

“Under the Trooper’s Hat”

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Professional drivers who hold a commercial driver’s license (CDL) are held to a higher standard and face stricter penalties towards their CDL regarding alcohol related offenses. These penalties apply to CDL holders while operating a commercial motor vehicle (CMV) as well as to their non-commercial motor vehicle (personal vehicle).

The Federal Motor Carrier Safety Administration (FMCSA), who develops standards to test and license CMV drivers, established 0.04% as the blood alcohol concentration (BAC) level at or above which a CDL commercial motor vehicle operator, is deemed to be driving under the influence of alcohol and subject to loss of CDL privileges. Most states have established a BAC level of .08% as the level at or above which a person operating a personal motor vehicle is deemed to be driving under the influence of alcohol. Sanctions for alcohol-related driving violations may affect the driver's qualification and eligibility for both commercial and non-commercial licenses.

If you hold a CDL in North Dakota and are convicted of driving while under the influence of alcohol or being under the influence of a controlled substance or you refuse to be tested while operating a non-commercial (personal) motor vehicle, you will be disqualified from operating a commercial motor vehicle for one year. For a second or subsequent conviction of driving while under the influence or being under the influence of a controlled substance or refusal to be tested while operating a non-commercial motor vehicle, you will be disqualified from operating a commercial motor vehicle for life.

If you operate a commercial motor vehicle and are under the influence of alcohol with an alcohol concentration of 0.04 or greater, your CDL or permit will be disqualified from operating a commercial motor vehicle for one year. For a second or subsequent conviction of driving while under the influence or being under the influence of a controlled substance or refusal to be tested while operating a commercial motor vehicle, you will be disqualified from operating a commercial motor vehicle for life.

The penalties described above are separate from the regular driver’s license penalties issued by the North Dakota Department of Transportation. The regular driver’s license penalties may be longer or shorter depending on the circumstances of the case. There may be a point when you are again able to drive your personal vehicle but not a CMV.

More information regarding the disqualification of commercial driver's licenses can be found at the Federal Motor Carrier Safety Administration website www.fmcsa.dot.gov, under part 383.51 or in North Dakota Century Code under chapter 39-06.2: Commercial Driver's Licenses.

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