



# THE CDL FROM THE INSIDE OUT (It Can Be A Lonely Road)



**Hon. Gary Graber (Ret.)  
Town of Darien Justice Court  
Darien, Center, New York 14040**

# A Clear Pathway

- Very simple steps to assist Law Enforcement with these cases.
  - Understand and recognize the stakeholders involved in the process
  - Understand the definitions: **Disqualification** and **Conviction**

# A Clear Pathway

- Locate the Disqualification Tables
- Recognize the importance of these few violations and the special attention needed when they are filed in your courts

# How Many Times Have You Heard or Observed On the Road Or In The Courts?

I will lose my job/client will lose job

They are federal rules and do not apply

CDL holder needs a break

A Clear Pathway

Understand

This is not an opinion, it's  
the law

# Goals of CMVSA of 1986

- Prevent CMV drivers from concealing unsafe driving records by carrying licenses from more than one state;
- Ensure that all CMV drivers demonstrate minimum levels of knowledge and skills needed to safely operate CMVs before licensing;
- Subject CMV drivers to new uniform sanctions for certain unsafe driving practices.

# **1986—Congress Adopts Commercial Motor Vehicle Safety Act**

Faced with ever increasing number of fatalities from large truck crashes, Congress held hearings and made three significant findings:

- No classified driver licensing system existed in 18 states;
- Of the remaining 32 states, only 12 required a skills test;
- Widespread use of multiple CDL licenses;
- **No network to track serious violations.**

# 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



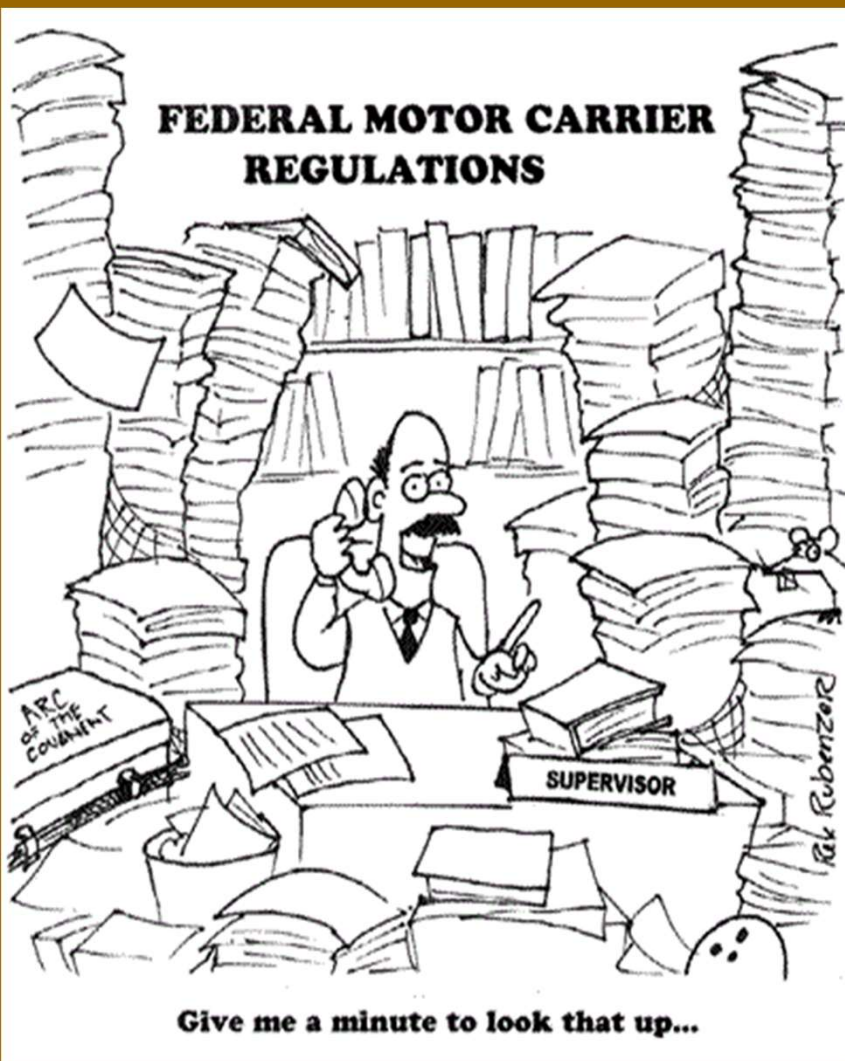
# Straight from the Federal Register

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.

# Motor Carrier Safety Improvement Act of 1999

- Established the Federal Motor Carrier Safety Administration (FMCSA)
- Commercial Motor Vehicle and Driver Safety
  - (The reason we are here today)

# Focus Today



**PART 383—COMMERCIAL  
DRIVER'S LICENSE STANDARDS;  
REQUIREMENTS AND PENALTIES**

**§383.51 Disqualification of drivers.**

**PART 384—STATE COMPLIANCE  
WITH COMMERCIAL DRIVER'S  
LICENSE PROGRAM**

**§384.226 Prohibition on masking  
convictions.**

# Federal Regulations

## State Laws and Regulations

While we will discuss federal regulations (49 CFR 383 and 384), it's important to know each state, including New York, has adopted all or almost all of these regulations into its state's laws or statutes.

