



1

Learning Objectives

After this presentation you will be able to:

- Appreciate that stakeholder collaboration has proven to be a valuable tool in understanding this subject with the sole purpose of reducing crashes and saving lives.
- Identification of the stakeholders

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Learning Objectives

After this presentation you will be able to:

- Recognize that there are collateral consequences to a case that has been masked affording the CDL holder to benefit in ways that can jeopardize safety on our highways.
- Reinforce the current recognition of the Masking definition, education and ethical responsibilities to ensure that the case handled in our Courts eliminates any post judicial opportunities.

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Roadside (Part One)

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Straight from the Federal Register

This practice allows unsafe drivers to continue to pose a risk to other motorists by allowing their continued operation on the nation's highways

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Straight from the Federal Register

This provision also requires that records of such conviction information be made available to all authorized parties and government entities. **The FMCSA urges State Executive Branch agencies to work with the State Judicial Branch to eliminate the practice of masking.**

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Roadside (Part Two)



7

OBSERVATIONS FROM T

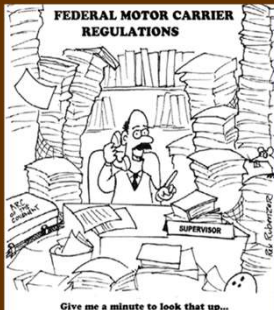
A common observation

"local n... reducing
speed... such as 20 mph on
the chief told me they
do that. Then if they plead
to 15 over, they often end up
with a parking ticket."

**THE CLASSIC DOUBLE
BENEFIT!!!**

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Masking



Because "masking" is prohibited to ensure all "convictions" appear on CDL history / record, one cannot comply with the masking prohibition unless the definition of "conviction" under 49 CFR 383.5 is understood.

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Important Terms

Definitions (49CFR 383.5)

Conviction (49CFR 383.5)

[https://www.ecfr.gov/current/title-49/part-383/section-383.5#p-383.5\(Conviction\)](https://www.ecfr.gov/current/title-49/part-383/section-383.5#p-383.5(Conviction))

Disqualification (49CFR 383.5)

[https://www.ecfr.gov/current/title-49/part-383/section-383.5#p-383.5\(Disqualification\)](https://www.ecfr.gov/current/title-49/part-383/section-383.5#p-383.5(Disqualification))

Masking (49CFR 384.226)

<https://www.ecfr.gov/current/title-49/section-384.226>

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Important Terms

Timely Reporting

Notification of Disqualification (CFR 384.208)

<https://www.ecfr.gov/current/title-49/section-384.208>

Notification of Traffic Violations (CFR384.209)

<https://www.ecfr.gov/current/title-49/section-384.209>

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Disqualifying Offenses (49 CFR 383.51)

<https://www.ecfr.gov/current/title-49/section-383.51>

1. Major offenses
2. "Serious traffic offenses"
3. Railroad grade crossing violations
4. Violations of out-of-service orders

12



Courtroom



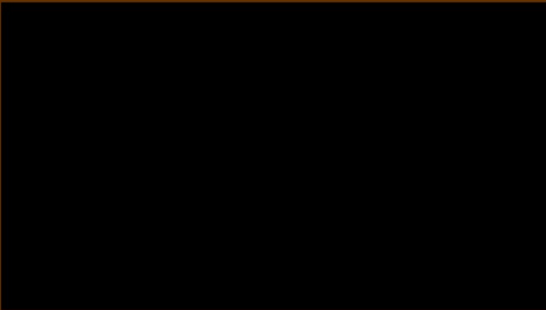
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[illegible]

1

Clerks



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The Court Clerk

- Understanding that 49 CFR 383 and 384 education is as equally important to their responsibilities which more times than not critical to avoiding Masking
 - Efficiently scheduling and correctly reporting cases to SDLA
 - Compliance with 49CFR 384.209 (the ten day rule for reporting)
 - Have repeatedly identified cases that avoided a future improper disposition

