



THE NONRESIDENT
VIOLATOR COMPACT
(Guidelines for Motor Vehicle Administrators)

Administrative
Procedures
Manual 1994

U.S. Department of Transportation
National Highway Traffic Safety Administration

in cooperation with the

American Association of Motor Vehicle Administrators
and
Nonresident Violator's Compact Board of Compact Administrators

Original Publication Date: 1990 (Revised April, 1994)

PREFACE

The Nonresident Violator Compact Board of Compact Administrators has produced this manual to provide the requirements and recommended procedures for those jurisdictions who are members, or who are contemplating becoming members of the Nonresident Violator Compact.

The purpose is to standardize methods utilized by the various jurisdictions to process nonresident violators receiving citations, and failure to appear or otherwise fail to comply with outstanding moving traffic summons.

Although there are several suggested internal procedures included that have been found successful in various jurisdictions, there is no attempt on the part of the developers of this manual to dictate the state's internal operations.

ACKNOWLEDGMENTS

This publication is the result of a joint effort between the Nonresident Violator Compact Board of Administrators and the staff of AAMVA and NHTSA. We wish to express thanks to the Board members who so generously donated their time and efforts in their review of and preparation of the revised Bylaws presented herein.

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NONRESIDENT VIOLATOR COMPACT ADMINISTRATIVE PROCEDURES MANUAL

BACKGROUND

A nonresident violator compact was initially developed by the National Conference of Commissioners on uniform State Laws in 1965, which was known as the Traffic Violations Compact. Maryland, Virginia and the District of Columbia, utilizing the 1965 format, developed bilateral agreements known as the Traffic Summons Reciprocal Agreement. In 1969, New York, New Jersey, and a number of New England states also entered into similar reciprocal agreements.

These early agreements contained procedures similar to those adopted for the Nonresident Violator Compact of 1977. Participating jurisdictions would inform each other's motor vehicle administrations when a resident of one jurisdiction did not comply with the citation's terms. Once the home jurisdiction motor vehicle administrator received notice of a resident's citation noncompliance, the procedure for license suspension would be initiated.

The benefits of the early agreements were limited because the reciprocal agreements were not uniform and application practices varied in participating jurisdictions. A state might have agreements with bordering states but not with others. In February 1972, the Mid-Atlantic Governor's Conference established a reciprocity task force to alleviate the problem of limited contiguous state agreements. In May of that year, the task force (composed of governors, state representatives, and motor vehicle administration officials) met, and by October a uniform Nonresident Violator's Compact (referred to as the 1972 Compact) was drafted. Delaware, Maryland, and New Jersey were the first signatories to the 1972 Compact.

NHTSA has had a long-standing interest in the compact and its benefits. In October 1976, NHTSA entered into a contract with the Council of State Governments for the purpose of developing a "model nonresident violator compact, enabling legislation, and a procedure manual."

The Council, with assistance from NHTSA and AAMVA, identified an advisory group of nationally recognized leadership in the area of motor vehicle administration and traffic safety to draft the model compact. Ejner J. Johnson, former Maryland Motor Vehicle Administrator and past president of AAMVA, accepted the task as advisory group chairperson.

The project goals of the model Nonresident Violator's Compact of 1977, enabling legislation, and a procedure manual were reached. An additional contribution of the advisory group was the development of an information component that produced a compact document and a visual promotion package for presenting the compact to both state and national constituencies. The Nonresident Violator Compact of 1977 was approved by the Committee on Suggested State Legislation of the Council of State Governments for inclusion in 1978 Suggested State Legislation.

In 1987 the Board initiated actions to amend the Compact's Bylaws. The proposed amendment was aimed at establishing an Executive Board that would represent and act for the membership in the conduct of NRVC business between annual meetings. The Executive Board would be given authority to make decisions and to arbitrate on behalf of and with the consent of the member jurisdictions. The amendment to the NRVC Bylaws was approved by mail ballot August, 1988.

BENEFITS FOR COMPACT MEMBER STATES

Benefits to the consumer or motorist:

Motorists' delay and/or inconvenience is comparable for resident and non-resident violators.

Personal recognizance is permitted except when prohibited by state law. Certain offenses mandate personal appearances.

Benefits to the user or law enforcement and court officials:

Law enforcement officers are able to devote more time to highway patrol, surveillance and apprehension, since they are not burdened with violator processing procedures.

Court revenues are increased since non-residents cannot ignore another member state's citation without facing driver license penalty at home.

Decrease in the number of "Failure to Appear" cases.

Jurisdictions participating in the Nonresident Violator Compact of 1977 can accrue a number of advantages for their citizens, courts and law enforcement agencies, with a minimal investment from their motor vehicle administrators.

In a review of compact operations for 1975, five signatory states to the uniform Non-Resident Violator Compact estimated clerical costs at one to two positions per state to process all procedural requirements. The cost benefit study conducted by AAMVA in 1979 (Section 4 of this manual) indicates that no additional personnel were hired and that the administrative burden of the Compact was accomplished through reassignment. Prior to entry into the compact, it was estimated that it took one to two hours away from assigned highway surveillance when it was necessary to accompany each non-resident violator to a magistrate for collecting collateral or bond. Since entry into the compact, the ability to allow a non-resident to receive a citation and be released on his own recognizance has resulted in savings in trooper time up to 60 person years, plus savings in energy and wear and tear on vehicles.

Collection of fines and costs by local courts can be enhanced by the compact, as evidenced by the 1978 data which estimated millions of additional dollars were paid to local traffic courts by non-resident violators.

Because the mail process is utilized by the compact, as opposed to the time of a judge or magistrate, there is a concomitant savings in the local court budget. Increased revenues can result since non-residents may no longer disregard another state's citations.

Probably the greatest benefits that can be realized through compact adoption are savings in the citizens' lost time, inconvenience, and related costs. One only has to imagine a family's vacation disrupted, a missed business appointment, or the delay in an emergency family visit to appreciate the citizen benefits accrued through compact participation. The goodwill of the states' motorists, increased local court income, and increased law en-

forcement service and deterrence time are a more than adequate balance for the possible increase in motor vehicle administration staff time.

A final argument on behalf of compact participation is that the motoring public will become more aware of the compact procedures, with a significant drop in the number of motorists who ignore violation citations received in a non-resident state. Motorists will come to realize that compliance with traffic citations is enforced equally, both inside and outside the home state. This, coupled with a significant reduction in the number of required personal appearance, are excellent reasons for participation in and support for the non-resident violation compact of 1977 by both state citizens and their legislators.

