

1

Learning Objectives

After this course you will be able to:

- Identify applicable Federal and state CDL/CMV laws;
- Determine what constitutes “masking”;
- Discover the unique definition of a “conviction” under CDL/CMV laws;

2

Learning Objectives

After this course you will be able to:

- Detect the ethical implications of mishandling CDL/CMV cases; and
- Develop ethical and efficient procedures for the handling of CDL/CMV cases in your court.
- Locate the violations applicable.

3



“I really don’t handle many CDL cases”

Have you ever said this?

Do you handle a traffic court?

Why would you think you don’t handle these cases?

4

How Many Times Have You Heard or Observed in Your Courts?

I will lose my job/client will lose job

They are federal rules and do not apply

CDL holder needs a break

Lack of knowledge by the other stakeholders.

5

Goals of CMVSA of 1986

- Prevent CMV drivers from concealing unsafe driving records by carrying licenses from more than one state;
- Ensure that all CMV drivers demonstrate minimum levels of knowledge and skills needed to safely operate CMVs before licensing;
- Subject CMV drivers to new uniform sanctions for certain unsafe driving practices.

6



**1986—Congress Adopts
Commercial Motor Vehicle Safety Act**

Faced with ever increasing number of fatalities from large truck crashes, Congress held hearings and made three significant findings:

- No classified driver licensing system existed in 18 states;
- Of the remaining 32 states, only 12 required a skills test;
- Widespread use of multiple CDL licenses;
- No network to track serious violations.

7

**Straight from the Federal
Register**

This practice allows unsafe drivers to continue to pose a risk to other motorists by allowing their continued operation on the nation's highways

8

8

**Straight from the Federal
Register**

This provision also requires that records of such conviction information be made available to all authorized parties and government entities. The FMCSA urges State Executive Branch agencies to work with the State Judicial Branch to eliminate the practice of masking.

9

9



Motor Carrier Safety Improvement Act of 1999

- Established the Federal Motor Carrier Safety Administration (FMCSA)
- Commercial Motor Vehicle and Driver Safety
 - (The reason we are here today)

10

10

Focus Today



PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES

§383.51 Disqualification of drivers.

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

§384.226 Prohibition on masking convictions.

11

11

Federal Regulations State Laws and Regulations

While we will discuss federal regulations (49 CFR 383 and 384), it's important to know each state, including New York, has adopted all or almost all of these regulations into its state's laws or statutes.

12



New York State

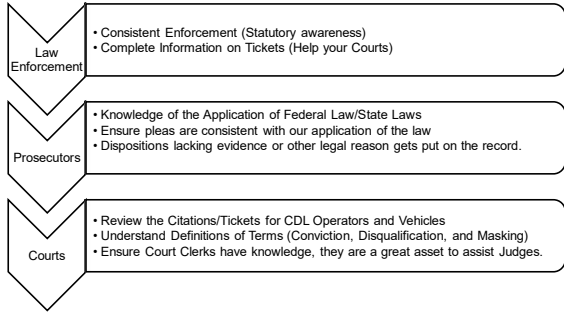
17 NYCRR Part 820

Section 820.13. Incorporation by reference.

The provisions of the Code of Federal Regulations which have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the booklets entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199 and Parts 200 to 299 and Parts 300 to 399, revised as of October 1, 2013, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register.

13

Getting It Right



14

14

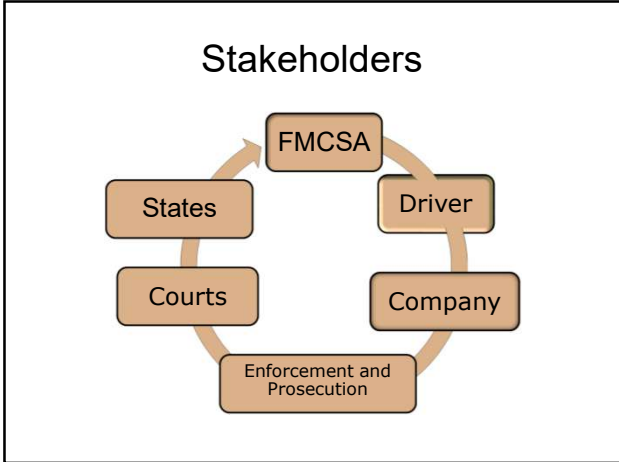


The Silo Effect

What can we do to bridge these gaps?

15





16



17

Stakeholders working together to reduce crashes and save lives. Every group has a resource to ensure "Masking" is eliminated.



