

**Table 3 to § 383.51 DISQUALIFICATION FOR RAILROAD-HIGHWAY GRADE CROSSING OFFENSES**

If the <b>driver is convicted of operating a CMV</b> in violation of a Federal, State or local law because * * *	For a <b>first conviction</b> a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a <b>second conviction</b> of any combination of offenses in this Table in a separate incident within a 3-year period, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a <b>third or subsequent conviction</b> of any combination of offenses in this Table in a separate incident within a 3-year period, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *
(1) The driver is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train * * *	<b>No less than 60 days</b>	<b>No less than 120 days</b>	<b>No less than 1 year.</b>
(2) The driver is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear * * *	<b>No less than 60 days</b>	<b>No less than 120 days</b>	<b>No less than 1 year.</b>
(3) The driver is always required to stop, but fails to stop before driving onto the crossing * * *	<b>No less than 60 days</b>	<b>No less than 120 days</b>	<b>No less than 1 year.</b>
(4) The driver fails to have sufficient space to drive completely through the crossing without stopping * * *	<b>No less than 60 days</b>	<b>No less than 120 days</b>	<b>No less than 1 year.</b>
(5) The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing * *	<b>No less than 60 days</b>	<b>No less than 120 days</b>	<b>No less than 1 year.</b>
(6) The driver fails to negotiate a crossing because of insufficient undercarriage clearance * * *	<b>No less than 60 days</b>	<b>No less than 120 days</b>	<b>No less than 1 year.</b>



# CDL Disqualification Benchcard

## DISQUALIFICATION OF DRIVERS

*These are federal regulations. Check your state laws for your jurisdiction modifications.*

**Table 4 to § 383.51 DISQUALIFICATION FOR VIOLATING OUT-OF-SERVICE ORDERS**

*Disqualification for violating out-of-service orders. Table 4 to §383.51 contains a list of the offenses and periods for which a person who is required to have a CLP or CDL is disqualified when the driver is operating a CMV at the time of the violation, as follows:*

If the driver <b>operates a CMV</b> and is convicted of * * *	For a <b>first conviction</b> while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a <b>second conviction</b> in a separate incident within a 10-year period while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a <b>third or subsequent conviction</b> in a separate incident within a 10-year period while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *
(1) (1) Violating a driver or vehicle out-of-service order while transporting nonhazardous materials	<b>No less than 180 days or more than 1 year</b>	<b>No less than 2 years or more than 5 years</b>	<b>No less than 3 years or more than 5 years.</b>
(2) (2) Violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under part 172, subpart F of this title, or while operating a vehicle designed to transport 16 or more passengers, including the driver	<b>No less than 180 days or more than 2 years</b>	<b>No less than 3 years or more than 5 years</b>	<b>No less than 3 years or more than 5 years.</b>



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## Table 1 to § 383.51 DISQUALIFICATIONS FOR MAJOR OFFENSES

## Table 2 to § 383.51 DISQUALIFICATIONS FOR SERIOUS TRAFFIC VIOLATIONS

Table 1 to §383.51 contains a list of the offenses and periods for which a person who is required to have a CLP or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

