

Assessment of Commercial Driver's License (CDL) Holders' Traffic Violations, Convictions, and Disqualifications



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FOREWORD

This final report documents a research study, conducted under the direction of the Federal Motor Carrier Safety Administration's (FMCSA) Research Division, on the effectiveness of the commercial driver's license (CDL) disqualification process which FMCSA and States follow to identify disqualifying citations issued at the roadside and record them on the driver record. The objective was to understand the process and how often a citation issued at the roadside is properly reflected (or not) on driver's record. To accomplish this, the research team examined data from eight States over a 3-year period from 2016 to 2018 and analyzed the full life cycle of potentially disqualifying (PDQ) violations from issuance to disposition, including subsequent detection of disqualified drivers during inspections. Data were drawn from the Motor Carrier Management Information System (MCMIS), the Commercial Driver's License Information System (CDLIS), and State sources. The research team found that fewer convictions were recorded on CDL driver records than the number of violations assessed at the roadside. This indicates a potential for decreased safety on highways due to commercial drivers with safety performance issues continuing to drive. Various points in the disqualification process were associated with assessed citations that were not being recorded properly on the CDL driver record. The results take into consideration the data quality issues addressed during data collection and compilation. The overall findings of this study are applicable for use by a broad spectrum of industry, Government, and other stakeholders concerned with commercial driver safety performance and highway safety.

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16. Abstract FMCSA's Commercial Driver's License (CDL) Program aims to reduce the number and severity of crashes by ensuring that only qualified drivers are eligible to receive and retain a CDL. The process that carries commercial driver citations from roadside inspection to driver record is vital to ensuring only qualified drivers operate commercial motor vehicles (CMVs). To better understand and improve State disqualification processes, the Volpe National Transportation Systems Center (Volpe Center) conducted analysis to understand the following: (1) how disqualifying violations and associated citations are adjudicated and processed, (2) reasons why CDL drivers are disqualified and whether this is generally for safety or non-safety reasons, and (3) whether disqualified CDL holders are reliably detected at the roadside. A sample of eight States was selected for analysis using four data sets. The analysis compared numbers and percentages of records that transferred from one process stage to another. This type of analysis is useful for illuminating broad trends, benchmarking performance, and inferring possible problem areas. The report recommends follow-on activities for FMCSA to improve the availability and quality of data.			
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LIST OF ACRONYMS, ABBREVIATIONS, AND SYMBOLS

Acronym	Definition
AAMVA	American Association of Motor Vehicle Administrators
ACD	AAMVA Code Dictionary
CDL	commercial driver's license
CDLIS	Commercial Driver's License Information System
CFR	Code of Federal Regulations
CMV	commercial motor vehicle
DLN	driver's license number
DQ	disqualification
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulation
MCMIS	Motor Carrier Management Information System
MOU	Memorandum of Understanding
MPH	miles per hour
PDQ	potentially disqualifying
SDLA	State Driver Licensing Agency
SOC	State of Conviction
SOR	State of Record
TE	traffic enforcement
USDOT	U.S. Department of Transportation

DEFINITIONS

Adjudication	<p>The process by which an offense is addressed through a State’s judicial system. Not all citations are adjudicated. The process begins with bringing charges against the driver; each charge then has an outcome such as Dismissed, Guilty, Conviction of Lesser Charge, Not Guilty, etc. A citation may pass through multiple judicial bodies (typically courts); the charges associated with the citation may change as part of the adjudication process; a citation may generate multiple court records during the adjudication process.</p>
“Administrative per se”	<p>Authority granted by State Driver Licensing Agencies (SDLAs) to law enforcement officers to seize a driver’s license at the time of offense or soon after, in cases of driving under the influence. This license disqualification is separate and occurs prior to any associated adjudication action, such a disqualification based on a conviction.</p> <p>Link: https://www.govinfo.gov/content/pkg/FR-2002-07-31/pdf/02-18457.pdf</p>
“At the roadside”	<p>Refers to inspections that are conducted in accordance with the North American Standard Driver/Vehicle Inspection Levels.</p> <p>Link: https://csa.fmcsa.dot.gov/Documents/roadside_factsheet.pdf</p>
Citation	<p>Refers to a notice, issued by a law enforcement officer to a commercial motor vehicle (CMV) driver for a violation of State law or a State-adopted Federal Motor Carrier Safety Regulation or Hazardous Materials Regulation. The driver may contest the citation through a State-provided administrative or judicial system (i.e., adjudication).</p> <p>Link: https://csa.fmcsa.dot.gov/Documents/Adjudicated_Citations_Glossary_GRS_Final_508.pdf</p>
Conviction	<p>The Federal Motor Carrier Safety Administration defines “conviction” in 49 CFR 383.5 and 390.5 as an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs, or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.</p> <p>Link: https://csa.fmcsa.dot.gov/Documents/Adjudicated_Citations_Glossary_GRS_Final_508.pdf</p>
Disqualification	<p>From 49 CFR 383.51:</p> <p>Disqualification means any of the following three actions:</p> <ol style="list-style-type: none">1. The suspension, revocation, or cancellation of a commercial learner’s permit (CLP) or commercial driver’s license (CDL) by the State or jurisdiction of issuance.2. Any withdrawal of a person’s privileges to drive a CMV by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations).3. A determination by the FMCSA that a person is not qualified to operate a commercial motor vehicle under part 391 of this subchapter. <p>The terms Suspension, Revocation, Cancellation, Withdrawal, and Disqualification may be used interchangeably, depending on the context. A disqualification may be of a “fixed” duration (i.e., a time-based disqualification) or an “indefinite” duration whereby factors other than time influence the lifting of a disqualification (e.g., payment of a fine or completion of court ordered courses).</p>
Inspection	<p>For this research study, an inspection refers to any level of inspection defined by the Commercial Vehicle Safety Alliance and conducted by an FMCSA or State enforcement personnel. These inspections may be conducted as part of routine enforcement procedures (e.g., at a weigh station) or during a roadside traffic stop. For more information on inspection types, see https://www.cvsa.org/inspections/.</p>

Masking	Refers to steps taken to prevent a violation committed by a driver holding a CDL from showing up on the driver's Commercial Driver's License Information System (CDLIS) record. 49 CFR 384.226 prohibits this practice: "The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a 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."
Offense	The violation of a law or regulation; typically referring to the Federal Motor Carrier Safety Regulations (FMCSR). Law enforcement may issue a citation based on the offense.
Potentially Disqualifying	A citation that, if adjudicated, has the potential to result in a Disqualification of the cited driver's CDL as noted in 49 CFR 383.51. Whether the citation actually leads to a Disqualification depends on multiple factors, including but not limited to: prior convictions on the driver's record; circumstances at the time of offense (such as whether the driver was operating a CMV); and actions of the judicial system and SDLAs.
Revocation	See Disqualification.
Safety-Related vs non Safety-Related Reasons	Safety-related would indicate a hazardous violation such as speeding or false log violations whereas non-safety related would be a non-threatening violation such as failure to pay a parking ticket.
Suspension	See Disqualification.
Violation	A recorded instance of noncompliance or failure to comply with any applicable regulation, law, or other requirement during an inspection or investigation.

EXECUTIVE SUMMARY

PURPOSE

This study addresses questions about the effectiveness of the driver disqualification process (e.g., issuance and adjudication of roadside citations, disqualification of a license, and/or detection of a disqualified driver at a roadside inspection) in appropriately disqualifying drivers from operating a commercial motor vehicle (CMV). The objective was to provide an analysis of the commercial driver's license (CDL) citation, adjudication, and disqualification process for potentially disqualifying (PDQ) offenses.

The specific research questions on the citation process addressed by this study are:

1. What percentage of potentially disqualifying violations recorded during an inspection result in a conviction and subsequent disqualification of the CDL holder?
2. What is the distribution of 49 CFR 383.51 violations that result in guilty verdicts, not guilty verdicts, or are otherwise adjudicated?

The specific research questions on the adjudication process addressed by this study are:

3. How frequently do 49 CFR 383.51 charges result in a dismissal of charge, or other adjudication, that results in the driver not having their CDL disqualified?
4. How often do charges properly result in a CDL holder's disqualification for 49 CFR 383.51 violations?
5. How often does the ticketing of a 49 CFR 383.51 administrative per se violation properly result in a CDL holder's disqualification?

The specific research questions on the roadside inspection process addressed by this study are:

6. What percentage of drivers are disqualified for safety reasons as opposed to suspended for non-safety reasons?
7. At what rate do roadside inspections of disqualified drivers appropriately identify them as disqualified?

STUDY APPROACH

The research team examined data from eight States over a 3-year period, from 2016 to 2018, and analyzed the full life cycle of PDQ violations from issuance to closing, including subsequent detection of disqualified drivers in inspections. The research team followed processes from the point when officers observe violations, to the recording of associated citations, to the transferring of citations to the courts, to their adjudication in the courts, to driver disqualification, and ultimately to the detection of disqualified drivers in subsequent traffic enforcement inspections.

The research team sought to identify process and data deficiencies along the way that could allow drivers who should have been disqualified to continue driving and to identify associated recommendations for improvement by answering the seven research questions that illuminated these three general areas:

- How disqualifying violations and associated citations are adjudicated and processed.
- Why CDL drivers are disqualified and whether this is generally for safety or non-safety reasons.
- Whether disqualified CDL holders are reliably detected at the roadside.