- National Judicial College (NJC)
- National Traffic Law Center (NDAA)
- American Association of Motor Vehicle Administrators (AAMVA)
- Commercial Vehicle Safety Alliance (CVSA)
- Federal Motor Vehicle Safety Administration (FMCSA)
- NYSMA and NYAMCC

Links to your respective stakeholder can be found at:
<https://cdlresourceguide.org/#guide>

18



Working Together in New York

- New York State Magistrates Association
- New York State Association of Magistrates Court Clerks
- New York State Sheriffs Association
- NYSP CVEU
- NYS DOT

19

19

Roadside (Part Two)



20

20

Federal Law Prohibits "Masking" 49 CFR 384.226

State must not mask, defer imposition of judgment, or allow individual to enter into diversion program that would prevent CLP/CDL holder's conviction for violation, in any type of motor vehicle, of state or local traffic control law... from appearing on CDLIS driver record, whether driver was convicted for offense committed in a state where the driver is licensed or another state.

21



Masking

Because “masking” is prohibited to ensure all “convictions” appear on CDL history / record, one cannot comply with the masking prohibition unless the definition of “conviction” under 49 CFR 383.5 is understood.

22

NYS DMV “M” 9 (2023)



“M” 9 (2023)
Albany, New York
October 12, 2023

TO: All Magistrates
SUBJECT: CLP/CDL Anti-Masking and Mandatory Reporting Requirements

The Department of Motor Vehicles is reminding all Magistrates of the following federal and state requirements pertaining to holders of commercial learner permits (CLP) and commercial driver licenses (CDL).

23

NYS DMV “M” 11 (2024)



“M” 11 (2024)
Albany, New York
October 23, 2024

TO: All Magistrates
SUBJECT: CLP/CDL Anti-Masking and Mandatory Reporting Requirements

The Department of Motor Vehicles (DMV) is reminding all Magistrates of the following federal and state requirements pertaining to holders of commercial learner permits (CLP) and commercial driver licenses (CDL).

24

24



A Clear Pathway

- Very simple steps:
 - Understand and recognize the stakeholders involved in the process
 - Understand the definitions:
Disqualification and **Conviction**

25

A Clear Pathway

- Locate the Disqualification Tables
- Recognize the importance of these few violations and the special attention needed when they are filed in your courts

26

A Simple Equation

Conviction

27



“Conviction”
49 CFR 383.5

- An unvacated adjudication of guilt
- Determination a person violated or failed to comply with law in court of original jurisdiction or authorized administrative tribunal
- An unvacated forfeiture of bail or collateral deposited to secure person’s appearance in court

28

“Conviction”
49 CFR 383.5

- A plea of guilty or *nolo contendere* accepted by the court
- Payment of a fine or court costs
- Violation of condition of release without bail, regardless of whether penalty is rebated, suspended or probated

29

Conviction
NYS VTL ARTICLE 1 (S 109c)

Conviction. Any conviction as defined in subdivision thirteen of section 1.20 of the criminal procedure law; provided, however, where a conviction or administrative finding in this state or another state results in a mandatory sanction against a commercial driver's license, as set forth in sections five hundred ten, five hundred ten-a, eleven hundred ninety-two and eleven hundred ninety-four of this chapter, conviction shall also mean an 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 probated.

30



Reminder about the Purpose and Procedures Related to Bail Forfeitures
"M"1 (2015)

- Extremely important !!!
- Results in conviction as defined in regulations.
- Notify DMV within 15 days of forfeiture.

31

A Simple Equation

Conviction
+
Disqualification

32

Disqualifying Offenses

1. Major offenses
2. "Serious traffic offenses"
3. Railroad grade crossing violations
4. Violations of out-of-service orders

33



Table 1

Table 1 to § 383.51 DISQUALIFICATIONS FOR MAJOR OFFENSES

Table 1 to § 383.51 describes a list of the offenses and penalties for which a driver who is required to have a CDL or CCL is disallowed, depending upon the type of vehicle the driver is operating, at the time of the violation, as follows:


