



Effectively Handling Commercial Drivers License Holders in New York Courts

DATE: Tuesday, November 1, 2022
Instructor(s): Hon. Gary A. Graber
Hon. Susan Sullivan-Bisceglia MCLE:
1.0 Professional Practice

This program has been approved for credit in
New York State for all attorneys
including those who are Newly Admitted
(less than 24 months) and administered by
the Onondaga County Bar Association.

Presenters



Hon. Susan Sullivan-Bisceglia
Town Justice, Town of LaGrange

Judge Sullivan-Bisceglia is Town Justice in the Town of LaGrange and Previous Association Village Justice in the Village of Wappingers Falls, 3rd Vice President of the New York State Magistrates Association, Past-President of the Dutchess County Magistrates Association and previous Member of the Industrial Board of Appeals for the State of New York. She received her J.D. from New York Law School and is a

private attorney with Sullivan-Bisceglia Law Firm, P.C., with offices in Poughkeepsie, New York. Judge Sullivan-Bisceglia has well over 18 years of combined experience obtained in the courts, major law firms, Fortune 500 companies and the State of New York. She is also a licensed Commercial Pilot with Instrument and Multi-Engine Ratings. Judge Sullivan-Bisceglia resides in LaGrangeville, New York with her husband Paul and her two children.

Hon. Gary A. Graber

Justice Gary Graber has served as the town justice for the Town of Darien, New York, since January 1980. He is a past member of the Town and Village Court Education Curriculum Committee and has taught criminal and administrative courses for the New York State Judicial Institute and the New York State Office of Court Administration.

Justice Graber continues to be very active in the development and training of topics relating to commercial driver's licenses and commercial motor vehicles, including the development of sentencing charts which assist the New York courts in properly disposing cases that involve commercial motor vehicle equipment violations. As an alumnus and faculty member of the National Judicial College since 2008 he continually instructs judicial personnel both in their home states and virtually on all matters related to the commercial driver's license.

Several years ago he was appointed by the Hon. Gail Prudenti, Chief Administrative Judge for the State of New York to sit as a member of the New York State Advisory Committee on Local Courts and is also an honorary member of the New York State Magistrates Court Clerks Association. He is a past president of the Genesee County Magistrates Association and has been a member of the New York State Magistrates Association for over 41 years, serving as a past president, vice president and director in that association.

He has received many awards, including the Leadership Award from the Genesee County Magistrates, the 2005 Magistrate of the Year Award, the 2006 Criminal Justice Award from Genesee County Alcohol and Substance Abuse, the 2006 Leadership Genesee Outstanding Alumnus Award and the 2013 Kevin E. Quinlan Award for Excellence in Traffic Safety.

Effectively Handling Commercial Drivers License Holders in New York Courts

Hon. Gary A. Graber
Town Justice, Town of Darien



Learning Objectives

After this course you will be able to:

- Identify applicable Federal and state CDL/CMV laws;
- Determine what constitutes “masking”;
- Discover the unique definition of a “conviction” under CDL/CMV laws;



Learning Objectives

After this course you will be able to:

- Detect the ethical implications of mishandling CDL/CMV cases; and
- Develop ethical and efficient procedures for the handling of CDL/CMV cases in your court.

Requested skills to acquire from prior students

- “How-to better-read citations, how not to mask”
- “More effective adjudication of CDL cases”
- “Understand the penalties of CDL holders”
- Correctly identifying the CDL holder and the vehicles they operate (personal vehicles vs. CMV vehicles)
- The reason Court awareness of the subject is so important



“I really don’t handle many CDL cases”

Have you ever said this?

Do you handle a traffic court?

Why would you think you don’t handle these cases?

Why Should You Care?



Canon 1

A judge shall Avoid impropriety and the appearance of impropriety

Rule 1.1: Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

Rule 1.2

Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.



Goals of CMVSA of 1986

- Prevent CMV drivers from concealing unsafe driving records by carrying licenses from more than one state;
- Ensure that all CMV drivers demonstrate minimum levels of knowledge and skills needed to safely operate CMVs before licensing;
- Subject CMV drivers to new uniform sanctions for certain unsafe driving practices.

