



PB99-139792

COMMERCIAL DRIVER LICENSE EFFECTIVENESS STUDY

VOLUME I EXECUTIVE SUMMARY

PREPARED FOR

**FEDERAL HIGHWAY ADMINISTRATION
OFFICE OF MOTOR CARRIER
OFFICE OF MOTOR CARRIER RESEARCH & STANDARDS DRIVER DIVISION**

COOPERATIVE AGREEMENT DTFH61-95-X-00029

SEPTEMBER 1998

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Foreward

This document is Volume I of a three-volume final report for the Commercial Driver License (CDL) Effectiveness Study project. Volume I provides an executive summary of the study. Volume II is the technical report of the study. Volume III contains the actual data collection tools and compiled results developed for the study and an Appendix of other references referred to in the study.

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Acknowledgments

Staff from the Federal Highway Administration's Office of Motor Carriers, the American Association of Motor Vehicle Administrators, the CDL Effectiveness Technical Review Panel (TRP) of federal and state practitioners convened by FHWA and AAMVA, the New York Department of Motor Vehicles, the American Trucking Association, and Mr. John R. Sheridan assisted in developing the structure for this study, and the definition of research measures used to collect new data about the Commercial Driver License (CDL) Program. These people provided background, guidance, and support essential to the study.

AAMVAnet, James P. Murphy & Co., J. J. Keller & Associates, Inc., Armstrong & Associates, Inc., DAC Services, and BRB Publications provided additional assistance in research design, data collection, and background materials for this report. In addition, many FHWA personnel, state driver licensing administrators, motor carrier safety directors, judges, prosecutors, law enforcement officers, and CMV operators were generous in sharing their special knowledge and insight with the researchers.

The dedicated efforts of Ying Mao (Senior Systems Analyst) and Tina Leva (Administrative Assistant) and the entire TML project team also deserve special recognition.

The contribution of each of these agencies, companies, and individuals is most gratefully acknowledged.

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Commercial Driver License (CDL) Effectiveness Study

Executive Summary

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CDL Effectiveness Study: Executive Summary

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1.1 BACKGROUND

Congress enacted the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to improve the safety of Commercial Motor Vehicle (CMV) operations throughout the Nation. The intent of the CMVSA, as stated in the Senate Committee on Commerce, Science, and Transportation's report 99-411, is to:

"... help prevent truck and bus accidents and injuries by establishing national minimum standards for testing and licensing of commercial drivers and requiring drivers to have a single classified driver license and driving record. State grants will be authorized to develop and implement testing programs and participate in a classified driver license program and information system."

The CMVSA authorized the Federal Highway Administration (FHWA) to assist the 50 states and the District of Columbia, (herein after referred to as the 51 states) in implementing the Commercial Driver License (CDL) program by expending \$61 million in CDL grant funds to meet the requirements established by Congress.

These funds were directed to accomplish a number of activities, including:

1. Developing CDL knowledge and skills tests and testing manuals for persons conducting CDL examinations
2. Creating a telecommunication network connecting the states' driver licensing agencies (DMVs);
3. Developing computer software to support each state DMV in sharing information with other state DMVs;
4. Developing a central computer file to serve as the repository for personal identification data on each CDL holder;
5. Implementing CDL testing and licensing procedures in each state; and
6. Implementing information system requirements in each state to support the CDL program.

The FHWA, Office of Motor Carriers (OMC) initiated this study to examine the implementation of the CDL program and to assess its effectiveness and benefits to highway safety.

1.2 STUDY SCOPE

The principal purpose of this study is to provide measures which evaluate and assess:

- C Has implementation of the CDL program been effective in addressing the preexisting problems which led to the enactment of the CMVSA of 1986?
- C Has the CDL program helped reduce the incidence of CMV crashes.

The FHWA directed that, whenever possible, the study address the concerns expressed in 1995 by the Senate Appropriations Committee in Senate Report 103-310. That report directed the FHWA to provide information regarding actions taken under the CDL program to suspend, revoke, or otherwise disqualify commercial motor vehicle operators who commit certain violations and to provide information on other areas of program performance.

In addition, the FHWA requested the study include development of recommendations to address any areas of concern, if any such area was identified. Recommendations which would enhance program effectiveness or efficiency were also to be included.

1.3 EVALUATION APPROACH

The principal objective of this study - to provide FHWA with measures which evaluate and assess effectiveness and benefits of the CDL program - led immediately to problems of qualitative and quantitative measurement. Improving highway safety, specifically, reducing the frequency and severity of CMV crashes, is the long term goal of other programs implemented not only by the Federal government but also by state governments, industry, industry groups, not for profit agencies, etc.

To directly measure to what degree the CDL program has reduced the frequency and severity of CMV crashes (specifically, those CMV crashes linked to operator error), the impact of the CDL program would have to be isolated from the impact of drug testing drivers; improvements in roadway and vehicle/ trailer hardware; the impact of safety campaigns and groups such as Mothers against Drunk Driving (MADD) in changing public driver behavior, etc. Apportioning credit or responsibility in such situations is difficult.

It was determined that developing a logic model representation of the CDL program would provide means to clarify the more measurable short term objectives which, at the time the CMVSA was enacted, were expected to result from implementing the requirements of the law. The short term objectives are logical stepping stones to the long term goals of the program: **to reduce the frequency and severity of CMV operator related crashes.** If the

short term objectives were found to have been accomplished, it would be reasonable to conclude there had been positive movement toward accomplishing the long term goals.

Evaluation of a large, complex program is a challenging process under almost any circumstance. The CMVSA did not include effectiveness measures or an evaluation plan, nor were these constructed as part of the development and implementation of the CDL program. Therefore, potential problems which could weaken the value of any results of this study needed to be addressed as part of the process to develop the study design. This was particularly important because it was anticipated that this study might identify legislative and policy changes which would strengthen the CDL program.

To address these concerns, the study considers the intent of the CDL program from the perspectives of different stakeholders. The CDL Effectiveness Technical Review Panel (TRP) of federal and state practitioners, staff from the American Association of Motor Vehicle Administrators (AAMVA) and AAMVAnet Inc. (AAMVAnet), a wholly owned subsidiary of AAMVA formed to act as the operator of the Commercial Driver License Information System (CDLIS) operator, participated in developing the components of the logic model to be used in evaluating the CDL program.

The final product from the TRP effort became the skeleton for the CDL effectiveness study, dictating that the CDL program be evaluated in terms of:

- C The preexisting CMV safety problems which led to the enactment of the CMVSA and establishment of the CDL program;
- C The requirements of the CMVSA (the provisions of the CDL program) aimed at correcting the preexisting CMV safety problems;
- C The immediate outcomes anticipated to result from implementing the requirements of the CMVSA;
- C Proximal measures (measures of results produced on the way to achieving the long term goal) to be used to assess effectiveness;
- C The long term goals to be achieved through implementation of the CDL program, that is, reducing the frequency and severity of CMV operator related crashes, by improving the quality of CMV operators.

The process of achieving a consensus about each area in the evaluation through the use of a logic model established a common understanding among the TRP members regarding the provisions of the CMVSA, the CDL program, and the overall evaluation effort.

To the degree that the evaluation model represents the consensus process, the resultant evaluation approach represents the consensus of the stakeholders. As such, the approach

provides a legitimate framework for evaluation and a medium for the use of evaluation results.

Through this process, *effectiveness* was defined, within the realm of the study, to mean:

Did the implementation of the CDL program resolve the CMV safety problems which the provisions of the CMVSA of 1986 were intended to address?

Five objective areas, which the provisions of the CMVSA of 1986 were intended to address were identified. **If these objectives were accomplished, there would be clear progress toward accomplishment of the long term goals of reducing the frequency and severity of CMV operator related crashes.** The objective areas are:

- C Limiting each CMV operator to one license, a CDL.
 - C Implementing standardized CDL testing and licensing practices in all states.
 - C Harmonizing the states' laws and practices regarding the treatment of a CMV driver convicted of one of the set of violations listed in the CMVSA.
 - C Consolidating all CMVSA convictions incurred by a CMV operator onto one record, maintained by the licensing state.
 - C Supporting the needs of enforcement -- through the adoption of license standards, harmonized laws and consolidated records -- to enable officers to make knowledgeable decisions about the legality of CMV operators.
-

1.4 EVALUATION METHODOLOGY

To a large degree the consensus development of a logic model of the program assures the validity of the study and its evaluation results. The choice of properties or activities to investigate, however, requires an additional supportive framework to set the evaluation clearly in the context of the actual program, as it exists at the time of evaluation.

The Bayesian approach provides the best results when evaluating large, complex programs which cannot be represented as controlled random experiments. Simply put, the Bayesian approach is to begin from some postulated (existing) measure of reality and to revise that postulated (existing) perception based on the additional (new) information which can be collected.

The following already postulated (existing) information was used to format a framework to focus the study of CDL effectiveness.

