

# License Suspensions

As a CDL holder, you are subject to stiffer penalties than other drivers if you misuse the license or drive dangerously.

You can have your CDL suspended—or revoked—for a variety of offenses. Here are some possible violations, and the penalties associated with them:

- Two serious traffic violations within a three-year period - 60-day suspension
- Three serious traffic violations within a three-year period - 120-day suspension
- First-time convictions for driving under the influence, leaving the scene of a traffic crash, using a commercial vehicle during a felony, or refusing to submit to alcohol testing - one-year suspension

Note: If any of these offenses occur while operating a vehicle placarded for hazardous materials, the penalties are for three years.

You can even have your license suspended for life for a second conviction of any of the following: driving under the influence, leaving the scene of a traffic crash, using a commercial vehicle during a felony, or refusing to submit to alcohol testing.

It is illegal in Ohio to have any amount of alcohol in your blood while operating a commercial vehicle. If any amount is detected, you can immediately receive a 24-hour out-of-service order.

## Employer Requirements

If your license is suspended, revoked, or cancelled, you must notify your employer no later than the next business day.

You must also tell your employer in writing within 30 days of any traffic convictions you have received. This includes convictions obtained in your own private vehicle.

If you've had any out-of-state convictions, you have 30 days to notify the OH BMV of the offense. Send notification to:

Bureau of Motor Vehicles

P.O. Box 16784

Columbus, OH 43266-0084

### **[§ 4506.16.1] § 4506.161. Restrictions on granting limited driving privileges.**

No court shall issue an order granting limited driving privileges for operation of a commercial motor vehicle to any person whose driver's license or commercial driver's license has been suspended or who has been disqualified from operating a commercial motor vehicle.

# Points Applied

Let's start with the basics, and move on from there. Here is a list of possible violations, and the number of points each carries:

## Six-point Violations

- Homicide by vehicle
- Operating a motor vehicle while under the influence of alcohol and/or any drug of abuse
- Failure to stop and disclose identity at the scene of a crash
- Willingly fleeing or eluding a law enforcement officer
- Drag racing
- Operating a motor vehicle without the consent of the owner
- Operating a motor vehicle while your license is under suspension or revocation
- Using a motor vehicle in the commission of a felony, or committing any crime punishable as a felony under Ohio Motor Vehicle Laws

## Four-point Violations

- Willful or wanton disregard of the safety of persons or property
- Operating a vehicle after under-age alcohol consumption

## Two-point Violations

- All other moving violations except those pertaining to load limits
- Operating a motor vehicle in violation of a restriction imposed by the Registrar of the Bureau of Motor Vehicles

Points stay on your license for two years.

## Speeding

If you're caught speeding, you will generally be assessed a penalty of either two or four points. Examples of two-point violations include going 10-30 miles per hour (mph) over the limit in an area with a speed limit of 55mph or more. Or driving 5-30mph over the limit in an area where the speed limit is 55mph or less. Four-point violations include driving 30mph or more over the limit in any zone.

In some instances, no points will be applied for speeding. Examples of this include driving less than 10mph over the limit in an area where the limit is 55mph or greater. Or, being 5mph or less over the limit in areas where the limit is under 55mph.

# Penalties

If you accumulate six points on your license within a two-year period, you'll receive a warning letter. If you accumulate 12 or more in that period, your driving privileges will be suspended for six months. After that period, you'll need to take a remedial driving course. Then you'll have to take the driving test again.

If you're caught driving while on suspension, you will be guilty of a first-degree misdemeanor and also face a possible \$1,000 fine or six months in jail—or both. You may also lose your license for another year.

# Traffic School

If you have two to 11 points on your license, you are eligible to take a remedial driving course approved by the Department of Public Safety, where you will receive a two-point credit.

However, completing this course does not mean that two points will be taken off your license. Instead, it means that your license will be suspended if you reach 14 points, not 12. You can take this course up to five times, but no more than once every three years.

## **-General Questions--**

*Question 1: a. If a driver received one "excessive speeding" violation in a CMV and the same violation in his/her personal passenger vehicle, would the driver be disqualified? or,*

*b. If a driver received two "excessive speeding" violations in his/her personal passenger vehicle, would the driver be disqualified?*

*Guidance:* No, in both cases. Convictions for serious traffic violations, such as excessive speeding, only result in disqualification if the offenses were committed in a CMV--unless the State has stricter regulations.

*Question 2: Section 383.51 of the FMCSRs disqualifies drivers if certain offenses were committed while operating a CMV. Will the States be required to identify on the motor vehicle driver's record the class of vehicle being operated when a violation occurs?*

*Guidance:* No, only whether or not the violation occurred in a CMV. The only other indication that may be required is if the vehicle was carrying placardable amounts of HM.

*Question 3: What is meant by leaving the scene of an accident involving a CMV?*

*Guidance:* As used in [part 383](#), the disqualifying offense of "leaving the scene of an accident involving a CMV" is all-inclusive and covers the entire range of situations where the driver of the CMV is required by State law to stop after an accident and either give information to the other party, render aid, or attempt to locate and notify the operator or owner of other vehicles involved in the accident.

***Question 4: If a State disqualifies a driver for two serious traffic violations under §383.51(c)(2)(i), and that driver, after being reinstated, commits a third serious violation, what additional period of disqualification must be imposed on that driver?***

*Guidance:* If three years have not elapsed since the original violation, then the driver is now subject to a full 120-day disqualification period.