1986—Congress Adopts Commercial Motor Vehicle Safety Act

Faced with ever increasing number of fatalities from large truck crashes, Congress held hearings and made three significant findings:

- No classified driver licensing system existed in 18 states;
- Of the remaining 32 states, only 12 required a skills test;
- Widespread use of multiple CDL licenses;
- No network to track serious violations.



Federal Regulations State Laws and Regulations

While we will discuss federal regulations (49 CFR 383 and 384), it's important to know each state, including New York, has adopted all or almost all of these regulations into its state's laws or statutes.

New York State

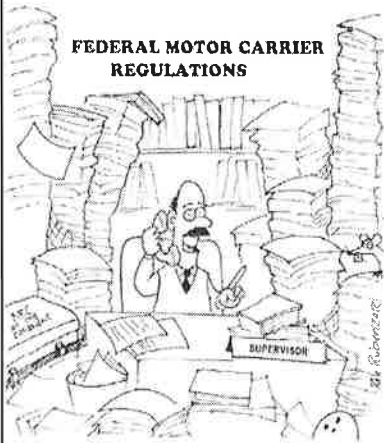
17 NYCRR Part 820

Section 820.13. Incorporation by reference.

The provisions of the Code of Federal Regulations which have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the booklets entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199 and Parts 200 to 299 and Parts 300 to 399, revised as of October 1, 2013, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register.



Focus Today



PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES

§383.51 Disqualification of drivers.

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

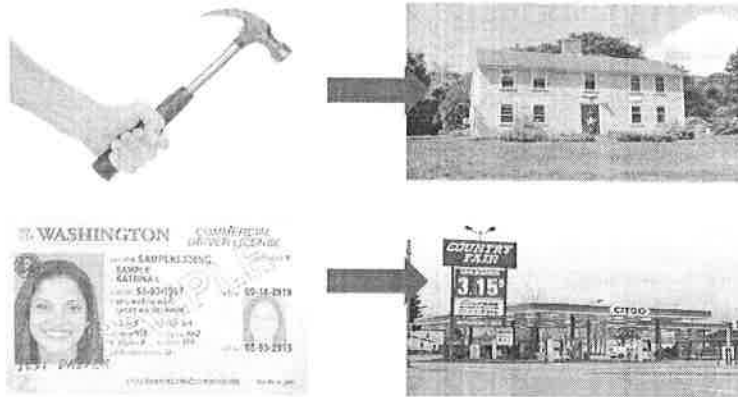
§384.226 Prohibition on masking convictions.

13

Stakeholders



TOOLS OF THE TRADE

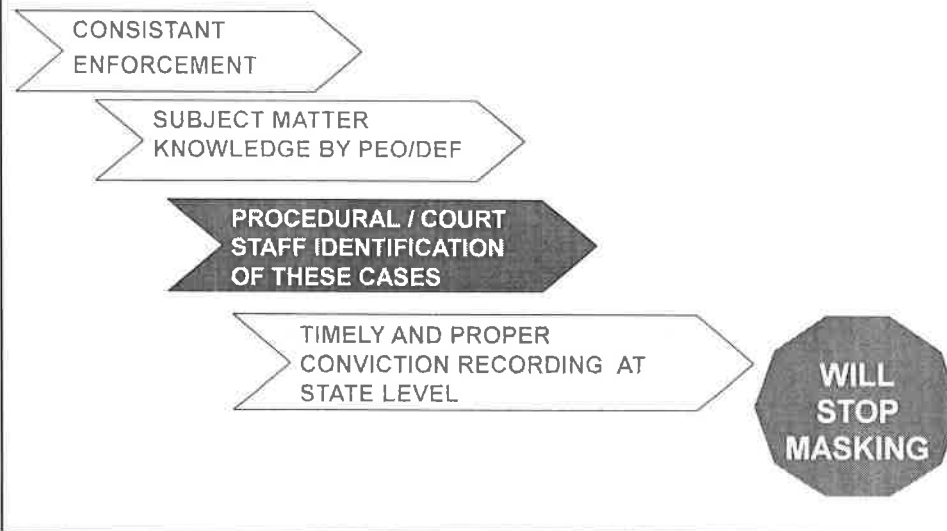


Federal Law Prohibits “Masking” 49 CFR 384.226

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



The Basic Steps



A Clear Pathway

- Very simple steps:
 - Understand and recognize the stakeholders involved in the process
 - Understand the definitions:
Disqualification and Conviction

