

COMMERCIAL MOTOR VEHICLE DRIVERS

LIST OF CITATIONS

STATUTES

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986, PUB. L. 99-570, TITLE XII
(OCTOBER 27, 1986)

HAZARDOUS MATERIALS TRANSPORTATION ACT, PUB.L. 93-633, TITLE I, JAN 3,
1975, 88 STAT. 2156, AS AMENDED

UNIFORM VEHICLE CODE, § 6-500

CONTROLLED SUBSTANCES ACT OF 1970, PUB. L. 102-240; 84 STAT. 122
(OCTOBER 27, 1970)

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991, 49 U.S.C.
§101, ET. SEQ.

CODES

49 U.S.C. §5101

49 U.S.C. §31310

TEX. STAT. ANN. ART. 6687B-2

MO. REV. STAT. §302.700.2 (18)

ARK. STAT. ANN. §§27-23-103

COLO. REV. STAT. §§422-502

MASS. GEN. LAWS CH. 90 F §1

S.C. CODE ANN. §§56-1-2030

FLA. STA. §322.54

REGULATIONS

53 FR¹. 37313 (SEPTEMBER 26, 1988)

57 FR 13650 (APRIL 17, 1992)

59 FR 26020 (MAY 18, 1994)

59 FR 26022 (MAY 18, 1994)

59 FR 26029 (MAY 18, 1994)

61 FR 9564 (MARCH 8, 1996)

49 CFR², PART 383, ET SEQ.

49 CFR §382.107

49 CFR, PART 172, SUBPART F

49 CFR §382.206

49 CFR §382.207

49 CFR § 383.2 (d) (3)

49 CFR § 383.3 (c)

49 CFR § 383.3 (g)

49 CFR §383.5

49 CFR §383.23

49 CFR §383.51

49 CFR §383.51 (c) (2)

49 CFR § 383.51 (e)

49 CFR § 383.53 (a)

49 CFR §392.5 (c)

¹ FR refers to Federal Register.

² CFR refers to Code of Federal Regulations.

CASE LAW

UNITED STATES SUPREME COURT

PYLER v. DOE, 457 U.S. 202 (1982)

State Law & Regulations (including case law)

The federal rules for commercial driver's licensing and commercial motor vehicles apply to each state. Nevertheless, each state has the authority to modify the regulations within certain parameters. In this section you will find state specific statutes, regulations and some applicable case law. Please let us know of any cases or sources we may have missed. For current updates see The National Judicial College website www.cdlresources.org.

Alabama

[Alabama Commercial Drivers Guide \(dmv.org\)](#)

Cooley v. St. Dept. Publ. Safety, 827 So.2d 124 (Ala. Civ. App., 2002)

Dixon v. Hot Shot Exp., Inc.

--- So.3d ----, 2010 WL 753353, Ala.,2010.

Federal CDL law does not pre-empt state's guest passenger statute such that CDL holder is liable for guest passenger's death in truck cab.

Alaska

[Alaska Commercial Driver License](#)

[Alaska Trucking Association](#)

Davis v. State

235 P.3d 1017, Alaska App.,2010.

CDL holder drove CMV while vehicle was placed out of service for safety violations.

Arkansas

[Arkansas Commercial Drivers Guide \(dmv.org\)](#)

Arizona

[Arizona Commercial Drivers Guide \(dmv.org\)](#)

California

[Department of Motor Vehicles Publications](#)

[Motor Carrier Permit Requirements at a Glance](#) http://www.dmv.ca.gov/pubs/brochures/fast_facts/ffmcp01.htm

Weaver v. Chavez, 35 Cal. Rptr.3d 514 (Cal. Dist. Ct. App. 2005)

Ward v. Skinner, 943 F.2d 157 (C.A.1, 1991)

Peretto v. Department Of Motor Vehicles, 235 Cal. App. 3d. 449, 455, 1 Cal. Rptr. 2d. 392 (1991)

Murphy v. Pierce, 1 Cal. App. 4th 690, 2 Cal. Rptr 2d. 18 (Cal. App. 1991)

People v. Meyer

186 Cal.App.4th 1279, 112 Cal.Rptr.3d 889, Cal. App. 3 Dist.,2010.

CDL holder could not surrender CDL in lieu of adjudication.

People v. Superior Court (Costa)

183 Cal.App.4th 690, 107 Cal.Rptr.3d 576, Cal. App. 2 Dist.,2010.

CDL holder convicted of murder when truck crashed into auto killing occupants. Driver convicted of "implied malice" when he did not do required pre-trip safety inspection of truck and 5 of 10 brakes were malfunctioning.

