Guidance on the requirement for transferee start to take disqualification action for conviction for which originating state did not disqualify driver

**Section § 384.231: Satisfaction of State disqualification requirement.**

## Guidance Q&A

Question 1: When accepting an applicant transferring from another State whose record reveals a disqualifying conviction for which the originating State did not take a disqualifying action, is the transferee State required to take the disqualifying action?

Guidance: Yes. Section 384.206(b)(1) requires a State, including a transferee State, to check the applicant's driving record for the past 10 years in every State where he/she was licensed. If adverse information is discovered, § 384.206(b)(3) requires a State, including a transferee State, to “promptly implement the disqualifications . . . that are called for in any applicable section(s) of this subpart.” Section 384.231(a) makes the requirements of § 384.206(b) applicable to the “State of licensure”—which includes a transferee State under §§ 384.206(b)(1) and 384.231(b) then requires disqualifying action against a CDL holder who has been convicted of a disqualifying offense committed after the Federal compliance date for disqualification for that offense, but has not yet served the disqualification.