- C The FHWA December 1995 Letter in response to the Senate's concerns, addressed to Senator Mark O. Hatfield, Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, United States Senate;
- C The 1994 CDL Effectiveness Report from AAMVA to the FHWA;
- C Compliance reviews of the states' implementation of the CDL program, conducted by the FHWA in 1994 and 1995;
- C The Missouri Department of Revenue State Survey of Electronic Transfer of Convictions (1994);
- C The 1995 list of known CDL issues developed by the FHWA and prioritized by the TRP for the CDL program;
- C The AAMVAnet Commercial Driver Licensing System Specifications and CDLIS State Procedures Manual;
- C Existing AAMVAnet data collected for this study and other AAMVAnet reports regarding CDLIS utilization, the number of CDL holders in the central pointer file, transaction counts, and state hours of CDLIS availability.
- C The New York Department of Motor Vehicles study regarding the existence of multiple licenses in the CDL holder population.
- C The CDL logic model elements developed with the aid of program stakeholders, as discussed above.

To update the information available from these sources, new data collection activities were designed and completed for this study, with the general agreement and approval of the TRP.

- C A new survey was conducted of all state motor vehicle agencies to determine current practices related to the CDL program.
- C A new survey was conducted of the motor carrier members of the American Trucking Association (ATA) Safety Management Council.
- C Seventeen focus groups, conducted primarily for this study, were held in five states with judges and prosecutors, enforcement officers, truck drivers, and motor carriers' safety directors.
- C The functionality of the CDLIS communications software and the network was tested using a version of the state CDLIS communication software to retrieve a randomly selected, statistically representative sample of CDL records from each state's driver record database.
- C The resulting representative CDL sample database of 114,295 records was analyzed.
- C A database of records for a sample of CDL holders who had changed state of CDL licensure at least once was created and analyzed to evaluate data preservation on a CDL holder's record after changing state of licensure.

- C The New York Department of Motor Vehicles study regarding the existence of multiple licenses in the CDL holder population, while done as a separate study, also provided new data about the CDL program as it existed at the time of this study.
-

1.5 REPORT FORMAT

In this Executive Summary, the information detailed in each chapter of the Technical Report (Volume II) has been consolidated to provide a high level evaluation of the CDL program as implemented by the states, relative to each of five key objectives of the CMVSA.

- C Limiting each CMV operator to one license, a CDL.
- C Implementing standardized CDL testing and licensing practices.
- C Harmonizing the states' laws and adjudication practices regarding the treatment of a driver convicted of one of the set of violations listed in the CMVSA.
- C Consolidating all CMVSA convictions on one comprehensive record maintained by the current licensing state.
- C Supporting the needs of enforcement -- through the adoption of license standards, harmonized laws and consolidated records -- to enable officers to make knowledgeable decisions about the legality of CMV operators.

Conclusions and Recommendations, derived from taking a high level view of the CDL program as a national implementation, are also included in this Executive Summary.

Note:

Specific conclusions and recommendations are discussed in detail as a separate chapter for each objective in Volume II. Chapters 2 through 7 contain a total of 48 conclusions concerning the effectiveness of the CDL program and 31 recommendations to improve effectiveness and/or efficiency. Each chapter in Volume II is organized to largely read as a stand alone document to facilitate different readerships for each chapter, based on the stakeholders concerned with each CDL objective. Thus, there is some degree of repetition of materials across chapters to allow each to be used independently. For ease of use, any three digit reference not beginning with the number 1 (one) in this volume refers to a chapter, section, and paragraph in volume II; e.g., "2.4.1" refers to chapter 2, section 4, paragraph 1 in Volume II.

1.6 Objective: Limit CMV Operators To A Single License

1.6.1 CMVSA Requirements

The CMVSA of 1986, implemented through the Federal Motor Carrier Safety Regulations (FMCSRs) governing the CDL program (49 CFR Part 383), established a definition of a commercial motor vehicle (CMV) relative to requiring the operator to have a CDL. The Act immediately limited anyone operating a CMV after 30 June 1987, to one driver license. The Act further established that after 31 March 1992, the one license was to be a CDL which complied with the requirements of the Act and the FMCSRs.

To implement the single license and CDL program requirements for commercial motor vehicle operators, the law required that a Commercial Driver's License Information System (CDLIS) be developed. The CDLIS was to serve as the clearinghouse and repository of CDL holder data, (including personal identification data, licensing information, and disqualification records) and provide the means for interstate exchange of driver-related data.

1.6.2 Study Conclusions: Single License

2.4.1 A non-federal information system that comprised a central file of CDL holder driver identification data with a master pointer record (MPR) to the licensing state and an information network linking the 51 state driver licensing agencies was designed and implemented. All 51 states built software which functions to exchange driver data over the network in a common format. (2.8.2)

The resulting Commercial Driver License Information System (CDLIS), is composed of the 51 state driver licensing files, the CDLIS central file, and the network connecting the central file and the 51 state data files. The CDLIS provides the general functionality and information access required by the CMVSA. (2.8.2, 2.8.3, 2.8.4, 2.8.6, 2.8.18)

2.4.2 As of 01 April 1992, 4,981,777 drivers had been issued a CDL and enrolled in the CDLIS. The number of CDL holders has increased steadily on a monthly basis. The number of CDL holders in the CDLIS, as of 01 April 1997, was 8,330,174. (2.8.4)

2.4.3 During the period 01 April 1992, through 30 June 1996, an estimated 871,000 CDL holders (11%) had been disqualified at least once from operating a CMV. (2.8.28, 2.8.29)

2.4.4 The incidence of CDL holders possessing multiple licenses of any type(s) is so minute as to be statistically insignificant. In comparing its CDL file to the full driver file of three other states, NY found match rates of .0002 (FL), .0001 (PA) and .00006 (VA). (2.8.7-11, 2.8.14, 2.8.18)

2.4.5 The use of the driver's full name/ date of birth (DOB) / Social Security Number (SSN), registered on the CDLIS central file, is functioning well as a unique identifier to limit CDL holders to one license. At this time, there is no basis for implementing use of a biometric identifier on CDL licenses. Ironically, the same motivation which caused many drivers to obtain licenses in multiple states prior to CDL (the desire to protect their livelihood) now causes them to refrain from doing so because the deception required is far greater and the perceived risks much more serious. (2.8.11, 2.8.14, 2.8.19, 2.8.20)

2.4.6 The CDL program's current success in limiting CMV operators to one license is vulnerable. The current success is at least partly due to the drivers' perception of how the CDLIS system works, versus the reality. The majority of states do not use the CDLIS to screen the personal information of applicants for NON-CDL licenses to determine if the applicant has been issued a CDL by another state. In such states it is possible a CDL holder could obtain a NON-CDL, in addition to his or her CDL. (The NON-CDL could be used to spread convictions and protect the base privilege on the CDL.) Also, some of the states do not use the CDLIS to screen reinstated CDLs. (2.8.19-21, 2.8.22-23, 2.8.25-26, 2.8.32-34)

2.4.7 Other than a review of documents provided by the applicant, a driver's personal identification data (full name, date of birth and SSN) is not validated against the Social Security Administration's (SSA) files before being posted to the CDLIS. Because the personal identification information used to register a CDL holder on the CDLIS is not verified against the source data at SSA, there is a weakness which a knowledgeable individual could use to compromise the current success in limiting CMV operators to one, CDL, license. (2.8.13, 2.8.19, 2.8.20, 2.8.22)

2.4.8 The CDL program, through limiting CMV operators to one, CDL, license, has limited the practice of spreading convictions among driver records maintained by multiple states. CMV operators can no longer avoid disqualification through the use of multiple licenses. (2.8.15, 2.8.16, 2.8.17, 2.8.18)

2.4.9 Once disqualified, a surprisingly high percentage of CMV operators appear to be willing to risk further sanctions and continue to operate during the withdrawal period; i.e., for March 1997, 11.3 percent of the CMV operators checked against CDLIS using FHWA's ASPEN and CAPRI software did not have the required valid, current CDL. (2.8.35).