A Clear Pathway

- Locate the Disqualification Tables
- Recognize the importance of these few violations and the special attention needed when they are filed in your courts

Masking

Because “masking” is prohibited to ensure all “convictions” appear on CDL history / record, one cannot comply with the masking prohibition unless the definition of “conviction” under 49 CFR 383.5 is understood.



A Simple Equation

Conviction

“Conviction”

49 CFR 383.5

- An unvacated adjudication of guilt
- Determination a person violated or failed to comply with law in court of original jurisdiction or authorized administrative tribunal
- An unvacated forfeiture of bail or collateral deposited to secure person's appearance in court



“Conviction”

49 CFR 383.5

- A plea of guilty or *nolo contendere* accepted by the court
- Payment of a fine or court costs
- Violation of condition of release without bail, regardless of whether penalty is rebated, suspended or probated

Conviction

NYS VTL ARTICLE 1 (S 109c)

Conviction. Any conviction as defined in subdivision thirteen of section 1.20 of the criminal procedure law; provided, however, where a conviction or administrative finding in this state or another state results in a mandatory sanction against a commercial driver's license, as set forth in sections five hundred ten, five hundred ten-a, eleven hundred ninety-two and eleven hundred ninety-four of this chapter, conviction shall also mean an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or *nolo contendere* accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.



Reminder about the Purpose and
Procedures Related to Bail Forfeitures
"M"1 (2015)

- Extremely important !!!
- Results in conviction as defined in regulations.
- Notify DMV within 15 days of forfeiture.

A Simple Equation

Conviction
+
Disqualification



Disqualifying Offenses

1. Major offenses
2. “Serious traffic offenses”
3. Railroad grade crossing violations
4. Violations of out-of-service orders

Major Disqualifying Offenses

49 CFR 383.51

(NYS VTL 500&510a)

CMV or non-CMV :

- Driving under influence of alcohol or controlled substances;
- Refusal to submit to alcohol testing.
- Leaving the scene of an accident
- Felony involving use of a vehicle;
- Felony involving the manufacture, distribution, or dispensing of controlled substances



Major Disqualifying Offenses

49 CFR 383.51

(NYS VTL 500&510a)

CMV only:

- Alcohol concentration of 0.04 or higher
- Causing a fatality through the negligent operation of a CMV
- Driving when CDL is suspended or revoked.

Table 1

Table 1 to § 383.51 DISQUALIFICATIONS FOR MAJOR OFFENSES

Table 1 to § 383.51 provides a list of major offenses for which persons who acquired a license after 2/1/92 are disqualified. Disqualification periods are based on the type of offense and whether the offense is a felony or a misdemeanor.

Offense	Disqualification Period (Misdemeanor)	Disqualification Period (Felony)	Disqualification Period (Felony - Death or Serious Injury)	Disqualification Period (Felony - Death or Serious Injury - CMV)	Disqualification Period (Felony - Death or Serious Injury - CMV - 0.04 or Higher)
17-a. Drive operated any motor vehicle and transferred it.	1 year	1 year	1 year	1 year	1 year
17-b. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-c. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-d. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-e. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-f. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-g. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-h. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-i. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-j. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-k. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-l. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-m. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-n. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-o. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-p. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-q. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-r. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-s. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-t. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-u. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-v. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-w. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-x. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-y. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year
17-z. Drive any motor vehicle and transfer it.	1 year	1 year	1 year	1 year	1 year

Top Row Describes Vehicle and Conviction Event

Specific Violations



49 CFR § 383.51(c) Warrants CDL
Disqualification Upon Conviction for 2
or More
“Serious Violations”



Serious Traffic Violations

49 CFR 383.51
(NYS VTL 510a)

CMV or non-CMV:

- Excessive speed – 15 mph or more over the speed limit;
- Reckless Driving;
- Traffic violation in connection with fatal accident (crash);
- Improper / erratic lane change;
- Following too closely