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The Court Clerk



- Recognition of these cases enable special attention needed to:
- Ensure that the Judge can separate these cases from the others, review the citations thoroughly for any information that could result in masking.
- Knowledgeable Judges and Clerks also increase the knowledge by those appearing before them

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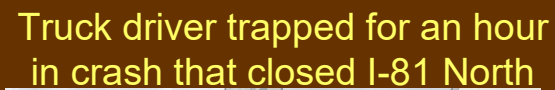
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[illegible]

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[illegible]

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Key Identifiers in the Citation

VE		Local Police Code		M/T	
[Redacted]		[Redacted]		[Redacted]	
Number and Name	Plat. No.	Plat. No. (Show)	CDL Class	[Redacted]	
[Redacted]	Driver's Oper.	Loc. Class	CDL C	[Redacted]	
[Redacted]	Date Expires	08/10/2020	Color	[Redacted]	
[Redacted]	Make	FRHT	RD	[Redacted]	
Veh. Number	Reg. State	Registration Expires	[Redacted]		
P762608	SC	12/20/2019	[Redacted]		
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS					
Time	Class of Offense	CV VIOLATION OF	Description		
03:26PM	08/08/2019	VTL	[Redacted]		
Violation Section	[Redacted]				
1180 0A	[Redacted]				
Interpretion of Violation	[Redacted]				
SPEED NOT REASONABLE&PRUDENT					
[Redacted]		Length	Mid	Feeling	[Redacted]
[Redacted]		☒	☐	☐	[Redacted]
[Redacted]		MPI	MPI, ZONE		
[Redacted]		US DOT#	3178990		
[Redacted]		Current Vefl.	Bus	Has/Mal	[Redacted]
[Redacted]		☒	☐	☐	[Redacted]
[Redacted]		Way No	Loc. Code	[Redacted]	
[Redacted]		81	3461	[Redacted]	
[Redacted]		Way Type	1	[Redacted]	
[Redacted]		[Redacted]			
Street Name					
7831 NB INTERSTATE 81					
[Redacted]					

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Last Name (Defendant)		First Name		M.I.	
[REDACTED]		ERICK		T	
Number and Street		Apt. No.		Photo Lic. Shown	
[REDACTED]		[REDACTED]		[REDACTED]	
Client ID Number		Sex		Date Expires	
101959036		M		06/10/2020	
Lic. State		Date of Birth		Veh. Type	
SC		06/10/1985		6	
Plate Number		Reg. State		Registration Expires	
P762608		SC		12/20/2019	
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS					
Time		Date of Offense		IN VIOLATION OF	
03:26PM		08/08/2019		VTL	
Violation Section		Traffic Infraction		Misd.	
1129_0A		[X]		[]	
Description of Violation		MPH		MPH ZONE	
FOLLOWING TOO CLOSELY		[X]		[]	
US DOT#		3178990		Common Veh.	
[REDACTED]		[X]		Bus	
[REDACTED]		[]		Hack/Mot.	
[REDACTED]		[]		[]	

WRONG LICENSE CLASS

VIOLATION FOLLOWING TOO CLOSE

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Last Name (Defendant)		First Name		M.I.	
[REDACTED]		[REDACTED]		[REDACTED]	
Number and Street		Apt. No.		Photo Lic. Shown	
[REDACTED]		[REDACTED]		[REDACTED]	
Client ID Number		Sex		Date Expires	
101959036		M		06/10/2020	
Lic. State		Date of Birth		Veh. Type	
SC		06/10/1985		6	
Plate Number		Reg. State		Registration Expires	
P762608		SC		12/20/2019	
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS					
Time		Date of Offense		IN VIOLATION OF	
03:26PM		08/08/2019		VTL	
Violation Section		Traffic Infraction		Misd.	
1123_0B		[X]		[]	
Description of Violation		MPH		MPH ZONE	
LEFT PAVEMENT TO PASS ON RIGHT		[X]		[]	
US DOT#		3178990		Common Veh.	
[REDACTED]		[X]		Bus	
[REDACTED]		[]		Hack/Mot.	
[REDACTED]		[]		[]	
County		Hwy No.		Loc. Code	
ONONDAGA		81		3461	
[REDACTED]		Hwy Type		[REDACTED]	
[REDACTED]		1		[REDACTED]	

