

# SUMMARY OF CDL DISQUALIFIERS

Effective August 25, 2004

## CRIMINAL OFFENSES – CDL HOLDER

<b>Offense</b>	<b>First Conviction</b>	<b>Second Conviction</b>
Under the influence of alcohol or drugs	1 year disqualification	Life disqualification*
BAC of 0.04 or > while operating a CMV	1 year disqualification	Life disqualification*
Refusal to take alcohol test	1 year disqualification	Life disqualification*
Leaving the scene of an accident	1 year disqualification	Life disqualification*
Using vehicle in non-drug felony	1 year disqualification	Life disqualification*
Using vehicle in drug felony	Life disqualification and not eligible for 10 year reinstatement	Life disqualification and not eligible for 10 year reinstatement

## CRIMINAL OFFENSES – CDL HOLDER WITH HAZARDOUS MATERIALS ENDORSEMENT

<b>Offense</b>	<b>First Conviction</b>	<b>Second Conviction</b>
Under the influence of alcohol or drugs	3 year disqualification	Life disqualification*
BAC of 0.04 or > while operating a CMV	3 year disqualification	Life disqualification*
Refusal to take alcohol test	3 year disqualification	Life disqualification*
Leaving the scene of an accident	3 year disqualification	Life disqualification*
Using vehicle in non-drug felony	3 year disqualification	Life disqualification*
Using vehicle in drug felony	Life disqualification and not eligible for 10 year reinstatement	Life disqualification and not eligible for 10 year reinstatement

\*Life Disqualification – eligible for reinstatement after 10 years if person has voluntarily entered and successfully completed an appropriate rehabilitation program approved by the state. Persons reinstated who are subsequently convicted of a future disqualifying offense must not be reinstated.

## SERIOUS TRAFFIC VIOLATIONS – CDL HOLDER

<b>Convicted Offense</b>	<b>Second Conviction</b>	<b>Third Conviction</b>
Speeding 15 mph or more over the posted limit	60 days	120 days
Reckless driving (A.R.S. 28-693)	60 days	120 days
Aggressive Driving (A.R.S. 28-695)	60 days	120 days
Racing (A.R.S. 28-708)	60 days	120 days
Improper or erratic lane changes (A.R.S. 28-729)	60 days	120 days
Following too closely (A.R.S. 28-730)	60 days	120 days
Violating traffic laws resulting in fatality	60 days	120 days
Driving a CMV without a CDL in driver's possession (federal disqualifier)	60 days	120 days

After the first conviction of any serious traffic violation listed above, an individual will be at risk of losing their commercial motor vehicle (CMV) driving privileges if a second or third serious traffic violation conviction occurs within a 3 year period.

This document does not list all offenses defined in state and federal law. For additional information you can access Arizona Revised Statutes (A.R.S.) at [www.azleg.state.az.us](http://www.azleg.state.az.us) or the Federal Register CFR 49, Part 383.51 Disqualification of drivers.

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**Article 3 – Driver License Classes and Endorsements**

**28-3103. Driver license endorsements**

- A. **A driver license applicant shall obtain** the following endorsements to the applicant's driver license and shall submit to an examination appropriate to the type of endorsement **if the applicant operates one or more of the following vehicles:**
1. A motorcycle endorsement for operation of a motorcycle if the applicant qualifies for a class M license and if the applicant qualifies for or has a class A, B, C, D or G license.
  2. A **hazardous materials endorsement** on a class A, B or C license for operation of a vehicle that transports hazardous materials, wastes or substances in a quantity and under circumstances that require the placarding or marking of the transport vehicle as required by the department's safety rules prescribed pursuant to chapter 14 of this title. The department or an outside source authorized by the department and approved by the transportation security administration may:
    - (a) Conduct background checks in accordance with the transportation security administration procedures.
    - (b) Require that all hazardous materials endorsement applicants submit fingerprints.
  3. A double-triple trailer endorsement on a class A license for operation of a vehicle towing double or triple trailers.
  4. A passenger vehicle endorsement on a class A, B or C license for operation of a bus designed to transport sixteen or more passengers, including the driver, or a school bus.
  5. A **tank vehicle endorsement** on a class A, B or C license for operation of a tank vehicle. For the purposes of this paragraph, "tank vehicle" means a commercial motor vehicle that is designed to transport a liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or chassis, including a cargo tank and a portable tank and excluding a portable tank having a rated capacity under one thousand gallons.
  6. A school bus endorsement on a class A, B or C license for operation of a school bus. Applicants shall successfully complete both a written knowledge test and a driving skills test to obtain a school bus endorsement.
- B. When applying for a commercial driver license endorsement pursuant to article 5 of this chapter, the applicant shall successfully complete the skills portion of the examination in a motor vehicle or vehicle combination applicable to the endorsement.
- C. On notification by the transportation security administration that an individual's authorization to hold a hazardous materials endorsement has been terminated, the department shall immediately cancel the hazardous materials endorsement on the driver's commercial driver license.

