

INFORMATION FOR MOTOR VEHICLE & LAW ENFORCEMENT OFFICIALS

FALL
2019
Vol. 24/No. 4

move

ALSO IN THIS ISSUE

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Q&A with the AAMVA
Chair's Award Recipient

Examining relationships
between MVAs and the courts

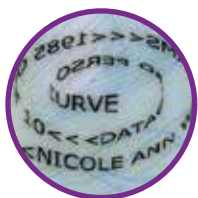
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requires open communication

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Test your wits
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Check out exclusive photos and videos
from this year's AIC events



EXTENDED EXCLUSIVE

Read more from our Crossroads interview
with the Honorable Gary A. Graber

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Proactive Response

MEETING CUSTOMER EXPECTATIONS WHILE MAINTAINING PERSONAL DATA SECURITY

Expectations are shifting, and the DMV/public safety community is examining long-standing policies, procedures and requirements to keep the focus on saving lives, securing identities and meeting customers' service demands.

Take online services for starters. Customers buy, return, send and receive goods at the touch of a screen, and often without leaving home. They expect the same of their governments, and DMVs are maximizing the capability of technology to meet this demand. The challenge? Balancing convenience with security. What's the optimal level of authentication to ensure a customer's personal data is protected while minimizing barriers to the customer's positive

experience? After all, we want customers to take advantage of online services for routine transactions. And among the changing expectations is the individual sense of ownership and control over personal data.

A couple of months separate the time I write this column and the time you read it. Yet in both windows of time, some hacker is pressuring a government system with ransomware, inside breach efforts or another form of malicious hacking. DMV and public safety agencies are working

hard to get funding and IT support to modernize their systems to mitigate these risks. A great resource on this topic is the National Association of State Chief Information Officers (NASCIO), nascio.org, which offers resources on jurisdiction CIO priorities, data security, chief privacy officer assets and more.

AAMVA also has its eyes on this important topic with the Working Group on Managing Data Privacy and External Access, which is expected next year to recommend best practices to guide jurisdictions. In this issue of *MOVE*, AAMVA Chair Whitney Brewster makes a strong case for why data privacy must be a priority for agencies.

Another shifting expectation is the governmental policies introduced a few decades ago that leverage driver license status and vehicle registration to provide incentives to customers to satisfy overdue fees, fines, truancy or similar penalty. This practice has created a catch-22 for some, and national criminal justice reform has made it a target for change.

Last year, AAMVA issued *Reducing Suspended Drivers and Alternative Reinstatement Best Practices*, a helpful guide for jurisdictions that have initiated legislative and policy changes in this area. The Working Group found jurisdictions that eliminated non-safety suspension actions helped individuals regain their mobility in a safe and reasonable way, gave law enforcement back the resources they had dedicated to non-safety enforcement to focus on highway safety, and reduced the administrative burden on motor vehicle agencies. It's a win-win-win that you can read more about in this issue of *MOVE*.

So yes, expectations for government services and data protection are changing at a rapid pace—and the AAMVA community is proactively responding. **m**

Anne Ferro
AAMVA President and CEO





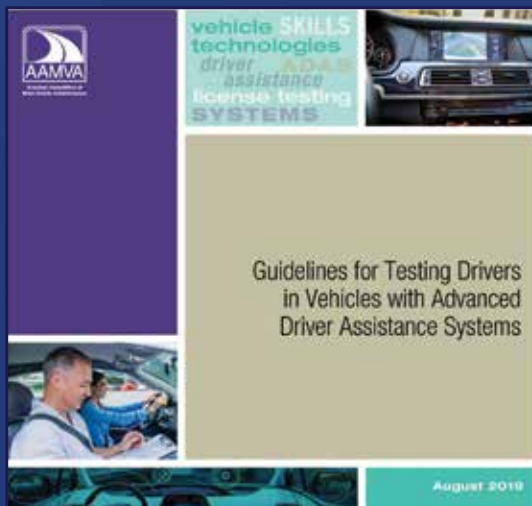
SOLUTIONS & BEST PRACTICES

Solve your business challenges by following the guidance of subject matter experts and your colleagues. AAMVA's best practices, standards, white papers, and guidance documents establish ideal approaches for developing and maintaining programs in your jurisdiction.

NEW RELEASES



**Mobile Driver License (mDL)
Implementation Guidelines**



**Guidelines for Testing Drivers in
Vehicles with Advanced Driver
Assistance Systems**

For these and the entire library of AAMVA solutions & best practices, visit **aamva.org**.



*HIGHLIGHTS FROM AAMVA'S 2019
ANNUAL INTERNATIONAL CONFERENCE*

Working Hard... Doing Good



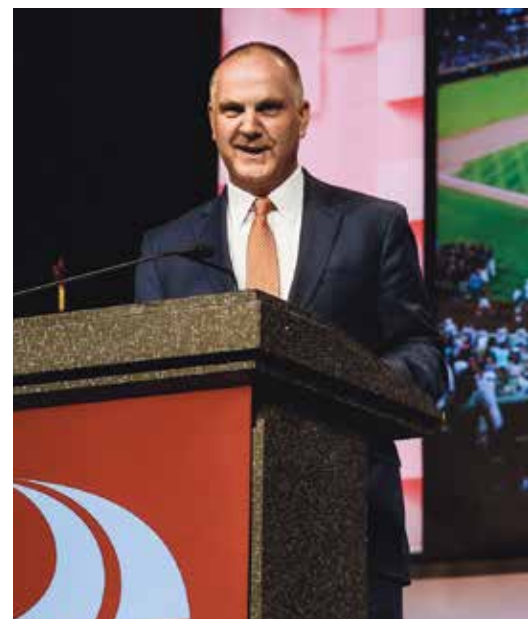
1 Immediate Past-Chair of the Board Rhonda Lahm welcomes everyone to the 2019 Annual International Conference. 2 AAMVA President & CEO Anne Ferro greets former AAMVA Chair Rick Holcomb at the Traditional Past Chairs' Breakfast. 3 Immediate Past-Chair Rhonda Lahm presents Clinic With a Heart a check for \$13,880. 4 The Tricycle Race raised funds for Clinic With a Heart. 5 Whitney Brewster is sworn in as the new Chair of the Board. 6 Attendees hear about new products and services in the Exhibit Hall.



AAMVA's 2019 Annual International Conference (AIC), Aug. 20–22, in Omaha, Nebraska, was a huge success. AAMVA's immediate past Chair of the Board Rhonda Lahm and the Nebraska Department of Motor Vehicles welcomed over 800 attendees to The Big O for three days of engaging sessions and fun events. From bringing humor to the workplace, to sessions on the future of document security and vehicle technology, this year's AIC provided a wealth of information for attendees to take back home.

Along with learning opportunities, the conference provided the chance to network and consult with peers, with events like the Jurisdiction Roundtables and Town Halls, President's Reception & Drive for a Better Life Tricycle Race, QuickConnect, and the Administrators Meeting & Jurisdiction Exchange. Throughout the conference, with your help, we raised over \$13,880 for Clinic With a Heart. Thank you for all of your generosity and hard work to make this fundraiser successful!

The 2019 AIC also saw the outstanding work of our members recognized at the Awards Luncheon. The conference finally concluded with the Nebraska State Banquet and the swearing in of our new International Board of Directors, including Chair of the Board Whitney Brewster, who invited everyone to Austin, Texas, for the 2020 AIC. ▶



New York State DMV Assistant Commissioner Chuck DeWeese received the AAMVA Lifetime Achievement Award in the motor vehicle administration category from Immediate Past-Chair Rhonda Lahm (left) and CEO Anne Ferro (right).

HONORING A LIFETIME OF SERVICE

Chuck DeWeese, Assistant Commissioner, New York State Department of Motor Vehicles, and Col. Nathaniel McQueen Jr., Superintendent, Delaware State Police, were both honored with the Lifetime Achievement in Highway Safety Award at the 2019 AIC. DeWeese was the recipient of the award in the motor vehicle administration category, and Col. McQueen was the recipient in the law enforcement category.

