

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/)

NDA A's 2024 Leadership Academy
November 13–15, 2024, Philadelphia, PA

NDA A's Forensic Evidence Course
December 9–11, 2024, Savannah, GA

RESOURCES

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

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

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Not Just Traffic: Tools & Tips When Prosecuting Felonies That Disqualify a Commercial Driver's License

*By Kristen Shea, Senior Programs Analyst
for Member Services and Public Affairs,
American Association of Motor Vehicle Administrators*

In 2021, the U.S. transportation system moved an average of 53.6 million tons of freight daily, valued at over \$54 billion. Large trucks were responsible for more than 64% of this movement.¹ To accomplish this, large trucks and buses traveled a staggering 343.7 billion miles across the United States.² Without question,

¹ Bureau of Transportation Statistics, [Moving Goods in the United States | BTS Data Inventory](https://www.bts.gov/publications/data-inventory) (dot.gov)

² Federal Motor Carrier Safety Administration, [Pocket Guide to Large Truck and Bus Statistics 2023](https://www.fmcsa.gov/publications/pocket-guide-to-large-truck-and-bus-statistics-2023) (dot.gov)

the United States heavily relies on commercial transportation to move its food, goods, and citizens. Most commercial drivers are highly skilled professionals dedicated to following the law. However, there are some who disregard traffic safety regulations and traffic control laws, and engage in serious criminal conduct. Recognizing the immense responsibility entrusted to commercial driver's license (CDL) holders, Congress enacted laws designed to address and prevent dangerous driving behaviors.

For many prosecutors, it may be surprising to learn that some felony offenses, even those outside the state traffic code, can impact a defendant's CDL. A broad range of crimes, including human trafficking and the sale of controlled substances, can result in mandatory loss of CDL privileges. The National Traffic Law Center's March 2023 *Between the Lines* article titled, "[Not Just Traffic: When a Non-Traffic Felony Conviction Disqualifies a Commercial Driver's License](#)," covered the federal regulations governing these mandatory sanctions in-depth. This article serves as a follow-up to introduce a new resource designed to assist traffic safety stakeholders. This resource will help in accurately identifying charges that lead to disqualification and provide practical steps to ensure these convictions are properly reported. The American Association of Motor Vehicle Administrators (AAMVA), through grant funding from the Federal Motor Carrier Safety Administration (FMCSA), has addressed this gap in understanding the required CDL sanctions by developing this new resource. This white paper and slide based training module should be available on AAMVA's website in October 2024.

AAMVA's new materials focus on and discuss the provisions of 49 CFR 383.51. This section pertains to various offenses, per this Federal Motor Carrier Safety Regulation, that must result in a CDL action by the state driver licensing authority. Table 1 of this section specifies the major disqualifying violations for which a conviction must result in at least one year of CDL loss. Second or subsequent such violations result in a mandatory lifetime CDL loss (though some states allow petitions to obtain a CDL after 10 years have elapsed).

Major offenses within Table 1 include traffic or driving offenses that commonly carry driver license sanctions, such as impaired driving and implied consent violations. However, Table 1 also states that, if a defendant was operating any kind of motor vehicle, then "(u)sing the vehicle to commit a felony" requires the same sanction.

While 49 CFR 383.51 is a federal regulation, each of the 50 states and the District of Columbia have adopted this language, either in specific code or by reference. This means every state prosecutor is responsible for connecting these convictions to a defendant's driving history. This can best be accomplished with three simple steps.

First, in every case, it is critical **to obtain the defendant's driver license status at the time of the offense** (keeping in mind some defendants may surrender their CDL privilege after an arrest in a futile attempt to avoid mandatory sanctions). This may seem odd for domestic violence or narcotics prosecutors, but it is important to keep in mind that a wide range of felonies, from kidnapping to drug distribution, rely on motor vehicle transport. Even keeping stolen goods in a vehicle could trigger the requirement for CDL sanctions. In each and every case, therefore, a defendant's CDL status matters.

Second, in cases where the defendant holds a CDL and a felony was committed using any kind of car or truck, the prosecutor should **make sure that the plea's statement of facts reflects the involvement of a vehicle** (for cases proceeding to trial, the charging instrument or some other manner of notice will need to reflect the use of a vehicle). This will help alert the judge to the requisite sanction and ensure the defendant is made aware that the conviction will result in CDL loss as a matter of law.