Colorado

[Colorado Commercial Drivers Guide \(dmv.org\)](#)

Connecticut

[Connecticut Commercial Drivers Guide \(dmv.org\)](#)

Delaware

[Delaware Commercial Drivers Guide \(dmv.org\)](#)

District of Columbia

Advocates for Hwy & Auto Safety v. Fed. Motor Carrier Safety Admin., 429 F. 3d 1136 (C.A.D.C. 2005)

Aulenback, Inc., v. Fed. Highway Admin., 103 F.3d 989 (C.A.D.C. 1997)

[Washington, D.C. Commercial Drivers Guide \(dmv.org\)](#)

Florida

[Office of Motor Carrier Compliance Department of Transportation](#)

http://www.dot.state.fl.us/mcco/cm_v_safety_enforce.htm

[Florida DUI and Administrative Suspension Laws](#)

[Florida DUI and Administrative Suspension Laws: Frequently Asked Questions](#)

[Driver License Classes, Endorsements and Restrictions](#)

[Florida Commercial Drivers Handbook - English](#)

[Florida Trucking Information](#)

Georgia

[Commercial Driver's Manual](#)

[Georgia Commercial Drivers Guide \(dmv.org\)](#)

Williams v. State

303 Ga.App. 407, 693 S.E.2d 613, Ga.App.,2010.

CDL holder convicted of driving a CMV w/o proper license when combined gross weight of tractor-trailer exceeded 26,001 pound

Hawaii

[Hawaii Commercial Drivers Guide \(dmv.org\)](#)

Idaho

[Idaho Department of Transportation DMV Commercial Vehicle Services](#)

[Idaho Commercial Drivers Guide \(dmv.org\)](#)

Illinois

[Illinois Commercial Drivers Guide \(dmv.org\)](#)

Indiana

Silverman v. Fifer, 837 N.E.2d 186 (Ind. Ct. App. 2005)

[Indiana Commercial Drivers Guide \(dmv.org\)](#)

Iowa

[Iowa Commercial Driver's Licenses](#)

[Iowa Commercial Drivers Guide \(dmv.org\)](#)

Wiebenga v. Iowa DOT, 530 N.W. 2d. 732 (Iowa S. Ct. 1995)

Kansas

[Kansas Commercial Drivers Guide \(dmv.org\)](#)

Cuthbertson v. Kansas Dept. of Revenue

42 Kan.App.2d 1049, 220 P.3d 379, Kan.App.,2009.

CDL holder appealed his lifetime suspension of his CDL for DWI in his private vehicle even though law officer

mistakenly said the CDL holder's refusal to take a breath test would not impact his CDL.

Kentucky

[Kentucky Commercial Drivers Guide \(dmv.org\)](#)

Louisiana

[Louisiana Commercial Drivers Guide \(dmv.org\)](#)

Moore v. State Dept. Of Public Safety, 655 So. 2d. 644 (La. App. 2 Cir. 1995)

Parker v. Stalder, 97-727 (La. App. 3 Cir. Dec. 10, 1997), 704 So. 2d 898

Maine

[Maine Commercial Drivers Guide \(dmv.org\)](#)

Maryland

[Maryland Commercial Drivers Guide \(dmv.org\)](#)

Schramm v. Foster, 341 F. Supp.2d 536 (D. Md. 2004)

Hill v. Motor Vehicle Admin.

415 Md. 231, 999 A.2d 1019, Md.,2010.

Refusal to submit to DWI stop breath test suspend CDL.

Motor Vehicle Admin. v. Jaigobin

413 Md. 191, 991 A.2d 1251, Md.,2010.

Probation before judgment (PBJ) constituted a "conviction" as that term is defined in CDL Act.

Massachusetts

[Massachusetts Commercial Drivers Guide \(dmv.org\)](#)

Commonwealth v. Leboeuf (Mass)

--- N.E.2d ----, 2010 WL 3911409, Mass.App.Ct.,2010.

Warrantless inspection of CMV under safety inspection statute was not a violation of 4th amendment.

Michigan

[Commercial Driver Licenses](#)

[Michigan Commercial Drivers Guide \(dmv.org\)](#)

Minnesota

[Minnesota Commercial Driver's Manual](#)

[Minnesota Commercial Drivers Guide \(dmv.org\)](#)

Krenz v. Cloverleaf Cold Storage, 2005 WL 2277285 (Minn. Ct. App. 2005)

Mississippi

[Mississippi Commercial Drivers Guide \(dmv.org\)](#)

Missouri

[Department of Revenue Commercial Motor Vehicle \(CMV\) Operators and the Law](#)

[Missouri Commercial Driver License Manual](#)

[Missouri Commercial Drivers Guide \(dmv.org\)](#)

Barber v. Director of Revenue, State

317 S.W.3d 680, Mo.App. W.D.,2010.

Suspension of driver's license for DWI constituted a conviction of purposes of CDL.