PROCEDURAL MATTERS

The Compact--What It Is:

The Nonresident Violator Compact of 1977 assures non-resident motorists receiving citations for minor traffic violations in a member state the same treatment accorded resident motorists. A procedure is established for a non-resident receiving a traffic citation in a member state to fulfill the terms of that citation or face the possibility of license suspension in the motorist's home state until the terms of the citation are met. Safeguards are built into the compact so that a non-resident driver receiving a citation has due process protection.

The compact not only assures equal treatment for both residents and non-residents receiving traffic citations, but it also enhances law enforcement service and deterrence time spent on the highways and increases local traffic court income. Non-residents receiving traffic citations in states that are not compact participants often must post collateral or face a mandatory appearance before a local traffic court or magistrate. This inconveniences the non-resident motorist, at times even resulting in incarceration, and also consumes law enforcement time off the highway. The alternative provided by the compact allows the non-resident in a member state the possibility that if the terms of the citation are not met, the home jurisdiction may suspend the motorist's license until the citation terms are met.

Each member state establishes, through its motor vehicle administrator, a procedure to obtain information from local courts concerning those citations issued to motorists from other member jurisdictions that have been ignored. This information received from local courts is periodically reported to the motor vehicle administrator of the non-resident violator's home jurisdiction. The home jurisdiction motor vehicle administrator then informs the violator that his or her license will be suspended unless proof of compliance with the citation is provided. Placing responsibility upon the violator for responding directly to the local court in meeting the terms of the citation relieves the motor vehicle administrator of the onerous task of serving as a collection agency. Due process safeguards are ensured by providing for a hearing and offering license reinstatement throughout the process when satisfactory evidence of citation compliance is provided.

The Compact--What It Is Not:

- Not a device for collecting parking tickets
- Not a method of coercing bail forfeiture
- Not a device for collecting fines
- Not a device for collecting unpaid portions of fines allowed to be paid in installments
- Not a device to secure court appearance if one has previously delivered himself into the court's jurisdiction and trial has been postponed till a later date
- Not a punitive device

Methods of Compliance:

- Payment by mail where provided for
- Responding to the citation in person
- Submission of a plea by mail (as in New York Adjudication System)
- Responding by attorney (as may be permitted locally in misdemeanor cases)

Evidence of Compliance:

(in response to show cause notice to have license reinstated)

- Certificate from the court
- Copy of court judgment
- Personal representations and money order
(receipts not enough)

Type Citation Covered:

- Moving traffic violations which alone do not carry suspension or revocation

Type Citation NOT Covered:

- Offenses which mandate personal appearance
- Moving traffic violations which alone carry suspension or revocation
- Equipment violations
- Inspection violations
- Size and weight violations
- Parking violations
- Transportation of hazardous material violations

Can a non-resident be arrested and brought before a Justice of the Peace in lieu of a citation? Generally yes, but discretion remains with officer.

What is the duration of a suspension for noncompliance? Until evidence of compliance is presented. Analogous to a contempt citation for failure to appear in person or produce documents. It is said that one in contempt carries the keys to his jail in his pocket; e.g., he can unlock his jail by producing or doing that which is required.

Does suspension without opportunity for a hearing violate due process? Uncertain as a legal matter. As a practical matter, a due process hearing opportunity is afforded. It is a limited hearing; (1) Did you get a ticket? (2) Did you fail to comply? These are issues relevant to the case. Also, the receipt of a traffic citation is a summons to appear. Therefore, the hearing is offered.

Do "hardship" license procedures apply? No. Not provided for in Compact.

ENTRY INTO THE COMPACT

Entry into the Nonresident Violator Compact of 1977 may be accomplished through three different methods:

1. If a state has previously authorized a motor vehicle administrator to enter into reciprocal agreements with other states to mutually benefit the owners and operators of motor vehicles, the administrator may enter the compact by offering a resolution of joinder.
2. A state legislature may authorize and direct state's motor vehicle administrator to enter into the compact.
3. A state legislature may accomplish compact joinder by adopting the full compact as a legislative statute.

Each of the three methods of enabling legislation has attributes which should be considered. All three methods have congressional endorsement for interstate agreements through the adoption of the Beamer Resolution.

Method 1. If a state has enabled its motor vehicle administrator to enter into reciprocal agreements with other states, compact joinder is an extremely simple process. The process only requires that the state motor vehicle administrator forward a Resolution of Ratification to the compact secretariat, the American Association of Motor Vehicle Administrators (AAMVA), which in turn informs other signatory jurisdictions of the new compact member.

Procedures for compact data exchange are then established and the new jurisdiction's motor vehicle administrator, or other designee, becomes a member of the compact's governing board. By utilizing the authority granted to enter into interstate agreements, the motor vehicle administrator binds the jurisdiction represented to the precepts of the compact and thereby bypasses the necessity of a sometimes cumbersome and time-consuming legislative statute adoption. To date, the history of this type of administrative entry has been most successful in other motor vehicle areas, such as the International Registration Plan and the Western States Registration Proration and Reciprocity Agreement.

*Interstate Compacts for Highway Safety, Public Law 85-684, August 20, 1958, 72 Stat. 653, as amended by Public Law 88-466, August 20, 1964, 78 Stat. 564, provided: "That the consent of Congress is hereby given to any two or more of the several states, and one or more of the several states and the District of Columbia, to enter into agreements or compacts -- (1) for cooperative effort and mutual assistance in the establishment and carrying out of traffic programs, including, but not limited to, the enactment of uniform traffic laws, driver education and training, coordination of traffic law enforcement, research into safe automobile and highway design and research programs of the human factors affecting traffic safety, and (2) for the establishment of such agencies, joint or otherwise, as they deem desirable for the establishment and carrying out of such traffic safety programs."

Method 2. A legislature may authorize and direct the motor vehicle administrator of the state to enter into the compact. This means of entry may be utilized in those states where authority has yet to be provided an administrator to enter into interstate reciprocal agreements or in those states having legislatures which maintain oversight of interstate agreements. This method satisfies both legislative oversight and ease of joinder. By directing compact entry, the legislature maintains control over the reciprocal process, but does not enter into full legislative process of compact adopting by statute. A Resolution of Ratification is forwarded to the compact secretariat which initiates the membership process.

