

UPCOMING TRAININGS & CONFERENCES

A full list of NDA A's virtual learning sessions is available at [▶ ndaa.org/training-courses/](https://ndaa.org/training-courses/). For current information, effective best practices, and targeted resources for prosecutors, visit [▶ ndaa.org/covid-19](https://ndaa.org/covid-19).

NDA A's Mastering Masking Digital Course/ On Demand Training (CLE Available)
[▶ ndaa.org/training/mastering-masking-2/](https://ndaa.org/training/mastering-masking-2/)

NDA A's Human Trafficking and the Impact on Commercial Driver's Licenses/On Demand Training
[▶ ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/](https://ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/)

NDA A's Prosecuting DUI Cases Online Course/ On Demand Training (CLE Available)
[▶ ndaa.org/training/prosecuting-dui-cases/](https://ndaa.org/training/prosecuting-dui-cases/)

NDA A's Investigation and Prosecution of Drug-Impaired Driving Cases Online Course/On Demand Training (CLE Available)
[▶ ndaa.org/training/on-demand-learning-investigation-and-prosecution-of-drug-impaired-driving-cases/](https://ndaa.org/training/on-demand-learning-investigation-and-prosecution-of-drug-impaired-driving-cases/)

Virtual 2022 Commercial Driver's License Violations Conference: Enforcement, Prosecution, & Reporting (Live Webinar/CLE Available)
June 14-16, 2022

RESOURCES

Impaired Driving Resources
[▶ ndaa.org/programs/ntlc/](https://ndaa.org/programs/ntlc/)

CDL-Related Resources
[▶ ndaa.org/programs/ntlc/commercial-drivers-license/](https://ndaa.org/programs/ntlc/commercial-drivers-license/)

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Improving Highway Safety by Permanently Banning Commercial Drivers Convicted of Human Trafficking

The FMCSA Lifetime Disqualification for Human Trafficking and How Transportation Stakeholders Can Get Involved in Combating Trafficking

By FMCSA CDL Division

Human trafficking is a form of modern-day slavery that involves using force, fraud, or coercion to obtain labor or a commercial sex act. Human trafficking also includes the commercial sexual exploitation of children under any circumstances. Nearly 25 million men, women, and children are held against their will and trafficked into forced labor and prostitution.

Improving Highway Safety by Permanently Banning Commercial Drivers Convicted of Human Trafficking

The Federal Motor Carrier Safety Administration (FMCSA) is committed to combating human trafficking by working with public and private sector stakeholders to empower transportation employees and the traveling public to recognize and report possible instances of human trafficking.

Following the passage of the “No Human Trafficking on Our Roads Act” on January 8, 2018, FMCSA issued a rule to prohibit an individual from operating a commercial motor vehicle (CMV) for life if that individual uses a CMV to commit or in the commission of a felony involving a severe form of human trafficking. In addition, the rule revised the list of offenses found in 49 Code of Federal Regulations (CFR) Section 383.51 Table 1.

Table 1 to § 383.51

If a driver operates a motor vehicle and is convicted of:	For a first conviction or refusal to be tested while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a first conviction or refusal to be tested while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for * *	For a first conviction or refusal to be tested while operating a CMV transporting hazardous materials as defined in § 383.5, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for * *
(10) Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11)	Life—not eligible for 10-year reinstatement	Not applicable	Life—not eligible for 10-year reinstatement	Life—not eligible for 10-year reinstatement	Not applicable.

What does compliance with the final rule require?

State Driver Licensing Agencies (SDLAs) must comply with the rule by September 23, 2022. A State’s readiness to implement the final rule includes three critical components:

- First, passing legislation and/or regulations, as necessary, to implement the lifetime disqualification for convictions of human trafficking regulations in the State. This includes ensuring all elements of the definition for a severe form of trafficking in persons located in 22 U.S.C 7102(11) are covered in a State’s criminal definition(s) of human trafficking.
- Second, modifying the State’s information technology systems and procedures, as necessary, to accommodate the transmission and receipt of driver-specific human trafficking convictions and/or withdrawal data from other SDLAs.
- Finally, ensuring all appropriate staff members are trained and prepared to handle this disqualification promptly and accurately.

