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HEARING  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON  
INTERSTATE AND FOREIGN COMMERCE  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS  
FIRST SESSION

ON

H.R. 8388, H.R. 9074, H.R. 9078, S. 1440

BILLS TO AMEND THE ACT APPROVED JULY 14, 1960 (74  
STAT. 526), RELATING TO THE ESTABLISHMENT OF A REG-  
ISTER IN THE DEPARTMENT OF COMMERCE OF CERTAIN  
MOTOR VEHICLE OPERATORS' LICENSES

SEPTEMBER 12, 1961

Printed for the use of the  
Committee on Interstate and Foreign Commerce



U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1961

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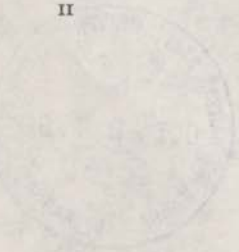
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# NATIONAL DRIVER REGISTER SERVICE

TUESDAY, SEPTEMBER 12, 1961

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON HEALTH AND SAFETY OF THE  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1334, New House Office Building, Hon. Kenneth A. Roberts (chairman of the subcommittee) presiding.

Mr. ROBERTS. The subcommittee will please come to order.

The Subcommittee on Health and Safety is meeting this morning to hold hearings on legislation to broaden the scope of the National Driver Register Service which was established in the Department of Commerce as the result of a bill reported out of this subcommittee in 1960.

This register serves as a clearinghouse to identify drivers whose licenses have been revoked for driving while intoxicated or convicted of a traffic violation resulting in loss of life. We recommended setting up this program to help the States keep chronic law violators off our streets and highways. We think it will help substantially to promote highway safety.

Some of the States which have not adopted the uniform Motor Vehicle Code cannot participate in this program because State laws differ widely with respect to the meaning and effect of the term "revoked." For that reason, the Department has requested that the law be clarified.

Four bills have been proposed to do this. We have H.R. 8388, by Mr. Randall; H.R. 9074, which I introduced; H.R. 9078, introduced by Mr. Rhodes of Arizona, author of the act which established the register; and S. 1440, an act which has passed the Senate.

At this point, text of the proposed legislation will be included, followed by agency reports.

(The documents referred to are as follows:)

[H.R. 8388, 87th Cong., 1st sess.]

A BILL To amend the Act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act approved July 14, 1960 (74 Stat. 526), is hereby amended to read as follows:

"That the Secretary of Commerce shall establish and maintain a register containing the name of each individual reported to him by a State, or political subdivision thereof, as an individual with respect to whom such State or political subdivision has terminated or temporarily withdrawn an individual's license or privilege to operate a motor vehicle because of (1) driving under the influence of intoxicating liquor, or (2) conviction of a violation of a statute of a State, or ordinance of any political subdivision thereof, which resulted in the death of any person. Such register shall contain such other information as the Secretary may deem appropriate to carry out the purposes of this Act."

(NOTE.—H.R. 9074 and H.R. 9078 are identical to H.R. 8388.)



## NATIONAL DRIVER REGISTER SERVICE

[S. 1440, 87th Cong., 1st sess.]

AN ACT To amend the Act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act approved July 14, 1960 (74 Stat. 526), is hereby amended to read as follows:

"That the Secretary of Commerce shall establish and maintain a register containing the name of each individual reported to him by a State, or political subdivision thereof, as an individual with respect to whom such State or political subdivision has terminated or temporarily withdrawn an individual's license or privilege to operate a motor vehicle because of (1) driving under the influence of intoxicating liquor, or (2) conviction of a violation of a statute of a State, or ordinance of any political subdivision thereof, which resulted in the death of any person. Such register shall contain such other information as the Secretary may deem appropriate to carry out the purposes of this Act."

Passed the Senate June 12, 1961.

Attest:

FELTON M. JOHNSTON, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., August 18, 1961.

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives,  
House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of August 2, 1961, requesting the views of the Bureau of the Budget with respect to H.R. 8388, a bill to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses.

The subject bill is identical to a draft bill recommended by the Department of Commerce to the Congress on March 21, 1961, and is also identical to S. 1440 which passed the Senate on June 12, 1961. This proposed legislation would facilitate administration of the register of revoked motor vehicle operators' licenses established in the Department of Commerce.

The Bureau of the Budget would have no objection to the enactment of this measure.

Sincerely yours,

PHILLIP S. HUGHES,  
*Assistant Director for Legislative Reference.*

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,  
Washington, D.C., August 15, 1961.

HON. OREN HARRIS,  
*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Department of Commerce concerning H.R. 8388, a bill to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses.