Third, the prosecutor should **work with the court and clerk to make sure the conviction, with information related to the defendant's CDL status and identifying the conviction as a felony in which a motor vehicle was used, is conveyed to the state driver license authority**. The disposition document should include this information. The process by which the court and clerk convey information to the state driver licensing authority will look the same as when an impaired driving or vehicular homicide conviction is transmitted.

For many prosecutors, it may be surprising to learn that some felony offenses, even those outside the state traffic code, can impact a defendant's CDL.

AAMVA's white paper and slides cover these steps and discuss the various roles that stakeholders from law enforcement to the state driver licensing authority have. It is critical that courts send the conviction to its state driver licensing authority with sufficient identifying and conviction supporting information because the driver licensing authority has a duty to report the conviction to the Commercial Driver License Information System (CDLIS) to convey it to the state which issued the defendant's CDL. Every stakeholder in this process, from prosecutor to judge to state driver licensing authority, is responsible for avoiding the prohibited practice of masking. The FMCSA reviews state conviction reporting compliance, and it has the ability to act against states that do not comply with requirements.

To avoid masking felony convictions for CDL holders, stakeholders can use AAMVA's new materials. Whether reviewing the white paper or incorporating the accompanying slides into instant or recurring training, the key is to increase awareness of the connection between CDL status and felony convictions. No prosecutor wants to violate rules or fail to impose mandatory sanctions.

More importantly, no prosecutor wants to learn that a driver who's CDL should have been disqualified has been involved in a serious crash. AAMVA hopes that its new resources will support the timely and accurate reporting of all relevant convictions for CDL holders and ultimately result in safer roads for the traveling public.

Look for AAMVA's new resources on its website at [AAMVA.org](https://www.aamva.org) or reach out to Kristen Shea (kshea@aamva.org) with any questions.

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About the Author

Kristen Shea is Senior Programs Analyst for Member Services and Public Affairs with the American Association of Motor Vehicle Administrators (AAMVA).

Prior to joining AAMVA, she served as Special Assistant to Board Member Earl F. Weener at the National Transportation Safety Board (NTSB). During her four years at NTSB, Ms. Shea was senior advisor to Member Weener, providing policy guidance and operating as a liaison between Dr. Weener and the 400 NTSB staff members.

Before working at the NTSB, Ms. Shea worked as a Senior Attorney for the National District Attorneys Association's National Traffic Law Center for six years. Her position was grant funded by the Federal Motor Carrier Safety Administration (FMCSA). FMCSA awarded the grant to NTLC in order to develop and produce resource materials addressing commercial driver licensing and other commercial vehicle issues common to the criminal justice system. In 2010, Kristen co-authored a monograph entitled *Commercial Drivers Licenses: A Prosecutor's Guide to the Basics of Commercial Motor Vehicle Licensing and Violations*. At NTLC, she assisted judges, prosecutors, court staff, and law enforcement with inquiries regarding traffic law and provided local, state, and national training.

Kristen came to NDAA by way of the Tennessee Governor's Highway Safety Office where she worked as a program manager for the multiple grants, providing support and oversight for programmatic and financial activities. Prior to her work in program management, she served as a prosecuting attorney for 10 years with the majority of her time spent litigating cases as an Assistant District Attorney in Nashville, Tennessee. During the last several years of her time as a prosecutor, she worked as the team leader of the Vehicular Crimes Unit, specializing in traffic-related criminal offenses ranging from impaired driving to vehicular homicide. She earned her law degree from the University of Memphis and her undergraduate degree at Trinity University in San Antonio, TX.

NTLC Staffing Update

NTLC welcomes Jill Bennett as its newest team member. Jill joined NDAA this month as a Staff Attorney and will work on commercial driver's license matters with Bella Truong and Jim Camp.

Jill has over ten years of legal experience prior to joining NDAA, the majority of which she served as a prosecutor in the Commonwealth of Virginia in the City of Portsmouth, Fairfax County and the City of Virginia Beach. In addition, Jill worked in the Loudoun County Attorney's Office. She earned her BA from University of North Carolina at Chapel Hill and her JD from Regent University.

Throughout her career, Jill has prosecuted a wide range of crimes, but she has a particular passion and expertise in traffic-related cases. She most recently was a member of the DUI Team with the City of Virginia Beach. Jill's commitment to saving lives on our roads and dedication to excellence in her work are just a couple of reasons she is such a good fit for her new role at NDAA.

Jill may be reached via email at JBennett@ndaajustice.org or by phone at (703) 519-1650.

