

# Federal Regulations on Commercial Drivers

## The Key Components

The foundation of federal requirements and standards that regulate the Commercial Driver License (CDL) is based on two rather significant cornerstones:

### 1. The Federal Motor Carrier Safety Administration (FMCSA)

Within the Department of Transportation, the Federal Motor Carrier Safety Administration (FMCSA) is the regulatory agency that oversees commercial driver license (CDL) standards, testing, requirements, disqualifications, and penalties. Drivers are required to obtain and hold a CDL when they operate in interstate, intrastate, or foreign commerce and if they drive a vehicle that meets any of the classifications of a commercial motor vehicle (CMV).

The home page for FMCSA is [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov). If the regulation of commercial drivers and vehicles is important to you or your company, bookmark this page. The FMCSA web page is a great resource for extensive information and guidance on regulatory compliance, research. FMCSA provides alerts and detailed information on forthcoming changes.

Regulations issued by FMCSA are published in the Federal Register and compiled in the U.S. Code of Federal Regulations (CFR).

### 2. Title 49 of the Code of Federal Regulations (CFR)

The Code of Federal Regulations (CFR) is an official and complete text of federal agency regulations by the executive departments and agencies of the Federal Government. The annual codification of these general and permanent rules is published in the Federal Register. The CFR is divided into 50 titles representing fairly broad areas subject to Federal regulation. Title 49 relates to Transportation. Under 49 CFR, there are approximately 40 sections or *Parts*. Part 383 of Title 49 (commonly shown as 49 CFR § 383) is the portion of the regulation on commercial driver's license standards; requirements and penalties. To see all the Parts, including Part 383, visit [www.fmcsa.dot.gov/regulations/title49/b/5/3](http://www.fmcsa.dot.gov/regulations/title49/b/5/3).

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While of course there are laws passed annually that modify the Parts of 49 CFR, two laws of special significance are worthy to mention.

### 3. Commercial Motor Vehicle Safety Act of 1986 (CMVSA)

A very significant piece of Federal legislation which influenced 49 CFR § 383 is the Commercial Motor Vehicle Safety Act of 1986 (CMVSA). The primary purposes of the Act were to improve highway safety by regulating Commercial Motor Vehicles (CMVs) and regulate the issuance of Commercial Driver Licenses. CMVSA retained the states' right to issue a CDL, but established minimum national standards for licensing CDL drivers. Since April 1, 1992, drivers have been required to have a CDL in order to drive a commercial motor vehicle.

### 4. The Motor Carrier Safety Improvement Act of 1999 (MCSIA)

The Motor Carrier Safety Improvement Act (MCSIA), aimed at improving commercial driver safety, brought one of the most sweeping changes impacting commercial drivers. The law, which went into effect September 30, 2005, modified the CDL licensing process. It also standardized the CDL disqualification process outlining specific violations with a table of specified disqualification (shown later in this Appendix section). In addition, MCSIA requires states to disqualify CDL drivers who have high risk traffic offenses in their personal vehicles.

MCSIA also established The Federal Motor Carrier Safety Administration (FMCSA), mentioned above.

**Note:** The rest of this Appendix is a review of selected regulations that affect specific areas of content cover within the individual state chapters in this book.

## Regulations on Licenses, Endorsements, and Restrictions

Title 49 CFR Part 383 sets standards and regulates Commercial Driver Licenses (CDL) and Commercial Learner's Permits (CLP).

### Classes of License Standards

The Federal standard requires states to issue a CDL to drivers according to the following license classifications:

- Class A Any combination of vehicles which has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more) whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds) whichever is greater.
- Class B Any single vehicle which has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), or any such vehicle towing a vehicle with a gross vehicle weight rating or gross vehicle weight that does not exceed 4,536 kilograms (10,000 pounds).
- Class C Any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers, including the driver, or is transporting material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR Part 172 or is transporting any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

### The Commercial Driver's License Document

While FMCSA sets the minimum standards that States must meet regarding administration of the CDL program, the issuance of the license itself still remains the exclusive function of the States. States determine the application process, license fee, license renewal cycle, renewal procedures, and reinstatement requirements after a disqualification – provided that the Federal standards and criteria are met. States may exceed the Federal requirements for certain criteria, such as medical, fitness, and other driver qualifications.

