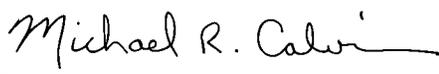




American Association of Motor Vehicle Administrators

MEMO

TO: Chief Motor Vehicle Officials
Chief Law Enforcement Officials
Chief Driver License Administrators
Information Technology Contacts

FROM: Michael R. Calvin 
Interim President & CEO

DATE: Thursday, February 1, 2007

SUBJECT: **Clarification - Non-driving related offenses & PDPS Pointers**

Recently, a member jurisdiction requested guidance from AAMVA regarding the following PDPS issue:

Jurisdictions can input a violation into PDPS which, indicates a person is not eligible to receive a driver's license in that jurisdiction due to an outstanding violation. In many jurisdictions, failure to pay child support has become an issue that is included in PDPS. Since failure to pay child support is a non-driver violation, should it be entered into PDPS? If a child support violation is included in PDPS by a jurisdiction, should license issuance be denied or not?

Research confirmed the confusion stems from the fact that:

- the Federal Child Support law, 42 USC §666 (a)(16), requires that States “..... withhold or suspend, or to restrict the use of driver's licenses of individuals owing overdue *support* or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or *child support* proceedings”; and
- that NDR has identified failure to pay child support as a non-driver related violation and prohibits a State from creating a PDPS pointer.

AAMVA escalated the issue to the National Highway Traffic Safety Administration (NHTSA), Office of the Inspector General (OIG) who confirmed that some jurisdictions are creating PDPS pointers for non-driving related offenses (i.e. failure to make required payment of child support; parking, etc). This practice is a violation of federal regulation, 49 CFR §1327.5 (a)(2) which states:

“A report **shall not** be transmitted by the chief driver licensing official of a participating State, regarding an individual, unless that individual has had his or her motor vehicle operator's license denied, canceled, revoked, or suspended for cause as represented by the codes in **appendix A, part I**, of this part, or been convicted of a motor vehicle-related offense as represented by the codes in **appendix A, part II**, of this part. Unless the report transmitted to the NDR is **based on these codes**, NHTSA will contact the participating State responsible for the record and request its removal from the NDR.” (see Attachment 1)

In an effort to ensure jurisdictional compliance with the National Driver Register (NDR) Problem Driver Pointer System (PDPS) requirements, AAMVA recommends that jurisdictions review their code to determine whether they are/are not creating pointers for any non-driving related offenses and take the appropriate corrective action, if necessary. A list of ACD codes not specified in the rule, and therefore not requiring that a pointer be created, is attached. (see Attachment 2)



American Association of Motor Vehicle Administrators

The fact that NDR regulation prohibits the creation of a pointer for non-driving related offenses and transmission to NDR does not prevent a jurisdiction from posting the violation to the in-state driving record.

In accordance with 49 CFR §1327.4 Certification, termination and reinstatement procedures, the penalty for non-compliance is:

- cancellation of a jurisdiction's certification to participate in NDR;
- removal of all jurisdictional records on file; and
- refusal to accept inquiries or reports from a jurisdiction whose participation in the NDR has been terminated or cancelled.

If you have questions or need additional information, feel free to contact Karen Morton, Program Director – Driver Licensing at (703) 908-8268 or by email at kmorton@aamva.org.

KM/wd

Attachments

Attachment 1

Appendix A to Part 1327--Abridged Listing of the American Association of Motor Vehicle Administrators Violations Exchange Code, Used by the NDR for Recording Driver License Denials, Withdrawals, and Convictions of Motor Vehicle-Related Offenses.

