

A Guide to Understanding Motor Vehicle Records

What Does the Term MVR Mean?

The acronym MVR is often known as a slang term used for “driving record.” But MVR is actually taken from the phrase “Moving Violation Record” or “Motor Vehicle Record.” Hence, the term may often refer to a vehicle registration or title record.

Therefore when communicating with someone at a state motor vehicle department (DMV) about a record, be clear on the exact type record you have in mind. For example, a state motor vehicle official could hear the words motor vehicle record or MVR and may think you are referring to a vehicle title or registration record, yet you may be referring to a driving record.

All Motor Vehicle Records are Not Created Equal

Who is legally permitted to access driving or vehicle records? What data is found on a record? What information is masked from the public's view? What degree of authority is needed to obtain a full history record?

The answers to these questions are subject to individual state statutes, administrative rules and regulations, as well as compliance with federal regulations.

The reality is there are many inconsistencies and idiosyncrasies among the states regarding both record access and data reported – hence this book.

Keep in mind there is no all-inclusive, all-inclusive database of motor vehicle records. Each state maintains its own separate, unique database(s) of licensed drivers, vehicle registrations, vehicle ownership, accident reports, and other associated records. However, there are several national indices containing pointers or summary data to certain types of records or content. These systems are explained in the Appendix.

The Affect of DPPA on Driver and Vehicle Record Content and Access

The Driver's Privacy Protection Act (DPPA) is a 1994 federal law with a profound influence on motor vehicle records. This law mandated the states to pass laws or create administrative rules to differentiate between *permissible* and *non-permissible use* requests in order to determine if personal information can be released on motor vehicle records. DPPA designated fourteen specific permissible uses that define who is allowed to obtain personal information. The Act defines personal information as

“...information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information.”

Therefore, records with personal information are only given to those with a listed permissible use OR if the written consent of the driver is provided. All states are in compliance with the DPPA standards.

However, these standards while extensive are only minimal. A state can be more restrictive than DPPA as well and this book indicates those states with states' laws or rules that do not include all of the permissible uses. On the other hand quite a few the states may choose to sell driving records without personal information (sanitized records) to a requester with a non-permissible use. Some sanitized records can be viewed or purchased online.

DPPA is codified in Title 18 of the United States Code, Chapter 123. A copy of DPPA is located in the Appendix and also found at <https://www.law.cornell.edu/uscode/text/18/part-I/chapter-123> and at www.mvrdecoder.com.

The rest of this chapter examines aspects and searching tips on the various types of motor vehicle records, plus a short discussion on using a record vendor.

Driving Records

Accessing driving records is big business. An estimated 700,000+ driving record requests are processed daily in the U.S. With the average fee for an individual state driving record nearly \$9.00, the states receive well over \$6,000,000 in daily revenue from driving record sales.

Key Data Found on Driving Records

A driving record provides a historical index of a driver's moving violation convictions, accidents, and license sanctions. Depending on the state's record reporting procedure and type of abstract ordered, the record may show activity from three years to a lifetime.

The information found on each state's record is nationally standardized to a point, but not all states provide the same information and certainly not in the same format. There are three significant data elements found on the driving record.

1. Traffic Violations and Accidents

A significant portion of the driving record is a list of traffic tickets or moving violations which result in a conviction.

Typical information on a driving record includes date of violation, date of conviction, location of incident, points assessed, and description or descriptive code of the violation. Other possible pieces of information include the state statute related to the violation, the type of court, and court location. Accident involvement is also reported, but reporting who is at fault is spotty at best. Generally, the driver at fault will have a citation on the same date as indication of accident involvement appearing on the record.

The only time a *pending* conviction will appear on a record is if the incident involves a situation that triggers an immediate suspension — such as if alcohol-related — or if an alleged violator fails to appear in court.

2. Withdrawals and Administrative Actions

The term *withdrawal action* refers to restrictive action taken by the state pertaining to an individual's privilege to drive. These actions typically include suspensions, revocations, disqualifications, and denials. A withdrawal may be triggered by a statue per a specific violation or by a series of violations. Or perhaps the withdrawal and level of action taken may be administered by a judge or DMV official.