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**Article 5 – Commercial Driver Licensing**

**28-3223. Original applicant; requirements; expiration; renewal examination**

- A. In addition to the requirements applicable to all driver license applicants, an original applicant for a class A, B or C license is subject to the following requirements:
1. The applicant shall submit evidence of compliance with medical standards and requirements that the department adopts by rule.
  2. The applicant must have held a driver license for at least one year either in this state, any other state or a foreign country.
  3. The applicant shall take additional knowledge examinations to demonstrate understanding of the following:
    - (a) Safety operation rules.
    - (b) Commercial motor vehicle safety control systems.
    - (c) Safe vehicle control.
    - (d) The relationship of cargo to vehicle control.
    - (e) Basic hazardous materials knowledge.
    - (f) The objectives and proper procedures for performing vehicle safety inspections.
    - (g) Air brake systems.
    - (h) Legal requirements for size, weight and vehicle configurations.
    - (i) Emergency procedures.
  4. In addition to the other requirements of this section, an applicant for a class A driver license shall demonstrate a knowledge and understanding of:
    - (a) Vehicle coupling and uncoupling.
    - (b) Unique combination vehicle inspections.
  5. The applicant shall take a driving test in a vehicle or vehicle combination that at least meets the minimum size requirements for the class of driver license sought. The driving test shall include a demonstration of familiarity with pretrip inspection procedures.
- B. A person possessing a commercial driver license on or before June 30, 2005 shall renew the license within five years according to procedures established by the department.**
- C. Notwithstanding section 28-3171, the holder of a class A, B or C driver license shall renew the license every five years in a manner prescribed by the department.**
- D. The department may administer an examination to a renewal applicant for a class A, B or C driver license. **This examination on renewal shall include the following:**
1. Evidence of compliance with medical standards adopted by the department.
  2. Administration of knowledge tests or road tests, or both, as required of an original applicant.

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**28-3227. Commercial drivers; convictions; notification requirements; violation**

- A. **A driver of a commercial motor vehicle** who has a driver license issued by this state and **who is convicted of violating** a state law or local ordinance relating to motor vehicle traffic **in any state or a federal, provincial, territorial or municipal law of another country**, other than a parking violation, shall notify the **department within thirty days** of the date of the **conviction** in the manner prescribed by the department.
- B. **A driver of a commercial motor vehicle** who has a driver license issued by this state and **who is convicted of violating** a state law or local ordinance relating to motor vehicle traffic **in any state or a federal, provincial, territorial or municipal law of another country**, other than a parking violation, shall notify the **person's employer** in writing **of the conviction within ten days** of the date of conviction.
- C. A driver whose driver license is **suspended, revoked or canceled** by a state, who loses **the privilege to drive a commercial motor vehicle** in a state for any period of time or who is **disqualified from driving a commercial motor vehicle** for any period of time shall **notify the person's employer** of the action **before the end of the business day** following the day the driver receives notice of the action.
- D. A person who applies for employment as a driver of a commercial motor vehicle shall provide the person's employer, at the time of application, with the following information for the ten years preceding the date of application:
1. A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle.
  2. The dates the applicant was employed by each employer.
  3. The reason for leaving each employment.
- E. The applicant shall certify that all information furnished pursuant to subsection D of this section is true and complete. An employer may require an applicant to provide additional information.
- F. A driver of a commercial motor vehicle **who provides false or fraudulent information** to an employer **or who fails to report** the information required in subsection A, B, C or D of this section is guilty as provided in section 28-3481.