BACKGROUND AND RATIONALE

The Federal Motor Carrier Safety Regulations found in 49 CFR 383.51 and 391.15 describe offenses for which a CMV operator may be disqualified from operating a CMV for a prescribed length of time due to safety or other reasons. Each State has its own systems and processes for disqualifying CDL holders when they commit violations with serious safety consequences, and the Federal Motor Carrier Safety Administration (FMCSA) works with States to ensure these processes are timely and effective. To better understand and improve State processes, FMCSA conducted this study to evaluate the effectiveness of the citation, adjudication, disqualification, and roadside detection processes and to identify potential gaps or deficiencies among the numerous parties involved.

STUDY FINDINGS

How disqualifying violations and associated citations are adjudicated and processed. PDQ violations assessed at the roadside did not always have a matching PDQ citation at the court. Often it was not possible to determine whether a PDQ citation was missing due to inspector discretion (law enforcement is permitted to use discretion on whether to issue a citation that will send the charges to State court) or an issue, or anomaly, with transmittal of the PDQ citation data. Once citations get to court, there are several possible outcomes, although PDQ convictions were the most common outcome for most of the States with available data. The court data showed potential masking in 0.5 to 18 percent of the PDQ court citations among the States with data, typically related to conviction of a reduced (non-PDQ) charge. Finally, convictions do not always properly result in a CDL holder's disqualification for 49 CFR 383.51 violations.

Why CDL drivers are disqualified and whether this is generally for safety or non-safety reasons. The research found that most disqualifications are for safety-based reasons, see 49 CFR 383.51.

Whether disqualified CDL holders are reliably detected at the roadside. Looking across all States and focusing only on inspections with a specific date to reinstate the license, the detection rates ranged from 24 to 66 percent. The research found that these disqualifications had higher detection rates at roadside inspections than disqualifications without a known reinstatement date in the data field. It was not possible for the research team to determine if those records without a reinstatement date were drivers that were still considered disqualified (i.e., had an ongoing

“indefinite” disqualification), whether the data was merely missing from the data received, or whether there was some other administrative error in the data. Given these limitations in being able to fully understand the data and given the discrepancy in detection rates between those records containing a reinstatement date and those records not containing a reinstatement date, the research team concluded it would be inappropriate to include these data when analyzing this result. Further research into this specific topic of “indefinite” versus “definite” disqualifications would be beneficial to better understanding the rates of detection at roadside.

CONCLUSIONS

The team found that process and data quality issues can disrupt the citation, conviction, and disqualification process and impede the successful assessment and recording of PDQ citations. In the process of answering the research questions, the project illuminated multiple points where disruptions can occur along the disqualification path, including roadside detection of disqualified drivers.

1. INTRODUCTION

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries, and fatalities involving large trucks and buses. In furtherance of this mission, the national Commercial Driver's License (CDL) Program aims to reduce the number and severity of crashes by ensuring that only qualified drivers are eligible to receive and retain CDLs. States are required to conduct knowledge and skills testing before issuing a CDL, to maintain a complete and accurate driver history record for anyone that obtains a CDL, and to impose appropriate disqualifications when drivers commit offenses that merit temporary or lifetime disqualification of a CDL.

These offenses and the associated lengths of disqualification are described in the Federal Motor Carrier Safety Regulations under 49 CFR 383.51 and 49 CFR 391.15.⁽¹⁾ Disqualifications described under 49 CFR 383.51 involve safety risks and criminal conduct, such operating a CMV while under the influence of alcohol, committing vehicular manslaughter, or violating traffic regulations. Disqualifications under 49 CFR 391.15 include much of 49 CFR 383.51, in addition to more general language which encompasses disqualification for reasons less directly related to safety. Failure to carry insurance or to make child support payments may result in disqualification, for example.

The purpose of this research is to deepen FMCSA's understanding of State disqualification practices and State-generated driver data. FMCSA works with States to ensure timely and effective processes for disqualifying CDL holders when they commit violations. Each State has its own systems and processes for transferring a citation from roadside enforcement to a driver's record, and FMCSA relies on these processes to accurately update CDL records. To better understand State processes, the research team conducted analysis to address questions about when and how citations issued at roadside lead to appropriate disqualification of drivers.

While individual State processes vary, they share a common general outline. Figure 1 depicts the lifecycle of the disqualification process and the organizations involved in it. A potential disqualification begins at the roadside when local or State law enforcement record a citation. It then proceeds through the court system for adjudication. If a driver is convicted of a disqualifying offense, the driver should be disqualified from all relevant CMV operations based on Federal Motor Carrier Safety Regulations (FMCSRs) and applicable State laws. Disqualified CDL holders are prohibited from operating a CMV while disqualified. If they continue to operate a CMV, a subsequent inspection should identify the driver as previously disqualified.

¹ It should be noted that this research focused primarily on 49 CFR 383.51. Identification of 49 CFR 391.15 disqualifications was only done when looking at roadside detection of disqualified drivers and was included to make sure incorrect violations (e.g., a driver was disqualified under 383.51 but the inspector or officer recorded a violation against 391.15 on the inspection form) were captured in the data set as well as determining whether there was a difference in recording violations against the two regulations.

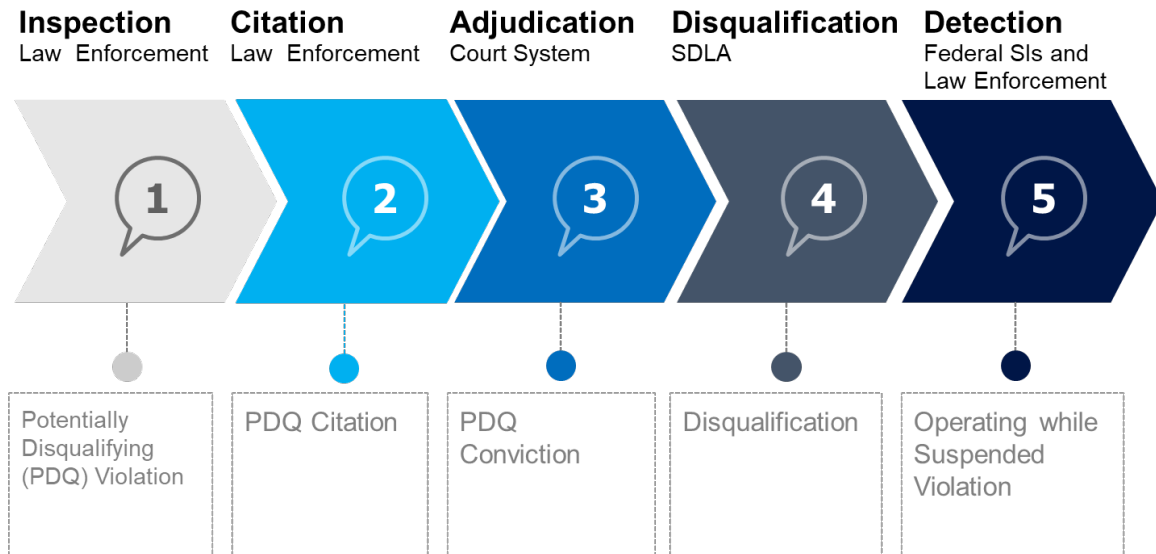


Figure 1. Diagram. Life cycle of the disqualification process.

Given this overall process, the report addresses the following topics:

- How disqualifying violations and associated citations are adjudicated and processed.
- Why CDL drivers are disqualified and whether this is generally for safety or non-safety reasons.
- Whether disqualified CDL holders are reliably detected at the roadside.

The report engages these topics using data from a 3-year period and analyzed across seven research questions:

1. What percentage of disqualifying violations recorded during an inspection result in a disqualifying citation offense?
2. What is the distribution of 49 CFR 383.51 violations that result in guilty verdicts, not guilty verdicts, or are otherwise adjudicated?
3. How frequently do 49 CFR 383.51 charges result in a dismissal of charge, or other adjudication, that results in the driver not having his or her CDL disqualified?
4. How often do charges properly result in a CDL holder's disqualification for 49 CFR 383.51 violations?
5. How often does the ticketing of a 49 CFR 383.51 administrative per se violation properly result in a CDL holder's disqualification?
6. What percentage of drivers are disqualified for safety reasons as opposed to suspended for non-safety reasons?
7. At what rate do roadside inspections of disqualified drivers appropriately identify them as disqualified?

2. METHODOLOGY OVERVIEW

2.1 State Selection

To address the seven research questions described above, the research team identified four key characteristics to ensure a diverse selection of States were included in the study. These four characteristics were:

- **CMV Exposure:** Average proportion of National Highway System road length, vehicle miles of travel, population, special fuels consumption, and carrier registrations. CMV Exposure is a proxy for State size and the expected workload of the State courts, agencies, and personnel being studied. States were segmented into High, Medium, and Low categories.
- **Driver Disqualification (DQ) Rate:** Number of Inspections having a driver disqualification violation (over 24 months) divided by CMV exposure. This measures the rate at which a State identifies disqualified drivers during roadside inspections. States were segmented into High, Medium, and Low categories.
- **Traffic Enforcement (TE) Rate:** TE inspections (over 24 months) divided by CMV Exposure. TE rate represents the intensity of traffic enforcement conducted through the inspection program, compared to the amount of traffic. This provides a measure of State enforcement activity with the potential to identify disqualifying violations. States were segmented into High, Medium, and Low categories.
- **Geographic Region:** FMCSA’s Four Service Centers: Eastern, Midwestern, Southern, Western. Varying geographic regions account for possible regional differences in operations or conditions.

After segmenting all States (including the District of Columbia), the research team identified a set of States that covered a variety of these metrics as well as a variety in the combination of metrics. Several States chose not to participate or were unable to commit to providing the data necessary and therefore additional States were selected based on the desired metrics. Ultimately, the research team included eight States in the study and analyzed data from a 3-year period (January 1, 2016–December 31, 2018) for each State. The end date was chosen to allow enough time for most citation offenses to be adjudicated by the courts and submitted to the State Driver Licensing Agency (SDLA) for processing. The metrics for each participating State are shown in Table 1.

