



National District Attorneys Association  
National Traffic Law Center  
State Masking and/or State Adoption of Federal CDL Regulations

Prosecutors adjudicate several types of cases throughout their careers, among the most challenging, are cases related commercial driver’s license (CDL) holders. Prosecutors are sometimes unaware of the additional federal requirements that exist when handling cases that involve CDL holders. An important federal regulation that local and state prosecutors should be aware of is [49 C.F.R. §384.226](#): Prohibition on Masking convictions. Under this regulation, “the 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 (CLP) or 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 CDLIS driver record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State.” In addition, each state is required to adopt this regulation under 49 [U.S.C.A. § 31311](#) and [49 C.F.R. §384.301](#). This compilation provides information about state statutes that comply with the Federal mandate. Since state legislatures meet at varying times around the nation, any information in this compilation could change. Users are encouraged to use this compilation as a starting point when researching state CDL laws. Be aware that state terminology may differ and there are several states where Masking statutes (or any similar adoption of this federal regulation) are not in place. However, even without any state adoption, Masking is still prohibited by Federal law. The NTLC also provides a [Masking Quick Reference Guide](#) available for use as a reference.

STATE	NOTES	STATUTORY LANGUAGE
<b>Alabama</b>		<p><b>Alabama Uniform Commercial Driver License Act: Code of Ala. §32-6-49.1— §32-6-49.24</b></p> <p><b>Code of Ala. §32-9A-2: Compliance with Federal Motor Carrier Safety Regulations</b></p> <p><b>(a)</b></p> <p><b>(1)</b> Except as otherwise provided in subsection (b), no person may operate a commercial motor vehicle in this state, or fail to maintain required records or reports, in violation of the federal motor carrier safety regulations as prescribed by the U.S. Department of Transportation, 49 C.F.R. Part 107, Parts 171-180, Parts 382-387, and Parts 390-399 and as they may be amended in the future. Except as otherwise</p>

		<p>provided herein, this chapter shall not be construed to repeal or supersede other laws relating to the operation of motor vehicles.</p> <p><b>Code of Ala. §32-6-49.23: Eligibility for a deferred prosecution program, diversion program, or deferred imposition of judgment program.</b></p> <p>A holder of a commercial driver’s license, an operator of a commercial motor vehicle, or a commercial driver learner permit holder who is charged with a violation of a traffic law in this state shall not be eligible for a deferred prosecution program, diversion program, or any deferred imposition of judgment program.</p>
<b>Alaska</b>		<p><b>Alaska Administrative Code:</b>  <b>Title 2: Chapter 90: Article 5. Traffic Offenses Demerit Point System</b></p> <p><b>2 AAC 90.320</b></p> <p><b>(c)</b> A commercial driver license holder convicted, in this state or in another state, of a violation committed while operating any type of vehicle, may not mask, defer imposition of judgment, or enter into a diversion program to prevent the violation of a state or local traffic control law, except a parking violation, from appearing on the driving record.</p>
<b>Arizona</b>		<p><b>A.A.C. §R17-5-202. Motor Carrier Safety: Incorporation of Federal Regulations; Applicability</b></p> <p><b>(a)</b> The Department incorporates by reference <u>49 CFR 40, 379, 382, 383, 385, 390, 391, 392, 393, 395, 396, 397,</u> and 399, revised as of October 1, 2012, and no later amendments or editions, as amended under this Article. The incorporated material is on file with the Department and is available from the U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000. The incorporated material can be ordered online by visiting the U.S. Government Online Bookstore at <a href="http://bookstore.gpo.gov">http://bookstore.gpo.gov</a>.</p>

		<p><b>(b)</b> The sections of 49 CFR incorporated under subsection (A) apply as amended under this Article to all intrastate and interstate motor carriers operating in Arizona and persons operating a commercial motor vehicle, except as provided under subsection (C).</p> <p><b>(c)</b> The intrastate operator of a tow truck with a gross vehicle weight rating of 26,000 pounds or less is exempt from the requirements of <u>49 CFR 390</u> through 399, except that the driver is subject to the physical qualifications and examination requirements of <u>49 CFR 391</u>, subpart E.</p>
Arkansas:		<p><b>Arkansas Uniform Commercial Driver License Act: Title 27- Transportation</b></p> <p><b>Ark. Code. Ann. §27-23-102: Statement of intent and purpose</b></p> <p><b>(a)</b> The purpose of this subchapter is to implement the Commercial Motor Vehicle Safety Act of 1986, Title XII of Pub. L. 99-570, and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:</p> <ul style="list-style-type: none"> <li><b>(1)</b> Permitting commercial drivers to hold only one (1) license;</li> <li><b>(2)</b> Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses; and</li> <li><b>(3)</b> Strengthening licensing and testing standards for commercial drivers.</li> </ul> <p><b>(b)</b> This subchapter is a remedial law and shall be liberally construed to promote the public health, safety, and welfare. To the extent that this subchapter conflicts with general driver licensing provisions, this subchapter prevails. Where this subchapter is silent, the general driver licensing provisions apply.</p> <p><b>Ark. Code Ann §27-23-128: Deferment of sentence -- Restrictions</b></p> <p>No circuit or district court judge may utilize <u>§ 5-4-321</u>, <u>§ 16-90-115</u>, <u>§ 16-90-904</u>, <u>§§ 16-93-301 -- 16-93-303</u>, <u>§ 16-93-314</u>, or <u>§ 27-50-701</u> or any other program to defer imposition of sentence or enter the person into a diversion program in instances in which the person holds a</p>

		commercial driver license or a commercial learner's permit and is charged with violating any state or local traffic law other than a parking violation.
<b>California:</b>	<i>People v. Meyer, 186 Cal. App. 4th 1279</i> : The court in this decision held that a driver who held a commercial driver's license at the time of the violation of a traffic offense is barred from completing traffic school in lieu of adjudicating the traffic offense pursuant to Veh Code § 42005 subd. (c), in compliance with 49 CFR §384.226.	<p><b>Cal Veh Code Chapter 7: Commercial Motor Vehicle Safety Program</b></p> <p><b>Cal Veh Code § 15200: Legislative intent</b></p> <p>It is the intent of the Legislature, in enacting this chapter, to adopt those standards required of drivers by the Federal Motor Carrier Safety Administration of the United States Department of Transportation, as set forth in the federal Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159) and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by permitting drivers to hold only one license, disqualifying drivers for certain criminal offenses and serious traffic violations, and strengthening licensing and testing standards. This act is a remedial law and shall be liberally construed to promote the public health, safety and welfare. To the extent that this chapter conflicts with general driver licensing provisions, this chapter shall prevail. Where this chapter is silent, the general driver licensing provisions shall apply. It is the further intent of the Legislature that this program be fee supported, and that the department fully recoup its costs within four years of the program's enactment.</p>
<b>Colorado:</b>		<p><b>Colo. Rev. Stat. §42-2-401: Commercial Driver's License Act</b></p> <p><b>Colo. Rev. Stat §42-4-1719: Violations – commercial driver's license – compliance with federal regulations</b></p> <p>As to a holder of a commercial driver's license as defined in <u>section 42-2-402</u> or the operator of a commercial motor vehicle as defined in <u>section 42-2-402</u>, a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record.</p>
<b>Connecticut</b>		<b>Conn. Gen. Stat. §54-56g (h): Pretrial alcohol education program</b>

