Improving Highway Safety by Permanently Banning Commercial Drivers Convicted of Human Trafficking

The FMCSA Lifetime Disqualification for Human Trafficking and How Transportation Stakeholders Can Get Involved in Combating Trafficking

By FMCSA CDL Division

Human trafficking is a form of modern-day slavery that involves using force, fraud, or coercion to obtain labor or a commercial sex act. Human trafficking also includes the commercial sexual exploitation of children under any circumstances. Nearly 25 million men, women, and children are held against their will and trafficked into forced labor and prostitution.
The Federal Motor Carrier Safety Administration (FMCSA) is committed to combating human trafficking by working with public and private sector stakeholders to empower transportation employees and the traveling public to recognize and report possible instances of human trafficking.

Following the passage of the “No Human Trafficking on Our Roads Act” on January 8, 2018, FMCSA issued a rule to prohibit an individual from operating a commercial motor vehicle (CMV) for life if that individual uses a CMV to commit or in the commission of a felony involving a severe form of human trafficking. In addition, the rule revised the list of offenses found in 49 Code of Federal Regulations (CFR) Section 383.51 Table 1.

What does compliance with the final rule require?

State Driver Licensing Agencies (SDLAs) must comply with the rule by September 23, 2022. A State’s readiness to implement the final rule includes three critical components:

- First, passing legislation and/or regulations, as necessary, to implement the lifetime disqualification for convictions of human trafficking regulations in the State. This includes ensuring all elements of the definition for a severe form of trafficking in persons located in 22 U.S.C. 7102(11) are covered in a State’s criminal definition(s) of human trafficking.

- Second, modifying the State’s information technology systems and procedures, as necessary, to accommodate the transmission and receipt of driver-specific human trafficking convictions and/or withdrawal data from other SDLAs.

- Finally, ensuring all appropriate staff members are trained and prepared to handle this disqualification promptly and accurately.

The most important part of compliance is ensuring that SDLAs have the appropriate State legislation and regulations to disqualify commercial drivers convicted of human trafficking. The work does not stop there. It is essential that law enforcement, judges, and prosecutors are aware of and execute the disqualification requirement and can effectively send the appropriate conviction and disqualification information to SDLAs.
As outlined in 49 CFR 384.226, a State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a commercial learner’s permit or commercial driver’s license (CDL) holder’s conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the Commercial Driver’s License Information System driver record, including a human trafficking conviction.

The FMCSA strongly encourages communication between the SDLAs, State Courts, and State law enforcement to ensure only safe drivers operate on our nation’s highways.

**Does FMCSA provide funding for Human Trafficking Awareness and Training projects?**

Yes! The FMCSA provides financial assistance through its grant programs for projects that promote human trafficking awareness and training and has awarded over $2.5 million since fiscal year 2018.

FMCSA’s Commercial Driver’s License Program Implementation (CDLPI) and High Priority—Commercial Motor Vehicle grant programs allow eligible applicants to apply for projects that support recognizing, preventing, and reporting human trafficking.

**How can transportation stakeholders combat human trafficking?**

Knowing the warning signs of human trafficking and the different ways to report a tip is important. FMCSA is committed to combatting human trafficking and has partnered with organizations such as the National District Attorneys Association, the National Judicial College, and Truckers Against Trafficking to help accomplish this.

The Department of Transportation’s Transportation Leaders Against Human Trafficking (TLAHT) initiative is comprised of transportation and travel industry stakeholders, working collaboratively to maximize their collective impact in combating human trafficking. To date, TLAHT has engaged with hundreds of organizations from across the transportation industry.

The partnership focuses on five key areas and connects transportation stakeholders to available resources on: industry leadership, industry training and education, policy development, public awareness, and information sharing and analysis. We invite interested stakeholders to take the initiative and sign the pledge to partner with TLAHT and maximize our collective impact against human trafficking in the transportation industry.

If you’re interested in learning more about FMCSA’s efforts to combat human trafficking, please reach out to Isabella Marra, Transportation Specialist in FMCSA’s CDL Division, at ➤ isabella.marra@dot.gov.
Commercial Driver License (CDL) holders have the privilege of operating 80,000-pound vehicles, and with that privilege comes greater training, licensing expectations, and responsibility. CDL holders face lifetime disqualification from operating a commercial motor vehicle (CMV) if criminally convicted of a severe form of human trafficking. This training course will provide an overview of human trafficking on our highways and educate attendees about the Federal “No Human Trafficking on Our Roads Act” (NHTRA), which was signed into law on January 1, 2018. Under this rule, states have until September 23, 2022, to comply with a mandate to keep human traffickers off of our nation’s roadways. The mandatory lifetime disqualification without the possibility of reinstatement applies to those who engage in the use of a CMV for sex or labor trafficking. This course provides an overview of the steps prosecutors and judges must take to ensure CDL holders are appropriately suspended or disqualified.

Human Trafficking and the Impact on Commercial Driver’s Licenses is designed to be presented as a stand-alone training, or an individual module to be added to existing trainings.

**Training Course topics include:**

- Trafficking and CDL Holders
- Trafficking Victims Protection Act (TVPA)
- Trafficking Victims Protection Reauthorization Act (TVPRA)
- Types of trafficking defined
- License ramifications
- State adoptions of 49 U.S.C. 31310 (d)(2)
- Victim Identification
- Investigation
- Law Enforcement
- Trafficking Indicators
- Prosecuting the Case
- Victim and Witness Preparation
- Evidence Presentation
- Discussion Points
- Resources

For additional information about this course or to register, please visit the NDAA website or click here, or contact NTLC Staff Attorney Aaron Ann Cole-Funfsinn at aacole@ndaajustice.org.
Announcing NTLC’s New On-Line
On-Demand Drug-Impaired Driving
Training Course

Drug impaired driving cases are some of the most complex to investigate and prosecute. The National District Attorneys Association’s (NDAA) National Traffic Law Center (NTLC), the National Center for State Courts (NCSC), The Foundation for Advancing Alcohol Responsibility (Responsibility.org), and the National Alliance to Stop Impaired Driving (NASID) announce the launch of *Investigating & Prosecuting Drug-Impaired Driving Cases*, a new on-line course to help prosecutors understand the complex components of these cases and to provide effective methods to assist them with courtroom preparation and presentation.

This training course covers all the necessary aspects of prosecuting drug impaired drivers and includes topics relating to the importance of prosecuting drug impaired driving cases; the definitions of drug and drug categories; law enforcement investigation tools; the testimony of the toxicologist and the components of the toxicology report; the use of a DRE in trial; scientific research in drug impaired driving; common defense strategies; and considerations for jury selection. This training incorporates the expertise of the NDAA’s National Traffic Law Center and national subject matter experts combined with state-of-the-art online learning from the National Center for State Courts to prepare prosecutors for drug-impaired driving cases. Prosecutors can complete the on-line training, free of charge, and at a pace that works for them.

Completion of all slides, along with successfully passing a knowledge assessment quiz, earns the learner a certificate of completion and, in many instances, 3.0 hours of CLE credit with his or her state bar.

For additional information about this course or to register, please visit the NDAA website or [click here](#), or contact NTLC Senior Attorney M. Kimberly Brown at [mkbrown@ndaajustice.org](mailto:mkbrown@ndaajustice.org).