

# Understanding the Role of the Court in CDL/CMV Cases

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Town Justice, Town of Darien



# Learning Objectives

Courts play a significant role when handling CDL/CMV cases due to the fact their work product may be the final step in ensuring accurate conviction related information.

Upon completion of this presentation participants will have a better understanding of why it is important that those filing these cases must fully understand their roles in doing so.

# Learning Objectives

Participant must also understand that the judicial perspective today comes from many years of recognizing where things go wrong.

- Why should judges be aware masking;
- The importance of the “complete” citation;
- Application of the terms “Conviction” and “Disqualifying Offenses” and applying them to CDL/CMV cases.

# Requested skills to acquire from prior students (judges)

- “How-to better-read citations, how not to mask”
- “More effective adjudication of CDL cases”
- “Understand the penalties of CDL holders”
- Correctly identifying the CDL holder and the vehicles they operate (personal vehicles vs. CMV vehicles)
- The reason Court awareness of the subject is so important

“I really don’t handle many CDL cases”

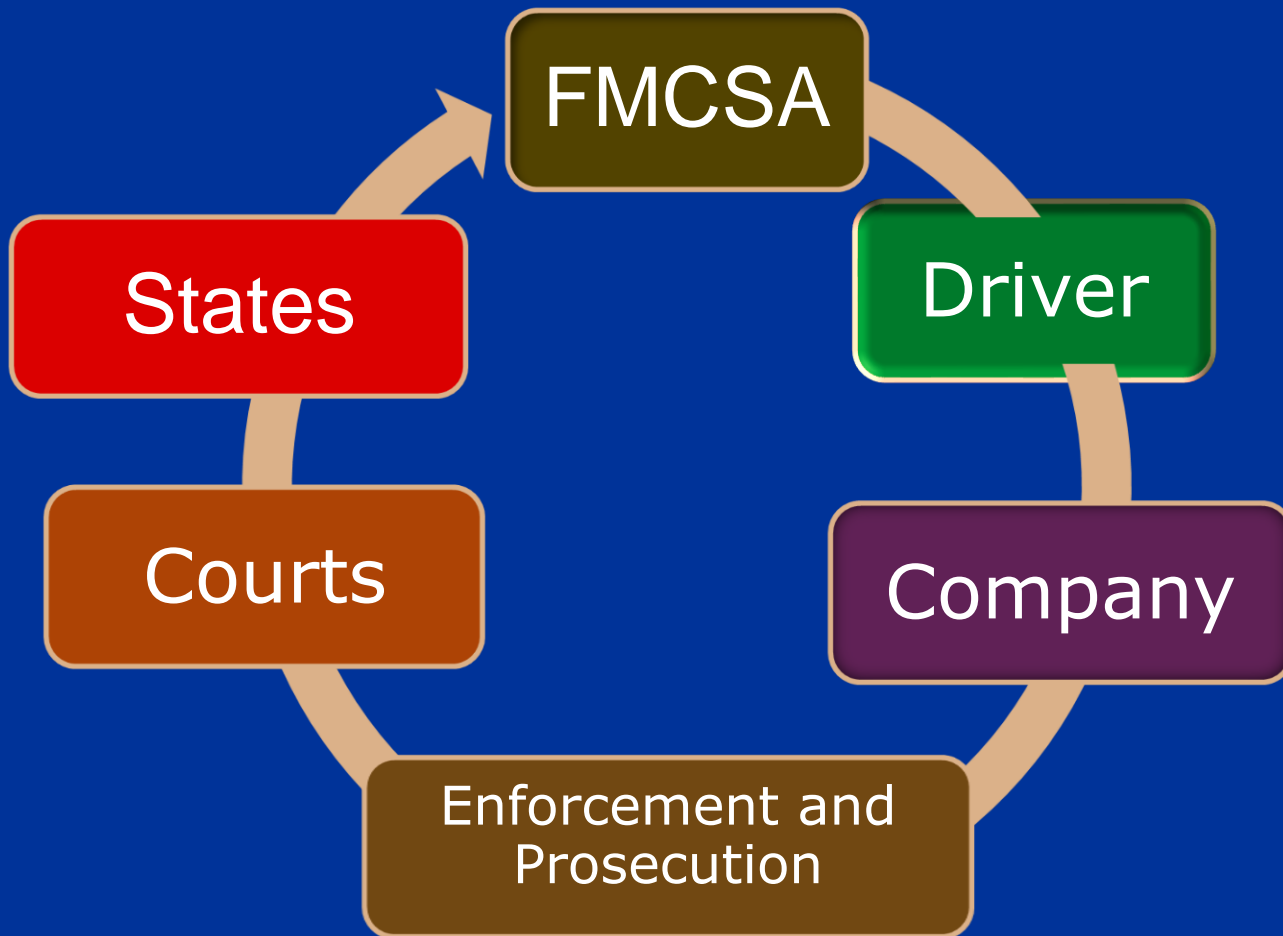
- Have you ever heard/said this?
- Do you handle a traffic court?
- Why would you think you don’t handle these cases?
- How would you know?

