BRIDGING THE GAP

How Motor Vehicle Agencies view and handle CDL Disqualifications vs.

Law Enforcement Roadside interpretation and enforcement
• §383.5 Definitions.

• *Disqualification* means any of the following three actions:
  
  • (1) The suspension, revocation, or cancellation of a CLP or CDL by the State or jurisdiction of issuance.
  • (2) Any withdrawal of a person's privileges to drive a CMV by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations).
  • (3) A determination by the FMCSA that a person is not qualified to operate a commercial motor vehicle under part 391 of this subchapter.
• §391.15 Disqualification of drivers.

• (a) General. A driver who is disqualified shall not drive a commercial motor vehicle. A motor carrier shall not require or permit a driver who is disqualified to drive a commercial motor vehicle.

• (b) Disqualification for loss of driving privileges. (1) A driver is disqualified for the duration of the driver's loss of his/her privilege to operate a commercial motor vehicle on public highways, either temporarily or permanently, 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.
• Interpretations

• Question 3: Is a driver holding a valid driver’s license from his or her home State but whose privilege to drive in another State has been suspended or revoked, disqualified from driving by §391.15(b)?

• Guidance: Yes, the driver would be disqualified from interstate operations until his privileges are restored by the authority that suspended or revoked them, provided the suspension resulted from a driving violation. It is immaterial that he holds a valid license from another State. All licensing actions should be accomplished through the CDLIS or the controlling interstate compact.
• Interpretation

• Question 10: Is a driver who possesses a valid commercial driver’s license (CDL) issued by their State of residence, but who is suspended by another State for reasons unrelated to the violation of a motor vehicle traffic control law, disqualified from operating a commercial motor vehicle (CMV) in accordance with provisions of the Federal Motor Carrier Safety Regulations?

• Guidance:

• Yes. Currently, both section 383.5, which defines the term disqualification as it applies to drivers required to have a CDL, and section 391.15, which applies to other CMV drivers subject to Federal Motor Carrier Safety Regulations, include the suspension of a person’s license or privilege to drive as an action requiring that person to be disqualified from operating a CMV. Neither of these regulatory provisions limit such suspensions to those imposed by the State where the driver is licensed, nor do these regulations specify the grounds upon which a suspension must be based.
Next Steps
HOW CAN IT BE FIXED?

1. Load **ALL** suspensions to CDLIS
2. Allow carriers access to **ALL** suspensions
3. CDLIS coding for MV Agencies
4. Rule Change to 391.15