



Prepared by Associated Logging Contractors for H 526 – Feb. 2022
Revised 2/11/22

H 526 – Reinstatement of Commercial Drivers License (CDL) under certain circumstances

This bill proposes to establish a pathway to reinstatement for those who have received a lifetime disqualification of their Commercial Drivers License (CDL).

1.) *What violations trigger a lifetime CDL revocation?*

A **second** conviction on any of the following offenses prompts a lifetime disqualification for CDL drivers:

1. Being under the influence of alcohol as prescribed by State law.
2. Being under the influence of a controlled substance.
3. Having an alcohol concentration of 0.04 or greater while operating a commercial motor vehicle.
4. Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations.
5. Leaving the scene of an accident.
6. Using the vehicle to commit a felony.
7. Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CLP or CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV.
8. Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

Additionally, a single conviction on the following prompts a lifetime disqualification **without the eligibility for reinstatement under this proposal:**

1. Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance.
2. Using a CMV in the commission of a felony involving an act or practice of trafficking in persons.

To repeat – passage of this bill **will not** allow for those guilty of using a commercial motor vehicle for a felony involving trafficking in persons or involving manufacturing, distributing, or dispensing a controlled substance.

- In this bill after the 10 years has passed a driver with a lifetime disqualification can apply to the department for reinstatement, upon application the department will check to see if the following conditions have been met:
 - Within the last 10 years the driver has not had:
 - any conviction in a commercial vehicle
 - any convictions or suspensions related to alcohol or drugs
 - a felony conviction involving a motor vehicle.
 - Within the last 3 years the driver could not have had any convictions that requires a mandatory suspension and will be required to have a Class D License for 3 consecutive years before applying and during those 3 years the driver cannot have been incarcerated.
- Additionally:

- The driver must submit a criminal background check that is free of any drug and alcohol related offenses for the 10 years prior to application. This will also help the department to confirm the driver was not incarcerated during the 3 years of Class D licensure.
- If the lifetime disqualification was related to drugs or alcohol the driver must provide proof that they have completed an appropriate rehabilitation program.
 - The driver has to take an online Defensive Driving and Professional Truck Driver Course hosted by the National Safety Council
 - They need to be currently licensed as a Class D driver
 - They need to pass all the written and skills tests, along with meeting any other statutory requirements to obtain a CDL
 - Finally, if required, submit the proper medical certificate.
- If a driver can check off all of these boxes, then they will have their lifetime disqualification lifted.
- If a reinstated driver were to receive a subsequent major conviction, their lifetime disqualification would be reapplied and they would be ineligible for future reinstatements.

Additional background information.

- Should this proposal pass, Idaho would be positioned on a solid foundation for reinstatements and in line with Federal Code.
- **Relating to Vehicular Manslaughter.** The proponents of this legislation do not want to disregard or diminish the significance of such a conviction.
 - However, information presented by ITD in 2020 noted that if a driver can meet the requirements outlined in the proposal, it is extremely likely that they have already completed any court ordered punishment associated to that conviction and thus should be afforded to the opportunity to demonstrate rehabilitation.

CFR 383.51

(6) Reinstatement after lifetime disqualification. A [State](#) may reinstate any [driver](#) disqualified for life for offenses described in paragraphs (b)(1) through (8) of this section (Table 1 to [§ 383.51](#)) after 10 years, if that [person](#) has voluntarily entered and successfully completed an appropriate rehabilitation program approved by the [State](#).

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