

# National District Attorneys Association

*The Voice of America's Prosecutors*



# National Traffic Law Center

- Program of NDAA
- Non-profit organization
- NHTSA and FMCSA grant funds
- Provide training and technical assistance to traffic safety professionals
- Multiple areas of traffic law
- Library of resource materials
- Maintain a database of materials on various trial expert witnesses
- Publications





# National Traffic Law Center

- CDL Regulations Training
  - Prosecutors
  - Law Enforcement
  - Judges
  - Highway Safety Officials
- Topics
  - Masking, etc.
  - Disqualification
  - CDLIS
  - Impaired driving, etc.
- Issue Awareness
- Legal Research/Case Law
- CDL Resources

**Commercial Drivers' Licenses: A Prosecutor's Guide to the Basics of Commercial Motor Vehicle**

**MASKING QUICK REFERENCE GUIDE**

**Reporting CDL Violations:**

The Federal Motor Carrier Safety Administration issues commercial motor vehicle safety regulations via the Code of Federal Regulations (CFR). These regulations create a uniform system of licensing commercial drivers from state to state. Although a state may have stricter licensing and license oversight regulations, compliance with the commercial driver license (CDL) federal regulations is required. Failure to comply may result in sanctions against the state. Federal legislation mandated that CMV drivers possess a single license. The CFRs implemented this requirement. The single license concept equates to ONE driver, ONE license, and ONE record (see, 49 C.F.R. §383.21). This single license makes it much easier to accurately track the driving history of any driver and makes the cooperation of prosecutors and courts in reporting all CDL violations more critical.

**Prompt Reporting of CDL Convictions under 49 C.F.R. § 384.208, § 384.209, § 384.225**

The Code of Federal Regulations requires states to report CDL convictions promptly (within 10 days) for CDL holders or those who should have held a CDL because of the nature of their violations. This includes reporting to the Commercial Driver's License Information System (CDLIS) and reporting all violations for out-of-state drivers to his or her home state (state of CDL issuance). Courts are the first link in this chain of events, so prompt and accurate reporting of violations is essential. Prosecutors and judges should be aware that some crimes other than traditional "traffic offenses" (drug trafficking, any felony in committed in any type of vehicle) carry mandatory CDL disqualification (see, 49 C.F.R. § 383.53) and must be reported. Any time a vehicle is involved, a prosecutor or court should inquire if the defendant holds a CDL.

**The Commercial Driver's License Information System (CDLIS)**

CDLIS is a nationwide computer system that enables state driver licensing agencies (SDLAs) to ensure that each commercial driver has only one driver's license and one complete driver record. SDLAs use CDLIS to complete various procedures, including: transmitting out-of-state convictions and withdrawals, transferring the driver record when a commercial driver's license holder moves to another state, responding to requests for driver status and history.

**Masking is Prohibited by 49 C.F.R. § 384.226**

"The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CDL driver's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the driver's record, whether the driver was convicted for an offense committed in the State where the driver is licensed in another State."

**Conviction Defined in 49 C.F.R. § 383.5**

A conviction is "[a]ny unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or prorated."

**Additional CDL Resources:**

National Traffic Law Center: [www.ntlcc.org/ntlc\\_home.html](http://www.ntlcc.org/ntlc_home.html)  
 Federal Motor Carrier Safety Administration: [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)  
 National Judicial College: [www.njcsl.org](http://www.njcsl.org)  
 National Center for State Courts: [www.ncsl.org](http://www.ncsl.org)  
 American Association of Motor Vehicle Administrators: [www.aamva.org](http://www.aamva.org)

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**CDL QUICK REFERENCE GUIDE**

**MASKING QUICK REFERENCE GUIDE**

DRIVER CHARGES	PROSECUTOR ACTIONS	COURT ACTIONS	MASKING?	EXPLANATION
Leaving the Scene of a Collision	None.	Driver makes charitable donation to Mothers Against Drunk Driving; Victim's Impact Fund or the local Little League. Court dismisses citation upon proof of charitable contribution made.	Yes.	Reduction or dismissal of CDL or CLP cases (without legal/factual basis to do so) predicated on charitable donations is prohibited, and may be considered ethically questionable.

