

100 # H-502B



National Transportation Safety Board

Washington, D.C. 20594
Safety Recommendation

Date: August 19, 1987

In reply refer to: H-87-47

Mr. Thomas J. Donohue
President and Chief Executive Officer
American Trucking Associations, Inc.
2200 Mill Road
Alexandria, Virginia 22314

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/}

The American Trucking Associations, Inc. periodically publishes a booklet entitled "How and Where to Check Driving Records and Report Accidents." This booklet contains a State-by-State listing of each State agency where driving records may be obtained, the cost per inquiry, and any special requirements, such as a signed release from the driver, which each State licensing agency has in effect.

During its investigation of this accident, the National Transportation Safety Board discovered that 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 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.

According to the March 1987 revision of the booklet, North Dakota will not release driving violation records that have two points or less. Utah will not supply records of any interstate speeding violations of less than 71 mph unless accompanied by a written release from the licensee. The information supplied for Arkansas in the March 1987 revision of the booklet does not include information that all speeding violations on a driver's Arkansas record may not be reported on other than pre-employment inquiries.

The Safety Board believes that the American Trucking Associations should poll the several States each time before their booklet is revised to determine if any licensing jurisdiction has any laws, regulations, or policies in effect at the time inquiry is made similar to those in North Dakota, Utah, and Arkansas which limit access by employers to complete driving violation conviction records, and publish such information in the booklet.

^{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).

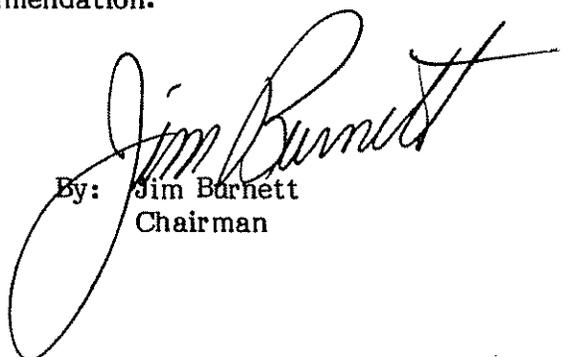
Therefore, as a result of its investigation, the National Transportation Safety Board recommended that the American Trucking Associations, Inc.:

Poll all licensing jurisdictions in the United States each time the booklet "How and Where to Check Driving Records and Report Accidents" is revised to determine if any jurisdiction has imposed limitations on the availability of complete driving violation conviction records of commercial vehicle drivers, and include this information in the booklet.
(Class II, Priority Action) (H-87-47)

Also as a result of its investigation, the Safety Board issued Safety Recommendations H-87-45 to the Federal Highway Administration and H-87-46 to the State of Arkansas.

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-87-47 in your reply.

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


By: Jim Burnett
Chairman