



American Association of
Motor Vehicle Administrators

**safe drivers
safe vehicles
secure identities
saving lives!**

**The American Association of Motor Vehicle Administrators
(AAMVA)**

**Testimony Before the
United States House of Representatives
Transportation and Infrastructure Committee's
Subcommittee on Highways and Transit**

"Examining the Federal Role in Improving School Bus Safety"

July 25, 2019

Introduction

Chairman Norton, Ranking Member Davis, thank you for the opportunity to speak on the important issue of school bus safety and protecting children. According to the National Highway Traffic Safety Administration, the school bus remains the safest method of transporting children to school by far. We must continue our efforts to make that so in every way, including driver fitness.

The American Association of Motor Vehicle Administrators (AAMVA) is a tax-exempt, nonprofit organization that develops model programs in motor vehicle administration, law enforcement, and highway safety. The association also serves as an information clearinghouse in these areas.

Founded in 1933, AAMVA represents the state, provincial and territorial officials in the United States and Canada who administer and enforce motor vehicle laws. AAMVA's programs encourage uniformity and reciprocity among the states, provinces and territories.

The majority of our members work directly with federal and state safety partners, thus AAMVA relies heavily on its state members to guide the direction of the association's work with respect to commercial driver safety. They are, and always will be, the experts. While Congress has established federal requirements establishing a commercial vehicle operator safety framework, many of our state members have implemented additional laws and regulations to fill additional safety gaps, particularly regarding school bus operations. With this in mind, and understanding our state members are more qualified to speak on their state-specific programs, AAMVA will focus on the national program efforts concerning an Employer Notification Systems (ENS) and driver medical fitness with background on the Commercial Driver License Information System (CDLIS).

Employer Notification System

In 2016, AAMVA developed [a report](#) entitled, "Employer Notification System Design and Best Practices Recommendations" for the Federal Motor Carrier Safety Administration (FMCSA). Under the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), within 30 days of a conviction for any traffic violation, except parking, a commercial vehicle operator must notify their employer, regardless of the nature of the violation or the type of vehicle which was driven at the time. If an operator's commercial driver's license (CDL) is suspended, revoked, canceled, or if they are disqualified from driving, the driver must notify their employer within one business day following notice. Prior research has estimated that only 50 to 80 percent of commercial drivers actually self-report. As a result, employers may unknowingly use a driver whose license is suspended.

The current regulatory requirement is for motor carriers to annually check the driving history record of their drivers. As a result, if a driver does not self-report, it could take up to 364 days for the disqualifying event to be discovered. In the commercial motor vehicle operations safety net envisioned under federal law and overseen by FMCSA, employers are responsible for monitoring and taking action on their employees. However, the availability of driver data for employers could be improved to allow for real-time, automatic notification of convictions or disqualifying events. This type of an effort would entail additional federal investment in supporting states' efforts to improve their safety systems and automated reporting through an Employer Notification System (ENS).

In 2007, a pilot ENS program was conducted in Colorado and Minnesota to assess the feasibility, costs, safety impacts, and benefits of such a system; and to assess methods for efficient exchange of driver safety data from existing state systems. This system allowed motor carriers to register, with the driver's expressed permission, to receive timely electronic notification of convictions and suspensions. Other states have independently pursued their own ENS systems. FMCSA [provides](#) an updated listing of Employer Notification Services by state.

Congress supported efforts to establish an employer notification system for commercial drivers by establishing section 32303 of the Moving Ahead for Progress in the 21st Century Act (MAP-21). That section would permit employers to satisfy the requirements to check their drivers' histories annually by "receiving occurrence-based reports of changes in the status of a driver's record from one or more driver record notification systems that meet minimum standards issued by the Secretary." For most states that would include continuing the best practice of an annual driver history record as well.

At the request of FMCSA, AAMVA researched potential options on how an ENS system might work in 2016. This included the following options:

- Solution 1 – Each jurisdictions builds its own ENS using common standards
Solution 2 – Build a national ENS that jurisdictions can participate in.
- Option 1 – Build a national ENS independent of the Commercial Driver License Information System (CDLIS).
 - Option 2 – Build a national ENS leveraging the AAMVAnet network and CDLIS.