***Question 5: May a State issue a "conditional," "occupational" or "hardship" license that includes CDL driving privileges when a CDL holder loses driving privileges to operate a private passenger vehicle (non-CMV)?***

*Guidance:* Yes, provided the CDL holder loses his/her driving privileges for operating a non-CMV as the result of a conviction for a disqualifying offense that occurred in a non-CMV. A State is prohibited, however, from issuing any type of license which would give the driver even limited privileges to operate a CMV when the conviction is for a disqualifying offense that occurred in a CMV.

***Question 6: What information needs to be contained on a "conditional," "occupational" or "hardship" license document that includes CDL driving privileges?***

*Guidance:* The same information that is required under [§383.153](#), including an explanation of restrictions of driving privileges.

***Question 7: Is a State obligated to grant reciprocity to another State's "conditional," "occupational" or "hardship" license that includes CDL driving privileges?***

*Guidance:* Yes, in regard to operating a CMV as stated in [§383.73\(h\)](#).

## [§383.51](#) Driver Disqualifications

### **--Alcohol Questions--**

***Question 1: Are States expected to make major changes to their enforcement procedures in order to apply the alcohol disqualifications in the Federal regulations?***

*Guidance:* No. Sections [383.51](#) and [392.5](#) do not require any change in a State's existing procedures for initially stopping vehicles and drivers.

Roadblocks, random testing programs, or other enforcement procedures which have been held unconstitutional in the State or which the State does not wish to implement are not required.

***Question 2: Is a driver disqualified for driving a CMV while off- duty with a blood alcohol concentration over 0.04 percent?***

*Guidance:* Yes. [§383.51](#) applies to any person who is driving a [CMV](#), as defined in [§383.5](#), regardless of the person's duty status under other regulations. Therefore, the driver, if convicted, would be disqualified under [§383.51](#).

***Question 3: Does a temporary license issued pursuant to the administrative license revocation (ALR) procedure authorize the continued operation of CMVs when the license surrendered is a CDL? Does the acceptance of a temporary driver's license place the CDL holder in violation of the one driver's license requirement?***

*Guidance:* The ALR procedure of taking possession of the driver's CDL and issuing a "temporary license" for individuals who either fail a chemical alcohol test or refuse to take the test is valid under the requirements of [part 383](#). Since the CDL that is being held by the State is still valid until the administrative revocation action is taken, the [FHWA](#) would interpret the document given to the driver as a "receipt" for the CDL, not a new "temporary" license. The driver violates no CDL requirements for accepting the receipt which may be used to the extent authorized.

***Question 4: Is a driver disqualified under §383.51 if convicted of driving under the influence of alcohol while operating a personal vehicle?***

*Guidance:* The convictions triggering mandatory disqualification under [§383.51](#) all pertain to offenses that occur while the person is driving a [CMV](#). However, a driver could be disqualified under [§383.51\(b\)\(2\)\(i\)](#) if the State has stricter standards which apply to offenses committed in a personal vehicle. (The same principle applies to all other disqualifying offenses listed in [§383.51](#).)

***Question 5: Must the State use the date of conviction, rather than the offense date, to calculate the starting and ending dates for the driver disqualification period specified in 49 CFR 383.51?***

*Guidance:* Yes, the State must use the date of conviction or a later date, rather than the offense date, as the basis for calculating the starting and ending dates for the driver disqualification period. The State may allow the driver additional time after the conviction date to appeal the conviction before the disqualification period begins. The use of the conviction date (or the date when all appeals are exhausted) ensures that the driver receives due process of law but (if the conviction is upheld) still serves the full disqualification period 49 CFR [383.51](#) requires. For example, a driver is cited for a disqualifying offense on May 1 and is convicted of the offense on July 1. If the offense date were used for the starting date of the disqualification, it would shorten the actual disqualification by 2 months. Using the conviction date or a later date when all appeals are exhausted ensures that the driver serves the full disqualification period.

***Question 6: Must the State use the offense date or the conviction date to determine if two or more serious traffic convictions occurred within a 3-year period?***

*Guidance:* The State must use the offense date to determine if two or more serious traffic convictions fall within the 3-year period specified in 49 CFR [383.51](#) Table 2. If the conviction date were used, delays in bringing a case to trial could push the second conviction outside the 3-year period, thus defeating the purpose of the rule. For example, a driver is cited for a first serious traffic violation on February 1, 2001 and is convicted on March 1, 2001. The driver is cited for a second serious traffic violation on January 15, 2004. The trial is set for February 27, 2004, but the driver asks to have the trial delayed because he has something important to do that day. The new trial date is set for March 15, 2004 and he is convicted of the second violation on this date. If the conviction dates are used, the two offenses are not within three years of each other and no disqualification action is taken on the driver. If the offense dates are used, the driver is disqualified regardless of the conviction date because the offenses for which he was convicted are within three years of each other.

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 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 CDL holder must be disqualified from operating a CMV for...
(1) Being under the influence of alcohol as prescribed 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 crimes 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.

c) **Disqualification for serious traffic violations.** Table 2 to [§383.51](#) contains a list of the offenses and the periods for which a driver must be disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, as follows: Table 2 to §383.51

If a 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 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 while operating a non-CMV, a CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CDL holder's license or non-CMV driving privileges, 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 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 non-CMV, a CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CDL holder's license or non-CMV driving privileges, for...
(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.	60 days	Not applicable	120 days	Not applicable
(7) Driving a CMV without a CDL in the driver's possession. <sup>1</sup>	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

<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.d)

**Disqualification for railroad-highway grade crossing offenses.** Table 3 to [§383.51](#) contains a list of the offenses and the periods for which a driver must be disqualified, when the driver is operating a CMV at the time of the violation, as follows: Table 3 to §383.51

If a 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 or 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...
(1) 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.
(2) 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.
(3) 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.
(4) 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.
(5) 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.
(6) 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.