# New York State

## 17 NYCRR Part 820

Section 820.13. Incorporation by reference.

The provisions of the Code of Federal Regulations which have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the booklets entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199 and Parts 200 to 299 and **Parts 300 to 399**, revised as of October 1, 2013, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register.

# Getting It Right

## Law Enforcement

- Consistent Enforcement (Statutory awareness)
- Complete Information on Tickets (Help your Courts)

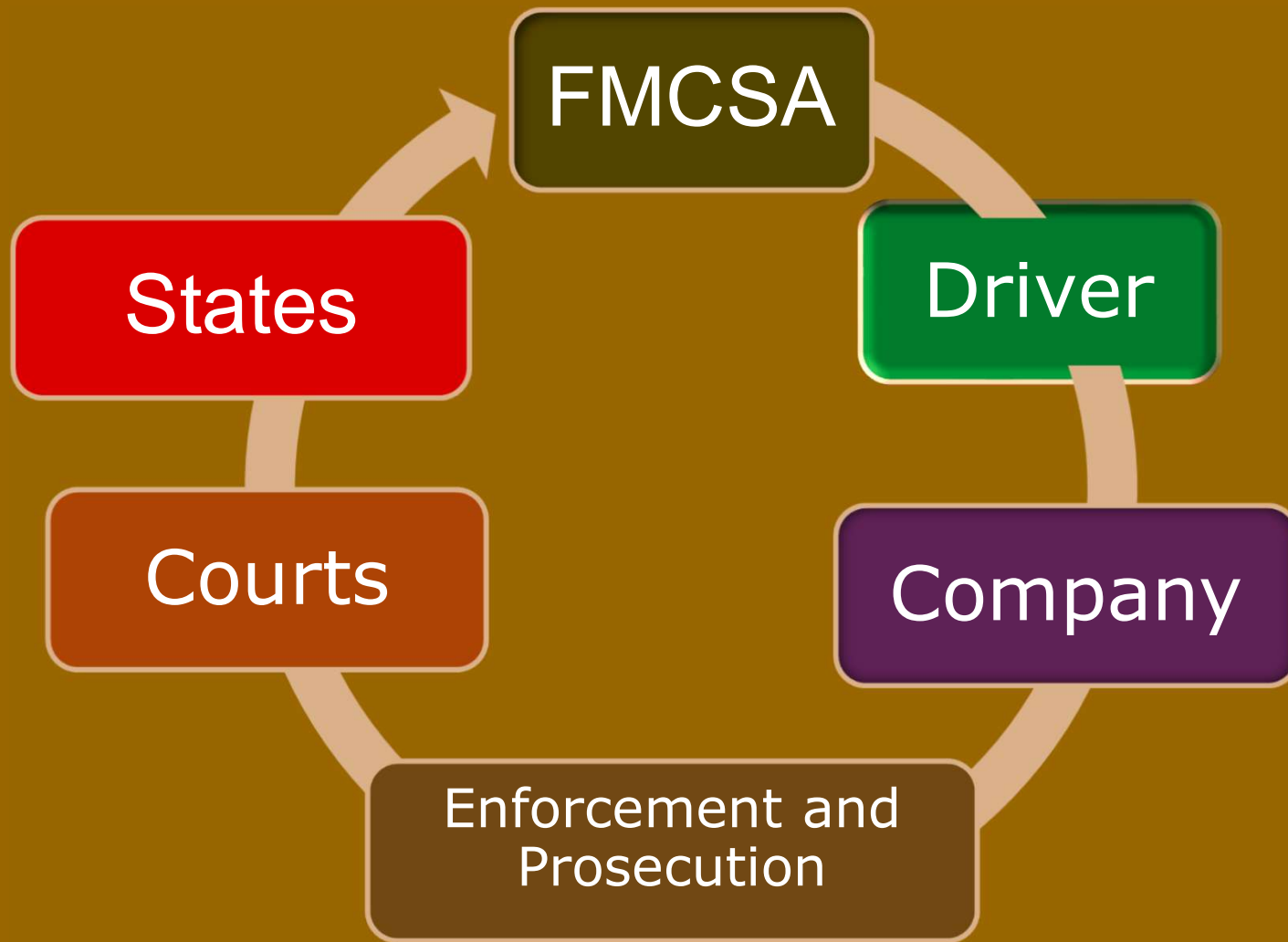
## Prosecutors

- Knowledge of the Application of Federal Law/State Laws
- Ensure pleas are consistent with our application of the law
- Dispositions lacking evidence or other legal reason gets put on the record.

## Courts

- Review the Citations/Tickets for CDL Operators and Vehicles
- Understand Definitions of Terms (Conviction, Disqualification, and Masking)
- Ensure Court Clerks have knowledge, they are a great asset to assist Judges.

# Stakeholders





## The Silo Effect

What can  
we do to  
bridge these  
gaps?



Stakeholders working together to reduce crashes and save lives.  
Every group has a resource to ensure “Masking” is eliminated.



