

AFTERNOON · 1:30 TO 2:45 — 75 MINUT

Masking and CDL Implications

Hon. J.

Review this section only. It ends with a one-page Slido status.

Contents

3 LIVE Opening Discussion

3–17 2025 SOURCE Masking & CDL Implications

Defendant pleads guilty to speeding 78 mph in a 45-mph zone. Although he has one recent moving violation, you decide to give them a break by reducing the speed to 54 mph in a 45-mph making it a 1-point violation instead of 5 points. Any problem?

What if driver holds a commercial driver's license?



2025 SOURCE UNIT

Masking

FEDERAL LAW

Federal law prohibits “masking”

49 CFR § 384.226

STATE COMPLIANCE WITH COMMERCIAL DRIVER’S LICENSE STANDARDS

The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CLP/CDL holder’s conviction for any violation, in any type of motor vehicle from appearing on the CDL driver’s record.

Definition of “conviction”

49 CFR § 383.5

AS USED IN THE FEDERAL STANDARD

an unvacated adjudication of guilt; the payment of a fine or court cost; a determination in a court or administrative proceeding that a person has violated or failed to comply with the law; an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court; a plea of guilty or nolo contendere accepted by the court; a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

MASKING

Why It Matters

Oath to uphold / follow the law

Correlation between commercial violators and crash risk

Maryland may lose Federal Highway funds

FEDERAL HIGHWAY FUNDS

4%	up to, after 1st year
8%	up to, after 2nd & subsequent years

HYPOTHETICAL

The Stop

48-year-old Defendant, while driving home from a wedding in his family vehicle, is stopped for DUI

BAC = 0.05 & impaired by marijuana

No prior criminal or traffic record

Holds a CDL

QUESTIONS

How is Defendant charged?

Does the CDL status alter the disposition you would impose?

Is a PBJ available?



QUESTION

What About PBJs for Commercial Drivers?

Maryland Commercial Driver's License Act

Md. Code Ann., Transp. § 16-803(d)

DEFINITION OF "CONVICTION" FOR CDL PURPOSES

Maryland's definition of "conviction" for CDL purposes tracks the federal definition and includes a **probation before judgment** finding.

LIVE POLL

Prosecutor is willing to postpone case to allow Defendant to attend drug education program and do community service after which State will dismiss the case. Do you?

A Postpone the case & move on

B Deny postponement and require State to proceed

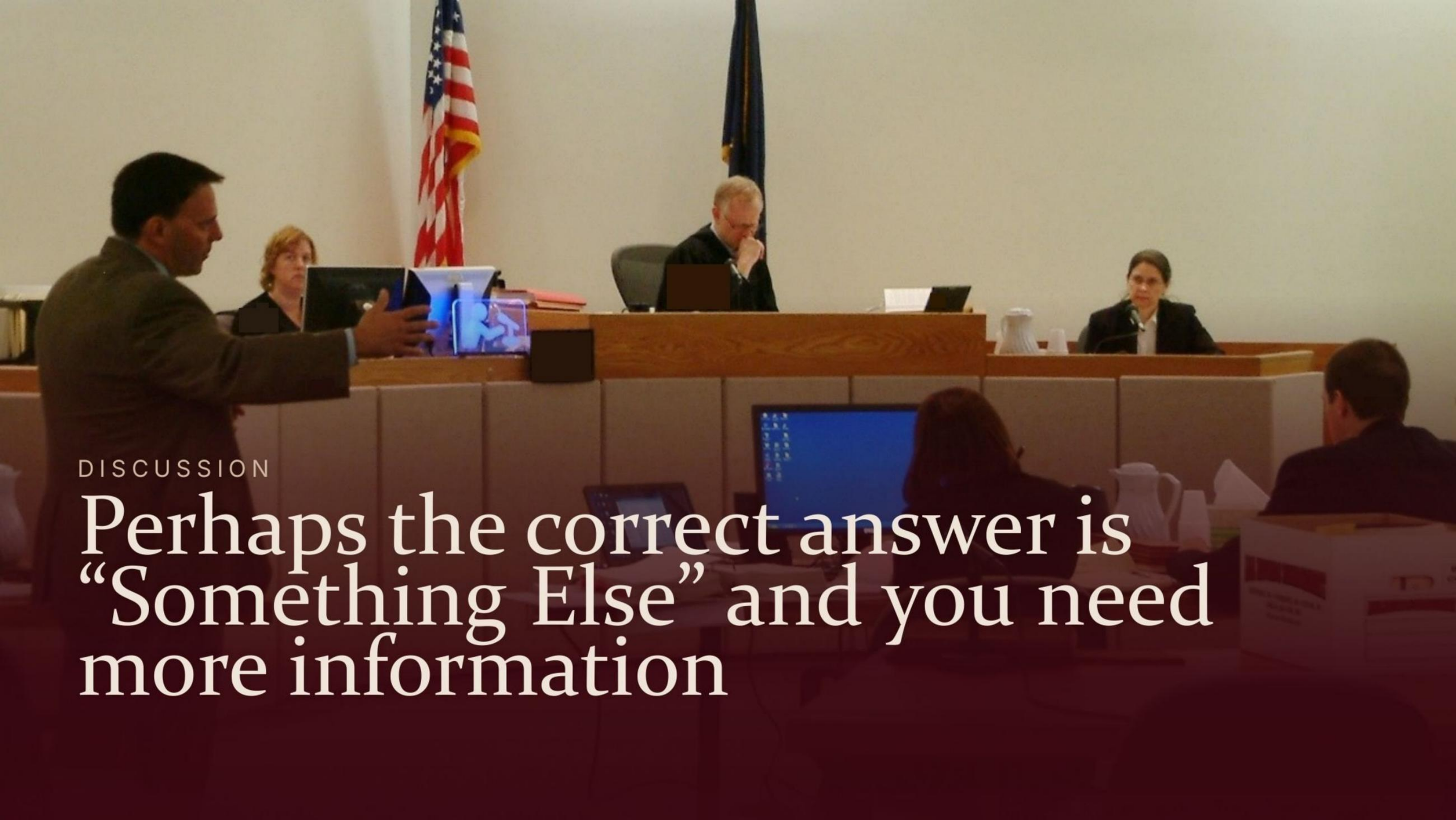
C Inquire as to whether State would have been able to prove its case