Code

Part I--For Cause Withdrawals

A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over— (detail field required)
A12	Refused to submit to test for alcohol--Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A24	Driving under the influence of medication not intended to intoxicate
A25	Driving while impaired
A26	Drinking alcohol while operating a vehicle
A31	Illegal possession of alcohol
A33	Illegal possession of drugs (controlled substances)
A35	Possession of open alcohol container
A41	Driver violation of ignition interlock or immobilization device
A50	Motor vehicle used in the commission of a felony involving the manufacturing, distributing, or dispensing of a controlled substance
A60	Underage Convicted of Drinking and Driving at .02 or higher BAC
A61	Underage Administrative Per Se--Drinking and Driving at .02 or higher BAC
A90	Administrative Per Se for .10 BAC
A94	Administrative Per Se for .04 BAC
A98	Administrative Per Se for .08 BAC
B01	Hit and run--failure to stop and render aid after accident
B02	Hit and run--failure to stop and render aid after accident--Fatal accident
B03	Hit and run--failure to stop and render aid after accident—Personal injury accident
B04	Hit and run--failure to stop and render aid after accident— Property damage accident
B05	Leaving accident scene before police arrive
B06	Leaving accident scene before police arrive--Fatal accident
B07	Leaving accident scene before police arrive--Personal injury accident
B08	Leaving accident scene before police arrive--Property damage accident
B14	Failure to reveal identity after fatal or personal injury accident
B19	Driving while out of service order is in effect and transporting 16 or more passengers including the driver and/or transporting hazardous materials that require a placard
B20	Driving while license withdrawn
B21	Driving while license barred
B22	Driving while license canceled
B23	Driving while license denied
B24	Driving while license disqualified
B25	Driving while license revoked
B26	Driving while license suspended

Part I--For Cause Withdrawals (cont'd)

- B27 General, driving while an out of service order is in effect (for violations not covered by B19)
- B41 Possess or provide counterfeit or altered driver license (includes DL, CDL, and Instruction Permit) or ID
- B51 Expired or no driver license (includes DL, CDL, and Instruction Permit)
- B56 Driving a CMV without obtaining a CDL
- B63 Failed to file future proof of financial responsibility
- B91 Improper classification or endorsement on driver license (includes DL, CDL, and Instruction Permit)
- D02 Misrepresentation of identity or other facts on application for driver license (includes DL, CDL, and Instruction Permit)
- D06 Misrepresentation of identity or other facts to obtain alcohol
- D07 Possess multiple driver licenses (includes DL, CDL, and Instruction Permit)
- D16 Show or use improperly--Driver license (includes DL, CDL, and Instruction Permit)
- D27 Violate limited license conditions
- D29 Violate restrictions of driver license (includes DL, CDL, and Instruction Permit)
- D35 Failure to comply with financial responsibility law
- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D45 Failure to appear for trial or court appearance
- D53 Failure to make required payment of fine and costs
- D56 Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly because of drowsiness
- D75 Operating a motor vehicle improperly due to physical or mental disability
- D78 Perjury about the operation of a motor vehicle
- E03 Operating without HAZMAT safety equipment as required by law
- F02 Child or youth restraint not used properly as required
- F03 Motorcycle safety equipment not used properly as required
- F04 Seat belt not used properly as required
- F05 Carrying unsecured passengers in open area of vehicle
- F06 Improper operation of or riding on a motorcycle
- M09 Failure to obey railroad crossing restrictions
- M10 For all drivers, failure to obey a traffic control device or the directions of an enforcement official at a railroad-highway grade crossing
- M20 For drivers who are not required to always stop, failure to slow down at a railroad-highway grade crossing and check that tracks are clear of approaching train
- M21 For drivers who are not required to always stop, failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear
- M22 For drivers who are always required to stop, failure to stop as required before driving onto railroad-highway grade crossing
- M23 For all drivers, failing to have sufficient space to drive completely through the railroad-highway grade crossing without stopping
- M24 For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance
- M80 Reckless, careless, or negligent driving

Part I--For Cause Withdrawals (cont'd)

