CDLIS and NLETS Disqualifications

They’re Not the Same
**Part 390** Defines a CMV as:

- Over 10,000 pounds GVWR/GCWR;
  
  or

- Designed to transport more than 8 passengers for compensation.
  
  or

- More than 15 passengers.
  
  or

- Transports PLACARDABLE Haz-Mat.
  
  and

- Is used in INTERSTATE commerce.

**Part 383** Defines a CMV as:

- Combination Over 26,000 pounds GCWR, towed vehicle is more than 10K;
  
  or

- Single vehicle over 26,000 pounds GVWR;
  
  or

- Does not meet above criteria but is designed to transport 16 or more passengers;
  
  or

- Transports Haz-Mat requiring Placards
  
  and

- Is used in interstate, foreign, or intrastate commerce.
• **Part 391** disqualifications are applicable generally to drivers who drive CMVs above 10,000 pounds GVWR, only when the vehicle is used in interstate commerce.

• **Part 383** disqualifications are applicable generally to drivers who drive CMVs above 26,000 pounds GVWR, regardless of where the CMV is driven in the U.S.

• Specific to disqualifying offenses contained in 383.51 (Tables 1-4).
391.15

- In general. A driver who is disqualified shall not drive a commercial motor vehicle.
- Disqualification for loss of driving privileges, by reason of the revocation, suspension, withdrawal, or denial of an operator's license, permit, or privilege, until that operator's license, permit, or privilege is restored by the authority that revoked, suspended, withdrew, or denied it.

383.51

- A person required to have a CLP or CDL who is disqualified must not drive a CMV.
- A holder of a CLP or CDL is subject to disqualification, if the holder drives a CMV or non-CMV and is convicted of the violations listed in those paragraphs.
  - (b) Disqualification for major offenses.
  - (c) Disqualification for serious traffic violations.
- Disqualification for railroad-highway grade crossing offenses. (CMV Only)
- Disqualification for violating out-of-service orders. (CMV Only)
CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives.

The Alliance aims to achieve **uniformity, compatibility and reciprocity** of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety.
Driver OOS Criteria:

- License – Driver does not possess a valid CDL Issued by his/her jurisdiction – Declare driver Out-of-Service.

- The OOS Criteria further refines the OOS condition, in paragraph “b”, for those drivers who’s license is suspended, revoked, cancelled or otherwise disqualified. “**OOS to be initiated if the drivers license is suspended in a jurisdiction for any safety related violation or unknown reason**.”
CDLIS

- Carriers have access to State driving histories, FMCSA requires an annual driver license verification (motor vehicle record (MVR)).
- License suspensions for non-traffic safety related conditions won’t show on a MVR report.
- Limited to CDL holders only, CMV operators in the <10K and <26K GVWR range may not require CDL.

NLETS

- Available to all LE Agencies (need an appropriate “ORI”);
- Carriers do not have access to NLETS;
- Can “run” a DL in all 50 states, DC, Mexico and Canada;
- Notification of all suspensions and revocations regardless of reason (parking/child support/dog license, etc).
- Information on all DL’s.
A driver can be suspended for a variety of reasons, many of which are for non-driving infractions.

49 CFR 383 references the withdrawal of CDL privileges, relating to the convictions posted in 383.55 tables;

49 CFR 391 makes reference to all types of suspensions;

The initial response from NLETS may show suspended but not provide an explanation of why (unknown);

Infractions may have been transmitted, but if it was not a driving infraction as indicated in the AAMVA Code Dictionary (ACD) the infraction is not posted in CDLIS as it does not impact driver status on the home state record;

Note: driver is still going to be suspended in the State in which the suspension was ordered, regardless of the infraction.
Many law enforcement agencies enforce using part 391 when writing a CDL driver. The using the reason, if privileges are suspended, regardless of the reason, that person does not hold a valid license and should not be operating.

FMCSA has worked with CVSA to rewrite the OOS criteria encouraging their members to write an out-of-service violation only for driving/safety infractions.

Because of an ongoing effort with AAMVA, FMCSA and NLETS, the complete CDLIS record is now available on NLETS.

FMCSA policy leaves it that it is up to the discretion of the local enforcement agency on which CDL regulation to enforce, either 383 or 391.
For More Information
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