Table 1. Participating states by representation criteria.

State	DQ Rate	TE Rate	CMV Exposure	Geographic Region
State A	Low	Low	Medium	Midwest
State B	Medium	High	Medium	East
State C	Medium	Medium	Medium	East
State D	Medium	High	High	Midwest
State E	Low	Low	Low	West

State	DQ Rate	TE Rate	CMV Exposure	Geographic Region
State F	Low	Low	Low	West
State G	Low	Low	High	West
State H	Medium	High	High	East

2.2 Data Sources

The following data sets and analysis tools were used in the study:

- **Inspection Records from FMCSA’s Motor Carrier Management Information System (MCMIS)⁽²⁾:** MCMIS inspection data supported analysis of CDL holders operating a CMV while disqualified. The research team analyzed data on disqualified drivers detected during roadside inspections to determine the rate of detection. In addition, the team used MCMIS data to estimate how often inspectors record PDQ violations in the inspection report and issue citations for those offenses.
- **Citation/Adjudicated Data from State Courts:** The analysis included all traffic citations corresponding to violations in 49 CFR 383.51, as well as additional citations received at the same time as a 49 CFR 383.51 citation. In addition, the analysis included data on how the citations were adjudicated in court.
- **State-to-American Association of Motor Vehicle Administrators (AAMVA) Code Dictionary (ACD) Crosswalk:** This crosswalk maps the State statute citation codes associated with PDQ violations as defined in Appendix C of the ACD.⁽³⁾ ACD codes in Appendix C account for all the violations listed in the 49 CFR 383.51 disqualification tables. The research team created their own crosswalks based on violation descriptions in the State court data, supplemented by third-party vendor documentation⁽⁴⁾ and discussion with State court personnel.
- **Federal-to-ACD Crosswalk:** The research team created this crosswalk to map Federal violation codes recorded in inspection reports to ACD codes associated with PDQ violations.
- **Temporary/Permanent Disqualification Data from Each SDLA:** SDLA data included CDL holders’ disqualifications along with the corresponding time frame and the reason for the disqualification. The research team developed a list of disqualifications from the five States for which this data was available to analyze the proportion of drivers disqualified for safety versus non-safety reasons, and the rate at which drivers disqualified for safety reasons were detected at roadside inspections.
- **Commercial Driver’s License Information System (CDLIS) Data:** The research team conducted CDLIS checks on all CDL holders that had a PDQ conviction based on the

² While MCMIS and the State Court data contain some overlapping information, MCMIS will only contain traffic stop data if an inspection was also conducted, whereas the State Court data will have all traffic stop data independent of whether or not an inspection was conducted. Furthermore, the State Court data will have additional information regarding how the citation was processed and potentially changed throughout the adjudication process and additional details into the adjudication process that are not contained within MCMIS.

³ The American Association of Motor Vehicle Administrators (AAMVA), AAMVA Code Dictionary (ACD) Manual, Release 5.2.2 (<https://www.aamva.org/ACDManualRel522/>)

⁴ BRB Publications, 2018 MVR Access and Decoder Digest (<https://www.mvrdecoder.com/>) provides reports of ACD codes linked to selected State statutes for each State.

court data. Each CDLIS check confirmed the CDL status of the driver and the convictions and disqualifications on the CDL holder’s record.

From the six data sets required to answer the research questions, two were obtained directly from each State: (1) citation/adjudicated data from State courts, and (2) temporary/permanent disqualification data from the SDLAs. The research team presented the study goals and requirements to the States and provided a standard data request to the court and SDLA for each of the selected States (see Appendix A of this report). Each State court and SDLA IT system, however, has unique data formats and fields, and are subject to State laws and data security policies that impact the availability or retention of the information requested. Due to differences among the States’ data collection processes, systems, and data security policies, the research team was able to obtain SDLA data from only five of the eight States. Data from SDLAs in States E, G, and H was unavailable.

Datasets obtained from each State for use in this study are summarized in Table 2. Unique aspects of the datasets that affect the analysis results are explained in an Analysis Results section for each research question. The Individual State Considerations section describes State data challenges experienced in each selected State and the potential impact on answering the research questions.

Table 2. Data sets collected from each State.

State	Court Data	SDLA Data	MCMIS	CDLIS
State A	X	X	X	X
State B	X	X	X	X
State C	X	X	X	X
State D	X	X	X	X
State E	X	-	X	X
State F	X	X	X	X
State G	X	-	X	X
State H	X	-	X	X

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3. LIMITATIONS

3.1 SCOPE

The findings in this study represent eight States of various sizes, levels of enforcement activity, etc. These eight States should not be taken as a perfect proxy for the entire United States. This report provides only a starting point for understanding the relationship between citations and disqualifications, along with a snapshot of difficulties in mapping this relationship in different legal environments. While the report provides insights into how processes in the studied States work—and where improvements may be undertaken—it also provides a glimpse into the risks of making general statements about national inspection, citation, adjudication, and disqualification practices.

Findings should not be taken as a simple indictment of any particular State. It is worth noting in considering these data that all States participating in this analysis did so voluntarily. The effect of this self-selection on the wider applicability of this report is unknown.

3.2 DATA COVERAGE

3.2.1 Court Data

While the research team was able to obtain court data from each of the selected States, these data were not always complete, which impacted the ability to address several research questions. In particular, missing data was found to fall under one of two categories:

1. **Expunged records:** In cases of expungement, the record is completely missing and there is no way to reconstruct it or determine how many records would have existed within the overall data provided.
2. **Initial charge not available:** Most States fulfilled the “initial and final charge” aspect of the data request by providing full court records with some means of identifying a sequence of events, but did not always clearly identify the initial charge. Lacking initial charge information makes it impossible to determine instances of reduced charges, and to accurately track PDQ charges entering courts.

3.2.2 SDLA Data

SDLA data were not available for three of the eight States (see the Individual State Considerations section, below). For those States where SDLA data was available, many records had no recorded date for reinstating the license. If taken at face value, this would indicate that these disqualifications are ongoing “indefinite” disqualifications; however, taking other data limitations into consideration it is possible these were missing or incomplete data, incorrectly entered data, or a record that was not properly updated to reflect the reinstatement date. Therefore, it was not possible for the research team to determine whether these drivers were truly disqualified at the time of a roadside inspection.

Additionally, manual data entry (keying in data) is required for convictions sent by paper from courts to the SDLA. Errors in the State driver record caused by incorrectly keying in driver information, including convictions, are then reflected in CDLIS that, in turn, could result in lower match rates when comparing with the court records and CDLIS records.

3.3 DATA QUALITY

3.3.1 Inspection Paperwork

There are potential data quality issues with the citation field in the inspection report, as it is freeform and not mandatory, even if the inspector issues a citation in conjunction with a PDQ violation. Completeness and accuracy issues hindered the ability to match inspection violations to the corresponding court citation offenses in some instances.

3.3.2 Identification of CDL Holders

This was essential to identifying records of interest. All States provided this information in some form, typically either a Yes/No field, a field for Driver License Type, or both. Depending on the State, these fields could come from State driver records or from information filled by the inspector at roadside, and showed varying levels of reliability (e.g., Driver License Class was a freeform text field in some cases). The research team approached this as follows: If a Yes/No was the only CDL indicator provided, it was assumed to be accurate. If a license class field was provided, Class A and B licenses (and clear variations on those license classes, such as “AM,” which stands for Class A and motorcycle) were categorized as CDLs. This is relevant to research questions one through five. For research questions four and five, which use CDLIS as an additional data source, CDL holders were additionally filtered to those that were confirmed as having a record in CDLIS.

3.3.3 Identification of Disqualifying Events

3.3.3.1 ACD Code Assignment

Crosswalks between State statutes and ACD codes had to be manually verified for all States, and in some cases developed from scratch by the research team with input from the State. The original crosswalks either were incomplete (i.e., did not match many disqualifying ACD codes to statutes), provided insufficient detail (e.g., assigning all Speeding violations the generic code S92), or out of date. To address this, the research team performed independent research and worked with State court personnel to develop improved crosswalks. This was required for each of the eight States.

3.3.3.2 Violations Occurring while Operating a CMV

This was essential to identifying “Serious” type PDQs (49 CFR 383.51(c)). Some offenses in the “Serious” category are only potentially disqualifying if they took place while driving a CMV. All States provided this information in some form, but sometimes only as a general vehicle type rather than a clear CMV identifier; in those cases, the research team determined which vehicle types most likely corresponded to CMVs (e.g., “Semi” and “Tanker” but not the more generic “Truck”) and defined a CMV identifier accordingly.

3.3.3.3 Identification of “Speeding 15”

This was essential to identifying PDQ offenses—speeding is a potentially disqualifying offense only if the driver was at least 15 mph over the speed limit. This level of detail was provided clearly by some States, required follow-up data requests for some States, and in the remaining States was inconsistently available depending on the level of detail in the citation. Most States have a generic “Speeding” statute that was often cited in lieu of a more specific “Speeding XX mph over limit.” For the purposes of this analysis, speeding citations were only considered PDQs if there was evidence in the citation that the magnitude was at least 15 mph over the speed limit.

3.3.4 Tracking Charges across Multiple Courts

In many States, charges may pass through multiple agencies or court systems. Ideally, a record would have a consistent identifying number used in each data set, but sometimes this identifier was missing. This made it difficult to infer whether and how an initial charge was adjudicated. Wherever possible, the research team connected records based on additional data fields (e.g., the date of the offense and driver information) or data transformations (e.g., the record for one court may have no citation number, but the citation number could be extracted from the court docket number).

