



Commercial Driver's License Prosecution, Adjudication, and Data Transmission

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Kentucky Transportation Center
College of Engineering, University of Kentucky, Lexington, Kentucky

in cooperation with
Kentucky Transportation Cabinet
Commonwealth of Kentucky

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Research Report
KTC-21-08/RSF-56-1F

Commercial Driver's License Prosecution, Adjudication, and Data Transmission

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16. Abstract <p>The Kentucky Transportation Center research team examined law enforcement and adjudication of traffic offenses committed by commercial driver's license holders. The objectives were to identify states that would provide the data, collect information about their court systems, analyze enforcement and/or adjudication data, and make some general observations about trends. Many state agencies were not able to provide their traffic offense data and therefore, the team focused primarily on data from Kentucky and Washington State.</p> <p>The study focused on enforcement trends and adjudication of safety-related offenses. Overall, conviction rates remain higher than dismissal and amended rates. In recent years, dismissal and amended rates have increased faster than conviction rates. This concerning trend increases the chances that traffic safety could be negatively impacted from reduced CMV driver compliance. Among traffic violations, conviction rates remain higher for minor traffic infractions than criminal traffic violations. However, lagging conviction rates for both traffic infractions and criminal traffic violations continue to raise potential safety concerns.</p>			
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Table of Contents

Executive Summary.....	1
Chapter 1 Washington	2
1.1 Court System in Washington State	2
1.2 Adjudication Process.....	3
Traffic Infractions Violations	3
Criminal Traffic Violations.....	4
1.3 Data.....	4
General Description	5
Spatial Distribution of Charges Filed.....	6
Criminal Traffic Violations.....	8
Traffic Infractions Violations	8
Charge Dispositions.....	9
1.4 Conclusion.....	15
Chapter 2 Kentucky.....	16
2.1 The Court System in the Commonwealth of Kentucky	16
2.2 CMV Inspections and Violations Uncovered	17
Data.....	17
General Trend	18
CDL Violations	20
2.3 Traffic Violations by CDL Holders	21
Data Request.....	21
General Description	21
Spatial Distribution of Charges Filed	23
Charge Dispositions.....	27
Spatial Distribution of Charge Dispositions.....	32
2.4 A Comparison between CMV drivers and All drivers	39
Data Request.....	39
General Description	39
Charge Dispositions.....	40
Spatial Distribution of Charges Filed.....	43
2.5 Conclusion.....	49
Appendix A — Violation Chart	50
Appendix B — List of UOR Codes by ACD Violation Group	54
Appendix C — Charge Disposition Rates in Kentucky by County (Traffic Violations by CDL holders).....	59
Appendix D — Charge Disposition Rates by County (All vs. CMV).....	63
Footnotes.....	70

List of Figures

Figure 1.1 Total Number of Charges by County (2006-2015)	7
Figure 1.2 Conviction and Dismissal Rates Change Over Time (Traffic Infractions Violations).....	11
Figure 1.3 Conviction and Dismissal Rates Change Over Time (Criminal Traffic Violations)	11
Figure 1.4 Conviction Rate Comparison of Criminal Traffic Charges	12
Figure 1.5 Conviction Rate Comparison of Infraction Traffic Charges.....	12
Figure 1.6 Comparison of Conviction and Dismissal Rates of Infraction and Criminal Traffic Violations by County..	14
Figure 2.1 Total Violation by Type	20
Figure 2.2 Total Violation by Type (CDL Violation)	21
Figure 2.3 Total Charge Count by ACD Violation Group (2002-2016).....	22
Figure 2.4 Offense Totals for Commercial Vehicle Violations by County (2002-2016).....	24
Figure 2.5 Offense Totals for Commercial Vehicle Violations by KSP Region (2002-2016)	26
Figure 2.6 Conviction/ Dismissal/ Amend Rates (2002-2016)	29
Figure 2.7 Conviction Rates of CDL Holders’ Traffic Violations by ACD Violation Groups	29
Figure 2.8 Conviction Rates of CDL Holders’ Traffic Violations by ACD Violation Groups (Cont.)	30
Figure 2.9 Dismissal Rates of CDL Holders’ Traffic Violations by ACD Violation Groups	30
Figure 2.10 Dismissal Rates of CDL Holders’ Traffic Violations by ACD Violation Groups (Cont.)	31
Figure 2.11 Amend Rates of CDL Holders’ Traffic Violations by ACD Violation Groups.....	32
Figure 2.12 Conviction Rates by KSP Region.....	33
Figure 2.13 Dismissal Rates by KSP Region.....	34
Figure 2.14 Conviction Rates by County (2002-2016)	36
Figure 2.15 Dismissal Rates by County (2002-2016).....	37
Figure 2.16 Amend Rates by County (2002-2016).....	38
Figure 2.17 Conviction Rate (All Drivers vs. CMV Only).....	41
Figure 2.18 Conviction Rate (All Drivers vs. CMV Only) (Cont.).....	42
Figure 2.19 Dismissal Rate (All Drivers vs. CMV Only).....	42
Figure 2.20 Dismissal Rate (All Drivers vs. CMV Only) (Cont.).....	43
Figure 2.21 Comparison of Offense Totals by County (2002-2016).....	46
Figure 2.22 Comparison of Conviction Rate by County (2002-2016).....	47
Figure 2.23 Comparison of Dismissal Rate by County (2002-2016).....	48

List of Tables

Table 1.1 Summary of 2017 Caseloads.....	2
Table 1.2 Courts of Limited Jurisdiction Revenue from Traffic Violations.....	3
Table 1.3 Penalty Schedule.....	3
Table 1.4 List of Charges Applicable to CDL holders/CMV drivers.....	5
Table 1.5 Number of Charges by Offense Category (2006-2015).....	6
Table 1.6 Number of Charges by Charge Law Number for Criminal Traffic Violations.....	8
Table 1.7 Number of Charges by Charge Law Number for Infraction Traffic Violations.....	9
Table 1.8 Charge Disposition Frequency by Traffic Violations (2006-2015)	10
Table 2.1 Kentucky Statewide Caseload	16

Table 2.2 Number of Inspections by Facility Type	19
Table 2.3 Number of Violations by Facility Type	19
Table 2.4 Charge Counts by ACD Violation Group by Year (2002-2016)	23
Table 2.5 Available Charge Disposition Types in Kentucky District Courts on Traffic Violations.....	27
Table 2.6 Composition of Dispositions by KSP Region.....	32
Table 2.7 List of Violations Included in the Analysis.....	39
Table 2.8 Total Number of Charges Filed	40
Table 2.9 Composition of Dispositions by KSP Region (All Drivers vs. CMV Only).....	44

Executive Summary

The focus of this study was to examine the law enforcement and adjudication of traffic offenses committed by individuals who hold a commercial driver's licenses in various states. The objectives were to identify states that would provide the data, collect information about their court systems, analyze enforcement and/or adjudication data, and make some general observations about trends. Initially, the research team set out to survey 10 states to collect information and compare trends between states. However, difficulties in collecting and comparing the data quickly materialized. There are several reasons why it is difficult to collect case-level data from other states, and why it is very difficult to compare adjudication and enforcement levels across states. Chapter 1 summarizes some of these issues.

Ultimately, the Kentucky Transportation Center research team ended up analyzing enforcement and adjudication data pertaining to selected highway traffic offenses by CDL holders or non-CDL holders operating in Kentucky, and the adjudication of a select number of CDL-specific traffic offenses for Washington state. In Chapter 2, researchers investigated enforcement trends and adjudication of safety-related offenses. There were three sets of data were used to examine different aspects of violations committed by CMV drivers and the inspections performed to promote highway safety by preventing the violations. Conviction rates have been higher than dismissal rates, but the gap between the two is decreasing. As conviction rates have dropped, dismissal rates and amend rates have increased. As Kentucky courts become more likely to dismiss or amend down charges for CMV operators and CDL holders, there are growing concerns that the trend will negatively affect motor carriers and CMV drivers by incentivizing them to minimize their efforts and financial resources needed to keep up with laws and regulations. When the conviction rates and dismissal rates are analyzed at the county level, counties in Eastern Kentucky tend to show higher dismissal rates and lower conviction rates relative to the rest of Kentucky counties.

In this report, Washington court data on the 12 charges applicable to CDL holders were used in order to analyze the trend of enforcement and adjudication of criminal traffic charges and traffic infractions from 2006 to 2015. Since 2012, the total number of charges filed increased significantly, and the trend is driven mainly by two infraction traffic charges: using a cell phone and texting while operating a CMV. The conviction rates for traffic infraction violations are significantly higher than dismissal rates, but dismissal rates are higher than conviction rates for criminal traffic violations. Even though it is reasonable to see lower conviction rates for criminal traffic violations due to the more severe consequences of a conviction, the observed continual decrease in conviction rate is concerning.

Chapter 1 Washington

1.1 Court System in Washington State

Washington State implements its judicial processes across four levels of courts: the Supreme Court, the Court of Appeals, superior courts, and courts of limited jurisdiction (district and municipal courts). The Supreme Court is located in Olympia, and the three Court of Appeals are located in Seattle, Tacoma, and Spokane. All 39 counties in Washington have one superior court and at least one district court. Many cities and towns also have a municipal court. Both district and municipal courts are included in courts of limited jurisdiction, and district courts are county courts that serve defined territories. Municipal courts are created by cities and towns, so there could be more than one municipal court in a county. District court judges are elected to four-year terms, but municipal court judges may be elected or appointed by mayors or city councils to a four-year term.ⁱ

District courts in Washington have both criminal and civil case jurisdictions. Criminal jurisdiction includes misdemeanor and gross misdemeanor cases, and civil jurisdiction includes damages for injury to individuals or personal property and small contract disputes. District courts have jurisdiction over traffic infractions where they enforce state and federal CDL requirements. Infractions are civil proceedings authorizing enforcement up to the level of imposing monetary penalties (but lacking authority for jail sentencing). Municipal courts have authority over municipal or city ordinance violations that occur within their municipal boundaries. Similar to district courts, municipal courts may adjudicate traffic infractions since they also have jurisdiction over infractions (along with gross misdemeanors and misdemeanors). As an alternative to municipal courts, some cities established traffic violation bureaus (TVBs) to expedite the handling of traffic infraction cases.ⁱⁱ Currently, there are four TVBs in Washington state: Wenatchee TVB in Benton county, Longview TVB in Cowlitz county, and Lacey and Tumwater TVB in Thurston county. However, the Longview TVB is not currently active. The three active TVBs processed 4,601 traffic infraction cases in 2017.

The use of TVB in cities and towns in Washington state is very limited, and almost all traffic cases are processed in district and municipal courts. In 2017, Washington’s courts of limited jurisdiction received 2,003,297 cases including 710,067 traffic infractions, 25,619 DUI misdemeanors, and 70,270 traffic misdemeanors (Table 1.1). Common traffic infraction cases include speeding, disobeying road signs, failure to yield, texting while driving, and driving without a seat belt. Infractions are non-criminal violations, and the most state courts expediently process infraction cases with minimal costs. However, drivers charged with misdemeanors are required to appear in court since these charges are considered more serious. The most common traffic misdemeanors in Washington are driving under the influence of alcohol, racing, reckless driving, and first-degree negligent driving. Washington’s courts processed 805,956 traffic violations representing more than 40 percent of all filed cases. Among these violations, the district courts, municipal courts, and TVBs processed 61.65 percent (496,884), 37.84 percent (304,998), and 0.51 percent (4,085), respectively.ⁱⁱⁱ

Table 1.1 Summary of 2017 Caseloads

	Traffic Violations			Non-Traffic Violations	Total
	Traffic Infractions	DUI / Physical Control	Other Traffic		
District courts	448,491	15,894	32,499	201,512	698,396
Municipal courts	257,515	9,723	37,750	992,273	1,297,261
TVBs	4,061	2	21	3,556	7,640
Total	710,067	25,619	70,270	1,197,341	2,003,297

Revenue generated from traffic violations has consistently decreased in recent years. In 2017, traffic violation revenues included traffic infractions (\$102,688,455), DUI/Physical control charges (\$13,417,189), and traffic

misdemeanors (\$9,042,164). In Table 1.2, all three traffic violations categories and corresponding revenue are shown.

Table 1.2 Courts of Limited Jurisdiction Revenue from Traffic Violations

	2013	2014	2015	2016	2017
Traffic Infractions	\$123,865,191	\$116,200,741	\$114,114,846	\$107,109,862	\$102,688,455
Traffic Misdemeanors	\$12,331,779	\$11,842,630	\$11,243,323	\$10,035,672	\$9,042,164
DUI/Physical Control	\$15,589,450	\$15,945,249	\$16,157,326	\$14,671,837	\$13,417,189
Total	\$151,786,420	\$143,988,620	\$141,515,495	\$131,817,371	\$125,147,808

1.2 Adjudication Process

Traffic Infractions Violations

Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 6.2.^{iv} specifies the monetary penalty schedule for infraction traffic charges. The penalty for any infraction not listed in the rule is \$48, but a local court may specify a different penalty schedule.

Table 1.3

Table 1.3 shows how the total penalty is calculated. On the base penalty amount identified in the rule, 105 percent of the base penalty (\$51 if base penalty is \$48) for public safety and education, a \$20 legislative assessment fee, a \$5 trauma care fee, a \$10 auto theft prevention fee, and a \$2 traumatic brain injury account fee are added. As a result, a driver facing a traffic infraction charge receives a \$136 ticket. A large portion of the base penalty (\$23) is used to fund Judicial Information System (JIS), and the remaining \$25 is split between the state and local government. Approximately, \$8 is remitted to the state and the remaining funds due to the General Fund of the local governments.^v

Table 1.3 Penalty Schedule

	Most Traffic Infractions Violations	Exceptions (e.g. Failure To Have Proof of Insurance)
Base Penalty	\$48	\$250
Public Safety and Education (105 Percent of Base Penalty)	\$51	\$263
Legislative Assessment	\$20	\$20
Trauma Care	\$5	\$5
Auto Theft Prevention	\$10	\$10
Traumatic Brain Injury Account	\$2	\$2
Total	\$136	\$550

Most infraction cases are brought in the district court or the municipal court where the infraction occurred. After being served with a notice of infraction, a person must respond to the notice within the 15 days of the date the notice is served. If the notice is served by mail, a person has 18 days to respond. There are four alternative actions one may take in response to a notice of infraction. The first one is to pay the amount of the monetary penalty in full, then the court enters the judgement that the defendant has committed the infraction. The second option is to contest the determination that an infraction occurred by requesting a hearing. As a third or fourth alternative, when a person who has been served with the notice of infraction wants to explain mitigating circumstances regarding the commission of the infraction, it can be done through a hearing or a written statement. In order for a written

statement to be submitted and reviewed, it needs to be authorized by a local court before the action of submission is taken.^{vi}

Upon receipt of request of contested hearings, the court schedules a hearing to determine whether the defendant committed the infraction or not. In the case of a mitigation hearing request, the court determines whether there were mitigating circumstances surrounding the commission of the infraction at a hearing. If the individual who was charged with the traffic infraction (defendant) fails to appear at a requested hearing, the court enters the determination to the court system that the defendant has committed the infraction. If a defendant decides to appeal a judgement that he/she has committed the infraction, the appeal is heard at superior courts.

After court proceedings, a charge filed has one of five dispositions. If a defendant pays the penalty in full for the infraction he/she committed, the process does not require an appearance in court by the defendant or his/her representative and the final disposition of "Paid" is entered for the charge filed. If an individual fails to respond to a notice of infraction, the final disposition entered to the court system is "Committed-Failure to Respond (FTR)." In the case of failure to appear (FTA) at a scheduled hearing that a defendant requested to contest the infraction or to explain the mitigating circumstance, the final recorded disposition is "Committed-FTA." After a hearing, if the court decides that a defendant has not committed the infraction, the final disposition is "Not Committed." The last possible disposition for an infraction traffic violation is "Dismissed," which is determined upon the successful completion of the conditions of a deferred finding agreement. In the case of moving violations (speeding, disobeying road signs, failure to yield, etc.), the court could defer the finding under the condition of the defendant's attendance at traffic safety school. When the defendant successfully satisfies the condition, the final disposition recorded is "Dismissed."^{vii} In this report, the first three disposition types, Paid, Committed (FTR/FTA), and Committed, are included in the conviction rate calculation, and the other two disposition types are aggregated for the dismissal rate calculations. It should be noted that charges for CDL-related infractions are not supposed to be dismissed in accordance with federal regulations.

Criminal Traffic Violations

District and municipal courts also have jurisdiction over criminal cases including misdemeanors and gross misdemeanors. For example, driving while under the influence of intoxicating liquor or drugs (DUI), reckless driving, and driving with a suspended driver's license are brought to district and municipal courts. Unlike infraction cases, criminal cases could result in jail time, fines, and/or loss of license.

After the procedure, the disposition for criminal traffic charges could be one of six for cases before July 1, 2012. Prior to this time, if a defendant admitted the occurrence of the violation and payed the penalty without an appearance in court, the disposition of the case was "Bail Forfeiture." Since then, the "Bail Forfeiture" disposition has been nullified, leaving five types of dispositions for criminal traffic charges. All defendants charged with criminal offenses are now required to appear in court (CrRLJ 3.2). After appearance before the court, the court could find the defendant "Guilty" or "Not Guilty." The court could defer the final decision for a certain probation period, and the recorded disposition could be "Dismissed" upon the successful completion of the probation. Also, the court could reduce or amend charges to other traffic misdemeanors, which are recorded as "Reduced or Amended." The last type of disposition available for criminal traffic violations is "Deferred or Diverted," which is determined when the court delays a decision under specific imposed conditions. In this report, guilty and bail forfeiture disposition types are included in the conviction rate calculation, and not guilty and dismissed disposition types are included in the dismissal rate calculation. The other two types will be grouped into an "others" category for a fair comparison of conviction and dismissal rates between traffic infraction charges and criminal traffic charges.^{viii}

1.3 Data

The research team contacted the Washington Administrative Office of the Courts to request traffic infractions and criminal traffic violations for commercial driver's license (CDL) holders which might impact their driving record. The research team requested the total number of charges, the disposition of those charges by county for calendar year 2006 through 2015. These dates were initially selected to coincide with data available from the Kentucky Administrative Office of the Courts (although subsequent requests to Kentucky resulted in the addition of other years of data). Washington was a viable case study because it was a state with a unified court system whose AAMVA

Code Dictionary (ACD) codes were available through the *MVR Access and Decoder Digest*. Although the state lacks the ability to separate traffic cases involving CDL holders from non-CDL holders, there were several traffic infractions or charges that would only apply to a CDL holder or someone operating a commercial vehicle. Therefore, the request centered around 12 specific charges (see Table 1.4). Researchers requested charges instead of cases because they provide a more accurate accounting of court activity than cases, which can consist of several charges bundled simultaneously.