		<p><b>(h)</b> The provisions of this section shall not be applicable in the case of any person charged with a violation of <u>section 14-227a</u> or <u>14-227m</u> or subdivision (1) or (2) of subsection (a) of <u>section 14-227n (1)</u> while operating a commercial motor vehicle, as defined in <u>section 14-1</u>, or (2) who holds a commercial driver's license or commercial driver's instruction permit at the time of the violation</p>
<b>Delaware</b>		<p><b>Del. Code Ann. Tit. 21 § 2602: Statement of intent and purpose</b></p> <p><b>(a)</b> The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law 99-570) [<u>49 U.S.C. § 521</u>, Appendix §§ 2304, 2701-2716; repealed] and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:</p> <ul style="list-style-type: none"> <li><b>(1)</b> Permitting commercial drivers to hold only 1 license;</li> <li><b>(2)</b> Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses;</li> <li><b>(3)</b> Strengthening commercial driver licensing and testing standards.</li> </ul> <p><b>(b)</b> This chapter is a remedial law and shall be liberally construed to promote the public health, safety and welfare. To the extent that this chapter conflicts with general driver licensing provisions, this chapter prevails. Where this chapter is silent, the general driver licensing provisions apply.</p> <p><b>Del. Code Ann. Tit. 21 §2625: Masking Violations</b></p> <p>The State shall not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CDL/CLP holder's and CMV driver's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law (except a parking violation) from appearing on the driver's record, whether the driver was convicted for an offense committed in this State or another state.</p>
<b>District of Columbia</b>		<b>D.C. Mun. Regs. Title 18, § 1400: Compliance with Federal Regulations</b>
<b>Florida</b>		<b>Fla. Stat. §322.51: Uniform Classified Commercial Driver License Act</b>

<p><b>Georgia</b></p>		<p><b>Ga. Code Ann. § 40-5-141: Commercial Drivers' Licenses</b></p> <p>The purpose of this article is to implement the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by permitting commercial drivers to hold only one license; disqualifying commercial drivers who have committed certain criminal or other offenses or serious traffic violations; and strengthening commercial driver licensing and testing standards. This article is a remedial law and shall be liberally construed to promote the public health, safety, and welfare. To the extent that this article conflicts with general driver licensing provisions, this article shall prevail. Where this article is silent, the general driver licensing provisions shall apply.</p>
<p><b>Hawaii</b></p>		<p><b>HRS §286 Part XI and Part XIII: Motor Carrier Safety Laws</b></p> <p><b>HRS § 286-245: Driving record information to be recorded and furnished</b></p> <p><b>(c)</b> No commercial learner's permit or commercial driver's license driver's conviction for any violation in any type of motor vehicle of a state or local traffic control law, except a parking violation, shall be expunged or subject to deferred imposition of judgment nor shall an individual be allowed to enter into a diversion program that would prevent the conviction from appearing on the driver's driving record, whether the driver was convicted for an offense committed in this State or another state.</p>
<p><b>Idaho</b></p>		<p><b>I.C. Title 49 Chapter 3</b></p> <p><b>I.C. §49-1416 Record of traffic cases – Report of convictions to department</b></p> <p><b>(5)</b> Courts shall not mask, defer imposition of judgment, or allow the holder of a commercial driver's license or a person cited while operating a commercial motor vehicle, to enter into a diversion program that would prevent a conviction in any jurisdiction of a violation of a state or local traffic control law, excluding a parking violation, from appearing on the driver's record.</p>
<p><b>Illinois</b></p>		<p><b>Chapter 625 Chapter 6 Article V: Commercial Motor Vehicle Operators</b></p>

		<p><b>625 ILCS 5/6-500.2: Statement of intent and purpose</b>  The purpose of this UCDLA is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law <u>99-570</u>) [49 U.S.C. § 2701 et seq.] and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:</p> <ul style="list-style-type: none"> <li><b>(a)</b> permitting commercial drivers to hold only one driver’s license;</li> <li><b>(b)</b> disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses; and</li> <li><b>(c)</b> strengthening commercial driver licensing and testing standards.</li> </ul> <p>This UCDLA is remedial in nature and should be liberally construed to promote the public’s health, safety and welfare. To the extent that this UCDLA conflicts with any other provisions of this Code, the UCDLA shall prevail. Where this UCDLA is silent, the other general provisions of this Code shall apply.</p>
<p><b>Indiana</b></p>		<p><b>I.C. 8-2. 1-24-18 – Compliance reviews for intrastate carriers – Enforcement</b></p> <p><b>(a)</b> <u>49 CFR Parts 40, 375, 380, 382 through 387, 390 through 393, and 395 through 398</u> are incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), (g), and (j), must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under <u>49 CFR 385</u> shall be selected according to criteria determined by the superintendent which must include but are not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. However, the provisions of <u>49 CFR 395</u> that regulate the hours of service of drivers, including requirements for the maintenance of logs, do not apply to a driver of a truck that is registered by the bureau of motor vehicles and used as a farm truck under IC 9-18 (before its expiration) or IC 9-18.1-7 or a vehicle operated in intrastate construction or construction related service, or the restoration of public utility services interrupted by an emergency. Except as provided in subsection (i) and (j):</p> <p><b>(1)</b> intrastate motor carriers not operating under authority issued by the United States Department of Transportation shall comply with the requirements of <u>49 CFR 390.21(b)(3)</u> by</p>

		<p>registering with the department of state revenue as an intrastate motor carrier and displaying the certification number issued by the department of state revenue preceded by the letters "IN"; and</p> <p><b>(2)</b> all other requirements of <a href="#">49 CFR 390.21</a> apply equally to interstate and intrastate motor carriers.</p>
<b>Iowa</b>		<p><b>I.C.A. §321.188 – Commercial Driver’s License Requirements</b></p> <p><b>I.C.A. §321.449 – Motor Carrier Safety Rules</b></p> <p>1.</p> <p><b>(a)</b> A person shall not operate a commercial vehicle on the highways of this state except in compliance with rules adopted by the department under chapter 17A. The rules shall be consistent with the federal motor carrier safety regulations promulgated under United States Code, Tit. 49, and found in <a href="#">49 C.F.R. pts. 385, 390 - 399</a> and adopted under chapter 17A.</p>
<b>Kansas</b>		<p><b>K.S.A. 8-2: Uniform Commercial Driver’s License Act</b></p> <p><b>K.S.A 8-2, 150: Commercial driver’s licenses; diversion agreements not allowed.</b></p> <p><b>(a)</b> A driver or a holder of a commercial driver’s license may not enter into a diversion agreement in lieu of further criminal proceedings that would prevent such person’s conviction for any violation, in any type of motor vehicle, of a state or local traffic control law, except a parking violation, from appearing on the person’s record, whether the person was convicted for an offense committed in the state where the person is licensed or another state.</p> <p><b>(b)</b> For purposes of subsection (a), a person shall be considered a holder of a commercial driver’s license if the person was a holder of a commercial driver’s license at the time the person was arrested or was issued a citation and shall remain a holder of a</p>



