

*Action Plan for Improved CDL
Enforcement & Masking Avoidance*



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NTLC Mission Statement

- To improve the quality of justice in traffic safety adjudications by increasing awareness of highway safety issues through the compilation, creation and dissemination of legal and technical information and by providing training and reference services to prosecutors, judges, law enforcement and others in the criminal justice system.



What is Masking?



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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.



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(Absolutely No) Masking

- A disposition that prevents the violation or the conviction from being reported on the CDL/CLP Holder's driving record
- masking *n.* 1. *Criminal law.* The practice or an instance of a defendant's agreeing by plea bargain to plead guilty to a less serious offense than the one originally charged, *as by pleading guilty to parking on the curb when one has been charged with speeding in a school zone.* 2. In critical legal studies, the act or an instance of concealing something's true nature <being a crit, Max contends that the legal system is merely an elaborate masking of social injustices>. — mask, *vb.*
Black's Law Dictionary (11th ed. 2019).



Rhode Island Adoption of Regulations

- Adoption of Federal Regulations: [R.I. Gen. Laws § 31-10.3-2](#)
- Conviction Definition: [R.I. Gen Laws § 31-10.3-3\(11\)](#)
- Prohibition Against Masking: [R.I. Gen Laws § 31-10.3-37](#)



So What?



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One Driver.



One License.



One Record.



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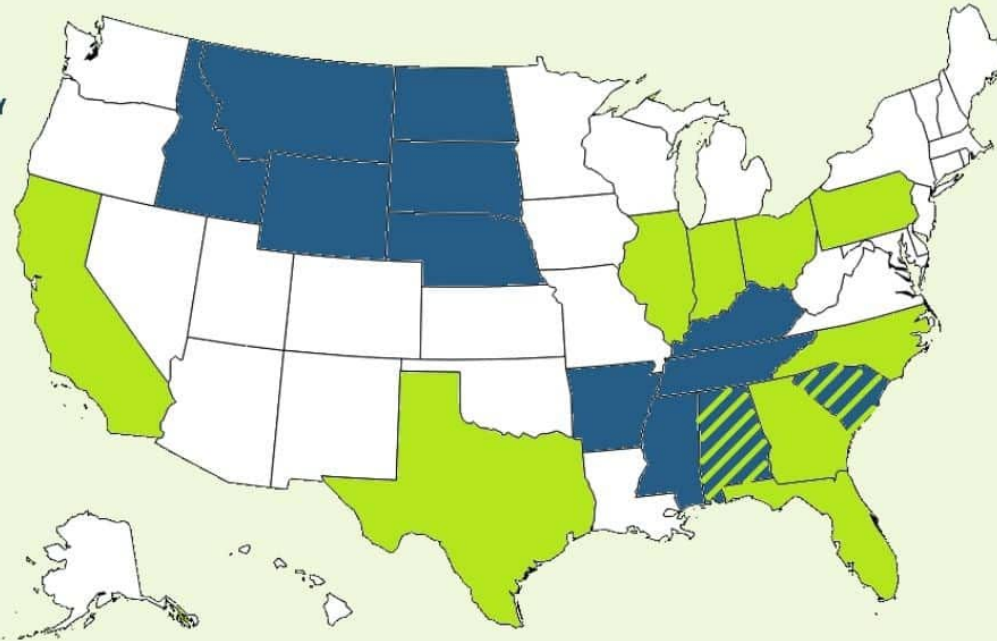
- Who are the drivers that can be predicted to be involved in a crash?
- Overall, almost ten percent (9.38%) of all drivers in this analysis were convicted of an offense.



WORST FATAL TRUCK CRASH STATES IN 2020

Per 100,000 population

Wyoming	4.3
South Dakota	3.1
Nebraska	2.9
Arkansas	2.9
Montana	2.9
Alabama	2.9
Idaho	2.9
Mississippi	2.8
North Dakota	2.7
Kentucky	2.6
Tennessee	2.6
South Carolina	2.5



Per Total # of Fatalities

Texas	643	North Carolina	170
California	398	Indiana	153
Florida	344	Ohio	149
Georgia	234	Alabama	141
Tennessee	179	Pennsylvania	133
Illinois	178	South Carolina	132



As Reported by NHTSA's National Center for Statistics and Analysis of FARS Data



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Why be concerned about CDL cases?



CMV crashes are more likely to be fatal



CMV crashes are disproportionately high



Even fender benders are more likely to be deadly



How do we know which truckers are most likely to crash?



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Driver Behavior	Future Crash Likelihood Increase
A Failure to Yield Right-of-Way violation	141%
A Failure to Use / Improper Signal conviction	116%
A Past Crash	113%
A Reckless Driving violation	104%
A Failure to Obey Traffic Sign conviction	85%
A Failure to Keep in Proper Lane conviction	78%
An Improper or Erratic Lane Changes conviction	77%
A Reckless / Careless / Inattentive / Negligent Driving conviction	62%
An Improper Lane / Location conviction	61%
A Failure to Obey Traffic Signal / Light conviction	55%
A Disqualified Driver violation	53%
A False or No Log Book violation	49%
A Speeding 1 to 15 Miles Over Speed Limit conviction	48%
An HOS violation	47%
A Speeding violation	47%

Where Does the Court Fit In?

- Consequences of State Non-Compliance (49 C.F.R. § 384.401 (a) and (b) (2021)).
- Withholding Millions in Highway Funds
- Up to 4% of Federal-aid highway funds after 1st Year
- Up to 8% After 2nd Year and subsequent year(s) of noncompliance

