

DISQUALIFICATIONS AND TRAFFIC OFFENSES FACT SHEET

Q: What is a disqualification?

A: A disqualification is the temporary or permanent withdrawal of a person's privilege to operate a commercial motor vehicle (CMV).

Q: How long can a disqualification last?

A: The length of a disqualification depends on the violation as well as the driver's record. It can be for a minimum of 60 days or as long as a lifetime.

Q: How does a Commercial Driver become disqualified?

A: A disqualification can result from a single conviction for a MAJOR OFFENSE, an accumulation of SERIOUS TRAFFIC OFFENSES or for other specific violations, i.e. violations of railroad-highway grade crossings.

Q: What is a major offense?

A: The following chart lists the violations that are defined as major offenses for CDL holders. Most of these violations will result in the disqualification of your commercial driving privilege regardless of the type of vehicle you are driving (CMV and non-CMV). The disqualification period that a major offense carries depends on the offense and the type of vehicle you are driving. Two major offenses result in a lifetime disqualification.

MAJOR OFFENSES

Federal Description	PA Code Section	Vehicle Type	Length of Disqualification for First Offense
Driving under the influence of alcohol or controlled substance	3731(i) 3802	CMV or Personal vehicle	1 Year 3 Years with Hazmat
Refusing to submit to chemical testing.	1613 1547	CMV or Personal vehicle	1 Year 3 Years with Hazmat
Leaving the scene of an accident	3743 3745	CMV or Personal vehicle	1 Year 3 Years with Hazmat
Using a vehicle to commit felony	Various Crimes Code Offenses	CMV or Personal vehicle	1 Year 3 Years with Hazmat
Using a vehicle in the commission of a felony involving manufacturing, distributing or dispensing a controlled substance.	13a10 13a14 13a19 13a30 13a36	CMV or Personal vehicle	Lifetime
Using a CMV in commission of a felony involving an act or practice of a severe form of trafficking in persons as defined by 22 U.S.C. § 7102(11).	Various crimes as defined under section 103 of the Victims of Trafficking and Violence Protection Act of 2000 and Title 18 (Crimes and Offenses).	CMV Only	Lifetime
Driving a CMV while the driver's CDL is revoked, suspended, cancelled or disqualified.	1606(c)(1) 1543(a)(b)	CMV Only	1 Year 3 Years with Hazmat
Causing a fatality through the negligent operation of a CMV.	3742 3735 3732 2503 2504	CMV Only	1 Year 3 Years with Hazmat

SERIOUS TRAFFIC OFFENSES

Federal Description	PA Code Section	Vehicle Type
Exceeding maximum speed limit 15 mph or more	3362 3365(b)	CMV Personal vehicle (only if the violation occurred in a work zone or school)
Hazardous Grades	3365(c)	CMV
Driving recklessly, as defined by state or local law	3736	CMV or Personal vehicle
Making improper or erratic traffic lane changes	3304 3305 3306(a)(1) 3306(a)(2) 3306(a)(3) 3307 3309(1) 3309(2) 3309(4)	CMV
Following the vehicle ahead too closely	3310	CMV
Duty of driver in construction and maintenance areas or on highway safety corridors. (This violation is an STO under PA law)	3326	CMV
Violating State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal accident.	3714(b) 3327(a)(1) 3327(a)(2) 3327(a.1)(1) 3327(a.1)(2) All other moving violations	CMV or Personal vehicle CMV only
Driving a CMV without obtaining a CDL, driving a CMV without a valid CDL in the driver's possession, driving a CMV without the proper class and/or endorsements.	1606(a)(1) 1606(a)(2) 1606(a)(3) 1501(a)	CMV
Texting while driving a CMV.	1621	CMV
Use of a hand-held mobile telephone while driving a CMV.	1622	CMV

Q: Are there other violations that will result in a disqualification?

A: Yes. Railroad-highway grade crossing violations, out-of-service order violations and being determined to constitute an imminent hazard.

