

## **Common Question:**

### ***Can an applicant with a police record obtain a Commercial driver's License?***

#### **Police Record and Prior Arrests**

When you apply for your commercial driver's license, the DMV will run your driving record to ensure that you have not been disqualified from earning a commercial driver's license. Generally speaking, having a police record or prior arrests on your record does not disqualify you from earning a commercial driver's license.

#### **What if I have Felony on my record?**

In accordance with Federal Motor Carrier Safety (FMCSA) Regulation 49 CFR 383.51, there are certain offenses that do immediately disqualify you from earning a commercial driver's license, while others may just temporarily keep you from starting a trucking career.

The following felonies may disqualify you from earning a CDL:

- Using a commercial vehicle in the commission of a felony
- Manslaughter in the first or second degree with a motor vehicle
- Misconduct with a motor vehicle
- Causing a fatality through negligent/reckless vehicle operation
- Operating a vehicle with a BAC of .08% or higher
- Extortion
- Bribery
- Smuggling
- Arson
- Treason
- Kidnapping
- Assault with intent to murder

If your BAC is .04% or higher while operating a commercial vehicle, you may be disqualified from getting or renewing your license. If your BAC is .08% or higher while driving any vehicle while holding a CDL, you can lose your CDL. It may also be very difficult to find a trucking job with a DUI on your record, even if it was in the past.

## **Section 1. List of Disqualifying Criminal Offenses for Hazardous Materials Endorsement**

### **Part A: Interim Disqualifying Offenses**

A driver will be disqualified from holding a hazmat endorsement on a CDL if he or she was convicted or found not guilty by reason of insanity within the previous seven years or was released from prison in the last five years for any of the following crimes:

- a) Assault with intent to murder

- b) Kidnapping or hostage taking
- c) Rape or aggravated sexual abuse
- d) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon
- e) Extortion
- f) Dishonesty, fraud, or misrepresentation, including identity fraud
- g) Bribery
- h) Smuggling
- i) Immigration violations
- j) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a State law that is comparable, other than the violations listed in paragraph (j) of Part B: Permanently Disqualifying Criminal Offenses
- k) Robbery
- l) Distribution of, intent to distribute, or importation of a controlled substance
- m) Arson
- n) Conspiracy or attempt to commit the any of these crimes

**Part B: Permanently Disqualifying Criminal Offenses:**

A driver will be permanently disqualified from holding a hazmat endorsement on a CDL if he or she was convicted or

found not guilty by reason of insanity for any of the following crimes:

- a) Espionage
- b) Sedition
- c) Treason
- d) A crime listed in 18 U.S.C. Chapter 113B Terrorism, or a State law that is comparable
- e) A crime involving a transportation security incident
- f) Improper transportation of a hazardous material under 49 U.S.C. 5124 or a State law that is comparable
- g) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device
- h) Murder
- i) Conspiracy or attempt to commit any of these crimes
- j) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a State law that is comparable, where one of the predicate acts found by a jury or admitted by the defendant, consists of one of the offenses listed in paragraphs (d) or (h) of this section

**Part C: Under Want or Warrant:**

A driver will be disqualified from holding a hazmat endorsement on a CDL if he or she is wanted or under indictment in

any civilian or military jurisdiction for a felony listed under Part A or Part B until the want or warrant is released.