

SPEXS

# CDLIS CHANGE PROPOSAL 236 – UPDATE RULES FOR THE W00 ACD CODE

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The American Association of Motor Vehicle Administrators (AAMVA) is a nonprofit organization, representing the state and provincial officials in the United States and Canada who administer and enforce motor vehicle laws.



American Association of  
Motor Vehicle Administrator

Address 📍: AAMVA  
4401 Wilson Boulevard  
Suite 700  
Arlington, VA 22203

Telephone ☎️: 1-888-226-8280  
1-703-522-4200

Fax 📠: 1-703-522-1553

E-mail ✉️: **AAMVA Help Desk** [helpdesk@aamva.org](mailto:helpdesk@aamva.org)

Help Desk Hours 🕒: 7:00 a.m. - 10:00 p.m. (Eastern Time)  
Monday - Friday  
8:00 a.m. - 4:30 p.m. (Eastern Time)  
Saturday

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# CP236 - Update RULES FOR THE W00 ACD CODE

## Change Proposal Overview

### Background/Issue

The withdrawal ACD code W00 was created specifically for situations where a jurisdiction has a withdrawal resulting from a conviction that does not map to an ACD code. The W00 ACD Code is used only for these types of withdrawals and must not be used as a Conviction ACD Code.

The W00 code's primary purpose is to be used to preclude a CSOR transaction. The W00 code is also intended to be sent as a courtesy to drivers (sending the W00 code allows the driver to be notified that they have been disqualified in another state for non-traffic control related reason).

### 2014

Both the ACD Working Group and CDLIS Working Group discussed whether or not the W00 code should be allowed for ROOSW. Originally the CDLIS Working Group made the determination that the W00 code should be allowed to send via ROOSW (April 3<sup>rd</sup>, 2014), however when the CDLIS Working Group's conclusion was presented to the ACD Working Group they did not agree due to the following reasons (April 3<sup>rd</sup>, 2014):

- W00 was sent as a courtesy to let the drivers know that they have been disqualified in another state for non-traffic control related reason. According to 384.225 (a) (1), a CLP or CDL holder. Post and maintain as part of the CDLIS driver record: (1) All convictions, disqualifications and other licensing actions for violations of any State or local law relating to motor vehicle traffic control (other than parking, vehicle weight, or vehicle defect violations) committed in any type of vehicle. Only traffic control related convictions and withdrawals should be sent electronically. W00 code is not traffic control related withdrawals.
- W00 code withdrawal received from OOSW has INDEF eligibility date without a reinstatement date. It was very confusing for the Jurisdictions to interpret what W00 code from OOSW is for.
- W00 code should be included in the State to State history request since a driver with an action "W00-code" withdrawal issued by the licensing jurisdiction must have a licensing status code of 'NOT'. Law enforcement officer has a better chance of interpreting NOT status along with a W00 code.

The CDLIS Working Group discussed this issue again in November 2014. The CDLIS Working Group had originally voted to make W00 optional to send as ROOSW, however in revisiting the issue considered and agreed upon a hybrid option (approved December 9<sup>th</sup>, 2014). Hybrid solution details:

- If a SOW uses the W00 code, it is optional for them to send the W00 withdrawal in a ROOSW.
- If a SOR does receive a W00 withdrawal, the SOR must accept the W00 withdrawal, but it is the SOR's option to post the W00 withdrawal to the SOR's DHR.
- If a W00 withdrawal is posted on any SDLA's DHR, then the W00 withdrawal must be included in the withdrawal count on Status and History Response messages, and sent in the H5 message.
- If a W00 withdrawal is posted on any SDLA's DHR, it is recommended that the SDLA follow the minimum data retention requirement for withdrawals from the ACD manual.

### 2018/2019

Due to the lapse of time between the CDLIS Working Group's determination and the current date, this issue was picked up again to be reviewed and analysed. When looking through the driver systems application related documents (ACD Manual, CDLIS SPM, and SPEXS) it was discovered that there are some contradictions and inconsistencies with the rules stated for use of, maintenance of, and transmission of the W00 code in CDLIS (issues beyond the original intention for this change request to determine if W00 should be sent via ROOSW). Given the changes in working group membership, as well as the scope change

for this request, the CDLIS Working Group and ACD Working Group need to review and discuss the 'existing information related to the W00 code and determine what the rules should be so that the documentation can be updated accordingly to provide clearer, more accurate information to states regarding the use, maintenance and transmission of the W00 code. The following items need to be addressed as a part of the discussion:

- Should the W00 code be sent in CDLIS History Response (H5) messages?
- Should W00 withdrawals be included in the withdrawal counts on the status and history response messages?
- Should the driver's commercial status be set to 'NOT' when there is an active W00 withdrawal on the DHR?
  - Note – the SOR is required to set the driver license commercial status to 'NOT' if an active W00 is on record. The driver may not have commercial privileges if their base privileges are withdrawn.
- Should there be a 3 year data retention requirement for W00 withdrawals?
- Should states be allowed to send withdrawals (via ROOSW) with an ACD Code of W00?