It should be noted that Washington has a data retention policy that could affect the results analyzed herein. In particular, Washington only retains cases that have been closed for up to five years (or seven for a deferred finding). The closure status is not the same as a case being disposed. According to Washington AOC administrators, cases are not closed unless the court staff performs the operation. Based on the available data, however, many cases were not closed out, as there are still hundreds of traffic infraction and criminal traffic cases in the database after the five-year mark. Nevertheless, the reported cases may not be entirely comprehensive before 2012. The relatively small number of overall cases also mean the conviction and dismissal rates will have a high rate of volatility, which may just be statistical noise and not a sign of behavioral changes in the courts.

Washington does require those requesting data to pay for programming, administration, and equipment costs. KTC was billed \$125 (\$25 for administration, \$80 for programming, and \$20 for equipment costs). As previously noted, this practice is common in many states due to budgetary constraints and personnel shortages.

Table 1.4 List of Charges Applicable to CDL holders/CMV drivers

Case Type	Charge Law Number	Charge Description
Criminal Traffic	46.25.030	CMV Driver-Notification Requirements
	46.25.050	Commercial Driver's License Required
	46.25.050.2	CDL Suspended/Revoked/Violation of out-of-service order
	46.25.110	Commercial Driving with Alcohol in System
	46.48.175	Hazardous Materials Carrier Violations
Infraction Traffic	46.25.055	CMV Fail to Carry Medical Certificate
	46.25.060	Issue of Commercial Driver License Regulations
	46.25.080	Operation without Proper CDL Class/Endorsement
	46.25.160	Driving with Invalid out of State CDL
	46.61.667.1B	CMV Cell Phone Use while Driving
	46.61.668.1B	CMV Text Messaging while Driving
Criminal Felony	46.61.520	Vehicle Homicide Under the Influence or Reckless Driving

General Description

Upon data request on 12 charges only applicable to commercial vehicle drivers from 2006 to 2015, we received information on 6,630 charges filed in the specified period. The extracted data do not show information on each charge filed, but each charge is aggregated to show how many charges have a certain type of disposition. For each of the 4 infraction traffic charges listed in Table 1.5, the data show how many charges were disposed of paid, committed (FTA/FTR), committed, not committed, or dismissed in a given year and county. Also, the data include information on the 5 criminal traffic charges. The information on the number of charges disposed of bail forfeiture, guilty, not guilty, dismissed, amended, and deferred were provided for each criminal traffic charge for a given year and county.

The total number of charges filed has fluctuated over the study period with a noticeable increase since 2011. Because there are only a few charges grouped as criminal felony and criminal non-traffic, this study will focus on the charges falling in the case types of criminal traffic and infraction traffic. It is clear that the upward trend in annual total charges filed for the selected 12 charges is driven heavily by infraction traffic charges. While the number of criminal traffic charges filed annually has fallen and risen, the number of infraction traffic charges filed has steadily increased at an extraordinary rate. Records older than 5 years could have been affected by the court data retention policy, so the data after 2012 represent the enforcement status more accurately than previous years. The number of charges filed since 2012 shows a very clear upward shift.

Table 1.5 Number of Charges by Offense Category (2006-2015)

Case Type	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Criminal Traffic	282	529	591	458	417	360	382	462	447	525
Infraction Traffic	3	2	2	3	1	17	44	289	871	926
Criminal Felony	--	--	--	--	--	--	6	3	3	4
Criminal Non-Traffic	--	--	--	--	--	--	--	--	--	3
Total	285	531	593	461	418	377	432	754	1,321	1,458

Spatial Distribution of Charges Filed

In order to weigh and inspect trucks to minimize wear and tear of Washington’s pavement and bridges and improve safety and freight movement, the Washington State Department of Transportation (WSDOT) and Washington State Patrol (WSP) currently run 59 inspection stations. Four stations are currently closed, but WSDOT plans to improve the facilities and reopen the stations in the near future.^{ix} There are three types of inspection stations in Washington: fixed sites with electronic screening, fixed sites without electronic screening, and mobile sites. Washington State has 12 fixed sites with electronic screening, 40 fixed sites without electronic screening, and 11 mobile sites.^x WSDOT prioritized the installation of electronic screening system in three new locations in the 2017 Weigh Station Preservation Plan asserting the safety benefits and financial returns they will bring. As funds become available, more inspection stations will be equipped with electronic screening system^{xi}. Out of 39 counties in Washington state, 13 of them do not have any inspection station in their jurisdiction, and 26 counties have 1 to 6 inspection stations. Pierce County has 6 inspection stations and Spokane County has 5 inspection stations.

Total Number of Charges by County (2006-2015)

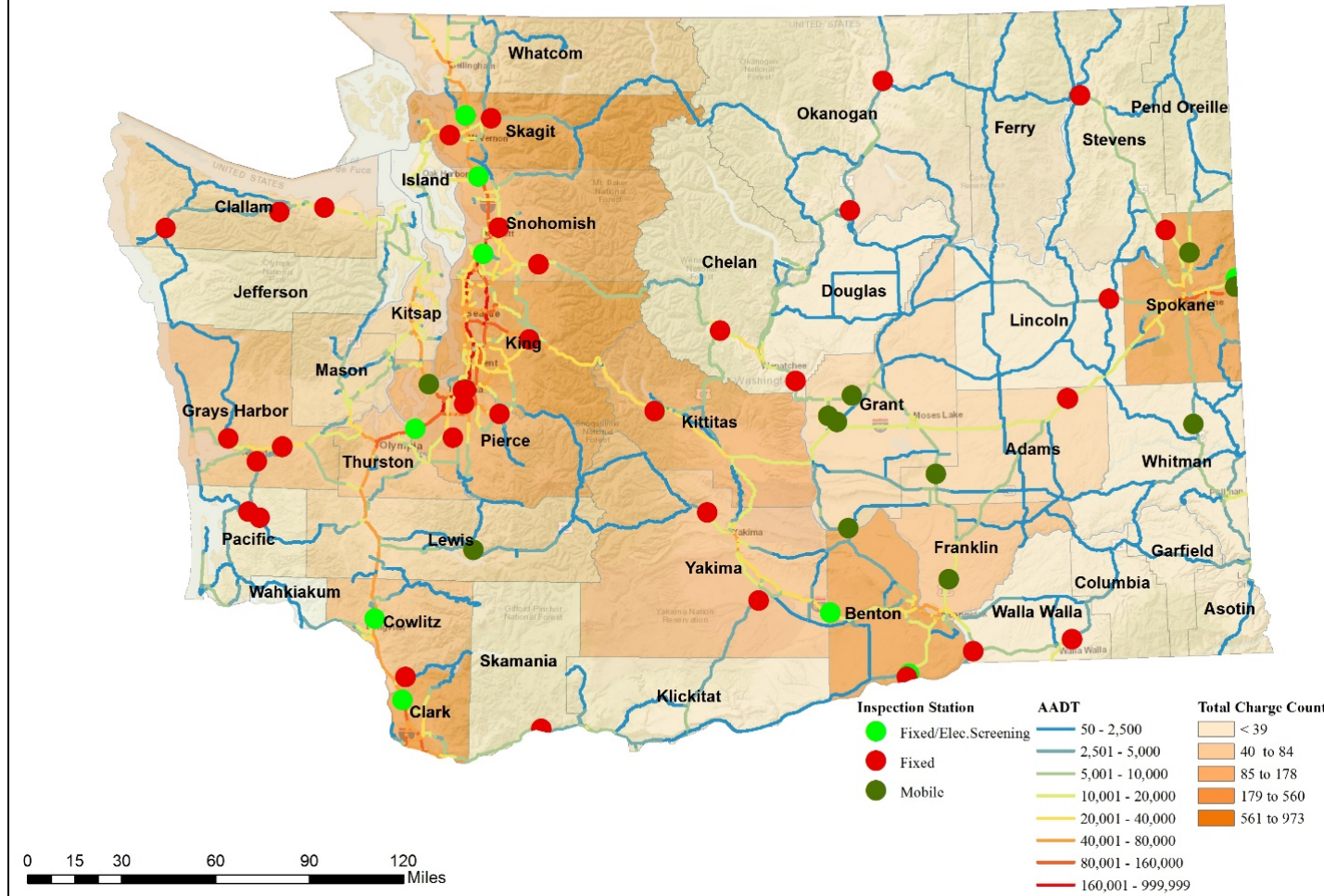


Figure 1.1 Total Number of Charges by County (2006-2015)

Error! Reference source not found..1 shows the distribution of citation issuance. The darker shades of orange indicate more citations issued within a county, and the lighter color indicates fewer citations for the 12 selected charges that have been filed over the study period. Also, the road segments are represented with different colors based on annual average daily traffic (AADT). The road segments with heavier traffic loads are represented with red, and the blue colored road segments indicate light traffic flow. There is an evident pattern of more citations issued along the I-5, I-82, and I-90 corridors, where a large portion of roads are shown with red and yellow indicating heavier AADT. The 5 counties with the most charges filed include Spokane, King, Clark, Benton, and Skagit County. 56.38 percent of the total charges filed occurred in the five counties.

Criminal Traffic Violations

When we break down criminal traffic and infraction traffic charges to specific charges (Table 1.6), we can see what charges drive the upward and downward trend of the entire category. Five kinds of violations fall under the criminal traffic category. Failure to provide a commercial driver’s license (46.25.050) and violation of out-of-service order (46.25.050.2) are the most commonly cited violations. More than 50 percent of the criminal traffic violations are failure to provide a commercial driver’s license, and between 30 to 40 percent are violations of out-of-service order every year.

Table 1.6 Number of Charges by Charge Law Number for Criminal Traffic Violations

Charge Law Number	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Failure to Notify Traffic Violation to Employer	--	1	--	--	--	--	--	--	--	--
Failure to Obtain CDL	144	242	271	245	214	207	180	216	224	272
Out-of-Order Service Violation	89	211	260	172	156	113	160	216	179	214
DUI	27	44	32	24	29	27	31	20	28	33
Hazmat Violation	21	30	26	16	16	13	10	9	14	8

Traffic Infractions Violations

Table 1.7 displays the number of infraction traffic violations, broken down by charge type. Broken down, charges of infraction traffic violations are more interesting due to CMV cell phone use while driving (46.61.667.1B) and CMV text messaging while driving (46.61.668.1B). In 2011, the Federal Motor Carrier Safety Administration (FMCSA) published its rule to amend Federal Motor Carrier Safety Regulations (FMCSRs) to restrict the use of hand-held mobile telephones by drivers of CMVs in order to improve safety by reducing distracted driving-related crashes, fatalities, and injuries involving drivers of CMVs.^{xiii} The amended rule was effective as of January 2012. Washington state has had a text-messaging ban and hands-free law since 2008, but they were not applicable to commercial drivers. In 2013, House Bill 1752 specified that drivers must be pulled to the side of the road to use handheld devices, which brought state distracted driving laws regarding commercial drivers into compliance with federal regulations. The bill was approved by the Senate and the House in April and March respectively. Finally, it was signed by Gov. Jay Inslee on May 14, 2013. Since then, the enforcement of the two laws were strong and they led the sudden increase in total traffic infraction charges in 2013 and 2014. In 2013, the two charges combined took up 81.31 percent of the total traffic infraction violations, and over 90 percent of the traffic infraction charges were filed under the two charges in 2014 and 2015.

Table 1.7 Number of Charges by Charge Law Number for Infraction Traffic Violations

Charge Law Number	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Failure to Carry Medical Certificate	--	--	--	--	--	1	4	2	29	34
Violation of CDL Regulations	--	--	1	1	--	1	1	--	1	3
CDL Class/Endorsement Violation	4	1	2	2	3	10	34	48	30	46
Invalid Out-of-State CDL	--	1	--	1	--	5	5	4	5	4
Using Cell Phone While Driving	--	--	--	--	--	--	--	220	703	705
Texting While Driving	--	--	--	--	--	--	--	15	103	134

As an effort to update the existing distracted driving infraction laws, the Washington state legislature enacted legislation that created a new traffic infraction that prohibits the use of a cell phone or other electronic device while operating a motor vehicle on a public road. In this bill, sections 46.61.667.1B and 46.61.668.1B – which contained the charges pertaining to cell phone use and texting while operating a CMV – were repealed due to their narrow definition of the use of electronic devices. The RCW 46.61.667.1B prohibited a person driving a commercial motor vehicle from using a hand-held mobile telephone and RCW 46.61.668.1B banned sending, reading, or writing a text message using an electronic wireless communications device. The new law defines distracted driving – in particular the electronic devices that facilitate distracted driving – more broadly and bans the use of a personal electronic device while driving a motor vehicle on a public highway. The bill was delivered to Gov. Jay Inslee, who signed the bill, although he used a partial veto to expedite the effective date from January 1, 2019, to July 23, 2017. The new statute, which defines the current prohibition on using a personal electronic device while operating a motor vehicle is RCW 46.61.672. One other thing the new law does is exempt permissible electronic device use within the scope of employment by CDL holders under 49 U.S.C. Sec. 31136. The federal law does not have specific descriptions of electronic devices or activities – it merely says, “the Secretary of Transportation shall prescribe regulations on commercial motor vehicle safety” and that “responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate vehicles safely.” Consequently, it seems that law enforcement will have more discretion to determine whether electronic device use constitutes a hazard. Most likely these changes were due to the proliferation of GPS applications for cell phones, the increasing popularity of electronic on-board recorders (EOBRs) and the new electronic logging devices (ELD) for CMVs now mandated by FMCSA.

Charge Dispositions

As mentioned above, paid, committed, not committed, and dismissed are the disposition types available for traffic infractions violations, and bail forfeiture, guilty, not guilty, dismissed, amended, and deferred are the possible dispositions for traffic infractions. The overall conviction rate for traffic infractions violations is 6.58 times more than the dismissal rate, but the dismissal rate for criminal traffic violations is 2.36 times higher than the conviction rate. The full list of traffic violations and their corresponding charge disposition is shown in Table 1.8.

Table 1.8 Charge Disposition Frequency by Traffic Violations (2006-2015)

Infractions				Criminal			
Category	Charge Disposition	Freq.	Perc.	Category	Charge Disposition	Freq.	Perc.
Convicted	Paid	1,064	49.30	Convicted	Bail Forfeiture	642	14.42
	Committed	745	34.52		Guilty	532	11.95
	Subtotal	1,809	83.83		Subtotal	1,174	26.36
Dismissed	Dismissed	229	10.61	Dismissed	Dismissed	2,767	62.14
	Not Committed	46	2.13		Not Guilty	532	0.07
	Subtotal	275	12.74		Subtotal	2,770	62.21
Other	Amended	64	2.97	Other	Amended	490	11.00
	Change of Venue	10	0.46		Change of Venue	5	0.11
					Deferral	13	0.29
					Awaiting Sentencing	1	0.02
	Subtotal	74	3.43		Subtotal	509	11.43
	Total	2,158	100.00		Total	4,453	100.00

The conviction rates and dismissal rates are plotted in the Figure 1.2. For traffic infractions violations, the dismissal rates decreased from 2010 to 2013 and showed a slight increase since 2013. There was a significant decrease between 2010 and 2011 and another big drop between 2012 and 2013. On the other hand, the conviction rates increased significantly from 2011 to 2013. Before 2010, the total infractions charges filed annually ranged from one to three. So, the discussion over conviction and dismissal rates before 2010 would not carry that much weight. Focusing on 2011 and later, the gap between conviction rates and dismissal rates is evident, and the number of diverted, amended, and other charges has been relatively low and stable.

Figure 1.3 shows the conviction rates, dismissal rates, and non-conviction-or-dismissal rates for criminal traffic offenses. Unlike infraction violators, who immediately pay the fine when they are charged with traffic infractions, a large portion of drivers charged with criminal traffic violations seek to get their charges dismissed or amended. In 2007, the dismissal rate surpassed the conviction rate, and the dismissal rates have stayed higher than conviction rates ever since. Recently, the gap has widened and the charges that were diverted, amended, and others increased slightly. It is unclear whether record purges of older cases have biased conviction, dismissal or diversion rates in any meaningful way. However, conviction rates have decreased even if one only includes the last five years of the sample, suggesting judges are increasingly reluctant to uphold such charges.

