CDL DISQUALIFYING OFFENSES & DISQUALIFICATION PERIODS

MAJOR OFFENSES (HRS 286-240)

- 1. Driving a motor vehicle while under the influence of alcohol, as prescribed by state law.
- 2. Driving a motor vehicle while under the influence of a controlled substance.
- 3. Driving a commercial motor vehicle while the person's blood alcohol concentration is 0.04% or more.
- 4. Refusing to take an alcohol or drug test as required by a State or jurisdiction under its implied consent laws or regulations.
- 5. Leaving the scene of an accident (driving a motor vehicle).
- 6. A felony involving the use of a motor vehicle, other than "use of a motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance".
- 7. Driving a commercial motor vehicle 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.
- 8. Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.
- 9. Use of a motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance.

Penalties for convictions of Major Offenses (HRS 286-240)

Numbers 1-8 above

1st major offense

And the vehicle was not transporting hazardous materials required to be placarded: 1 year disqualification And the vehicle was transporting hazardous materials required to be placarded: 3 years disqualification

2nd and separate incident of any major offense Life time disqualification Incident after reinstatement Life time disqualification not eligible for reinstatement

3rd or subsequent conviction of any

Number 9 above

Life time disqualification, not eligible for 10 year reinstatement

SERIOUS TRAFFIC VIOLATIONS (HRS 286-231)

- 1. Speeds excessively, involving any speed of 15 mph or more above the posted speed limit.
- 2. Drives 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.
- 3. Makes improper or erratic traffic lane changes.
- 4. Follows the vehicle ahead too closely.
- 5. Violates State or local law relating to motor vehicle traffic control arising in connection with a fatal accident.
- 6. Driving a CMV without obtaining a CDL.
- 7. Driving a CMV without a current CDL in the driver's possession.
- 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.

Penalties for convictions of Serious Offenses (HRS 286-240)

1st conviction 2nd conviction of a separate incident

of an offense in this table during a 3year period offense in this table in a separate incident during a 3-year period 60 days disqualification 120 days disqualification

No disqualification 60 days disqualification

RAILROAD-HIGHWAY GRADE CROSSING OFFENSES (HRS 286-240)

The driver operates a commercial motor vehicle in violation of a federal, state or local law and:

- 1. The driver is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train.
- 2. The driver is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear.
- 3. The driver is always required to stop, but fails to stop before driving onto the crossing.

- 4. The driver fails to have sufficient space to drive completely through the crossing without stopping.
- 5. The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing.
- 6. The driver fails to negotiate a crossing because of insufficient under-carriage clearance.

Penalties for convictions of RRGC Offenses

 1^{st} conviction 2^{nd} conviction of any offense in this table in

a separate incident within a 3-year period.

offense in this table in a separate incident within a 3-year period No less than 1 year CMV

3rd or subsequent conviction of any

No less than 60 days No less than 120 days CMV disqualification No

disqualification

VIOLATING OUT-OF-SERVICE ORDERS

1. Driving while out of service order is in effect and transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard.

2. General driving while out of service order is in effect.

Penalties for convictions of Violation of an Out-of-Service Order (HRS 286-240)

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incident of an offense in this table during a 10-year period

3rd or subsequent conviction of a separate incident of an offense in this table, during a 10-year period

3 to 5 year disqualification

For a conviction in a HAZMAT CMV and/or a Passenger CMV

180 days to 2 year 3 to 5 year disqualification

disqualification

For a conviction in a CMV that was not a Passenger CMV or a HAZMAT CMV 180 days to 1 year 2 to 5 year disqualification

disqualification

IMMINENT HAZARD DISQUALIFICATION (HRS 231)

FMCSA has the authority to remove a CDL driver by determining the driver is an imminent hazard, which it defines as "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 completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment".

Allowing the driver to continue to operate a CMV would create an imminent hazard.

Penalty (HRS 286-240)

Emergency disqualification because driver posed an imminent hazard --- up to one year disqualification

DISQUALIFICATION FOR A FALSIFY OFFENSE (HRS 286-240)

Misrepresentation of identity or other facts on application for driver license (includes driver's license, CDL and instruction permit).

Penalty

60 day disqualification

DISQUALIFICATION FOR FAILING TO SURRENDER THE HAZMAT ENDORSEMENT (HRS 286-238.5)

Failure to surrender HAZMAT endorsement as required by the USA PATRIOT Act

Penalty

Indefinite disqualification until CDL with HAZMAT endorsement is surrendered

DISQUALIFICATION FOR USING A MOBILE ELECTRONIC DEVICE WHILE OPERATING CMV (HRS 291-17)

Using a mobile electronic device while operating a commercial motor vehicle is prohibited. Operating a mobile electronic device to call "911" is an affirmative defense. Furthermore, exceptions to the above can be found at HRS 291-17.

Penalty

Same as "Penalties for conviction of Serious Offenses" above.