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# **COMMERCIAL DRIVER LICENSE EFFECTIVENESS STUDY**

## **VOLUME II TECHNICAL REPORT**

**PREPARED FOR**

**FEDERAL HIGHWAY ADMINISTRATION  
OFFICE OF MOTOR CARRIER  
OFFICE OF MOTOR CARRIER RESEARCH & STANDARDS DRIVER DIVISION**

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## Foreward

This document is Volume II of a three-volume final report for the Commercial Driver License (CDL) Effectiveness Study project. Volume I provides an executive summary of the study. Volume II is the technical report of the study. Volume III contains the actual data collection tools and compiled results developed for the study and an Appendix of other references referred to in the study.

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TML Information Services, Inc.*

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12. Sponsoring Agency Name and Address Office of Motor Carrier, Federal Highway Administration, 400 Seventh Street, S.W. Washington, D.C. 20590		16. Abstract The FHWA, Office of Motor Carriers (OMC) initiated this study to examine the implementation of the CDL program and to assess its effectiveness and benefits to highway safety. The study has three volumes. Volume I provides an executive summary of the study. Volume II is the Technical report of the study. Volume III contains the actual data collection tools and compiled results developed for the study and an appendix of other references referred to in the study. The principle purpose of the study is to provide measures which evaluate and assess:  * Has the implementation of the CDL program been effective in addressing the preexisting problems which led to the enactment of the CMVSA of 1986?  * Has the CDL program helped reduce the incidence of CMV crashes?  The CDL Effectiveness Study provides a high level evaluation of CDL program as implemented by the States, relative to each of the five key objectives of the CMVSA:  * Limiting each CMV operator to one license, a CDL  * Implementing standard CDL testing and licensing practices.  * Harmonizing the States' laws and adjudication practices regarding the treatment of a driver convicted of one of the set of violations listed in the CMVSA.  * Consolidating all CMVSA convictions on one comprehensive record maintained by the current licensing state.  *Supporting the needs of law enforcement-- through the adoption of license standards, harmonized laws and consolidated records-- to enable law enforcement officers to make knowledgeable decision about the legality of CMV operators. Conclusions and recommendations are also included in the study.			
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# CHAPTER 1. BACKGROUND, SCOPE AND METHODOLOGY

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This document is Volume II of a three-volume final report for the Commercial Driver License (CDL) Effectiveness Study project. Volume I provides an Executive Summary of the study. Volume II (this volume) is the technical report of the study. Volume III contains the actual data collection tools developed for the study, compiled results, and an Appendix of other references used in the study.

## Background

The Congress enacted the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to improve the safety of Commercial Motor Vehicle (CMV) operations throughout the Nation. The intent of the CMVSA, as stated in the Senate Committee on Commerce, Science, and Transportation's report 99-411, is to:

"... help prevent truck and bus accidents and injuries by establishing national minimum standards for testing and licensing of commercial drivers and requiring drivers to have a single classified driver license and driving record. State grants will be authorized to develop and implement testing programs and participate in a classified driver license program and information system."

The CMVSA authorized the Federal Highway Administration (FHWA) to assist the 50 states and the District of Columbia, (hereinafter referred to as the 51 states) in implementing the Commercial Driver License (CDL) program by expending \$61 million in CDL grant funds to meet the requirements established by the Congress.

These funds were directed to accomplish a number of activities, including:

1. Developing CDL knowledge and skills tests;
2. Creating a telecommunication network connecting the states' driver licensing agencies (DMVs);
3. Developing computer software to support each state DMV in sharing information with the other state DMVs;
4. Developing a central computer file to serve as the repository for driver identification data on each CDL holder;
5. Implementing CDL testing and licensing procedures in each state; and
6. Implementing information system requirements in each state to support the CDL program.

The FHWA, Office of Motor Carriers (OMC), initiated this study to examine the implementation of the CDL program and to assess its effectiveness and benefits to highway safety.

## 1.1 Study Scope

The principal purpose of this study is to provide FHWA with measures which evaluate and assess:

- C Has implementation of the CDL program been effective in addressing the preexisting problems which led to the enactment of the CMVSA of 1986?
- C Has the CDL program helped reduce the incidence of CMV crashes?

The FHWA requested the study include development of recommendations to address any areas of concern, if any such area was identified. Recommendations which would enhance program effectiveness or efficiency were also to be included.

In addition, FHWA directed that, whenever possible, the study address the concerns expressed in 1995 by the Senate Appropriations Committee in Senate Report 103-310. That report directed the FHWA to provide information regarding actions taken under the CDL program to suspend, revoke, or otherwise disqualify commercial motor vehicle operators who commit certain violations and to provide information on other areas of program performance.

## 1.2 Evaluation Approach

**1.2.1** The principal objective of this study -- to provide FHWA with measures which evaluate and assess effectiveness and benefits of the CDL program -- led immediately to problems of qualitative and quantitative measurement. Improving highway safety, specifically, reducing the frequency and severity of CMV crashes, is the long term goal of other programs implemented not only by the Federal government but also by state governments, industry, industry groups, not for profit agencies, etc.

**1.2.2** To directly measure to what degree the CDL program has reduced the frequency and severity of CMV crashes (specifically, those CMV crashes linked to operator error), the impact of the CDL program would have to be isolated from the impact of drug testing drivers; improvements in roadway and vehicle/ trailer hardware; the impact of safety campaigns and groups such as Mothers against Drunk Driving (MADD) in changing public driver behavior, etc. Apportioning credit or responsibility in such situations is difficult.

**1.2.3** Evaluation of a large complex program is a challenging process under almost any circumstance. If evaluation procedures were not included in the development phase of the program, evaluation is even more demanding and can to produce results which are not meaningful nor useful. When large numbers of different stakeholders are involved in the operation or impact of the program, each group may view evaluation results differently. The variety of viewpoints can lead to multiple interpretations.

Multiple interpretations can undermine the ability of policy makers to make meaningful use of evaluation results to improve the program.

**1.2.4** The CMVSA did not include effectiveness measures or an evaluation plan, nor were these constructed as part of the development and implementation of the CDL program. Therefore, potential problems which could weaken the study's results, needed to be addressed as part of developing the study design.

**1.2.5** The CDL program was built to address a number of problems concerning CMV drivers, the operation of CMVs, and the relationship of drivers to motor carrier operations. Multiple activities were designed to accomplish the intent of the program with a range of intended outcomes, both immediate and long term. Many stakeholders were, and continue to be, involved in design or operation of the program. They hold different theories about the program and numerous assumptions about causal links between program activities and outcomes.

**1.2.6** It was anticipated that the results of this study might have a role to play in identifying legislative and policy changes which would strengthen the CDL program. Four conditions were identified, which if unresolved, would preclude use of study results:

1. Failure to define the problems to be addressed, the program, the program activities, the expected outcomes of the program and the expected impact on the original problems;
2. Failure to establish a clear logic of testable assumptions linking problems, program implementation, the outcomes to be caused by the program, and the implementation results;
3. A lack of agreement among stakeholders on evaluation priorities and on the use of evaluation results; and
4. Inability to act on the basis of evaluation results.

**1.2.7** If one or both of the first two problems were to exist, evaluation results could be inconclusive or irrelevant. If the third or fourth problems were to exist, evaluation would be unlikely to produce implementable solutions.

**1.2.8** To address these concerns, the study considers the intent of the CDL program from the perspectives of different stakeholders. The assessments explore program realities and seek to clarify whether program objectives were plausible and performance measurements feasible. The study identifies conditions leading to the passage of the CMVSA and creation of the CDL program, the activities and objectives of the CDL program, the anticipated benefits to be derived from implementing program processes,

and the collection and use of information about the program, as it is today, to determine recommendations to improve program performance and effectiveness.

**1.2.9** This approach was arrived at through the development and use of a logic model of the CDL program. The Technical Review Panel (TRP) for the CDL program -- composed of representatives from the states, the American Association of Motor Vehicle Administrators (AAMVA), AAMVAnet Inc.; a subsidiary of AAMVA designated by FHWA to operate portions of the Commercial Driver License Information System (CDLIS), and representatives of the FHWA -- participated in developing the components of the logic model.

**1.2.10** Working with the TRP, resources, activities, outcomes and assumed causal links were identified through analysis of program documentation and discussion with stakeholders, program managers, and staff. The result of the effort was to build a final CDL program logic model approach to guide this study.

**1.2.11** The logic model directed that the CDL program be evaluated in terms of:

- C The preexisting problem conditions which led to the enactment of the CMVSA and establishment of the CDL program;
- C The requirements of the CMVSA (the provisions of the CDL program) aimed at correcting the preexisting problem conditions;
- C The immediate outcomes anticipated to result from implementing the requirements of the CMVSA;
- C Proximal measures (measures of immediate results produced on the way to [logically] achieving the long term goal) to be used to assess effectiveness; and
- C The long term goals to be achieved through implementation of the CDL program.

**1.2.12** This approach helped develop a plausible and sensible representation of Congressional intent for the CDL program. In specific terms, the process provided the study with explicit input on:

1. The system beliefs, values and goals which defined the structure, processes and activities of the CDL program;
2. Cause and effect relationships, and thus the rationale for the programmatic interventions;

3. The potential differences between the intent of the program and its implementation; and
4. The implicit theories which different stakeholders may have, concerning the development of the CDL program.

**1.2.13** Development of this approach was an essential aspect of the study because the process of achieving a consensus about each area in the evaluation established a common understanding among the TRP members regarding the provisions of the CMVSA, the CDL program, and the overall evaluation effort.

**1.2.14** Effectiveness was thus defined, within the realm of the study, to mean: **“Did the implementation of the CDL program resolve the preexisting CMV safety problems which the provisions of the CMVSA of 1986 were intended to address?”** The model approach helped clarify issues regarding expected short term objectives. The short term objectives are logical stepping stones to the long term goals of the program: **to reduce the frequency and severity of CMV operator related crashes.** If the short term objectives were found to have been accomplished, it would be reasonable to conclude there had been positive movement toward accomplishing the long term goals.

**1.2.15** This approach can also help discriminate between oversights and limitations in the provisions of the CMVSA and federal regulations and failures and limitations in the present implementation of the CDL program. The approach has further value in an evaluation effort through disclosing results which were unintended or unanticipated.

**1.2.16** The final CDL program logic model, integrated into each of chapters two through six, was built through the process of obtaining a consensus among stakeholders represented on the TRP. To the degree that the evaluation model represents the consensus process, the resultant evaluation approach represents the consensus of the stakeholders. As such, the approach provides a legitimate framework for evaluation and a medium for the use of evaluation results.

**1.2.17** Five objective areas, which the provisions of the CMVSA of 1986 were intended to address were identified. If these objectives could be accomplished, there should be clear progress toward accomplishment of the long term goal of reducing the frequency and severity of CMV operator related crashes. The objective areas are:

- C Limiting each CMV operator to one license, a CDL (One Driver/One License);
- C Implementing standardized CDL testing and licensing practices (Standardized Testing and Licensing);

- C Harmonizing the states' laws and practices regarding the treatment of a driver convicted of a CMVSA violation (Harmonization of State Laws and Adjudication);
- C Consolidating all CMVSA convictions and withdrawal actions in one record maintained by the licensing state (One License/One Record); and
- C Supporting the needs of enforcement -- through the adoption of license standards, harmonized laws and consolidated records -- to enable officers to make knowledgeable decisions about the legality of CMV drivers (Support the Needs of Enforcement).

### **1.3 Evaluation Methodology**

**1.3.1** In a retrospective evaluation of a large, complex program, it is necessary to conduct analysis from as many perspectives as possible and to integrate all available information into a comprehensive whole. To a large degree the consensus development of a logic model of the program assures the validity of the study and its evaluation results. The choice of properties or activities to investigate, however, requires an additional supportive framework to set the evaluation clearly in the context of the actual program as it exists at the time of evaluation.

**1.3.2** The framework should focus the questions to be asked in the evaluation process to ensure they produce informative results. The framework should not only provide guidance regarding which questions to investigate, based on prior perspectives regarding evaluation of the program, but should also provide insight into expected outcomes. This can be in the form of actual data or the subjective input of stakeholders. This type of non-experimental approach is classified as having a Bayesian focus.

**1.3.3** The Bayesian approach provides the best results when evaluating large, complex programs which cannot be represented as controlled random experiments. The validity of results is verified by consistency among relevant outcomes identified in and from the data collection/ analysis tasks. This approach tends to reveal biases which can occur when the evaluation problem is viewed in only one way.

**1.3.4** A major purpose of the Bayesian approach is to systematically combine present (new) data with prior data to produce a better estimate of current reality. The method of combining present and prior information is not to compare the two but to use present data to update prior information. A conclusion or posterior outcome is strengthened through the contribution of both prior and present information.

**1.3.5** Simply put, the Bayesian approach is to begin from some postulated measure of reality and to revise that postulated perception based on the additional (new)

information which can be collected. When the purpose of the data collection/evaluation is to manage and improve the effectiveness of a program, the process of collecting additional information and making revisions to the current view of the program should be ongoing.

**1.3.6** The following data was used to format a framework to focus the study of CDL effectiveness

- C Senate Report 103-310, which directed the FHWA to provide information regarding actions under the CDL program to suspend, revoke or otherwise disqualify CMV operators who commit certain violations, and other areas of program performance; and the FHWA December 1995 Letter in response to the Senate's concerns, addressed to Senator Mark O. Hatfield, Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, United States Senate;
- C The 1994 CDL Effectiveness Report from AAMVA to the FHWA;
- C Compliance reviews of the states' implementation of the CDL program, conducted by the FHWA in 1994 and 1995;
- C The study conducted by the Missouri Department of Revenue on the Electronic Transfer of Convictions (1994);
- C The 1995 list of known CDL issues developed by the FHWA and prioritized by the TRP for the CDL program;
- C The AAMVAnet CDLIS Specifications Manual and CDLIS State Procedures Manual;
- C AAMVAnet provided data collected for this study and other AAMVAnet reports regarding CDLIS utilization, the number of CDL holders in the central pointer file, transaction counts, and state hours of CDLIS availability.
- C The CDL logic model elements developed with the aid of program stakeholders, as discussed in the EVALUATION APPROACH chapter of this document.

**1.3.7** To update the information available from these sources, new data collection activities were designed and completed for this study, with the general agreement and approval of the TRP.

- C A new survey was conducted of all state motor vehicle agencies to determine current practices related to CDL applications, renewals and withdrawals; use of the CDLIS; and policies and practices relating to CMV convictions.
- C A new survey was conducted of the motor carrier members of the American Trucking Association (ATA) Safety Management Council to examine experiences concerning the CDL program;
- C Seventeen focus groups, conducted primarily for this study, were held in five states with judges and prosecutors, enforcement officers, truck drivers, and motor carriers' safety directors. The topics explored included the impact of the CDL program on license fraud, traffic enforcement, case disposition, driver hiring and training, and driver history records.
- C The functionality of the CDLIS communications software and the network was tested using a version of the state CDLIS communication software to retrieve a randomly selected, statistically representative sample of CDL records from each state's driver record database.
- C The resulting representative CDL sample database of 114,295 CDL holder records was analyzed to generate a CDL holder profile; estimate the number of withdrawals, suspensions and revocations of CDL holders on an annual basis nationwide, and to establish other measures of convictions and withdrawals
- C A database of records for a sample of CDL holders who had changed state of CDL licensure at least once was created. Convictions and withdrawal actions on each driver's record from the prior state of licensure were compared to the convictions and withdrawals on the driver's record from the subsequent state of licensure to evaluate data preservation when a driver changes state of licensure.
- C While conducted as a separate project with separate FHWA funding, the New York Department of Motor Vehicles Multiple CDL Study (to determine the existence of multiple licenses in the New York CDL holder population), provided new information about the CDL program and was used as a source of new data for this study.

### **Additional Data Collection Measures Conducted for This Study**

#### **1.4 State CDL Surveys**

**1.4.1** To collect new information to determine current practices related to CDL driver testing, license issuance, renewals and withdrawals, use of CDLIS, and state policies and practices affecting CMV convictions, the state motor vehicle agencies were surveyed.

**1.4.2** A 14-page questionnaire with a cover letter from the President/ CEO of the AAMVA was mailed to each state motor vehicle agency in June of 1996. A supplemental seven-page questionnaire of follow-up questions was mailed in July of 1996.

**1.4.3** Completed questionnaires (Primary and/or Supplemental) were received from 48 states. Nine states failed to return one or both forms.

Returned Neither Primary Nor Supplemental

Connecticut  
Massachusetts

Returned Primary But Not Supplemental

Colorado  
North Carolina  
North Dakota  
Rhode Island  
South Carolina  
South Dakota

Returned Supplemental But Not Primary

Pennsylvania

**1.4.4** Completed state questionnaires were keypunched with 100% verification and tabulated by computer. The tabulations present results on each item for the total sample and by geographic region, as defined by the Census Bureau (Northeast, South, Midwest and West). The tabulated survey results are included in Volume III of this report.

**1.5 Survey of Motor Carriers Regarding CDL Experiences**

**1.5.1** A separate tool was used to solicit information about the experiences of the motor carrier industry relative to the CDL program. Questionnaires with a cover letter from the Chairman of the ATA Safety Management Council were mailed to all 851 motor carrier members of the Council in June 1996.

The seven-page questionnaire contained 26 items, most of which were multi-part. Completed forms were received from 346 motor carriers prior to the cutoff date for processing; a response rate of 41%. Questionnaires were keypunched with 100% verification and tabulated by computer.

The tabulations show the results for each item, totaled for all responses and totaled by geographic region (as defined by the Census Bureau).

<u>U.S. Region (Headquarters Office)</u>	<u># of Motor Carriers Responding</u>
Northeast	54
South	126
Midwest	91
West	49
Region Not Available	26
Total	346

All respondent comments have been transcribed and appear with the statistical tabulations in Volume III of this report.

## **1.6 CDL Focus Group Study**

**1.6.1** The third data collection approach used was a focus group study of CDL holders employed as CMV operators (particularly heavy truck drivers operating interstate), law enforcement officers, judges/ magistrates and prosecutors, and safety directors for motor carriers. Focus groups were used to examine the impact of the CDL program on license fraud (particularly on the use of multiple licenses), on CMV-related law enforcement practices, on the practices of the judiciary and prosecutors when considering citations against CDL holders, on motor carrier operations, and on the behavior of the CMV driver population.

**1.6.2** Seventeen focus groups were conducted in five states. (Eight of the focus groups were conducted under the funding for the New York State Department of Motor Vehicles Multiple CDL Study.) The findings from each focus group session were consistent with the findings from all other focus group sessions. Each focus group session was a two-hour, round table discussion with 8-10 participants and a professional moderator, conducted in specially designed facilities permitting one-way mirror observation plus audio and/or video recording. Observation and recording were done with the consent of participants. The same professional moderator conducted all of the focus group sessions in the five states.

**1.6.3** Focus group members were volunteers who responded to a letter inviting them to participate. The AAMVA and the DMVs of New York, Florida, California, Texas and Missouri assisted in identifying and recruiting panelists. The 150 focus group participants are listed in Volume III. Copies of the discussion outlines also appear in Volume III.

**1.6.4** Respondent comments for the California, Texas and Missouri focus groups have been transcribed, edited, and categorized and are included in Volume III. (Respondent comments from the New York and Florida focus groups are available as part of the complete report for the New York Department of Motor Vehicles Multiple CDL Study.)

<u>Focus Group Location</u>	<u>Number of Focus Groups</u>			<u>Total</u>
	<u>Law Enforcement</u>	<u>Truck Drivers</u>	<u>Safety Directors</u>	
State (County)				
New York (Monroe)	1	1	-	2
New York (Westchester)	1	1	-	2
Florida (Alachua)	1	1	-	2
Florida (Hillsborough)	1	1	-	2
California (Los Angeles)	1	-	2	3
Texas (Harris)	1	1	1	3
Missouri (St. Louis)	<u>1</u>	<u>1</u>	<u>1</u>	<u>3</u>
<b>Total</b>	<b>7</b>	<b>7</b>	<b>3</b>	<b>17</b>

1.6.5 Law Enforcement sessions included state, county, and municipal law enforcement officers and judges/magistrates and prosecutors. Truck Driver sessions included experienced CDL holders, nearly all of whom had significant interstate experience. Safety Directors were from both small and major motor carriers.

<u>Participant Type</u>	<u># of Participants</u>
Judges/ Prosecutors	17
Traffic Patrol	22
CMV Enforcement	36
Truck Drivers	56
Safety Directors	<u>19</u>
<b>Total</b>	<b>150</b>

1.6.6 Findings derived from focus groups are not necessarily statistically representative of the population under study (truck drivers, safety directors, law enforcement officers, and judges and prosecutors). Nonetheless, the 150 participants in the 17 focus groups in five states were judged by the professional moderator, and by experienced state and AAMVA observers, to be broadly representative of the populations of interest. The drivers and safety directors were from a variety of types of carriers and all had substantial trucking experience. The enforcement officers, judges and prosecutors had many years of experience, represented local and state agencies, large and small communities, and, in several cases, had specialized expertise in trucking regulation.

The high level of consensus among all types of respondents, in every group, on the key questions examined in the study (the incidences of multiple CDLs and the overall impact of the CDL program) gives considerable strength to findings resulting from the focus group study. Consequently, the focus group study results, used in conjunction

with findings from other components of this study, are an appropriate basis for decision making about the CDL program.

## 1.7 CDL Sample Database/Record Analysis

**1.7.1** As part of the CDL Effectiveness and Benefits study, a representative, national sample CDL database of 114,295 driver records was built. CDL holder driver records were collected using driver identification data from the CDLIS central pointer file to randomly select a weighted sample of CDL holders across all 51 jurisdictions.

- C Actual driver history records were retrieved via the CDLIS system using the same transaction the states use to exchange driver records. (Collecting records using the CDLIS system also provided measurement of the effectiveness of CDLIS connectivity as the access provider to a database distributed across 51 states and the CDLIS central file.)
- C Using the sample record database, national estimates were generated for broad categories of withdrawals and convictions. Additionally, broad estimates were generated regarding the level of reporting detail; e.g., whether a withdrawal applied to the CDL privilege; was a conviction for behavior in a CMV.
- C All convictions and withdrawals occurring between 1 April 1992, and 30 June 1996, shown on the records of the sample pool of CDL holders were analyzed on an annual and total basis.
- C The number of CDL holders with one, two, three, and four or more convictions for a violation identified in the CMVSA were counted to evaluate driving practices and to identify the impact of CMVSA sanctions on recidivism.
- C Convictions were counted for each specific type of violation and analyzed on a year to year basis to measure the number of in-state and out-of-state convictions and withdrawals for each type of violation. Additionally, the use of the CMV indicator for each category of conviction, and the CDL indicator for each category of withdrawal, were measured on a year to year basis.
- C The average number of convictions and withdrawals on a 12-month basis, since 1 April 1992, were estimated.

**Note:**

*The conviction and withdrawal numbers are gross estimates only but indicate need for further study. The reasonable expectation would be that convictions/ withdrawals would increase as the number of CDL holders increased. However, total convictions have remained essentially constant. There is a constancy of conviction numbers year-to-year which is surprising. The*

*constancy suggests possible system saturation problems somewhere in the overall CDL program: enforcement, adjudication and/ or DMV record keeping.*

C After extensive analysis of the database/ records, it was concluded that developing tables of the numbers of convictions, suspensions, or revocations, by reason, by state, is not feasible. As a distributed, state-based system, the CDLIS allows states to collect conviction data in state-specific formats. The state-specific data is translated into the CDLIS format, including the mapping of state violations to CDLIS representational codes. Each state has its own unique set of state-specific violations. The translation of state-specific violations into CDLIS representational codes does not eliminate the basic variations in states' violations, although it creates the impression that all states have the same conviction data.

C No conclusions regarding states' currency in posting convictions to the driver's record could be drawn. The lack of a posting date in records prevents analysis of the currency of convictions posted to a state's CDL holders' records.

The existence, in the CDLIS conviction format, of the date of citation and the date of conviction supports determination of the average time between when the officer wrote the citation and case resolution. Analysis of "average time to convict" demonstrates the usefulness of modifying the CDLIS record to include the posting date of convictions to support future analysis of the currency of a state's driver records. (Some states' native driver records include the posting date but at present the CDLIS format does not have a field for posting date.)

