

Montana's 2018 Impaired Driving Assessment

Montana is above the national average for the percentage of alcohol related fatalities on roadways. Montana's alcohol-impaired fatality rate is 0.62 per 100 million Vehicle Miles Traveled (VMT) for 2014-2016, according to classifications provided by the National Highway Traffic Safety Administration. 0.62 is consider high-range, with the threshold being .60.

High Range States are required to complete an Impaired Driving (ID) Assessment every three years. On December 3-7, 2018, an ID Assessment was conducted where over 60 professionals representing various state and local organizations participated, discussing their respective roles and programs with impaired driving. The ID Assessment was conducted by a five (5) member team designed to take a comprehensive look at state, local and tribal impaired driving programs within Montana.

In total, there were **six (6) priority recommendations** and nineteen (19) lower tier recommendations. Outlined below are those recommendations, their tie to Montana's Comprehensive Highway Safety Plan (CHSP) and how it is addressed by the state.

Access to the full State of Montana Impaired Driving Assessment <https://www.mdt.mt.gov/visionzero/docs/Montana-Impaired-Driving-Assessment-Report.pdf>

Priority Recommendations

I. Program Management and Strategic Planning

Priority Recommendations	CHSP EA Strategy	Addressed by state
Expand the data analysis used for Comprehensive Highway Safety Plan problem identification to include not only crash, but all other available data sets (e.g., arrest, conviction, driver record).	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	Montana’s Comprehensive Highway Safety Plan (CHSP) implementation process currently includes analysis of other data sources such as citation data, conviction data, and drivers records, as well as the assessment of need for improvements and integration of these data sources. These data sets inform the approach to stronger laws and penalties, arrest rates and repeat offenders. Montana will continue to strive for improvements, enhancements and use of these data sets.

II. Prevention – No Recommendations

III. Criminal Justice System

Enact legislation that re-codifies all DUI laws into a single location within the Montana Code.	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	During the 2019 Legislative Session, legislation was introduced that would reorganize, simplify, and correct current DUI in Montana. It would strengthen and restructure current DUI law into 18 primary sections, which should be codified in the same Part within Title 61, Chapter 8 of the Montana Code Annotated. Unfortunately, Legislation did not pass. SJ 28, Study of Traffic Safety Laws did pass and will be prioritized by the Legislative Interim Committee.
Enact a primary seat belt law.	Strategies for increasing occupant protection fall under the purview of CHSP Occupant Protection Emphasis Area Team.	During the 2019 Legislative Session, House Bill 49 was introduced, which would create an Occupant Protection Safety Pilot Program. HB 49 includes primary seatbelt codification. HB was tabled in House Judiciary.

	CHSP OP EA Strategy 1: Support policies, education, training, programs, and activities that promote and increase seat belt and child safety seat use.	
Encourage law enforcement agencies to implement a data driven approach to conducting aggressive traffic enforcement while combating crime.	CHSP ID EA Strategy 2: Reduce impaired driving through enforcement.	<p>In Montana, there are approximately 108 Law Enforcement Agencies at the City, County and State level. By in large, law enforcement agencies utilize data driven approaches when conducting traffic enforcement and combating crime. MDT provides crash data and mapping options to agencies statewide.</p> <p>MDT supports the Law Enforcement Liaison (LEL) Program. LEL's serve as a vital link and conduit between Montana's Highway Safety Office and the state's law enforcement community by promoting and enhancing state and national highway safety programs.</p> <p>MDT will continue to support the LEL program, work with individual agencies and work with the various associations representing law enforcement in promoting traffic enforcement data driven approaches.</p>
Expand DUI Courts in Montana	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	<p>There are eight dedicated DUI Courts in Montana and an additional twenty-three other treatment courts that have specialized dockets. Treatment courts other than DUI Courts often serve offenders that have a history of DUI.</p> <p>MDT and the Office of the Court Administrator (OCA) work closely and collaboratively to ensure fidelity of current treatment courts and continue to evaluate funding options for new courts or expanding current courts capacity.</p> <p>Additionally, MDT, OCA and the MDOJ, with the National Center for DWI Courts is hosting an Operational Tune-up Training for existing DUI in May of 2019. This helps in expanding current courts capacity to treat DUI Offenders.</p>