1.6.3 Evaluation Of Effectiveness: Single License

2.5.1 The CDL program has accomplished its objective of limiting CMV operators to a single driver license. The one license is now a CDL. All quantitative and qualitative data shows that CMV operators no longer possess multiple licenses -- neither multiple CDLs nor a CDL and a NON-CDL. (2.4.1, 2.4.4, 2.4.5)

2.5.2 A CMV operator can no longer use multiple licenses to spread convictions to avoid or conceal disqualification. (2.4.8)

2.5.3 Limiting CMV operators to a single license (a CDL) has proven to be beneficial in identifying problem drivers; that is, drivers with multiple convictions. (*This benefit is somewhat mitigated by other program limitations which are discussed in Sections 1.8 and 1.9 of this volume.*) The successful identification of problem drivers provides states with the ability to exercise appropriate driver control action and provides employers information critical to employment decisions. (2.4.3)

2.5.4 The CDL program has resulted in the disqualification of an estimated 871,000 CMV operators, during the period of April 1992, through June 1996. With multiple licenses, many of these drivers would have escaped detection by states, law enforcement and employers. (2.4.3)

2.5.5 Over time, because CMV operators are limited to one license, a CDL, it will be difficult for a driver to conceal that he or she has been disqualified. It is reasonable to expect that employers will take action against drivers who have been disqualified, particularly if the driver did not disclose the disqualification and put the employer at risk by operating. Employers can be expected to take action on problem drivers. Eventually, because of the one license implementation, problem operators will have to modify their driving behavior or change their field of work. (2.4.1, 2.4.4)

2.5.6 However, it appears that a sizable percentage of CMV operators are currently willing to risk additional penalties and continue to operate during disqualification periods, perhaps postponing "employer notification" until the driver's annual review. This represents a major breakdown in the construct of the CDL program. Disqualification was expected to carry a major financial penalty for a CMV operator; the operator was expected to "sit out" the disqualification penalty. If the disqualification period is not enforced, if the driver is allowed to continue driving a CMV, the penalty of disqualification has no meaning in the short term and there is no behavior modification impact. Drivers must believe they will suffer real consequences from disqualification, if *the risk of disqualification* is to cause CMV operators to drive safely and lawfully. (2.4.9)

2.5.7 To the extent that CMV operators are no longer able to spread convictions to avoid disqualification, and are thus modifying their driving behavior, the single license concept has contributed to a reduction of CMV crashes. (2.5.2)

2.5.8 To the degree that some CMV operators avoid or postpone the economic consequences of disqualification and continue to drive a CMV while disqualified, the one license objective is not having the desired consequence of making CMV operators drive more safely/ lawfully and cannot be presumed to be contributing as anticipated to reducing the incidence of CMV crashes. (2.5.6).

1.6.4 Major Recommendations: Single License

2.6.1 Two CDLIS system enhancements are necessary to safeguard the success of the CDL effort limiting CMV operators to one CDL.

- A. The states should modify their driver license issuance systems to check all NON-CDL applicants, as well as all CDL applicants, against the CDLIS to prevent issuing a second license to a CDL holder. Analysis should be undertaken which considers: (i) the impact to the states to make the system changes to accommodate this requirement, (ii) the ability for the communication network to handle the increased traffic, and (iii) any changes needed to the current fee structure to accommodate these additional transactions.
- B. Real-time access to SSA files should be developed for use by the states to validate the personal identification data of all drivers. The states should be required to update their driver license issuance systems to validate name/ DOB/ SSN data on all license applicants prior to checking CDLIS and issuing any driver license.

2.6.2 Additional enforcement initiatives are necessary to stop the operation of CMVs by disqualified drivers.

- A. Operating without the required CDL and operating while disqualified should be added to the list of CMVSA violations included in the FMCSRs.
- B. Additional officers need direct access to the CDLIS to determine the CDL status of the driver. The status of the driver should be checked each time a CMV is stopped / inspected to assure disqualifications are enforced. The National Law Enforcement Telecommunications System (NLETS) should be connected to the CDLIS. Driver disqualifications must be enforced if the *threat of disqualification* is to have value as a deterrent.
- C. The states should implement proactive employer notification programs to inform motor carriers at the time a CMV operator is disqualified by the state. California, New York, and Michigan provide working examples of employer notification programs which could be studied as possible models.

Note:

The CDL program's success in limiting drivers to one license and using the one license as a conviction collector will in the future put additional pressure on drivers to risk the penalties associated with possessing a second license. As CMV operators realize that the states do not validate applicant data against the SSA and that 38 states do not screen NON-CDL applicants against the CDLIS, problem operators will act to obtain a NON-CDL as a second license so they

can keep their CDL record "clean." The recommended CDLIS system enhancements should be rolled out on a rapid implementation plan.

(Chapter 2 of Volume II contains four detailed recommendations and thirty-five findings on this topic).

1.7 Objective: Uniform Testing & Licensing Standards for CMV Operators

1.7.1 CMVSA Requirements

The CMVSA required development of minimum federal standards for testing and licensing CDL applicants to ensure the fitness of operators of commercial motor vehicles (CMVs). The standards were to include vehicles transporting passengers or hazardous materials. Different standards for different types of CMVs were permissible. Knowledge testing and skill testing, in a vehicle representative of the license class applied for, were required of CDL applicants. Drivers who were to transport hazardous material were to be tested on the safe conveyance of such materials. Drivers who were to transport passengers or operate specialized equipment; i.e., tankers, double/ triples, were to be tested for the specialized requirements of such operation. States were also required to standardize the information on a CDL document.

1.7.2 Study Conclusions: Testing & Licensing

3.4.1 All 51 states implemented classified licensing systems for CDLs using the CMV groups based on vehicle size and configuration defined in the FMCSRs. Thirteen (13) states have some repeated class codes in their CDL and NON-CDL licenses (Class "A," "B," or "C"). States adopted the standardized endorsement codes for authority to operate special vehicle types and to transport hazardous materials. Standardized restriction codes for limitations to intrastate operation, vehicles without air brakes, etc., have not been implemented. (3.8.2, 3.8.7, 3.8.22)

3.4.2 The use of the same class codes on NON-CDLs as on CDLs creates confusion for the law enforcement officers checking licenses at the roadside or inspectors conducting inspections at a motor carrier's facility. The 13 states which use the CDL class codes of "A," "B," and/ or "C" on non-CDLs have not considered that law enforcement officers in all states, and some foreign countries, not just instate officers, must deal with their licensing schemes. Likewise, the use of different codes by different states to represent the same restriction is confusing to law enforcement (because each state's officers deal with drivers licensed by many states). (3.8.17)

3.4.3 All 51 states implemented knowledge and skill testing which generally meets or exceeds minimum requirements as established in the FMCSRs. All states generally skill test CDL applicants in vehicles representative of the applied for license class. (3.8.5)

3.4.4 The testing requirements associated with obtaining a CDL eliminated a group of problem drivers who had been operating CMVs. Motor Carriers and drivers stated that in many cases the drivers who retired or found other work when the CDL program was implemented were poor and/ or dangerous drivers. Drivers who were able to pass the required tests and obtained a CDL experienced an increased sense of pride in their own accomplishments and in their profession. (3.8.10 - 11)

3.4.5 Many motor carriers installed new or expanded training programs to help drivers prepare for CDL testing, which also resulted in increased company emphasis on CMVSA compliance and operational safety. The CDL program has contributed to drivers and motor carriers being more concerned with and placing a higher value on safe operations. (3.8.16)

3.4.6 Motor Carriers and drivers consider a CDL as the minimum entry level credential for employment as a CMV operator. However, 40% of Carriers reported that the current CDL testing is not sufficiently rigorous for them to be able to rely on the CDL as evidence of adequate operating skill and knowledge. (3.8.2, 3.8.19)

3.4.7 Drivers and safety directors view CDL testing as appropriate although some members of both groups believe that more rigorous testing would be useful. While drivers did not feel any particular state had markedly easier CDL testing (than did other states), the New York Multiple CDL Study commented on what it viewed as notable variation in testing procedures, state to state. (3.8.9)

3.4.8 Drivers and safety directors understand the pre-trip inspection as an important component of the CDL test. They believe the test is increasing attention to pre-trip inspections in everyday terminal operation - at least among carriers which were not fully committed to this safety measure in the past. (3.8.16, 3.8.5-16)

3.4.9 As reinforced by the conclusions of the New York Multiple License Study, Peer Reviews would provide a functional forum for states to analyze each other's CDL testing procedures and licensing systems and practices, offering feedback and improvement opportunities. (New York and Florida CDL program administrators reported they had benefited from the process, as both the subject of the Peer Review and a participant on the Peer Review team.) Ongoing cooperation and collaboration among states, AAMVA, and the FHWA could be effectively used to identify and resolve any weaknesses or undue variation in individual state's testing and licensing procedures. (3.8.9)

1.7.3 Evaluation of Effectiveness: Testing & Licensing

3.5.1 The CDL program accomplished its objective of requiring applicants to demonstrate a required level of knowledge and skill to obtain a CDL. (3.4.3, 3.4.6, 3.4.7)

3.5.2 The CDL standardized testing objective has been effective in raising the average ability of the overall pool of CMV operators. CDL testing requirements, particularly the written tests, eliminated a group of drivers identified by their peers as problem drivers. Motor carriers and drivers are nearly unanimous that the CDL program has increased safety consciousness among drivers and employers. Drivers and safety directors perceive the pre-trip inspection as an important component of the CDL test. They believe the test is increasing attention to pre-trip inspections in everyday terminal operation. (3.4.4)

3.5.3 In addition, the standardized testing and licensing objective has been effective in raising the level of professionalism associated with being a CMV operator. Drivers who passed the CDL tests exhibit a level of pride in their accomplishment. To the extent that CMV operators value their CDL and refuse to jeopardize it by operating unsafely or unlawfully, the CDL has become a professional license. (3.4.4)

3.5.4 The CDL program also accomplished its objective of standardizing CDL classes and endorsements in all states. (3.4.1)

3.5.5 To the extent that poor and dangerous drivers did not attempt or could not pass the CDL testing and licensing requirements, and to the extent that the testing and test preparations have made drivers and motor carriers more safety conscious, uniform testing and licensing standards can be presumed to have contributed to reducing CMV crashes. But to the extent that enforcement officers remain untrained in detecting CMV operators who are driving without the required CDL, the full effectiveness expected from implementing the objective has not been achieved. (3.4.2)

1.7.4 Major Recommendations: Testing & Licensing

3.6.1 The FHWA should revise the FMCSRs to raise the minimum standards for CDL testing. The current federal minimum standards for CDL testing are less stringent than testing implemented by most states. CMV operators and motor carriers view the current level of testing as appropriate. States which implemented CDL testing at above minimum requirements should not be allowed to decrease testing of subsequent applicants. Existing testing levels should be maintained or made more stringent, not weakened.

