

Key Agencies, Agreements and Programs

The following are reviewed herein—

- The American Association of Motor Vehicle Administrators (AAMVA)
- The National Driver Register (NDR) (plus other agencies of note)
- Commercial Driver License Information System (CDLIS)
- Driver License Agreement (DLA)
- Driver License Compact (DLC)
- Driver Record Information Verification System (DRIVERs)
- Electronic Lien and Title (ELT)
- International Registration Plan (IRP)
- National Motor Vehicle Title Information System (NMVTIS)
- Non-Resident Violator Compact (NRVC)
- Pre-Employment Screening Program (PSP)
- Problem Driver Pointer System (PDPS)
- Real ID Act and Driver License Issuance

Agencies

The American Association of Motor Vehicle Administrators (AAMVA)

The American Association of Motor Vehicle Administrators (AAMVA) is the non-profit organization that develops and coordinates model programs in the administration motor vehicle matters, law enforcement and highway safety. Founded in 1933, AAMVA members are administrators and public service executives who are responsible for motor vehicle administration, driver licensing issues, and the enforcement of state and national laws that govern the safe use of vehicles in the United States and Canada. Members also include corporate partners and representatives from other associations.

AAMVA is recognized as the **leading authority** on driver license, vehicle title, motor carrier, highway safety, security, identification and enforcement practice issues. AAMVA plays a very important role in helping the states implement the changes demanded by Congressional legislation that affect the motor vehicle industry. Examples include the Driver's Privacy Protection Act (DPPA), the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), and the Motor Carrier Safety Improvement Act of 1999 (MCSIA).

The programs and agreements profiled later in this section are administered to a large degree by AAMVA.

AAMVA can be reached at 4310 Wilson Blvd #400, Arlington, VA 22203, 703-522-4200, www.aamva.org.

The National Driver Register (NDR)

The National Driver Register (NDR) is a national repository for information on problem drivers. NFR functions under the control of the National Highway Traffic Safety Administration, an agency of the U.S. Department of Transportation.

One purpose of NDR is to prevent the issuance of a driver's license to drivers whose licenses have been withdrawn or denied. State motor vehicle agencies provide NDR with names of individuals who have lost their driving privilege or who have been convicted of a serious traffic offense. When a person applies for a driver's license, a state will first check to see if subject name is on the NDR file. This will determine if the applicant has revocations, suspensions, denials or cancellations in other states. This system is called the Problem Driver Pointer System (PDPS). PDPS is reviewed on later pages,

Access to the NDR is not limited to state motor vehicle agencies. There are nine named groups who can obtain information, including non-government entities. For example, an individual may request a NDR file check per the provisions of the U.S. Privacy Act.

An employer cannot request an NDR file check direct from NDR on a current or prospective employee. The employer may go to the local motor vehicle agency and ask for an NDR file check. The NDR web page provides the Current or Prospective Employee Form which can be downloaded and then completed by the employee. This form should be submitted to the State in which the employee is licensed. Any information on the NDR file that was reported by the states during the past 3 years will be disclosed. Any information received from the NDR should also be made available to the employee.

The National Driver Register can be reached at USDOT/NHTSA West Bldg, NVS-422, 1200 New Jersey Avenue, SE Washington, DC 20590, 202-366-4800 or 888-851-0436. www.nhtsa.gov/Data/National+Driver+Register

Other Agencies of Note

The six organizations listed below are very influential in motor vehicle matters. Collectively their members represent the majority of all entities in the private sector that use driving records.

The American Trucking Associations - ATA

www.truckline.com

The American Insurance Association - AIA

www.aiadc.org

Property and Casualty Insurers Association of America (PCI)

www.pciaa.net

National Association of Mutual Insurance Companies (NAMIC)

www.namic.org.

The Insurance Institute for Highway Safety (IIHS)

www.iihs.org

National Association of Professional Background Screeners (NAPBS)

www.napbs.com

Agreements and Programs

There is a pending bill before U.S. Congress that is certainly worth mentioning. In April 2011, the Safe Roads Act (HR2459) was introduced. This Act would require the Secretary of Transportation to establish and maintain a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators, and for other purposes.