A Simple Equation

Conviction

+

Disqualification

+

Citation Familiarization

Reductions of Masking Incidents

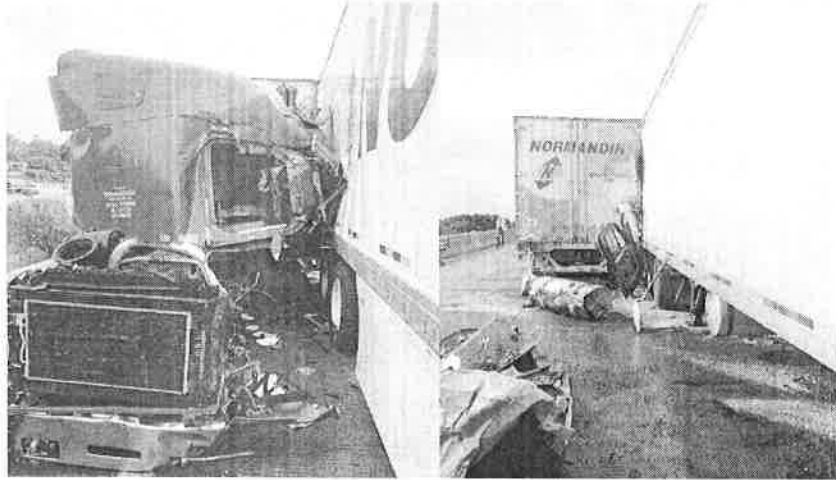
Polling Question

In your opinion what is the document contains the most important information for you to review when any CMV/CDL case is filed in your courts?

1. Driving Record
2. Disqualification Tables
3. Citation/Traffic Ticket
4. Crash Statistics in your state



Truck driver trapped for an hour in crash that closed I-81 North



Key Identifiers in the Citation

Local Police Code
 [Redacted]
 License Class
 [Redacted]
 License No. [Redacted]
 Owner Is [Redacted]
 Operator CDL C
 Date of Expiration 06/10/2020
 Make FRH1
 Registration Expires 12/20/2019
 Plate Number P762608
 State SC
 THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS
 Time 03:26PM Date of Offense 08/08/2019 In Violation Of VTL
 Violation Section 1180 BA
 Description of Violation SPEED NOT REASONABLE&PRUDENT
 License Subclass M T F
 MHA MHA ZONE
 DOT/PLATE 3178990
 Comm. Veh. Bus HAZMAT
 License No. 81
 License Code 3481
 Plate No. 7831 NB INTERSTATE 81
 Plate Type 1

License Class

Vehicle Make

Statute Number

Description

DOT Number

HAZMAT

Commercial Vehicle



Last Name (Surname)		First Name		MI	
[REDACTED]		ERICK		T	
Number and Street		Apt. No.		Photo Lic. Shown	
[REDACTED]		5		<input checked="" type="checkbox"/>	
Client ID Number		Sex		Date Expires	
101959036		M		06/10/2020	
Lic. State	Date of Birth	Veh. Type	Year	Make	Color
SC	06/10/1985	6	2004	FRHT	RD
Plate Number		Reg. State	Registration Expires		
P762608		SC	12/20/2019		
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS					
Time	Date of Offense	IN VIOLATION OF			
03:26PM	08/08/2019	VTL			
Violation Section		Traffic Infraction		Minor	Major
1129 DA		<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Description of Violation		MPL			
FOLLOWING TOO CLOSELY		MPL 2020			
		US DOT#		3178990	
		Control Veh.	Bus	Tractor	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

