

**Testimony for Acting Registrar Jamey Tesler**

**I. Introduction, Overview & Acknowledgements**

Chairman Straus, Chairman Boncore, Vice Chairs Lesser and Madero, and Honorable Members of the Committee. Good afternoon.

My name is Jamey Tesler. On June 25<sup>th</sup> of this year, I was appointed Acting Registrar of the Massachusetts Registry of Motor Vehicles (RMV) by Secretary Pollack and directed to begin an in-depth review of the RMV's state-to-state data sharing processes.

I want to start by expressing my personal regret and the regret of the RMV staff as a whole for the tragic loss of 7 precious lives which has led to our appearance here today.

I cannot comprehend the massive toll this loss is taking on the families and friends of those individuals, many of whom served our country admirably.

The failure of RMV processes designed to protect the public in this incident was unacceptable, and while we recognize the steps we have taken to address those failures do not make up for past shortcomings, we hope today can provide the Committee and public some assurance that the RMV is committed to understanding what went wrong and working to the best of its ability with the support of others to fix them.

While you have heard from the Secretary, and will hear from others, as to certain prior events and decisions, my testimony will focus on summarizing the findings, steps and actions taken since my start date on June 25<sup>th</sup>, as we work to ensure the RMV is meeting its responsibility to the best of its ability to enforce the laws governing the safe operation of motor vehicles.

Additional findings and recommendations are also within the scope of an independent forensic review we initiated with the firm Grant Thornton.

While these lapses were unacceptable, I would be remiss to not recognize the hard work and resilience I have seen the Registry's staff bring to the organization each day to address the issues at hand, and their resolve in ensuring we prioritize the necessary improvements to protect the health and safety of the Commonwealth's residents and those on our roads.

## II. Summary of the National Driver Registry (NDR), Suspensions and Mail

My previously submitted testimony to this Committee provides both a more in-depth overview of the National Driver Registry, or NDR, and context as to what we know about the universe of Massachusetts 5.2 million non-commercial driver's license holders, of which approximately 110,000 also hold a commercial driver's license, or CDL.

That testimony also provided an overview of the number of suspension actions taken against those drivers – roughly 230,000 each year, of which many involve multiple actions against the same driver.

Suspension actions are taken based on a range of offenses, from operating under the influence (OUI) or motor vehicle homicide, to civil infractions, non-payment and administrative issues which make up over half of the suspensions issued each year.

As previously described, the NDR's Problem Driver Pointer System, or PDPS, database, contains *“information on individuals whose privilege to operate a motor vehicle has been revoked, suspended, cancelled or denied or who have been convicted of serious traffic related offenses.”*

This “pointer system,” directs an inquiring state to the state *“where an individual's driver status and history information is maintained,”* to confirm there are no outstanding issues from other states when a driver either applies for, or renews every five (5) years, a Massachusetts license.

So every business day, hundreds of Massachusetts licenses are suspended by the RMV following procedures designed to ensure dangerous drivers no longer have driving privileges, that driver status and actions are reflected in the NDR, and that there are appropriate opportunities to request a hearing and appeal those decisions.

The RMV also receives numerous volumes of notices each day by mail, some of which address issues that should trigger immediate suspensions, and others which involve less critical matters such as non-payment or other administrative issues.

### III. Discoveries and Actions

When I started, we were aware of the issue with the CDL data sharing system, CDLIS, but unfortunately, as was quickly discovered, there were also serious problems with how out of state notifications are handled for drivers with regular licenses.

In parallel to Grant Thornton's forensic review, our prior testimony and initial reports, others here today, have, and will testify as to how the responsibility for these notifications has changed over the years. But I will take a few moments to summarize our actions.

#### **The Incoming Non-CDL Out of State Notifications Backlog**

On my first day as Acting Registrar, fifty-three (53) bins containing tens of thousands of unprocessed incoming, out-of-state notifications dating back to March 2018 were identified in a document storage room. Five (5) additional boxes were discovered days later.

A due diligence search of storage archives and facilities uncovered seventy-two (72) archived boxes of out of state notices dating as far back as 2011 for which it could not be determined that all had been processed.

To address these notices swiftly, teams examined, sorted and acted on thousands of documents through a 3-step triage process and search of the NDR's "pointer system," detailed in my prior testimony, which focused on high priority and dangerous offenses that could trigger immediate suspension like operating under the influence (OUI).

The result was 2,039 suspension actions being taken against 1,607 unique drivers – suspension notices were generated and priority-mailed to drivers, and made available on a drivers' NDR record immediately in the event they were to be pulled over by law enforcement.