- National Judicial College (NJC)
- National Traffic Law Center (NDAA)
- American Association of Motor Vehicle Administrators (AAMVA)
- Commercial Vehicle Safety Alliance (CVSA)
- Federal Motor Vehicle Safety Administration (FMCSA)
- NYSMA and NYAMCC

Links to your respective stakeholder can be found at:  
<https://cdlresourceguide.org/#guide>

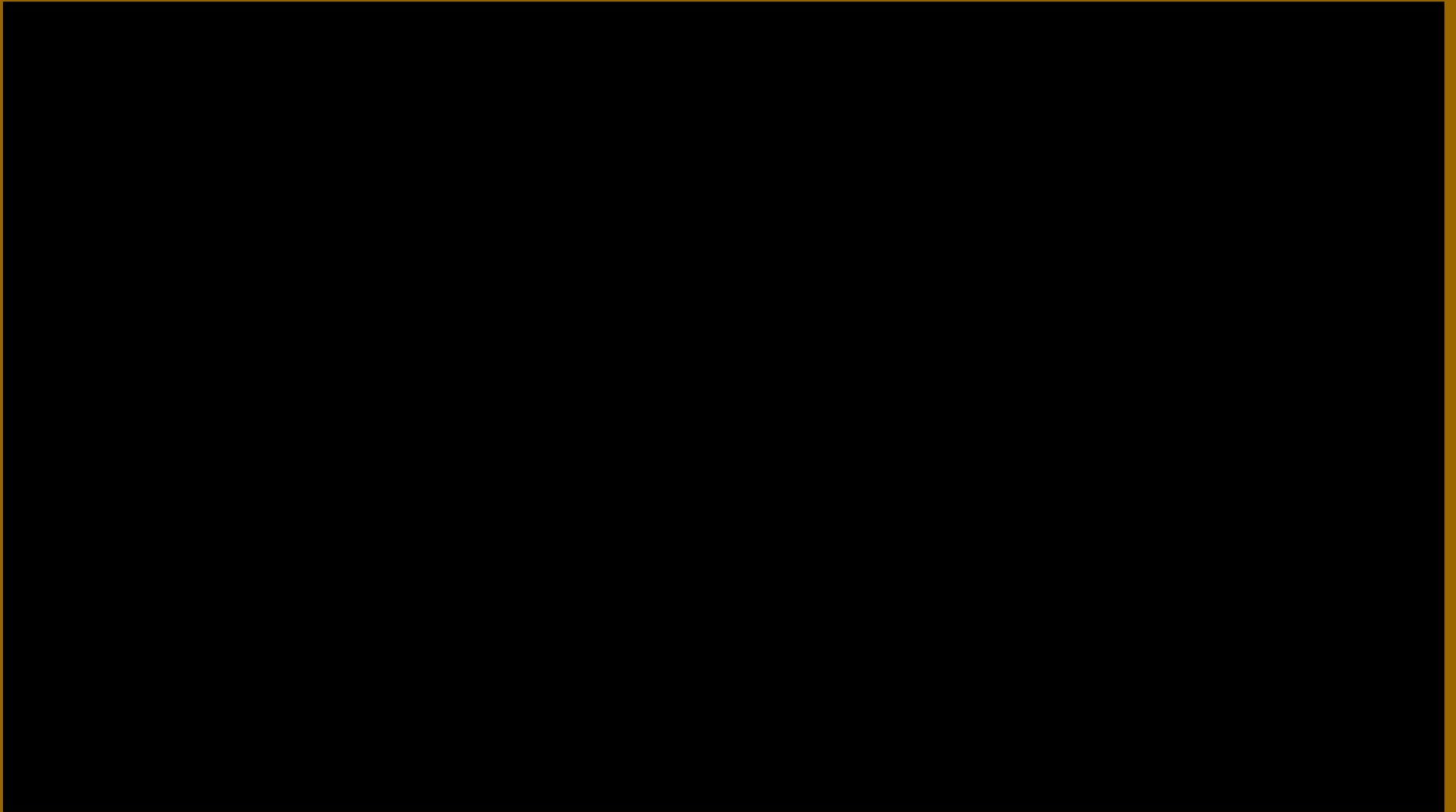
# **Raising Awareness**

- **Core Training 2024 1200 Town and Village Judges and Clerks**
- **Continuing Education Time Provided by the Associations**
- **State Agencies Dedicated Providing Supporting Education and Documentation**

## COMING SUMMER/FALL 2025

- The New York State Association of Magistrates Court Clerks Association Inc. has agreed to participate in a pilot training project focused on timely recording of dispositions involving CDL cases. This also includes “Masking Awareness”.
- The curriculum (developed with the assistance of NCSC) will be distributed and taught by OCA and DMV as a joint project to our Clerks and interested Judges.
- The role our Court Clerks play in this project is invaluable, their leadership and dedication to reducing crashes and saving lives on our highways only enhances the public’s trust and confidence in our Courts.

