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A License to Break the Law?
Protecting the Integrity of Driver's Licenses

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Good Morning Senator Durbin and distinguished Members of the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia. My name is Betty Serian and I am the Deputy Secretary for the Pennsylvania Department of Transportation and First Vice Chair of the Board of Directors for the American Association of Motor Vehicle Administrators (AAMVA). I also served as Chair of AAMVA's Identification Security Task Force. Thank you for the opportunity to appear before you today to speak about reforming the driver's licensing process and identification security.

AAMVA is a nonprofit voluntary association representing all motor vehicle agency administrators and chief law enforcement officials throughout the United States and Canada. AAMVA members administer the laws that govern motor vehicle operation, the driver credentialing process, and highway safety enforcement. DMV administrators are appointed by their state governors and their motor vehicle agencies receive funding from their respective state legislatures. AAMVA has played an integral role in the development, deployment, and monitoring of both the commercial driver's license (CDL) and motor carrier safety programs throughout the United States. The Association's members are responsible for administering these programs at the state level, and our members pride themselves on the work they do everyday to improve safety on our nation's highways.

As an international safety association, we have a responsibility and obligation to do our part to improve public safety and national security throughout North America. We believe this hearing will generate much needed public discourse about the critical public policy issue of reforming the driver licensing process and identification security.

Background

On September 13, 1899, Henry Bliss became the first traffic fatality in the United States. Mr. Bliss was knocked down and run over as he was stepping from a streetcar in New York City. The driver was arrested and held on \$1000 bail. In 1902, only 23,000 cars were in operation in this country compared with 17 million horses. By 1932, growth in motor vehicles, increasing interstate travel, and the rising number of deaths and injuries on the highways created the need for a national organization for cooperative and uniform interstate consideration of laws and programs. In 1933, 23 states, the District of Columbia and some Canadian provinces formed what is today known as the American Association of Motor Vehicle Administrators. A congratulatory message from President Franklin D. Roosevelt stated "The North American Conference of Motor Vehicle Administrators offers a real opportunity for the cooperative solution of one of today's most perplexing problems."

In 1938, the first "Minimum Driver License Examination Standards" and "Standard Examination for Drivers" — the original basic standards for driver licensing — were created. AAMVA helped carry forward programs in driver licensing that resulted in all states having driver laws, in which every new applicant is tested on the basic elements of the standard driver's license examine. Since 1954, all states have required drivers to be licensed, and since 1959 all states have required examination prior to licensing. Over the last 50 years, AAMVA has developed programs to encourage uniformity, reciprocity, and sharing of best practices among the states and provinces, and liaisons with other levels of government and the private sector. Today with 228 million license drivers in the U.S. and Canada, AAMVA's program development and

research activities provide guidelines for more effective public service.

The original purpose of the driver's license, first issued in 1903 in the state of New York, was to certify that an individual had earned the privilege to operate a motor vehicle. However, the driver's license has become much more than a license to drive. Over the last 40 years, the use of the driver's license changed due to the demand for identification put on the public by the private sector.

Now, allow me to tell you three stories about a few Americans.

Larry and Rita Beller and Edward and Alice Ramaeker, four retirees, spent their golden years traveling across the country. Earlier this year, they were killed on a New Mexico highway by a repeat DWI offender. The driver, holding eight prior convictions from different states, was under the influence of alcohol and plowed head on into the retirees' car.

Emeke Moneme, an Ohio resident, had his wallet stolen from a local gym. Within weeks, Emeke discovered an identity thief had opened 13 fraudulent accounts in his name, totaling \$30,000 in bad credit debt. It took him months to clear his name and straighten out his life.

Sara Clark, a schoolteacher and newly engaged, was killed after her flight was overtaken by terrorists and crashed into the Pentagon. Terrorists boarded the ill-fated flight using fraudulently obtained driver's license.

§ Sara Clark shared her sad fate with more than 3,000 other Americans on 9/11.

§ Larry and Rita Beller, and Edward and Alice Ramaeker, share the list of DWI fatalities with more than 16,000 Americans each year.