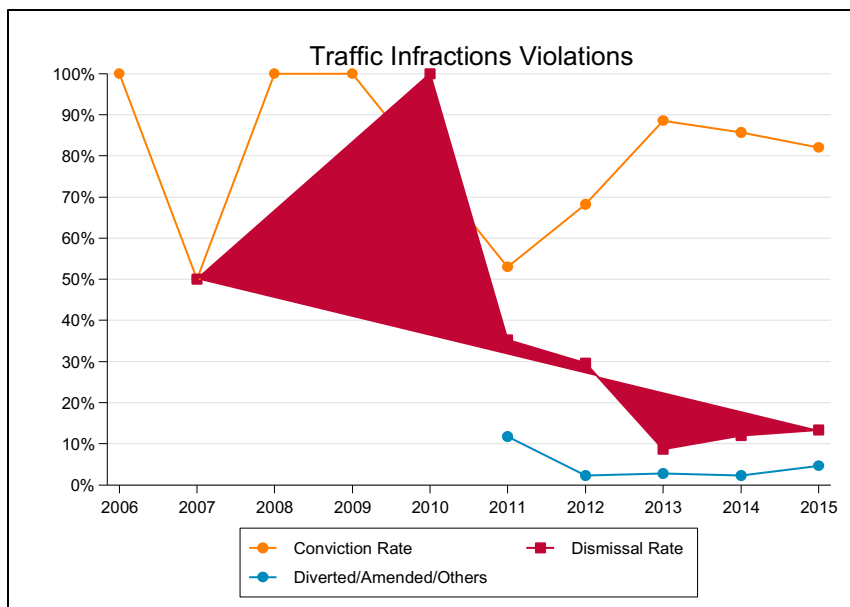


Figure 1.2 Conviction and Dismissal Rates Change Over Time (Traffic Infractions Violations)

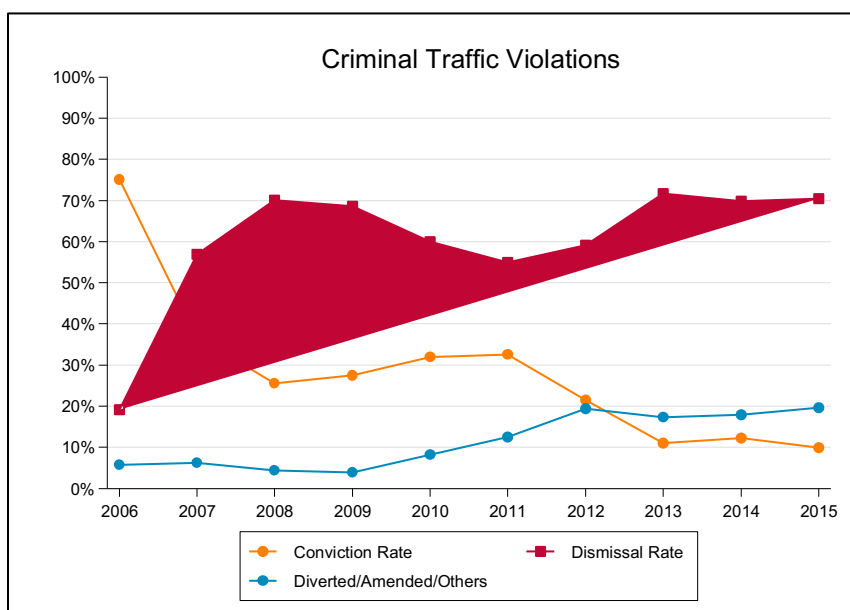


Figure 1.3 Conviction and Dismissal Rates Change Over Time (Criminal Traffic Violations)

Figure 1.4 shows the conviction rates for each of the criminal traffic charges. Among the charges falling under the criminal traffic violations, the conviction rate for the failure to provide a commercial driver’s license (46.25.050) is the highest, and violation of out-of-service order (46.25.050.2) is the second highest. However, the conviction rates for every single charge have been decreasing from 2006 to 2015. This is true even if one only observes the last five years where record purges are not a concern. Even over the last five years, the conviction rates for all charges are very low – again signifying discomfort with upholding these charges. One possible explanation is that convictions potentially have implications for a CDL holder’s status – particularly alcohol-related convictions. Perhaps judges are reluctant to deprive a truck driver of his or her livelihood, and some are willing to amend or dismiss charges to prevent one from losing his or her CDL. However, it is impossible to know without specific case facts.

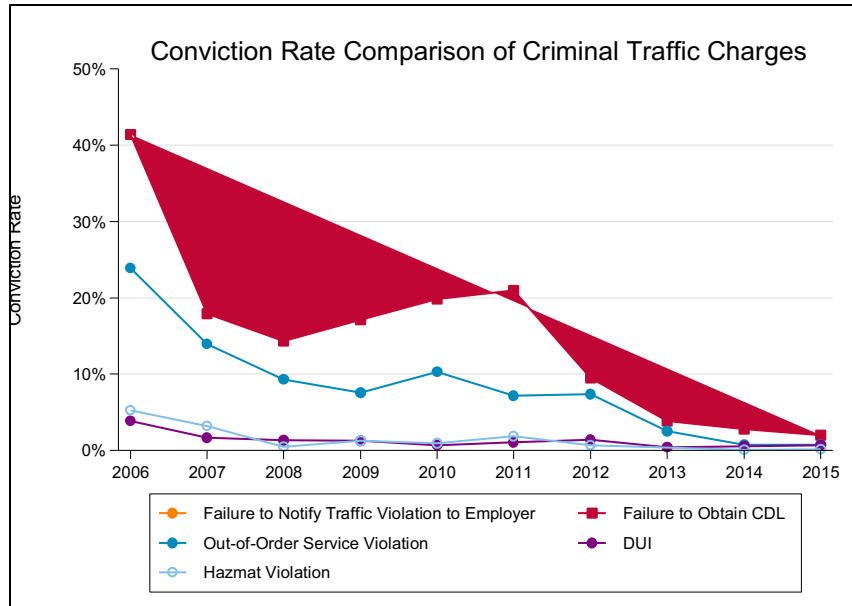


Figure 1.4 Conviction Rate Comparison of Criminal Traffic Charges

Figure 1.5 shows the conviction rates for each of the traffic infractions. The conviction rate for CMV cell phone use while driving (46.61.667.1B) is significantly higher than any other charge under infraction traffic violations. The charge that has the second highest conviction rate is the CMV text messaging while driving violation (46.61.668.1B), but the conviction rate difference between the two charges was greater than 30 percent in 2014. Clearly distracted driving is an area of emphasis for law enforcement officers and judges in Washington state. Given the safety implications of such behavior, and how widespread it has become since the invention of smartphones, this is understandable. It is too soon to tell how the 2017 changes to state laws will impact enforcement and adjudication in this realm, however.

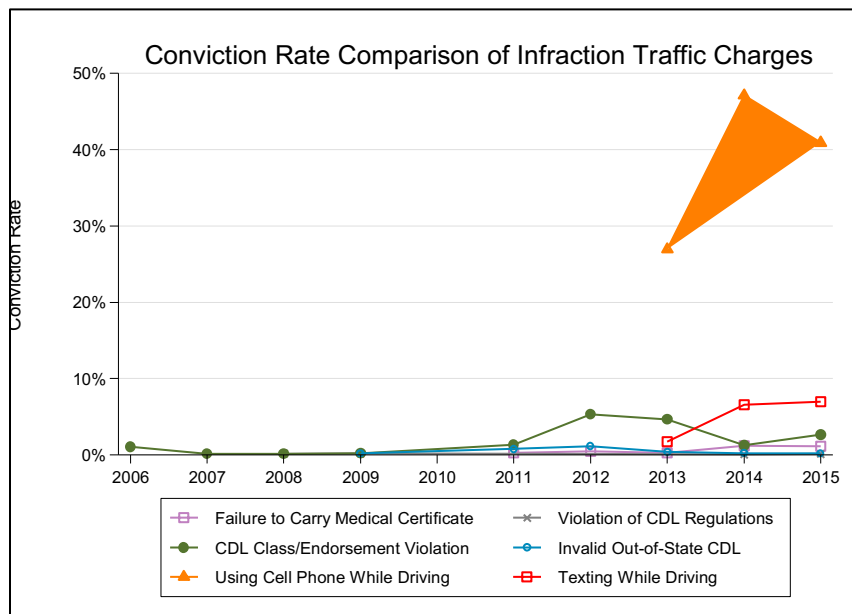


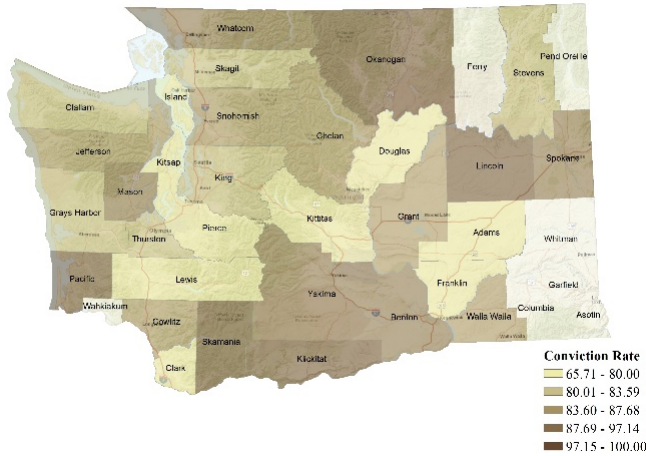
Figure 1.5 Conviction Rate Comparison of Infraction Traffic Charges

In an effort to see the geographical pattern of conviction rates and dismissal rates, the overall conviction rates and dismissal rates from 2006 to 2015 for each county were mapped in Figure 1.6. Both conviction rates and dismissal

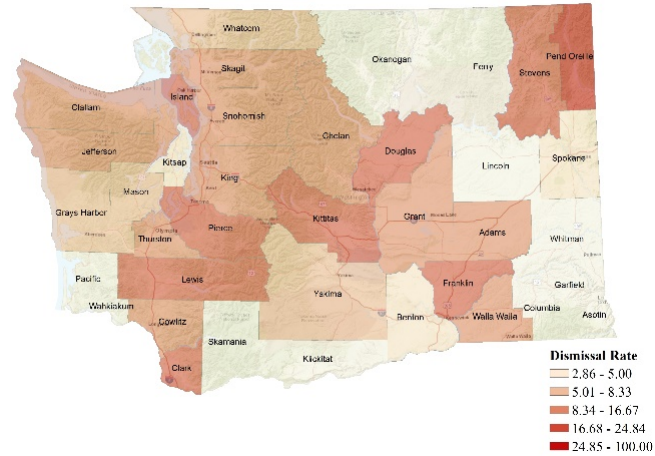
rates do not show visible relationships with different levels of traffic flow and the existence of inspection stations or the number of inspection stations in the county. It seems like the difference between the lowest rate and the highest rate was bigger for dismissal rates than conviction rates. However, a closer look at the dismissal rates for infraction traffic violations reveals that the actual difference between the lowest and the highest dismissal rate is 21.98 considering the outlier. Over the study period, Pend Oreille County had a 100 percent dismissal rate, but there was only one charge filed for an infraction traffic violation in the county for the entire study period. The only charge was dismissed causing a 100 percent dismissal rate. This serves as a clear example of the limitation this report bears due to the small size of the dataset.

When the conviction rates and dismissal rates of infraction traffic violations are compared to those of criminal traffic violations, the variability is much higher for criminal traffic violations. Even after excluding the potential outliers of 100 percent and 87.5 percent dismissal rates in Asotin, Columbia, Ferry, Garfield, Pacific, San Juan, and Pend Oreille counties due to their very small number of filed charges over the study period, the difference between the highest and the lowest dismissal rates was 64.88 percent. The variability of conviction rates of criminal traffic violations was smaller than dismissal rates, but the gap between the 5.88 percent conviction rate in Jefferson County and the 62.50 percent conviction rate in Skamania County is still problematic. The charges for more serious violations need to be treated more consistently throughout the state in order to send the message to drivers that violations are taken seriously by the court and that non-compliant drivers will be forced to pay a penalty and/or be convicted of misdemeanor.

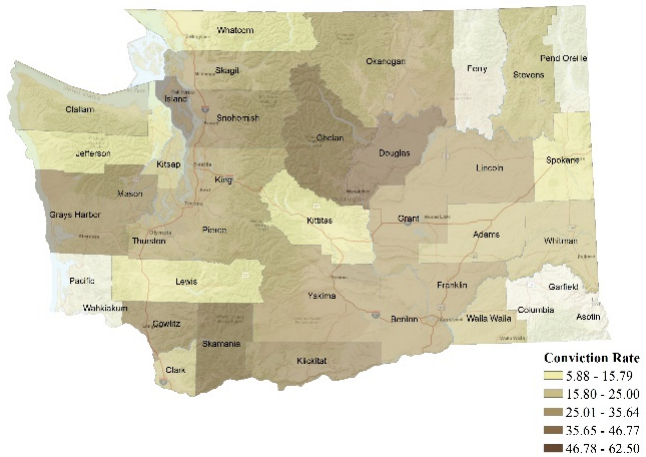
Conviction Rate of Infraction Traffic Violations by County (2006-2015)



Dismissal Rate of Infraction Traffic Violations by County (2006-2015)



Conviction Rate of Criminal Traffic Violations by County (2006-2015)



Dismissal Rate of Criminal Traffic Violations by County (2006-2015)

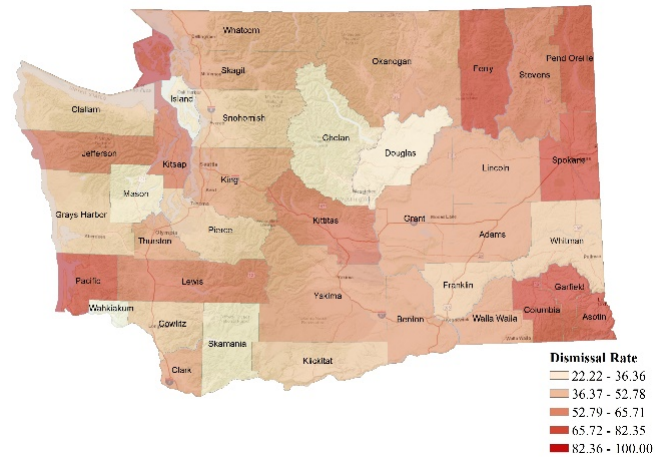


Figure 1.6 Comparison of Conviction and Dismissal Rates of Infraction and Criminal Traffic Violations by County

1.4 Conclusion

In this report, Washington court data on the 12 charges applicable to CDL holders were used in order to analyze the trend of enforcement and adjudication from 2006 to 2015. The results should be taken with caution because of the inherent limitation of the dataset used in this report. Despite the fact that this report seeks to discuss the efforts of WSP, WSDOT, and the Washington court system to improve highway safety and public safety through enhanced enforcement efficiency, the argument is based on 12 charges, rather than all of the charges filed against CDL holders. Also, the Washington court system purges records that have been closed for up to five years, so the dataset we used could underestimate the enforcement effort in the years that are subject to the data retention policy. Taking these limitations into consideration, the data after 2012 carry more weight than the previous years in the analysis.

Since 2012, the total number of charges filed increased significantly, and the trend is driven mainly by two infraction traffic charges: using a cell phone and texting while operating a CMV. However, these infractions were repealed in 2017 and replaced with a new law that bans the use of electronic devices that facilitate distracted driving. The new law was enacted to broaden the definition of electronic devices and strongly discourage their use. Enforcement is predicted to be strong for non-CDL holders, but the outcome of CDL holder cell phone use prohibition is unclear. The new statute exempts permissible electronic device use within the scope of employment by CDL holders, which intentionally leaves room for discretion to law enforcement. Considering that Washington state's top CMV crash causing violation is related to driver inattention, more tight regulation of the unnecessary use of electronic devices during CMV operation is advised.^{xiii}

The conviction rates for traffic infraction violations are significantly higher than dismissal rates, but dismissal rates are higher than conviction rates for criminal traffic violations. Even though it is reasonable to see lower conviction rates for criminal traffic violations due to the more severe consequences of conviction, the observed continual decrease in conviction rate is problematic. The annual number of CMV-involved crashes in Washington state has increased from 1,476 in 2011 to 1,634 in 2015. Fatalities occurring in those crashes increased from 40 to 45, and the number of injuries increased from 188 to 224 along with the total number of crashes.^{xiv} There is no proven causal relationship between decreasing conviction rates and an increasing number of crashes, fatalities, and injuries involving CMVs. However, decreased highway safety involving CMVs could be one of the reasons why improved conviction rates are warranted for criminal traffic charges that are strongly related to crashes.

The spatial pattern of the number of charges filed, conviction rates, and dismissal rates were analyzed as well, but no factors were identified that could explain the spatial distribution except for a more concentrated number of charges filed in the counties with I-5, I-82, and I-90. The variation of dismissal rates of criminal traffic violation between counties was relatively higher. This could pose a threat to the fairness of the judicial system of the State of Washington.

Chapter 2 Kentucky

2.1 The Court System in the Commonwealth of Kentucky

There are four levels of state courts in the Commonwealth of Kentucky: the district courts and circuit courts, which are both trial courts, and the Court of Appeals and Supreme Court, which are both appellate courts. Currently, 60 district courts are spread throughout Kentucky handling juvenile matters, misdemeanors, city and county ordinance violations, traffic offenses, small claims involving \$2,500 or less and civil cases involving \$5,000 or less.^{xv} Since the main focus of this report is on traffic violations by CDL holders and different disposition decisions made in the court system, the data used in this chapter is the aggregate of charges handled in district courts that have jurisdiction over traffic violations. Table 2.1 displays the caseload (based on case closings) in Kentucky from 2013 to 2017. On average, district courts in Kentucky handled 294,764 traffic violation cases annually for the last five years, which takes up 44.04 percent of the entire district court caseload^{xvi}.

However, the amount of time judges spent to process a filed traffic case is ranked at the very bottom when it is compared to other case types. Disability proceedings require the most amount of time per case, but district court judges only spend 2.8 minutes per case. The average amount of time spent per case was calculated by dividing the working time of all circuit and district court judges in Kentucky by the number of cases filed over the study period (from April 13 through May 10, 2015).^{xvii} Strictly speaking, the number of cases closed seems more appropriate over the use of the number of filed cases in the estimation, since all the filed cases may not get judges' decision during the study period. Using the number of closed cases could make the estimate more accurate as it reflects the volume of the cases that judges worked on in the defined time frame. Regardless of the limitation, the result that judges spend relatively small amount of time on traffic cases still holds.

The difference could be explained by the varying levels of complexity of case types, which are closely related to the levels of judicial involvement needed to reach a resolution. Another factor that could influence the average time spent per case is the percentage of pre-payable cases of the total number of filings. If a person who received a pre-payable citation decides to pay for the fine before the court date, it results in requiring no time from a district judge. Traffic violations have a larger percentage of pre-payable cases than other offenses. For example, 88,893 cases (35.51 percent of the total case closed) of traffic violations were pre-payable and only 2,028 cases (1.77 percent of the total case closed) of misdemeanors were pre-payable in 2017.^{xviii} It is not clear how many of these pre-payable cases were closed with fines paid in full before the court date, but it is reasonable to argue that the large proportion of pre-payable traffic citations work in favor of reducing the time and effort spent by the judicial sector.