# Why Should You Care?



# Why Should We Care?

# Stakeholders



# TOOLS OF THE TRADE





# Canon 1

A judge shall ..... Avoid impropriety and the appearance of impropriety

## Rule 1.1: Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

# Rule 1.2

## Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.



# Canon 2

A judge shall perform the duties of judicial office impartially, competently, and diligently

## Rule 2.2: Impartiality and Fairness

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

# Canon 2 Rule 2.2

## Impartiality and Fairness

- A Judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.
- B. Administrative Responsibilities
  - (2) Judges should require their staff and court officials subject to their direction and control to observe the standards of fidelity and diligence that apply to judges.

# Masking

Because “masking” is prohibited to ensure all “convictions” appear on CDL history / record, one cannot comply with the masking prohibition unless the definition of “conviction” under 49 CFR 383.5 is understood.

# The Basic Steps

**CONSISTANT  
ENFORCEMENT**

**SUBJECT MATTER  
KNOWLEDGE BY PEO/DEF**

**PROCEDURAL / COURT  
STAFF IDENTIFICATION  
OF THESE CASES**

**TIMELY AND PROPER  
CONVICTION RECORDING AT  
STATE LEVEL**

**WILL  
STOP  
MASKING**

# CONSISTANT ENFORCEMENT

## ➤ Common issues:

- CVE Officers vs. Non-CVE Officers
  - Education varies
  - Perceptions vary
  - Opinions vary (ex: roadside reductions)
- Masking is often not understood by most. Do not assume that it is.

# CONSISTANT ENFORCEMENT

## SPEEDING IN A CMV

(What's wrong with this picture)