Per Federal regulations, all CDL documents must contain the following information:

- The words "Commercial Driver's License" or "CDL;"
- The driver's full name, signature, and mailing address;
- The driver's date of birth, sex, and height;
- Color photograph;
- The driver's State license number;
- The name of the issuing State;
- The date of issuance and the date of the expiration of the license;
- The class(es) of vehicle that the driver is authorized to drive;
- Notation of the "air brake" restriction, if issued;
- The endorsement(s) for which the driver has qualified;

**Note:** The Social Security Number must be provided on the application, but does not need to be printed on the CDL.

States may issue Learner's Permits for purposes of behind-the-wheel training on public highways as long as the Learner's Permit holder is required to be accompanied by someone with a valid CDL appropriate for the class and type of vehicle being operated. Further, the Learner's Permits can only be issued for limited time periods. The permit holder cannot operate a commercial motor vehicle transporting hazardous materials as defined in §383.5. The permit holder must have a valid operators (non-CDL) driver's license, or have passed such vision, sign/symbol, and knowledge tests as the State issuing the learner's permit ordinarily administers to applicants for operator (non-CDL) drivers' licenses.

### Non-resident Commercial Driver's License

In certain circumstances, States are permitted to issue a CDL to an individual who is not domiciled within its jurisdiction. If doing so, the word "Nonresident" must be prominently displayed on the CDL, but does not have to be contiguous with "Commercial Driver's License" or "CDL". As stated earlier, a Social Security Number is not required to be displayed on the license.

Nonresident CDL means a CDL issued by a State under either of the following two conditions:

1. To an individual domiciled in a foreign country, other than Mexico and Canada, if the person obtained the license from a State which complies with the testing and licensing standards required for CDL drivers.
2. To an individual domiciled in another State while that State is prohibited from issuing CDLs, if the person obtained the license from any State which elected to issue nonresident CDLs and which complies with the testing and licensing standards required for CDL drivers.

### Exemptions

A State may, at its discretion, exempt firefighters, emergency response vehicle drivers, farmers and drivers removing snow and ice in small communities from the CDL requirements, subject to certain conditions. The use of this waiver is limited to the driver's home State unless there is a reciprocity agreement with adjoining States.

In addition, a State may issue a restricted license and waive the CDL knowledge and skills testing requirements for seasonal drivers in farm-related service industries and may waive certain knowledge and skills testing requirements for drivers in remote areas of Alaska. A State can also waive the CDL hazardous materials endorsement test requirements for part-time drivers working for the

pyrotechnics industry, subject to certain conditions.

Until recently (per the Military Commercial Driver's License Act of 2012), each State must exempt from the requirements of 49 CFR 383 individuals who operate CMVs for military purposes. Now, per this Act, states may issue a commercial driver's license to drivers stationed in the state but not domiciled there.

## Endorsements Standards

Drivers who operate special types of CMVs are required to pass additional tests in order to obtain any of the endorsements on their CDL. At a minimum, each state must use these **endorsements** as outlined.

- T Double/Triple Trailers (Knowledge test only)
- P Passenger (Knowledge and Skills Tests)
- N Tank Vehicle (Knowledge Test only)
- H Hazardous Materials (Knowledge Test and TSA Threat Assessment)
- X Combination of Tank Vehicle and Hazardous Materials
- S School Bus (Knowledge and Skills Tests)

Also, if a driver either fails the **air brake** component of the general knowledge test or performs the skills test in a vehicle not equipped with air brakes, the driver is issued an air brake restriction, restricting the driver from operating a CMV equipped with air brakes.

## CLP Endorsements

Only 3 of the endorsements are allowed on the CLP as prescribed by 49CFR383.25(a)(1).