Method 3. Legislative adoption of the compact is the most stable, but also the most time-consuming method of joinder. Frederick L. Zimmerman and Mitchell Wendell took note of the slow compact adoption process in The Law and Use of Interstate Compacts: "Whatever may be the faults of the compact method, they are scarcely fatal to effective use of the device. In fact, it would appear that such weaknesses as the compact may have are shared with other legislative enactments. The process of arriving and the changing consensus in a democracy is seldom streamlined."*

Utilization of the legislative adoption process assures maintenance of the compact in its current form, but makes the amendment process an extremely difficult task. Each state that has legislative adoption of the compact must also utilize the legislative method to adopt compact amendments. Entry is accomplished by forwarding the Resolution of Ratification to the secretariat which initiates the participation procedures.

Whichever method is chosen for compact entry, it must be noted that the Nonresident Violator Compact of 1977 does not meet the traditional and restrictive compact definition, but may be more broadly defined as a reciprocal administrative agreement.

Both administrative and legislative options for compact joinder meet the compact's intent to help resident and non-resident motorists obtain equal treatment in meeting the terms of a minor traffic citation, provide more effective utilization of law enforcement time on the highway, and assure local traffic courts that citation terms will be met.

It should be noted that an important adjunct to compact entry is a suggested amendment to a jurisdiction's motor vehicle code which would give the motor vehicle administrator authority to suspend a license if a motorist fails to comply with the terms of a traffic citation received in another jurisdiction. The suggested amendment pertains to the Uniform Vehicle Code provision authorizing drivers' license suspension, Chapter 6-206(a) (6): "(6) has committed an offense in another state which if committed in this State would be grounds for suspension or revocation."

*The Council of State Governments, The Law and Use of Interstate Compacts, p. 56.

Guidelines for entry into the Compact:

- A. Check existing law in reference to authority to enter.
- B. If a state has previously authorized a motor vehicle administrator to enter into reciprocal agreements with other states to mutually benefit the owners and operators of motor vehicles, the administrator may enter the Compact by offering a resolution of joinder.
- C. A State Legislature may authorize and direct the state's motor vehicle administrator to enter into the Compact.
- D. A State Legislature may accomplish Compact joinder by adopting the full compact as a legislative statute.
- E. Submit to the Chairman of the Board of Compact Administrator, a Resolution of Ratification executed by the authorized officials of the applying jurisdiction.
- F. The resolution shall be in a form and content as provided in the Compact Manual.
- G. The Compact shall become effective when it has been adopted by at least two jurisdictions.
- H. Legislation of short form is recommended. (See Appendix "A")

Alternative Entry through the Uniform Vehicle Code:

Entry into the Non-Resident Violator Compact is also possible by those jurisdictions utilizing the Uniform Vehicle Code by reference, or by legislative process citing the Code as authority. The authority is contained in the Uniform Vehicle Code - 1987.

§6-204 -- Nonresident Violator Compact

The department may enter and carry out the provisions of the Nonresident Violator Compact. (New, 1979; Renumbered, 1986)

§6-205 -- When court to forward license, report convictions and failure to appear

(b) Every court having jurisdiction over offenses committed under this act, or any other act of this State or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the department within 10 days a record of the conviction of any person in said court for violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted. The court shall also report to the department any conviction of a person for violating §16-210, any violation of a person's written promise to appear given to an officer upon the issuance of a traffic citation, and any failure to appear given to an officer upon the issuance of a traffic citation, and

any failure to appear in court at the time specified by the court. (Revised, 1979)

(c) For purposes of this chapter, the term "conviction" shall mean that the court of original jurisdiction has made an adjudication of guilt. Also, for the purposes of this chapter an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic violation charge, shall be equivalent to a conviction, regardless of whether the penalty is rebated, suspended or probated. (REVISED, 1975; Section Renumbered 1986)

Article II--Cancellation, Suspension or Revocation of Licenses

§6-202--Suspending privileges of non-resident; reporting convictions, suspensions and revocations

(b) The department is further required, upon receiving a record of the conviction in this State of a non-resident driver of a motor vehicle of any offense, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident. (Revised, 1971)

§6-203--Revoking or suspending resident's license based upon conduct in another state

(a) The department shall revoke the license of any resident of this State, and may suspend or revoke a non-resident's license, upon receiving notice of his conviction in another state of an offense described in §6-205. (New, 1971)

(b) The department is authorized to suspend or revoke the license of any resident or non-resident upon receiving notice of the conviction of such person in another State of an offense, other than those described in §6-206, which if committed in this State, would be grounds for suspension or revocation of the license of a driver. (Relettered and Revised, 1971)

(c) The department may give such effect to conduct of a resident in another state as is provided by the laws of this State had such conduct occurred in this State. (Relettered, 1971)

Withdrawal from the Compact:

A. A member jurisdiction may withdraw from this Compact by official written notice to the other member jurisdictions, but a withdrawal shall not take effect until ninety (90) days after notice of withdrawal is given.

B. The notice shall be directed to the Compact Administrator of each member jurisdiction.

C. No withdrawal shall effect the validity of this Compact as to the remaining member jurisdictions.

DESCRIPTION OF COMPACT PROCESS

The following is a description of the compact process from initial citation to final disposition.

1. Non-resident motorist citation issued. A non-resident motorist from a compact member jurisdiction is issued a citation for a traffic violation covered by the provisions of the compact.

2. Mandatory appearance required. If a mandatory appearance is required for a violation, for residents and non-residents, or is required by the police officer issuing the citation, the motorist must be taken to the appropriate location for arraignment, trial, or posting of collateral.

3. Motorist appears for trial. The motorist must appear for court and comply with the verdict rendered by the court.

4. Personal recognizance permitted. In all cases where violations covered by the Compact are used, personal recognizance is permitted. If there is a prohibition either by state law or by the requirement of the citing police officer, the motorist must be held for trial. If personal recognizance is used, the motorist agrees that there will be compliance with the terms of the citation. It is recommended that the signature of the motorist be on the citation when personal recognizance is granted. The signed citation may assist the home jurisdiction in a hearing requested by the motorist if they are contesting the violation and subsequent suspension.

5. Motorist proceeds. Once personal recognizance is provided, and the motorist agrees to comply with the terms of the citation, the motorist is allowed to proceed.

6. Motorist complies with citation terms. If the motorist complies with terms of the citation, this ends the process. If the motorist ignores the citation, the compact procedures of notification and possible home jurisdiction driving license suspension are initiated.

7. Court reports to issuing jurisdiction. To minimize paperwork, the compact requires the court to notify the motor vehicle administrator of the jurisdiction when a non-resident fails to meet the terms of a citation. It is recommended that the local court attempt to inform the non-resident of the effect of non-compliance. If the motorist complies, the process ends.