- Cited Speed – 70 mph
- Actual speed – 55 mph
- Posted speed – 70 mph

|   |  |   |   |   |  |
|---|--|---|---|---|--|
| In the Justice/Municipal Court:<br><b>EAST FORK JUSTICE COURT</b><br><input type="checkbox"/> Juvenile  |  | STATE OF NEVADA<br>Nevada Highway Patrol<br>County: DOUGLAS<br>Issue Date/Time: 1/30/2018 1312<br>Violation Date/Time: 1/30/2018 1255 |   | 18-TR-<br>Citation #<br>Case #<br>Accident #:<br>Type: TRAFFIC                          |  |
| <b>LOCATION AND VIOLATION INFORMATION</b>   |  |   |   |   |  |
| Location: US395/DOB<br>BT/Sector: HRM44   |  | Weather: Clear<br>Traffic: Light  |   | Road Conditions: Dry<br>Direction:  |  |
| Cited: 70 MPH<br>Posted: 70 MPH   |  | Actual: 55 MPH<br>Confirm: RADAR<br>Grant: *NONE  |   | School Zone: No<br>Construction Zone WP: No<br>Ped Safety Zone: No                      |  |
| <b>VIOLATOR / DRIVER</b>  |  |   |   |   |  |
| Name:   |  |   |   |   |  |
| Address:  |  |   |   |   |  |
| Hgt: 603<br>Wgt: 235<br>Sex: M  |  | Hair: BRO<br>Eyes: GRN<br>Race: W   |   | City: State: Zip:   |  |
| DL #:<br>DL Expires:  |  | CONFIDENTIAL PURCHASE TO NRS 739B.035<br>DL State: Restrictions:  |   | CDL: Yes<br>Class: A  |  |
| <b>VEHICLE</b> Did operate the following vehicle:   |  |   |   |   |  |
| VIN #:<br>Make: PETERSILT<br>DOT #:   |  | Model: Color: RED<br>Reg Exp:   |   | Type: TR<br>Veh Tag: Veh Yr: 2016<br>State: Haz Mat: No<br>CMV: No                      |  |
| Owner: Address:   |  |   |   |   |  |
| <b>VIOLATIONS</b> Did then and there commit the following offense(s);   |  |   |   |   |  |
| VIOLATION 1 - CITATION - 484B.600 - 53853 - Basic Speed 11-20 Over Limit<br>VE70  |  |   |   |   |  |
| Bail: \$68 Admin Fee: \$50 Facility Fee: \$13 SP CT Fee: \$7 Total: \$138   |  |   |   |   |  |
| VIOLATION 2 - CITATION - 395.8 - 54411 - Log Book Violations<br>NO LOG BOOK   |  |   |   |   |  |
| Bail: \$108 Admin Fee: \$75 Facility Fee: \$13 SP CT Fee: \$7 Total: \$203  |  |   |   |   |  |
| I certify (or Declare) under penalty of perjury under the laws of the state of Nevada that I have reasonable grounds/probable cause to believe and do believe that above named person committed the above offense(s) contrary to law. |  |   |   |   |  |
| Trooper's Signature<br>Trooper Bailey<br>ID# H7124  |  | Complainant's Signature   |   | Defendant's Signature<br>Served<br>This is not a plea of guilty. (Not void if unsigned) |  |
| Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense   |  | Interpreter Needed: *NONE Court Mandatory: NO   |   |   |  |
| Without admitting having committed the above offense(s), I hereby promise to respond as directed on this notice and waive my right to be taken immediately before a magistrate (NRS 484D.630 and NRS 484A.750)                        |  |   |   |   |  |
| You are hereby ordered to appear to answer to the above charges on the day and time:  |  |   |   |   |  |
| EAST FORK JUSTICE COURT<br>Physical: 1038 Buckeye Street; Minden, NV 89423<br>Mailing: PO Box 218; Minden, NV 89423<br>775-782-9955<br>http://eastforkjusticecourt.com  |  |   | Total Bail: \$341<br>Appear On: 3/13/2018<br>At: 1300 HRS |   |  |



# Truck driver trapped for an hour in crash that closed I-81 North



# A little knowledge is dangerous

|  |                 |  |  |                          |       |
|--|-----------------|--|--|--------------------------|-------|
| Last Name (Delete last)                          |                 | First Name   |  | M.I.                     |       |
| [REDACTED]                                       |                 | ERICK  |  | T                        |       |
| Apt. No.   |                 |  | Photo Lic. Shown <input checked="" type="checkbox"/> |                          |       |
| 5  |                 | Owner Is Oper. <input checked="" type="checkbox"/> | Lic. Class   |                          |       |
|  |                 |  | CDL C  |                          |       |
| Date Expires                                     |                 |  |  |                          |       |
| 06/10/2020                                       |                 |  |  |                          |       |
| Lic State  | Date of Birth   | Veh. Type  | Year   | Make                     | Color |
| SC   | 06/10/1985      | 6  | 2004   | FRHT                     | RD    |
| Plate Number                                     |                 | Reg State  | Registration Expires                                 |                          |       |
| P762608  |                 | SC   | 12/20/2019   |                          |       |
| THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS |                 |  |  |                          |       |
| Time   | Date of Offense | IN VIOLATION OF                                    |  |                          |       |
| 03:26PM  | 08/08/2019      | VTL  |  |                          |       |
| Violation Section                                |                 |  |  |                          |       |
| 1129 0A  |                 |  |  |                          |       |
| Description of Violation                         |                 |  |  |                          |       |
| FOLLOWING TOO CLOSELY                            |                 |  |  |                          |       |
|  |                 | <input checked="" type="checkbox"/>                | <input type="checkbox"/>                             | <input type="checkbox"/> |       |
|  |                 | MPH  | MPH ZONE   |                          |       |
| US DOT#  |                 |  |  |                          |       |
| 3178990  |                 |  |  |                          |       |
| Comm Veh   |                 | Bus  | HazMat   |                          |       |
| <input checked="" type="checkbox"/>              |                 | <input type="checkbox"/>                           | <input type="checkbox"/>                             |                          |       |

