

MEMORANDUM

FROM: Marie Breen, MassDOT General Counsel and
Jamey Tesler, Acting Registrar of Motor Vehicles
RE: Review of State-to-State Communications and Actions Underway
Interim Progress Report #3
DATE: July 12, 2019

This report updates the Interim Progress Reports we provided to you on July 1st and July 5th, and updates progress made on the review of the RMV state-to-state data sharing and communications concerning serious violations by Massachusetts licensed drivers. This report includes progress on the next steps and actions identified in the July 5th report and additional actions and next steps as of noon on Friday, July 12th. We note that much of the progress reported herein continues to be the direct result of the dedication and hard work of the RMV staff. Staff teams have completed the important work of reviewing and acting on previously unprocessed out of state notices concerning serious violations and will continue to address these notices going forward as outlined within this report.

As documented in more detail below, the key changes since the second interim report on July 5th are as follows:

- The three-step process described in the July 1st report has been completed for all of the unprocessed out-of-state violations, both the backlog found at Quincy headquarters and the 72 boxes of violation notices dating back to 2011 retrieved from the Concord archives. The cumulative number of actions taken totals 2,039 suspensions issued pertaining to 1,607 unique drivers.
- The data exchange and process for reviewing all 5.2 million Massachusetts licensure records against the National Driver Registry (NDR) via a batch process has begun, ahead of the schedule outlined in the prior report. At this point, although the batch processing is underway, we do not yet have results to report.
- Grant Thornton is on the ground and has begun the end-to-end forensic review of RMV processes with respect to out of state notifications for both CDL and other licenses.
- An initial meeting occurred with the Massachusetts Inspector General's Internal Special Audit Unit and the US DOT Inspector General's office.
- Having finished reviewing the backlog and archive of out-of-state violations received through the mail, and the implementation of new processes to address high priority, safety-critical violations received via mail from other states, we have turned to the question of how the RMV should notify other states when Massachusetts suspends their drivers. Historically the RMV appears to have shared information with other states in two ways: (1) using the Commercial Driver License Information System (CDLIS) to comply with federal notification requirements for violations and suspensions involving holders of CDLs and (2) relying on other states to use the National Driver Registry (NDR) to determine whether Massachusetts has denied, suspended or revoked a license of a non-CDL license holder. There is no evidence that the RMV has (at least not for many years) had a consistent practice of sending out mail or electronic notification of violations or suspension actions

taken in Massachusetts to other states in “real time” (There are documented exceptions, including a period of time during which Massachusetts and New Hampshire exchanged electronic files in an attempt to ensure that both states’ records were up to date). As described in more detail below, we have decided that in the interest of safety the appropriate practice is to mail out notifications to other states whenever out-of-state, non-CDL drivers are suspended in Massachusetts. We are working with the ATLAS team to begin such a process as soon as is practicable. While such notices will be generated by the ATLAS software, for the time being the notices will be printed and mailed because there is currently no system in place for electronic sharing of information about non-CDL drivers among states.

Organizational and Policy Changes:

The RMV continues to assess and balance the necessary and appropriate focus, prioritization and allocation of resources to meet its twin missions of customer service and public safety in coordination with the external forensic review team and federal and state oversight partners.

Next Steps:

- We are continuing recruitment for a Deputy Registrar for Safety and the development of draft legislation to ensure that the privilege of holding a Commercial Driver’s License is granted only to those whose driving and criminal records indicate that they are capable of safely driving commercial vehicles.
- As described in more detail below, we have begun a dialogue with the American Association of Motor Vehicle Administrators (AAMVA) to better understand best practices for informing other states when actions are taken in Massachusetts that affect the license eligibility of non-CDL drivers from other states and will be implementing a policy change to mail notifications to the appropriate registry whenever Massachusetts suspends the driving privileges of non-CDL drivers from other states. (CDL notifications will continue to be handled through CDLIS.)

Commercial Drivers Licenses

AAMVA has sent out the following information to help all stakeholders better understand the state-to-state system for sharing information on Commercial Drivers Licenses:

For commercial drivers who hold a Commercial Driver's License (CDL), the Commercial Driver License Information System (CDLIS) connects all states to each other so that they can ensure that each commercial driver has only one driver’s license and one complete driver record. State driver licensing agencies use CDLIS for many purposes, including to transmit out-of-state convictions and to transfer the driver record when a CDL holder moves to another state. CDLIS is a technical platform operated by AAMVA. The actual driver license information/record is maintained on the respective state system. CDLIS is used for states to first find which state to send information to and then to transmit the information.