7a. Notification to the non-resident, by the court, of the effect of non-compliance is not required by the compact. However, it is highly recommended and may result in greater compliance by non-residents and reduce the amount of activity required of the motor vehicle administrator in notification, reporting and suspension procedures. If the non-resident does comply with the citation and court sanctions, the process ends.

7b. If the non-resident violator does not respond to the local court's mailed reminder of the citation requirements, the report is then forwarded to the issuing jurisdiction motor vehicle administrator.

8. Issuing jurisdiction reports to home jurisdiction. The issuing jurisdiction shall forward to the home jurisdiction, a notice of non-compliance. As a minimum, the forms provided to the home jurisdiction should include; name, address, driver's license number, date of birth, sex of motorist, reason of violation, date of violation and court address and phone number. If the fine amount is included, the fine amounts shown must include all additional charges, late fees or penalties.

9. Over six months since citation was issued. A notice of failure to satisfy the terms of a citation shall be processed by the issuing jurisdiction and reported to the home jurisdiction within six months from the date the citation was issued. The home jurisdiction need not proceed where the notice concerns a citation issued over six months prior to the date of the notice. The status of citations processed by the home jurisdiction should be periodically reported to the issuing jurisdiction.

10. Home jurisdiction initiates suspension and justification procedure. In accordance with the compact, each jurisdiction upon a notice of non-compliance from a member state shall enter a license suspension and notify the motorist of such suspension.

11. Motorist requests a hearing. A motorist identified as a non-resident violator has the option of requesting a hearing according to procedure of the home jurisdiction. The hearing affords the motorist an opportunity to present facts that they were not the one to whom the citation was issued. The motorist is protected from procedural, clerical error or other circumstance that could cause a mistaken identity. This compact procedure is the major reason for requesting a signature on the citation providing for personal recognizance.

12. Motorist has hearing. The hearing gives the motorist the opportunity to present evidence that the license suspension should not take place because of an error, or that the motorist is not the violator identified on the citation.

13. Results of the hearing. If as a result of the hearing a determination is made not to suspend the driver's license, suspension procedures are then canceled, the license is fully reinstated, and the results are reported to the issuing jurisdiction motor vehicle administrator.

14. Motorist responsible for evidence of citation compliance. It is the responsibility of the motorist to comply with the citation terms of the issuing jurisdiction and provide proof of compliance acceptable to the home jurisdiction.

15. Evidence of compliance. If the motorist presents evidence that is acceptable to the home jurisdiction motor vehicle administrator that the terms of the citation have been met, the license will not be suspended or a suspension will be terminated.

16. License suspended. If a motorist does not respond to a notice provided by the local court and the home jurisdiction motor vehicle administrator, the home jurisdiction suspends the license.

17. Motorist presents evidence of citation compliance. Once the motorist receives notice of a possible license suspension from the home jurisdiction motor vehicle administrator, the motorist has the option of either requesting a hearing or complying with the citation terms.

**Nonresident Violator Compact of 1977
Procedure for Compliance**

RECOMMENDED INTERNAL GUIDELINES

- * Designate a Nonresident Violator Compact Administrator and Contact Person for coordination of activity between home jurisdiction and other compact jurisdictions.
- * Courts send initial report of non-compliance with return date to motorist, prior to notifying licensing agency for action.
- * No mandatory appearance if fine is not paid.
- * Do not send notices to issuing jurisdiction reference action taken, except contested cases.
- * No issuance of bench warrants.
- * Notify issuing jurisdiction if report of non-compliance is unacceptable, giving reasons.
- * Not necessary to suspend non-resident violator, this will be done by home jurisdiction.

A. General:

1. There is a growing trend among Compact member jurisdictions to handle both resident and nonresident fail to appear cases identically. The use of identical forms and the same steps in the process eliminate complicated exceptions to the procedures. Basically NRVC cases are the same as any other suspension case, therefore they should be treated in an identical manner. In some instances computer generated documents are produced, using the same forms for both residents and nonresidents.

2. In this Manual we shall consider "Internal Procedures" separately for enforcement, the Courts and the Motor Vehicle agency. In addition, where appropriate, it shall consider the procedures from the perspective of the "issuing jurisdiction" (where the case was started) and the "home jurisdiction" (where the accused violator lives).

B. Through Enforcement to Issuing Jurisdiction:

1. All cases originate with the issuance of a notice of violation (citation, summons or ticket) by a law enforcement officer to a motorist. Under the provisions of the Compact, if the violation is not one of those excluded, the Officer accepts the personal recognizance (verbal or written) of the violator for a future appearance. The notice is returnable at a future date specified on the document, in accordance with the policy/procedures of the Enforcement Agency, frequently established in conjunction with the Court.

2. A copy of the Notice of Violation is delivered to the court so they are aware of the case.

3. If the defendant resolves the case with the court, the matter is closed; however, there may be local provision for the court to inform the police of the disposition of the case.

4. If the non-resident motorist does not resolve the case with the court, action under the NRVC can be initiated.

5. In jurisdictions where the court originates the action, the procedure for the Court to follow is detailed in the Court Procedure Section.

6. In jurisdictions where the police originate action under the NRVC, the court informs the police that the non-resident failed to appear or resolve the case. The Enforcement Agency's procedures should be similar to the Courts'.

7. The "Notice of Failure to Comply" form is completed by the enforcement agency or court. The original of the form is mailed to the defendant, with the remaining copies being held in a suspense file. If the case is not resolved within the allotted time, the second and third copies of the form are forwarded to the issuing jurisdiction for action under the Compact.

C. Through Courts to Issuing Jurisdiction:

1. Upon receipt of the "Notice of Violation" from the Enforcement Agency, the Court establishes the appropriate files for the case identical to the action taken for every case that comes before the court.

2. If the motorist responds by mail or in person within the allotted time, the case is resolved. The Court shall provide a notice of compliance to the defendant and to the home jurisdiction.