WRONG LICENSE CLASS

VIOLATION

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Last Name (Defendant)		First Name		M.I.	
[REDACTED]		[REDACTED]		[REDACTED]	
Number and Street		Apt. No.		Photo Lic. Shown	
[REDACTED]		[REDACTED]		[REDACTED]	
Client ID Number		Sex		Date Expires	
101959036		M		06/10/2020	
Lic. State		Date of Birth		Veh. Type	
SC		06/10/1985		6	
Plate Number		Reg. State		Registration Expires	
P762608		SC		11/11/2019	
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS					
Time		Date of Offense		IN VIOLATION OF	
03:26PM		08/08/2019		TL	
Violation Section		Traffic Infraction		Misd.	
140_2CII		[X]		[]	
Description of Violation		MPH		MPH ZONE	
3963A1BOS BRAKES OUT OF SERVICE		[X]		[]	
US DOT#		3178990		Common Veh.	
[REDACTED]		[X]		Bus	
[REDACTED]		[]		Hack/Mot.	
[REDACTED]		[]		[]	
County		Hwy No.		Loc. Code	
[REDACTED]		81		3461	
[REDACTED]		Hwy Type		[REDACTED]	
[REDACTED]		1		[REDACTED]	

Changed class to Class A

Brakes out of service issue

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Last Name (Defendant) [REDACTED] First Name [REDACTED] V.# 03300
 Number and Street [REDACTED] Apt. No. [REDACTED] Photo List Shown ☒
 Zip Code 298286045 Owner is ☒ Operator ☒ Lic. Class A
 Sex M Date Expires 06/10/2020
 Lic. State SC Date of Birth 06/10/1985 Vpn. Type 5 Year 2004 Make FRHT Color RD
 Title Number P762608 Reg. State SC Registration Expires 1/1
 THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS
 Time 03:26PM Date of Offense 08/08/2019 IN VIOLATION OF TL
 Violation Section 140 2C11 Traffic Infraction Misd Felony
 Description of Violation 392.2 NYS VTL 1212 RECKLESS DRIVING
 "Out of Service" NOT
 US DOT# 3178990
 Control Veh Bus ☒ ☐ ☐ ☐ ☐ ☐
 State Name [REDACTED] Hwy No 81 Hwy Type 1
 Street Name 7831 NB INTERSTATE 81

Class changed to Class A

Transportation Law
Not
Vehicle and Traffic
Law

An observant court clerk
found this.

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The Positive Results of Court Education

Violation	Speed	Plea	Speed	Disposition Date	Important Considerations
Speeding	47/90	Parking		Monday, May 18, 2015	➢ 13 Violations (1 pending)
Turn		Parking		Monday, July 27, 2015	
Cell Phone		Parking		Wednesday, August 31, 2016	➢ All reduced to parking/jaywalking resulting in no points/no disqualifications
Speeding	62/45	Parking		Thursday, June 1, 2017	
Speeding	50/90	Parking		Monday, February 12, 2018	➢ All occurred in one county
Speeding	80/55	Speeding		Wednesday, April 17, 2019	
Speeding	70/55	Speeding		Sunday, February 7, 2021	➢ CDL holder possessed School Bus endorsement
Speeding	68/55	Parking??		Saturday, March 27, 2021	
Speeding	45/90	Parking		Tuesday, August 3, 2021	
Speeding	48/90	Jaywalking		Friday, July 23, 2021	
Speeding	67/55	Parking??		Monday, April 18, 2022	➢ Employed as full time school bus driver.
Cell Phone		Parking		Tuesday, July 5, 2022	
Speeding	48/90	Pending	Stop	Saturday, June 3, 2023	

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So, Our case has been disposed of:

- 1) A conviction to the original charge was entered and reported.
- 2) A dismissal (after appeal was upheld) and reported
- 3) Masking occurred ! In addition to the reduction or dismiss offered by the Prosecutor and accepted by the Court.
 - a) Yes
 - b) No
 - c) Maybe

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Data Quality

- Often referred to DataQs ,is an FMCSA system that allows users to request and track a review of Federal and State data issued by FMCSA believed to be incomplete or incorrect.
- Requests for Data Review (RDRs) for all States and FMCSA Division Offices

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Data Quality

The system enables all users—motor carriers, drivers and their representatives, as well as FMCSA and its State partners—to improve the accuracy of FMCSA’s data-driven safety systems that help prevent crashes, injuries, and fatalities related to commercial motor vehicles. Accurate data leads to safer roads.

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VEHICLE QUALIFICATION FOR DATA Q INQUIRY

At least one of the following must apply:

- The qualifying vehicle involved in the crash is a CMV, which includes:
 - A truck having a gross vehicle weight rating (GVWR) of more than 10,000 pounds or a gross combination weight rating (GCWR) of more than 10,000 pounds and is used on public highways; or
 - A motor vehicle designed to transport nine or more people, including the driver; or
 - ANY vehicle displaying a HM placard, regardless of weight; ANY vehicle transporting placarded amounts of HM; or ANY vehicle required to be placarded.

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The Reason Severity Weights Are Dismissed or Reduced

Result of Adjudicated Citation Associated with a Violation Uploaded to MCMIS	Safety Measurement System (SMS)
Convicted of original charge	Violation not removed
Dismissed with fine or punitive court costs	Violation not removed
Dismissed without fine or punitive court costs	Record appended to reflect sms rating of 0
Not Guilty	Record appended to reflect sms rating of 0
Convicted of a lesser charge	Append inspection to indicate violation "Resulted in conviction of a different charge." Change severity weight to 1.

Can you see how a "Masked " case can also allow a driver with a questionable record get an additional positive benefit for a citation that should not have been improperly disposed of in the first place?

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Why do these matter?

- ✓ Filed DATA Q's
- ✓ All Occurred in CMVs (Eight in Work Zones)
- ✓ All Masked in a local court
- ✓ All had severity ratings reduced
- ✓ Did the original points matter ?
- ✓ Does this practice reduce crashes and save lives on our highways?

VTL 1220a
Cell Phone
in CMV

VTL 1180 - No d
75

VTL 1180d 4140

VTL 1180d

VTL 1180
75

VTL 1180d

VTL 1180d 5544

VTL 1180d 6044

VTL 1180d 5030

Disqualified
Practica
and
Intersect
VTL 1180d 6140

VTL 1180d 7300

VTL 1180d 6044

VTL 1180d 7100

VTL 1180d 6044

VTL 1180d 8040
Original

VTL 1220d
Cell Phone
in CMV

VTL 1207a Parking

VTL 1202d Parking

VTL 1201a Parking

VTL 1152c Jaywalking

VTL 1152c Jaywalking

VTL 1201a Parking

VTL 1110d TOTOCD

VTL 1203B Parking

VTL 1203B Parking

VTL 1175 Obal Intersection

VTL 1203B Parking

VTL 1152c Jaywalking

VTL 1175 Obal Intersection

VTL 1201a Littering

VTL 1203b Parking

VTL 1203b Parking

VTL 1202 Parking

VTL 1202 d0

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Predicting Truck Crash Involvement: 2022 Update

October 2022

Prepared by the American Transportation Research Institute

<https://www.youtube.com/watch?v=3BemQDPi6m8>

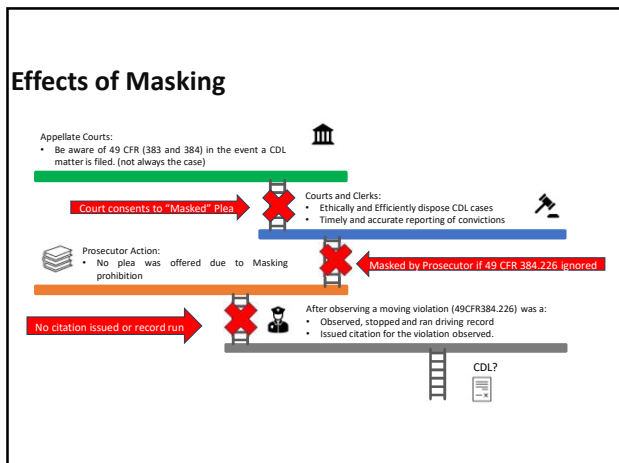
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Table 7: Comparison of Top 10 Predictors of Future Crash Involvement Across All Four ATIS Crash Predictor Models