Q: What is the disqualification period for a railroad-highway grade crossing offense?

A: A conviction of a railroad-highway grade offense will result in the automatic disqualification of your privilege to operate a CMV if the offense occurred while operating a commercial vehicle. The length of the disqualification is 60 days for the 1st offense, 120 days for the 2nd offense withing a 3 year period and 1 year for a 3rd or subsequent offense. The following chart lists the various railroad-highway grade crossing offenses.

Railroad-Highway Grade Crossing Offenses

Federal Description	PA Code Section	Vehicle Type
The driver is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train.	3342(g)	CMV
The driver is not required to stop, but fails to stop before reaching the crossing, if the tracks are not clear.	3342(g)	CMV
The driver is always required to stop, but fails to stop before driving onto the crossing.	3342(a) 3342(e)	CMV
The driver fails to have sufficient space to driver completely through the crossing without stopping.	3341(b)(2) 3342(b)	CMV
The driver fails to obey a traffic control device or the direction of an enforcement official at the crossing.	3341(a) 3341(b)(1)	CMV
The driver fails to negotiate a crossing because of insufficient undercarriage clearance.	3343(a) 3343(c) 3343(d)	CMV

Q: What is the disqualification period for violating an out-of-service order?

A: This is a tiered disqualification period. If a driver is convicted of violating an out-of-service order while transporting non-hazardous materials, 1st offense - 1 year, 2nd or subsequent offense in a ten year period - 3 years. If a driver is transporting hazardous materials or operating a vehicle designed to transport 16 or more passengers, including the driver, 1st offense - 2 years, 2nd or subsequent offense in a ten year period - 5 years.

Q: What is an imminent hazard?

A: The Federal definition of an imminent hazard is the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.

Q: Who determines an imminent hazard?

A: The Assistant Administrator or their designee from the Federal Motor Carrier Safety Administration (FMCSA).

Q: What is the length of disqualification imposed if a CDL holder is determined to be an imminent hazard?

A: The period of disqualification should not exceed 30 days. However, the disqualification remains in effect until PennDOT is notified by the FMCSA Assistant Administrator of their designee.

Q: Can an imminent hazard disqualification be appealed?

A: Yes. The appeal can be filed with the Assistant Administrator, Adjudications Counsel, Federal Motor Carrier Safety Administration (Room 8217), 400 Seventh Street, SW., Washington, DC 20590.

Q: Do violations that occur out of state impact my Pennsylvania driving privilege?

A: Yes. Out-of-state violations are treated as if they occurred in Pennsylvania.

Q: Does the acceptance of Accelerated Rehabilitative Disposition (ARD) count towards disqualification?

A: Yes. ARD participation is considered a conviction for sanctioning of CDL holders.

Q: Will an administrative per se suspension for a DUI arrest in another state affect my PA driving privilege?

A: Yes. CDL holders that receive an administrative per se suspension will have their commercial driving privilege disqualified.

Q: Can a disqualified CDL driver operate a non-commercial vehicle?

A: Yes. If a driver holds a CDL license or permit and is only disqualified from operating a CMV, the person is eligible to apply for a non-commercial driver's license to drive a non-commercial motor vehicle during the disqualification. An application to apply for a non-commercial license will be enclosed with the disqualification notice.

Q: How do I get my CDL privilege restored?

A: In addition to serving the time required for the disqualification, you will have to pay a restoration fee to PennDOT before your CDL driving privilege will be restored.

Q: How can I obtain additional information?

A: By visiting PennDOT's Driver and Vehicle Services website at www.dmv.pa.gov or writing to the address listed below.

Bureau of Driver Licensing, P.O. Box 68618, Harrisburg, PA 17106-8618

**Call us Monday through Friday during the hours of 8:00 a.m. - 5:00 p.m., Eastern Time
(717) 412-5300. TTY callers - please dial 711 to reach us.**