**WRONG LICENSE CLASS**

**VIOLATION FOLLOWING TOO CLOSE**  
**383.51 (Table2) (4)**

|                                     |               |            |   |      |       |
|-------------------------------------|---------------|------------|---|------|-------|
| Last Name(Defendant)                |               | First Name |   | M.I. |       |
| Number and Street                   |               | Apt. No.   | Photo Lic Shown <input checked="" type="checkbox"/> |      |       |
| Owner is Oper.                      |               | Lic. Class |   |      |       |
| <input checked="" type="checkbox"/> |               | CDL C      |   |      |       |
| Client ID Number                    |               | Sex        | Date Expires  |      |       |
| 101959036                           |               | M          | 06/10/2020  |      |       |
| Lic State                           | Date of Birth | Veh. Type  | Year  | Make | Color |
| SC                                  | 06/10/1985    | 6          | 2004  | FRHT | RD    |
| Plate Number                        |               | Reg State  | Registration Expires                                |      |       |
| P762608                             |               | SC         | 12/20/2019  |      |       |

**WRONG LICENSE CLASS**

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

|                                |                 |                                     |                          |                          |
|--------------------------------|-----------------|-------------------------------------|--------------------------|--------------------------|
| Time                           | Date of Offense | IN VIOLATION OF                     |                          |                          |
| 03:26PM                        | 08/08/2019      | VTL                                 |                          |                          |
| Violation Section              |                 | Traffic Infraction Misd Felony      |                          |                          |
| 1123 0B                        |                 | <input checked="" type="checkbox"/> |                          |                          |
| Description of Violation       |                 | MPH                                 | MPH ZONE                 |                          |
| LEFT PAVEMENT TO PASS ON RIGHT |                 | US DOT#                             |                          |                          |
|                                |                 | 3178990                             |                          |                          |
|                                |                 | Comm Veh                            | Bus                      | HazMat                   |
|                                |                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CITY/Town                      | County          | Hwy No                              | Loc Code                 |                          |
|                                | ONONDAGA        | 81                                  | 3461                     |                          |
|                                |                 | Hwy Type                            |                          |                          |
|                                |                 | 1                                   |                          |                          |

**IMPROPER LANE CHANGE  
383.51 (Table 2) (3)**

v.s.

03300

|                      |               |                                     |   |      |       |
|----------------------|---------------|-------------------------------------|---|------|-------|
| Last Name(Defendant) |               | First Name                          |   | M    |       |
| Number and Street    |               | Apt. No.                            | Photo Lic Shown <input checked="" type="checkbox"/> |      |       |
| Zip Code             |               | Owner is Oper.                      | Lic. Class  |      |       |
| 298296045            |               | <input checked="" type="checkbox"/> | A   |      |       |
| Sex                  | Date Expires  |                                     |   |      |       |
| M                    | 06/10/2020    |                                     |   |      |       |
| Lic. State           | Date of Birth | Veh. Type                           | Year  | Make | Color |
| SC                   | 06/10/1985    | 6                                   | 2004  | FRHT | RD    |
| Plate Number         |               | Reg State                           | Registration Expires                                |      |       |
| P762608              |               | SC                                  | / /   |      |       |

