

UPCOMING TRAININGS & CONFERENCES

A full list of NDA A's virtual learning sessions is available at
[▶ ndaa.org/training-courses/](https://ndaa.org/training-courses/).

**NDA A's Mastering Masking Digital Course/
 On Demand Training (CLE Available)**
[▶ ndaa.org/training/mastering-masking-2/](https://ndaa.org/training/mastering-masking-2/)

**NDA A's Human Trafficking and the Impact on
 Commercial Driver's Licenses/On Demand Training**
[▶ ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/](https://ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/)

**NDA A's Prosecuting DUI Cases Online Course/
 On Demand Training (CLE Available)**
[▶ ndaa.org/training/prosecuting-dui-cases/](https://ndaa.org/training/prosecuting-dui-cases/)

**NDA A's Investigation and Prosecution of Drug-Impaired
 Driving Cases Online Course/On Demand Training
 (CLE Available)**
[▶ ndaa.org/training/on-demand-learning-investigation-and-prosecution-of-drug-impaired-driving-cases/](https://ndaa.org/training/on-demand-learning-investigation-and-prosecution-of-drug-impaired-driving-cases/)

**Considerations in the Age of True Crime Sensationalism
 (Live Webinar)**
 July 6, 2023 @ 2:00-3:30 p.m. ET

DEI: How to Identify Gaps in Your Office (Live Webinar)
 July 13, 2023 @ 2:00-3:00 p.m. ET

RESOURCES

Impaired Driving Resources
[▶ ndaa.org/programs/ntl/](https://ndaa.org/programs/ntl/)

CDL-Related Resources
[▶ ndaa.org/programs/ntl/commercial-drivers-license/](https://ndaa.org/programs/ntl/commercial-drivers-license/)

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AAMVA's CDL Resources for Prosecutors

By Kristen Shea, AAMVA Senior Programs Analyst for Member Services and Public Affairs

Prosecutors, law enforcement, judges, and court clerks are asked to master an endless variety of topics connected to the criminal justice system. An often-overlooked area is the impact of a commercial driver's license on many types of cases these professionals may handle. Although asked to manage countless demands, the investment in learning about important safety issues connected to CDLs can help prosecutors make the right decisions quickly when faced with such a case. Like many organizations, the American Association of Motor Vehicle Administrators offers prosecutors useful resources on the subject of commercial drivers.

The **American Association of Motor Vehicle Administrators (AAMVA)** is a nonprofit organization representing driver licensing authorities from each of the 50 United States, the District of Columbia (DC), and Canada. Its ongoing mission, *Safe Drivers, Safe Vehicles, Secure Identities, Saving Lives!*, is at

the core of the many services AAMVA provides. AAMVA's extensive IT staff support essential platforms relied on by state driver licensing authorities (SDLAs). AAMVA currently is under contract with the Federal Motor Carrier Safety Administration (FMCSA) to maintain its Commercial Driver Licenses Information System (CDLIS), a nationwide computer system that enables SDLAs to ensure each commercial driver has only one driver license and one complete driver record. At the national level, AAMVA also works with leaders on issues related to important topics such as REAL ID and autonomous vehicles. In addition, AAMVA subject matter experts work on numerous ongoing programmatic initiatives and offer technical assistance to jurisdiction members and other stakeholders. These subject matter experts come from various backgrounds including SDLAs, the courts, and law enforcement. For instance, AAMVA is integral in the world of CDL driver testing and testing system updates. In the context of impaired driving, AAMVA strives to help states implement implied consent orders. Despite AAMVA's 90-year history and important place in the world of traffic safety, many stakeholders, particularly prosecutors, remain unaware of the valuable resources AAMVA offers. These resources include a wide variety of publications available at [AAMVA.org](https://www.aamva.org).

One recent publication is AAMVA's *CDL Driver History Record Best Practices Guide*. This document is a novel endeavor to describe the roles and responsibilities of the various safety professionals involved in the creation of CDL driver history records, from roadside enforcement to sanction application by the state driver licensing authority (SDLA) of record. This document provides a broad, high-level explanation of the process by which CDL holder citations are issued, adjudicated, reported, recorded, and sanctioned. The guide is the product of a long-term collaboration of an AAMVA working group funded by FMCSA and comprised of professionals from the National Sheriff's Association, International Association of Chiefs of Police, National District Attorneys Association's National Traffic Law Center, National Judicial College, National Center for State Courts, and AAMVA jurisdiction members and staff. Each contributor provides a unique perspective.

... [E]ven basic traffic violations, like failure to use a signal, can be good predictors of future [CMV] crashes.

For more than a decade, the FMCSA has worked with stakeholders including AAMVA to improve the timeliness, accuracy, and completeness of CDL driver history records. While overall knowledge has improved, too often law enforcement officers in the field still overlook noting whether the offender holds a CDL privilege. Similarly, the nature of the involved vehicle is also skipped, whether a non-commercial vehicle or a commercial motor vehicle (CMV). Many simply do not realize specific, non-traffic offenses may carry sanctions on the CDL privilege as mandated by 49 CFR § 383.51 (which has been adopted by every state) as can driving offenses occurring in a personal vehicle. If the CDL or CMV is not recorded in the citation or arrest report, the prosecutor handling the offense, or the court adjudicating the matter, may fail to handle the case in accordance with anti-masking provisions promulgated by FMCSA, 49 CFR § 384.226 and applicable to each state. If a court is unaware of a defendant's CDL status, it may inadvertently permit inappropriate dispositions, such as diversion, but it may also fail to transmit convictions in a timely manner to the SDLA. The SDLA that does not realize a CDL is involved may itself miss the opportunity to apply mandatory sanctions. Each stakeholder involved in the process is responsible for creating an accurate record and depends on other partners to do the same.

