

CHANGE PROPOSAL ACD019 - UPDATE ACD CODES U07 AND U08 USAGE DESCRIPTIONS

Date Received: 22 April 2020

Source (Organization/Person): ACD Working Group

1 Description of Trigger or Reason for the Change Proposal

The ACD Manual is very clear that “When the CMV indicator is set to ‘Yes’” ACD codes U07 and U08 are mapped to the major violation of causing a fatality through the negligent operation of a CMV. However, the manual does not account for the case when the CMV indicator is set to “No.” This change proposal seeks to make it clear that even when the vehicular homicide or manslaughter is committed in a non-commercial vehicle, ACD codes U07 and U08 may still be mapped to the state’s applicable laws and regulations for this type of convictions.

2 Impact Assessment (Including which entities are impacted)

Entity	Impact
AAMVA	Editorial update of the ACD Manual.
Jurisdictions	Some jurisdictions may decide to change the mapping of ACD code U07 and U08 if penalty is more severe under these codes. However, this is not compulsory.

3 Entities to Be Involved in Reviewing the Details of the Change Proposal

ACD working group, AAMVA CDLIS team, AAMVA QA team.

4 Pros and Cons

Pros	Cons
Clarifies the usage of ACD codes U07 and U08.	None.

5 Detailed Explanation of the Change Proposal

5.1 Changes to the ACD Manual

Location	Current Version	Updated Version
3.1.5.11 Using ACD Codes U07 through U10, U27, U28, and U31	When the CMV indicator is set to "Yes", the first four codes (U07 – U10) are mapped to the Major violation of "Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide". Since these codes all share the same federal penalty, if a jurisdiction is unable to gather the details to be able to distinguish between them, U10 is the generic code to use. However, this approach should only be used as a last resort, because other jurisdictions may have greater penalties for convictions of some of these offenses.	When the CMV indicator is set to "Yes", the first four codes (U07 – U10) are mapped to FMCSR 383.51(b)(8) "Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide." If the CMV indicator is set to "No," for ACD codes U07 and U08 only, the jurisdiction may map these codes to whichever state law or regulation that addresses this type of violation. Since these codes all share the same federal penalty <u>when they occur in a CMV</u> , if a jurisdiction is unable to gather the details to be able to distinguish between them, U10 is the generic code to use. However, this approach should only be used as a last resort, because other jurisdictions may have greater penalties for convictions of some of these offenses.

6 Timeline for Implementation of the Change

This change may be included in the next version of the ACD Manual. No date has been set yet for the new version.

7 Change History

Version	Date	Author	Description
1.0	05/14/2020	T. Bauza	Change proposal created
1.1	05/22/2020	T. Bauza	Content reviewed and agreed to by Michael Helmsley to be presented to the ACD WG (OR).
2.0	06/23/2020	T. Bauza	Approved by the ACD WG for inclusion in the next release of the ACD manual.
2.1	07/27/2020	T. Bauza	ACD Manual updated in AuthorIT. Ready for publication.
2.2	09/01/2020	T. Bauza	Clarification of which codes are affected by the change. The new text is being sent to the ACD working group for re-approval.
2.3	09/03/2020	T. Bauza	Approved by NC – Email
2.4	09/30/2020	T. Bauza	Text modified in AuthorIT. Still waiting for ACD WG member's response.