Table 2.1 Kentucky Statewide Caseload

Category	2013	2014	2015	2016	2017	Average Time Spent
Traffic	328,680	318,724	294,906	270,633	260,877	2.8
Civil	119,366	114,215	108,647	110,043	107,924	N/A
Misdemeanor	131,418	126,188	120,671	116,805	114,317	16.0
Felony	53,736	53,514	53,518	57,517	62,262	19.0
Probate	33,698	33,460	33,983	33,781	34,032	20.0
Disability & Health	16,169	16,289	16,288	17,893	19,245	130.0
Juvenile	21,778	19,184	15,945	15,183	14,627	48.0
Small Claims	11,480	11,641	9,904	9,210	8,287	18.0
Domestic Violence	4,979	4,858	5,184	6,682	7,603	45.0
Uresa/Uifsa	328	313	314	371	213	N/A
Total	721,632	698,386	659,360	638,118	629,387	

The 57 circuit courts in Kentucky have jurisdiction over civil matters involving more than \$5,000, capital offenses and felonies, land dispute title cases and contested probate cases.^{xi} Most traffic offenses are handled at district court because they are grouped as violations, Class A misdemeanors, and Class B misdemeanors. Infrequently, if traffic offenses constitute felonies, the offenses are heard at a circuit court. Any offense that results in a fine without imprisonment is deemed a violation, while any offense that carries the potential of imprisonment is either a misdemeanor or felony depending on the length of the imprisonment. A Class B misdemeanor is a less serious offense than a Class A misdemeanor, and the imprisonment length is a maximum of 90 days for a Class A misdemeanor, and between 90 days and 12 months for a Class B misdemeanor. A Class D felony is less serious than Class A, B, or C felonies, and any offense that is a Class D felony could result in 1 to 5 years of imprisonment.^x Among traffic offenses, examples of Class D felony include leaving the scene of an accident / failure to render aid with death or serious physical injury (KRS 189.990(1)) and fleeing or evading police (KRS 534.030(1)).

When a driver is charged with a traffic offense that is categorized as a pre-payable violation, the offender has an option to pay for the fine and court costs in full before the court date, which is considered a guilty plea. If the defendant decides to fight the traffic citation, the intent to contest the citation needs to be reported to either district court or circuit court in person, via mail, or over the phone (the allowable means to contact varies by county). Then, the court will deliver information to the offender regarding the location and date of the court date and when and where the trial date is scheduled upon the official plea of not guilty. If the defendant is not satisfied with the trial outcome, he or she could ask for a higher court to review the case. Once appealed, the Kentucky Court of Appeals reviews the record of the lower court trial with attorneys presenting relevant legal issues in order to reach a decision.^{xi} Cases involving serious punishment such as the death penalty, life imprisonment or imprisonment for twenty years or more go directly from district and circuit court to the Supreme Court of Kentucky. There are 14 elected judges serving the Kentucky Court of Appeals and seven elected judges serving the Supreme Court. All of them are elected from the seven appellate districts to serve an eight-year term.^{xii}

Even though it is possible for a traffic offense to be handled at a circuit court, the Court of Appeals or the Supreme Court, almost 99 percent of the traffic offenses are processed at district courts in Kentucky. Due to the limited access to the charge filings and the dispositions, the effort to collect data was concentrated on charges handled at district courts where the most traffic charges are processed. The dataset used in this chapter was provided by the Administrative Office of the Courts (AOC) in an aggregate data format, which is not affected by the Kentucky Court of Justice records retention schedule. The schedule is effective as of 2009 and allows Circuit Court Clerks to destroy all the traffic case files when the record 1) is older than 5 years, 2) has a final disposition and is no longer enforceable, 3) has no outstanding bench warrants and bonds, and 4) all the court costs, fees and fines have been paid. When a case meets all the criteria described, it is coded with an "R" and all the identifying information of the defendant is removed from the record. However, the case itself remains in the system with no personal information to keep the accurate statistical information for counting purposes, such as number of traffic cases opened and closed over time, or to provide accurate responses to requests for aggregate case or charge data.^{xiii} Therefore, the data used in this chapter closely reflect the actual traffic violations that occur in Kentucky, providing robustness to the analysis of the data in this chapter.

2.2 CMV Inspections and Violations Uncovered

Data

From the second quarter of 2014 to the last quarter of 2017, 360,999 violations were recorded in the system through inspection of CMVs in Kentucky. The violations include driver and vehicle safety, registration and permit issues, matters related to hazardous material transportation and carrying of overweight and over-dimensional shipments (violation chart can be found in Appendix A).

The dataset available provides information on the description of the violation, the federal violation code, the inspection date and location as well as whether it was a roadside or weigh station inspection, origin and destination of shipment, whether the inspection resulted in driver or vehicle out of service, and more information about the vehicle. Using the data, we examine the level of enforcement over the study period in this section.

General Trend

First, the number of inspections performed and the number of violations filed every month at weigh stations and roadside inspections are shown in Tables 2.2 and 2.3. Until February 2017, more inspections were performed and more violations were filed through roadside inspections, but the total monthly inspections and recorded violations at weigh stations exceeded those of roadside inspections after March 2017. On average, each inspection results in the detection of 1.27 violations, and the most frequent inspection result is no violation (46.13 percent). The next frequent result is the detection of one violation, and the maximum number of violations recorded during the data period was 38. The shown improved enforcement capability at weigh stations is encouraging considering the sizeable funds spent annually to maintain buildings, equipment, and staff to operate weigh stations throughout Kentucky.

Out of 176,541 violations noted at various weigh stations, most were detected at Rowan County weigh station (22,698 violations). Two weigh stations in Laurel County, one on I-75 northbound and the other on southbound, recorded 21,869 combined violations over 3 years and 9 months. However, the number of inspections performed was the highest at the weigh stations in Laurel County (29,806 inspections), while it was 22,150 in Rowan County.

Table 2.2 Number of Inspections by Facility Type

Year	Facility	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2014	Fixed				2,672	2,859	3,133	3,227	2,511	2,564	3,497	3,273	3,814
	Roadside				2,855	3,067	2,891	3,289	2,608	3,181	3,354	2,870	2,770
2015	Fixed	2,672	2,859	3,133	3,227	2,511	2,564	3,497	3,273	3,814	2,672	2,859	3,133
	Roadside	2,855	3,067	2,891	3,289	2,608	3,181	3,354	2,870	2,770	2,855	3,067	2,891
2016	Fixed	2,268	2,549	2,766	2,380	2,830	3,411	3,290	3,251	2,562	2,354	2,493	2,838
	Roadside	2,660	2,813	3,011	2,576	2,786	3,234	2,892	3,707	3,401	3,186	3,532	3,247
2017	Fixed	2,806	2,301	3,021	2,920	4,393	4,103	3,688	4,259	4,040	5,328	4,983	4,225
	Roadside	3,157	2,796	2,884	2,549	3,238	3,298	2,946	3,386	3,302	3,852	3,458	2,977

Table 2.3 Number of Violations by Facility Type

Year	Facility	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2014	Fixed				4,305	4,427	4,755	5,030	3,564	3,683	3,941	3,684	4,045
	Roadside				4,444	4,848	4,655	5,616	4,199	4,531	4,857	4,099	3,615
2015	Fixed	3,857	2,306	3,867	4,495	3,914	4,193	3,876	4,517	3,958	3,684	3,437	3,259
	Roadside	3,551	2,507	2,783	3,789	4,147	4,473	4,891	4,640	4,474	4,648	4,566	4,200
2016	Fixed	2,363	2,846	3,382	2,901	3,348	3,847	3,626	3,601	2,829	2,807	2,864	3,045
	Roadside	3,201	3,323	3,958	3,455	3,397	4,315	3,557	4,725	4,507	3,916	4,592	3,835
2017	Fixed	3,003	2,552	4,002	3,660	5,966	5,674	4,728	5,574	4,911	5,583	5,548	5,084
	Roadside	4,173	3,475	3,477	3,336	4,171	4,452	3,740	4,675	4,430	5,033	3,891	3,291

Numerous kinds of violations were uncovered by inspections, and they were grouped into seven main categories for systematic analysis: federal out of service violations, driver safety violations, vehicle safety violations, credentialing and permitting issues, hazardous material transportation issues, overweight and over-dimension related issues, and miscellaneous violations. The two major categories are driver safety violations and vehicle safety violations. The driver safety violation group includes commercial driver's license violations, age requirement violations, hours of service violations, logbook violations, and moving violations. Vehicle safety violations include all the violations related to lack of maintenance and malfunction of parts (brakes, tires, exhaust systems, frames, cab, and body parts), and the issues related to brakes are cause for concern among inspectors due to their direct impact upon safety. These two main groups show continuing fluctuation on the number of violations detected, but they are recovering from the decrease over 2015 and on the path to fully recover or exceed the enforcement level of early 2014 (see Figure 2.1).

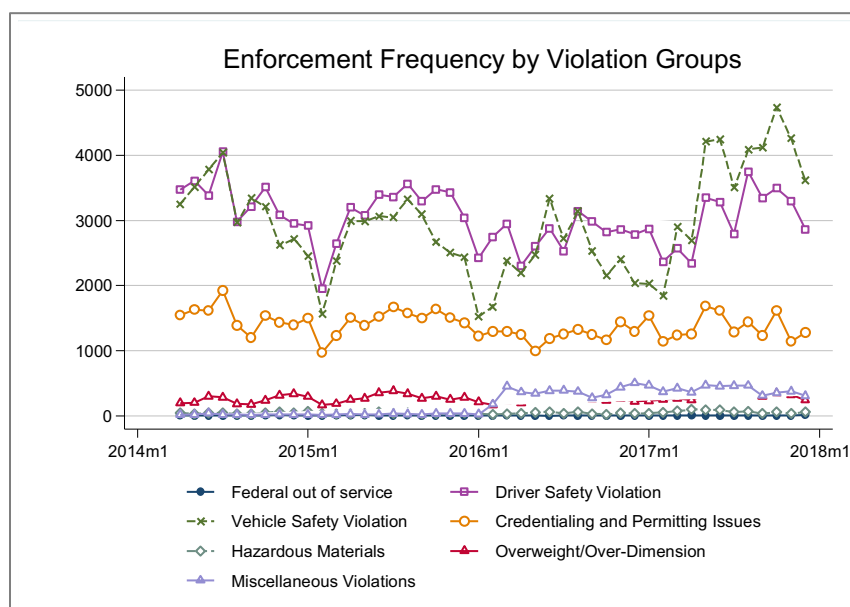


Figure 2.1 Total Violation by Type

CDL Violations

One of the major subgroups falling under the driver safety violation category is that of commercial driver's license violations. As shown in Figure 2.2, driving a CMV without obtaining a CDL is very rare compared to other CDL related violations. On the other hand, drivers often violate license related regulations by failing to keep up with periodic medical examinations and the medical restrictions result from the examination. All CMV drivers in interstate commerce with a maximum gross vehicle weight rating of over 10,000 pounds must possess a valid medical examiner's record, which is valid for less than a period of 2 years depending on one's ability to operate a CMV.^{xxiv} It is a driver's responsibility to undergo another medical examination before the expiration date in order to continue driving legally, and there is no grace period on the expiration. Failure to possess a valid medical examiner's certificate has been the most frequently discovered violation throughout the entire data period. Other frequently uncovered violations are failures to adhere to the regulations specified in the medical examiner's certificate. For example, if a driver used corrective lenses or hearing aids to be qualified to operate a CMV, the driver must use them while driving a CMV.

The counts of drivers caught while driving vehicles with an improper class of CDL or endorsements are relatively low compared to other types of violations. The class of one's CDL dictates the kinds of CMV one can operate and special endorsements are necessary to transport specific types of cargo, such as hazardous materials. Depending on the types (a single vehicle vs a combination of vehicles) and weight (a trailer weighs less than 10,000 pounds vs over

10,000 pounds) of a CMV, three types of CDL classes are available (Class A, B, or C). In order to haul a tank, carry hazardous materials, or transport passengers, N, H, and P endorsements are required, respectively.

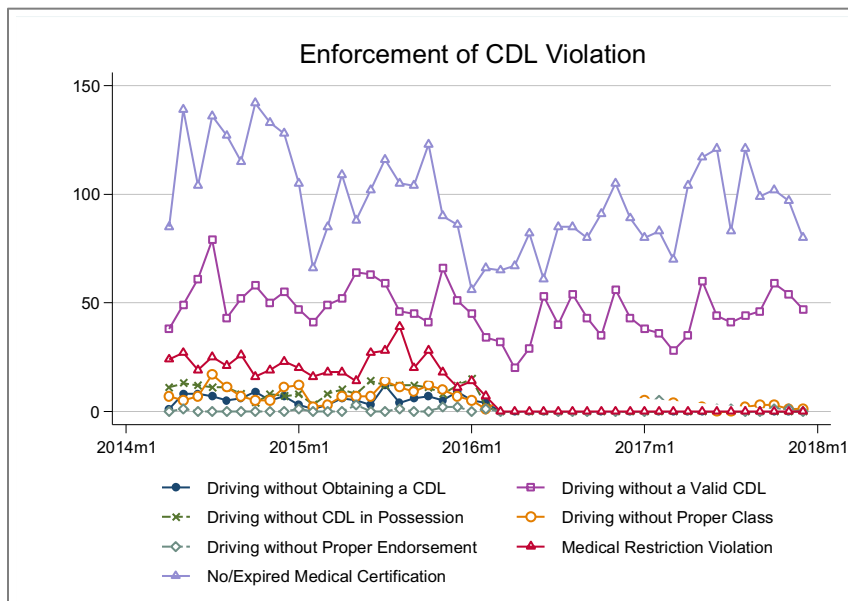


Figure 2.2 Total Violation by Type (CDL Violation)

2.3 Traffic Violations by CDL Holders

Data Request

With the intent to analyze the annual trend of total traffic violations committed by CDL holders, dispositions of the charges and the factors affecting upward and downward trends, we requested data on a comprehensive list of violations that potentially impact someone’s driver history record or driver license status. The selected charges are more safety-oriented compared to the other charges that could be filed for failure to meet tax obligations, to obtain permits to operate and to maintain credentials. Also, we only asked for cases where the driver has a CDL, so the violations in the data could be committed by a CDL holder in a CMV or non-CMV. Therefore, a violation committed by a non-CDL holder driving a CMV would not be included in the dataset. This data runs from 2002 to 2016.

In order to make a data request, 537 Kentucky Uniform Crime Reporting Codes (UOR Codes) were isolated. The AOC maintains and modifies UOR codes that are used within the Court of Justice Case Management System, and the KSP utilizes and assigns the codes to offenses in Kentucky for consistency. The codes are widely used in Kentucky for general administrative purposes as well as to identify local and city ordinances.^{xxv} The identified UOR Codes are grouped into 27 categories following AAMVA (American Association of Motor Vehicle Administrators) Code Dictionary (ACD). See Appendix B for the detailed categorization of UOR codes into ACD violation groups. The ACD code set is published and updated by AAMVA with the aim of establishing identifiers that could be used nationwide. Just as Kentucky has its own code to record convictions and withdrawals of a traffic violation (UOR Codes), other states have their own state-native code. The ACD code set enables the interstate exchange of convictions and withdrawals by mapping state-native codes to ACD codes and compiling them.^{xxvi}

General Description

Over the study period (2002-2016), a total of 103,719 charges were filed against CDL holders under the 537 UOR Codes of our interest. Figure 2.3 and

Table 2.4 display the total charge count by ACD violation group. The top five groups with the most charges filed are 1) speeding, 2) failure to obey, 3) miscellaneous maneuvers (coasting, improper backing, improper start from parked position, and unsafe operation), 4) passing, and 5) reckless, careless, and negligent driving. Speeding is the most frequently occurring violation and takes up 76.33 percent of the total violations. The number of charges filed under the category increased until 2007, but a steadily decreasing pattern has lasted from 2008 to the last year of the data period. The difference between the year of maximum and minimum charges filed is more than eightfold, which is concerning due to the ramifications for public safety. The number of charges filed falling under the failure to obey group has been falling as well since 2011. Considering that the two groups combined make up 84.17 percent of the total charges filed, the continuing downward trend could have a detrimental effect on road safety on highways. Numerous studies identify speeding as a major cause of motor vehicle fatalities, contributing from 27 to 31 percent of all fatal crashes. Weak enforcement may be relevant to the increasing crash fatality rate in Kentucky.^{xxvii} From 2013 to 2016, the Kentucky Highway Fatality totals increased from 638 to 834, and fatalities involving CMV increased from 60 to 89.^{xxviii} Considering that speeding increases both the frequency and severity of motor vehicle collisions, it is important to find a way to enforce speed limits effectively with higher visibility.

