



New York State Office of the State Comptroller
Thomas P. DiNapoli

Division of State Government Accountability

Enforcement of Article 19-A of the Vehicle and Traffic Law

Department of Motor Vehicles



Report 2018-S-7

February 2019

Executive Summary

Purpose

To determine if the Department of Motor Vehicles (Department) takes adequate steps to identify motor carriers that must comply with Article 19-A of the New York State Vehicle and Traffic Law and enforces its requirements. Our audit covered the period January 1, 2016 through October 3, 2018.

Background

In 1972, a tragic school bus and freight train collision near Congers, New York involving bus driver negligence prompted legislation to amend the New York State Vehicle and Traffic Law. Article 19-A: Special Requirements for Bus Drivers (Law) created qualification standards for bus drivers. The Department is responsible for overseeing the State's Article 19-A Program (Program) and establishing and enforcing policies to support the Law's requirements.

The Law requires every motor carrier, as defined in the Law, to be instructed in and comply with the Program's requirements and to ensure that their bus drivers meet the Law's qualification standards. For example, every two years, bus drivers must pass a medical examination, a practical driving test, behind-the-wheel tests, and written or oral exams testing their knowledge of the rules of the road, and must continuously maintain a safe driving record both on and off the job. Additionally, school bus drivers must undergo criminal background checks. For each of their drivers, motor carriers must document and maintain records showing that these standards have been met, including but not limited to: driving records, initial and biennial medical examinations, annual defensive driving reviews, fingerprints, and criminal background checks.

The Law requires the Department to review drivers' records at each motor carrier at least once every three years to determine whether the carriers are adequately ensuring their drivers meet the Law's requirements. Entities that do not believe they meet the Law's criteria for Program enrollment may apply to the Department for an exemption. The Department reviews exemption requests and grants or denies the exemption based on the information provided. As of January 2018, Department records show 3,150 active motor carriers enrolled in the Program and 1,756 exempted.

Key Findings

We identified deficiencies in the Department's policies and procedures that could result in motor carriers operating out of compliance with the Program's requirements – with the associated risk that under- or unqualified drivers who do not meet State standards are operating buses and potentially jeopardizing highway and passenger safety. For instance:

- The Department did not clarify certain regulatory terms, which has caused confusion in determining whether certain entities are subject to the Law or could receive an exemption. As a result, we found entities with similar busing services are not always treated consistently, with some being exempt – potentially improperly – and others not. Nor does the Department consistently document the basis for an entity's exemption or review past exemptions to determine if they are still appropriate.

- The Department does not use all readily available information to identify entities that may be subject to, but are not enrolled in, the Program. Using the Department’s non-government vehicle registration data, we identified 311 non-enrolled entities that, based on their name and seating capacities of registered vehicles, appear to meet the Law’s definition of a motor carrier, but have neither enrolled in the Program nor received an exemption.
- In January 2018, the Department launched a streamlined process for reviewing motor carriers’ compliance, including a review of driver files. While the new procedures may have created efficiency, they also provide the motor carrier with the sample of drivers to be reviewed and create a 10-day window of opportunity for less scrupulous motor carriers to fabricate or manipulate documents to come into compliance – or give the appearance of compliance – upon review.

Key Recommendations

- Develop and consistently apply policies and procedures and issue detailed guidance that clearly explains which entities are required to comply with the Law.
- Develop a process to periodically review entities that previously received exemptions and determine if their exemption status remains applicable.
- Determine if the 311 entities we identified are subject to the requirements of the Law, and require their enrollment in the Program, as warranted.
- Develop a process to identify motor carriers using all relevant information that is available.
- Formally assess the new record review program to determine its effectiveness, and include a risk assessment of motor carriers to determine if it is necessary to incorporate on-site unannounced evaluations into future motor carrier reviews.

Other Related Audit/Report of Interest

[Department of Motor Vehicles: Registration and Enforcement of Automotive Services, Sales, and Salvage Facilities \(2016-S-71\)](#)

**State of New York
Office of the State Comptroller**

Division of State Government Accountability

February 7, 2019

Mr. Mark Schroeder
Acting Commissioner
Department of Motor Vehicles
6 Empire Plaza
Albany, NY 12228

Dear Mr. Schroeder:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage government resources efficiently and effectively. By so doing, it provides accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Enforcement of Article 19-A of the Vehicle and Traffic Law*. The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