§ And, Emeke Moneme shares victimization by identity theft with hundreds of thousands of Americans. Stealing someone's identity information, such as credit cards or Social Security Numbers, to take money or commit fraud is one of the fastest-growing crimes in the U.S. According to the Federal Trade Commission, 42% of the 204,000 complaints filed last year involved identity theft – resulting in billions of dollars of loss.

A common thread to these tragedies? The driver's license. In fact, the driver's license has become the most requested form of ID in the U.S. and Canada. For example, financial institutions require it to open an account, retail outlets ask for it when you want to pay by check, and the airlines demand it before you board a plane. In a recent (April 2002) poll conducted by Public Opinion Strategies, 83 percent of the American public noted that they used their driver's license for purposes other than driving.

The U.S. has more than 200 different, valid forms of driver's licenses and ID cards in circulation. In addition, each of the 50 states and D.C. have different practices for issuing licenses. Although the current system allows for reciprocity among the states, *it lacks uniformity*. Individuals looking to undermine the system, whether it is a terrorist, a drunk driver or an identity thief, shop around for licenses in those states that have become the weakest link.

In addition, the lack of standard security features on a driver's license allows individuals to exploit the system. While all states use a variety of security techniques, it is difficult for law enforcement and for those issuing a new license to verify the validity of a license from another state – not to mention the identity of the person holding the license. This situation is worsened by the availability of counterfeit driver's licenses and fraudulent breeder documents, such as a birth certificate or Social Security card, over the Internet and on the underground market.

AAMVA Efforts to Improve Uniformity for the Driver's License/ID Card

We at AAMVA commend you, Senator Durbin, for your focus on the need for a comprehensive reform of the driver's licensing process and identification security. In the days following September 11, Americans quickly learned how easily terrorists obtained a driver's license. All of the terrorists either legally or illegally obtained valid or bogus licenses and ID cards.^[1] What is saddening, is that it took this catastrophic event to heighten America's awareness to the importance of ensuring the security of ID credentials — like the DMV-issued driver's license.

In October 2001, the AAMVA Executive Committee developed and passed a resolution establishing the Special Task Force on Identification Security. The Task Force was organized into five working groups focusing on technology, new issuance/initial identification, residency issues, document security/standards and communications/advocacy. The working groups produced reports that addressed the current situation and identified gaps, key issues, barriers, conclusions and

results. The Task Force concluded that there were a number of common issues needing to be addressed: administrative processing, verification/information exchange, the need for a unique identifier, the format of the driver's license/ID card, fraud prevention and detection, residency, and enforcement and control of standards.

In January 2002, the Task Force, recommended eight broad strategies:

1. Improve and standardize initial driver's license and ID processes.
2. Standardize the definition of residency in all jurisdictions.
3. Establish uniform procedures for serving noncitizens.
4. Implement processes to produce a uniform, secure, and interoperable driver's license/ID card to uniquely identify an individual.
5. Establish methods for the prevention and detection of fraud and for auditing of the driver's license/ID processes.
6. Ensure greater enforcement priority and enhanced penalties for credential fraud.
7. Seek U.S. federal and other national requirements for legislation, rule making and funding in support of AAMVA's identification and security strategies.
8. Establish public and stakeholder awareness and support.

AAMVA has identified and targeted the areas that need improvement to reform the driver's license/identification process to achieve the recommendations from the Task Force. AAMVA and its members have been working to improve and unify the driver's licensing process for years. The association has several other projects dealing with the driver's license document and its issuance and support system:

Uniform Identification Practices Model Program

AAMVA developed a model administrative procedures program for issuing driver's licenses and ID cards. First published in 1996, AAMVA is currently revising this model program. Major topics of the model program are issuance procedures (initial, renewal and duplicates), unique identifiers, communication with federal agencies, name changes, maintenance of an acceptable identification document list, residency and legal presence, foreign documents, sanctions, security features, and technology. We continue to work toward further harmonization among the states by encouraging the use of the model program. The Uniform Identification Practices Model Program is one of the most popular programs adopted by the states that AAMVA has developed.