The award recognizes their commitment to and accomplishments in highway safety over the course of their careers.

DeWeese started his career in highway safety in 1992 as a special agent at the Federal Motor Carrier Safety Administration, where he conducted safety investigations on poor-performing truck and bus carriers and worked with U.S. Department of Transportation legal advisers to remove noncompliant carriers from roadways. He was subsequently promoted to acting division administrator, where he led criminal investigations and spearheaded a multiagency effort to reduce commercial motor vehicle crashes, leading to his lifelong passion for saving lives on highways.

Before SPEAR implementation, alcohol and/or drugs were involved in over 50% of fatal crashes. In 2018, impairment rates have declined to 41%.

In 2007, DeWeese was hired as the assistant commissioner of the New York Governor's Traffic Safety Committee. Since then, he has been the driving force behind the committee's most nationally recognized and effective traffic safety campaigns and programs including, but not limited to: establishing the state's Impaired Driving Advisory Council; developing the Distracted Driving Enforcement campaign; and partnering to create the state's award-winning Pedestrian Safety Action Plan, an ambitious partnership of the New York State Departments of Health and Transportation and the Governor's Traffic Safety Committee.

In addition, DeWeese chairs New York State's Traffic Records Coordinating Council; serves as a Governors Highway Safety Association (GHSA) regional representative; and is Chair of the Federal Relations Committee, which is the conduit between the National Highway Traffic Safety Administration and GHSA.

Col. McQueen joined the Delaware State Police (DSP) ranks in 1988 and has served in many leadership roles during his career. On Dec. 20, 2012, Col. McQueen was appointed by Delaware's governor as the superintendent of the Delaware State Police. He commands 716 troopers and 240 civilian employees.

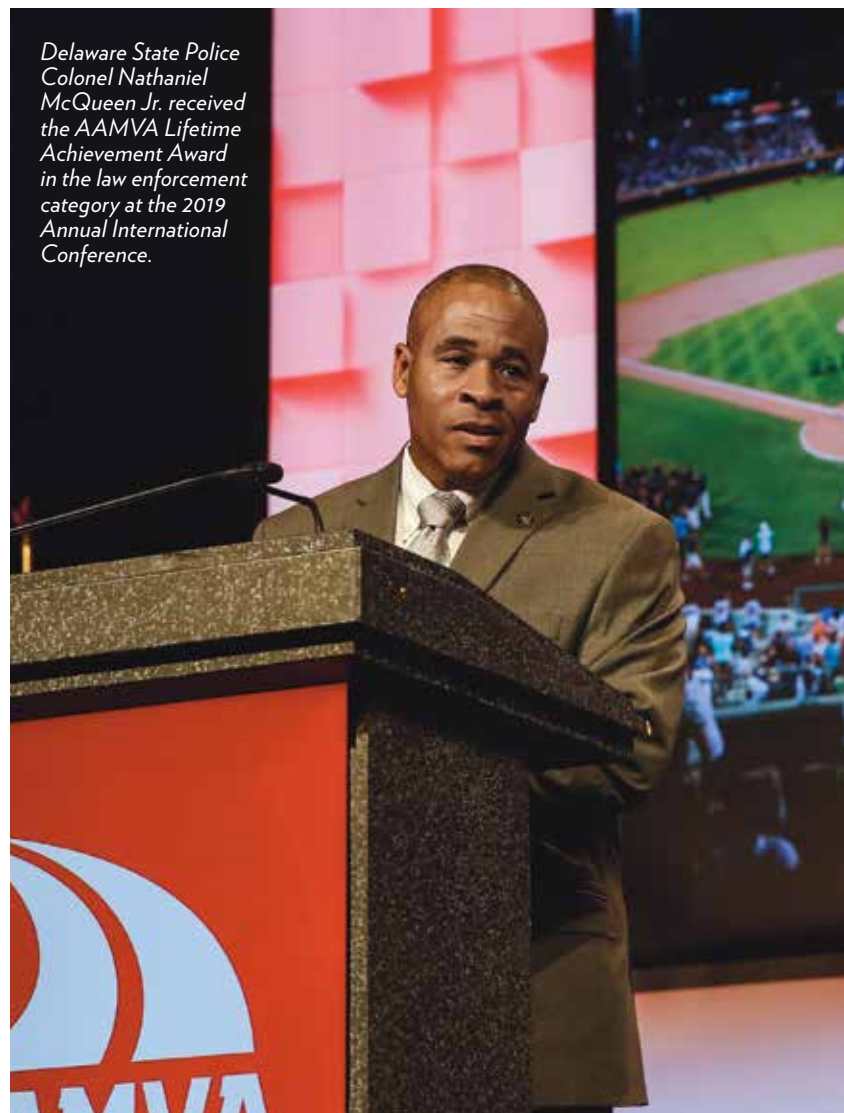
In 2014, he led a critical review of the agency's accountability process with the goal of being more effective and efficient in reducing crime and traffic collisions. Utilizing *A Police Organizational Model For Crime Reduction* as a guide, he used

a combination of intelligence-led policing and accountability to improve operations. This process led to the state-wide implementation of a stratified policing model known as the Delaware State Police Enhanced Analytical Response (SPEAR). Between 2015 and 2017, those practices and procedures became anchored in the DSP culture, making it the first U.S. state police agency to successfully adopt this model. Since its inception, SPEAR has had a positive influence on highway safety in Delaware. According to Col. McQueen's article in the September 2018 edition of *Police Chief Magazine*, projections are tracking toward a 15-year low in motorcycle and pedestrian related crashes, with a decrease in fatal crashes as well. Proactive DUI arrests and drug investigations for patrol officers have also been positively impacted. This year's investigations are projected to be the highest in over 15 years, directly contributing to a decline in impaired fatal crashes. Before SPEAR implementation, alcohol and/or drugs were involved in over 50% of the fatal crashes. In 2017 and 2018, impairment rates have declined to 45% and 41%, respectively.

Col. McQueen works regularly with the Delaware Office of Highway Safety, Division of Motor Vehicles, and the Department of Transportation to address emerging challenges with roadway, vehicle and license legislation. At the Colonel's direction,



AAMVA Lifetime Achievement Award



Delaware State Police Colonel Nathaniel McQueen Jr. received the AAMVA Lifetime Achievement Award in the law enforcement category at the 2019 Annual International Conference.

