

Appendix 1

Commercial Drivers and CDLs

The Federal Motor Carrier Safety Administration (FMCSA) is the regulatory agency that oversees commercial driver license (CDL) standards, testing, requirements, disqualifications, and penalties. These standards require states to issue CDLs to certain Commercial Motor Vehicle (CMV) drivers only after the driver passes knowledge and skills tests administered by the state and related to the type of vehicle the driver expects to operate. Drivers are required to obtain and hold a CDL when they operate in interstate, intrastate, or foreign commerce and if they drive a vehicle that meets any of the classifications of a CMV described below.

The Federal standards for a multitude of requirements and procedures for states and others to use for testing and licensing commercial motor vehicle operators are found in the Code of Federal Regulations 49 CFR § 383 (*Commercial Driver's License Standards; Requirements and Penalties*). 49 CFR § 383 may be viewed online at www.fmcsa.dot.gov/rules-regulations/rules-regulations.htm.

There are two important laws that are often cited when discussing CDL requirements and federal standards.

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA)

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

Since April 1, 1992, drivers have been required to have a CDL in order to drive a commercial motor vehicle. Important highlights of the CMVSA include—

- Making it illegal for CDL holders to possess more than one license;
- Requiring States to adopt knowledge and skills testing to ensure commercial drivers are qualified to operate heavy trucks and buses
- Establishing minimum licensing standards and information requirements for the CDLs.

The Motor Carrier Safety Improvement Act of 1999 (MCSIA)

The Motor Carrier Safety Improvement Act of 1999 (MCSIA) amended the Code of Federal Regulations 49 CFR § 383.51. MCSIA provided additional standards for maintaining and checking conviction records of commercial drivers; and provided enhanced penalties for traffic convictions by commercial drivers. The provisions mandated by MCSIA caused states to pass new laws or set administrative rules in order to comply with the MCSIA deadline of 2006. MCSIA also significantly modified and strengthened the licensing and sanctioning requirements for truck and bus drivers required to hold a CDL.

This balance of this Appendix presents an overview of regulations, including the mandatory CDL Disqualifications and data retention rules placed on records of CDL holders.

Regulations and License Issuance

Classes of License Standards

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

- Class A Any combination of vehicles with a GCWR of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.
- Class B Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.
- Class C Any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers, including the driver, or is transporting material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR Part 172 or is transporting any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

Endorsements and Restrictions Standards

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

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

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

A driver must take the skills test in a motor vehicle which represents the type of motor vehicle that a driver applicant operates or expects to operate as defined by the vehicle classifications described above. While these classifications are general for the class of vehicle, additional requirements exist for the passenger and school bus endorsements. To obtain a passenger endorsement, the driver must test in a passenger vehicle. To obtain a school bus endorsement, the driver must test in a passenger vehicle equipped with school bus features (lights, signs, etc). If a driver possesses a Class A CDL, but obtains a passenger or school bus endorsement in a Class B vehicle the State must place a M restriction indicating that the driver can only operate Class B and C passenger vehicle or school buses. If a driver possesses a Class B CDL, but obtains a passenger or school bus endorsement in a Class C vehicle, the State must place a N restriction indicating that the driver can only operate Class C passenger vehicle or school buses.

State Standards for Certifications and Record Checks

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

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

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

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

Additional Requirements Effective 2012

Beginning January 30, 2012, for each operator of a commercial motor vehicle required to have a CDL, States must:

- Require drivers to certify the type of operation the driver expects to conduct and post the driver's self-certification to the driver history record;
- Retain the original or a copy of the medical certificate of any driver required to provide documentation of physical qualification for three years beyond the date the certificate was issued; and
- Post the information from the medical examiner's certificate within 10 business days to the CDLIS driver record.
- Within 10 calendar days of receiving information from FMCSA regarding issuance or renewal of a medical variance for a driver, the State must
 - update the CDLIS driver record to include the medical variance information provided by FMCSA.
- Within 10 calendar days of the driver's medical certification status expiring or a medical variance expiring or being rescinded, the State must:
 - Update the medical certification status of that driver as "not-certified."
 - Notify the CDL holder of his or her CDL "not-certified" medical certification status and that the CDL privilege will be removed from the driver license unless the driver submits a current medical certificate and/or medical variance, or changes his or her self-certification to driving only in excepted or intrastate commerce (if permitted by the State).
 - Initiate established State procedures for downgrading the license. The CDL downgrade must be completed and recorded within 60 days of the driver's medical certification status becoming "not-certified" to operate a CMV.