If a driver operates an motor vehicle as is limited or as:	Class B or Class C CMV	Class A CMV	Class B or Class C CMV	Class A CMV	Class B or Class C CMV	Class A CMV
(a) Being under the influence of alcohol or a controlled substance	1 year	1 year	2 years	Life	Life	Life
(b) Being under the influence of alcohol or a controlled substance while operating a CMV	1 year	1 year	2 years	Life	Life	Life
(c) Having an alcohol concentration of .04 or more, or having a blood alcohol concentration of .02 or more, while operating a CMV	1 year	Not applicable	2 years	Life	Life	Not applicable
(d) Having a blood alcohol concentration of .04 or more, or having a blood alcohol concentration of .02 or more, while operating a CMV	1 year	1 year	2 years	Life	Life	Life
(e) Driving the vehicle in a negligent or reckless manner while operating a CMV	1 year	1 year	2 years	Life	Life	Life
(f) Driving a CMV in violation of the vehicle weight, load capacity or distribution, or any other limitation specified on the vehicle's rating plate, or the vehicle's load capacity or distribution, or any other limitation specified on the vehicle's rating plate, while operating a CMV	1 year	Not applicable	2 years	Life	Life	Not applicable
(g) Driving a CMV in violation of the vehicle weight, load capacity or distribution, or any other limitation specified on the vehicle's rating plate, or the vehicle's load capacity or distribution, or any other limitation specified on the vehicle's rating plate, while operating a CMV	1 year	Not applicable	2 years	Life	Life	Not applicable
(h) Driving a CMV in violation of the vehicle weight, load capacity or distribution, or any other limitation specified on the vehicle's rating plate, or the vehicle's load capacity or distribution, or any other limitation specified on the vehicle's rating plate, while operating a CMV	Life	Not applicable	Life	Not applicable	Life	Not applicable
(i) Driving a CMV in violation of the vehicle weight, load capacity or distribution, or any other limitation specified on the vehicle's rating plate, or the vehicle's load capacity or distribution, or any other limitation specified on the vehicle's rating plate, while operating a CMV	Life	Not applicable	Life	Not applicable	Life	Not applicable

Specific Violations

Top Row Describes Vehicle and Conviction Event

34

49 CFR § 383.51(c) Warrants CDL Disqualification Upon Conviction for 2 or More "Serious Violations"



35

Serious Traffic Violations
49 CFR 383.51
(NYS VTL 510a)

CMV or non-CMV:

- Excessive speed – 15 mph or more over the speed limit;
- Reckless Driving;
- Traffic violation in connection with fatal accident (crash);
- Improper / erratic lane change;
- Following too closely

36



Serious Traffic Violations

49 CFR 383.51
(NYS VTL 510a)

CMV only:

- Driving without obtaining a CDL;
- Driving without a CDL in driver's possession;
- Driving without proper class of CDL and/or endorsements
- Texting while driving (effective 10/27/10)
- Restriction / prohibition on use of hand held mobile phone while driving (effective 1/3/12)

37

Table 2

Table 2 to § 383.51 DISQUALIFICATIONS FOR SERIOUS TRAFFIC VIOLATIONS

Table 2 to § 383.51 contains a list of the offenses and the periods for which a person who is required to have a CDL or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

If a driver operates any motor vehicle and is licensed as:	For a motor vehicle of any class or license class, except a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	For a motor vehicle of any class or license class, except a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	For a motor vehicle of any class or license class, except a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	For a motor vehicle of any class or license class, except a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51
(a) Operating a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(b) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(c) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(d) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(e) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(f) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(g) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(h) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(i) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(j) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(k) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(l) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(m) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(n) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(o) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(p) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(q) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(r) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(s) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(t) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(u) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(v) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(w) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(x) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(y) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days
(z) Driving a motor vehicle, as the driver, in a motor vehicle with a special endorsement for a CDL class not on the list of CDL classes in § 383.51	60 days	60 days	120 days	120 days

Specific Violations

Top Row Describes Vehicle and Conviction Event

38

A Simple Equation

Conviction

+

Disqualification

+

Citation Familiarization

Reductions of Masking Incidents

39



Truck driver trapped for an hour in crash that closed I-81 North



40

Key Identifiers in the Citation

1180 GA		Local Police Code	M.I.
[Redacted]		Appt. No.	Photo Lic Shows <input checked="" type="checkbox"/>
[Redacted]		Owner is Oper. <input checked="" type="checkbox"/>	LC Class <input checked="" type="checkbox"/> CDL C
[Redacted]		Date Expires	06/10/2020
[Redacted]		Make	FRHT
[Redacted]		Reg. State	SC
[Redacted]		Registration Expires	12/20/2019
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS			
Time	Date of Offense	IN VIOLATION OF	
03:26PM	08/08/2019	VTL	
Violation Section	1180 GA	Traffic Infraction	Mod
Description of Violation	SPEED NOT REASONABLE&PRUDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		MPH	MPH ZONE
		<input type="checkbox"/>	<input type="checkbox"/>
		US DOT#	3178990
		Common Veh	Bus
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		HAZMAT	<input type="checkbox"/>
		They No	3461
		Reg. State	SC
		Loc. Code	1
		Plate No.	7831 NB INTERSTATE 81