The information listed on a driving record typically includes the history of withdrawals with effective dates and when the driver is eligible to be reinstated. Some states cloak information of prior withdrawals, depending on the nature of the request and or requester.

3. Personal Information about the Driver

As previously mentioned, the release of personal information on motor vehicle records is federally regulated by the DPPA. To be clear, DPPA does not determine who can obtain a motor vehicle record. Instead DPPA regulates who can receive records with personal information by limiting record release to only those with a listed permissible use, or with the written consent of the driver.

Thus the disclosure of personal information is a record reporting aspect that is inconsistent from state-to-state. Nationally, Social Security Numbers and most medical information are redacted and not released to record requesters. But in practice, the personal information found on a driving record may or may not include the licensee's address, height, weight, date of birth or medical information. The words *may include* are important because as mentioned above some states will not release personal information regardless if the requester has a DPPA permissible use or if consent of the subject is given.

See the Appendix contains a copy of the DPPA and the fourteen permissible uses.

Record Reporting and Data Retention

How far back information is reported on records and what is actually reported are other common variables that change from state to state. The exception is record reporting on commercially licensed drivers, which involves federal regulations

In most states, the standard reporting period generally coincides with insurance purpose requests. This standard is at least three years of moving violations and five to ten years for administrative actions. However, a number of states provide a longer time period on their standard records, and many states offer additional options for more in-depth records. For example, besides the standard three-year record Georgia also provides a seven-year record and Vermont provides an option for an eight-year record, and Pennsylvania a complete (lifetime) record. Federal regulations dictate the length of time convictions of CDL (commercial driver's license) holders are reported as well as retain by a state.

But other than CDL drivers, what types of convictions a state will report can also vary widely. Some states do not report certain low-level moving violations, especially to insurance companies. Accident reporting is not consistent, neither is the length of time shown for previous suspensions or major convictions such as alcohol-related incidents.

How long the states keep record data varies also. But, again there are federally mandated data retention and reporting standards for commercial drivers per Federal regulations, most recently updated by provision in the Motor Carrier Safety Improvement Act (MCSIA). This Act and the mandated standards are examined in Appendix I.

The Different Types of Driving Records

The data found on a driving record may vary by the record type. Depending on the state, driving records sometimes can be requested by a category type. Typical types of records include but are not limited to —

- For Employment Purposes (for a commercially-licensed driver)
- Non-Employment Purposes
- For Insurance Purposes
- For a Set Time Frame (such as three year or ten years)
- A Certified Version of Any of the Above

An employment record usually will only report actions occurring when an individual with a CDL is driving a commercial motor vehicle (CMV). A non-employment record usually excludes CMV-related incidents. An insurance record may be filtered so not to include certain low-impact moving violations (such as a speeding ticket less than 10 mph over the limit) or even accident involvement. Certified records are paper records with a state seal affixed. Sometimes records can be a combination of insurance and employment, or for a specific type employment. For example, the state of Washington offers eight different types of driving records.

Record Access Methods

Access methods fall into two overall categories: manual and electronic. Typically, a request for an individual's driving record must include the full name with middle initial, driver license number, and/or date of birth. Similarly, vehicle record requests require the name and plate number and/or VIN. States do not perform a *name only* search of records for the public.

Manual Access

Manual access request methods include mail, in person, fax, and telephone. Every state does not offer every access method. Most do not offer access records by telephone or fax, but some will provide this service to approved, ongoing accounts (MO, NV, and OR for example). Some state that do NOT provide a centralized counter service to the general public (including CA, ID, LA, MI, and WI). In some states the county or local licensing agencies will provide record access services, but often this service is only available to the record holders.

Electronic Access

All states offer electronic access for ordering and all but Alaska provide electronic (online) results. The media method can vary by the way orders are grouped or submitted. In general, there are two types of electronic access: batch and interactive.