For persons applying for a hazardous materials endorsement, require compliance with the standards for such endorsement specified in Transportation Security Administration requirements, and provide proof of citizenship or immigration status. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his or her Bureau of Citizenship and Immigration Services (BCIS) Alien registration number.

If a State determines, in its check of an applicant's license status and record prior to issuing a CDL, or at any time after the CDL is issued, that the applicant has falsified information or any of the required certifications, the State shall at a minimum suspend, cancel, or revoke the person's CDL or his/her pending application, or disqualify the person from operating a commercial motor vehicle for a period of at least 60 consecutive days.

Driver Knowledge and Skills Tests

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

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

Third Party Skills Testing

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

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

Exemption of Skills Testing Requirements

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

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

"Good Driving Record" Means:

A driver can certify that, during the 2-year period immediately prior to applying for a CDL he/she:

- Has not had more than one license;
- Has not had any license suspended, revoked, or canceled;
- Has not had any convictions in any type of motor vehicle for a major disqualifying offense defined in 49 CFR 383.51(b);
- Has not had more than one conviction for any type of motor vehicle for a serious traffic violation defined in 49 CFR 383.51(c);
- Has not had any violation of State or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident in which he/she was at fault.

"Driving Experience" Means:

A driver can certify and provide evidence that:

- He/she is regularly employed in a job requiring operation of CMV, and that either:
- He/she has previously taken and passed a skills test given by a State with a classified licensing and testing system, and that the test was behind-the-wheel in a representative vehicle for that applicant's driver's license classification; or
- He/she has operated a representative vehicle for at least 2 years immediately preceding application for a CDL.

The Commercial Driver's License Document

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

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

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

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

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

Nonresident Commercial Driver's License

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

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

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

Exemptions

Each State must exempt from the requirements of 49 CFR 383 individuals who operate CMVs for military purposes. This exception is applicable to active duty military personnel; members of the military reserves; member of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty U.S. Coast Guard personnel. This exception is not applicable to U.S. Reserve technicians.

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

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

The next two sections of this Appendix review the regulations for CDL Disqualifications and Data Retention.

CDL Disqualifications for Certain Offenses

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

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| <ol style="list-style-type: none"> 1. Serious Offenses 2. Major Offenses 3. Imminent Hazard Disqualification 4. Railroad-Highway Grade Crossing Offenses | <ol style="list-style-type: none"> 5. Violating of Out-of-Service Orders 6. Failing to Surrender the HAZMAT Endorsement 7. Falsify Offense |
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Each table indicates the specific offenses, the disqualifications, and the ACD code(s) involved.

Serious Offenses Table

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

Serious Offenses	Disqualifications
<ol style="list-style-type: none"> 1. Speeds excessively, involving any speed of 15 mph or more above the posted speed limit (S15, S16, S21, S26, S36, S41, S71, S81, S91, S92 [if detail on S92 shows >15 over limit]) 2. Drives recklessly, as defined by State or local law or regulation, including but not limited to offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property (M84) 3. Makes improper or erratic traffic lane changes (M42) 4. Follows the vehicle ahead too closely (M34) 5. Violates State or local law relating to motor vehicle traffic control arising in connection with a fatal accident (U31) 6. Driving a CMV without obtaining a CDL (B56) 7. Driving a CMV without a current CDL in the driver’s possession (B51) 8. Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported (B91) 	<p>For 1st Conviction:</p> <ul style="list-style-type: none"> • No disqualification <p>2nd and separate incident of any offense in this table, during a 3 year period:</p> <ul style="list-style-type: none"> • 60 days disqualification (W30) <p>3rd or subsequent conviction of any incident of any offense in this table, during a 3 year period:</p> <ul style="list-style-type: none"> • 120 days disqualification (W31)

Major Offenses Table

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

Major Offenses	Disqualifications
<ol style="list-style-type: none"> 1. Driving a motor vehicle while under the influence of alcohol as prescribed by state law (A08, A10, A11[Where BAC ≥.08], A20, A21, A23, A90, A91 [Where BAC ≥.08], and A98) 2. Driving a motor vehicle while under the influence of a controlled substance (A20, A22, A23) 3. Driving a commercial motor vehicle while the person's blood alcohol concentration is 0.04% or more (A04, A11[When BAC >.04 but<.08], A91[When BAC >.04 but<.08], and A94) 4. Refusing to take an alcohol or drug test as required by a State or jurisdiction under its implied consent laws or regulations as defined in § 383.72 (after operating a motor vehicle) (A12) 5. Leaving the scene of an accident (driving a motor vehicle) (B01, B02, B03, B04, B05, B06, B07, and B08) 	<p>For 1st Major Offense:</p> <ul style="list-style-type: none"> • 1 year Disqualification - if the vehicle <u>was not</u> transporting hazardous materials required to be placarded • 3 years Disqualification - if the vehicle was transporting hazardous materials required to be placarded <p>2nd and separate incident of any major offense:</p> <ul style="list-style-type: none"> • Lifetime disqualification, but eligible for 10 year reinstatement (W40) <p>Incident after reinstatement</p> <ul style="list-style-type: none"> • Lifetime disqualification, not eligible for reinstatement (W41)