		<p>commercial driver's license even if the person surrenders the commercial driver's license after the arrest or citation.</p> <p><b>(c)</b> The provisions of this section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.</p>
<b>Kentucky</b>		<p><b>KRS § 281A.185 – Masking, delaying or diverting CDL holder's conviction for violation of state or local traffic control law prohibited</b></p> <p><b>(1)</b> The Commonwealth shall not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CDL holder's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law from appearing on the CDLIS driver record, whether the driver was convicted for an offense committed in the Commonwealth or another state.</p> <p><b>(2)</b> This section shall not apply to the following violations:</p> <ul style="list-style-type: none"> <li><b>(a)</b> Parking;</li> <li><b>(b)</b> Vehicle weight; or</li> <li><b>(c)</b> Vehicle defect.</li> </ul>
<b>Louisiana</b>		<p><b>LSA-R.S. 32:414.2 – Commercial motor vehicle drivers and drivers with a commercial learner's permit</b></p>
<b>Maine</b>		<p><b>29-A M.R.S.A. §1253: Commercial Licenses</b></p> <p><b>(2) Compliance with Federal Law.</b> The State must comply with the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, 113 Stat. 1748 and regulations adopted under those Acts in issuing or suspending a commercial license. In the case of any conflict between the federal statute or regulation and a statute or rule of this State, the federal statute or regulation must apply and take precedence. To ensure</p>

		<p>compliance, the Secretary of State shall adopt rules, administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments.</p> <p>These compliance measures must include, but are not limited to, provisions that:</p> <ul style="list-style-type: none"> <li><b>(A)</b> Provide for full state participation in the national commercial driver’s license clearinghouse;</li> <li><b>(B)</b> Require commercial drivers to have a single license;</li> <li><b>(C)</b> Reduce and prevent commercial motor vehicle accidents, fatalities and injuries by disqualifying commercial drivers who have committed serious traffic or other designated offenses from operating commercial motor vehicles;</li> <li><b>(D)</b> Protect public safety by removing from public ways a commercial driver who has: <ul style="list-style-type: none"> <li><b>(1)</b> Operated or attempted to operate a commercial vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;</li> <li><b>(2)</b> Refused to submit to or complete a lawfully requested test to determine that driver’s alcohol level; or</li> <li><b>(3)</b> Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; and</li> </ul> </li> <li><b>(E)</b> Provide maximum safety on public ways.</li> </ul>
<b>Maryland</b>		<p><b>MD Code Title 16 Subtitle 8: Maryland Commercial Driver’s License Act</b></p> <p><b>Md. Transportation Code Ann. §16 – 802: Purpose; construction</b></p> <p><b>(a) Purpose.</b> -- The purpose of this subtitle is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) and reduce or prevent heavy and commercial motor vehicle accidents, fatalities, and injuries by:</p> <ul style="list-style-type: none"> <li><b>(1)</b> Disqualifying drivers for certain criminal offenses and serious traffic violations; and</li> </ul>

		<p>(2) Strengthening licensing and testing standards.</p> <p><b>Md. Transportation Code Ann. §16 - 820: Regulations</b>  The Administration may adopt and enforce regulations not inconsistent with the Maryland Vehicle Law, the federal Commercial Motor Vehicle Safety Act, and the Code of Federal Regulations in order to carry out the provisions of this subtitle.</p>
Massachusetts		<p><b>540 CMR 14.00: Motor Carrier Safety and Hazardous Material</b></p> <p><b>540 CMR 14.01: Purpose</b></p> <p><u>540 CMR 14.00</u> is adopted by the Registrar of Motor Vehicles pursuant to <u>M.G.L. c. 90, §§ 19L and 31</u>, to establish rules and regulations governing the use and operation of certain motor vehicles, trailers and commercial motor vehicles, the auditing of records of commercial motor carriers, and motor carrier safety and the transportation of hazardous materials by motor carriers in both intrastate and interstate commerce upon the public ways of the Commonwealth of Massachusetts. <u>540 CMR 14.00</u> is adopted to reduce the number and severity of accidents and hazardous materials incidents involving commercial vehicles, consistent with the Federal Motor Carrier Safety Regulations and the Federal Hazardous Materials Regulations issued by the United States Department of Transportation.</p> <p><b>ALM GL ch. 90F: Uniform Operation of Commercial Motor Vehicles Act</b></p>
Michigan		<p><b>MCLS § 480.11a: Adoption of federal regulations; exceptions; definitions</b></p> <p>(1) This state adopts the following provisions of title 49 of the code of federal regulations on file with the office of the secretary of state, except where modified by this act:</p> <p>(a) Hazardous materials regulations, being 49 CFR parts 105 through 180 except for the transportation of agricultural products for which an exception from the application of 49 CFR subchapter C and <u>49 CFR part 172</u>, subparts G and H, is provided under <u>49 CFR 173.5</u>, is specifically authorized if the transportation is in compliance with this act and other state law.</p>