IV. Communication Program – No Recommendations

V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation – No Recommendations

VI. Program Evaluation and Data

<p>Expand the use of compatible electronic crash reporting systems to increase the timeliness, accuracy, and completeness of crash data across all agencies.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>Currently, Montana's largest law enforcement, the Montana Highway Patrol (MHP), utilizes SMARTCOP, which is a comprehensive and integrated informational tool for crash data. The larger City and County law enforcement agencies utilize electronic crash reporting systems as well. Not all of those agencies use SMARTCOP however. MHP has dedicated personnel who work with local law enforcement agencies to enhance crash reporting systems. Approximately 35% of all crash reports are created electronically but submitted to MHP as paper reports.</p> <p>Beginning in the Fall of 2019, MHP will be establishing a new crash data repository (database) that will have the capacity to receive electronically created crash reports from law enforcement agencies. This will ultimately bring the electronic reporting of Montana's roadway crashes to roughly 95% of all crashes.</p>
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All Recommendations

I. Program Management and Strategic Planning

A. State and Tribal DWI Task Forces or Commissions

Recommendation	CHSP EA Strategy	Addressed by state
Expand the Executive Leadership Team Charter to include a representative from the business sector.	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	Montana's Executive leadership team includes the Montana Tavern Association whose purpose is to be policy advocates, provide advice and direction to its members. The Association is made up of businesses and local tavern associations across the state. Montana will continue to explore opportunities to enhance business relationships and involvement through the Emphasis area teams and the implementation of strategies to reduce the number and severity of impaired driving crashes.

B. Strategic Planning

Recommendation	CHSP EA Strategy	Addressed by state
Priority Recommendation: Expand the data analysis used for Comprehensive Highway Safety Plan problem identification to include not only crash, but all other available data sets (e.g., arrest, conviction, driver record).	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations	Montana's CHSP implementation process currently includes analysis of other data sources such as citation data, conviction data, and drivers records, as well as the assessment of need for improvements and integration of these data sources. These data sets inform the approach to stronger laws and penalties, arrest rates and repeat offenders. Montana will continue to strive for improvements, enhancements and use of these data sets.

C. Program Management

Recommendation	CHSP EA Strategy	Addressed by state
Monitor the impact of the City of Helena's dedicated traffic safety pilot program to apprehend impaired drivers	CHSP ID EA Strategy 2: Reduce impaired driving through enforcement.	The City of Helena's dedicated traffic safety pilot program is showing promise. During the first period of FFY 2019, The Helena PD increased DUI arrests from 218 in 2017 to 303 in 2018. 303 is the highest number of DUI arrests for the City during this four-month timeframe in over ten

<p>and educate community members and, if successful, replicate it in other communities.</p>		<p>years. The City of Helena’s dedicated traffic safety pilot program is in its first year of implementation. MDT will continue to monitor the program and consider replication in other communities if deemed successful.</p>
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D. Resources

Recommendation	CHSP EA Strategy	Addressed by state
<p>Allocate to a county DUI Task Force a portion of the DUI fines a county receives to supplement the reduction in revocation fees.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>Fines are disposed of pursuant to 3-10-601 (Justice Courts) ½ to County General Fund, ½ to State General Fund. District Court fines are disposed of pursuant to 46-18-235 to the State General Fund.</p> <p>Counties have local control of local funds and utilize based upon local priorities and resources available. Any strategy changing proportion of fines distribution will require legislative approval.</p> <p>There were no specific legislative bills introduced that would allocate a portion of fines to DUI Task Forces. However, HB 635 was introduced that would create a DUI Reduction Grant Board, funded by adjustments in the alcohol tax. DUI Task Forces would have been eligible for those funds.</p> <p>MDT does provide NHTSA funding opportunities to DUI Task Forces through an annual application process and through mini-grants, which are open-ended and up to \$5,000.</p>
<p>Allocate a portion of the DUI fines a county receives to establish a DUI Task Force and once State-approved, supplement the revocation fees as needed.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>Fines are disposed of pursuant to 3-10-601 (Justice Courts) ½ to County General Fund, ½ to State General Fund. District Court fines are disposed of pursuant to 46-18-235 to the State General Fund.</p> <p>Counties have local control of local funds and utilize based upon local priorities and resources available. Any strategy changing proportion of fines distribution will require legislative approval.</p> <p>There were no specific legislative bills introduced that would allocate a portion of fines to DUI Task Forces. However, HB 635 was introduced that would create a DUI Reduction Grant Board, funded by adjustments in the alcohol tax. DUI Task Forces would have been eligible for those funds.</p> <p>MDT does provide NHTSA funding opportunities to DUI Task Forces through an annual application process and through mini-grants, which are open-ended and up to \$5,000. This can be used to establish a DUITF.</p>