3.3.5 CDLIS Data

CDLIS data was delivered in a raw form that took considerable cleaning and processing to be usable for analysis. The fulfilment of a data request contained over 2000 columns, with no documentation provided beyond a single header row. Restructuring these data into a database suitable for analysis required extensive manual coding and careful judgment of entries whose meanings were not obvious—for example, a 5-digit code associated with speeding violations which, upon close examination, turned out to contain information about how severely the driver had exceeded the speed limit. While the research team overcame these issues, solutions had to be tailored to and implemented for each batch of data. As such, these challenges will likely also impact future research built on the same resources.

Beyond the data cleaning, structuring, and interpretation issues, many of the requested driver histories were not delivered. The most frequent cause for these missing histories (according to the error messages received instead) was that the driver State provided in the request did not match the current State of Record (SOR) for that driver. Thus, if the driver license State obtained from a citation or inspection and provided in the request did not match the CDL holder’s *current* SOR, CDLIS returned only an error and not the driver history. The CDL batch process is sophisticated enough to provide a specific error indicating the reason the driver history was not returned, but not enough to find and return the current driver record.

3.4 INDIVIDUAL STATE CONSIDERATIONS

3.4.1 State A

State A falls under the Midwestern Service Center and has a medium rate of CMV exposure and low rates of driver disqualification and traffic enforcement. State A had all datasets available. For court records, the court requires the expungement of records of cases that result in no convictions, which impacted the ability to review those cases.

3.4.2 State B

State B falls under the Eastern Service Center and has a high traffic enforcement rate as well as medium rates for driver disqualification and CMV exposure. State B had all data available and confirmed that the court does not expunge records automatically. State B's response to the data request from the research team was covered by two separate data sets, each with different data elements. The two data sets could not be fully reconciled: one data set did not have speeding details or out-of-State drivers, while the other did not identify initial or final offenses. Additionally, there was an unknown issue matching citation numbers to court data. Even after substantial data cleaning, citation numbers which appeared valid could not be matched to court data for many inspections with PDQ violations.

3.4.3 State C

State C falls under the Eastern Service Center and has medium rates for driver disqualification, traffic enforcement, and CMV exposure. State C had all datasets available and was able to confirm that they do not expunge court records automatically.

3.4.4 State D

State D falls under the Midwestern Service Center and has a medium driver disqualification rate and high rates of traffic enforcement and CMV exposure. State D had all datasets available, however the court data only covered two-thirds of the counties and the court did not provide information on whether they automatically or routinely expunge certain records.

3.4.5 State E

State E falls under the Western Service Center and has low rates for driver disqualification, traffic enforcement, and CMV exposure. State E was unable to provide the SDLA data set due to resource constraints at the time of the request. For court records, State E's court automatically expunges records under certain circumstances which impacted the ability to obtain a full dataset of court records.

3.4.6 State F

State F falls under the Western Service Center and has low rates of driver disqualification, traffic enforcement, and CMV exposure. State F had all datasets available but did not provide any information on whether their court automatically or routinely expunges certain records. Additionally, State F did not provide any court information regarding initial charges that differed from final charges. Statutes and offenses in State F's court records varied widely from record to record, and it was ultimately determined that cities and counties often used their own statutes rather than a statewide standard. This is a known issue for the State, which they are in the process of addressing with a data-standardization effort. This created complications for the definitions of the State-to-ACD crosswalk and determination of PDQs, as well as the simple counting of offenses.

3.4.7 State G

State G falls under the Western Service Center and has low rates for driver disqualification and traffic enforcement, and a high rate for CMV exposure. State G was unable to negotiate an MOU to allow the State to provide the SDLA data set with the personally identifiable information

required to conduct the relevant analyses. For court records, the State G's court is de-centralized throughout the State and was therefore only able to provide data on a single district. Additionally, the court did not provide any information on whether they automatically or routinely expunge certain records.

3.4.8 State H

State H falls under the Eastern Service Center and has a medium rate for driver disqualification and high rates for traffic enforcement and CMV exposure. State H was unable to negotiate a Memorandum of Understanding (MOU) to allow the State to provide the SDLA data set with the personally identifiable information required to conduct the relevant analyses. For court records, State H's court automatically expunges records under certain circumstances which impacted the ability to obtain a full dataset of court records and the court data received did not include the largest urban area in the State, due to resource constraints with the volume of data.

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4. ANALYSIS RESULTS

The process that takes a citation from a roadside inspection to a driver record is vital to ensuring only qualified drivers operate CMVs on the Nation's roads. The analysis contained in this section details the findings of the seven research questions for the eight participating States. Findings and conclusions are presented for each research question individually.

4.1 WHAT PERCENTAGE OF DISQUALIFYING VIOLATIONS RECORDED DURING A ROADSIDE INSPECTION RESULTED IN A DISQUALIFYING CITATION OFFENSE?

This question examines the mix of violations and associated citations issued during roadside inspections.

4.1.1 Inspection and Citation Process

Roadside inspections are the primary on-road enforcement tool applied to CMV operators. Inspections conducted during traffic enforcement form a major part of State roadside inspection programs. During these inspections, law enforcement records the traffic enforcement violation(s) that led to the traffic stop on the inspection report.

Traffic enforcement violations assessed to CMV operators are recorded using a Federal violation code (e.g., 392.2SLL4 Speeding 15+MPH is the code for speeding more than 15mph over the posted speed limit) and may be accompanied by a State citation number. Law enforcement is permitted to use discretion on whether to issue a citation that will send the charges to State court.

If the Federal violation code indicates an observed offense is potentially disqualifying (PDQ), the officer has three choices for how to proceed:

1. Issue a citation of the traffic enforcement offense, which can lead to conviction and disqualification (temporary or permanent) of the CDL.
2. Issue a citation for a lesser charge that is not a PDQ offense.
3. Do not issue any citation (e.g., issue a written or verbal warning).

The analysis below estimates the distribution of these law enforcement actions among the participating States. Only when a citation for a PDQ is issued does the disqualification process begin, and disqualification is usually contingent on conviction, with some exceptions such as drug-and alcohol-related violations.

This research question involves the first two steps of the disqualification process, as shown in Figure 2. In Step 1, law enforcement observes a PDQ violation during an inspection. Step 2 is when a PDQ citation is issued. The observed PDQ violation does not proceed to Step 2 if a PDQ citation is not issued.

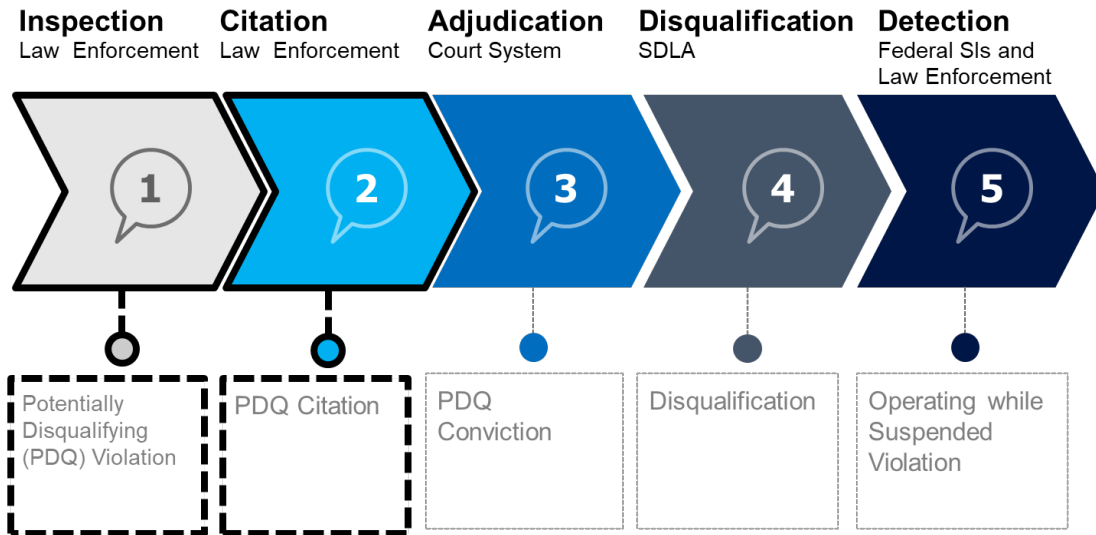


Figure 2. Diagram. Inspections (Step 1) and citations by law enforcement (Step 2) in disqualification process.

4.1.2 Data Required

- Violation data and associated citation numbers from MCMIS inspection records.
- Citation data from the State court.
- State-to-ACD crosswalk for the State court data and Federal-to-ACD crosswalk for inspection data.

4.1.3 Methodology

When officers issue a citation in conjunction with a roadside inspection for a particular violation, ideally they will enter the citation number next to the Federal violation code in the inspection report. However, it is not mandatory that the officer record the citation on the inspection report. Moreover, the citation number does not contain any information about the offense; it is simply a unique number assigned sequentially by the officer. The inspection report does not record the exact offense that was sent to the State court. Data from the State court is the only source detailing the offense for which a citation was issued during a roadside inspection.

To track whether an officer charged a driver with a PDQ offense, this analysis tied the citation number associated with a PDQ violation in the inspection report to the offense associated with the same citation number in the court data. This was done by identifying citation numbers in MCMIS inspection records that are associated with PDQ violations based on the Federal violation code. Then those citation numbers were matched to citation numbers from the associated State court record, which contains the citation offense adjudicated by the court. Citation offenses were separated into PDQ and non-PDQ offenses using the State-to-ACD crosswalk.

The results show how often PDQ violations recorded during inspections had accompanying citations issued at the PDQ level and how often they were issued at a lesser, non-PDQ level.

