

Appendix Number 34

CMV = Commercial Motor Vehicle

CDL = Commercial Driver License

TABLE 1

If a driver operates a motor vehicle and is convicted of...	For a first conviction or refusal to be tested while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for...	For a first conviction or refusal to be tested while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for...	For a first conviction or refusal to be tested while operating a CMV transporting hazardous materials required to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F), a person required to have a CDL and CDL holder must be disqualified from operating a CMV for...	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operation of a CMV for...	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for...
Being under the influence of alcohol as prescribed by State law...	1 year	1 year	3 years	Life	Life
Being under the influence of a controlled substance...	1 year	1 year	3 years	Life	Life
Having an alcohol concentration of 0.04 or greater while operating a CMV...	1 year	Not applicable	3 years	Life	Not applicable
Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in § 383.72 of this part...	1 year	1 year	3 years	Life	Life
Leaving the scene of an accident...	1 year	1 year	3 years	Life	Life
Using the vehicle to commit a felony, other than a felony described in paragraph (b)(9) of this Table...	1 year	1 year	3 years	Life	Life
Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operation of a CMV...	1 year	Not applicable	3 years	Life	Not applicable
Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle, and negligent homicide...	1 year	Not applicable	3 years	Life	Not applicable
Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance...	Life – not eligible for 10-year reinstatement	Life – not eligible for 10-year reinstatement	Life – not eligible for 10-year reinstatement	Life – not eligible for 10-year reinstatement	Life – not eligible for 10-year reinstatement

TABLE 2

If the driver operates a motor vehicle and is convicted of...	For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operations of a CMV for...	For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for...	For a third or subsequent conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operation of a CMV for...	For a third or subsequent conviction of any combination of offenses in this Table in a separate incident within a 3-year period while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for...
Speeding excessively, involving any speed of 24.1 kmph (15 mph) or more above the posted speed limit...	60 days	60 days	120 days	120 days
Driving recklessly, as defined by State or local law or regulation, including, but not limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property...	60 days	60 days	120 days	120 days
Making improper or erratic traffic lane changes...	60 days	60 days	120 days	120 days
Following the vehicle ahead too closely...	60 days	60 days	120 days	120 days
Violating State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident...	60 days	60 days	120 days	120 days
Driving a CMV without obtaining a CDL...	60 days	Not applicable	120 days	Not applicable
Driving a CMV without a CDL in the driver's possession...	60 days	Not applicable	120 days	Not applicable
Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported...	60 days	Not applicable	120 days	Not applicable

TABLE 3

If the driver is convicted of operating a CMV in violation of a Federal, State, or local law because...	For a first conviction a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for...	For a second conviction of any combination of offenses in this Table in a separate incident within a 3-year period, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for...	For a third subsequent conviction of any combination of offenses in this Table in a separate incident within a 3-year period, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for...
The driver is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train...	No less than 60 days	No less than 120 days	No less than 1 year
The driver is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear...	No less than 60 days	No less than 120 days	No less than 1 year
The driver is always required to stop, but fails to stop before driving onto the crossing...	No less than 60 days	No less than 120 days	No less than 1 year
The driver fails to have sufficient space to drive completely through the crossing without stopping...	No less than 60 days	No less than 120 days	No less than 1 year
The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing...	No less than 60 days	No less than 120 days	No less than 1 year
The driver fails to negotiate a crossing because of insufficient undercarriage clearance...	No less than 60 days	No less than 120 days	No less than 1 year

TABLE 4

If the driver operates a CMV and is convicted of...	For a first conviction while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for...	For a second conviction in a separate incident within a 10-year period while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for...	For a third or subsequent conviction in a separate incident within a 10-year period while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for...
Violating a driver or vehicle out-of-service order while transporting nonhazardous materials...	No less than 90 days or more than 1 year	No less than 1 year or more than 5 years	No less than 3 years or more than 5 years
Violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under part 172, subpart F of this title, or while operating a vehicle designed to transport 16 or more passengers, including the driver...	No less than 180 days or more than 2 years	No less than 3 years or more than 5 years	No less than 3 years or more than 5 years

Notes:

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