

New Rules for Commercial Driver's Licensing

Martin J. Costello

General Counsel, IBT General Secretary-Treasurer

Joint Council 75 Quarterly Meeting
Atlanta, Georgia



Presentation Topics



1. CDL Disqualification Standards

A. Disqualification Standards

B. Disqualifying Offenses

C. Licensing Limitations



2. CDL Haz-Mat Endorsement Changes

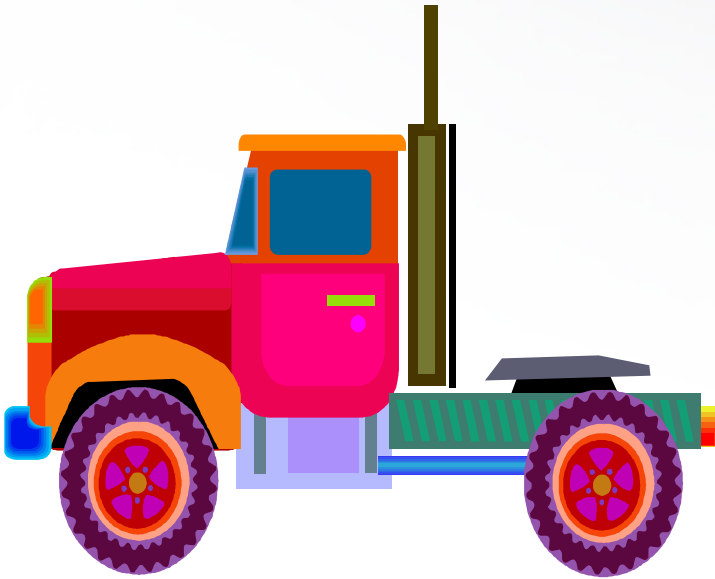


CDL Disqualification Standards

Changes to CDL Standards



- Instituted by the Federal Motor Carrier Safety Administration, new rules have significantly revised the CDL standards by:
 - Expanding the Definition of Serious Traffic Violations,
 - Prohibiting Conviction Masking, and
 - Disqualifying CDL holders for violations committed while driving a non-commercial motor vehicle



Harsher Disqualification Standards



- CDL holders must be disqualified if:
 - They are convicted of any traffic offense that cancels, revokes, or suspends their driver's license, even if that offense was committed while operating a non-CMV;

or

- They are convicted of a drug or alcohol-related offense, such as a DWI, committed while operating a non-CMV.

Disqualifying Offenses



1. Alcohol or drug-related offenses,
2. Serious traffic offenses,
3. Railroad-highway grade crossing offenses, and
4. Violating out-of-service orders.



Effect of DWI Convictions on CDLs



- For 1st-Time DWIs:
 - Automatic 1 year disqualification from operating a CMV, even if the DWI was committed using a non-CMV (i.e., your personal vehicle).
- For 2nd or More DWIs:
 - Lifetime disqualification, even if the DWIs were committed using a non-CMV.

What Is A Serious Traffic Offense?



- Excessive speeding (15 mph or more over the posted limit),
- Reckless driving,
- Improper or erratic lane changes,
- Following another vehicle too closely, and
- Any traffic law violation that leads to a fatal accident.

When Will a Serious Traffic Offense Disqualify You?



- Only when 2 or more convictions for any combination of serious traffic offenses committed in a non-CMV results in the revocation, cancellation, or suspension of your non-CMV license or driving privileges.

Practical Effects

- 2 or more convictions in a 3 year period for a serious traffic offense committed in a non-CMV results in a 60-120 day disqualification.
- A first alcohol- or drug-related DWI or refusal to test conviction results in a 1 year disqualification. A second alcohol or drug-related DWI or refusal to test conviction results in a lifetime disqualification.

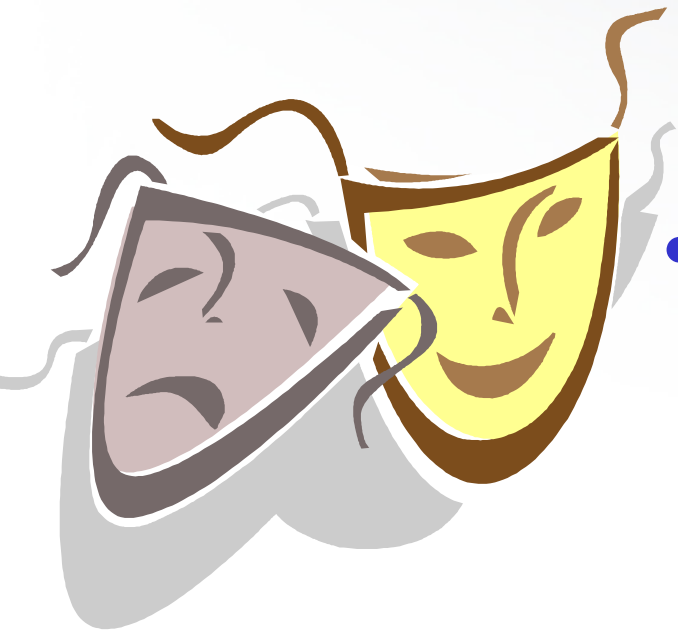


New Licensing Limitations



- States can not knowingly issue a CDL permitting a person to drive a CMV if:
 - Any licenses held by that person are suspended, revoked, or canceled because of traffic law violations.
- States must also communicate any disqualifications, revocations, suspensions, or cancellations of a CDL to the state that issued the CDL.