WRONG LICENSE CLASS

VIOLATION FOLLOWING TOO CLOSE

Last Name (Surname)		First Name		MI	
[REDACTED]		[REDACTED]		[REDACTED]	
Number and Street		Apt. No.		Photo Lic. Shown	
[REDACTED]		[REDACTED]		<input checked="" type="checkbox"/>	
Client ID Number		Sex		Date Expires	
101959036		M		06/10/2020	
Lic. State	Date of Birth	Veh. Type	Year	Make	Color
SC	06/10/1985	6	2004	FRHT	RD
Plate Number		Reg. State	Registration Expires		
P762608		SC	12/20/2019		
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS					
Time	Date of Offense	IN VIOLATION OF			
03:26PM	08/08/2019	VTL			
Violation Section		Traffic Infraction		Minor	Major
1123 OB		<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Description of Violation		MPL			
LEFT PAVEMENT TO PASS ON RIGHT		MPL 2020			
		US DOT#		3178990	
		Control Veh.	Bus	Tractor	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
County		Reg. No.	Lic. Code		
ONONDAGA		81	3461		
		Reg. Type	[REDACTED]		
		1	[REDACTED]		

WRONG LICENSE CLASS

WRONG LICENSE CLASS



Last Name (Last/initial)		03300	
Number and Street		Appt. No.	Photo Lic. Show <input checked="" type="checkbox"/>
Zd Code		Ownership	Lic. Class
298296045		Open <input checked="" type="checkbox"/>	A
Sex	Date Expires		
M	06/10/2020		
Lic. State	Date of Birth	Van. Type	Year
SC	06/10/1985	6	2004
Plate Number	Reg. State	Registration Expires	Color
P762608	SC	/ /	RD
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS			
Time	Date of Offense	N. VIO. AT OR. (F)	
03:26PM	08/08/2019	TL	
Violation Section	Traffic		
140 2CII	Citation <input checked="" type="checkbox"/> Misd. <input type="checkbox"/> Felony <input type="checkbox"/> MTH <input type="checkbox"/> MTH-ZONE <input type="checkbox"/>		
Description of Violation	LIC. DATA		
392.2 NYS VTL 1212 RECKLESS DRIVING	3178990		
"Out of Service" <i>NOT</i>	Comm. Veh. Bus. <input type="checkbox"/> Truck <input type="checkbox"/>		
	Reg. No. <input type="checkbox"/> Lic. No. <input type="checkbox"/> 81 Reg. Type <input type="checkbox"/> 1		
Street Name	7831 NB INTERSTATE 81		

Class changed to Class A

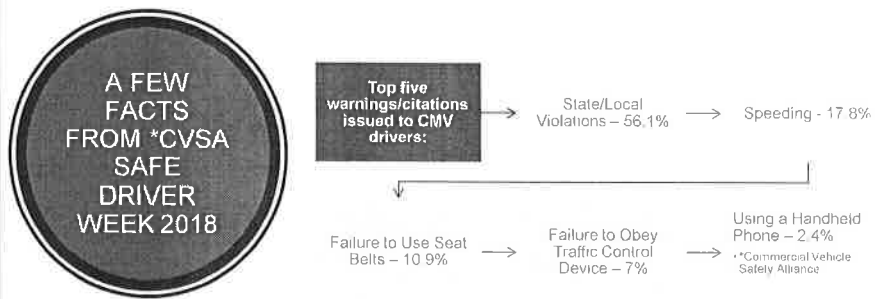
Transportation Law
 Not
 Vehicle and Traffic
 Law

An observant court clerk
 found this.

Why Should You Care?



A FEW FACTS FROM CVSA SAFE DRIVER WEEK 2018



Do Traffic Violations Matter?

- Table at right is from: Boris, C., & Murray, D. (2018). *Predicting Truck Crash Involvement: 2018 Update*. The American Transportation Research Institute. Arlington, Virginia. Page 15.
- Research shows certain traffic violation are associated with an increased likelihood of being involved in a crash
- Those with Reckless Driving violations and Failure to Yield Right of Way violations were *more than twice as likely to be involved in a crash* compared to those without these violations
- Drivers with certain violation types in their records are more likely than those without those violations to be involved in crashes later
- Masking of offenses prevents drivers from being disqualified