This topic was presented to the CDLIS Proposal Review Committee (PRC) in January 2019, and the group discussed the questions as mentioned above. The PRC unanimously agreed to stick with the hybrid solution decided upon in 2014. Additionally the PRC agreed that the W00 should be included in the counts on the status and history response messages, and that an active W00 withdrawal on record should result in a 'NOT' for the driver's commercial status. The PRC also indicated that all comments related to the W00 where "FMCSA recommends..." should be removed.

### Proposed Solution

Make necessary updates to the ACD Manual, CDLIS State Procedures Manual and SPEXS to provide clear rules for use and maintenance of the W00 code.

### Benefit

Documentation updates will ensure that information related to the W00 code is clear and consistent throughout the ACD Manual, CDLIS State Procedures Manual, and SPEXS.

### FMCSR References

#### §384.225 CDLIS driver recordkeeping.

The State must:

(a) *CLP or CDL holder.* Post and maintain as part of the CDLIS driver record:

(1) All convictions, disqualifications and other licensing actions for violations of **any State or local law relating to motor vehicle traffic control** (other than parking, vehicle weight, or vehicle defect violations) committed in any type of vehicle.

...

(b) *A person required to have a CLP or CDL.* Record and maintain as part of the CDLIS driver record all convictions, disqualifications and other licensing actions for violations of any State or local law relating to motor vehicle traffic control (other than parking, vehicle weight, or vehicle defect violations) committed while the driver was operating a CMV.

...

#### §384.208 Notification of disqualification.

(a) No later than 10 days after disqualifying a CLP or CDL holder licensed by another State, or disqualifying an out-of-State CLP or CDL holder's privilege to operate a commercial motor vehicle for at least 60 days, the State must notify the State that issued the license of the disqualification.

(b) **The notification must include both the disqualification and the violation that resulted in the disqualification**, revocation, suspension, or cancellation. The notification and the information it provides must be recorded on the CDLIS driver record.

**§383.73 State procedures.**

...

(b) *Initial CDL.* Prior to issuing a CDL to a person, a State must:

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(3) Initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualification under §383.51, **or any license disqualification under State law**, does not have a driver's license from more than one State or jurisdiction, and has completed the required training prescribed in subpart F of part 380 of this subchapter. The record check must include, but is not limited to, the following:

...

**Stakeholders**

The following stakeholders will to be involved in the review and approval of this Change Proposal:

- AAMVA
  - Driver Systems PMO
  - Driver Systems BA staff
  - Driver Systems DEV Staff
  - Driver Systems QA staff
- CDLIS Working Group

NOTE – Once this Change Proposal has been approved it will also be presented to the ACD Working Group for their review.

**Impact Assessment**

**Impact Analysis by Stakeholder**

This section describes the impact that the change would have on the different Stakeholders involved.

Impact Analysis	
Stakeholder	Impact
AAMVA	Documentation updates to the ACD Manual, CDLIS State Procedures Manual and SPEXS.
SDLAs	Impact will vary by SDLA. SDLAs have different rules and procedures for creating, posting, and reporting W00 withdrawals.

## Detailed Explanation of Proposed Changes

### ACD Code Manual 5.2.2 (for CDLIS WG review purposes only, the ACD WG must approve this change)

#### 3.1.5.8 Using ACD Codes D45, D53, and D56

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- For a non-ACD citation, an FTA/FTP/FTC conviction is not reported via CDLIS. If a withdrawal is taken as a result of the FTA/FTP/FTC, it must be reported as a "W00-code" withdrawal.  
...
- If an FTA/FTP/FTC withdrawal is the result of a non-ACD citation, the SOW is not required to send the withdrawal, but it may send it as a 'W00-code' withdrawal with no underlying convictions. ~~FMCSA recommends that the SOW not transmit 'W00-code' withdrawals to the SOR.~~ Note that an out-of-state W00-code withdrawal does not affect the driver's status.

...

### SPEXS Master Specification v6.0 (both AMIE and NIEM versions)

N/A

### CDLIS State Procedures Manual (SPM) v5.3.3

#### 8.1.2.1 Driver Status

An SOR must determine the commercial status using the driver's complete history. The following rules pertain to the driver's status.

- If a driver has an active withdrawal (*i.e.* the withdrawal reinstatement date is blank) issued by the SOR, the CDL status must be "NOT";

...