Class changed to Class A

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

|         |                 |                 |
|---------|-----------------|-----------------|
| Time    | Date of Offense | IN VIOLATION OF |
| 03:26PM | 08/08/2019      | TL              |

Transportation Law  
Not  
Vehicle and Traffic  
Law  
So no third serious  
traffic violation !!!!  
383.51 (Table2) (2)

|   |                                     |   |
|---|-------------------------------------|---|
| Violation Section                                       |                                     | <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| 140 2CII  |                                     |   |
| Description of Violation                                | MPH                                 | MPH ZONE  |
| 392.2 NYS VTL 1212 RECKLESS DRIVING<br>"Out of Service" | US DOT#                             | 3178990   |
|   | Comm Veh                            | Bus   |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |

NOT

An observant court clerk  
found this.

|                       |              |          |
|-----------------------|--------------|----------|
| Street Name           | Highway No   | Loc Code |
| 7831 NB INTERSTATE 81 | 81           |          |
|                       | Highway Type |          |
|                       | 1            |          |



# The Court's Role



# The Court's Role



- Who was affected?
- Occupants of the vehicles and all acquaintances
- First responders, fire, police, medical, environmental spill?
- Co-workers or customers?
- Hospital and nursing home supplies were delayed in this incident

# The Court's Role



- Increased education will increase judicial awareness
- Remind yourself of the potential consequences when minimizing the outcome of these cases
- Timely adjudication and reporting of these cases no matter what the disposition may be



# The Court's Role



- Understand that these cases are not merely traffic cases
- The consequences of an incident are much more severe
- Are we the last resort to ensuring public safety?

# PROCEDURAL / COURT STAFF IDENTIFICATION OF THESE CASES

- Citation identification needs to be a priority in every court at the time filed through timely disposition.
- The value the court clerks provide should not be minimized in identifying CDL/ CMV cases.
- Be aware and know the subject, reliance on the other parties minimizes the public's trust and confidence in our courts.
- Timely notifications of convictions !!!!!!!

# Why Should We Care?



# What can we all do?

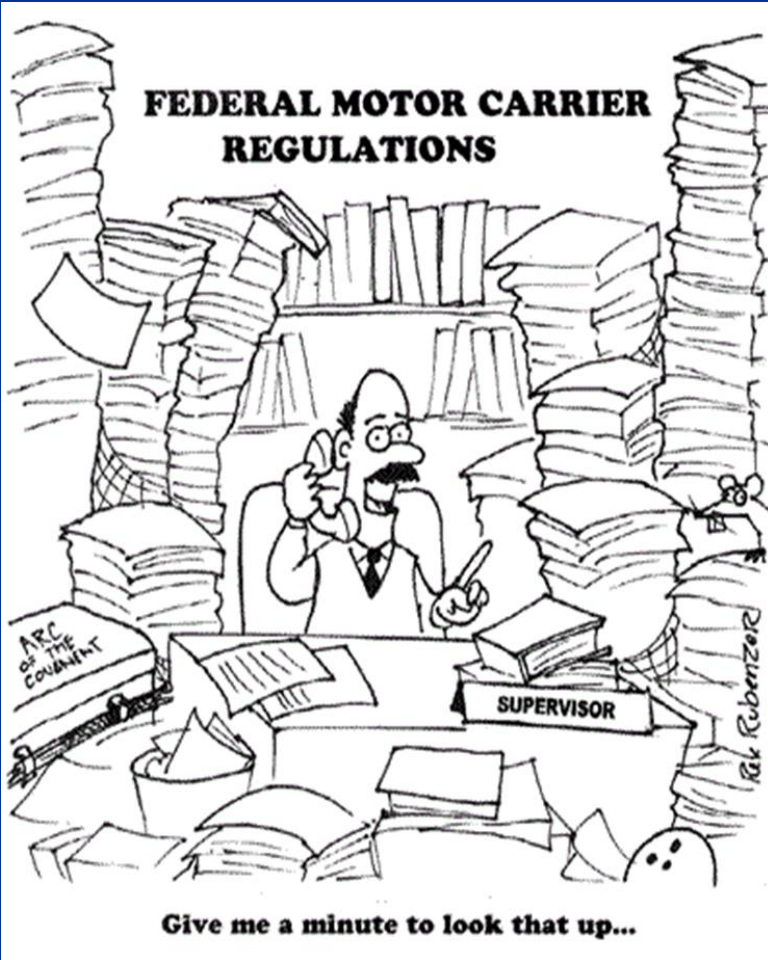
Very simple steps:

- Understand and recognize the stakeholders involved in the process.
- Understand the definitions:  
**Disqualification and Conviction**
- **Know the Citation**

# What can we all do?

- Locate the Disqualification Tables
- Recognize the importance of these few violations and the special attention needed when they are filed in your courts.
- Has Covid changed driving habits?

# A Quick Recap



**PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES**

**§383.51 Disqualification of drivers.**

**PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM**

**§384.226 Prohibition on masking convictions.**

# A Simple Equation

## Conviction

- Be aware of the definition.
- Be aware of the prior record when the time is right.
- It's not always a CMV, it could be the personal vehicle with the family in it.
- Is it disqualifying?

A Simple Equation

Conviction

+

Disqualification

(know the offenses: what they are  
and where to find them)



# Table 1

## Table 1 to § 383.51 DISQUALIFICATIONS FOR MAJOR OFFENSES

Table 1 to §383.51 contains a list of the offenses and periods for which a person who is required to have a CLP or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

| If a driver operates any motor vehicle and is convicted of:  | For a first conviction or refusal to be tested while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for... | For a first conviction or refusal to be tested while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for... | For a first conviction or refusal to be tested while operating a CMV transporting hazardous materials required to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F), a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for... | For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for... | For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for... |
|--|---|--|--|--|---|
| (1) Being under the influence of alcohol as prescribed by State law  | 1 year  | 1 year   | 3 years  | Life   | Life.   |
| (2) Being under the influence of a controlled substance  | 1 year  | 1 year   | 3 years  | Life   | Life.   |
| (3) Having an alcohol concentration of 0.04 or greater while operating a CMV   | 1 year  | Not applicable   | 3 years  | Life   | Not applicable.   |
| (4) Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in §383.72 of this part                               | 1 year  | 1 year   | 3 years  | Life   | Life.   |
| (5) Leaving the scene of an accident   | 1 year  | 1 year   | 3 years  | Life   | Life.   |
| (6) Using the vehicle to commit a felony, other than a felony described in paragraph (b)(9) of this table  | 1 year  | 1 year   | 3 years  | Life   | Life.   |
| (7) Driving a CMV 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 | 1 year  | Not applicable   | 3 years  | Life   | Not applicable.   |
| (8) 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 homicide   | 1 year  | Not applicable   | 3 years  | Life   | Not applicable.   |
| (9) Using the 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   |

Top Row Describes Vehicle and Conviction Event

Specific Violations

49 CFR § 383.51(c) Warrants CDL  
Disqualification Upon Conviction for 2  
or More  
“Serious Violations”



# Table 2

## Table 2 to § 383.51 DISQUALIFICATIONS FOR SERIOUS TRAFFIC VIOLATIONS

Table 2 to §383.51 contains a list of the offenses and the periods for which a person who is required to have a CLP or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

| If a driver operates any motor vehicle and is convicted of:   | For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for... | For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period while 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, for... | For a third or subsequent conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for... | For a third or subsequent conviction of any combination of offenses in this Table in a separate incident within a 3-year period while 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, for... |
|---|---|--|--|---|
| (1) Speeding excessively, involving any speed of 24.1 kmph (15 mph) or more above the posted speed limit  | 60 days   | 60 days  | 120 days   | 120 days.   |
| (2) Driving 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 | 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 relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident   | 60 days   | 60 days  | 120 days   | 120 days.   |
| (6) Driving a CMV without obtaining a CDL <sup>1</sup>  | 60 days   | Not applicable   | 120 days   | Not applicable.   |
| (7) Driving a CMV without a CDL in the driver's possession  | 60 days   | Not applicable   | 120 days   | Not applicable.   |
| (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                                    | 60 days   | Not applicable   | 120 days   | Not applicable.   |
| (9) Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving. <sup>2</sup>  | 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. <sup>2</sup>                          | 60 days   | Not applicable   | 120 days   | Not applicable.   |

