

CHANGE PROPOSAL ACD009 – ACD CODE A60 & A61 USAGE

Date Received: 01 August 2017

Source (Organization/Person): AAMVA

1 Description of Trigger or Reason for the Change Proposal

The description of ACD code A60 reads “Underage convicted of drinking, and driving or operating a motor vehicle at .02 or higher BAC.” Likewise, the description for ACD code A61 states “Underage Administrative Per Se – drinking, and driving or operating a motor vehicle at .02 or higher BAC.” Both A60 and A61 are considered minor withdrawals or convictions under the National Driver Register (NDR) regulation, and they do not map to any classification under the Federal Motor Carrier Safety Administration (FMCSA) federal regulations. On the other hand, the rest of the DUI violations require a BAC greater than or equal to 0.04, and are considered major violations by both the NDR and the FMCSA. These facts elicits the following questions:

- What code should be used for a DUI violation of an underage with a BAC of 0.04 or greater?
- Does the ACD code provide sufficient guidance to SDLAs on how the A60 and A61 ACD codes should be used?
- What ACD code should the state use in these cases where the Jurisdiction has their own state laws in place that define a violation as being under the influence as prescribed by State law?

Since the ACD manual is not explicit enough and does not provide for zero-tolerance laws present in some states, this is a proposal to modify the description of the ACD code and include a new section under 3.1.5 *Using Specific ACD Codes* to offer guidance on how ACD codes A60 and A61 should be used.

2 Impact Assessment (Including which entities are impacted)

Entity	Impact
AAMVA	ACD Manual update
Jurisdictions	Rules will be effective starting from the date of publication to avoid affecting previous mapping to a different ACD code.
FMCSA	No impact
NHTSA	No impact if the modified ACD code does not required the creation of a PDPS pointer.

3 Entities to Be Involved in Reviewing the Details of the Change Proposal

FMCSA, NDR WG, ACD WG, CDLIS WG, S2S WG, and AAMVA

4 Pros and Cons

Pros	Cons
Clarifies usage of A60 and A61	No apparent disadvantages
Takes into account zero-tolerance laws for minors	

5 Detailed Explanation of the Change Proposal

5.1 ACD Manual Changes

- A. Update the description of ACD code A60 to read “Underage convicted of drinking, and driving or operating a motor vehicle over the lowest BAC level limit allowed by the jurisdiction” throughout the manual.
- B. Update the description of ACD code A61 to read “Underage Administrative Per Se – drinking, and driving or operating a motor vehicle over the lowest BAC level limit allowed by the jurisdiction” throughout the manual.
- C. Changes to section 3.1.5 *Using Specific ACD Codes*

Add new section

3.1.5.22 Using ACD Codes A60 and A61

Underage DUI violations must be reported taking into account the following factors:

- Age of the driver
 - State laws
 - Type of credential: whether the driver holds a commercial learner’s permit (CLP), a commercial driver’s license (CDL), or a customary driver’s license (DL).
 - Type of motor vehicle: whether the driver is driving or operating a Commercial Motor Vehicle (CMV) or a non-CMV.
 - BAC level of the driver.
 - Base for the sanction: whether the conviction or withdrawal was based solely on an administrative action product of a breath, blood, or urine test (per se) or on a court conviction.
1. ACD codes A60 and A61 may only be used for DUI violations incurred by drivers under 21 years of age.
 2. ACD codes A60 and A61 must not be used for DUI violations with a BAC greater than or equal to 0.08 in any case.

- ACD codes A60 and A61 must not be used for DUI violations with a BAC greater than or equal to 0.04 and less than 0.08 when the driver holds a commercial driver’s license or permit, or is driving or operating a commercial motor vehicle.

After considering the above rules,

- ACD code A60 must be used for underage DUI convictions with a BAC level greater than the lowest BAC level limit established by the jurisdiction but less than 0.04 while driving or operating any type of motor vehicle and holding any type of credential.
- ACD code A61 must be used for underage administrative per se DUI violations with a BAC level greater than the lowest BAC level limit established by the jurisdiction but less than 0.04 while driving or operating any type of motor vehicle and holding any type of credential.
- ACD code A60 must be used for underage DUI convictions with a BAC greater than or equal to 0.04 and less than 0.08, while driving or operating a non-commercial motor vehicle and holding a non-commercial driver’s license or permit.
- ACD code A61 must be used for underage administrative per se DUI violations with a BAC greater than or equal to 0.04 and less than 0.08, while driving or operating a non-commercial motor vehicle and holding a non-commercial driver’s license or permit.

The above rules are illustrated in the following table:

	Drives or Operates a CMV		Drives or Operates a Non-CMV		
Holds a CDL/CLP	A60	A61	A60	A61	DUI ≥ State's minimum AND < 0.04
	A04	A94	A60	A61	DUI ≥ 0.04 AND < 0.08
	A08/A10/A11/A20/A21	A90/A91/A98	A08/A10/A11/A20/A21	A90/A91/A98	DUI ≥ 0.08
Holds a Customary DL	A60	A61	A60	A61	DUI ≥ State's minimum AND < 0.04
	A04	A94	A60	A61	DUI ≥ 0.04 & ≤ 0.079
	A08/A10/A11/A20/A21	A90/A91/A98	A08/A10/A11/A20/A21	A90/A91/A98	DUI ≥ .08
	Court Sentence	Per Se	Court	Per Se	

6 Change History

Version	Date	Author	Description
1.0	8/1/2017	T. Bauza	Change proposal created
1.1	2/14/2018	T. Bauza	Presented to the ACD working group who recommended updates.
1.2	3/1/2018	T. Bauza	Updated with recommendations from the ACD working group and resubmitted for review.
1.3	3/8/2018	Wisconsin	Approved

Change Proposal

Version	Date	Author	Description
1.4	3/19/2018	T. Bauza	ME feedback - Updated with correct age of 21 instead of 18 for underage drinking (Page 2).
1.5	2/18/2021	T. Bauza	Adjusted rules for the application of ACD codes A60 and A61.
1.5	3/5/2021	T. Bauza	Added new descriptions for codes A60 and A61 to take into account zero-tolerance laws.
1.6	4/29/2021	T. Bauza	Corrected Under-Age ACD code usage table as pointed out by ACD working group. Change proposal was approved by a majority of 5 to 3. NC, ID and DC were absent.
1.7	6/9/2021	T. Bauza	AuthorIT file updated.