		<p><b>(b)</b> Motor carrier safety regulations, being <u>49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387, 390 through 393, 395 through 399</u> including the appendices of each part, except for the following:</p> <p><b>(i)</b> Except as provided in this subparagraph, where the term “United States department of transportation”, “federal motor carrier safety administration”, “federal motor carrier safety administrator”, “director”, “bureau of motor carrier safety”, “pipeline and hazardous materials administration”, or “associate administrator for hazardous materials safety” appears, it refers to the department of state police. If the term is being used for the purposes of <u>49 CFR part 397</u> as it relates to routing and movement of hazardous materials, it refers to the Michigan state transportation department.</p> <p><b>(ii)</b> Where “interstate” appears, it means intrastate or interstate, or both, as applicable, except as specifically provided in this act.</p> <p><b>(iii)</b> Where “special agent of the federal motor carrier safety administration”, “administration personnel”, or “hazardous materials enforcement specialist” appears, it either means a peace officer or an enforcement member of the motor carrier division of the department of state police.</p> <p><b>(iv)</b> Where MCS 63 appears, it means MC 9 and MC 9b.</p> <p><b>(v)</b> Where MCS 64 appears, it means UD-70.</p> <p><b>(vi)</b> Exempt intracity zones and the regulations applicable to exempt intracity zones do not apply to this act.</p> <p><b>M.C.L.S. §257.732: Record of cases; forwarding abstract of record or report to secretary of state</b></p> <p><b>(21)</b> Notwithstanding any other law of this state, a court shall not take under advisement an offense committed by a person while operating a motor vehicle for which this act requires a conviction or civil infraction determination to be reported to the secretary of state. A conviction or civil infraction determination that is the subject of this subsection shall not be masked, delayed, diverted, suspended, or suppressed by a court. Upon a conviction or civil</p>
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		<p>infraction determination, the conviction or civil infraction determination shall immediately be reported to the secretary of state in accordance with this section.</p>
<b>Minnesota</b>		<p><b>M.S.A. §171.161; Commercial Driver’s License; Federal Conformity</b></p> <p><b>Subdivision 1. <i>Conformity with federal law.</i></b> — The commissioner of public safety shall ensure the programs and policies related to commercial drivers’ licensure and the operation of commercial motor vehicles in Minnesota conform with the requirements of Code of Federal Regulations, title 49, part 383.</p> <p><b>Subdivision 2. <i>Conflicts.</i></b> — To the extent a requirement of sections 171.162 to 171.169, or any other state or local law, conflicts with a provision of Code of Federal Regulations, title 49, part 383, the federal provision prevails.</p> <p><b>M.S.A. §171.163: Commercial Driver’s License Record Keeping</b></p> <p>An agency, court, or public official in Minnesota shall not mask, defer imposition of judgment for, or allow an individual to enter into a diversion program that would prevent a conviction for a violation of a state or local traffic control law, except a parking violation, from appearing on the driving record of a holder of a commercial driver’s license, when the violation is committed in any type of motor vehicle, or on the driving record of an individual who committed the violation in a commercial motor vehicle.</p>
<b>Mississippi</b>		<p><b>Miss. Code Ann. §63-1-202: Statement of intent and purpose.</b></p> <p>The purpose of this article is to implement the Federal Commercial Motor Vehicle Safety Act of 1986 (49 USCS Appx. Section 2701 et seq.), hereinafter referred to as “CMVSA,” and thereby prevent the loss to the State of Mississippi of substantial federal highway funds as a penalty for failure to comply therewith.</p> <p>This article is a remedial law which should be liberally construed to promote public health, safety and welfare. The provisions of Article 1 of this chapter, being the Highway Safety Patrol and Driver’s License Law of 1938, and the provisions of Title 63, Chapter 11, Mississippi Code of 1972, being the Mississippi Implied Consent Law, including penalties for violations thereof, shall be applicable to the provisions of this article to the extent that such laws do not conflict</p>

		<p>with the provisions of this article. If any provisions of this article conflict with the provisions of the Highway Safety Patrol and Driver's License Law of 1938 or the Mississippi Implied Consent Law, then the provisions of this article shall control.</p> <p><b>Miss. Code Ann. §63-1-222: Deferring imposition of sentence</b></p> <p>No judge or court may utilize the provisions of <u>Section 63-1-71(3)</u> or <u>63-9-11(3)</u> or any other program to defer imposition of sentence or judgment if the defendant holds a commercial driver's license or was operating a commercial motor vehicle when the violation occurred and is charged with violating any state or local traffic law other than a parking violation.</p>
<p><b>Missouri</b></p>		<p><b>Uniform Commercial Driver's License Act §§302.700 - §§302.782</b></p> <p><b>§302.705 R.S.Mo. : Commercial motor vehicle operator, only one license</b></p> <p><b>(1)</b> No person who drives a commercial motor vehicle shall have more than one driver's license.</p> <p><b>(2)</b> No person is eligible for a commercial driver's license who is under eighteen years of age, except any person transporting a hazardous material must be at least twenty-one years of age.</p> <p><b>(3)</b> Any driver of a commercial motor vehicle holding a commercial driver's license issued by this state, and who is convicted of violating any state law or county or municipal ordinance regulating the operation of motor vehicles in any other state, other than parking violations, shall notify the director in writing on a form prescribed by the director within thirty days of the date of conviction. Upon notification of such conviction the director may apply the conviction information to the driver's record. If such conviction would result in disqualification of the license under <u>sections 302.700 to 302.780</u>, the director shall disqualify the license in accordance with <u>sections 302.700 to 302.780</u>.</p>

		<p><b>(4)</b> Any driver of a commercial motor vehicle holding a commercial driver’s license issued by this state, and who is convicted of violating any state law or county or municipal ordinance regulating the operation of motor vehicles in this or any other state, other than parking violations, shall notify his or her employer in writing of the conviction within thirty days of the date of conviction.</p> <p><b>§302.345 R.S.Mo. : Diversion program participation prohibited, when</b></p> <p>Notwithstanding any other provision of law, no federal, state, county, municipal, or local court shall defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses a commercial driver’s license or is required to possess a commercial driver’s license issued pursuant to this chapter or the laws of another state to enter into a diversion program that would prevent a conviction for any violation, in any type of motor vehicle, of a federal, state, county, municipal, or local traffic control law from appearing on the driver’s record maintained by the director of revenue.</p>
<p><b>Montana</b></p>		<p><b>MCA §61-8-801: Commercial Vehicle Safety</b></p> <p><b>(1)</b> The purpose of this part is to reduce the number of commercial motor vehicle accidents in Montana, to provide greater safety to the motoring public and others by establishing stringent criteria governing the operation of commercial motor vehicles, and to deny the privilege of operating commercial motor vehicles upon the public streets and highways to those commercial motor vehicle operators who are not qualified.</p> <p><b>(2)</b> To fulfill this purpose, the legislature intends that this part:</p> <ul style="list-style-type: none"> <li><b>(a)</b> establish criteria and procedures for the operation of commercial motor vehicles that require safety practices commensurate with the danger inherent to their operation;</li> <li><b>(b)</b> provide for increased administrative punishment for commercial motor vehicle operators who use alcohol while operating commercial motor vehicles;</li> </ul>