C A CDL-holder profile and a frequency table of conviction and withdrawal reasons were extracted from the sample database/ records.

## **1.8 Data/Retention when a CDL holder changes state of licensure**

**1.8.1** Data retention when a CDL holder moves from one state to another state was measured, using a 400-driver sample from each state (400 X 51) of CDL holders, who had changed state of CDL licensure. For those CDL holders whose prior and current records could both be retrieved (8,000 CDL holders), an analysis was made of which convictions and which withdrawals appeared on the prior record but did not appear on the current record.

**1.8.2** Prior records were available from only some states. Therefore, the results of this analysis cannot be applied or extrapolated to a national level. (The AAMVAnet CDLIS Specifications Manual and CDLIS State Procedures Manual set data retention requirements for CMVSA violations. States set their own retention requirements for other convictions. Further study is needed to determine the actual data retention procedures of all 51 states.)

## 1.9 New York Department of Motor Vehicles Multiple CDL Study

**1.9.1** The New York Department of Motor Vehicles received a grant from the FHWA to study the occurrence of multiple CDLs held by one driver. Florida later became a partner in the study and the scope of the study was expanded to include determination of the number of CDL holders with a second driver license of any type; e.g., a CDL from one state and a NON-CDL license from a second state.

**1.9.2** Data was collected using "Peer Review" audits of the New York and Florida's CDL programs to determine weakness in either state's CDL program. Professionally moderated focus groups were used to collect data from members of the truck driving community and from representatives of law enforcement and the courts. The driver identification files from Florida, Virginia and Pennsylvania were compared to New York's file of CDL holder identification data to determine the number of multiple occurrences. The New York study also includes analysis of New York issued citations for seven violations, committed in a CMV, and the disposition of those citations.

### Report Format

In this report, findings from all of the data collection efforts have been used to reach conclusions and recommendations relative to each of five key objectives of the CDL program:

- C Limiting each CMV operator to one license, a CDL.
- C Implementing standardized CDL testing and licensing practices.
- C Harmonizing the states' laws and practices regarding the treatment of a driver convicted of one of a set of violations listed in the CMVSA, committed in a CMV.
- C Consolidating all CMVSA convictions incurred by a CMV operator in one comprehensive record maintained by the current licensing state.
- C Supporting the needs of enforcement -- through the adoption of license standards, harmonized laws and consolidated records -- to enable officers to make knowledgeable decisions about the legality of CMV operators.

Each objective is discussed as a separate chapter of this report. Each chapter is organized to largely read as a stand alone document because of potentially different audiences of stakeholders for each chapter. Thus, there is some degree of repetition of materials across chapters to allow each to be used independently.

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## CHAPTER 2. LIMIT CMV OPERATORS TO A SINGLE LICENSE

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The material in this chapter was developed using the Bayesian methodology and program logic model approach described in Chapter 1 of this volume ("Scope and Methodology.")

This chapter presents the result of the evaluation in the following order:

- 2.1 Pre-CDL environment leading to enactment of the CMVSA of 1986
- 2.2 CMVSA requirements specific to this objective
- 2.3 Anticipated results of implementing the requirements
- 2.4 Conclusions reached in this study
- 2.5 Effectiveness Evaluation
- 2.6 Major Recommendations
- 2.7 Detailed Recommendations
- 2.8 Measures and findings which are the basis of the conclusions and recommendations

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### 2.1 Pre-CDL Environment Leading to Enactment of the CMVSA of 1986

*Fatalities involving heavy  
trucks were high.*

*Only 12 states tested skills in  
representative vehicles.*

*Licensing systems differed.*

*Drivers were able to obtain  
licenses from multiple states.*

**2.1.1** Statistics developed by the National Highway Traffic Safety Administration (NHTSA) regarding highway crashes for the years 1980 to 1983 showed no decline in the number of fatalities involving heavy trucks, although total highway fatalities dropped by 17 percent in the period. In 1984, Congress provided grants to the states to increase highway safety enforcement of truck and bus operations. These funds were directed at increasing and improving roadside inspections of commercial motor vehicles.

**2.1.2** By 1986, there was agreement that more attention needed to be focused on safe driving practices to decrease the incidence and severity of crashes involving commercial motor vehicles. At that point in time, states did not have standard requirements for licensing heavy truck and bus drivers. Although 33 states used some form of vehicle classification in their licensing systems, only 12 states skill tested drivers in the particular type of CMV for which the license was to be issued.

**2.1.3** The information on drivers' licenses differed widely from state-to-state. Of the states which had classified license systems, the classification schemes were not developed to be consistent state-to-state or to be easily used by law enforcement officers nationwide.

**2.1.4** State authorities had no convenient and reliable means to ensure that an applicant did not hold a current license from another state. State licensing officials had no basis on which to refuse to issue a license if the

*Multiple licenses allowed drivers to "spread" convictions and avoid problems.*

## **2.2 CMVSA Requirements**

*Definition of a Commercial Vehicle.*

*Requirement of one driver, one license.*

*Requirement for a Commercial Driver License Information System (CDLIS).*

*CDLIS could be created from an existing state or states system.*

*CDLIS could also be a federal system with a fee system for utilization charges not to exceed operating costs of the system.*

*Provided for user fees if a federal system.*

applicant met state requirements. Licensed drivers who applied for a second license from a second state were seldom detected as already licensed or as not meeting state residency requirements.

**2.1.5** The use of multiple licenses to avoid detection as a problem driver was known to be relatively widespread among long distance drivers. Drivers could spread convictions among multiple licenses to prevent license suspension/ revocation action and to avoid job action by their employers. Although motor carriers were, in general, aware that some drivers used multiple licenses, not all companies found the practice objectionable because it was compatible with their economic business interests.

**2.2.1** The CMVSA of 1986, implemented through the Federal Motor Carrier Safety Regulations (FMCSRs) governing the CDL program (49 CFR Part 383), established a definition of a commercial motor vehicle (CMV) relative to requiring the operator to have a CDL. The act immediately limited anyone operating a CMV after 30 June 1987, to one driver license. The act further established that after 31 March 1992, the one license was to be a CDL which complied with the requirements of the act and the FMCSRs.

**2.2.2** To implement the single license and other CDL program requirements for CMV operators, the law required that a Commercial Driver License Information System (CDLIS) be developed. The CDLIS was to serve as the clearinghouse and repository of CDL holder data, (including driver identification data, licensing information, and disqualification records) and provide the means for interstate exchange of CDL holder data.

**2.2.3** The CMVSA called for the Secretary of Transportation to conduct a review of information systems utilized by one or more states pertaining to the driver status of operators of motor vehicles, and other state-operated information systems, to determine whether any such system(s) could be utilized for the purposes of the Act. If the Secretary determined that one of these systems could be utilized to carry out the requirements of the Act, the Secretary was authorized to enter into an agreement with such state or states for the use of the system to carry out the requirement of the CMVSA.

**2.2.4** In the event that the Secretary did not enter into an agreement, the Secretary was authorized to establish an information system pertaining to the driving status and licensing of operators of commercial motor vehicles. The CMVSA in this case authorized the Secretary to

*Minimum requirements for data to be displayed on a CDL.*

### **2.3 Anticipated Results**

*CMV operators would have only one license, a CDL.*

*A commercial driver license information system, consisting of either an existing state system or a new federal system, would be established.*

*States would collect CDL holder identification data and post it to the CDLIS central file. The CDLIS would screen for a prior CDL.*

*The CDLIS would automatically update state systems when a driver moved.*

*The CDLIS was expected to operate as a distributed system, with each state continuing to function independently, yet in harmony with other states and the CMVSA.*

establish a fee system for utilization of the information system. The fees collected in any fiscal year were, as closely as possible, to equal operating costs for the information system.

**2.2.5** The CMVSA also established standard, minimum requirements for data to be displayed on a CDL document to ensure identification of the document as a CDL.

**2.3.1** It was expected that the states' implementation of the provisions of the CMVSA would limit each CMV operator to one, and only one, driver license. After 31 March 1992, the single license would be a CDL.

**2.3.2** It was expected that a national telecommunications network (CDLIS) would be implemented, either from an enhanced existing state(s) information system or from a newly created system, to serve as a clearinghouse and repository of all CDL holder data and to provide the means for the interstate exchange of CDL holder data.

**2.3.3** It was expected a state would not issue a CDL without the applicant's Social Security Number (SSN). The SSN would be used as part of a Master Pointer Record (MPR) on the CDLIS central file, along with full name and date of birth (DOB). CDLIS would have built-in functionality to check the central pointer file for a match of driver identification data. Each state would access CDLIS before issuing a CDL to prevent a driver from obtaining multiple CDLs. If CDLIS were to find an existing MPR for the driver, CDLIS would request the status of the driver's operating privilege from the licensing state on behalf of the state initiating the query.

**2.3.4** If a state proceeded to issue a CDL to a person already holding a CDL from another state, the CDLIS would function to advise the prior state to invalidate its license and to forward the driver's record to the new state of CDL licensure. The CDLIS would also redirect the MPR to point to the driver's new state of CDL licensure.

**2.3.5** Each state would continue to operate its own independent driver license application, but every state issuing CDLs would build in the information processing capabilities to check the CDLIS pointer file, accept a response, reply to a query from the central file or another state regarding the status of a CDL holder's operating privilege, and exchange other CDL holder data. It was expected the states would further implement the programmatic policies and procedures (to be specified in FMCSR's) to support the principle of limiting a CDL holder to one license.

*Prior CDLs from another state could be checked.*

*The use of multiple licenses, spreading convictions and operating while disqualified in another state would be eliminated.*

## **2.4 Conclusions**

*A non federal system was implemented, utilizing existing state systems and saving the cost of building a parallel system that would duplicate each of the states' systems.*

*The CDLIS was implemented as a distributed system.*

*Currently there are more than eight million CDL holders enrolled on the CDLIS.*

*Many CDL holders have been disqualified (11%).*

*The number of CMV operators with multiple CDLs is statistically insignificant.*

*Name/DOB/SSN working; at this time a biometric identifier is not required.*

**2.3.6** State authorities would have a reliable means to ensure that if a CDL applicant had previously held a CDL, the existence and status of that license could be reliably detected and used for making licensing decisions.

**2.3.7** The use of multiple licenses to avoid detection as a problem driver would be eliminated. Drivers could not spread convictions among multiple licenses to prevent license suspension/ revocation action and to avoid job action by their employers. A driver would not be able to continue to operate a CMV with a valid license from one state while having a disqualified license in another state.

**2.4.1** A non-federal information system that comprised a central file of CDL holder driver identification data with a master pointer record (MPR) to the licensing state and an information network linking the 51 state driver licensing agencies was designed and implemented. All 51 states built software which functions to exchange driver data over the network in a common format. (2.8.2)

The resulting Commercial Driver License Information System (CDLIS), is composed of the 51 state driver licensing files, the CDLIS central file, and the network connecting the central file and the 51 state data files. The CDLIS provides the general functionality and information access required by the CMVSA. (2.8.2, 2.8.3, 2.8.4, 2.8.6, 2.8.18)

**2.4.2** As of 01 April 1992, 4,981,777 drivers had been issued a CDL and enrolled in the CDLIS. The number of CDL holders has increased steadily on a monthly basis. The number of CDL holders in the CDLIS, as of 01 April 1997, was 8,330,174. (2.8.4)

**2.4.3** During the period 01 April 1992, through 30 June 1996, an estimated 871,000 CDL holders (11%) had been disqualified at least once from operating a CMV. (2.8.28, 2.8.29)

**2.4.4** The incidence of CDL holders possessing multiple licenses of any type(s) is so minute as to be statistically insignificant. In comparing its CDL file to the full driver file of three other states, NY found match rates of .0002 (FL), .0001 (PA) and .00006 (VA). (2.8.7-11, 2.8.14, 2.8.18)

**2.4.5** The use of the driver's full name/ DOB/ SSN (registered on the CDLIS central file) is functioning well as a unique identifier to limit CDL holders to one license. At this time, there is no basis for implementing use of a biometric identifier on CDL licenses. Ironically,

*This achievement is at risk.*

*Some states do not screen every NON-CDL issued, while others do not screen CDL reinstatements.*

*Personal identification data used to create a CDLIS record is not validated against the SSA.*

*CDL holders can no longer avoid disqualification by spreading convictions.*

*But disqualifications are not being enforced.*

**2.5 Effectiveness Evaluation**  
*One driver/ one license has been accomplished.*

the same motivation which caused many drivers to obtain licenses in multiple states prior to CDL (the desire to protect their livelihood) now causes them to refrain from doing so because the deception required is far greater and the perceived risks much more serious. (2.8.11, 2.8.14, 2.8.19, 2.8.20)

**2.4.6** The CDL program's current success in limiting CMV operators to one license is vulnerable. The current success is at least partly due to the drivers' perception of how the CDLIS system works, versus the reality. The majority of states do not use the CDLIS to screen the personal information of applicants for NON-CDLs to determine if the applicant has been issued a CDL by another state. In such states it is possible a CDL holder could obtain a NON-CDL, in addition to his or her CDL. (The NON-CDL could be used to spread convictions and protect the base privilege on the CDL.) Also, some of the states do not use the CDLIS to screen reinstated CDLs. (2.8.19-21, 2.8.22-23, 2.8.25-26, 2.8.32-34)

**2.4.7** Other than a review of documents provided by the applicant, a driver's personal identification data (full name, date of birth and SSN) is not validated against the Social Security Administration's (SSA) files before being posted to the CDLIS. Because the personal identification information used to register a CDL holder on the CDLIS is not verified against the source data at SSA, there is a weakness which a knowledgeable individual could use to compromise the current success in limiting CMV operators to one, CDL, license. (2.8.13, 2.8.19, 2.8.20, 2.8.22)

**2.4.8** The CDL program, through limiting CMV operators to one, CDL, license, has limited the practice of spreading convictions among driver records maintained by multiple states. CMV operators can no longer avoid disqualification through the use of multiple licenses. (2.8.15, 2.8.16, 2.8.17, 2.8.18)

**2.4.9** Once disqualified, a surprisingly high percentage of CMV operators appear to be willing to risk further sanctions and continue to operate during the withdrawal period; i.e., for March 1997, 11.3 percent of the CMV operators checked against CDLIS using FHWA's ASPEN and CAPRI software did not have the required valid, current CDL. (2.8.35).

**2.5.1** The CDL program has accomplished its objective of limiting CMV operators to a single driver license. The one license is now a CDL. All quantitative and qualitative data shows that CMV operators

*Convictions can no longer be "spread."*

*Problem drivers are being identified and disqualified.*

*Approximately 871,000 CDL holders were disqualified in the first four years.*

*CMV operators will have to improve their driver record or find new employment.*

*A high percentage of disqualified drivers appear to be continuing to operate while disqualified.*

*Disqualification as a deterrent; needs to be strengthened.*

no longer possess multiple licenses -- neither multiple CDLs nor a CDL and a NON-CDL. (2.4.1, 2.4.4, 2.4.5)

2.5.2 A CMV operator can no longer use multiple licenses to spread convictions to avoid or conceal disqualification. (2.4.8)

2.5.3 Limiting CMV operators to a single license (a CDL) has proven to be beneficial in identifying problem drivers; that is, drivers with multiple convictions. *(This benefit is somewhat mitigated by other program limitations which are discussed in Chapters 4 and 5 of this volume.)* The successful identification of problem drivers provides states with the ability to exercise appropriate driver control action and provides employers information critical to employment decisions. (2.4.3)

2.5.4 The CDL program has resulted in the disqualification of an estimated 871,000 CMV operators, during the period of April 1992, through June 1996. With multiple licenses, many of these drivers would have escaped detection by states, law enforcement and employers. (2.4.3)

2.5.5 Over time, because CMV operators are limited to one license, a CDL, it will be difficult for a driver to conceal that he or she has been disqualified. It is reasonable to expect that employers will take action against drivers who have been disqualified, particularly if the driver did not disclose the disqualification and put the employer at risk by operating. Employers can be expected to take action on problem drivers. Eventually, because of the one license implementation, problem operators will have to modify their driving behavior or change their field of work. (2.4.1, 2.4.4)

2.5.6 However, it appears that a sizable percentage of CMV operators are currently willing to risk additional penalties and continue to operate during disqualification periods, perhaps postponing employer notification until the driver's annual review. This represents a major breakdown in the construct of the CDL program. Disqualification was expected to carry a major financial penalty for a CMV operator; the operator was expected to "sit out" the disqualification penalty. If the disqualification period is not enforced, if the driver is allowed to continue driving a CMV, the penalty of disqualification has no meaning in the short term and there is no behavior modification impact. Drivers must believe they will suffer real consequences from disqualification, if *the risk of disqualification* is to cause CMV operators to drive safely and lawfully. (2.4.9)

*Effectiveness has been achieved.*

*But, effectiveness is at risk.*

## **2.6 Major Recommendations**

*Two system/process changes are required to protect the "one license" achievement.*

*States should check all license applicants against CDLIS.*

*Real-time access to SSA files is needed to check personal ID data of all license applicants.*

*Additional measures are required to stop CMV operators from driving while disqualified.*

*Increase penalties.*

*Provide access to CDLIS to additional officers.*

**2.5.7** To the extent that CMV operators are no longer able to spread convictions to avoid disqualification, and are thus modifying their driving behavior, the single license concept has contributed to a reduction of CMV crashes. (2.5.2)

**2.5.8** To the degree that some CMV operators avoid or postpone the economic consequences of disqualification and continue to drive a CMV while disqualified, the one license objective is not having the desired consequence of making CMV operators drive more safely/ lawfully and cannot be presumed to be contributing as anticipated to reducing the incidence of CMV crashes. (2.5.6)

**2.6.1** Two CDLIS system enhancements are necessary to safeguard the success of the CDL effort limiting CMV operators to one CDL.

- A. The states should modify their driver license issuance systems to check all NON-CDL applicants, as well as all CDL applicants, against the CDLIS to prevent issuing a second license to a CDL holder. Analysis should be undertaken which considers: (i) the impact to the states to make the system changes to accommodate this requirement, (ii) the ability for the communication network to handle the increased traffic, and (iii) any changes needed to the current fee structure to accommodate these additional transactions.
- B. Real-time access to SSA files should be developed for use by the states to validate the personal identification data of all drivers. The states should be required to update their driver license issuance systems to validate name/ DOB/ SSN data on all license applicants prior to checking CDLIS and issuing any driver license.

**2.6.2** Additional enforcement initiatives are necessary to stop the operation of CMVs by disqualified drivers.

- A. Operating without the required CDL and operating while disqualified should be added to the list of CMVSA violations included in the FMCSRs.
- B. Additional officers need direct access to the CDLIS to determine the CDL status of the driver. The National Law Enforcement Telecommunications System (NLETS) should be connected to the CDLIS. The status of the driver should be checked each time a CMV is stopped / inspected to assure disqualifications are

*A proactive employer notification program should be considered.*

## **2.7 Detailed Recommendations**

*FMCSR to require CDLIS central file check for all licenses.*

*Analysis to support recommendation.*

*FHWA should quickly establish online access to the SSA and require states to verify ID data prior to issuing any license, not just CDLs.*

*Develop "Best Practices" guidelines for CDL program activities.*

enforced. Disqualifications must be enforced if the *threat of disqualification* is to have value as a deterrent.

- C. The states should implement proactive employer notification programs to inform motor carriers at the time a CMV operator is disqualified by the state. California, New York, and Michigan provide working examples of employer notification programs which could be studied as possible models.

### **Note:**

*The CDL program's success in limiting drivers to one license and using the one license as a conviction collector will in the future put additional pressure on drivers to risk the penalties associated with possessing a second license. As CMV operators realize that the states do not validate applicant data against the SSA and that 38 states do not screen NON-CDL applicants against the CDLIS, problem operators will act to obtain a NON-CDL as a second license so they can keep their CDL record "clean." The recommended CDLIS system enhancements should be rolled out on a rapid implementation plan.*

**2.7.1** Federal Motor Carrier Safety Regulations should be updated to require that states screen applicants for any license (NON-CDL as well as CDL) against the CDLIS central file to prevent the issuance of a second license of any type to a CDL holder. Analysis to determine (i) the impact to the states to make the system changes to accommodate this requirement, (ii) the ability for the communication network to handle the increased traffic, and (iii) the availability of funds from current CDLIS charges, or any changes needed to the current fee structure, to accommodate these additional transactions should be undertaken in tandem with the rule making process.

**2.7.2** The FHWA and the AAMVA should step-up their negotiations with the SSA to develop an agreement with the SSA whereby state DMVs have access to SSA's database of personal identification data to validate and verify the full name/ DOB/ SSN provided by each license applicant. The FHWA should require the states to validate and verify the personal identification data of each and every license holder/ applicant (CDL and NON-CDL) against the SSA's database before querying the CDLIS central file to determine possible duplicates.

**2.7.3** Greater standardization of states' practices for resolving instances of possible duplicates should be accomplished. Development of a CDL program manual of "Best Practices" is recommended.

*Use of Peer Review.  
Federal participation and  
funding of Peer Reviews.*

## **2.8 Measures and Findings**

**Conclusions and Recommendations In This Report Are Based on Findings Summarized Here and Detailed in Volume III**

**From the FHWA,  
December 1995, Letter to  
Senator Mark O. Hatfield...  
Reference HCS-20**

*The development and use of  
CDLIS and its components.*

*CDLIS central pointer file has  
CDL holders' full name, date of  
birth and SSN.*

**2.7.4** The FHWA, AAMVA, and the states should develop a formal CDL Peer Review process to monitor and strengthen states' daily operation of their portion of the national CDL program. Federal participation, in addition to funding, is encouraged to further Peer Review efforts to encourage standardization of practices, state to state, to the fullest extent feasible given the implementation of the national CDL program as a distributed system operated locally by the driver licensing agency in the 51 states.

**2.8.1** The sources of data used in developing the findings, conclusions, and recommendations of this chapter (see Volume III) include:

- FHWA, December 1995, Letter to Senator Mark O. Hatfield, Chairman of the Subcommittee on Transportation and Related Agencies, Committee on Appropriations; Reference HCS-20
- AAMVAnet Statistics
- CDLIS State Procedures Manual
- New York Multiple CDL Study
- 1994 AAMVA CDL Report to FHWA
- CDL Focus Group Study
- Motor Carrier Survey
- CDL State Surveys
- 1995 TRP Report of CDL Issues
- CDLISCheck report for March 1997

**2.8.2** The FHWA, with the cooperation of the lead states of Nebraska and New York as well as representatives of the other states, created and implemented CDLIS as the clearinghouse and depository of information concerning the licensing and identification of CDL holders. The state of California was issuing CDLs, accessing the CDLIS central files, and applying network data by 1 January 1989. All states had approved operational CDL programs before 1 April 1992, the date on which a CMV operator had to have a CDL to legally drive a CMV.

**2.8.3** The CDLIS was implemented as a distributed database pointer system, using a matching procedure to determine if an applicant ever had been issued a CDL under the applicant's identification data of full name, DOB, and SSN, or variation thereof. CDL holder identification data is maintained on the CDLIS central file as a Master Pointer Record (MPR). CDLIS uses the MPR to automatically point queries to the current licensing state, which maintains the driver's status and the driving record.

## AAMVAnet Statistics

*Size of CDLIS central file.*

*Extremely low number of records in possible duplicate status.*

## CDLIS State Procedures Manual

*CDLIS guidance for the states.*

## New York Multiple CDL Study

*Quantitative file comparison.*

*CDL holders found not to have more than one license;  
NY : FL numbers.*

*CDL holders found not to have more than one license;  
NY : VA numbers.*

*CDL holders found not to have more than one license;  
NY : PA numbers.*

**2.8.4** CDLIS state procedures require states to add a Master Pointer Record (MPR) to the CDLIS central file whenever the state issues an original CDL. The MPR must contain the driver identification data, including the driver's full name, DOB, SSN and CDL license number, and acts as a pointer to the state which issued the CDL. By 01 April 1992, 4,981,777 CDLs had been issued and added to the CDLIS MPR system. By 01 April 1996, the number of CDLs issued and registered as MPRs on the CDLIS central file was 8,330,174.

**2.8.5** Of the more than eight million MPRs currently in the CDLIS, only 347 records were in duplicate status in March 1997. ("Duplicate status" is used to mean there is sufficient similarity in the driver identification data of two MPRs to suggest that a driver may hold two CDLs.) Analysis of the data available on 5 March 1997, indicates half the records in duplicate status have been so only since 1996.