Batch processing is when a list of specified list of names and DL # are submitted are submitted at once. Results are picked up minutes or hours. The means of access is usually the web. Batch processing should not be confused with **bulk access**, which is the purchase of a partial or complete database of records and is not a request of records using a list of specified names.

Interactive processing occurs when individual requests are sent and results are returned immediately, often in rapid succession. This method is popular when a quick decision needs to be made about hiring or about the issuance of a new insurance policy.

Many states offer electronic access for ongoing, permissible use requests and also have a separate access site for record holders to obtain their own records. Sometimes a PIN or coded password is required.

Driver Monitoring

Well over 50% of the states provide a service for designated entities, such as employers or insurance companies, to monitor or track the records of certain drivers. The participating party submits a list of driver names to the state agency. The state agency will then inform the requester when there is activity on a submitted person's record and this usually triggers the release of a driving record.. Descriptions of these programs are found in the individual state chapters.

Driving Record Fees

The fees states charge to access for their driving records vary widely, there is no consistency. For example, the state fee for a driving record obtained electronically ranges from \$2.00 in California and Colorado to \$27.50 in Oklahoma. A similar range exists for manually processed records. The national average for an electronic accessed record is over \$8.80.

A state's driving record fee may vary by the access method. At least seventeen states charge more per record for electronic access than for manual, and six states charge more for manual processing than electronic. For example, Louisiana charges \$15.00 for a manual record and \$6.00 for an electronic record, while Montana charges \$7.25 for an electronic record and \$4.00 for a manual record.

If access is online, states may also charge set-up fees or annual fees to be an online subscriber. Generally, these fees are under \$100 per year. Also, some states (see California) require extensive deposits or even performance bonds to be placed as collateral.

The License Status Check

Another useful motor vehicle record is the *license status* report. Taken from portions of a driving record, a license status indicates three important pieces of information—

1. The type or class of license issued, which indicates what types of vehicles (commercial, non-commercial, etc.) can be legally operated by the driver. The various commercial license classes indicate the size and/or weight of the vehicle licensed to be driven.
2. Any special conditions placed on the license holder. These permissions and limitations are known as **endorsements** and **restrictions**. A typical restriction is a requirement to use *corrective lenses* when driving. Another example is a commercial license may have an endorsement such as if the driver is entitled to haul hazardous material. Drivers may be tested to obtain certain endorsements.
3. If the license is valid or under suspension or revocation.

A number of states offer status checks online and the list is growing. Some checks are accessible for free and some are provided for a fee, as indicated within the state chapters.

Commercial Driver Regulations

Persons who drive a commercial motor vehicle (CMV) involving interstate, intrastate, or foreign commerce are required to have a commercial driver's license (CDL). Derek Hinton, President of DOTJOBHistory.com, estimates there are over 3.5 million licensed commercial drivers operating in the U.S. today.

The Federal Motor Carrier Safety Administration (FMSCA) is the agency that issues standards for testing and licensing CMV drivers. As part of these standards, states are required to issue CDLs to CMV drivers only after the drivers have passed knowledge and skills tests administered by the state, related to the type of vehicle to be operated. The Code of Federal Regulations Title 49, Part 383 (49 CFR § 383) designates specific CDL license classifications depending upon the type of commercial vehicle operated.

CDL drivers must pass additional tests to obtain an endorsement from a state in order to operate specialty vehicles such as tankers, double or triple trailers, or to operate vehicles that haul hazardous materials. Each state chapter provides a complete list of commercial (and non-commercial) license classes, endorsements, and other state-imposed license restrictions.

The Code of Federal Regulations Title 49, Part 383 (49 CFR § 383) also provides standards for maintaining and checking conviction records of commercial drivers, and provides penalties for traffic convictions by commercial drivers.

Additional information about the regulations placed on commercial drivers and CDLs, including specific penalties and record keeping procedures, is found in Appendix 1.

