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TRUCK SAFETY

Implementation of the Single Driver's License and Notification Requirements





United States
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**Resources, Community, and
Economic Development Division**

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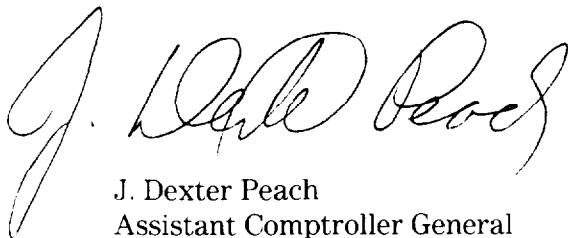
The Honorable Ernest F. Hollings, Chairman
The Honorable John C. Danforth, Ranking
Minority Member
Committee on Commerce, Science
and Transportation
United States Senate

The Honorable J. James Exon, Chairman
The Honorable Bob Kasten, Ranking
Minority Member
Subcommittee on Surface Transportation
Committee on Commerce, Science
and Transportation
United States Senate

In response to your request, this report evaluates the Department of Transportation's efforts to implement and enforce the single driver's license and notification of violation requirements of the Commercial Motor Vehicle Safety Act of 1986.

We are providing copies of this report to the Acting Secretary of Transportation; the Director, Office of Management and Budget; the Administrator, Federal Highway Administration; and other interested parties.

This work was performed under the direction of Kenneth M. Mead, Director, Transportation Issues. Other major contributors are listed in appendix VI.



J. Dexter Peach
Assistant Comptroller General

Executive Summary

Purpose

Over 4,000 highway fatalities and several billion dollars in related economic losses have been attributed annually to accidents involving large trucks. Public concern about unqualified truck drivers on the nation's highways led the Congress to pass the Commercial Motor Vehicle Safety Act of 1986. Beginning in July 1987 and extending over the course of 6 years, federal and state governments are to enact a series of measures to improve driver qualifications and performance and to prevent problem drivers from operating large commercial vehicles on the nation's highways.

The Chairmen and Ranking Minority Members of the Senate Committee on Commerce, Science and Transportation and its Subcommittee on Surface Transportation requested that GAO review the Department of Transportation's (DOT) efforts to implement the Commercial Motor Vehicle Safety Act of 1986. This report addresses two provisions in the act—commercial drivers can hold only one license and drivers must notify their employers and licensing states of all traffic convictions. GAO's specific objectives were to

- identify federal and state efforts to implement the single license and notification requirements and
- assess the extent to which these measures could be improved.

Background

It has long been possible for commercial drivers to obtain licenses from more than one state and thereby spread their traffic convictions among various licenses. Because drivers were not required to report out-of-state traffic convictions to their licensing states, and state agencies did not have composite records to assess overall driver performance, problem drivers were less likely to be identified, and the states were less likely to suspend or revoke their driving privileges. When the act was passed, between 275,000 and 1.65 million drivers out of an estimated 5.5 million commercial drivers subject to the act's requirements were suspected of holding more than one driver's license.

The Department of Transportation's Federal Highway Administration (FHWA) is responsible for enforcing the single license and notification requirements. FHWA can assess penalties for each offense drivers commit in violation of these requirements. Beginning in 1993, the act requires states to engage in state-to-state reporting of traffic convictions and to adopt uniform federal standards for penalizing unsafe commercial drivers.

Results in Brief

FHWA, the states, and the commercial motor vehicle industry undertook extensive steps to inform drivers and employers of the single license requirement. Partly as a result of this campaign, commercial drivers had voluntarily surrendered over 42,000 multiple licenses, as of September 1988. However, FHWA has taken limited action to identify drivers who have not voluntarily surrendered their licenses.

When FHWA identifies and notifies such drivers that they are not in compliance, the agency accepts drivers' statements, without accompanying evidence of license surrender, as proof of their compliance with the single license requirement. However, GAO found that FHWA's acceptance of these statements does not ensure that drivers are in compliance. FHWA's efforts to detect multiple license holders who did not voluntarily surrender their excess licenses will be limited until state participation in a nationwide licensing information system is fully implemented.

FHWA has no guidance and procedures to detect drivers failing to report their out-of-state traffic convictions. As a result, the agency is not enforcing the act's notification requirement. According to FHWA, it has instead concentrated its efforts on implementing the act's single license requirement.

Principal Findings

Single Driver's License Requirement

The act requires the Secretary of Transportation to establish a national information system by January 1989 that will consolidate licensing data on all commercial drivers in a central depository. However, in order to provide the states sufficient time to revise their laws and licensing programs to meet all the act's requirements, full state participation in the information system is not required until 1993. Only one state will provide licensing data to the new system when it begins operation in January 1989.

Through a grant to Nevada, FHWA is currently using the National Law Enforcement Telecommunications System to detect drivers nationwide who have not voluntarily surrendered their multiple licenses. Although this system does not have licensing data in a central location and must access such data from all licensing jurisdictions, it is FHWA's primary means of detecting potential multiple license holders. Based on a proposal in GAO's draft report, FHWA has extended the Nevada grant through

January 1990 to ensure continuity in its efforts to detect multiple license holders.

Through its detection efforts as of June 1988, FHWA notified 757 drivers suspected of holding multiple licenses that they could not operate a commercial vehicle and required them to provide FHWA evidence that they had surrendered their multiple licenses. FHWA accepted driver statements without accompanying evidence of excess license surrender from 75 percent of the respondents. GAO found that FHWA's acceptance of the statements does not ensure that drivers actually surrendered their multiple licenses. GAO believes that FHWA could achieve a more effective and creditable program if it required drivers either to submit evidence of their license surrender or to sign a letter authorizing the state(s) to cancel their multiple licenses.

Notification Requirement

GAO found that commercial drivers have not routinely reported their out-of-state traffic convictions to their licensing states, the states have not used out-of-state conviction information in their licensing decisions, and FHWA has not identified and penalized drivers found to have violated the notification requirement. These problems have impeded the development of single, composite driver records that could be used to identify unsafe drivers.

To examine the extent to which the notification requirement has been implemented, GAO selected Ohio and New York for review because of their differing enforcement activities, the number of multiple licenses surrendered, and geographic location. GAO identified 140 Ohio drivers with New York convictions and found that 96 percent did not report their conviction(s) to Ohio. GAO believes that FHWA should enforce the notification requirement by using methods such as state-to-state comparisons of licensing and conviction information.

GAO recognizes that resource constraints could restrict the agency's nationwide application of this comparative method. However, GAO believes that such an approach could be applied on a selective basis in the 32 states with classified licensing systems that distinguish commercial truck drivers. FHWA, at a minimum, could ensure that drivers in these states report their more serious out-of-state convictions (such as drunken or reckless driving or violations connected with fatal accidents) to their licensing state.

Until 1993, when the act requires state-to-state transmittal of traffic convictions, FHWA's enforcement of the notification requirement is the only means available to ensure that composite driver records are developed so that unsafe drivers are identified and removed from the nation's highways.

Recommendations

GAO recommends that the Secretary of Transportation direct the Administrator, FHWA, to

- require potential multiple license holders to either submit to FHWA evidence that they surrendered their excess licenses or authorize the state(s) to cancel them and
- enforce the notification requirement by, at a minimum, comparing states' records of more serious traffic convictions to other states' lists of commercial drivers reporting out-of-state convictions in order to identify drivers who did not report such convictions. FHWA should then use this information to take actions against drivers who failed to comply with the notification requirement and had unsafe (disqualifying) driving records.

Agency Comments

DOT generally concurred with GAO's recommendations. The Department delineated specific actions it plans to take to improve enforcement of the single license requirement and identification of drivers convicted of disqualifying offenses. DOT has continued through January 1990 its use of the National Law Enforcement Telecommunications System.

In September 1988, DOT also implemented procedures to penalize multiple license holders who have traffic offenses on more than one state record and to disqualify drivers convicted of serious traffic offenses. While such steps are positive, actions are still required to (1) substantiate drivers' statements of compliance with the single license requirement and (2) enforce the notification requirement, which is essential for the development of composite driver records. (See chs. 2 and 3 and app. V.)

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Abbreviations

FHWA	Federal Highway Administration
DOT	Department of Transportation
GAO	General Accounting Office
NLETS	National Law Enforcement Telecommunications System

Introduction

The social and economic losses associated with accidents involving commercial motor vehicles have been a focus of public concern for a number of years. National accident statistics have shown that this concern is well founded. Between 1980 and 1986, over 4,000 heavy truck-related fatalities occurred each year. In 1986 alone, the National Highway Traffic Safety Administration reported that heavy trucks were involved in 4,888 fatal accidents representing 9.3 percent of all fatal highway accidents, even though such trucks accounted for only 4.3 percent of vehicle miles travelled and less than 1 percent of registered vehicles. Federal Highway Administration (FHWA) accident statistics, which include only self-reported accidents of motor carriers engaged in interstate and foreign commerce, show that the economic cost of accidents involving commercial vehicles averaged more than \$3 billion annually from 1980 through 1985. FHWA estimated that the accident cost figure would be at least \$6 billion annually if accidents involving intrastate commercial vehicles were included.