A Peer Review process should be implemented with federal and state representatives to evaluate states testing and licensing practices and to assist states to improve their processes. The development of Best Practices is encouraged.

3.6.2 The states should eliminate the use of temporary, paper CDLs. If elimination is not feasible, the life of such licenses should be decreased to the shortest possible term and the driver be required to also carry a government issued photo ID.

3.6.3 The 13 states which repeat CDL class codes for classes on NON-CDLs should migrate to different class codes for NON-CDLs. The CDL class codes of "A," "B," and "C" should be used uniquely and exclusively for CDL documents.

Note:

The AAMVA has established a Test Maintenance Subcommittee to periodically review the model CDL tests and other CDL testing materials maintained by the AAMVA, and to recommend modifications based on changes in CMV equipment, research findings, etc. If the subcommittee develops new model tests there is no requirement that a state upgrade its testing, so long as the state still complies with the FHWA minimum standards.

It may be appropriate for the FHWA to periodically review the subcommittee's findings as a measure of the ongoing appropriateness of its minimum standards. (Currently the Pre-Trip Inspection requirement can be satisfied as part of the knowledge test. The importance of conducting this component as part of the skill testing has been emphasized by the drivers and carriers (3.8.16) and should be made a requirement.)

(Chapter 3 of Volume II contains four detailed recommendations and twenty-three findings on this topic)

1.8 Objective: Harmonization of State Laws & Adjudication

1.8.1 CMVSA Requirements

The CMVSA identified specific motor vehicle control violations which, when committed in a CMV, would be cause for disqualification of the driver's commercial operating privilege. The CMVSA also stipulated the withdrawal penalty for first and/or repeat convictions. The CMVSA required each state to harmonize its motor vehicle and traffic control laws to be consistent with the provisions of the CMVSA. Thresholds for speeding and for operating under the influence of alcohol for CMV operators were defined in Federal regulation promulgated to support the CMVSA. The CDLIS, in addition to its functionality as a repository of identification information on every driver issued a CDL, was also conceptualized and constructed to support the electronic transmission of driver related data, state-to-state. (4.2.1)

States were required to enact legislation to harmonize laws regarding violation thresholds, convictions, penalties, record retention, and interstate exchange of information and the use

of such information, to comply with the provisions of the CMVSA and supporting FMCSRs. With harmonization of state and Federal statutes, each conviction for a violation listed in the CMVSA, when committed in a CMV, would be posted to the driver's record and be cause for withdrawal action, per the penalties established in the CMVSA. States were further required to exchange and use all out-of-state convictions of CDL holders, excepting parking offenses. (4.2.2).

1.8.2 Study Conclusions: Harmonization & Adjudication

4.4.1 State CDL compliance reviews conducted by FHWA indicate that all states revised their laws to harmonize them for the set of violations listed in the CMVSA. New thresholds for BAC level (for CMV operation) and for speeding (as a CMVSA offense) were adopted by the states, along with common penalties for initial and subsequent convictions for CMVSA violations. (4.8.2)

4.4.2 At least 15 states have programs which provide for masking convictions so that they are not visible to an employer if the driver attends a prescribed education or treatment program, (forty-five states responded to the question). Such programs compromise the intent of harmonization to the degree that they mask CMVSA convictions. (4.8.12)

4.4.3 Few judges, prosecutors or law enforcement officers have received training or study material on the CDL program; many are not cognizant of the provisions of the CMVSA, the CDL program or the harmonization of state laws regarding CMVSA convictions. Judges and prosecutors generally do not understand CMV violations to be materially different from other traffic violations.

Judges and prosecutors are unsure when a driver is required to have a CDL; some do not perceive that a person operating a CMV without the proper CDL presents a risk to the public safety. Judges generally look to the prosecutor, or to the law enforcement officer who wrote the citation, for guidance on the nature and severity of the charge and for other relevant information about the offense. (4.8.5, 4.8.7-9, 4.8.30-31)

4.4.4 Today, CMV operators contest citations and hire lawyers much more frequently than they did pre-CDL. Operators who go to court or use a lawyer are very frequently successful in getting charges reduced, if not dismissed. (4.8.5, 4.8.10)

4.4.5 The distribution of fee and fine money (the percentage distributed to the local municipality versus the state) can influence the citation charge and the determination of the conviction charge in plea bargain discussions. Only 33 of the 51 states have requirements that their courts/ municipalities report all convictions to the state DMV in a stipulated period of time. (4.8.7, 4.8.11-12, 4.8.17)

4.4.6 The pressures of a full docket, and the perception that other types of cases on the docket are more serious, are other reasons a court may offer or agree to a plea bargain/dismissal. (4.8.8, 4.8.10, 4.8.14)

4.4.7 Data analysis of CDL holder convictions found 19% of all convictions are posted as "UNKNOWN" [vehicle type], while an additional 64% are marked as "NO" [did not occur in a CMV]. Omitting a check mark on a citation indicating that the violation occurred in a CMV, or "losing" the check mark during the adjudication and conviction posting process, eliminates application of the CMVSA requirements and sanctions. (4.8.23, 4.8.24-26)

4.4.8 This data sufficiency problem is further exacerbated for out-of-state convictions. Six state DMVs, out of 41 responding to the question, automatically "translate" some CMVSA violations to a lesser offense when the conviction does not indicate the violation was in a CMV (e.g., a conviction for .04 percent BAC would be posted as a conviction for an "open container"). Statutes prohibit five of 46 responding states from taking withdrawal action against a driver for an out-of-state conviction, except those listed in the CMVSA. If an out-of-state conviction is not marked as occurring in a CMV, 43 of 46 responding states automatically post the conviction as non-CMV. (4.8.4, 4.8.6, 4.8.10, 4.8.15)

4.4.9 The level of coordination which exists between a state's driver licensing agency and the state's traffic court system is inadequate in many instances to assure driver control measures are properly administered and occur in a timely fashion. (4.8.16-22)

4.4.10 The disqualification penalties established by the Act for CMVSA convictions appear to be decreasing recidivism. CMV operators convicted of a CMVSA violation are statistically less likely to repeat their offense than are CMV operators convicted of a similar conviction which does not have the same disqualification potential. (4.8.29)

1.8.3 Evaluation of Effectiveness: Harmonization & Adjudication

4.5.1 The CDL program accomplished the objective of harmonizing states' laws relative to the set of violations in the CMVSA, as listed in the FMCSRs. The harmonization effort accomplished legal equivalency among the states relevant to a conviction for a CMVSA violation. (4.4.1)

4.5.2 The harmonization of state laws to adopt the CMVSA disqualification penalties is having a positive effect. CMV operators convicted of a CMVSA violation seldom repeat the violation. (4.4.10)

4.5.3 The harmonization objective has been only partially successful in accomplishing equal treatment of CMV operators convicted of a CMVSA violation. Full equity has not been achieved because of several factors.

- A. Fifteen states (of 45 responding) allow violations committed in a CMV to be masked when the operator completes a prescribed educational or treatment program and only 33 of the 51 states have requirements that their courts/ municipalities report all convictions to the state DMV in a stipulated period of time. (4.4.2, 4.4.5, 4.8.12, 4.8.17)
- B. Many judges and prosecutors have received no training and little information on the CDL program and state efforts to harmonize laws with the CMVSA. As a result, many courts give no more attention to CMVSA cases than to other traffic violations. (4.4.3, 4.4.6, 4.4.9)
- C. CMV operators today use a lawyer to contest a citation much more frequently than pre-CDL. Some defense lawyers are more informed than the lawyers/ officers prosecuting and generally achieve a plea bargain or a dismissal, with payment of a fine. (4.4.4)
- D. Court officials and enforcement officers both acknowledge that they sometimes cite or convict drivers under sections of the law which distribute more of the fine revenue to the municipality. (4.4.5)
- E. The "data-sufficiency" requirements for CMVSA convictions are stringent. That is, to result in a CMVSA penalty, the conviction must carry an indicator that the violation was committed in a CMV. The absence of a CMV indicator will cause a conviction to result in a less severe penalty and will eliminate use and retention requirements under the CMVSA. (4.4.8)

4.5.4 To the extent that these factors interfere with the disqualification of problem drivers, harmonization of state laws with the CMVSA has not been fully effective. (4.5.3)

4.5.5 To the extent that harmonization has accomplished the exchange, use and retention of out-of-state convictions, particularly CMVSA violations, and to the degree that it is reducing recidivism in CMV operators, the objective can be presumed to be effective and contributing to a reduction in CMV crashes. (4.5.1)

1.8.4 Major Recommendations: Harmonization & Adjudication

4.6.1 There is need for a major, coordinated outreach and educational program across the nation for court personnel handling traffic cases. The risk CMV crashes present to public health and safety, as well as the provisions of the national/ state CDL programs, should be part of entry level and continuing education training for judges and prosecutors. The FHWA should expand its efforts to work with judicial, prosecutorial and other court

associations on the national, state, and municipal level to assure every court has access to training and educational materials.