		<p>(c) provide greater control of commercial motor vehicle operators using the streets and highways; and</p> <p>(d) conform Montana’s laws on commercial driver licensing with federal regulations based on the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, as amended.</p> <p><b>MCA §61-11-101: Report of convictions and suspension or revocations of driver’s licenses – surrender of licenses.</b></p> <p><b>(4)</b></p> <p><b>(a)</b> On a conviction referred to in subsection (1) of a person who holds a commercial driver’s license or who is required to hold a commercial driver’s license, a court may not take any action, including deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the person’s driving record. The provisions of this subsection (4)(a) apply only to the conviction of a person who holds a commercial driver’s license or who is required to hold a commercial driver’s license and do not apply to the conviction of a person who holds any other type of driver’s license.</p> <p><b>(b)</b> For purposes of this subsection (4), “who is required to hold a commercial driver’s license” refers to a person who did not have a commercial driver’s license but who was operating a commercial motor vehicle at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in subsection (1).</p>
Nebraska		<p><b>R.R.S. Neb. §60-462-01: Federal regulations; adopted</b></p> <p>For purposes of the Motor Vehicle Operator’s License Act, the following federal regulations are adopted as Nebraska law as they existed on January 1, 2018: The parts, subparts, and sections of Title 49 of the Code of Federal Regulations, as referenced in the Motor Vehicle Operator’s License Act.</p> <p><b>R.R.S. Neb. §60-4, 147.01: Driver’s Record, disclosure of conviction; requirements</b></p>



		<p>The department, a prosecutor, or a court must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CLP-commercial learner's permit driver's conviction or commercial driver's license driver's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law (except a parking violation) from appearing on the driver's record, whether the driver was convicted for an offense committed in the state where the driver is licensed or another state.</p>
<p><b>Nevada</b></p>		<p><b>NAC §483.800 Federal regulations: Adoption by reference of certain provisions; compliance required. (NRS §483.908, 483.924)</b></p> <p><b>(1)</b> The Department hereby adopts by reference the provisions of 49 C.F.R. Parts 383 and 384 as they existed on October 1, 2004, and any subsequent amendments. Each amendment shall be deemed approved by the Department unless it disapproves the amendment within 60 days after the United States Department of Transportation has adopted such an amendment.</p> <p><b>(2)</b> A copy of the volume containing the provisions described in this section is available at a cost of \$ 37 by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by telephone at (866) 512-1800. These provisions are also available, free of charge, at the Internet address <a href="http://www.gpoaccess.gov/cfr/">http://www.gpoaccess.gov/cfr/</a>.</p> <p><b>(3)</b> A licensee shall comply with the requirements of the provisions adopted by reference in subsection 1.</p> <p><b>NRS §483.900: Purposes.</b></p> <p>The purposes of NRS 483.900 to 483.940, inclusive, are to implement the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. chapter 313 (§§ 31301 et seq.), and reduce or prevent commercial motor vehicle crashes, fatalities and injuries by:</p> <p><b>(1)</b> Permitting drivers of commercial motor vehicles to hold only one license;</p>

		<p>(2) Providing for the disqualification of drivers of commercial motor vehicles who have committed certain serious traffic violations or other specified offenses;</p> <p>(3) Strengthening the licensing and testing standards for drivers of commercial motor vehicles; and</p> <p>(4) Ensuring that drivers of commercial motor vehicles carrying hazardous materials are qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to the transportation of hazardous materials and have the skills and knowledge necessary to respond appropriately to any emergency arising out of the transportation of hazardous materials.</p> <p><b>NRS §483.908: Adoption of regulations.</b>  The Department shall adopt regulations:</p> <p>(1) Providing for the issuance, expiration, renewal, suspension, revocation and reinstatement of commercial drivers' licenses;</p> <p>(2) Providing the same exemptions allowed pursuant to federal regulations for farmers, fire fighters, military personnel or any other class of operators or vehicles for which exemptions are authorized by federal law or regulations;</p> <p>(3) Specifying the violations which constitute grounds for disqualification from driving a commercial motor vehicle and the penalties associated with each violation;</p> <p>(4) Setting forth a schedule of various alcohol concentrations and the penalties which must be imposed if those concentrations are detected in the breath, blood, urine or other bodily substances of a person who is driving, operating or is in actual physical control of a commercial motor vehicle; and</p> <p>(5) Necessary to enable it to carry out the provisions of <u>NRS 483.900 to 483.940</u>, inclusive.</p> <p>The Department shall not adopt regulations which are more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986 as amended, <u>49 U.S.C. chapter 313</u> (§§ 31301 et seq.).</p>
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<p><b>New Hampshire</b></p>		<p><b>R.S.A. §263:82: Statement of Intent; Construction</b></p> <p><b>I.</b> The purpose of this subdivision is to implement the federal Commercial Vehicle Safety Act of 1986 (CMVSA), (Title XII of Public Law 99-570) and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:</p> <ul style="list-style-type: none"> <li><b>(a)</b> Permitting commercial drivers to hold only one license;</li> <li><b>(b)</b> Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses; and</li> <li><b>(c)</b> Strengthening commercial driver licensing and testing standards.</li> </ul> <p><b>II.</b> This subdivision is a remedial law which should be liberally construed to promote the public health, safety, and welfare. To the extent that this subdivision conflicts with general driver licensing provisions, this subdivision shall prevail. Where this subdivision is silent, the general driver licensing provisions shall apply.</p> <p><b>R.S.A. §262:42-a: Prohibition on Placing on File or Masking Convictions</b></p> <p>The court shall not place on file, mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent the conviction of a holder of a commercial driver license, or a person required to hold a commercial driver license, in any type of motor vehicle, of a state or local traffic control law, except a parking violation, from appearing on the driver’s record, whether the driver was convicted for an offense committed in the state where the driver is licensed or another state.</p>
<p><b>New Jersey</b></p>		<p><b>N.J. Stat. § 39:3-10.10: Purpose</b></p> <p>The purpose of this act is to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by strengthening licensing and testing standards for drivers of commercial motor vehicles, and by disqualifying those drivers who have committed certain serious traffic violations or other specified offenses. This act is also designed to substantially conform the laws of this State to the requirements and standards established under the federal “Commercial Motor Vehicle Safety Act of 1986,” Pub. L. 99-570 (49 U.S.C. § 2701 et seq.) and</p>

		the regulations promulgated pursuant to that federal law. This act is a remedial law and shall be liberally construed to promote the public health, safety, and welfare.
<b>New Mexico</b>		<p><b>N.M. Stat. Ann. § 66-5-52 through 66-5-72 NMSA: New Mexico Commercial Driver’s License Act</b></p> <p><b>N.M. Stat. Ann. § 66-5-69.1: Violation convictions; actions to mask, defer, or divert; prohibited</b></p> <p><b>(A)</b> A person shall take no action to prevent a conviction of a traffic control law violation from appearing on the driving record of a commercial driver’s license holder, regardless of the vehicle or state in which the violation occurred, including:</p> <p><b>(1)</b> masking or deferring imposition of a judgment of a traffic control law violation committed by a holder of a commercial driver’s license; or</p> <p><b>(2)</b> allowing a holder of a commercial driver’s license to enter a diversion program upon conviction of a traffic control law violation.</p> <p><b>(B)</b> As used in this section, “traffic control law violation” does not include a parking violation.</p>
<b>New York</b>		<p><b>NY CLS Veh &amp; Tr, Title V, Art. 19-B: Commercial Motor Carriers</b></p> <p><b>NY CLS CPL § 170.55</b></p> <p><b>(9)</b> Notwithstanding any other provision of this section, a court may not issue an order adjourning an action in contemplation of dismissal if the offense is for a violation of the vehicle and traffic law related to the operation of a motor vehicle (except one related to parking, stopping or standing), or a violation of a local law, rule or ordinance related to the operation of a motor vehicle (except one related to parking, stopping or standing), if such offense was committed by the holder of a commercial learner’s</p>

