

**Commercial Driver License Information System (CDLIS)
Definitions and Fundamental Requirements for Compliance**



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I. Overview: What is CDLIS Compliance?

It is a legal requirement established by the federal government for the jurisdictions (all states and the District of Columbia) to adhere to certain minimum standards mandated by the Commercial Motor Vehicle Safety Act (CMVSA) of 1986. The federal administrative regulations established to carry out the Act are embodied in Title 49 (Transportation) of the U.S. Code of Federal Regulations (CFRs).

These regulations enable the Secretary of Transportation to prescribe the detailed processes for carrying out the intentions of the CMVSA and other mandates. They allow for the Federal Highway Administration (FHWA) to determine whether or not the states meet the compliance standards which are set forth in the regulations in a substantial way. They also provide for the withholding of federal-aid highway funds for non-compliance.

II. Federal Laws and Official Regulations.

A. The Commercial Motor Vehicle Safety Act of 1986, (CMVSA). This was the first national effort to remove unsafe and unqualified drivers from the nation's highways. Focusing attention and resources on the driver as the most critical safety concern, the Act makes it illegal for a commercial motor vehicle operator to have more than one license and requires them to hold a Commercial Drivers License (CDL).

1. CMVSA Primary Features. The most important aspects of the Act are as follows:

- a.) Establishment of the single license requirement;
- b.) Prohibition of companies from allowing a driver employed by them to operate the company's vehicles if convicted of violating a local law relating to motor vehicle traffic control (other than a parking violation);
- c.) Establishment of mandatory written and driving tests to ensure applicants have the required knowledge and skills;
- d.) Prohibiting issue of a CDL by any jurisdiction if the driver has been disqualified, suspended, revoked, or canceled; and
- e.) Establishment of the Commercial Driver's License Information System (CDLIS).

2. Establishment of CDLIS. The CMVSA gave the Secretary of Transportation the authority to make an agreement with the States and to designate the operator of the system. In an agreement dated December 21, 1988, the U.S. Department of Transportation officially appointed AAMVA.net as the "designated operator" of CDLIS. It also established minimum requirements for the system. CMVSA Section 12007, Commercial Driver's License Information System, paragraph (d) states:

"The information under this section shall, at a minimum, include the following information concerning each operator of a commercial motor vehicle:

a. Any information that the Secretary of Transportation considers appropriate to operate the system.

b. The operator's:

- name, address, physical description,
- Social Security Number, or other number or information that the Secretary considers appropriate,
- The name of the State that issued the license to the operator (State of Record),
- The dates between which the license is valid, and
- Whether or not such operator has had a driver's license which authorized such person to operate a commercial motor vehicle suspended, revoked or canceled by a State, has lost the right to operate the commercial motor vehicle in a State for any period, or has been disqualified from operating a commercial motor vehicle."

B. U. S. Code of Federal Regulations, Title 49. The second body of applicable law is the Code of Federal Regulations, Title 49 (Transportation). This Title is a collection of administrative regulations established in order for the Secretary of Transportation carry out the many functions of the Department including rules for carrying out requirements of official acts such as the CMVSA. There are Parts, Subparts and Sections of Title 49 which specifically pertain to CDLIS operations and compliance:

1. 49 CFR, Part 383 - Commercial Driver's License Standards; Requirements and Penalties. This Part covers such things as the single license requirement; operator, state and employer notification requirements and responsibilities; driver disqualifications and penalties; State licensing procedures; vehicle groups and endorsements, required knowledge and skills; and testing procedures and methods.

The State Licensing Procedures (383.73) are particularly important they require States to perform a check with CDLIS for:

- initial application and non-resident licensure. "*(the State shall perform)...a check with the CDLIS to determine whether the applicant's license has been suspended revoked or canceled, or if the applicant has been disqualified from operating a commercial motor vehicle.*"
- and license issuance. "...*The State shall notify the operator of CDLIS of such issuance, transfer, renewal or upgrade within the 10 day period beginning on the date of license issuance.*"

2. 49 CFR Part 384 - State Compliance with Commercial Driver's License Program, Subpart B - Minimum Standards for Substantial Compliance by the States outlines requirements for minimum standards for substantial compliance by the states, procedures for determining state compliance, and consequences of non-compliance. The Sections of this Part that apply specifically to CDLIS are:

- Section 384.205 - CDLIS Information,
- Section 384.206 - State Record Checks,
- Section 384.207 - Notification of Licensing. Of particular importance is the specification of the time period for notification:
“...Within the period defined by 383.73 (f) - (10 days) the State shall:
 - *Notify the operator of CDLIS of each CDL issuance,*
 - *Notify the operator of CDLIS of any changes in driver identification information,*
 - *And in the case of transfer issuances, implement the Change State of Record transaction, as specified by the operator of CDLIS (AMMVAnet) , in conjunction with the previous state of Record and the Operator of CDLIS . ”¹*
- Section 384.209 - Notification of Traffic Violations. *“... Whenever a person who holds a CDL from another state is convicted of a violation, in any type of vehicle, of any State or local law relating to motor vehicle traffic control (other than a parking violation), the licensing entity of the State, in which the conviction occurs, shall notify the licensing entity of the persons state licensure of the conviction, as expeditiously as possible.”*

Section 384.209 also requires notification with respect to non-CDL Holders. Non-CDL operators who are convicted of traffic-related violations (other than parking) while driving a CMV are also to be reported to their State of Record.

Sections 384.215 through 219 describe the types of various violations:

- Section 384.215 - First Offenses
- Section 384.216 - Second Offenses
- Section 384.217 - Drug Offenses
- Section 384.218 - Second Serious Traffic Violation
- Section 384.219 - Third Serious Traffic Violation
- Section 384.231 - Satisfaction of State Disqualification Requirement, is of particular importance to CDLIS because as of May 18, 1997, it imposed new record keeping requirements on the jurisdictions with regards to non-CDL holders.

¹ Note: It should be assumed that the language, *“as expeditiously as possible”* implies electronic transmission of convictions, since it is the most **expeditious means** of sending convictions. Although the vast majority of jurisdictions are capable of sending convictions electronically, a few jurisdictions are not able to do so. Other jurisdictions who have sent convictions electronically in the past, have, over recent months, chosen to batch and mail them. This has caused a problem with timely notification. If at all possible, jurisdictions should exert the effort to make electronic transmission of convictions a required practice.

“(b) Required action - (1) CDL Holders. A State shall satisfy the requirement of this part that a State disqualify a person who holds a CDL by, at a minimum, suspending, revoking or canceling the person’s CDL for the applicable period of disqualification.

(2) Non-CDL Holders (applies on and after May 18th, 1997). A State shall satisfy the requirement of this subpart that the state disqualify a non-CDL holder who is convicted of an offense or offenses necessitating disqualification under Section 383.51 by, at a minimum, implementing the limitation on licensing provisions of Sections 384.210 and the timing and recordkeeping requirements of paragraphs (c) and (d) of this section so as to prevent such non-CDL holder from legally obtaining a CDL from any State during the applicable disqualification period(s) specified in this subpart.”²

(c) Required timing. The State shall disqualify a driver as expeditiously as possible.

(d) Recordkeeping requirements. The State shall maintain such driver records and cause such driver identification data to be retained on CDLIS as the operator of the CDLIS specifies are necessary to the implementation and enforcement of the disqualifications called for in Section 384.215 through 384.219.”

49 CFR Part 384 Subpart C- Procedures for Determining State Compliance.

- Section 384.301 - Substantial Compliance - General Requirement. *“To be in substantial compliance (with CMVSA), a State must meet each and every standard of Subpart B of this part by means of the demonstrable combined effect of its statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resource assignments (facilities, equipment, personnel) and enforcement practices.”*

Every year, the Governor of each State must submit a statement to their State’s FHWA Director of the Office of Motor Carriers FHWA which certifies that they have continuously been in substantial compliance with the requirements of Title 49 Part 384 Subpart B for the applicable fiscal year.

Each State program is also subject to periodic review by the FHWA to determine whether the State meets the general requirements for substantial compliance. If, after review, a preliminary determination is made that a State does not meet one or more of the standards in Subpart B, the State will be informed of that decision and allowed thirty days to respond. If, after reviewing the State response, the FHWA determines that a State is not in compliance with the standards, the State will be notified of the final determination.

49 CFR Part 384 Subpart D - Consequences of State Noncompliance.

² As indicated in the May 18th Implementation Guide, this rule has been interpreted to mean any reported conviction, even though it is not disqualifying, since there may be an accumulation of violations which necessitate disqualification.

Following the first year of non-compliance, and the State has not met the standards of Subpart B for a 365 day period, an amount equal to five percent of the Federal-aid highway funds to be apportioned to the State shall be withheld. Following the second subsequent year, an amount of ten percent of highway funds are to be withheld.