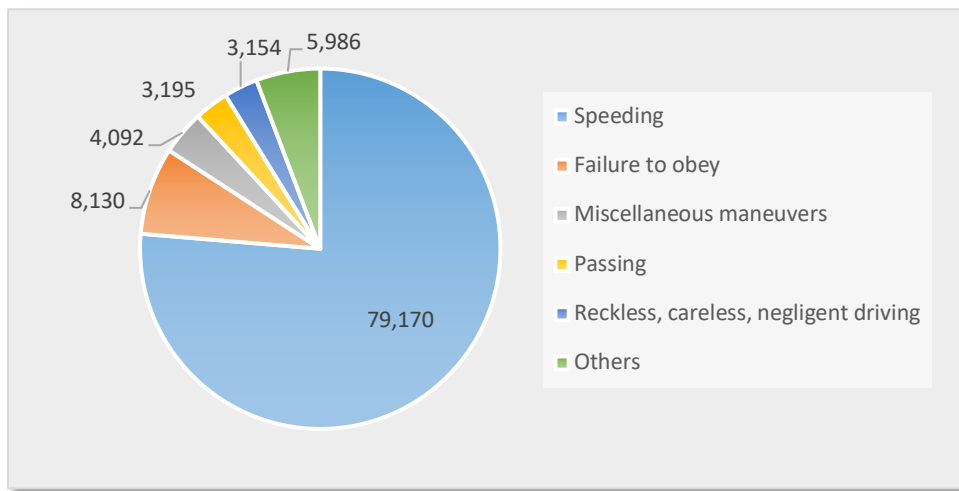


Figure 2.3 Total Charge Count by ACD Violation Group (2002-2016)

Table 2.4 Charge Counts by ACD Violation Group by Year (2002-2016)

Category	2002	2003	2004	2005	2006	2007	2008	2009
Speeding	2,371	2,152	3,357	4,922	6,313	11,881	10,100	8,929
Failure to obey	249	229	225	254	343	561	820	770
Miscellaneous maneuvers	639	211	17	24	36	87	111	196
Passing	4	5	8	13	36	123	244	214
Reckless, careless, negligent driving	23	27	40	83	175	273	274	297
Others	190	169	233	274	356	756	655	495
Total	3,476	2,793	3,880	5,570	7,259	13,681	12,204	10,901
	2010	2011	2012	2013	2014	2015	2016	Total
Speeding	7,028	5,876	5,618	3,948	2,984	2,297	1,394	79,170
Failure to obey	697	641	1,151	700	566	478	446	8,130
Miscellaneous maneuvers	499	468	437	425	407	244	291	4,092
Passing	203	132	153	344	376	620	720	3,195
Reckless, careless, negligent driving	335	347	319	274	264	260	163	3,154
Others	354	387	488	588	261	462	318	5,986
Total	9,116	7,851	8,166	6,279	4,858	4,361	3,332	103,727

Spatial Distribution of Charges Filed

The spatial distribution of total charges filed over the study period varies significantly by county. Since there are many factors including population, area, AADT and the existence of major highways within the county boundary that influence the total charges, the comparison of the absolute number of charges filed may not carry much weight. Figure 2.4 shows the offense total for CMV violations by county. The map provided seeks to visualize the effects of the factors on the total charges filed. The counties that include I-75, I-71, I-65, I-64, and I-24, which are marked with heavier traffic flow, are likely to have a higher number of charges filed. For example, the four counties that include a section of highway with the highest AADT category (100,000 to 250,000) are in the top 25 percent of counties in terms of the total offense count and are mapped with dark brown (Jefferson, Boone, Kenton, and Campbell county). The fact that the location of weigh stations coincides with the counties with more charges filed may indicate their proper siting since they enable effective traffic enforcement of CDL holders.

Offense Totals for Commercial Vehicle Violations by County (2002-2016)

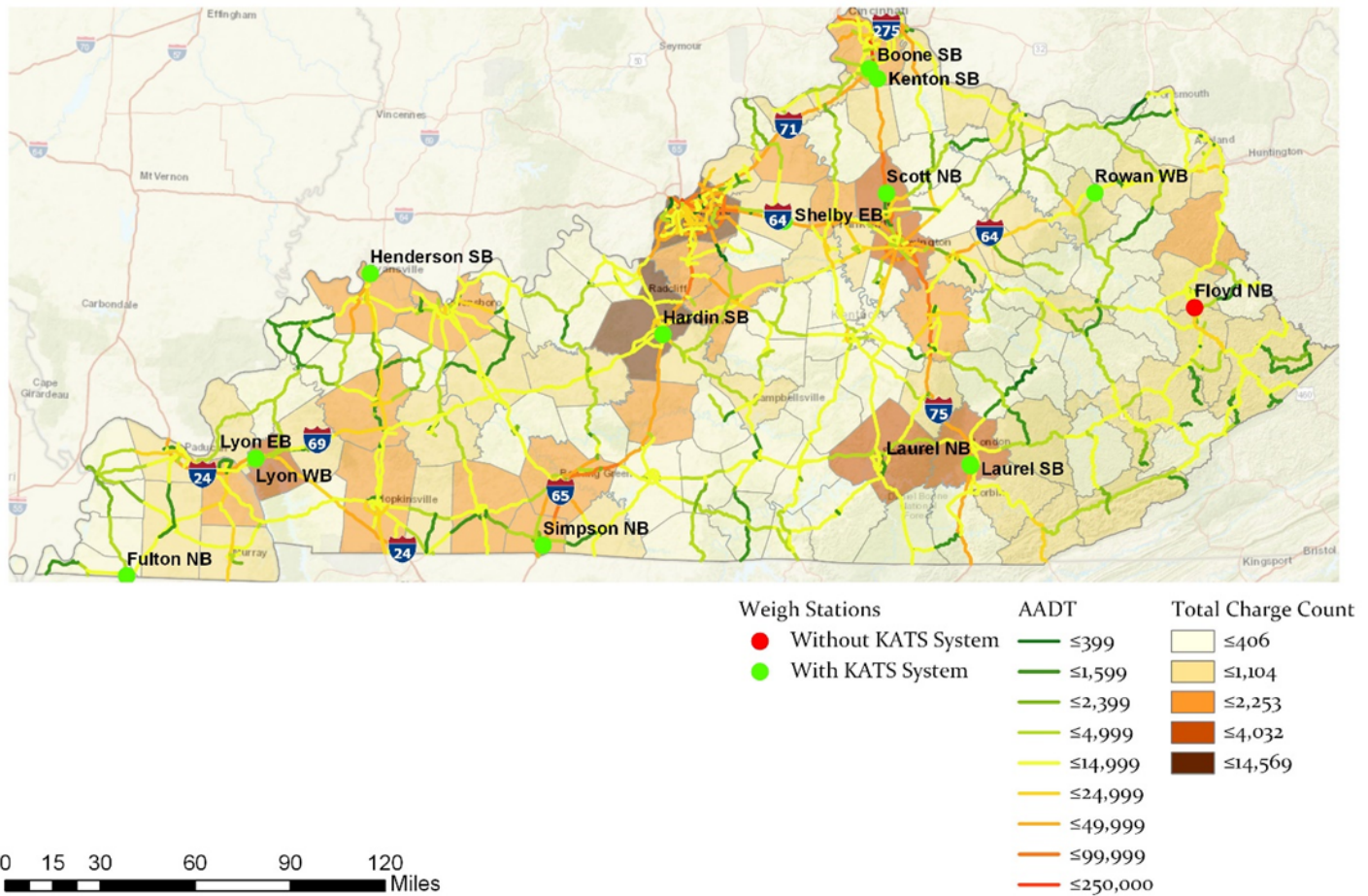


Figure 2.4 Offense Totals for Commercial Vehicle Violations by County (2002-2016)

Figure 2.5 shows the offense total for CMV violations by KSP region. The Kentucky State Police's Division of Commercial Vehicle Enforcement's (KSP-CVE) mission is to encourage and promote a safe driving environment and enforce State and Federal laws and regulations. KSP-CVE has 6 regional locations across the state and these are staffed with law enforcement officers, regulatory weight and safety inspectors and civilian staff. Figure 2.5 shows the regional boundaries and aggregate offense totals for each region to see if there are any noticeable differences. Each regional post is run by different captains covering different parts of the commonwealth with different levels of traffic volume and resources allocated for enforcement effort, including the number of weigh stations within the jurisdiction. Also, the area covered by each regional post differs significantly, so a map is included to provide insights on the intuitive relationships between the above-mentioned factors and the total charges filed, rather than to compare directly the absolute numbers

Offense Totals for Commercial Vehicle Violations by KSP Region (2002-2016)

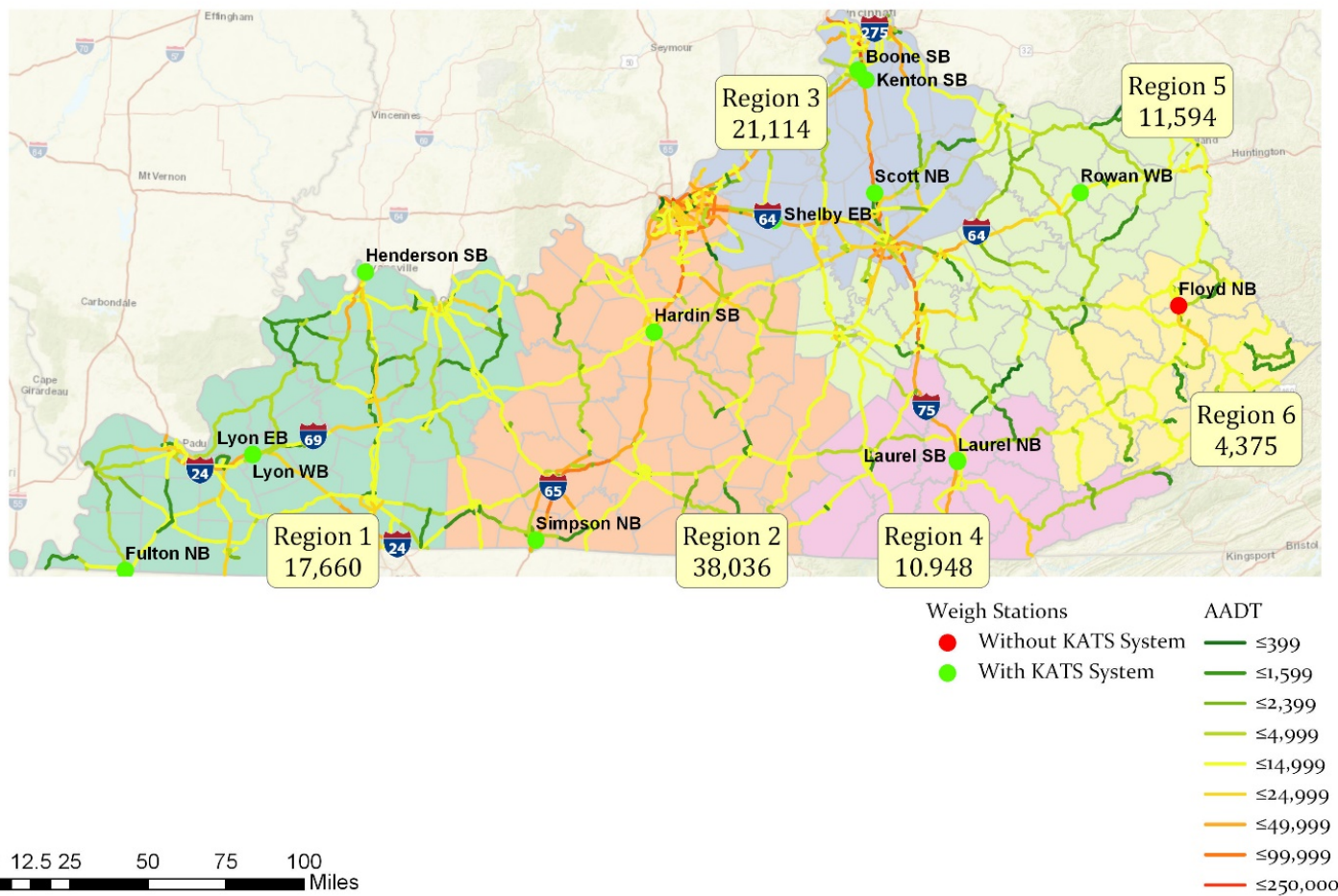


Figure 2.5 Offense Totals for Commercial Vehicle Violations by KSP Region (2002-2016)

Charge Dispositions

Charge disposition often refers to the court’s finding regarding the charges filed. The Kentucky Court of Justice provides a lengthy list of possible disposition types, but they are grouped into fewer categories for statistical purposes (see Table 2.5). Upon our data request, the AOC provided number of charges and cases in each aggregated disposition type from 2002 to 2016. The broader charge disposition groupings used in the summary statistics include Acquitted/Dismissed/Not Guilty, Amended, Convicted, Diverted, Others, Pending, and Temporary. This research mainly focuses on the Acquitted/Dismissed/Not Guilty, Amended, and Convicted categories due to the substantial impact they may have on a CDL holder’s decision to keep up with or disregard the laws and regulations.

In most states, including Kentucky, CDL holders are subject to stricter criteria than general driver’s license holders because the consequence of a traffic violation is much larger for a CDL holder. Therefore, the process of obtaining a CDL is more expensive and time consuming compared to a regular driver’s license, but losing a CDL license is easier than a general driver’s license. The charges that could result in loss or suspension of a CDL include alcohol and drug related offenses, operating a CMV without a valid license, excessive speeding (15 mph over the speed limit), following vehicles too closely, and violation of an out-of-service order. The first violation usually results in suspension for a certain period, but recurring violations could result in lifetime disqualification. Enforcement of the law by the KSP is important for public safety, but the role played by the judicial system is critical as well. Low conviction rates and high dismissal rates may give CDL holders a false impression that courts do not take traffic violations seriously. Combined with declining total citations issued per year, the existing laws and regulations lose their power in discouraging behaviors that could potentially threaten public safety.

Table 2.5 Available Charge Disposition Types in Kentucky District Courts on Traffic Violations^{xxix}

Disposition	Category
Acquitted	Acquitted/Dismissed/Not Guilty
Dismissal by Motion of Prosecutor	Acquitted/Dismissed/Not Guilty
Dismissed Deferred Prosecution	Acquitted/Dismissed/Not Guilty
Dismissed After Presented to Grand Jury	Acquitted/Dismissed/Not Guilty
Dismissed	Acquitted/Dismissed/Not Guilty
Not Guilty	Acquitted/Dismissed/Not Guilty
Pardon--Prior to Adjudication Only	Acquitted/Dismissed/Not Guilty
Pre-Payable Citation Dismissed	Acquitted/Dismissed/Not Guilty
Void Sealed Conviction	Acquitted/Dismissed/Not Guilty
Amended Down	Amended
Amended Down by Grand Jury	Amended
Amended	Amended
Amended Up	Amended
Amended Up by Grand Jury	Amended
Guilty	Convicted
Prepayable Citation Paid	Convicted
Pretrial Diversion	Diverted
Administrative Procedure	Other
Deceased	Other

Extradition	Other
Failure To Appear	Other
Fugitive	Other
Grand Jury	Other
No Action Taken by Grand Jury	Other
No True Bill Returned by Grand Jury	Other
Other	Other
Set Aside/Voided	Other
Sealed Record	Other
Transferred	Other

In Figure 2.6 the conviction rate significantly decreased while the dismissal rate increased steadily over the first decade of the study period. For the first four years, the conviction rate was higher than 70 percent, but the rate stabilized between 53 percent and 57 percent toward the end of the study period. In the meantime, the dismissal rate soared up to 27.65 percent in 2013 and then later decreased to 16.43 percent in 2016. The dataset includes information of charge dispositions on 17 traffic violation categories, but the results shown are mainly driven by a few groups like speeding and failure to obey (a traffic control device) due to the large number of charges filed under the groups. In order to observe the different patterns among the 17 groups, if any, it is worthwhile to analyze the conviction, dismissal and amend rates for each violation group.

Figure 2.7 displays conviction rates for several ACD violation groups. Speeding is the largest group in the dataset, including 216 UOR codes, whereas the next largest group, failure to obey, only has 11 UOR codes falling under the category. The two groups show a similar pattern over time. The conviction rates of the two groups were high relative to other groups, but they dropped significantly from almost 80 percent to below 60 percent in 2010. The conviction rates bounced back a little, but they are still far below the conviction rates in 2002. The miscellaneous maneuvers category showed an even more severe conviction rate decrease from 68.25 percent in 2003 to 11.00 percent in 2016. A very big portion of charges are filed under UOR code 0006990 (All Other Traffic Offenses Not Listed), so it is unclear what kinds of activities are actually avoiding conviction.

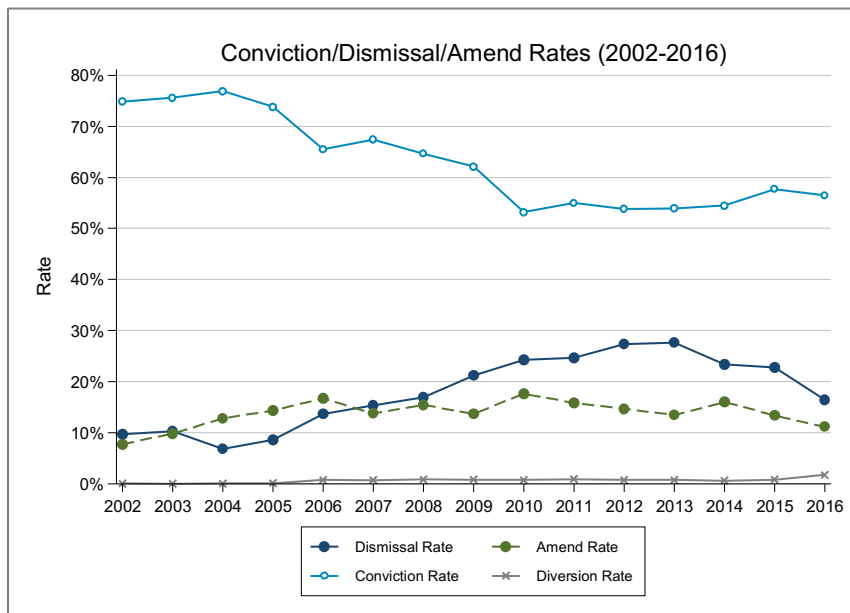


Figure 2.6 Conviction/ Dismissal/ Amend Rates (2002-2016)

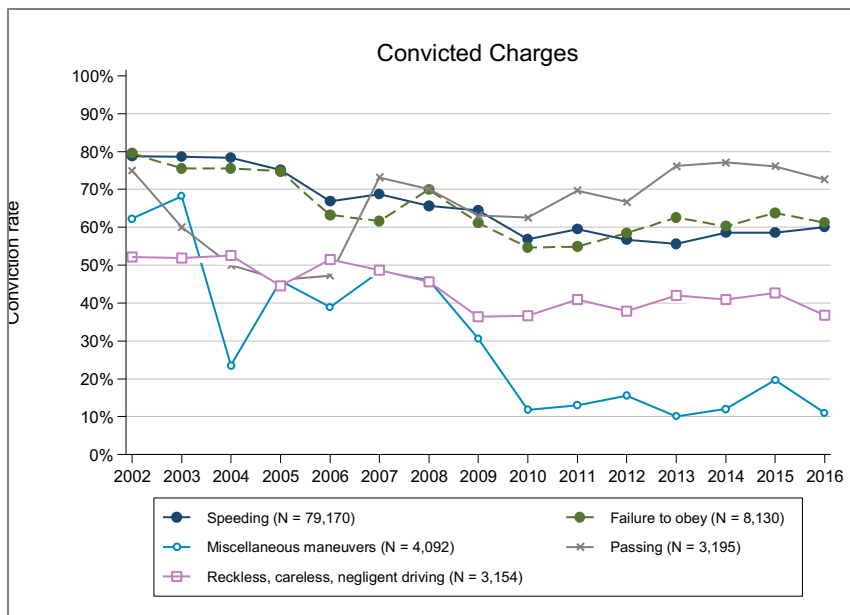


Figure 2.7 Conviction Rates of CDL Holders' Traffic Violations by ACD Violation Groups

Less frequent conviction rates are displayed in Figure 2.8. The lowest conviction rate is the driver's license regulation and duties category including those charges filed against non-licensed drivers operating a CMV. The average conviction rate was 16.01 percent, and the low conviction rate could encourage CMV drivers to neglect their responsibility to obtain and maintain a CDL and to fight citations. The conviction rates of charges filed under following improperly, improper turns, and improper land or location categories fluctuated without a noticeable pattern over time.