**2.8.6** The CDLIS State Procedures Manual and the CDLIS Specifications Manual were developed under the direction of committees of state officials, with some federal representation, by AAMVA/ AAMVAnet Inc. The manuals are the result of a community effort to voluntarily establish standards for CDL program operation well beyond the FMCSRs implementing the CMVSA.

**2.8.7** New York state collected quantitative data to determine the frequency of multiple licenses among CMV operators. The study investigated the number of CDL holders who also hold another license, in addition to a CDL. The New York study report is included in Volume III of this report.

**2.8.8** In comparing the New York state CDL driver file to the Florida NON-CDL driver file, the study found a match of .02 percent on a search of SSNs, which is 1,770 matches out of a base of 10,636,140 Florida records. Within this number, at least 640 of the records showed completely different names on the New York and Florida records.

**2.8.9** In comparing the New York CDL driver file to the Virginia file of NON-CDL drivers, searching on SSNs resulted in a match rate of .006 percent -- 316 matches out of a base of 4,628,143 Virginia records. Of the 316 matches, 122 were completely different names, New York to Virginia.

**2.8.10** Comparing the New York state CDL driver file to the Pennsylvania NON-CDL driver file produced similar results. Searching on SSN produced a match rate of .01 percent -- 1,434

*Full name, date of birth, and SSN combination is working as a unique identifier.*

*Biometric identifier not needed now.*

*Recommendation for Peer Review process.*

### **1994 AAMVA CDL Report to FHWA**

*Need for SSN verification.*

### **CDL Focus Group Study**

*Validation that truck drivers used multiple licenses, pre-CDL.*

*Multiple licenses were used by problem drivers, pre-CDL.*

*Pre-CDL, suspended drivers used another license.*

base of 10,238,413 Pennsylvania records. It was not possible to search the Pennsylvania file on name and SSN.

**2.8.11** The New York study strongly supports the use of full name/DOB/SSN as a unique identifier for CDL holders. The final report states "Findings support the contention that biometrics are not immediately necessary, affording time to further evaluate their place in the future. A case for biometrics may be made in the future, however, at this time, the need does not seem to support the expense." "As for now, the SSN [combined with full name and DOB] is a suitable unique identifier, as long as the Social Security Administration (SSA) cooperates in the verification of SSN information, especially at the time questions arise regarding potential duplicates."

**2.8.12** The New York study final report also recommends establishment of a Peer Review process to improve cooperation between states and to provide frequent scrutiny of the procedures used by individual states and to identify any weaknesses which may exist in their respective processes and systems and implement continuous improvement and cooperation among states.

**2.8.13** AAMVA reported a need for online and batch access to the SSA's database to validate and verify driver identification data provided by CDL applicants. AAMVA recommended development of an information system with an MPR for every driver (All Driver Pointer System) to prevent CDL holders from obtaining a NON-CDL.

**2.8.14** The CDL Focus Group Study provided data verifying that CMV operators used multiple licenses before the CDL program was implemented. Truck drivers, safety directors, and law enforcement representatives agreed the incidence of multiple licenses among truck drivers was high, prior to the CDL program. In nearly all cases, the driver obtained licenses from more than one state as opposed to getting more than one license from a single state.

**2.8.15** In these discussions, drivers and safety directors stated that, in many cases, an operator with multiple license was a poor or dangerous driver. Frequently, a driver with multiple licenses had a record of DUIs or was recognized as having behavioral patterns associated with alcoholism or substance abuse.

**2.8.16** Drivers also said that, pre-CDL, an operator who had driving privileges suspended in one state often continued to drive using a "clean" license from another state. Most drivers characterized this

*Sources for multiple licenses,  
pre-CDL.*

*The CDL program has  
significantly reduced use of  
multiple licenses.*

*Drivers' view of multiple  
licenses under CDL.*

*Attempting to obtain a second  
license not worth the risk.*

*Positive motivation not to have  
multiple licenses.*

### Motor Carrier Survey

*Motor Carrier perspective.*

(using a license from a second or third state) as something other than intentional fraud, explaining the practice was widespread in the industry

2.8.17 Drivers said that, pre-CDL, operators had obtained other-state licenses by temporarily establishing/ claiming residency in a state and complying with that state's requirements to obtain a license to operate a CMV. Some panelists said that before the CDL requirements, licenses could also be bought "out of a suitcase" at highway truck stops and other locations.

2.8.18 Discussing the environment today, drivers, motor carriers, and law enforcement officials all said the incidence of multiple licenses dropped significantly following introduction of the CDL. They identified this change as the most important effect of the CDL program. The frequency and consistency of this finding, across 17 sessions, stated by law enforcement officers, motor carrier safety directors, and truck drivers, validates and verifies it as an accurate representation of a major environmental change. Drivers believe that one of the major functions of the CDL is to serve as a collection point for convictions.

2.8.19 CMV operators perceive that today it is virtually impossible to obtain a second license. They believe that "the computer will reveal the existence of the first CDL."

2.8.20 Operators attribute great significance to the fact that they must provide their SSN to receive a CDL and that the SSN is "on the computer." While they acknowledge it might be possible to get a second license with a different name and SSN, drivers believe the risk is not worth taking. In each driver focus group, participants concluded that, given the provisions and requirements of the CDL program, it is just simpler anymore to drive according to the law. CMV operators explained that creating a new identity means creating a new SSN, which is illegal and presents high risk because wages are reported to the IRS by SSN.

2.8.21 Ironically, the same motivation which caused many drivers to obtain licenses in multiple states prior to CDL -- that is, the desire to protect their livelihood -- now causes them to refrain from doing so because the deception required is far greater and the perceived risks much more serious.

2.8.22 Most motor carriers, 86.3 percent, reported they have not encountered drivers with multiple CDLs. In a specific follow-up question to participants who said they had encountered a driver with

## CDL State Surveys

*Variations exist in state efforts to prevent a second license.*

*Some states go farther.*

*Written procedures lacking.*

## 1995 TRP Report of CDL Issues

*TRP recommended states check CDLIS central file prior to issuing NON-CDLs as well as CDLs.*

## Analysis of Sample CDL Database/Records

*Analysis of sample data base provides numbers.*

*The high percentage of withdrawals applying to NON-CDL-Only driving privilege requires further study.*

more than one license, 26 percent (of the 16.7 percent) believe the individual falsified information to obtain the second license.

2.8.23 Only 41 states report checking the CDLIS central file before issuing a CDL to a driver already issued a CDL by another state. Nor do all states report checking their own database of drivers before they issue a new, renewal or transfer CDL (40, 39 and 39 states respectively).

2.8.24 However, 12 states check the CDLIS central file before issuing an original NON-CDL license, 10 states check the central file before issuing a transfer application NON-CDL, 13 check the central file before issuing a reinstatement NON-CDL. Nine states check the central file before renewing a NON-CDL.

2.8.25 Of the 42 states responding, only 25 have written procedures for resolving a possible duplicate record response from the CDLIS central site in response to the state notifying the CDLIS of the state's intent to issue a CDL.

2.8.26 The TRP reported that an issue due priority consideration, was the potential for a CDL holder to obtain a NON-CDL. The TRP recommended [as a long term solution] an information system with a central file of pointer records for all [U.S.] drivers. As a more short term solution, the TRP recommended AAMVA take a position recommending states check the CDLIS central file prior to issuing NON-CDL licenses as well as CDLs.

2.8.27 The CDLIS system provides for a special indicator, "Extent," to be used to indicate to which operating privileges a withdrawal action applies. Possible values are CDL ONLY, NON-CDL ONLY, and ALL. (A withdrawal with an extent of ALL applies to the commercial operating privilege and to the noncommercial, operating privilege.)

2.8.28 Analysis of the sample data base of records provides the following extrapolated breakdown:

"	Total Withdrawals 01 April 1992 - 30 June 1996:	
	1,947,465 Withdrawals	100.00%
"	Withdrawals with an Extent of CDL ONLY	5.69%
"	Withdrawals with an Extent of NON-CDL ONLY	13.75%
"	Withdrawals with an Extent of ALL	80.56%
"	CDL holders with at least one withdrawal:	11.00%
"	Average Withdrawals per CDL holder in this group:	2.23

*Withdrawal reasons can obscure the underlying reason for the original citation and conviction.*

*Underlying violations are sometimes obscured.*

*Some states may have problems with system logic in calculating the status of CDL holders' privileges to operate a CMV.*

*One state's unique approach may be worth evaluation as a new "Best Practice."*

**AAMVA 1994 CDL Report to FHWA**

**2.8.29** The variety of reporting procedures, and the practice of some states to take withdrawal action for "Failure to Appear," "Failure to Report," "Failure to Pay," etc., instead of for the underlying citation, precludes detailed analysis of the sample CDL database to determine the number of CDL withdrawals due to particular CMVSA listed violations. If such numbers are desired in the future, states must modify their systems to support the analysis. However for those withdrawals which could be identified as to the reason for the withdrawal, the following figures can be extrapolated:

"	Time Period: 01 April 1992 - 30 June 1996	
"	Total CDL Withdrawals	1,947,465
"	Undetermined Reason	1,559,420
"	Alcohol Related	333,860
"	Felony using a CMV	1,109
"	Leaving the Scene	5,890
"	Serious Traffic Violation	47,186
"	CDL holders with at least one withdrawal:	11.00%
"	Average Withdrawals per CDL holder in this group:	2.23

**2.8.30** In analyzing the sample driver record database, 177 instances of drivers with a commercial status of VALID, and a noncommercial status of something other than VALID, were found. For the individual records examined, the two statuses appeared to be the result of system errors; they were not instances where the driver had obtained a limited, "hardship" or "work" license.

**2.8.31** The analysis determined that at least one state posts two withdrawal actions when the state withdraws a CDL holder's commercial and noncommercial operating privileges, apparently because of different withdrawal periods/ different dates of reinstatement eligibility. Most states use the indicator value of ALL for a withdrawal action which applies to the noncommercial privilege and the commercial. Conditions under which a state should withdraw the driver's noncommercial operating privilege, and not withdraw the same driver's commercial operating privilege (a withdrawal Extent of NON-CDL ONLY), should not exist. States which use the withdrawal Extent of NON-CDL ONLY, without an equivalent number of withdrawals with an Extent of CDL ONLY, should review their system logic.

**2.8.32** AAMVA reported states are not consistent regarding why and when driver identification information is added to the CDLIS central file. Thirty-one states notify the CDLIS central file when issuing a

*Inconsistencies in posting new CDL holder information to the CDLIS central file.*

*Inconsistency in posting NON-CDL holder information to the CDLIS central file.*

*Difficulty in maintaining a single record when a driver is relicensed with a NON-CDL.*

**CDLISCheck report for March, 1997**

*High percentage of CMV operators found to not have a "Valid" CDL.*

CDL. Six more states notify the central file when the state issues a Commercial Driver Instruction Permit (CDIP). Thirteen more states inform the central file when issuing a CDIP and when issuing a CDL.

**2.8.33** AAMVA also reported that states are not consistent regarding why and when driver identification information for NON-CDL holders is added to the CDLIS central file. Fifteen states have systems which add driver identification data to the CDLIS central file for a NON-CDL holder convicted of a violation in a CMV. One state adds driver identification data to the CDLIS for an out-of-state, NON-CDL holder convicted of committing a disqualifying offense in a CMV.

**2.8.34** There are also differing practices among states regarding ownership of the MPR and prior record data when a CDL holder relinquishes his or her CDL to a new state and is relicensed with a NON-CDL. Thirteen states' systems advise the CDLIS central file to redirect the MPR to the new state and accept the driver's convictions and withdrawals from the prior state. The balance of states do not direct CDLIS to switch the MPR, but rather leave it pointing to the last state of CDL licensure, and create a new (second) driver record.

Note:

*The lack of consistent practice in these areas can contribute to a failure to identify a CDL holder (or at least a CDL permit holder) and to the creation of segmented, state specific records instead of a single, consolidated record.*

**2.8.35** Data for the month of March 1997, from the FHWA CDLIS-CHECK pilot program (which provides enforcement officers with access to the CDLIS from roadside), shows that 11.38% percent of the drivers checked had a status of something other than "Valid" [to operate a CMV]. (This percentage is approximately three times the national average for NON-CDL drivers.) The high percentage of CMV operators found driving a CMV while not "Valid" indicates the CDL program's efforts to limit operators to a single license is succeeding -- drivers are being disqualified. However it appears as though these drivers are continuing to operate while disqualified. (2.8.29)

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Volume III of this report should be consulted for full information on the research conducted and the data collected for the purposes of this study.

## CHAPTER 3. UNIFORM TESTING & LICENSING STANDARDS FOR CMV OPERATORS

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The material in this chapter was developed using the methodology and program logic model approach described in Chapter 1 of this volume ("Scope and Methodology").

This chapter presents the result of the evaluation in the following order:

- 3.1 Pre-CDL environment leading to enactment of the CMVSA of 1986
  - 3.2 CMVSA requirements specific to this objective
  - 3.3 Anticipated results of implementing the requirements
  - 3.4 Conclusions reached in this study
  - 3.5 Effectiveness Evaluation
  - 3.6 Major Recommendations
  - 3.7 Detailed Recommendations
  - 3.8 Measures and findings which are the basis of the conclusions and recommendations
- 

### 3.1 Pre-CDL Environment Leading to Enactment of the CMVSA of 1986

*Requirements for a CMV license varied widely.*

*Testing was generally inadequate.*

*Driver licenses conveyed different privileges.*

**3.1.1** Before the Commercial Motor Vehicle Safety Act (CMVSA) of 1986, requirements for driving heavy trucks and buses varied widely from one state to another. Drivers who did not qualify for a heavy truck or bus license in one state could often qualify in another state which had less onerous requirements. In 19 states, anyone licensed to drive a passenger car could also legally operate a heavy truck or bus.

**3.1.2** Each state developed and administered its own knowledge and skill tests. Only 12 states required skill testing in a vehicle representative of the classification for which the license was to be issued. In many cases, a scientific basis for the test questions or skills to be demonstrated was no longer documented, if it ever had been. Often, testing had not evolved to keep pace with physical changes in vehicle equipment and little attention was given to cargo or load handling questions.

**3.1.3** Driver licenses from different states documented privileges and limitations in nonstandard forms and inconsistent terminology. Those states with classified licensing systems did not share standard class definitions or representative codes, with the possible exception of school bus operator licenses. When a driver presented an out-of-state license, law enforcement personnel, courts and employers faced challenges interpreting and enforcing limitations on what types of vehicles could be legally operated with such a license

### 3.2 CMVSA Requirements.

*Established minimum standards for CDL skill and knowledge.*

*Required testing in vehicle representative of Class.*

*Document standardization.*

### 3.3 Anticipated Results.

*Standards would be established.*

*Consistent CDL license classes for defined vehicle groups.*

*CDL required for operation of a CMV as of April 1, 1992.*

*License document would represent the detailed privileges of the CDL holder.*

*All CMV drivers would be retested and relicensed.*

*CDL would gain professional status.*

*Law enforcement would have consistent requirements to enforce.*

**3.2.1** The CMVSA required development of minimum federal standards for testing and licensing CDL applicants to ensure the fitness of operators of commercial motor vehicles (CMVs). The standards were to include vehicles transporting hazardous materials. Different standards for different types of CMVs were permissible. Knowledge testing and skill testing, in a vehicle representative of the license class applied for, were required of CDL applicants. Drivers who were to transport hazardous material were to be tested on the safe conveyance of such materials. States were also required to standardize the information on a CDL document.

**3.3.1** It was anticipated CMVs would be divided into groups and that such groups would be established as classes for CDL testing and licensing purposes. Federal minimum standards for CDL driver testing, licensing, and for CDL documents would be promulgated, which states would adopt and implement.

**3.3.2** States would institute a classified driver licensing system using vehicle weight/ type /seating capacity groupings corresponding to the federal CDL classes. States would implement skill and knowledge testing of CDL applicants such that the tests and minimum passing scores complied with federal standards. Before issuing a CDL, all states would require CDL candidates to meet at least the minimum federal requirements for the license class to be issued. As of 1 April 1992, all CMV operators would be required to have a CDL.

**3.3.3** CDL documents issued by every state would conform to federal standards. The federally defined license classes and endorsement codes would be used to represent that a driver was authorized to operate specific types of commercial vehicles and/or to transport hazardous materials. Before 1 April 1992, all states would complete retesting and relicensing of the state's population of CMV operators. States would issue a new CDL document, conforming to the federal standards, to drivers who had passed the required CDL tests.

**3.3.4** As a result of these program changes, the CDL would acquire value as a document conferring professional status. Drivers who could not meet the CDL requirements would leave the industry.

**3.3.5** Law enforcement officers would understand the general provisions of the CMVSA and know that CMV operators are required to have a CDL. Officers would recognize which types of vehicles required a CDL, the class of CDL, and which, if any, endorsements.

### 3.4 Conclusions

*Classified licensing system and standardized CDL license class codes were implemented.*

*Licenses are still confusing to enforcement.*

*New CDL knowledge and skill testing in all states.*

*Eliminated a group of problem drivers.*

*Enhanced CMV operator pride.*

*Carriers added training to help drivers prepare for CDL testing.*

*Increased concern for safe operations.*

*The CDL as an entry level criterion.*

**3.4.1** All 51 states implemented classified licensing systems for CDLs using the CMV groups based on vehicle size and configuration defined in the FMCSRs. Thirteen (13) states have some repeated class codes in their CDL and NON-CDL licenses (Class "A," "B," or "C"). States adopted the standardized endorsement codes for authority to operate special vehicle types and to transport hazardous materials. Standardized restriction codes for limitations to intrastate operation, vehicles without air brakes, etc., have not been implemented. (3.8.2, 3.8.7, 3.8.22)

**3.4.2** The use of the same class codes on NON-CDLs as on CDLs creates confusion for the law enforcement officers checking licenses at the roadside or inspectors conducting inspections at a motor carrier's facility. The 13 states which use the CDL class codes of "A," "B," and/or "C" on non-CDLs have not considered that law enforcement officers in all states, and some foreign countries, not just instate officers, must deal with their licensing schemes. Likewise, the use of different codes by different states to represent the same restriction is confusing to law enforcement (because each state's officers deal with drivers licensed by many states). (3.8.17)

**3.4.3** All 51 states implemented knowledge and skill testing which generally meets or exceeds minimum requirements as established in the FMCSRs. All states generally skill test CDL applicants in vehicles representative of the applied for license class. (3.8.5)

**3.4.4** The testing requirements associated with obtaining a CDL eliminated a group of problem drivers who had been operating CMVs. Motor Carriers and drivers stated that in many cases the drivers who retired or found other work when the CDL program was implemented were poor and/or dangerous drivers. Drivers who were able to pass the required tests and obtained a CDL experienced an increased sense of pride in their own accomplishments and in their profession. (3.8.10 - 11)

**3.4.5** Many motor carriers installed new or expanded training programs to help drivers prepare for the CDL testing, which also resulted in increased company emphasis on CMVSA compliance and operational safety. The CDL program has contributed to causing both drivers and motor carriers to be more concerned with, and to place a higher value on, safe operations. (3.8.16)

**3.4.6** Motor Carriers and drivers consider a CDL as the minimum entry level credential for employment as a CMV operator. However, 40% of Carriers reported that the current CDL testing is not sufficiently

*CDL testing considered appropriate.*

*But variations exist in testing procedures.*

*Pre-trip inspection an important component of test*

*Peer Reviews provide a forum to identify areas for improvement.*

### **3.5 Effectiveness Evaluation**

*Accomplished the objective.*

*Average ability of a CMV operator has improved.*

*Pre-trip inspection an important component.*

rigorous for them to be able to rely on the CDL as evidence of adequate operating skill and knowledge. (3.8.2, 3.8.19)

**3.4.7** Drivers and safety directors view CDL testing as appropriate although some members of both groups believe that more rigorous testing would be useful. While drivers did not feel any particular state had markedly easier CDL testing (than did other states), the New York Multiple CDL Study commented on what it viewed as notable variation in testing procedures, state to state. (3.8.9)

**3.4.8** Drivers and safety directors understand the pre-trip inspection as an important component of the CDL test. They believe the test is increasing attention to pre-trip inspections in everyday terminal operation - at least among carriers which were not fully committed to this safety measure in the past. Both groups also said the CDL program has contributed to causing both drivers and motor carriers to be more concerned with, and to a place higher value on, safe operations. (3.8.16, 3.8.5-16)

**3.4.9** As reinforced by the conclusions of the New York Multiple License Study, Peer Reviews would provide a functional forum for states to analyze each other's CDL testing procedures and licensing systems and practices, offering feedback and improvement opportunities. (New York and Florida CDL program administrators reported they had benefited from the process, as both the subject of the Peer Review and a participant on the Peer Review team.) Ongoing cooperation and collaboration among states, AAMVA, and the FHWA could be effectively used to identify and resolve any weaknesses or undue variation in individual state's testing and licensing procedures. (3.8.9).

**3.5.1** The CDL program accomplished its objective of requiring applicants to demonstrate a required level of knowledge and skill to obtain a CDL. (3.4.3, 3.4.6, 3.4.7)

**3.5.2** The CDL standardized testing objective has been effective in raising the average ability of the overall pool of CMV operators. CDL testing requirements, particularly the written tests, eliminated a group of drivers identified by their peers as problem drivers. Motor carriers and drivers are nearly unanimous that the CDL program has increased safety consciousness among drivers and employers. Drivers and safety directors perceive the pre-trip inspection as an important component of the CDL test. They believe the test is increasing attention to pre-trip inspections in everyday terminal operation. (3.4.4)

*Level of professionalism raised.*

*Standardized class and endorsement codes.*

*Partially effective.*

### **3.6 Major Recommendations**

*Raise federal minimum standards for CDL testing.*

*Peer Review program to improve state practices.*

*Eliminate temporary paper CDLs.*

*Eliminate use of CDL class codes for NON-CDLs.*

**3.5.3** In addition, the standardized testing and licensing objective has been effective in raising the level of professionalism associated with being a CMV operator. Drivers who passed the CDL tests exhibit a level of pride in their accomplishment. To the extent that CMV operators value their CDL and refuse to jeopardize it by operating unsafely or unlawfully, the CDL has become a professional license. (3.4.4)

**3.5.4** The CDL program also accomplished its objective of standardizing CDL classes and endorsements in all states. (3.4.1)

**3.5.5** To the extent that poor and dangerous drivers did not attempt or could not pass the CDL testing and licensing requirements, and to the extent that the testing and test preparations have made drivers and motor carriers more safety conscious, uniform testing and licensing standards can be presumed to have contributed to reducing CMV crashes. But to the extent that enforcement officers remain untrained in detecting CMV operators who are driving without the required CDL, the full effectiveness expected from implementing the objective has not been achieved. (3.4.2)

**3.6.1** The FHWA should revise the FMCSRs to raise the minimum standards for CDL testing. The current federal minimum standards for CDL testing are less stringent than testing implemented by most states. CMV operators and motor carriers view the current level of testing as appropriate. States which implemented CDL testing at above minimum requirements should not be allowed to decrease testing of subsequent applicants. Existing testing levels should be maintained or made more stringent, not weakened.

A Peer Review process should be implemented with federal and state representatives to evaluate states testing and licensing practices and to assist states to improve their processes. The development of Best Practices is encouraged.

**3.6.2** The states should eliminate the use of temporary, paper CDLs. If elimination is not feasible, the life of such licenses should be decreased to the shortest possible term and the driver be required to also carry a government issued photo ID.

**3.6.3** The 13 states which repeat CDL class codes for classes on NON-CDLs should migrate to different class codes for NON-CDLs. The CDL class codes of "A," "B," and "C" should be used uniquely and exclusively for CDL documents.