The most important part of compliance is ensuring that SDLAs have the appropriate State legislation and regulations to disqualify commercial drivers convicted of human trafficking. The work does not stop there. It is essential that law enforcement, judges, and prosecutors are aware of and execute the disqualification requirement and can effectively send the appropriate conviction and disqualification information to SDLAs.

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As outlined in 49 CFR 384.226, a State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a commercial learner's permit or commercial driver's license (CDL) holder's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the Commercial Driver's License Information System driver record, including a human trafficking conviction.

The FMCSA strongly encourages communication between the SDLAs, State Courts, and State law enforcement to ensure only safe drivers operate on our nation's highways.

Does FMCSA provide funding for Human Trafficking Awareness and Training projects?

Yes! The FMCSA provides financial assistance through its grant programs for projects that promote human trafficking awareness and training and has awarded over \$2.5 million since fiscal year 2018.

FMCSA's Commercial Driver's License Program Implementation (CDLPI) and High Priority—Commercial Motor Vehicle grant programs allow eligible applicants to apply for projects that support recognizing, preventing, and reporting human trafficking.

How can transportation stakeholders combat human trafficking?

Knowing the warning signs of human trafficking and the different ways to report a tip is important. FMCSA is committed to combatting human trafficking and has partnered with organizations such as the National District Attorneys Association, the National Judicial College, and Truckers Against Trafficking to help accomplish this.

The Department of Transportation's Transportation Leaders Against Human Trafficking (TLAHT) initiative is comprised of transportation and travel industry stakeholders, working collaboratively to maximize their collective impact in combating human trafficking. To date, TLAHT has engaged with hundreds of organizations from across the transportation industry.



The partnership focuses on five key areas and connects transportation stakeholders to available resources on: industry leadership, industry training and education, policy development, public awareness, and information sharing and analysis. We invite interested stakeholders to take the initiative and [sign the pledge](#) to partner with TLAHT and maximize our collective impact against human trafficking in the transportation industry.

If you're interested in learning more about FMCSA's efforts to combat human trafficking, please reach out to Isabella Marra, Transportation Specialist in FMCSA's CDL Division, at [▶ isabella.marra@dot.gov](mailto:isabella.marra@dot.gov).

NTLC's On-Demand Learning: Human Trafficking and the Impact on Commercial Driver's Licenses

Commercial Driver License (CDL) holders have the privilege of operating 80,000-pound vehicles, and with that privilege comes greater training, licensing expectations, and responsibility. CDL holders face lifetime disqualification from operating a commercial motor vehicle (CMV) if criminally convicted of a severe form of human trafficking. This training course will provide an overview of human trafficking on our highways and educate attendees about the Federal "No Human Trafficking on Our Roads Act" (NHTRA), which was signed into law on January 1, 2018. Under this rule, states have until September 23, 2022, to comply with a mandate to keep human traffickers off of our nation's roadways. The mandatory lifetime disqualification without the possibility of reinstatement applies to those who engage in the use of a CMV for sex or labor trafficking. This course provides an overview of the steps prosecutors and judges must take to ensure CDL holders are appropriately suspended or disqualified.



Human Trafficking and the Impact on Commercial Driver's Licenses is designed to be presented as a stand-alone training, or an individual module to be added to existing trainings.

Training Course topics include:

- Trafficking and CDL Holders
- Trafficking Victims Protection Act (TVPA)
- Trafficking Victims Protection Reauthorization Act (TVPRA)
- Types of trafficking defined
- License ramifications
- State adoptions of 49 U.S.C. 31310 (d)(2)
- Victim Identification
- Investigation
- Law Enforcement
- Trafficking Indicators
- Prosecuting the Case
- Victim and Witness Preparation
- Evidence Presentation
- Discussion Points
- Resources

For additional information about this course or to register, please visit the NDAA website or [click here](#), or contact NTLC Staff Attorney Aaron Ann Cole-Funfsinn at aacole@ndaajustice.org.