If this bill or a similar version is passed it will create a very significant program for commercial driver license holders and employers. A copy of the Act can be found at <http://thomas.loc.gov/home/thomas.php>.

Commercial Driver License Information System (CDLIS)

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) established a Commercial Driver License Information System (CDLIS) to serve as a cooperative clearinghouse of information related to all U.S. commercial drivers.

CDLIS supports the issuance of commercial driver licenses by determining if a license applicant holds a commercial license (and history) elsewhere and to determine if withdrawals, denials, suspensions, etc., exist in other states.

CDLIS is actually an index or pointer file – not a complete database with historical records. A central site holds and index with basic identification information about each licensed commercial driver. This data includes the name, DOB, SSN, state

driver license number, and AKA information, and the current State of Record (SOR).

When a state receives an application to issue a CDL, a request is routed to the CDLIS central site to compare this data to the existing index. If a match occurs, CDLIS then points the requester to the state that holds the driving history. This state of record (SOR) then relays this information to the state of inquiry (SOI) in a matter of seconds. Thus, all state driver licensing agencies have a process which enables them to transmit, receive, record, and update information on a CDLIS driver record. This information includes, but is not limited to, the commercial driver's license (CDL) holder's physical description, commercial and noncommercial driving status, medical certification status, convictions, disqualifications and accidents. This has recently been expanded to include CDL Learner's Permits

According to a recent estimate, the CDLIS index contains at least 14.1 million records.

The communications network that links the states to the CDLIS index and to the NDR is managed by AAMVA. All states use the AAMVA Code Dictionary (ACD) as the means to exchange and translate information among one another and with NDR.

See www.fmcsa.dot.gov/registration-licensing/cdl/cdl.htm

Driver License Agreement (DLA)

At present, the DLC and NRVC Compacts are being revised and combined into a new Driver License Agreement (DLA). In an effort to truly establish a one driver one record license system, the new DLA will be a more efficient and effective agreement for the jurisdictions to share and transmit driver and conviction information.

In 2002, the Connecticut legislature enabled Connecticut to become a member of DLA. Also, Nevada passed an administrative rule to become a member. Although the DLA will take effect once two jurisdictions officially join, this new Agreement will not become reality until the states resolve issues associated with funding and the REAL ID ACT. It will probably take a number of years before all issues are resolved and all jurisdictions become members. During this transition period, the DLC and NRVC will remain in effect.

Driver License Compact (DLC)

The DLC, developed in 1961, gives states the means for a cooperative method to control problem drivers through the use of consistent reporting devices and the exchange of information contained in driver records. The Compact procedures include the reporting of convictions for major moving violations to a driver's home state and requiring the surrender of all other states' driver licenses before the issuance of a new license.

Thus, the major objective is to promote the one driver license and one record concept. The DLC members use PDPS (run by NDR), which serves as a national index of problem drivers. Member states voluntarily contribute information concerning driver license suspensions and revocations to the NDR. Then the NDR will, in turn, transmit data, upon request, to other states. 46 U.S. jurisdictions are members of the DLC. Non-members are Georgia, Massachusetts, Michigan, Tennessee, and Wisconsin. Note that non-members of the Compact may still comply with the procedures.

Driver Record Information Verification System (DRIVERs)

DRIVERs is intended to combine the functions of the Commercial Driver License Information System (CDLIS), the Problem Driver Pointer System (PDPS) and Driver License Reciprocity System (DLR). It is anticipated that DRIVERs will be a distributed database system with a central pointer file like CDLIS and encompass more than 200 million records. This is a plan in the works and although years from being fully operational nationwide, it is certainly worth mentioning.

Electronic Lien and Title (ELT)

Electronic Lien and Title (ELT) is the paperless means that lien holders and state motor vehicle agencies use to exchange motor vehicle lien and title information. AAMVA developed the standards for exchanging motor vehicle information which ELT uses to simplify lien information exchanges between participating lien holders and motor vehicle agencies. Instead of printing a title and forwarding it to the lien holder, the state sends an electronic lien message. The lien holder stores the message electronically instead of filing the paper title. If there is an error, the lien holder will be able to notify the motor vehicle agency immediately. When the lien is satisfied, the lien holder sends a message to the state to release the lien. The state prints the title and sends it to the vehicle owner.