		<p>permit or a commercial driver's license or was committed in a commercial motor vehicle, as defined in subdivision four of section five hundred one-a of the vehicle and traffic law.</p>
<b>North Carolina</b>		<p><b>N.C. Gen. Stat. § 20-37.10: Commercial Driver License Act</b></p> <p><b>N.C. Gen. Stat. § 20-37.11</b>  The purpose of this Article is to implement the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. Chapter 36, and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:</p> <ul style="list-style-type: none"> <li>(1) Permitting commercial drivers to hold one license;</li> <li>(2) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses; and</li> <li>(3) Strengthening commercial driver licensing and testing standards.</li> </ul> <p>To the extent that this Article conflicts with general driver licensing provisions, this Article prevails. Where this Article is silent, the general driver licensing provisions apply.</p>
<b>North Dakota</b>		<p><b>N.D. Cent. Code § 39-06.2-01: Uniform Commercial Driver's License Act</b>  The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 [title XII of Pub. L. 99-570, 49 U.S.C. 2701, repealed] and Motor Carrier Safety Improvement Act of 1999 [Pub. L. 106-159; 113 Stat. 1748; <u>49 U.S.C. 113</u> et seq.] and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:</p> <ul style="list-style-type: none"> <li>(1) Permitting commercial drivers to hold only one license;</li> <li>(2) Disqualifying commercial drivers who have committed certain serious traffic violations or other specified offenses; and</li> <li>(3) Strengthening commercial driver's licensing and testing standards.</li> </ul> <p>This chapter is a remedial law which should be liberally construed to promote the public health, safety, and welfare. To the extent that this chapter conflicts with general driver's licensing provisions, this chapter prevails. Where this chapter is silent, the general driver's licensing provisions apply.</p>

Ohio		<p><b>ORC Ann. § 2935.36: Pre-trial diversion programs for certain offenders.</b></p> <p><b>(A)</b> The prosecuting attorney may establish pre-trial diversion programs for adults who are accused of committing criminal offenses and whom the prosecuting attorney believes probably will not offend again. The prosecuting attorney may require, as a condition of an accused’s participation in the program, the accused to pay a reasonable fee for supervision services that include, but are not limited to, monitoring and drug testing. The programs shall be operated pursuant to written standards approved by journal entry by the presiding judge or, in courts with only one judge, the judge of the court of common pleas and <b>shall not be applicable to any of the following:</b></p> <p><b>(5)</b></p> <p><b>(a)</b> Persons who are accused of an offense while operating a commercial motor vehicle or persons who hold a commercial driver’s license and are accused of any offense, if conviction of the offense would disqualify the person from operating a commercial motor vehicle under Chapter 4506. of the Revised Code or would subject the person to any other sanction under that chapter;</p> <p><b>(b)</b> As used in division (A)(5) of this section, “commercial driver’s license” and “commercial motor vehicle” have the same meanings as in <u>section 4506.01 of the Revised Code.</u></p> <p><b>ORC Ann. §2951.041: Intervention in lieu of conviction.</b></p> <p><b>(B)</b> An offender is eligible for intervention in lieu of conviction if the court finds all of the following:</p> <p><b>(10)</b> The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter.</p> <p><b>ORC Ann. §4506.161: Restrictions on granting limited driving privileges.</b></p>
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		No court shall issue an order granting limited driving privileges for operation of a commercial motor vehicle to any person whose driver's license or commercial driver's license has been suspended or who has been disqualified from operating a commercial motor vehicle. In regard to an offense involving the operation of a commercial motor vehicle, no court shall modify any record, or consent to the modification of any record, if the resulting record would no longer reflect the operation of a commercial motor vehicle by the person, unless a determination of the facts indicates that that person was not operating a commercial motor vehicle at the time of the offense.
<b>Oklahoma</b>		<b>47 Okl. St. § 230.1: Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act</b>
<b>Oregon</b>		<p><b>ORS §813-215 (1)(h): Eligibility for diversion</b></p> <p><b>(1)</b> A defendant is eligible for diversion if the defendant meets all of the following conditions:</p> <p><b>(a)</b> On the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement, the defendant had no charge, other than the charge for the present offense, pending for:</p> <p><b>(A)</b> An offense of driving while under the influence of intoxicants in violation of:</p> <p><b>(i)</b> <u>ORS 813.010</u>; or</p> <p><b>(ii)</b> The statutory counterpart to <u>ORS 813.010</u> in another jurisdiction;</p> <p><b>(B)</b> A driving under the influence of intoxicants offense in another jurisdiction that involved the impaired driving of a vehicle due to the use of intoxicating liquor, cannabis, a controlled substance, an inhalant or any combination thereof; or</p> <p><b>(C)</b> A driving offense in another jurisdiction that involved operating a vehicle while having a blood alcohol content above that jurisdiction's permissible blood alcohol content.</p> <p><b>(b)</b> The defendant has not been convicted of an offense described in paragraph (a) of this subsection within the period beginning 15 years before the date of the commission of the present offense and ending on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement.</p>

