

With dangerous truckers, most states fail to act quickly on warnings

By [Matt Rocheleau](#) and [Vernal Coleman](#) Globe Staff, Updated September 13, 2020, 6:20 p.m.



Troopers inspected trucks at the Interstate 95 weigh station in Rowley in July. The trucking industry is linked to nearly 5,000 deaths a year. LANE TURNER/GLOBE STAFF

More than half of all states consistently break federal rules that mandate they quickly warn each other about troubled

truck drivers, many of whom should be immediately pulled from the road, records show.

State motor vehicle agencies are required to notify other jurisdictions within 10 days when one of the nation's 3.5 million commercially licensed drivers receives a suspension or conviction. But often agencies take weeks, if not months, to send the notices, according to timeliness records obtained and analyzed by the Globe. In several cases, the notices were issued more than 30 years after a trucker was supposed to have been barred from getting behind the wheel.

The delays in reporting drivers' convictions and suspensions mean lawbreaking truckers continue to traverse the country with valid commercial licenses, putting countless other motorists in danger.

Some major trucking states — such as Mississippi and Texas — were late in sending nearly all of their conviction notices over the past five years. Even Massachusetts, which said it enacted reforms last year to address shortcomings exposed after a fatal crash, has still failed to comply.

Experts say these critical delays have cost lives.

“When you're on an interstate highway, you're frequently within three or four feet from an 80,000-pound tractor trailer rig that's being operated by a driver who may not be qualified,” said Lane Kidd, managing director of the Trucking Alliance, an organization made up of some of the biggest trucking companies. “It's a terrible situation.”

The Globe's recent [“Blind Spot”](#) investigation showed how the increasingly deadly trucking industry — linked to nearly 5,000 deaths a year — operates with [minimal federal government oversight](#). The dilemma is compounded by state motor vehicle agencies that [struggle mightily to communicate](#) with each other, allowing dangerous drivers to skirt scrutiny. About one in 20 inspections of truckers on the road uncovers a violation that sidelines the driver, statistics show.

Meanwhile, federal regulators earlier this year temporarily paused penalties for states breaking the rules regarding sending the notices on time, citing President Trump's national emergency declaration due to the coronavirus pandemic.

The importance of pulling troubled drivers from the roads was made clear in June 2019, when Volodymyr Zhukovskyy, a 24-year-old truck driver with an atrocious record, allegedly crossed the center line of a New Hampshire highway and crashed into a group of motorcyclists, killing seven. His driver's license should have been suspended at the time but remained valid due to the Massachusetts Registry of Motor Vehicles' failure to act on an earlier notice from Connecticut.

Massachusetts, which subsequently rolled out a suite of reforms, has significantly improved its speed at sending conviction notices but still lags in sending suspension notices. For example, during the first two months of 2020, prior to the pandemic, the state sent just about 42 percent of its suspension notices on time.

Massachusetts Transportation Secretary Stephanie Pollack told the Globe that a recent annual federal review also flagged these problems. "We are trying to address all of those issues and meet all of the requirements, but we're not there yet."

The federal transportation inspector general's office said it is examining the issue nationwide following the fatal New Hampshire crash.

For about 30 years, state motor vehicle agencies have used an electronic system to share truck driver warnings and information in real time. These agencies also receive monthly status reports on the timeliness of their interstate warnings from a nonprofit organization that manages the system under an agreement with the Federal Motor Carrier

Safety Administration, or FMCSA.

The Globe obtained these timeliness reports through records requests and analyzed every state's statistics from 2015 through 2019.

Over that time, 35 states had terrible track records, sending fewer than 70 percent of their conviction or suspension notices within the federally mandated 10-day window.

"It's deeply disappointing, but not surprising," said Peter Kurdock, general counsel of the Advocates for Highway and Auto Safety. "I don't know why they can't seem to figure this out."

Nationwide, 59,613 notices about truck driver suspensions and another 789,731 notices about truck driver convictions were transmitted over five years. About a fourth of these warnings were issued past the 10-day deadline, records show.

Federal regulations call for the FMCSA, which conducts annual reviews of states' performance, to withhold certain federal highway funding from states found to be in "substantial non-compliance." The federal agency also can strip states' ability to issue commercial driver's licenses.

But this almost never happens. Experts said they were not aware of any case where the agency has enforced such penalties. The agency said it has made threats to withhold funding but would not say if it has actually pulled funding.

Annette Sandberg, a transportation consultant who led the FMCSA from 2003 to 2006, said a state would have to "thumb their nose completely" in order to be considered in "substantial non-compliance." Even if they did, cutting off federal funding or stripping a state's ability to issue commercial licenses is not viewed as a realistic option.

"You want to talk about a political firestorm, oh my god," said Sandberg.

The FMCSA said that when it finds a state to be non-compliant, its “goal is to work with the state toward getting it back into compliance in an efficient and effective manner.” The agency also said it has done training and outreach to try to address the delays. It provides over \$370 million a year in grant funding to states for commercial driving safety improvements.

