



TEAMSTERS

Safety & Health FACTS

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OUT-OF-SERVICE

Effective June 17, 1994, the Federal Highway Administration (FHWA) amended the Federal Motor Carrier Safety Regulations (FMCSRs) by making a violation of an out-of-service order by a driver of a commercial motor vehicle (CMV) a disqualifying offense. Such a violation will result in suspension, revocation, or cancellation of the driver's commercial driver's license (CDL), or disqualification by the FHWA, for a period of time ranging from 90 days to five years. Civil monetary penalties are provided for both drivers and their employers. This action is intended to deter the illegal operation of CMV's in violation of an out-of-service order.

Disqualifying Periods

- ♦ First violation - a driver who is convicted of a first violation of an out-of-service order is disqualified for a period of not less than 90 days and not more than one year;
- ♦ Second violation - a driver who is convicted of two violations of out-of-service orders in separate incidents during a ten year period is disqualified for at least one year and not more than five years; and,
- ♦ Third or subsequent violations - a driver who is convicted of three or more violations of out-of-service orders in separate incidents during a ten-year period is disqualified for at least three years and not more than five years.

Hazardous Materials

- ♦ First violation - a driver is disqualified for at least 180 days and not more than two years if convicted of a first violation of an out-of-service order while transporting

hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. app. 1801-1813).

- ♦ **Second violation** - a driver is disqualified for at least three years and not more than five years if convicted of two violations of out-of-service orders in separate incidents during a ten-year period while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. app. 1801-1813).

Listed below are the special penalties pertaining to violations of out-of-service orders:

- ♦ **Driver violations.** A driver who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$1,000 nor more than \$2,500, in addition to disqualification under Section 383.51(d).
- ♦ **Employer violations.** An employer who is convicted of a violation of Section 383.37(c) shall be subject to a civil penalty of not less than \$2,500 nor more than \$10,000.