3. If the motorist does not resolve the case within the allotted time, the NRVC process begins as follows:

a. The "Notice of Failure to Comply" form is completed and the original mailed to the defendant. Copies are held in the Court file awaiting reply from the defendant. Sufficient time should be allowed for the defendant to respond to the Failure to Comply Form.

b. If the defendant responds and requests a trial, the court will set trial date, perhaps arrange for bail, or any other procedural matters required by the court.

c. If the defendant responds with a guilty plea, and fine payment, the case is closed.

d. If the defendant fails to respond within the time allowed, the next step under the NRVC commences. The court forwards the second copy of the "Failure to Comply" notice to the issuing jurisdiction for action under the Compact.

e. The third, fourth and fifth copies of the "Notice" will still be held in the

court file. If at any time beyond this point in the process the defendant resolves the case with the court, it is imperative that the court complete the third copy of the notice - "Defendant's Receipt." The notice of compliance shall be mailed to the Defendant, as it is required to clear the pending suspension of the defendant's driver's license in his home jurisdiction. In the event the court does not use the standard form, the usual notice of compliance issued to motorists should be forwarded to the defendant for use in clearing the suspension. It is important that the notice of compliance clearly identify the case, so it can be properly associated with the original case. The court forwards the fourth copy to the issuing jurisdiction.

f. It is not necessary for the court to issue Bench Warrants for non-residents from Compact Member Jurisdictions who fail to appear. They will be processed under the provisions of the Compact and the Bench Warrant serves no useful purpose. This feature of the NRVC will result in substantial procedural savings for the courts in that they need not issue the file warrants for non-resident violators from Compact Member Jurisdictions.

D. Licensing Agency:

1. To the extent possible, the home jurisdiction should treat NRVC cases as routine suspensions without any differentiation between them and all other suspension cases. Identical forms and procedures are used, eliminating special requirements and molding NRVC cases smoothly into their total overall working process.

2. The licensing agency is the only agency in the NRVC process that acts as both an "issuing jurisdiction" and a "home jurisdiction."

a. They function as the "issuing jurisdiction" when the violation occurred in their jurisdiction.

b. They function as the "home jurisdiction" in cases where residents they have licensed fail to comply with violation notices received in other Compact Member Jurisdictions.

c. Accordingly, we shall deal separately with the procedures required in both instances.

3. When functioning as the "issuing jurisdiction":

a. Receive "Notice of Failure to Comply" from the court or the police. With the standard form, the second and fourth copies would be received. This will vary if non-standard forms are used.

b. Review the form for completeness and accuracy. This usually entails a quick glance at the form to insure that it is completely filled in, legible and that certain Compact provisions are complied with, i.e., within six months of issuance; for a violation covered under the Compact.

- c. Separate the forms and place the second copy - Home Jurisdiction Copy - in an envelope that is held for mailing to the home jurisdiction periodically. This must be done once a week.
- d. Maintain a record of the number of cases sent to each Member Jurisdiction. By March of each year, forward the record for the past twelve (12) months to the secretariat on the approved report form. Maintain such other records as may be required locally.
- e. The "issuing jurisdiction" will not receive any notice of action taken by the home jurisdiction, as it is assumed that a driver's license suspension was affected in each case.
- f. If the "home jurisdiction" cannot act on a notice, that notice will be returned to the "issuing jurisdiction" with an explanation for the lack of action. Appropriate follow-up may be initiated by the issuing jurisdiction if the case warrants such action.
- g. It is not necessary to suspend the driving privilege of the non-resident violator. Action will be taken by his home jurisdiction to compel resolution of the original court case. This feature of the NRVC eliminates the need for suspensions against non-residents, a procedural savings for the issuing jurisdiction. Such suspensions are of extremely limited value as enforcement is almost impossible.

4. When functioning as the "home jurisdiction":

- a. Receive the "Notice of Failure to Comply" from the issuing jurisdiction. If the standard form is in use, the second copy will be received.
- b. Review the form to insure that: (1) it is legible; (2) it is complete; (3) it is timely, within the six month limit of the Compact; (4) it is for a violation covered under the Compact; and (5) all other aspects of the case are proper. (e.g., The driver identified is a licensed resident.)
- c. If for any reason the case cannot be acted on, it should be returned to the issuing jurisdiction and if the issuing jurisdiction resolves the problem and returns the case, it would be treated as a new case.
- d. If the case is acceptable, it is entered into the normal suspension process of the home jurisdiction.
- e. A standard "Notice of Suspension" is prepared and sent to the violator. The home jurisdiction may have a provision to send an advance warning letter or notice to the defendant, which is acceptable.
- f. The Notice of Suspension should have a delayed effective date to permit the defendant to contact the court and resolve the case. The length of this "grace period" is a local option, running from fourteen (14) to thirty (30) days in various jurisdictions.

g. It is important that the Notice of Suspension inform the defendant of the facts behind the suspension, with special emphasis on the action that must be taken to resolve the suspension. Accurate information on the court - name, address, phone information, is essential. It will also eliminate inquiries to the home jurisdiction, which are costly, time consuming and nonproductive as the home jurisdiction can do nothing to resolve the case.

h. Should the defendant request a hearing on the suspension, it should be granted on the basis of statutes, regulations and procedures in the home jurisdiction. Pre-suspension hearings may be required in some home jurisdictions.

i. Formal hearings on such cases are extremely rare. They are usually restricted to challenging the right of the home jurisdiction to suspend under the Compact; to deny receiving the original violation notice (lost license cases); or to claim that the case has been resolved. The questions of guilt or innocence regarding the traffic violation should not be subject to determination.

j. Should assistance be required from the issuing jurisdiction, it can be requested. This is usually restricted to obtaining certified documentation.

k. Such hearings are usually based on existing available facts. If the suspension is upheld, the defendant must then proceed to resolve the court case, with the suspension remaining in effect. If the suspension is denied for any reason, the case is terminated and the suspension is vacated. In the latter, the issuing jurisdiction should be informed of the reason for denial, so they can notify the court of the final determination. Hearings are so rare that they are best handled on an individual case basis.

l. Appeals from hearings are possible. In such cases, the decision of the hearing officer is appealed to the courts in the home jurisdiction. Such matters are handled in keeping with home jurisdiction procedures. The court decision is again final. Should the court reverse the hearing decision, the issuing jurisdiction should be informed so they can notify the court of the termination of the case.

m. In at least one jurisdiction, every suspension issued is subject to direct appeal to the Court of Common Pleas. This would include NRVC cases. Such appeals are handled routinely on an individual basis, with facts being presented by the defendant and the home jurisdiction. On the basis of those facts, the court decides to sustain or vacate the suspension, with the decision being final. If the suspension is sustained, the defendant must proceed to resolve the pending violation. If the suspension is vacated, the issuing jurisdiction should be informed by the home jurisdiction, so they can notify the court of the action taken.

n. When the case is resolved with the court in the issuing jurisdiction, a notice of compliance will be issued directly to the defendant. It is the

responsibility of the defendant to present this notice of compliance to his home jurisdiction to terminate the suspension. If the notice of compliance is presented prior to the effective date of the suspension, the suspension is cleared before it actually becomes effective. Should the notice of compliance be presented after the effective date has passed, it may be necessary to go through formal restoration procedures. This is in accordance with the policy of the home jurisdiction.

o. Reinstatement or Restoration Fees. Some jurisdictions charge a fee to reinstate or restore a license once the suspension has formally gone into effect. i.e., after expiration of the "grace period" mentioned in paragraph 4(F). The defendant may be exempt from the fee if he resolves the case during the grace period. Such fees are established and handled in compliance with local statutes, rules or regulations.