41

[Redacted]		ERICK	M.I.
[Redacted]		Appt. No.	Photo Lic Shows <input checked="" type="checkbox"/>
[Redacted]		Owner is Oper. <input checked="" type="checkbox"/>	LC Class <input checked="" type="checkbox"/> CDL C
[Redacted]		Date Expires	06/10/2020
LC State	Date of Birth	Veh. Type	Year
SC	06/10/1985	6	2004
Plate Number	Reg. State	Registration Expires	Color
P762608	SC	12/20/2019	RD
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS			
Time	Date of Offense	IN VIOLATION OF	
03:26PM	08/08/2019	VTL	
Violation Section	1129 GA	Traffic Infraction	Mod
Description of Violation	FOLLOWING TOO CLOSELY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		MPH	MPH ZONE
		<input type="checkbox"/>	<input type="checkbox"/>
		US DOT#	3178990
		Common Veh	Bus
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		HAZMAT	<input type="checkbox"/>

42



Last Name/Initials		First Name		Sex		DOB	
Number and Street		Apt. No.		Photo Lic. Shown		Lic. Class	
Owner is Oper.		Lic. Class		CDL C		WRONG LICENSE CLASS	
Client ID Number		Sex		Date Expires		06/10/2020	
Lic. State		Date of Birth		Veh. Type		Year	
SC		06/10/1985		6		2004	
Plate Number		Reg. State		Registration Expires		12/20/2019	
P762608		SC		12/20/2019			
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS							
Time		Date of Offense		IN VIOLATION OF			
03:26PM		08/08/2019		VTL			
Violation Section		Traffic Infraction		Misc		Felony	
1123 OB		<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Description of Violation		Lane Change Violation					
LEFT PAVEMENT TO PASS ON RIGHT							
US DOT#		3178990					
Common Veh.		Bus		Hatchback			
<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>			
County		Way No.		Loc. Code			
ONONDAGA		81		3461			
Way Type		1					

43

Last Name/Initials		First Name		Sex		DOB	
Number and Street		Apt. No.		Photo Lic. Shown		Lic. Class	
Owner is Oper.		Lic. Class		A		Class changed to Class A	
Client ID Number		Sex		Date Expires		06/10/2020	
Lic. State		Date of Birth		Veh. Type		Year	
SC		06/10/1985		6		2004	
Plate Number		Reg. State		Registration Expires		11/1/2019	
P762608		SC		11/1/2019			
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS							
Time		Date of Offense		IN VIOLATION OF			
03:26PM		08/08/2019		TL			
Violation Section		Traffic Infraction		Misc		Felony	
140 2CII		<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Description of Violation		Transportation Law Not Vehicle and Traffic Law					
392.2 NYS VTL 1212 RECKLESS DRIVING							
"Out of Service"		An observant court clerk found this.					
US DOT#		3178990					
Common Veh.		Bus		Hatchback			
<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>			
County		Way No.		Loc. Code			
7631 NB INTERSTATE 81		81		3461			
Way Type		1					

44

One Driver/School Bus Endorsement Employed as School Bus Driver
 All Convictions are from one New York County (Multiple Justice Courts)

Violation	Speed	Plea	Speed	Disposition	Date
Speeding	47/30	Parking			Monday, May 18, 2015
Furn		Parking			Monday, July 27, 2015
Cell Phone		Parking			Wednesday, August 31, 2016
Speeding	62/45	Parking			Thursday, June 1, 2017
Speeding	50/30	Parking			Monday, February 12, 2018
Speeding	80/55	Speeding	62/55		Wednesday, April 17, 2019
Speeding	70/55	Jaywalking			Sunday, February 7, 2021
Speeding	69/55	Parking??			Saturday, March 27, 2021
Speeding	45/30	Parking			Tuesday, August 3, 2021
Speeding	48/30	Jaywalking			Friday, July 23, 2021
Speeding	67/55	Parking??			Monday, April 18, 2022
Cell Phone		Parking			Tuesday, July 5, 2022
Speeding	46/30	Pending	Stop		Saturday, June 3, 2023

45



Courtroom



46

46

Do Traffic Violations Matter?