**Article 6 - Regulation**

**28-3312. Mandatory disqualification of commercial driver licenses; definition**

- A. The department shall **disqualify** a person required to have a **commercial driver license or a commercial driver license holder from driving a commercial motor vehicle** as follows:

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1. **Except** as provided in **subsection E** of this section and except as otherwise provided in this subsection, for **at least one year** if a person:
    - (a) **Refuses a test** in violation of section 28-1321.
    - (b) Is **convicted of a first violation** of any of the following:
      - i. Driving a commercial motor vehicle **under the influence** of intoxicating liquor or a controlled substance or while having an **alcohol concentration of 0.04 or more**.
      - ii. **Leaving the scene of an accident** involving a motor vehicle driven by the person.
      - iii. **Using a motor vehicle in the commission of a felony**.
      - iv. A violation of chapter 4, article 3 of this title while operating a noncommercial motor vehicle.
      - v. **Driving a commercial motor vehicle while**, as a result of prior violations of this title committed while operating a commercial motor vehicle, the person's commercial driver license is **revoked, suspended or canceled or** the person is **disqualified** from operating a commercial motor vehicle.
      - vi. Causing a **fatality through the negligent operation of a commercial motor vehicle**, including a conviction of manslaughter, homicide or negligent homicide resulting from operation of a motor vehicle.
  2. For **at least three years**, if the person is convicted of any of the violations prescribed in paragraph 1 of this subsection and the violation occurred while the person was **transporting a hazardous material** in the quantity and under the circumstances that require placarding of the transport vehicle under the department's safety rules pursuant to chapter 14 of this title.
  3. **For the life of the person**, if the person is **convicted of two or more violations of any of the offenses prescribed in paragraph 1** of this subsection **or of any combination** of those offenses arising from two or more separate incidents. The department shall consider only offenses committed from and after December 31, 1989 in applying this paragraph.
  4. **Permanently** if the person is convicted of using **any motor vehicle in the commission of a felony** involving the manufacture, distribution or dispensing of a controlled substance or possession with intent to manufacture, distribute or dispense a controlled substance.
  5. For **at least sixty consecutive days**, if the person is **convicted of two serious traffic violations** committed in a motor vehicle arising from separate incidents occurring **within a three year period** from the date of the violation.
  6. For **at least one hundred twenty days** served in addition to any other disqualification, if the person is **convicted of a third or subsequent serious traffic violation** committed in a motor vehicle arising from separate incidents occurring **within a three year period** from the date of the violation.
- B. Except as provided in subsection C of this section, a person required to have a commercial driver license or a commercial driver license holder who is found responsible for violating an out-of-service order pursuant to section 28-5241 is disqualified from driving a commercial motor vehicle as follows:
1. For a period of ninety days if the person is found responsible for a first violation of an out-of-service order.
  2. For a period of one year if the person is found responsible for a second violation of any out-of-service order during any ten year period arising from separate incidents.

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3. For a period of three years if the person is found responsible for a third or subsequent violation of any out-of-service order during any ten year period arising from separate incidents.
- C. A person required to have a commercial driver license or a commercial driver license holder who is found responsible for violating an out-of-service order pursuant to section 28-5241 while transporting hazardous materials or while operating a commercial motor vehicle designed or used to transport sixteen or more passengers, including the driver, is disqualified from driving a commercial motor vehicle as follows:
1. For a period of one hundred eighty days if the person is found responsible for a first violation of an out-of-service order.
  2. For a period of three years if the person is found responsible for a second or subsequent violation of any out-of-service order during any ten year period arising from separate incidents.
- D. A person required to have a commercial driver license or a commercial driver license holder who is convicted of or found responsible for violating any federal, state or local railroad grade crossing law, ordinance or regulation is disqualified from driving a commercial motor vehicle as follows:
1. For a period of sixty days if a person is convicted of or found responsible for a first violation.
  2. For a period of one hundred twenty days if a person is convicted of or found responsible for a second violation during any three year period.
  3. For a period of one year if a person is convicted of or found responsible for a third or subsequent violation during any three year period.
- E. If a federal agency determines that a **commercial motor vehicle licensee** is driving in a manner that constitutes an **imminent hazard**, the department, on receipt of notification by the federal government, **shall disqualify the driver for a period not to exceed one year**. The disqualification shall run concurrently with any other disqualification imposed on the driver. For the purposes of this subsection, "imminent hazard" means 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 to decrease the risk of death, illness, injury or endangerment.
- F. The department shall keep records of findings of responsibility for a civil traffic violation and of conviction of any moving criminal traffic violation for a commercial driver licensee for violations in any type of motor vehicle and for a person required to have a commercial driver license if the violations arise from the operation of a commercial motor vehicle. **The department shall make the records available to other states, the United States secretary of transportation**, the driver and any motor carrier or prospective motor carrier or the motor carrier's designated agent **within ten days** after receiving notice of a **conviction** in this state or receipt of a **notice of a conviction or disqualification** received from another state.
- G. **Disqualification for a serious traffic violation** committed by a commercial driver license holder **while operating a noncommercial motor vehicle** applies **only if** the conviction results in the revocation, cancellation or suspension of the person's commercial driver license or noncommercial driver license.