4.6.2 Training materials for court personnel should emphasize determining the vehicle type prior to any plea agreement. Training should emphasize the critical nature of vehicle data and encourage the courts to make sure convictions contain all required data necessary to allow the driver licensing agency to impose CMVSA penalties where appropriate.

4.6.3 The FMCSRs should be expanded to preclude the application of "masking" provisions to violations committed in a CMV. In addition, regulation requiring that *the disposition of all CDL holder citations issued in the state be reported in a timely fashion to the state driver licensing agency* should be considered. States should give consideration to monitoring the performance of their traffic courts, measuring conviction rate, plea bargains, citation versus conviction charge, timeliness, etc.

4.6.4 Each state's laws should be reviewed to determine if there are financial disincentives to convict under the CMVSA violations/ incentives to convict under other sections of the state's law. Where such conditions are found to exist, remedial legislation equalizing the distribution of fee/ fine revenue should be pursued.

(Chapter 4 of Volume II contains nine detailed recommendations and twenty-nine findings on this topic)

1.9 Objective: One Record Of All CMVSA Convictions Per CDL Holder "One License - One Record"

1.9.1 CMVSA Requirements

The CMVSA requires states to forward convictions for those motor vehicle control violations listed in the CMVSA (committed in a CMV) to the driver's licensing state, within 10 days.

The licensing state is required to record CMVSA convictions on the driver's record. CMVSA convictions are to be retained on the driver's record for defined time periods. (Retention periods are established in the AAMVAnet CDLIS System Specifications and CDLIS State Procedures documents, referenced in the FMCSRs.) The states are required to impose specific disqualification penalties, for initial and subsequent CMVSA convictions.

When a state issues a CDL to a driver, and that driver previously held a CDL from another state, the "new" state must retain any CMVSA conviction, according to agreed upon retention standards.

In addition, states are required to forward *all other CDL holder convictions, except parking*, to the licensing state, within 10 days. However, there are no requirements on licensing states to use or record convictions received from another state if the infraction is not a violation listed in the CMVSA/ FMCSRs.

CDL holders are required to inform their employer and their licensing state, within 30 days of conviction, regarding any conviction, except parking, from any state or municipality. CDL holders are required to inform their employer of any loss of operating privilege by the end of the business day following receipt of a notice regarding the loss of privilege.

1.9.2 Study Conclusions: One License - One Record

5.4.1 The CDL program has virtually eliminated CMV operators' use of multiple licenses to spread convictions to multiple records. It is reasonable and logical to conclude the elimination of multiple licenses is resulting in more convictions appearing on a CDL holder's single driver record. CMV operators are aware that the limitation to one license was aimed at consolidating convictions onto one driver record. Drivers believe the one record provision has made them more lawful, better operators because they are aware of the need to maintain a good driver record to protect their job. (5.8.3, 5.8.4, 5.8.5, 5.8.6)

5.4.2 The states exchange CMVSA convictions using the CDLIS. The states' exchange, use, and retention of out-of-state CMVSA convictions have been largely standardized. (Based on the retrospective techniques used in this study, it is not possible to conclude that all CMVSA convictions are being exchanged, used, and retained per the requirements of the CMVSA/ FMCSRs. Additional prospective analysis would be necessary to afford that conclusion.) (5.8.2, 5.8.15)

5.4.3 The states exchange, use and retain some Non-CMV out-of-state convictions incurred by CDL holders. Based on analysis of the representative sample CDL data base constructed for this study, it is estimated that, from 01 April 1992 through 30 June 1996, some 1,387,462 out-of-state convictions were added to CDL holders' driver records. Forty-nine percent of the out-of-state convictions had a CMV indicator of "NO" or UNKNOWN, compared to the pool of in-state convictions where 88 percent of the convictions had a CMV indicator of "NO" or UNKNOWN. (5.8.4, 5.8.12, 5.8.15, 5.8.18-20)

5.4.4 The states' exchange, use, and retention of out-of-state convictions for Non-CMVSA violations committed by CDL holders remains state specific in nature, not standardized. The states report considerable variances in how they exchange these convictions, which convictions they exchange, and which convictions they use and retain. Some states report out-of-state convictions received on paper are treated differently than equal convictions received electronically; several states lack authority to use/ retain convictions received electronically. All states report there are particular out-of-state convictions which they cannot use/ retain because of inconsistencies in laws, state-to-state. (5.8.10-13, 5.8.18-21, 5.8.24-25)

5.4.5 It is not possible in this study to draw a conclusion about how prompt states are in recording in-state convictions, or in forwarding convictions to the licensing state because many states do not record, as part of the state conviction record, when the state driver licensing agency received the conviction from the court/ municipality (receipt date). (No Data)

5.4.6 The states use the CDLIS to obtain a CDL holder's driver record from the prior state. However, there is some variation in what states do in certain circumstances, e.g., when a CDL holder changes states, but does not maintain the CDL in the new state. On average, for the states which could be sampled, approximately 50 percent of the convictions on the record in the prior state appear on the driver's record in the new state. The percentage of convictions which are "lost" is greater for convictions which do not indicate the vehicle was a CMV. (5.8.9, 5.8.14-17, 5.8.22)

5.4.7 The states have not implemented measures to accept driver initiated reports of out-of-state convictions. States are discouraging driver compliance with this provision of the CMVSA because the states generally cannot take action without a formal notice of adjudication and DMVs did not develop means to use driver self-reporting to track conviction reporting from other states. (5.8.23)

5.4.8 Forty percent of motor carriers report that, post-CDL, it is easier to get a full record on a driver; only 2 percent say it is now more difficult. Motor Carriers attribute some of the improvement to the information provider industry. However, motor carriers continue to express skepticism that all out-of-state and prior-state convictions show on the licensing state's record. The motor carrier industry spends more than one million dollars per year to purchase prior-state records on employees and prospective employees in order to obtain a complete report of all convictions and withdrawals. (5.8.9, 5.8.12, 5.8.14, 5.8.16, 5.8.17)

5.4.9 Driver records are viewed by motor carriers as indicative of operator attitude and motivation. Motor carriers regard past driving performance as a useful indicator of the driver's attitude and motivation. In the experience of more than 70 percent of motor carriers, driver attitude and experience is at least as important as driver knowledge and skill in preventing or avoiding a crash. (5.8.8)

5.4.10 The states have achieved a level close to *a single record of all CMVSA convictions* incurred by a CDL holder. The states have not achieved *a single record of all convictions incurred by a CDL holder*. (5.8.10, 5.8.11-22.)

5.4.11 The National Driver Register (NDR) is a necessary component of the CDL program, at this time. Until such time as the states accomplish full harmonization of all CDL holder convictions, the NDR is essential to assure critical information (about an adverse action against a CDL holder) is not lost because of statutory inconsistencies between the convicting and licensing states. (5.4.4, 5.4.6, 5.4.10)

1.9.3 Evaluation of Effectiveness: One License - One Record

5.5.1 The states essentially have accomplished the objective of maintaining *a single record of all CMVSA convictions*. The objective has been effective in identifying some of the worst CMV operators (who were not eliminated through CDL testing and licensing requirements) and in allowing the states to impose disqualification penalties. (5.4.1, 5.4.2, 5.4.10)

5.5.2 The CMVSA/ FMCSRs require the states to only maintain CMVSA convictions in a single record. There are no requirements on the states to maintain all CDL holder convictions in a single record and the states have not achieved a single record for all convictions incurred by a CMV operator. (5.4.3, 5.4.4, 5.4.10)

5.5.3 After a serious or fatal CMV crash, investigators for the press and the victim frequently discover that the CMV operator has convictions from other states which are not on the driver record in the licensing state. The expectation of most citizens, supported by the media, is that the licensing state should maintain a record of all convictions incurred by a CMV operator, not solely CMVSA convictions. (5.4.4, 5.4.6)

5.5.4 The gap between citizens' expectations and legal requirements is sufficiently large that it periodically results in severe conflict and adverse media attention on regulators, driver licensing officials and the trucking industry. (5.4.10)

5.5.5 When viewed from a safety perspective, it is difficult to argue the CMVSA violations are the only violations which are serious enough to warrant requirements on the use and retention of convictions. (5.4.9)

5.5.6 The consolidation of all convictions identified as CMVSA convictions (properly coded as to violation and vehicle type) on the driver's one record in the licensing state has contributed to the identification of problem drivers. (5.4.1)

5.5.7 The National Driver Register, operated by the National Highway Transportation Safety Administration (NHTSA), is a necessary component of the CDL program at this time. Until such time as the states accomplish full harmonization of all CDL holder convictions, the NDR is necessary to assure that critical information (about an adverse action against a CDL holder) is not lost because of statutory inconsistencies between convicting and licensing states. (5.4.11)

5.5.8 The one-driver/one-license objective has not been fully effective in providing driver licensing officials, law enforcement officers, court personnel, and/ or employers, with complete information about a CMV operator's past driving behavior. Only a complete record *of all motor vehicle control convictions*, or at minimum *all such convictions in a CMV*, is adequate to support decisions about a driver's performance as a CMV operator. (5.4.2, 5.4.8, 5.4.9)

1.9.4 Major Recommendations: One License - One Record

5.6.1 Long term, the states should revise their motor vehicle and traffic control statutes to harmonize all moving violations committed by any driver with any type of license. The effectiveness of harmonization has been proven by the success of states in accomplishing a single, consolidated driver record of all CMVSA violations. In the future, exchange of convictions should not be mandated without accompanying harmonization to support the use and retention of exchanged convictions.

