

# DANNEMILLER BULLETIN

(November 7, 2012)

## **Someone looking out for the good guys:**

Duncan Hunter, a U.S. Congressional member of the House Committee on Transportation and Infrastructure, in a recent letter to the FMCSA, has suggested that violations in roadside inspections that are dismissed in court should automatically be removed from drivers' and carriers' safety records (CSA). Currently, when a violation is dismissed in court the only way to remove the violation is through the FMCSA's DataQ's system. Under the DataQ's challenge system the final decision often involves the law enforcement officer who issued the ticket, who must consent to the removal of the violation. This would make sense in a perfect world, but not the one we live in.

As a result of a recent court challenge to the DataQ's process by the Owner Operator Independent Drivers Association (OOIDA), the FMCSA has indicated that it is re-examining its data appeal process.

Representative Hunter has suggested that to solve the problem states integrate the database of dismissed violations with the data that the FMCSA uses in DataQ's so that dismissed violations are automatically removed from FMCSA databases. Makes sense.

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