In Massachusetts, we use CDLIS for transmitting information about out-of-state convictions, a process that has largely been automated by ATLAS. As previously reported, ATLAS generates regular reports

about the status of actions taken under CDLIS and any backlog of manual actions to be taken. RMV employees are now reviewing that information daily and ensuring that any necessary manual reviews are being undertaken with respect to issues that require immediate attention.

Actions Taken to Date

- An initial meeting occurred with the Massachusetts Inspector General's Internal Special Audit Unit and the US DOT Inspector General's office. We welcome and look forward to their ongoing engagement and review of past and new practices with respect to CDLs.

Next Steps:

- Next week the Registry of Motor Vehicles is meeting with the U.S. Department of Transportation's (USDOT) Federal Motor Carrier Safety Administration (FMCSA).
- Grant Thornton is on the ground and has begun the end-to-end forensic review of RMV processes with respect to out of state notifications for both CDL and other licenses.

Out of State Notifications

As described in the July 1st and July 5th reports, unprocessed out-of-state paper notifications were identified in our preliminary review.

As reported in our July 1st Interim Report, in any given year, the RMV issues roughly 230,000 suspensions for matters ranging from non-payment to serious driving offenses such as OUI or motor vehicle homicide. You will recall in May of 2019, 36,076 suspension actions were issued, again impacting a smaller number of individuals, including 11,814 for non-payment default, 12,810 for surchargeable events, 537 "immediate threat" reports, 734 chemical test refusals and 2,221 OUI suspensions.

Having finished reviewing the backlog and archive of out-of-state violations received through the mail, and the implementation of new processes to address high priority, safety-critical violations received via mail from other states, we have turned to the question of how the RMV should notify other states when Massachusetts' suspends their drivers. We have been reviewing the RMV's recent and historical practice with respect to informing other states when actions are taken in Massachusetts that affect the license eligibility of drivers from other states and begun a dialogue with the American Association of Motor Vehicle Administrators (AAMVA) to better understand best practices by states for such notifications.

Historically the RMV appears to have shared information with other states in two ways: (1) using the Commercial Driver License Information System (CDLIS) to comply with federal notification requirements for violations and suspensions involving holders of CDLs and (2) relying on other states to use the National Driver Registry (NDR) to determine whether Massachusetts has denied, suspended or revoked a license of a non-CDL license holder. There is no evidence that the RMV has (at least not for many years) had a consistent practice of sending out mail or electronic notification of violations or suspension actions taken in Massachusetts to other states in "real time." (There are documented exceptions,

including a period of time during which Massachusetts and New Hampshire exchanged electronic files in an attempt to ensure that both states' records were up to date.)

The NDR is a division in the National Center for Statistics and Analysis under the National Highway Traffic Safety Administration which maintains a database known as the Problem Driver Pointer System (PDPS). As described by the NDR, this pointer system:

contains information on individuals whose privilege to operate a motor vehicle has been revoked, suspended, canceled or denied or who have been convicted of serious traffic-related offenses. The records maintained at the NDR consist of identification information including name, date of birth, gender, driver license number, and reporting State. Based on information received as a result of an NDR search, PDPS will "point" the State of Inquiry (SOI) to the State of Record (SOR), where an individual's driver status and history information is maintained. . . . Any time a person applies for a driver's license or the renewal of an existing license, the State driver licensing officials search PDPS to see if the license or privilege to drive a motor vehicle has been withdrawn by any State. . . . PDPS does not contain driver history records on every licensed driver. PDPS contains State of Records (SOR) pointer information on driver's who have had their driver license suspended, revoked, or denied for cause. The entire driver history record for a licensed driver is maintained at the State level.

Although we can find no evidence that the RMV has ever had a consistent practice of mailing notifications to other states when their residents are subject to suspension actions in Massachusetts, we have decided that in the interest of safety the appropriate practice is to mail out notifications to other states when out-of-state, non-CDL drivers are suspended in Massachusetts. We are working with the ATLAS team to begin such a process as soon as is practicable.