<ol style="list-style-type: none"> 6. A felony involving the use of a motor vehicle, other than "use of a motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance" (U03) 7. Driving a commercial motor vehicle when as a result of prior violations committed operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV (B20, B21, B22, B23, B24, B25, and B26 [see section 3.2.96.2] — the CMV Indicator must equal '1') 8. Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle, and negligent homicide (U07, U08, U09, and U10 — the CMV Indicator must equal '1') 9. Use of a motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance (A50) 	<p>For Conviction Group 9</p> <ul style="list-style-type: none"> • Lifetime disqualification, not eligible for 10 year reinstatement (A50)
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Imminent Hazard Disqualification Table

FMCSA has the authority to remove a CDL holder’s driving privileges by determining the driver is an imminent hazard, which it defines as “the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment” (49 CFR §382.52).

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

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

Railroad-Highway Grade Crossing Offenses Table

These offenses receive their own classification.

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

Violating Out-of-Service Orders Table

These offenses receive their own classification.

Violating Out of Service Orders	Disqualifications
<ol style="list-style-type: none"> 1. Driving while out of service order is in effect and transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard (B19) 2. General driving while out of service order is in effect (for violations not covered by B19) (B27) <p>Other Penalties: A driver who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$2,500 for a first conviction and not less than \$5,000 for a second or subsequent conviction, in addition to disqualification under §383.51(e). An employer who is convicted of a violation of an out-of-service order shall be subject to a civil penalty of not less than \$2,750 nor more than \$25,000.</p>	<p>For 1st Conviction in a HAZMAT CMV and/or a Passenger CMV (B19):</p> <ul style="list-style-type: none"> • 180 days to 2 year disqualification (B19) <p>For 1st Conviction in a CMV that was not a Passenger CMV or a HAZMAT CMV (B27):</p> <ul style="list-style-type: none"> • 180 days to 2 year disqualification (B19) <p>For 2nd Conviction of a separate incident of an offense in this table, during a 10 year period in a HAZMAT CMV and/or a Passenger CMV (B19):</p> <ul style="list-style-type: none"> • 3 year to five disqualification (W51) <p>For 2nd Conviction of a separate incident of an offense in this table, during a 10 year period in a CMV that was not a Passenger CMV or a HAZMAT CMV (B27):</p> <ul style="list-style-type: none"> • 2 year to five disqualification (W50) <p>For 3rd Conviction of a separate incident of an offense in this table, during a 10 year period:</p> <ul style="list-style-type: none"> • 3 to 5 year disqualification (W52)

Falsify Offense Table

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

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

Failing to Surrender the HAZMAT Endorsement Table

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

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

Record Data Retention

Record keeping for the records of commercial drivers or drivers who are operating a commercial vehicle is much different than record keeping for non-commercial drivers.

Per The Code of Federal Regulations 49 CFR §383.51 states must follow minimum standards that spell out how long certain convictions and withdrawals must be maintained and the reporting requirements for the Commercial Driver License Information System (CDLIS). These minimum retention periods apply to convictions and withdrawals incurred by a driver operating a CMV, and by CDL holders operating any motor vehicle. State jurisdictions may longer choose retention periods; in fact some states have never

purged their database. Both the CMVSA and MCSIA (reviewed in Appendix 2) played a significant role in defining the regulations within 49 CFR §383.51.

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

The categories below indicate the minimum time a conviction or withdrawal must be retained from the conviction date for CDL or CMV-related convictions. Refer to the lists of the specific convictions considered **Major** or **Serious** as presented earlier in this Appendix.

Data Retention Table

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

Other Requirements of Note

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

BAC Standards

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

Employer Notifications

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

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

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

Notification of Previous Employment

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

The Motor Carrier Safety Measurement System (SMS)

The Motor Carrier Safety Measurement System (SMS) assigns **safety assessments** to motor carriers based on assessments made on drivers employed at the time by the carriers. SMS uses a motor carrier's data from roadside inspections, including all safety-based violations, state-reported crashes, and the Federal motor carrier census to quantify performance in Behavior Analysis and Safety Improvement Categories (**BASICs**).

A detailed explanation of the SMS as well as the individual **Violation Tables** are presented on pages 630-644.