



TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY

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COMMERCIAL DRIVERS LICENSE



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Regarding 5 Day Requirement

- Tennessee Code Annotated Title 55, Chapter 50, Section 409 Notification of Traffic Violations Effective January 1, 2011
- Require Courts to submit convictions to TDOS within 5 days of conviction
- Within 5 days of receiving report of conviction, TDOS must post conviction to driver record or send to state of record

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Regarding 5 Day Requirement

- The only way to meet the 5 day requirement is to submit convictions of CDL holders electronically.
- Currently in TN, less than 50% of convictions of CDL holders are reported in 10 days or less.
- CDL drivers are subject to disqualification sanctions if CDL holder is convicted of violations in a CMV or Non-CMV.

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FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
49 CFR 384 State Compliance with Commercial Driver's License Program
§384.209 Notification of traffic violations.

- (a) Required notification with respect to CDL holders. Whenever a person who holds a CDL from another State is convicted of a violation of any State or local law relating to motor vehicle traffic control (other than a parking violation), in any type of vehicle, the licensing entity of the State in which the conviction occurs must notify the licensing entity in the State where the driver is licensed of this conviction within the time period established in paragraph (c) of this section.
- (b) Required notification with respect to non-CDL holders. Whenever a person who does not hold a CDL, but who is licensed to drive by another State, is convicted of a violation in a CMV of any State or local law relating to motor vehicle traffic control (other than a parking violation), the licensing entity of the State in which the conviction occurs must notify the licensing entity in the State where the driver is licensed of this conviction within the time period established in paragraph (c) of this section.
- (c) Time period for notification of traffic violations. (1) Beginning on September 30, 2005, the notification must be made within 30 days of the conviction.
- (c)(2) Beginning on **September 30, 2008**, the notification must be made within **10 days** of the conviction.

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Tennessee Code Annotated Title 55, Chapter 50, Section 409 Notification
of Traffic Violations Effective January 1, 2011

- (a) The provisions of this section shall apply to the following types of convictions:
 - (1) The conviction of any resident or nonresident holder of a commercial driver license of any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, in any vehicle; and
 - (2) The conviction of any resident or nonresident holder of a noncommercial driver license of any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, in a commercial motor vehicle.
- (b) Within five (5) days after receiving a report of a conviction as defined by subsection (a), the department shall notify the driver licensing authority in the licensing state of the conviction, and the commercial driver license information system.
- (c)(1) Within five (5) days after the date of a conviction as defined by subsection (a), the clerk of the court of jurisdiction shall notify the department of the conviction.

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Masking of Convictions

- CDL holders may not go to defensive driving school to take points off their license, even if the violation occurred while in one's personal vehicle
- CDL holders or drivers of CMV'S are found guilty or not guilty
- Each citation should be adjudicated for CDL holders

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FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
49 CFR 384 State Compliance with Commercial Driver's License
Program§384.226 Prohibition on Masking Convictions

The State must not mask, defer imposition of judgment, or allow an individual to enter into 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 CDLIS driver record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State

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Important CDL Information


- If the defendant is a holder of a Class A, B or C License, they are covered by the federal regulations and are considered a commercial driver, even if they are driving a passenger vehicle
- No Restricted CDL
- No Temporary CDL
- CDL holders who are suspended, cancelled, or revoked must not drive CMV
- Employers must not knowingly allow, permit, or authorize suspended, cancelled, or revoked drivers to operate a CMV
- It is important to let TDOS know if the offense occurs while driver is operating a vehicle requiring placards
- Penalties are based on type of license and type of vehicle
- Report all FTA/FTP to TDOS on CDL holders even if it is over 6 months old

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Important CDL Information

- CDL holders who are suspended, cancelled, or revoked must not drive CMV
- Employers must not knowingly allow, permit, or authorize suspended, cancelled, or revoked drivers to operate a CMV




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Important CDL Information

- It is important to let TDOS know if the offense occurs while driver is operating a vehicle requiring placards
- Penalties are based on type of license and type of vehicle
- Report all Failure to appear, (FTA) and Failure to pay, (FTP) to TDOS on CDL holders even if it is over 6 months old



