



Louisiana Department of Public Safety
Office of Motor Vehicles
Policy 3.00 Commercial Motor Vehicle (CMV) Enforcement

Section: 2. Driver's License Laws

Effective Date: 03/12/1993

Revised Date: 06/08/2021

Authority:

[R.S. 32:414.2](#)

[R.S. 32:668](#)

49 CFR 383.51

To view Louisiana Statutes: <http://www.legis.state.la.us/>

Background:

- Louisiana law provides for the disqualification of Commercial Motor Vehicle (CMV) driving privileges for certain violations, while operating a CMV in this state, any other state, and/or in any foreign jurisdiction. The disqualification is imposed regardless of the license class held at the time of the violation or if the individual had no driver's license at all.

Definitions:

- **Disqualification** – A notation on a driver's license record that prohibits an individual to operate a CMV during a specified, disqualification period, as noted in the record.
- **Same Incident** – Violation(s) noted in the record that has/have the same violation date and are from the same court.
- **Separate Incident** – Violation(s) noted in the record that has/have different violation dates or the same violation date from different courts.
- **Suspension** – A notation on the driving record that blocks all driving privileges, regardless of the type of vehicle being operated.

Guidelines:

- **Qualifying Violations Leading to Disqualification of CMV Privileges**
 - **Serious CMV Violations**
 - Speeding fifteen (15) miles per hour or above
 - Following too closely
 - Reckless operations
 - Improper and/or erratic lane change
 - Fatal accident violation
 - Driving a CMV without proper class and/or endorsements
 - Driving a vehicle without first obtaining a CDL
 - Driving a CMV without a CDL or CLP in the driver's possession
 - Texting while driving a CMV

- **Railroad - Highway Grade Crossing Violations**
 - Railroad crossing restriction
 - Failure to adhere to railroad traffic control device or enforcement official
 - Failure to slow down when not required to always stop
 - Failure to stop when tracks are not clear
 - Stopping before clearing railroad grade crossing
 - Insufficient undercarriage clearance
 - Failure to stop
- **Out-of-Service Violations**
 - Violating a driver or vehicle out-of-service order, while transporting non-hazardous materials or hazardous materials required to be placarded
 - Operating a vehicle designed to transport eighteen (18) or more passengers, including the driver
- **Major Disqualifying Violations** - A one-year disqualification period is imposed if the operator (holding a Class A, B, or C driver's license or CLP) is convicted of one of the following violations while driving a **CMV or a private vehicle**:
 - DWI
 - Submit BAC .04 to .07 (In a CMV only)
 - Submit BAC .08 or above (In a CMV or non-CMV)
 - Refusal (In a CMV or non-CMV)
 - Felony (In a CMV or non-CMV)
 - Leaving the scene (hit and run) (In a CMV or non-CMV)
 - Negligent homicide
 - Vehicular homicide
 - Manslaughter
 - Violation of revocation - driving a CMV while disqualified for previous violations in a CMV. Convictions and withdrawals will be assessed by the State of Record.
 - **Hazardous Materials** - A **three-year** disqualification period is imposed if the violation / conviction involves hauling hazardous materials.
 - **Two Major Disqualifying Violations** - A **lifetime** disqualification is imposed if an operator is convicted of two major disqualifying violations.
- **Felony Disqualifying Violations**
 - Any felony conviction involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance while operating a CMV or while hauling hazardous materials **requires a lifetime disqualification period.**
- **Article 894 – Code of Criminal Procedure**
 - The provisions of the Code of Criminal Procedure do not apply to CMV violations/convictions.
- The provisions of the Code of Criminal Procedures (Articles 691, 892.1, 893, 894, and pre-trial diversion/pre-trial intervention) **cannot** be applied to any conviction that would result in a disqualification or in a subsequent disqualification or any conviction in a CMV as this is considered masking.
 - This includes:
 - Serious Offenses
 - Railroad Offenses
 - Out-of-Service Offenses
 - Major Offenses as specified by policy

These convictions are added to the driving record as guilty convictions and become a part of the driving record. Any required disqualification remains in effect for the duration of the disqualification period and the reinstatement fee is collected.

- When a Refusal or Submit results in a disqualification, the disqualification for the Refusal or Submit remains in effect for the duration of the disqualification period and the reinstatement fee is collected, regardless of the disposition of the DWI. Act 605 is **not** applied to the disqualification of the Refusal or Submit resulting from the same occurrence.
- **Imminent Hazard (FMCSA 383.52, R.S. 32:414.2)**
 - Federal Motor Carrier Safety Administration will notify OMV when an imminent hazard violation is to be placed on the driver's record. The violation is immediately added to the driver's record which disqualifies the driver for an indefinite period and will not be reinstated until FMCSA notifies OMV.
- **“H” Endorsement** - If a driver with an "H" endorsement receives a second conviction of any combination of reckless and/or negligent violations, the hazmat "H" endorsement will be permanently revoked. Once the hazmat endorsement is removed, it cannot be added back in Louisiana.
- **“X” Endorsement** - If a driver with an "X" endorsement receives a second conviction of any combination of reckless and/or negligent violations, the "X" endorsement will be permanently revoked. The driver may, however, keep his tank "N" endorsement. Once the hazmat endorsement is removed, it cannot be added back in Louisiana.
- **“S” Endorsement** - If a driver with an "S" endorsement receives a DWI or Refusal while operating any vehicle, the "S" endorsement will be revoked for ten (10) years.

Requirements:

- The reinstatement fee and SR22 requirements for disqualifications and suspensions are the same.

Type	Reinstatement Fee	SR22 Requirements
DWI 1st	\$100.00	SR22 Required
DWI 2nd	\$200.00	SR22 Required
DWI 3rd	\$300.00	SR22 Required
Refusal	\$50.00	SR22 Required
Submit	\$50.00	
Other Disqualifications	\$60.00	

- If both a suspension and a disqualification (for the same violation) are imposed, only one reinstatement fee shall be collected.
- The reinstatement fee is to be collected, as follows:
 - If disqualified only, at the end of the disqualification period.
 - If suspended and disqualified, at the end of the suspension period even if the disqualification is still in effect.
 - If downgraded to a (Class D or E) and eligible for a hardship license, at the time the hardship license is issued.
- If disqualified only and down-grading from a Class A, B, or C or CLP to a Class D or E, the reinstatement fee is **not** collected until the disqualification is served.

- **Hardship**

- A driver **cannot** be issued a hardship license (Class A, B, or C) to operate a CMV during a disqualification/suspension period.
- However, **if eligible** for a hardship license (Class D or E) the driver may downgrade from a Class A, B, or C or CLP to a Class D or E, and be issued a hardship license to continue to drive a personally owned vehicle.

Related Policies:

Section 2, Policy 6.00 [Article 894 Code Of Criminal Procedure](#)

Section 2, Policy 6.01 [Act 605](#)