

STATEMENT OF CLAYTON HATCH, DIRECTOR, NATIONAL DRIVER REGISTER,
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF
TRANSPORTATION, BEFORE THE SUBCOMMITTEE ON COURTS, SENATE
COMMITTEE ON THE JUDICIARY, JULY 29, 1983

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before your Subcommittee today to discuss the National Highway Traffic Safety Administration's (NHTSA) National Driver Register program for assisting the States in exchanging information regarding the driving records of problem drivers. Accompanying me is Stanley C. Feldman, Senior Legislative Counsel in the Office of Chief Counsel.

BACKGROUND

In contrast with most foreign nations, in which the licensing of drivers is controlled at a national level, the licensing of drivers in the United States has been and continues to be a function of the individual State governments. As a result of this decentralized approach to driver licensing, there is a need for an effective system at the national level to assist the States in exchanging information regarding motor vehicle driving records of certain

individuals. Our mobile society's impact on the driver licensing management function makes it essential that complete, accurate, current, and useable driver history records be available to State driver licensing officials to identify ineligible license applicants, problem drivers, drivers in need of improvement, and drivers under suspension or revocation.

The National Driver Register (NDR), which is currently operated by NHTSA in the Department of Transportation, was originally established by Congress in 1960 as a voluntary State/Federal cooperative program to aid the States in achieving this goal. Before 1960, a driver whose license had been withdrawn or suspended in one State merely had to go to a second State to obtain a valid driver's permit. At that time, the only way a State could determine whether a license applicant had a driving record in any other State would have been to write to every State. This, of course, was very costly and time-consuming and was almost never done.

The NDR's purpose is to assist the States in exchanging driving record information on problem drivers. The current NDR consists of highly abstracted information provided by the States which identifies the subject of the record and includes data on the reason for the State withdrawal or denial action, the effective date of the action, and the date of eligibility for restoration and/or date of actual restoration.

This file is limited by statute to those whose driver licenses have been suspended, revoked, cancelled, or denied, and it is in the form of a file of adverse driver records which duplicates those maintained at the State level. This data must be updated regularly by the States if these records are to be kept current. The system is computer-assisted but uses the U.S. Postal Service for transmission of data to and from the State licensing authorities.

Several years ago, when telecommunications were less advanced, exclusive use of the mails was the only means available for communications between the NDR and the States. At that time,

most States issued a temporary license before preparing and mailing the permanent license to an applicant. Now, 26 States issue permanent licenses over-the-counter while the applicant is present.

As a result of these changes, a number of years ago State driver licensing authorities began requesting that the NDR be upgraded to use automated communications technology for faster access and retrieval of the system's information. The Congress responded to these requests in 1978 by mandating a comprehensive study of the need for the NDR and, if necessary, the ways and means to establish a fully automated system to assist the States in exchanging driver record information. The recommendations of this study formed the basis of the National Driver Register Act of 1982.

THE NATIONAL DRIVER REGISTER ACT OF 1982

The 1982 Act requires the Secretary of Transportation to develop an electronic NDR service that will permit States to exchange information on problem drivers in minutes instead of the one to two weeks required with the current system. This system

is required to operate as a "pointer" system. When fully operational, the NDR will serve as an index which points inquiring States to those States, if any, which have taken adverse driver licensing actions against any individual inquired about.

The personal identifiers which are required to be utilized in the system will include the following items:

- (1) the legal name, date of birth (including day, month, and year), sex, and (at the Secretary's discretion) the height, weight, eye and hair color;
- (2) the name of the State transmitting such information; and
- (3) the social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of the individual (if that number is different from the operator's social security account number).

The personal identifiers received by the NDR and used for State referral purposes are to be limited to individuals--

- (1) who are denied a motor vehicle operator's license by the referral State for cause;
- (2) whose motor vehicle operator's license is canceled, revoked, or suspended by the referral State, for cause; or
- (3) who is convicted under the laws of the referral State for the following motor vehicle-related offenses or comparable offenses--
 - (A) operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance;
 - (B) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways;

(C) failure to render aid or provide identification when involved in an accident which results in a fatality or personal injury; or

(D) perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law or regulation relating to the operation of a motor vehicle.

To avoid the possibility of inadvertent disclosure of data through the NDR itself, the Act requires that the use of the NDR to relay the exchange of data between States is to be accomplished without any interception on the part of the NDR of the actual information being relayed. In addition, while the Act provides that the Secretary will not be responsible for the accuracy of the State data relayed by the NDR, it does require the Secretary to maintain the NDR in a manner that ensures against any inadvertent alteration of information during NDR-assisted State exchanges.

To ensure the security of the new system and provide privacy safeguards, the Act limits access to the system to the chief driver licensing officials of the States. This restriction on access removes the current, additional authority of Federal officials and officials of political subdivisions of the States to request information directly from the NDR.

In addition, the receipt of any data or abstracts of driver records provided by or by means of the NDR is required to be limited to the chief driver licensing officials of the States, and through them, to persons specifically authorized by the Act to request them for stipulated purposes. These are:

(1) the Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration for the purposes of accident investigation conducted by the Board or the Bureau of Motor Carrier Safety;

(2) employers of individuals who are employed as drivers of motor vehicles or who seek such employment if the individuals so employed or who seek such employment request the transmittal of the information to their employers or prospective employers; and

(3) any individual in order to determine whether the NDR is providing any data regarding himself or herself, the accuracy of the data, or to obtain a certified copy of the data.

Under the Act, any request for or receipt of data by means of the NDR is subject to the provisions of the Freedom of Information Act and the Privacy Act and any other applicable Federal or State law. Criminal penalties are provided for unauthorized receipt or disclosure of NDR information in the amount of fines of not more than \$10,000 or imprisonment for not more than one year, or both.

To aid in the development of this system and convince the States of its utility, the 1982 Act requires a four-State pilot test of the new electronic service. The pilot test is scheduled to begin in the spring of 1985 and an evaluation report is to be submitted to Congress by October 1986.

Our schedule for the development of the new NDR system calls for several major tasks to be performed. The first of these tasks is the preparation of a system design. We have recently awarded a contract for this purpose and plan to have a completed design in late 1984.

While this contract is underway, we will begin a rulemaking process to effect an orderly transition from the current NDR system to the new system. This rulemaking will be completed about April 1984.

After delivery of the completed system design in late 1984, the next major task will be to select the States for the pilot test of the system. Requests for proposals will be sent to all States to solicit competitive bids for participation in the

pilot test program. The four States will be selected in the spring of 1985 and the test will conclude in mid-1986. An evaluation report is scheduled to be submitted to Congress by October 1986.

Current State participation levels in the NDR offer positive encouragement for the eventual success of the upgraded system. For example, in 1982 over 18 million file check requests were received and processed against the NDR file. These checks resulted in our sending 253,204 probable identifications to the States for appropriate action. Also during 1982, some 2.7 million reports of license withdrawals, denials and other updating actions were provided by the States, bringing the total number of records on the file to 7.5 million at the end of last year.

In the meantime, we believe that the current NDR system is useful and we are doing what we can to improve it. For example, through the use of telephone lines the NDR can now provide the States with the option of processing inquiries and file updates within 24 hours. In May, Idaho became the first State to submit its inquiries in this manner directly to the NDR computer facility.

Several other States are now taking advantage of this option.

This completes our prepared statement. Mr. Feldman and I would be pleased to respond to your questions.