The AAMVA membership discussed and analyzed the various options and recommended that if a national ENS system were to be pursued and developed, it utilize the existing networking capabilities of CDLIS. While the membership discussed these as potential options, they did so under the assumption that participation be voluntary and take into account the numerous state-specific requirements of their driver systems. There are also several private sector entities

that specialize in providing driver histories to the CMV industry who would be capable of building such a solution.

CDL and Medical Fitness

With respect to medical fitness of commercial drivers, states rely upon the federal oversight of ensuring driver fitness. One of FMCSA's tools to do this is by setting standards for qualified medical professionals and tracking them through the federal National Registry of Certified Medical Examiners (NRCME). Medical examiners perform the function of evaluating and qualifying a driver for duty. CMV operators are required to have that evaluation performed and submitted in a timely manner. The evaluation is conducted by a U.S. DOT certified medical examiner who is required to submit qualification information to the state driver's license agencies as a prerequisite for licensure. This process is partially automated through the NRCME and eventually will be fully automated so the record of medical fitness will be submitted and accessed electronically by all parties, including roadside enforcement.

In addition to facilitating driver testing standards, AAMVA's role in support of CDL driver fitness is primarily one of enabling confirmation and exchange of information that a driver has a valid medical certification on record with the state of license. When enabled, the exchange of this data among states will be made through the Commercial Driver License Information System (CDLIS). Under its Medical Examiner's Certification Integration final rule, U.S. DOT-FMCSA is working to make this an electronic process, but the system is currently not fully available for the exchange of information between medical examiners and state driver licensing agencies.

Commercial Driver's License Information System (CDLIS)

CDLIS is a nationwide computer system that enables state driver licensing agencies to ensure each commercial driver has only one driver's license and one complete driver record. AAMVA's role as operator of the CDLIS system is based upon a cooperative agreement with the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA).

State driver licensing agencies use CDLIS to complete various procedures, including:

- Transmitting out-of-state convictions and withdrawals for commercial drivers
- Transferring the driver record when a commercial driver's license holder moves to another state
- Responding to requests for driver status and history.

CDLIS was established under the [Commercial Motor Vehicle Safety Act \(CMVSA\) of 1986](#) and is based on the Federal Motor Carrier Safety Regulations (FMCSRs) in [49 CFR 383 and 384](#).

Authorized users can report and access commercial driver identification information, commercial driver's license information, and driver history information needed to regulate commercial drivers in the U.S. CDLIS enables the jurisdictions to satisfy the requirements of [federal laws and regulations related to commercial drivers](#).

The state driver license agency maintain records of the drivers they license. A state will host databases, application programs, and system software to support its CDLIS functions and maintain its "pointer" records on the CDLIS Central Site. "Pointer" records consist of the driver's name, date of birth, social security number (last 5 digits), driver's license number and state.

Authorized Federal and State government agencies and personnel may also access CDLIS to utilize CDL-related information for compliance and enforcement monitoring and analysis.

Third party service providers can access CDLIS on behalf of employers of commercial drivers to obtain the list of jurisdictions where the driver is/was licensed. Once the jurisdictions are identified, the service providers must contract with the individual jurisdictions to obtain additional driver data/information. Authorized employers or third party service providers can retrieve the basic identification data from the CDLIS Central Site. Based on this information, the employers or third party service providers can make inquiries to the jurisdictions they have contracts with to obtain driver status and history.

Information on Mexican CDL holders is accessible by U.S. jurisdictions. Jurisdictions can post convictions and withdrawals to Mexican driver records via the FMCSA foreign convictions and withdrawals database which as a gateway to CDLIS. The U.S. and Canadian jurisdictions can also exchange driver status data within the allowances of their data privacy laws.

AAMVA thanks the Committee for its consideration, the opportunity to testify, and its continued dedication towards improving safety. We stand as partners in this effort and look forward to continued dialogue on how to improve safety for all road users.