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TICKET EVALUATION



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WHAT TO SEND TO TENNESSEE DEPARTMENT OF SAFETY

- Report to the Department of Safety all convictions for any moving traffic offense with a Guilty disposition, Bond Forfeiture or Pre-Paid before Court. (T.C.A. 55-50-503)
- Report non-moving violations of:
 - Seat Belt Violations
 - Child Restraint Violations
 - No Insurance Violations
 - Driver License Law
 - Helmet Law
 - Open Container

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- **NOTE:** We do not post violations of registration law, light law, broken equipment on car (windshield or tail light) or dark tint on non commercial vehicles

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WHAT NOT TO SEND TDOS

- Tickets that are dismissed, retired, or found not guilty, except for THP dispositions.
- Non-commercial, Non-moving violations such as:
 - Registration Law
 - Light Law
 - Broken Equipment (such as windshield or tail light)
 - Window tint (dark or mirrored)
- **NOTE:** While the above violations are not reported as disposition and posted to the driver history, the Court can send them in as Fail to Appear, as long as they are not over six (6) months old.

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SPEEDING-Do not post to record or send to TDOS

Non-Commercial Drivers & Non-Commercial Vehicles

- 74 MPH or below on Interstate
- 64 MPH or below in a 55 MPH zone on State Highway

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Non-Resident Violators Compact (NRVC)

- NRVC covers moving and non-moving violations.
- Seat Belt, Parking, and Open Container Violations are not covered under the NRVC.

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Failure to Appear-Non-Commercial

- The court has six (6) months from the date of the violation to report a Failure to Appear violation
- Once the six month mark has passed the Department of Safety will not take any suspension action against the driver

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Failure to Appear-Commercial

- If the driver operated a commercial vehicle or had a commercial driver license at the time of the violation, the Department of Safety must post the Failure to Appear within ten (10) days as it is considered a conviction under part 383.
- The Department of Safety will not take suspension action if the violation is over six months old, however, the violation of Failure to Appear will still need to be posted to the driver record.

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Failure to Pay-Commercial

- If the driver operated a commercial vehicle or had a commercial driver license at the time of the violation, the Department of Safety must post the Failure to Pay within ten (10) days as it is considered a conviction under part 383.
- A suspension for Failure to Pay can be posted at any time as there is no time limit, however, the department must post the violations within ten (10) days in order to comply with federal regulations.

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INSURANCE VIOLATIONS

- Insurance Violations should also be reported to the Department of Safety. Please follow the guidelines below:
- If an individual is found guilty of no insurance at the time of the violation, the department needs a disposition sent from the Court. TDOS will suspend the violator's driver license and notify the Title & Registration Division of the Department of Revenue that this person cannot renew their tags until they show proof of insurance and pay a reinstatement fee. §T.C.A 55-12-115.

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DISMISSALS

- Dismissals should not be reported unless a previous violation has been sent or a reduction/change of original conviction has occurred.
- A Court may require a CDL driver to attend a defensive driving school, but not to dismiss a ticket. This is called masking and is not permitted by Federal regulations. The Judge may dismiss charges based on the merits of the case or set them aside, but cannot dismiss on payment of cost, as this is considered masking.
- Tickets dismissed by the Court do NOT have to be reported to TDOS, unless it is a THP citation

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Important Reminders-ALL

- On speeding tickets ➡ report speed and speed zone
- Speeding tickets in a construction zone ➡ indicate if workers were present
- Reckless Endangerment and Evading Arrest ➡ specify if it is a felony or a misdemeanor and if it occurred in a vehicle or not.
- Leaving the scene of an accident ➡ note if property damage only, injury or death occurred.
- DUIs ➡ list the offense, such as 1st offense, 2nd offense, etc.
- If the court has a change in address for any reason, please inform the Department of Safety as soon as possible

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Important Reminders (Commercial) Note If:

- The driver holds a CDL
- A commercial vehicle
- An accident was involved
- Carrying Hazardous Material
- A DUI was in a commercial vehicle
- A commercial vehicle was used on a commission of a felony
- A homicide occurred in a commercial vehicle
- A felony involving drugs occurred in a commercial vehicle
- A vehicle was transporting 16 or more passengers, including the driver

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Top Six Errors Received

- Abstract with no driver license # or state code
- Violation date or hearing date, and date of birth is the same
- Partial or no driver address
- Speed reversed or not indicated
- Not notating if property damage only, injury, or death occurred, leaving the scene
- Original charge and what reduced to (Final Conviction)

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THE END

(thank you)

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