FTP/FTC as if it was received from an in-State court. FTA/FTP/FTC is transmitted using ACD Codes D45, D53, or D56. The message must include a valid ACD Code in the detail field.</p> <p>When the driver clears the FTA/FTP/FTC, the State of Conviction (SOC)/State of Withdrawal¹ (SOW) is not required to send a Negate Out-of-State Conviction message nor a Negate Out-of-State Withdrawal message to the State of Record (SOR).² The SOC/SOW reinstates the disqualification and provides the driver with proof of compliance. When the driver offers the proof of compliance to the State of Record (SOR) and pays any applicable reinstatement fee, the SOR reinstates the driver and updates the driver history record with the reinstatement date for the disqualification from the SOR.</p> <p>¹ Note that ACD Codes use the term “withdrawal” to refer to a disqualification.</p> <p>²What is negation? CDLIS uses a process called negation to reverse convictions and disqualifications sent to an SOR. Negation is used to remove transactions sent to an SOR in error or to remove transactions with errors and replace them with a corrected transaction.</p>
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<p>Imminent Hazard</p>	<p>Any driver who is determined to constitute an imminent hazard, as defined in §383.5, can receive a disqualification without a conviction. The FMCSA Assistant Administrator or his/her designee must disqualify the driver from operating a CMV. Imminent hazard means: the existence of any condition of vehicle, employee, or CMV operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.</p> <p>The disqualification must be transmitted by the FMCSA to the jurisdiction where the driver is licensed, and it must also become a part of the driver's record maintained by that jurisdiction. Note that a driver who is simultaneously disqualified under Imminent Hazard and under categories of conviction, or under any additional State law or regulations, will serve those disqualification periods concurrently. A driver is reinstated from an imminent hazard disqualification by FMCSA after they have completed the requirements outlined in the disqualification document.</p> <p>The period of disqualification may not exceed 30 days unless FMCSA complies with the following provisions:</p> <ul style="list-style-type: none"> • The FMCSA Assistant Administrator or his/her delegate may provide the driver an opportunity for a hearing after issuing a disqualification for a period of 30 days or less. • The Assistant Administrator or his/her delegate must provide the driver notice of a proposed disqualification period of more than 30 days and an opportunity for a hearing to present a defense to the proposed disqualification. • A disqualification imposed under this paragraph may not exceed one (1) year in duration. • The driver, or a representative on his/her behalf, may file an appeal of the disqualification issued by the Assistant Administrator's delegate. <p>The record retention period is three years from the conviction date, or as long as any resulting disqualification is retained, whichever is longer.</p>
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<p>Admin Per Se</p>	<p>An Admin Per Se disqualification occurs based on administrative process (rather than a criminal conviction) after a person refuses to be tested under a State’s implied consent laws or for a Driving Under the Influence (DUI) arrest. These are included as convictions because they are determined by an authorized administrative tribunal based on a breath, blood, or urine test; or a refusal. Admin Per Se¹ determinations constitute a conviction, and a disqualification usually goes into effect after a State-defined period of time during which the driver can request an administrative hearing. This disqualification is required irrespective of whether the determination was made in the State of Record (SOR) or any other State.</p> <p>States must take action and impose a one year disqualification for either an Admin per se conviction or a DUI conviction regardless of whether they are reported together or independently and regardless of whether the other is adjudicated in favor of the driver. For example, an adjudication of not guilty for a DUI does not impact the disqualification for the administrative process for the same incident. However, a State should never treat the administrative conviction and the criminal conviction as two separate incidents requiring a lifetime disqualification.</p> <p>To impose the one-year disqualification requirement for an Admin Per Se arising from a single incident without requiring the driver to serve longer than a one year disqualification, States may adjust the reinstatement eligibility date of the disqualifications to end both disqualifications on the same date.</p> <p>If the violation occurred while the driver was operating a vehicle transporting hazardous materials, as defined in §383.5, the disqualification should be for no less than three years.</p> <p>For more information and examples of this process, view Appendix F of the AAMVA Code Dictionary.</p> <p>¹Admin Per Se is a major offense. We will discuss it separately for clarity.</p>
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5.10 Category of Disqualifications: State Offenses

Some states impose disqualifications for non-driving offenses or actions such as a failure to pay child support, possession of illegal drugs, point disqualifications (accumulation of convictions), or Boating Under the Influence (BUI). It is important to remember that a disqualification of the underlying driving privileges also affects the CDL privileges, even if the offense does not specifically require a disqualification under Federal regulations.

As a reminder, **during a period in which an individual's base driving privileges are disqualified, the State must also disqualify the commercial privileges.**

Furthermore, there are instances in which the federally-established minimum period of disqualification for the CDL exceeds the minimum period of disqualification of the non-commercial privileges (according to State law). In these instances, a non-commercial disqualification may end before the CDL disqualification. The State can reinstate the non-commercial privileges but cannot reinstate the CDL privileges until the minimum period of disqualification has passed.

To evaluate the differences in these two periods of disqualification, one must examine the table of disqualifications in the Federal regulations compared to the minimum disqualification periods for non-CDL privileges provided within State laws or regulations. You can perform a CDLIS status check to confirm the status of a driver's CDL.

5.11 Common Problems for States

Throughout this training, you have learned about times when there is a breakdown in the system. In such cases, the *State as a whole* is held accountable for non-compliance, regardless of the stage in the process that the problem(s) occurred. From local law enforcement officers to the clerk at the SDLA, each person at every step of the process plays a crucial role when it comes to making sure our roads are safe.