- Table at right is from: Boris, C., & Murray, D. (2018). *Predicting Truck Crash Involvement: 2018 Update*. The American Transportation Research Institute. Arlington, Virginia. Page 15.
- Research shows certain traffic violation are associated with increased likelihood of being involved in a crash
- Those with Reckless Driving violations and Failure to Yield Right of Way violations were **more than twice as likely to be involved in a crash** compared to those without these violations
- Drivers with certain violation types in their records are more likely than those without those violations to be involved in crashes later
- Masking of offenses prevents drivers from being disqualified

Table 4: Summary of Crash Likelihood for All Data Analyzed

If a driver had:	The crash likelihood increased:	Sig
A Reckless Driving violation	114%	***
A Failure to Yield Right of Way violation	101%	***
A Failure to Keep in Proper Lane conviction	87%	**
A Failure to Yield - Stop Sign conviction	82%	**
A First Crash	74%	***
An Improper Lane / Location conviction	73%	***
An Improper Pass conviction	70%	***
A Reckless / Careless / Reckless / Negligent Driving conviction	69%	***
An Improper or Erratic Lane Change conviction	69%	***
An Improper Lane Change conviction	67%	***
An Hours of Service violation	50%	**
An Improper Turn conviction	49%	**
A Following Too Close conviction	48%	**
A Speeding violation	45%	***
A False or No Log Book violation	45%	***
A Disqualified Driver conviction	44%	***
Any conviction	43%	***
A Speeding More Than 15 Miles over Speed Limit conviction	43%	***
A Speeding 1 to 15 Miles over Speed Limit conviction	38%	***
A Moving violation	37%	***
A Seat Belt violation	37%	***
A Failure to Obey Traffic Control Device violation	30%	***
Any CDL violation	29%	***
A Failure to Obey Traffic Sign conviction	25%	**
A Driving Too Fast for Conditions conviction	25%	**
A Stop and Obey conviction	20%	***
A Failure to Obey Traffic Signal / Light conviction	20%	***
A Reckless Driving conviction	20%	**
An Improper Turn conviction	19%	**
A Failure to Yield Right of Way conviction	19%	**
An Improper Passing conviction	19%	**
A Following Too Close conviction	19%	**
A Vehicle Code conviction	19%	**
A Failure to Obey Hand Sign conviction	19%	**
A Failure to Obey Warning Light / Flasher conviction	19%	**

Source: American Transportation Research Institute, 2018. Data from 2010-2017. N=1,000,000. *** p < .001, ** p < .01, * p < .05.

47

Predicting Truck Crash Involvement: 2022 Update

October 2022




Prepared by the American Transportation Research Institute



48



 **Table 9: Top 20 Most Frequently Occurring Violations**

Violation Description	Frequency	Percent
Lighting	290,899	16.3%
All Other Vehicle Defects	249,700	14.0%
Brakes - All Offsets	237,853	13.3%
All Other Hours-Of-Service (HOS)*	116,902	6.5%
All Other Driver Violations*	112,850	6.3%
Tires	106,194	5.9%
Brakes - Out of Adjustment	91,302	5.1%
Size And Weight*	84,190	4.7%
Speeding*	51,703	2.9%
Emergency Equipment	50,317	2.8%
Windshield	47,528	2.7%
Periodic Inspection	45,134	2.5%
No Log Book - Log Not Current*	41,750	2.3%
Load Securement	39,136	2.2%
Wheels – Studs – Clamps	27,645	1.5%
10/15 Hours*	21,933	1.2%
Suspension	21,385	1.2%
False Log Book*	20,645	1.2%
Failure To Obey Traffic Control Device*	17,763	1.0%
Seat Belt*	15,317	0.9%
Total	1,690,146	94.7%

18 Predicting Truck Crash Involvement 2023 Update

49


 **Table 6: Crash Predictor Analysis**


Table 6 contains a summary of the Crash Predictor chi-square analysis. The list is **not ordered** by the percentage increase in future crash probability, based on specific violations and prior crashes.