International Registration Plan (IRP)

The International Registration Plan (IRP) is a registration reciprocity agreement for licensing fees for commercial motor vehicles among U.S. states and provinces of Canada. The IRP, an organized entity belonging to AAMVA, acts as an agreement among the license-issuing jurisdictions. The IRP provides for payment of license fees on the basis of fleet miles operated in various jurisdictions.

The Plan authorizes proportional registration of commercial vehicles and for the recognition of such registrations in the participating jurisdictions. A carrier registers in a single "base jurisdiction." Fees for the vehicles are then calculated for each

IRP jurisdiction according to the jurisdiction's unique fee requirements, then apportioned based on the percentage of total miles declared in that jurisdiction. For each vehicle, a carrier receives one license plate and one cab card listing each jurisdiction where the vehicle is registered. All IRP members are bound to recognize these documents as authorization for vehicles to operate in the jurisdictions specified. The base jurisdiction is responsible for collecting and distributing the fees.

The agreement affects all apportionable vehicles which “are any vehicles except for recreational vehicles, vehicles displaying restricted plates, city pick up and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles, used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and is used for the transportation of persons for hire or designed, used or maintained primarily for the transportation of property and:

1. is a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds or 11,793.401 kilograms; or
2. is a power unit having three or more axles, regardless of weight; or
3. is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,793.401 kilograms gross vehicle weight.

Trucks and truck tractors, and combinations of vehicles having a gross vehicle weight of 26,000 pounds or 11,793.401 kilograms or less and buses used in transportation of chartered parties may be proportionally registered at the option of the registrant.” For more information about IRP visit www.irponline.org/.

National Motor Vehicle Title Information System (NMVTIS)

The Anti Car Theft Act of 1992 (Public Law 102-519, H.R. 4542) established a model for the National Motor Vehicle Title Information System (NMVTIS). The NMVTIS provides information to the states, law enforcement, prospective purchasers, and insurance carriers in order to reliably verify information on a vehicle prior to issuing a new title. NMVTIS is designed to protect consumers from fraud and unsafe vehicles and to keep stolen vehicles from being resold. NMVTIS is a DOJ program and DOJ is fully responsible for NMVTIS policy and operations. The American Association of Motor Vehicle Administrators (AAMVA) has acted as the third-party operator since inception and operates the system today.

Per the NMVTIS web page, 49 states participate and 87% of DMV data is in NMVTIS system. NMVTIS records provide:

- current and previous state of title data
- title issue date
- latest odometer data
- theft history data (if any)
- any brand assigned to a vehicle and date applied
- salvage history, including designations as a “total loss” (if any)

Consumers can request vehicle history information through NMVTIS by selecting an approved service provider. Current fees range from approximately \$2 to \$7 per report. See www.vehiclehistory.gov or www.nmvtis.gov

Non-Resident Violator Compact (NRVC)

The purpose of the NRVC is to standardize methods used by a state to process non-resident violators receiving citations, and the violators' failure to appear or comply with an outstanding traffic summons.

The NRVC enables a participating jurisdiction (state) to inform another when a driver is cited out-of-state and has not complied with the terms of the citation. If the terms of the citation are not met (such as failure to pay traffic ticket), then the home state of the violator may suspend the licensee. Thus, the out-of-state citations affected include not only major violations, but also moving traffic violations that do not necessarily carry an automatic suspension or revocation.

The exchange of information governed by this Compact applies to citations for traffic offenses issued to all drivers. NRVC should not be confused with the exchange that occurs in the CDLIS (Commercial Drivers License Information System). 45 U.S. jurisdictions are members. Non-members are Alaska, California, Michigan, Montana, Oregon, and Wisconsin. Some of the non-member states will participate in the exchange of information for specific circumstances.