- P Passenger. A CLP holder with a "P" endorsement is prohibited from operating a CMV carrying passengers, other than Federal/state auditors and inspectors, test examiners, other trainees, and the CDL holder accompanying the CLP holder
- S School Bus. A CLP holder with an "S" endorsement is prohibited from operating a school with passengers, other than Federal/state auditors and inspectors, test examiners, other trainees, and the CDL holder accompanying the CLP holder.
- N Tank Endorsement. A CLP holder with an "N" endorsement may only operate an empty tank vehicle, and is prohibited from operating any tank vehicle that previously contained hazardous materials that have not been purged of any residue.

## Restriction Standards and New Rules

Recent modifications to the Code of Federal Regulations (CFR), Title 49§ 383.153 includes a standardized list of CDL License Restrictions (and associated codes) that states must place on the driver for operating certain equipment or vehicles. This rule change is forcing a number of states to revise some of their current restrictions and codes. Below is an excerpt taken directly from this law:

“The restriction(s) placed on the driver from operating certain equipment or vehicles, if any, indicated as follows:

- (i) L for No Air brake equipped CMV;
- (ii) Z for No Full air brake equipped CMV;
- (iii) E for No Manual transmission equipped CMV;
- (iv) O for No Tractor-trailer CMV; (v) M for No Class A passenger vehicle;
- (vi) N for No Class A and B passenger vehicle;
- (vii) K for Intrastate only;
- (viii) V for medical variance; and
- (ix) At the discretion of the State, additional codes for additional restrictions, as long as each such restriction code is fully explained on the front or back of the CDL document.”

July 8, 2015 is the compliance date when states are to have these standardized restrictions and codes in place. This is also the date when states must meet new minimum federal standards in order to issue CLPs and to provide the minimum information that must be on the CLP document and the electronic driver's record. However not all states will be in full compliance on that date.

Within the section *License Classes, Restrictions, and Endorsements* in the state chapters, you will notice a number of new or modified CDL Restrictions and codes. Also indicated are fact related to if these changes still need to be made and if a time frame has been posted.

For more information, see [www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/FmcsrGuideDetails.aspx?menukey=383](http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/FmcsrGuideDetails.aspx?menukey=383).

## Medical Certification Requirements

Per the FMCSA Medical Program, drivers of commercial motor vehicles with a gross vehicle weight rating (GVWR) in excess of 10,001 pounds and are driving in interstate commerce within the United States, Canada and Mexico must obtain a Medical Examiner's Certificate. Effective May 21, 2014, the Certificate must be obtained from a qualified Medical Examiner found on FMCSA's National Registry of Certified Medical Examiners at [.https://nationalregistry.fmcsa.dot.gov](https://nationalregistry.fmcsa.dot.gov). This law pertains to both commercial driver's license holders (CDL) as well as commercial learner's permit holders (CLP). Interstate motor carriers are also required to retain copies of their drivers' medical certificates in their driver qualification files.

If the medical examiner finds that the person he/she examined is physically qualified to drive a commercial motor vehicle (CMV), the medical examiner will furnish one copy of the results to the person who was examined and complete a Medical Examiner's Certificate.

This law pertains to both commercial driver's license holders (CDL) as well as commercial learner's permit holders (CLP). Interstate motor carriers are also required to retain copies of their drivers' medical certificates in their driver qualification files.

CDL and CLP drivers are also required to provide to their state's driver licensing agency (SDLA) a copy of their Certificate, and **this information is being added to the driving record**. In addition, this information is placed on the Commercial Drivers' License System (CDLIS). The status is called the "Medically Certified" status. If the DOT Medical Certificate is valid then the individual will have a Medically Certified status of "Certified" and the driver can legally drive a CMV.

The CDL and CLP holders required to have a "certified" medical status who fail to provide and keep up-to-date their medical examiner's certificate with their SDLA will become "not-certified" and they may lose their commercial license or permit.