II. Prevention

A. Responsible Alcohol Service – No Recommendations

B. Community-Based Programs

B.1 Schools

Recommendation	CHSP EA Strategy	Addressed by state
<p>Promote and seek sustainable sources of funding for schools to adopt evidence-based prevention education programs.</p>	<p>CHSP ID EA Strategy 3: Reduce impaired road users through prevention education.</p>	<p>The Office of Public Instruction’s (OPI) Health Enhancement and Safety Division supports schools and communities through standards and programs designed to promote health, increase safety, and improve nutrition in Montana schools. Through federal grants and other resources, this Division provides resources designed to prevent major health problems and health-risk behaviors among youth and to help Montana students reach their full potential.</p> <p>The OPI’s Traffic Education Unit approves instructors and school-based driver’s education for Montana School Districts based on standards. Limited funding for driver’s education is provided through the Cooperative Driver Testing Program from a percentage of driver license fees. Curriculum, training resources and technical assistance is part of OPI’s business practices</p> <p>Montana colleges participate in the American College Health Association (ACHA) the Student Affairs Administrators in Higher Education (NASPA). Both organizations focus on college substance abuse prevention, intervention and treatment.</p>

B-2. Employers – No Recommendations

B-3. Community Coalitions and Traffic Safety Programs – No Recommendations

B-4. Transportation Alternatives – No Recommendations

Criminal Justice System

A. Laws

Recommendation	CHSP EA Strategy	Addressed by state
<p>Priority Recommendation</p> <p>Enact legislation that re-codifies all DUI laws into a single location within the Montana Code.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations</p>	<p>During the 2019 Legislative Session, legislation was introduced that would reorganize, simplify, and correct current DUI in Montana. It would strengthen and restructure current DUI law into 18 primary sections, which should be codified in the same Part within Title 61, Chapter 8 of the Montana Code Annotated. Unfortunately, Legislation did not pass.</p> <p>SJ 28, Study of Traffic Safety Laws did pass and will be prioritized by the Legislative Interim Committee.</p>
<p>Priority Recommendation</p> <p>Enact a primary seat belt law for Montana</p>	<p>Strategies for increasing occupant protection fall under the purview of CHSP Occupant Protection Emphasis Area Team.</p> <p>CHSP OP EA Strategy 1: Support policies, education, training, programs, and activities that promote and increase seat belt and child safety seat use.</p>	<p>During the 2019 Legislative Session, House Bill 49 was introduced, which would create an Occupant Protection Safety Pilot Program. HB 49 includes primary seatbelt codification. HB was tabled in House Judiciary.</p>
<p>Enact legislation that removes restrictions to the issuance of blood draw search warrants in misdemeanor DUI and allows a properly trained peace officer to serve as a certified phlebotomist.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations</p>	<p>Proposed legislation that would allow for a search warrant on the first Implied Consent Refusal in aggravated DUI cases did not pass. Additionally, Legislation that would allow phlebotomy by law enforcement with proper training did not pass the 2019 Legislative Session.</p>

B. Enforcement

Recommendation	CHSP EA Strategy	Addressed by state
<p>Increase the number and retention of Drug Recognition Experts</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations</p>	<p>Currently, Montana has 65 Drug Recognition Experts (DRE's) that are stationed at different locations across the state.</p> <p>Montana's TSRO program will be hosting a DRE school 2019/20 and anticipate 20 new DRE candidates. The Montana State Highway Safety Section is also in the process of applying for the GHSA DUID</p>

		grant to help facilitate this training.
Expand the 24/7 Sobriety Program and evaluate additional monitoring methodologies.	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	<p>The 24/7 Sobriety Program Operates in 55 of Montana's 56 counties. The program is also operation on one reservation with other reservations anticipated to follow. The 24/7 Sobriety Program Statewide Coordinator continues to expand the 24/7 to counties/reservations, but also expand the use of the 24/7 Programs that have an operational program.</p> <p>The 24/7 Program currently uses twice daily breath testing, SCRAM, drug testing. Additional testing options like remote breath testing are being evaluated and can be used on a case-by-case basis.</p> <p>Proposed legislation during the 2019 Session will expand the ability for the Department to evaluate and approve additional monitoring methodologies.</p>
Priority Recommendation Encourage law enforcement agencies to implement a data driven approach to conducting aggressive traffic enforcement while combating crime.	CHSP ID EA Strategy 2: Reduce impaired driving through enforcement.	<p>In Montana, there are approximately 108 Law Enforcement Agencies at the City, County and State level. By in large, law enforcement agencies utilize data driven approaches when conducting traffic enforcement and combating crime. MDT provides crash data and mapping options to agencies statewide.</p> <p>MDT supports the Law Enforcement Liaison (LEL) Program. LEL's serve as a vital link and conduit between Montana's Highway Safety Office and the state's law enforcement community by promoting and enhancing state and national highway safety programs.</p> <p>MDT will continue to support the LEL program, work with individual agencies and work with the various associations representing law enforcement in promoting traffic enforcement data driven approaches.</p>