- ~~There must be an ACD substantiation for a 'NOT' commercial status.~~ A commercial driver with no open SOR withdrawals (*i.e.* there is a reinstatement date on every SOR withdrawal) must have a commercial status of 'LIC' or 'ELG' – (*i.e.* it cannot be 'NOT')

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#### 8.1.2.5 Withdrawal Information in the DHR

The following rules pertain to withdrawal information in the DHR.

- ACD withdrawals (*i.e.* withdrawals that map to an ACD withdrawal reason code valid in the current ACD Manual) are required in the DHR. ~~Non-ACD withdrawals may be stored in the SOR's internal records but are not sent in response to a driver history request.~~

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- The "W00" Withdrawal ACD code was created specifically for situations where a jurisdiction has a current withdrawal that does not map to an ACD code. An SOR must send any SOR-issued W00-code withdrawal in a driver history response.
- If a given driver has only one withdrawal on record and that withdrawal is a "W00" code withdrawal, and the driver has no ACD convictions on record, then, in response to a history request, the SOR only sends the H5 message, which lists the W00 code withdrawal. The SOR sends neither an H3 nor an H7 message in the history.

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#### 10.1.1 Rules for Reporting and Recording Withdrawals

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- The SOW may report a withdrawal on an OOS non-CDL holder for a violation in a CMV, but it is not required to notify the licensing jurisdiction. The SOC must report the conviction to the licensing jurisdiction but federal regulations only require notification of withdrawals on CDL holders [49 CFR §384.208].
  - The SOW may report, and the SOR may record in the CDLIS DHR, a withdrawal for ACD convictions of violations occurring before the driver was issued a CDL. Jurisdictions must review 49 CFR §383.51 to determine if they must take action on any convictions received.
  - The SOW may report, and the SOR may record in its internal database, a non-ACD withdrawal, but this type of withdrawal is not required to be transmitted in the CDLIS DHR. The “W00” withdrawal code is used primarily by the SOR to preclude the driver from doing a CSOR when withdrawn (an active W00 withdrawal issued by the SOR will be accompanied by a commercial status of ‘NOT’). ~~For a “W00” withdrawal assessed by the SOR, the driver’s commercial status is set to ‘NOT’.~~
  - If a jurisdiction takes a withdrawal on an out-of-state CDL holder and none of the underlying conviction(s) that led to the withdrawal have an ACD code, the SOW may transmit the withdrawal with a withdrawal code of W00 (which must not have any underlying ACD convictions). ~~FMCSA recommends that the SOW not transmit ‘W00’ withdrawals. The SOR is not required to add an OOS “W00” withdrawal to the DHR. FMCSA recommends the SOR not send the OOS “W00” withdrawal in history responses.~~
- An SOW must report a withdrawal on an out-of-state CDL holder by initiating a Report out-of-State Withdrawal Transaction (see CDLIS System Specifications, CD16) either via CDLIS or via mail (see "APPENDIX C –CONDUCTING SELECTED CDLIS TRANSACTIONS BY MAIL" for rules, procedures, and forms for mailing OOS withdrawals). AAMVA and FMCSA strongly recommend the withdrawal report be transmitted electronically via CDLIS. The SOR is required to process an Out-of-state withdrawal transaction, whether the withdrawal is sent via CDLIS or via mail. With the exception of W00 withdrawals, the SOR must record all withdrawals received from another jurisdiction on the CDLIS DHR.

...

The federal regulation does not require an SOC/SOW to take an internal withdrawal, however if a SOC/SOW takes an internal withdrawal and the withdrawal period is permanent, for an indefinite period of for at least 60 days, the SOC/SOW must report the withdrawal to the SOR. Both the SOC/SOW and SOR are subject to federal regulations regarding data retention periods. The recommended manner of sending these messages is electronically, using CDLIS. For withdrawals with an effective date on or after November 1, 2005, withdrawal transactions must identify all convictions that caused the withdrawal. All SOR withdrawals apply across North America (US, Canada, and Mexico).

Note the following:

- Jurisdictions are not required to send-report withdrawals based on non-ACD convictions, i.e. ‘W00-code’ withdrawals.
- See the ACD Manual for data retention requirements for withdrawals and underlying convictions.

Additional scenarios for calculating withdrawals based on multiple convictions of offenses listed in Table 2 to 49 CFR §383.51 (‘Serious’ violations) are available on the AAMVA training portal.

## Change History

Change History			
Version	Date	Author	Description
1	01/04/2019	Mindy Stephens	Original version drafted. Need feedback from CDLIS WG to complete changes for section 6.
2	01/10/2019	Mindy Stephens	Updates based on decision from CDLIS PRC on 01/15/19.
3	01/15/2019	Mindy Stephens	Minor editorial updates based on internal review.
4	04/22/2020	T. Bauza	Approved by ACD working group
5	7/13/2021	T. Bauza	Updated in AuthorIT. Ready for publication.