Under the *Driving Record Content and Reciprocity* section in each state chapter, there is now a Sub-heading titled CDL Medical Cert Data. This section displays:

- Which types of driving records provided by the state will display the medical certification information (such as 'complete' or "employment" etc.)
- If manual or electronic or both record access methods provided by the state will display the medical certification information

For more information about this Federal regulation see [www.fmcsa.dot.gov/medical/driver-medical-requirements/driver-medical-fitness-duty](http://www.fmcsa.dot.gov/medical/driver-medical-requirements/driver-medical-fitness-duty).

## Regulations on Testing

### Driver Knowledge and Skills Tests

States may develop their own tests which must meet the minimum Federal standards provided for in Subpart G and H of 49 CFR § 383. Model driver and examiner manuals and tests are available to States to use, if they wish.

- Each basic knowledge test, i.e., the test covering the areas referred to in 49 CFR 383.111 for the applicable vehicle group, shall contain at least 30 items, exclusive of the number of items testing air brake knowledge.
- To pass the knowledge tests (general and endorsement), applicants must correctly answer at least 80 percent of the questions.
- To pass the skills test, applicants must successfully perform all the required skills (listed in 49 CFR 383.113 through 49 CFR 383.123). The skills test must be taken in a vehicle representative of the type of vehicle that the applicant operates or expects to operate. Depending on the type of passenger vehicle used in the skills test, the following restrictions must be added to the license: except Class A bus or except Class A and Class B bus.
- Require the driver applicant to surrender his/her driver's license issued by another State, if he/she has moved from another State.

### Third Party Skills Testing

A State may authorize a person (such as another State, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of a local government) to administer the skills tests, if the following conditions are met:

- Tests must be the same as those given by the State.
- The third party has an agreement with the State containing, at a minimum, provisions that:
  - Allow the FMCSA, or its representative, and the State to conduct random examinations, inspections, and audits without prior notice.
  - Require the State to conduct on-site inspection at least yearly.
  - Require that all third party examiners meet the same qualification and training standards as State examiners.
- At least annually, State employees must evaluate the programs by taking third party tests as if they were test applicants, or by testing a sample of drivers tested by the third party and then comparing pass/fail rates.
- Reserve unto the State the right to take prompt and appropriate remedial action against the third-party testers in the event that the third-party fails to comply with State or Federal standards for the CDL testing program, or with any other terms of the third-party contract.

### Exemption of Skills Testing Requirements

States have the option to exempt certain individuals with good driving records from the skills testing requirement (commonly referred to as "grandfathering"). The State shall impose conditions and limitations to restrict the applicants from whom a State may accept alternative requirements for the skills test described in 49 CFR 383.113. Such conditions must require at least the following:

- Driver has a current license at time of application; and Driver has a good driving record and previously passed an acceptable skills test; or driver has a **Good Driving Record** in combination with certain **Driving Experience**.

## Regulations on Record Keeping and Retention

### State Standards for Certifications and Record Checks

When an individual applies for a CDL, or attempts to renew or update a CDL, the State must perform a check of:

- Its own records database
- The Commercial Driver's License Information System (CDLIS) (see Appendix 3)
- The National Driver Register (NDR) (see Appendix 3)

These checks are performed to ensure the driver is not disqualified and does not possess a license from more than one jurisdiction. If the driver possesses a license from another jurisdiction, the State must require the driver applicant to surrender his/her driver's license issued by that State before issuing a new license.

The State must request the complete driving record of the applicant from all jurisdictions where the driver was previously licensed in the past 10 years. This is held by the **State of Record (SOR)** for currently licensed drivers.

### Record Data Retention

Record keeping for the records of commercial drivers or drivers who are operating a commercial vehicle is much different than record keeping for non-commercial drivers. Per 49 CFR §383.51 states must follow minimum standards that spell out how long certain convictions and withdrawals must be maintained and the reporting requirements for the Commercial Driver License Information System (CDLIS). These minimum retention periods apply to convictions and withdrawals incurred by a driver operating a CMV, and by CDL holders operating any motor vehicle. State jurisdictions may choose longer choose retention periods; some states have never purged their database. The categories below indicate the minimum time a conviction or withdrawal must be retained from the conviction date for CDL or CMV-related convictions. Refer to the lists of the specific convictions considered **Major** or **Serious** as presented next in this Appendix.

