



## FMCSA Issues Policy on Sexual Assault

December 2023

Earlier this month, the Federal Motor Carrier Safety Administration issued a Notice of Enforcement Policy intended to increase awareness of sexual assault against commercial motor vehicle (CMV) drivers and to emphasize federal law requires that persons who are convicted of using a CMV to commit a felony must be disqualified from operating a CMV requiring a commercial driver's license (CDL) or commercial learner's permit (CLP).

The safety of CMV operators is a critical aspect of FMCSA's safety mission. Sexual assaults have occurred at truck stops, fueling stations and in connection with CMV driver training. Truck drivers whose personal safety is at risk cannot devote their complete attention to the safe operation of a CMV and the performance of other safety-sensitive functions. State courts and State Driver Licensing Agencies (SDLAs) play a key role in addressing this problem.

FMCSA is aware that state criminal codes use varying terms to describe sexual assault, including rape. FMCSA said its interpretation of the term "sexual assault" means any nonconsensual sexual act proscribed by state law, including when the victim cannot consent.

"Using a CMV" in the commission of the assault could, for example, include:

- felony sexual assault occurring in or upon a CMV or towed unit; or
- use of a CMV to transport a victim to a site where felony sexual assault is committed; or
- use of a CMV to conceal a felony sexual assault – e.g., the CMV serves as a shield from public view while the assault is taking place.

There may be other circumstances in which a CMV is used in the commission of felony sexual assault, as determined by state prosecutors based on the facts of the case and applicable state law. Through the issuance of this policy, FMCSA is urging state courts to be diligent in forwarding these convictions to the SDLA, so the perpetrator will be disqualified from operating a CMV.