Note:

The CDL driver records analyzed as part of the data collection effort for this study had convictions and withdrawals represented with D20 codes. Subsequent to the construction of this study's sample data bases, the states began implementing the new representational conviction and withdrawal codes developed by the AAMVA and AAMVAnet, i.e., the AAMVAnet Code Dictionary (ACD).

Termed ACD codes or ACDs, the new codes are more refined than the code set used previously. (At the time of this report, 49 states had begun to use the ACD codes.) The ACD codes provide for greater detail about the conviction, such as the BAC or speeding threshold violated, than did the D20 code set. However, ACD codes are not a panacea for differences in state laws and do not really address the need for harmonization.

The development of the ACD codes was done with a data processing perspective, that is, how to represent and transmit data. The development of ACDs did not include a "legal" definition of each condition represented in the code set and the measurement of each states' statutory language to the ACD language for equivalency. Therefore, it has not been established that because two states use the same ACD code to represent a particular conviction in each state that the two convictions are legally equivalent.

At least some states implemented the ACD codes by "mapping" D20 codes to the ACD codes. That is, the states did not go back to their instate (native) violation codes and cross reference them to the ACD codes. Because of limited resources or other constraints these states implemented the new codes without accomplishing any greater specificity than existed with the use of D20 codes.

5.6.2 Short term, the list of violations in the FMCSRs defined as CMVSA violations should be expanded to include all motor vehicle control violations committed in a CMV.

5.6.3 The FHWA should consider requesting that Congress repeal the requirement in the CMVSA whereby CDL holders are required to report out-of-state convictions to their licensing state, due to the states' inability to implement any process to support the requirement. (The requirement for CDL holders to self report convictions and disqualifications to their employers should be retained as it gives employers additional basis for taking action against a problem driver who fails to report such actions.)

5.6.4 The NDR should be understood and maintained as a critical component of the CDL program. The present restrictions and requirements on employer access to NDR should be reviewed in light of the other findings in this section, and other sections of this report, to determine if CMV safety issues justify providing motor carriers and the information providers they utilize, with a single point of electronic access to NDR (to screen employees and prospective employees (CDL holders) operating CMVs) regardless of the state issuing the CDL.

5.6.5 Electronic interfaces between law enforcement/ courts/ the state driver licensing agency should be supported. Electronic interfaces can speed the exchange and update of data, and provide the means to implement information management tools to assure all citations and convictions are accounted for and to measure the degree to which out-of-state CDL holder convictions go unused by the licensing state. The feasibility of requiring that all CDL holder convictions be exchanged via the CDLIS should be examined.

(Chapter 5 of Volume II contains six detailed recommendations and twenty-five findings on this topic)

1.10 Objective: Support The Needs Of Enforcement

1.10.1 CMVSA Requirements

The CMVSA stipulates that, as of 1 April 1992, a driver is required to have a CDL to operate a CMV. The definition of CMV (for CDL purposes) was established in the

implementing FMCSRs. The FMCSRs also categorized CMVs into groups and established corresponding CDL license class codes and endorsement codes. The states were required to standardize the data displayed on the CDL document.

The CMVSA required development of a Commercial Driver License Information System (CDLIS) to act as a repository of personal identification data for CDL holders in order to limit drivers to a single CDL. The CDLIS was also mandated to contain information on CMV operators who were disqualified.

The states were required to harmonize motor vehicle and traffic control laws to make the set of CMV convictions listed in the CMVSA/ FMCSRs legally equivalent, state-to-state. Provisions for the exchange, retention and use of these CMVSA convictions were stipulated.

1.10.2 Study Conclusions: Support The Needs Of Enforcement

6.4.1. Officers at the state level, particularly officers in Motor Carrier Safety Assistance Program (MCSAP) units, have generally received sufficient training and information that they are familiar with CDL requirements and know which types of commercial vehicles require a CDL and endorsements. County and municipal officers generally have not received the necessary training and do not know which commercial vehicles require a CDL/ endorsements. County and municipal officers do not have the knowledge they need to cite CMV operators for operating without a proper license. (6.8.2, 6.8.3, 6.8.8)

6.4.2 County and municipal enforcement officers have little knowledge about which violations are listed in the CMVSA or about changes in state law to harmonize it with the CMVSA. Some, but not all, state enforcement officers are aware of the changes to state law and/ or know the new reference codes to use on citations to establish the offense as a CMVSA violation. (6.8.2, 6.8.3)

6.4.3 The officer is the principal source for the vehicle and driver data necessary for proper adjudication of the citation and proper use of a resultant conviction. (Citations/ convictions with incomplete or incorrect data do not result in the proper sanction against the driver.) Little has been done to make data collection easier/ less onerous for enforcement officers. (6.8.3, 6.8.10, 6.8.12, 6.8.13)

6.4.4 States which use class "A," "B," or "C" for NON-CDL, as well as CDL licenses, create complications for enforcement officers in other states. Paper, temporary CDL documents (with no photo), issued by some states, are worrisome to officers. Non-standardized restriction codes add problematic complexity at roadside. (6.8.4, 6.8.7, 6.8.8, 6.8.11)

6.4.5 Specialized CDL training has helped state Patrol/ Police officers to understand the CDL program and to be aware of changes in state laws. Most county and municipal officers have not had training on the CDL program. (6.8.2, 6.8.3)

6.4.6 Some officers and inspectors using the FHWA's ASPEN or CAPRI software (with a communications module) are accessing the CDLIS to determine if a CMV operator has the appropriate CDL and to determine the status of the commercial operating privilege. (6.8.17)

6.4.7 Although a limited number of officers/ inspectors are using access to the CDLIS to determine the status of a driver's CDL operating privilege (those using the ASPEN and CAPRI software), the high percentage of drivers found operating without a valid, appropriate CDL (for March 1977, 11.3%) is notable. **It may be that an undesired outcome of the CDL program is that some CMV operators are continuing to operate while disqualified. Pre-CDL, a problem driver would have used a second license to spread convictions to avoid disqualification, or to operate on while disqualified in another state.** (6.8.18)

6.4.8 CMV operators convicted of a CMVSA violation are significantly less likely to commit the same violation than are operators convicted of a similar violation which does not carry a CMVSA disqualification penalty. (6.8.15, 6.8.16)

6.4.9 The high number of CDL holder convictions recorded with a CMV indicator of NO (did not occur in CMV) and UNKNOWN (vehicle type unknown) is of concern. It is not clear whether the numbers are correct, represent a problem in data collection, or a system fault in the citation/adjudication/conviction posting process. (6.8.12)

1.10.3 Evaluation of Effectiveness: Support The Needs Of Enforcement

6.5.1 Law enforcement's role, overall, in the national CDL program has not been well defined or understood. (6.4.1, 6.4.2, 6.4.3)

6.5.2 The CDL program accomplished consistency regarding the type of license required to operate a given type of CMV, regardless of the state licensing the driver. The consistency of license type has benefited law enforcement officers trained in the provisions of the CDL program. However, because of the vast number of county, municipal, and in some cases state level law enforcement officers who have had little or no training regarding the CDL program, the actual benefit to enforcement has been low. (6.4.1, 6.4.2, 6.4.4)

6.5.3 While harmonization of state laws was accomplished regarding the CMVSA violations, law enforcement personnel were not well briefed on changes to state laws.

Officers remain largely unaware of the importance of citing CMV operators under the harmonized violation codes and the data sufficiency requirements (CMV indicator) for CMVSA penalties to result from a conviction. Similarly, enforcement has not had the proper training or tools to enable officers to systematically collect the vehicle and driver data required to assure that convictions result in the proper sanctions. (6.4.1 - 5)

6.5.4 Officers remain frustrated by the complexities of CMV enforcement, to the degree that the idea of a *wallet card* with vehicle groups/ corresponding CDL classes is viewed as a useful tool. (6.4.1, 6.4.4)

6.5.5 In failing to accomplish the objective of fully supporting the needs of law enforcement officers, the CDL program cannot be presumed to have had the full impact it was expected to have on reducing the incidence of CMV crashes. (6.5.4)

1.10.4 Major Recommendations: Support The Needs Of Enforcement

6.6.1 The FHWA and the states, with the assistance of the AAMVA and various law enforcement associations, should proceed immediately to equip every officer with a wallet card depicting the CMV groups and corresponding CDL requirements and the state references to use when citing CMVSA violations.

