**COURT CLERK ANSWER SHEET**

**Category : COME TO TERMS**

Points : 100

Q1: States have how many days to report CDL Convictions to each other

A: 10 days

<https://www.ecfr.gov/current/title-49/part-384#p-384.209(c)>

**Category : COME TO TERMS**

Points : 200

Q2: Which of the following is considered a major disqualifying offense?

A: Leaving the scene of an accident

**Category : COME TO TERMS**

Points : 300

<https://www.ecfr.gov/current/title-49/part-383#p-383.51(b)>

Q3: Disqualification means which of the following actions:

A: ALL

<https://www.ecfr.gov/current/title-49/part-383#p-383.5(Disqualification)>

**Category : COME TO TERMS**

Points : 400

Q4: §49 CFR 383.51 Designates Disqualifying Offenses, how many tables are included within this section.

A: 4

[https:/​/​www.ecfr.gov/​current/​title-49/​part-383#p-383.51(a)(4)](https://​/​www.ecfr.gov/​current/​title-49/​part-383#p-383.51(a)(4))

**Category : COME TO TERMS**

Points : 500

Q5: The definition of Conviction

A: All

<https://www.ecfr.gov/current/title-49/part-383/section-383.5#p-383.5(Conviction)>

**Category : IT'S ABOUT TIME**

Points : 100

Q6 A CLP or CDL holder must be disqualified from operating a CMV for being under the influence of alcohol as prescribed by State law for how long.

A: 1 year

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(b)>

**Category : IT'S ABOUT TIME**

Points : 200

Q7: For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CLP or CDL must be disqualified from operating a CMV for Following the vehicle ahead too closely

A: 60 days

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(b)>

**Category : IT'S ABOUT TIME**

Points : 300

Q8: For a first conviction of Speeding excessively, involving any speed of 15 mph or more above the regulated or posted speed limit while operating a CMV, a person required to have a CLP or CDL holder must be disqualified from operating a CMV

A: False

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(c)>

**Category : IT'S ABOUT TIME**

Points : 400

Q9: Second conviction of Speeding (15mph over),Following too close and Reckless Driving within three years of any

of these violations results in a \_\_\_\_\_ day disqualification.

A: 60

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(c)>

**Category : IT'S ABOUT TIME**

Points : 500

Q10: Sammy Simple, driver was convicted, after plea (with a clean record) for following the vehicle ahead to close on

January 3, 2020, Sammy was then convicted after trial for speeding (72/55) on January 5, 2023. How long will Sammy be disqualified for

A: No disqualification

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(c)>

**Category : THIS IS NOT COVID**

Points : 100

Q11: CDL holder cited for Speed in Zone (46/30) 11 prior disqualifying offenses resulting in reductions to parking/jaywalking/one reduced speed under 15 mph from several courts, same county (2015-2022) also has a bus endorsement/school bus driver. How many do you think were masked?

A: All

<https://www.ecfr.gov/current/title-49/section-384.226>

**Category : THIS IS NOT COVID**

Points : 200

Q12: DWI Crash resulted in a reduction to Reckless Driving. Prosecutor and Defense agreed to a Reckless Driving plea due to an issue with driver charged being behind the wheel. The Court was concerned this was masking. Was it?

A: No, but make sure the reasons are on the record.

**Category : THIS IS NOT COVID**

Points : 300

Q13: CDL Holder in CMV received UTT for Speeding (73/55). The Court allowed plea to Parking (1201a). Is this a masking situation? No other information appears on the record.

A: Yes

<https://www.ecfr.gov/current/title-49/section-384.226>

**Category : THIS IS NOT COVID**

Points : 400

Q14: It is often argued the Masking cannot occur because there is no conviction when a plea is offered to a lesser offense. The fact is the conviction can occur and be reported only when it has been heard and accepted by the Judge.

A: True

Category : THIS IS NOT COVID

Points : 500

Q15: Upstate Court downloads a UTT for Speed (73/65), accepts a plea to Parking (VTL 1201a), pays a $ 150 F/25.00SC. Masking?

A: Yes

<https://www.ecfr.gov/current/title-49/section-384.226>

**Category : COURT CLERKS ARE THE BEST**

Points : 100

Q16: The location for a Human Trafficking Disqualifying Felony sanction can be found where?

A: 49 CFR 383.51 (Table 1)

<https://www.ecfr.gov/current/title-49/section-384.226>

**Category : COURT CLERKS ARE THE BEST**

Points : 200

Q17: New York State incorporates by reference the Federal Regulations via 17 NYCRR, Part 820 (13)

A: True

<https://www.dot.ny.gov/divisions/operating/osss/repository/17%20NYCRR%20Part%20820_0.pdf>

**Category : COURT CLERKS ARE THE BEST**

Points : 300

Q18: Driver is stopped in a propane truck for speeding (85/65) in the southern tier. Driver is cited and released, then several miles down the road the driver is again cited for the same offense. Are these offenses separate?