4.1.4 Analysis Results

Not all PDQ violations have a corresponding PDQ citation. This indicates that inspectors apply discretion when issuing citations, recording PDQ level violations but issuing the accompanying citation at a non-PDQ level. This discretion is visible in the last column of Table 3, and is one of the reasons that not all PDQ violations assessed at the roadside had a matching PDQ citation at the court. The results show that inspector discretion for deciding whether to assess a citation as PDQ is exercised frequently enough that it may inhibit the objective of the CDL program to remove unsafe drivers from operating CMVs.

There are three other possible reasons why the match rate appears lower than expected.

- The first possibility is that the citation code was not correctly identified as a PDQ violation during the creation of the State-to-ACD crosswalk. Citation offenses and statutes are unique to each State and their corresponding ACD crosswalks are unique as well. ACD codes were assigned based on the State-to-ACD crosswalks, but in many cases, there was not a sufficient State-to-ACD crosswalk in place for analysis and in other States, crosswalks were not current and needed to be updated. The research team performed independent research and worked with State court personnel to develop improved crosswalks as necessary.
- A second possibility is that the inspector issued a citation, but it could not be matched to the inspection record. Some States do not make a practice of recording citation numbers in inspection records. This means that the inspector may have issued a citation without recording a citation number on the inspection record, making it difficult to match the record to court data. Inspection records with citation numbers also could not be matched to court records if the associated court record was expunged.
- The final possibility is that the inspector did not issue a citation. In this instance, the inspector identified a PDQ violation but chose not to issue a corresponding citation. This is a form of discretion permitted to the inspector, but contributes to the low match rate of PDQ violations to PDQ citations and could inhibit efforts to remove unsafe drivers from operating CMVs.

Unfortunately, it is not possible to differentiate between the second and third reasons if no citation number was present. For example, in State G, of the 37,606 inspections with PDQ violations, only 22 included citation numbers, and none of these could be matched to specific court records.⁽⁵⁾ This explains the 0.1 percent matches for State G in Table 3, rounded to 0 percent. The conclusion from this result is that State G inspectors either do not routinely record citations on inspection reports or they routinely choose not to issue citations, or a combination of these two scenarios.

The simplest way to answer this research question would be to compare the PDQ violations on inspection forms to the number of corresponding PDQ-level court citations. As described above, a variety of data issues prevented the research team from confidently identifying all of the corresponding citations received by the courts. The next section entitled Limitations in

⁵ State G's court data was only provided by one district. This contributes to the low match rate but has no impact on the 37,586 inspections with no citation number recorded.

Analyzing the Data describes these issues in more detail. Given these data issues, the best available comparison is represented in the rightmost column of Table 3, which shows the percentage of PDQ violations that resulted in PDQ-level citations sent to the courts, but only for the subset of PDQ violations matched to court data.

Table 3. Potentially disqualifying (PDQ) violations recorded during a roadside inspection that resulted in a disqualifying citation offense.

State	Number of Inspection Forms with a PDQ Recorded Violation (MCMIS Data)	Number of Inspection Forms with a PDQ Violation and Citation Number (MCMIS Data)	Citation Numbers on Inspection Forms that Match Citation Numbers in State Court Data (Court Data)	Court Citation Data that Reflects a PDQ Violation	% of PDQ Violations that are at PDQ level in Both Inspection and Court Citation
State A	3,343	2,253	1,540	1,134	74%
State B	8,279	3,056	615	255	41%
State C	3,977	2,440	2,055	845	41%
State D	18,585	5,275	4,737	3,031	64%
State E	2,471	1,719	796	591	74%
State F	1,362	1,145	608	363	60%
State G	37,606	22	0	0	NA
State H	17,405	10,094	4,337	1,492	34%

Source: MCMIS and State court data (2016–2018)

For States other than State G, between 28 and 84 percent of inspections with a PDQ violation had some citation number recorded. This does not guarantee that the citation number recorded on the inspection can be matched to an actual court record, as discussed in more detail in the next section.

Except for State B and G, there was at least a 40 percent match of inspections with a citation number to a corresponding court record with the same citation number. Only one State (State C) had more than 50 percent of records with a PDQ citation on the inspection matched to a PDQ court record.

4.1.5 Limitations in Analyzing the Data

The analysis could not meaningfully compare the number of inspections with PDQ violations to the number of matched PDQ citations in court data; there are too many different possible reasons for the difference between these totals. Instead, the comparison of matched PDQ citations to *all* matched citations best captures the relative extent of inspector discretion in choosing whether to issue a PDQ citation for a PDQ violation. This percentage, in the rightmost column of Table 3, represents the percentage of PDQ violations that resulted in PDQ-level citations sent to the courts, but only for the subset of PDQ violations where it was possible to match to the court data. Although this provides the most meaningful result given the available data, it does not form a complete answer to the research question.

4.2 WHAT IS THE DISTRIBUTION OF 49 CFR 383.51 VIOLATIONS THAT RESULT IN GUILTY VERDICTS, NOT GUILTY VERDICTS, OR ARE OTHERWISE ADJUDICATED?

Research question two addresses the State court adjudication process for the cited PDQ offenses. This analysis addresses how often PDQ citation offenses that enter the court system result in PDQ convictions.

4.2.1 Adjudication Process

The adjudication process starts with the PDQ citation offense submitted by law enforcement being received by the court. Some States grant prosecutors the discretion to decide whether to adjudicate the citation offense or not. If this is the case, and the prosecutor does not move the offense forward in the process for adjudication, the citation does not move forward. The rest of the PDQ charges, which the court adjudicates, may end up with any of the following outcomes:

- Guilty verdict resulting in a conviction of the PDQ offense.
- Adjudicated but not resulting in conviction of PDQ offense.
 - Dismissed or found not guilty.
 - Conviction of lesser charge.
 - Probation before judgment or deferred judgment.

A conviction of a lesser charge or an adjudication such as probation before judgment or deferred judgment are potential indicators for masking of PDQ offenses. Refer to the section on research question three for further discussion and explanation of masking.

Figure 3 shows various paths PDQ offenses can take in the adjudication process. As shown in Figure 3, if the result of Step 3 is a PDQ conviction, the disqualification process proceeds to Step 4.

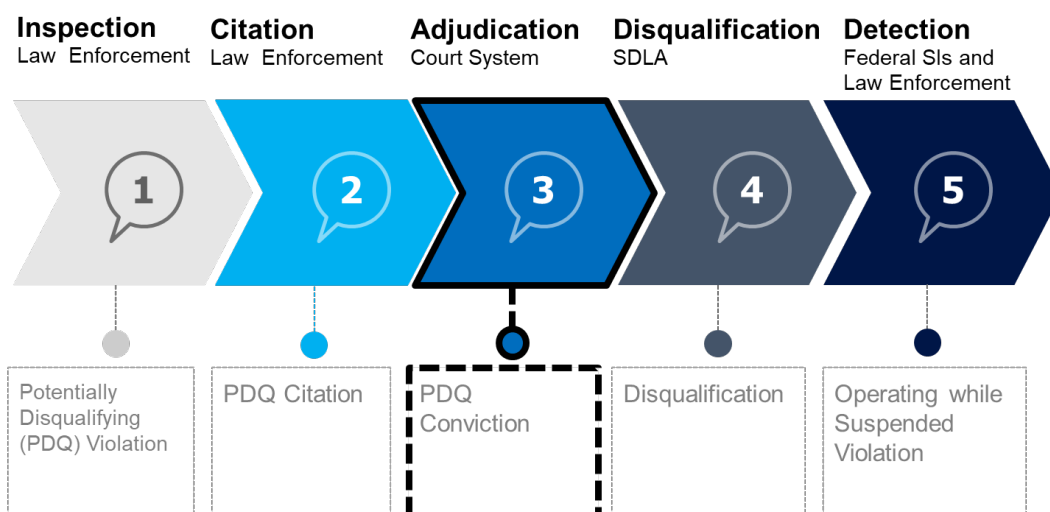


Figure 3. Diagram. Adjudication by court system (Step 3) in disqualification process..

4.2.2 Data Required

- Citation data and associated adjudication information from the State court.
- State-to-ACD crosswalk.

4.2.3 Analysis Results

Results on the adjudication of PDQ offenses are captured in Table 4.

Table 4. Adjudication results by State.

State	PDQ Offense Charges	Charges Not Adjudicated	Charges Adjudicated But Not Resulting in a Disqualifying Offense	Conviction of PDQ Offense	% of PDQ Offense Charges Leading to Conviction of a Disqualifying Offense
State A	1,720	43	272	1,406	82%
State B	2,630	203	1,950	477	18%
State C	1,614	0	778	836	52%
State D	3,191	91	449	2,651	83%
State E	1,645	32	434	1,179	72%
State F	1,371	3	216	1,153	84%
State G	53	13	29	11	21%
State H	3,546	119	349	3,078	87%

Source: State court data (2016–2018)

4.2.4 Limitations in Analyzing the Data

The accuracy of the study results hinges on the ability to accurately identify CDL holders and PDQ violations from the court data. These limitations are discussed earlier in the report.

4.3 BY STATE, HOW FREQUENTLY DO 49 CFR 383.51 CHARGES RESULT IN A DISMISSAL OF CHARGE, OR OTHER ADJUDICATION, THAT RESULTS IN THE DRIVER NOT HAVING HIS OR HER CDL DISQUALIFIED?

Research question three explores the practice of “masking.” The results from research question two show how often PDQ citation offenses result in non-convictions of a PDQ offense. The analysis for research question three focuses on the reasons behind some of these non-convictions by specifically identifying potential cases of masking PDQ offenses.

According to 49 CFR 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 commercial learner 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.