6.6.2 The FHWA's outreach effort for law enforcement personnel should be strengthened to create a major, coordinated outreach and educational program for law enforcement personnel (state, county, and municipal) handling traffic cases across the nation. The FHWA should work with law enforcement associations on the national, state, and municipal level to assure every highway officer has access to training and educational materials on the CDL program. Training should stress the sections of state law to use in citing CMV violations and the requirements for data sufficiency.

6.6.3 Access to CDLIS to check the operating status of CMV operators should be extended to additional officers. The National Law Enforcement Telecommunications System (NLETS) should have online access to CDLIS. Additional study should be done to produce reasonable strategies for impounding vehicles or taking other action to immediately remove drivers found to be operating without the required, valid CDL.

6.6.4 The benefits of electronic interfaces, to expedite officer's data collection tasks and the flow of driver and citation information to and from enforcement should be supported and studied.

(Chapter 6 of Volume II contains eight detailed recommendations and eighteen findings on this topic)

1.11 CDL Program - National Implementation

1.11.1 Background

7.1.1 In Chapters 2-6 of Volume II of this report, there are 48 conclusions and 31 recommendations regarding the states' implementation of the CDL program. In chapters 2-6, the conclusions and recommendations are ordered around the five major objectives of the CDL program.

7.1.2 The large number of conclusions and recommendations in this report should not be construed to mean the CDL program is in poor condition and needs extensive repair. The number of conclusions, and recommendations are better understood as indicative of the magnitude of the CDL program, and the extensiveness of the evaluation effort undertaken for this study. The CDL program has been in full operation only five years. **The program has made significant progress toward resolving the preexisting CMV safety problems which led to enactment of the CMVSA in 1986.**

7.1.3 The high level conclusions and recommendations in this chapter are the result of two years of extensive data collection and of lengthy, rigorous analysis of new and previous data about the CDL program. To establish a contextual reference for the data, extensive discussion occurred with federal and state officials active in the development of the national CDL program and state administrators responsible for the operation of their state's CDL program today, industry leaders, trade association representatives, OMC personnel, CMV operators, judges, attorneys, law enforcement officers, and vendors providing services to the trucking industry.

The input from each source was validated and refined against the input from other sources and used to verify the new and previous data. The process was exacting and arduous. As a result, it provides assurance that the study results are reliable and supports the conclusions and recommendations in this chapter regarding the CDL program as a national implementation.

1.11.2 Study Conclusions: CDL National Implementation

7.2.1 States' are not uniform in the administration and operation of the state's segment of the national CDL program. Some of the variation can be traced to the lack of written guidelines for the program, excepting requirements for the CDLIS.

7.2.2 A formal process for ongoing review, compliance monitoring, correction, and continuous improvement of the states' operation of their segments of the CDL program has not been implemented at the national level. While helpful, the recently instituted FHWA/ AAMVA quarterly review of CDLIS central site statistics is insufficient review

for a program as large and complex as CDL. A more intimate and detailed process of oversight and management of states' activities is required at the federal level.

The implementation of a Peer Review Process, with state and federal participants, would provide the functional forum for states to analyze each other's CDL program, offering feedback and improvement opportunities. Ongoing cooperation and collaboration among states, AAMVA, and the FHWA could be effectively used to identify and resolve any weaknesses or undue variation and to develop overall improvements or enhancements.

7.2.3 The trucking industry (that is, motor carriers, unions, and trade associations) was actively involved with government in the initial CDL effort to get CMV drivers retrained and CDL tested. CDL was a catalyst which caused many motor carriers to implement or strengthen safety departments and employee training programs. Safety practices behind the wheel and in the yard came under scrutiny and more formal personnel practices, including driver record checks, were instituted in many companies. However, once the effort to relicense existing CMV drivers was completed, industry and government seemed less united in their activities. Although both remain concerned about driver safety, the coordination and common focus, which was very visible during CDL development and implementation, is no longer so apparent.

1.11.3 Major Recommendations: CDL National Implementation

7.3.1 The FHWA/ OMC should develop a formal process for ongoing review, assessment, correction, and continuous improvement of the states' implementation of the CDL program. The OMC should consider training staff in its national, regional, and state offices as CDL program specialists to provide ongoing oversight and assistance to the states. A Peer Review Program (with federal and state members of review teams) should be given strong consideration as part of the process.

7.3.2 Periodic measurement of each state's compliance with the CDLIS System Specifications and CDLIS State Procedures should be implemented. Similar manuals for other areas of the CDL program should be developed, along with establishing Best Practices for the entire CDL program. The use of teams with state experts and OMC representatives are suggested.

Note:

States' DMVs have effectively used peer review to do compliance audits of each others operation of the state's implementation of the International Registration Program (IRP) and the International Fuel Tax Agreement (IFTA).

7.3.3 The FHWA/ OMC should seek the necessary authority to establish a range of sanctions for use with states which have a problem complying with program requirements. The FHWA/ OMC should also seek discretionary authority for the use of each available sanction to allow the agency to respond appropriately to each individual case.

7.3.4 The FHWA should explore alternatives to expand the trucking industry's active participation in the CDL program to develop a joint industry and government plan to address CMV operators who continue to operate during a disqualification period.

1.11.4 Closing Note

7.4.1 The CDL program has accomplished a great deal in the five years it has been operating. This study documented that much has improved under CDL. This study also found that, of the preexisting CMV safety problems which led to the enactment of the CMVSA of 1986, none has deteriorated under CDL.

Glossary

- AAMVA** Founded in 1933, the **American Association of Motor Vehicles Administrators (AAMVA)** is a voluntary nonprofit, tax exempt, educational organization. The governing structure of AAMVA consists of the Association Officers, Board of Directors, Executive Committee and ten Standing Committees. Primary members include state and provincial officials, whose responsibilities address the enforcement and administration of laws pertaining to the licensing of drivers and the usage of motor vehicles. The ten standing committees provide much of the foundation for the ongoing programs and services of AAMVA. The development and processing of many current issues and programs (which include motor vehicle information systems, driver licensing and control, and motor carrier services, among others) are the result of annual committee workshops.
- AAMVANet** **AAMVANet** is a wholly owned subsidiary of the AAMVA. AAMVANet is the data communications network which links the states' driver licensing agencies and the central file of CDL holder personal identification information to constitute the Commercial Driver License Information System (CDLIS). AAMVANet is also the state's interface into the National Driver Register (NDR). The network maintains its own management staff, with AAMVA providing support services. AAMVANet is governed by a Board of Directors appointed by the AAMVA Chairman of the Board, and many of the activities are coordinated through the appropriate AAMVA standing committee.
- ACD codes or ACDs** The **representational codes established in the AAMVANet Code Dictionary** for specifying certain specific types of violations and withdrawal actions. These codes are to be used when transmitting conviction or disqualifications via the CDLIS.
- CDLIS** The **Commercial Driver License Information System** was created as a requirement of the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse of information related to all US CDL holders. The Act requires that states query CDLIS to determine if a license applicant holds a commercial license (and history) elsewhere. (The CMVSA of 1986 also requires that states query the National Driver Register (NDR) while processing CDL applications to determine if the applicant has a withdrawal, license denial, suspension, etc., in any other state.) The CDLIS central file is in actuality an index; that is, the licensing state holds the driving history in its computer. A state inquiring as to the history of an applicant will query the CDLIS central file and be pointed electronically to the state holding the current record. The state of record then relays this information to the state of inquiry in a matter of seconds. States also have the ability to report violations of out-of-state commercial drivers to the respective home state through the CDLIS electronic network.

NDR

The **National Driver Register** was created in 1961. The NDR functions under the control of the National Highway Traffic Safety Administration (an agency of the U.S. Department of Transportation). It is a clearinghouse for information on problem drivers. The purpose of the NDR is to prevent the issuance of a driver's license to drivers whose licenses have been withdrawn or denied. Before issuing a license, states query the NDR to determine if the applicant has revocations, suspensions, denials or cancellations in other states.

Until 1994, the NDR kept substantive data (type of offense, length of suspension, reinstatement date, etc.) and identification data (name, date of birth, license number, eye color, etc.) on problem drivers, duplicating what was on the state driver license file. In 1994, States began converting to the NDR's new Problem Driver Pointer System (**PDPS**).

PDPS

The **Problem Driver Pointer System (PDPS)** contains identification data on problem drivers and "points" to the states where the substantive record(s) is maintained. By the end of 1997, all states should have converted to the PDPS. The PDPS master file has pointers or records on more than 27 million drivers.

