

Pennsylvania Commercial Vehicle Disqualifications and Traffic Offenses

Pub 7216 Fact Sheet (10-03)

Q: What is a disqualification?

A: A disqualification is the temporary or permanent withdrawal of a person's privilege to operate a commercial motor vehicle (CMV).

Q: How long can a disqualification last?

A: A disqualification can be for a minimum of 60 days or for a lifetime.

Q: How does a Commercial Driver become disqualified?

A: A disqualification can result from either an accumulation of certain offenses defined as SERIOUS TRAFFIC OFFENSES or as a result of a single conviction for a MAJOR OFFENSE or for a RAILROAD-HIGHWAY GRADE CROSSING OFFENSE that occurs while the driver is operating a CMV or is transporting hazardous materials that is required to be placarded.

Q: What is a serious traffic offense?

A: A serious traffic offense is a violation of the Vehicle Code that may result in the disqualification of your privilege to drive a CMV. If you are convicted of 2 serious traffic offenses within a 3 year period, you will be disqualified from driving a CMV for 60 days. If you are convicted of 3 serious traffic offenses within a 3 year period, you will be disqualified from driving a CMV for 120 days.

Serious Traffic Offenses are listed below with the appropriate Section of the Vehicle Code:

DESCRIPTION SECTION

Improper passing on the right.....3304**

Improper passing on the left.....3305**

Improper passing on a hill3306(1)(1)**

Improper passing at a railroad crossing or intersection3306(a)(2)**

Improper passing at a bridge or tunnel3306(1)(3)**

Driving roadways laned for traffic3309

Following too closely.....3310**

Failure to yield in construction and maintenance areas.....3326

Exceeding maximum speed limit 15 mph or more.....3362**

Exceeding special speed limit for trucks on downgrades.....3365(c)**

Reckless driving3736***

** These offenses will also result in points being assessed to your driving record if committed in Pennsylvania.

*** This violation will also result in the suspension of your driving privilege if committed in Pennsylvania.

Q: What is a major offense?

A: A major offense is a violation of the Vehicle Code that, upon conviction will result in the automatic disqualification of your privilege to operate a CMV. A disqualification of a major offense could be for a minimum of 6 months or for a lifetime for a single offense.

Major Offenses are listed below with the appropriate Section of the Vehicle Code:

DESCRIPTION SECTION

Driving under the influence of alcohol or controlled substance.....	3731(i)**
Accidents involving death or personal injury.....	3742**
Accidents involving damages to attended vehicles or property.....	3743**
Accidents involving damages to unattended vehicles or property.....	3745***
Requirements for a commercial driver’s license	1606(c)(1)
Driving a commercial motor vehicle without a valid CDL.....	1606(a)
Refusal to submit to chemical testing.....	1613
Any misdemeanor or felony offense in which a CMV was used involving the manufacture, distribution or dispensing of a controlled substance.....	
The commission of a misdemeanor or felony offense in which a court determines a CMV was essentially involved.	

Pennsylvania Crimes Code **

** These offenses will also result in the suspension of your driving privilege.

*** This offense will also result in points being assessed to your driving record if committed in Pennsylvania.

Q: What is a Railroad–highway grade crossing offense?

A: A railroad–highway grade offense is a violation of the Vehicle Code that, upon conviction will result in the automatic disqualification of your privilege to operate a CMV. If convicted of a 1st offense, you will be disqualified from driving a CMV for 60 days. If you are convicted of a 2nd offense within a 3 year period, you will be disqualified from driving a CMV for 120 days. If you are convicted of a 3rd or subsequent offense within a 3 year period, you will be disqualified

from driving a CMV for 1 year. Railroad–highway grade crossing offenses are listed below with the appropriate Section of the Vehicle Code:

Description Section

Failure to obey signal indicating approach of train 3341(a)**

Failure to comply with crossing gate or barrier 3341(b)***

Crossing RR when safe to do so 3342(a)

Failure to stop at railroad crossings 3342(b)**

Failure to negotiate RR crossing 3343(a)

** These offenses will also result in points being assessed to your driving record if committed in Pennsylvania.

*** This violation will also result in points and suspension of your driving privilege for 30 days if committed

in Pennsylvania.

Q: Can a disqualified CDL driver operate a non–commercial vehicle?

A: Yes. If a driver holds a valid CDL license or permit and is only disqualified from operating a CMV, the person is eligible to apply for a non–commercial Class C or M driver’s license to drive a non–commercial motor vehicle during the period of disqualification. An application to apply for a non–commercial Class C and/or M license will be enclosed with the disqualification notice.

Q: How do I get my CDL privilege restored?

A: In addition to serving the time required for the disqualification, the person will have to pay a restoration fee to PENNDOT before their CDL will be returned to them.