# Roadside (Part Two)



# Federal Law Prohibits “Masking”

## 49 CFR 384.226

State must not **mask**, **defer** imposition of judgment, or **allow** individual to enter into **diversion** program that would **prevent** CLP/CDL holder's **conviction** for violation, in any type of motor vehicle, of state or local traffic control law... **from appearing on CDLIS driver record**, whether driver was convicted for offense committed in a state where the driver is licensed or another state.

# 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.

# NYS DMV “M” 9 (2023)



"M" 9 (2023)

Albany, New York

October 12, 2023

TO: All Magistrates

SUBJECT: CLP/CDL Anti-Masking and Mandatory Reporting Requirements

The Department of Motor Vehicles is reminding all Magistrates of the following federal and state requirements pertaining to holders of commercial learner permits (CLP) and commercial driver licenses (CDL).

# NYS DMV “M” 11 (2024)



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October 23, 2024

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SUBJECT: CLP/CDL Anti-Masking and Mandatory Reporting Requirements

The Department of Motor Vehicles (DMV) is reminding all Magistrates of the following federal and state requirements pertaining to holders of commercial learner permits (CLP) and commercial driver licenses (CDL).



A Simple Equation

Conviction

# “Conviction”

49 CFR 383.5

- An **unvacated adjudication** of guilt
- **Determination** a person violated or failed to comply with law in court of original jurisdiction or authorized administrative tribunal
- An **unvacated forfeiture** of bail or collateral deposited to secure person's appearance in court

# “Conviction”

49 CFR 383.5

- A **plea** of guilty or *nolo contendere* accepted by the court
- **Payment** of a fine or court costs
- **Violation of condition of release** without bail, regardless of whether penalty is rebated, suspended or probated

# Conviction

## NYS VTL ARTICLE 1 (S 109c)

Conviction. Any conviction as defined in subdivision thirteen of section 1.20 of the criminal procedure law; provided, however, where a conviction or administrative finding in this state or another state results in a mandatory sanction against a commercial driver's license, as set forth in sections five hundred ten, five hundred ten-a, eleven hundred ninety-two and eleven hundred ninety-four of this chapter, conviction shall also mean 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 cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

# A Simple Equation

Conviction

+

Disqualification

# Disqualifying Offenses

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

# Table 1

## Table 1 to § 383.51 DISQUALIFICATIONS FOR MAJOR OFFENSES

Table 1 to §383.51 contains a list of the offenses and periods for which a person who is required to have a CLP or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

If a driver operates any 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 CLP or CDL and a CLP or 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 CLP or 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 placed under the Hazardous Materials Regulations (49 CFR part 172, subpart F), a person required to have a CLP or CDL and a CLP or 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 CLP or CDL and a CLP or 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 non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for...
(1) Being under the influence of alcohol as prohibited by State law	1 year	1 year	3 years	Life	Life
(2) Being under the influence of a controlled substance	1 year	1 year	3 years	Life	Life
(3) Having an alcohol concentration of 0.04 or greater while operating a CMV	1 year	Not applicable	3 years	Life	Not applicable
(4) 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
(5) Leaving the scene of an accident	1 year	1 year	3 years	Life	Life
(6) 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
(7) 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 operating a CMV	1 year	Not applicable	3 years	Life	Not applicable
(8) Causing a fatality through the negligent operation of a CMV, including but not limited to the death of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide	1 year	Not applicable	3 years	Life	Not applicable
(9) 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
(10) Using a CMV in the commission of a felony involving an act or practice of severe form of trafficking in persons, as defined in 22 U.S.C. 7102(11)	Life-not eligible for 10-year reinstatement	Not applicable	Life-not eligible for 10-year reinstatement	Not applicable	Life-not eligible for 10-year reinstatement

Top Row Describes Vehicle and Conviction Event

Specific Violations



# 49 CFR § 383.51(c) Warrants CDL Disqualification Upon Conviction for 2 or More “Serious Violations”





# Serious Traffic Violations

49 CFR 383.51  
(NYS VTL 510a)

CMV or non-CMV:

- Excessive speed – 15 mph or more over the speed limit;
- Reckless Driving;
- Traffic violation in connection with fatal accident (crash);
- Improper / erratic lane change;
- Following too closely

# Serious Traffic Violations

49 CFR 383.51  
(NYS VTL 510a)

## CMV only:

- Driving without obtaining a CDL;
- Driving without a CDL in driver's possession;
- Driving without proper class of CDL and/or endorsements
- Texting while driving (effective 10/27/10)
- Restriction / prohibition on use of hand held mobile phone while driving (effective 1/3/12)

# Table 2

## Table 2 to § 383.51 DISQUALIFICATIONS FOR SERIOUS TRAFFIC VIOLATIONS

Table 2 to §383.51 contains a list of the offenses and the periods for which a person who is required to have a CLP or CDL is disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows:

<b>If a driver operates any motor vehicle and is convicted of:</b>	<b>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 CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for...</b>	<b>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 CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV driving privileges, for...</b>	<b>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 CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for...</b>	<b>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 CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV driving privileges, for...</b>
(1) 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.
(2) 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.
(3) Making improper or erratic traffic lane changes	60 days	60 days	120 days	120 days.
(4) Following the vehicle ahead too closely	60 days	60 days	120 days	120 days.
(5) 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.
(6) Driving a CMV without obtaining a CDL <sup>1</sup>	60 days	Not applicable	120 days	Not applicable.
(7) Driving a CMV without a CDL in the driver's possession	60 days	Not applicable	120 days	Not applicable.
(8) 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.
(9) Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving. <sup>2</sup>	60 days	Not applicable	120 days	Not applicable.
(10) Violating a State or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a CMV. <sup>2</sup>	60 days	Not applicable	120 days	Not applicable.

