

CHANGE PROPOSAL ACD014 – FTA, FTC & FTP ACD CODES UPDATES

Date Received:

Source (Organization/Person):

1 Description of Trigger or Reason for the Change Proposal

If a state of conviction (SOC) does not take an in-state withdrawal for an out-of-state driver who fails to appear, pay, or comply (FTA/FTP/FTC), there is currently no electronic method to notify the state of record (SOR) when an out-of-state FTA/ FTP/ FTC has been cleared. The Nonresident Violator Compact (NRVC) form with the FTA/ FTC/ FTP clearance date needs to be sent for the conviction, so that the SOR can reinstate driving privileges in case the SOR issued an in-state withdrawal based on the out-of-state conviction. A sample form for clearing FTA/FTP/FTC convictions has been developed and approved by FMCSA. This change proposal seeks to update the ACD manual to include a description of the process that should be implemented to clear FTA/FTP/FTC convictions and withdrawals.

2 Impact Assessment (Including which entities are impacted)

Entity	Impact
AAMVA	Update, publish and broadcast changes to the ACD Manual
Jurisdictions	Implement processes to clear FTA/FTP/DTC convictions and withdrawals in some specific cases.

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

FMCSA, ACD WG, and AAMVA

4 Pros and Cons

Pros	Cons
Address a deficiency in the current process to clear FTA/FTP/FTC convictions and withdrawals.	

5 Detailed Explanation of the Change Proposal

5.1 Changes to the ACD Manual

Location	Current Version	Updated Version
<p>3.1.5.8 Using ACD Codes D45, D53 and D56</p>	<p>No current mechanism exists in CDLIS to notify the SOR (either electronically via CDLIS or by paper) that a driver has been reinstated by the SOW when the FTA/FTP/FTC is cleared, other than mailing an NRVC form. The following processes should be implemented for clearing FTA/FTP/FTC convictions:</p>	<p>If the SOC does not take an in-state withdrawal for an out-of-state driver who fails to appear, pay, or comply, there is currently no electronic method to notify the SOR when an out-of-state FTA/ FTP/ FTC has been cleared. The NRVC form with the FTA/ FTC/ FTP clearance date needs to be sent for the conviction so that the SOR can reinstate driving privileges in case the SOR issued an in-state withdrawal based on the out-of-state conviction. A sample form for clearing FTA/FTP/FTC convictions has been developed and approved by FMCSA. See the form in the CDLIS State Procedures Manual Appendix C, along with the forms for <i>manually reporting convictions and withdrawals</i>.</p> <p>The following processes should be implemented for clearing FTA/FTP/FTC convictions/<i>withdrawals</i>:</p>
	<p>When an FTA/FTP/FTC is cleared, the SOC must notify the SOR of the reinstatement date, as follows:</p>	<p>The SOC/SOW must notify the SOR of the clearance date, as follows:</p>
	<ul style="list-style-type: none"> • If the SOC took an out-of-state withdrawal, the SOC negates the original withdrawal and retransmits the withdrawal with withdrawal reinstatement date. 	<ul style="list-style-type: none"> • If the SOC took an out-of-state withdrawal, the SOC/ SOW: <ul style="list-style-type: none"> a. Updates the original withdrawal with the reinstatement date and informs the SOR of the reinstatement. Refer to the CDLIS SPM section 10.1.2 Rules for Negating and Updating a Withdrawal. (Note: SOC/ SOW may have additional reinstatement requirements that have to be met prior to the withdrawal being cleared). b. In addition, the SOC/ SOW mails the NRVC form or the equivalent, FMCSA approved form, with the conviction clearance date so that the SOR can reinstate driving privileges in case the SOR issued an in-state withdrawal based on the out-of-state conviction.
	<ul style="list-style-type: none"> • If the SOC did not take an out-of-state withdrawal, the SOC mails the NRVC form or the equivalent, FMCSA approved form with the reinstatement date or the SOC may send a negate conviction transaction. 	<ul style="list-style-type: none"> • If the SOC did not take an out-of-state withdrawal, the SOC mails the NRVC form or the equivalent, FMCSA approved form, with the clearance date to the SOR so that the SOR can reinstate driving privileges in case the SOR issued an in-state withdrawal based on the out-of-state conviction.

Change Proposal

Location	Current Version	Updated Version
	<ul style="list-style-type: none"> • When the SOR receives the FTA/FTP/FTC clearance, the SOR must post the withdrawal reinstatement date to the out-of-state withdrawal and maintain the SOW's withdrawal. <ul style="list-style-type: none"> ○ If the SOR took a withdrawal, the SOR adds the withdrawal reinstatement date to the nation-wide withdrawal on driver's record (after any additional SOR requirements for reinstatement are met). ○ If the SOR did not take a withdrawal, there would be no nation-wide withdrawal to update. <p>A sample form for clearing FTA/FTP/FTC convictions has been developed and approved by FMCSA. See the form in the CDLIS State Procedures Manual Appendix C, along with the forms for <i>manually reporting convictions</i> and <i>withdrawals</i>.</p>	<ul style="list-style-type: none"> • When the SOR receives the FTA/FTP/FTC clearance, the SOR must update the associated withdrawal(s) (out-of-state if sent from the SOW and in-state if issued) with the reinstatement date (Note: SOR may have additional reinstatement requirements that have to be met prior to the withdrawal being cleared).

6 Change History

Version	Date	Author	Description
1.0	2/5/2019	T. Bauza	Change proposal created
2.0	04/24/2019	T. Bauza	Waiting for approval from North Carolina. The rest of the ACD working group members approved the proposal.
2.0	07/01/2019	T. Bauza	North Carolina approved the change proposal. The change proposal is approved.
3.0	7/13/2021	T. Bauza	Changes applied in AuthorIT. Ready for publication.