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

<b>If a driver operates any motor vehicle and is convicted of:</b>	For a first conviction or refusal to be tested <i>while operating a CMV</i> , a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a first conviction or refusal to be tested <i>while operating a non-CMV</i> , a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a first conviction or refusal to be tested <i>while operating a CMV transporting hazardous materials</i> required to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F), a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a second conviction or refusal to be tested in a <i>separate incident of any combination of offenses in this Table while operating a CMV</i> , a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a second conviction or refusal to be tested in a <i>separate incident of any combination of offenses in this Table</i> while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for * * *
(1) Being under the influence of alcohol as prescribed by State law * * *	<b>1 year</b>	<b>1 year</b>	<b>3 years</b>	<b>Life</b>	<b>Life.</b>
(2) Being under the influence of a controlled substance * * *	<b>1 year</b>	<b>1 year</b>	<b>3 years</b>	<b>Life</b>	<b>Life.</b>
(3) Having an alcohol concentration of 0.04 or greater while operating a CMV * * *	<b>1 year</b>	<b>Not applicable</b>	<b>3 years</b>	<b>Life</b>	<b>Not applicable.</b>
(4) Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in §383.72 of this part * * *	<b>1 year</b>	<b>1 year</b>	<b>3 years</b>	<b>Life</b>	<b>Life.</b>
(5) Leaving the scene of an accident * * *	<b>1 year</b>	<b>1 year</b>	<b>3 years</b>	<b>Life</b>	<b>Life.</b>
(6) Using the vehicle to commit a felony, other than a felony described in paragraph (b)(9) of this table * * *	<b>1 year</b>	<b>1 year</b>	<b>3 years</b>	<b>Life</b>	<b>Life.</b>
(7) Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV	<b>1 year</b>	<b>Not applicable</b>	<b>3 years</b>	<b>Life</b>	<b>Not applicable.</b>
(8) Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide	<b>1 year</b>	<b>Not applicable</b>	<b>3 years</b>	<b>Life</b>	<b>Not applicable.</b>
(9) Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance * * *	<b>Life-not eligible for 10-year reinstatement</b>	<b>Life-not eligible for 10-year reinstatement</b>	<b>Life-not eligible for 10-year reinstatement</b>	<b>Life-not eligible for 10-year reinstatement</b>	<b>Life-not eligible for 10-year reinstatement</b>

<b>If a driver operates any motor vehicle and is convicted of:</b>	For a second conviction of any combination of offenses in this Table in a <i>separate incident within a 3-year period while operating a CMV</i> , a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a second conviction of any combination of offenses in this Table in a <i>separate incident within a 3-year period while operating a non-CMV</i> , a CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV driving privileges, for * * *	For a third or subsequent conviction of any combination of offenses in this Table in a <i>separate incident within a 3-year period while operating a CMV</i> , a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a third or subsequent conviction of any combination of offenses in this Table in a <i>separate incident within a 3-year period while operating a non-CMV</i> , a CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV driving privileges, for * * *
(1) Speeding excessively, involving any speed of 24.1 kmph (15 mph) or more above the posted speed limit	<b>60 days</b>	<b>60 days</b>	<b>120 days</b>	<b>120 days.</b>
(2) Driving recklessly, as defined by State or local law or regulation, including but, not limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property	<b>60 days</b>	<b>60 days</b>	<b>120 days</b>	<b>120 days.</b>
(3) Making improper or erratic traffic lane changes	<b>60 days</b>	<b>60 days</b>	<b>120 days</b>	<b>120 days.</b>
(4) Following the vehicle ahead too closely	<b>60 days</b>	<b>60 days</b>	<b>120 days</b>	<b>120 days.</b>
(5) Violating State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident	<b>60 days</b>	<b>60 days</b>	<b>120 days</b>	<b>120 days.</b>
(6) Driving a CMV without obtaining a CDL <sup>1</sup>	<b>60 days</b>	<b>Not applicable</b>	<b>120 days</b>	<b>Not applicable.</b>
(7) Driving a CMV without a CDL in the driver's possession	<b>60 days</b>	<b>Not applicable</b>	<b>120 days</b>	<b>Not applicable.</b>
(8) Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported	<b>60 days</b>	<b>Not applicable</b>	<b>120 days</b>	<b>Not applicable.</b>
(9) Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving. <sup>2</sup>	<b>60 days</b>	<b>Not applicable</b>	<b>120 days</b>	<b>Not applicable.</b>
(10) Violating a State or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a CMV. <sup>2</sup>	<b>60 days</b>	<b>Not applicable</b>	<b>120 days</b>	<b>Not applicable.</b>

<sup>1</sup> Any individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, shall not be guilty of this offense.

<sup>2</sup> Driving, for the purpose of this disqualification, means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.