RESOLUTION OF RATIFICATION

The Nonresident Violator Compact of 1977 represents an agreement between jurisdictions to cooperate in obtaining nonresident motorist compliance with minor traffic citations issued in member jurisdictions. A Resolution of Ratification, to be executed by the jurisdiction's chief executive or other appropriate official and processed by the compact's secretariat, formalizes a jurisdiction compact entry. The Resolution of Ratification may be initiated by the legislature, executive action or the jurisdiction's motor vehicle administrator where he has statutory power to enter into interstate agreements.

To achieve compact entry, the chief executive or other authorized official forwards to the chairperson of the Board of Compact Administrators, or the secretariat, a Resolution of Ratification. In submitting the Resolution of Ratification, the official authorizing entry should also include a cover letter identifying the individual assigned as the jurisdiction's compact administrator and the date desired for active participation.

On receipt of the Resolution of Ratification, the board chairperson, or the secretariat as directed by the board chairperson, should acknowledge receipt of the Resolution of Ratification by a certified mail notice to the authorized official of the entering jurisdiction. All members of the compact shall be informed of the new jurisdiction's joinder by certified mail. The notification letter to member jurisdictions should include the name, address and phone number of the new compact administrator, the date of active participation in the compact, the jurisdiction's statute or other authority authorizing compact entry, and a notice of any specific procedural requirements requested by the entering jurisdiction.

A permanent file of ratification documents shall be kept by the secretariat with specific dates of notice of compliance of joinder letters and copies of all relevant joinder correspondence with member jurisdiction.

**NONRESIDENT VIOLATOR COMPACT OF 1977
RESOLUTION OF RATIFICATION**

Whereas, the Nonresident Violator Compact of 1977 was formed to provide a means through which jurisdictions may participate in a reciprocal program to effectuate the stated policies and purposes of the compact, and

Whereas, the compact will serve to mutually benefit the residents and the operation of government in the party jurisdictions.

Now, therefore, in consideration of the mutual and reciprocal benefits to flow therefrom and pursuant to the authority contained in (Statutory Citation), the Nonresident Compact is hereby ratified by the adoption of this resolution, and

Further provided that the desired effective date of entry is* _____, 19____.

Further provided that this jurisdiction agrees to comply with the terms and provisions of the compact and enters into the compact with all jurisdictions that are now a party, and with all jurisdictions that legally become a party to the compact.

In testimony whereof, acting through its duly authorized officials, this resolution is adopted this ____ day of _____, 19____.

For the State Province of _____

Name: _____ Name: _____
Title: _____ Title: _____

Signature

Signature

*Effective date of entry must be at least 60 days after notification is given to other party members.

For Secretariat Use

Res. Received:(Date) / (Initial).
Effective Date:_____.

Notice Given:___/___.
Manual Update:___/___.

APPENDIX A

NONRESIDENT VIOLATOR COMPACT OF 1977

Suggested Legislation (short form)

(Title, enacting clause, etc.)

Section 1. The Motor Vehicle Administrator (or other designated official) is authorized and directed to execute all documents and perform all other acts necessary to enter into and carry out the provisions of the Nonresident Violator Compact.

Section 2. ((Insert, as deemed appropriate by the enacting jurisdiction, selected portions of the Nonresident Violator Compact.))

Section 3. ((Insert effective date.))

Suggested Legislation (long form)

(Title, enacting clause, etc.)

Section 1. The Nonresident Violator Compact, hereinafter called "the compact," is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I

Findings, Declaration of Policy and Purpose

(a) The party jurisdictions find that:

(1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:

- (i) Must post collateral or bond to secure appearance for trial at a later date; or
- (ii) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or
- (iii) Is taken directly to court for the trial to be held.

(2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

(3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.

(4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.

(5) The practice described in paragraph (1) above causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

(6) The deposit of a driver's license as a bail bond, as directed in paragraph (2), is viewed with disfavor.

(7) The practices described herein consume an undue amount of law enforcement time.

(b) It is the policy of the party jurisdictions to:

(1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

(2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

(3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

(4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

(c) The purpose of this compact is to:

(1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

**Article II
Definitions**

(a) In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise.

(b) Definitions.

(1) "Citation" means any summons, ticket, or other official document

issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

(3) "Compliance"* means the act of answering a citation, summons or subpoena through appearance at court, a tribunal, and/or payment of fines and costs.

(4) "Court" means a court of law or traffic tribunal.

(5) "Driver's License" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(6) "Home Jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(7) "Issuing Jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(8) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or other countries.

(9) "Motorist" means driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(10) "Personal Recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

(11) "Police Officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

(12) "Terms of the Citation" means those options expressly stated upon the citation.

* For purposes of the Nonresident Violator Compact the posting of collateral or bail has not been considered in this definition.

Article III Procedure for Issuing Jurisdiction

(a) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

(b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it should take place immediately following issuance of the citation.

(c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction.

(d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist, the information in a form and content as contained in the Compact Manual.

(e) The licensing authority of the issuing jurisdiction need not suspend the privilege of a motorist for whom a report has been transmitted.

(f) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

(g) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

Article IV Procedure for Home Jurisdiction

(a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded.

(b) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

Article V Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to license to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangements between a party jurisdiction and a nonparty jurisdiction.

Article VI Compact Administrator Procedures

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a

Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identify has been given to the board.

(b) Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

(c) The board shall elect annually, from its membership, a chairman and vice chairman.

(d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize and dispose of the same.

(f) The board may contract with, or accept services or personnel from any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual.

Article VII

Entry into Compact and Withdrawal

(a) This compact shall become effective when it has been adopted by at least two jurisdictions.

(b) (1) Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

(2) The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

- (i) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.
- (ii) Agreement to comply with the terms and provisions of the compact.
- (iii) That compact entry is with all jurisdiction then party to the compact and with any jurisdiction that legally becomes a party to the compact.

(3) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than 60 days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

(c) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

Article VIII Exceptions

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

Article IX Amendments to the Compact

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

(b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective 30 days after the date of the last endorsement.

(c) Failure of a party jurisdiction to respond to the compact chairman within 120 days after receipt of the proposed amendment shall constitute endorsement.