The ACD Codes — A Key Component to State Reciprocity

As presented in this book, each state has unique conviction reporting language and codes inherent to their motor vehicle statutes and specific violation or conviction language. Per compliance with the programs and compacts described in the Appendix, states communicate with one another or with a centralized index regarding commercial drivers, problem drivers, out-of state actions, and license disqualifications. These questions then surface: *How do states know what the conviction codes from other states mean and how do they translate this information into their own language and code set?*

The answer is the states utilize the AAMVA Code Dictionary (ACD) as a translation table. The primary function of the ACD Codes is to enable the Commercial Driver's License Information System (CDLIS) to exchange convictions and withdrawals. Other applications, such as the Problem Driver Pointer System (PDPS), use the codes as well.

So in practice, the ACD Code System is used to exchange conviction and withdrawal information between the states' driver licensing authorities.

A number of states have incorporated the ACD Codes within their own conviction and action tables. For example, Alaska, has converted their conviction table to the ACD Code system as their primary conviction code table. Many states use the ACD to indicate out-of-state convictions on driving records. Therefore, the knowledge of what a specific ACD Code means can be a helpful indication when deciphering the meaning of a conviction or withdrawal action.

The ACD Codes appear as a chapter in the back of this book.

Accident Reports

Many states (Texas and Missouri, for example) prefer to use the term *crash reports* rather than *accident reports*. For the sake of clarity, we will refer to these incidents as *accidents* herein. An accident report is created when either there is an injury or death, or a designated threshold of property damage is reached. There are two different accident records filed; 1) by the citizens involved and 2) by the investigating officers. Copies of citizens' accident reports are not usually available to the public. Sections about obtaining accident reports appearing in the state chapters refers to the investigating officers' reports.

Many states do not have a centralized location holding accident reports. In those states accident records must be obtained from the agency that investigated the incident. But accident records are maintained by a central agency and it is the same agency that holds driving records, the DPPA guidelines are followed with regards to honoring record requests. There is no overall national database of historical accident information maintained by either a government agency or by private enterprise.

Typical information found on a state accident report includes drivers' addresses and license numbers as well as a description of the incident. A limited number of states offer online access to accident reports, many use a vendor.

Vehicle Records

Vehicle record information generally is broken into two categories of records:

1. ownership including titles and liens;
2. registration of the vehicles.

Generally, vehicle ownership and title records can be ordered either as a record of current ownership, or as a historical record showing all previous owners. Title data can also indicate if a vehicle was at one time a junk vehicle or if the vehicle was once a subject of title washing (previously branded as a salvage or flood-damaged vehicle), or perhaps previously a government vehicle. Information found on records can include vehicle identification numbers (VINs), license plate or tag numbers, and address information of owners and lienholders.

Registration records are issued annually and will also provide personal information regarding whom the vehicle is registered to. Certain entities are entitled to search for registration information by the license plate number.

Never assume the same state agency that administers driving records also administers vehicle records. In a number of states the vehicle records are controlled by an entirely different state government department or division, such as in Texas and Oklahoma. Finding lien records can also vary from state-to-state. Depending on the state, liens on vehicles may be recorded at the county level or at the Secretary of State's Office where UCCs are filed.

If vehicle records are administered by the same agency that handles driver records, then there will be similarities between accessing driving records and vehicle records, especially in regard to fees and forms. Regardless of which state agency oversees the record-keeping, the data found on records is regulated by the federal DPPA. Therefore vehicle record data that includes personal identifiers is never sold for marketing purposes.

The Importance of the VIN

VIN stands for *Vehicle Identification Number*. This number is internationally recognized as the way to identify an individual vehicle. A VIN consists of 17 characters (vehicles manufactured before 1981 may have fewer characters) in a highly coded but strict format structure based on the manufacturers and vehicle models. A code table showing all the possible meanings for each position is a very extensive document. And this list is modified frequently.

The VIN is typically stamped on a metal plate located somewhere on the dashboard or door, but it can be attached to other locations on the vehicle. When buying a used vehicle, many consumers and dealers check the history of a VIN with a private vendor to make an informed decision about the quality and value of the vehicle.