Note:

*The AAMVA has established a Test Maintenance Subcommittee to periodically review the model CDL tests and other CDL testing materials maintained by the AAMVA, and to recommend modifications based on changes in CMV equipment, research findings, etc. If the subcommittee develops new model tests there is no requirement that a state upgrade its testing, so long as the state still complies with the FHWA minimum standards. It may be appropriate for the FHWA to periodically review the subcommittee's findings as a measure of the ongoing appropriateness of its minimum standards. (Currently the Pre-Trip Inspection requirement can be satisfied as part of the knowledge test. The importance of conducting this component as part of the skill test has been emphasized by the drivers and carriers (3.8.16) and should be made a requirement.)*

**3.7 Detailed Recommendations**

*Review FMCSRs for currency.*

*Eliminate non-CDLs with a license class of "A," "B," or "C."*

*Standardize restriction codes.*

*Eliminate paper, temporary CDLs.*

**3.7.1** The present FMCSRs regarding requirements for CDL applicant testing, minimum passing scores, etc., should be reviewed to determine if the minimum standards established almost ten years ago remain appropriate or should be raised. A process to keep the FMCSRs current, as equipment, load handling, and other parameters change, should be implemented.

**3.7.2** Driver license class codes "A," "B," and "C" should be used exclusively for CDL license classes. Until this recommendation can be implemented, states which issue NON-CDL licenses with a class of "A," "B," or "C" should be required to clearly print "NON-CDL" on the face of such licenses.

**3.7.3** The FHWA should, with input from the states and AAMVA, establish standardized restriction codes for use on CDLs to identify CMV drivers limited to intrastate operation and CMV drivers prohibited from operating a CMV with air brakes, and any other such limitations to the CMV operating privilege.

**3.7.4** States which issue paper (non-photo), temporary CDLs should eliminate the use of such licenses or limit their use to the shortest possible period and review the feasibility of requiring the driver to also carry other Government issued, picture ID. Likewise, states which allow enforcement to confiscate CDLs and issue paper, temporary receipts for the CDL should review the practice to determine if the paper document provides an opportunity for drivers to falsify credentials and avoid CDL requirements.

**3.8 Measures and Findings**  
**Conclusions and**  
**Recommendations in This**  
**Report Are Based on**  
**Findings Summarized Here**  
**and Detailed in Volume III**

**Federal Motor Carrier**  
**Safety Regulations**

*Development of standardized  
CDL license classes and  
endorsements.*

*Development of CDL test  
requirements.*

*Development of CDL document  
requirements.*

**FHWA State CDL**  
**Compliance Reviews**

*States generally comply with  
CDL testing and licensing  
standards.*

**3.8.1** The following regulations, reports, analyses, studies and surveys (included in Volume III) were used to develop the findings, conclusions and recommendations of this chapter:

- C Federal Motor Carrier Safety Regulations (FMCSRs)
- C FHWA State CDL Compliance Reviews
- C FHWA, December 1995, Letter to Senator Mark O. Hatfield, Chairman of the Subcommittee on Transportation and Related Agencies, Committee on Appropriations; Reference HCS-20
- C New York Multiple CDL Study
- C CDL Focus Group Study
- C Motor Carrier Survey
- C CDL State Surveys
- C AAMVA Statistics

**3.8.2** The states, in cooperation with the American Association of Motor Vehicle Administration (AAMVA) and the Federal Highway Administration (FHWA) developed, and FHWA established by regulation, standardized vehicle grouping and corresponding CDL license classes. In addition, endorsement codes, to represent authorization to operate specific types of commercial vehicles and to transport hazardous materials, were established and written into rules. (FMCSR 383.91 and 383.93.) A restriction to limit a driver to operation of a CMV without air brakes was established, but no standard code was mandated (FMCSR 383.95).

**3.8.3** The states, in cooperation with AAMVA and FHWA, developed, and FHWA established requirements for test content and administration (FMCSR 383.110 through 383.135).

**3.8.4** The states, in cooperation with AAMVA and FHWA, developed, and FHWA established requirements for the CDL document and information on the document (FMCSR 383.151 through 383.155).

**3.8.5** Staff members of the Federal Highway Administration, Office of Motor Carriers (OMC) conducted a program audit of each state's CDL program operation in 1994-95. The FHWA review found that all states implemented the CDL testing and licensing standards to ensure drivers could comply with the April 1, 1992 requirement that every CMV operator have a CDL. With limited exceptions, identified by the FHWA Compliance Reviews, and which are currently being resolved, states skills test CDL applicants in a vehicle representative of the applied for CDL license class.

*States meet minimum testing requirements, many exceed them.*

*States comply with other provisions.*

**FHWA, December 1995,  
Letter to Senator Mark O.  
Hatfield... Reference HCS-20**

*Improvements to CDL model tests.*

**New York Multiple CDL Study**

*Variation in testing exists state to state.*

*Peer review strongly recommended.*

**CDL Focus Group Study**

*Testing eliminated a group of problem drivers.*

*Overall skill of driver population was upgraded.*

**3.8.6** Most of the states use the model CDL knowledge and skill tests initially developed by a contractor to AAMVA, under a Federal grant. The model tests exceed the current minimum test standards established in FHWA regulations. The states which do not use the model tests do meet at least the current minimum test requirements.

**3.8.7** All states implemented the requirements for standardized vehicle groupings and corresponding CDL license classes. They also adopted the standardized endorsement codes to represent authorization to operate specific types of commercial vehicles and to transport hazardous materials. The states have CDL documents that conform with the requirements of the FMCSRs.

**3.8.8** Working with AAMVA, the FHWA and its state partners formed a CDL Test Maintenance Subcommittee to review, revise, and update test materials and to develop a test maintenance schedule. Knowledge tests have been modified to reflect changes in the classification system for hazardous materials and proper downhill braking procedures. The subcommittee is reviewing driving test modifications to cover vehicles equipped with automatic transmission and anti-lock brakes.

**3.8.9** New York's CDL skill test is approximately 45 minutes long, including the pre-trip inspection. The Florida CDL skill test is about two hours long. Members of the study team reported greater uniformity in testing procedures, as well as test content, should be fostered through review, and perhaps, through additional federal regulation. The final report also recommends establishment of a Peer Review process to improve cooperation between states and to provide frequent scrutiny of the procedures used by individual states and to identify any weaknesses which may exist in their respective processes and systems.

**3.8.10** Motor carrier safety directors and truck drivers agreed that the introduction of the CDL -- the written test requirement in particular -- resulted in a significant number of experienced drivers leaving the industry because they feared they could not, or they did not, pass the knowledge test. Some had a literacy problem, many had inadequate skills or knowledge or other problems, but some may have been simply "test phobic." In discussions, safety directors and drivers agreed that some of the drivers who left the industry were qualified but many, probably the majority, were not. Respondents said the effect of retesting and relicensing CMV operators with a CDL has been to upgrade the qualifications of the driver population overall.

*Professionalism has increased.*

*The industry's view of the basic purposes of the CDL.*

*Neutral to positive view of CDL testing.*

*Possible improvements offered by drivers.*

*Should there be skill testing for CDL endorsements?*

*Pre-trip inspection an important component of the CDL test.*

**3.8.11** Drivers reported that the CDL has increased professionalism among their peers by certifying basic qualification standards, pushing out significant numbers of unqualified drivers, and by increasing driver accountability for clean driver records.

**3.8.12** Both drivers and safety directors expressed the opinion that the basic purposes of the CDL program are 1.) To create uniform standards throughout the United States for CMV operator certification, and 2.) To enforce the single license limitation. Both groups agreed a CDL is the minimal entry-level qualification for employment as a CMV operator.

**3.8.13** Attitudes toward the CDL tests were generally neutral to positive among participants in the focus groups. Most drivers said they studied before the tests, either through company-sponsored programs or independently, and expressed the opinion that passing the various CDL tests is like a professional certification process. While few bragged about passing the tests, many indicated pride in having obtained a CDL.

**3.8.14** Within this broader context of acceptance and perceived appropriateness, drivers offered numerous criticisms of certain aspects of the testing. Some said the basic knowledge test contains too many items that require book, rather than operational, knowledge. Some questioned whether the tests require an aptitude for doing well on tests in general as opposed to measuring substantive matters. Some drivers questioned the appropriateness of uniform testing throughout the U.S. when driving conditions vary dramatically in different regions.

**3.8.15** Written tests for endorsements such as transporting hazardous material or operating double/triples were generally seen as appropriate to the special requirements for handling such loads/equipment. However, many drivers questioned whether the tests should contain a skill component as well.

**3.8.16** Drivers and safety directors perceive the pre-trip inspection as an important component of the CDL test. They believe the test is increasing attention to pre-trip inspections in everyday terminal operation - at least among carriers which were not fully committed to this safety measure in the past. Both groups also said the CDL program has contributed to causing both drivers and motor carriers to be more concerned with, and to place higher value on, safe operations. Many motor carriers installed or expanded employee training programs and placed increased priority on compliance and operational safety because of provisions of the CDL program.

*Licenses continue to be confusing to enforcement.*

*Officers need more training to be able to enforce CDL requirements.*

*Out of state NON-CDLs with a license class of "A," "B," or "C" are a particular problem.*

*Paper, temporary CDLs a problem. Wallet card as a tool for officers.*

### **Motor Carrier Survey**

*The CDL as evidence of driver skill and knowledge.*

*CDL not an impact on driver shortage.*

### **AAMVA 1994 Report: CDL Effectiveness - A Report to FHWA**

**3.8.17** Law enforcement personnel said that, for the average officer, determining whether a truck driver has the proper license classification can be very challenging. Only those officers who had attended specialized training or who had experience in the Motor Carrier Safety Assistance Program (MCSAP) generally know which vehicles require that the driver have a CDL/ endorsements. Officers view state commercial vehicle laws as complex, including CMV registration weight criteria, which differs, state to state, and which adds to the lack of clarity on driver license requirements. Overall, law enforcement officers do not have adequate knowledge of CDL program specifics. Driver license documents from some states continue to be a problem for law enforcement officers in other states. States which continued using their pre-CDL license classes of "A," "B," or "C," for NON-CDL licenses in addition to adopting the new CDL license classes of "A," "B," and "C" create particular difficulty for enforcement. Officers are unsure what to do when a truck driver presents an out-of-state license which has a Class "A," "B," or "C" designation but does not say "CDL."

**3.8.18** Officers also reported problems with paper, temporary CDLs which have no driver photograph. Several participants suggested a wallet card with CDL vehicle types and the corresponding CDL license classes and endorsements as a tool for enforcement.

**3.8.19** Among motor carriers, opinions varied considerably concerning the degree to which a CDL provides evidence of driver skill. Of those responding, 41 percent said, in general, a CDL indicates the driver has a sufficient level of skill and knowledge to hire the driver and put him or her into a company training program. Another 20 percent said a CDL indicates the driver is prepared to be placed on the road with a co-driver or trainer (16 percent) or alone (4 percent) - an overall total of 60 percent. However, 30 percent of the motor carriers said, in their experience, a CDL is not a reliable indicator of basic skills and knowledge and another 10 percent said a more rigorous CDL would constitute a reliable indicator, implying the present one does not.

**3.8.20** Of 340 motor carriers responding to the survey question, 83 percent said their company is experiencing a shortage of qualified drivers. When asked if the CDL program had unreasonably contributed to this shortage of qualified drivers, 88 percent said "No."

**3.8.21** The AAMVA Report on CDL Effectiveness discusses the need for standardization of restriction codes used on CDL documents. In 25 states, an "L" is used as the restriction code to indicate a driver is not air

*Need for standardized  
restriction codes.*

### **CDL State Surveys**

*States' use of license classes  
"A," "B," and "C."*

### **AAMVAnet STATISTICS**

*The number of drivers who have  
obtained a CDL.*

brake-qualified. In six states, a "K" provides the restriction code for lack of air brake qualifications. In 18 other states, "K" is the restriction code to indicate the driver is restricted to intrastate transit.

**3.8.22** While 34 states report they use classes "A," "B," and "C" exclusively for CDL licenses, 13 states also use "A," "B," or "C" class designations on licenses required for the operation of vehicles not defined as a CMV in the FMCSRs. (There is a federal requirement that CDLs be clearly marked "CDL" but there is no like requirement to mark non-CDLs as "NON-CDL.")

**3.8.23** Since 1989, more than eight million drivers have passed the required CDL tests and were issued a CDL. About four million of these drivers were grand fathered into the CDL program; that is, they were not required to take a CDL skill test (based on having a clean driver history) but they did have to pass the CDL knowledge test.

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Volume III of this report should be consulted for full information on the research conducted and the data collected for the purposes of this study.

# CHAPTER 4. HARMONIZATION OF STATE LAWS & ADJUDICATION

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The material developed in this chapter was developed using the Bayesian methodology and program logic model approach described in Chapter 1 of this volume ("Scope and Methodology").

This chapter presents the result of the evaluation in the following order:

- 4.1 Pre-CDL environment leading to enactment of the CMVSA of 1986
  - 4.2 CMVSA requirements specific to this objective
  - 4.3 Anticipated results of implementing the requirements
  - 4.4 Conclusions reached in this study
  - 4.5 Effectiveness Evaluation
  - 4.6 Major Recommendations
  - 4.7 Detailed Recommendations
  - 4.8 Measures and findings which are the basis of the conclusions and recommendations
- 

## **4.1 Pre-CDL Environment Leading to Enactment of the CMVSA of 1986**

*States Motor Vehicle and Traffic Control laws were unique to each state.*

*Creation of the Driver License Compact (DLC) allowed states to operate cooperatively but did not require standardization of laws nor regularize conviction exchange.*

**4.1.1** The states operated their driver licensing and driver control programs independent of the other states. Each state had its own unique motor vehicle and traffic control laws defining violations, the adjudication process for citations, penalties associated with a conviction, and the reasons and conditions under which the state would withdraw a driver's operating privilege. Each state's laws, rules, and procedures had evolved in response to conditions in the state, the particular concerns of the state's legislators and citizens, and the politics, economy, and culture of the state. Inconsistencies and variations existed state-to-state, even on violations agreed upon as "serious," such as operating under the influence of alcohol. Congress had exempted the states from antitrust concerns relative to driver control activities which crossed state lines but the Driver License Compact (DLC) formed to govern conviction reciprocity was a voluntary agreement.

**4.1.2** In 1986 when the CMVSA was enacted, 35 states were members of the Drivers License Compact. Even as members of the DLC, states had little expectation that a conviction from their state would be used to withdraw the driver's license in the licensing state because of substantial variations in state laws defining violations, thresholds, convictions, and penalties. Congress had authorized the DLC in 1961 to enable states to cooperate in taking action against problem drivers to foster highway safety. However, to join the DLC, states did not have to rewrite their motor vehicle and traffic control laws to harmonize them.

*Many states created their own file on a nonresident driver convicted in that state.*

*Variations in states' laws frequently prohibited equivalent use of an out-of-state conviction.*

#### **4.2 CMVSA Requirements**

*The Act established a set of violations with specific disqualification penalties.*

*Required states to harmonize their laws with the CMVSA.*

*States are required to forward all CDL holder convictions to the licensing state.*

*CDLIS was built to support conviction exchange.*

#### **4.3 Anticipated Results**

*States would enact legislation to reflect the CMVSA defined violations and penalties.*

*Out-of-state convictions would be used as if they had occurred in-state.*

*Courts would be concerned about CMV violations, aware of the CDL program, and changes to harmonize state laws to the CMVSA.*

**4.1.3** At least half of the states created an in-state record on an out-of-state driver convicted of a violation, even if they forwarded the conviction to the licensing state. Some states withdraw an out-of-state driver's privilege to operate in that state. If the licensing state did not recognize the conviction due to variations in the states' laws or if the conviction did not require withdrawal in the licensing state, the driver could be in the position of valid to operate in 50 states but disqualified in the convicting state and listed on the National Driver Register (NDR) of problem drivers.

**4.2.1** The CMVSA identified a specific set of violations committed in a CMV (termed CMVSA violations) which carry disqualification penalties for initial and/or subsequent convictions. Thresholds for speeding, and for operating under the influence of alcohol, as CMVSA violations, were defined in Federal regulation promulgated to support the CMVSA. The states were required to harmonize their laws to concur with the CMVSA.

**4.2.2** The CMVSA requires the states to forward every conviction, incurred by an out-of-state CDL holder to the licensing state within 10 days of receipt. The licensing state is required to record and use all CMVSA convictions, no matter where they originated.

**4.2.3** The CDLIS, in addition to its functionality as a repository of personal identification information for every CDL holder, was built to support the electronic transmission of conviction reports between states.

**4.3.1** The states were expected to enact legislation to harmonize laws regarding violation thresholds, convictions, penalties, record retention, and interstate exchange of information and the use of such information, to comply with the provisions of the CMVSA and supporting FMCSRs. With harmonization of state and federal statutes, each conviction for a violation listed in the CMVSA would be posted to the driver's record and be cause for withdrawal action, per the penalties established in the CMVSA, regardless of the state of conviction.

**4.3.2** It was expected that the courts (prosecutors and judges) would be concerned about the serious threat posed by unsafe operation of CMVs and that they would be knowledgeable about the provisions of the CDL program. State courts would use the new level of CMVSA sanctions to support highway safety by imposing stiff penalties when convicting CMV operators. It was anticipated courts would be aware of the harmonization of state laws and the importance of using the new,

*Convicted offenders would be sanctioned according to the CMVSA.*

*States re-licensing a CDL holder from another state would retain prior CMVSA convictions.*

#### **4.4 Conclusions**

*States harmonized laws to CMVSA requirements*

*Some states provide for "masking" (concealing) CMVSA convictions.*

*Judges and prosecutors are not generally knowledgeable about the CDL program.*

*CMV operators now contest a citation more frequently than pre-CDL.*

"harmonized" statutes to ensure that CMV related convictions result in the penalties stipulated in the CMVSA, even when the driver is licensed by another state.

**4.3.3** The harmonization of state laws regarding CMVSA violations was expected to impact the use and retention of CMVSA convictions when a CDL holder changed state of CDL licensure. The new state of licensure was expected to incorporate prior CMVSA convictions on the CDL holder's record, and to use and retain such convictions as if they had occurred while the driver was the state's licensee.

**4.4.1** State CDL compliance reviews conducted by FHWA indicate that all states revised their laws to harmonize them for the set of violations listed in the CMVSA. New thresholds for BAC level (for CMV operation) and for speeding (as a CMVSA offense) were adopted by the states, along with common penalties for initial and subsequent convictions for CMVSA violations. (4.8.2)

**4.4.2** At least 15 states have programs which provide for masking convictions so that they are not visible to an employer if the driver attends a prescribed education or treatment program, (forty-five states responded to the question). Such programs compromise the intent of harmonization to the degree that they mask CMVSA convictions. (4.8.12)

**4.4.3** Few judges, prosecutors or law enforcement officers have received training or study material on the CDL program; many are not cognizant of the provisions of the CMVSA, the CDL program or the harmonization of state laws regarding CMVSA convictions. Judges and prosecutors generally do not understand CMV violations to be materially different from other traffic violations.

Judges and prosecutors are unsure when a driver is required to have a CDL; some do not perceive that a person operating a CMV without the proper CDL presents a risk to the public safety. Judges generally look to the prosecutor, or to the law enforcement officer who wrote the citation, for guidance on the nature and severity of the charge and for other relevant information about the offense. (4.8.5, 4.8.7-9, 4.8.30-31)

**4.4.4** Today, CMV operators contest citations and hire lawyers much more frequently than they did pre-CDL. Operators who go to court or use a lawyer are very frequently successful in getting charges reduced, if not dismissed. (4.8.5, 4.8.10)

*The distribution of fees/ fines can influence plea bargains.*

*Some convictions may go unreported to the DMV.*

*A full docket, and other types of cases considered more serious, also influence plea bargains.*

*Identification of a vehicle as a CMV is essential for imposition of a CMVSA sanction. The vehicle data is frequently missing or "lost."*

*Full data critical for out-of-state conviction processing.*

*Inadequate coordination between state court and state licencing agency.*

*CMVSA disqualifications appear to deter recidivism.*

**4.4.5** The distribution of fee and fine money (the percentage distributed to the local municipality versus the state) can influence the citation charge and the determination of the conviction charge in plea bargain discussions. Only 33 out of the 51 states have requirements that their courts/ municipalities report all convictions to the state DMV in a stipulated period of time. (4.8.7, 4.8.11-12, 4.8.17)

**4.4.6** The pressures of a full docket, and the perception that other types of cases on the docket are of greater concern, are other reasons for court's offering or agreeing to a plea bargain or dismissal. (4.8.8, 4.8.10, 4.8.14)

**4.4.7** Data analysis of CDL holder convictions indicates that 19% of all convictions are posted as "UNKNOWN" [vehicle type], while an additional 64% are marked as "NO" [did not occur in a CMV]. Omitting a check mark on a citation indicating that the violation occurred in a CMV, or "losing" the check mark during the adjudication and conviction posting process, eliminates application of the CMVSA requirements to the states and CMVSA sanctions against the driver. (4.8.23, 4.8.24-26)

**4.4.8** This data sufficiency problem is further exacerbated for out-of-state convictions. Six state DMVs, out of 41 responding to the question, automatically "translate" some CMVSA violations to a lesser offense when the conviction does not indicate the violation was in a CMV (e.g., a conviction for .04 percent BAC would be posted as a conviction for an "open container"). Statutes prohibit five of 46 responding states from taking withdrawal action against a driver for an out-of-state conviction, except those listed in the CMVSA. If an out-of-state conviction is not marked as occurring in a CMV, 43 of 46 responding states automatically post the conviction as non-CMV. (4.8.4, 4.8.6, 4.8.10, 4.8.15)

**4.4.9** The level of coordination which exists between a state's driver licensing agency and the state's traffic court system is in many instances inadequate to assure driver control measures are properly administered and occur in a timely fashion. (4.8.16-22)

**4.4.10** The disqualification penalties established by the Act for CMVSA convictions appear to be decreasing recidivism. CMV operators convicted of a CMVSA violation are statistically less likely to repeat their offense than are CMV operators convicted of a similar conviction which does not have the same disqualification potential. (4.8.29)

#### **4.5 Effectiveness Evaluation**

*The objective of harmonizing states' laws with the CMVSA was accomplished.*

*CMVSA penalties having an impact.*

*Harmonization partially effective in accomplishing equal treatment of problem drivers.*

*Some states have programs, or lack authority, which minimize the impact of CMVSA convictions.*

*Level of CDL training inadequate for court and enforcement personnel.*

*Trial lawyers more knowledgeable than court personnel.*

*Distribution of fines can impact charge/ conviction.*

*Missing key data on a citation or conviction can make a conviction almost meaningless.*

**4.5.1** The CDL program accomplished the objective of harmonizing states' laws relative to the set of violations in the CMVSA, as listed in the FMCSRs. The harmonization effort accomplished legal equivalency among the states relevant to a conviction for a CMVSA violation. (4.4.1)

**4.5.2** The harmonization of state laws to adopt the CMVSA disqualification penalties is having a positive effect. CMV operators convicted of a CMVSA violation seldom repeat the violation. (4.4.10)

**4.5.3** The harmonization objective has been only partially successful in accomplishing equal treatment of CMV operators convicted of a CMVSA violation. Full equity has not been achieved because of several factors.

- A. Fifteen states (of 45 responding) allow violations committed in a CMV to be masked when the operator completes a prescribed educational or treatment program and only 33 of the 51 states have requirements that their courts/ municipalities report all convictions to the state DMV in a stipulated period of time. (4.4.2, 4.4.5, 4.8.12, 4.8.17)
- B. Many judges and prosecutors have received no training and little information on the CDL program and state efforts to harmonize laws with the CMVSA. As a result, many courts give no more attention to CMVSA cases than to other traffic violations. (4.4.3, 4.4.6, 4.4.9)
- C. CMV operators today use a lawyer to contest a citation much more frequently than pre-CDL. Some defense lawyers are more informed than the lawyers/ officers prosecuting and generally achieve a plea bargain or a dismissal, with payment of a fine. (4.4.4)
- D. Court officials and enforcement officers both acknowledge that they sometimes cite or convict drivers under sections of the law which distribute more of the fine revenue to the municipality. (4.4.5)
- E. The "data-sufficiency" requirements for CMVSA convictions are stringent. That is, to result in a CMVSA penalty, the conviction must carry an indicator that the violation was committed in a CMV. The absence of a CMV indicator will cause a conviction

*Full effectiveness not reached.*

*But considerable progress has been made.*

#### **4.6 Major Recommendations**

*Training for courts is vital.*

*National effort is needed.*

*Emphasize the need for specific, technical data in order to ensure conviction is treated as a CMVSA violation.*

*Eliminate state programs which conceal violations in a CMV.*

*Investigate fine distribution structure in states.*

to result in a less severe penalty and will eliminate use and retention requirements under the CMVSA. (4.4.8)

**4.5.4** To the extent that these factors interfere with the disqualification of problem drivers, harmonization of state laws with the CMVSA has not been fully effective. (4.5.3)

**4.5.5** To the extent that harmonization has accomplished the exchange, use and retention of out-of-state convictions, particularly CMVSA violations, and to the degree that it is reducing recidivism in CMV operators, the objective can be presumed to be effective and contributing to a reduction in CMV crashes. (4.5.1)

**4.6.1** There is need for a major, coordinated outreach and educational program across the nation for court personnel handling traffic cases. The risk CMV crashes present to public health and safety, as well as the provisions of the national/ state CDL programs, should be part of entry level and continuing education training for judges and prosecutors. The FHWA should expand its efforts to work with judicial, prosecutorial and other court associations on the national, state, and municipal level to assure every court has access to training and educational materials.