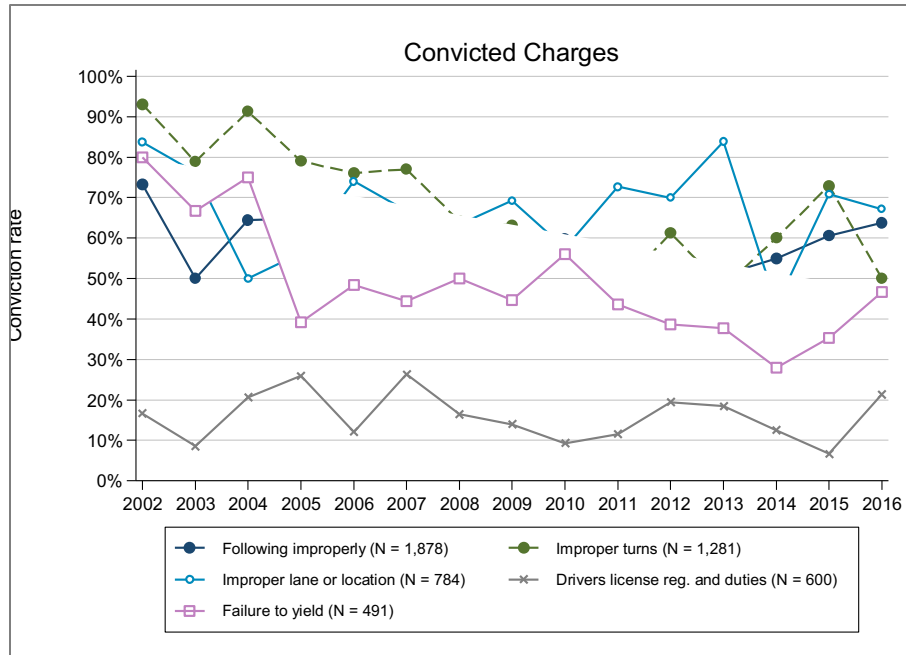


Figure 2.8 Conviction Rates of CDL Holders' Traffic Violations by ACD Violation Groups (Cont.)

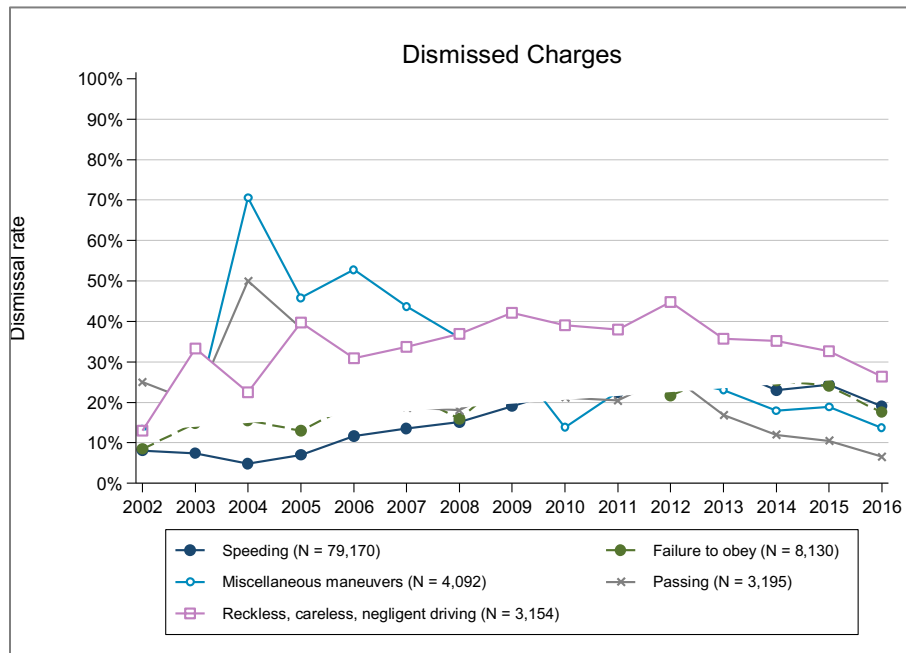


Figure 2.9 Dismissal Rates of CDL Holders' Traffic Violations by ACD Violation Groups

Among the five kinds of charge disposition categories provided by AOC, only 4.65 percent of the total charges are diverted or have a final disposition that falls under the others category. More than 95 percent of the charges have a disposition of convicted, dismissed or amended. Since convicted and dismissed disposition groups are the two major categories, it is natural to expect that the conviction rates and dismissal rates are moving in opposite directions. Figure 2.9 reports the dismissal rates of CDL holders' traffic violations by ACD violation groups for the most commonly cited offenses. In this group, reckless, careless, and negligent driving has a consistently higher dismissal rate, except for a few years when preceded by an even higher dismissal rate of miscellaneous maneuvers. Toward the end of the study period, conviction rates for the five categories showed a downward trend after a decade of

trending upward, which is a promising sign that the judicial system may implement a more stringent standard for the dismissal of the charges.

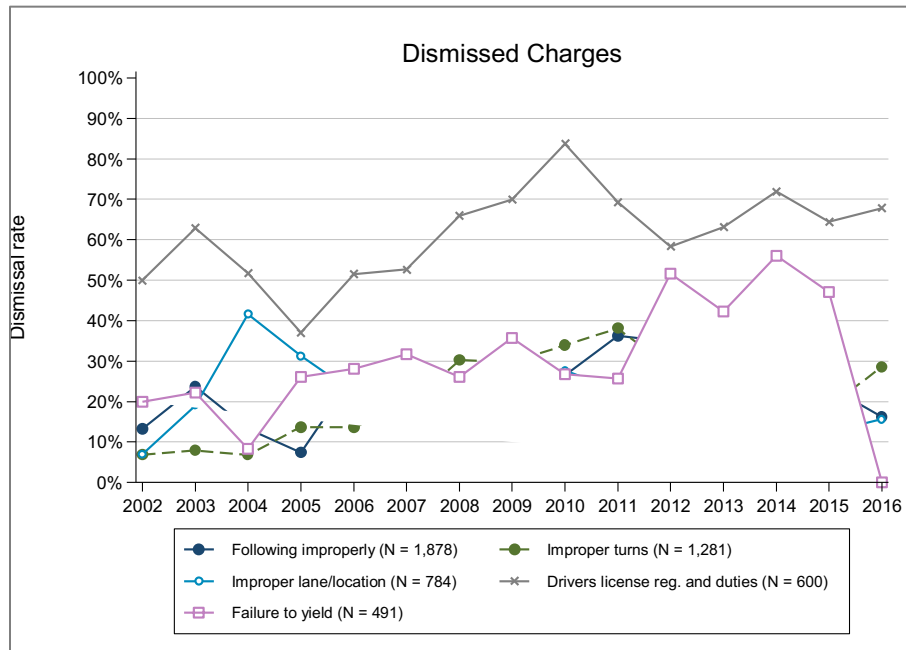


Figure 2.10 Dismissal Rates of CDL Holders’ Traffic Violations by ACD Violation Groups (Cont.)

Along with the very low conviction rate, the driver license regulation and duties category has the highest dismissal rates for the entire study period (see Figure 2.10). The four commonly cited violations under the category are driving a CMV without obtaining a CDL, driving a CMV without the proper class of CDL or endorsement, driving a CMV with an expired CDL, and violating a driver or vehicle out-of-service order. The dismissal rates for the subgroups were compared in order to see if there is any noticeable difference among them since the severity of the penalty is different. A judge could be hesitant to convict a driver with a charge that could result in job loss due to a mandatory CDL disqualification period. For example, jurisdictions are not required to impose any CDL disqualification period on drivers who operated a CMV without a CDL in the case of a first conviction. However, in the case of a driver who operated a vehicle that is declared out-of-service or who operated a CMV under the driver out-of-service status, a jurisdiction must impose a disqualification period between 180 days and 1 year at the first conviction. However, the data do not support the argument. During the study period, the dismissal rates for violations that could result in a 180-day to 1-year disqualification (41.38) was significantly lower than the violations that do not carry a mandatory disqualification period (63.83 percent).

Approximately 14.38 percent of the total charges are amended instead of being convicted as shown in Figure 2.11. With the given aggregated data, it is not clear what portion of the amended charges are amended down. However, it is reasonable to assume that there are more amended down dispositions than amended up dispositions because it is a common result of a negotiation process among the offender, attorney, judge, prosecutor, and the police in order to save the involved parties’ time and resources. For example, even if one is charged with exceeding speed limit by more than 30 mph, the judge or prosecutor might be willing to allow the offender to plead guilty to exceeding the speed limit by more than 10 mph, which does not disqualify one’s CDL. Compared to conviction and dismissal rates, amend rates have been relatively stable for the study period, except for one category, miscellaneous maneuvers.

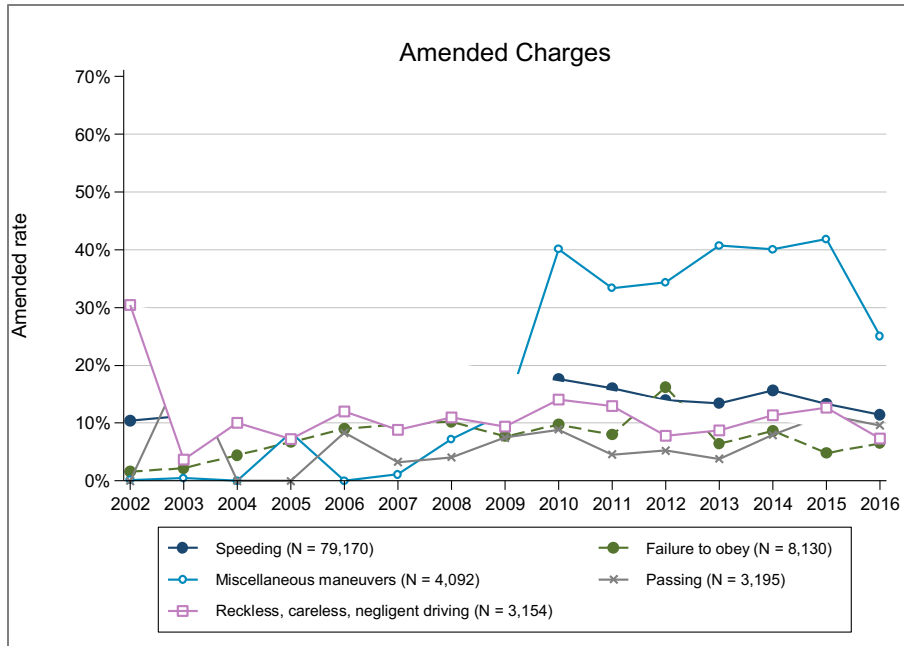


Figure 2.11 Amend Rates of CDL Holders’ Traffic Violations by ACD Violation Groups

Spatial Distribution of Charge Dispositions

It is important for each district court to make a similar disposition for similar charges, but it is also important for different district courts to make a similar disposition for similar charges. Unless the inter-judge and intra-judge reliability are guaranteed, CDL drivers could be more comfortable with reckless driving behaviors in areas with low conviction rates, expecting insignificant penalty or no penalty whatsoever. Table 2.6 shows the difference among KSP Regions, and Region 4 and 6 show a significantly low conviction rate and a high dismissal rate. Region 6 has the most problematic record due to having the lowest conviction rate and the highest dismissal and amend rates. The region includes 10 counties in the eastern part of Kentucky: Breathitt, Floyd, Johnson, Knott, Leslie, Letcher, Magoffin, Martin, Perry and Pike Counties.

Table 2.6 Composition of Dispositions by KSP Region

KSP Region	Conviction Rate	Dismissal Rate	Amend Rate	Diversion Rate	Other
1	61.84 %	18.83 %	13.98 %	0.44 %	4.92 %
2	65.39 %	14.68 %	16.86 %	0.16 %	2.92 %
3	73.01 %	8.96 %	11.86 %	0.03 %	6.14 %
4	42.40 %	41.27 %	13.62 %	0.06 %	2.65 %
5	63.32 %	21.29 %	11.00 %	0.38 %	4.02 %
6	27.36 %	41.74 %	17.53 %	11.50 %	1.87 %

When the conviction and dismissal charges are calculated for each violation category, Region 6 still shows the lowest conviction rates and the highest dismissal rates for all top five frequently cited violations (see Figure 2.12). The severity of the problem with Region 4 is less than that of Region 6, but attention is needed on Region 4 as well to guarantee consistent rulings over time throughout Kentucky. In both regions, the chance of avoiding conviction after receiving a citation is above 50 percent for most charges. A first-time offender might not have predicted the disposition, but with repeated similar experiences shared among other drivers, the regions could gain a reputation for lenient dispositions. The reputation could influence CDL holders to become insensitive to traffic laws and driving

regulations due to the lack of penalties for the violations. As the persistent unsafe driving behavior of CMV drivers is likely to endanger other drivers, including non-CMV drivers, a few strategies need to be devised in order to restore inter-judge reliability.



Figure 2.12 Conviction Rates by KSP Region

The large dismissal rate gap among regions necessitates a new set of strategies to provide inter-judge reliability. Figure 2.13 shows that a CDL holder who received a citation for coasting, improper backing, improper start from parked position, or unsafe operation (miscellaneous maneuvers) in Region 6 is 6.6 times more likely to get the citation dismissed compared to Region 1. For speeding, the dismissal rate in Region 6 is 37.95 percent, while it is only 6.62 percent in Region 3. For passing, Region 4 records the highest dismissal rate at 62.12 percent, while the lowest dismissal rate of 9.92 percent is recorded in Region 5. In all categories, Region 4 and Region 6 show dismissal rates exceeding those of other regions.

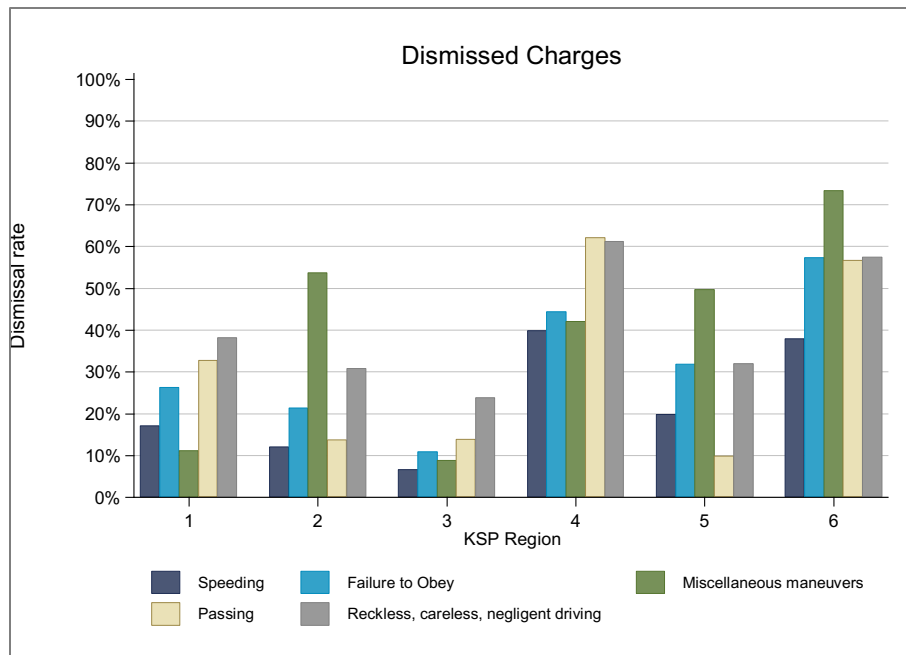


Figure 2.13 Dismissal Rates by KSP Region

Figures 2.14 – 2.16 show conviction rates, dismissal rates, and amend rates for each county in Kentucky. Specific numbers for each county can be found in Appendix C at the end of this report. The maps are provided in order to visualize the variations among counties. The differences among KSP regions are noticeable in the map as well. Many counties in Regions 4 and 6 in Eastern Kentucky are marked with very light red, indicating low conviction rates, except for the counties containing I-75.

Seven out of ten counties with the highest conviction rates are in Region 3, while six out of 10 counties with the lowest conviction rates are either in Region 4 or 6 (see Figure 2.14). Neighboring counties showing similar conviction rates imply that judges are influenced by those in neighboring judicial districts, or that a shared characteristic of a region drives district court judges’ decisions in a certain direction. In Kentucky, district court judges are elected to serve four-year-terms, and the judicial decisions they made in previous years is one of the critical factors that voters consider before Election Day. One possible explanation for low conviction rates in Eastern Kentucky is prolonged distrust in police enforcement and the judicial system in the area.

Figure 2.15 shows that the counties with low dismissal rates are clustered in KSP Regions 2 and 3. There are ten counties in Kentucky that show the record of less than a 5 percent dismissal rate (Carlisle, Anderson, Breckinridge, Nelson, Washington, Mason, Henderson, Bracken, Grant, and Woodford County). On the other hand, there are 16 counties in Kentucky that show a dismissal rate higher than 50 percent. In Eastern Kentucky, one county with a very low dismissal rate, surrounded by very high dismissal rates, is Perry County. It has a 10.06 percent dismissal rate while the dismissal rate for KSP Region 6 is 41.74 percent. Also, we would like to point out that counties with weigh stations show lower dismissal rates compared to surrounding counties.