#### CDL Data Retention Table

- **Major Convictions** .....55 years
  - An exception to this rule applies to a second conviction for the "Use of a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance." This conviction must be kept on the record for life.
- **Serious Convictions** .....4 years
- **Railroad Grade Crossing Convictions** .....4 years
- **Out-of-Service Convictions** .....15 years
- **All Other Convictions**.....3 year minimum
- **Withdrawal Actions**.....The length of time conviction is kept as specified in the tables above

A key factor is that the records of convictions and withdrawals must be kept by the state where the most recent license was issued. Thus, when a driver moves from one state to another, the driver's new state of record (SOR) will receive and maintain any records sent from the previous state. It is important that the SOR maintain the retention period for two reasons: 1) if the conviction data determines the length of a disqualification; 2) if accumulated convictions over time could lead to a disqualification.

## Regulations on CDL Disqualifications

Per the Code of Federal Regulations 49 CFR §383.51, jurisdictions are required to impose a disqualification on CDL holder and persons required to have a CDL who have been convicted of certain offenses. This summary of these rules are categorized in alphabetical order as follows—

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|--|---|
| <ol style="list-style-type: none"> <li>1. Failing to Surrender the HAZMAT Endorsement</li> <li>2. Falsify Offense</li> <li>3. Imminent Hazard Disqualification</li> <li>4. Major Offenses</li> </ol> | <ol style="list-style-type: none"> <li>5. Railroad-Highway Grade Crossing Offenses</li> <li>6. Serious Offenses</li> <li>7. Violating of Out-of-Service Orders</li> </ol> |
|--|---|

Each of the seven categories table indicates the specific offenses, the disqualifications, and the ACD code(s) involved.

### Failing to Surrender the HAZMAT Endorsement Table

The rule in 49 CFR §383.141(c) specifies that a driver who does not successfully complete the Transportation Security Administration security threat assessment process may not be issued a hazardous materials endorsement.

Failing to Surrender the HAZMAT Endorsement	Disqualifications
Failure to surrender HAZMAT endorsement as required by the USA PATRIOT Act (W09)	Indefinite disqualification until CDL with HAZMAT endorsement is surrendered (W09)

## Falsify Offense Table

The rule in 49 CFR §383.73(g) specifies the period for which a driver must be disqualified for a conviction of a falsify offense.

False Offense	Disqualifications
Misrepresentation of identity or other facts on application for driver license (includes DL, CDL, and Instruction Permit) (D02)	60 days disqualification (D02)

## Imminent Hazard Disqualification Table

FMCSA has the authority to remove a CDL holder's driving privileges by determining the driver is an imminent hazard, which it defines as "the existence of a condition 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 completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment" (49 CFR §382.52).

The imminent hazard rule in 49 CFR §383.52 specifies the periods for which a driver may be disqualified.

Imminent Hazard Disqualification	Disqualifications
Allowing the driver to continue to operate a commercial motor vehicle would create an imminent hazard (W70).	Emergency disqualification because driver posed an imminent hazard (W70) – up to 1 year disqualification

## Major Offenses Table

Keep in mind that some of the offenses apply to any driver operating a CMV, some to a CDL holder operating any motor vehicle, and some specific to a CDL holder operating a CMV.