<sup>1</sup> Any individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, shall not be guilty of this offense.

<sup>2</sup> 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.

Top Row Describes Vehicle and Conviction Event

Specific Violations

# A Simple Equation

Conviction

+

Disqualification

+

Citation Familiarization

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Reductions of Masking Incidents

# Key Identifiers in the Citation

The people of the state of New York

VS. [Redacted] Local Police Code [Redacted]

Last Name (Defendant) [Redacted] M.I. T

Number and Street [Redacted] Apt. No. Photo Lic. Show

Owner Is Oper.  Lic. Class CDL C

Date Expires 06/10/2020

Make FRHT Color RD

Plate Number P762608 Reg. State SC Registration Expires 12/20/2019

License Class

Vehicle Make

Statute Number

Description

DOT Number

HAZMAT

Commercial Vehicle

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

|                              |   |                 |
|------------------------------|---|-----------------|
| Time                         | Date of Offense   | IN VIOLATION OF |
| 03:26PM                      | 08/08/2019  | VTL             |
| Violation Section            | Traffic Infraction Misd Felony  |                 |
| 1180 0A                      | <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |                 |
| Description of Violation     | MPH   | MPH ZONE        |
| SPEED NOT REASONABLE&PRUDENT | US DOT#   |                 |
|                              | 3178990   |                 |
|                              | Comm Veh Bus HazMat   |                 |
|                              | <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |                 |
| [Redacted]                   | Hwy.No  | Loc. Code       |
| [Redacted]                   | 81  | 3461            |
| Street Name                  | Hwy Type  |                 |
| 7831 NB INTERSTATE 81        | 1   | [Redacted]      |

ASSIGNED UNDER PENALTY OF PERJURY

# Do Traffic Violations Matter?

Table 4: Summary of Crash Likelihood for All Data Analyzed

| If a driver had:   | The crash likelihood increased: | Sig       |
|--|---------------------------------|-----------|
| A Reckless Driving violation                                       | 114%                            | **        |
| A Failure to Yield Right of Way violation                          | 101%                            | ***       |
| A Failure to Keep in Proper Lane conviction                        | 83%                             | **        |
| A Failure to Use / Improper Signal conviction                      | 82%                             | **        |
| A Past Crash   | 74%                             | ***       |
| An Improper Lane / Location conviction                             | 72%                             | ***       |
| An Improper Pass conviction  | 70%                             | **        |
| A Reckless / Careless / Inattentive / Negligent Driving conviction | 69%                             | ***       |
| An Improper or Erratic Lane Changes conviction                     | 66%                             | ***       |
| An Improper Lane Change violation                                  | 63%                             | ***       |
| An Hours-of-Service violation                                      | 50%                             | ***       |
| An Improper Turn conviction  | 49%                             | *         |
| A Following Too Close conviction                                   | 46%                             | **        |
| A Speeding violation   | 45%                             | ***       |
| A False or No Log Book violation                                   | 45%                             | ***       |
| A Disqualified Driver violation                                    | 44%                             | ***       |
| Any conviction   | 43%                             | ***       |
| A Speeding More Than 15 Miles over Speed Limit conviction          | 40%                             | ***       |
| A Speeding 1 to 15 Miles over Speed Limit conviction               | 38%                             | **        |
| Any Moving violation   | 35%                             | ***       |
| A Seat Belt violation  | 33%                             | ***       |
| A Failure to Obey Traffic Control Device violation                 | 30%                             | ***       |
| Any OOS violation  | 29%                             | ***       |
| A Failure to Obey Traffic Sign conviction                          | 25%                             | **        |
| A Driving Too Fast for Conditions conviction                       | 25%                             | *         |
| A Size and Weight violation  | 20%                             | ***       |
| A Failure to Obey Traffic Signal / Light conviction                | 20%                             | *         |
| A Reckless Driving conviction                                      |                                 | <i>ns</i> |
| An Improper Turn violation   |                                 | <i>ns</i> |
| A Failure to Yield Right of Way conviction                         |                                 | <i>ns</i> |
| An Improper Passing violation                                      |                                 | <i>ns</i> |
| A Following Too Close violation                                    |                                 | <i>ns</i> |
| A Medical Certificate violation                                    |                                 | <i>ns</i> |
| A Failure to Obey Yield Sign conviction                            |                                 | <i>ns</i> |
| A Failure to Obey Warning Light / Flasher conviction               |                                 | <i>ns</i> |