Fraud Prevention Programs

The use of fraudulent documents has caused enormous economic losses in both the U.S. and Canada. In the early 1990s, in conjunction with NHTSA and the Florida Division of Motor Vehicles, AAMVA, under contract with West Virginia University, developed and implemented a training program including model training materials for the Fraudulent Identification Prevention Program (FIPP). A revision of FIPP training materials was then completed in April 1996. Most recently, the use of fraudulent documents has become a national security issue for both countries as well as foreign countries. The use of fraudulently obtained identification is also directly related to losses in human life on our highways. The use of fraudulent documents to obtain driver's licenses/identification cards has grown exponentially in recent years. Services for obtaining fraudulent documents are easily available through the Internet and other means. In addition, fraudulent breeder documents (Passports, Visas, Social Security Cards, birth certificates, INS Documents, driver's licenses or Identification Cards), which are commonly forged, altered or counterfeited are commonly used to obtain valid driver licenses.

For years AAMVA has provided Fraudulent Document Recognition Train-the-Trainer courses throughout the U.S. and Canada. AAMVA has educated hundreds of fraud recognition trainers for state and provincial motor vehicle agencies. AAMVA has recognized the need to revise existing training materials as well as the need to establish a more comprehensive national model-training program for state and provincial driver licensing personnel and law enforcement officials for the recognition of fraudulent documents. We are updating this course in cooperation with various federal agencies. However, interim training will continue during this revision. AAMVA is creating a "best practices" document that will provide an overview of how state and provincial motor vehicle and law enforcement agencies deal with these issues.

Driver's License/ID Document Standard

AAMVA is involved in creating a driver's license document standard, both nationally and internationally. Work began in 1996. National and international standards ensure that documents are interoperable among the issuing jurisdictions — the bar code on an Iowa license may be read by a trooper in New York and vice versa. On a national level, AAMVA has developed and published the AAMVA Driver's License/ID Card Standard that is being used by some states for creating a driver's license and ID card. AAMVA is in the process of further improving this standard and working with more states to

ensure that they adhere to its provisions when they create a new document. We continue to work toward further harmonization among the states in using the standard.

Foreign Reciprocity

AAMVA finalized a foreign reciprocity resource guide for its membership in October 2001. This was a major undertaking by AAMVA to compile information on foreign driver's license documents, practices and procedures that will enable our members to make more informed decisions on entering into bilateral agreements with foreign countries. One of the key issues was how to deal with foreign driver's license assessment and verification of the person's license. Topics contained in the resource guide are Legal Considerations; Model and Existing Driver's license Reciprocity Agreements; Issues to Consider before entering into a Reciprocity Agreement; Model and Existing Enabling Legislation; Driver Licensing Standards; and Foreign Driver's license Assessment and Verification of Driver Status.

Drivers License Agreement (DLA)

The Driver License Joint Compact Executive Board (the Board) began work on the Driver License Agreement (DLA) at the Compact Annual Membership meeting in October 1996. Having originated in concept with the 1994 establishment of a North American Driver License Agreement (NADLA) task force, the DLA emerged to become the Board's main focus. The Board gathered input that would unify the existing Driver License Compact (DLC) and the Non-Resident Violator Compact (NRVC).

A 1994 Compact Compliance Survey of members indicated that no member jurisdiction was in full compliance with either Compact. The results of a 1997 survey of members established the primary components of the DLA.

The DLA is a voluntary, reciprocal agreement among member jurisdictions to promote the "one license-one driver control record" concept and to provide for the fair and impartial treatment of all drivers operating within their respective borders. The DLA deals specifically with the issuance and retention of driver's licenses, the update and maintenance of driver records, compliance with the laws and regulations relating to highway safety and federal mandates, as well as the exchange of information between member jurisdictions. In the effort to truly establish a one driver, one record system, the new DLA will be a more efficient and effective agreement for the jurisdictions to share and transmit driver and conviction information.

The DLA is vital in creating and maintaining a traffic safety program that should begin with a Uniform DL/ID Security System. Upon issuance of the driver license, the DLA would provide specificity regarding the retention of the license, the update and maintenance of driver records, compliance with the laws and regulations relating to highway safety and federal mandates, as well as the exchange of information between member jurisdictions. The DLA would ensure that the integrity of the process achieved at the time of issuance is maintained during the life of the document. The DLA was approved by the AAMVA membership in the fall of 2000.