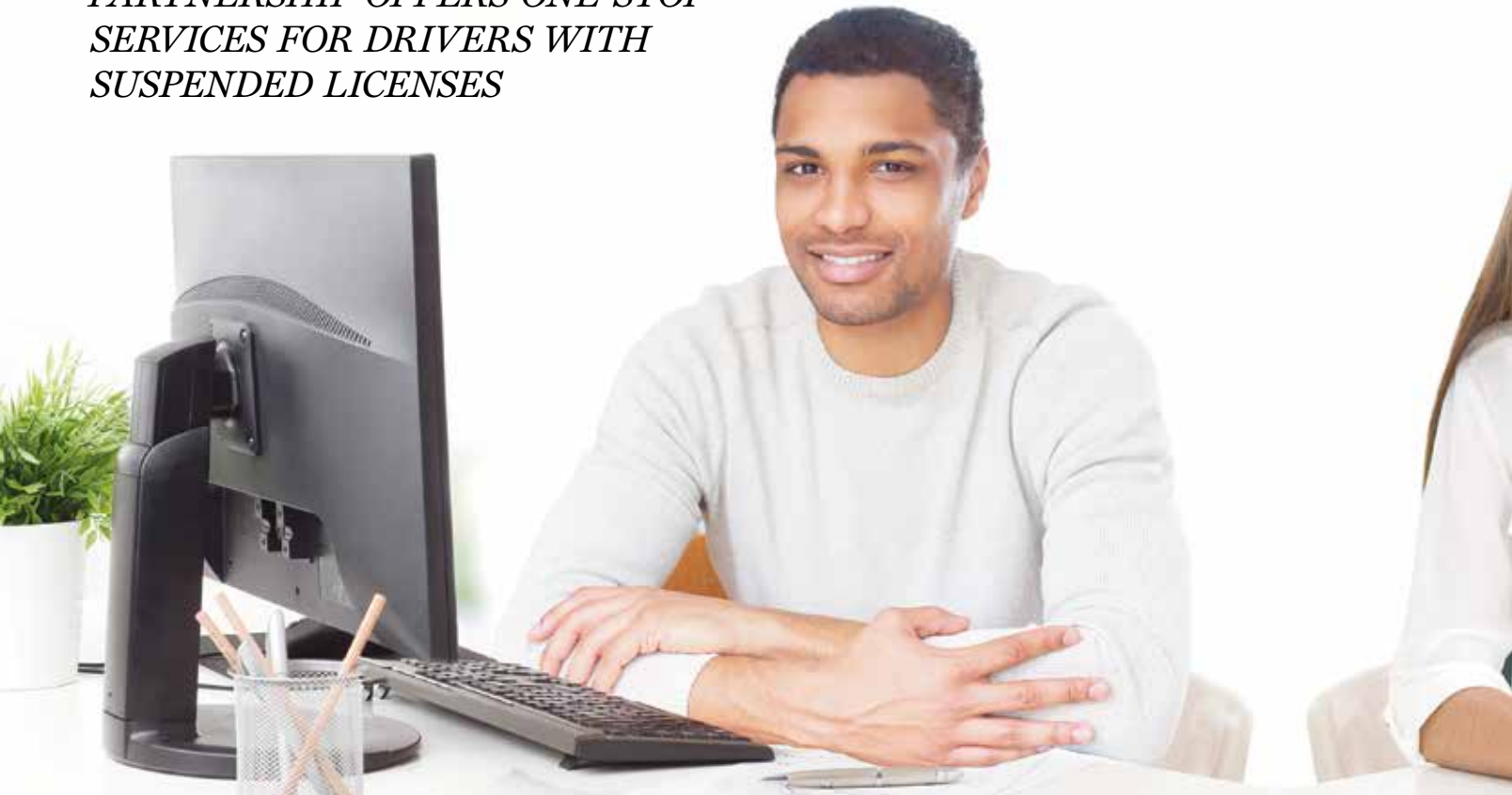
DSP organized the Interstate 95 challenge, which coordinates all 15 states along the east coast that police I-95 to address speeding and aggressive driving, and to reduce traffic collisions. DSP participates in the Drive to Save Lives campaign, where each troop area provides added resources to hot spots for enhanced highway safety, and Col. McQueen encouraged all in-state agencies to participate in hot-spot areas within their jurisdictions. In 2018, Col. McQueen brought Below

100 training to DSP, with the goal of improving trooper safety on the roadways.

Col. McQueen earned a Bachelor of Science degree in Behavioral Science from Wilmington University and a Master of Science degree in Social Work from Delaware State University. He is a graduate of the Federal Bureau of Investigation National Academy. Before joining the Delaware State Police, he served in the U.S. Marine Corps. [m](#)

Partnering for

*NEVADA DMV AND JUSTICE COURT
PARTNERSHIP OFFERS ONE-STOP
SERVICES FOR DRIVERS WITH
SUSPENDED LICENSES*



The Nevada Department of Motor Vehicles and Las Vegas Township Justice Court partnered up for an award-winning solution to one of the most frustrating experiences that a group of their mutual customers was facing.

Traditionally, drivers with unpaid traffic tickets, court fines or other court-related issues were not always aware that their licenses had been suspended and a warrant issued for their arrest until they visited the DMV. They would then have to travel to the Regional Justice Center in downtown Las Vegas to pay their fines and clear their suspensions, and make the trip back to the DMV to reinstate their licenses.

This resulted in time wasted in travel and waiting in lines, as well as an increased chance of being arrested for driving illegally.

To resolve this problem, the DMV and Justice Court piloted a program in 2017 at the Flamingo branch in Las Vegas, where they added a special window for a Justice Court employee. The employee is on location Monday through Friday to resolve common fines

and other issues that would normally prevent transactions from being processed at the DMV. This increases convenience for customers and efficiency for both DMV and court employees.

“The Justice Court window at Flamingo is able to handle all court transactions, such as citation payments, payment plans, warrant removal, FTA clearances, etc.,” says Cynthia Perkins, fields services manager,

Convenience



Flamingo DMV. “Our customers do not have to travel downtown to clear their citations, and we are able to reinstate their licenses immediately. This saves them from missing more work or time away from other responsibilities.”

The DMV saw an immediate impact and has received only positive feedback about the program, Perkins says. The pilot program ran through July 7, 2017, but is now a permanent installment of the Flamingo DMV.

Internally, the program implementation process went so smoothly that it was virtually nonexistent, Perkins adds. “The biggest challenge was finding a space in a secure area for [the Justice Court employee’s] safe. Their IT staff handled the set-up for their computer. We only had to move a few things around to accommodate their equipment.”

She also says that the partnership between the DMV and Justice Court was “amazing. The staff are friendly and knowledgeable. They fit right into our DMV family.” **m**

AWARD-WINNING SERVICE

The Justice Court Counter at DMV, a program developed by the Nevada Department of Motor Vehicles and Las Vegas Township Justice Court, allows drivers to settle their court fines, clear their suspensions and reinstate their licenses all at the DMV. Because of the program’s immediate success in offering convenience and better service for customers, the Nevada DMV was the International and Regional winner of the 2018 AAMVA Customer Convenience Award.

The Customer Convenience Award is part of AAMVA’s Awards Program, and recognizes jurisdictions for making life easier for customers through offering or enhancing services such as online transactions, mobile units, access to vital records, improved payment options, greeter/triage stations, adjustments for long wait times or other conveniences.

“We were very excited that we were awarded for customer service,” says Tonya R. Laney, CPM, field services administrator, Nevada DMV. “It is very easy to fall in the rut of, ‘that is not our job or not in our realm of responsibility.’ But even if that is true, we like to look at how we can make [our services] work,” she says.

“If the customer has to leave the DMV, go to the courts and then make a return visit, that increases frustration for them and leads to more work for us. So, the more we can offer in-house to make it a one-stop visit, the better! It was very rewarding to have that line of thinking recognized and receive an award from AAMVA. It lets us know we are on the right track to how we approach our customer service.”



While You're Waiting...

Customers at the new and improved Albany DMV can count on innovative and interactive technology, such as this self-service touchscreen kiosk, to go along with the familiar, friendly faces.



THE NEW YORK DMV'S THREE-DECADE PARTNERSHIP WITH MVN HAS ALLOWED FOR EXTENSIVE MODERNIZATION

Customer service can always be improved upon at DMV offices, and technological advancements have set the stage for a variety of upgrades in motor vehicle agencies across North America.

In 1991, under former governor Mario Cuomo, the New York DMV (NY DMV) began its relationship with the Motor Vehicle Network (MVN). Twenty-eight years later, the two organizations still have a strong partnership, in part due to the similar views on evolving processes and facilities.

"I would give credit to both organizations in that we have a partnership that is committed to using

modern technology to educate our consumers and provide top notch customer service," said Commissioner Mark Schroeder, NY DMV.

Following his nomination in January 2019, Commissioner Schroeder led the grand opening celebration of the new and improved Albany district office. The office moved locations entirely, with Commissioner Schroeder noting that "the previous location was ordinary. The new location is extraordinary."

In addition to the extra space and parking available at the new facility, the office added several pieces of new technology to improve the experience for customers. "We met with NY DMV officials during the construction phase of the project to incorporate new initiatives for customer service and aesthetic ideas to make it a more technologically friendly office," said Brad Savage, vice president, MVN.

"[The NY DMV] has identified a comprehensive modernization strategy, which means we're constantly looking for new ways to evolve the technology we use at our offices."

COMMISSIONER MARK SCHROEDER
NY DMV

MVN installed several new flat screen monitors at the new office, which provide both educational opportunities and entertainment for waiting patrons, along with a touchscreen kiosk adjacent to the information counter.

The kiosk was designed to educate customers specifically on the intricacies of the Real ID Act. "Instead of taking up the DMV employee's time, which in turn slows down services for everyone, customers can be quickly directed to the touchscreen to learn about the process," Brad Savage said. Complimentary Wi-Fi is also offered to waiting customers at the Albany office.