*Office of the State Comptroller
Division of State Government Accountability*

Table of Contents

Background	5
Audit Findings and Recommendations	7
Inconsistent Application of the Law	7
Unidentified 19-A Motor Carriers	9
Program Compliance Reviews	10
Recommendations	10
Audit Scope, Objective, and Methodology	11
Authority	12
Reporting Requirements	12
Contributors to This Report	13
Agency Comments and State Comptroller's Comments	14

State Government Accountability Contact Information:

Audit Director: Brian Reilly

Phone: (518) 474-3271

Email: StateGovernmentAccountability@osc.ny.gov

Address:

Office of the State Comptroller
 Division of State Government Accountability
 110 State Street, 11th Floor
 Albany, NY 12236

This report is also available on our website at: www.osc.state.ny.us

Background

In 1972, a tragic accident involving a high school bus and a freight train near Congers, New York resulted in the deaths of 5 students and injury to more than 40 others, and prompted an amendment to the State's Vehicle and Traffic Law. The amendment, Article 19-A: Special Requirements for Bus Drivers (Law), created qualification standards for certain bus drivers, which include: physical examinations, criminal background checks, review of driving records, behind-the-wheel driving tests, and written or oral examinations. The Department of Motor Vehicles (Department) is responsible for overseeing the State's Article 19-A Program (Program) and establishing and enforcing policies to support the Law's requirements.

The Law requires every motor carrier, as defined in the Law, to be instructed in and comply with the Program's requirements and to ensure that their bus drivers meet the Law's qualification standards. As defined in the Law, a motor carrier is any person, corporation, municipality, or entity that operates a bus in connection with the business of transporting passengers for hire or in the administration of any business, or a place of vocational, academic, or religious instruction or services for persons under the age of 21 or persons of any age who are mentally or physically disabled, including to nursery schools, day care centers, and camps. The Law defines a bus as every motor vehicle owned, leased, rented, or otherwise controlled by a motor carrier that is:

- A school bus, which encompasses:
 - Any vehicle that is owned by a public or governmental agency or private school – or that is privately owned and operated for compensation – for the transportation of students, children of students, teachers, and others acting in a supervisory capacity to or from school or school activities, or
 - Any vehicle with a seating capacity of more than ten adult passengers used to transport persons under the age of 21 – or for persons of any age who are mentally or physically disabled – to a place of vocational, academic, or religious instruction or religious services, including nursery schools, day care centers, and camps;
- Required to obtain approval to operate in the State as a common or contract carrier of passengers from the Department of Transportation (DOT) or the Interstate Commerce Commission;
- Regulated as a bus line by a city that has adopted an ordinance, local law, or charter to regulate or franchise bus line operations;
- Regulated as a van service or other common carrier of passengers by a city with a population of over 1 million according to an ordinance or local law; or
- Operated by a transit authority or municipality and used to transport persons for hire.

Motor carriers enrolled in the Program may only permit drivers who meet the Law's qualification standards to operate their buses. For example, every two years drivers must: pass a medical examination, pass a practical driving test, and maintain a safe driving record both on and off the job. For each of their drivers, motor carriers must maintain a file documenting that these standards have been met, including but not limited to: driving records, initial and biennial medical examinations, annual defensive driving reviews, fingerprinting and criminal background checks

(for school bus drivers), and Department notes regarding the driver's qualifications for a period of three years.

At least once every three years, the Department must review driver files at each motor carrier for completeness and accuracy. The Department also takes certain actions to identify motor carriers subject to the Law that have not enrolled in the Program. For example, the Department reviews newspaper articles and reports of accidents involving bus drivers to identify motor carriers.

Entities that do not believe they meet the Law's criteria for Program enrollment may apply to the Department for an exemption. According to Department officials, an entity's application for exemption must identify, among other information:

- The type of transportation they provide;
- Passenger type (e.g., children, adults, disabled);
- The type of vehicles used to transport passengers; and
- Whether they have operating authority from DOT.

The Department reviews the information and grants or denies the exemption based on the evidence provided. As of January 2018, Department records show 3,150 active motor carriers enrolled in the Program and 1,756 exempted.

Audit Findings and Recommendations

We identified deficiencies in the Department’s policies and procedures that could result in motor carriers being improperly exempted or not enrolled in the Program – with the associated risk that under- or unqualified drivers who do not meet State standards are operating buses and potentially jeopardizing highway and passenger safety.