D Recuse and set before another judge

E Something else

Prosecutor is willing to postpone case to allow Defendant to attend drug education program and do community service after which State will dismiss the case. Do you?

LIVE RESULTS · SLIDO SCREEN



DISCUSSION

Perhaps the correct answer is “Something Else” and you need more information

LIVE POLL

Alternatively, the prosecutor & defense attorney jointly ask you to accept a plea to negligent driving. Do you:

A Accept the plea & move on?

B Decline to accept the plea because this is an attempt at masking?

C Continue the case to a later date?

D Something else?

Alternatively, the prosecutor & defense attorney jointly ask you to accept a plea to negligent driving. Do you:

LIVE RESULTS · SLIDO SCREEN

The Offer

Attorney negotiates with State Trooper on a series of nonjailable tickets, and Trooper announces that he is proceeding on 2 of the 3 tickets and is presenting no evidence on the 3rd.

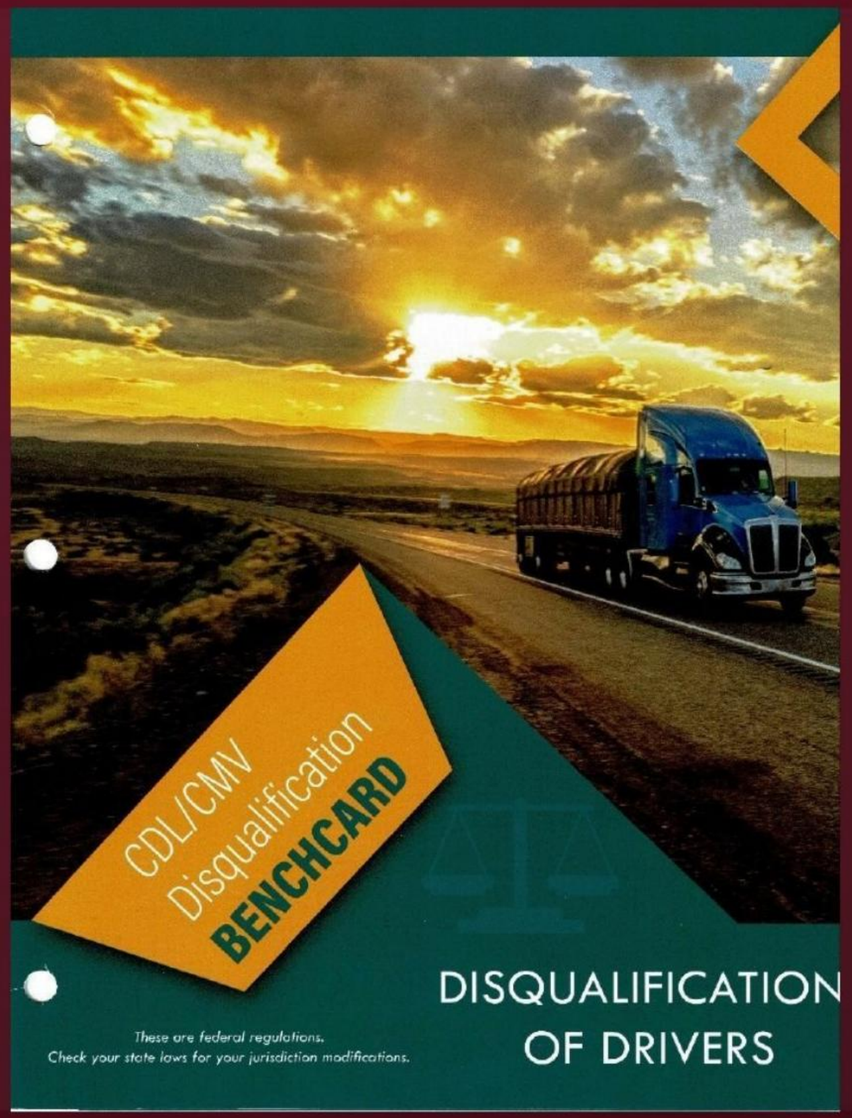
QUESTIONS

Is there a problem?

What happens to the third ticket?

How should the court proceed?

For More Information



Defendant is a commercial driver who is charged with a weight violation where the preset fine is $1400. Defendant says it's coming out of his pocket, and you want to reduce the fine. Are you legally permitted to do so?

A Yes

B No

FOR FACULTY REVIEW

Slido in this section

122, 125	Two live polls with results screens: the diversion offer; the negligent-driving plea
129	Final question: reducing a commercial weight fine
114	Also built in block at 065, by design