When the new technology was first unveiled, the response was extremely positive. "All customer feedback we've received has been great. People really have appreciated our efforts to make their experience at the DMV as pleasant as possible," Commissioner Schroeder said. Employees from other offices were also impressed, with Commissioner Schroeder noting that there were several requests to implement the technologies at other locations across the state.

MVN says that the majority of their work is done behind the scenes, with programming on the back-end. Along with important DMV information, they also provide a continuously updated news service on these screens, helping

customers pass the time while they're completing transactions. "Whether it be sports, trivia questions, weather, recipes and so on, we create content designed for mass appeal," Brad Savage said.

With these upgrades comes the question of cost: how much money will this cost the DMV? The answer even further enhances the value of services: \$0. MVN provides their solutions at no cost at all to the NY DMV. "All of our services are ad-supported, allowing us to provide top notch customer service initiatives at zero cost to motor vehicle agencies," said Scott Savage, president, MVN. Jurisdictions using their services also get final approval on what content runs at their facilities.

But in the end, it comes down to teamwork. The NY DMV and MVN's relationship, through all the years of working together, is stronger than ever. "Through a number of administrations, New York has always been interested in introducing new technology," Scott and Brad Savage said. "Our work is made easy by the trust and communication displayed by our two organizations."

Commissioner Schroeder agreed, "[The NY DMV] has identified a comprehensive modernization strategy, which means we're constantly looking for new ways to evolve the technology we use at our offices. MVN is a great partner for us to move forward with this goal." **m**



musings

AAMVA MEMBERS HAD A LOT TO SAY ABOUT THE 2019 ANNUAL INTERNATIONAL CONFERENCE!

HERE ARE JUST A FEW THOUGHTS FROM OUR ATTENDEES, SUBMITTED ANONYMOUSLY VIA THE POST-EVENT SURVEY:

"I have been to numerous AAMVA conferences and I found the content of this conference to be excellent and on point with relevant topics for my job."

"I met many socially engaging participants. This was my first conference. I've been in the business for 35 years and I feel energized about the information obtained. Thank you."

"The Future of Physical Document Security was the best session I have attended at any AAMVA conference or workshop."

"Great job! Looking forward to more discussion about administrative policy surrounding mDL. Tech is on track — need to better develop and understand customer and industry adoption practices, techniques, and administrative record best practices."

"I was able to make new relationships that will allow me to take back valuable information that I can pass on to my peers. The topics were relevant to what we are dealing with in my agency. Great conference and I am hopeful that someone from my agency will be attending the 2020 conference in Austin."





VEHICLE REGISTRATION & TITLING

BY AAMVA'S DATA LADY, JANICE DLUZYNSKI

Here are the results from the most recent jurisdiction surveys related to the registration and titling of different types of vehicles. All of these surveys have additional questions that provide more information. Full details of these surveys can be found at: AAMVA.ORG/SURVEY/USER/SEARCH.ASPX.

SALVAGE AND NON-REPAIRABLE TITLES

[27 RESPONSES]

DOES YOUR JURISDICTION ISSUE SALVAGE, NON-REPAIRABLE OR JUNK (CERTIFICATE OF DESTRUCTION) TITLES? PLEASE CHECK ALL THAT APPLY.

Salvage: 

Non-repairable: 

Junk (certificate of destruction): 

DOES YOUR JURISDICTION HAVE AN EXPEDITED PROCESS FOR ISSUING A SALVAGE, NON-REPAIRABLE OR JUNK (CERTIFICATE OF DESTRUCTION) TITLE? IF YES, IS THERE AN ADDITIONAL FEE?

Yes: 

No: 

DOES YOUR JURISDICTION HAVE AUTHORITY TO WAIVE CERTAIN TITLING REQUIREMENTS DURING A DECLARED DISASTER?

Yes: 

No: 

RECONSTRUCTED VEHICLES

[33 RESPONSES]

DOES YOUR JURISDICTION REQUIRE THE VEHICLE OWNER TO DECLARE THAT A VEHICLE HAS BEEN RECONSTRUCTED BEFORE IT CAN BE USED ON PUBLIC ROADS?

Yes: 

No: 

No response provided: 

LIMOUSINES AND INSPECTIONS

[25 RESPONSES]

ARE LIMOUSINES CONSIDERED COMMERCIAL VEHICLES?

Yes: 

No: 

No response provided: 

ARE LIMOUSINES INSPECTED IN YOUR JURISDICTION?

Yes: 

No: 

No response provided: 

MOTORHOMES AND TOTORHOMES

[28 RESPONSES]

DOES YOUR JURISDICTION ALLOW THE CONVERSION OF A TRUCK TRACTOR TO A MOTORHOME?

Yes: 

No: 

No response provided: 

DOES YOUR JURISDICTION TITLE MOTORHOMES SEPARATELY THAN A TOTERHOME?

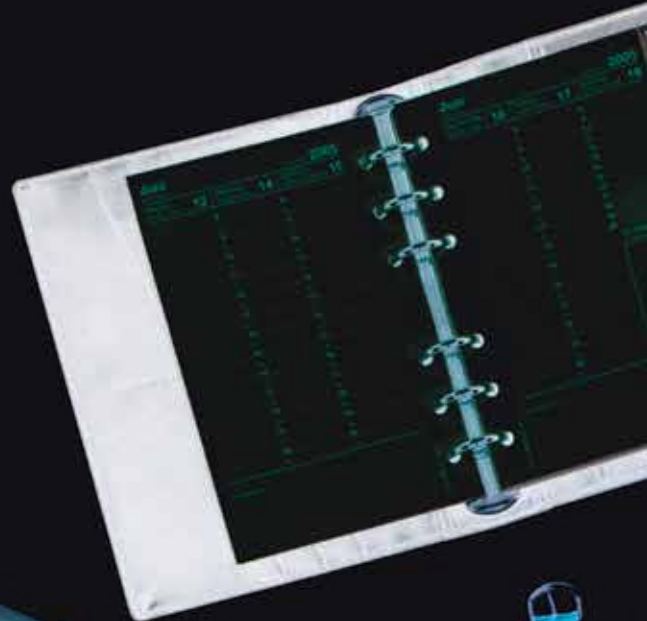
Yes: 

No: 

Not applicable or haven't seen this type of request yet: 



safety



ON THE CLOCK



*NEW TRAINING FOR
MAINTAINING A
DRUG- AND ALCOHOL-
FREE WORKPLACE*

BY MYRNA TRAYLOR

IMPAIRMENT



With rapidly changing laws around the use of marijuana and its derivatives, a continuing crisis of opioid addiction and the pervasiveness of alcohol consumption, substance misuse is a concern in many workplaces, including motor vehicle administrations.

The International Association of Chiefs of Police (IACP) rolled out a new program this fall to help employers identify workers who might be under the influence. The Employer Drug Identification Training (EDIT) program can help employers, including motor vehicle administrators, identify signs of drug or alcohol use and how to address problems. Designed primarily with the intent of keeping intoxicated employees off the road, the program also teaches supervisors to ascertain whether an employee has a legitimate medical need for a substance that makes them impaired or if the substance was purposefully taken to achieve an altered state.

Abuse of alcohol and illicit drugs is costly to our nation, exacting more than \$417 BILLION annually in costs related to crime, lost work productivity and health care.