For instance, we determined that:

- The Department did not clarify certain regulatory terms, which has caused confusion in determining whether certain entities are subject to the Law or could receive an exemption. As a result, entities with similar busing services are not always treated consistently, with some being exempted – potentially improperly – and others not. Nor does the Department consistently document the basis for an entity’s exemption.
- The Department does not use all readily available information to identify entities that may be subject to, but are not enrolled in, the Program. Using the Department’s non-government vehicle registration data, we identified 311 non-enrolled entities that, based on their name and seating capacities of registered vehicles, appear to meet the Law’s definition of a motor carrier, but have neither enrolled in the Program nor received an exemption.

In January 2018, the Department launched a streamlined process for reviewing motor carriers’ compliance, including a review of driver files. While the Department’s new procedures for conducting random reviews may have created efficiency, they also provide the motor carrier with the sample of drivers to be reviewed and create a 10-day window of opportunity for less scrupulous motor carriers to fabricate or manipulate documents to come into compliance – or give the appearance of compliance – upon review. We recommend that the Department perform a risk assessment to determine if it is necessary to incorporate on-site evaluations into future motor carrier reviews.

Inconsistent Application of the Law

Exempt Motor Carriers

For a judgmental sample of 40 exempt carriers, we reviewed Department records to learn why they were granted the exemptions. For 8 of the carriers (20 percent), the Department could not explain the reason for the exemption or provide the information it used as the basis for its decision. During our review, we also found the Department did not consistently apply the meaning of “academic instruction” or “school activity” as used in the Law to entities requesting an exemption.

For example, we found the Department granted an exemption to two schools that planned to use their buses to transport students roundtrip between school and sporting events and field trips, which in the Department’s view were not related to academic instruction or a school activity.

However, in responding to a third, previously exempted school's inquiry regarding similar service, the Department advised that the service would negate the school's exempt status. Notably, records indicate this school remained exempt, and Department officials did not follow up on whether the school began providing this type of transportation until auditors brought the issue to their attention.

Furthermore, a chain of email communications between Department employees points to internal confusion regarding the definition of school activities, specifically whether sporting events (athletics) fall under the "school activity" category. The emails do not conclusively resolve whether or not the Department considers athletics to be a school activity, and the Department could not provide any policies and procedures that specifically define "school activity." We did, however, find a DOT regulation defining the term "school activity" as:

- Any program for the benefit of pupils, sponsored and supervised by school officials, including but not limited to extracurricular activities such as athletics, dramatics, and musicals;
- Field trips directly connected with subjects included in the school curriculum; and
- School dances and other similar activities.

Based on the DOT definition, it appears that the two schools previously cited are providing services that would require them to comply with the Law. Department officials agreed with our finding and are developing standard definitions for "academic instruction" and "school activities."

Additionally, we found the Department does not periodically review previously granted exemptions to determine if the conditions on which those exemptions were based still apply. For example, our review of registration data for one school that has been exempt since 1987 showed that a bus with a seating capacity of 44 is registered to this school. Because previous exemptions are not reviewed, the Department is not aware of how the school is using this bus and whether the school should remain exempt from the Program. The Department only maintains records for a 10-year period and thus does not have knowledge of the basis for exemptions granted before then and whether circumstances have changed. Department officials agreed that improvements could be made to their exemption process and are implementing a process to have motor carriers re-certify on a routine basis.

College and Universities

We found inconsistencies regarding how colleges and universities have enrolled in the Program. For instance, during site visits at the University at Albany (Albany), Stony Brook University (Stony Brook), and the University at Buffalo (Buffalo), we observed that these schools provide similar busing services to their student populations: transportation to and from dormitories, to different parts of the campus for class, and to local merchants. Despite these similarities, each has a different Program status: Stony Brook is enrolled as a school carrier; Albany is enrolled as a non-school carrier; and Buffalo is not enrolled. Also, the Department granted an exemption to SUNY Canton, although the school's exemption request was for transporting students to and from dorms and local merchants, the same services offered by Albany, Stony Brook, and Buffalo.

Department officials stated that colleges and universities are not required to comply with the Law if they are providing the type of transportation described because, according to its regulations, a “school” does not include a college, university, or post-secondary institution. When asked why Stony Brook and Albany are enrolled in the Program if it is not required, Department officials stated these universities may have enrolled voluntarily or may provide some other type of transportation that would require compliance. However, Department officials were unaware if the enrollments were voluntary or if additional transportation is provided by Stony Brook and Albany.