Driver Behavior	Future Crash Likelihood Increase	Sig
A Failure to Yield Right-of-Way violation	141%	***
A Failure to Use / Improper Signal conviction	116%	***
A Past Crash	95%	***
A Runners Driving violation	104%	*
A Failure to Obey Traffic Sign conviction	85%	**
A Failure to Keep in Proper Lane conviction	76%	**
An Improper or Erratic Lane Change conviction	77%	***
A Runners / Careless / Inattentive / Negligent Driving conviction	67%	***
An Improper Lane / Location conviction	61%	***
A Failure to Obey Traffic Signal / Light conviction	56%	***
A Disabled Driver violation	53%	***
A Failure to Use Log Book conviction	49%	***
A Speeding 1 to 15 Miles Over Speed Limit conviction	45%	***
An HOS violation	47%	***
A Speeding violation	47%	***
Any conviction	46%	***
An Improper Turn conviction	45%	*
A Following Too Close violation	44%	***
Any Speeding violation	43%	***
A Speeding More Than 15 Miles Over Speed Limit conviction	40%	***
An Improper Lane Change conviction	39%	**
A Failure to Obey Traffic Control Device conviction	34%	***
A Size and Weight violation	31%	***
Any OOS violation	29%	***
A Driving Too Fast for Conditions conviction	27%	*
A Failure to Obey Warning Light / Flasher conviction*	243%	*
An Improper Pass conviction	18%	**
A Following Too Closely conviction	18%	**
An Improper Passing violation	18%	**
An Improper Turn violation	18%	**
A Failure to Yield Right-of-Way conviction	18%	**
A Failure to Obey Yield Sign conviction	18%	**

* Significant at p < .05
 ** Significant at p < .01
 *** Significant at p < .001
 - Conviction not included due to small sample size
 - Not Significant p > .05

19 Predicting Truck Crash Involvement 2023 Update

50

 **Table 7: Comparison of Top 10 Predictors of Future Crash Involvement Across All Four ATRI Crash Predictor Models**

Rank	Driver Behavior and Associated Increase in Future Crash Probability			
	2016	2017	2018	2020
1	A Runners Driving violation (205%)	A Failure to Use / Improper Signal conviction (20%)	A Runners Driving violation (19%)	A Failure to Yield Right-of-Way violation (141%)
2	An Improper Turn violation (108%)	A Past Crash (69%)	A Failure to Yield Right-of-Way violation (61%)	A Failure to Use / Improper Signal conviction (116%)
3	An Improper or Erratic Lane Change conviction (85%)	An Improper Pass violation (84%)	A Failure to Keep in Proper Lane conviction (76%)	A Past Crash (95%)
4	Right-of-Way conviction (87%)	An Improper Turn conviction (84%)	A Failure to Use / Improper Signal conviction (85%)	A Runners Driving violation (104%)
5	An Improper Turn conviction (84%)	An Improper or Erratic Lane Change conviction (87%)	A Past Crash (74%)	A Failure to Obey Traffic Sign conviction (85%)
6	A Failure to Keep in Proper Lane conviction (81%)	An Improper Lane / Location conviction (88%)	An Improper Lane / Location conviction (72%)	A Failure to Keep in Proper Lane conviction (76%)
7	A Past Crash (87%)	A Failure to Obey Traffic Sign conviction (88%)	An Improper Pass conviction (77%)	An Improper or Erratic Lane Change conviction (77%)
8	An Improper Lane Change violation (74%)	A Speeding More Than 15 Miles Over Speed Limit conviction (87%)	A Runners / Careless / Inattentive / Negligent Driving violation (89%)	A Runners / Careless / Inattentive / Negligent Driving conviction (89%)
9	A Failure to Yield Right-of-Way violation (76%)	Any conviction (80%)	An Improper or Erratic Lane Change conviction (81%)	An Improper Lane / Location conviction (81%)
10	A Driving Too Fast for Conditions conviction (82%)	A Runners / Careless / Inattentive / Negligent Driving conviction (84%)	An Improper Lane Change violation (83%)	A Failure to Obey Traffic Signal / Light conviction (55%)

In Top 10 in 4 ATRI Crash Predictor Models In Top 10 in 3 ATRI Crash Predictor Models

17 Predicting Truck Crash Involvement 2023 Update

51



Category	60 Days	90 Days	120 Days	Not Applicable
203 (a) Driving while in violation of an order of suspension...	60 days	60 days	120 days	120 days
203 (b) Driving while in violation of a restriction on a license...	60 days	60 days	120 days	120 days
203 (c) Driving a motor vehicle on a restricted license...	60 days	60 days	120 days	120 days
203 (d) Driving a motor vehicle while under the influence of an intoxicating substance...	60 days	60 days	120 days	120 days
203 (e) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (f) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (g) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (h) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (i) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (j) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (k) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (l) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (m) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (n) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (o) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (p) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (q) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (r) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days
203 (s) Driving a motor vehicle while operating a motor vehicle...	60 days	60 days	120 days	120 days