<sup>1</sup> Any individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, shall not be guilty of this offense.

<sup>2</sup> Driving, for the purpose of this disqualification, means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

Top Row  
Describes  
Vehicle and  
Conviction  
Event

Specific  
Violations



# A Simple Equation

Conviction

+

Disqualification

+

Citation Familiarization

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Reductions of Masking Incidents

# Truck driver trapped for an hour in crash that closed I-81 North





# Key Identifiers in the Citation

The people of the State of New York		Local Police Code	
VS.		[REDACTED]	
Last Name (Defendant)		M.I.	
[REDACTED]		T	
Number and Street		Apt. No.	Photo Lic. Shown <input checked="" type="checkbox"/>
[REDACTED]		Owner Is Oper. <input checked="" type="checkbox"/>	Lic. Class
[REDACTED]		5	CDL C
[REDACTED]		Date Expires	
[REDACTED]		06/10/2020	
[REDACTED]		Make	Color
[REDACTED]		FRHT	RD
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	
1180 0A		<input checked="" type="checkbox"/>	
Description of Violation		Misd	Felony
SPEED NOT REASONABLE&PRUDENT		<input type="checkbox"/>	<input type="checkbox"/>
		MPH	MPH ZONE
		US DOT#	
		3178990	
		Comm Veh	Bus
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		HazMat	
		<input type="checkbox"/>	<input type="checkbox"/>
[REDACTED]		Hwy. No	Loc. Code
[REDACTED]		81	3461
Street Name		Hwy Type	
7831 NB INTERSTATE 81		1	[REDACTED]
AFFIRMED UNDER PENALTY OF PERJURY			
[REDACTED]			

License Class

Vehicle Make

Statute Number

Description

DOT Number

HAZMAT

Commercial Vehicle

Last Name (Do not delete)		First Name		M.I.	
[REDACTED]		ERICK		T	
Apt. No.		Photo Lic Shown <input checked="" type="checkbox"/>			
5	Owner Is Oper. <input checked="" type="checkbox"/>	Lic. Class <b>CDL C</b>			
Date Expires <b>06/10/2020</b>					
Lic State <b>SC</b>	Date of Birth <b>06/10/1985</b>	Veh. Type <b>6</b>	Year <b>2004</b>	Make <b>FRHT</b>	Color <b>RD</b>
Plate Number <b>P762608</b>		Reg State <b>SC</b>	Registration Expires <b>12/20/2019</b>		
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS					
Time <b>03:26PM</b>	Date of Offense <b>08/08/2019</b>	IN VIOLATION OF <b>VTL</b>			
Violation Section <b>1129 0A</b>		Traffic Infraction <input checked="" type="checkbox"/> Misd <input type="checkbox"/> Felony <input type="checkbox"/> MPH <input type="checkbox"/> MPH ZONE <input type="checkbox"/> US DOT# <b>3178990</b> Comm Veh <input checked="" type="checkbox"/> Bus <input type="checkbox"/> HazMat <input type="checkbox"/>			
Description of Violation <b>FOLLOWING TOO CLOSELY</b>					

**WRONG LICENSE CLASS**

**VIOLATION FOLLOWING TOO CLOSE**

Last Name(Defendant)		First Name			
Number and Street		Apt. No.		Photo Lic Shown <input checked="" type="checkbox"/>	
		Owner is Oper. <input checked="" type="checkbox"/>		Lic. Class <b>CDL C</b>	
Client ID Number <b>101959036</b>		Sex <b>M</b>	Date Expires <b>06/10/2020</b>		
Lic State <b>SC</b>	Date of Birth <b>06/10/1985</b>	Veh. Type <b>6</b>	Year <b>2004</b>	Make <b>FRHT</b>	Color <b>RD</b>
Plate Number <b>P762608</b>		Reg State <b>SC</b>	Registration Expires <b>12/20/2019</b>		

**WRONG LICENSE CLASS**

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Time <b>03:26PM</b>	Date of Offense <b>08/08/2019</b>	IN VIOLATION OF <b>VTL</b>		
Violation Section <b>1123 0B</b>		Traffic Infraction <input checked="" type="checkbox"/>	Misd <input type="checkbox"/>	Felony <input type="checkbox"/>
Description of Violation <b>LEFT PAVEMENT TO PASS ON RIGHT</b>		MPH		
		US DOT# <b>3178990</b>		
		Comm Veh <input checked="" type="checkbox"/>	Bus <input type="checkbox"/>	HazMat <input type="checkbox"/>
CIT/Alleg	County <b>ONONDAGA</b>	Hwy No <b>81</b>	Loc Code <b>3461</b>	
		Hwy Type <b>1</b>		