4.3.1 Data Required

- Citation data and associated adjudication information from the State court.
- State-to-ACD crosswalk.

4.3.2 Analysis Results

Results are captured in Table 5.

Table 5. Charges not resulting in a disqualification by State.

State	PDQ Offense Charges	Convictions of Non-disqualifying Offense(s)	Probation Before Judgment	Dismissal of Charge or Not Guilty Verdict
State A	1,720	16	3	102
State B	2,630	0	479	1,471
State C	1,614	52	0	726
State D	3,191	16	0	433
State E	1,645	60	7	367
State F	1,371	NA	NA	216
State G	53	0	0	29
State H	3,546	86	2	261

Source: State court data (2016–2018)

Across the various States, the court data showed potential masking in 0.5 to 18 percent of the PDQ charges.

In State B, most of these instances were probation before judgment, but in other States, most instances represented a conviction of a reduced (non-PDQ) charge. As discussed in the Limitations section, several States routinely expunge records that do not result in a conviction, including those that resulted in an adjudication of probation before judgment or deferred judgment. It is therefore likely that the results are significantly impacted by missing court data due to expungement.

According to discussion with the court contact in State G, no changes are ever made from the charged violation to the adjudicated violation.

4.4 BY STATE, HOW OFTEN DO CHARGES PROPERLY RESULT IN A CDL HOLDER’S DISQUALIFICATION FOR 49 CFR 383.51 VIOLATIONS?

Research question four addresses the disqualification activities of the general process being studied. The analysis identifies whether the convictions of disqualifying offenses sent from the

State court to the SDLAs in charge of maintaining CDL records are accurately recorded on the CDL record.

4.4.1 Disqualification Process

Each CDL holder’s PDQ conviction information is sent from the court to the driver’s SOR (Figure 4). Once the conviction has been placed on the driver’s record, the SDLA can determine if the PDQ conviction results in a temporary or permanent disqualification of the CDL. According to 49 CFR 383.51, a CDL is disqualified with convictions of two “Serious” violations (e.g., Reckless Driving, Speeding 15+ MPH) within 3 years or any conviction of a “Major” violation⁶ (e.g., driving or operating a motor vehicle under the influence of alcohol or drugs).

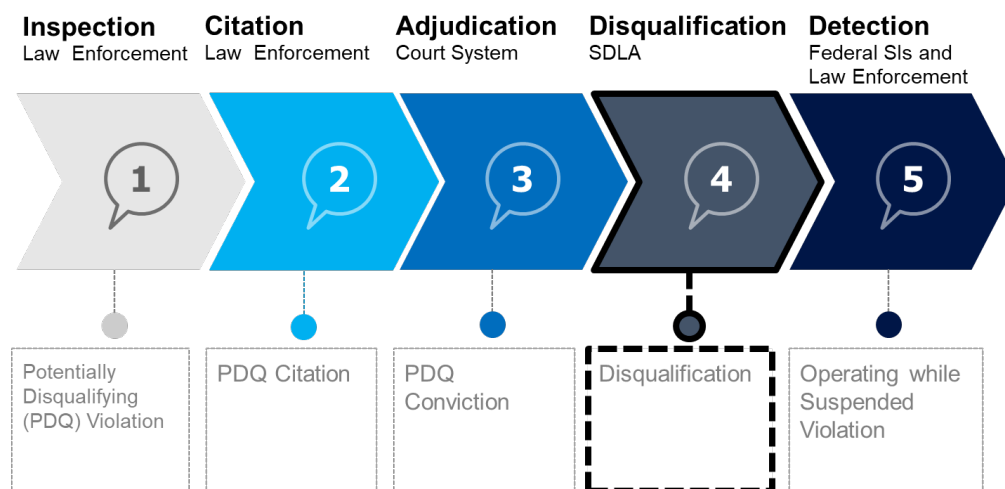


Figure 4. Diagram. Disqualification by SDLA (Step 4) in disqualification process.

4.4.2 Data Required

- PDQ convictions from the State courts.
- Convictions and disqualifications from CDLIS.

4.4.3 Analysis Results

Results are captured in Table 6.

Table 6. Results of matching PDQ convictions from court to PDQ conviction in CDLIS.

State	PDQ Convictions from Court	PDQ Convictions in which CDLIS Has Driver History	PDQ Court Convictions Found in CDLIS Driver History	Percent of PDQ Court Convictions Found in CDLIS Driver History
State A	1,348	582	558	96%
State B	922	869	478	55%

⁶ Other PDQ violations related to Operating while under an Out-of-Service Order and Railroad Crossings are listed in 383.51 and similar to Major Violations as a single conviction of these types of violations should result in a CDL disqualification. For the purposes of this report, these other PDQ violations are grouped with the PDQ Major Violations.

State	PDQ Convictions from Court	PDQ Convictions in which CDLIS Has Driver History	PDQ Court Convictions Found in CDLIS Driver History	Percent of PDQ Court Convictions Found in CDLIS Driver History
State C	777	483	387	80%
State D	2,651	2,399	1,742	73%
State E	1,079	437	400	92%
State F	427	311	150	48%
State G ⁽⁷⁾	NA	NA	NA	NA
State H	4,448	3,130	2,616	84%

Source: Courts and CDLIS (2016–2018)

The PDQ convictions from the court identify the CDL holder. CDLIS provides the following information about each driver’s license number (DLN) found:

1. **DLN found in CDLIS:** Driver is a confirmed CDL holder and the query returns a driver history of all convictions and disqualifications.
2. **Error (No Driver History Available):** Driver is a confirmed CDL holder, but CDLIS returns an error due to an incorrect SOR (i.e., the SOR has changed and the analysis team could not know the current SOR). No driver history was available in this instance.

In the instances where CDLIS returned an error, these data were treated as missing.

Drivers with court convictions who did not appear to have an accompany disqualification on their CDL could be a result of communications failures between different recordkeeping systems, or due to incorrect or missing data in CDLIS itself. This study lacked the resources to ascertain exact points of failure for each missing datum.

Table 7 shows results for permanent (lifetime) disqualifications of CDLs.

⁷ State G shows as “NA” because reliable data were not available.

Table 7. Major and serious convictions and resulting disqualifications.

State	PDQ Court Convictions Found in CDLIS	Convictions of Major Violations in CDLIS*	DQ on Major Violations in CDLIS	% of Major Convictions of the DQs on Major Violations in CDLIS	Convictions of Serious Violations in CDLIS**	2+ Convictions of Serious Violations in 3 years**	DQs on 2+ Serious Violations in CDLIS	% of 2+ Serious Convictions of the DQs on 2+ Serious Violations in CDLIS
State A	558	247	214	87%	308	17	17	100%
State B	478	445	402	90%	32	0	-	-
State C	387	45	41	91%	340	14	10	71%
State D	1,742	324	275	85%	1,418	73	63	86%
State E	400	186	175	94%	206	9	6	67%
State F	150	50	48	96%	100	6	6	100%
State G	NA	NA	NA	NA	NA	NA	NA	NA
State H	2,616	1,269	1,208	95%	1,318	94	80	85%

* Conviction on Major Violations should result in a disqualification

** Two convictions of Serious Violations should result in a disqualification

Source: Courts and CDLIS (2016–2018)

According to 49 CFR 383.51, any conviction of a Major offense should result in a temporary or permanent disqualification on the CDL holder's status (making it a "disqualifying" conviction at this point). Given that the CDLIS driver history record contains both the conviction and disqualification information, researchers were able to check if the SDLA issued a disqualification based on each Major PDQ conviction. Across the various States, 85 to 96 percent of the Major PDQ convictions had an associated disqualification by the CDL holder's SOR.

According to 49 CFR 383.51, two or more convictions of Serious offenses found on the CDLIS record in a 3-year period should result in a disqualification. Across the various States, 67 to 100 percent of these drivers had an associated disqualification on the record according to CDLIS. One hundred percent of the convictions generated by two States led to the appropriate disqualifications. The remaining States' results ranged from 67 to 86 percent.

4.4.4 Limitations in Analyzing the Data

The accuracy of the results hinges on the ability to accurately identify CDL holders in CDLIS and accurate information being entered on driver records at the SDLA. These limitations are discussed earlier in the report.

4.5 HOW OFTEN DOES THE TICKETING OF 49 CFR 383.51 ADMINISTRATIVE PER SE PROPERLY RESULT IN A CDL HOLDER'S DISQUALIFICATION?

Research question five addresses the issuance of administrative per se disqualifications. The analysis identifies occurrences of administrative per se offenses in the State court citation data and examines if the offenses led to disqualification on the CDL holder's CDLIS record.

4.5.1 Administrative Per Se Process

Most States have the legal authority for the SDLA to issue an administrative disqualification on a CDL holder that is automatically triggered by arrest—rather than a conviction in criminal court—that usually goes into effect within 30 days of the arrest. This type of action is referred to as "administrative per se," or "admin per se," which is a Latin term meaning "inherently" or "by itself," because the offense noted at the time of discovery leads to disqualification by itself (without yet being adjudicated). When a CDL holder is cited for a disqualifying alcohol or drug offense during an inspection or traffic stop, the SDLA should issue an administrative per se disqualification of the CDL. The specific grounds that require disqualification are based on the driver's blood alcohol content measuring more than the legal limit, or refusal to take a test to measure his/her blood alcohol level. A driver who wishes to contest an administrative per se can typically request a hearing within 1 to 2 weeks, depending on the State they are in. In the States that participated in this study, the disqualification would then be on hold while waiting for the outcome of the hearing.

4.5.2 Data Required

- Citation data from the State court.
- Driver record with disqualification data from CDLIS.

4.5.3 Analysis Results

Table 8 provides the analysis results for each State.