C. Prosecution

Recommendation	CHSP EA Strategy	Addressed by state
Sustain funding and support for the Traffic Safety Resource Prosecutor position.	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	Funds are provided to the Montana Department of Justice (MDOJ) Attorney General's Office, Prosecution Services Bureau for Traffic Safety Resource Prosecutor (TSRP) services. The TSRP concept is not fully funded with NHTSA funds, it is a collaborative project with financial support from both state agencies. Priorities for the TSRP remain intact.

D. Adjudication

Recommendation	CHSP EA Strategy	Addressed by state
<p>Priority Recommendation</p> <p>Expand DUI Courts in Montana.</p>	<p>CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.</p>	<p>There are eight dedicated DUI Courts in Montana and an additional twenty-three other treatment courts that have specialized dockets. Treatment courts other than DUI Courts often serve offenders that have a history of DUI.</p> <p>MDT and the Office of the Court Administrator (OCA) work closely and collaboratively to ensure fidelity of current treatment courts and continue to evaluate funding options for new courts or expanding current courts capacity.</p> <p>Additionally, MDT, OCA and the MDOJ, with the National Center for DWI Courts is hosting an Operational Tune-up Training for existing DUI in May of 2019. This helps in expanding current courts capacity to treat DUI Offenders.</p>
<p>Provide adequate resources to improve the supervision and monitoring of DUI offenders at all stages of pre- and post-adjudication.</p>	<p>CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.</p>	<p>Outlined in Montana Code Annotated (MCA), there are varying levels and types of supervision/monitoring required of DUI offenders with judicial discretion. Supervision/monitoring may include: 24/7 sobriety program, interlock, treatment courts or other court approved alcohol or drug testing program. MCA also requires monitoring of repeat DUI Offenders after treatment is concluded.</p> <p>Resources are provided to treatment courts to supervise habitual DUI Offenders. Additionally, the 24/7 Program is a statewide program with a full-time coordinator. Counties are also provided funds to assist implementing local 24/7 programs.</p> <p>State-approved treatment programs receive a portion of alcohol tax revenue that can be used for the treatment/monitoring of DUI offenders.</p>
<p>Create, fund, and maintain a State Judicial Outreach Liaison position.</p>		<p>NHTSA Region 10 currently has a Judicial Outreach Liaison, Judge Knisely out of the 13th Judicial District. Judge Knisely provides training opportunities in Montana. MDT and its partners will continue to evaluate the need and resource availability for Montana specific Montana Judicial Outreach Liaison.</p>

E. Administrative Sanctions and Driver Licensing Programs

Recommendation	CHSP EA Strategy	Addressed by state
Extend the driver license suspension period for a test refusal to be longer than for a test failure.	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	<p>Currently, there is no suspension period for a base license for a test failure. The period of suspension for a test refusal (6 months or 1 year, plus \$300 administrative fee) is currently longer than for a test failure (no suspension period).</p> <p>For individuals in a commercial vehicle who fail a test or who refuse a test are both treated as a major offense and in compliance with federal law receive a one year or lifetime suspension, depending on whether it is a first or second major offense.</p>
Identify an agency to track Ignition Interlock Device violations on a consistent basis.	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	<p>The Motor Vehicle Division (MVD) of the Montana Department of Justice (MDOJ) is the state agency with oversight of the ignition interlock program. MVD developed administrative rules for interlock, including:</p> <ul style="list-style-type: none"> -oversight of vendor selection, certification, and monitoring; -review of interlock reports, including all instances where an interlock device was circumvented or tampered with; -sanction for circumvention or tampering and taking action on other non-compliance with IID licensure when reported by the referring agency.