H.R. 8388 would amend the act approved July 14, 1960 (74 Stat. 526), relating to the National Driver Register Service, and is identical to a draft bill submitted by the Department of Commerce to the Congress on March 21, 1961, as a part of the Department's legislative program for the 87th Congress, 1st session. The pending legislation is also identical to S. 1440 which passed the Senate on June 12, 1961. The Senate bill has been referred to the Subcommittee on Health and Safety of the Interstate and Foreign Commerce Committee and was the subject of our letter to you on July 14.

As pointed out in our July 14 letter, the proposed legislation is largely technical in nature; however, its enactment is urgently needed in connection with the current planning and scheduling of the work of the driver's register. The amendments proposed by both H.R. 8388 and S. 1440 would permit additional States



to participate in this program and would more effectively reflect the intent of Congress in enacting the original enabling legislation. It is considered that timely enactment of the proposed amendment is necessary since it affects the immediate planning and coordination of the program. Delay in its consideration and enactment would adversely affect the implementation of this important driver register service.

The Department of Commerce, therefore, urges the early enactment of the proposed legislation.

The Bureau of the Budget advises that there would be no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

ROBERT E. GILES.

Mr. ROBERTS. Our first witness this morning will be a representative of the Department of Commerce, who will explain the need for this legislation. I believe that Mr. James C. Allen, Assistant Commissioner for Administration, Bureau of Public Roads, Department of Commerce, Washington, D.C., will now testify. We are happy to have you here this morning, Mr. Allen.

When this legislation was before the subcommittee, there was some question in the Secretary's office about whether or not this legislation would be beneficial, and I am glad to see that the Department is now here and they all are asking that it be expanded, so that all the States can participate.

**STATEMENT OF JAMES C. ALLEN, ASSISTANT COMMISSIONER  
FOR ADMINISTRATION, BUREAU OF PUBLIC ROADS, DEPARTMENT  
OF COMMERCE; ACCOMPANIED BY WENDELL EAMES,  
DIRECTOR OF THE REGISTER, DEPARTMENT OF COMMERCE**

Mr. ALLEN. That is certainly true, Mr. Chairman. The Department is very well pleased with the legislation, and would like to have it expanded so that we can make a better program out of it than what we now have. I have a short statement which I will read, if it is satisfactory to the chairman.

Mr. Chairman and members of the subcommittee, my name is James C. Allen. I am the Assistant Commissioner for Administration of the Bureau of Public Roads. We are glad to be given this opportunity to appear before your committee today in support of H.R. 9074, H.R. 9078, H.R. 8388, and S. 1440, identical bills which would amend Public Law 86-660. The amendments which would be made by the bills are principally technical in nature but are badly needed if the law is to be fully effective.

Public Law 86-660, approved July 14, 1960, directed the Secretary of Commerce to establish and maintain a register containing the names of each individual whose driver license had been revoked by a State or political subdivision because of driving while intoxicated or conviction of a violation of a highway safety code involving loss of life. The responsibility of administering this program was delegated by the Secretary of Commerce to the Federal Highway Administrator, who is required to furnish information contained in the register to any participating State upon request. It is felt that the States making use of the register would be able to prevent or at least reduce the possibility of the inadvertent granting of driver privileges to individuals whose licenses have been revoked in another State and whose operation of a motor vehicle would be likely to create a disproportionate hazard to other highway users.

As it exists at the present time, the law provides for a register of licenses which have been revoked. One of the first steps taken in our effort to establish the register was a preliminary survey of State laws and practices. This survey revealed that many States will not be able to participate in the national register because of the limiting language found in the laws of the States. Many States do not provide for revocation of motor vehicle operators' licenses under the two conditions set forth in the law but do provide for suspension of licenses for varying periods of time. Since the law provides for a register of revoked licenses, those States which suspend rather than revoke licenses could not participate in furnishing information to the register.

These bills would amend the existing law by providing for a register containing the names of individuals whose license or privilege to operate a motor vehicle has been terminated or temporarily withdrawn. The bills would make certain other changes in the language of the existing law to permit greater participation by the States.

Shortly after enactment of the existing law, representatives of the American Bar Association, the Traffic Institute of Northwestern University, American Association of Motor Vehicle Administrators, International Association of Chiefs of Police, National Safety Council, motor vehicle administrators from each of the four regions, and one private consultant were invited to Washington for a 2-day planning conference to insure that this service would be most useful to the States. It was recognized at the outset that one of the problems to be faced was that motor vehicle driver licensing, including revocation and suspension requirements and practices, are handled in a variety of ways by the States. The conference noted that State laws differ widely and vary in terminology and effect where intoxicated or drinking drivers are concerned, as well as in other respects having a bearing upon the administration of the act.

