

CDL Update



Wisconsin
Disqualification
Criteria
Changes for
2010

A fact sheet to educate Commercial Drivers License (CDL) holders about licensing criteria and to stress the importance of making sound driving decisions both on and off the job.

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Disqualification Criteria to Change in 2010

Wisconsin recently modified its Commercial Driving License (CDL) disqualifying criteria lists in response to a Federal Motor Carrier Safety Administration (FMCSA) audit of the state's licensing program. These changes reflect the current disqualification criteria required by the FMCSA and in effect on January 1, 2010.

In 2005, the CDL disqualification criteria lists were expanded to include qualifying convictions in non-CDL motor vehicles. For the purpose of determining whether a motor vehicle conviction is a disqualifying CDL offense, the type of motor vehicle driven does not matter. The 2010 changes tighten the out-of-service disqualifying offenses and lowers the conviction threshold for certain alcohol-related offenses by including administrative suspensions. Without exception, the state cannot issue an occupational license to an individual to operate a CDL motor vehicle.

Current Disqualification Criteria: In 1986, Congress established a minimum set of CDL disqualification convictions that applied to convictions a driver received while operating a Commercial Motor Vehicle (CMV) that requires a CDL. Significant changes were made to the disqualification criteria in 2005 and additional changes were adopted by the state in 2009 and are now in effect. The disqualifying convictions are separated into two categories: major convictions (Table A) and serious convictions (Table B). Any conviction or suspension of driver privileges where noted in the tables, regardless of the type of motor vehicle used to commit the offense or the jurisdiction in which the offense was committed, will result in CDL disqualification for the period listed.

Major Convictions	Disqualification Period (1st/2nd Conviction*) unless otherwise noted	
	Non-Hazardous Materials	Hazardous Materials
Operating under the influence of alcohol (0.04 CMV or 0.08 non-CMV)	1 yr./life	3 yr./life
Administrative suspension of driving privileges involving blood alcohol content**	1 yr./life	3 yr./life
Operating under the influence of a controlled substance	1 yr./life	3 yr./life
Refusing to take an alcohol or drug test	1 yr./life	3 yr./life
Leaving the scene of an accident or failure to report an accident	1 yr./life	3 yr./life
Using a CMV to commit a felony other than involving controlled substances	1 yr./life	3 yr./life
Driving a CMV if driver's license was suspended, revoked, or cancelled	1 yr./life	3 yr./life
Causing a fatality through negligent operation of a CMV	1 yr./life	3 yr./life
Causing injury, great bodily harm, or death while intoxicated by drugs or alcohol	1 yr./life	3 yr./life
Operating a CDL vehicle if CDL is suspended, revoked, cancelled, or disqualified.	1 yr./life	3 yr./life
Failing to appear in court, pay a judgment, or complying with a court order (traffic-related).	2 yrs.***	2 yrs.***
Using a CMV to commit a felony involving controlled substances	Life for 1st	Life for 1st

*The second conviction includes any combination of the listed major convictions.

**A conviction is not required. A court order is required to purge the disqualification if the driver is not convicted.

***Disqualification is reduced to 30 days when notice of compliance is received.

Serious Convictions	Disqualification Period (2nd/subsequent conviction)* unless otherwise noted
Speeding excessively (≥ 15 mph) Passing illegally	60/120 days
Passing illegally	60/120 days
Driving recklessly	60/120 days
Improper or erratic lane changes	60/120 days
Following too closely	60/120 days
Moving violation arising in connection with a fatal accident	60/120 days
Driving a CMV without obtaining a CDL	60/120 days
Driving a CMV without a CDL in driver's possession	60/120 days
Driving a CMV without the proper class of CDL	60/120 days
Careless driving (out-of-state convictions only)	60/120 days
CDL falsified application	60 days for first and subsequent convictions
Operating while out-of-service	90 days/2 yrs./3 yrs. for 1st, 2nd, and 3rd conviction respectively over a 10-yr. period
Operating while out-of-service (Hazardous Materials)	180 days/3 yrs./3 yrs. for 1st, 2nd, and 3rd conviction respectively over a 10-yr. period
Railroad-highway grade crossing violations (Hazardous Materials only)	60 days/120 days/1 year for 1st, 2nd, and 3rd convictions respectively

*The second and subsequent convictions include the combination of any of the listed serious convictions for the previous three years. The three year period starts at the date of violation.

What's a blood alcohol content administrative suspension, and how can court decisions impact the ability to drive a CDL Vehicle? ‡

Prior to 2010, alcohol-related disqualifications had to be based on a conviction by a court. Now, a person who is operating a motor vehicle and fails alcohol chemical testing (breathalyzer or other valid test) will be disqualified to operate a CDL vehicle 30 days after the date of notice from the Wisconsin Department of Transportation. A court order is required to purge the disqualification if the individual is not later convicted of the offense.

A CDL holder may also be disqualified for failure to appear in court, for not complying with a court order, or failing to pay a judgment for traffic-related convictions. Other court decisions unrelated to traffic violations such as failing to pay child support may also result in the suspension of a person's driving privileges.

‡State CDL disqualification criteria can vary, depending on each state's specific laws. However, all states must adopt the CDL disqualification criteria established by the FMCSA at a minimum. If your CDL is issued by a state other than Wisconsin, check with that state for their respective CDL disqualification criteria.



When you get behind the wheel you are accountable for your actions. That is the force behind these requirements. The choice is yours, but remember a bad decision may prohibit you from driving CDL vehicles and performing your job responsibilities.

THE CHOICE IS YOURS ...

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