Upon converting to the PDPS, states are required to report, within 31 days, to the NDR any individual:

1. Who is denied a motor vehicle driver's license for cause;
2. Whose motor vehicle driver's license is canceled, revoked, or suspended for cause;
3. Who is convicted of the following motor vehicle related or comparable offenses:
 - a. Operation of a motor vehicle under the influence of, or impaired by, alcohol or a controlled substance;
 - b. A traffic violation arising in connection with a fatal traffic crash, reckless driving, or racing on the highway;
 - c. Failure to render aid or provide identification when involved in a crash which results in a fatality or personal injury;
 - d. Perjury or the knowingly making of a false affidavit or statement to officials in connection with activities governed by a law or regulation relating to the operation of a motor vehicle.

Although states may submit an inquiry on any license applicant, they are required to query the PDPS on each first-time, above minimum age, driver license applicant before issuing a license to the applicant. States are required to submit inquiries on behalf of entities authorized access to the NDR.

In addition to the state driver licensing officials, access to the NDR is limited to the following authorized information recipients:

1. The National Transportation Safety Board (NTSB) and the Federal Highway Administration (FHWA) for crash investigation purposes;
2. Employers and prospective employers of motor vehicle operators;
3. The Federal Aviation Administration (FAA) regarding any individual who has received or applied for an airman's certificate;
4. The Federal Railroad Administration (FRA) and employers or prospective employers regarding railroad locomotive operators.
5. The United States Coast Guard (USCG) for the purpose of issuing or renewing Licenses, Certificates of Registry, or Merchant Mariner's Documents.

The above authorized parties, except for crash investigation inquiries by the NTSB and the FHWA, must submit their request(s) through a participating state. However, individuals may submit a request regarding themselves directly to the NDR to determine what information the NDR has on file pertaining to them. Individuals may also submit such requests, usually for a fee, through a participating state. If submitted directly to the NDR, the individual must submit identification data, sign the requests and have it notarized.

DLC

The **Driver License Compact** was developed in 1961 to give states the means for a cooperative program to control problem drivers through the exchange of convictions incurred by drivers licensed by another state and information contained in driver records. The Compact precepts include the reporting of convictions for major moving violations to a driver's home state and requiring the surrender of all other states' driver licenses before the issuance of a new license. Thus, the major objectives are to promote the one driver license and one record concept. The DLC members make use of the National Driver Register (NDR), which serves as a national index of problem drivers. Member states voluntarily contribute information concerning driver license suspensions and revocations to the NDR. Note: Some of the states which are not members of the Compact still comply with the principles of the DLC. In December, 1997, 45 states belonged to the DLC.

States

For the purposes of this report, "states" is used to mean the 50 U.S. states and the District of Columbia.

Acronyms

AAMVA	American Association of Motor Vehicle Administrators
AAMVAnet	AAMVA's telecommunications subsidiary
ACD	AAMVAnet Code Dictionary
ACD codes or ACDs	AAMVAnet Code Dictionary [representational] codes
ATA	American Trucking Association
CDL	Commercial Driver License
CDLIS	Commercial Driver License Information System
CDIP	Commercial Driver License Instruction Permit
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
CMVSA	Commercial Motor Vehicle Safety Act of 1986
CSOR	Change State of Record
DLC	Driver License Compact
DMV	State Driver Licensing Agency (Department or Division of Motor Vehicles)
DOB	Date of Birth
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FMCSR	Federal Motor Carrier Safety Regulation
FRA	Federal Railroad Administration

GVW	Gross Vehicle Weight
IFTA	International Fuel Tax Agreement
IRP	International Registration Plan
MADD	Mothers Against Drunk Driving
MPR	Master Pointer Record
NDR	National Driver Register
NHTSA	National Highway Traffic Safety Administration
NLETS	National Law Enforcement Telecommunications Network
NON-CDL	A driver license which is not a commercial drivers license
NTSB	National Transportation Safety Board
OOSC	Out-of-State Conviction
OMC	Office of Motor Carriers
SSA	Social Security Administration
SSN	Social Security Number
USCG	United States Coast Guard

CMVSA Violations and Conviction Penalties

From the FMCSRs:

383.5 Definitions

Serious traffic violation means conviction, when operating a commercial motor vehicle, of:

- (a) Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
- (b) Reckless driving, as defined by State or local law or regulation, including but not limited to offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;
 - © Improper or erratic traffic lane changes;
- (d) Following the vehicle ahead too closely; or
- (e) A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation). (Serious traffic violations exclude vehicle weight and defect violations.)

Subpart D -- Driver Disqualifications and Penalties

§ 383.51 Disqualification of drivers.

- (a) General. A driver who is disqualified shall not drive a commercial motor vehicle. An employer shall not knowingly allow, require, permit, or authorize a driver who is disqualified to drive a commercial motor vehicle.
- (b) Disqualification for driving while under the influence, leaving the scene of an accident, or commission of a felony.
 - (1) General rule. A driver who is convicted of a disqualifying offense specified in paragraph (b)(2) of this section, is disqualified for the period of time specified in paragraph (b)(3) of this section, if the offense was committed while operating a commercial motor vehicle.
 - (2) Disqualifying offenses. The following offenses are disqualifying offenses:
 - (I) Driving a commercial motor vehicle while under the influence of alcohol. This shall include:
 - (A) Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more; or
 - (B) Driving under the influence of alcohol, as prescribed by State law; or

© Refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of § 383.51(b)(2)(I)(A) or (B), or § 392.5(a)(2).

(ii) Driving a commercial motor vehicle while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including all substances listed in Schedules I through V of 21 CFR part 1308, as they may be amended from time to time. Schedule I substances are identified in appendix D of this subchapter and Schedules II through V are identified in appendix E of this subchapter.

(iii) Leaving the scene of an accident involving a commercial motor vehicle;

(iv) A felony involving the use of a commercial motor vehicle, other than a felony described in paragraph (b)(2)(v) of this section; or

(v) The use of a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance when defined as any substance under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) including all substances listed in Schedules I through V of 21 CFR part 1308, as they may be amended from time to time. Schedule I substances are identified in appendix D of this subchapter and Schedules II through V are identified in appendix E of this subchapter.

(3) Duration of disqualification for driving while under the influence, leaving the scene of an accident, or commission of a felony -- (I) First offenders. A driver who is convicted of an offense described in paragraphs (b)(2)(I) through (b)(2)(iv) of this section, is disqualified for a period of one year provided the vehicle was not transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 - 1813).

(ii) First offenders transporting hazardous materials. A driver who is convicted of an offense described in paragraphs (b)(2)(I) through (b)(2)(iv) of this section, is disqualified for a period of three years if the vehicle was transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 - 1813).

(iii) First offenders of controlled substance felonies. A driver who is convicted of an offense described in paragraph (b)(2)(v) of this section, is disqualified for life.

(iv) Subsequent offenders. A driver who is convicted of an offense described in paragraphs (b)(2)(I) through (b)(2)(iv) of this section, is disqualified for life if the driver had been convicted once before in a separate incident of any offense described in paragraphs (b)(2)(I) through (b)(2)(iv) of this section.

(v) Any driver disqualified for life under § 383.51(b)(3)(iv) of this paragraph, who has both voluntarily enrolled in and successfully completed, an appropriate rehabilitation program which meets the standards of his/her State's driver licensing agency, may apply to the licensing agency for reinstatement of his/her commercial driver's license. Such applicants shall not be eligible for reinstatement from the State unless and until such time as he/she has first served a minimum disqualification period of 10 years and has fully met the

licensing State's standards for reinstatement of commercial motor vehicle driving privileges. Should a reinstated driver be subsequently convicted of another disqualifying offense, as specified in paragraphs (b)(2)(I) through (b)(2)(iv) of this section, he/she shall be permanently disqualified for life, and shall be ineligible to again apply for a reduction of the lifetime disqualification.

© **Disqualification for serious traffic violations** -- (1) General rule. A driver who is convicted of serious traffic violations is disqualified for the period of time specified in paragraph (c)(2) of this section, if the offenses were committed while operating a commercial motor vehicle.

(2) **Duration of disqualification for serious traffic violations** -- (I) Second violation. A driver who, during any 3-year period, is convicted of two serious traffic violations in separate incidents, is disqualified for a period of 60 days.

(ii) Third violation. A driver who, during any 3-year period, is convicted of three serious traffic violations in separate incidents, is disqualified for a period of 120 days.

(d) **Disqualification for violation of out-of-service orders** -- (1) General rule. A driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle is disqualified for the period of time specified in paragraph (d)(2) of this section. In addition, such driver is subject to special penalties as contained in § 383.53(b).

(2) **Duration of disqualification for violation of out-of-service orders** -- (I) First violation. A driver is disqualified for not less than 90 days nor more than one year if the driver is convicted of a first violation of an out-of-service order.

(ii) Second violation. A driver is disqualified for not less than one year nor more than five years if, during any 10-year period, the driver is convicted of two violations of out-of-service orders in separate incidents.

(iii) Third or subsequent violation. A driver is disqualified for not less than three years nor more than five years if, during any 10-year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents.

(iv) Special rule for hazardous materials and passenger offenses. A driver is disqualified for a period of not less than 180 days nor more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 - 1813), or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than three years nor more than five years if, during any 10-year period, the driver is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

