



Training Bulletin: Suspended Driver License Violations

Upcoming Aspen Changes

The FMCSA is updating ASPEN to capture more detailed information on violations of operating a commercial motor vehicle (CMV) with a suspended driver's license.

Why are these changes being made?

This change addresses inconsistencies in violation selection in ASPEN and attempts to distinguish between 49 CFR §§ 383.51(a) for drivers required to have a CDL, and 391.15(a) for non-CDL drivers.

For the purposes of FMCSA's Safety Measurement System (SMS) and Red Flag Violations process, the Agency has determined that operating a CMV while suspended violations should be classified into different categories depending on whether the underlying violation was 1) safety-related or non-safety-related, and 2) whether the suspension was imposed by the State of Record (licensure) or non-State of Record.

How will this change affect inspection activity?

During an inspection, an officer checks CDLIS and NLETS to determine whether a driver is operating with a valid license. When an officer discovers that a CMV driver is operating with a suspended license, the inspector selects "operating while suspended" (391.15A or 383.51A) as a violation. ASPEN will prompt the inspector to provide more detailed information. The following two questions will be asked:

1. "You have indicated that the driver's license is suspended. Is this suspension in the State of Issuance for that license or in another State?" The Inspector must select:
 - State of Driver's License; or
 - Another State; or
 - Cannot determine
2. "Is the suspension indicated on the record for a safety-related or non-safety-related reason?" The Inspector must select:
 - Safety-related (ex. moving violations); or
 - Non-safety related (ex. no insurance, child support nonpayment, administrative reasons); or
 - Cannot determine

Examples of Safety-Related Violations	Examples of Non-Safety-Related Violations
Following to close Speeding Reckless driving Driving under the Influence of Alcohol Driving under the Influence of Drugs	Failure to pay child support Failure to pay Library fines Insurance Cancellation Other Administrative Reasons

When the underlying violation behind a suspension is not available roadside (i.e. "Failure to Appear" with no underlying violation) an inspector should select "Cannot Determine".

How will this information be used?

SMS will place higher weight on safety-based violations that a carrier is able to view via the driver's Motor Vehicle Record from the State of Record. The following table shows the severity weighting in SMS:

SMS Severity Weights: Operating While Suspended Categories		Safety-Related Suspension?	
		Yes / Cannot Determine	No
Suspension in State of License?	Yes / Cannot Determine	8	5
	No	5	1

The FMCSA will also begin excluding the non-safety-related operating while suspended violations from the CSA Red Flag Violations list.



To save time, as an alternative to answering questions in ASPEN, Inspectors will have the option to select the violation category directly from the ASPEN violation list. The table below presents the available subset violation codes. Non-ASPEN users should update systems and report the violations according to the following categories:

383.51A		391.15A	
Vio Code	Violation Description	Vio Code	Violation Description
383.51A-NSIN	Driving a CMV while CDL is suspended for a non-safety-related reason and in the state of driver's license issuance.	391.15A-NSIN	Driving a CMV while disqualified. Suspended for non-safety-related reason and in the state of driver's license issuance.
383.51A-NSOUT	Driving a CMV while CDL is suspended for a non-safety-related reason and outside the state of driver's license issuance.	391.15A-NSOUT	Driving a CMV while disqualified. Suspended for a non-safety-related reason and outside the state of driver's license issuance.
383.51A-SIN	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in the state of driver's license issuance.	391.15A-SIN	Driving a CMV while disqualified. Suspended for safety-related or unknown reason and in the state of driver's license issuance.
383.51A-SOUT	Driving a CMV while CDL is suspended for safety-related or unknown reason and outside the driver's license state of issuance.	391.15A-SOUT	Driving a CMV while disqualified. Suspended for a safety-related or unknown reason and outside the driver's license state of issuance.

How to determine whether to cite 383.51(a) or 391.15(a)?

49 CFR Part 383 applies to drivers who are **required to hold a commercial driver's license (CDL)** to operate a CMV (which, for CDL purposes, is defined in §383.5). The prohibition for operating a CMV with a disqualified CDL is found in §383.51(a). When citing a violation:

- Inspectors should select 383.51A in ASPEN to cite a driver who has been issued a **CDL that has been revoked, suspended, canceled, or otherwise disqualified**, and who is operating a CMV that requires a CDL.
- Inspectors should only use 383.23A to cite a driver who is operating a CMV that requires a CDL if that person **has not been issued a CDL**. When an inspector selects 383.23A2, ASPEN will provide the following pop-up reminder: "You have selected 383.23A2, which applies to minimum requirements for operating a CMV. If you have selected this violation because the driver's license is suspended, consider if this is more appropriately cited as 383.51A"

49 CFR Part 391.15(a) applies to drivers who are **not required to hold a CDL** to operate a CMV (which, for non-CDL purposes, is defined in §390.5). When citing a violation:

- Inspectors should select 391.15A in ASPEN to cite a driver who is operating a non-CDL CMV, whose non-CDL driver's license is suspended.

Inspectors will no longer be able to select 391.11 or 391.11B7.

As a best practice, an inspector should document in ASPEN the facts used to make a determination.

What is the effective date of these changes?

These changes are effective on July 20th 2012, and are not to be applied retroactively. Therefore, DataQs Requests for Data Review (RDRs) associated with this ASPEN change for **inspections conducted prior to the effective date** should be **closed with no action taken**.

For further information, please contact the FMCSA Division office in your State.