\*Significant at  $p < .05$   
 \*\*Significant at  $p < .01$   
 \*\*\*Significant at  $p < .001$   
 ns = non-significant

- Table at right is from: Boris, C., & Murray, D. (2018). *Predicting Truck Crash Involvement: 2018 Update*. The American Transportation Research Institute. Arlington, Virginia. Page 15.
- Research shows certain traffic violation are associated with an increased likelihood of being involved in a crash
- Those with Reckless Driving violations and Failure to Yield Right of Way violations were **more than twice as likely to be involved in a crash** compared to those without these violations
- Drivers with certain violation types in their records are more likely than those without those violations to be involved in crashes later
- Masking of offenses prevents drivers from being disqualified

# Table 2

## Table 2 to § 383.51 DISQUALIFICATIONS FOR SERIOUS TRAFFIC VIOLATIONS

Table 2 to §383.51 contains a list of the offenses and the periods for which a person who is required to have a CLP or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

| <b>If a driver operates any motor vehicle and is convicted of:</b>  | For a second conviction of any combination of offenses in this Table in a <i>separate incident within a 3-year period while operating a CMV</i> , a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for... | For a second conviction of any combination of offenses in this Table in a <i>separate incident within a 3-year period while operating a non-CMV</i> , 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, for... | For a third or subsequent conviction of any combination of offenses in this Table in a <i>separate incident within a 3-year period while operating a CMV</i> , a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for... | For a third or subsequent conviction of any combination of offenses in this Table in a <i>separate incident within a 3-year period while operating a non-CMV</i> , 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, for... |
|---|---|--|--|---|
| (1) Speeding excessively, involving any speed of 24.1 kmph (15 mph) or more above the posted speed limit  | 60 days   | 60 days  | 120 days   | 120 days.   |
| (2) Driving 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 | 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 relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident   | 60 days   | 60 days  | 120 days   | 120 days.   |
| (6) Driving a CMV without obtaining a CDL <sup>1</sup>  | 60 days   | Not applicable   | 120 days   | Not applicable.   |
| (7) Driving a CMV without a CDL in the driver's possession  | 60 days   | Not applicable   | 120 days   | Not applicable.   |
| (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                                    | 60 days   | Not applicable   | 120 days   | Not applicable.   |
| (9) Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving. <sup>2</sup>  | 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. <sup>2</sup>                          | 60 days   | Not applicable   | 120 days   | Not applicable.   |

<sup>1</sup> Any individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, shall not be guilty of this offense.

<sup>2</sup> 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.

Top Row Describes Vehicle and Conviction Event

Specific Violations

# Finally

Is there anything you may do differently now that we've offered you some tools to repair some of the breakdowns?



# QUESTIONS



**Thanks for taking the time today to do your part in improving safety on our highways. Let's continue to prevent breaking the chain that binds us.**

# Something to think about...

“Two roads diverged in a woods, and I—  
I took the one less traveled by,  
And that has made all the difference”.



“Robert Frost”