Major Offenses	Disqualifications
<ol style="list-style-type: none"> <li>1. Driving a motor vehicle while under the influence of alcohol as prescribed by state law (A08, A10, A11, A20, A21, A23, A90, A91, and A98)</li> <li>2. Driving a motor vehicle while under the influence of a controlled substance (A20, A22, A23)</li> <li>3. Driving a commercial motor vehicle while the person's blood alcohol concentration is 0.04% or more (A04, A11[When BAC <math>\geq</math>.04], A91[When BAC <math>&gt;</math>.04 but<math>&lt;</math>.08], and A94 [When BAC <math>&gt;</math>.04 but <math>&lt;</math>.08])</li> <li>4. Refusing to take an alcohol or drug test as required by a State or jurisdiction under its implied consent laws or regulations as defined in § 383.72 (after operating a motor vehicle) (A12)</li> <li>5. Leaving the scene of an accident (driving a motor vehicle) (B01, B02, B03, B04, B05, B06, B07, and B08)</li> <li>6. A felony involving the use of a motor vehicle (not traffic offense). (U03)</li> <li>7. Driving a commercial motor vehicle when as a result of prior violations committed operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV (B20, B21, B22, B23, B24, B25, and B26)</li> <li>8. Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle, and negligent homicide (U07, U08, U09, and U10 — the CMV Indicator must equal '1')</li> <li>9. Use of a motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance (A50)</li> </ol>	<p><b>For 1<sup>st</sup> Major Offense:</b></p> <ul style="list-style-type: none"> <li>• 1 year Disqualification - if the vehicle <u>was not</u> transporting hazardous materials required to be placarded</li> <li>• 3 years Disqualification - if the vehicle was transporting hazardous materials required to be placarded</li> </ul> <p><b>2nd and separate incident of any major offense:</b></p> <ul style="list-style-type: none"> <li>• Lifetime disqualification, but eligible for 10 year reinstatement (W40)</li> </ul> <p><b>Incident after reinstatement</b></p> <ul style="list-style-type: none"> <li>• Lifetime disqualification, not eligible for reinstatement (W41)</li> </ul> <p><b>For Conviction Group 9</b></p> <ul style="list-style-type: none"> <li>• Lifetime disqualification, not eligible for 10 year reinstatement (A50)</li> </ul>

### Serious Offenses Table

The following offenses are classified as “serious” and carry a different set of disqualification mandates.

Serious Offenses	Disqualifications
<ol style="list-style-type: none"> <li>1. Speeds excessively, involving any speed of 15 mph or more above the posted speed limit (S15, S16, S21, S26, S36, S41, S71, S81, S91, S92 [if detail on S92 shows &gt;15 over limit])</li> <li>2. Drives recklessly, as defined by State or local law or regulation, including but not limited to offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property (M84)</li> <li>3. Makes improper or erratic traffic lane changes (M42)</li> <li>4. Follows the vehicle ahead too closely (M34)</li> <li>5. Violates State or local law relating to motor vehicle traffic control arising in connection with a fatal accident (U31)</li> <li>6. Driving a CMV without obtaining a CLP or CDL (B56)</li> <li>7. Driving a CMV without a CLP or CDL in the driver’s possession (B57)</li> <li>8. Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported (B91)</li> <li>9. Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a CMV* (M85)</li> <li>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* (M86)</li> </ol>	<p><b>For 1<sup>st</sup> Conviction:</b></p> <ul style="list-style-type: none"> <li>• No disqualification</li> </ul> <p><b>2nd and separate incident of any offense in this table, during a 3 year period:</b></p> <ul style="list-style-type: none"> <li>• 60 days disqualification (W30)</li> </ul> <p><b>3rd or subsequent conviction of any incident of any offense in this table, during a 3 year period:</b></p> <ul style="list-style-type: none"> <li>• 120 days disqualification (W31)</li> </ul>

\*Driving, for the purpose of this disqualification, means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when 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 Table

These offenses receive their own classification.

