

MODIFICATIONS (cont.)

Employer Violation of Out-of-Service Orders:

Federal 49 CFR § 383.53(b)(2) increased the maximum amount for the mandatory civil penalty for a conviction of an employer who allows, requires, permits, or authorizes a driver to violate an Out-of-Service Order. The minimum civil penalty remains at not less than \$2,750 and the new maximum civil penalty is \$25,000.

EFFECTIVE JANUARY 1, 2011

Traffic Citations:

Adds Commercial Motor Vehicle field and Hazmat Endorsement field

Notification of Traffic Violations:

Adds two fields to the court abstract, Commercial Motor Vehicle field and Hazmat Endorsement field. Also amends the number of days from 30 to 10 for the state to distribute conviction reports to the other states for out-of-state CDL holders.

EFFECTIVE JANUARY 1, 2012

CDL Holders Medical Certification:

A CDL holder's medical information will be noted on his record in the system, but he will not be required to carry the card. His doctor may electronically submit or fax this information to the DOS. All CDL holders must comply with the requirement to submit their self-certification on whether they are subject to the physical qualification rules by January 30, 2014. This act involves rules revision by the Department of Safety.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Federal 49 CFR 384 State Compliance with Commercial Driver License Program § 384-226 Prohibition on Masking Convictions

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

- CDL holders may not go to defensive driving school to take points off their license, even if the violation occurred while in one's personal vehicle
- Drivers are found guilty or not guilty
- Each citation should be adjudicated

For contractor information, go to:

www.tn.gov/safety

To schedule an on-site seminar:

email: CDL.Safety@tn.gov

phone: 615-251-5217

For additional information, go to:

www.tn.gov/safety



Department of Safety, Authorization No. 349505, 2,500 copies, October 2010. This public document was promulgated at a cost of \$.24 per copy.

EFFECTIVE JANUARY 1, 2011

NEW TENNESSEE LAW

Affects
Citations and Convictions
Reporting Requirements

Amends TCA Title 55, relative to motor vehicles and Title 65, relative to motor carriers

Department of Safety

www.tn.gov/safety

CITATIONS

Collection of Data

Public Acts Chapter 1037 has new minimum requirements in the collection of data. These new minimums **must be included** on all traffic citations whether they are Non-CDL or CDL. This list will assist your agency in complying with the new law. A sample citation template is available for use on our Web site at:

www.tn.gov/safety

- Citation number
- Violator's first name, middle name or middle initial, last name and date of birth
- Violator's driver license number, state of issuance and class of the license
- Whether or not the license is a commercial driver license
- The vehicle make, model, year, color, and owner
- The license plate number, year, and state of issuance
- Whether or not the vehicle is a commercial motor vehicle
- Whether or not the vehicle is transporting hazardous materials requiring placards
- Whether or not the vehicle can transport 16 or more passengers
- The offense committed, including the date and time (if applicable)
- The location of the offense
- The issuing officer's name, rank, badge/ID number, and employing agency
- The time, date, location, and court where the offense will be heard

COURT REPORTING DATA

New Reporting Instructions

In addition to new data collection requirements, Public Acts Chapter 1037 has established new data reporting guidelines. The deadline decreases the number of days from 10 to 5 required for the clerk of the court of jurisdiction to notify the Department of Safety (DOS), and the number of days required for DOS to notify the driver licensing authority that issued the license of a non-resident.

- Driver's first name, middle name or middle initial, last name, and residence address
- Driver's date of birth
- Driver license number, class of license, and state of issuance
- Whether or not the license is a commercial driver license
- The license plate number, year, and state of issuance of the vehicle involved
- Whether or not the offense was committed in a commercial motor vehicle
- Whether or not the vehicle was transporting hazardous materials requiring placards
- Whether or not the vehicle could transport 16 or more passengers
- The date the offense occurred
- The offense the driver was charged with
- The date of the conviction
- The violation of which the person was convicted
- The plea, the judgment, or whether bail was forfeited

- The number of the offense (e.g. 1st offense, 2nd offense)
- The blood alcohol level of the person, if convicted of a violation of §39-13-106, §39-13-213, §55-10-401 or §55-50-405
- The amount of any fine or costs assessed for the violation
- Whether a driver education or improvement course was completed and the date of completion of the course, if eligible under §55-10-301
- The name of the arresting agency
- The name of the county and court in which the conviction occurred, and court ID number
- Whether or not there was in effect at the time of the violation an automobile liability policy or bond with respect to the operation of the motor vehicle involved

IMPORTANT

Minimum requirements affect all traffic citations and convictions, whether CDL or non-CDL.

MODIFICATIONS

EFFECTIVE SEPTEMBER 1, 2010

Driver Violation of Out-of-Service Orders: Federal 49 CFR § 383.53(b)(1) increased the mandatory civil penalty for a driver convicted of violating an Out-of-Service Order. The new civil penalties are not less than \$2,500 for a first conviction and not less than \$5,000 for a second or subsequent conviction, in addition to the disqualification required.