52

Comparing Tables

Section	100	105	110	115	120	125	130
100
105
110
115
120
125
130

RECKLESS DRIVING (VTL 1212)

(SERIOUS TRAFFIC VIOLATION - Commercial Driver License will be suspended for 60 days if conviction of two "serious traffic violations" in a three year period. If three convictions, the suspension will be for a period of 120 days)

53

Putting it all together

Reckless Driving

New York (VTL 1212)

- ✓ Appears as a Serious Traffic Violation Notation
- ✓ Appears as a Serious Traffic Violation in FMCSR 383.51 Table 2
- ✓ Appears on American Transportation Research Report
 - ✓ Likelihood of crash from violation? 114%

Do you recognize the importance of paying attention to these violations?

Is not paying attention to reductions of Serious Traffic Violations likely a Masking concern?

54



Clerks



55

55

Effects of Masking

Appellate Courts:

- Be aware of 49 CFR (383 and 384) in the event a CDL matter is filed. (not always the case)

Court consents to "Masked" Plea



Courts and Clerks:

- Ethically and Efficiently dispose CDL cases
- Timely and accurate reporting of convictions



Prosecutor Action:

- No plea was offered due to Masking prohibition



Masked by Prosecutor if 49 CFR 384.226 ignored

No citation issued or record run



After observing a moving violation (49CFR384.226) was a:

- Observed, stopped and ran driving record
- Issued citation for the violation observed.



CDL?



56

So, Our case has been disposed of:

- 1) A conviction to the original charge was entered and reported.
- 2) A dismissal (after appeal was upheld) and reported
- 3) Masking occurred ! In addition to the reduction or dismiss offered by the Prosecutor and accepted by the Court.
 - a) Yes
 - b) No
 - c) Maybe

MAYBE !!!!

57





58

From the SMS

SMS

Detailed Inspection Report as of 5/31/2024

VEHICLE INFORMATION

VEHICLE IDENTIFICATION

UNIT	TYPE	MAKE	PLATE STATE	PLATE NUMBER	LINK
1	Truck	Volvo	MD		
2	Truck	Volvo	MD		

LABOR VIOLATIONS

VIOLATION	SECTION	UNIT	TYPE	DESCRIPTION	REMARKS	STATUS	REASON FOR PROSECUTION
392.2-392.2	State	1	Local	Speeding work/construction zone	10	Y	Speeding

HAZARDOUS MATERIALS

HAZMAT CODE	HAZMAT DESCRIPTION	HAZMAT QUANTITY	HAZMAT STATUS	HAZMAT STATUS
0	(Empty)	0	0	0

Notation: State Citation Result Convicted to a different charge

59

From the SMS Page

392.2-SLLSWZ	State/Local Laws - Speeding work/construction zone.	1	0	10
392.2-SLLSWZ	State/Local Laws - Speeding work/construction zone.	1	0	1
State Citation Result: Conviction of a Different Charge				
392.2-SLLSWZ	State/Local Laws - Speeding work/construction zone.	Speeding 4	10	Y

Severity Weight Charge # 1

Conviction to a different charge, How did this happen?

Severity Weight (Same Charge) Why is it less?

60



Data Quality

- Often referred to DataQs, is an FMCSA system that allows users to request and track a review of Federal and State data issued by FMCSA believed to be incomplete or incorrect.
- Requests for Data Review (RDRs) for all States and FMCSA Division Offices

61

The system enables all users—motor carriers, drivers and their representatives, as well as FMCSA and its State partners—to improve the accuracy of FMCSA’s data-driven safety systems that help prevent crashes, injuries, and fatalities related to commercial motor vehicles. Accurate data leads to safer roads.

62

VEHICLE QUALIFICATION FOR DATA Q INQUIRY

At least one of the following must apply:

- The qualifying vehicle involved in the crash is a CMV, which includes:
 - A truck having a gross vehicle weight rating (GVWR) of more than 10,000 pounds or a gross combination weight rating (GCWR) of more than 10,000 pounds and is used on public highways; or
 - A motor vehicle designed to transport nine or more people, including the driver; or
 - ANY vehicle displaying a HM placard, regardless of weight; ANY vehicle transporting placarded amounts of HM; or ANY vehicle required to be placarded.