PROVIDING EDUCATION AND TRAINING

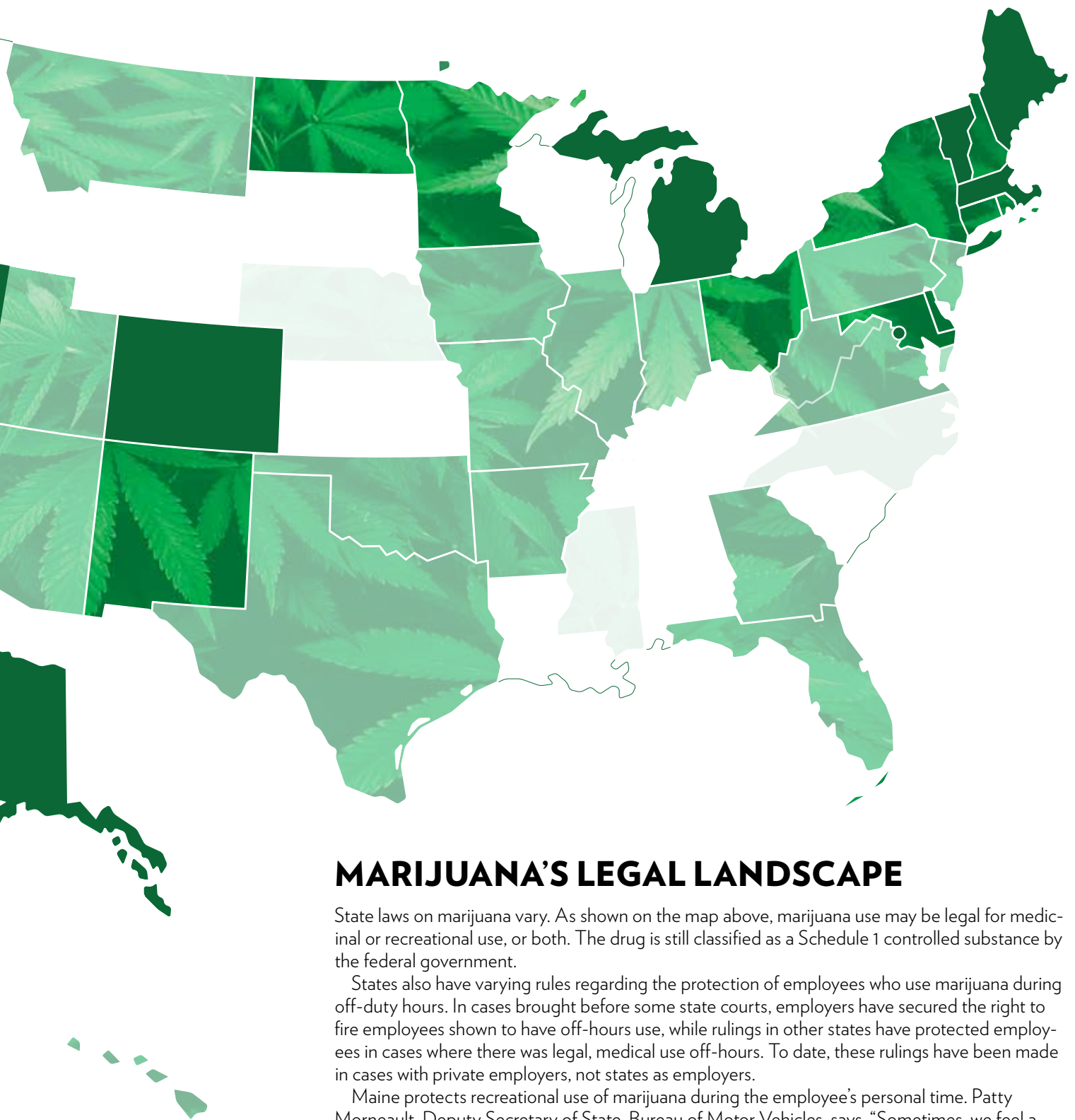
The EDIT program evolved from decades-old training that was developed for educators to help identify high school students under the influence and distinguish between kids exhibiting unusual but normal adolescent behaviors, like acting out or excessive drowsiness, and those who were high or drunk.

“The intent of the program isn’t to turn the boss into someone who has to call the police,” says Joe Abrusci, the IACP program manager, “unless that is the established procedure. We are looking to give them education and training that will help them deal with their employees in-house.”

Once a supervisor is alerted to a worker using intoxicants on the job, they should use the established employment policies or human resources framework to deal with the employee. Mike Dixon, senior director for the Division of Motor Vehicles, Colorado Department of Revenue, cites the Drug and Alcohol Policy for State Employees: “The State of Colorado is committed to protecting the safety, health and well-being of employees, volunteers, customers and the public. Alcohol and drug use in the workplace pose significant safety and health risks, not only to the employees, but to others as well.”

Drug testing as a condition of employment is not used at the Colorado DMV. “We do background checks for DMV employees,” says Dixon. “Anyone who has access to driving records and driver’s licenses is fingerprinted.” If, however, there is a reasonable suspicion of workplace drug use or alcohol impairment, the employee is sent to a third-party lab for testing. If the employee fails, they face the established disciplinary procedures. “Employees who violate the state policy regarding alcohol and drug use may be subject to personnel action pursuant to the drug and alcohol state





MARIJUANA'S LEGAL LANDSCAPE

State laws on marijuana vary. As shown on the map above, marijuana use may be legal for medicinal or recreational use, or both. The drug is still classified as a Schedule 1 controlled substance by the federal government.

States also have varying rules regarding the protection of employees who use marijuana during off-duty hours. In cases brought before some state courts, employers have secured the right to fire employees shown to have off-hours use, while rulings in other states have protected employees in cases where there was legal, medical use off-hours. To date, these rulings have been made in cases with private employers, not states as employers.

Maine protects recreational use of marijuana during the employee's personal time. Patty Morneault, Deputy Secretary of State, Bureau of Motor Vehicles, says, "Sometimes, we feel a little handcuffed because we don't have the ability to test the employee, and we don't have any authority over what the employee does on their off hours." But the bureau stands firm on the state policy that says employees should not report to work under the influence or have possession of any questionable substance on campus.

** Based on data at the time of print.
Effective January 2020, marijuana
will be fully legalized in Illinois;
Hawaii will decriminalize and allow
for medical use.*



safety

personnel board rules and administrator's procedures, which include corrective or disciplinary action up to and including termination," Dixon says.

Fortunately, over the eight years that Dixon has been with the department, there have been very few incidences of employee drug or alcohol use in the workplace. "That's been very consistent during my whole time here," he reports. "On the few occasions when there has been a problem, managers have followed the state policy for reasonable suspicion in dealing with an impaired worker." The process is initiated when an individual witnesses an employee showing signs of intoxication and reports it to a supervisor or the Department of Revenue's human resources office.

While the state cannot order employees to do so, workers who need help dealing with substance abuse or other issues are encouraged to make use of the Colorado State Employee Assistance Program.

The State of Maine also has an employee assistance program that employees can use for help with substance misuse. Patty Morneault, Maine's Deputy Secretary of State, Bureau of Motor Vehicles, says that they also have a statewide drug-free workplace policy.

The bureau has had a few instances of alcohol-impaired employees over the years, she reports, but administrators in her state have to follow strict protocol when challenging an employee. "We are a union shop and we have to follow the rules for notice and disciplinary action," Morneault says.

THE SECURITY FACTOR

The issuance of secure identity and vehicle credentials, and handling of an individual's personal information could be compromised by employee impairment and put records, IDs or certifications at risk.

Abrusci notes: "There is always a potential when someone has leverage over another person. [Misusing drugs] may affect how the worker performs their job and follows through on the required steps. Not doing it properly could lead to mishaps." And the performance of any worker—including those in law enforcement, medicine or otherwise—could be impacted by illicit drug use on the job, he points out.

Dixon adds: "The stakes are too high. Impaired employees are not compatible with the mission of the DMV. So state policy requires immediate action while respecting individual rights when dealing with those situations.

"We really emphasize the importance of our mission to public safety, which includes protecting the identity and security of all the folks who have driver's licenses with us, so employees understand. The training we do on an annual basis on the Drivers Privacy Protection Act reinforces that, and we hope that makes it clear why you need to have your full faculties when doing your job." **m**

find out more

GUIDANCE IS AVAILABLE. LEARN MORE ABOUT MAINTAINING A DRUG-FREE WORKPLACE AND NAVIGATING FEDERAL AND STATE LAWS AND REGULATIONS RELATED TO EMPLOYMENT LAW AT THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION: [SAMHSA.GOV/WORKPLACE](https://www.samhsa.gov/workplace).