Masking Prohibition



- States cannot mask violations that would normally appear of a CDL holder's driving record, and
- States cannot prevent a CDL driver's conviction for any type of traffic violation in any type of vehicle from appearing on the CDL holder's driving record.
- All traffic convictions must appear on a CDL holder's driving record.



CDL Haz-Mat Endorsements

Restriction



- No State can issue or renew a hazardous materials endorsement for a CDL unless the State receives a “Determination of No Security Threat” from the Transportation Security Administration.

Background Checks



- Truck drivers applying for a new haz-mat endorsement, or renewing or transferring an existing endorsement, must provide fingerprints for an FBI criminal background check.
- If disqualified, drivers must surrender their haz-mat endorsement to the Department of Public Safety.
- Two levels of disqualifying offenses: temporarily disqualifying and permanently disqualifying.

Disqualifying Offenses: Temporary



- Felony-level conviction in the last 7 years, release from prison within the last 5 years, or an outstanding warrant or indictment for:
 - Assault with intent to murder
 - Kidnapping/hostage taking
 - Rape/aggravated sexual abuse
 - Extortion
 - Robbery
 - Arson
 - Bribery
 - Smuggling
 - Immigration violations
 - RICO violations
 - Distribution, possession with intent to distribute, or importation of a controlled substance
 - Dishonesty, fraud, or misrepresentation, including identity theft
 - Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, etc. of firearms or other weapons
 - Conspiracy to commit any of these crimes.

Disqualifying Offenses: Permanent



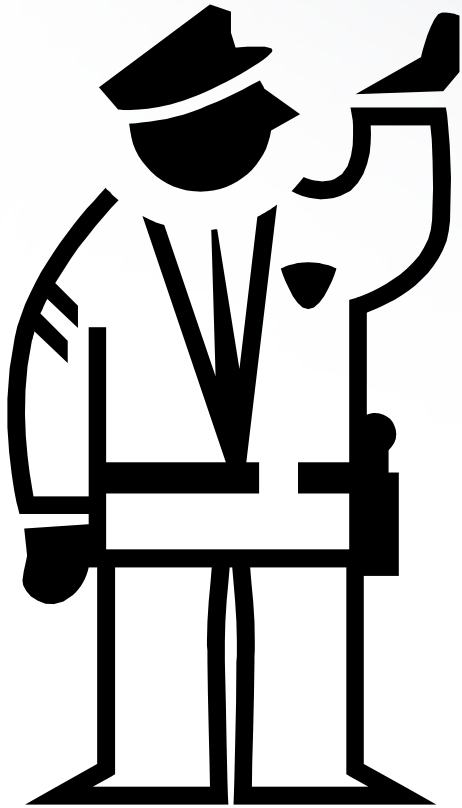
- Permanent disqualification for conviction for:
 - Murder
 - Terrorism
 - Espionage
 - Sedition
 - Treason
 - Unlawful possession, use, sale, distribution, manufacture, purchase, etc. of an explosive or explosive device
 - RICO violations if underlying crime is permanently disqualifying
 - A crime involving a transportation security incident (i.e., incident involving a significant loss of life, environmental damage, etc.)
 - Felony improper transportation of a hazardous materials (does not include roadside infractions or placarding violations)
 - Conspiracy or attempt to commit any of the above crimes.

Appealing a Denial

- A driver who has been denied a haz-mat endorsement can appeal the decision on the grounds of mistaken identity or other information, such as a reversed conviction.
- Appeal process can take up to 120 days after the endorsement is denied.



Waiver Process



- If a driver has a disqualifying offense on his or her record, that driver can apply for a waiver.
- Must show that they are rehabilitated and no longer pose a security threat. Persons convicted of treason, sedition, espionage, or a crime of terrorism are not eligible for a waiver

The Procedure



- Drivers who are renewing or transferring their endorsement should allow at least 60 days for processing.
- The cost will be \$94.00, payable by the driver (unless paid for by employer).

Summary



- While it may not seem fair, CDL holders are being held to a high standard, both in their professional lives as truck drivers, and in their personal lives.
- CDL holders must reconcile themselves to the fact that their actions, in and out of a CMV, can severely impact their ability to hold a CDL.