Pre-Employment Screening Program (PSP)

The Pre-Employment Screening Program (PSP), administered by the Federal Motor Carrier Safety Administration, helps motor carriers make more informed hiring decisions by providing electronic access to a driver's crash and inspection history from the FMCSA Motor Carrier Management Information System (MCMIS). Driver Information Resource records purchased through PSP contain the most recent 5 years of crash data and 3 years of roadside inspection data from the FMCSA MCMIS system.

Records are available for 24 hours a day via the Web. NIC is the designated third party that manages the program, including the online access and retrieval of records. Through NIC, motor carriers may request driver information proving the driver has

given written consent. Individual drivers may request their own driver information record at any time. The fee for this service is \$10.00 for each requested driver history. There is an annual subscription fee of \$100.00 but carriers with fewer than 100 power units qualify for a discounted annual fee of \$25.00 per year. Individuals can request a personal driving history for the same \$10.00 fee; no subscription is necessary for individual drivers.

For more information, visit www.psp.fmcsa.dot.gov.

Problem Driver Pointer System (PDPS)

The Problem Driver Pointer System (PDPS) is used to search the National Driver Register index. Based on the search of identification data on problem drivers, the PDPS “points” to the state of record(s) (SOR) where an individual's driver status and history information is stored. Based on the information received from the SOR, the issuing state will decide if the applicant is eligible to receive a new or renew his driver license.

States report within 31 days to the NDR any individual—

1. Who is denied a motor vehicle driver's license for cause;
2. Whose motor vehicle driver's license is canceled, revoked, or suspended for cause;
3. Who is convicted of the following motor vehicle related or comparable offenses:
 - a. Operation of a motor vehicle under the influence of, or impaired by, alcohol or a controlled substance;
 - b. A traffic violation arising in connection with a fatal traffic crash, reckless driving, or racing on the highways;
 - c. Failure to render aid or provide identification when involved in a crash which results in a fatality or personal injury;
 - d. Perjury or the knowingly making of a false affidavit or statement to officials in connection with activities governed by a law or regulation relating to the operation of a motor vehicle.

Although states may submit an inquiry on any license applicant, they are required to query the PDPS each first-time, above minimum age driver license applicant before issuing a license to the applicant. States are required to submit inquiries on behalf of entities authorized to access the NDR.

REAL ID Act and Driver License Issuance

The REAL ID Act of 2005, signed by President George W. Bush as part of Public Law No: 109-13, is meant to improve the security state-issued driver licenses and identification cards. The Act prohibits the federal government from accepting state-issued driver's licenses or identification cards for any federal purpose (e.g. accessing federal facilities, boarding federally regulated commercial aircraft, etc.) unless the state-issued document meets standards developed by the Department of Homeland Security (DHS). The Act calls for non-compliant licenses and IDs to be clearly identified as such.

The Act is the result of recommendations coming from the 9/11 Commission regarding the need for tighter security standards. A copy of the Act can be found at <http://thomas.loc.gov/home/thomas.php>.

Visit the Department of Homeland Security to read what they say: www.dhs.gov/files/programs/gc_1200062053842.shtm

Although the Real ID Act does not directly affect motor vehicle record keeping or record access, it does play a critical role with state-issued driver licenses and non-driver identification cards. The Act established new, strict national standards for state-issued driver licenses and non-driver identification cards. Provisions include what data must be included on the card and what documentation must be presented before a card can be issued. For example, before a card can be issued, the applicant must provide the following:

- A photo ID or a non-photo ID that includes full legal name and birthdate.
- Documentation of birthdate.
- Documentation of legal status and Social Security number
- Documentation showing name and principal residence address.

Portions of the Real ID Act were originally scheduled to take effect on May 11, 2008, but the deadline was first extended to May 2011 for certain qualifying states. **Effective March 14, 2011, the Department of Homeland Security extended the deadline for Real ID compliance to January 15, 2013.**

A great many organizations and a number of states are strongly opposed to the Act. One reason is cost. The amount of money the states must spend to implement the REAL ID Act goes well beyond what Congress has appropriated to assist the states. Another reason is privacy. Many groups feel that the act is, in effect, creating a National ID that will lead to even more ID theft, as opposed to thwarting ID theft. There is plenty of interesting opinions about the Real ID Act found on the Web!