"We are seeing so much [opioid abuse]—it doesn't matter what title the person has, it's impacting every level. Employee assistance programs are available so people can get help."

DARRIN GRONDEL

Director, Washington Traffic Safety Commission





Oral fluid specimen drug tests use newer analytical instruments that are sensitive enough to detect drugs at low concentration levels.

WHAT DRUG TESTS CAN—AND CAN'T—TELL YOU

Charles LoDico, senior chemist/toxicologist, Substance Abuse & Mental Health Services Administration, U.S. Department of Health & Human Services, provides important context for any supervisor or administrator who wishes to rely on an employee's drug test to initiate corrective action.

The first thing to understand, he says, is the word "impairment" has a legal definition that pertains only to alcohol. Because impairment is determined by a specified level (0.08%) of alcohol in the blood or breath that all states have adopted. Drug testing, on the other hand, is currently performed by collecting a urine specimen and the drug test results can represent a "snapshot in time" of an excreted parent drug and its metabolites that is post-exposure. The body has already filtered the parent drug/substance; therefore, a urine drug test can only demonstrate exposure, but not impairment, at the time the test is given.

Drug tests that use an oral fluid specimen are gaining ground since their development starting in 1997, and have been widely used in the private sector. Oral fluid specimen drug tests use newer analytical instruments that are sensitive enough to detect drugs at low concentration levels. Plus, they have the advantage of being more difficult to suborn, since the collection is done with the subject under the direct observation of the collector.

"Certain companies were openly advertising synthetic marijuana to the military, law enforcement, medical personnel and others," says Joe Abrusci, program manager for the International

Association of Chiefs of Police, "[because individuals could use the product] without worrying that trace chemicals would come back on a drug test, because they can't screen for it." As toxicology advances and tests are developed for the synthetic cannabinoids, backstreet chemists tweak their formulas, "staying one step ahead of us," Abrusci adds.

Enforcing a policy that prohibits impairment due to using drugs at the workplace or that seeks to establish impairment levels during work hours could be challenging. Marijuana and its metabolite, for example, can be in a person's biological system (urine and/or oral fluid depending on the specimen collected) for several days up to a week after exposure, whether the person is a chronic user or not, says LoDico. Even with a positive drug test, the employee might be able to bring a wrongful termination suit because of the employer's use of the phrase "impairment" in their workplace policy when using a specimen (urine) that lacks the ability to demonstrate that condition during the time in question. Companies or motor vehicle administrations that want to establish a zero-tolerance policy should do so in terms of exposure to illicit substance, not impairment, LoDico advises.

The best thing to do, says LoDico, is to constantly reinforce a workplace policy to deter drug use during work hours, making clear the reasons why the DMV needs to be drug-free and stress-ing education, not punishment.



Courts and motor vehicle agencies have long had interconnected roles. Decisions made by the courts often impact commercial and noncommercial driver licensing, as well as other DMV functions. Because of this, in many jurisdictions, creating effective channels of communication to ensure the timely and accurate sharing of information between the two organizations is an ongoing project.

While this project presents many challenges, the end goal for both organizations generally is the same: maintaining public safety.

“I think it’s important to continually remind ourselves that we’re working on public safety,” says Kathryn Holt, senior court research analyst at the National Center for State Courts (NCSC). “Sometimes, we can lose sight of that and get bogged down in the details. But at the highest level, both courts and DMVs are working on this issue together. They are both part of this critical safety framework.”

A PERSONAL CONNECTION

Although technological advances like easily accessible online databases have increased the availability of important

information for both courts and DMVs in many jurisdictions, successful partnerships between the two often rely on more direct communication. “When these partnerships work well, it’s relationship-based,” says Holt.

Janelle Robinson, driver services manager at the Kansas Division of Vehicles (DOV), says that the DOV currently has a strong partnership with the courts, but it wasn’t always that way. Five years ago, members of the DOV started attending court clerk and judicial conferences, and reaching out to the people they work with at the courts. ▶



CREATING SUCCESSFUL PARTNERSHIPS WITH COURTS REQUIRES OPEN COMMUNICATION

BY ANDREW CONNER

ATION



operations

“We started to learn what resources we could bring [to the courts] and how we could help both of us communicate better,” she says. “Now, ahead of the conferences, we ask for questions and we create a PowerPoint presentation that goes through the answers and provides the statutes and reasoning.”

They also provide the courts with multiple ways to reach the DOV, including contact cards with all of the management team’s information, and a designated phone line and email address. “Our relationship has really evolved. We receive fewer questions and we have better communication in general,” Robinson says. “When we get calls now, they’re appreciative of the information we provide.”

PROACTIVE PROGRESS

In Georgia, Angelique McClendon, general counsel at the Georgia Department of Driver Services (DDS), says the successful partnership the DDS has with the court system can be attributed to the priority they place on outreach.

“We work with courts to make sure their staff is educated about the consequences of certain convictions,” says McClendon. “Many drivers look to the court for guidance on how to deal with traffic tickets, and it’s easier to educate the staff so they can give the correct advice rather than undo something that has unexpected consequences—and, of course, those consequences have even higher stakes for commercial drivers.”

McClendon notes that the DDS communicates with courts in many of the ways you would expect: They publish a traffic court reference manual that is a popular resource for court staff; they have a designated high-level customer service liaison who is available by phone to answer questions from judges, court clerk staff and attorneys (including private attorneys, prosecutors and public defenders); and they have a dedicated email address for court-related questions.

McClendon says that while all of these investments have strengthened their partnership, one of the main ways they have improved court outreach is through training. They work with the Institute of Continuing Judicial Education (ICJE), a Georgia-based legal resource consortium, to provide regular training to court staff.

“This year, we have about 20 scheduled trainings with the ICJE. We also do lunch-and-learns with courts by request, we participate in continuing education with attorneys, and we have a GECPS team, which stands for the Georgia Electronic Conviction



Processing System, and they have about 24 planned on-site visits with courts,” says McClendon.

THE INFORMATION HIGHWAY

As in many jurisdictions, one of the most important ways courts and the motor vehicle division in New Mexico interact is through sharing information about convictions and payments. Alicia Ortiz, director of the New Mexico Motor Vehicle Division (MVD), points particularly to DWIs when she talks about the MVD’s partnership with the courts.

“In New Mexico, when somebody gets a DWI, there are two processes that should happen simultaneously: an administrative process where the MVD can revoke your license and a criminal process where the court can revoke your license,” she explains. “You can win both cases, lose both cases, or win one and lose the other. Getting that information from the court in a timely manner is critical to maintaining the accuracy and integrity of a driver’s record while also minimizing the impact on the driver.”

“When communication is prioritized, and there is a mechanism for everyone’s voice to be heard, it pays dividends.”

KATHRYN HOLT

senior court research analyst at the National Center for State Courts (NCSC)



(From left) Lacey Black, Asia Puck and Janelle Robinson attend the Kansas Association for Court Management Conference in September 2018. Kansas DOV officials attend the event twice a year to answer questions from court employees.

Currently, the MVD is working on a tracking system that allows law enforcement to issue citations electronically, with all of the data transmitted in real time for use by the courts and the MVD. Ortiz explains that this technology enhances the abilities of courts, the MVD and law enforcement to do their jobs, and it wouldn't have been possible without the personal relationship her division has established with the courts.

"Having shared systems and shared technology makes a big difference and makes everyone's life easier: It minimizes data entry and increases accuracy," says Ortiz. "However, I don't think we can say enough about the importance of the employee-to-employee relationship. We meet with court staff regularly, give presentations at conferences, and really engage in open dialogue and conversation. Having that dialogue makes things like this tracking system possible."

Holt, who has worked with jurisdictions across the country in her role at the NCSC, echoes the experiences of Ortiz, McClendon and Robinson.

"Fostering and supporting these relationships is part of our work as a national center," she says. "This works when DMVs have a dedicated phone line for the stakeholders, or create formal or informal working groups or committees, for example. When communication is prioritized, and there is a mechanism for everyone's voice to be heard, it pays dividends." **m**

Download presentations from the 2019 Region 4 Conference Session, "Improving the Customer Experience through Partnerships with the Courts," at aamva.org/2019-Region-4-Download-Center.

