



Is Your Court Putting Millions of State \$\$\$\$ at Risk?

**Selden Fritschner, Chief
Commercial Driver License Division**

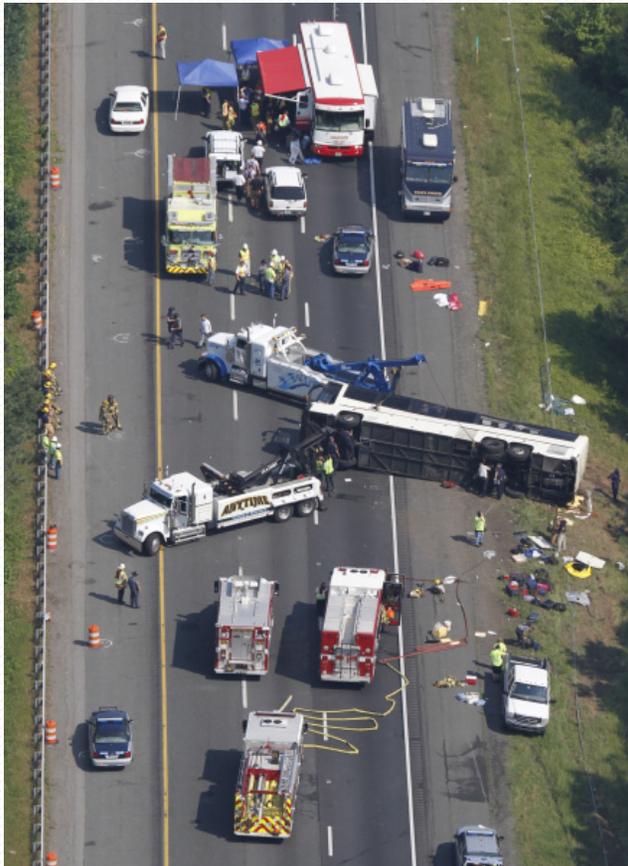
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Federal Motor Carrier Safety Administration





Why This Talk Matters





The Problem

- **2011 NHTSA FARS data showed:**
 - **32,367 people lost their lives on America's roadways in motor vehicle crashes**
 - **3,341 fatal large truck crashes involved 3,608 large trucks and resulted in 3,757 fatalities**
 - **635 or 17% of fatalities in large truck crashes were large truck occupants**
 - **A 19.8% increase in fatalities**



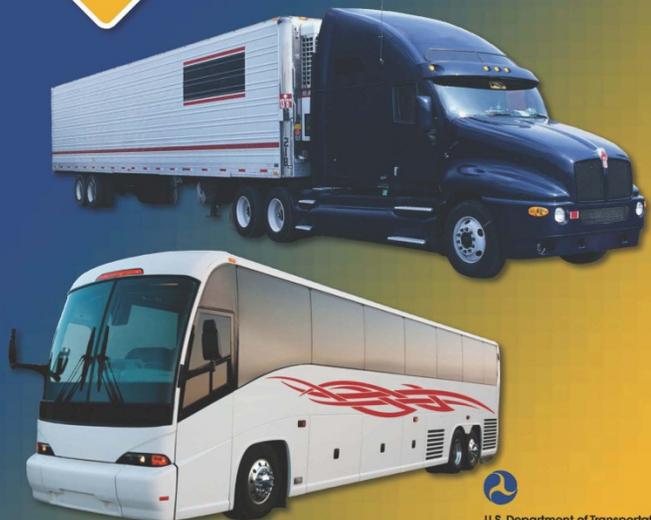


FMCSA's Mission

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
2012-2016 STRATEGIC PLAN

Preventing Crashes...
SAVING LIVES

Raising the Bar to Entry
Requiring to Maintain High Safety Standards
Removing High Risk Carriers & Drivers



U.S. Department of Transportation
Federal Motor Carrier Safety
Administration

The image shows the cover of the FMCSA 2012-2016 Strategic Plan. It features a dark blue header with the title in white. Below the title is a yellow diamond-shaped graphic containing the text 'Preventing Crashes... SAVING LIVES'. To the right of the diamond is a yellow box with the text 'Raising the Bar to Entry', 'Requiring to Maintain High Safety Standards', and 'Removing High Risk Carriers & Drivers'. The central part of the cover shows a black semi-truck and a white motorhome. At the bottom right is the FMCSA logo and the text 'U.S. Department of Transportation Federal Motor Carrier Safety Administration'.