Information Systems

AAMVA has been investigating, implementing and operating information systems on behalf of its members since the late 1980s. Through its technology subsidiary, AAMVAnet, AAMVA manages and operates the Commercial Driver's License Information System (CDLIS), which is designed as a clearinghouse for commercial drivers. CDLIS was designed to limit any given commercial driver to **one and only one** commercial driver's license and it has worked well for this purpose. AAMVAnet also supports the National Driver Register/Problem Driver Pointer System (NDR/PDPS) owned by NHTSA. PDPS is used to determine whether or not a given driver's license applicant is or has been under license withdrawal anywhere in the U.S.

In the mid-1990s, AAMVA began exploring the possibility of having a clearinghouse of all drivers within the U.S. in order to better control the problem driver population. States need more effective tools to manage the driving records *we already maintain*. Problem drivers, who obtain multiple licenses, spread their bad driving history across the states. As a result, they avoid detection, penalties and punishment. By 1999, Congress recognized the potential benefits of such an information system and directed NHTSA to study the IT issues and costs associated with developing and operating this clearinghouse. Immediately, NHTSA tapped AAMVA to do this assessment. The report concluded that an all-driver system is feasible.

We need a system, such as the proposed Driver Record Information Verification System (or DRIVeRS), to keep bad drivers off the road and save the lives of those whom responsibly use the privilege to drive. DRIVeRS is a pointer system that allows the DMV in one state to query the driver records in another state and to accurately verify driving history of the appropriate person.

DMVs already exchange driver history on commercial vehicle drivers through the 1986 federally mandated CDLIS. Since CDLIS was implemented, there have been no privacy concerns. And within a four-year period alone, CDLIS has kept 871,000 potentially dangerous commercial vehicle drivers off the roads.

Need for Federal Partnership

AAMVA programs have been successful in varying degrees over the years. AAMVA is not a regulatory body and its members operate under self-regulations. Relying on self-regulation is difficult and prevents the states from achieving 100 percent uniformity in the driver's licensing community. Without 100 percent participation from the states, the driver's license system is only as strong as the weakest link — that is why we need federal partnership.

The need for federal partnership is highlighted by the success we have had with the Commercial Driver License (CDL) program and the failure we have had with the Driver License Compact. The CDL Program is a federal/state partnership that was fully functional in all states within six years of the passage of legislation. The Driver License Compact has been in existence for over 40 years. Even today, not all states are members of the compact and based on a survey that we conducted in 1994, no state fully complies with the tenants of it.

Since the events of September 11, the need for a federal-state partnership is even stronger. In fact, AAMVA has found over 20 states have introduced some form of legislation that strengthens driver's license procedures. Unfortunately, this piecemeal approach only begets more lack of uniformity. Some of the obstacles that states face in attempting to implement more secure measures are budget constraints, lack of funding for initiatives, and state legislatures not passing legislation for years. In order to get the full participation of every state, we need the federal government to create a partnership with the states to improve the driver's license/identification process. Without federal involvement, it will take the system many years to change. We think time is of the essence.

Conclusion

The American public wants a more secure license. **Seventy-seven percent (77%) of the American public support** Congress passing legislation to modify the driver's licensing process and identification security. And, we need Congress to help in five areas:

1. Support minimum compliance standards and requirements that each state must adopt when issuing a license.
2. Help us identify fraudulent documents.
3. Support an interstate network for confirming a person's driving history.
4. Impose stiffer penalties on those committing fraudulent acts.
5. And, provide funding to make this happen. Funding so states can help ensure a safer America.

Our goal is **one driver, one license and one driving history**. The American people expect Congress to reduce the number of people being victimized by dangerous drivers and identity theft. Most importantly, the American people expect you to do what you can to save lives — to prevent deaths of people like Larry and Rita Beller, Edward and Alice Ramaeker, Sarah Clark and thousands of other Americans. When we can verify identity, we're one step closer to preventing fraud, protecting privacy, and saving lives.

AAMVA stands ready to assist the Committee in developing legislation to improve driver's licensing process and identification security.

Thank you. I've concluded my testimony and welcome any questions from the subcommittee.

[\[1\]](#) See FBI List of Terrorists.