When an entity enrolls in the Program, the Department does not make a determination as to whether that enrollment is required. Rather, as Department officials explained, the Law places the onus on the entity to determine whether it must comply. Additionally, the Department stated that it is not going to advise entities that enroll in the Program that they are not subject to the Law, and that these entities may apply for an exemption. Department officials also indicated they would never discourage enrollment in a highway safety program. We agree that the Department should not discourage voluntary compliance; however, some terminology used in the Law and the Department’s regulations has not been clearly defined and has caused confusion among the Department’s own staff. As such, it is possible that outside entities also have difficulty determining if their compliance is required. Therefore, we recommend the Department develop and issue detailed guidance that clearly explains which entities are required to comply with the Law.

Unidentified 19-A Motor Carriers

The Department uses information from various sources to identify carriers that may be subject to the Law that have not enrolled in the Program, including but not limited to:

- DOT’s Weekly Bulletin of motor carrier applications;
- DOT’s audit results and notices of violations;
- Reports of accidents involving buses;
- Phone calls or emails from DOT; and
- Newspaper articles.

When the Department identifies an entity that appears to be a motor carrier, it issues a letter to the entity advising that it must enroll in the Program or the Department will suspend all of the entity’s vehicle registrations. The Department issues this letter without knowing how the entity is operating its registered vehicles, and the letter does not advise the entity to review the Law and determine its applicability.

Notably, however, the Department does not use its own registration data to identify potential motor carriers. We reviewed the Department’s non-government vehicle registration data and identified 606 entities that, based only on their name and the seating capacities of registered vehicles, had the potential to fit the Law’s definition of motor carriers operating school buses. We compared this list to the list of motor carriers enrolled in the Program, and found 311 entities that were not enrolled in the Program and had not received an exemption.

To meet its highway safety objective, it is imperative that the Department make use of all tools at its disposal to aid in the identification of motor carriers that are subject to the Law to ensure that their drivers meet the qualification standards.

Program Compliance Reviews

In January 2018, the Department launched a streamlined process for reviewing motor carriers' compliance, including a new desk review process for its triennial reviews. Prior to January 1, 2018, Department examiners conducted these reviews on site at pre-arranged times and locations. The new process eliminates the in-person examinations, and motor carriers are instead required to comply with requests for information through a combination of online forms and uploads. Under the old process, Department examiners notified the motor carriers of the review, but the specific sample of drivers to be reviewed was not provided, as is the case under the new process.

According to Department officials, the old and new procedures are substantively the same: both involve a review of randomly selected bus driver files, and both review the last two medical exams, the last two written or oral exams, and the last two road tests. Both procedures also include a review of other documents (i.e., driving records and defensive driving observations) in the bus driver files, but the new process does so only on a random basis.

The Department's preliminary assessment shows the new procedure to be more efficient. According to officials, they have been able to conduct reviews of more than 900 more motor carriers and about 8,000 bus drivers in the first eight months of the procedure alone compared with about 900 motor carrier files per year under the old procedure.

The value of efficiency notwithstanding, we found that, compared with the on-site review, the new desk review process provides the motor carrier with the sample of drivers to be reviewed and allows a 10-day window of time between the Department's request for driver file documents and their due date, creating an increased risk that less scrupulous motor carriers could, in the meantime, fabricate or manipulate documents to come into compliance – or give the appearance of compliance – upon review.

We recommend that the Department formally assess the new procedure, determine its effectiveness, and perform a risk assessment to determine if it is necessary to incorporate random, unannounced on-site evaluations into future motor carrier reviews.

Recommendations

1. Develop and consistently apply policies and procedures and issue detailed guidance that clearly explains which entities are required to comply with the Law.
2. Develop a process to periodically review entities that previously received exemptions and determine if their exemption status remains applicable.

3. Determine if the 311 entities we identified in this report are subject to the requirements of the Law, and require their enrollment in the Program, as warranted.
4. Develop a process to identify motor carriers using all relevant information available to the Department.
5. Formally assess the new record review program to determine its effectiveness, and include a risk assessment of motor carriers to determine if it is necessary to incorporate random, unannounced on-site evaluations into future motor carrier reviews.

Audit Scope, Objective, and Methodology

The objective of our audit was to determine if the Department takes adequate steps to identify motor carriers that must comply with Article 19-A of the New York State Vehicle and Traffic Law and enforces its requirements. Our audit covered the period January 1, 2016 through October 3, 2018. To obtain an adequate population, we reviewed justifications for exemptions from July 10, 2008 for entities in exempt status during our audit period.