A: Yes, they are separate incidents.

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(c)>

**Category : COURT CLERKS ARE THE BEST**

Points : 400

Q19: Vehicle and Traffic Law Section 514(1)(d) sets forth the reporting requirements. Convictions by CDL holders (out of state) or CMV defined operators (out of state) holding any type of license must be reported within \_\_\_ hours to DMV

A: 96

<https://www.cdlcourtassist.org/new-york-judges-and-court-clerks> (SEE 96 HOUR DMV “M” MEMO)

**Category : COURT CLERKS ARE THE BEST**

Points : 500

Q20: Court sentences driver to a fine and surcharge, the defendant requests time to pay and court grants the request. Court need not report the conviction until the fine is paid.

A: False, report conviction as Fine not Collected (FNC)

<https://www.cdlcourtassist.org/new-york-judges-and-court-clerks>

(SEE REPORTING CONVICTIONS MEMO)

**Category : IT'S NOT HALLOWEEN**

Points : 100

Q21: CDL holder in personal vehicle is stopped for unsafe passing, prior to court appearance he receives a letter from the prosecutor offering a Jaywalking violation, driver accepts. Is this "Masking" in violation of 49 CFR 384.226?

A: YES

<https://www.ecfr.gov/current/title-49/section-384.226>

**Category : IT'S NOT HALLOWEEN**

Points : 200

Q22: CDL holder charged with DWI in his personal vehicle, upon investigation the Prosecutor finds that there were two people in the vehicle and the actual driver cannot be verified. Prosecutor offers plea to Reckless Driving after placing reason on the record, driver (with attorney) accepts. Masking?

A: NO

Reason should be placed on the record.

**Category : IT'S NOT HALLOWEEN**

Points : 300

Q23: CDL holder is charged with Leaving the Scene of a crash and convicted after trial, Defense Counsel files an Appeal for several issues that occurred during the pre-trial process. The Appellate Court agrees and vacates the conviction citing the reasons. Original charge is dismissed ! Is this Masking?

A: NO

<https://www.ecfr.gov/current/title-49/section-384.226>

**Category : IT'S NOT HALLOWEEN**

Points : 400

Q24: CDL Driver is cited for 101 mph in a 65 mph zone, without reason a plea is offered to 79/65. Is this a "masking" situation?

A: Yes

<https://www.ecfr.gov/current/title-49/section-384.226>

**Category : IT'S NOT HALLOWEEN**

Points : 500

Q25: CDL holder is cited for Reckless Driving, Prosecutor has implemented a Diversion Program for all licensed drivers; to avoid going to Court, the program offers a Safe Driving Course and a $250.00 fee to the County Clerk (Executive Branch). Prosecutor notifies Court to dismiss, what should Court do?

A: Make notation in your docket, court has no control and CDL holder will have no conviction reported

<https://www.ecfr.gov/current/title-49/section-384.226>

**Category : MIXED BAG**

Points : 100

Q26: Driving a CMV without a CLP or CDL in the driver's possession is dismissible if proof is provided to the enforcement authority that issued the citation which information is provided?

A: All

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(c)> (SEE FOOTNOTE 1)

**Category : MIXED BAG**

Points : 200

Q27: Sarah Sample, a CDL holder was stopped for speeding in excess of 15 mph in her personal vehicle on February 28, 2022. The First one occurred at mile marker 151 and the second occurred at mile marker 202. If convicted of both what would the sanction be? Her license was clean prior to that date.

A: 60 days

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(c)>

**Category : MIXED BAG**

Points : 300

Q28: Driver cited for 100/65 in personal vehicle, Defendant (with counsel) proposed a plea to 79/ 65. If granted would this be considered a masking situation?

A: Yes

<https://www.ecfr.gov/current/title-49/section-384.226>

**Category : MIXED BAG**

Points : 400

Q29: 49 CFR 383.51 consists of how many tables.

A: 4

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(a)(4)>

**Category : MIXED BAG**

Points : 500

Q30: Frankie Fox, a CDL holder was driving his propane delivery truck during a cold winter day. After lunch at the Broken Prop he failed to stop at a stop sign colliding with another car. Alcohol was detected, Frankie was arrested for DWI and convicted, What is the sanction period for this ?

A: Three Years

<https://www.ecfr.gov/current/title-49/part-383/section-383.51#p-383.51(b)> ( Hazardous Materials Iin truck)

**Category : FF QUESTION**

Points : 500

QFF: Who is incoming President of the New York State Association of Magistrates Court Clerks Association for the upcoming year.

A: Kim Stahley