Strup v. Director of Revenue

311 S.W.3d 793, Mo.,2010.

Circuit court order to reinstate a CDL was reversed.

Montana

[Commercial Driver Licensing](#)

[Montana Commercial Drivers Guide \(dmv.org\)](#)

Nebraska

[Nebraska Commercial Driver's License](#)

Polikov v. Neth, 699 N.W.2d 802 (Neb. 2005)

[Nebraska Commercial Drivers Guide \(dmv.org\)](#)

Nevada

[Department of Motor Vehicles Motor Carrier News](#)

[Nevada Commercial Drivers Guide \(dmv.org\)](#)

New Hampshire

[New Hampshire Commercial Drivers Guide \(dmv.org\)](#)

New Jersey

[New Jersey Motor Vehicle Commission Commercial Driver License \(CDL\)](#)

http://www.state.nj.us/mvc/cit_permits/d_pat_commdriver.html

[New Jersey Commercial Drivers Guide \(dmv.org\)](#)

State v. Pompa

414 N.J.Super. 219, 997 A.2d 1107, N.J.Super.A.D.,2010.

4th amendment issues of warrantless search of CMV when search approved by regulation goes beyond boundaries of statute.

New Mexico

[New Mexico Commercial Drivers Guide \(dmv.org\)](#)

New York

[New York State Commercial Driver's Manual - CDL-10 \(11/05\)](#)

[Commercial Driver License \(CDL\) Certifications](#)

[The New S Endorsement for School Bus Drivers](#)

[New York Commercial Drivers Guide \(dmv.org\)](#)

[New York State Transportation Law \(Section 14-f\) Hazardous Materials Chart \(Microsoft Word\)](#)

[New York State Transportation Law \(Section 14-f\) Hazardous Materials Chart – Color \(Microsoft Word\)](#)

[New York State Transportation Law \(Section 140-2d\) Commercial Vehicle Safety \(Microsoft Word\)](#)

[New York State Transportation Law \(Section 140-2d\) Commercial Vehicle Safety – Color \(Microsoft Word\)](#)

North Carolina

[Suspensions & Revocations](#) http://www.ncdot.org/dmv/driver_services/commercialtrucking/suspensions.html

[North Carolina Commercial Drivers Guide \(dmv.org\)](#)

North Dakota

[North Dakota Commercial Drivers Guide \(dmv.org\)](#)

Ohio

State v. Friesen, 2005 WL 2840722 (Ohio Ct. App. 2005)

[Ohio Commercial Drivers Guide \(dmv.org\)](#)

Oklahoma

[Oklahoma Commercial Drivers Guide \(dmv.org\)](#)

Mize v. Liberty Mutual Ins. Co., 393 F. Supp.2d 1223 (W.D. Okla. 2005)

Tate v. Farmland industries, Inc., 268 F.3d 989 C.A. 10 (Okla. 2001)

[Memo on Masking](#)

Oregon

[Getting a Commercial Driver License \(CDL\)](#)

[Commercial Driver License \(CDL\) Classes](#)

[CDL Endorsements & Restrictions](#)

[CDL Medical Examination & Physical Qualifications](#)

<http://www.oregon.gov/ODOT/DMV/driverid/cdlmedex.shtml>

[CDL Convictions and Suspensions](#)

[Oregon Commercial Drivers Guide \(dmv.org\)](#)

Owens v. Motor Vehicles Division, 875 P. 2d. 463 (Or. 1994)

Pennsylvania

[Obtaining a Commercial Driver's License- Pennsylvania](#)

[PennDOT - Commercial Drivers License Fact Sheet](#)

[Pennsylvania Commercial Drivers Guide \(dmv.org\)](#)

Commonwealth of Penn. v. Dugan, 769 A.2d 512 (Pa. Super., 2001)

Commonwealth v. Williams, 624 A. 2d. 171 (Pa. Super 1993)

Aten v. Commonwealth Department Of Transportation, 649 A. 2d. 732 (Pa. Cmwlth. 1994)

Walck v. Commonwealth Department Of Transportation, 625 A. 2d. 1276, 1277 (Pa. Cmwlth. 1993)

Commonwealth Department Of Transportation v. Barco, 1995 W1 127045 (Pa. Cmwlth. 1993)

Shewack v. Com., Dept. of Transp., Bureau of Driver Licensing

993 A.2d 916, Pa.Cmwlth.,2010.

Trail court was reversed when it sustained CDL holder's appeal to reinstate his CDL after one-year.