**Lane Change Violation**



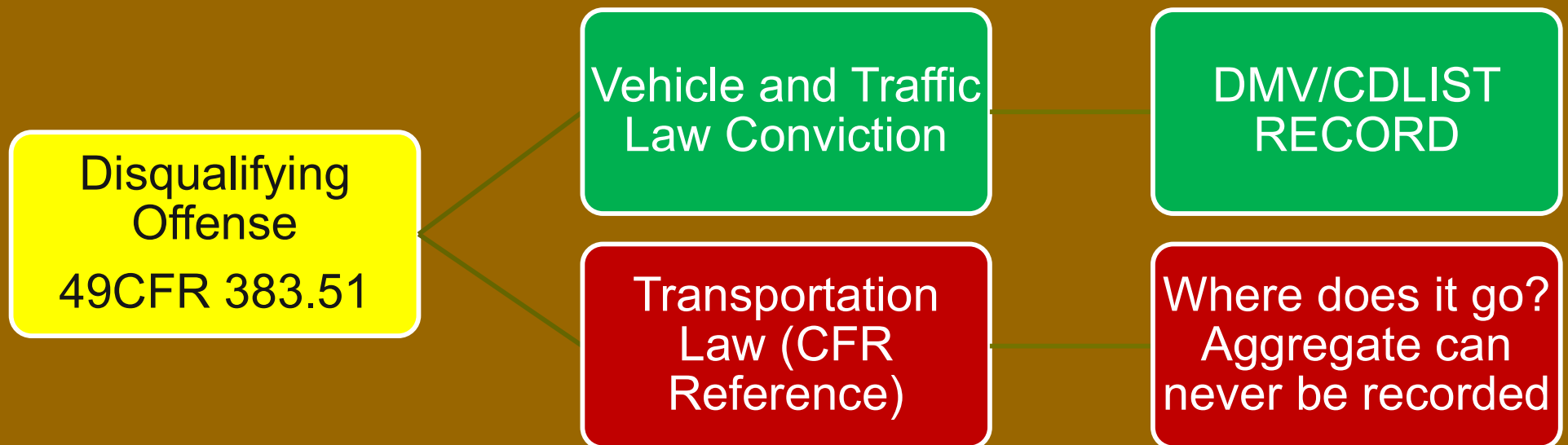
V.S.		03300	
Last Name (Defendant)		First Name	
[REDACTED]		[REDACTED]	
Number and Street		Apt. No.	Photo Lic Shown <input checked="" type="checkbox"/>
[REDACTED]		Zip Code	Owner is Oper. <input checked="" type="checkbox"/> Lic. Class
[REDACTED]		298296045	A
Sex		Date Expires	
M		06/10/2020	
Lic. State	Date of Birth	Veh. Type	Year
SC	06/10/1985	6	2004
Plate Number		Reg. State	Registration Expires
P762608		SC	/ /
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 <input checked="" type="checkbox"/> Misd <input type="checkbox"/> Felony <input type="checkbox"/>	
140 2CII		MPH MPH ZONE	
Description of Violation		US DOT#	
392.2 NYS VTL 1212 RECKLESS DRIVING		3178990	
"Out of Service"		Comm Veh <input checked="" type="checkbox"/> Bus <input type="checkbox"/> Haz/Mat <input type="checkbox"/>	
[REDACTED]		Hwy No	
[REDACTED]		81	
Street Name		Hwy Type	
7831 NB INTERSTATE 81		1	

**Class changed to Class A**

**Transportation Law  
Not  
Vehicle and Traffic  
Law**

**An observant court clerk  
found this.**

# For the Record



# One Driver/School Bus Endorsement Employed as School Bus Driver

All Convictions are from one New York County (Multiple Justice Courts)

Violation	Speed	Plea	Speed	Disposition Date	
Speeding	47/30	Parking		Monday, May 18, 2015	Yellow
Turn		Parking		Monday, July 27, 2015	
Cell Phone		Parking		Wednesday, August 31, 2016	
Speeding	62/45	Parking		Thursday, June 1, 2017	
Speeding	50/30	Parking		Monday, February 12, 2018	Red
Speeding	80/55	Speeding	62/55	Wednesday, April 17, 2019	
Speeding	70/55	Jaywalking		Sunday, February 7, 2021	Green
Speeding	69/55	Parking ??		Saturday, March 27, 2021	
Speeding	45/30	Parking		Tuesday, August 3, 2021	Purple
Speeding	48/30	Jaywalking		Friday, July 23, 2021	
Speeding	67/55	Parking ??		Monday, April 18, 2022	
Cell Phone		Parking		Tuesday, July 5, 2022	Blue
Speeding	46/30	Pending	Stop	Saturday, June 3, 2023	

# Predicting Truck Crash Involvement: 2022 Update

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October 2022



Prepared by the American Transportation Research Institute

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

## FINDINGS: CHI-SQUARE ANALYSIS

Table 6 contains a summary of the Crash Predictor chi-square analysis. The list is rank ordered by the percentage increase in future crash probability, based on specific violations, convictions and prior crashes.

