

AAMVA Legislative/Regulatory Alert

To: Chief Motor Vehicle Officials
Chief Law Enforcement Officials

FR: Ian Grossman, Vice President of Member Services and Public Affairs

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RE: Congress Passes Surface Transportation Measure

After a series of procedural hurdles and frantic negotiations carried out behind closed doors, the United States Congress is expected to pass a “two-year” surface transportation measure (HR 4348) and present it to the President for signature next week. Late Friday the Senate passed a one-week surface transportation extension by unanimous consent, affording it the time needed for the measure to clear all channels appropriately.

The legislation includes some key provisions that could potentially impact AAMVA member operations. For instance, there has been a great deal of discussion regarding whether or not the legislation would mandate first-offender ignition interlocks. The bill does address the issue in Section 1403, but does not *mandate* first offender interlocks, rather, it revises 23 USC 164(a) to include that repeat offenders shall receive a suspension of all driving privileges for not less than a year, or a suspension of unlimited driving privileges for 1 year, allowing for the reinstatement of limited driving privileges subject to restrictions and limited exemptions as established by State law if an ignition interlock device is installed for not less than one year on each of the motor vehicles owned and operated, or both, by the individual.

The legislation also provides some unique opportunities for DMVs in terms of grant eligibility. Several of the grants earmarked for additional funding and designated as “National Priority Safety Programs” fall directly into the realm of public safety and DMV administration. Those national priority safety programs include:

- Occupant protection
- State traffic safety information system improvements
- Impaired driving countermeasures
- Distracted driving
- Motorcyclist safety
- State graduated driver licensing laws

The legislation also addresses odometer requirements. Where states had previously been bound by numerous paper processes, HR 4348 amends 49 USC 32702(5) in Section 31205, stating that “Not later than 18 months after the date of enactment of the Motor Vehicle and Highway Safety

Improvement Act of 2012, the Secretary shall prescribe regulations permitting any written disclosures or notices and related matters to be provided electronically.”

AAMVA has prepared an extensive section-by-section analysis of the legislation with specific areas of importance outlined for its membership. As with all reauthorization measures, there is a great deal of important information included in the 600 page reauthorization. The areas of greatest significance are detailed at the beginning of the attached report, with the details by section following.

Some notes of general significance:

- The bill maintains current levels of funding plus an inflation adjustment on federal road, bridge and mass transit project for 27 months
- It is a “two-year bill” that Expires September 2014
- The legislation outlines the new means of submitting and approving State Highway Safety Plans (SHSP) in connection with the federal Highway Safety Improvement Program. Under subsection (f) one of the eligible uses for the safety funding is for data improvement activities (as defined).
- Redesignates the controversial “transportation enhancements” as “transportation alternatives.” These programs were bundled with two other programs eliminated by the bill (recreational trails and safe routes to school) and funds them with a set-aside of each state’s formula apportionment in the amount of 2 percent of the total FHAP in Section 1122.
- Section 1512 – Tolling - While the baseline Senate version did not contain any tolling policy (aside from a study) the report restricts that the number of new toll lanes built on non-Interstate federal roads cannot exceed the number of free lanes. This section also sets restrictions on the limitations on use of revenues from tolling facilities.
- Section 1533 – Prohibition on Use of Funds for Automated Traffic Enforcement – This section defines an automated traffic enforcement system” as any camera that captures an image of a vehicle for the purposes of traffic law enforcement.” This section disallows the use of funds federal highway funds to purchase, operate, or maintain an automated traffic enforcement system. In discussions with the Congress on this issue, their determination was based on their payment philosophy (in that they should pay for themselves through revenue generation) and not in any way a reflection on their effectiveness or necessity.
- Section 31102 Highway Safety Programs – This section details that each State shall have a highway safety program approved by the Secretary that is designed to reduce traffic crashes and deaths, injuries and property damage. These programs must coordinate with the State highway safety plan, data collection and information systems outlined in the State Highway Safety Plan. This section also provides for the way in which the Secretary shall approve and disapprove the state highway safety program. The plans must conform with uniform guidelines as set forth in this section. It needs to meet performance criteria and addresses programs regarding:
 - Excessive speed
 - Occupant protection devices
 - Impaired driving
 - Crashes and motorcycles

- Aggressive, fatigued, or distracted driving
- Law enforcement and traffic supervision
- Driver education
- Driver testing
- Driver examination, including physical, mental and driver's licensing testing
- Pedestrian and bicycle safety

Complete details on all areas of interest to AAMVA members are included in the attached legislative summary document. Should you or your staff have any questions regarding the content of HR 4348 and its accompanying conference report, contact AAMVA's Senior Manager of Government Affairs, Cian Cashin, at ccashin@aamva.org or (703) 908-8276.