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- H. The department may adopt rules establishing guidelines and conditions under which the department may reduce a disqualification for life pursuant to subsection A, paragraph 3 of this section to a disqualification of at least ten years. If a person's disqualification is reduced pursuant to rules adopted pursuant to this subsection and the person is subsequently convicted of a violation described in subsection A, paragraph 1 of this section, the person is permanently disqualified from driving a commercial vehicle and is not eligible to apply for a reduction of the disqualification pursuant to rules adopted pursuant to this subsection.
- I. Except as provided in subsection E of this section, the beginning date of the disqualification shall be the date the department receives the report of conviction or finding of responsibility.
- J. For the purposes of this section, "**serious traffic violation**" means a conviction or finding of responsibility for any of the following:
1. Excessive speeding involving a single offense for a speed of fifteen miles per hour or more above the posted speed limit.
  2. Reckless driving as provided by section 28-693.
  3. Aggressive driving as provided by section 28-695.
  4. Racing as defined in section 28-708.
  5. Improper or erratic traffic lane changes as provided by section 28-729.
  6. Following the vehicle ahead too closely as provided by section 28-730.
  7. A violation of this title that is connected with a fatal traffic accident.
  8. Driving a commercial motor vehicle if the person has not been issued a valid commercial driver license pursuant to this chapter.
  9. Driving a commercial motor vehicle without a commercial driver license in the person's possession.
  10. Driving a commercial motor vehicle without having a valid endorsement for the type of commercial motor vehicle or motor vehicle combination being operated.

**Article 7 – Defensive Driving School**

**28-3392. Defensive driving school; eligibility**

- A. A court:
1. Shall allow an individual who is issued a citation for a civil traffic moving violation pursuant to chapter 3, articles 2, 3, 4 and 6 through 15 of this title or a local civil traffic ordinance relating to the same subject matter to attend a defensive driving school for the purposes provided in this article.
  2. **Except as prescribed in subsection C of this section**, may allow an individual who is issued a citation for a violation of section 28-701.02 to attend a defensive driving school.
- B. A person who attends a defensive driving school pursuant to this article is not eligible to attend a defensive driving school again within twenty-four months from the day of the last violation for which the person was authorized by this article to attend a defensive driving school.
- C. Notwithstanding subsection A of this section:

1. An individual who commits a civil or criminal traffic violation resulting in death or serious physical injury is not eligible to attend a defensive driving school, except that the court may order the individual to attend a defensive driving school in addition to another sentence imposed by the court on an adjudication or admission of the traffic violation.
2. If a commercial driver license holder is found guilty or responsible for a moving violation, the court may require the violator to attend defensive driving school as an element of sentence, but **may not dismiss the conviction or finding of responsibility** and shall report the conviction or finding of responsibility to the department as prescribed in section 28-1559. **A commercial driver license holder is not eligible for the defensive driving diversion program.**

## **Article 8 – License Violations**

### **28-3481. Commercial motor vehicle drivers; violations; classification**

- A. A person who drives a commercial motor vehicle on a highway in this state **without a valid appropriate class of commercial driver license** is guilty of a **class 3 misdemeanor**.
- B. A driver of a commercial motor vehicle who **provides false or fraudulent information to an employer** as required by section 28-3227 is **guilty of a class 3 misdemeanor**.
- C. A driver of a commercial motor vehicle who **fails to report** the information required in section 28-3227 is **guilty of a class 3 misdemeanor**.