

109# H-502A



National Transportation Safety Board

Washington, D.C. 20594
Safety Recommendation

Date: August 19, 1987

In reply refer to: H-87-46

Honorable Bill Clinton, Jr.
Governor of Arkansas
Little Rock, Arkansas 72201

On July 14, 1986, a tractor-semitrailer combination operated by Rising Fast Trucking Company, Inc. (RFT) was making a U-turn at a highway crossover on I-40 near Brinkley, Arkansas, when the semitrailer was struck by an eastbound intercity bus operated by Trailways Lines, Inc. The RFT truckdriver and his codriver were not injured. The busdriver and 27 passengers sustained injuries ranging from minor to serious. One passenger was not injured. 1/

In Arkansas, under certain circumstances a complete driving violation conviction record for a commercial vehicle driver cannot lawfully be obtained by the driver's employer after the driver is employed. The National Transportation Safety Board believes that this statutory limitation on the availability of information can seriously hamper an employer's efforts to identify potential problem drivers in its work force, and in an extreme case, may even result in an employer's continuing to use a driver who has a suspended or revoked Arkansas license.

Furthermore, the practice of withholding information concerning certain speeding violation convictions may mislead an employer into believing that a driver has a clear driving record when he does not. One of the Trailways drivers who was reported to have a clear record by the Arkansas Department of Finance and Administration (DFA) in fact had four "flagged" speeding convictions in the 3-year period covered by the report the DFA sent to Trailways in July 1986. Although inquiry as to the Trailways accident driver's record was not made in 1986, examination of the speeding violations for the 3-year period before the accident indicate that most of the accident driver's violations would not have been reported because they were for less than 75 mph in 55 mph zones.

The Safety Board believes that the Arkansas General Assembly should revoke Section 75-1013.1 of the Arkansas Motor Vehicle and Traffic Laws without delay and impose no other limitations on the availability of complete driving violation conviction records to employers of commercial vehicle drivers.

1/ For more detailed information, read Highway Accident Report--"Trailways Lines, Inc., Intercity Bus Collision with Rising Fast Trucking Company, Inc., Truck, Interstate Highway 40 near Brinkley, Arkansas, July 14, 1986" (NTSB/HAR-87/05).

The Commercial Motor Vehicle Safety Act of 1986 does not prohibit the licensing jurisdictions from placing informational barriers in the traffic violation conviction reporting process. Courts may not be required to report, or may even be prohibited from reporting, certain types of moving violations to a central State driver violation information system. As is the case in Arkansas, other central State licensing agencies may in the future be prohibited by State law from releasing complete driving violation conviction records under certain circumstances.

Therefore, as a result of its investigation, the National Transportation Safety Board recommended that the State of Arkansas:

Revoke Section 75-1013.1 of the Arkansas Motor Vehicle and Traffic Laws without delay and impose no other limitations on the availability of complete driving violation conviction records to employers of drivers of commercial motor vehicles. (Class II, Priority Action) (H-87-46)

Also as a result of its investigation, the Safety Board issued Safety Recommendations H-87-45 to the Federal Highway Administration and H-87-47 to the American Trucking Associations, Inc.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "... to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-87-46 in your reply.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and LAUBER, NALL, and KOLSTAD, Members, concurred in this recommendation.

By: 
Chairman