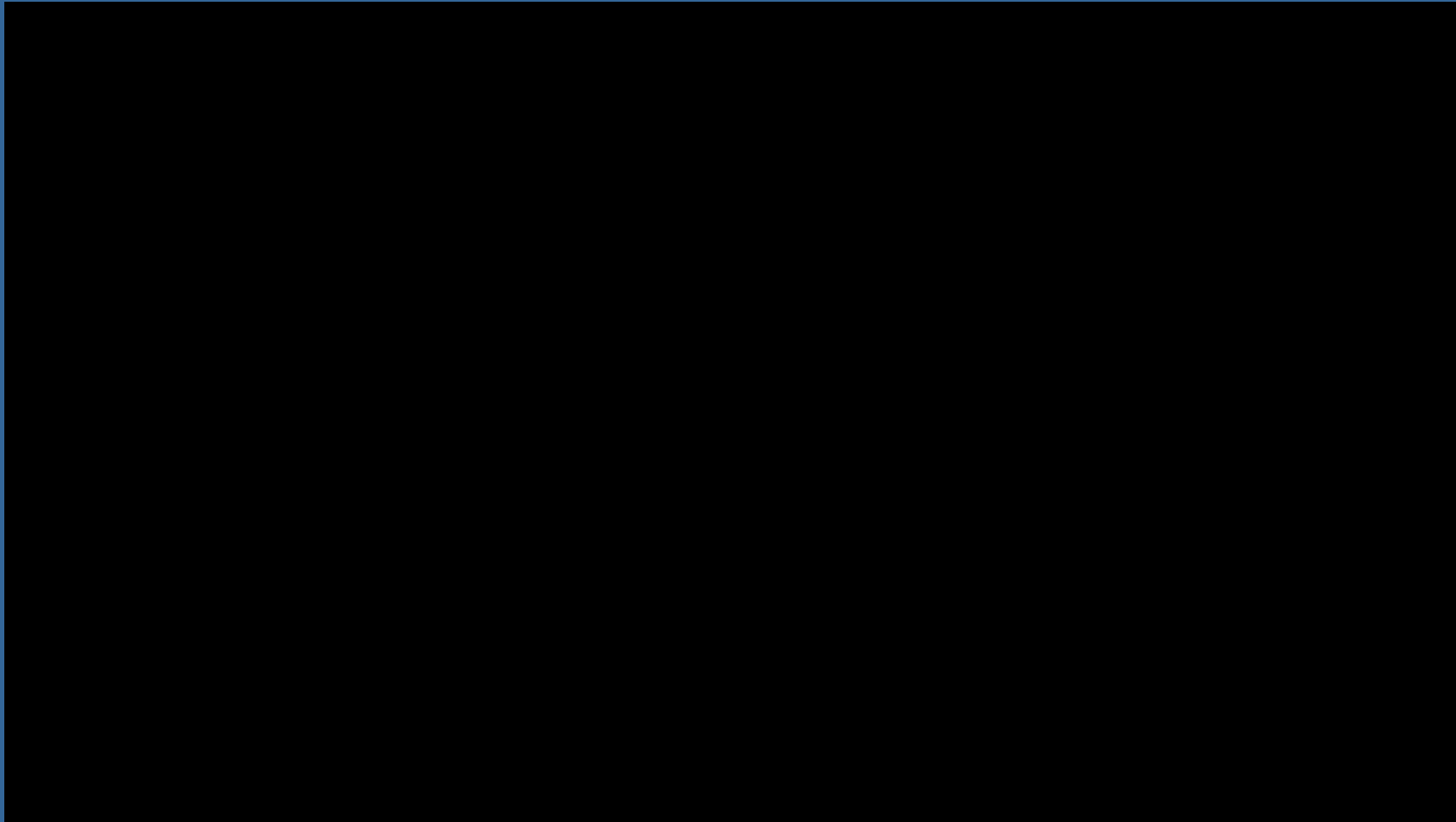
*\*This list is not meant to be exclusive. State terminology may differ. Every state that accepts federal highway funding is required to comply with 49 CFR 384.226, the "Prohibition on Masking Offenses." Both federal and state specific CDL laws should be consulted when dealing with CDL and/or CMV cases.*

**Additional CDL Resources:**

National Traffic Law Center: [www.ntlcc.org/ntlc\\_home.html](http://www.ntlcc.org/ntlc_home.html)  
 Federal Motor Carrier Safety Administration: [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)  
 National Judicial College: [www.njcsl.org](http://www.njcsl.org)  
 National Center for State Courts: [www.ncsl.org](http://www.ncsl.org)  
 American Association of Motor Vehicle Administrators: [www.aamva.org](http://www.aamva.org)

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# National Traffic Law Center's 2018 CDL Conference



<https://vimeo.com/289715307>



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