A proposed amendment to Public Law 86-660 was drafted and approved by those representatives attending the conference. The recommendations made by these men are identical to the language used in the proposed amendment. The passage of this amendment would be extremely helpful in establishing an effective register and in complying with the intent of the Congress because the language used in Public Law 86-660 is believed to be unduly restrictive.

Excellent progress has been made in establishing the register provided for in Public Law 86-660. Mr. Wendell G. Eames, who was appointed Director, Driver Register, by the Federal Highway Administrator in October 1960, has surveyed the records of all Government agencies, and other organizations in the area having similar identification and communication problems, in order to determine personnel and equipment needs, and devise the most effective procedures. State motor vehicle administrators in 48 States and the District of Columbia were visited to solicit their participation and their records were surveyed in order that a compatible system might be established. Specifications for the operation of this register were furnished to 24 equipment manufacturers who were invited to submit proposals for the most feasible and economical method of establishing and maintaining the file. All forms and printed material necessary to this program were designed, printed, and distributed to the participating States and territories and a staff was recruited and trained to permit the National Driver Register Service to be fully



operational on July 1, 1961. The Service has been in operation since that date on the electronic data-processing equipment already installed in the Bureau of Public Roads. By using this equipment on the night shift the rental cost is only 40 percent of the prime shift cost. All media of data transmission, including manually prepared forms, tabulating cards, punched paper tape, and magnetic tape, are acceptable from the States.

Although this Service has been in operation only a little over 2 months, the States have already sent in information on over 65,000 drivers. Forty-five States, the District of Columbia, the Canal Zone, Puerto Rico, and the Virgin Islands have agreed to cooperate, and 43 of these jurisdictions are participating at the present time. Other States have advised us that they will soon be ready and that we can expect submissions from them in the near future. At this early date we have sent 912 items of information to the States as the result of our file searches. The acceptance of this program by the States is excellent and we feel that we are rendering them a valuable service which will increase as the file grows.

We feel that it is extremely important for H.R. 8388 to be enacted by the Congress. We are not aware of any objection to the bill, and an identical bill (S. 1440) has been passed by the Senate. We strongly urge that the committee give favorable consideration to this legislation.

Mr. Wendell Eames, Director of the Register, is here with me and we will be glad to answer any questions which you may have.

Mr. ROBERTS. Thank you, Mr. Allen. Are you prepared to tell us how much the present program is costing per year?

Mr. ALLEN. Yes, sir. Our budget for the current year is \$400,000. About one-half of that sum is for punching tabulating cards and we have a contract with the Census Bureau to do that work for us.

About \$55,000 of the \$400,000 is for the rental of the computer and related equipment on the second shift basis, which is only 40 percent of what it would cost if we had it rented on a first shift basis. There are 17 positions in the National Driver Register Service, and the salaries total around \$108,000.

Mr. ROBERTS. How much additional expense would result from the enactment of this proposed legislation?

Mr. ALLEN. We have based our budget on the hope that this legislation would be enacted, and the \$400,000 for this year will cover us, if this legislation is enacted. There will be no additional cost over our present anticipated budget.

Mr. ROBERTS. That is excellent. Now how many States would the new legislation allow to participate in this program? Do you have the names of those States?

Mr. ALLEN. Mr. Eames, would you like to answer that?

Mr. EAMES. I can't give you the names of all the States, but I can give some examples.

In Wyoming they suspend a driver's license for 30 days for the first offense of driving while intoxicated. They suspend for 120 days on the second offense, and then they revoke the license on the third offense. Wyoming can participate partially and is now doing so, insofar as revocations are concerned.

But we do need the enactment of this legislation in order for them to send in reports of suspended licenses, as well as those which have been revoked.

Connecticut is another example. They suspend licenses rather than revoke. California does the same to a great extent, and so its participation can only be token, until this amendment is enacted.

Mr. ROBERTS. You say Arizona?

Mr. EAMES. No, California.

Mr. ROBERTS. California?

Mr. EAMES. Yes, sir. Arizona is participating now.

Mr. ROBERTS. Thank you, Mr. Eames.

Now, Mr. Allen, I believe you said that the program became operational the 1st of July of this year, and that since that time you have had some indications from 43 States and the District of Columbia that they were ready to participate in the program?

