

FMCSA's Red Flag Violations

Describe the serious driver violations that are sometimes called Red Flag Violations.

Answer - When investigating a motor carrier, a Safety Investigator (SI) looks at driver history for egregious violations of the Federal Motor Carrier Safety Regulations (FMCSRs). These violations are sometimes referred to as Red Flag Violations and are always investigated as part of a carrier investigation. The SI conducting the investigation looks to see if the violation has been corrected. At present, there are 16 such violations, though this list may be updated periodically. These violations are outlined in the table below, along with the Behavior Analysis and Safety Improvement Categories (BASICS) to which they correspond.

BASIC	FMCSR Part	Violation Description
Driver Fitness	383.21	Operating a commercial motor vehicle (CMV) with more than one driver's license
Driver Fitness	383.23(a)(2)	Operating a CMV without a valid commercial driver's license (CDL)
Driver Fitness	383.51(a)	Driving a CMV (CDL) while disqualified
Driver Fitness	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
Driver Fitness	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.
Driver Fitness	383.91(a)	Operating a CMV with improper CDL group
Driver Fitness	391.11	Unqualified driver
Driver Fitness	391.11(b)(5)	Driver lacking valid license for type of vehicle being operated
Driver Fitness	391.11(b)(7)	Driver disqualified from operating CMV
Driver Fitness	391.15(a)	Driving a CMV while disqualified
Driver Fitness	391.15A-SIN	Driving a CMV while disqualified. Suspended for safety-related or unknown reason and in the state of driver's license issuance.
Driver Fitness	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.
Controlled Substances/Alcohol	392.4(a)	Driver uses or is in possession of drugs
Controlled Substances/Alcohol	392.5(a)	Possession/use/under influence of alcohol less than 4 hours prior to duty
Fatigued Driving (HOS)	395.13(d)	Driving after being declared out-of-service (OOS)
Vehicle Maintenance	396.9(c)(2)	Operating an OOS vehicle

Any driver violations identified and addressed during carrier investigations that are not corrected may result in a driver Notice of Violation or Notice of Claim.

Source: <https://csa.fmcsa.dot.gov/HelpCenter/FAQs#>