Figure 2.16 shows the amend rates for all commercial vehicle offenses by county. Conviction and dismissal are the two major categories of disposition, so not many charges are amended. A higher amend rate implies leniency, since most charges are amended down rather than amended up. The most noticeable number is the amend rate for Marion County, 60.22 percent, whereas the conviction rate over the study period in the county was only 21.90 percent. When more than half of the charges filed against CDL holders are amended in a certain area, the administrative burden and the district court’s workload will increase as defendants know that there is a high chance to avoid losing a CDL for a certain duration or paying a higher insurance premium from added points on a license. The two adjacent CDL counties to Marion County, Taylor and Washington County showed the second and third highest

amend rate, which are 39.68 and 39.54 percent respectively. All three figures are shown on the following three pages.

Conviction Rates for All Commercial Vehicle Offenses by County (2002-2016)

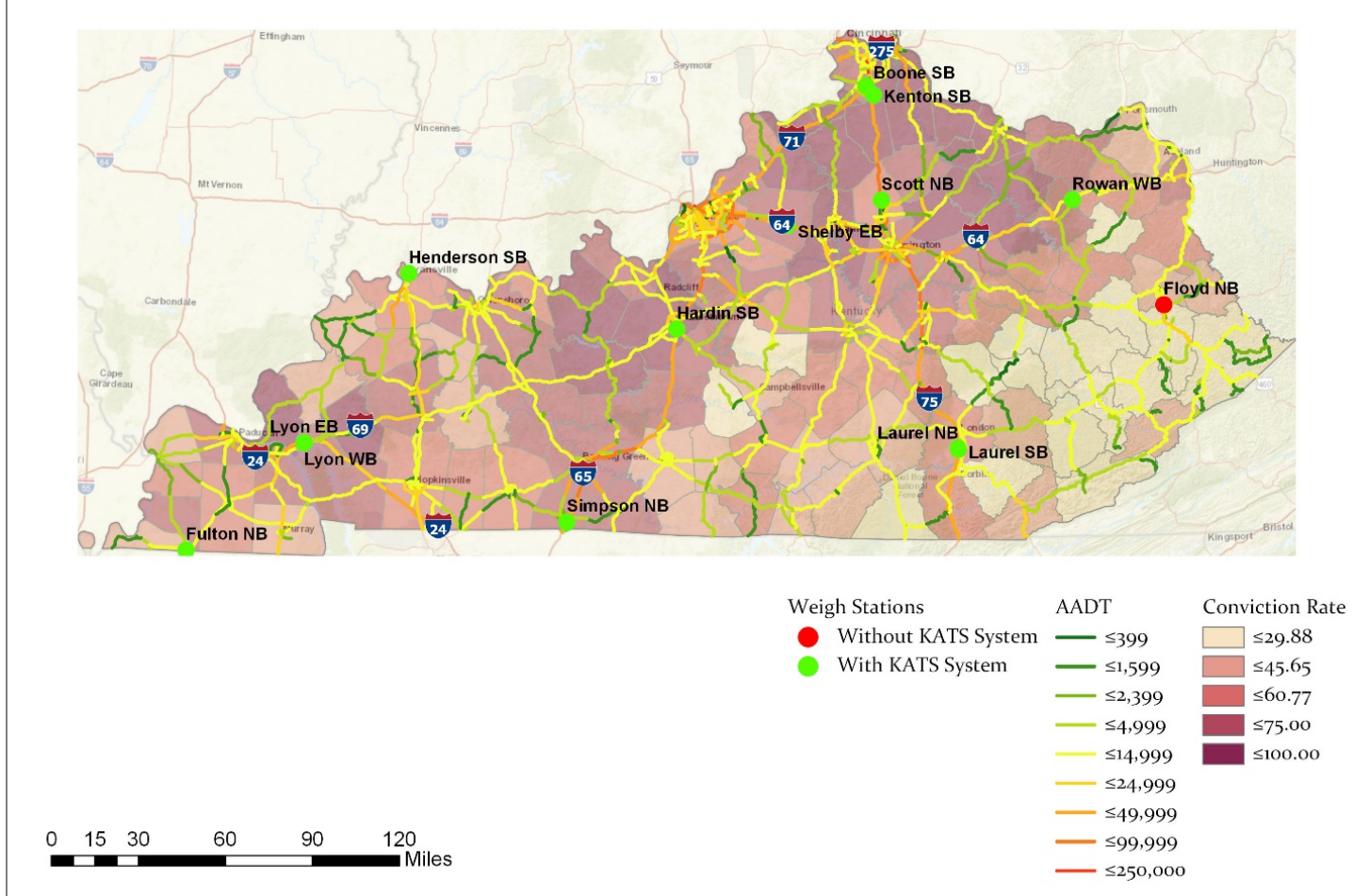


Figure 2.14 Conviction Rates by County (2002-2016)

Dismissal Rates for All Commercial Vehicle Offenses by County (2002-2016)

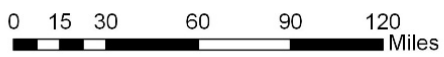
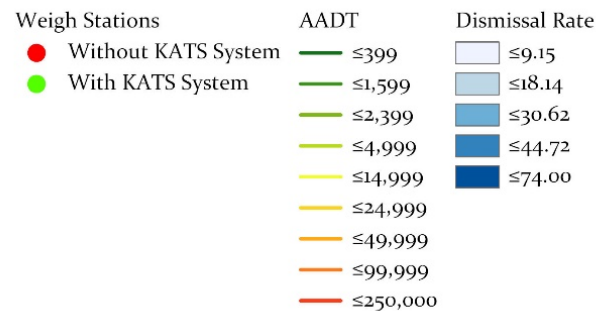
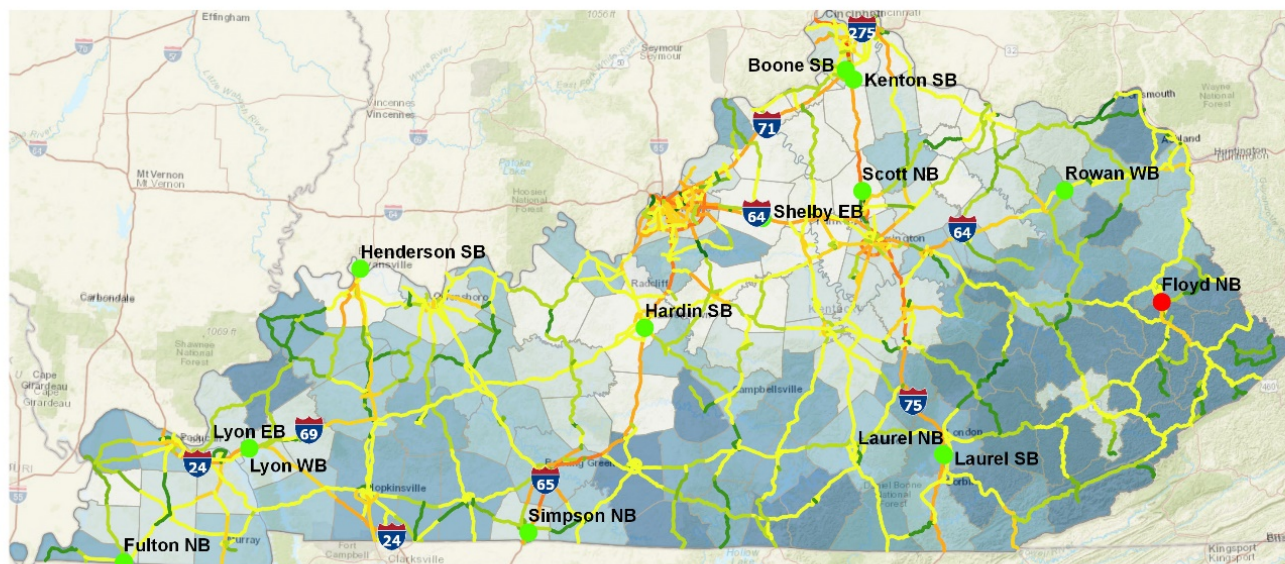


Figure 2.15 Dismissal Rates by County (2002-2016)

Amend Rates for All Commercial Vehicle Offenses by County (2002-2016)

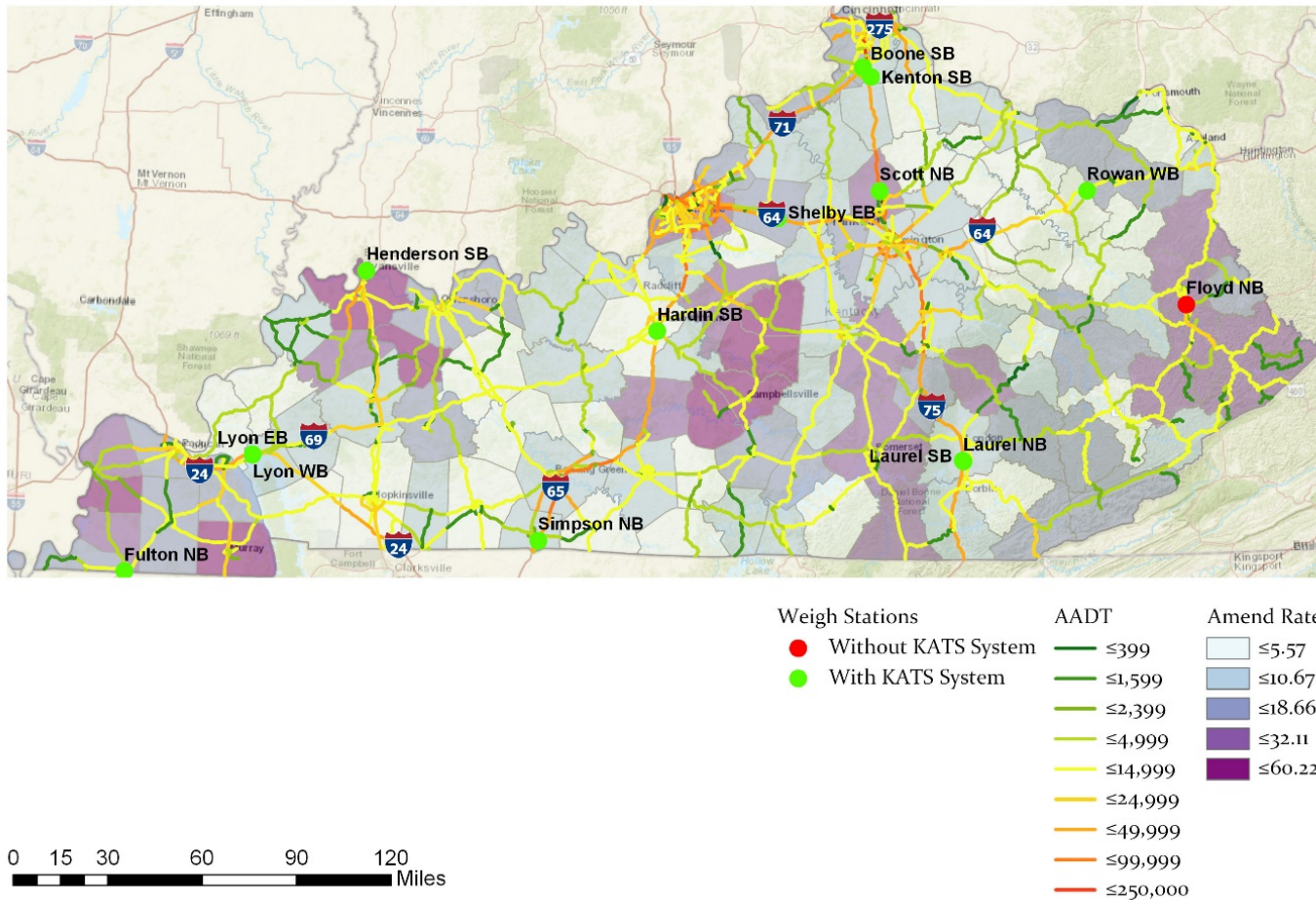


Figure 2.16 Amend Rates by County (2002-2016)

2.4 A Comparison between CMV drivers and All drivers

Data Request

The dataset used in this section was compiled initially to analyze the adjudication of CMV-related misdemeanors and violations in Kentucky.^{xxx} A list of UOR codes related to moving violations, credential, tax, and registration issues was developed by KSP-CVE administrators and KTC researchers. KTC subsequently submitted a data request to the AOC to obtain information on the number of charges filed and the type of decision made by district courts for each UOR code. The data cover years 2002 through 2016. The data provided include charges filed against drivers violating the codes of our interest regardless of the types of license.

The access to the data enabled us to compare charge disposition on CDL holders to that of all drivers. By comparing UOR codes in this dataset and those in section 3.3 (it includes information on charges filed against CDL holders who violated safety related regulations), eight UOR codes were isolated as common codes of interest (Table 2.7). Then, similar charges are grouped together into six categories for analysis. For each category, total number of charges filed, conviction rate, dismissal rate, and amend rate for CDL holders and all drivers will be calculated and compared to see if police enforcement and court decisions differ between CDL holders and regular drivers.

Table 2.7 List of Violations Included in the Analysis

Category	UOR	KRS	Description
Financial Responsibility	0004810	304.39-080	Failure of owner to maintain required insurance
Failure to Obey	0001110	189.330	Disregarding stop sign
	0001130	189.231	Disregarding traffic control device-traffic light
Following Improperly	0002720	183.340	Following another vehicle too closely
Improper Lane or Location	0002700	189.300	Improper lane usage-vehicles keep to right
Passing	0002730	189.340(7)	Improper use of left lane-overtaking
Reckless, careless, negligent Driving	0001150	189.290	Reckless driving
	0001360	189.290	Careless driving

General Description

A total of 860,752 charges were filed against all drivers in Kentucky for violating 8 codes listed (Table 2.8), and 14,852 charges were filed against CDL holders for the same violations. The annual trends of total number of charges filed for each category are quite different from each other. Most charges were filed under the failure to obey category for both CDL holders and all drivers, and the volume of filed charges has been decreasing steadily since 2008 for all drivers and CDL holders with one exception in the year of 2012. On the other hand, the number of charges filed for improper passing has been increasing gradually, marking the year 2016 with the most charges filed per year for the last fourteen years. The annual volume of citations has been fluctuating for charges on following another vehicle too closely and improper lane usage. The charges filed for reckless, careless, and negligent driving against all drivers increased until 2007, but the trend has reversed since then. From 2007 to 2016, a small annual decline added up to a 17.44 percent reduction. The same charges filed against CDL holders peaked in 2010, but the volume plummeted to 160 from 335, a more than 50 percent decrease.

Table 2.8 Total Number of Charges Filed

Category	Type	2002	2003	2004	2005	2006	2007	2008	2009
Financial Responsibility	All Drivers					2,667	3,328	3,430	3,549
	CMV Only					9	12	19	37
Failure to Obey	All Drivers	32,865	31,366	32,967	33,619	34,137	32,903	35,125	33,480
	CMV Only	206	201	170	217	270	468	670	647
Following Improperly	All Drivers		572	1,125	978	1,162	1,401	2,325	2,036
	CMV Only		32	42	43	66	294	248	125
Improper Lane or Location	All Drivers		420	722	795	693	752	610	643
	CMV Only		1	9	12	20	29	36	38
Passing	All Drivers		67	120	118	137	219	350	371
	CMV Only		1	2	3	13	86	203	167
Reckless, Careless, Negligent Driving	All Drivers	22,452	22,248	23,340	23,167	24,557	26,241	25,253	23,862
	CMV Only	23	27	40	83	174	273	274	297
		2010	2011	2012	2013	2014	2015	2016	Total
Financial Responsibility	All Drivers	3,475	3,368	3,621	4,361	4,252	3,783	3,685	39,525
	CMV Only	25	27	33	21	19	7	5	218
Failure to Obey	All Drivers	30,442	28,426	26,188	25,394	21,938	20,216	18,216	437,282
	CMV Only	565	502	930	495	399	305	272	6,317
Following Improperly	All Drivers	1,888	1,471	1,980	2,069	1,429	1,728	1,426	21,590
	CMV Only	86	101	201	197	91	198	105	1,829
Improper Lane or Location	All Drivers	710	818	894	885	694	881	820	10,337
	CMV Only	37	37	53	170	19	71	62	594
Passing	All Drivers	342	304	311	377	628	924	1,057	5,325
	CMV Only	167	97	118	301	356	558	677	2,749
Reckless, Careless, Negligent Driving	All Drivers	22,631	22,994	22,391	22,743	21,270	21,879	21,665	346,693
	CMV Only	335	347	318	273	263	258	160	3,145

There is no discernable difference between police enforcement efforts against CDL holders and all drivers. There are a few atypical years that reveal significant differences between CDL holders and all drivers, but the difference does not last long. For example, drivers getting citations for failure to obey stop signs and traffic control devices has decreased since 2008. The same is true for CDL holders in general. While the number of charges filed increased from 502 to 930 in 2012, they dropped back to 495 in 2013. Considering that the citation volume returned to a level that is similar to previous years, it is reasonable to treat the sudden increase in 2012 as related to a temporary factor. More careful review of factors affecting the level of police enforcement effort in Kentucky would be necessary to show strong correlation.

Charge Dispositions

The conviction rates for failure to obey and following improperly are mostly higher for CMV drivers than all drivers throughout the study period. For failure to meet the insurance requirement, conviction rates were higher for all

drivers until 2011, but district courts began to produce higher conviction rates for CMV drivers after 2012 (Figure 2.17).