Table 4. Summary of Crash Likelihood for All Data Analyzed

Is a Crash Test?	The crash likelihood associated	Or
A. Reckless Driving violations	118%	***
A. Failure to Yield Right of Way violations	111%	***
A. Failure to Obey a Proper Lane Control Device	87%	***
A. Failure to Use a Required Signal or Device	81%	**
A. Hand Counts	78%	***
A. Improper Lane Change violations	72%	***
A. Improper Passing violations	70%	***
A. Truck Stop / Clearance violations: No Right Turn	69%	***
A. Improper or Excess Lane Change violations	66%	**
A. Improper Lane Change violations	63%	**
A. Hours of Service violations	59%	***
A. Improper Turn violations	55%	*
A. Following Too Close violations	49%	**
A. Speeding violations	45%	**
A. Failure to Use Cell Phone violations	43%	***
A. Obstructed View violations	44%	***
Any violation	43%	***
A. Speeding More Than 15 Miles over Speed Limit violations	43%	***
A. Speeding 1 to 15 Miles over Speed Limit violations	38%	**
Any Moving violations	39%	***
A. Seat Belt violations	32%	***
A. Failure to Obey Traffic Control Device violations	30%	***
Any DMV violations	28%	***
A. Failure to Obey Traffic Sign violations	29%	**
A. Taking Too Fast for Conditions violations	27%	**
A. Care and Weight violations	20%	***
A. Failure to Obey Traffic Signal / Light violations	20%	***
A. Reckless Driving violations		**
A. Improper Turn violations		**
A. Failure to Yield Right of Way violations		**
A. Improper Passing violations		**
A. Following Too Close violations		**
A. Obstructed View violations		**
A. Failure to Obey Traffic Sign violations		**
A. Failure to Obey Warning Light / Flasher violations		**

OPERATION SAFE DRIVER WEEK (CVSA) 2018-2020 DISQUALIFYING OFFENSES (FMCSR 383.51)

RANK BY PERCENTAGES	2018		2019		2020	
	CMV	NON CMV	CMV	NON CMV	CMV	NON CMV
1	STATE/LOCAL VIOLATIONS	STATE/LOCAL VIOLATIONS	SPEEDING	SPEEDING	SPEEDING	SPEEDING
2	SPEEDING	SPEEDING	SEATBELT	SEATBELT	SEATBELT	SEATBELT
3	SEATBELT	SEATBELT	FAIL/OBEY TRAFFIC CONTROL DEVICE	FAIL/OBEY TRAFFIC CONTROL DEVICE	FAIL/OBEY TRAFFIC CONTROL DEVICE	ALCOHOL/DRUGS
4	FAIL/OBEY TRAFFIC CONTROL DEVICE	CARELESS/RECKLESS DRIVING	CELL PHONE	CARELESS/RECKLESS DRIVING	CELL PHONE	FAIL/OBEY TRAFFIC CONTROL DEVICE
5	CELL PHONES	FAIL/OBEY TRAFFIC CONTROL DEVICE	IMPROPER LANE CHANGE	ALCOHOL/DRUGS	IMPROPER LANE CHANGE	IMPROPER LANE CHANGE

- ✓ YELLOW- (FMCSR 383.51 TABLE 2) SERIOUS TRAFFIC VIOLATIONS, NOTE: STATE AND LOCAL VIOLATIONS NEED TO BE RE RELATED TO MOVING
- ✓ GREEN- (FMCSR 383.51 TABLE 1)
- ✓ SPECIAL NOTE: FAIL TO OBEY A TRAFFIC CONTROL DEVICE COULD BE A REDUCTION FROM SOMETHING MORE SERIOUS



COMPARING THE LAST THREE STUDIES

RANK	2005	2011	2018
1	A Reckless Driving violation (325%)	A Failure to Use / Improper Signal conviction (96%)	A Reckless Driving violation (114%)
2	An Improper Turn violation (105%)	A Past Crash (88%)	A Failure to Yield Right of Way violation (101%)
3	An Improper or Erratic Lane Change conviction (100%)	An Improper Passing violation (88%)	A Failure to Keep In Proper Lane conviction (83%)
4	A Failure to Yield Right of Way conviction (97%)	An Improper Turn conviction (84%)	A Failure to Use / Improper Signal conviction (82%)
5	An Improper Turn conviction (94%)	An Improper or Erratic Lane Change conviction (80%)	A Past Crash (74%)
6	A Failure to Maintain Proper Lane conviction (91%)	An Improper Lane / Location conviction (68%)	An Improper Lane / Location conviction (72%)
7	A Past Crash (87%)	A Failure to Obey Traffic Sign conviction (68%)	An Improper Pass conviction (70%)
8	An Improper Lane Change violation (78%)	A Speeding More Than 15 Miles over Speed Limit conviction (67%)	A Reckless / Careless / Inattentive / Negligent Driving conviction (69%)
9	A Failure to Yield Right of Way violation (70%)	Any conviction (65%)	An Improper or Erratic Lane Changes conviction (66%)
10	A Driving Too Fast for Conditions conviction (62%)	A Reckless / Careless / Inattentive / Negligent Driving conviction (64%)	An Improper Lane Change violation (63%)