A 1985 FHWA-funded study of preventable commercial motor vehicle accidents found that driver error was the prime factor in almost 95 percent of preventable accidents. A 1986 Office of Technology Assessment study on the transportation of hazardous materials also found that human factors, rather than equipment shortcomings, caused 62 percent of reported commercial motor vehicle accidents and hazardous materials spills.

When considering the issue of unsafe commercial drivers, the Congress, the Department of Transportation (DOT), the National Transportation Safety Board, and the motor carrier industry identified two major problems: (1) state licensing procedures were not uniform and may not be adequate to evaluate an applicant's qualifications to drive a commercial motor vehicle and (2) drivers could obtain licenses easily from more than one state and thereby avoid possible license suspension by spreading out traffic violation convictions among the various licenses. The Congress, trucking industry associations, and public interest groups identified the need for

- single drivers' licenses,
- driver knowledge and skill examination standards,
- a uniform licensing system,
- positive driver identification methods, and
- a licensing information system.

The Commercial Motor Vehicle Safety Act of 1986

Taking action on the issues identified in the previous section, the Congress passed the Commercial Motor Vehicle Safety Act of 1986, which the President signed into law on October 27, 1986. The act's goals are to (1) improve driver quality, (2) remove problem drivers from the highway, and (3) establish a standardized licensing system that would prevent drivers of commercial motor vehicles from having more than one driver's license. The act applies to approximately 5.5 million drivers engaged in interstate and intrastate commerce. It specifically covers drivers of commercial vehicles with a gross vehicle weight rating (manufacturer's specified loaded weight) of 26,001 pounds or more, drivers hauling hazardous materials, and drivers transporting more than 15 passengers. The act allows the Secretary of Transportation to lower the weight limitation to less than 26,001 pounds if necessary to ensure safety.

The act is designed to remove unsafe and unqualified commercial drivers from the nation's highways by making it illegal for commercial drivers to have more than one license; by establishing uniform licensing standards, which will be used by the states to issue commercial drivers' licenses; and by ensuring that the skills drivers possess are those necessary to safely operate their vehicles. The act contains numerous provisions to be implemented over several years in order to accomplish those objectives.

Among the first provisions of the act to be implemented were the single driver's license and traffic conviction notification requirements. The act specifies the following, effective July 1, 1987:

- No person who possesses more than one license shall operate a commercial motor vehicle. In addition, no employer shall knowingly allow, permit, or authorize an employee to drive a commercial motor vehicle in the United States while the driver is not in compliance with the single license requirement.
- Commercial drivers must notify their licensing state and employer of traffic violations (other than parking) within 30 days after the conviction dates.

The act provides for the assessment of civil penalties up to \$2,500 and criminal penalties up to \$5,000 and/or prison sentences up to 90 days for each offense drivers or employers commit in violation of the act.

A commercial driver license information system, which FHWA is required to establish by January 1, 1989, will help strengthen enforcement of the

act's single license requirement. This new information system will create a central depository of licensing information, which will allow state licensing departments to electronically share driver data and quickly determine whether a driver has multiple licenses. States' use of the information system is one of several provisions states must adopt by September 30, 1993, or risk losing 5 to 10 percent of federal-aid highway funds. States must also (1) develop and issue only drivers' licenses that contain specific identifiers, such as a social security number, (2) issue drivers' licenses only after the surrender of all current out-of-state licenses, (3) adopt and administer a program for testing commercial drivers, and (4) develop a system that allows for the exchange of information on out-of-state traffic convictions. The Congress provided a 6-year lead time for states to adopt these provisions in order to allow the states adequate time to convert their varied licensing systems to a standardized system and, where necessary, amend state legislation to conform with federal requirements.

The Secretary of Transportation is responsible for implementing the act's provisions and designated FHWA as the lead agency. As such, FHWA is responsible for implementing the act's provisions and identifying and penalizing drivers and employers who do not comply.

Objectives, Scope, and Methodology

The Chairmen and Ranking Minority Members of the Senate Committee on Commerce, Science and Transportation and its Subcommittee on Surface Transportation requested that we review the implementation of several of the act's requirements. This report addresses FHWA and state efforts to implement the single license and conviction notification requirements that became effective July 1, 1987. Later reports will address development of required standards for driver testing, driver disqualification, and uniform driver licensing.

Our objectives in this review were to determine how FHWA and the states were implementing the single license and conviction notification requirements during their early stages, to look at measures being taken to enforce the requirements, and to consider whether these measures could be improved. To address these objectives, we discussed the single license and notification requirements with federal, state, and industry officials and with representatives of interested organizations. We interviewed FHWA officials at headquarters; at regional offices in Albany, New York; Homewood, Illinois; and San Francisco, California; and at FHWA division offices in Albany, New York; Columbus, Ohio; and Carson City, Nevada. At FHWA offices, we documented the agency's procedures and efforts to

(1) inform states, carriers, and drivers of the act's requirements, (2) detect potential single license and notification violators, (3) investigate violations, and (4) assess applicable federal penalties.

To identify the actions states took to implement the requirements, we selected three states for review—Nevada, New York, and Ohio. The three states were selected with the assistance of FHWA and the American Association of Motor Vehicle Administrators on the basis of their differing licensing procedures and enforcement activities, the number of multiple commercial licenses surrendered, and geographic locations.

New York has a classified licensing system,¹ took an active role in notifying state licensed drivers of the act's requirements, participated in major federal/state single license detection efforts, and had the fifth largest number of surrendered licenses as of October 1987. New York does not have a state law prohibiting multiple licenses. Although Ohio state law prohibits multiple licenses, the state does not have a classified licensing system, had not initiated or participated in any major enforcement efforts, and was ranked 18th in the number of surrendered licenses. Nevada was active in federal efforts to detect multiple license holders and has a state law that precludes drivers from holding more than one license. Nevada does not have a classified licensing system and was ranked 35th in the number of surrendered licenses.

We documented the three states' relevant or proposed state laws and regulations pertaining to the single license and notification provisions. We also discussed with various officials the states' procedures and efforts to inform drivers and carriers of the requirements and to detect and impose penalties on drivers that violate the requirements. In addition, we reviewed pertinent driver licensing documents including computer-generated driver records. Although these 3 states are not statistically representative of all 50 states, we believe they illustrate some of the experiences and concerns confronting the states as the act's requirements are implemented.

We also interviewed motor carrier representatives in Ohio and New York, national carrier and driver organizations (American Trucking Association, Private Truck Council of America, Teamsters Union, Owner/Operator Independent Driver's Association of America), the

¹A separate classification for commercial motor vehicles that differentiates among types of vehicles and/or vehicle weight.

American Association of Motor Vehicle Administrators, and other interested organizations (Highway Users Federation, National Governor's Association, National Association of Government Highway Safety Representatives). We discussed with them the extent to which motor carrier and commercial drivers were informed of the act's single license and conviction notification provisions and the additional efforts these groups had undertaken to disseminate information on the act's provisions.

We conducted our review between October 1987 and June 1988 in accordance with generally accepted government auditing standards.

Implementation of the Single Driver's License Requirement

Following passage of the act in October 1986, FHWA initiated an extensive campaign to inform drivers and their employers of the act's single license requirement. FHWA also instituted a series of actions to identify potential multiple license holders through roadside inspections, safety inspections of motor carriers, and federal grants to the states. Partly as a result of these efforts, commercial drivers have voluntarily surrendered approximately 42,000 licenses as of September 1988.

However, this number represents only a small portion of an estimated 275,000 to 1.65 million drivers suspected of holding multiple licenses. FHWA's efforts to detect multiple license holders and enforce the act's single license provision have been limited by (1) the lack of a central depository of nationwide licensing information, (2) incomplete state licensing records and (3) insufficient FHWA follow-up actions to verify driver compliance. Enforcement of the single license requirement may be improved when the Secretary of Transportation establishes an information system containing national licensing data in January 1989. However, full state participation in this information system is not required until September 1993. At that time, the states must substantially comply with the act's requirements, including participation in the information system, or risk losing a portion of their federal-aid highway funds. In the interim, we believe that FHWA can reduce the number of multiple license holders by expanding its use of state resources and modifying its existing detection and enforcement efforts as it moves toward full implementation of the act.