**Table 6: Crash Predictor Analysis**

Driver Behavior	Future Crash Likelihood Increase	Sig
A Failure to Yield Right-of-Way violation	141%	***
A Failure to Use / Improper Signal conviction	116%	***
A Past Crash	113%	***
A Reckless Driving violation	104%	*
A Failure to Obey Traffic Sign conviction	85%	**
A Failure to Keep in Proper Lane conviction	78%	**
An Improper or Erratic Lane Changes conviction	77%	***
A Reckless / Careless / Inattentive / Negligent Driving conviction	62%	***
An Improper Lane / Location conviction	61%	***
A Failure to Obey Traffic Signal / Light conviction	55%	***
A Disqualified Driver violation	53%	***
A False or No Log Book violation	49%	***
A Speeding 1 to 15 Miles Over Speed Limit conviction	48%	***
An HOS violation	47%	***
A Speeding violation	47%	***
Any conviction	46%	***
An Improper Turn conviction	45%	*
A Following Too Close violation	44%	***
Any Moving violation	43%	***
A Speeding More Than 15 Miles Over Speed Limit conviction	40%	***
An Improper Lane Change violation	39%	**
A Failure to Obey Traffic Control Device violation	34%	***
A Size and Weight violation	31%	***
Any OOS violation	29%	***
A Driving Too Fast for Conditions conviction	27%	*
A Failure to Obey Warning Light / Flasher conviction <sup>^</sup>	243%	*
An Improper Pass conviction		ns
A Following Too Closely conviction		ns
An Improper Passing violation		ns
An Improper Turns violation		ns
A Failure to Yield Right-of-Way conviction		ns
A Failure to Obey Yield Sign conviction		ns

\*\*\* Significant at  $p < 0,001$

\*\* Significant at  $p < 0,01$

\* Significant at  $p < 0,05$


<sup>^</sup> Chi-square test not reliable due to small sample size


ns Not Significant,  $p \geq 0,05$



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

Rank	Driver Behavior and Associated Increase in Future Crash Probability			
	2005	2011	2018	2022
1	A Reckless Driving violation (325%)	A Failure to Use / Improper Signal conviction (96%)	A Reckless Driving violation (114%)	A Failure to Yield Right-of-Way violation (141%)
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 (116%)
3	An Improper or Erratic Lane Changes conviction (100%)	An Improper Pass violation (88%)	A Failure to Keep in Proper Lane conviction (83%)	A Past Crash (113%)
4	A Failure to Yield Right-of-Way conviction (97%)	An Improper Turn conviction (84%)	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 (80%)	A Past Crash (74%)	A Failure to Obey Traffic Sign conviction (85%)
6	A Failure to Keep in Proper Lane conviction (91%)	An Improper Lane / Location conviction (68%)	An Improper Lane / Location conviction (72%)	A Failure to Keep in Proper Lane conviction (78%)
7	A Past Crash (87%)	A Failure to Obey Traffic Sign conviction (68%)	An Improper Pass conviction (70%)	An Improper or Erratic Lane Changes conviction (77%)
8	An Improper Lane Change violation (78%)	A Speeding More Than 15 Miles Over Speed Limit conviction (67%)	A Reckless / Careless / Inattentive / Negligent Driving conviction (69%)	A Reckless / Careless / Inattentive / Negligent Driving conviction (62%)
9	A Failure to Yield Right-of-Way violation (70%)	Any conviction (65%)	An Improper or Erratic Lane Changes conviction (66%)	An Improper Lane / Location conviction (61%)
10	A Driving Too Fast for Conditions conviction (62%)	A Reckless / Careless / Inattentive / Negligent Driving conviction (64%)	An Improper Lane Change violation (63%)	A Failure to Obey Traffic Signal / Light conviction (55%)

In Top 10 in 4 ATRI  
Crash Predictor Models 

In Top 10 in 3 ATRI  
Crash Predictor Models 

# Effects of Masking

## Appellate Courts:

- Be aware of 49 CFR (383 and 384) in the event a CDL matter is filed. (not always the case)



Court consents to "Masked" Plea



## Courts and Clerks:

- Ethically and Efficiently dispose CDL cases
- Timely and accurate reporting of convictions



## Prosecutor Action:

- No plea was offered due to Masking prohibition



Masked by Prosecutor if 49 CFR 384.226 ignored

No citation issued or record run



## After observing a moving violation (49CFR384.226) was a:

- Observed, stopped and ran driving record
- Issued citation for the violation observed.

CDL?



# THE PLEA BARGAIN

## *Plea Bargaining*

Plea bargaining is when your lawyer and the prosecutor talk about settling the case without having a trial. This can be done at any time during the case, from the arraignment up until a verdict in a trial. You can ask for a plea bargain, but the prosecutor can choose not to plea bargain with you. If you agree on a plea bargain, **it must be approved by the Judge.**



## OBSERVATIONS FROM THE ROADSIDE

A common observation:

Local police department  
much as 20 mph over the limit by as

The chief of police would not do that. Tickets  
with

**THE CLASSIC DOUBLE  
BENEFIT!!!**

ed to parking tickets.

