

Reviewing the Annual MVR (FMCSR Part 383.51)

When reviewing the annual MVR of a driver holding a CDL, the manager should be looking at any convictions for **“Serious Traffic Violations”** (see below). The manager should be assessing how many have occurred, was the conviction in a commercial motor vehicle or personal vehicle, and when the convictions occurred. CDL holders are penalized if they accrue too many violations within a certain period.

How many convictions of a serious traffic violation should you look for?

*If a driver has **2** convictions of a serious traffic violation that occurred in the commercial motor vehicle within a 3 year period, his CDL is automatically suspended for 60 days.*

*If a driver has **3** convictions of a serious traffic violation that occurred in the commercial motor vehicle within a 3 year period, his CDL is automatically suspended for 120 days.*

Do convictions of serious traffic violations that occurred in a non-commercial motor vehicle count?

*Yes, **IF** the conviction resulted in the revocation, cancellation, or suspension of the CDL holder’s license or non-CMV driving privileges.*

If a driver is convicted of serious traffic violation in a non-commercial motor vehicle that doesn’t result in revocation, cancellation, or suspension of the CDL holder’s license or non-CMV driving privileges, the offense will not be considered.

When reviewing and evaluating the MVR, what red flags does the manager look for?

He/she should be looking for convictions of serious traffic violations as outlined above within the time periods as outlined above. For example, if a driver has 1 conviction of a serious traffic violation, the manager should point this out to the driver and remind him that just 1 more conviction could result in suspension of the CDL for 60-120 days.

If excessive points are on the MVR, the manager should evaluate what the points consist of, particularly if they have accumulated in the commercial motor vehicle. He/she should then counsel the driver accordingly. A consultation with the company liability insurance agent would be appropriate in the case of excessive points.

Is the driver required to notify the motor carrier of convictions and/or suspensions of license?

*Yes, **FMCSR Part 383.31** clearly states that the driver must notify the employer when convicted of any traffic violation (other than parking) within 30 days after the date of conviction. In addition, a driver must notify his resident state of any convictions of a traffic violation (other than parking) that occurred in another state within 30 days of the conviction.*

The notification to the state and the employer must be made in writing and contain the following information: Full name, license number, date of conviction, the specific offense, indicate whether the conviction was in a commercial motor vehicle, location offense and driver's signature.

***FMCSR Part 383.33** clearly states that any driver who has a driver's license suspended, cancelled, or revoked or loses the right to operate a commercial motor vehicle due to disqualifying offenses for any period of time, must notify the employer before the end of the business day following the day of the suspension, revocation, cancellation, lost privilege, or disqualification.*

***Definition of Serious Traffic Violation**
(FMCSR Part 383.5)

- (a)** Excessive speeding, involving any single offense for any speed of 15 miles per hours or more above the posted speed limit
- (b)** Reckless driving, as defined by State or local law or regulation, including but not limited to offenses of driving a CMV in willful or wanton disregard for the safety of persons or property
- (c)** Improper or erratic traffic lane changes
- (d)** Following the vehicle ahead too closely
- (e)** A violation, arising in connection with a fatal accident, of State or local law relating to a motor vehicle traffic control
- (f)** Driving a CMV without obtaining a CDL
- (g)** Driving a CMV without a CDL in the driver's possession. *(If the driver can provide proof that he/she held a valid CDL by the date the driver must appear in court, he/she shall not be guilty of this offense)*
- (h)** Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or the type of cargo being transported