A new process was implemented for the same-day review of incoming violation notices, with a goal to process all suspensions for significant offenses required the day they are received or within one business day thereafter. A 'real-time' dashboard is being created to ensure managers can monitor this process.

These out-of-state notices result in a small fraction of the total suspensions the RMV issues over a given period, however, it is critical for the safety of those on our roads that we process and act

on them expeditiously – that responsibility will be assumed by a new Out of State (OOS) Notifications Processing Unit under the Registrar.

### **NDR Batch Processing**

We in parallel initiated with the American Association of Motor Vehicles Administrators, or AAMVA, a comprehensive and unprecedented review of all 5.2 million Massachusetts licensure records against the National Driver Registry’s “pointer system.”

While we remain committed to going back through and updating drivers’ records with the notices that either did not trigger immediate suspension or were deemed not high priority on the initial triage, this process will help us to ensure state records accurately reflect all suspensions taken by other states in the NDR and that any needed actions affecting licensure status are taken expeditiously, rather than waiting until a driver applies for re-licensure.

We can be confident when this process is complete, that the drivers’ records of Massachusetts license holders reflect all the serious offenses they should from other states, and then begin to exclusively focus on ensuring we are refining and implementing processes so there is never again a problem keeping these important records up to date.

### **Outgoing Non-CDL Out of State Notifications**

Our reports and previously submitted testimony outline in greater detail our findings as to the two primary ways in which the RMV has historically notified other states when Massachusetts takes action against a driver record, including through CDLIS, for commercial license holders, and reliance on other states use of the NDR “pointer system,” for non-CDL holders.

We determined there was no evidence that the RMV has, at least not for many years, had a consistent practice of sending “real-time” mail or electronic notification of non-CDL violations or suspensionable actions relative to events that occurred in Massachusetts, to other states.

Clearly, in the interest of safety that has to change.

We also determined that unfortunately in 2019, there is no capability for the RMV to institute such a notification system electronically for non-CDL drivers -- it is our hope that Massachusetts can learn from this experience, educate others, and lead on changing that practice.

That leaves physical mail, as other states do, as the only current option for conducting this safety-critical task with respect to changes made or suspensions issued against a non-commercial drivers' record.

The ATLAS team instituted an automatic processing system that as of yesterday, is generating and mailing these outgoing paper notifications on a go-forward basis, and for changes made to driver records within the NDR retroactive to ATLAS' launch.

In anticipation of this massive effort, and the large volumes of mail that other states will receive from Massachusetts, we are coordinating with AAMVA and ATLAS to provide notice to all 50 states prior to the mailing of these notifications. The ATLAS system will allow us to calculate and notify each state as to the volume they can expect to receive.

ATLAS is similarly planning for the notification processes necessary when the NDR batch process concludes.

The responsibility for outgoing notifications will also be assumed by the new Out of State (OOS) Notifications Processing Unit mentioned previously.

### **Additional Organizational & Policy Changes**

Every day, RMV staff strive to meet the organization's twin mission of public safety and customer service, but as these events and our preliminary findings have shown, we must do more to assess, balance and reprioritize our public safety function.

In addition to the Governor's CDL legislation, and the new Out of State (OOS) Notifications Processing Unit, we will restructure the senior management team to include a Deputy Registrar for Safety, who as our reassessment progresses, will have clear lines of responsibility for the RMV's safety-related functions, including the issuance and oversight of commercial licenses and enforcement activities including hearings and suspensions.

### **End-to-End Independent Review & Oversight**

As previously mentioned, we have engaged the firm Grant Thornton to supplement our findings and organizational changes by conducting an independent, end-to-end forensic review of the RMV's processes, internal controls and policies with respect to the processing of state-to-state

violation notifications, and making recommendations to improve our effectiveness, efficiency and accountability in this area.

And in addition to this Committee and the Legislature, we have and will continue to engage our state and federal oversight partners, including the MassDOT Board of Directors and its Finance and Audit Subcommittee, the Office of the Inspector General, and the Federal Motor Carrier Safety Administration (FMCSA) on steps that can be taken to improve our processes and protocols.

#### **IV. Conclusion**

In conclusion, through our efforts to engage an independent review and our oversight partners; strengthen state laws relative to commercial drivers' licenses; hire additional staff to bolster resources for our public safety focus; conduct an unprecedented review of all 5.2 million Massachusetts licensure records to ensure they are accurate; and be a leader on bringing these necessary state-to-state communications into the 21<sup>st</sup> Century, we believe the RMV has demonstrated a desire to learn from its mistakes and failures, and a determination to fix what went wrong.

I assure you that, in working with this Committee and with others, the RMV is committed to more effectively prioritizing our focus on the safety of our roads, and regaining the trust of the traveling public that uses them every day. Thank you.