# Masked Cases Can Have Their Benefits

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?

# 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

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.

## 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.

# Why do these matter?

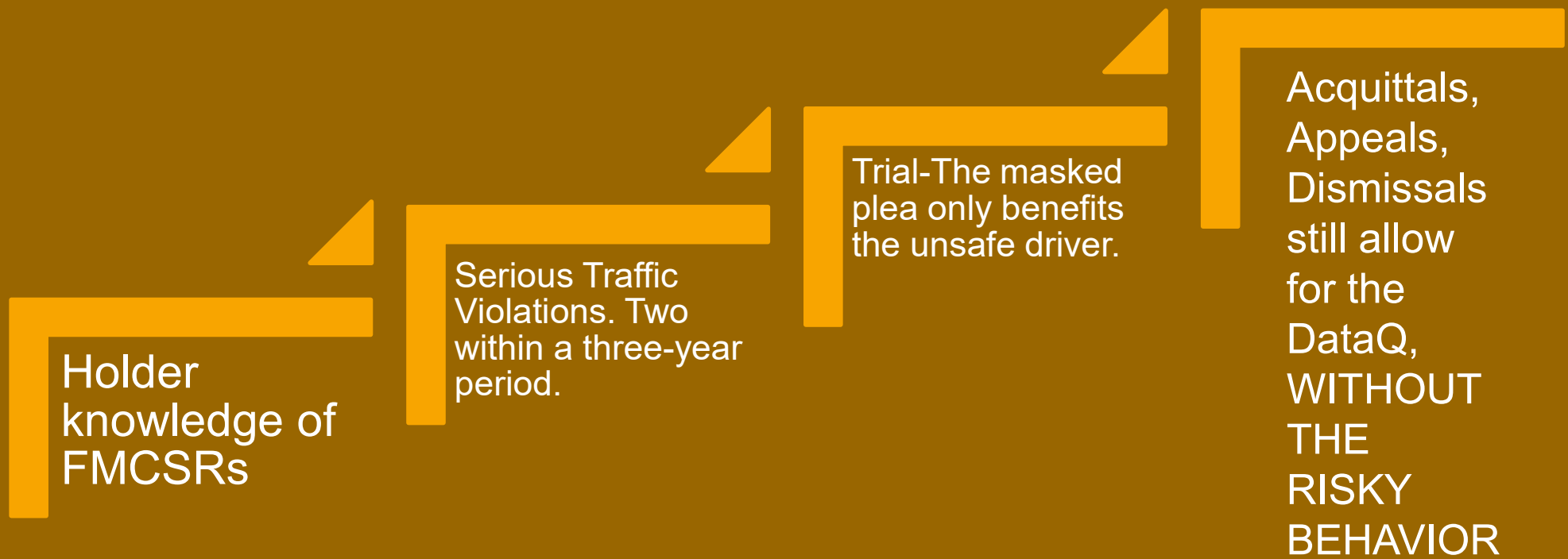
- ✓ Filed DATA Q's
- ✓ All Occurred in CMVs
- ✓ (Eight in Work Zones)
- ✓ All Masked in a local court
- ✓ All had severity ratings reduced
- ✓ Did the original points matter ?
- ✓ Does this practice reduce crashes and save lives on our highways?

VTL 1225d	
Cell Phone	
in CMV	
VTL 1180	No d
??	
VTL 1180d	61/40
VTL 1180d	
VTL 1180	
??	
VTL 1180d	
VTL 1180d	55/40
VTL 1180d	60/40
VTL 1180d	55/35
Disqualified	
FMCSA	
and	
Wisconsin	
VTL 1180d	61/40
VTL 1180d	73/55
VTL 1180d	60/40
VTL 1180b	71/55
VTL 1180b	60/40
VTL 1180b	80/65
Original	
VTL1225D	
Cell Phone	
in CMV	

VTL 1201a Parking
VTL 1202b2 Parking
VTL 1201a Parking
VTL 1152c Jaywalking
VTL 1152c Jaywalking
VTL 1201a Parking
VTL 1110a FTOTCD
VTL 1203 B Parking
VTL 1203 B Parking
VTL 1175 Obst. Intersection
VTL 1203 B Parking
VTL 1152c Jaywalking
VTL 1175 Obst. Intersection
VTL 1220 a Littering
VTL 1203b Parking
VTL 1203b Parking
VTL 1202 Parking
VTL 1202.b2

# Give Them A Break?

## How many do they need?



# Contact:

Hon. Gary A Graber (ret.)

(Cell)-7164742777

(E-mail)- [ggraber@judges.org](mailto:ggraber@judges.org)

[cdlcourtassist.org](http://cdlcourtassist.org)

[cdlcourtassist.org](http://cdlcourtassist.org)





# Questions?

Thanks for taking the time today. Correct disposition of these cases will reduce crashes and save lives.

# Finally

Is there anything you may do differently now that we've offered you some tools to repair some of the breakdowns?

[www.cdlcourtassist.org](http://www.cdlcourtassist.org)

# 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”