To achieve our audit objective, we reviewed relevant laws and regulations, Department policies and procedures, exemption requests, and data obtained from the Department and DOT. We also interviewed Department officials and staff within the Department's Compliance and Bus Driver Units. We became familiar with, and assessed the adequacy of, the Department's internal controls as they related to its performance and our audit objective. We reviewed the vehicle registration data provided by the Department and judgmentally selected 606 entities that, based on their names and the seating capacities of their registered vehicles, had the potential to fit the Law's definition of a motor carrier operating a school bus. We compared this list to the list of motor carriers enrolled in the Program, and found 311 entities that were not enrolled in the Program and had not received an exemption. We reviewed two samples of exemption requests/justifications and related information maintained in the files of exempt carriers. We originally selected a judgmental sample of 48 out of 1,756 exempt carriers: all 16 colleges and universities that were exempt and another 32 entities that, based on their name, were likely to be transporting children under the age of 21 or disabled individuals to a place of vocational, academic, or religious instruction or religious services. However, the Department's records only go back to 2008, and 34 of the 48 exempt carriers in our original sample had been granted an exemption prior to 2008. We therefore selected another 26 exempt carriers using a replicated random sample from those that had been granted an exemption since 2008 (252), bringing our total sample to 40 exempt carriers. In addition, we conducted site visits to Albany, Buffalo, and Stony Brook to review their compliance with the Program and observe the transportation services provided.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions, and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

Authority

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

Reporting Requirements

We provided a draft copy of this report to Department officials for their review and formal comment. Their comments were considered in preparing this report and are attached in their entirety. In their response, Department officials partially agreed with our recommendations and indicated they have already taken several steps to address them. Our responses to certain Department comments are embedded within the Department's response.

Within 90 days after final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the Department of Motor Vehicles shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons why.

Contributors to This Report

Brian Reilly, CFE, CGFM, Audit Director
Walter Irving, Audit Manager
Amanda Eveleth, CFE, Audit Supervisor
Michele Krill, Examiner-in-Charge
Anthony Calabrese, Senior Examiner
Richard Canfield, Senior Examiner
Heath Dunn, Senior Examiner
Mary McCoy, Supervising Editor
Andrea Majot, Senior Editor

Division of State Government Accountability

Andrew A. SanFilippo, Executive Deputy Comptroller
518-474-4593, asanfilippo@osc.ny.gov

Tina Kim, Deputy Comptroller
518-473-3596, tkim@osc.ny.gov

Ken Shulman, Assistant Comptroller
518-473-0324, kshulman@osc.ny.gov

Vision

A team of accountability experts respected for providing information that decision makers value.

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To improve government operations by conducting independent audits, reviews, and evaluations of New York State and New York City taxpayer-financed programs.

Agency Comments and State Comptroller's Comments

THERESA L. EGAN
Executive Deputy Commissioner



(518) 402-4860

December 28, 2018

The Honorable Thomas P. DiNapoli
110 State Street
Albany, New York 12236

Re: Office of the New York State Comptroller (OSC) Audit Report 2018-S-7

Dear Comptroller DiNapoli:

This letter is in response to OSC's final audit report number 2018-S-7, Department of Motor Vehicles – Enforcement of Article 19-A of the Vehicle and Traffic Law.

Initially, please note that the Legislature crafted Article 19-A of the Vehicle and Traffic law to apply to motor carriers depending upon a number of factors including the vehicle type/seating capacity, the type of transportation that is being provided and the type of passengers that are being transported. The type of vehicle alone does not determine mandatory inclusion in 19-A. It is the vehicle type combined with the use of that vehicle that mandates 19-A compliance. It is critically important to note that based on the type of use of a vehicle and the type of passengers, that a carrier may be required to comply with 19-A in certain instances and not be required in others. It is also important to understand that while DMV has enforcement powers under Article 19-A, we are not empowered to issue 19-A licenses or business credentials to carriers, and DMV is not required by law to undertake affirmative efforts to identify carriers that may be subject to 19-A at any particular time.

It should be noted, overall, that your report fails to identify specific criteria used to support its recommendations and the report acknowledges the methodology employed judgmental samples, which are inherently biased and cannot provide a representative analysis. The audits claim associated with sample size does not take into account that DMV retains files of carriers determined to be exempt for 10 years, although DMV is only required to maintain them for four years.

State Comptroller's Comment - The Department incorrectly states that our report fails to identify specific criteria used to support our recommendations and that the judgmental samples used are inherently biased and cannot provide a representative analysis. Our report does identify the specific criteria used in each one of our findings. Further, selecting samples based on assessed risk is an acceptable and appropriate sampling methodology, permitted under generally accepted government auditing standards, with which this audit complied.