63



The Reason Severity Weights Are Dismissed or Reduced

Result of Adjudicated Citation Associated with a Violation Uploaded to MCMIS	Safety Measurement System (SMS)
Convicted of original charge	Violation not removed
Dismissed with fine or punitive court costs	Violation not removed
Dismissed without fine or punitive court costs	Record appended to reflect sms rating of 0
Not Guilty	Record appended to reflect sms rating of 0
Convicted of a lesser charge	Append inspection to indicate violation "Resulted in conviction of a different charge." Change severity weight to 1.

Can you see how a "Masked" case can also allow a driver with a questionable record get an additional positive benefit for a citation that should not have been improperly disposed of in the first place?

64

DRIVER QUALIFICATION CHECKLIST (49CFR 391)

Driver Qualification File Checklist
 49 CFR 391.23 and 391.25(c) require that each motor carrier maintain and file with the Department of Transportation a list of all drivers that are authorized to operate commercial motor vehicles. Motor carriers that operate interstate or in interstate commerce or in foreign commerce must file this information for each driver. The following checklist will help you ensure that each driver meets the requirements.

Consider This (Again)

- ✓ Drivers often change jobs for many reasons.
- ✓ How can the accuracy of this information be protected if there has been a "masked" case?

65

Why do these matter?

- ✓ Filed DATA Q's
- ✓ All Occurred in CMVs (Eight in Work Zones)
- ✓ All Masked in a local court
- ✓ All had severity ratings reduced
- ✓ Did the original points matter ?
- ✓ Does this practice reduce crashes and save lives on our highways?

FL 11801	Call Phone in CMV	FL 1201a	Parking
FL 11802		FL 1202B	Parking
FL 11803		FL 1201a	Parking
FL 11804		FL 1182c	Jaywalking
FL 11805		FL 1182c	Jaywalking
FL 11806		FL 1201a	Parking
FL 11807		FL 1110a	TOTICD
FL 11808		FL 1203B	Parking
FL 11809		FL 1203B	Parking
FL 11810		FL 1175	Other Intersection
FL 11811		FL 1203a	Parking
FL 11812		FL 1203a	Parking
FL 11813		FL 1203b	Parking
FL 11814		FL 1203b	Parking
FL 11815		FL 1203	Parking
FL 11816		FL 1203	Parking
FL 11817		FL 1203	Parking
FL 11818		FL 1203	Parking
FL 11819		FL 1203	Parking
FL 11820		FL 1182B	
FL 11821		FL 1203B	Parking
FL 11822		FL 1203B	Parking
FL 11823		FL 1182c	Jaywalking
FL 11824		FL 1175	Other Intersection
FL 11825		FL 1203a	Parking
FL 11826		FL 1203a	Parking
FL 11827		FL 1203b	Parking
FL 11828		FL 1203b	Parking
FL 11829		FL 1203	Parking
FL 11830		FL 1203	Parking
FL 11831		FL 1203	Parking
FL 11832		FL 1203	Parking
FL 11833		FL 1203	Parking
FL 11834		FL 1203	Parking
FL 11835		FL 1203	Parking
FL 11836		FL 1203	Parking
FL 11837		FL 1203	Parking
FL 11838		FL 1203	Parking
FL 11839		FL 1203	Parking
FL 11840		FL 1203	Parking
FL 11841		FL 1203	Parking
FL 11842		FL 1203	Parking
FL 11843		FL 1203	Parking
FL 11844		FL 1203	Parking
FL 11845		FL 1203	Parking
FL 11846		FL 1203	Parking
FL 11847		FL 1203	Parking
FL 11848		FL 1203	Parking
FL 11849		FL 1203	Parking
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FL 11851		FL 1203	Parking
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FL 11950		FL 1203	Parking
FL 11951		FL 1203	Parking
FL 11952		FL 1203	Parking
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FL 11989		FL 1203	Parking
FL 11990		FL 1203	Parking
FL 11991		FL 1203	Parking
FL 11992		FL 1203	Parking
FL 11993		FL 1203	Parking
FL 11994		FL 1203	Parking
FL 11995		FL 1203	Parking
FL 11996		FL 1203	Parking
FL 11997		FL 1203	Parking
FL 11998		FL 1203	Parking
FL 11999		FL 1203	Parking
FL 12000		FL 1203	Parking

66



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67

Questions?

Thanks for taking the time today. Correct disposition of these cases will reduce crashes and save lives.

68

Finally

Is there anything you may do differently now that we've offered you some tools to repair some of the breakdowns?

69



Something to think about...

“Two roads diverged in a woods, and I—
I took the one less traveled by,
And that has made all the difference”.



“Robert Frost”

70
