

NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

ISSUED: March 5, 1980

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Forwarded to:

Honorable Neil Goldschmidt  
Secretary of Transportation  
U.S. Department of Transportation  
Washington, D.C. 20590

} SAFETY RECOMMENDATION(S)

H-80-14

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The National Transportation Safety Board has just completed a safety effectiveness evaluation <sup>1/</sup> concerning detection and control of problem commercial drivers -- drivers whose records of driver license suspensions, accidents, and traffic convictions indicate a flagrant and repeated disregard for the safety of other highway users. As a result of this evaluation, the Board found that many problem commercial drivers, in spite of their records of unsafe driving, continue to be licensed by the States and employed by motor carriers to operate the largest and heaviest vehicles on the highways.

In its evaluation, the Board conducted 41 investigations of heavy truck accidents involving suspected problem commercial drivers and reviewed the results of three previous major investigations of heavy truck accidents. The driving histories of the 44 drivers involved in the accidents were compiled by making inquiries in virtually every case to all or nearly all of the 48 contiguous States. When all of this information was compiled, the composite records of the 44 commercial drivers listed a total of 63 driver licenses held, 104 traffic accidents (including the accidents under investigation), 98 driver license suspensions, and 456 traffic convictions.

In addition to its accident investigations, the Board reviewed the three levels of commercial driver screening -- the National Driver Register, State driver licensing policies, and the Federal Motor Carrier Safety Regulations. This review, combined with accident investigation data, indicates that many problem commercial drivers are able to escape detection and control because of deficiencies at each of the three levels of screening.

One of the most serious problems identified in the Board's evaluation concerns commercial drivers holding more than one driver license. Multiple licenses enable a problem driver to "spread" traffic violations among the records of several States in order to escape detection of his or her complete driving record, or to continue driving, using a second or third license, even after one State withdraws the driver's privilege.

<sup>1/</sup> See the Board's "Safety Effectiveness Evaluation of Detection and Control of Unsafe Interstate Commercial Drivers Through the National Driver Register, State Driver Licensing Policies, and the Federal Motor Carrier Safety Regulations," NTSB-SEE-80-1, February 15, 1980.

The Department's Highway Safety Program Standard No. 5, "Driver Licensing," requires that each State have a driver licensing program which provides, in part, that each driver holds only one driver license. However, the Board's accident investigations and review of State driver licensing policies indicate that many States either do not comply or do not comply fully with this requirement. Consequently, many problem commercial drivers can readily obtain multiple licenses in order to avoid the driver improvement and control programs of the States. The Board found that in the heavy truck accidents it investigated, 11 of the 44 commercial drivers involved held multiple licenses. Eight drivers held 3 licenses and 3 drivers held 2 licenses, for a total of 30 driver licenses held by these 11 drivers.

Section 402 (c) of Title 23, United States Code, authorizes the Secretary of Transportation to reduce Federal funding for the highway safety programs of a State which is not complying with Highway Safety Program Standards. However, compliance with the standards is not an "all or none" proposition. A State may be in compliance with some provisions of a standard while not in compliance with others. The Highway Safety Act of 1976 (Public Law 94-280) explicitly provides that the Secretary is not required to "require compliance with every uniform standard, or with every element of every uniform standard, in every State." In fact, the authorized sanction has never been applied to a State for noncompliance with Highway Safety Program Standard No. 5, and the existence of the Secretary's authority to apply the sanction has not achieved full compliance with the standard. In view of the ineffectiveness of the currently-authorized sanction, the Board believes that a new, positive approach should be taken to encourage the States to implement fully the one-license provision of Highway Safety Program Standard No. 5. This approach should be developed based upon identification and evaluation of the reasons for noncompliance with the one-license requirement, and upon State participation in the determination of the types of incentives which will be most likely to encourage the full implementation of the one-license concept. Full implementation of the one-license concept by the States will close a loophole which permits problem drivers to continue driving irresponsibly and endangering the safety of other highway users.

Therefore, the National Transportation Safety Board recommends that the Secretary of Transportation:

Develop, within 1 year, a positive incentive to encourage the States to implement fully the one-license provision of Highway Safety Program Standard No. 5, "Driver Licensing." (Class II, Priority Action) (H-80-14)

KING, Chairman, DRIVER, Vice Chairman, McADAMS and BURSLEY, Members, concurred in this recommendation. GOLDMAN, Member, did not participate.

By:   
James B. King  
Chairman