**4.6.2** Training materials for court personnel should emphasize determining the vehicle type prior to any plea agreement. Training should emphasize the critical nature of vehicle data and encourage the courts to make sure convictions contain all required data necessary to allow the driver licensing agency to impose CMVSA penalties where appropriate.

**4.6.3** The FMCSRs should be expanded to preclude the application of "masking" provisions to violations committed in a CMV. In addition, regulation requiring that *the disposition of all CDL holder citations issued in the state be reported in a timely fashion to the state driver licensing agency* should be considered. States should give consideration to monitoring the performance of their traffic courts, measuring conviction rate, plea bargains, citation versus conviction charge, timeliness, etc.

**4.6.4** Each state's laws should be reviewed to determine if there are financial disincentives to convict under the CMVSA violations/ incentives to convict under other sections of the state's law. Where such conditions are found to exist, remedial legislation equalizing the distribution of fee/ fine revenue should be pursued.

#### 4.7 Detailed Recommendations

*Harmonization of all states' motor vehicle and traffic control laws is essential.*

*Expand the benefits achieved from the CMVSA harmonization of state laws with a CDLIS central translator to provide legal equivalency of out-of-state convictions acceptable to all states.*

*"Fifty one by Fifty one" matrix of state laws to identify legal equivalencies and achieve harmonization.*

*Define additional offenses as CMVSA violations.*

*Investigate fine structure in states.*

**4.7.1** The current FHWA effort to provide CDL information to judges and prosecutors should be expanded. CDL training and educational material are an acknowledged need among prosecutors and judges. The FHWA and the states' driver licensing agencies should work with national, state, and municipal level judicial and prosecutor associations, and with the states' Department of Courts, to develop an appropriate curriculum and materials and to provide training sessions. Training should include discussion of the serious risk to public safety presented by unsafe and unlawful CMV operators and the harmonization of state laws to create particular penalties.

**4.7.2** The FHWA and the states, with the assistance of the AAMVA, should work toward the complete harmonization of the states' entire set of motor vehicle and traffic violation laws. Full harmonization is required to assure all CDL holder convictions are exchanged, posted and used in determining the status of the driver's operating privilege. This is an extremely complex task, and will require considerable time and legislative effort. It is recommended that a partial solution be undertaken immediately. FHWA and the states, with the assistance of the AAMVA, should develop and implement a central violation translator facility as an additional component of the CDLIS.

**4.7.3** A 51 X 51 matrix of the states' motor vehicle and traffic control laws should be built. The matrix would be used to assist states to identify which out-of-state convictions the state can use and retain because the conviction is *legally equivalent* to an in-state conviction. The matrix would act as a legal equivalency translator until states were able to fully harmonize their statutes. Many states have done work to document which neighboring states' violation statutes are legally equivalent to the state's own laws. This extant work could form the skeleton of the 51 X 51 matrix and also provide the means to validate the completed matrix. FHWA should seek funding for development of the matrix by the state attorney generals concerned with driver licensing issues. (Subsequently, the matrix could be replicated as an information system application functioning as part of the CDLIS central file.)

**4.7.4** The FHWA should consider reviewing the group of violations in the FMCSRs deemed to be "serious violations" to establish whether other violations should be added to the list, based on the dramatic impact on recidivism realized through the disqualification penalty for CMVSA convictions.

**4.7.5** The FHWA and the states, with the assistance of the AAMVA, should undertake a review of each state's statutes to identify if there are

*Investigate how access to CDLIS would assist courts.*

*States which track all citations may provide model or be ideal for a pilot.*

*Technology may provide solutions.*

*Resolve concerns about why CMV indicator is so frequently not present.*

#### **4.8 Measures and Findings**

**Conclusions and Recommendations in This Report Are Based on Findings Summarized Here and Detailed in Volume III**

financial incentives in the distribution of fines which unjustly encourage courts to agree to plea bargains in cases involving CMVSA violations.

**4.7.6** The FHWA should consider establishing a pilot project to determine the impact of providing prosecutors and judges nationwide access to the record of CDL holders, regardless of their licensing state. This pilot should determine whether access to CDL records via CDLIS would facilitate the identification of CMV operators with prior records to support the allocation of limited court resources to pursue appropriate prosecutions and to assist the judiciary in deciding the appropriate treatment of convicted serious or habitual offenders.

**4.7.7** The regulations and practices of the three states which presently track all citations issued in the state from issuance to final resolution should be studied to determine "Best Practice" recommendations for improving the quality and completeness of citation data, conviction data, monitoring court actions in disposing of cases, etc. (At least one of these states has also eliminated all conviction masking.)

**4.7.8** The use of information system solutions to generate data missing from citations and/or convictions; e.g., using the tag/ plate number from the citation to access the state's vehicle registration file to determine if the vehicle is a CMV, should be tested and evaluated. (At least one state, [Michigan] reports that it does this.)

**4.7.9** The FHWA should consider research to determine if the high number of convictions with values of NO and UNKNOWN (for the vehicle in which the conviction occurred) represents reality, or is the result of poor data collection/ data input/ data transmission. UNKNOWN values should be eliminated. A citation study would be one approach to evaluating the topic.

**4.8.1** The sources of data used in developing the findings, conclusions, and recommendations of this chapter (see Volume III) include:

- C FHWA State CDL Compliance Reviews
- C CDLIS State Surveys
- C CDL Focus Group Study
- C Missouri Electronic Transfer of Convictions Study
- C Analysis of Sample CDL Database/ Records
- C 1994 AAMVA CDL Report to FHWA
- C New York Multiple CDL Study
- C 1995 TRP Report of CDL Issue

## **FHWA State CDL Compliance Reviews**

*States have harmonized a portion of their traffic control law to deal with CMVSA serious violations.*

*Other convictions are not recognized by all states.*

## **CDL State Surveys**

*Many citation forms do not have necessary data collection areas on the form.*

*Many courts cannot readily evaluate a CDL holder when making prosecutorial or judicial decisions.*

*Large variations continue in states' use of out-of-state convictions.*

*The method by which a conviction is transmitted intra-state affects its utilization.*

## **CDL Focus Group Study**

*Judges and prosecutors lack information about CDL.*

**4.8.2** Harmonization of states laws regarding Blood Alcohol Content (BAC) level for CMV operators and speeding thresholds, and penalties for the CMVSA convictions, has been accomplished. States generally treat out-of-state convictions for CMVSA violations just as if the conviction had occurred instate.

**4.8.3** Similar harmonization of other motor vehicle or traffic control violations was not mandated and states continue pre-CDL practices for the use and retention of out-of-state convictions for other moving, traffic violations committed in a CMV.

**4.8.4** Of 47 states responding to the question, 39 have a uniform traffic citation used by all law enforcement agencies in the state. Forty-six states said they have a CMV indicator field on either the state's uniform citation or the citation used by state level enforcement officers. However, only 27 states, of 45 states responding to the question, have a space to indicate the license is a CDL or NON-CDL.

**4.8.5** Courts have online access to view driver records and look at the driver's license type in only 27 states. Eighteen states report the DMV does not provide the ability to view records online for their courts. (The balance of states did not respond to the question.)

**4.8.6** Six states, out of 41 responding to the question, automatically "translate" to a lesser offense some CMVSA violations when the conviction does not indicate the violation was in a CMV (i.e., a conviction for .04 percent BAC would be posted as a conviction for an "open container"). Only 24 of 41 responding states record Administrative Per Se withdrawal actions from another state. And while 39 responding states say they add out-of-state CDL holder convictions to a driver's record when transmitted on paper, only 37 responding states do so if the conviction is transmitted via CDLIS. Two responding states are unable to post out-of-state CMVSA listed convictions received via CDLIS.

**4.8.7** Comments from focus groups make clear that judges and prosecutors are not generally knowledgeable about the provisions of the CDL program. Generally, traffic violations are seen as less serious than other cases heard in the court. Violations committed in a CMV are not understood to be qualitatively different from other motor vehicle violations. Judges generally look to the prosecutor or the officer for guidance on the nature and severity of the charge and for other relevant information about the offender.

*Reasons for plea bargaining.*

*Reducing moving violations to non-moving can enable local jurisdictions to receive more fine money.*

*Effectiveness of CDL program has caused CMV operators to more frequently contest a citation.*

*Factors which lead to reduction or dismissal of a citation.*

#### **CDL State Surveys**

*Limitations on states' use of out-of-state convictions.*

*States allow convictions to be masked.*

#### **CDL Focus Group Study**

**4.8.8** The pressures of a full docket, and the perception that other types of cases on the docket are of greater concern, are the reasons most frequently given for court's offering or agreeing to a plea bargain or dismissal. Judges and prosecutors are unsure when a driver is required to have a CDL; they do not perceive that a person operating a CMV without the proper class of license and required endorsements may well be a major risk to public safety.

**4.8.9** The focus groups revealed that one of the major reasons for plea-bargaining of CMV violations is that reducing moving violations to nonmoving violations enables the local jurisdiction to receive more fine money. Many focus group participants admitted that they were conscious of this fact, and many times their decisions in the field and in the court room are affected by this. The ticket analysis conducted in the New York Multiple License study supports this fact also.

**4.8.10** CMV operators reported that since implementation of the CDL program, when cited for a traffic vehicle offense, CMV operators commonly contest the charge, frequently going to court and retaining a lawyer. Now, drivers act to avoid having even a first conviction for a serious offense on their record, much less a disqualifying offense(s). Judges and drivers agree that the factors which can lead to reduction or dismissal of the charges against a CMV operator include: CMV not checked on the citation; officer not present at court; errors in the complaint; the defense threatens to contest technical evidence difficult and/or expensive to substantiate; or the defense claims equipment/ load violations should be the responsibility of the employer. Sympathy or empathy for the driver seems to have little impact.

**4.8.11** Statutes prohibit five of 46 responding states from taking withdrawal action against a driver for an out-of-state conviction, except those listed in the CMVSA and committed in a CMV. If an out-of-state conviction is not marked as occurring in a CMV, 43 of 46 responding states automatically post the conviction as non-CMV.

**4.8.12** Of the 45 states responding to the question, 15 said convictions can be masked (shown as diversion programs) if the driver attends an educational or treatment program. Nine of 15 states do not exclude alcohol-related convictions from masking and only one state excludes CMV-related convictions from masking. The masking provision is statutorily defined in 10 of these states.

**4.8.13** Safety directors think some convictions do not appear on the driver's record (or do not appear promptly) because the court or

*Safety directors view of why some convictions do not appear on a drivers record.*

*Judges may consider fine distribution when entertaining a plea.*

*Judges administer pocket suspensions.*

*Data accuracy and completeness is critical.*

#### **CDL State Surveys**

*Few states monitor the timeliness of conviction processing - little is known.*

*Three states may have data.*

#### **Missouri Electronic Transfer of Convictions Study**

*33 states have time limits for courts to report convictions.*

*Electronic reporting is sparse.*

municipality does not forward them to the state DMV. They postulate that the local court wants to keep 100 percent of the fines and has no incentive or perceived obligation to report to the state until there is no more pressing work for its clerks. Or, because some citations are for drivers who are not state residents, there may not seem to be any reason for prompt reporting to the state.

**4.8.14** In the focus groups, prosecutors, judges and law enforcement officers did not agree with the Safety directors' hypotheses although judges acknowledged they may consider how fines are distributed (to the state or local government) when determining the conviction code. Some judges said they occasionally delay judgment on a case, telling the driver to reappear in a specified period of time. If the driver's record at the time of reappearance shows no convictions during the interim, the judges said they would dismiss the pending case. Judges said this is seldom done for an out-of-state driver.

**4.8.15** All groups of participants said convictions may never appear on the driver's record if the information on the citation is incomplete.

**4.8.16** More than 90 percent of the states responding (39 of 42), do not maintain statistics on elapsed time between court conviction and receipt of the conviction at the DMV. The same number (39 of 42) do not maintain statistics on the time between receipt of the conviction by the DMV and posting of the conviction to the driver's record. However, three states have programs in place which not only monitor courts' reporting of convictions but also the disposition of all citations written in the state, differences in conviction reason versus citation charge, etc.

**4.8.17** Thirty-three states have statutory language dictating the time period in which courts must report convictions to the DMV. The range is 72 hours to 45 days. (While unrelated to whether data is transmitted electronically, the existence of statutory language requiring timely transmission of convictions from courts to their state DMV demonstrates agreement on the importance of a full and complete driver record. The existence of statutory language also provides a basis for that state's DMV and the courts to develop a mutually beneficial approach to the prompt reporting of conviction data to the state.)

**4.8.18** Twenty-eight states report they accept conviction electronically from their courts, but less than half the courts participate. Eighteen states receive no conviction reports from their courts electronically.

**Analysis of Sample CDL  
Database/ Records**

*Analysis of average time  
between citation and conviction.*

**4.8.19** A profile of the average time from citation to conviction was determined, for selected violations, by analyzing conviction data on the sample database of 114,295 CDL-holder records. Time to convict was calculated by counting the days between Citation Date and Conviction Date in each conviction report. All the convictions on the sample database, for the selected violations, in the time period 1 April 1992 through 30 June 1996, were included in the calculations.

**Alcohol Related Convictions: 4155**

("Per Se" administrative actions are excluded from this group)

Average time to convict: 115 days

Longest time to convict 3038 days

Convicted within 180 days: 2960 cases; Average for group: 60 days

**"Leaving the Scene" Convictions: 221**

Average time to convict: 88 days

Longest time to convict 1187 days

Convicted within 180 days: 190 cases; Average for group: 56 days

**Speed Related Convictions: 2798**

Average time to convict: 76 days

Longest time to convict 13,173 days

Convicted within 180 days: 2115 cases; Average for group: 45 days

**Reckless Operation Convictions: 2463**

Average time to convict: 93 days

Longest time to convict 3251 days

Convicted within 180 days: 2155 cases; Average for group: 50 days

**"Improper Lane Change" Convictions: 1791**

Average time to convict: 71 days

Longest time to convict 2211 days

Convicted within 180 days: 1568 cases; Average for group: 48 days

**"Following Too Close" Convictions: 985**

Average time to convict: 60 days

Longest time to convict 1477 days

Convicted within 180 days: 882 cases; Average for group: 37 days

**"Speeding Related Convictions": 45,401**

Average time to convict: 67 days

Longest time to convict 18,184 days

Convicted within 180 days: 39,775 cases; Average for group: 38 days

**4.8.20** This analysis indicates that, for the norm, enforcement is promptly referring citations to the courts and the courts are promptly resolving cases. From the analysis of records on the sample database it

*Adjudication generally appears  
timely.*

*A posting date on the record would support monitoring the timeliness of conviction posting.*

### 1994 AAMVA CDL Report to FHWA

*DMVs appear partly responsible for delay in posting convictions.*

### Analysis of Sample CDL Database/ Records

*Indicators show what type of vehicle was involved.*

*Many convictions on CDL records do not include the type of vehicle.*

was not possible to determine if the cases with an exceptionally long "time to convict" were because the driver contested the charge, or, due to a break down in enforcement or court processing.

**4.8.21** The analysis of time to convict demonstrates the value of adding a (required) Posting Date to the CDLIS conviction report format. The addition of Posting Date (the date the conviction was added to the driver record) would support monitoring the timeliness of conviction posting - a measure of the currency and completeness of records.

**4.8.22** AAMVA stated that, at the time of its report, states which do not receive convictions electronically from their courts were backlogged in their posting of convictions to driver records and thus are delayed in initiating driver control actions. One state was reported to be behind by as much as six months.

**4.8.23** The CDLIS system provides for a special indicator to be used when posting convictions to a driver history record to indicate the type of vehicle in which the violation was committed. Possible values for the indicator are YES, NO and UNKNOWN. (YES means the violation occurred in a CMV, etc.)

**4.8.24** Analysis of the sample data base of 114,000 CDL holders provides the following information:

<b>Total Convictions:</b>	<b>104,310</b>	<b>100.00%</b>
Convictions with a CMV indicator of <b>YES</b>		<b>16.76%</b>
Convictions with a CMV indicator of <b>NO</b>		<b>63.89%</b>
Convictions with a CMV indicator <b>UNKNOWN</b>		<b>19.35%</b>

#	For out-of-state convictions:	
	51% have a CMV indicator of	<b>YES</b>
	36% have a CMV indicator of	<b>NO</b>
	13% have a CMV indicator of	<b>UNKNOWN</b>
#	For instate convictions:	
	12% have a CMV indicator of	<b>YES</b>
	70% have a CMV indicator of	<b>NO</b>
	18% have a CMV indicator of	<b>UNKNOWN</b>

Note:

*The reason for the disparate number of convictions with a given CMV indicator (out-of-state convictions compared to instate convictions) could not be determined from analysis of driver records. The disparity may represent*

*A problem exists in capturing or using vehicle type as part of the citation and/or conviction*

*The number of CDL holders not driving professionally may explain some of the data.*

### **New York Multiple CDL Study**

*Further support of CDL training and information for enforcement, prosecutors and judges.*

*Reasons for frequency of plea bargains and dismissals.*

*reality, or it may come from process problems: the vehicle type may not be collected properly at the citation level; the disparity may be due to practices at the convicting state, or at the licensing state. Further study is required to determine the cause of the disparity.*

**4.8.25** The disqualification penalties mandated by CMVSA are premised on commission (of one of the listed violations) in a CMV. More than 80% of all convictions on the CDL holder records in the sample database (created for this study) do not indicate the violation occurred in a CMV. The result of this analysis of the sample database indicates the need for additional study to determine if there is a particular problem in capturing vehicle type, and if there is a problem, to determine where it occurs in the overall sanctioning process: at ticketing, adjudication, or data posting.

**4.8.26** A possible explanation for the exceptionally high numbers of "NO"s may be the large number of CDL holders not employed professionally as CMV operators. The CDLIS presently contains MPRs for more than eight million CDL holders. However, several motor carrier industry estimates put the number of CMV operators actively employed in interstate trucking at two-and-a-half to three million.

**4.8.27** The citation analysis portion of the New York study indicated a need for training and education for enforcement officials and members of the judicial community, further supported by the statements of participants in the focus group portion of the New York study. Plea bargains and dismissals are common for citations issued to CDL holders operating a CMV. The citation analysis portion of the study found a pattern of citation charges reduced to conviction charges which had a better distribution of fines to the municipality.

The study found that several scenarios may exist which contribute to the frequency of plea bargains and dismissals:

- A. Officers in the field may be assigning incorrect charges to CMV violations;
- B. Prosecutors and judges may not pursue CMV/ CDL cases due to a lack of training and information, and
- C. The courts consider the distribution of fines (local versus state) in determining the disposition of such cases.

**1995 TRP Report of CDL Issues**

*Agreement on the need to increase the courts concern about CMV violations.*

**Analysis of Sample CDL Database/ Records**

*CMVSA sanctions have had a marked impact on recidivism.*

Many participants in New York focus groups also acknowledged they are conscious of the distribution of fine money and many times decisions in the field and in the court are impacted.

4.8.28 The Technical Review Panel for the CDL program expressed concern that the provisions of the CDL program, and the concept behind the harmonization of state laws, have not been effectively communicated to the courts (prosecutors and judges), or to the enforcement community. The TRP looked to the FHWA's CDL Judicial Outreach Program to increase the level of knowledge and attention to violations committed in a CMV, particularly the violations listed in the CMVSA and the subject of state law changes.

4.8.29 Additional analysis of the sample database indicates the CMVSA sanctions have had a marked impact on recidivism. The sample database was queried to determine the number of drivers with a single conviction, two (only two) convictions, three (only three) convictions, and four or more convictions -- by violation type. It was found that CDL holders convicted of a CMVSA violation seldom repeat the violation. Drivers convicted of a similar violation, but one which does not carry the CMVSA disqualification potential, frequently repeat the violation.

**FREQUENCY OF CMVSA VIOLATIONS**

Extrapolating from the sample database to develop national figures, the numbers of drivers with convictions for two types of speeding violations are:

<u>A. Speeding 15 miles over the Limit, in a CMV (CMVSA listed violation)</u>				
	1	2	3	4 or more
Convictions on record	1	2	3	4 or more
Number of CDL Holders	136,155	41,297	10,809	5,612
<u>B. Speeding, Unknown Miles over the Limit, in a CMV (not a CMVSA listed violation)</u>				
	1	2	3	4 or more
Convictions on record	1	2	3	4 or more
Numbers of CDL Holders	1,351,432	857,810	468,538	468,503

Volume III of this report should be consulted for full information on the research conducted and the data collected for the purposes of this study.

## CHAPTER 5. ONE LICENSE-ONE RECORD

(A SINGLE, CONSOLIDATED RECORD OF IN-STATE AND OUT-OF-STATE CMVSA CONVICTIONS, MAINTAINED BY THE LICENSING STATE OF EACH CDL HOLDER.)

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The material developed in this chapter was developed using the Bayesian methodology and program logic model approach described in Chapter 1 of this volume ("Scope and Methodology").

This chapter presents the result of the evaluation in the following order:

- 5.1 Pre-CDL environment leading to enactment of the CMVSA of 1986
  - 5.2 CMVSA requirements specific to this objective
  - 5.3 Anticipated results of implementing the requirements
  - 5.4 Conclusions reached in this study
  - 5.5 Effectiveness Evaluation
  - 5.6 Major Recommendations
  - 5.7 Detailed Recommendations
  - 5.8 Measures and findings which are the basis of the conclusions and recommendations
- 

### **5.1 Pre-CDL Environment Leading to Enactment of the CMVSA of 1986**

*The Driver License Compact (DLC) provided support for exchange and use of convictions between states.*

*No requirements for modifying state laws, nor standards for exchange of convictions.*

*Use of out-of-state convictions for withdrawing operating privilege was not uniform.*

*States created records for non-residents convicted in that state.*

**5.1.1** In 1961, the Driver License Compact (DLC) was drafted to provide states with the authority to use out-of-state convictions just as if the violation had occurred instate. While providing "authority" to use out-of-state convictions, the DLC did not require states to harmonize their motor vehicle and traffic control laws to a prescribed standard. As a result, there continue to be differences in states' statutes defining motor vehicle and traffic violations; i.e., behavior that is a violation in one state is not considered a violation in another state. Differences in states' adjudication requirements and in what constitutes a "conviction" also were not eliminated by the DLC.

**5.1.2** Because state traffic laws were not harmonized, there was essentially a checkerboard pattern across the U.S. relative to the use of out-of-state convictions. That is, where states' laws were considered equivalent, out-of-state convictions were recorded and used by the licensing state. Where states' statutes differed, out-of-state convictions were not recorded or used. Some states convicting out-of-state drivers relied on the licensing state to take whatever action it could; others maintained instate records on convictions against out-of-state drivers. Some states took withdrawal action against drivers licensed by other states.

*Prior history was not used by most licensing states.*

*Convictions could be distributed across multiple licenses to prevent withdrawal action.*

**5.2 CMVSA Requirements**  
*States have 10 days to forward CMVSA convictions to licensing state.*

*The licensing state would maintain a record of all CMVSA convictions and withdrawals.*

*Special disqualification penalties mandated.*

*Prior state CMVSA convictions and withdrawals must be retained by new licensing state.*

*Convicting states were to send all non-CMVSA convictions, but no matching requirement for licensing state to retain and use.*

*CDL holders required to self-disclose to their employers and licensing state, all convictions and withdrawals they have received.*

### **5.3 Anticipated Results**

*Licensing state to keep a complete record of all CMVSA convictions and withdrawals.*

**5.1.3** Almost all states, when licensing a driver previously licensed in another state, disregarded prior convictions and withdrawals on the driver record in the former state and started the driver with a clean record, just as if the driver were a first time licensee.