Article X Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the construction of any party jurisdiction or of the United States or the applicability thereof to any government agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

Article XI Title

This compact shall be known as the Nonresident Violator Compact of 1977.

Section 2. ((Insert effective date.))

APPENDIX B

BYLAWS OF THE DRIVER LICENSE COMPACT AND NONRESIDENT VIOLATOR COMPACT

ARTICLE I NAME

The name of this Joint Board shall be the Driver License Compact and Nonresident Violator Compact, Executive Board, hereafter referred to as the Board.

ARTICLE II PURPOSES

The Compacts have been organized for the following purposes:

- (1) to administer the provisions of the Driver License Compact and Nonresident Violator Compact as amended, hereafter referred to as the "Compacts";
- (2) to serve as a governing body for the resolution of all matters relating to the operations of the Compacts;
- (3) to recommend revisions to the Compacts that would enhance their objectives, goals and benefits;
- (4) to publish, amend and maintain each operations manual for the Compacts;
- (5) to publish, amend and maintain, either as a separate publication or as a part of the operations manual, a list of Compact Administrators and contact persons;
- (6) to provide and promote reasonable and uniform reporting systems between member jurisdictions;
- (7) to promote closer personal contacts between member jurisdictions for the exchange of information and solution of mutual problems relating to the Compacts;
- (8) to recommend the adoption of solutions to mutual problems relating to the Compacts;
- (9) to actively solicit the membership of nonparticipating jurisdictions into the Compacts; and
- (10) to assist all nonparticipating jurisdictions in any manner necessary or requested in obtaining membership in the Compacts.

**ARTICLE III
MEMBERSHIP**

Section 1 - The Compacts shall be composed of one representative from each member jurisdiction. A member jurisdiction is any jurisdiction that has adopted either compact and has filed a Resolution of Ratification with the Secretariat. The member jurisdiction shall appoint the representative and the representative shall serve and be subject to removal in accordance with the laws or rules and regulations of the member jurisdiction. The representatives shall be known as the member jurisdiction's Compact Administrator.

Section 2 - A Compact Administrator may appoint an alternate to perform the Compact Administrator's functions. The appointment of an alternate shall be effective when written notice is given to the Secretariat.

Section 3 - Each member jurisdiction shall have equal rights and privileges and shall be entitled to one vote.

**ARTICLE IV
OFFICERS**

Section 1 - The officers of the Board shall consist of a Chair and Vice Chair, each elected by the Compact membership, and a representative of each of the four regions as defined by the American Association of Motor Vehicle Administrators, each elected by the members of the respective regions. These six officers, and the immediate past Chair of the Board, collectively shall compose the Board Executive Committee.

Section 2 - These officers shall hold office for two years with the Region I and Region III representatives having terms expiring in even years, and Region II and Region IV representatives having terms expiring in odd years. Any person who replaces an officer during the term of the office shall serve the remainder of the unexpired term.

Section 3 - Officers of the Board shall be from jurisdictions having membership in both Compacts.

**ARTICLE V
ELECTION OF OFFICERS**

Section 1 - Election of officers shall be at the annual meetings of the Compacts.

Section 2 - The nominating committee shall consist of four members, a Chair and three members, one from each AAMVA region, as appointed by the Chair. After soliciting suggestions from members who wish to express themselves, the nominating committee, with two of its members constituting a quorum, shall nominate a candidate for Chair and Vice Chair. The Chair shall make those nominations known at the annual meetings.

Section 3 - The Chair and Vice Chair shall be elected by the Compact members in attendance at an annual meeting. The Chair and Vice Chair shall be from different regions.

Section 4 - Regional representatives shall be nominated by Compact members of the respective regions and elected by regional Compact members in attendance at an annual meeting.

Section 5 - An officer shall assume office immediately upon election. The Chair and Vice Chair shall not be elected to the same office for consecutive terms.

ARTICLE VI VACANCIES

Section 1 - The Vice Chair shall fill any vacancy in the office of Chair. The Executive Committee shall then select a new Vice Chair to serve the remainder of the unexpired term. The new Vice Chair shall be from a region other than that of the Chair.

Section 2 - In event of vacancy in the office of regional representative, the Chair shall, following consultation with the Compact members of the region, appoint an acting representative from that region to serve the remainder of the unexpired term.

ARTICLE VII OFFICER'S DUTIES

Section 1 - The Chair shall be the Executive Board's chief executive officer and shall carry out the following duties:

- (a) call and preside at all meetings of the Compacts;
- (b) call and preside at all meetings of the Executive Committee;
- (c) create, appoint and provide direction to all committees;
- (d) consult with regional members before appointing interim regional representatives to existing vacancies;
- (e) serve as official spokesman for the Compacts, represent the Compacts at official meetings and conferences, and conduct business on behalf of the Compacts;
- (f) guide the Secretariat's work in support of the Compacts;
- (g) perform such other duties as may be authorized and appropriate; and
- (h) provide the Compacts an annual report concerning the activities and the status of the Compacts.

Section 2 - The Vice Chair shall assist the Chair in discharging his duties.

Section 3 - The regional representatives shall carry out the following duties:

- (a) to serve as liaisons with members of their respective regions;
- (b) to facilitate effective communication with their regions;
- (c) to insure that the interests and views of regional members are considered as the Executive Committee conducts business; and
- (d) to investigate and attempt to resolve compliance disagreements between jurisdictions within their respective regions.

ARTICLE VIII
EXECUTIVE COMMITTEE

Section 1 - The Executive Committee shall be the executive body of the Compacts. As such, the Executive Committee shall direct and supervise the affairs, committees, and publications of the Compacts; promote its objectives; and supervise disbursement of its funds. The Executive Committee may adopt such rules and regulations for the conduct of its business as shall be deemed appropriate. Specifically, the Executive Committee shall carry out the following duties:

- (a) conduct the business of the Compact between meetings of the Compacts;
- (b) determine general policies during periods between annual meetings, such policies to be subject to Compact confirmation at its next annual meeting;
- (c) authorize purposes and amounts for which funds of the Compacts may be expended;
- (d) define the duties, approve the contract and reimbursement of the Secretariat for services to the Compacts;
- (e) authorize solicitation for, and receipt of, grants, endowments, gifts, and all other offers of assistance and cooperation from appropriate sources;
- (f) to have the Secretariat annually audit all accounts of receipts and expenditures of funds of the Compacts, and to provide copies of such audit to the Executive Committee members;
- (g) act as necessary and appropriate to implement all resolutions and recommendations adopted by the Compacts at their meetings;
- (h) to research new matters of interest to the Compacts; and
- (i) to investigate and attempt to resolve issues dealing with non-compliance with the Compacts and their operations manual.