Railroad-Highway Grade Crossing Offenses	Disqualifications
<p>If the driver operates a commercial motor vehicle in violation of a federal, state or local law and:</p> <ol style="list-style-type: none"> <li>1. The driver is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train (M20)</li> <li>2. The driver is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear (M21)</li> <li>3. The driver is always required to stop, but fails to stop before driving onto the crossing (M22)</li> <li>4. The driver fails to have sufficient space to drive completely through the crossing without stopping (M23)</li> <li>5. The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing (M10)</li> <li>6. The driver fails to negotiate a crossing because of insufficient under-carriage clearance (M24)</li> </ol>	<p>For 1<sup>st</sup> Conviction:</p> <ul style="list-style-type: none"> <li>• No less than 60 days</li> </ul> <p>For 2nd Conviction of any offense in this table in a separate incident within a 3-year period:</p> <ul style="list-style-type: none"> <li>• No less than 120 days CMV disqualification (W60)</li> </ul> <p>3rd or subsequent conviction of any offense in this table in a separate incident within a 3-year period:</p> <ul style="list-style-type: none"> <li>• No less than 1 year CMV disqualification (W61)</li> </ul> <p><b>Note:</b> An employer who is convicted of a violation of a Federal, State, or local law or regulation, pertaining to railroad-highway grade crossings must be subject to a civil penalty of not more than \$10,000.</p>

## Violating Out-of-Service Orders Table

These offenses receive their own classification.

Violating Out of Service Orders	Disqualifications
<p>1. 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 (B19)</p> <p>2. Violating a driver or vehicle out-of-service order while transporting nonhazardous materials (for violations not covered by B19) (B27)</p> <p><b>Other Penalties:</b>  A driver who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$2,500 for a first conviction and not less than \$5,000 for a second or subsequent conviction, in addition to disqualification under §383.51(e).  An employer who is convicted of a violation of an out-of-service order shall be subject to a civil penalty of not less than \$2,750 nor more than \$25,000.</p>	<p>For 1st Conviction in a HAZMAT CMV and/or a Passenger CMV (B19):</p> <ul style="list-style-type: none"> <li>• 180 days to 2 year disqualification (B19)</li> </ul> <p>For 1st Conviction in a CMV that was not a Passenger CMV or a HAZMAT CMV (B27)</p> <ul style="list-style-type: none"> <li>• 180 days to 2 year disqualification (B19)</li> </ul> <p>For 2nd Conviction of a separate incident of an offense in this table, during a 10 year period in a HAZMAT CMV and/or a Passenger CMV (B19):</p> <ul style="list-style-type: none"> <li>• 3 year to five disqualification (W51)</li> </ul> <p>For 2nd Conviction of a separate incident of an offense in this table, during a 10 year period in a CMV that was not a Passenger CMV or a HAZMAT CMV (B27)</p> <ul style="list-style-type: none"> <li>• 2 year to five disqualification (W50)</li> </ul> <p>For 3rd Conviction of a separate incident of an offense in this table, during a 10 year period</p> <ul style="list-style-type: none"> <li>• 3 to 5 year disqualification (W52)</li> </ul>

## Other Requirements of Note

States must also meet other requirements related to commercial driver's license holders and motor carriers.

### BAC Standards

The FMCSA has established 0.04% as the blood alcohol concentration (BAC) level at or above which a CDL commercial motor vehicle operator who is required to have a CDL is deemed to be driving under the influence of alcohol and subject to the disqualification sanctions in the Federal regulations. Most States have established a BAC level of .08% as the level at or above which a person operating a non-commercial motor vehicle is deemed to be driving under the influence of alcohol.

### Employer Notifications

Within 30 days of a conviction for any traffic violation, except parking, a driver must notify his/her employer, regardless of the nature of the violation or the type of vehicle which was driven at the time.

If a driver's license is suspended, revoked, canceled, or if he/she is disqualified from driving, his/her employer must be notified. The notification must be made by the end of the next business day following receipt of the notice of the suspension, revocation, cancellation, lost privilege or disqualification.

Employers may not knowingly use a driver who has more than one license or whose license is suspended, revoked or canceled, or is disqualified from driving. Violation of this requirement may result in civil or criminal penalties.

### Notification of Previous Employment

All employers shall request and all person's applying for employment as a commercial motor vehicle operator shall provide, employment history information for the 10 years preceding the date the application is submitted. The request shall be made at the time of application for employment.