**5.1.4** In 1986 it was known that some long-haul CMV operators obtained driver licenses from multiple states. Multiple licenses were used to "spread" convictions to multiple records to escape recognition as a problem driver and avoid disqualification.

**5.2.1** The CMVSA requires states to forward *convictions for CMVSA violations* ("serious" violations committed in a CMV) to the driver's licensing state within 10 days.

**5.2.2** The licensing state is required to record CMVSA convictions on the driver's record. CMVSA convictions are to be retained on the driver's record for defined time periods. (Retention periods are established in the AAMVAnet CDLIS State Specifications and CDLIS State Procedures documents, referenced in the FMCSRs.)

**5.2.3** The states are required to impose specific disqualification penalties, for initial and subsequent CMVSA convictions.

**5.2.4** When a state issues a CDL to a driver, and that driver previously held a CDL from another state, the "new" state must retain any CMVSA convictions on the driver's record in the prior state.

**5.2.5** In addition, states are required to forward *all other CDL holder convictions, except parking* to the licensing state within 30 days. However, there are no requirements on the licensing state to use or retain Non-CMVSA convictions, even those committed in a CMV.

**5.2.6** CDL holders are required to inform their employer and their licensing state, within 30 days, regarding any conviction, except parking, from any state or municipality. CDL holders are required to inform their employer regarding any withdrawal, by any state, by the end of the next business day after receiving a notice of withdrawal.

**5.3.1** It was anticipated that, because CMV operators would be limited to one CDL, the driver's record in the licensing state would be the collection point for all CMVSA convictions. All convictions for CMVSA violations, whether instate, out-of-state or prior-state, would appear on the licensing state's record and would be considered when

*States would use and retain some non-CMVSA out-of-state convictions for moving violations.*

*The licensing state would maintain a record of all CMVSA convictions.*

*Prior state CMVSA convictions and withdrawals would be transferred and preserved.*

*The CDLIS was to be the means for obtaining the prior state's record.*

*Legal requirements and public expectations differ.*

#### **5.4 Conclusions**

*Elimination of multiple licenses leads to more consolidation on a single record.*

*Drivers say the consolidation of convictions has made them more lawful, safer drivers.*

determining the disqualification penalty for subsequent CMVSA convictions, as stipulated by the ACT.

**5.3.2** It was expected that each state would be able to use and retain some of the non-CMVSA moving convictions forwarded by convicting states. But there clearly was no expectation within the driver licensing community that the CMVSA would resolve the limitations of the DLC (except for the set of violations listed in the CMVSA). Implementing program requirements would result in a *single record of all CMVSA convictions* but many other convictions would continue to be scattered among convicting states.

**5.3.3** The states, when issuing a CDL to a driver previously licensed with a CDL in another state, were expected to add any CMVSA convictions and withdrawal actions to the driver's record in the "new" state. It was expected that any other prior convictions which the new state could use under its laws would also be recorded on the driver's record in the new state.

**5.3.4** The CDLIS was expected to provide an automated method for states to obtain a CDL holder's driver record from a former state. If a CDL holder changed states, the "new" state would retain any CMVSA convictions on the driver's record in the prior state.

#### **Comment:**

*The media's coverage of the provisions of the CMVSA, and catch phrases like "one driver/ one license; one license/ one record," created an expectation among citizens, industry, and the media that the CDL would be the collection point for all convictions incurred by a CMV operator, not just CMVSA convictions.*

**5.4.1** The CDL program has virtually eliminated CMV operators' use of multiple licenses to spread convictions to multiple records. It is reasonable and logical to conclude the elimination of multiple licenses is resulting in more convictions appearing on a CDL holder's single driver record. CMV operators are aware that the limitation to one license was aimed at consolidating convictions onto one driver record. Drivers believe the one record provision has made them more lawful, better operators because they are aware of the need to maintain a good driver record to protect their job. (5.8.3, 5.8.4, 5.8.5, 5.8.6)

**5.4.2** The states exchange CMVSA convictions using the CDLIS. The states' exchange, use, and retention of out-of-state CMVSA

*CMVSA convictions are being sent via CDLIS to the licensing state where they are being used and retained.*

*Considerable variation exists in state procedures for forwarding and using out-of-state non-CMVSA convictions.*

*Inconsistencies remain regarding how states use and retain out-of-state non-CMVSA moving convictions. States' practices have not been standardized.*

*No conclusions regarding timeliness of conviction exchange possible from data in this study.*

*Loss of data when the driver changes licensing state appears to be high; further study needed.*

convictions have been largely standardized. (Based on the retrospective techniques used in this study, it is not possible to conclude that all CMVSA convictions are being exchanged, used, and retained per the requirements of the CMVSA/ FMCSRs. Additional prospective analysis would be necessary to afford that conclusion.) (5.8.2, 5.8.15)

**5.4.3** The states exchange, use and retain some Non-CMV out-of-state convictions incurred by CDL holders. Based on analysis of the representative sample CDL data base constructed for this study, it is estimated that, from 01 April 1992 through 30 June 1996, some 1,387,462 out-of-state convictions were added to CDL holders' driver records. Forty-nine percent of the out-of-state convictions had a CMV indicator of "NO" or UNKNOWN, compared to the pool of in-state convictions where 88 percent of the convictions had a CMV indicator of "NO" or UNKNOWN. (5.8.4, 5.8.12, 5.8.15, 5.8.18-20)

**5.4.4** The states' exchange, use, and retention of out-of-state convictions for Non-CMVSA violations committed by CDL holders remains state specific in nature, not standardized. The states report considerable variances in how they exchange these convictions, which convictions they exchange, and which convictions they use and retain. Some states report out-of-state convictions received on paper are treated differently than equal convictions received electronically; several states lack authority to use/ retain convictions received electronically. All states report there are particular out-of-state convictions which they cannot use/ retain because of inconsistencies in laws, state-to-state. (5.8.10-13, 5.8.18-21, 5.8.24-25)

**5.4.5** It is not possible in this study to draw a conclusion about how prompt states are in recording in-state convictions, or in forwarding convictions to the licensing state because many states do not record, as part of the state conviction record, when the state driver licensing agency received the conviction from the court/ municipality (receipt date). (No Data)

**5.4.6** The states use the CDLIS to obtain a CDL holder's driver record from the prior state. However, there is some variation in what states do in certain circumstances, e.g., when a CDL holder changes states, but does not maintain the CDL in the new state. On average, for the states which could be sampled, approximately 50 percent of the convictions on the record in the prior state appear on the driver's record in the new state. The percentage of convictions which are "lost" is greater for convictions which do not indicate the vehicle was a CMV. (5.8.9, 5.8.14-17, 5.8.22)

*States do not use driver self disclosure reports of out-of-state convictions.*

*State driver records have improved according to motor carriers.*

*But motor carriers still obtain records from multiple states to assemble the complete driver history of a CDL holder who has changed states.*

*Motor carriers use the state driver record as an important source of data on driver attitude and motivation.*

*A single record of CMVSA convictions (not all CDL holder convictions) achieved.*

*NDR remains important until states have harmonized all their Vehicle and Traffic laws.*

## **5.5 Effectiveness Evaluation**

*The objective was implemented.*

**5.4.7** The states have not implemented measures to accept driver initiated reports of out-of-state convictions. States are discouraging driver compliance with this provision of the CMVSA because the states generally cannot take action without a formal notice of adjudication and DMVs did not develop means to use driver self-reporting to track conviction reporting from other states. (5.8.23)

**5.4.8** Forty percent of motor carriers report that, post-CDL, it is easier to get a full record on a driver; only 2 percent say it is now more difficult. Motor Carriers attribute some of the improvement to the information provider industry. However, motor carriers continue to express skepticism that all out-of-state and prior-state convictions show on the licensing state's record. The motor carrier industry spends more than one million dollars per year to purchase prior-state records on employees and prospective employees in order to obtain a complete report of all convictions and withdrawals. (5.8.9, 5.8.12, 5.8.14, 5.8.16, 5.8.17)

**5.4.9** Driver records are viewed by motor carriers as indicative of operator attitude and motivation. Motor carriers regard past driving performance as a useful indicator of the driver's attitude and motivation. In the experience of more than 70 percent of motor carriers, driver attitude and experience is at least as important as driver knowledge and skill, in preventing or avoiding a crash. (5.8.8)

**5.4.10** The states have achieved a level close to *a single record of all CMVSA convictions* incurred by a CDL holder. The states have not achieved *a single record of all convictions incurred by a CDL holder*. (5.8.10, 5.8.11-22.)

**5.4.11** The National Driver Register (NDR) is a necessary component of the CDL program, at this time. Until such time as the states accomplish full harmonization of all CDL holder convictions, the NDR is essential to assure critical information (about an adverse action against a CDL holder) is not lost because of statutory inconsistencies between the convicting and licensing states. (5.4.4, 5.4.6, 5.4.10)

**5.5.1** The states essentially have accomplished the objective of maintaining *a single record of all CMVSA convictions*. The objective has been effective in identifying some of the worst CMV operators (who were not eliminated through CDL testing and licensing requirements) and in allowing the states to impose disqualification penalties. (5.4.1, 5.4.2, 5.4.10)

*No requirement to maintain a single record of all CDL holder convictions.*

*Fatal crashes raise questions about all convictions. In the era of the Information Superhighway, citizens expect states to maintain a single record of all convictions.*

*Gap between requirements and expectations is problematic.*

*Highway safety goals and reduction in crashes calls for more extensive requirements.*

*Objective has been partially effective in identifying problem drivers, with some benefit to crash reduction.*

*NDR is essential to compensate for lack of harmonization between states' vehicle and traffic laws.*

*Objective has not been fully effective: the driver record still does not provide a full record of a CMV operator's adjudicated behavior.*

**5.5.2** The CMVSA/ FMCSRs require the states to only maintain CMVSA convictions in a single record. There are no requirements on the states to maintain all CDL holder convictions in a single record and the states have not achieved a single record for all convictions incurred by a CMV operator. (5.4.3, 5.4.4, 5.4.10)

**5.5.3** After a serious or fatal CMV crash, investigators for the press and the victim frequently discover that the CMV operator has convictions from other states which are not on the driver record in the licensing state. The expectation of most citizens, supported by the media, is that the licensing state should maintain a record of all convictions incurred by a CMV operator, not solely CMVSA convictions. (5.4.4, 5.4.6)

**5.5.4** The gap between citizens' expectations and legal requirements is sufficiently large that it periodically results in severe conflict and adverse media attention on regulators, driver licensing officials and the trucking industry. (5.4.10)

**5.5.5** When viewed from a safety perspective, it is difficult to argue the CMVSA violations are the only violations which are serious enough to warrant requirements on the use and retention of convictions. (5.4.9)

**5.5.6** The consolidation of all convictions identified as CMVSA convictions (properly coded as to violation and vehicle type) on the driver's one record in the licensing state has contributed to the identification of problem drivers. (5.4.1)

**5.5.7** The National Driver Register, operated by NHTSA, is a necessary component of the CDL program at this time. Until such time as the states accomplish full harmonization of all CDL holder convictions, the NDR is necessary to assure that critical information (about an adverse action against a CDL holder) is not lost because of statutory inconsistencies between convicting and licensing states. (5.4.11)

**5.5.8** The one-driver/one-license objective has not been fully effective in providing driver licensing officials, law enforcement officers, court personnel, and/ or employers, with complete information about a CMV operator's past driving behavior. Only a complete record of *all motor vehicle control convictions*, or at minimum *all such convictions in a CMV*, is adequate to support decisions about a driver's performance as a CMV operator. (5.4.2, 5.4.8, 5.4.9)

## 5.6 Major Recommendations

*Long term, states must harmonize their complete motor vehicle and traffic control laws to accomplish one record of all CDL holder convictions.*

*The establishment of detailed violation codes for the electronic transmission of conviction data does not inherently resolve the question of the legal equivalency of the violations that states "map" to respective codes.*

**5.6.1** Long term, the states should revise their motor vehicle and traffic control statutes to harmonize all moving violations committed by any driver with any type of license. Admittedly difficult and complicated, the objective should still be pursued, possibly in steps beginning with the most serious violations and with efforts to educate legislators. It is unlikely legislators passing more stringent violation thresholds understand their more severe laws actually give out-of-state violators a break; e.g., our-or-state convictions for .08 alcohol violations are not used or retained by states with .10 alcohol thresholds.

The effectiveness of harmonization has been proven by the success of states in accomplishing a single, consolidated driver record of all CMVSA violations. In the future, exchange of convictions should not be mandated without accompanying harmonization to support the use and retention of exchanged convictions.

### Note:

*The CDL driver records analyzed as part of the data collection effort for this study had convictions and withdrawals represented with D20 codes. Subsequent to the construction of this study's sample data bases, the states began implementing the new representational conviction and withdrawal codes developed by the AAMVA and AAMVAnet, i.e., the AAMVAnet Code Dictionary (ACD)*

*Termed ACD codes or ACDs, the new codes are more refined than the code set used previously. (At the time of this report, 50 states had begun to use the ACD codes.) The ACD codes provide for greater detail about the conviction, such as the BAC or speeding threshold violated, than did the D20 code set. However, ACD codes are not a panacea for differences in state laws and do not really address the need for harmonization.*

*The development of the ACD codes was done with a data processing perspective, that is, how to represent and transmit data. The development of ACDs did not include a "legal" definition of each condition represented in the code set and the measurement of each states' statutory language to the ACD language for equivalency. Therefore, it has not been established that because two states use the same ACD code to represent a particular conviction in each state that the two convictions are legally equivalent.*

*At least some states implemented the ACD codes by "mapping" D20 codes to the ACD codes. That is, the states did not go back to their instate (native) violation codes and cross reference them to the ACD codes. Because of limited resources or other constraints these states implemented the new codes without accomplishing any greater specificity than existed with the use of D20 codes.*

*Short term, FHWA should establish all violations in a CMV as CMVSA violations.*

*Requirement for CDL holders to disclose out-of-state convictions to their licensing state should be rescinded.*

*NDR supplements the one CMVSA record; employer access to NDR should be made less onerous.*

*Electronic interfaces should be supported --data exchange can be improved and monitored.*

*Could CDLIS support the exchange of all convictions?*

## **5.7 Detailed Recommendations**

*The states must harmonize all moving violations committed by any individual with any type of driver license.*

*Identify state laws, rules and policies which prohibit use of out-of-state convictions.*

**5.6.2** Short term, the list of violations in the FMCSRs defined as CMVSA violations should be expanded to include all motor vehicle control violations committed in a CMV.

**5.6.3** The FHWA should consider requesting that Congress repeal the requirement in the CMVSA whereby CDL holders are required to report out-of-state convictions to their licensing state, due to the states' inability to implement any process to support the requirement. (The requirement for CDL holders to self report convictions and disqualifications to their employers should be retained as it gives employers additional basis for taking action against a problem driver who fails to report such actions.)

**5.6.4** The NDR should be understood and maintained as a critical component of the CDL program. The present restrictions and requirements on employer access to NDR should be reviewed in light of the other findings in this section, and other sections of this report, to determine if CMV safety issues justify providing motor carriers and the information providers they utilize, with a single point of electronic access to NDR (to screen employees and prospective employees (CDL holders) operating CMVs) regardless of the state issuing the CDL.

**5.6.5** Electronic interfaces between law enforcement/ courts/ the state driver licensing agency should be supported. Electronic interfaces can speed the exchange and update of data, and provide the means to implement information management tools to assure all citations and convictions are accounted for and to measure the degree to which out-of-state CDL holder convictions go unused by the licensing state. The feasibility of requiring that all CDL holder convictions be exchanged via the CDLIS should be examined.

**5.7.1** Long term, the states must revise their motor vehicle and traffic control statutes to harmonize all moving violations committed by any individual with any type of driver license. The effectiveness of harmonization has been proven by the success of states in accomplishing a single, consolidated driver record of all CMVSA violations. No exchange of convictions should be mandated in the future without accompanying harmonization to make exchanged convictions usable.

**5.7.2** Further study to identify the laws, regulations, and policies which limit the states' ability to use convictions from other states should be undertaken by FHWA and the states, assisted by the AAMVA, as the

*Immediately expand the list of violations defined in the CMVSA to include all moving traffic violations committed in a CMV.*

*Eliminate requirement for driver self-disclosure to licensing state.*

*Requirement for drivers to self-report convictions/ withdrawals to employers should remain.*

*Support electronic interfaces between law enforcement/ courts/ and state licensing agencies. Collect and analyze data to measure the problem of incompatible statutes.*

*Simplify and expand employer electronic and information provider access to the NDR.*

## **5.8 Measures and Findings**

**Conclusions and Recommendations in This Report Are Based on Findings Summarized Here and Detailed in Volume III**

first step in developing a plan to fully harmonize states' motor vehicle and traffic control laws.

**5.7.3** Short term, the list of violation in the FMCSRs defined as CMVSA violations should be expanded to include all moving traffic violation committed in a CMV. While not completely congruent with the expectations of citizens (that the licensing state should have a record of all convictions), a record of all convictions in a CMV would deliver a much more complete picture of all work related behavior and could be achieved relatively quickly by the states.

**5.7.4** The requirement in the CMVSA / FMCSRs whereby CDL holders are to report convictions and disqualifications to their licensing state should be repealed, due to the states' failure to implement any process to support the requirement. However, the requirement for operators to self-report to their employers should be retained, as it gives employers additional basis for taking action against a problem driver who fails to report a conviction or withdrawal.

**5.7.5** Electronic interfaces between law enforcement/ courts/ the state driver licensing agency should be supported to investigate their potential for incorporating information management tools to assure all citations and convictions are accounted for and to measure the problem of incompatible statutes. The feasibility of requiring that all CDL holder convictions be exchanged via the CDLIS should be examined.

**5.7.6** Simplified, less onerous procedures for employer access to NDR should be implemented for motor carriers concerned about the record of a CMV operator. The NDR data comes from public, adjudicated information which employers need to make informed decisions. An electronic interface to NDR for use by motor carriers, and the information providers they use, to check on CDL holders currently employed, or applying for employment with the company should be developed.

**5.8.1** The sources of data used in developing the findings, conclusions, and recommendations of this chapter (see Volume III ) include:

- C FHWA, December 1995, Letter to Senator Mark O. Hatfield, Chairman of the Subcommittee on Transportation and Related Agencies, Committee on Appropriations
- C CDL Focus Group Study
- C Motor Carrier Survey

**FHWA, December 1995,  
Letter to Senator Mark O.  
Hatfield, Reference HCS-20**

*The CDLIS functionality to forward an out-of-state conviction to the licensing state and to forward a driver history record to the new state of licensure is in place.*

**CDL Focus Group Study**

*Truck drivers confirmed that pre-CDL some drivers spread convictions among multiple state records.*

*Drivers believe that the CDL serves as a central collection point for convictions.*

*Drivers report they are now concerned with maintaining a good driver record with the state.*

- C CDL State Surveys
- C Missouri Department of Revenue State Survey of Electronic Transfer of Convictions
- C 1995 TRP Report of CDL Issues
- C AAMVAnet CDLIS Statistics
- C Analysis of Sample CDL Database/ Records
- C Analysis of Sample Change-State-of-Record Database/ Records
- C AAMVA 1994 CDL Report to FHWA
- C FHWA State CDL Compliance Reviews
- C New York Multiple CDL Study

5.8.2 The FHWA and states, in cooperation with AAMVA, established the CDLIS network to connect the states and the CDLIS central site (the repository of CDL holder ID data). They also developed a protocol and format for data exchange. FHWA provided grant funds to support the development of the network, the central site, the data protocols and formats, and the states' interface. CDLIS management, initially provided by the lead states of Nebraska and New York, was subsequently transferred to AAMVAnet Inc. (AAMVAnet Inc. is a subsidiary of AAMVA created for the purpose of operating the CDLIS central file and the network and to provide network and data exchange Help Desk support to the states.) States have built the capability to forward conviction data to the licensing state and to forward driver records when a driver changes state of licensure.

5.8.3 Truck drivers substantiated that multiple licenses were used in the past to enable an operator, disqualified in one state, to continue to operate using a valid license from another state, as well as to spread convictions among multiple state records to avoid withdrawal. Drivers said CDL had made it so risky to attempt to get a second license that it was no longer worth the attempt.

5.8.4 Discussing the current environment, drivers stated that they believe their CDL serves as a collection point for convictions and other relevant information about them.

5.8.5 Although CMV crash statistics are largely unknown to them, drivers believe the CDL program must be reducing the incidence and severity of CMV crashes because the drivers "know" the CDL program has caused a reduction in the number of moving violations. Drivers report the CDL has focused driver attention on the need to maintain a good driver record to protect income, employability, and self-image.

*Motor carriers feel the CDL program has benefitted driver concern for safety, at least in part and because of the carriers' use of insurance costs as a means to highlight the cost of poor performance.*

*Despite overall improvement, safety directors believe the single record system has limitations.*

### **Motor Carrier Survey**

*The driver's record is an indicative of attitude and behavior.*

*State record access and utility is better, post-CDL.*

*Carriers are confident that drivers do not have multiple licenses.*

*Role of information providers.*

*Employers still do not rely on the single record system.*

**5.8.6** Motor carrier safety directors stated the CDL, and related CMV programs, have contributed to driver safety because they make drivers aware of the interrelatedness of driver performance and the driver's record, the employer and the employer's insurance company. Instead of the old cat and mouse game between the driver and employer -- in which the employer might not receive information about actions against the driver, or might choose to ignore such actions -- insurers are now included in the play. The inclusion of insurers means employers must take appropriate action in the face of negative driver performance or suffer higher insurance rates. Drivers' comments substantiated their awareness of these interrelationships and their recognition of what they can and cannot get away with.

**5.8.7** Safety directors believe the interstate exchange of convictions (single record system) has limitations, despite their overall sense that drivers are disclosing convictions to the employer and that most convictions eventually appear on driver records.

**5.8.8** Almost all motor carriers (96.8 percent) have found the driver's past behavior behind the wheel is a useful indicator of attitude and motivation. In the experience of 71.4 percent of carriers, a driver's attitude and motivation are at least as important as his or her skill and knowledge, in determining if the individual is a safe CMV operator.

**5.8.9** Access to state driver records has become significantly easier under the CDL program, according to 40 percent of survey respondents. (Only 2 percent said it is now harder to get records.) Fifty percent reported state driver records are now significantly more useful to the employer, while only 1 percent said they are less useful. Among those responding that state records are now more useful, the most frequent comment was that state information is now more complete and/or detailed, and that data from prior licenses is more readily available. Employers have more confidence since the implementation of the CDL program that CMV operators are not hiding negative information through the use of multiple licenses.

Many respondents added a note that information provider companies are part of the reason CDL records now are more readily available to carriers. One information provider, through a special application provided by AAMVAnet, provides the carriers access to the CDLIS central pointer file, so that a driver with a prior CDL in other states can be identified. The carriers have found it necessary to view all prior records in order to view a complete driver history.

## CDL State Surveys

*Limitations affecting states' use of out-of-state records.*

*States have not eliminated the practice of maintaining a second record for a conviction on an out-of-state driver.*

*The checkerboard of state specific statutes and practices can cause convictions to be discarded.*

*Some states have achieved additional utility from CDLIS system for conviction exchange.*

## TRP 1995 Report of CDL Issues

*Previous finding regarding loss of data from prior state.*

## AAMVAnet, Inc. CDLIS Statistics

**5.8.10** Statutes prohibit five of 46 responding states from taking withdrawal action against a driver for an out-of-state conviction, except those listed in the CMVSA and committed in a CMV. If a conviction is not marked as occurring in a CMV, 43 (of 46 responding states) report the state's driver record system automatically posts the conviction as non-CMV.

**5.8.11** Of 47 states responding to the survey, 20 states report they create and maintain their own driver record on an out-of-state CDL holder convicted or disqualified in the state. (Twenty-seven states did not respond to the question.) Thirty-six states report they create and maintain a driver record for an out-of-state CDL holder subject to an alcohol disqualification while thirty-nine states do so for out-of-state NON-CDL drivers subject to an alcohol disqualification. (Eight states did not answer the question.)