As you have seen, processing CDL convictions and disqualifications always begin and ends the same way. However, each State has its own system and practices for issuing, processing, and adjudicating citations. As a CDL Coordinator, or someone with similar duties, it is your responsibility to know your unique State processes in order to ensure complete, accurate, and timely record processing. When there is a breakdown in the system (such as the incorrect use of ACD codes) and States do not correctly implement the disqualification process, the following problems can occur:

- The required period of disqualification for each offense is not served
- Serious disqualifications are allowed to run concurrently (instead of consecutively)
- The enhanced disqualification for multiple convictions is not served
- The enhanced disqualification related to hazardous materials (HM) or the number of passengers being transported is not served
- No disqualification period is served

5.12 Compliance Procedures

Now that we've looked at the types of disqualifications that States are required or choose to post and common problems that can occur, let's look at what it means for a State to maintain compliance.

As you learned in Module 2: Introduction to Convictions and Disqualifications, the SDLA is responsible for transmitting driver records via CDLIS. CDLIS is a pointer system that directs an inquiry to the correct driver information. In order to maintain Federal compliance, disqualifications imposed by a State against a driver licensed in another State must be reported accurately and completely to the State of Record (SOR) **within 10 days of the disqualification effective date** per [§384.208](#).

This applies to disqualifications of no less than 60 days. The notification must include the violation that resulted in the disqualification and all information provided must be recorded on the Driver History Record (DHR). The State of Conviction (SOC) is responsible for the CMV, Hazmat, and passenger indicators on the conviction. The SOR is responsible for the CDL indicator on the conviction. The SOR uses the citation date (the date on which an offense occurred) when calculating whether federally-defined multiple convictions occurred within a federally-defined time period requiring a disqualification.

5.13 Helpful Resources

There are a number of tools and systems that support data quality and the National CDL Program. Let's review some of the resources States can use for ensuring compliance.

1. AAMVA

The [American Association of Motor Vehicle Administrators \(AAMVA\)](#) hosts and maintains a number of National CDL Program tools and systems. It provides reports containing the convictions and disqualifications sent to and from States using CDLIS. These reports can be used to check that convictions and disqualifications were correctly posted to the DHR and that required enforcement action was imposed. It also provides training on the use of systems and procedures to ensure commercial driver safety and compliance with regulations. For more information, go to <https://www.aamva.org/systems-training/>.

2. AAMVA Code Dictionary

The [AAMVA Code Dictionary \(ACD\)](#) provides uniform codes to identify the type of driver **conviction** and the reason for a driver **disqualification**. Note that AAMVA documentation refers to disqualifications as "withdrawals." Appendix A of this manual contains an alphabetized list of the ACD codes used to communicate convictions and disqualifications and is grouped by category of violations. Appendix C contains CDL disqualification periods for certain offenses along with the Federal Motor Carrier Safety Regulations (FMCSRs) description and ACD description. AAMVA documentation also establishes the record retention periods for all disqualifications related to [49 CFR § 383.51](#). All other disqualifications must be retained for a minimum of three (3) years per [49 CFR § 384.225\(d\)](#). Refer to the ACD manual for more information.

3. CDLIS State Procedures Manual

The CDLIS State Procedures Manual (SPM) outlines the standard administrative practices required of the fifty States and the District of Columbia when participating in CDLIS. View this resource for procedural guidance, including the specifics of license issuance, renewal, transfer, reinstatement, and processing of convictions and disqualifications.

4. **CDLIS Master Specifications Document**

Also known as Master Specs or CDLIS System Specs, this document provides guidance on the technical aspects required to operate and maintain CDLIS.

5. **Commercial Driver’s License Program Implementation (CDLPI) Grant**

The [CDLPI Grant](#) provides funding to support State Driver Licensing Agencies (SDLAs) and other agencies and organizations working to achieve compliance with the requirements of 49 CFR [Parts 383](#) and [384](#) and improve the National CDL Program in an effort to ensure safety on our Nation’s roads.

6. **Electronic Code of Federal Regulations (e-CFR)**

The [e-CFR](#) is an editorial compilation of CFR material and amendments published in the daily Federal Register. This training focuses on 49 CFR Parts 383 and 384, the two sections of the Federal regulations responsible for establishing and maintaining the CDL Program.

- [49 CFR Part 383: Commercial Driver’s License Standards; Requirements and Penalties](#)
- [49 CFR Part 384: State Compliance with Commercial Driver’s License Program](#)

7. **Internal State Systems**

There are a number of internal State systems that support CDL compliance. This training does not outline the uses of each system or their benefits, which may vary by State. Please seek training locally to learn about your State-specific systems, tools, and processes.

5.14 Congratulations!

Congratulations. You have completed the **National CDL Program: Convictions and Disqualifications Training**. In **Module 5: Disqualifications**, you learned about the role of disqualifications in the National CDL Program, disqualification and retention periods, common State problems, and State compliance procedures.

Processing CDL convictions and disqualifications is an essential—and sometimes complicated—process. By taking the time to complete this course and understand the safety goals, regulatory requirements, and standards of compliance of the National CDL Program, you help keep our roads safe. You can return to this training at any time to review the tools, systems, and resources that support data quality and the National CDL Program. You can also navigate through the left-hand menu to re-take a module or review a particular section of the course.

Thank you for all that you do.