Unfortunately, there is currently no means by which Massachusetts can provide such notifications electronically. Although Massachusetts is participating in the relatively new State-to-State verification system, that system does not allow for electronic sharing of information about out-of-state convictions or related suspension actions. As AAMVA recently explained in an email sent to member states:

The State-to-State (S2S) Verification Service is a means for states to electronically check with other participating states to determine if a non-CDL applicant holds a driver license or identification card in another state. If a DL/ID holder wants to transfer their DL/ID between two S2S participants, the two driver licensing agencies can transfer the driver history electronically via S2S. At this time S2S does not allow states to share out of state convictions or related actions electronically.

Massachusetts therefore cannot use electronic means to provide such notifications and we do not want to swamp other states with mail about matters which do not immediately affect license eligibility. As detailed below, we have therefore decided to focus on mail notifications which have caused Massachusetts to suspend the licensure of a non-CDL, out-of-state driver. While such notices will be generated by the ATLAS software, for the time being the notices will have to be printed and mailed.

Additional Findings:

- Between July 1 and 3 the RMV received over 900 pieces of mail from other states. Since July 5th, the RMV has received over 600 pieces of mail from other states, indicating that the daily and

weekly amount of incoming mail varies considerably. We continue to find that only a relatively small proportion of these mail notifications involve matters that will require suspension.

Actions Taken To Date:

- The three-step process described in the July 1st report has been completed for all of the unprocessed out-of-state violations, both the backlog found at Quincy headquarters and the 72 boxes of violation notices dating back to 2011 retrieved from the Concord archives. The cumulative number of actions taken totals 1,927 suspensions issued pertaining to 1,507 unique drivers. These suspensions were sent via priority mail and were effective immediately so that should any of these drivers have interactions with the police the suspension would be apparent in electronic records.
- The RMV is continuing to monitor and improve the additional processes developed to ensure incoming out-of-state notifications received by mail are scanned and reviewed and that any notifications triggering suspension actions are acted upon promptly. Since July 1, we have reviewed over 1,477 pieces of incoming mail containing out-of-state notifications and issued 98 suspensions of out-of-state drivers.
- The data exchange and process for reviewing all 5.2 million Massachusetts licensure records against the National Driver Registry (NDR) via a batch process has begun, ahead of the schedule outlined in the prior report. At this point, although the batch processing is underway, we do not yet have results to report. We note that the process of updating Massachusetts' licensure records will continue until we can assure that state licensure records accurately reflect all information available through the National Driver Registry; any needed actions affecting licensure status will be taken expeditiously, for the same priority violations, using a process similar to that used for the unprocessed mail.
- Grant Thornton is on the ground to begin performing the end-to-end forensic review for receiving and acting on out of state notifications, and to address these questions more definitively. Grant Thornton will produce a preliminary report with a detailed timeline of how state-to-state notifications have been handled and a final report within 60 days.

Next Steps and Recommendations

- While we have finished reviewing the out-of-state violation backlog and archive for drivers' whose licenses are suspended by another jurisdiction, an additional step is needed for drivers who have alcohol-related violations that may not currently affect their licensing eligibility due to the age of the violation. Because of Massachusetts' lifetime look-back law for alcohol-related violations, it is critical to make sure that driver license records are complete with regard to multiple alcohol offenses. Those notices were separated out during the review process and will be acted upon beginning on Monday, a process that may result in more suspensions because of the state's tiered approach to punishment for multiple alcohol violations.

- As explained above, we have decided that in the interest of safety the appropriate practice is to mail out notifications to other states when out-of-state, non-CDL drivers are suspended in Massachusetts. We are working with the ATLAS team to begin such a process as soon as is practicable. While such notices will be generated by the ATLAS software, for the time being the notices will be printed and mailed because there is currently no system in place for sharing of information about non-CDL drivers electronically.
- We will also incorporate mail notifications to other states as part of the process of acting on any priority offenses resulting in suspensions that occur as a result of the process for reviewing all 5.2 million Massachusetts licensure records against the National Driver Registry (NDR) via a batch process. To accomplish this, the ATLAS licensing database will need to be reprogrammed to generate notifications of immediate suspension of privileges not only to individual drivers, but to the registry of the home state of the offender. The system will be monitored to ensure it is functioning properly and generating appropriate notices for mailing. We will continue to work with the developers of the ATLAS system to streamline and automate this process to the extent possible.
- We will continue to review the process for sharing information with other states, including working with AAMVA to better understand best practices in other states, and will make recommendations for improvement in coordination with the ATLAS development team and the forensic review by Grant Thornton.