III. Official AAMVAnet Documentation.

AAMVAnet has produced several documents which outline the minimum procedures to be implemented by the licensing jurisdictions (50 states and the District of Columbia) in order to participate in the Commercial Driver License System. These documents, which are approved by the AAMVA Driver Licensing and Control Committee include:

- CDLIS State Procedures
- CDLIS System Specifications
- AAMVAnet Message Dictionary
- AAMVAnet Data Dictionary
- Official Implementation Guides, and
- Policy Memoranda

Together, these documents represent the suite of reference material necessary for the operation and maintenance of the States' CDLIS applications. If required, the CDLIS Detail System Design Document, the CDLIS Data Element Dictionary and the CDLIS Installation Document are also available.

IV. What is a Compliance Issue?

The following has been agreed upon by AAMVAnet staff and the Federal Highway Administration Office of Motor Carriers (now FMCSA) as a practical definition for was offered for CDLIS *compliance issue*:

Failure by a state to conform to Commercial Driver License Information System (CDLIS) requirements which results in loss of information necessary to properly identify and control drivers of commercial vehicles. These requirements are set forth in Federal statutes and regulations, and specified by official AAMVAnet documentation.

V. Assignment of Severity Levels to Compliance Issues

In order to improve tracking and resolution of compliance issues, it was also agreed to by the FHWA to assign "Severity Levels" to compliance issues. A Severity Level of "1" (high) is

considered to be very serious in nature. At the request of the Federal Highway Administration, Severity Level 1 issues receive the immediate attention of FHWA Field Operations Offices and Headquarters. The following definitions apply for Severity Levels 1 and 2:

- **Severity Level 1** - *Jurisdiction is unable to send and/or receive messages from CDLIS and other jurisdictions; jurisdiction does not substantially comply with Federal Motor Carrier Safety Regulations, Commercial Motor Vehicle Safety Act minimum requirements for CDLIS; and/or is not performing a requirement as specified by official AAMVAnet documentation which leads to significant loss of ability to identify and control CMV operators.*
- **Severity Level 2** - *Jurisdiction is not performing a CDLIS procedural or specification requirement which has little or minimum impact on the ability of a jurisdiction to properly identify and control CMV operators.*

VI. Revised Escalation Guidelines for Compliance Issue Resolution

A. Issues Between Jurisdictions

1. When a jurisdiction perceives there is a problem being caused by another jurisdiction which interferes with their capability to properly identify and control drivers of commercial motor vehicles, a telephone call should be placed to the other jurisdiction's Help Desk, followed up by a detailed fax.
2. If, within one week (five working days), the issue is not resolved to the initiating jurisdiction's satisfaction, or a reasonable resolution status is not provided, a call should be placed to the AAMVAnet CDLIS Help Desk requesting assistance.
3. AAMVAnet's CDLIS Help Desk will investigate both jurisdictions, verify the nature of the problem, and identify the jurisdiction responsible for corrective action. If it is determined that the problem cannot be resolved in another five working days, the CDLIS Help Desk Analyst(s) will arrange for a meeting with the CDLIS Coordinator to discuss the issue. At that meeting, a recommended course of action shall be decided upon as well as severity of impact. The issue will be written up during the course of the meeting and then entered into Lotus Notes by the Help Desk Analyst responsible for the issue. The CDLIS Coordinator will then work towards obtaining resolution status from the jurisdiction's Data Processing or Driver's License Administrator, as appropriate. If the issue is determined to be extremely serious, the CDLIS Coordinator will work with the AAMVA Driver Services Department and write to the Chief Jurisdiction Motor Vehicle Administrator requesting immediate action. A copy of the letter will also be sent to the FHWA, the AAMVA Driver Systems Subcommittee and the CDLIS Help Desk. Otherwise, the issue will be included in next Quarterly Compliance Reports.

B Issues Identified by CDLIS Help Desk or CDLIS Coordinator

AAMVAnet's CDLIS Help Desk will investigate the problem with the appropriate jurisdictional Help Desk contact. If it is determined that the problem cannot be resolved or reasonable resolution status is not provided in one week (five working days) the CDLIS Help Desk Analyst(s) will arrange for a meeting with the CDLIS Coordinator to discuss the issue. At that meeting, a recommended course of action shall be decided upon as well as severity of impact. The issue will be written up during the course of the meeting and then entered into Lotus Notes by the Help Desk Analyst responsible for the issue. The CDLIS Coordinator will then work towards obtaining resolution status from the jurisdiction's Data Processing or Driver's License Administrator, as appropriate. If the issue is determined to be extremely serious, the CDLIS Coordinator will work with the AAMVA Driver Services Department and write to the Chief Jurisdiction Motor Vehicle Administrator requesting immediate action. A copy of the letter will also be sent to the FHWA, the AAMVA Driver Systems Subcommittee and the CDLIS Help Desk. Otherwise, the issue will be included in the Quarterly Compliance Reports.

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