**5.8.12** In discussing out-of-state convictions, 45 states (of 47 states responding) report they post moving traffic convictions against a CDL holder committed in a CMV, when received via CDLIS; 37 states post such convictions when received on paper. However, only 37 states report they post out-of-state convictions against a CDL holder committed in a non-CMV when received via CDLIS but 39 states post such convictions received on paper. Out-of-state convictions, committed in a CMV by a NON-CDL holder, are posted by 31 states, if received via CDLIS, and posted by 41 states, if received on paper.

**5.8.13** Ten states report they transmit out-of-state, CDL holder, non-CMV, convictions to the licensing state, via CDLIS. Three states report they transmit out-of-state, NON-CDL holder, non-CMV, convictions to the licensing state, via CDLIS.

**5.8.14** The TRP for the national CDL program identified, as an area of high concern, that driver conviction data is sometimes dropped from driver history records when a CDL holder changes state of CDL licensure. Enforcement, as well as prosecutors and judges, consider a driver's prior history in determining how to treat a violation. The improper deletion of driver history data can have a negative impact on safety if an unsafe driver is allowed to continue operating a CMV because relevant information was lost.

**5.8.15** The AAMVAnet Inc. utilization reports demonstrate the CDLIS is being used to transmit out-of-state convictions. However, the reported numbers of Out-Of-State Convictions (OOSC) transmitted via CDLIS and the number of drivers who Changed State of Licensure

Convictions are being exchanged via the CDLIS.

(CSOR) are somewhat lower than the current size of the CDLIS central file (eight million plus) might seem to warrant. This is likely due to the continued practice by some states of transmitting paper convictions. Another factor may be the fact that the number of professional, active, interstate CMV operators is a relatively small percentage of the total number of CDL holders which presently exceeds 8 million. (Trucking industry estimates put the number of interstate truck drivers at approximately 2.5 to 3 million.)

From the data available for the years of 1993, 1994, 1995 and five months of 1996 (January through May), the numbers for CDLIS transactions processed through the central file are:

	OOSC <sup>1</sup>	VERIFY	SEARCH	CREATE DRIVER	CSOR <sup>2</sup>
Grand Totals	683,210	2,789,285	24,434,285	1,898,564	394,171

<sup>1</sup> Out of State Convictions

<sup>2</sup> Change State of Record

**Analysis of Sample Change-State-of-Record Database/Records**

*Sample database built of CDL holders who had changed licensing state.*

*Current states' records compared to prior states' records.*

*Some convictions are apparently being dropped.*

**5.8.16** To examine data retention after a CSOR transaction, a sample of approximately 20,500 master pointer records, of drivers who had changed state of CDL licensure, was drawn from the CDLIS central site. Using driver identification information and AKA (also known as) data from the CDLIS master pointer record, the appropriate CDLIS transaction was used to request the driver's record from the current and previous states of licensure. Both states responded with their record (about the driver) in 8,046 instances. A unique, sample data base of 8,046 drivers with a record from both the current and the previous states of licensure was created. Each driver\*s record from the current state was compared to the driver's record from the previous state, using computer analysis techniques. It was determined:

- C There are 16,359 convictions on the records from the drivers' previous state of licensure.
  - < Of the 16,359 convictions, 9,097 (56%) are not present on the driver's record in the current state of licensure.
  - < Of the 9,097 convictions not present on the current state record, 1,482 (16%) have a CMV indicator value of YES or a D20.1 code, which in and of itself, indicates the violation was committed in a CMV (a "C" code).
  
- C There are 6,500 withdrawals on the records from the drivers' previous state of licensure.

*Some withdrawals are apparently being dropped.*

*Analysis indicates problems, but additional work is necessary to define what data is being dropped, and why.*

### **AAMVAnet CDLIS Statistics**

*The statistics kept today only look at network activity, they do not provide information on how well the national CDL program is operating.*

### **Analysis of Sample CDL Database/ Records**

*Creation of a representative national sample database of 114,295 CDL holder records.*

*Analysis to project the number of out-of-state convictions recorded on all CDL holder records: app. 1,387,462.*

< Of the 6,500 withdrawals, 4,410 (68%) are not present on the driver's record in the current state of licensure.

**5.8.17** This analysis was not based on a statistical, representative (national) sample of records from all states. While it does not support statements about the CDL program as a whole, the results do indicate conviction and withdrawal data is frequently being lost when a driver changes state of licensure. The existence of a CMV indicator does not guarantee an action will be preserved.

**5.8.18** AAMVAnet figures show 683,210 OOSC transactions were processed through the CDLIS central file in the time period 1 April 1992 through 4 March 1996. (The 683,210 OOSC figure indicates only the out-of-state convictions transmitted by the convicting state to the licensing state via the CDLIS. The number does not necessarily represent convictions actually posted to a driver record by the licensing states. As discussed in the previous chapter Harmonization of State Laws and Adjudication, there is considerable disparity in which types of citations different states transmit via CDLIS and considerable disparity in which types of citations different states post to the driver's record.) Because the CDLIS data formats do not contain a posting date, no correlation between the number of OOSCs transmitted via CDLIS and the number of OOSCs on the sample database could be done. The transmission of out-of-state convictions on paper, and the preservation of some convictions from drivers' records from prior states, further confounds any attempt to correlate OOSC transactions transmitted via CDLIS and the number of out-of-state convictions on the database.

**5.8.19** A national sample database of the CDL holder population was constructed to provide a basis for analysis of the quality of driver history records maintained by the states and the characteristics of the CDL holder population. A weighted sample (proportional to each state's percentage of records on the CDLIS central file) of 114,295 drivers was randomly selected from the CDLIS central file. The appropriate CDLIS transaction was used to request the driver's record from the current state of licensure for use in the sample database. Extrapolation of the number of convictions found on the records which had an indicator of occurring in another state, during the time period 01 April 1992 through 30 June 1996, provides the estimate that 1,387,462 convictions from a state other than the state in which the CDL holder is licensed, are currently being maintained. Given the fact that the CDLIS transaction count for transmitting out-of-state convictions indicates that 683,210 convictions were transmitted via CDLIS during this time period, the estimated additional out-of-state convictions being maintained

*Differences in in-state and out-of-state convictions found.*

*Out-of-state convictions are predominantly for violations committed in a CMV.*

*In-state convictions are predominantly for violations committed in a non-CMV.*

*The disparity between the vehicle type indicator for in-state vs. out-of-state convictions may be the result of the high number of CDL holders (more than 8 million) vs. the actual number who are actively employed as inter-state drivers (Estimates vary from 2.5 to 3.5 million.) Or, it may reflect differences in state's practices on the exchange, use, and retention of non-CMVSA convictions.*

**AAMVA 1994 CDL Report to FHWA**

*States are not consistent in how the MPR is dealt with when a*

(704,252) may result from the transfer of driver histories during a Change State Of Record (CSOR) transaction via the CDLIS during the same time period, (394,171) or from transmission of convictions via other means than CDLIS, e.g., paper or files using tape exchange, etc. It is impossible to determine exactly what these additional convictions represent.

5.8.20 The convictions on the sample database were analyzed to determine the vehicle type in which the violation occurred (analysis of the CMV indicator value). Different results were found for out-of-state convictions and for in-state convictions.

# The breakdown of the CMV Indicator on OOSCs on the Database

<	51% have a CMV indicator of	YES
<	36% have a CMV indicator of	NO
<	13% have a CMV indicator of	UNKNOWN

# The breakdown of the CMV Indicator for In-state Convictions on the Database

<	12% have a CMV indicator of	YES
<	70% have a CMV indicator of	NO
<	18% have a CMV indicator of	UNKNOWN

5.8.21 While the disparity in CMV values -- OOSCs to in-state convictions -- is clear, the reason for the disparate numbers is not known through this analysis. The disparity may be due to the practices of convicting states; that is, transmitting only those convictions with an indicator that the violation was committed in a CMV. It may be due to practices on the part of licensing states' i.e., posting only OOSCs committed in a CMV. (If the data analysis on retention of data for Change-State-of-Record transactions holds true for OOSCs, it is conceivable that more than 50 percent of OOSCs of CDL holders are discarded for various reasons.) Or, the disparity in CMV indicator values may reflect the behavior of CMV operators in passenger vehicles in their home state. Further study is needed to determine why the disparity exists and if it impacts the single record construct of the CDL program.

5.8.22 There are differing practices among states regarding ownership of the MPR and prior record data when a CDL holder relinquishes his or her CDL to a new state and is relicensed with a NON-CDL. Thirteen states' systems advise the CDLIS central file to redirect the MPR to the new state and accept the driver's convictions and withdrawals from the

*CDL holder changes states and does not retain a CDL.*

*States do not use drivers' self reports of out-of-state convictions.*

### **FHWA State CDL Compliance Reviews**

*The states' systems were not tested to determine actual functionality.*

### **New York Multiple CDL Study**

*Peer review recommended to improve systems.*

prior state. The balance of states do not direct CDLIS to switch the MPR, but rather leave it pointing to the last state of CDL licensure, and create a new (second) driver record.

#### **Note:**

*The lack of consistent practice in all these areas can contribute to a failure to identify a CDL holder (or at least a CDL permit holder) and to the creation of segmented, state specific records instead of a single, consolidated record.*

**5.8.23** The AAMVA report also states that the states are unable to take action on self-disclosure from CDL holders about convictions in other states and they simply "file" or discard such notices. AAMVA recommends FHWA request of Congress that the requirement for CDL holders to self-disclose out-of-state convictions to their licensing states be eliminated.

**5.8.24** The CDL compliance reviews done by FHWA did not examine the states compliance with the AAMVA CDLIS Specifications Manual or the CDLIS State Procedures Manual or otherwise measure the states' practices in transmitting, using, and retaining CMVSA and non-CMVSA convictions. The reviews also did not test the incorporation of convictions and withdrawals (CMVSA and non-CMVSA) from the prior state into the new state's record.

**5.8.25** The final New York study report recommends establishment of a Peer Review process to improve cooperation between states and to provide frequent scrutiny of the procedures used by individual states and to identify any weakness that may exist in their respective processes and systems.

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Volume III of this report should be consulted for full information on the research conducted and the data collected for the purposes of this study.

## CHAPTER 6. SUPPORT THE NEEDS OF ENFORCEMENT

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The material developed in this chapter was developed using the Bayesian methodology and program logic model approach described in Chapter 1 of this volume ("Scope and Methodology").

This chapter presents the result of the evaluation in the following order:

- 6.1 Pre-CDL environment leading to enactment of the CMVSA of 1986
  - 6.2 CMVSA requirements specific to this objective
  - 6.3 Anticipated results of implementing the requirements
  - 6.4 Conclusions reached in this study
  - 6.5 Effectiveness Evaluation
  - 6.6 Major Recommendations
  - 6.7 Detailed Recommendations
  - 6.8 Measures and findings which are the basis of the conclusions and recommendations
- 

### 6.1 Pre-CDL Environment Leading to Enactment of the CMVSA of 1986

*Enforcement had difficulty  
determining which licenses  
authorized CMV operation.*

*Officers were aware there were  
problems with multiple licenses.*

*No practical way existed to  
track down multiple licenses.*

*Motor carrier inspectors also  
had few tools.*

*Employers had similar  
problems.*

**6.1.1** Law enforcement officers across the United States encountered many different types of driver licenses in the course of stopping CMV operators. Because the states had different license requirements for operating a CMV, as well as different definitions of a CMV different rules for operation of a CMV in-state versus out-of-state, and different data on license documents, officers often had difficulty determining whether an out-of-state license actually authorized the driver to operate the CMV he or she was driving.

**6.1.2** Law enforcement officials were aware of drivers' use of multiple licenses but had limited means to combat the problem. The principal tool available to an officer checking for multiple licenses was a multi-state search using the National Law Enforcement Telecommunications System (NLETS). But without knowing which states to search there was limited probability of success. Federal and state inspectors auditing a motor carrier had little expectation that examining a driver's record (from only the acknowledged state of licensure) was meaningful in determining the carrier's safety practices.

**6.1.3** Employers had the same difficulties in evaluating CMV operators as experienced by inspectors. The record from the acknowledged state of licensure was discounted as providing a full picture of the driver's behind the wheel performance. Not all motor carriers found the use of multiple licenses objectionable; for some companies the practice was compatible with business interests.

## **6.2 CMVSA Requirements**

*CMV operators must have only one license, a CDL with standardized classes and endorsement codes.*

*CDLIS to provide driver identification data, status and the ability to forward convictions to the licensing state.*

*Greater possibility that out-of-state convictions would impact drivers.*

## **6.3 Anticipated Results**

*There would be a single national standard for CMV operator licenses, that license would be a CDL.*

*State specific CMV licenses would be eliminated.*

*Officers would use new harmonized laws, confident that penalties would apply.*

## **6.4 Conclusions**

*While State Patrol and MCSAP officers are familiar with the CDL requirements, local police officers are not.*

**6.2.1** The CMVSA stipulated that as of 1 April 1992, a driver was required to have a CDL to operate a CMV. The definition of CMV (for CDL purposes) was established in the implementing FMCSRs. The FMCSRs also categorized CMVs into groups and established corresponding CDL license class codes and endorsement codes. The states were required to standardize the data displayed on the CDL document.

**6.2.2** The CMVSA required development of a Commercial Driver License Information System (CDLIS) to act as a repository of personal identification data for CDL holders in order to limit drivers to a single CDL. The CDLIS was also mandated to contain information on CMV operators who were disqualified.

**6.2.3** The states were required to harmonize motor vehicle and traffic control laws to make the convictions listed in the CMVSA legally equivalent, state-to-state. Provisions for the exchange, retention and use of these CMVSA convictions were stipulated.

**6.3.1** The provisions of the CMVSA were expected to assist law enforcement by establishing a single, national standard license for CMV operators. Regardless of state of licensure, a CMV operator had to have a CDL. The license class/ endorsements required for operating a particular type of vehicle would be consistent across the country. It was expected that the elimination of unique, state-specific licenses would enable officers to be knowledgeable about license requirements for CMV operation. As a result, officers would take action against CMV drivers operating a CMV for which the driver was not licensed.

**6.3.2** It was also expected officers would be knowledgeable about the harmonization of state motor vehicle and traffic control laws and use their state's new laws to cite CMV operators. Officers would be conscientious about recording the vehicle type and license type on citations, to assure proper processing. It was expected that as officers cited CMV operators for CMVSA violations, the incidence of violations would diminish and drivers would operate more safely.

**6.4.1.** Officers at the state level, particularly officers in Motor Carrier Safety Assistance Program (MCSAP) units, have generally received sufficient training and information that they are familiar with CDL requirements and know which types of commercial vehicles require a CDL and endorsements. County and municipal officers generally have not received the necessary training and do not know which commercial

*Few officers know about new laws.*

*Officers are the primary source of driver and vehicle data.*

*NON-CDL license classes "A," "B" and "C" are a problem.*

*Specialized, CDL training benefitted some state level officers.*

*One program provides officers with direct access into CDLIS.*

*Discovering CMV operators driving without a "valid" CDL;*

*may be an unanticipated negative outcome from limiting operators to one, CDL, license.*

vehicles require a CDL/ endorsements. County and municipal officers do not have the knowledge they need to cite CMV operators for operating without a proper license. (6.8.2, 6.8.3, 6.8.8)

**6.4.2** County and municipal enforcement officers have little knowledge about which violations are listed in the CMVSA or about changes in state law to harmonize it with the CMVSA. Some, but not all, state enforcement officers are aware of the changes to state law and/ or know the new reference codes to use on citations to establish the offense as a CMVSA violation. (6.8.2, 6.8.3)

**6.4.3** The officer is the principal source for the vehicle and driver data necessary for proper adjudication of the citation and proper use of a resultant conviction. (Citations/ convictions with incomplete or incorrect data do not result in the proper sanction against the driver.) Little has been done to make data collection easier/ less onerous for enforcement officers. (6.8.3, 6.8.10, 6.8.12, 6.8.13)

**6.4.4** States which use class "A," "B," or "C" for NON-CDL, as well as CDL licenses, create complications for enforcement officers in other states. Paper, temporary CDL documents (with no photo), issued by some states, are worrisome to officers. Non-standardized restriction codes add problematic complexity at roadside. (6.8.4, 6.8.7, 6.8.8, 6.8.11)

**6.4.5** Specialized CDL training has helped state Patrol/ Police officers to understand the CDL program and to be aware of changes in state laws. Most county and municipal officers have not had training on the CDL program. (6.8.2, 6.8.3)

**6.4.6** Some officers and inspectors using the FHWA's ASPEN or CAPRI software (with a communications module) are accessing the CDLIS to determine if a CMV operator has the appropriate CDL and to determine the status of the commercial operating privilege. (6.8.17)

**6.4.7** Although a limited number of officers/ inspectors are using access to the CDLIS to determine the status of a driver's CDL operating privilege (those using the ASPEN and CAPRI software), the high percentage of drivers found operating without a valid, appropriate CDL (for March 1977, 11.3%) is notable. **It may be that an undesired outcome of the CDL program is that some CMV operators are continuing to operate while disqualified. Pre-CDL, a problem driver would have used a second license to spread**

*CMVSA penalties appear to be decreasing recidivism.*

*Convictions are missing data which impacts penalties.*

### **6.5 Effectiveness Evaluation**

*The objective has not been accomplished.*

*Failure to provide officers with appropriate training has resulted in lowered benefits.*

*Inadequate information about changes to state law.*

*Need to capture vehicle and driver data to effect stiffer penalties and out-of-state utilization.*

*Officers remain frustrated.*

*This area of the CDL program has not been effective.*

**convictions to avoid disqualification, or to operate on while disqualified in another state. (6.8.18)**

**6.4.8** CMV operators convicted of a CMVSA violation are significantly less likely to commit the same violation than are operators convicted of a similar violation which does not carry a CMVSA disqualification penalty. (6.8.15, 6.8.16)

**6.4.9** The high number of CDL holder convictions recorded with a CMV indicator of NO (did not occur in CMV) and UNKNOWN (vehicle type unknown) is of concern. It is not clear whether the numbers are correct, represent a problem in data collection, or a system fault in the citation/adjudication/conviction posting process. (6.8.12)

**6.5.1** Law enforcement's role, overall, in the national CDL program has not been well defined or understood. (6.4.1, 6.4.2, 6.4.3)

**6.5.2** The CDL program accomplished consistency regarding the type of license required to operate a given type of CMV, regardless of the state licensing the driver. The consistency of license type has benefited law enforcement officers trained in the provisions of the CDL program. However, because of the vast number of county, municipal, and in some cases state level law enforcement officers who have had little or no training regarding the CDL program, the actual benefit to enforcement has been low. (6.4.1, 6.4.2, 6.4.4)

**6.5.3** While harmonization of state laws was accomplished regarding the CMVSA violations, law enforcement personnel were not well briefed on changes to state laws. Officers remain largely unaware of the importance of citing CMV operators under the harmonized violation codes and the data sufficiency requirements (CMV indicator) for CMVSA penalties to result from a conviction. Similarly, enforcement has not had the proper training or tools to enable officers to systematically collect the vehicle and driver data required to assure that convictions result in the proper sanctions. (6.4.1 - 5)

**6.5.4** Officers remain frustrated by the complexities of CMV enforcement, to the degree that the idea of a *wallet card* with vehicle groups/ corresponding CDL classes is viewed as a useful tool. (6.4.1, 6.4.4)

**6.5.5** In failing to accomplish the objective of fully supporting the needs of law enforcement officers, the CDL program cannot be

## **6.6 Major Recommendations**

*A CDL wallet card distributed to all enforcement officers.*

*Major outreach and training program for enforcement officers.*

*Expand access to CDLIS for enforcement.*

*Explore benefits automation could offer to enforcement.*

## **6.7 Detailed Recommendations**

*Expand training for enforcement officers.*

*Provide CDL wallet cards.*

presumed to have had the full impact it was expected to have on reducing the incidence of CMV crashes. (6.5.4)

**6.6.1** The FHWA and the states, with the assistance of the AAMVA and various law enforcement associations, should proceed immediately to equip every officer with a wallet card depicting the CMV groups and corresponding CDL requirements and the state references to use when citing CMVSA violations.

**6.6.2** The FHWA's outreach effort for law enforcement personnel should be strengthened to create a major, coordinated outreach and educational program for law enforcement personnel (state, county, and municipal) handling traffic cases across the nation. The FHWA should work with law enforcement associations on the national, state, and municipal level to assure every highway officer has access to training and educational materials on the CDL program. Training should stress the sections of state law to use in citing CMV violations and the requirements for data sufficiency.

**6.6.3** Access to CDLIS to check the operating status of CMV operators should be extended to additional officers. The National Law Enforcement Telecommunications System (NLETS) should have online access to CDLIS. Additional study should be done to produce reasonable strategies for impounding vehicles or taking other action to immediately remove drivers found to be operating without the required, valid CDL.

**6.6.4** The benefits of electronic interfaces, to expedite officer's data collection tasks and the flow of driver and citation information to and from enforcement should be supported and studied.

**6.7.1** The current FHWA effort to provide CDL training and information materials to enforcement officers should be expanded. The need for CDL training and information is acknowledged by officers at all levels. The FHWA and the states should work with national, state, and local enforcement associations to further enforcement's role in the CDL program. The FHWA should support the transfer of state CDL training modules to local enforcement agencies.

The FHWA should develop and field test a wallet card of CMV vehicle groups and the required CDL license class/endorsements for county, municipal, and state level officers. The back of such card should be

*Explore the use of technology to improve data collection and officers' effectiveness.*

*Limit use of license classes "A," "B" and "C" to CDL licenses.*

*Standardize restriction codes.*

*Limitations on temporary CDLs*

*Increase monitoring of CMV operators and citations for driving without a valid CDL.*

*Citation study to address data collection inaccuracies.*

*Revise and expand "serious" CMVSA violations.*

customized by state to contain the state statute references for citing CMVSA violations.

**6.7.2** Further use of technology and information systems to assist officers to collect the data necessary to assure citations are properly adjudicated, exchanged, posted and used should be explored. The number of officers available for CMV enforcement is limited. Technology provides potential for enabling officers to be more efficient in data collection tasks and to provide officers with more time for other activities.

**6.7.3** The use of license class codes of "A," "B," and "C" should be restricted to CDL licenses only. Until states can implement this requirement, the states which issue NON-CDL licenses with a class of "A," "B," or "C" should be required to clearly print "NON-CDL" on the face of such licenses.

**6.7.4** The FHWA should consider revising the FMCSRs to standardize restriction codes printed on the CDL to represent limitations to "Intrastate Operation", "No Air Brakes" and any other such limitations to the CMV operating privilege.

**6.7.5** The states which issue paper, non-photo, temporary CDLs should eliminate such licenses, or restrict their use to the shortest possible period, and review the feasibility of requiring the driver to also carry other Government issued, picture ID.

**6.7.6** Officers should be encouraged to verify the commercial operating privilege for every CMV operator stopped/ inspected and to cite any driver operating without a CDL that is valid for the vehicle being operated. The FHWA should support expansion of law enforcement officers' access to the CDLIS, via NLETS as well as CDLISCheck.

**6.7.7** The FHWA should conduct additional research to determine whether the high numbers of convictions with a CMV indicator value of NO and UNKNOWN represent reality, breakdowns in process, or system defaults. (A citation study would be one means of evaluating the issue.)

**6.7.8** The FHWA should review the list of CMVSA violations in the FMCSRs with the law enforcement community to determine if additional violations should be included.

## 6.8 Measures and Findings

**Conclusions and Recommendations in This Report Are Based on Findings Summarized Here and Detailed in Volume III**

### Motor Carrier Survey

*Local officers are not well informed about CDL.*

### CDL Focus Group Study

*Law enforcement officers, in general, are not knowledgeable about the CDL program.*

*Suggestion for a wallet card of vehicle type and corresponding CDL classes as a tool.*

*Officers agree the CDL has significantly reduced the incidence of multiple licenses; temporary licenses remain a problem*

*Enforcement puts safety first.*

**6.8.1** The sources of data used in developing the findings, conclusions, and recommendations of this chapter (see Volume III ) include:

- C Motor Carrier Survey
- C CDL Focus Group Study
- C CDL State Surveys
- C Analysis of Sample CDL Database/ Records
- C FHWA, December 1995, Letter to Senator Mark O. Hatfield, Chairman of the Subcommittee on Transportation and Related Agencies, Committee on Appropriations; Reference HCS-20
- C CDLISCheck Monthly Report

**6.8.2** Motor carriers reported that county and municipal officers are less likely than state officers to detect that a CMV driver does not have the proper CDL and/or endorsement and less likely to hold or cite a driver for improper credentials.

