

Transcript: What is a CDL Case? And why do these cases matter?

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Welcome to our first video, *What is a CDL Case and Why Do These Cases Matter?*, where we give an overview about commercial driving cases that enter the court.

So, what exactly is a CDL (Commercial Driver License) case? There are two conditions that apply.

First, the defendant must currently hold, or held at the time of incident, a commercial driver's license or learner's permit. This also covers drivers who should have been holding a commercial license- so defendants driving a commercial vehicle without the proper credential.

It is not critical that the driver be in a commercial vehicle, just that they have a commercial license. Federal regulations govern commercial drivers' behavior, even when they are driving their personal vehicle.

Second, CDL cases are those where the charges align with the federal regulations outlined in the driver disqualifications tables ref 49 CFR 383.51.

These charges cover a range of behaviors, from speeding to DUIs and can be infractions, misdemeanors, or felonies depending on the state law. Knowing which charges apply to the federal regulations is monitored by the state's driver license agency. The critical piece for courts to be aware of, is knowing if a defendant in a traffic or criminal case is a commercial driver.

CDL drivers are held to a higher standard because they are operating larger vehicles, such as semi-tractor trailers, buses, or small transports that have a 16-person capacity. When crashes involve a commercial vehicle and a CDL license holder, all too often the results are tragic. These incidents tend to involve a higher amount of property damage and fatalities. The higher standard imposed on this class of driver is focused on public safety.

When a CDL case enters the court, the court staff must report the final disposition and critical events like Failure to appear to the state's driver license agency. The driver license agency will then update in-state driver records and forward any convictions or disqualifications for out of state drivers through a standard federal reporting system. This allows the state that issued the CDL license to apply the appropriate points, disqualifications, and suspensions to the license holder.

If there are failures in the reporting process, where information is not timely or correct, a driver that should be disqualified might stay on the highways, posing a public safety risk.

There were over 5,000 fatalities due to large truck and bus crashes in 2019, which is the highest number of fatalities in the past ten years. No state wants to be in the spotlight during an investigation of a crash to find out the tragedy could have been prevented.

In 2019, Traffic cases made up 47% of courts incoming caseload. Although a small subset of these cases involves a commercial driver, these cases are critical and have far reaching impacts.

Courts, along with law enforcement, prosecutors, and driver license agencies, must be vigilant and manage cases with commercial drivers in accordance with federal regulations.

The federal regulations apply to courts in two ways. First, there are time standards to meet when reporting CDL convictions. The regulations specify that a driver's record must be updated within 10 days of conviction. Although the regulation holds the driver license agency responsible for meeting the 10-day requirement, the license agency relies on the courts to provide timely data on convictions.

This time standard is monitored by FMCSA, and they work with states to ensure that best efforts are made for complete and timely reporting.

The second important federal regulation for courts to pay attention to involves masking. The federal regulations prohibit masking, or any action that keeps a conviction from being reflected on a driver's record. Diversion programs, plea deals, and dismissals can potentially lead to masking, and should be monitored by the court. What constitutes masking can be challenging, and state laws vary. However, paying attention to how cases are resolved and being sure judges and court staff are aware of masking is critical for prevention.

The courts are a key player in the framework of stakeholders working together to keep highways safe.

This series of videos presents guidance on multiple strategies to assist courts in improving the processing of commercial driving cases. A transcript of this video is available, and a supplemental resource guide provides more detailed references that point to specific federal regulations along with information from other stakeholder partners.

Thank you!