

MOTOR CARRIER SAFETY IMPROVEMENT ACT of 1999 (MCSIA) FACT SHEET

The Motor Carrier Safety Improvement Act (MCSIA) is a federal mandate instituted to enhance highway safety by imposing stricter penalties on those drivers who operate commercial motor vehicles. The new law, which goes into effect September 30, 2005, improves the commercial driver license (CDL) sanctioning process by strengthening the CDL disqualification process through the expansion of violations that result in disqualification. In addition, MCSIA requires states to disqualify CDL drivers who have high risk traffic offenses in their personal vehicles.

In support of MCSIA, two federal agencies, the Federal Motor Carrier Safety Administration (FMCSA) and the National Highway Traffic Safety Administration (NHTSA), issued rulemaking that affects the application process for CDL drivers. The following matrix describes the impact of the new federal requirements on commercial drivers.

MCSIA CHANGES FOR COMMERCIAL DRIVERS

CATEGORY	PRE-MCSIA	POST-MCSIA
APPLICATION New Applicant	<ul style="list-style-type: none"> • Driver discloses last state of record • PennDOT completes check with last state of record. • PennDOT checks DL&C system to identify suspension in PA. • PennDOT checks PDPS to identify suspensions in other states. • PennDOT checks CDLIS. 	<ul style="list-style-type: none"> • Drivers disclose all states where they were licensed in the past 10 years. • PennDOT checks with each state provided by driver and any history is made part of PA record. • PennDOT checks DL&C system to identify suspension in PA. • PennDOT checks PDPS to identify suspensions in other states. • PennDOT checks CDLIS. <p>CDL holders will be required to disclose this same information prior to renewing their CDL. PennDOT will mail a survey to CDL holders approximately 4 months prior to renewal to obtain this information. CDL holders who fail to provide the information will be unable to renew their CDL. CDL holders with a May expiry are the first to be impacted.</p>
RECORD CHECKS Renewals Duplicates	<ul style="list-style-type: none"> • PennDOT checks PDPS. • PennDOT checks CDLIS. • No checks are completed. 	<ul style="list-style-type: none"> • Same Process • Same Process • PennDOT checks PDPS and CDLIS
SANCTIONS General ARD for a DUI	<ul style="list-style-type: none"> • CDL holders only receive a disqualification for convictions of major and serious traffic offenses occurring in a CMV. • ARD is not considered a conviction and does not result in a disqualification. 	<ul style="list-style-type: none"> • CDL holder will be disqualified for convictions of major and serious traffic offenses occurring in any type of vehicle (CMV and non-CMV). • ARD is considered a conviction for the purposes of disqualifying a commercial driver and will result in a 1 year disqualification regardless of the vehicle type. ARD for DUI will also count towards lifetime disqualification. Two convictions for a DUI will result in a lifetime disqualification.

CATEGORY	PRE-MCSIA	POST-MCSIA
SANCTIONS (cont.) Refusal to Submit to Chemical Testing Major Traffic Offense (MTO) Serious Traffic Offense (STO)	<ul style="list-style-type: none"> • Refusal violations occurring in a non-CMV do not result in a disqualification. • The CMV violations not considered major offenses and do not count towards lifetime disqualification are: driving a CMV while a CDL is revoked, suspended, cancelled or disqualified and causing a fatality through the negligent operation of a CMV. • Pennsylvania law requires a six month disqualification for the following violations: Driving a CMV without having a CDL, Driving without a CDL in possession and Driving without the proper class or endorsement. These violations are NOT considered STO's. 	<ul style="list-style-type: none"> • All refusal violations, regardless of vehicle type, will result in a 1 year disqualification. Refusal violations also count towards lifetime disqualifications. • CMV violations considered major offenses and count towards lifetime disqualification are: driving a CMV while a CDL is revoked, suspended, cancelled or disqualified and causing a fatality through the negligent operation of a CMV. • A six month disqualification will still be imposed as required by Pennsylvania law. In addition, these violations will also count as STO's.
RECORD KEEPING	Only violations resulting in a sanction (points being assessed or suspension imposed) appear on any driver record.	All moving violations, regardless of where they occur (in PA or another state) and regardless of what vehicle, will appear on the record of a CDL holder.
FINES/PENALTIES Out-of-Service Order Violations for Drivers Out-of-Service Order Violations for Employers	<ul style="list-style-type: none"> • Alcohol Related - Fine is \$1,000. • Non-alcohol Related - Fine is \$500. • \$500 	<ul style="list-style-type: none"> • Alcohol Related - Fine is not less than \$1,100 not more than \$2,750. • Non-alcohol Related - Fine is \$1,100. • To be increased to \$2,750 in the future. Not yet effective.

MCSIA PROGRAM NOTES:

ARD (Accelerated Rehabilitative Disposition) – A program whereby individuals who are accepted into it can have the criminal record expunged after they complete the requirements of the program.

CDLIS (Commercial Driver License Information System) – Nationwide database of all commercial drivers.

DL&C (Driver License & Control System) - PennDOT's database of all licensed drivers and identification card holders.

PDPS (Problem Driver Pointer System) - Nationwide system that identifies the state(s) where an individual is under suspension. Drivers will have 3 to 6 months to resolve any out-of-state issue prior to renewal.

Disqualification – A prohibition from operating a commercial motor vehicle.

MTO (Major Traffic Offense) – A violation that results in the automatic disqualification of commercial driving privilege. Examples include driving under the influence and leaving the scene of an accident. Two or more major traffic offenses result in a lifetime disqualification. To find a complete list of Major Traffic Offenses, see the Disqualification and Traffic Offenses Fact sheet available at www.dmv.state.pa.us.

STO (Serious Traffic Offense) – A violation that does not automatically result in a disqualification. However, the accumulation of two or more serious traffic offenses within a 3 year period will result in a disqualification. Examples of serious traffic offenses are exceeding the speed limit by 15 mph or more, reckless driving and following too closely. To find a complete list of Serious Traffic Offenses, see the Disqualification and Traffic Offenses Fact Sheet available at www.dmv.state.pa.us.

Out-of-Service Order – An out-of-service order can be placed against a driver, a vehicle or both. A driver is prohibited from driving a commercial vehicle during a period that the driver or vehicle has been placed out-of-service.