CDL Basics [49 CFR §383 & §384]

Generally, commercial motor vehicle (CMV) operators must possess a valid commercial driver license (CDL). Individual states are responsible for the issuance and control of CDLs for drivers domiciled in the jurisdiction. State CDL statutes are generally derived from the Federal Motor Safety Administration (FMCSA) promulgated regulations found in Title 49 of the Code of Federal Regulations (CFR). Federal mandates ensure similar CDL regulation among states. Each state will have some variances and individual state law must be consulted.

Relevant Federal Regulations

- Commercial Driver’s License: https://www.fmcsa.dot.gov/registration/commercial-drivers-license

CDL Informational Publications

- When Is a CDL Required?: https://www.fmcsa.dot.gov/registration/commercial-drivers-license/drivers
- Commercial Driver’s License: https://www.fmcsa.dot.gov/registration/commercial-drivers-license
- Commercial Driver Licensing Laws: http://www.cdlresources.org/state-case-law/

Masking [49 CFR §384.226]

A federal regulation adopted by most states encourages courts and licensing authorities to create the most accurate driver’s history (for in state and out-of-state CDL holders) and to ensure that appropriate enforcement action is taken against those unsafe drivers. While differences exist from state to state, the basic ‘anti-masking’ language prevails states from deferring imposition of judgment, allowing diversion programs or otherwise taking action to prevent a conviction for violating a traffic control law from appearing on a CDL holder’s driving record. The anti-masking provisions generally apply whether the holder was operating a CMV or a non-CMV at the time of the offense.

Understanding Masking

- From Roadside to Record Videos: https://nida.org/training/from-roadside-to-record-videos
- Commercial Driving Resource Center – Research: https://www.ncsc.org/cdrc/research
- Commercial Driver’s License: https://www.fmcsa.dot.gov/registration/commercial-drivers-license
- Commercial Driver Case Law: http://www.cdlresources.org/state-case-law

CDL/CMV Enforcement

Each state has specialized officers who conduct vehicle and operator inspections in accordance with FMCSA regulations. As with any vehicle, however, road officers can enforce basic rules of the road on CMVs. Thousands die each year in CMV involved collisions so enforcing road safety laws on CMVs should be a regular component of law enforcement in every state, county and local jurisdiction. Effective training aids and informational resources exist to assist road officers in this type of vehicle stop and enforcement. Officers should always indicate (where appropriate) if a citation or charge involves a CMV and/or CDL holder.

Effecting CMV Stops Videos

- 18 Wheels and Busted: https://www.youtube.com/watch?v=kGvHD4QicE
- Pull ‘Em Over: https://vimeo.com/52227953

FMCSA Training

- Truck and Bus Enforcement Training: https://www.fmcsa.dot.gov/national-training-center/truck-and-bus-traffic-enforcement
- Commercial Driver’s License: https://www.fmcsa.dot.gov/registration/commercial-drivers-license

Medical Qualifications [49 CFR §391.41]

CMV operators are generally required to submit to a medical examination every two years to screen out physical or mental diagnoses that could interfere with safe CMV operation. As part of the examination, drivers complete a lengthy medical questionnaire which may be retained by the examiner or the state and may have evidentiary value in any case in which a medical defense is asserted. Drivers successfully completing the medical examination will be deemed as medically qualified and receive a medical card (states are currently transitioning from hard-copy cards for drivers to digitally maintained records). Medically unqualified drivers may be reported to the state licensing authority.

Commercial Driver’s License Program

- Medical Overview: https://www.fmcsa.dot.gov/registration/commercial-drivers-license/medicalself-certification-faq

Medical Examination Report Form


Drugs, Alcohol & CMVs [49 CFR §392.4 & §392.5]

Generally, FMCSA promulgated regulations (adopted by individual states) prohibit CMV operators from possessing or using alcoholic beverages, Schedule I [21 CFR §1308.11] substances, amphetamine, narcotic drugs, or other impairing substances. Similarly, drivers may not be medically qualified if taking methadone or marijuana. Drivers may be placed out of service (by properly authorized enforcement officers) if found operating a CMV with any measurable blood/breath alcohol concentration. Federal regulations (adopted by individual states) mandate no less than a one-year CDL disqualification for CMV operators found to have driven a CMV with a BAC of 0.04% or greater. Some states have adopted the .04% standard as an alternate per se level when charging impaired operators of CMV.

DOT/FMCSA Drug and Alcohol Testing

- Drug and Alcohol Testing Program: https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing-program

Impaired Driving and CDLs/CMVs

Each state defines impaired driving in accordance with its own statutes and case law. Impaired driving in a CMV can be particularly dangerous due to the size and nature of the vehicle as well as the type of load being carried. In order to ensure safe driving behavior at all times, strict CDL disqualification regulations have been promulgated by FMCSA and adopted by all states. An impaired driving and/or implied consent conviction by someone who holds a CDL (who should have held a CDL based on the type of vehicle being driven) will result in no less than a one year CDL disqualification. This disqualification is mandatory whether the CDL holder was operating a CMV or a non-CMV at the time of the offense. CDL holders are generally ineligible for impaired driving diversion programs that result in no conviction of the original charge appearing on the driver’s record. CDL holders who assert medical defenses to impaired driving may have their medical examination history (as related to their CDL medical certification) investigated by police or prosecution.