Extensive Information Campaign Undertaken

FHWA responded to the single driver's license requirement with a major public information campaign targeted to approximately 200,000 interstate motor carriers and 5.5 million commercial drivers subject to the act's requirements. In May 1987, FHWA approved a grant to the state of Virginia to develop, print, and distribute material that would inform employers and drivers of the new requirement and provide drivers with a method for voluntarily returning excess licenses. At a cost of about \$200,000 in federal grant funds, Virginia printed and distributed to the states 6 million brochures, 140,000 cards, and 50,000 posters. Figure 2.1 shows a copy of the brochure.

To further the campaign, FHWA printed an additional 250,000 copies of the Virginia brochure and sent them to interstate carriers; developed information kits on the act and sent them to state governors and to the industry's press; and prepared and distributed material to their field offices for use in presentations on the act's requirements. In addition,

Figure 2.1: Single Driver's License Brochure

Keep your home state license and return the rest.

New Law Sets One-License-Limit

Do you drive a vehicle that

- weighs 26,001 pounds or more (GVWR)?
- carries 15 or more passengers?
- transports hazardous materials?

If so, effective July 1, 1987 you may have only one driver's license issued by the state where you live, according to a new federal law. If you have more than one license, it will be illegal, and you may be fined up to \$2,500. Except for the license issued by the state where you live, you should immediately return any other licenses you hold to the states that issued them.

How To Return Out-of-State Licenses

To return a license, just use the form included in this brochure and send it along with your license to the state that issued it. Make additional copies of the form if necessary. Addresses of motor vehicle offices are listed on the back. For your records, you may want to return your license by certified mail.

Don't Just Let It Expire

Destroying a license or simply waiting for it to expire won't help. The state's record will still show that you have an active license.

Additional Information

For additional information, contact your employer or your state motor vehicle office.

Exceptions

In addition to the license from the state where they live, some drivers may be required to have a license from the following states:

- Virginia: Required if you are employed in the state.
- Florida: Required if you are a part-time resident or employed to drive certain vehicles in the state.
- Connecticut: If you operate a tandem-trailer truck in Connecticut, you need a special license.
- Illinois: If you live in a neighboring state and operate certain passenger-carrying vehicles in Illinois.
- New Hampshire, Vermont, West Virginia and Wisconsin: Required for certain school bus drivers.
- These exceptions will be allowed only until the states pass laws to change these requirements, or until December 31, 1989, whichever comes first.

License Return Form

I am returning my license. Please change your records to show that I no longer hold an active license in your state.

FHWA requested its field personnel and state safety inspectors to inform drivers of the single license requirement during roadside vehicle/driver safety inspections and special commercial license road checks. As a result of these efforts, FHWA and the states directly informed thousands of commercial drivers of the single license requirement.

Chapter 2
Implementation of the Single Driver's
License Requirement

Motor Vehicle
Office Addresses

Alabama Dept. of Public Safety
 Montgomery, AL 36130

Alaska Div. of Motor Vehicles
 Juneau, AK 99802

Arizona Motor Vehicle Div.
 Phoenix, AZ 85007

Arkansas Office of Driver Services
 Little Rock, AR 72203

California Dept. of Motor Vehicles
 Sacramento, CA 95818

Colorado Motor Vehicle Div.
 Denver, CO 80204

Connecticut Dept. of Motor Vehicles
 Wethersfield, CT 06109

Delaware Div. of Motor Vehicles
 Dover, DE 19903

District of Columbia
 Bureau of Motor Vehicle Services
 Washington, DC 20001

Florida Div. of Driver Licenses
 Neil Kirkman Bldg.
 Tallahassee, FL 32399-0675

Georgia State Patrol
 Atlanta, GA 30316

Hawaii Motor Vehicle Safety Office
 Honolulu, HI 96813

Idaho Motor Vehicle Bureau
 Boise, ID 83731-0034

Illinois Driver Services Dept.
 Springfield, IL 62723

Indiana Bureau of Motor Vehicles
 Indianapolis, IN 46204

Iowa Office of Driver Services
 Des Moines, IA 50319

Kansas Div. of Vehicles
 Topeka, KS 66626

Kentucky Dept. of Vehicle Regulation
 Frankfort, KY 40622

Louisiana Office of Motor Vehicles
 Baton Rouge, LA 70806

Maine Motor Vehicle Div.
 Augusta, ME 04333

Maryland Motor Vehicle Administration
 Glen Burnie, MD 21062

Massachusetts Registry of Motor Vehicles
 Boston, MA 02114

Michigan Dept. of State
 Lansing, MI 48918

Minnesota Driver & Vehicle Service Div.
 St. Paul, MN 55155

Mississippi Highway Safety Patrol
 Jackson, MS 39216

Missouri Div. of Motor Vehicle & Drivers
 Licensing
 Jefferson City, MO 65105

Montana Motor Vehicle Div.
 Helena, MT 59620

Nebraska Dept. of Motor Vehicles
 Lincoln, NE 68509

Nevada Dept. of Motor Vehicles
 Carson City, NV 89711

New Hampshire Div. of Motor Vehicles
 Concord, NH 03305

New Jersey Div. of Motor Vehicles
 Trenton, NJ 08606

New Mexico Motor Vehicle Div.
 Santa Fe, NM 85703

New York Dept. of Motor Vehicles
 Albany, NY 12226

North Carolina Div. of Motor Vehicles
 Raleigh, NC 27697

North Dakota Drivers License Div.
 Bismarck, ND 58505

Ohio Bureau of Motor Vehicles
 Columbus, OH 43233

Oklahoma Dept. of Public Safety
 Oklahoma City, OK 73136

Oregon Motor Vehicles Div.
 Salem, OR 97314

Pennsylvania Dept. of Transportation
 Harrisburg, PA 17120

Rhode Island Div. of Motor Vehicles
 Providence, RI 02903

South Carolina Motor Vehicle Div.
 Columbia, SC 29216

South Dakota Div. of Motor Vehicles
 Pierre, SD 57501-2080

Tennessee Dept. of Safety
 Nashville, TN 37219

Texas Dept. of Public Safety
 Austin, TX 78752

Utah Driver License Div.
 Salt Lake City, UT 84119

Vermont Dept. of Motor Vehicles
 Montpelier, VT 05603-0001

Virginia Dept. of Motor Vehicles
 Richmond, VA 23299

Washington Dept. of Licensing
 Olympia, WA 98504

West Virginia Dept. of Motor Vehicles
 Charleston, WV 25317

Wisconsin Div. of Motor Vehicles
 Madison, WI 53702

Wyoming Field Services Div.
 Cheyenne, WY 82002

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There's
only one
license
for people
who carry
a lot of
weight.

A new law for truck
and bus drivers.

Source: U.S. Department of Transportation, Federal Highway Administration

The three states we reviewed (Nevada, New York, and Ohio) posted and distributed the Virginia printed material at various locations, including state licensing agencies, truck stops, and toll booths. Two of the three states took additional action to inform drivers of the requirement. Ohio developed and printed 62,000 brochures on the act's requirements, distributed them to commercial operators at toll booths and truck stops in the state, and established a toll-free information hotline for drivers seeking information on the requirements. New York sent an individual letter to each of its 537,000 licensed commercial drivers informing them

of the act's requirements. Industry organizations also informed their members of the single driver's license requirement through newsletters and articles in trade journals.

Actions to Identify and Detect Drivers With Multiple Licenses

Unless drivers voluntarily surrender their excess licenses, FHWA must take action to detect multiple license holders. FHWA developed a two-phased approach to identify commercial drivers and detect those drivers holding multiple licenses. The first phase involved developing a list of commercial drivers' names identified from state roadside inspections, driver's files examined during safety inspections of motor carriers, and reports on fatal and preventable accidents. In the second phase, FHWA is detecting potential multiple license holders by processing the drivers' names through the National Law Enforcement Telecommunications System (NLETS). NLETS must access licensing data in all 50 states and the District of Columbia to determine whether a driver has more than one license.

FHWA's use of NLETS ended in December 1988, at which time the act requires the Secretary to establish a national information system designed to consolidate licensing data on all commercial drivers in a central depository.¹ Each state must identify its commercial drivers and provide licensing data to the central depository before the new system has sufficient information to enable the states to conduct a nationwide check for multiple licenses. Although only one state will participate in the new system when it begins operation in January 1989, the act requires all states to participate by September 1993.