Table 2

Table 2 to § 385.51 DISQUALIFICATIONS FOR SERIOUS TRAFFIC VIOLATIONS GAG 1

Table 2 to § 385.51 describes the license and the amount for which a person who committed a listed violation is disqualified from driving a motor vehicle for the time of the violation as follows:

If a driver operates any motor vehicle and is convicted of:	License is suspended for:	Amount of license is suspended for:	Amount of license is suspended for:	Amount of license is suspended for:
(a) Driving a motor vehicle on a road or highway without a valid license.	60 days	60 days	120 days	120 days
(b) Driving a motor vehicle on a road or highway without a valid license, if the driver is a first-time offender.	60 days	60 days	120 days	120 days
(c) Driving a motor vehicle on a road or highway without a valid license, if the driver is a second-time offender.	60 days	60 days	120 days	120 days
(d) Driving a motor vehicle on a road or highway without a valid license, if the driver is a third-time offender.	60 days	60 days	120 days	120 days
(e) Driving a motor vehicle on a road or highway without a valid license, if the driver is a fourth-time offender.	60 days	60 days	120 days	120 days
(f) Driving a motor vehicle on a road or highway without a valid license, if the driver is a fifth-time offender.	60 days	60 days	120 days	120 days
(g) Driving a motor vehicle on a road or highway without a valid license, if the driver is a sixth-time offender.	60 days	60 days	120 days	120 days
(h) Driving a motor vehicle on a road or highway without a valid license, if the driver is a seventh-time offender.	60 days	60 days	120 days	120 days
(i) Driving a motor vehicle on a road or highway without a valid license, if the driver is an eighth-time offender.	60 days	60 days	120 days	120 days
(j) Driving a motor vehicle on a road or highway without a valid license, if the driver is a ninth-time offender.	60 days	60 days	120 days	120 days
(k) Driving a motor vehicle on a road or highway without a valid license, if the driver is a tenth-time offender.	60 days	60 days	120 days	120 days

Top Row Describes Vehicle and Conviction Event

Specific Violations



Slide 48

GAG1 GRI, © Graber, 3/26/2021

Table 2 to § 383.51 DISQUALIFICATIONS FOR SERIOUS TRAFFIC VIOLATIONS

Table 2 to § 383.51 contains a list of the disqualifications that apply to those who are convicted of a serious traffic violation. It is organized according to the type of violation, and the number of convictions in a three-year period.

Number of Convictions	Disqualification Period	Disqualification Period	Disqualification Period
1st Conviction	60 days	60 days	120 days
2nd Conviction	60 days	90 days	120 days
3rd Conviction	60 days	90 days	120 days
4th Conviction	60 days	90 days	120 days
5th Conviction	60 days	90 days	120 days
6th Conviction	60 days	90 days	120 days
7th Conviction	60 days	90 days	120 days
8th Conviction	60 days	90 days	120 days
9th Conviction	60 days	90 days	120 days
10th Conviction	60 days	90 days	120 days
11th Conviction	60 days	90 days	120 days
12th Conviction	60 days	90 days	120 days
13th Conviction	60 days	90 days	120 days
14th Conviction	60 days	90 days	120 days
15th Conviction	60 days	90 days	120 days
16th Conviction	60 days	90 days	120 days
17th Conviction	60 days	90 days	120 days
18th Conviction	60 days	90 days	120 days
19th Conviction	60 days	90 days	120 days
20th Conviction	60 days	90 days	120 days

(SERIOUS TRAFFIC VIOLATION - Commercial Driver License will be suspended for 60 days if conviction of two "serious traffic violations in a three year period. If three convictions, the suspension will be for a period of 120 days.)

