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**TEAMSTERS LOCAL UNION No.295**

**AIR FREIGHT CHAUFFEURS, HANDLERS, WAREHOUSEMEN & ALLIED WORKERS  
 AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

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**ATTENTION ALL LOCAL 295 MEMBERS****Re: New Commercial Driver's License Disqualification Standards**

Recently, the new federal regulations implementing the Motor Carrier Safety Improvement Act (MCSIA) of 1999 took effect. Local 295 has done an analysis of these rules and is sending this letter to all our members in an attempt to warn you about their possible negative impact on your driver's license and possibly your livelihood. Under the new rules, a Commercial Driver's License (CDL) holder can lose his CDL if he is convicted of committing violations while operating a non-commercial/passenger vehicle. States are now required to revoke, suspend or cancel a CDL upon conviction of a disqualifying offense in a non-commercial vehicle. The new regulations also require that CDL drivers serve the same period of disqualification regardless of whether a violation occurred in a commercial motor vehicle (CMV) or non-commercial vehicle (non-CMV).

To comply with MCSIA regulations, New Jersey has amended its disqualification rules for CDL holders. The new rules affect all New Jersey-based CDL holders who are convicted of motor vehicle violations while driving passenger vehicles and commercial motor vehicles. For example, starting October 1, 2005, a conviction for driving a passenger vehicle while-intoxicated (DWI) will result in a three- to 12-month basic driver license suspension AND a one-year CDL suspension. A second DWI conviction will result in the mandatory two-year basic driver license suspension and a permanently revoked CDL.

Similar rules were implemented in New York and Connecticut to comply with the federal regulations. Because we have members in New York, New Jersey and Connecticut, we have broken down the new rules for all three states in the attached charts. Please make yourself familiar with these new penalties as they are quite severe and could have a damaging affect on your CDL.

To obtain more information on this topic you can go to [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov) or your state's Department of Transportation site.

**IN ORDER TO PROTECT YOUR JOB, WAGES AND BENEFITS, (WHICH ULTIMATLEY PROTECTS YOU AND YOUR FAMILY) YOU MUST PROTECT YOUR LICENSE AND ENDORSEMENTS THAT ARE REQUIRED BY YOUR EMPLOYER!!**

**DRIVE SAFELY AND PLEASE PASS THIS MESSAGE TO YOUR FELLOW BROTHERS AND SISTERS OF LOCAL 295.**

**Fraternally,**

Lou Calemine  
 President, Local 295

The FMCSA enacted regulations in July 2002 that became effective October 1, 2005. These new regulations revise the agencies Commercial Driver's License (CDL) Program. They are designed to enhance the safety of the commercial motor vehicle (CMV) operations on our nation's highways by ensuring that only safe drivers operate CMV's. Very simply put, you have one driver's license. Citations issued while driving your private vehicle or an employer's CMV may affect your CDL driving privileges.

The FMCSA regulations prohibit states from masking deferred imposition of judgment or allowing an individual to enter into a diversion program that would prevent a CDL driver's conviction for any violation in any type of motor vehicle from appearing on the driver's record whether the driver was convicted for an offense committed in the state where the driver is licensed or another state. The new regulations also prohibit the state from issuing **Conditional or Hardship CDL's or any other type of limited driving privileges to continue driving a CMV.**

The FMCSA has further enacted regulations that **disqualify** a CDL holder's privileges,

- ❖ For convictions of **major traffic offenses** while driving a **CMV or non-CMV** a CDL holder must be disqualified and lose their driving privilege for **one year to life**. Major offenses include:
  - Being under the influence for alcohol or controlled substance while operating a motor vehicle.
  - Refusing to take an alcohol test.
  - Leaving the scene of an accident.
  - Using the vehicle to commit a felony.
  - Driving a CMV with a revoked, suspended or canceled CDL.
  - Using a vehicle in the commission of a felony involving manufacturing, distributing or dispensing a controlled substance.
- ❖ For conviction of **serious traffic offenses** while driving a **CMV or non-CMV**, a CDL holder must be disqualified and lose their driving privilege for **60 to 120 days**. Serious offenses include:
  - Speeding excessively: Speeding 15 mph or more above the posted speed limit.
  - Driving recklessly, as defined by state or local law or regulation.
  - Making improper or erratic traffic lane changes.
  - Following the vehicle ahead too closely.
  - Violating state or local law relating to traffic control (other than parking) arising in connection with a fatal accident.
  - Driving a CMV without a CDL in the driver's possession.
  - Driving a CMV without the proper class of CDL and/or endorsements.
  - Railroad-Highway grade crossing offenses while operating a CMV.
  - Violating on out-of-service order while operating a CMV, no less than 90 days or more than 5 years.
- ❖ Detailed tables of disqualifications can be found below.
- ❖ For disqualification purpose, convictions for out-of-state violations will be treated the same as convictions for violations that are committed in the home state. The Commercial Driver's License Information System (CDLIS) will ensure that convictions a driver receives outside the CDL holder's home state are transmitted to the home state so that the disqualifications can be applied.