Section 2 - The Executive Committee shall meet at least once each calendar year, with other meetings at such times and places as the Chair may direct. These meetings shall be held in accordance with the following rules:

- (a) the Chair shall give reasonable notice of all meetings called;
- (b) members present shall constitute a quorum for the transaction of business;
- (c) voting shall be by members present;
- (d) members may vote by mail or telephone conference if the Chair determines that an issue must be resolved without delay between meetings; mailing and counting ballots shall be the Chair's responsibility or that of the Secretariat, if so directed by the Chair; and
- (e) the minutes of the Executive Committee shall be submitted to all jurisdictions in each Compact.

**ARTICLE IX
SECRETARIAT**

The Secretariat shall have the following duties:

- (1) to maintain a master membership file including names, title, addresses, and telephone numbers of all Compact Administrators, alternates and operational contacts; to notify membership of changes;
- (2) to maintain all Ratification Resolutions filed by member jurisdictions;
- (3) to take and publish minutes of meetings;
- (4) to handle correspondence;
- (5) to prepare and distribute an annual report of each Compact's previous year's activities, business and financial status;
- (6) to receive notification of problems which cannot be resolved by member jurisdictions, notify all member jurisdictions about the problem and present the problems at annual meetings for discussion and resolution;
- (7) to receive individual interpretations for information and discussion at annual meetings;
- (8) to arrange times and places for annual meetings in cooperation with the Chair;
- (9) to provide information, as requested, from sources expressing interest in joining the Compacts; and
- (10) to perform other duties as may be specified by the Chair, Executive Committee or other Compact committees.

**ARTICLE X
MEETINGS**

Section 1 - There shall be at least one meeting held annually. The Chair shall determine the time, place and date of the annual meeting.

Section 2 - Additional meetings of each Compact may be held as scheduled by the Chair or at the request, in writing, of thirty percent of the members of the Compact.

Section 3 - General notice of any meeting shall be given at least thirty (30) days prior to the meeting. The notice shall contain a statement of the purpose and tentative agenda of the meeting. The agenda shall address each Compact's issues separately.

Section 4 - Forty percent of the membership of each Compact shall constitute a quorum.

Section 5 - Except as specifically provided for in these bylaws, all matters subject to a vote shall be decided by a plurality vote of the Compact members.

Section 6 - All meetings of committees, the Board and the membership shall be governed by Robert's Rules of Order, Newly Revised, except as otherwise provided herein.

**ARTICLE XI
FUNDING**

Section 1 - The Compact funds shall be maintained in an interest bearing bank account in the name of the Joint Executive board. All checks and withdrawals shall be signed by the Secretariat and either the Chair or Vice Chair.

Section 2 - Member jurisdictions shall be assessed annual dues, in an amount to be approved by the membership, to finance the Compacts and its Secretariat services. Annual dues will be an itemized part of the jurisdictional dues from AAMVA. Dues for new members shall not be assessed until the fiscal year following entry into the Compact.

Section 3 - A member jurisdiction shall be considered in good standing when the dues requirement of such member jurisdiction has been met under terms of these Bylaws. Only member jurisdictions in good standing shall be entitled to vote and hold office.

**ARTICLE XII
AMENDMENTS**

Amendment of these Bylaws shall be proposed and submitted to the Chair in written form. A proposed amendment shall require a two-thirds majority vote of the membership for adoption. Members shall have thirty (30) days to respond to the amendment, after the mailing date of the amendment(s) by the Secretariat. A non-response by a member jurisdiction shall be counted as a "yes" vote for amending the Bylaws.

**ARTICLE XIII
DISSOLUTION**

In the event either Compact is dissolved, unexpended and unobligated funds provided by member jurisdictions shall be returned to them in proportion to their contributions. Any remaining funds from other sources will be given to a non-profit or charitable organization or organizations having aims and objectives similar to those of the Compact, as determined by the Executive Committee at that time.

**ARTICLE XIV
SEVERABILITY**

If either Compact is dissolved by action of its members, by action of the United States Congress or by any judicial body, the remaining Compact shall have and be given full force and effect.

APPENDIX C

FORMAT

STATE OF ____ (State Seal) NONRESIDENT VIOLATOR COMPACT	You have failed to respond to the citation described in this notice by appearing in court, entering a plea and/or paying the fine within the prescribed time limit. Failure to appear or remit the fine (certified check or money order) to the court within { insert state law requirements} days from the date shown in the lower right corner of this notice will result in notifying the licensing authority in your state to suspend your driver's license until you respond or the fine has been paid.								
Citation No.	Violation Date	Location of Violation	Sec. Violated						
Description of Violation		Appearance Date	OR	Fine and Costs					
Driver's License No.	State	Date of Birth	Sex	Name of Court					
Name of Defendant (Last, First, Middle)				Mailing Address					
Address of Defendant				City	State	Zip Code			
City				State	Zip Code				
Plate Number				State	Yr.	Make	Body Style	Telephone Number ()	Case Number
Authorized By:								Date	

WHITE - DEFENDANT'S NOTICE
 BLUE - TO (STATE AGENCY)
 GREEN - FOR TRANSMISSION BY (STATE AGENCY) TO HOME JURISDICTION
 YELLOW - NOTIFICATION OF COMPLIANCE TO (STATE AGENCY)
 PINK - COURT COPY

NOTE: This form may be modified to conform with state law requirements but should be designed in accordance with the format shown.

OTHER PUBLICATIONS AVAILABLE

Driver License Applicant Identification and Licensing System Security
(1979)

State Medical Advisory Boards and Problem Drinker Drivers
(1986)

Dealing with Drinking Drivers
(1986)

Improved Driver Entry System for Young, Novice Drivers
(1989)

Driver License Examiner Certification Instructor's Lesson Plan
(1985, Revised 1990)

Driver License Examiner Certification Program
(1985, Revised 1990)

Driver License Compact Operations Manual
(1985, Revised 1990)

Nonresident Violator Compact Operations Manual
(1985, Revised 1990)

Administrative Per Se — Summary of State Forms and Procedures
(1986, Revised 1990)

Comparative Data — State/Provincial Licensing Systems
(1986, Revised 1990)

Motorcycle Operator Licensing System
(1990)

Model Driver Screening and Evaluation Program
(1992)

ORDER THROUGH:

American Association of Motor Vehicle Administrators (AAMVA)
4200 Wilson Boulevard, Suite 1100
Arlington, VA 22203