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**To:** [marcia.adams@scdmv.net](mailto:marcia.adams@scdmv.net)  
**Date:** 8/12/2005 3:52:24 PM  
**Subject:** Highway Reauthorization Bill  
**Attachments:** [Legislative\\_Alert\\_Attachment\\_8\\_12\\_05.pdf](#)

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<i>AAMVA Legislative/Regulatory Alert</i>
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**To:** Chief Motor Vehicle Administrators  
Chief Law Enforcement Officials

**FR:** Linda Lewis-Pickett  
President & CEO

**DATE:** August 12, 2005

**RE:** Highway Reauthorization Bill

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Twenty-two months after TEA-21 expired, Congress has passed the surface transportation reauthorization bill (H.R. 3) by an overwhelming majority. President Bush signed the bill into law on August 10, although its total spending slightly exceeds a ceiling the administration set earlier. Congress has adjourned for the August Recess and will return after Labor Day. Attached you will find an analysis of the provisions that effect the membership. The analysis of the provisions is 120 pages.

The 895-page measure would renew funding and policy for highways, public transportation and road safety programs through fiscal year 2009. The bill authorizes about \$286.5 billion for the programs, \$2 billion more than President Bush originally requested and the House endorsed, but \$9 billion less than the total in the Senate version of the bill. The House and Senate also cleared for the President's signature a short-term reauthorization bill (HR 3514) to keep highway programs operating through Aug. 14 or until he signs the long-term measure.

AAMVA launched a grassroots campaign in the 108th Congress which mobilized jurisdictional members, our industry partners, stakeholder organizations, association staff and two subsequent "Capitol Hill Days." This initiative resulted in a provision that authorizes a grant program to modernize the commercial driver's license information system. The bill authorizes \$28 million for fiscal years 2005-2009, providing for 80% of the costs incurred by the states. The Act directs the Secretary to develop a modernization plan that provides for the electronic exchange of all information including the posting of convictions, contains self auditing features to ensure that data is being posted correctly and consistently, and integrates the commercial driver license and the medical certificate. The Secretary must also conduct a baseline audit of the system not later than one year after enactment of the Act.

AAMVA also succeeded in getting burdensome language mandating the use of an identity authentication system by driver licensing agencies stricken during conference. This action was a result of our strong grassroots and a highly visible media campaign. I would like to thank all of those who contributed to these successes.

Some other highlights of the Act are:

**TRUCK SAFETY:** The legislation reauthorizes the truck safety programs administered by the Federal Motor Carrier Safety Administration (FMCSA) and more than doubles the amount of truck safety funding available to states through the Motor Carrier Safety Assistance Program (MCSAP) over the previous authorization, providing an average funding level of \$200 million for the program. It also provides for improvements to Commercial Driver's License (CDL) systems and programs, requires new safety regulations for intermodal trucking equipment, and establishes a Medical Review Board to recommend standards for the physical examinations of commercial drivers and a registry for qualified medical examiners.

**HAZARDOUS MATERIALS SHIPMENT SAFETY:** The Act reauthorizes hazardous materials transportation safety programs at \$25 million in FY05, \$29 million in FY06, and \$30 million each for FY07 and FY08 for the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) hazardous material safety programs. It also requires Mexican and Canadian commercial motor vehicle operators transporting hazard materials in the United States to undergo a background check similar to that required for U.S. licensed operators, and improves the procedures of current HAZMAT background checks.

**SEATBELT SAFETY:** The legislation creates a new seatbelt incentive program called Occupant Protection Incentive Grants. States that enact a new primary seat belt law as well as those that already have a primary seat belt law would be eligible for additional grant money. States that have already enacted a primary seat belt law would receive a one-time grant over the life of the Act equal to 200 percent of their fiscal year 2003 grant from section 402 of title 23 U.S.C. States that enact a primary seat belt law after December 31, 2002, would receive a one-time grant over the life of the bill equal to 475 percent of their FY03 grant from the same section. This grant money may be used for highway safety construction purposes.

**IMPAIRED DRIVING:** The Act reauthorizes the Impaired Driving Program at an average funding level of \$129 million for fiscal years 2006-2009. States can qualify for a grant by achieving a low alcohol fatality rate performance goal or by meeting a set of program criteria each year. In FY06, states must meet at least three of eight criteria, in FY07, four criteria, and in FY08 and FY09, five criteria. The program criteria are: (1) impaired driving check points and saturation controls; (2) outreach to judges and prosecutors to improve prosecution of drunk driving cases; (3) increased Blood Alcohol Content (BAC) testing of drivers involved in fatal crashes; (4) a high-risk driver program; (5) an effective alcohol rehabilitation program or the use of specialized courts that emphasize the close supervision of high-risk offenders; (6) a program focusing on underage drinking issues; (7) an administrative license revocation program; and (8) a program that returns fines from drunk drivers to local communities for use in comprehensive programs to prevent drunk driving. In addition, the 10 states with the highest rate of impaired driving fatalities would be eligible for a separate grant.

**CDL TASK FORCE:** The Secretary is directed to convene a task force to study and address impediments and challenges to the commercial driver license (CDL) program's effectiveness and measures needed to realize the full safety potential of the program. Members of the task force would include, among others, state motor vehicle administrators. The task force would address such issues as state enforcement practices, operational procedures to detect and deter fraud, needed improvements for seamless information sharing between states, effective methods for accurately

sharing electronic data between states, adequate proof of citizenship, updated technology, and timely notification from judicial bodies concerning traffic and criminal convictions of CDL holders. A report of findings and recommendations for legislative, regulatory, and enforcement changes to improve the commercial driver's license program would be completed within two years.

If you have any questions, please contact Tom Wolfsohn or Pam Walker at (703) 522-4200 in AAMVA Government Affairs and Communications Department.