		<p><b>(c)</b> The defendant has not been convicted of a felony offense described in <u>ORS 813.010 (5)(a)</u>.</p> <p><b>(d)</b> The defendant was not participating in a driving while under the influence of intoxicants diversion program or in any similar alcohol or drug rehabilitation program in this state or in another jurisdiction on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement. A defendant is not ineligible for diversion under this paragraph by reason of participation in a diversion program or any similar alcohol or drug rehabilitation program as a result of the charge for the present offense or a charge for violation of <u>ORS 471.430</u>.</p> <p><b>(e)</b> The defendant did not participate in a diversion or rehabilitation program described in paragraph (d) of this subsection within the period beginning 15 years before the date of the commission of the present offense and ending on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement. A defendant is not ineligible for diversion under this paragraph by reason of participation in a diversion program or rehabilitation program described in paragraph (d) of this subsection as a result of the charge for the present offense or a charge for violation of <u>ORS 471.430</u>.</p> <p><b>(f)</b> The defendant had no charge of an offense of aggravated vehicular homicide or of murder, manslaughter, criminally negligent homicide or assault that resulted from the operation of a motor vehicle pending in this state or in another jurisdiction on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement.</p> <p><b>(g)</b> The defendant has not been convicted of an offense described in paragraph (f) of this subsection within the period beginning 15 years before the date of the commission of the present offense and ending on the date the defendant filed the petition for a driving while under the influence of intoxicants diversion agreement.</p> <p><b><u>(h) The defendant did not hold commercial driving privileges on the date of the commission of the offense.</u></b> <i>(emphasis added)</i></p> <p><b>(i)</b> The defendant was not operating a commercial motor vehicle at the time of the offense.</p> <p><b>(j)</b> The present driving while under the influence of intoxicants offense did not involve an accident resulting in:</p> <p style="padding-left: 40px;"><b>(A)</b> Death of any person; or</p>
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		(B) Physical injury as defined in <u>ORS 161.015</u> to any person other than the defendant.
Pennsylvania		<p><b>75 Pa. C.S. §1602: Purpose and construction of chapter.</b></p> <p><b>(a) Purpose.</b> — The purpose of this chapter is to implement the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99- 570, 49 U.S.C. app. § 2701 et seq.) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:</p> <p style="padding-left: 40px;"><b>(1)</b> Permitting commercial drivers to hold only one driver’s license.</p> <p style="padding-left: 40px;"><b>(2)</b> Disqualifying commercial drivers who have committed certain serious traffic violations or other specified offenses.</p> <p style="padding-left: 40px;"><b>(3)</b> Strengthening licensing and testing standards.</p> <p style="padding-left: 80px;"><b>(b) Construction.</b> — This chapter is a remedial law and shall be liberally construed to promote the public health, safety and welfare. To the extent that this chapter conflicts with other driver licensing provisions, this chapter prevails. Where this chapter is silent, the general driver licensing provisions apply.</p>
Rhode Island		<p><b>R.I. Gen Laws § 31-10.3: Rhode Island Uniform Commercial Driver’s License Act</b></p> <p><b>R.I. Gen Laws §31-10.3-37: Prohibition on Masking convictions</b></p> <p>No representative of the district court or traffic tribunal may utilize the provisions of §§ <u>12-10-12, 12-18-3</u> or through any other programs, mask, defer imposition of judgment or allow an individual to enter a diversion program that would prevent a CDL driver's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law (except a parking violation) from appearing on the driver's record, whether the driver was convicted for an offense committed in the state where the driver is licensed or in another state.</p>
South Carolina		<b>S.C. Code Ann. §56-1-2005: Administration of South Carolina Commercial Driver’s License Program</b>

		<p>The South Carolina Department of Motor Vehicles shall administer the South Carolina Commercial Driver's License Program in accordance with the Federal Motor Carrier Safety Regulations. The rules adopted by and regulations promulgated by the United States Department of Transportation (USDOT) relating to safety of operation and to equipment (49 CFR Parts 380, 382-385, and 390-399 and amendments thereto) and the rules adopted by and regulations promulgated by the USDOT relating to hazardous material (<u>49 CFR Parts 171-180</u> and amendments thereto) must be adopted and enforced in South Carolina.</p>
<b>South Dakota</b>		<p><b>S.D. Codified Laws §32-12A-1: Commercial Drivers Licenses and Permits</b></p> <p><b>S.D. Codified Laws §32-12A-58: Adoption of Title 49 CFR § 383 and 384</b></p> <p>The state hereby adopts Title 49 of the Code of Federal Regulations, chapter 3, subpart B, parts 383 and 384, inclusive, as of January 1, 2015.</p> <p><b>S.D. Codified Laws §32-12A-64: Driving record – violations must appear</b></p> <p>The state may not mask, defer imposition of judgment, or permit any person to enter into a diversion program that would prevent a commercial learner's permit or commercial driver license holder's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law except a parking violation from appearing on the driver's record, whether the driver was convicted for an offense committed in the state, in the state where the driver is licensed, or in another state.</p>
<b>Tennessee</b>		<p><b>Tenn. Code Ann. §55-50-101: Uniform Classified and Commercial Driver License Act</b></p> <p><b>Tenn. Code Ann. § 55-10-301: Penalty for violations of chapters 8 and 9 and parts 1-5 of this chapter</b></p> <p><b>(a)</b> Any person violating any of the provisions of chapters 8 and 9 of this title and parts 1-5 of this chapter where a penalty is not specifically prescribed commits a Class C misdemeanor.</p> <p><b>(b) (1)</b> Any person violating any of the provisions of chapters 8 and 9 of this title and parts 1-5 of this chapter may be required, at the discretion of the court, to attend a driver education</p>

		<p>course approved by the department of safety in addition to or in lieu of any portion of other penalty imposed; provided, that the course is approved by the department, it may be operated and conducted by a:</p> <p>(A) County, municipality or other entity of local government;</p> <p>(B) Nonprofit organization as defined by the Internal Revenue Code, <u>26 U.S.C. § 501(c)(3)</u> (<u>26 U.S.C. § 501(c)(3)</u>); or</p> <p>(C) Private entity, provided the entity meets all of the requirements of <u>§ 40-35-302(g)</u> for private entities providing misdemeanor probation supervision services.</p> <p>(2) A reasonable fee between fifty dollars (\$50.00) and one hundred seventy-five dollars (\$175) may be assessed for the driver education or driver improvement course; provided, that no one shall be refused admittance for inability to pay. This fee shall apply only to driver improvement courses that may be required pursuant to this section and shall not apply to any program offered pursuant to title 49, chapter 1, or to any other driving instruction school.</p> <p>(3) By operating a driver education or improvement course pursuant to this subsection (b), the entity operating or conducting the course consents to the inspection of all records concerning the course by the department of safety; provided, that inspection made pursuant to this subdivision (b)(3) shall not preclude inspection of any records pursuant to any other provision of law.</p> <p>(4) Each court clerk shall provide a list of approved entities in the county to any person ordered to attend a driver education or improvement course.</p> <p>(5) Upon certification to the court clerk that a court ordered driver education or improvement course has been completed, the court clerk shall report the completion to the department of safety. The report shall be accomplished on the abstract of record of the court referenced in <u>§ 55-10-306</u>.</p> <p>(c) Subsection (b) shall not apply to any person who holds a Class A, B, or C license and is charged with any violation, except a parking violation, in any type of motor vehicle.</p> <p><b>(d) Subsection (b) shall not apply to any person who holds any class of driver license and who is charged with any violation, except a parking violation, while operating a commercial motor vehicle. <i>Emphasis added.</i></b></p>
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<b>Texas</b>		<p><b>Tex. Transp. Code Ann. §522.001: Texas Commercial Driver’s License Act</b></p> <p><b>Tex. Transp. Code §522.005: Rulemaking Authority</b> The department may adopt rules necessary to carry out this chapter and the federal act and to maintain compliance with 49 C.F.R. Parts 383 and 384.</p>
<b>Utah</b>		<p><b>Utah Code Ann. § 53-3-401: Uniform Commercial Driver License Act</b></p> <p><b>Utah Code Ann. §53-3-401.1: Conflict with Federal Motor Carrier Safety Regulations</b> Federal Motor Carrier Safety Regulations supersede any conflicting provisions of this chapter pertaining to licensing of commercial motor vehicle operators.</p>
<b>Vermont</b>		<p><b>23 V.S.A. §4102: Commercial Driver’s License Act</b></p> <p><b>23 V.S.A. §4122: Deferring imposition of sentence</b></p> <p>No judge or court may utilize the provisions of <u>13 V.S.A. § 7041</u> or any other program to defer imposition of sentence or judgment if the defendant holds a commercial driver license or was operating a commercial motor vehicle when the violation occurred and is charged with violating any State or local traffic law other than a parking violation.</p>
<b>Virginia</b>		<p><b>Va. Code. Ann. § 46.2-341.1: Commercial Driver’s License</b></p> <p><b>Va. Code. Ann. §46.2-341.5. Regulations consistent with Commercial Motor Vehicle Safety Act</b></p> <p>The Department is authorized to promulgate regulations and establish procedures to enable it to issue commercial driver's licenses, maintain and exchange driver records, and impose licensing sanctions consistent with the provisions of this article and with the minimum standards of the federal Commercial Motor Vehicle Safety Act and the federal regulations promulgated thereunder.</p>