We have reviewed the findings and recommendations in the audit report. Please note the following concerning OSC's audit recommendations:

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RECOMMENDATION 1: Develop and consistently apply policies and procedures and issue detailed guidance that clearly explains which entities are required to comply with the law.

DMV RESPONSE: *The Department already complies with this recommendation.*

- *The Department utilizes a questionnaire to ensure the consistent application of 19-A enrollment requirements.*
- *The Department has standard definitions for key terms referenced in the law and regulations.*
- *The Department provides the "19-A Guide for Motor Carriers" which details 19-A enrollment and compliance requirements and is readily available on the Department's website.*
- *The Department provides a "19-A Information Packet", which is a copy of the complete Article 19-A law and corresponding regulations, and is readily available on the Department's website.*

State Comptroller's Comment - The Department's comments are misleading. The questionnaire developed to ensure consistent application of 19-A Program enrollment was developed in response to our audit findings. In response to our preliminary findings, the Department agreed that there was an opportunity to improve the exemption process and had already implemented several changes, including the development of a questionnaire to aid examiners while reviewing carriers requesting an exemption. Also in its preliminary response, the Department stated it would adopt standard definitions for "academic instruction" and "school activity" to assist examiners in the determination of granting an exemption. It is unclear from the Department's response to the draft if these definitions have been adopted.

RECOMMENDATION 2: Develop a process to periodically review entities that previously received exemptions and determine if their exemption status remains applicable.

DMV RESPONSE: *The Department disagrees with the basis of this recommendation. The department no longer issues "exemption letters.". Also, as noted above, the law places the onus of compliance solely on the carriers..*

State Comptroller's Comment - It is unclear why the Department disagrees with the basis of this recommendation. As stated on page 8 of our report, in response to our preliminary findings, Department officials agreed that improvements could be made to their exemption process and were implementing a process to have motor carriers re-certify on a routine basis. Our recommendation does not mention "exemption letters"; rather, we recommend the Department review past exemptions to determine if the entity's exemption status remains applicable. We urge the Department to reconsider its position on this recommendation.

RECOMMENDATION 3: Determine if the 311 in entities we identified in this report are subject to the requirements of the law, and require their enrollment in the program as warranted.

DMV RESPONSE: *The Department already complies with this recommendation. The Department reviewed the carriers identified in the preliminary report and has required 205 of the carriers to enroll in the 19-A Program. The Department determined that 20 carriers identified in the report had previously enrolled in the 19-A Program prior to this review, 76 of*

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the carriers identified in the report are currently out-of-business or otherwise operate in a manner that does not require enrollment in the Program.

RECOMMENDATION 4: Develop a process to identify motor carriers using all relevant information available to the department.

DMV RESPONSE: *Despite having no legal obligation to do so, the Department is already utilizing all available relevant information to fulfill its obligations under Article 19-A. DMV utilizes the following sources of information for carrier identification:*

- *DMV reviews DOT weekly bulletins of passenger carrier applications and approvals. DMV contacts every carrier granted passenger carrier authority and requires enrollment in the 19-A program.*
- *DMV contacts all carriers involved in motor vehicle crashes involving high capacity passenger vehicles or school vehicles registered in NYS.*
- *DMV contacts carriers about 19-A compliance based on tips and leads from the public, other state agencies and the federal government, as well as news and social media.*
- *DMV has been developing additional queries and reports to extract data from the DMV registration system to augment the passenger carrier identification processes above.*

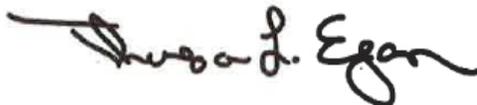
State Comptroller's Comment - The Department's comments are misleading. The Department's development of additional queries and reports to extract data from the DMV registration system is a direct result of our audit.

RECOMMENDATION 5: Formally assess the new record review program to determine its effectiveness and include a risk assessment of motor carriers to determine if it is necessary to incorporate random, unannounced on-site evaluations into future motor carrier reviews.

DMV RESPONSE: *The Department is already in the process of implementing this recommendation, and had planned to conduct such an analysis prior to this audit*

If you have any questions concerning our response to this audit, please contact me at (518) 474-0846.

Sincerely,



Theresa L. Egan
Executive Deputy Commissioner
NYS Department of Motor Vehicles

TLE:alm

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