Table 8. Disqualifications resulting from administrative per se.

State	Drug- or Alcohol-Related Citations Where Driver History Was Available	Drug- or Alcohol-related Disqualifications Found on CDLIS Record	% of Drug- or Alcohol-related Disqualifications Found on CDLIS Record
State A	215	120	56%
State B	883	334	38%
State C	174	61	35%
State D	201	103	51%
State E	224	45	20%
State F	101	54	53%
State G	0	NA	NA
State H	465	46	10%

Source: Courts and CDLIS

For those instances when the CDLIS driver history record was available, the percentage of alcohol-related offenses that had an alcohol-related disqualification effective at or near the time of the citation ranged from 10 to 56 percent. The specific reasons why an administrative per se disqualification does not appear is unknown. One possible cause is that drivers contested the offense and the arrest was resolved in a hearing. A second possible cause is that the citation did not result in a disqualification as it should have. There were zero alcohol-related citations on CDL holders in State G’s court data. State H had the lowest rate of matching withdrawals, and none of them were specifically for administrative per se according to CDLIS, but they did have some “Administrative Action” withdrawals for alcohol-related reasons that are included in the results, with the assumption that this may be a data recording issue.

4.6 WHAT PERCENTAGE OF DRIVERS ARE DISQUALIFIED FOR SAFETY (49 CFR 383.51) REASONS VERSUS SUSPENDED FOR NON-SAFETY (E.G., FAILURE TO PAY CHILD SUPPORT) REASONS?

Research question six explores instances in which CDL holders are disqualified for safety versus suspended for non-safety reasons. Answering this question leads into question seven, which focuses on the ability of law enforcement to accurately detect at the roadside when a CDL holder is disqualified for safety reasons.

Figure 5 shows detection as the final step of the larger disqualification process.

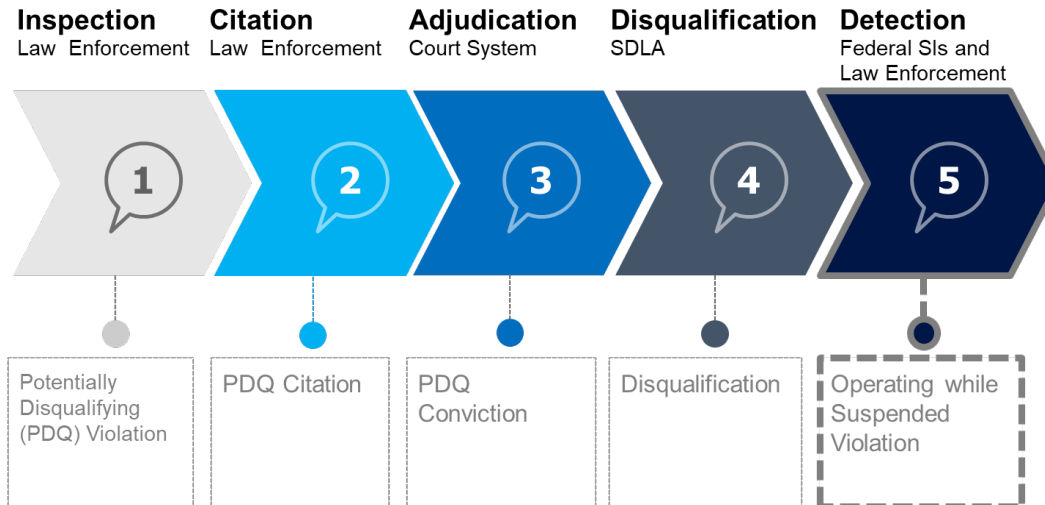


Figure 5. Diagram. Detection by Federal safety investigators and law enforcement (Step 5) in disqualification process.

CDL holders can be disqualified or suspended for many reasons. Some States suspend CDL holders for reasons that have little or nothing to do with safety while driving, such as failure to pay child support, failure to pay alimony, etc. Research question six separates these as “safety-based” disqualifications and “non-safety-based” suspensions.

The analysis conservatively defined “non-safety-based” reasons by limiting that category to include only reasons that were clearly unrelated to driving safety. The analysis grouped all other disqualification reasons in the “safety-based” category. This includes anything that would undermine the integrity of the license itself, such as insurance, failure to pay speeding fines, failure to provide required medical qualification or other information to maintain a valid CDL, etc., as well as ambiguous disqualification or suspension reasons such as failure to pay unspecified fines.

4.6.1 Data Required

- In-state disqualification/withdrawal data from SDLAs.

4.6.2 Analysis Results

Research question six focuses on the disqualification of CDL holders due to safety-based reasons. For the five States with data available to answer the question (States A, B, C, D, and F), the majority of the disqualifications were for safety-related violations. Table 9 shows the data for each State.

Table 9. Disqualifications for safety versus non-safety reasons.

State	In-State CDL Holder Disqualifications or Suspension	Safety-Based Disqualifications	% Disqualified for Safety Reasons	Non-Safety-Based Suspension	% Suspended for Non-Safety Reasons
State A	1,786	1,462	81%	324	19%
State B	6,006	5,456	91%	534	9%
State C	2,718	2,618	96%	99	4%
State D	2,230	2,230	100%	0	0%
State E	NA	NA	NA	NA	NA
State F	3,825	3,554	93%	271	7%
State G	NA	NA	NA	NA	NA
State H	NA	NA	NA	NA	NA

Source: SDLA withdrawals

Due to the availability of data, a smaller number of States are included in the analysis:

- **State A:** This State had the lowest percentage of safety-related disqualifications, at 81 percent. All of the 19 percent of suspensions that were for non-safety reasons were associated with a D51 ACD code, which indicates that the suspension is due to violation of a support order (i.e., not paying child support).
- **State C:** Suspensions for “non-motor vehicular violation” were also classified as non-safety for State C.
- **Other States:** States E, G, and H appear as NA in Table 9 because their SDLA did not provide data on withdrawals for analysis.

Results from this analysis enable research question seven to focus only on safety-based disqualifications.

4.7 WHAT PERCENTAGE OF CDL DRIVERS DISQUALIFIED FOR SAFETY REASONS RELATED TO 49 CFR 383.51, ARE PROPERLY DETECTED AT ROADSIDE INSPECTIONS?

Research question seven focuses on incidents where CDL holders with safety-related disqualifications continue to operate while disqualified, and the detection by law enforcement at roadside inspections of these drivers.

4.7.1 Data Required

- Safety-based disqualification/withdrawal data (as determined in research question 6).
- Inspection data from MCMIS.
- Disqualification data from CDLIS.

4.7.2 Analysis Results

Research question seven examines how often roadside inspectors properly record a violation indicating that a driver was operating while disqualified for a safety-based violation. For the five States with data available to answer the question (State A, B, C, D, and F), the research team analyzed 1,735 inspections of disqualified drivers, with 26 percent of disqualified drivers detected at roadside and the percentages for individual States ranging between 11 and 60 percent.

Table 10 presents the total counts of inspections on disqualified drivers and associated violations.

Table 10. Total number of CDL holders operating under disqualification detected at roadside.

State	Total Number of Inspections of Drivers Operating While Disqualified	Total Inspections of Disqualified Drivers Resulting in 383.51A or 391.15A violations	% Disqualified Drivers Detected at Roadside
State A	542	57	11%
State B	621	52	8%
State C	61	30	49%
State D	475	284	60%
State E	NA	NA	NA
State F	36	16	44%
State G	NA	NA	NA
State H	NA	NA	NA

Source: SDLA withdrawals and MCMIS

The analysis was then further separated by disqualifications with a known reinstatement date and records that did not contain a reinstatement date. This analysis was done to provide greater granularity into whether or not a disqualification was still undoubtedly in effect at the time of the inspection versus those records where the reinstatement date may have been missing or the record had not been properly updated. Looking only at those disqualifications with a known reinstatement date may provide more accurate results on detection rates, since there is greater certainty in these cases that the disqualification was truly still in effect at the time of the inspection. Table 11 displays the sub-set of data that are those records with a known reinstatement date only, which determined the detection rates range from 24 to 66 percent.

Table 11. Number of CDL holders detected at roadside when definitively operating under an active disqualification (i.e., operating before a known reinstatement date).

State	Number of Inspections of Drivers Operating While Disqualified	Inspections of Disqualified Drivers Resulting in 383.51A or 391.15A violations	% Disqualified Drivers Detected at Roadside
State A	30	12	40%
State B	21	5	24%
State C	32	20	63%
State D	419	271	66%
State E	NA	NA	NA
State F	26	16	62%
State G	NA	NA	NA
State H	NA	NA	NA

The key findings for the research question are:

- States A and B:** These two States had a substantial number of inspections on drivers operating while disqualified (542 for State A, 621 for State B), and most of those disqualifications were indefinite in duration. State B had the lowest overall detection rate in the data set at 8 percent, and most of that result is driven by the 600 inspections on indefinite disqualifications with only 47 detected. The 21 inspections during fixed disqualifications had a better detection rate of 24 percent, but the number was not large enough to have much impact on the State’s overall detection rate. This pattern held true when examining specific disqualification reasons, as well: the reasons for indefinite disqualification that most often resulted in violations in State B were “Payment Default” and “Three Surchargeable Events.” These were also only detected in 10 and 12 percent of inspections. State A’s data pattern was similar, with slightly higher detection rates.
- State D:** This is the only State where most inspections occurred during fixed disqualifications. Additionally, there was no clear connection between the reason for a disqualification and whether it had a fixed or indefinite duration. Of the 475 inspections on disqualified drivers, 423 of them (89 percent) were disqualified for “Noncompliance with a Medical Disqualification or Exemption.” Detection rates were very similar across disqualification reasons.
- States C and F:** These two States each had very few inspections on drivers operating while disqualified: 60 inspections for State C, and 36 for State F. They support the overall pattern that violations are more likely to be cited during fixed disqualifications than indefinite ones. In State C, 63 percent of fixed disqualifications were detected at roadside, while 34 percent of indefinite disqualifications were detected. In State F, only fixed disqualifications were ever detected during the inspection. None of the 10 inspections during indefinite disqualifications resulted in violations for operating while disqualified. Although this is a very small sample set, it suggests that indefinite disqualifications in State F may in fact have an end date to the disqualification that was

not available from the data. Most of the differences in violation rate relative to the reason for disqualification may be explainable through this difference in timeframe.