FHWA Detection Actions

During 1987, FHWA and the states conducted a series of vehicle inspections and commercial driver's license checks (roadside inspections) throughout the nation to determine the safety of commercial vehicles operating on the nation's highways and to notify drivers of the act's single license requirement. FHWA and the states collected the name, date of birth, and driver's license number of each driver stopped during roadside inspections for subsequent NLETS checks. For example, a roadside inspection, conducted from October 5 through 8, 1987 in 7 states (Arkansas, Illinois, Iowa, Louisiana, Minnesota, Missouri, and Wisconsin), resulted in the collection of information on about 24,000 commercial drivers. Similar roadside inspections occurred in other states,

¹In comments on our draft report, DOT stated that it would extend the NLETS grant to Nevada through January 1990.

including Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

In addition to roadside inspections, FHWA instructed its field personnel to check for indications of multiple licenses during their safety inspections of motor carriers. The inspectors were directed to examine driver qualification files for information indicating that drivers held multiple licenses. FHWA headquarters officials stated that this procedure was not successful because these files normally did not contain evidence that drivers had more than one license.

The agency also instructed the investigators in 2 of its 9 regional offices to obtain randomly the names of 10 drivers each week during their safety inspections. Finally, FHWA instructed all its regional offices to obtain the names of commercial drivers involved in fatal and preventable accidents. Together these actions generated additional driver names for subsequent NLETS multiple license checks.

In its second phase, FHWA awarded Nevada a \$59,000 grant to detect drivers nationwide with multiple licenses. The grant specified that Nevada was to use NLETS to process the names of commercial drivers obtained in phase one. NLETS is a state-owned and -operated telecommunication network, which allows the states to transmit law enforcement information. As an interim detection method, an FHWA official considered this system technically sound because it provided timely and direct access to actual licensing records. Nevada NLETS operators can check a commercial driver's name for licenses in all 51 jurisdictions (the 50 states and the District of Columbia) in approximately 3 to 5 minutes.

The Nevada project started in late December 1987. A Nevada official estimated that as of June 1988 the project had received 24,000 to 26,000 names for NLETS checks from FHWA offices, had processed 12,890 drivers through the system and had identified 851 drivers initially suspected of having multiple licenses. FHWA sent information on the 851 drivers to the appropriate FHWA regional offices for their analysis to determine whether enforcement actions are warranted and whether notices should be sent to the drivers. (The results of the NLETS checks are discussed in the following section on FHWA enforcement actions.)

In an earlier effort to identify multiple license holders, FHWA awarded North Dakota a \$76,000 grant in June 1987 to examine and compare computer-generated driver records from 16 jurisdictions (15 states and

the District of Columbia). While this project identified almost 29,000 drivers suspected of holding more than one license, FHWA officials stated they could not take official enforcement action on these drivers because of two weaknesses in the identification process: (1) expired driver licenses were not purged prior to the comparison and (2) state records did not cover comparable time periods.

Despite these weaknesses, FHWA sent letters to each of the 29,000 drivers, informing them of the act's requirement and directing them to return all but one license to the issuing state(s). FHWA was not able to determine how many of the 29,000 drivers actually had multiple licenses and/or returned their multiple licenses because it did not ask the drivers to reply to the letters and performed no additional follow-up.

Continued FHWA Detection Actions Rely on Future Operation of the Licensing Information System

FHWA enforcement actions have relied on the use of NLETS through the Nevada grant to access licensing data in the 51 jurisdictions and identify potential multiple license holders. At the time of our review an FHWA official stated that Nevada's NLETS efforts will end in December 1988 when the FHWA grant expires. FHWA officials anticipate that future detection actions will rely upon the licensing information system that the act requires the Secretary of Transportation to establish by January 1, 1989. According to FHWA, NLETS does not satisfy the act's requirement for a national depository of licensing information because, as a telecommunication system, NLETS can only access other sources of information (i.e., the licensing records of all 51 jurisdictions). It does not house the many sources of information needed to check for multiple licenses. In contrast, a depository would locate in one central data base licensing information on all commercial drivers.

In addition, state officials were concerned that since the act allows employers to access information in the new central depository, using NLETS to meet the act's requirements would also enable employers to access proprietary information that should be used exclusively for law enforcement purposes. Accordingly, FHWA concluded that NLETS was not an appropriate candidate for the national system specified in the act.

However, recent American Association of Motor Vehicle Administrators surveys of state participation in the information system showed that 22 states will be in a position to participate in the information system during 1989; however, only 1 state (California) will participate when the system begins operation in January 1989. State officials advised that full participation will not occur until, at a minimum, states (1) establish

a classified licensing system that will enable them to identify those drivers subject to the act's requirements, (2) develop and implement new testing procedures to license commercial drivers, (3) amend state laws to implement the above requirements, and (4) develop and employ software to interface with the new system. In its comments on our draft report, FHWA stated that it will extend the NLETS grant to Nevada through January 1990.

State Detection Efforts

Efforts to detect multiple license holders differed among the three states we reviewed. For example, Nevada, independent of the FHWA grant, has established procedures for determining whether commercial drivers have more than one license. Nevada routinely uses NLETS on a real-time basis to check commercial license applicants for potential multiple licenses. If the NLETS check identifies an applicant with multiple licenses, Nevada will not issue a license until the applicant surrenders the extra license(s) and completes a written statement requesting the other state(s) to cancel the multiple license(s).

In addition, Nevada purchased and equipped a mobile communication center to enable real-time NLETS checks of commercial drivers stopped at roadside inspections; the center began operation in 1985. Nevada purchased two additional mobile units in 1987, thereby expanding its ability to use NLETS as a means for identifying multiple licenses. When Nevada officials find that a driver possesses multiple licenses during the roadside inspections, they require the driver either to surrender the excess license(s) or, if the driver claims all excess licenses have been surrendered, to sign a letter requesting that the other state(s) confirm the previous license surrender.

In contrast with Nevada, New York and Ohio do not use NLETS to check for multiple licenses when drivers apply for licenses or when they are stopped at roadside inspections. However, officials from these two states advised that they notified drivers of the single license requirement during the roadside inspections. For example, when New York participated in an August 1987 roadside inspection with 10 other states, its officials informed the drivers of the single license requirement and obtained the names of 400 New York commercial drivers, which the state provided to FHWA for subsequent multiple license checks.

Problems in FHWA Enforcement of the Single Driver's License Requirement

FHWA, as DOT's lead agency, is responsible for penalizing drivers who do not comply with the single license requirement. While FHWA uses state licensing records to identify multiple license holders, it contends that it cannot rely solely on these records to enforce the act's provisions because these records may not show that drivers have surrendered their multiple licenses. As a result, FHWA has accepted statements, without the accompanying evidence of the license surrender, as proof of driver compliance with the single license requirement. We found that FHWA's acceptance of these unsubstantiated statements does not adequately ensure that drivers have surrendered their multiple licenses.

FHWA's Acceptance of Unsubstantiated Statements From Commercial Drivers

As of June 1988, FHWA notified 757 drivers² suspected of holding multiple licenses that they were unqualified to operate a commercial vehicle and, within 45 days of being notified, had to provide FHWA evidence that they had surrendered their excess licenses. The FHWA letter to the drivers stated that the drivers either could submit physical evidence from the state documenting their license surrender or sign and return, under risk of penalty, an FHWA statement certifying that they held only one driver's license. (See app. I for FHWA's letter.)

The 416 drivers who had responded as of June 30, 1988, said they were in compliance with the single license requirement. Of the 416 drivers, 102 provided physical evidence from the issuing state documenting their license surrender. For the other 314 responses, or 75 percent of the 416 claims of compliance, FHWA accepted as satisfactory evidence the drivers' unsubstantiated statements of compliance and took no further action to verify the validity of the drivers' claims. Of the remaining drivers, 112 did not respond within the 45-day period and are subject to investigation, while for 229 drivers the 45-day response period had not expired. Table 2.1 shows the status of FHWA's 757 letters. (See app. III for regional details of FHWA enforcement actions.)

²Although the Nevada project identified 851 drivers initially suspected of holding multiple licenses, FHWA had sent letters to only 757 drivers at the time of our review in June 1988.

Chapter 2
Implementation of the Single Driver's
License Requirement

Table 2.1: Status of FHWA's 757 Letters as of June 30, 1988

Status	Number
Responses received from 416 drivers	
Based on state documentation furnished	102
Based on unsubstantiated driver statements furnished	314
Responses pending (within 45 days)	229
No response (after 45 days)	112
Total	757

FHWA accepted the drivers' unsubstantiated statements because it believes that state licensing records, upon which the agency bases its initial suspicion of the single license violation, may be incomplete or may not reflect the drivers' current licensing status. For example, FHWA noted in its July 1988 regulations that many drivers, who had moved to another state and surrendered their former state's driver's licenses, were still shown as holding a license in their former state.

In addition, the American Association of Motor Vehicle Administrators recognized that the states were not processing surrendered licenses in a timely manner and in a September 1987 letter urged the states to review their program of processing returned licenses and to note promptly the cancellations on the drivers' records. In November 1987, the FHWA Administrator also notified each state of problems encountered in state license records and the need to improve record accuracy. FHWA officials advised that the agency must accept the driver's statement alone as proof of compliance with the single license requirement because they believe that drivers may not have in their possession or could not readily obtain documentation of their license surrender.