Impaired Driving Information

- Impaired Driving: http://www.ndaa.org/nhts_impaired_driving.html

Hours of Service

To prevent fatigued driving, FMCSA promulgates rules curtailing the number of on duty hours a commercial driver can remain on duty. Break periods are mandated and regulated. Generally, these regulations are enforced by designated officials within each state. CMV operators found in violation of hours-of-service regulations may be placed out of service. Hours of Service (HOS) regulations may be subject to revision and are published frequently.

Current HOS Regulations

**Hazardous Materials**

Special regulations govern the transportation of hazardous materials (Hazmat or HMR) due to concerns over both roadway safety and homeland security. Additional state laws may apply. Officers should be aware of potential dangers posed by the presence of Hazmat during any traffic stop. Federally mandated placards indicating the presence of Hazmat should be noted. Courts should be aware that many traffic violations carry increased/additional penalties and CDL disqualification periods if committed while the driver was transporting Hazmat.

**Federal Hazmat Information**
- Hazmat Endorsement Threat Assessment Program: [https://www.tsa.gov/for-industry/hazmat-endorsement](https://www.tsa.gov/for-industry/hazmat-endorsement)

**Placards/Safety Marks on CMVs**

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**CMV Related Criminal Activity**

In addition to violations of traffic laws, CMV-related laws may involve various forms of criminal activity. Such activity may relate to serious crimes. Officers and prosecutors handling CMV-related cases should be aware of controlling state laws and federal regulations.

**Human Trafficking and CMVs**
- Truckers Against Trafficking Training Video: [https://vimeo.com/395290663](https://vimeo.com/395290663)
- Truckers Against Trafficking Website: [http://truckersagainsttrafficking.org](http://truckersagainsttrafficking.org)
- U.S. DOJ Human Trafficking: [https://www.justice.gov/humantrafficking](https://www.justice.gov/humantrafficking)

**Violent Crime and CMVs**

**Moving Fraud**
- FMCSA – Protect Your Move: [https://www.protectyourmove.gov](https://www.protectyourmove.gov)

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**Distracted Driving**

State and Federal laws prohibit distracted driving. State laws may vary on the types of distracted driving. One common form of distracted driving is texting or the use of handheld mobile devices during vehicle operation. CMV operators may also have access to on-board computers or other interactive devices that may pose distractions. Because distracted driving in a CMV can pose serious safety risks law enforcement officers and courts should be aware of controlling state laws. Federal regulations require ‘one-touch’, hands-free operation of cell phones and similar devices. Additional evidence may be obtained from in-cab cameras that record the actions of the driver.

**Hand-Held Device Ban**

**Information on CMVs and Distracted Driving**

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**Equipment Violations/Vehicle Inspections**

Specially authorized enforcement officers are responsible for conducting vehicle, driver and motor carrier inspections in accordance with specific criteria. While inspection criteria are uniform, the agency designated to perform the inspections may vary from state to state. Typically, such inspectors are employed by a state law enforcement agency. Such inspections not-withstanding, road officers may choose to take enforcement action consistent with state and local regulations if any vehicle is being operated in a condition that renders it unfit for safe travel. For situations involving a CMV, the officer may choose to contact a designated CMV inspector for assistance. State FMSCA field offices may also provide assistance with unsafe drivers or carriers.

**CMV Inspection Information**
- North American Standard Inspections Program: [https://www.cvsa.org/inspections/](https://www.cvsa.org/inspections/)
- CVSA Programs – Roadcheck: [https://www.cvsa.org/programs/international-roadcheck/](https://www.cvsa.org/programs/international-roadcheck/)
- Additional Assistance:
  - FMCSA – Field Office Phone List: [https://www.fmcsa.dot.gov/mission/field-offices](https://www.fmcsa.dot.gov/mission/field-offices)

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**International CMV Drivers**

Drivers with valid CDLs from all fifty states and the District of Columbia may operate appropriate vehicles in interstate commerce. Additionally, drivers with valid CDLs or equivalent licenses from Canada and Mexico may operate CMVs with the United States in accordance with international agreements. There is no international driver's license that permits CMV operation by individuals not legally entitled to do so by a state (or the District of Columbia), the federal government of Mexico or a province or territory of Canada.

**Information on International Reciprocity Programs**
- FMCSA – International Programs: [https://www.fmcsa.dot.gov/international-programs](https://www.fmcsa.dot.gov/international-programs)

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**Additional Resources**

- American Bar Association: [http://www.americanbar.org/aba.html](http://www.americanbar.org/aba.html)
- Commercial Trucking Associations: [https://www.trucking.org/](https://www.trucking.org/)

International Association of Chiefs of Police: [http://www.theiACP.org/](http://www.theiACP.org/)
- National Traffic Law Center: [http://www.ntlc.org/](http://www.ntlc.org/)

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