**Drivers are still required to make written notification to their employer when:**

- ❖ The driver is issued a citation (other than parking citations) that may affect the driver's driving privileges.
- ❖ The court has either convicted the driver or dismissed the citation.
- ❖ If the driver has CDL privileges suspended, revoked or cancelled, notification must be sent to the employer immediately, no later than the next business day.

<b>Major Offenses</b>	<b>New Jersey</b>	<b>New York</b>	<b>Connecticut</b>
<b>Operating any vehicle under the influence of drugs or alcohol</b>	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)
<b>Blood alcohol level of 0.04 or greater while operating a CMV</b>	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	n/a	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)
<b>Refusing to take an alcohol test while operating any vehicle</b>	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)
<b>Leaving the scene of an accident involving any vehicle</b>	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>[Accidents involving a CMV only]</b> <b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)
<b>Using any vehicle to commit a felony</b>	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)
<b>Driving a CMV with a revoked/suspended CDL due to prior violation</b>	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)
<b>Negligent fatality caused while driving a CMV</b>	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)	<b>First conviction</b> – 1 year (3 years if transporting hazmat) <b>Second conviction</b> – Life (with possible 10-year reinstatement)
<b>Using any vehicle to commit a drug-related felony (manufacturing, distributing, dispensing)</b>	<b>First conviction</b> – Life (not eligible for reinstatement)	<b>First conviction</b> – Life (not eligible for reinstatement)	<b>First conviction</b> – Life (not eligible for reinstatement)

<b>Serious Traffic Offenses [Involving CMV and non-CMV operation]</b>	<b>New Jersey</b>	<b>New York</b>	<b>Connecticut</b>
<b>Speeding at 15 mph or more above the posted limit</b>	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days
<b>Reckless driving</b>	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days
<b>Improper lane changes</b>	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days
<b>Following too closely</b>	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days
<b>Traffic violation resulting in fatality</b>	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days
<b>Driving a CMV without obtaining a CDL</b>	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days
<b>Driving a CMV without a CDL in possession</b>	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days
<b>Driving a CMV with improper CDL class or endorsements</b>	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days	<b>Second conviction</b> (within 3 yrs) – 60 days <b>Third conviction</b> (within 3 yrs) – 120 days
<b>Speeding in a CMV with a radar device</b>	n/a	<b>First conviction</b> – 60 days	n/a

<b>Out-of-Service Orders</b>	<b>New Jersey</b>	<b>New York</b>	<b>Connecticut</b>
<b>Violating an out-of-service order while transporting non-hazardous materials</b>	<b>First conviction</b> – 90 days to 1 year <b>Second conviction</b> (within 10 years) – 1 to 5 years <b>Third conviction</b> (within 10 years) – 3 to 5 years	<b>First conviction</b> – 90 days <b>Second conviction</b> (within 10 years) – 1 year <b>Third conviction</b> (within 10 years) – 3 years	<b>First conviction</b> – 90 days to 1 year <b>Second conviction</b> (within 10 years) – 1 to 5 years <b>Third conviction</b> (within 10 years) – 3 to 5 years
<b>Violating an out-of-service order while transporting hazardous materials or while operating a vehicle designed to transport 16 or more passengers (including the driver)</b>	<b>First conviction</b> – 180 days to 2 years <b>Second conviction</b> – 3 to 5 years <b>Third conviction</b> – 3 to 5 years	<b>First conviction</b> – 180 days <b>Second conviction</b> – 3 years <b>Third conviction</b> – 3 years	<b>First conviction</b> – 180 days to 2 years <b>Second conviction</b> – 3 to 5 years <b>Third conviction</b> – 3 to 5 years

<b>Railroad-Highway Grade Crossing Offenses</b>	<b>New Jersey</b>	<b>New York</b>	<b>Connecticut</b>
<b>Failure to slow down and check tracks</b>	<b>First conviction</b> – no less than 60 days <b>Second conviction</b> (within 3 years) – no less than 120 days <b>Third conviction</b> (within 3 years) – no less than 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year
<b>Failure to stop before reaching tracks when train is present</b>	<b>First conviction</b> – no less than 60 days <b>Second conviction</b> (within 3 years) – no less than 120 days <b>Third conviction</b> (within 3 years) – no less than 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year
<b>Failure to stop when required to stop before tracks</b>	<b>First conviction</b> – no less than 60 days <b>Second conviction</b> (within 3 years) – no less than 120 days <b>Third conviction</b> (within 3 years) – no less than 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year
<b>Failure to allow sufficient space to cross tracks without stopping</b>	<b>First conviction</b> – no less than 60 days <b>Second conviction</b> (within 3 years) – no less than 120 days <b>Third conviction</b> (within 3 years) – no less than 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year
<b>Failure to obey traffic official or device at rail crossing</b>	<b>First conviction</b> – no less than 60 days <b>Second conviction</b> (within 3 years) – no less than 120 days <b>Third conviction</b> (within 3 years) – no less than 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year
<b>Failure to cross tracks due to insufficient undercarriage clearance</b>	<b>First conviction</b> – no less than 60 days <b>Second conviction</b> (within 3 years) – no less than 120 days <b>Third conviction</b> (within 3 years) – no less than 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year	<b>First conviction</b> – 60 days <b>Second conviction</b> (within 3 years) – 120 days <b>Third conviction</b> (within 3 years) – 1 year