		<p><b>Va. Code. Ann. § 46.2-505: Court may direct defendant to attend driver improvement clinic</b></p> <p><b>B.</b> Notwithstanding the provisions of subsection A, no court shall, as a result of a person's attendance at a driver improvement clinic or a mature driver motor vehicle crash prevention course, reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.) or any holder of a commercial driver's license charged with any offense committed while operating a noncommercial motor vehicle.</p>
<p><b>Washington</b></p>		<p><b>Rev. Code Wash. (ARCW) Title 46, Ch. 46.25: Uniform Commercial Driver's License Act</b></p> <p><b>(1)</b> The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Title XII, P.L. 99-570, and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:</p> <ul style="list-style-type: none"> <li><b>(a)</b> Permitting commercial drivers to hold only one license;</li> <li><b>(b)</b> Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses;</li> <li><b>(c)</b> Strengthening licensing and testing standards.</li> </ul> <p><b>(2)</b> This chapter is a remedial law and shall be liberally construed to promote the public health, safety, and welfare. To the extent that this chapter conflicts with general driver licensing provisions, this chapter prevails. Where this chapter is silent, the general driver licensing provisions apply.</p> <p><b>WAC § 446-65-010: Transportation requirements</b></p> <p><b>(1)</b> The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (C.F.R.), as they exist on October 1, 2017, for motor carriers used in intrastate or interstate commerce in their entirety:</p> <ul style="list-style-type: none"> <li><b>(a)</b> Part 40 Procedures for transportation workplace drug and alcohol testing programs.</li> </ul>

		<p><b>(b)</b> Part 325 Compliance with interstate motor carrier noise emission standards.</p> <p><b>(c)</b> Part 350 Commercial motor carrier safety assistance program.</p> <p><b>(d)</b> Part 355 Compatibility of state laws and regulations affecting interstate motor carrier operations.</p> <p><b>(e)</b> Part 365 Rules governing applications for operating authority.</p> <p><b>(f)</b> Part 367 Standards for registration with states.</p> <p><b>(g)</b> Part 372 Exemptions, commercial zones and terminal areas.</p> <p><b>(h)</b> Part 373 Receipts and bills.</p> <p><b>(i)</b> Part 376 Lease and interchange of vehicles.</p> <p><b>(j)</b> Part 379 Preservation of records.</p> <p><b>(k)</b> Part 380 Special training requirements.</p> <p><b>(l)</b> Part 381 Waivers, exemptions, and pilot programs.</p> <p><b>(m)</b> Part 382 Controlled substances and alcohol use and testing.</p> <p><b>(n)</b> Part 383 Compliance with commercial driver's license program.</p> <p><b>(o)</b> Part 385 Safety fitness procedures.</p> <p><b>(p)</b> Part 387 Minimum levels of financial responsibility for motor carriers.</p> <p><b>(q)</b> Part 390 General.</p> <p><b>(r)</b> Part 391 Qualification of drivers. Provided that <u>49 C.F.R. 391</u> subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate, and not used to transport hazardous materials in a quantity requiring placarding.</p> <p><b>(s)</b> Part 392 Driving of motor vehicles.</p> <p><b>(t)</b> Part 393 Parts and accessories necessary for safe operation.</p> <p><b>(u)</b> Part 395 Hours of service of drivers: Except if a company has drivers of commercial motor vehicle of any size, hauling logs from the point of production or driving in dump truck operations in intrastate commerce provided that:</p>
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		<p><b>(a)</b> Links to the C.F.Rs. are available on the Washington state patrol web site at <a href="http://www.wsp.wa.gov">www.wsp.wa.gov</a>. Copies of the C.F.Rs. may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.</p>
<b>West Virginia</b>		<p><b>W. Va. Code §17E: Uniform Commercial Driver’s License Act</b></p> <p><b>W. Va. Code §17E-1-13: Disqualification.</b></p> <p><b>(g)</b> In accordance with the provisions of 49 U. S. C. §313119(a)(19)(2004), and <u>49 C. F. R. §384.226 (2004)</u>, notwithstanding the provisions of section twenty-five [<u>§ 61-11-25</u>], article eleven, chapter sixty-one of this code, no record of conviction, revocation, suspension or disqualification related to any type of motor vehicle traffic control offense, other than a parking violation, of a commercial driver’s license holder or a person operating a commercial motor vehicle may be masked, expunged, deferred or be subject to any diversion program.</p>
<b>Wisconsin</b>		<p><b>Wis. Stat. § 343.03 (1): Classified driver license system, compliance</b></p> <p><b>Wis. Stat. § 343.23: Records to be kept by the department.</b></p> <p><b>(2)(am)(2)</b> In maintaining the department’s file specified in subd. 1. and par. (a), the department may not conceal, withhold, or mask from the department’s file, or otherwise allow in any way a person to avoid the department’s recording in the department’s file of, any information required to be recorded in the department’s file under <u>49 CFR 384.225</u> and <u>384.226</u>, regardless of whether the person has obtained deferral of imposition of judgment, been allowed to enter a diversion program, or otherwise obtained delayed or suspended judgment or alternative sentencing from a court.</p>
<b>Wyoming</b>		<p><b>Wyo. Stat. §31-7-301 - §31-7-313: Commercial Driver’s Licenses</b></p> <p><b>Wyo. Stat. § 31-7-310</b></p>

		The department shall adopt rules and regulations necessary to carry out the provisions of this article and the requirements of the federal motor carrier safety regulations in title 49, Code of Federal Regulations.
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