E-2. Programs

Recommendation	CHSP EA Strategy	Addressed by state
Increase the minimum age for a Learner License to sixteen.	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	Set by Montana statute, learner license without driver education in Montana is age 16. There were no legislative proposals to change age eligibility for driver licensing.
Use only official records to verify an applicant for a Graduated Driver License Restricted License has not	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	The Graduated Driver's License process requires a GDL document signed by parents certifying no alcohol, drug or traffic violations. MVD does not have the statutory authority to not issue a GDL if an offense is found. MDV will continue to utilize the process place for

incurred any alcohol, drug, or traffic violations.		approving GDL Restricted Licenses.
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Communication Program: No Recommendations

Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation

A. Screening and Assessment – Criminal Justice System

Recommendation	CHSP EA Strategy	Addressed by state
Strengthen uniform supervision of offender compliance with assessment requirements for convicted DUI offenders.	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	<p>Addictive Mental Disorders Division (AMDD), a division of Montana Department of Health and Human Services (DPHHS), approves all state approved treatment programs throughout Montana.</p> <p>Compliance with assessment requirements for repeat offenders are monitored by local jurisdictions per statute and Courts are notified of non-compliance by treatment providers.</p> <p>Training and technical assistance provided by AMDD to state-approved programs does increase uniform monitoring of assessment requirements across jurisdictions.</p>

A-2. Medical and Other Settings

Recommendation	CHSP EA Strategy	Addressed by state
Expand Screening, Brief Intervention, and Referral to Treatment (SBIRT) in healthcare and into other settings throughout	CHSP ID EA Strategy 4: Continue to support and build collaborative partnerships reduce impaired driving.	<p>DPHHS has been highly active in moving forward with Medicaid Expansion.</p> <p>As part of Medicaid Expansion, alcohol screening questions have been added to a Health Risk Assessment (HRA), which is given to all Medicaid members during an outpatient visit to their healthcare</p>

Montana.		<p>provider. The HRA is an assessment of primary chronic diseases and provides an opportunity for the healthcare provider to follow-up with a brief intervention using motivational interviewing to promote behavior change with risky drinking behaviors.</p> <p>One of Montana’s Healthcare Foundation’s (MHF) focus areas is Behavior Health and advocating for substance use disorder prevention and treatment. Implement screening, brief intervention, and referral to treatment (SBIRT) in primary care and hospital settings is a specific project that MHF is providing funding for.</p>
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B. Treatment and Rehabilitation – No Recommendations

Program Evaluation and Data

A. Evaluation

Recommendation	CHSP EA Strategy	Addressed by state
Evaluate all funded programs to assess effectiveness.	Internal Process	<p>MDT has a statewide competitive Highway Safety Request For Proposal (RFP) process. Through that processes, MDT requires that applicants for funding provided detailed information on evaluation processes.</p> <p>Funded programs typically follow the NHTSA’s Countermeasures that work for Highway Safety Offices. Programs. The guide is a basic reference to assist State Highway Offices in selecting effective, evidence-based countermeasures for traffic safety problem areas.</p> <p>Funded programs are monitored on a regular basis.</p>

B. Data and Records

Recommendation	CHSP EA Strategy	Addressed by state
Acquire outcome data from treatment programs and incorporate that information to build a comprehensive DUI tracking system.	CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.	<p>There is no one single repository for substance abuse treatment outcomes in the State. Addictive Mental Disorders Division (AMDD), a division of Montana Department of Health and Human Services (DPHHS) is implementing a new data management system. The new system will include data from treatment programs.</p> <p>A comprehensive DUI tracking system is an ongoing discussion.</p>

<p>Priority Recommendation</p> <p>Expand the use of compatible electronic crash reporting systems to increase the timeliness, accuracy, and completeness of crash data across all agencies.</p>	<p>CHSP ID EA Strategy 1: Reduce impaired driving through improved processes and regulations.</p>	<p>Currently, Montana’s largest law enforcement, the Montana Highway Patrol (MHP), utilizes SMARTCOP, which is a comprehensive and integrated informational tool for crash data. The larger City and County law enforcement agencies utilize electronic crash reporting systems as well. Not all of those agencies use SMARTCOP however. MHP has dedicated personnel who work with local law enforcement agencies to enhance crash reporting systems. Approximately 35% of all crash reports are created electronically but submitted to MHP as paper reports.</p> <p>Beginning in the Fall of 2019, MHP will be establishing a new crash data repository (database) that will have the capacity to receive electronically created crash reports from law enforcement agencies. This will ultimately bring the electronic reporting of Montana’s roadway crashes to roughly 95% of all crashes.</p>
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Driver Records Systems – No Recommendations