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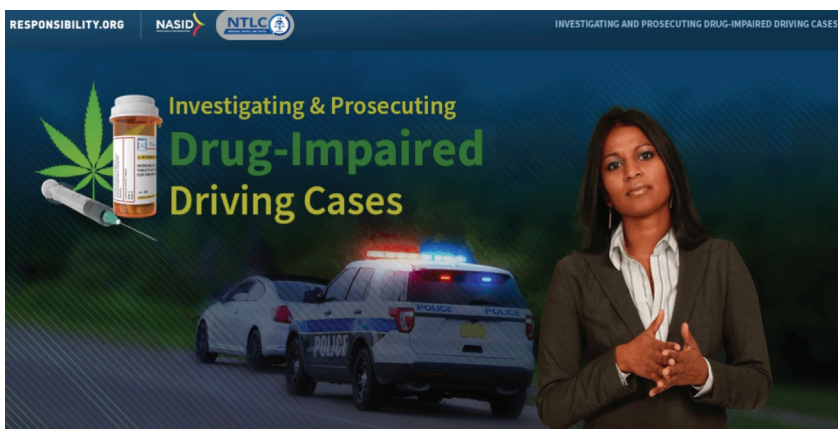
The [course](#), brought to you by NDAA's [National Traffic Law Center](#), is designed to assist prosecutors, law enforcement personnel, judges, court clerks, motor vehicle administrators, and other allied professionals with vested interests in CDL enforcement and public safety. By identifying where potential breakdowns in communication exist and identifying common misconceptions about CDL prosecution, we will be able to focus on ways to improve public safety, educate our enforcers, and save lives on our roads.

Sessions include:

- CDL Masking: One Driver One License One Record—What You Need to Know to Help Save Lives on America's Roadways
- Human Trafficking & Implications for the CDL Holder
- Hot Topics in CDL: Indiana's Strategy for Handling Masking, Operation Sober Handle, New CDL Law in Kansas and Its Implication for Other States, and CDL Best Practices Project

Announcing NTLC's New On-Line On-Demand Drug-Impaired Driving Training Course

Drug impaired driving cases are some of the most complex to investigate and prosecute. The National District Attorneys Association's (NDAA) National Traffic Law Center (NTLC), the National Center for State Courts (NCSC), The Foundation for Advancing Alcohol Responsibility (Responsibility.org), and the National Alliance to Stop Impaired Driving (NASID) announce the launch of ***Investigating & Prosecuting Drug-Impaired Driving Cases***, a new on-line course to help prosecutors understand the complex components of these cases and to provide effective methods to assist them with courtroom preparation and presentation.



This training course covers all the necessary aspects of prosecuting drug impaired drivers and includes topics relating to the importance of prosecuting drug impaired driving cases; the definitions of drug and drug categories; law enforcement investigation tools; the testimony of the toxicologist and the components of the toxicology report; the use of a DRE in trial; scientific research in drug impaired driving; common defense strategies; and considerations for jury selection. This training incorporates the

expertise of the NDAA's National Traffic Law Center and national subject matter experts combined with state-of-the-art online learning from the National Center for State Courts to prepare prosecutors for drug-impaired driving cases. Prosecutors can complete the on-line training, free of charge, and at a pace that works for them.

Completion of all slides, along with successfully passing a knowledge assessment quiz, earns the learner a certificate of completion and, in many instances, 3.0 hours of CLE credit with his or her state bar.

For additional information about this course or to register, please visit the NDAA website or [click here](#), or contact NTLC Senior Attorney M. Kimberly Brown at mkbrown@ndaajustice.org.