However, our analysis of drivers' responses to FHWA's letters showed that FHWA's acceptance of unsubstantiated statements does not ensure that drivers have surrendered their multiple licenses. To test the validity of the unsubstantiated driver statements, we analyzed the case files of all 34 commercial drivers that FHWA's New York regional office had sent letters to as of January 1988. We found that of the 23 drivers responding to FHWA's letters, 9 drivers had submitted state documentation, such as a Department of Motor Vehicle letter or receipt, attesting to their license surrender and 14 drivers had submitted unsubstantiated statements. Sufficient information was available to conduct NLETS checks on 8 of the 14 drivers. The NLETS check of state licensing records showed that three of the eight drivers still had licenses in more than one

state 4 months after the drivers submitted these unsubstantiated statements to FHWA. This indicates that either the drivers had not cancelled their excess licenses or the states had not updated their licensing records. In either case, FHWA has no assurance that drivers have surrendered their excess licenses.

FHWA Limitations in Assessing Penalties

FHWA procedures provide for investigations of drivers who do not respond to the letter within the allowable 45 days. To develop evidence of noncompliance, FHWA procedures require its investigators to document that the driver has more than one license and obtain evidence that the driver drove a commercial motor vehicle in commerce on or after July 1, 1987. According to FHWA officials, the investigative process is time-consuming and labor-intensive since the results of NLETS checks must be documented with certified copies of the driver's license records from the issuing states and evidence of commercial vehicle operation from the employer. If the investigation does not disclose evidence of noncompliance, the case is dropped. However, if a violation can be documented, FHWA determines an initial penalty amount and sends a claim letter to the driver.

Among the 112 drivers who did not respond to FHWA's letter within the allowable 45 days, FHWA assigned 44 cases for investigation; the remaining 68 cases had not been assigned as of June 30, 1988. Of the 44 assigned cases, 18 were still under investigation while 23 cases had been dropped. (See table 2.2.) (See app. III for disposition of investigations by FHWA regional offices.)

Table 2.2: Status of FHWA's 44 Cases Assigned for Investigation as of June 30, 1988

Status	Number
Dropped	23
Under investigation	18
Investigation showed noncompliance ^a	3
Total cases assigned for investigation	44

^aOne driver was assessed a \$1,500 penalty, while penalties for the other two drivers have not yet been assessed. The \$1,500 penalty case is pending settlement.

FHWA assessed no penalties in the 23 cases that were dropped because it (1) was reluctant to accept the accuracy of state license records, (2) could not locate the driver in order to complete the investigation, or (3) received evidence after the 45-day period to substantiate the driver's statement that he had surrendered his excess license(s). FHWA proved

the driver to be in violation of the requirement in only three of the assigned cases; in one case the driver was assessed a \$1,500 penalty.

In its comments on our draft report, FHWA stated that it has instituted new single driver license procedures as of September 1988. Specifically, the agency now requires Nevada officials, through the NLETS grant, to provide the respective regional FHWA offices with copies of complete driver records (including convictions) for those commercial drivers found to have more than one license. FHWA will take separate enforcement actions against these drivers depending upon the number of convictions. If a driver has at least two licenses with violations cited on at least two driver records, FHWA will take civil action against the driver and impose a \$2,500 penalty. However, if a driver with multiple licenses has violations on only one record, FHWA will send the driver a revised unqualified letter (see app. II). The new unqualified letter will request the driver to attest to his surrender of all excess licenses, but unlike FHWA's previous unqualified letter (see app. I), the revised letter does not give the driver the option to submit evidence of the license surrender.

Conclusions

Effective July 1, 1987, the Commercial Motor Vehicle Safety Act prohibits commercial drivers from operating motor vehicles while possessing more than one driver's license. The act introduced a new element to federal standards governing the safety of commercial motor vehicle operations by targeting and imposing requirements specifically on drivers. The act's emphasis on drivers has led FHWA, in conjunction with the states and the motor carrier industry, to target commercial drivers in an extensive information campaign. As a result of this campaign and other efforts, commercial drivers had turned in over 42,000 excess licenses through September 1988. The surrendered licenses represent an important first step in FHWA's efforts to implement the single license requirement.

However, the 42,000 surrendered licenses represent only a small return from the estimated 275,000 to 1.65 million drivers suspected of holding multiple licenses. To address this problem, FHWA has initiated a series of programs designed to detect those drivers who have not voluntarily surrendered their multiple licenses. FHWA's two-phased approach centered on first generating a list of commercial drivers' names obtained from roadside inspections, driver files reviewed during FHWA carrier inspections, and reports on fatal and preventable accidents. As part of its second phase, FHWA sent this information to the state of Nevada, which,

under an FHWA grant, processed the driver information through NLETS to check for multiple licenses.

NLETS is the only system currently available to FHWA to detect potential violators of the single license requirement. It will continue to be the only viable detection system until the new national licensing information system is fully operational by 1993, that is, with full state participation. Like NLETS, the new information system must rely on licensing data from all licensing jurisdictions in order to conduct a complete multiple license check. However, only one state will be in a position to participate in the information system at the time of its initial start-up in January 1989.

Through June 1988, FHWA notified 757 commercial drivers suspected of having more than one license that they were unqualified to operate a commercial motor vehicle. However, FHWA has questioned the reliability of the states' licensing records, which NLETS relies on to conduct its multiple license checks. Accordingly, it has accepted unsubstantiated statements without accompanying evidence from drivers who claimed to have returned their multiple licenses.

To resolve FHWA's concern about the reliability of state licensing information and ensure greater driver compliance with the single license requirement, we believe FHWA should modify its procedures for notifying drivers of a single license violation. Currently, FHWA notifies commercial drivers identified as potential holders of multiple licenses that they either must provide state documentation of having surrendered their multiple licenses or submit an unsubstantiated statement attesting to the license surrender. We found that the unsubstantiated statements do not ensure that drivers have surrendered their excess licenses.

We believe that FHWA should employ a system similar to Nevada's for ensuring surrender of excess licenses. It could do so by retaining the option for drivers to submit to FHWA evidence of their license surrender or cancellation and by replacing the unsubstantiated statement option with a new option allowing drivers to sign a letter authorizing the state(s) to inactivate their multiple licenses and then forward that letter to FHWA. (See app. I.) FHWA should then send the authorization letters to the appropriate licensing state(s) for action. Such a revision would serve a two-fold purpose: ensure that multiple licenses have been surrendered and simultaneously update state records to reflect the drivers' current licensing status. More current and accurate licensing data would in turn enhance the reliability of NLETS information and provide the new FHWA licensing information system with a reliable data base.

Recommendation to the Secretary of Transportation

We recommend that the Secretary of Transportation direct the Administrator, FHWA, to require potential multiple license holders to submit to FHWA either evidence that they surrendered their excess licenses or a letter authorizing the state(s) to cancel them.

Agency Comments and Our Response

In our draft report we proposed that DOT continue the use of NLETS as an interim means to identify holders of multiple licenses until the licensing information system required by the Commercial Motor Vehicle Safety Act is fully operational. In comments on our draft report, FHWA stated that the NLETS grant to Nevada would be extended through January 1990 at an additional cost of \$67,000. FHWA will assess the need to extend the NLETS efforts beyond January 1990 once the states begin participating in the new information system. Accordingly, we dropped our draft proposal.

FHWA also stated that it has implemented new single driver's license procedures that will address our concerns. As discussed previously, FHWA instituted procedures in September 1988 to initiate civil action against drivers who have multiple licenses and violations on several state licensing records. We support FHWA's more stringent enforcement efforts in this regard and believe they will send an important message to commercial drivers that FHWA intends to enforce the single license requirement.

However, FHWA's revised procedures will not ensure that commercial drivers found to have licenses in more than one state but violations on only one state record surrender their excess licenses. Previously, FHWA required drivers either to provide state documentation of having surrendered their multiple licenses or to submit an unsubstantiated statement attesting to the license surrender. FHWA's revised enforcement procedures eliminate the first option and now require drivers only to submit unsubstantiated statements. We found that drivers' submissions of unsubstantiated statements do not guarantee that the drivers have surrendered their excess licenses.