Rank	2005	2011	2016	2022
1	A Reckless Driving violation (125%)	A Failure to Use / Improper Signal conviction (105%)	A Reckless Driving violation (114%)	A Failure to Yield / Right-of-Way violation (111%)
2	An Improper Turn violation (105%)	A Past Crash (88%)	A Failure to Yield / Right-of-Way violation (101%)	A Failure to Use / Improper Signal conviction (118%)
3	An Improper or Erratic Lane Changes conviction (105%)	An Improper Pass conviction (88%)	A Failure to Keep in Proper Lane conviction (83%)	A Past Crash (112%)
4	A Failure to Yield / Right-of-Way conviction (94%)	An Improper Turn conviction (87%)	A Failure to Use / Improper Signal conviction (82%)	A Reckless Driving violation (104%)
5	An Improper Turn conviction (94%)	An Improper or Erratic Lane Changes conviction (87%)	A Past Crash (74%)	A Failure to Obey Traffic Sign conviction (88%)
6	A Failure to Keep in Proper Lane conviction (87%)	An Improper Lane / Location conviction (68%)	An Improper Lane / Location conviction (72%)	A Failure to Keep in Proper Lane conviction (79%)
7	A Past Crash (87%)	A Failure to Obey Traffic Sign conviction (68%)	An Improper Pass conviction (52%)	An Improper or Erratic Lane Changes conviction (77%)
8	An Improper Lane Change conviction (78%)	A Speeding More Than 10 Miles Over Speed Limit conviction (67%)	A Reckless / Combated / Reckless / Combated / Reckless / Combated conviction (67%)	A Reckless / Combated / Reckless / Combated conviction (67%)
9	A Failure to Yield / Right-of-Way conviction (70%)	Any conviction (65%)	An Improper or Erratic Lane Changes conviction (65%)	A Reckless / Combated / Reckless / Combated conviction (65%)
10	A Failure to Yield / Right-of-Way conviction (65%)	A Reckless / Combated / Reckless / Combated conviction (65%)	An Improper Lane Change conviction (65%)	A Reckless / Combated / Reckless / Combated conviction (65%)

In Top 10 in 4 ATIS Crash Predictor Models: ☐ In Top 10 in 3 ATIS Crash Predictor Models: ☐

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Encouraging Unsafe Behavior, Think About It.

- 1) The roadside reduction- how would the Court know?
- 2) Masking occurs in the Court, we've learned that it is improper, unethical and diminishes public trust and confidence in our courts.
 - A. Will a recorded conviction result?
 - B. If it takes a second conviction within three years and the holder is held accountable for the first on it's probable that safer driving practices to avoid the second will take place.
 - C. Other than learning how to work the system, how will continued masking improve safety?
 - D. After all of this, they can file a Data Q only to provide future employers, insurance companies and customers with inaccurate safety history.
 - E. IF THE CASE WASN'T MASKED NONE OF THIS CAN HAPPEN, IT MAY BE YOU OR A LOVED ONE ON THE ROAD THAT BECOMES A STATISTIC>

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**SO HOW CAN
YOU HELP OUR
COURTS GET IT
CORRECT?**

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Questions?

Thanks for taking the time
today to do your part in
improving safety on our
highways

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Something to think about...

"Two roads diverged in a woods, and I—
I took the one less traveled by,
And that has made all the difference".



"Robert Frost"

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(E-mail)- ggraber@judges.org

cdlcourtassist.org



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