Federal authorities have long known about the delays, but have done little to fix the problem.

A 2000 [audit](#) by the federal Department of Transportation Office of Inspector General uncovered a variety of failures with states’ use of the Commercial Driver’s License Information System, including that they regularly did not send conviction notices on time. A 2009 [audit](#) by the same office estimated that about 500,000 active commercial drivers at the time had received at least one out-of-state conviction. Among them, about one in five had convictions that were added to their records late.

Following the audit, Anne Ferro, then-chief of the FMCSA, told state agencies that their delays were diminishing highway safety. Ferro now leads the American Association of Motor Vehicle Administrators, or AAMVA, the nonprofit trade group that helps administer the electronic exchange of truck drivers’ records. She said it’s the FMCSA’s job to enforce and uphold the standard.

But FMCSA officials stressed the responsibility for the delays, and to improve timeliness, ultimately lies with the states. Meanwhile, state motor vehicle agencies blame local court systems, saying the delays often result from courts taking too long to send conviction information to them.

Attempts to fix these issues continue to move at a glacial pace.

“The reality is that the speed of change is limited by factors beyond an agency’s control, such as their resources/budget and legislative mandates,” Ferro said in a statement.

Sandberg, the former FMCSA head, said many state motor vehicle agencies rely on antiquated computer systems and have limited funding, and competing interests that sometimes trump public safety.

“If this were airplanes going down, people would be paying attention to it, but it’s just one death or a few deaths at a time,” said Sandberg. “I think we’ve just kind of numbed ourselves to, ‘Oh well, it happens.’”

For some states, the track record of delays is abysmal.

Mississippi met the federal 10-day deadline for sending conviction notices in only about 2 percent of its cases over the past five years. Texas sent conviction notices on time only about 7 percent of the time. Officials from both states did not respond to requests for comment.

Those two states were among six — along with Louisiana, New Hampshire, New Mexico, and Nevada, plus Washington, D.C. — that fell short of the federal benchmark for sending conviction notices for five straight years.

Staci Hoyt, deputy commissioner of the Office of Motor Vehicles in Louisiana, which met the federal 10-day deadline for sending convictions only about 23 percent of the time over the past five years, said, like many other states did, the delays often are caused by courts.

But she acknowledged that the average citizen cares less about the excuses and more about ensuring the problem is fixed.

“John Q. Citizen, all they are worried about is if that person is not supposed to be driving that truck, they should be out of that truck,” she said. “And we completely agree.”

State-by-state breakdown of delays in sending warnings on dangerous truck drivers

State	Total conviction notices sent	Conviction notices sent within 10 days	Percent of conviction notices sent within 10 days
Alabama	13,110	8,865	68%
Alaska	700	288	41%
Arizona	10,300	8,112	79%
Arkansas	13,980	9,335	67%
California	64,609	43,930	68%
Colorado	8,154	6,740	83%
Connecticut	4,739	3,851	81%
Delaware	2,595	2,519	97%
District of Columbia	855	538	63%
Florida	11,053	9,727	88%
Georgia	19,872	16,084	81%

Hawaii	352	290	82%
Idaho	4,318	4,132	96%
Illinois	15,964	15,559	97%
Indiana	40,280	38,242	95%
Iowa	28,653	28,233	99%
Kansas	8,876	8,338	94%
Kentucky	12,615	11,745	93%
Louisiana	17,391	4,006	23%
Maine	2,754	2,123	77%
Maryland	17,152	16,192	94%
Massachusetts	18,098	12,189	67%
Michigan	10,398	10,106	97%
Minnesota	3,021	2,479	82%
Mississippi	513	11	2%
Missouri	17,054	15,389	90%
Montana	4,572	2,145	47%
Nebraska	10,594	10,431	98%
Nevada	6,235	2,558	41%
New Hampshire	3,284	1,645	50%
New Jersey	13,792	12,824	93%

New Mexico	24,682	2,833	11%
New York	45,587	37,432	82%
North Carolina	19,725	19,300	98%
North Dakota	20,991	19,187	91%
Ohio	47,015	39,220	83%
Oklahoma	17,588	13,673	78%
Oregon	•	•	(Did not send notices eletronicly until July 2020)
Pennsylvania	49,812	38,414	77%
Rhode Island	631	548	87%
South Carolina	17,313	6,929	40%
South Dakota	3,268	2,945	90%
Tennessee	28,640	18,398	64%
Texas	33,866	2,321	7%
Utah	4,975	4,598	92%
Vermont	2,021	1,835	91%
Virginia	38,676	38,289	99%
Washington	23,811	19,910	84%
West Virginia	9,655	6,867	71%
Wisconsin	5,593	5,167	92%

Wyoming	9,999	8,583	86%
Total	789,731	595,075	75%

Source: American Association of Motor Vehicle Administrators

 A Flourish data visualization

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