PLAYING FAIR

In many jurisdictions, motor vehicle administrators strengthen their partnerships with courts by attending court conferences and having face-to-face conversations with clerks, judges and attorneys. The New Mexico Motor Vehicle Division (MVD) has taken this one step further by participating in public legal fairs where they set up a one-stop shop for drivers to take care of issues.

"Recently, partly due to REAL ID implementation, courts found themselves inundated with people wanting to change their names," says Alicia Ortiz, director of the New Mexico MVD. "We have a lot of people who have been using a name other than their legal given name at birth, and courts reached out to us about the right process to follow. One example is the name on someone's birth certificate is the Spanish version of their name. They've grown up as 'Sally,' but the certificate says 'Celestina.' Then, she may have signed her marriage certificate as 'Sally.' Rather than require the applicant to get an amended birth record or an amended marriage certificate, she can legally change her name to 'Sally' and her married surname."

Ortiz says that the communication between her division and the courts on this issue has been great. She has been surprised at the direct impact they've had on the public at local legal fairs. At these fairs, judges, court clerks and attorneys are on-site, in addition to the Department of Health, nonprofit organizations and the MVD. This allows citizens to receive guidance, get an amended birth certificate and receive an updated driver's license or ID on the spot, assuming the person has the necessary documents.

"There are hundreds of people coming to these fairs, and we're issuing credentials to sometimes 5% or 10% of the people who attend," says Ortiz. "It's an example of how when we work together, we can help people successfully navigate any obstacles that might be in their way."



THE PRIMARY GOAL ... IS TO PROVIDE IT SOLUTIONS TO OUR MEMBERS AND OTHER STAKEHOLDERS THAT ARE RELIABLE, SECURE AND RESPONSIVE.



Immediate Past-Chair of the Board Rhonda Lahm presents Philippe Guiot with the 2019 AAMVA Chair's Award of Excellence.

Q & A WITH

Philippe Guiot

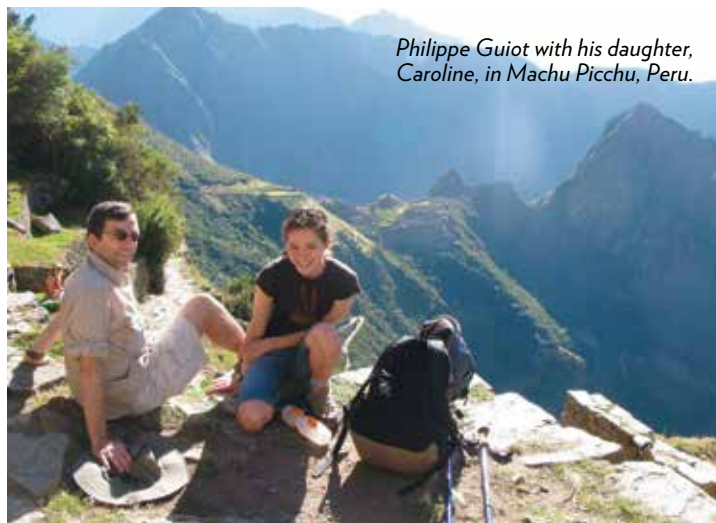
2019 AAMVA CHAIR'S AWARD OF EXCELLENCE RECIPIENT

Q CONGRATULATIONS ON RECEIVING THE 2019 AAMVA CHAIR'S AWARD. WHAT IS THE SECRET TO YOUR SUCCESS?

Early in my career, my technical background helped me in developing solutions that addressed business needs in a very effective manner. But as I moved into management, the key to my success has been my ability to surround myself with competent people and empower them to help me achieve my vision and that of the organization.

Q WHAT ARE YOUR CURRENT GOALS FOR YOUR ORGANIZATION?

The primary goal of our organization is to provide IT solutions to our members and other stakeholders that are reliable, secure and responsive — at a reasonable cost.



Philippe Guiot with his daughter, Caroline, in Machu Picchu, Peru.

FAST FACTS

Philippe Guiot



HOMETOWN
Pithiviers, France



EDUCATION
Master's in mechanical engineering and production management from Ecole Nationale Supérieure D'Arts et Metiers (ENSAM)



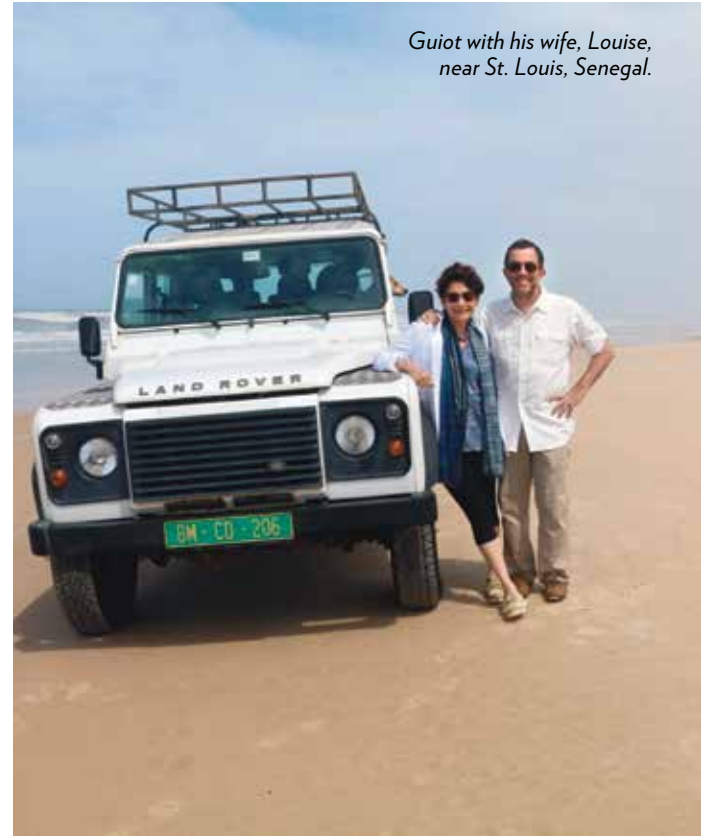
ON THE ROAD
Mini Cooper S



FAVORITE BOOK
Endurance: Shackleton's Incredible Voyage by Alfred Lansing



Guiot with son Julien in the Blue Ridge Mountains in North Carolina.



Guiot with his wife, Louise, near St. Louis, Senegal.

Q WHAT ACCOMPLISHMENTS ARE YOU MOST PROUD OF?

The accomplishment I am the most proud of is to have built pretty much from the ground up an IT organization of 120 IT professionals who are competent and dedicated to our mission. When I started at AAMVA, the organization had just started to set up the network and the first IT solution (CDLIS). Since AAMVA did not have any IT staff at the time, the project was outsourced to

IBM Information Network for the deployment of the AAMVAnet network and to EDS for the development and management of the CDLIS system. I realized when I arrived that in order for AAMVA to own the intellectual property of CDLIS and future systems to come, we would need IT staff in-house with the proper expertise to develop and maintain these systems. Today, we still rely on external IT resources, but in a support role rather than providing core functions.

Q WHAT TRANSPORTATION ISSUES ARE YOU MOST PASSIONATE ABOUT?

I am very interested in the development of automated and connected vehicles. I find the progress made in this area to be fascinating and probably the most promising area for improving transportation safety.

Q ARE THERE ANY THINGS THAT KEEP YOU UP AT NIGHT IN REGARD TO MOTOR SAFETY?

From a parochial point of view, what concerns me is ensuring that our systems are providing accurate information to our members to allow them to take the appropriate action either to issue or suspend a driver's license or to issue a title to a safe vehicle.

Q WHAT DO YOU ENJOY DOING IN YOUR FREE TIME?