Four excellent Web resources to decode a VIN are listed below—

- www.autocheck.com
- www.carfax.com
- www.cardetective.com
- www.decodethis.com

Watercraft Records

The state agency that administers vehicle records is often the same agency that administers watercraft records. But in some states watercraft records are controlled by an entirely different state department or division. Examples include the Department of Wildlife and Parks in Kansas and the Department of Natural Resources in Minnesota.

An important fact to know is that not all states title watercraft. And those that do generally only require titles if the vessel is over a certain length or if motorized. Requirements similar to motor vehicles may be imposed on vessels when registration is mandatory.

When watercraft records are administered by the same agency that administers vehicle records, then the same access and privacy laws (per DPPA) apply. When watercraft and watercraft records are managed by a different government agency, then that agency's access policies may differ because they are often not thought to be governed by the DPPA mandates. Thus the administrative rules, statutes, or administrative policies in those states can be stricter or less restrictive compared to DPPA states.

Similar to liens on vehicles, liens on watercraft can be recorded locally or at the Secretary of State's Office. The state chapters provide details about each state's access procedures to watercraft records.

About Large Commercial Vessel Records

Vessels weighing more than five tons are registered with the U.S. Coast Guard. Search for larger vessels, or to search by lien or title, at the Coast Guard's National Vessel Documentation Center at www.uscg.mil/hq/cg5/nvdc. Another handy site containing the Coast Guard data is the National Oceanic and Atmospheric Administration's search site at www.st.nmfs.noaa.gov/st1/CoastGuard.

Using a Driving Record Vendor

The vast majority of requesters with a DPPA permissible use who have high volume needs for driving records (such as the insurance and trucking industries) use the services of record vendors. Driving record vendors are sophisticated service bureaus providing access to records for a small service fee per record. There are many advantages of using a driving record vendor—

- One-Stop Shopping for All States
- Speed of Access - Often Instantaneously
- Provide Uniform Record Format
- Provide Customized Match Back Data Fields
- Experts on State Compliance Issues
- Help with Reading or Deciphering Records
- Technical Communication Experts
- Aware of State Changes
- Thrive in a “How Fast - How Much” Environment

But not all driving record vendors are alike. Nor do they all work with every *type* of record requester. Some vendors work with all clients, including the occasional users; others specialize in servicing users with high volume demands. Do a Google search on *driving records* or *driving record check* and you will find many service companies, but you will not find the industry icons. The fact is there are very few driving record vendors who offer deep volume pricing with true national coverage. And many of these large vendors limit their services to specific high volume clientele, such as to only the insurance industry or motor carrier industry. In fact only a few of the larger vendors will work with pre-employment screening companies. You will rarely find Google ads posted by these vendors.

Where to Find a Driving Record Vendor

If you are looking for a driving record vendor for a one-time or limited situation, then certainly consider using one of the consumer services found from doing a Google search. But be careful and be very cognizant of the compliance issues that we have taken great pains to explain throughout this book.

If you are in a business that heavily uses driving records and you are in search of a vendor or new vendor, here is an idea. There are many private organizations involved with motor vehicle records. Check with a trade association that your company may or should belong to. Since the larger vendors work hard to support their clients they often join an association to stay better connected. The six organizations listed below are very influential in motor vehicle matters since their members use driving records to a large degree. Collectively their members represent the majority of all entities in the private sector using driving records.

- **The American Trucking Associations - ATA** - www.trucking.org/
- **The American Insurance Association - AIA** - www.aiadc.org/
- **Property and Casualty Insurers Association of America (PCI)** - <http://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

Another outlet to find the names of some of the nation's leading driving record vendors is the BRB Publications' web page at www.brbspublishings.com. Follow the menu options to find a list of companies that provide motor vehicle related record searches.

Record vendors provide excellent services with minimal fees – providing you find the right vendor to fit your particular needs.