- **Other States:** State E, G, and H appear as “NA” in Table 10 as their SDLAs did not provide data on withdrawals for analysis.

4.7.3 Limitations in Analyzing the Data

As noted earlier, the results show that disqualifications with a recorded reinstatement date (obtained either from the SDLA or CDLIS) were consistently more likely to be detected at roadside inspections, as compared to disqualifications where this information was missing in the record. This could be due to erroneous or missing data that did not accurately reflect the reinstatement of a license, or if these were truly ongoing “indefinite” disqualifications, it could mean that inspectors are much less likely to record 383.51 or 391.15 violations for indefinite disqualifications. If it were possible to confirm whether the disqualification was truly in effect at the time of the inspection, this could offer more insight into exactly when disqualified drivers are undetected at inspections. Further research into this area could provide more clarity as to why there was such a difference in detection rates between records with known reinstatement dates and records with missing reinstatement data.

5. CONCLUSIONS AND RECOMMENDATIONS

The research discovered that process and data quality issues disrupt the citation, conviction, and disqualification process and impede the successful assessment and recording of PDQ citations. This project illuminated five key points where disruptions can occur along the disqualification path. These disruptions occur at various stages as disqualifying violations and associated citations are issued, adjudicated, processed, and recorded, as well as when the resulting CDL disqualifications are implemented and detected.

1. **An inspector utilizes discretion to assess the citation at a PDQ or non-PDQ level (research question 1).** The ability for inspectors and law enforcement personnel to utilize discretion in determining whether or not to assess a citation as a PDQ offense presents an opportunity for CDL holders to avoid PDQ violations at the roadside. For most violations, an inspector is required to cite the violation on the inspection report but has discretion on whether or not to issue a citation. Furthermore, the inspector has discretion in deciding whether or not to issue a violation and citation at a PDQ level (e.g., an inspector has discretion to write a violation for speeding 10mph over instead of 15mph over). It should be noted that for some violations, such as driving under the influence, an inspector must write a citation and does not have this discretion available. This discretion could undermine the disqualification process by allowing drivers to avoid PDQ violations, especially those violations that require multiple instances of violations to become disqualifying.
2. **A PDQ citation goes to the State Court system and is either adjudicated or not; if adjudicated, the court may dismiss or reduces the charge, divert to probation before judgment, or convict on the PDQ charge (research questions 2–3).** Once citations get to court, there are several possible outcomes. PDQ convictions were the most common outcome for most of the States with available data, but there were a couple of States where this was not the case. Among the States with data, the court data also showed potential masking in 0.5 to 18 percent of the PDQ court citations, typically related to conviction of a reduced (non-PDQ) charge.
3. **As a PDQ citation becomes a PDQ conviction it passes through multiple Federal, State, and sometimes local record keeping systems (research questions 2–5).** Records may be lost or compromised through process or data deficiencies among the various parties involved; convictions may not be recorded on the CDL holder's State or CDLIS driver record.
4. **When a PDQ conviction is processed and posted by the SDLA, the SDLA may fail to apply the mandatory withdrawal as per 383.51 (research questions 4–5).** PDQ convictions that should result in a disqualification do not always properly result in a CDL holder's disqualification for 49 CFR 383.51 violations.
5. **After the disqualification process is complete and a CDL is disqualified, the disqualification may not be detected during a roadside inspection (research questions 6–7).** Research question seven examined the extent to which disqualified CDL holders are detected at the roadside. Looking across the eight States, and focusing only on inspections during "fixed" disqualifications, the detection rates ranged from 24 to 66 percent.

The conclusions reached in the study warrant further research into some of the findings. Equipped with the analysis results and knowledge of data limitations, FMCSA could consider these follow-on steps to improve availability and quality of data.

1. FMCSA could explore tightening the voluntary, free-form citation field on the roadside inspection form, while still leaving the discretion currently allowed to inspectors with an entry of “No Citation.” Accurate State-to-ACD code crosswalks are another step in ensuring the correct State citations are mapped to the Federal citations, and that State and Federal agencies are in agreement on which offenses should result in CDL disqualification. These improvements could translate to more accurate results for future FMCSA efforts to track the origin and outcomes of disqualifying violations assessed at the roadside.
2. FMCSA could examine the specific applications of inspector discretion to determine more precisely when and how officers elect to not issue a PDQ citation when a PDQ violation is assessed. The flexibility offered to officers to assess potentially disqualifying violations but not issue a corresponding citation when conducting a roadside inspection or traffic stop is the same practice that is compromising the outcomes on the CDL driver record. FMCSA could explore training officers on the safety consequences of not assessing or recording the associated citation, or even consider making citations mandatory for a limited number of PDQ violations (e.g., Reckless Driving, Alcohol-related). FMCSA could offer training on existing mandatory practices, such as administrative per se withdrawals on Drug and Alcohol violations, and on prohibited practices like the masking of PDQ citations.
3. FMCSA could consider conducting further research into “definite” versus “indefinite” disqualifications to determine whether inspectors and law enforcement treat these disqualifications differently. Research topics to include would be the types of violations leading to disqualifications without a known reinstatement date and the length of time since the disqualification became active to when the driver was detected at roadside.

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APPENDIX A: DATA REQUEST FROM CDL VIOLATION/CONVICTION/DISQUALIFICATION PROJECT

This data request is from the Volpe National Transportation System Center (Volpe Center) for selected study States. The Volpe Center, located in Cambridge, MA, is part of the U.S. Department of Transportation's (USDOT) Office of Secretary of Transportation. The data request is being used to assist USDOT's Federal Motor Carrier Safety Administration (FMCSA)'s efforts of improving CMV safety. Given that the data requested contains sensitive personally identifiable information (PII), any data transfer or storage will be done in accordance with USDOT Privacy Policy (<https://www.transportation.gov/individuals/privacy/dot-privacy-policy>).

STUDY GOAL

Understand how the CDL disqualification process, intended to identify and prevent unsafe CDL holders from operating CMVs, is operating at a national level.

OBJECTIVE

The objective of this effort is to analyze the extent that potentially disqualifying CDL violations recorded by law enforcement lead to an actual disqualification for a driver's CDL. Disqualifying CDL violations are those noted in Part 383.51 of Federal Motor Carrier Safety Regulations (FMCSRs). These violations include both those that can occur while operating a CMV and those that can occur while operating any other motor vehicle.

APPROACH

Obtain State-issued citations that match those disqualifying violations in Part 383.51 for CDL drivers. Track each citation through the adjudication process and then observe the impact on the driver's CDL status. Also, acquire a list of disqualified CDL holders to determine why reasons for disqualification (safety vs. non-safety) and to what extent disqualified holders are detected roadside.

DATA REQUESTS

A standard data request was sent to the SDLA and State Court, to communicate the full picture of the analysis:

- (1) Obtain a list of State-specific violation codes that match up to the disqualifying CDL offenses as noted in Part 383.51 of the FMCSRs as listed in Appendix C in the AAMVA Code Dictionary (ACD) manual (<https://www.aamva.org/ACDManualRel522/>). This will identify the subset of citation records that encompass at least one potentially disqualifying violation.

(2) For all citations issued to any CDL holder (both in-State and out-of-State) in years 2016-2018. Please provide the follow citation data:

- a. Citation number (unique code)
- b. Date of Offence(s)
- c. Issuing Agency
- d. File Date
- e. Method recorded (electronic/paper)
- f. Driver Data:
 - i. Driver License Number and State
 - ii. Class
 - iii. Credential License (Y/N)
 - iv. Name
 - v. Date of Birth
- g. Motor Vehicle Data:
 - i. CDL Vehicle (Y/N)
 - ii. 16+ Passengers (Y/N)
 - iii. Placarded Hazmat (Y/N)
- h. Offense Data (for each Offense listed in the Citation)
 - i. Citation number (unique code to tie offense to citation data)
 - ii. Offense Code (Chap/Sec/Sub)
 - iii. Description of Offense
 - iv. Civil/Criminal Offense

(3) Obtain a list of adjudicated results of the offenses listed in (2). If citation data is not available at the court-level, then provide a list of the adjudicated violations of CDL holders in years 2016-2018.

- a. Case number (to track through court and see if packaged with other disqualifying or non-disqualifying offenses)
- b. Court
 - i. Name
 - ii. Location
 - iii. Type (Traffic/Criminal)
- c. Filed Offense
- d. Disposition for each offense
 - i. Date
 - ii. Disposed Offense
 - iii. Disposition Result (Dismissed, Not guilty, guilty)
 - iv. Date of conviction sent to the SDLA

(4) Obtain a list of disqualification/withdrawals from 2016 to 2018 along issued to in-State CDL holders by the SDLA along with associated time-frame and reason. For each CDL Holder disqualification provide:

- a. Driver License Number
- b. Class
- c. Name

- d. Date of Birth
- e. Time of disqualification
- f. Reason for disqualification (e.g., 2 serious violations in 3 years, DUI, Medically not qualified, Failure to pay spousal support, etc.)