**6.8.3** Drivers, safety directors, and officers stated that county and municipal officers have limited knowledge about the CDL program; many are not sure which vehicles require a CDL. Officers who have been trained with the Motor Carrier Safety Assistance Program (MCSAP) are the most knowledgeable. State officers commonly have some knowledge about the CDL program and which vehicles require a CDL license/ endorsement. Officers said a wallet card with vehicle types and CDL license classes would help them carry out their responsibilities. Most officers were not aware of changes in state laws relative to the CDL program and harmonizing CMVSA violations. Only a few of the officers said they had received information about the CDL program as part of their Police Academy training.

**6.8.4** Law enforcement officers said the incidence of multiple licenses has dropped dramatically since introduction of the CDL. Some officers, however, have encountered "temporary" paper CDLs which they found to be problematic because the temporary license had no photograph. Officers suggested temporary licenses should require the driver to also carry government-issued photographic ID to be valid, and the life of such licenses should be short.

**6.8.5** Most law enforcement officers reported they are rarely lenient with CMV drivers stopped for traffic violations or safety inspections. Law enforcement officers see CMVs as potentially causing more damage than automobiles and officers do not want to cope with a tragedy caused by a driver who should have been cited or placed out of service.

*Drivers agree.*

*The use of CDL license classes "A," "B," and "C" for NON-CDL licenses classes adds unnecessary confusion.*

*Officers' view of the CDL program.*

*Officers, drivers, and motor carriers believe the requirement for a CDL should be include recreational and other heavy vehicles.*

*Missing data on citations can cause conviction to never appear.*

**CDL State Surveys**  
*13 states use class "A," "B" and "C" for non-CDLs*

*Many states do not collect license type on citation forms.*

**Analysis of Sample CDL Database/ Records**

**6.8.6** Some CMV drivers said they feel officers had given them a break. A roughly equal number of drivers said they have not experienced leniency from enforcement. Drivers explained that officers expect CMV operators to set a high standard for safe and courteous operation.

**6.8.7** Officers said they still have difficulty determining whether a CMV driver is properly licensed when the license is from another state, is a class "A," "B," or "C" license, and does not have a "CDL" or "NON-CDL" legend. Officers also said they have difficulty determining the correct license class when the owner had removed gross vehicle weight (GVW) information from the vehicle and registered the vehicle as less than 26,001 pounds. A third source of difficulty is that the endorsements from some states are very complicated.

**6.8.8** Officers said that they believe an overriding goal of the CDL program has been to establish uniform and consistent criteria for CMV operators. When a state deviates from the national norm, it makes field enforcement very complicated for officers in other states.

**6.8.9** Law enforcement officers, drivers, and motor carrier safety directors said a CDL should be required to operate recreational type vehicles which meet the weight criteria for a CMV. All three groups of participants agreed that large recreational vehicles, vehicles towing large boats, or rental trucks used for noncommercial moving, require as much driver skill and can cause as much destruction as a heavy truck used commercially.

**6.8.10** Officers, drivers, and safety directors all reported that convictions may never appear on a driver's record if the information on the citation is incomplete.

**6.8.11** Of the states responding to the question, 13 states use a license class of "A," "B," or "C" for NON-CDL licenses as well as for CDL licenses.

**6.8.12** Of 47 states completing the questions, 39 have standard traffic citations used by all law enforcement agencies in the state. Forty-six states have a CMV indicator block on their citations (State Patrol or state police form for those states without a uniform citation); 27 states have a block on the form to indicate the license is a CDL/ NON-CDL.

**6.8.13** Interrogation of the sample database records provides qualitative information about driver records. Examining all the entries in the

*At least 18% of convictions to CDL holders appear to be missing critical data.*

*No finding on why data is missing.*

*CMVSA penalties are having a positive impact on recidivism.*

database for convictions from 1 April 1992 through 30 June 1996 provides the following:

	<u>Convictions</u>	<u>Percent</u>
C	Total 98,302	100%
C	With CMV indicator of YES	20.53%
C	With CMV indicator of NO	61.68%
C	With CMV indicator of UNKNOWN	17.79%

This finding illustrates driver records do not have complete data for all entries but provides no basis for determining why data is missing. (This study did not include work which can support any statement regarding the reason behind the absence of data.)

**6.8.14** Additional analysis of the sample database/ records indicates the CMVSA sanctions have had a dramatic impact on recidivism. The sample database was queried to determine the number of drivers with a single conviction, two convictions (only), three convictions (only), and four or more convictions-- by violation type. It was found that CDL holders, convicted of a CMVSA violation, seldom repeat the violation. Drivers convicted of a similar violation, but one which does not carry a CMVSA disqualification penalty, frequently repeat the behavior.

Extrapolating from the sample database to develop national figures, the numbers of drivers with convictions for two types of speeding convictions are:

**A. Speeding 15 miles over the Limit, in a CMV (CMVSA listed violation)**

Convictions on record	1	2	3	4 or more
Number of CDL Holders	136,155	41,297	10,809	5,612

**B. Speeding, Unknown Miles over the Limit, in a CMV (not a CMVSA listed violation)**

Convictions on record	1	2	3	4 or more
Numbers of CDL Holders	1,351,432	857,810	468,538	468,503

*The CMVSA penalties work.*

**6.8.15** It is clear CMV operators are concerned about being disqualified. Their concern about serious penalties is such that, at

*Convictions are being lost because the violations are not listed in the CMVSA.*

**FHWA December 1995,  
Letter to Senator Mark O  
Hatfield.. Reference HCS-  
20**  
*CDLIS-Check access to CDLIS.*

**CDLISCheck Monthly  
Report**  
*CMV operators without a valid,  
CDL.*

minimum, drivers convicted of a violation listed in the CMVSA (and noted as occurring in a CMV) seldom repeat the behavior. Drivers convicted of a similar violation but one which does not carry a disqualification penalty, frequently repeat the behavior.

**6.8.16** The majority of violations committed in a CMV are not considered CMVSA violations in the FMCSRs. The majority of CMV violations, therefore, are not covered by the CMVSA requirements for exchange, use, and retention, of convictions and do not carry a disqualification penalty for initial and/or subsequent convictions.

**6.8.17** FHWA implemented CDLIS-CHECK, a supplemental telecommunication capability with dial-in access into CDLIS, to provide immediate access to CDL holder information. Through this capability, law enforcement officers have instant validation of a CDL document and can obtain the status of the driver's operating privilege.

**6.8.18** For the month of March 1997, 11.38% percent of the drivers checked had a commercial operating privilege status of something other than "Valid." This percentage is approximately three times the national average for NON-CDL drivers.

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Volume III of this report should be consulted for full information on the research conducted and the data collected for the purposes of this study.

# CHAPTER 7. THE CDL PROGRAM - NATIONAL IMPLEMENTATION

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The material in this chapter was developed using the Bayesian methodology and program logic model approach described in Chapter 1 of this study ("Scope and Methodology.")

This chapter presents the result of the evaluation in the following order:

- 7.1 Background
  - 7.2 Conclusions
  - 7.3 Recommendations
  - 7.4 Closing Note
- 

## 7.1 Background

*CDL as a national program.*

*Three conclusions and four recommendations.*

*A complex program. Extensive research for the study report.*

*Progress has been made under CDL.*

*Basis for these conclusions.*

**7.1.1** In Chapters 2-6 of this report, there are 48 conclusions and 31 recommendations regarding the states' implementation of the CDL program. In chapters 2-6, the conclusions and recommendations are ordered around the five major objectives of the CDL program.

This chapter adds three conclusions and four recommendations which are the result of viewing the CDL program as a national initiative.

**7.1.2** The large number of conclusions and recommendations in this report should not be construed to mean the CDL program is in poor condition and needs extensive repair. The number of conclusions, and recommendations are better understood as indicative of the magnitude of the CDL program, and the extensiveness of the evaluation effort for this study. The CDL program has been in full operation only five years. **The program has made significant progress toward resolving the preexisting CMV safety problems which lead to enactment of the CMVSA in 1986.**

**7.1.3** The high level conclusions and recommendations in this chapter are the result of two years of extensive data collection and of lengthy, rigorous analysis of new and previous data about the CDL program. To establish a contextual reference for the data, extensive discussion occurred with federal and state officials active in the development of the national CDL program and state administrators responsible for the operation of their state's CDL program today, industry leaders, trade association representatives, OMC personnel, CMV operators, judges, attorneys, law enforcement officers, and vendors providing services to the trucking industry.

*Reliability assured by verifying findings from each data collection effort to findings from every other data collection effort.*

## **7.2 Conclusions**

*States' practices not uniform.*

*Formal, ongoing program monitoring is not in place on a national level.*

*Peer Review Process would provide functional forum.*

*The involvement and participation of the trucking industry in CDL implementation was beneficial.*

*Current level of coordination between trucking industry, FHWA, and the state licensing agencies has significantly diminished.*

The input from each source was validated and refined against the input from other sources and used to verify the new and previous data. The process was exacting and arduous. As a result, it provides assurance that the study results are reliable and supports the conclusions and recommendations in this chapter regarding the CDL program as a national implementation.

**7.2.1** States' are not uniform in the administration and operation of the state's segment of the national CDL program. Some of the variation can be traced to the lack of written guidelines for the program, excepting requirements for the CDLIS.

**7.2.2** A formal process for ongoing review, compliance monitoring, correction, and continuous improvement of the states' operation of their segments of the CDL program has not been implemented at the national level. While helpful, the recently instituted FHWA/ AAMVA quarterly review of CDLIS central site statistics is insufficient oversight for a program as large and complex as CDL. A more intimate and detailed process of program oversight and management of the states' activities is required at the federal level.

The implementation of a Peer Review Process, with state and federal participants, would provide the functional forum for states to analyze each other's CDL program, offering feedback and improvement opportunities. Ongoing cooperation and collaboration among states, AAMVA, and the FHWA could be effectively used to identify and resolve any weaknesses or undue variation and develop overall improvements or enhancements.

**7.2.3** The trucking industry (motor carriers, unions, and trade associations) was actively involved with government in the initial CDL effort to get drivers retrained and CDL tested. CDL was a catalyst which caused many motor carriers to implement or strengthen safety departments and employee training programs. Safety practices behind the wheel and in the yard came under scrutiny and more formal personnel practices, including driver record checks, were instituted by many companies.

However, once the effort to relicense existing drivers was completed, government and industry seemed less united in their activities. Although government and industry both remain concerned about driver safety, the coordination and common focus, which was so visible during CDL development and implementation, is no longer so apparent.

### 7.3 Recommendations

*Develop formal process of ongoing federal CDL review and program management.*

*Also implement Peer Review.*

*CDLIS compliance should also be measured.*

*A range of discretionary sanctions should be available.*

*Involve the trucking industry in action to address CMV operators driving while disqualified.*

### 7.4 Closing Summation

*Much has improved because of the CDL program.*

**7.3.1** The FHWA/ OMC should develop a formal process for ongoing review, assessment, correction, and continuous improvement of the states' implementation of the CDL program. The OMC should consider training staff in its national, regional, and state offices as CDL program specialists to provide ongoing oversight and assistance to the states. A Peer Review Program (with federal and state members of review teams) should be given strong consideration as part of the process.

**7.3.2** Periodic measurement of each state's compliance with the CDLIS System Specifications and CDLIS State Procedures should be implemented. Similar manuals for other areas of the CDL program should be developed, along with establishing Best Practices for the entire CDL program. The use of teams with state experts and OMC representatives are suggested.

#### Note:

*States' have effectively used peer review to do compliance audits of each others operation of the state's implementation of the International Registration Program (IRP) and the International Fuel Tax Agreement (IFTA).*

**7.3.3** The FHWA/ OMC should seek the necessary authority to establish a range of sanctions for use with states which have a problem complying with program requirements. The FHWA/ OMC should also seek discretionary authority for the use of each available sanction to allow the agency to respond appropriately to each individual case.

**7.3.4** The FHWA should explore alternatives to expand the trucking industry's active participation in the CDL program to develop a joint industry and government plan to address CMV operators who continue to operate during a disqualification period.

**7.4.1** The CDL program has accomplished a great deal in the five years it has been operating. This study documented that **much has improved** under CDL. This study also found that, of the preexisting CMV safety problems which led to the enactment of the CMVSA of 1986, **none has deteriorated** under CDL.

## Glossary

- AAMVA** Founded in 1933, the **American Association of Motor Vehicles Administrators (AAMVA)** is a voluntary nonprofit, tax exempt, educational organization. The governing structure of AAMVA consists of the Association Officers, Board of Directors, Executive Committee and ten Standing Committees. Primary members include state and provincial officials, whose responsibilities address the enforcement and administration of laws pertaining to the licensing of drivers and the usage of motor vehicles. The ten standing committees provide much of the foundation for the ongoing programs and services of AAMVA. The development and processing of many current issues and programs (which include motor vehicle information systems, driver licensing and control, and motor carrier services, among others) are the result of annual committee workshops.
- AAMVAnet** **AAMVAnet** is a wholly owned subsidiary of the AAMVA. AAMVAnet is the data communications network which links the states' driver licensing agencies and the central file of CDL holder personal identification information to constitute the Commercial Driver License Information System (CDLIS). AAMVAnet is also the state's interface into the National Driver Register (NDR). The network maintains its own management staff, with AAMVA providing support services. AAMVAnet is governed by a Board of Directors appointed by the AAMVA Chairman of the Board, and many of the activities are coordinated through the appropriate AAMVA standing committee.
- ACD codes or ACDs** The representational codes established in the **AAMVAnet Code Dictionary** for specifying certain specific types of violations and withdrawal actions. These codes are to be used when transmitting conviction or disqualifications via the CDLIS.
- CDLIS** The **Commercial Driver License Information System** was created as a requirement of the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse of information related to all US CDL holders. The Act requires that states query CDLIS to determine if a license applicant holds a commercial license (and history) elsewhere. (The CMVSA of 1986 also requires that states query the National Driver Register (NDR) while processing CDL applications to determine if the applicant has a withdrawal, license denial, suspension, etc., in any other state.) The CDLIS central file is in actuality an index; that is, the licensing state holds the driving history in its computer. A state inquiring as to the history of an applicant will query the CDLIS central file and be pointed electronically to the state holding the current record. The state of record then relays this information to the state of inquiry in a matter of seconds. States also have the ability to report violations of out-of-state commercial drivers to the respective home state through the CDLIS electronic network.

## **NDR**

The **National Driver Register** was created in 1961. The NDR functions under the control of the National Highway Traffic Safety Administration (an agency of the U.S. Department of Transportation). It is a clearinghouse for information on problem drivers. The purpose of the NDR is to prevent the issuance of a driver's license to drivers whose licenses have been withdrawn or denied. Before issuing a license, states query the NDR to determine if the applicant has revocations, suspensions, denials or cancellations in other states.

Until 1994, the NDR kept substantive data (type of offense, length of suspension, reinstatement date, etc.) and identification data (name, date of birth, license number, eye color, etc.) on problem drivers, duplicating what was on the state driver license file. In 1994, States began converting to the NDR's new Problem Driver Pointer System (PDPS).

## **PDPS**

The **Problem Driver Pointer System (PDPS)** contains identification data on problem drivers and "points" to the states where the substantive record(s) is maintained. By the end of 1997, all states should have converted to the PDPS. The PDPS master file has pointers or records on more than 27 million drivers.

Upon converting to the PDPS, states are required to 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 highway;
  - 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 on 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 access to the NDR.

In addition to the state driver licensing officials, access to the NDR is limited to the following authorized information recipients:

1. The National Transportation Safety Board (NTSB) and the Federal Highway Administration (FHWA) for crash investigation purposes;

2. Employers and prospective employers of motor vehicle operators;
3. The Federal Aviation Administration (FAA) regarding any individual who has received or applied for an airman's certificate;
4. The Federal Railroad Administration (FAR) and employers or prospective employers regarding railroad locomotive operators.
5. The United States Coast Guard (USCG) for the purpose of issuing or renewing Licenses, Certificates of Registry, or Merchant Mariner's Documents.

The above authorized parties, except for crash investigation inquires by the NTSB and the FHWA, must submit their request(s) through a participating state. However, individuals may submit a request regarding themselves directly to the NDR to determine what information the NDR has on file pertaining to them. Individuals may also submit such requests, usually for a fee, through a participating state. If submitted directly to the NDR, the individual must submit identification data, sign the requests and have it notarized.

## **DLC**

The **Driver License Compact** was developed in 1961 to give states the means for a cooperative program to control problem drivers through the exchange of convictions incurred by drivers licensed by another state and information contained in driver records. The Compact precepts 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 objectives are to promote the one driver license and one record concept. The DLC members make use of the National Driver Register (NDR), which serves as a national index of problem drivers. Member states voluntarily contribute information concerning driver license suspensions and revocations to the NDR. Note: Some of the states which are not members of the Compact still comply with the principles of the DLC. In December, 1997, 45 states belonged to the DLC.

## **States**

For the purposes of this report, "states" is used to mean the 50 U.S. states and the District of Columbia.

## Acronyms

<b>AAMVA</b>	American Association of Motor Vehicle Administrators
<b>AAMVAnet</b>	AAMVA's telecommunications subsidiary
<b>ACD</b>	AAMVAnet Code Dictionary
<b>ACD codes or ACDs</b>	AAMVAnet Code Dictionary [representational] codes
<b>ATA</b>	American Trucking Association
<b>CDL</b>	Commercial Driver License
<b>CDLIS</b>	Commercial Driver License Information System
<b>CDIP</b>	Commercial Driver License Instruction Permit
<b>CFR</b>	Code of Federal Regulations
<b>CMV</b>	Commercial Motor Vehicle
<b>CMVSA</b>	Commercial Motor Vehicle Safety Act of 1986
<b>CSOR</b>	Change State of Record
<b>DLC</b>	Driver License Compact
<b>DMV</b>	State Driver Licensing Agency (Department or Division of Motor Vehicles)
<b>DOB</b>	Date of Birth
<b>FAA</b>	Federal Aviation Administration
<b>FHWA</b>	Federal Highway Administration
<b>FMCSR</b>	Federal Motor Carrier Safety Regulation
<b>FRA</b>	Federal Railroad Administration

<b>GVW</b>	Gross Vehicle Weight
<b>IFTA</b>	International Fuel Tax Agreement
<b>IRP</b>	International Registration Plan
<b>MADD</b>	Mothers Against Drunk Driving
<b>MPR</b>	Master Pointer Record
<b>NDR</b>	National Driver Register
<b>NHTSA</b>	National Highway Traffic Safety Administration
<b>NLETS</b>	National Law Enforcement Telecommunications Network
<b>NON-CDL</b>	A driver license which is not a commercial drivers license
<b>NTSB</b>	National Transportation Safety Board
<b>OOSC</b>	Out-of-State Conviction
<b>OMC</b>	Office of Motor Carriers
<b>SSA</b>	Social Security Administration
<b>SSN</b>	Social Security Number
<b>USCG</b>	United States Coast Guard

# CMVSA Violations and Conviction Penalties

From the FMCSRs:

## 383.5 Definitions

**Serious traffic violation** means conviction, when operating a commercial motor vehicle, of:

- (a) Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
- (b) Reckless driving, as defined by State or local law or regulation, including but not limited to offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;
- © Improper or erratic traffic lane changes;
- (d) Following the vehicle ahead too closely; or
- (e) A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation). (Serious traffic violations exclude vehicle weight and defect violations.)

## Subpart D -- Driver Disqualifications and Penalties

### § 383.51 Disqualification of drivers.

(a) General. A driver who is disqualified shall not drive a commercial motor vehicle. An employer shall not knowingly allow, require, permit, or authorize a driver who is disqualified to drive a commercial motor vehicle.

(b) Disqualification for driving while under the influence, leaving the scene of an accident, or commission of a felony.

(1) General rule. A driver who is convicted of a disqualifying offense specified in paragraph (b)(2) of this section, is disqualified for the period of time specified in paragraph (b)(3) of this section, if the offense was committed while operating a commercial motor vehicle.

(2) Disqualifying offenses. The following offenses are disqualifying offenses:

(I) Driving a commercial motor vehicle while under the influence of alcohol. This shall include:

(A) Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more; or

(B) Driving under the influence of alcohol, as prescribed by State law; or

© Refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of § 383.51(b)(2)(I)(A) or (B), or § 392.5(a)(2).

(ii) Driving a commercial motor vehicle while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including all substances listed in Schedules I through V of 21 CFR part 1308, as they may be amended from time to time. Schedule I substances are identified in appendix D of this subchapter and Schedules II through V are identified in appendix E of this subchapter.

(iii) Leaving the scene of an accident involving a commercial motor vehicle;

(iv) A felony involving the use of a commercial motor vehicle, other than a felony described in paragraph (b)(2)(v) of this section; or

(v) The use of a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance when defined as any substance under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) including all substances listed in Schedules I through V of 21 CFR part 1308, as they may be amended from time to time. Schedule I substances are identified in appendix D of this subchapter and Schedules II through V are identified in appendix E of this subchapter.

(3) Duration of disqualification for driving while under the influence, leaving the scene of an accident, or commission of a felony -- (I) First offenders. A driver who is convicted of an offense described in paragraphs (b)(2)(I) through (b)(2)(iv) of this section, is disqualified for a period of one year provided the vehicle was not transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 - 1813).

(ii) First offenders transporting hazardous materials. A driver who is convicted of an offense described in paragraphs (b)(2)(I) through (b)(2)(iv) of this section, is disqualified for a period of three years if the vehicle was transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 - 1813).

(iii) First offenders of controlled substance felonies. A driver who is convicted of an offense described in paragraph (b)(2)(v) of this section, is disqualified for life.

(iv) Subsequent offenders. A driver who is convicted of an offense described in paragraphs (b)(2)(I) through (b)(2)(iv) of this section, is disqualified for life if the driver had been convicted once before in a separate incident of any offense described in paragraphs (b)(2)(I) through (b)(2)(iv) of this section.

(v) Any driver disqualified for life under § 383.51(b)(3)(iv) of this paragraph, who has both voluntarily enrolled in and successfully completed, an appropriate rehabilitation program which meets the standards of his/her State's driver licensing agency, may apply to the licensing agency for reinstatement of his/her commercial driver's license. Such applicants shall not be eligible for reinstatement from the State unless and until such time as he/she has first served a minimum disqualification period of 10 years and has fully met the

licensing State's standards for reinstatement of commercial motor vehicle driving privileges. Should a reinstated driver be subsequently convicted of another disqualifying offense, as specified in paragraphs (b)(2)(I) through (b)(2)(iv) of this section, he/she shall be permanently disqualified for life, and shall be ineligible to again apply for a reduction of the lifetime disqualification.

© **Disqualification for serious traffic violations** -- (1) General rule. A driver who is convicted of serious traffic violations is disqualified for the period of time specified in paragraph (c)(2) of this section, if the offenses were committed while operating a commercial motor vehicle.

(2) **Duration of disqualification for serious traffic violations** -- (I) Second violation. A driver who, during any 3-year period, is convicted of two serious traffic violations in separate incidents, is disqualified for a period of 60 days.

(ii) Third violation. A driver who, during any 3-year period, is convicted of three serious traffic violations in separate incidents, is disqualified for a period of 120 days.

(d) **Disqualification for violation of out-of-service orders** -- (1) General rule. A driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle is disqualified for the period of time specified in paragraph (d)(2) of this section. In addition, such driver is subject to special penalties as contained in § 383.53(b).

(2) **Duration of disqualification for violation of out-of-service orders** -- (I) First violation. A driver is disqualified for not less than 90 days nor more than one year if the driver is convicted of a first violation of an out-of-service order.

(ii) Second violation. A driver is disqualified for not less than one year nor more than five years if, during any 10-year period, the driver is convicted of two violations of out-of-service orders in separate incidents.

(iii) Third or subsequent violation. A driver is disqualified for not less than three years nor more than five years if, during any 10-year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents.

(iv) Special rule for hazardous materials and passenger offenses. A driver is disqualified for a period of not less than 180 days nor more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 - 1813), or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than three years nor more than five years if, during any 10-year period, the driver is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