No Actions Taken to Enforce the Notification Requirement

Because drivers were not required to report out-of-state traffic convictions to their licensing states, and state agencies did not have composite records to assess overall driver performance, problem drivers were less likely to be identified, and the states were less likely to suspend their driving privileges. The Commercial Motor Vehicle Safety Act recognized the importance of maintaining a single, composite licensing record for all commercial drivers by requiring them, effective July 1, 1987, to notify their licensing states of any out-of-state traffic violations they received within 30 days after the conviction date. In its regulations implementing the act's requirement, FHWA noted that driver compliance with the notification requirement would (1) allow FHWA to identify and penalize those drivers found to have committed a serious offense in a commercial motor vehicle and (2) alert a state of out-of-state convictions which, when combined with in-state convictions, could warrant state suspension or revocation of a driver's license.

However, we found that commercial drivers have not routinely reported their out-of-state traffic convictions, the states have not used the out-of-state conviction information in their licensing decisions, and FHWA has not identified or penalized drivers who have violated the notification requirement. The lack of actions to enforce, use, and adhere to the notification requirement on the parts of FHWA, the states, and commercial drivers has, in our opinion, impeded the development of single, composite driver records. Until 1993, when the act requires state-to-state transmittal of traffic convictions, FHWA's enforcement of the notification requirement is the only means available to develop composite driver records and identify and remove unsafe drivers from the nation's highways.

The Law and FHWA Regulations

The act requires a commercial driver to notify his/her licensing state of all out-of-state traffic violations (other than parking) committed in any type of vehicle within 30 days after the conviction date. The act also requires the commercial driver to notify his/her employer of both in-state and out-of-state convictions within the same 30-day period. If the driver does not comply with this requirement, the act provides for the same penalties as the single driver's license requirement, that is, civil penalties up to \$2,500 and criminal penalties up to \$5,000 and/or prison sentences up to 90 days for each offense. The Secretary of Transportation designated FHWA as responsible for enforcing the notification requirement. In its implementing regulations, FHWA noted that it would

focus enforcement of the notification provision on those drivers found to have committed a serious offense in a commercial motor vehicle.¹

In addition, the act requires all states to have state-to-state reporting of commercial driver traffic convictions and adopt federal disqualification standards by September 30, 1993. (See app. IV.) State-to-state reporting of traffic convictions would maintain the composite driving record that now depends on drivers reporting their out-of-state convictions. FHWA noted that when state-to-state reporting of traffic convictions is fully operational, driver notification to the state would be unnecessary and FHWA would likely seek its rescission.

The act's disqualification standards establish certain traffic offenses, either taken alone or in conjunction with other offenses, that would preclude a driver from operating a commercial motor vehicle for a certain period of time. Until state enforcement begins in 1993, only FHWA can enforce the disqualification standards and take actions to prevent unsafe drivers from operating commercial vehicles.

FHWA Has Not Enforced the Notification Requirement

While FHWA has adopted the act's notification requirement in its program regulations, FHWA headquarters has not developed specific guidance and procedures for enforcing the requirement. FHWA officials stated that they have taken no actions to enforce the notification requirement because the agency has concentrated its efforts on implementing the act's single license and other requirements. FHWA field officials stated that they needed headquarters guidance and procedures on how to enforce the notification requirement before they can pursue violators and assess penalties for noncompliance. In addition, officials in the three FHWA regional offices we reviewed stated that the regional office had not requested information from the states on those drivers reporting their out-of-state convictions and were not aware of the number of notifications that drivers had submitted to the states in their regions. FHWA would need this information so that it could identify drivers found to have committed serious traffic offenses.

To assess the effects of FHWA's lack of enforcement actions, we obtained licensing and conviction information from Ohio and New York and

¹Serious or disqualifying offenses include driving while intoxicated, leaving the scene of an accident, using a commercial vehicle to commit a felony, and committing other serious traffic violations (excessive speeding, reckless driving, or a violation arising in connection with a fatal accident).

determined (1) whether convicted drivers had complied with the notification requirement and (2) whether drivers who had failed to comply with the requirement had committed serious traffic offenses that would warrant federal disqualification. With the assistance of New York State licensing officials, we obtained a list of 140 Ohio commercial drivers who were convicted of New York speeding violations during the last 6 months of 1987. We then compared that list of drivers to the notifications that Ohio commercial drivers had submitted to Ohio's licensing agency. We found that only 5 of the 140 drivers had reported their New York convictions to Ohio.

Our analysis also identified drivers whose unsafe driving records may subject them to loss of driving privileges under federal disqualification standards. Of 135 Ohio drivers who did not comply with the notification requirement, we selected a sample of 35 drivers and found that these drivers had accrued a total of 95 traffic-related convictions in the past 3 years.² (See table 3.1.)

Table 3.1: Traffic Convictions for 35 Ohio Drivers

Type of action	Number
Speeding convictions	72
Other convictions	23
Total	95

Source: Ohio Driver's License Abstracts.

The convictions were not spread uniformly among the drivers; 8 of the 35 drivers had over one-half of the speeding convictions (37). One Ohio driver had seven speeding convictions, one other conviction, and one license suspension. According to his Ohio record, the driver surrendered his Ohio license and obtained a Kentucky license 5 days before the effective date of a 6-month suspension of his Ohio license resulting from an unsafe driving record. Subject to FHWA definition of what constitutes excessive speeding, FHWA could disqualify this driver from operating a commercial motor vehicle for 60 to 120 days as a result of two or more speeding convictions in a 3-year period. However, with a new license and a clean record, the driver continues to operate a commercial motor vehicle.

²We selected 3 years because the act requires FHWA to apply disqualification standards to those serious offenses occurring within a 3-year period.

States' Use of Driver Notifications Is Limited

According to FHWA, another purpose of the driver notification requirement was to alert a state of out-of-state convictions which, when considered with in-state convictions, could warrant the state suspension or revocation of a driver's license. However, the three states we reviewed generally do not use the out-of-state convictions when assessing a driver's in-state record because existing state procedures and laws limit the use of this information. For example, an Ohio driver convicted of speeding in Ohio would accrue 2 to 3 points on his in-state licensing record. However, Ohio law does not allow the state licensing agency to assess points to that same driver's record for out-of-state speeding convictions reported by the driver or another state licensing agency. As a result, the states' determination to suspend or revoke the driver's license on the basis of the number of accrued points would not be affected by the driver's out-of-state convictions.

If state procedures permitted state licensing agencies to post the out-of-state convictions to a driver's in-state record and apply applicable points and penalties, the driving status of commercial drivers would have been affected. For example, through mid-January 1988, 58 New York drivers had reported a total of 64 out-of-state convictions to New York. With the assistance of New York State officials, we applied the 64 convictions to the New York drivers' records. We then assessed the extent to which the out-of-state convictions would have affected the drivers' New York licensing status, on the basis of current state law and federal disqualification standards.

As shown in table 3.2, over one-fourth of the 58 drivers reporting out-of-state convictions would have received warning letters from the state informing them that any subsequent convictions could result in license suspension or revocation. One of the New York drivers reported out-of-state convictions at the same time that New York had suspended his driving privileges. Under existing federal regulations, the driver could be disqualified from operating a commercial vehicle anywhere in the United States for the same period as his New York suspension. In another instance, a New York driver reported two out-of-state speeding convictions, which, when combined with a recent speeding conviction in New York, would have resulted in a state license revocation (three speeding tickets in an 18-month period).

Chapter 3
No Actions Taken to Enforce the
Notification Requirement

Table 3.2: Notification Effect of Out-Of-State Convictions on New York Drivers' Records

Effect	Number of drivers
Driver receives first warning letter (after 4-6 points)	14
Driver receives second warning letter (after 7-10 points) ^a	3
Driver's license revoked (after 11 points)	1
No effect on driver's record	40
Total^b	58

^aIncludes the one driver who would have been subject to federal disqualification, as explained in this section.

^bTwo of the 58 drivers had more than 1 conviction.

States' current inability to consider out-of-state convictions will cease to be a problem in 1993. This is the legislative deadline for the states to engage in state-to-state reporting of traffic convictions and adopt uniform federal disqualification standards. States would then be able to suspend the driving privileges of those drivers found to have exceeded the standards.

Conclusions

The Commercial Motor Vehicle Safety Act of 1986 requires commercial drivers to report all out-of-state traffic violations to both their employer and their licensing state within 30 days after they are convicted. Until state-to-state reporting of traffic convictions is fully implemented by September 1993, FHWA enforcement of the notification requirement serves as the primary means to develop a composite driving record for each commercial driver and provides FHWA with conviction information that it can use immediately to disqualify unsafe commercial drivers. However, FHWA has issued no guidance or procedures to its field personnel on the specific actions they should take to enforce the notification requirement because the agency has concentrated its efforts on implementing the act's single license and other requirements. Likewise, it appears that commercial drivers are reporting few out-of-state convictions and states are not using those that are reported in their licensing decisions.