I like to travel abroad with my family. And when I am not working or traveling, I like to play tennis and ride my motorbikes. [m](#)



Safety Requires Transparency

*MOTOR VEHICLE ADMINISTRATIONS
AND JUDICIAL ENTITIES MUST WORK
TOGETHER TO ENSURE TOTALITY
AND VERACITY OF RECORDS*

NOTHING TO HIDE

HON. GARY A GRABER, TOWN JUSTICE, DARIEN, NEW YORK

It is certainly timely that in mid- to late-October the term “masking” presents itself, with trick-or-treating right around the corner. Many of us are unaware of the serious consequences that the term holds insofar as the motoring public and those who regulate, enforce, administrate and adjudicate laws and rules to focusing on safety for those who travel our highways.

The Commercial Vehicle Safety Act of 1986 along with the Motor Carrier Safety Improvement Act of 1999 (creating the FMCSA) were the first major instruments to focus on operators of large vehicles that were largely

unregulated. It was at this time the Commercial Driver’s License (CDL) was put into service. Its purpose was to allow a qualified driver to hold one license, eliminating the use of multiple licenses, which made it impossible to track unsafe drivers as they traveled throughout the country.

Holders of a CDL are now more accountable, with the adoption of regulations by the states that created training requirements for the CDL holder, and, more importantly, identified offenses resulting in disqualification. That means accurately reporting convictions to the states, ensuring that the disqualifying offenses

go online

READ AN EXTENDED TAKE
ON MASKING AND DIVER-
SION FROM THE
HON. GARY A. GRABER
ONLINE AT MOVEMAG.ORG.

are not disposed of in a way that would not hold the CDL holder accountable for their actions.

These violations need not occur only in a commercial vehicle, they can—and most often do—occur in personal vehicles by the holder of a CDL. Some examples that would qualify disqualifying offenses relating to masking are:

- › DUI or DWI
- › 15 MPH over the speed limit
- › Reckless driving
- › Texting or talking on a cellphone while driving
- › Leaving the scene of an accident

The disposition of any of these disqualifications is one classic example of a masked case. In many cases, there needs to be an aggregate number of convictions to determine the disqualification time, and more importantly, the viability that an unsafe driver exists. This is not an argument against plea agreements issued by the legal system. However, manipulating or working around the laws and regulations that are in place should not be permitted.

Deferring Imposition can be done in many ways. Say a CDL driver has one excessive speeding conviction on his record that's set to be removed in one month. That CDL driver then receives another citation for the same infraction, which would in turn result in harsher penalties, having two violations over a certain span of time. A judge or prosecutor could decide to wait until the initial charge has been removed from the driver's record before moving forward with the new case.

Diversion has many useful purposes in the criminal justice community, and under the right circumstances it also produces some very positive outcomes. However, it is not permissible in the CDL case. Sometimes, when a driver commits a moving violation, a plea offer may be proposed by the defendant and prosecutor to plead down a charge to a lesser violation or allow the offender to participate in a program to have the charge expunged from his or her record. This in turn creates significant confusion and safety issues for motor vehicle professionals who are trying to uncover a driver's full and complete traffic history.

Again, as is the theme with motor vehicle administrations and the judiciary, communication is necessary to ensure traffic safety standards. Even if "good reason" is given to reduce the sentence or penalty given to a CMV offender, that offense must be recorded plainly for the sake of transparency and any future interactions that driver may have with law enforcement or the courts. From texting while driving to suspicion of DUI, any concealing of admitted offenses can lead to officials making decisions that affect the public's safety.



MORE JOINT TRAINING

JOANNE THOMKA, DIRECTOR OF NATIONAL TRAFFIC LAW CENTER AT THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION

The most important issue that both the courts and DMVs work on together is making sure we're keeping one driver, with one license, with one record. We need to be communicating what actually happens on the administrative path from citation to conviction to recording that information, making sure we are completely aware of a driver's history. Is he a reckless driver? Is she relatively safe? These things need to be known for both the DMVs and courts to be able to make decisions for the safety of everyone on the roads.

It's incredibly important for the employees at DMVs and the court clerks to have a healthy working relationship. Forming a bond with someone in a similar field only adds to the trust and respect you have for that individual. In order to be successful, we need to be developing more joint training sessions. They can even be regionally organized so that people in one community develop close-knit relationships. For employees on one side to be able to recognize if there is a problem—and how it should be handled—goes a long way to increasing efficiency when dealing with clerical errors.

Coupled with this idea of increased training is ensuring all agencies involved have technological tools that are functional. It's hard when the court system has one version of software, the DMV has another, the prosecutor's office has a third and law enforcement has a fourth. If the funds aren't there to support a unified system, it makes communication all that more difficult, and makes transcription errors that much more common.

Errors in recording are magnified when dealing with commercial driver licensing (CDL). If we are not properly communicating and recording infractions, citations and convictions along the way, we're potentially letting an unsafe driver operate an 80,000-pound missile on our highways, endangering multitudes of people.

If any jurisdiction or judiciary members believe that their departments can use help with these types of essential partnerships, we at the National Traffic Law Center provide training and technical assistance for law enforcement, prosecutors, members of the judiciary and other motor vehicle partners on all aspects of traffic safety. We're here to offer support and help to anyone in the industry to make sure things are done right. For more information, please visit ndaa.org/programs/ntlc. **m**



The Cybersecurity Priority

PROTECTING CUSTOMERS' PERSONAL DATA IS A CRITICAL RESPONSIBILITY



Here is a thought that can keep a motor vehicle administrator up at night: We are responsible for massive amounts of data. Our customers entrust us with this data. And how we protect and share these records can have a direct impact on safe drivers, safe vehicles, secure identities and saving lives.

Driver and motor vehicle records are our largest and often least visible asset. And they also may be our most vulnerable asset. The integrity of this information—how we protect it and share it—must be a top priority.

Sometimes it seems like everyone wants a piece of our data, either for lawful purposes or more nefarious reasons. Other jurisdictions, safety professionals and companies that employ drivers must have access to important driver and vehicle data. The consequences of not properly sharing this information can be deadly.

However, the consequences of driver and motor vehicle records falling into the wrong hands can be equally dangerous. There is a delicate balance between security and access, and lives are at stake. Cybersecurity threats and unauthorized access compound our challenges in protecting data.

We must do our due diligence to ensure that those who need access to our records get them, and those who want access to our records but are not legally entitled to them don't. And it does not stop there. We must have safeguards in place to make sure those who are permitted to obtain our records are using them the way they are supposed to.

Our cybersecurity strategies also must evolve along with all the new advancements in transportation and

vehicle services. Think about how autonomous vehicles, motor carrier platooning, scooters, transportation network companies, mobile driver's licenses and digital license plates bring a whole new set of challenges to our records management and security.

There is not a single answer. These existing and emerging challenges require innovative solutions in data security and privacy. It's a combination of technology, policy, information governance, money and more.

The strength of AAMVA is in its members. Your involvement is crucial as we look at ways to protect driver and vehicle records while providing appropriate access as permitted by law. Now is the time to share ideas and develop best practices to comprehensively manage the valuable data with which we are entrusted.

There are a number of AAMVA working groups

focused on the proper use of data, including the Managing Data Privacy and External Access Working Group, the Third Party Agents Working Group, as well as an ad-hoc working group looking at the use of DMV data provided through the National Law Enforcement Telecommunications System. Look for white papers later this year.

The collaboration among AAMVA members at conferences, meetings and throughout the year can also translate into enhanced information sharing among jurisdictions. Through this engagement, we can find the right balance between privacy and public safety. In doing so, we can better protect and serve our customers, and sleep a little more soundly at night! **m**

*Whitney Brewster
2019-2020 AAMVA
Chair of the Board*

2020 AWARDS PROGRAM

CALL FOR ENTRIES!

Don't miss this opportunity to be recognized for the great work your jurisdiction does every day. Improving day-to-day business, reaching out to the community, and saving lives. The AAMVA Awards Program recognizes members of the motor vehicle and law enforcement community by honoring individuals, teams, and organizations who have committed their time and resources to the following categories.

SUBMISSION DEADLINE:

December 20, 2019

CATEGORIES:

**PUBLIC AFFAIRS AND
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(PACE) AWARDS**

SECURITY AWARDS

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Secure identities
Saving lives!*



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