



## **ENSURING FAIRNESS IN COMMERCIAL DRIVERS LICENSE STANDARDS**

The safety of our nation's highways depends upon the highly trained and experienced men and women who operate commercial motor vehicles. Our public roads are their workplaces, and arguably no one has more interest in promoting the highest possible standards of safety. Yet under current federal regulations, an individual stands to have his or her commercial drivers license (CDL) revoked or suspended based on traffic violations that occur during operation of a personal car or other non-commercial vehicle. Commercial drivers are further denied the opportunity to clear violations from their record by attending driving school, and are prohibited from obtaining provisional licenses. These new disqualification standards, which went into effect on October 1, 2005, are extremely unfair to the skilled operators whose livelihood, and lives, hinges on driving safely on the job.

In the Motor Carrier Safety Improvement Act of 1999 (MCSIA), Congress required the Federal Motor Carrier Safety Administration (FMCSA) to apply penalties for certain serious offenses in a personal vehicle against an individual's CDL. Under the rules now in effect, a driver will have his or her CDL suspended for 60 days following a second conviction of a serious traffic offense while driving his or her own car within a three-year period, if the convictions result in state revocation of the individual's personal driver's license. A third conviction within three years will result in a suspension of 120 days. Serious violations include speeding excessively (15 miles per hour over the speed limit in most states), driving recklessly, erratic lane changes and following another vehicle too closely.

TTD and our affiliated unions worked to stop the implementation of the new standards and petitioned FMCSA to alter the most severe provisions of the proposed rule. Even though the agency adopted some of transportation labor's suggested revisions, the penalties currently enforced by FMCSA remain harsh. These standards are discriminatory as they subject CDL holders to a different standard than other licensed professionals, who do not run the risk of losing their job as a result of offenses such as speeding.

Despite this fact, transportation workers who hold CDLs are aware of the new rules and are dealing with the reality of the disqualification standards. Yet serious disparities in treatment of CDL holders exist above and beyond the particular disqualification violations. First, unlike non-commercial drivers, CDL holders are prohibited from entering into a state-approved diversion program or driving school to clear traffic violations from their record – and maintain their job. During debate on MCSIA, there was no discussion of eliminating the option of driving school or other rehabilitation methods to allow CDL holders to regain their livelihoods. Clearly, education and training are important factors in improving highway safety and removing these options for CDL holders who have committed violations is excessive and goes beyond the intent of the law.

Second, under the revised rules, states can no longer issue a provisional or hardship license to CDL holders who have had their personal license or driving privileges revoked or suspended. This is aggravated by the fact that drivers in many states face long delays in the courts when challenging citations and violations. As drivers are caught up in delays or are disqualified, they will only be replaced on the road by less experienced drivers.

Finally, traffic violations that drivers incur in a personal vehicle outside of their home state can create unintended consequences. One of the changes that transportation labor urged during the rulemaking process was that a driver would only be disqualified for a conviction if the offense warranted revocation or suspension, as determined by the state issuing the license. As a result, the type of violation that warrants revocation of a personal license varies by state. In order to not disqualify a driver unnecessarily, traffic violations received by a CDL holder outside of his or her home state should be carefully evaluated to ensure that the violation would actually count towards a disqualification in his or her state of residence.

In response to these discriminatory standards, Representative Neil Abercrombie (D-HI) introduced H.R. 3725. While the bill does not attempt to change FMCSA's existing disqualification standards or undermine the intent of MCSIA, it would prohibit FMCSA from enforcing regulations that directly or indirectly prohibit a CDL holder from participating in a driving school in the disposition of a traffic violation. It would also allow a state to issue provisional licenses to commercial drivers. We urge support for the Abercrombie bill, which offers a common sense, narrow solution to ensure fairness in the implementation of the new commercial drivers license standards.

Transportation labor believes strongly in promoting and enhancing the safety of our nation's highways and protecting the traveling public. The commercial drivers represented by our affiliated unions are some of the most experienced, best trained, and safest drivers in their respective industries. Ensuring that these drivers do not unnecessarily lose their job, and providing them an option of education and training, is a step forward for safety.

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