Rhode Island

[Rhode Island Commercial Drivers Guide \(dmv.org\)](#)

South Carolina

[South Carolina Commercial Drivers Guide \(dmv.org\)](#)

South Dakota

[South Dakota Commercial Drivers Guide \(dmv.org\)](#)

Tennessee

State v. Jackson, 2005 WL 2604054 (Tenn. Crim. App. 2005)

[Tennessee Commercial Drivers Guide \(dmv.org\)](#)

State v. Snyder, 835 S.W. 2d. 30, 32 (Tenn. App. 1992)

[Tennessee Court System Opinion Search](#)

Texas

[Texas Department of Motor Vehicles](#)

Omega Contracting, Inc. v. Torres, 191 SW3d 828 (Tex. Ct. App. 2006)

State v. Hollis

--- S.W.3d ----, 2010 WL 3943561, Tex.App.-Waco,2010.

Speeding in non-CMV by a CDL and deferred judgment

Utah

[http://motorcarrier.utah.gov/Utah Commercial Drivers Guide \(dmv.org\)](http://motorcarrier.utah.gov/Utah Commercial Drivers Guide (dmv.org))

[Utah Motor Carrier Dept.](#)

Vermont

[Vermont Commercial Drivers Guide \(dmv.org\)](#)

Virginia

[Driver Services: Who are Commercial Drivers? http://www.dmv.state.va.us/webdoc/citizen/drivers/whoarecdl.asp](http://www.dmv.state.va.us/webdoc/citizen/drivers/whoarecdl.asp)

[Motor Carrier Services](#)

[Virginia Commercial Drivers Guide \(dmv.org\)](#)

Lockett v. Commonwealth, 438 S.E. 2d. 4978 (Va. App. 1993)

Washington

[Washington Commercial Drivers Guide \(dmv.org\)](#)

[Commercial Driver License](#)

West Virginia

[West Virginia Commercial Drivers Guide \(dmv.org\)](#)

Wisconsin

[Commercial Drivers](#)

[Wisconsin Commercial Drivers Guide \(dmv.org\)](#)

Wyoming

[Wyoming Commercial Drivers Guide \(dmv.org\)](#)

Wilson v. State Office Of Hearing Examiner, 841 P. 2d. 90 (Wyo. 1992)

McDonald v. Department Of Revenue And Taxation, 846 P. 2d. 694 (Wyo. 1993)

OTHER REFERENCES³

WHAT DOES AMBIGUOUS MEAN? MAKING SENSE OF STATUTORY ANALYSIS IN OREGON, 34 Willamette L. Rev. 219, 268+ (1998).

LICENSING COMMERCIAL MOTOR VEHICLE DRIVERS: Assessing the Impact of Federal Standards, 12-SUM Crim. Just. 24, 26 (1997).

THE FORECLOSURE OF DOUBLE JEOPARDY IN ADMINISTRATIVE LICENSE SUSPENSIONS AND CIVIL ASSET FORFEITURES FOLLOWING UNITED STATES v. URSERY, 65 UMKC L. Rev. 104, 142 (1996).

GRIFFIN v. TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON: CONSTRUING THE LIMITS OF SOVEREIGN IMMUNITY IN OREGON, 31 Willamette L. Rev. 179, 199 (1995).

IMPLIED CONSENT LAW, 65 Pa. B.A.Q. 8, 25 (1994).

ADMIN PER SE FOR THE PRACTITIONER, 24 Pac. L.J. 461, 503+ (1993).

STATUTE PROVIDING FOR JUDICIAL REVIEW OF ADMINISTRATIVE ORDER REVOKING OR SUSPENDING AUTOMOBILE DRIVER'S LICENSE AS PROVIDING FOR TRIAL DE NOVO, 97 A.L.R. 2d 1367, §6a (1964).

VALIDITY, CONSTRUCTION AND APPLICATION OF PROVISION FOR REVOCATION OR SUSPENSION OF DRIVER'S LICENSE BECAUSE OF CONVICTION OF TRAFFIC VIOLATION IN ANOTHER STATE, 87 A.L.R. 2d 1019, §8 (1963).

³ These documents are not referenced in the CDL module but may be of interest to participants.