M81	Careless driving
M82	Inattentive driving
M83	Negligent driving
M84	Reckless driving
S01	01-05 <ls-thn-eq> Speed limit (detail optional)
S06	06-10 <ls-thn-eq> Speed limit (detail optional)
S15	Speeding 15 mph or more above speed limit (detail optional)
S16	16-20 <ls-thn-eq> Speed limit (detail optional)
S21	21-25 <ls-thn-eq> Speed limit (detail optional)
S26	26-30 <ls-thn-eq> Speed limit (detail optional)
S31	31-35 <ls-thn-eq> Speed limit (detail optional)
S36	36-40 <ls-thn-eq> Speed limit (detail optional)
S41	41+ <ls-thn-eq> Speed limit (detail optional)
S51	01-10 <ls-thn-eq> Speed limit (detail optional)
S71	21-30 <ls-thn-eq> Speed limit (detail optional)
S81	31-40 <ls-thn-eq> Speed limit (detail optional)
S91	41+ <ls-thn-eq> Speed limit (detail optional)
S92	Speeding--Speed limit and actual speed (detail required)
S93	Speeding
S94	Prima Facie speed violation or driving too fast for conditions
S95	Speed contest (racing) on road open to traffic
S97	Operating at erratic or suddenly changing speeds
U01	Fleeing or evading police or roadblock
U02	Resisting arrest
U03	Using a motor vehicle in connection with a felony (not traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U07	Vehicular homicide
U08	Vehicular manslaughter
U09	Negligent homicide while operating a CMV
U10	Causing a fatality through the negligent operation of a CMV
U31	Violation resulting in fatal accident
W01	Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)
W14	Physical or mental disability
W20	Unable to pass DL test(s) or meet qualifications
W30	Two serious violations within three years
W31	Three serious violations within three years
W40	The accumulation of two or more major offenses
W41	An additional major offense after reinstatement
W50	The accumulation of two out-of-service order general violations (violations not covered by W51) within ten years
W51	The accumulation of two out-of-service order violations within ten years while transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard
W52	The accumulation of three or more out-of-service order violations within ten years
W60	The accumulation of two RRGV violations within three years.

Part I--For Cause Withdrawals (cont'd)

W61 The accumulation of three or more RRGC violations within three years.
W70 Imminent hazard

Part II--Convictions

A04 Driving under the influence of alcohol with BAC at or over .04
A08 Driving under the influence of alcohol with BAC at or over .08
A10 Driving under the influence of alcohol with BAC at or over .10
A11 Driving under the influence of alcohol with BAC at or over---- (detail field required)
A12 Refused to submit to test for alcohol--Implied Consent Law
A20 Driving under the influence of alcohol or drugs
A21 Driving under the influence of alcohol
A22 Driving under the influence of drugs
A23 Driving under the influence of alcohol and drugs
A24 Driving under the influence of medication not intended to intoxicate
A25 Driving while impaired
A26 Drinking alcohol while operating a vehicle
A31 Illegal possession of alcohol
A33 Illegal possession of drugs (controlled substances)
A35 Possession of open alcohol container
A41 Driver violation of ignition interlock or immobilization device
A50 Motor vehicle used in the commission of a felony involving the manufacturing, distributing, or dispensing of a controlled substance
A60 Underage Convicted of Drinking and Driving at .02 or higher BAC
A61 Underage Administrative Per Se--Drinking and Driving at .02 or higher BAC
A90 Administrative Per Se for .10 BAC
A94 Administrative Per Se for .04 BAC
A98 Administrative Per Se for .08 BAC
B01 Hit and run--failure to stop and render aid after accident
B02 Hit and run--failure to stop and render aid after accident--Fatal accident
B03 Hit and run--failure to stop and render aid after accident— Personal injury accident
B04 Hit and run--failure to stop and render aid after accident— Property damage accident
B05 Leaving accident scene before police arrive
B06 Leaving accident scene before police arrive--Fatal accident
B07 Leaving accident scene before police arrive--Personal injury accident
B08 Leaving accident scene before police arrive--Property damage accident
B14 Failure to reveal identity after fatal or personal injury accident
B19 Driving while out of service order is in effect and transporting 16 or more passengers including the driver and/or transporting hazardous materials that require a placard
B20 Driving while license withdrawn
B21 Driving while license barred
B22 Driving while license canceled
B23 Driving while license denied
B24 Driving while license disqualified
B25 Driving while license revoked
B26 Driving while license suspended