We recognize that FHWA's ability to ensure single, composite driver records through enforcement of the notification requirement will be limited until state-to-state reporting of traffic convictions becomes mandatory in 1993. We believe FHWA could partially overcome this limitation by comparing individual state's traffic conviction records to other states' lists of commercial drivers reporting out-of-state convictions. Although we recognize that existing resource constraints may preclude

FHWA from using this comparative method nationwide, we believe FHWA could use this approach at least among the 32 states with classified licensing systems. Further, FHWA could best use its resources by ensuring that drivers report, at a minimum, their more serious out-of-state convictions—such as drunken or reckless driving or violations connected with fatal accidents—to their licensing state.

Our comparison of New York conviction records and Ohio driver notifications found that only a small number of Ohio commercial drivers had informed the state of their out-of-state convictions. More importantly, the comparison identified commercial drivers (1) who did not report their out-of-state convictions and would be subject to fines and penalties and (2) whose unsafe driving records may subject them to loss of driving privileges under federal disqualification standards. State conviction records and the driver-submitted notifications are available to FHWA and could be used in the agency's initial efforts to identify these noncomplying and unsafe commercial drivers.

Recommendation to the Secretary of Transportation

We recommend that the Secretary of Transportation direct the Administrator, FHWA, to enforce the notification requirement by, at a minimum, comparing states' records of more serious traffic convictions to other states' lists of commercial drivers reporting out-of-state convictions in order to identify drivers who did not report such convictions. FHWA could then use this information to take actions against drivers who failed to comply with the notification requirement and had unsafe (disqualifying) offenses.

Agency Comments and Our Response

In its comments on our draft report, FHWA stated that the enforcement procedures it intends to implement in response to our findings on the single driver's license requirement will also serve as a means to identify drivers convicted of out-of-state "disqualifying" offenses. FHWA stated that when it receives and reviews state driver records as a result of NLETS checks for multiple licenses, it will determine whether the drivers in question had been convicted of traffic offenses that could disqualify them from operating a commercial motor vehicle under existing federal regulations. Although we agree that this method will enable FHWA to enact better enforcement of its disqualification standards (see app. IV), the agency has not addressed how it intends to enforce the federal requirement that drivers notify their licensing states of all their out-of-

state traffic convictions. Until state-to-state reporting of traffic convictions is fully implemented by 1993, FHWA's enforcement of the notification requirement serves as the primary means to develop a composite driving record for each commercial driver. We believe that FHWA's enforcement of both the single license and notifications requirements is necessary in order to ensure that commercial drivers maintain only one license and one record.

FHWA's Model Letter to Unqualified Drivers

In reference to Docket No. R-_____ D, in the matter of _____,
Driver Qualification.

Dear _____:

This letter is to advise you that you are not qualified to operate a commercial motor vehicle in interstate or foreign commerce until such time as you have complied with the single driver's license requirement contained in 49 CFR 383.21. It is also a violation of the law for you to operate a commercial motor vehicle in intrastate commerce, until you have complied with this requirement.

This action is taken based on information the Federal Highway Administration (FHWA) has received which indicates that you are a commercial motor vehicle driver and that you currently hold driver's licenses from more than one state. You are strongly urged to return any and all such driver's licenses, other than the license issued by your state or domicile, to the state of issuance, and provide proof to this office that you have done so within 45 days of the date of this letter. Acceptable proof that excess licenses have been returned will be either:

- (1) a dated receipt from the issuing state agency containing your name, address, and your driver's license number, or
- (2) a letter, sent certified mail, return receipt issued by the United States Postal Service, showing your name and address, driver's license number, the State agency to which the license was mailed, and the date received by a representative of that agency.

Failure to furnish proof of return of excess licenses to issuing states or failure to return this letter with the completed verified statement could result in enforcement action being taken against you by this agency. Violators are subject, after an opportunity for a hearing, to civil penalties not to exceed \$2,500 for each offense or criminal penalties not to exceed \$5,000 or imprisonment for a term of 90 days, or both for those violations knowingly or willfully committed.

Enclosed are copies of all documentary evidence relied on in this matter.

If our records are incorrect and you are not a commercial motor vehicle driver or you do not hold multiple driver's licenses, please read the statement below concerning the penalties for perjury and then check the

appropriate box(es), sign your name and fill in the date. Return this letter to this office within 45 days so that we can reexamine our records and, if appropriate, amend them.

Sincerely yours,

Enclosure

Verified Statement

I, _____, certify, under penalty of perjury under the laws of the United States of America, that the information submitted below is true and correct. Further, I certify that I know that willful misstatements or omissions of material constitute Federal criminal violations punishable under 49 U.S.C. 522(b) by fines up to \$5,000. Additionally, I know that these misstatements may be punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to 5 years for each offense.

I am not a commercial motor vehicle driver. _____

I do not hold any driver's licenses other than the one from my state of domicile. _____

Signature _____ Date _____

Note: This letter was subsequently revised after FHWA instituted new enforcement procedures (see app. II).

Revised Model Letter for Unqualified Drivers

Dear _____:

The Federal Highway Administration (FHWA) has received information which indicates that you are a commercial motor vehicle driver and that you may currently hold driver's licenses from more than one state. Effective July 1, 1987, Federal law requires that you have only one driver's license issued by the state of your principal residence. If you have more than one license, it is illegal to drive a commercial motor vehicle. You must return all driver's licenses, other than the license issued by the state of your principal residence, to the state that issued the license. Do not return your licenses to the Federal Highway Administration.

If you have more than one license, you are not qualified to operate a commercial motor vehicle.

If you believe our information is incorrect and you are not a commercial motor vehicle driver or you do not hold multiple driver's licenses, please read the statement at the end of this letter, check the appropriate box(es), sign your name and fill in the date. Please return this letter to this office within 45 days so that we can reexamine our information.

If you do not return this letter with the completed verified statement, the FHWA may initiate enforcement action against you. Under Federal law, violators are subject to civil penalties not to exceed \$2,500 for each offense and criminal penalties not to exceed \$5,000 or imprisonment for a term of 90 days (or both) for those violations knowingly and willfully committed.

Enclosed are copies of all documentary evidence relied on in this matter.

Sincerely yours,

Enclosure

Verified Statement

I, _____, certify, under penalty of the laws of the United States of America, that the information submitted below is true and correct. Further, I certify that I know that any false, fictitious or fraudulent statement or representation may be punishable under 18 U.S.C. 1001, which provides for fines up to \$10,000, imprisonment up to 5 years, or both.

I am not a commercial motor vehicle driver _____.

I do not hold any driver's licenses other than the one from my state of domicile _____.

Signature _____ Date _____

FHWA Enforcement Actions, July 1, 1987 - June 30, 1988

FHWA Region	Letters Mailed	Responses						Investigations				Penalty
		Pending	Evidence Document	Furnished Statement	Subtotal	No Response	Total	Assigned	Pending	Proved	Disproved	
I ^a	43	4	13	17	30	9	43	8	7	0	1	0
III	9	4	1	3	4	1	9	1	1	0	0	0
IV	240	135	47	41	88	17	240	0	0	0	0	0
V	144	24	9	97	106	14	144	5	2	1	2	1 ^b
VI	7	1	1	3	4	2	7	2	2	0	0	0
VII	114	25	3	47	50	39	114	2	2	0	0	0
VIII	99	14	9	64	73	12	99	0	0	0	0	0
IX	16	8	1	4	5	3	16	3	3	0	0	0
X	85	14	18	38	56	15	85	23	1	2	20	0
Totals	757	229	102	314	416	112	757	44	18	3	23	1

^aFHWA Region I conforms to standard federal agency regions I and II.

^bUnsettled \$1,500 penalty.

Federal Disqualification Standards

- The U.S. Secretary of Transportation shall disqualify, for a year, a commercial motor vehicle operator who is found to have committed a first violation of:
 - driving a commercial motor vehicle under the influence of alcohol or other drugs;
 - leaving the scene of an accident while driving a commercial motor vehicle; or
 - operating a commercial motor vehicle in the commission of a felony.
- If the operator commits any of these violations while carrying hazardous materials, the disqualification shall be for 3 years.
- The U.S. Secretary of Transportation shall disqualify, for life, a commercial motor vehicle operator who is found to have committed a second violation of:
 - driving a commercial motor vehicle under the influence of alcohol or other drugs;
 - leaving the scene of an accident while driving a commercial motor vehicle;
 - using a commercial motor vehicle in the commission of a felony; or
 - using a commercial motor vehicle in the commission of a felony involving the manufacturing, distribution, or dispensing of a controlled substance, or possession with intent to distribute.
- The U.S. Secretary of Transportation shall disqualify, for a period of not less than 60 days, each person who in a 3-year period has committed two serious traffic violations in a commercial motor vehicle; and for not less than 120 days, each person who has committed 3 serious traffic violations in a 3-year period.
- Serious traffic violations are defined as:
 - reckless driving, as defined under state or local law;
 - a violation of a state or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal traffic accident;
 - excessive speeding as defined by the Secretary by regulation; and
 - any similar violation of a state or local law relating to motor vehicle traffic control (other than a parking violation) which the Secretary determines by regulation to be serious.
- By October 18, 1987, the Secretary of Transportation shall issue regulations requiring a 24-hour out-of-service period for any person in violation of part 392.5 of the Federal Motor Carrier Safety Regulations, which relates to consuming intoxicating beverages.