Putting it all together

Reckless Driving

New York (VTL 1212)

- ✓ Appears as a Serious Traffic Violation Notation
- ✓ Appears as a Serious Traffic Violation in FMCSR 383.51 Table 2
- ✓ Appears on American Transportation Research Report
 - ✓ Likelihood of crash from violation? 114%

Do you recognize the importance of paying attention to these violations?

Is not paying attention to reductions of Serious Traffic Violations likely a Masking concern?



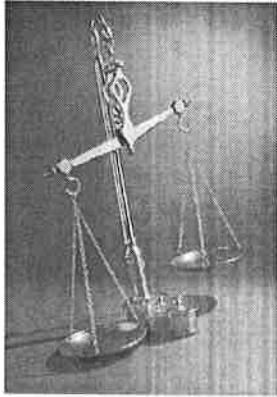
10-Day Posting Requirement



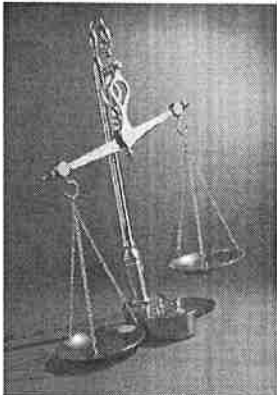
REPORTING CONVICTIONS INVOLVING OUT-OF STATE CDL HOLDERS/CMV OPERATORS "M" 5 (2013)

- Certificate of Conviction filed with DMV within 96 hours.
- Violation of VTL, local law, rule or regulation or ordinance.
- CDL issued by another state.
- Holds any license by another state and commits the offense in a commercial motor vehicle.
- Even if fine not collected (FNC)
- DMV must report to home state within 10 days of conviction.

The Court's Role



The Court's Role



The Court's Role



- Understand that these cases are not merely traffic cases
- The consequences of an incident are much more severe
- Are we the last resort to ensuring public safety?

The Court's Role



- Increased education will increase judicial awareness
- Remind yourself of the potential consequences when minimizing the outcome of these cases
- Timely adjudication and reporting of these cases no matter what the disposition may be

The Court's Role



- Who was affected?
- Occupants of the vehicles and all acquaintances
- First responders, fire, police, medical, environmental spill?
- Co-workers or customers?
- Hospital and nursing home supplies were delayed in this incident

“Too busy” (is not an option)

A comment often heard both by the prosecutors and judges alike. The two examples above show how easy it is to miss information that may just avoid a tragedy down the road.

We are the gatekeepers!



Finally

Is there anything you may do differently now that we've offered you some tools to repair some of the breakdowns?

Canon 2

A judge shall perform the duties of judicial office impartially, competently, and diligently

Rule 2.2: Impartiality and Fairness

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.



Canon 2 Rule 2.2 Impartiality and Fairness

- A Judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.

Comment:

- B. Administrative Responsibilities
(2) Judges should require their staff and court officials subject to their direction and control to observe the standards of fidelity and diligence that apply to judges.

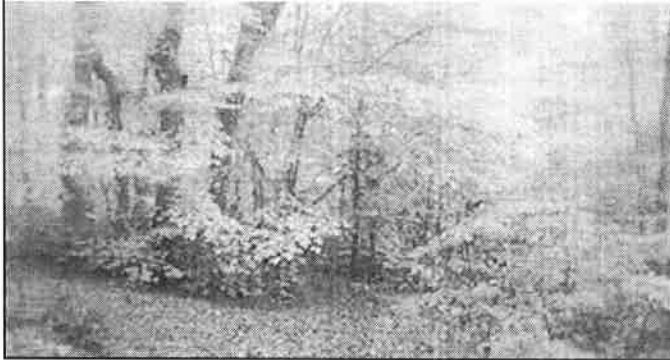
Questions?

Thanks for taking the time today to do your part in improving safety on our highways



Something to think about...

“Two roads diverged in a woods, and I—
I took the one less traveled by,
And that has made all the difference”.



“Robert Frost”