Part II—Convictions (cont'd)

- B27 General, driving while an out of service order is in effect (for violations not covered by B19)
- B41 Possess or provide counterfeit or altered driver license (includes DL, CDL, and Instruction Permit) or ID
- B51 Expired or no driver license (includes DL, CDL, and Instruction Permit)
- B56 Driving a CMV without obtaining a CDL
- B91 Improper classification or endorsement on driver license (includes DL, CDL, and Instruction Permit)
- D02 Misrepresentation of identity or other facts on application for driver license (includes DL, CDL, and Instruction Permit)
- D06 Misrepresentation of identity or other facts to obtain alcohol
- D07 Possess multiple driver licenses (includes DL, CDL, and Instruction Permit)
- D16 Show or use improperly--Driver license (includes DL, CDL, and Instruction Permit)
- D27 Violate limited license conditions
- D29 Violate restrictions of driver license (includes DL, CDL, and Instruction Permit)
- D72 Inability to control vehicle
- D78 Perjury about the operation of a motor vehicle
- E03 Operating without HAZMAT safety equipment as required by law
- M09 Failure to obey railroad crossing restrictions
- M10 For all drivers, failure to obey a traffic control device or the directions of an enforcement official at a railroad-highway grade crossing
- M20 For drivers who are not required to always stop, failure to slow down at a railroad-highway grade crossing and check that tracks are clear of approaching train.
- M21 For drivers who are not required to always stop, failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear
- M22 For drivers who are always required to stop, failure to stop as required before driving onto railroad-highway grade crossing
- M23 For all drivers, failing to have sufficient space to drive completely through the railroad-highway grade crossing without stopping
- M24 For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance
- M80 Reckless, careless, or negligent driving
- M81 Careless driving
- M82 Inattentive driving
- M83 Negligent driving
- M84 Reckless driving
- S95 Speed contest (racing) on road open to traffic
- U07 Vehicular homicide
- U08 Vehicular manslaughter
- U09 Negligent homicide while operating a CMV
- U10 Causing a fatality through the negligent operation of a CMV
- U31 Violation resulting in fatal accident

[70 FR 43756, July 29, 2005]

Attachment 2

Non-driving Related Offenses – Do NOT create Pointers

B61	Failed to file accident report
B64	Failed to file insurance certification
B65	Failed to file medical certification/disability information
D10	Manufacture of make false driver license (includes DL, CDL and Instruction Permit)
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment
D51	Failure to make required payment of child support
D70	Driver's view obstructed
E01	Operating without equipment as required by law
E02	Operating without brakes as required by law
E04	Operating without HAZMAT placards/markings as required by law
E05	Operating without lights as required by law
E06	Operating without school bus equipment as required by law
E23	Use of radar or laser detector prohibited by law
E31	Defective brakes
E33	Defective HAZMAT safety devices
E34	Defective lights
E36	Defective school bus equipment
E37	Defective tires
E50	Failure to use equipment as required
E51	Failure to use brakes
E53	Failure to use HAZMAT safety devices as required
E54	Failure to use headlight dimmer as required
E55	Failure to use lights as required
E56	Failure to use school bus safety equipment as required
E57	Failure to use snow tires or chains as required
E70	Equipment used improperly or obstructed
E71	Brakes used improperly
F34	Stopping, standing, or parking: obstructing or impeding traffic
F66	Unsafe condition of vehicle (no specified component)
M02	Failure to obey barrier
M03	Failure to obey construction or maintenance zone markers
M04	Failure to obey flagger
M05	Failure to obey lane markings or signal
M08	Failure to obey police or peace officer
M11	Failure to obey restricted lane
M12	Failure to obey safety zone
M13	Failure to obey school crossing guard
M14	Failure to obey sign or traffic control device
M15	Failure to obey stop sign
M16	Failure to obey traffic signal or light
M17	Failure to obey traffic sign
M18	Failure to obey warning light or flasher
M19	Failure to obey yield sign
M25	Failure to stop - basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.
M30	Following improperly