Mr. ALLEN. Forty-three States are participating and have submitted to us certain information. The submissions include records of past revocations because of driving while drunk, or violation of the highway safety code resulting in loss of life.

Mr. ROBERTS. That is very gratifying to this committee. It is a really finer participation than I thought we would have this early. So it is an indication that this service is going to be widely used, I think.

Mr. ALLEN. I am sure it will be. Mr. Eames has visited 48 of the States. The only ones he missed were Alaska and Hawaii.

All but five States agreed to participate, and we have now information from practically all of the States that have agreed to participate. The States all seem to be very enthusiastic about the establishment of the registry. It is catching hold, and we think that we can do some good.

Mr. ROBERTS. The list I have of the States that would be able through this amendment to participate are Arkansas, Delaware, Florida, Georgia, Louisiana, Massachusetts, and West Virginia. Would you check on those, Mr. Eames, and then supply whatever information you have for the record?

Mr. EAMES. I will. I might mention that Arkansas and West Virginia are participating now, and are sending information in.

Mr. ROGERS of Florida. I think Florida has determined not to, haven't they?

Mr. EAMES. No, we visited them and they haven't given us a definite answer, so we will have to wait for that. We hope they will participate, of course.

Mr. ROBERTS. Any questions? Mr. Nelsen.

Mr. NELSEN. No.

Mr. ROBERTS. Mr. Rogers?

Mr. ROGERS of Florida. I would like to find out a few items now. As I understand it, the change in the law would permit suspensions to be a reason for recording in the national clearance setup?

Mr. ALLEN. That is correct, sir.

Mr. ROGERS of Florida. These suspensions just are concerned with drunk driving or an accident where a death occurred?

Mr. ALLEN. You are correct, sir.

Mr. ROGERS of Florida. Just those two items?

Mr. ALLEN. Only those two items.



Mr. ROGERS of Florida. And would your records show that they were suspended for so many days, and the information would go to any State requesting the information?

Mr. EAMES. Yes. I think we have passed out a brochure.

Mr. ROGERS of Florida. Yes, I have it.

Mr. EAMES. There is a copy of the form in the brochure. There are three dates indicated on the form. One is the date the license was revoked or the privilege of driving withdrawn.

The second is the date that the driver is eligible for reinstatement.

The third date is entered in the record when the driving privilege is restored.

Mr. ROGERS of Florida. Have you any examples where this has really been of great value in keeping off a man or woman driver who has been convicted many times, and the State was not aware of it?

Mr. EAMES. Mr. Richard Tow, the assistant commissioner of public safety of Iowa was in, and reported that there were six cases so far that had proven extremely valuable to them. Convictions in other States that they did not know about were discovered by searching the driver register.

We have had letters from a few other States, but if the States don't advise us, we can't always tell how valuable the information is.

Mr. ROGERS of Florida. Yes. But you feel response has been excellent so far from the States?

Mr. EAMES. Very gratifying.

Mr. ROGERS of Florida. And that you can hold your budget to \$400,000?

Mr. ALLEN. For this current year we can hold it to \$400,000. As the file grows and the States expand the service, the budget will probably have to go up 10 or 20 percent higher than that.

Mr. ROGERS of Florida. Is that every year?

Mr. ALLEN. No. It would reach a ceiling, another 10 or 20 percent higher.

Mr. ROGERS of Florida. Thank you very much.

Mr. ALLEN. Thank you very much, sir.

Mr. ROBERTS. Thank you, gentlemen.

The next witness I have is Mr. Leland S. Harris. Would you state your name for the record, sir?

#### STATEMENT OF JOHN C. KERRICK, DIRECTOR OF DRIVER LICENSE PROGRAM OF THE AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

Mr. KERRICK. Mr. Chairman, I am John Kerrick, director of the driver license program of the American Association of Motor Vehicle Administrators.

I am here without a prepared statement to represent Mr. Harris. I came down on short notice.

But as you will recall, before the Federal register was set up, many of our jurisdictions questioned the workability of the register, and Mr. Harris appeared before the committee and mentioned some of those questions.

This amendment we think will clear up one of the questions proposed in the limitations of the word "revoked," which is very com-





monly used as synonymous with all withdrawals of driving privilege, and there is a fine distinction between a revocation and a suspension, and our member jurisdictions will be glad to see that cleared up.

In view of the questions raised before the register was established, I want to assure you that since the law has gone into effect and the agency is functioning, we are doing what we can to encourage participation.

The question was raised a moment ago as to a distinction between "can" they participate and "will" they participate. There are some of each.

We have a few States who have flatly said "No," due to individual administrators, but there are very few of those. The greater number are affected in that while they can participate, they cannot participate fully.