The new best practice guide explains not only how all the stakeholders involved in CDL-related violation processing are interdependent, it also recommends joint training and cooperation among various stakeholders. For too long, criminal justice has functioned as a highly siloed field. This lack of connectivity and communication, however, can have real world implications. For example, a prosecutor may have questions about a CDL-related case, but not know who to call for answers. This missed opportunity for communication could negatively impact the case outcome. In addition, without the connections that come from sharing knowledge and even training, stakeholders may not have sufficient information. For instance, a serious offense conviction for a CDL holder may be misreported by a court or misinterpreted by an SDLA. In this case, an unsafe driver, who should have had his CDL privilege sanctioned or suspended, might remain on the road. A 2022 update of the American Transportation Research Institute's *Predicting Truck Crash Involvement* reveals even basic traffic violations, like failure to use a signal, can be good predictors of future crashes. Recent high-profile cases involving CDL holders demonstrate the potential dangers of an unsafe driver behind the wheel

of big truck or bus. In April 2023, the FMCSA issued an [imminent hazard order](#) against a driver involved in a [multiple fatality crash](#) days after being cited for other driving offenses. This case demonstrates how important it is for all violations to be quickly, accurately, and completely reflected on a CDL holder's driver history record. It takes every traffic stakeholder involved in the processing of CDL-related violations to avoid situations like this. Success, of course, depends on awareness of a driver's CDL status and its implications. Awareness of a defendant's CDL status and its implications is key. As explained, to comply with applicable Federal Motor Carrier Safety Regulations (FMCSR), a prosecutor must know *every* offender's CDL status. CDL status should be noted as a matter of habit, and a prosecutor should know what action to take when a defendant has a CDL privilege. A busy prosecutor not previously exposed to basic CDL information may be disinclined or unable to take the time to research the issue, even when faced with a case involving CDL implications, such as severe forms of human trafficking, domestic violence kidnapping in which a car was used, or even an impaired driving case in which the offender is seeking diversion. If the prosecutor has participated in training, or even read the available AAMVA resource, however, the outcome may be different.

Ideally, the prosecutor will have been able to review the AAMVA resource, participate in training such as that offered by the National Traffic Law Center,¹ and will have developed contacts within her jurisdiction's SDLA. A quick email, text, or call can easily resolve questions that initially appear complex. This strategy of advance education and network building can greatly improve outcomes. The prosecutor, in the moment, will be able to handle the case as required by the FMCSRs. The resulting CDL driver history record will be a more accurate reflection of actual driver behavior. Future law enforcement, prosecutors, judges, and SDLAs will then have the information necessary to appropriately address the CDL privilege of any given driver.

In all cases involving a CDL holder, no matter the alleged offense or whether it involved driving at all, the smart approach is understanding the applicable laws. A good place to start is AAMVA's new best practice document. Other resources specific to prosecutors and the courts are also available, including AAMVA's recent [Developing and Maintaining Successful Prosecutor Partnerships](#). In addition, AAMVA personnel stand ready to assist whatever the question and are happy to connect courts and prosecutors with representatives from the jurisdiction SDLA. Questions and requests for assistance can be [submitted via AAMVA's website](#). CDL cases can be complex, but a little advance knowledge and the support of other stakeholders will help prosecutors make the right decisions and keep the roads safe.

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About the Author

Kristen Shea is Senior Programs Analyst for Member Services and Public Affairs with AAMVA where she leads working groups on projects related to CDL Driver History Record best practices and Emergency Resilience and Response preparedness for SDLAs. Prior to joining AAMVA, she served as Special Assistant to Board Member Earl F. Weener at the National Transportation Safety Board (NTSB) for four years working on multi-modal crashes. Before NTSB, Ms. Shea worked as a Senior Attorney for the National District Attorneys Association's National Traffic Law Center for six years in a position grant funded by the Federal Motor Carrier Safety Administration. Ms. Shea was also a program manager at the Tennessee Governor's Highway Safety Office and

¹ See the NTLC's online training, including [Mastering Masking: Legal and Ethical Consequences of Plea Negotiations Involving Commercial Driver's Licenses](#), and the [Mastering Masking Digital Course](#), both of which offer the attendee continuing legal education credit. NTLC also offers a four-part video, [From Roadside to Record](#), that focuses on enforcing, prosecuting, and adjudicating CDL traffic stops in accordance with federal and state regulations. The National Traffic Law Center's (NTLC) also offer numerous, free CDL resources such as [Commercial Driver's Licenses: A Prosecutor's Guide to the Basics of Commercial Motor Vehicle Licensing and Violations](#), [Distracted Driving CDL Enforcement for Prosecutors and Law Enforcement](#), [CDL Quick Reference Guide](#), and the [Masking Quick Reference Guide](#). NTLC staff is also available for CDL-related technical assistance by visiting the NTLC website at ndaa.org/programs/ntlc/commercial-drivers-license/ or by emailing Senior Attorney [Jim Camp](#) or Staff Attorney [Bella Truong](#) directly.

served for almost 10 years as a prosecuting attorney, including time in Nashville as the head of the Vehicular Crimes Unit.

Ms. Shea earned her law degree from the University of Memphis and her undergraduate degree at Trinity University in San Antonio, TX. She additionally completed a Master of Public Administration and Graduate Certificate in Homeland Security and Emergency Management in the fall of 2019 at George Mason University where she is currently pursuing a Ph.D. in Public Policy.

For additional information relating to CDL-related matters, or to access CDL-related resources, please visit the NTLC website [here](#) or visit ndaa.org/programs/ntlc/commercial-drivers-license/. NTLC attorneys are also available to answer questions; contact Senior Attorney [Jim Camp](#) or Staff Attorney [Bella Truong](#).