Non-driving Related Offenses (cont'd) - Do NOT create Pointers

M31	Failure to leave sufficient distance for overtaking by other vehicles
M32	Following emergency vehicle unlawfully
M33	Following fire equipment unlawfully
M34	Following too closely
M40	Improper lane or location
M41	Failure to keep in proper lane
M42	Improper or erratic (unsafe) lane changes
M43	Ran off road
M44	Improper lane or location - crossover
M45	Improper lane or location - crosswalk
M46	Improper lane or location - entrance/exit ramp or way
M47	Improper lane or location - in bicycle lane
M48	Improper lane or location - in occupied lane
M49	Improper lane or location - in HOV or restricted lane
M50	Improper lane or location - limited access highway
M51	Improper lane or location - median
M55	Improper lane or location - on rail or streetcar tracks
M56	Improper lane or location - on fire hose
M57	Improper lane or location - oncoming traffic lane
M58	Improper lane or location - road shoulder, ditch or sidewalk
M60	Improper lane or location - slower vehicle lane
M61	Improper lane or location - straddling center line(s)
M62	Improper lane or location - traveling in turn (or center) lane
M70	Improper passing
M71	Passing in violation of posted sign or pavement marking
M72	Passing in violation of opposite directions restriction
M73	Passing on wrong side
M74	Passing on hill or curve
M75	Passing school bus displaying warning not to pass
M76	Passing where prohibited
M77	Passing with insufficient distance or visibility
N01	Failure to yield right of way (FTY ROW)
N02	FTY ROW to animal rider or animal-drawn vehicle
N03	FTY ROW to cyclist
N04	FTY ROW to emergency vehicle (i.e. ambulance, fire equipment, police, etc.)
N05	FTY ROW to funeral procession, procession or parade
N06	FTY ROW to other vehicle
N07	FTY ROW to overtaking vehicle
N08	FTY ROW to pedestrian (includes handicapped or blind)
N09	FTY ROW to school bus
N20	FTY ROW at crosswalk
N21	FTY ROW at rotary
N22	FTY ROW at stop sign
N23	FTY ROW at traffic sign
N24	FTY ROW at traffic signal
N25	FTY ROW at unsigned intersection
N26	FTY ROW at yield sign

Non-driving Related Offenses (cont'd) - Do NOT create Pointers

N30	FTY ROW when warning displayed on other vehicle
N31	FTY ROW when turning
N40	Failure to use or improper signal
N41	Failure to cancel directional signals
N42	Failure to signal intention to pass
N43	Failure to signal lane change or turn
N44	Giving wrong signal
N50	Improper turn
N51	Improper method of turning
N52	Improper position for turning
N53	Making improper left turn
N54	Making improper right turn
N55	Making improper turn around (not U turn)
N56	Making improper U turn
N60	Driving wrong way
N61	Driving wrong way at rotary intersection
N62	Driving wrong way on divided highway
N63	Driving wrong way on one way street or road
N70	Driving on wrong side
N71	Driving on wrong side of divided highway
N72	Driving on wrong side of undivided street or road
N80	Coasting (operating with gears disengaged)
N82	Improper backing
N83	Improper starting
N84	Unsafe operation
S96	Speed less than minimum
S98	Speeding on freeway ("wasting fuel")
U04	Using a motor vehicle in connection with a misdemeanor (not traffic offense)
U21	Illegal operation of emergency vehicle
W00	Withdrawal, Non-ACD violation
W13	Parental consent withdrawn
W15	Physicians' or specialists' report recommended