The State of Oregon supplies an example. The term "revocation," as defined in the Uniform Vehicle Code, means that the driver, after 1 year, can reapply. When the State of Oregon, using it only as an example, wanted to extend that period for a third conviction, they extended it to 3 years, and to overcome this limitation of the term "revocation" they changed that to "suspension" following conviction for driving while intoxicated.

It is only a single example, but largely due, I think, to Mr. Eames' efforts, the participation is very good, and we are doing what we can to encourage it. We think this amendment will do a great deal to further it and further encourage participation.

Mr. ROBERTS. We are glad to have your statement, Mr. Kerrick. I remember that when Mr. Harris testified on behalf of the American Association of Motor Vehicle Administrators he was somewhat in doubt as to whether or not the legislation would work, and I am delighted to have the support now of this organization, which we recognize as being very important in this field and in other fields, too.

How many States do you represent? How many States do you have organizations in?

Mr. KERRICK. All of them.

Mr. ROBERTS. In all of the States and, I assume, the District of Columbia?

Mr. KERRICK. The District of Columbia.

Mr. ROBERTS. Thank you, Mr. Kerrick, very much. We appreciate your appearance here very much. Any questions?

(No response.)

Mr. ROBERTS. Thank you.

Mr. KERRICK. Thank you.

Mr. ROBERTS. At this time, without objection, I would like to put in the record, from the Secretary of Commerce, signed by Mr. Gudeman, a letter dated July 14, 1961, which is favorable to the legislation.

(The document referred to is as follows:)

THE SECRETARY OF COMMERCE,  
Washington, D.C., July 14, 1961.

HON. OREN HARRIS,  
Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On March 21, 1961, the Department of Commerce, as a part of its legislative program for the 87th Congress, 1st session, submitted to the Congress proposed legislation relating to the National Driver Register Service. This draft bill was entitled "To amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses."

Legislation identical to the Department's draft bill was introduced in the Senate as S. 1440. This bill has now passed the Senate and has been referred to the Subcommittee on Health and Safety of the Interstate and Foreign Commerce Committee of the House of Representatives. It is understood that, at the present time, no action has been scheduled or is contemplated by the subcommittee with respect to this bill.

The proposed legislation is largely technical in nature and is not a controversial measure. However, enactment of this legislation is urgently needed in connection with current planning and scheduling of the work of the driver's register.

As you know, the driver's register was created under the provisions of the act approved July 14, 1960 (74 Stat. 526). This register is designed to serve as a clearinghouse of information to identify for a State those motor vehicle drivers whose licenses have been revoked under the laws of other States because of driving while intoxicated or conviction of a traffic violation resulting in loss of life.

It was recognized at the outset that one problem to be faced was that motor vehicle driving licenses, including revocation and suspension requirements and practices, are handled in a variety of ways by the States. State laws differ quite widely, in fact, with respect to the meaning and effect of the term "revoked." State laws also vary in terminology and effect where intoxicated or drinking drivers are concerned, as well as in other respects having a bearing upon the administration of the act.

Under the present language of the 1960 act, many States will not be able to participate in this driver's register because of certain limiting language found in the laws of the States. For example, many States do not provide for "revocation" of motor vehicle operators' licenses under the two conditions set forth in the 1960 act, but do provide for suspension of licenses for varying periods of time, in some cases, for more than a year depending on the severity of the offense. The amendment proposed by S. 1440 would permit additional States to participate in this program and would more effectively reflect the intent of Congress in enacting the original enabling legislation.

At the present time, a total of 41 States have agreed to participate in this driver register program, and all plans are moving along very satisfactorily. If this legislation is not enacted, however, the States that cannot participate under the present language of the law because of limitations in their own State laws will have to drop out and will not be able to participate, although they already have indicated their willingness to cooperate with this program on the basis of the change proposed by S. 1440.

It is essential, therefore, for the efficient planning and coordination of this program that S. 1440 be considered by the House of Representatives as soon as possible. Delay in its consideration and enactment will mean delay in implementation of this important register service. It is urged, therefore, that every possible effort be extended toward the speedy consideration and enactment of this bill.

Your cooperation in this matter is greatly appreciated.

Sincerely yours,

EDWARD GUDEMAN,  
Under Secretary of Commerce.

Mr. ROBERTS. Do we have any further witnesses? Gentlemen, this will conclude the open hearing, and without objection the committee will now go into executive session.

(Whereupon, at 10:35 a.m., the subcommittee was adjourned, to proceed into executive session.)