Comments From the Department of Transportation

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



**U.S. Department of
Transportation**

Assistant Secretary
for Administration

400 Seventh St., S.W.
Washington, D.C. 20590

NOV 17 1988


Mr. Kenneth M. Mead
Associate Director
Resources, Community, and Economic
Development Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Mead:

Enclosed are two copies of the Department of Transportation's comments concerning the U.S. General Accounting Office draft report entitled, "Truck Safety: Implementation of the Single Driver's License and Notification Requirements."

Thank you for the opportunity to review this report. If you have any questions concerning our reply, please call Bill Wood on 366-5145.

Sincerely,


Jan H. Seymour

Enclosures

Department of Transportation

Reply to GAO Report of October 6, 1988 on Truck Safety:
Implementation of the Single Driver's License
and Notification Requirements

Summary of GAO Findings and Recommendations

In reviewing the implementation of the Commercial Motor Vehicle Safety Act of 1986, the General Accounting Office (GAO) found that: (1) when the Federal Highway Administration (FHWA) notifies drivers who are not in compliance with the single driver's license requirement, the agency accepts drivers' statements of their compliance without accompanying evidence of license surrender, a practice which does not ensure that such surrender has actually taken place; (2) the FHWA has no guidance and procedures to detect drivers failing to report their out-of-State traffic convictions; and (3) commercial drivers have not routinely reported their out-of-State traffic convictions to their licensing States, the States have not used out-of-State conviction information in their licensing decisions, and FHWA has not identified and penalized drivers found to have violated the notification.

The GAO recommended that the Secretary of Transportation direct the FHWA Administrator to: (1) continue the use of the National Law Enforcement Telecommunication System (NLETS) as an interim means to identify holders of multiple licenses until the Act's required licensing information system is fully operational; (2) require potential multiple license holders to either submit evidence that they surrendered their excess licenses or authorize the State(s) to cancel them; and (3) enforce the notification requirement by, at a minimum, comparing States' records of more serious traffic convictions to other States' lists of commercial drivers who did not report such convictions and use this information to take actions against drivers who failed to comply with the notification requirement and had unsafe (disqualifying) driving records.

Summary of Department of Transportation Position

The Department generally concurs with the GAO's recommendations and has taken action to improve implementation of the single driver's license and notification requirements. As recognized by GAO, "[f]ollowing passage of the act in 1986, FHWA initiated an extensive campaign to inform drivers and their employers of the act's single license requirement, [and] instituted a series of actions to identify potential multiple license holders through roadside inspections, safety inspections of motor carriers, and federal grants to States."

The FHWA characterizes its early efforts as "compliance first, enforcement second." The FHWA placed priority on getting the word out to drivers and employers about the new single license requirement and advising drivers to return any out-of-State licenses to the States that issued them. As GAO states, "FHWA and

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the States directly informed thousands of commercial drivers of the single license requirement." The intent was to let multiple license holders know that they are under an obligation to surrender multiple licenses, provide notification of violations, and that failure to comply would subject them to sanctions and penalties.

Problems were encountered in initial efforts to verify surrender of multiple licenses and notification of violations because of individual State procedures used to administer their license data bases. For instance, all States do not "close out" a driver's record or note in the record that the license was surrendered. In some cases, when a license is surrendered to the State, the State does not remove the active record until the license renewal date, which can be a significant time after surrender of the license. In response to these problems, the Federal Highway Administrator sent a letter dated November 25, 1987 (copy attached), to each State alerting them to these problems. States are now taking steps to improve the accuracy and timeliness of their driver license records.

Our specific comments to the recommendations are as follows.

Recommendation: Continue the use of the NLETS as an interim means to identify holders of multiple licenses until the Act's required licensing information system is fully operational.

See comment 1.

Comment: The FHWA has extended the use of the NLETS through January 1990, to help detect potential multiple license holders. The FHWA has obligated \$59,336 for the original grant and obligated an additional \$67,180 in August 1988. The FHWA will assess the need to extend the NLETS efforts beyond January 1990 once the States begin participating in the new Commercial Driver's License Information System (CDLIS) in 1989.

Recommendation: Require potential multiple license holders to either submit evidence that they surrendered their excess licenses or authorize the State(s) to cancel them.

See comment 2.

Comment: As noted above, the NLETS will continue to be used to detect potential multiple license holders. Additionally, in view of the States' improvements in reflecting surrendered licenses, demands on FHWA resources, and other enforcement measures discussed below, FHWA will consider the need for further interim actions.

Recommendation: Enforce the notification requirement by, at a minimum, comparing States' records of more serious traffic convictions to other States' lists of commercial drivers who did not report such convictions and use this information to take actions against drivers who failed to comply with the notification requirement and had unsafe (disqualifying) driving records.

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Comment: The FHWA has taken several actions to improve enforcement procedures intended to improve the identification of drivers convicted of out-of-State "disqualifying" offenses so that FHWA can disqualify drivers when warranted. When FHWA receives and reviews the States' driver records and finds that a driver has convictions for a disqualifying offense(s), then FHWA will disqualify the driver under the Federal disqualification provisions (49 CFR 391).

On September 13, 1988, the FHWA's office of Motor Carrier Safety Field Operations issued new Commercial Driver's License (CDL) enforcement procedures (copy attached) to the FHWA field offices. The FHWA is targeting its enforcement efforts more selectively. The Department believes that FHWA will have better information for follow-up action and ultimately for imposing penalties and disqualifying drivers.

Under the new procedures, the Nevada Highway Patrol has agreed to obtain a copy of the driver's record(s) as identified through NLETS and provide it to FHWA. The FHWA intends to check: (1) drivers involved in fatal accidents as reported by a motor carrier (employer) under Federal regulations (49 CFR 394); and (2) drivers suspected of holding multiple licenses based on information collected during ongoing roadside inspections, on-site reviews of carriers' operations, or other sources. If the States' driver records indicate violations or other activity on two or more licenses since July 1, 1987, then FHWA will proceed with civil action.

The FHWA received the first group of States' driver records in October 1988. After a complete review of the records, FHWA will be better able to assess the potential effectiveness of the new procedures.

In conclusion, the Department would note that State licensing officials and the American Association of Motor Vehicle Administrators (AAMVA) have been extremely cooperative and aggressive in implementing the CDL program. The States are improving the accuracy of their driver license records, in particular to reflect surrendered licenses. The FHWA has worked closely with State and AAMVA representatives to develop model State enabling legislation for implementing the CDL program, including the notification and recognition of out-of-State convictions. These activities only highlight the efforts and progress of the States.

The full participation of the States in the CDL program and the CDLIS is the most effective means of enforcing the single license requirement and keeping drivers with unsafe records off the road. The Department believes that FHWA has struck an effective balance in devoting collective resources to meet all the responsibilities, goals, and deadlines set forth in the Commercial Motor Vehicle Safety Act of 1986.

See comment 3

The following are GAO's comments on DOT's letter dated November 17, 1988.

GAO Comments

1. DOT agreed with our recommendation to extend the Nevada grant, and we have accordingly dropped this draft recommendation.

2. We support DOT's actions to initiate civil action against drivers who obtain multiple licenses in order to spread their violations among several state licensing records. However, for those commercial drivers found to have licenses in more than one state but violations on only one state record, DOT's revised procedures will not ensure that these multiple license holders have surrendered their excess licenses.

Previously, DOT required drivers either to provide state documentation of the license surrender or submit an unsubstantiated statement attesting to the license surrender. Under DOT's revised enforcement procedures, the Department will allow drivers to submit unsubstantiated statements alone as proof of compliance with the single license requirement. We found that submission of unsubstantiated statements of compliance does not guarantee that drivers have surrendered their excess licenses. We believe that DOT should require drivers to submit to FHWA either evidence of the license surrender or a letter authorizing the state(s) to inactivate their multiple licenses.

3. GAO agrees that DOT's new procedures will enable the Department to enact better enforcement of its disqualification standards; however, the agency has not addressed how it intends to enforce the federal requirement that drivers notify their licensing states of all their out-of-state traffic convictions. Until state-to-state reporting of traffic convictions is fully implemented by 1993, DOT's enforcement of the notification requirement is essential to the development of composite driving records for commercial drivers.

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