***Reduce crashes, injuries,
and fatalities involving
CMV transportation
through education,
innovation, regulation,
enforcement, financial
assistance, partnerships,
and full accountability.***





Who We Regulate

- Approx. 500,000 active interstate motor carriers
 - 12,000 Passenger Carriers
 - 11,000 Haz Mat Carriers
 - 4,500 Household Goods Carriers
- 7 million commercial motor vehicle drivers





FMCSA Safety Framework



Raise the safety bar to enter the motor carrier industry

Maintain high safety standards to **remain** in the industry

FMCSA Core Principles

Remove high risk drivers and carriers from operating





Federal Regulations

- **MAP 21**
- **SAFETEA-LU**
- **MCSIA**
- **49 CFR 383 and 384**



Enforcement is a Team effort

- **Federal regulations and oversight;**
- **State testing and licensing;**
- **State and local law enforcement; and**
- **Judicial System.**



FMCSA Stakeholders

- **State Driver Licensing Agencies (SDLA)**
- **Law Enforcement**
- **Carriers**
- **Drivers**
- **Courts**
 - **National Center for State Courts (NCSC)**
 - **National District Attorney's Association (NDAA)**
 - **National Judicial College (NJC)**



FMCSA & The Courts

- **Federal Regulations**
- **State Requirements**
- **Court Requirements**
 - **10 day reporting rule**



Disqualifying Offenses

- **Major Offenses**
- **Serious Traffic Violations**
- **Railroad Grade Crossing Violations**
- **Violations of Out-Of-Service Orders**



Masking Convictions

[49 CFR § 384.226]

A state must not mask, defer imposition of a judgment, or allow an individual to enter into a diversion program that would prevent a conviction in any type of vehicle from appearing on the CDL driver's record.



Hardship Licenses

[49 CFR § 384.210]

A State must not issue a commercial special license or permit (i.e. hardship license) to operate a CMV when a CDL holder's CMV or non-CMV driving privileges have been suspended, revoked or cancelled.



Traffic Citation vs. Felony Arrest

- **Administrative hearing or traffic court**
- **Administrative determination or court conviction**
- **SDLA records conviction / takes appropriate license withdrawal action**
- **State/Federal criminal court**
- **Criminal conviction**
- **Court determines sanction (fine, jail time , probation)**
- **No action on license**



Major Disqualifying Offenses

[49 CFR 383.51(b)]

CMV or Non-CMV

- **Driving under influence of alcohol or controlled substance**
- **Refusal to submit to alcohol testing**
- **Leaving the scene of an accident**
- **Felony involving use of vehicle**
- **Felony involving manufacture, distribution or dispensing of controlled substance**





Major Disqualifying Offenses (cont.)

CMV Only

- **Alcohol concentration of 0.04% or >**
- **Causing a fatality through the negligent operation**
- **Driving when CDL is suspended.**



Disqualification for Major Offenses

- **First Conviction = 1 Year**
- **Does not include CMV or non-CMV felony that is drug-related**



Disqualification for Major Offenses (cont.)

First Conviction = 3 Years

- **While transporting placarded quantities of Hazardous Materials**
- **Does not include CMV or non-CMV felony that is drug-related**



Disqualification for Major Offenses (cont.)

First Conviction – Lifetime

- **Use of CMV or non-CMV in the commission of a felony involving the manufacture, distribution or dispensing of controlled substances**

Permanent disqualification: No State option to reduce time.



Disqualification for Major Offenses (cont.)

Second Conviction = Lifetime

- **Offenses arise out of separate incidents**
- **Conviction of any two offenses involving a CMV and/or non-CMV**
- **No time limit between offenses**



Serious Traffic Violations

[49 CFR § 383.51(c)]

CMV (or Non-CMV)

- **Excessive speed - 15 mph or more over speed limit;**
- **Reckless Driving;**
- **Improper / Erratic lane change;**
- **Following too closely; and**
- **Traffic violation in connection with fatal crash.**



Serious Traffic Violations (cont.)

CMV Only

- **Driving without obtaining a CDL**
- **Driving without a CDL in driver's possession**
- **Driving without proper class of CDL and/or endorsements**



Disqualification for Serious Traffic Violations

- **1st conviction = ???**
- **2nd conviction = 60 days**
- **3rd or subsequent conviction = 120 days**
- **Violations must occur within 3-year period.**



Transmitting Out-of-State Convictions

[49 CFR 384.209]

- **Related to motor vehicle traffic control in:**
 - Any vehicle by a CDL holder
 - CMV by a person required to have a CDL

- **Must be sent to the licensing State within:**
 - 10 days of conviction



Posting Convictions and Disqualifications ***[49 CFR § 384.225]***

- **All convictions and disqualifications in:**
 - Any vehicle by a CDL holder
 - CMV by a person required to have a CDL
- **Must be made available to authorized persons within 10 days of:**
 - Date of conviction, if in same State
 - Receiving information from out-of-State.



For More Information

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