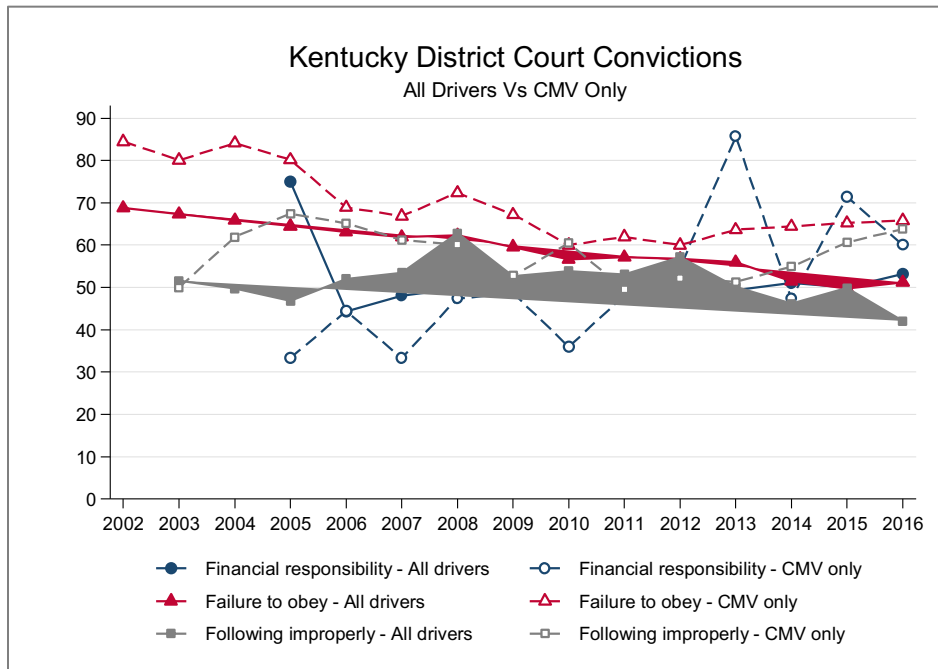


Figure 2.17 Conviction Rate (All Drivers vs. CMV Only)

Figure 2.18 also shows that district court judges are stricter on CMV drivers when it comes to violation of safety related regulations. Mostly, conviction decisions are made at the higher level for CMV drivers who violated truck lane restrictions (improper lane or location) except a few years when the conviction rates showed sudden drops in 2010 and 2014. The offense of unsafe passing violated by CMV drivers has been treated more seriously over the last ten years. However, the magnitude of the difference between CMV drivers and all drivers has been decreasing in the recent years. The stricter standards judges apply to CMV drivers may be a natural result considering that truck accidents usually result in serious injuries or/and extensive property damage.

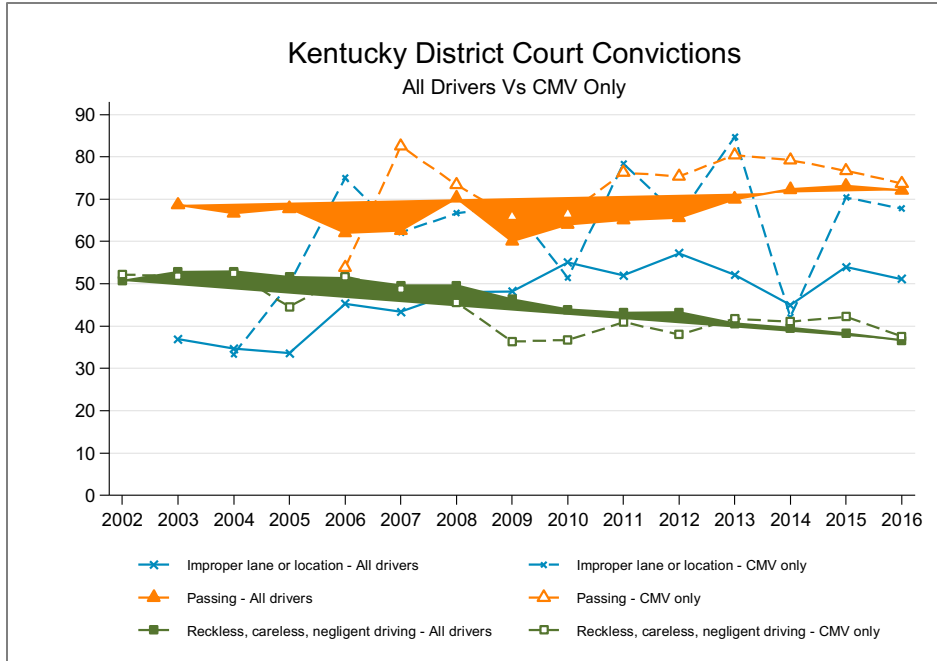


Figure 2.18 Conviction Rate (All Drivers vs. CMV Only) (Cont.)

Figure 2.19 and Figure 2.20 show the dismissal rates for the six violation categories, and the pattern is the opposite of the conviction rate, which is predictable because 85.58 percent and 84.39 percent of charges filed to all drivers and CDL holders fall into either the conviction or dismissal group of final disposition. Therefore, charges filed against all drivers have been dismissed at a higher rate compared to the ones filed against CMV drivers. CDL holders are professional drivers and the level of knowledge, experience, skills and physical abilities required to obtain the license is higher than those required for a regular driver’s license.

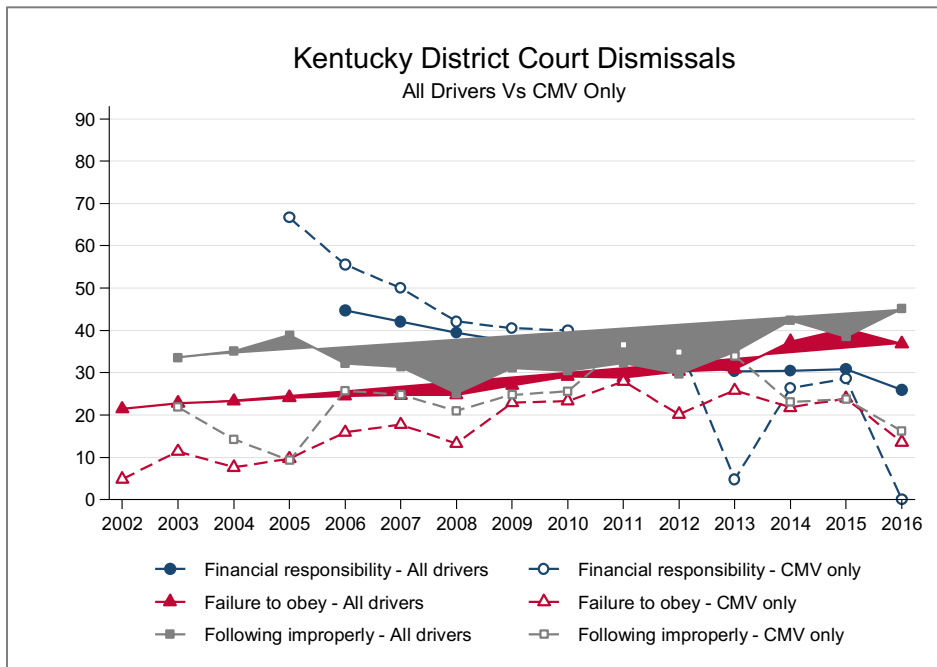


Figure 2.19 Dismissal Rate (All Drivers vs. CMV Only)

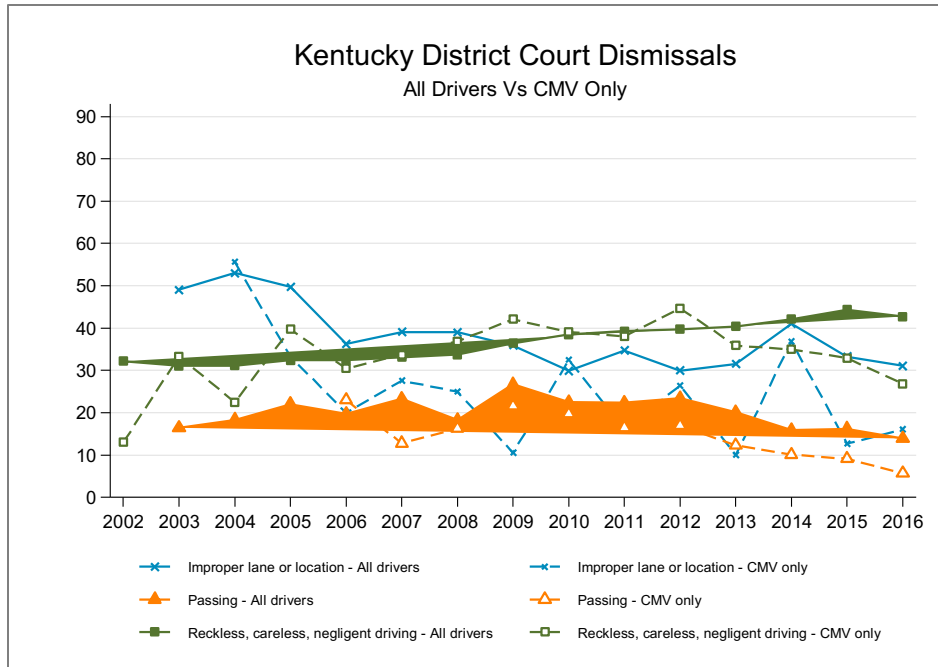


Figure 2.20 Dismissal Rate (All Drivers vs. CMV Only) (Cont.)

Spatial Distribution of Charges Filed

The court decisions are analyzed by disposition types for different KSP regions (Table 2.9). The overall patterns are similar to the section 3.3 spatial pattern, relatively low conviction rates and high dismissal rates in Region 4 and 6. The highest dismissal rates for all drivers and CMV drivers are marked at Region 4 and Region 6, respectively. Also, the lowest conviction rates are recorded at Region 6 for both all drivers and CMV drivers.

When it comes to the differential treatment of district courts between all drivers and CMV drivers, conviction rates and dismissal rates in Region 2 show the largest differences. In most cases, conviction rates for CMV drivers are higher than that of all drivers except for Region 1. District court judges in Region 2 convicted CMV drivers 13.95 percent more than all drivers, and the dismissal rate for CMV drivers was 16.97 percent lower than that of all drivers in the same Region.

Table 2.9 Composition of Dispositions by KSP Region (All Drivers vs. CMV Only)

KSP Region	Type	Total	Conviction Rate	Amend Rate	Dismissal Rate	Diversion Rate	Other
1	All Drivers	103,893	59.62 %	5.03 %	28.78 %	.40 %	6.17 %
	CMV Only	1,606	57.97 %	9.59 %	28.27 %	.56 %	3.61 %
2	All Drivers	349,213	49.02 %	8.96 %	36.91 %	.19 %	4.92 %
	CMV Only	5,869	62.97 %	12.15 %	19.94 %	.32 %	4.62 %
3	All Drivers	255,626	62.99 %	4.29 %	20.77 %	.12 %	11.83 %
	CMV Only	3,958	71.10 %	8.72 %	12.83 %	.03 %	7.33 %
4	All Drivers	45,656	35.47 %	5.34 %	51.45 %	.12 %	7.62 %
	CMV Only	1,198	41.24 %	5.76 %	48.91 %	.00 %	4.09 %
5	All Drivers	75,568	58.26 %	1.98 %	29.79 %	.45 %	9.52 %
	CMV Only	1,718	67.17 %	6.34 %	20.14 %	.58 %	5.76 %
6	All Drivers	30,796	31.25 %	3.35 %	47.74 %	8.59 %	9.07 %
	CMV Only	503	21.67 %	6.76 %	54.08 %	11.93 %	5.57 %

Figures 2.21 – 2.23 show the differences in total offenses, conviction rate, and dismissal rate between CMV drivers and all drivers at the county level. An effort to make finer-scale comparisons could be meaningful when the variation within a KSP region is sizeable.

For total offenses, it is reasonable to expect an increase in the total charge count for all drivers as that of CMV drivers increases. Also, one can expect to see a decrease in the total charge count for all drivers as that of CMV drivers decreases, since the resources given to police officers to enforce laws and regulation on the road is the same for the two groups. In Figure 2.21, the greatest amount of total charges was filed both for CMV drivers and all drivers in Jefferson County, where Louisville (the most populous county in Kentucky) is located. However, even though the amount of charges filed for all drivers in Fayette county is the second highest in Kentucky, the amount of charges filed for CMV drivers only ranked at sixth. The four counties between Jefferson County and Fayette County in terms of the volume of total charges filed for CMV drivers are Scott, Bullitt, Madison, and Hardin County. These counties show disproportionately higher charges filed against CMV drivers. The exceptionally higher volume of charges is explained by the existence of a weigh station on the county boundary between Scott County and Hardin County. Weigh stations are constructed and maintained to inspect CMVs in contrast to the roadside enforcement by KSP that targets both CMV drivers and non-CMV drivers. The funds devoted to the operation of weigh stations reflect the local government’s dedication to enforce the laws and regulations specifically related to CMVs. Therefore, it is likely that there will be more charges filed against CMV drivers in a county with an operating weigh station. Yet, it does not explain the cases in Bullitt County and Madison County. A closer look at other factors that could be linked to the unusually high volume of charges against CMV drivers compared to all drivers in the two counties seems necessary to fully understand trends in Kentucky.

The two counties that also show a notably higher amount of charges filed against CMV drivers compared to all drivers are Simpson County and Laurel County. They are ranked at seventh and eighth following very closely to the record of Fayette County. This can be explained by the siting of weigh stations as there is a weigh station on I-65 (northbound) in Simpson County, and there are two weigh stations in Laurel County on I-75 (northbound and southbound).

Figure 2.22 and Figure 2.23 reveal very similar patterns across Kentucky. First, the counties with higher conviction rates for CMV drivers show higher conviction rates for all drivers as well. Therefore, the darker colored counties tend to have bigger circles on the county. Second, the darker colored counties (higher conviction and dismissal rates for

CMV drivers) and counties with bigger circles (higher conviction and dismissal rates for all drivers) are regionally clustered showing a smaller variance within KSP regions. Existence of weigh stations and major highways within the county, regional culture and attitudes toward police enforcement and judicial systems, and judges and their decisions being influenced by counterparts in neighboring counties could be the reasons explaining the clustered patterns.

However, two counties show exceptionally higher conviction rates for CMV drivers compared to all drivers: Martin County (70 percent vs 27.92 percent) and Breckinridge County (100 percent vs. 66.18 percent). On the other hand, Elliott County and Monroe County show significantly lower conviction rates for CMV drivers compared to all drivers. The conviction rates for CMV drivers in the two counties were zero while they were near 50 percent for all drivers. The average daily traffic of the two counties are very low, and the volume of CMVs passing through them are very small as a major interstate passes through the neighboring counties. The rare occurrence of the violations committed by CMV drivers could dissuade judges from making conviction decisions, on top of the judges' unfamiliarity with CMV-related regulations. The same argument could explain the very high dismissal rates in the two counties in Figure 2.23. All three figures are shown in the following three pages.

Comparison of Offense Totals by County (2002-2016)

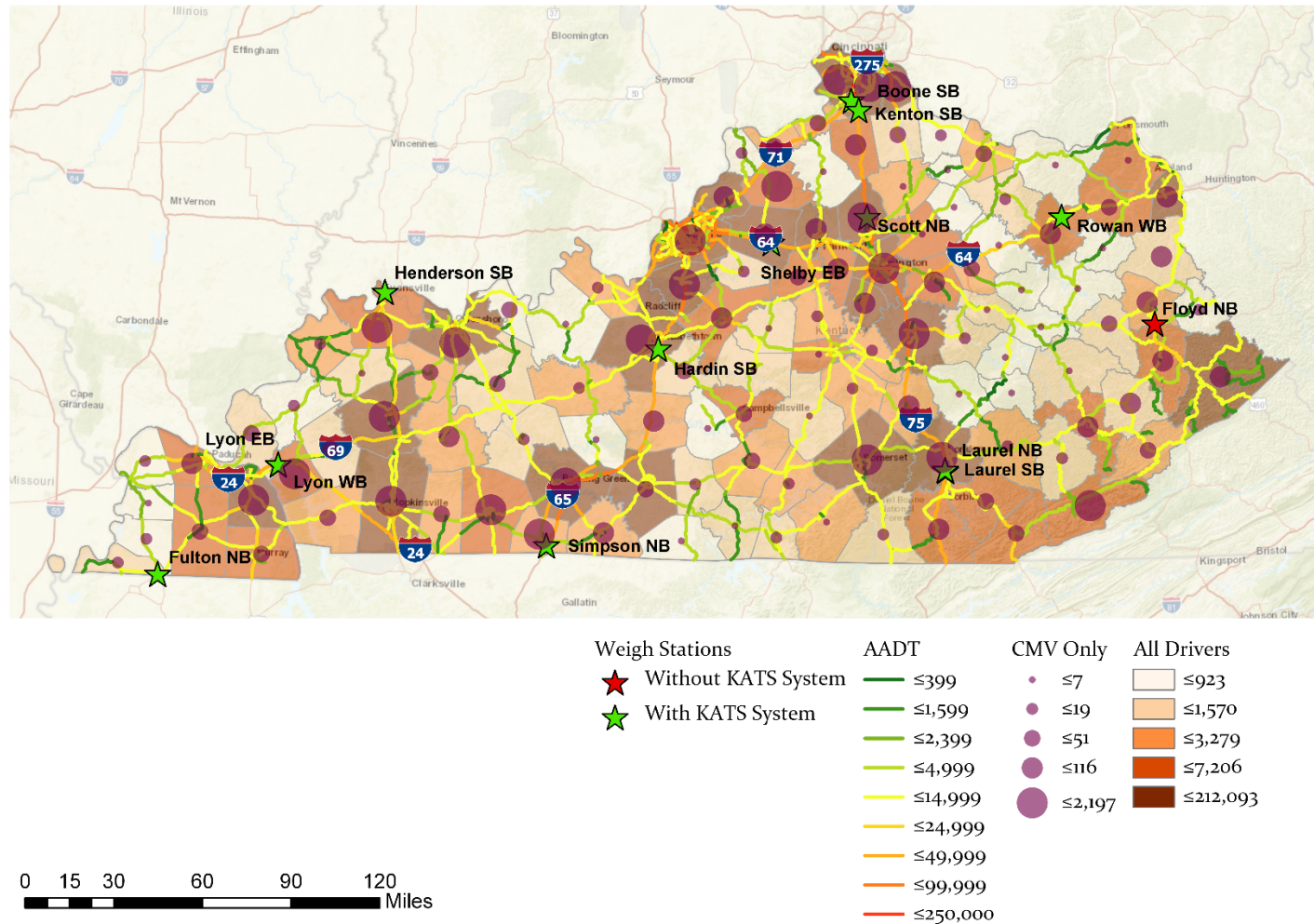


Figure 2.21 Comparison of Offense Totals by County (2002-2016)

Comparison of Conviction Rate by County (2002-2016)

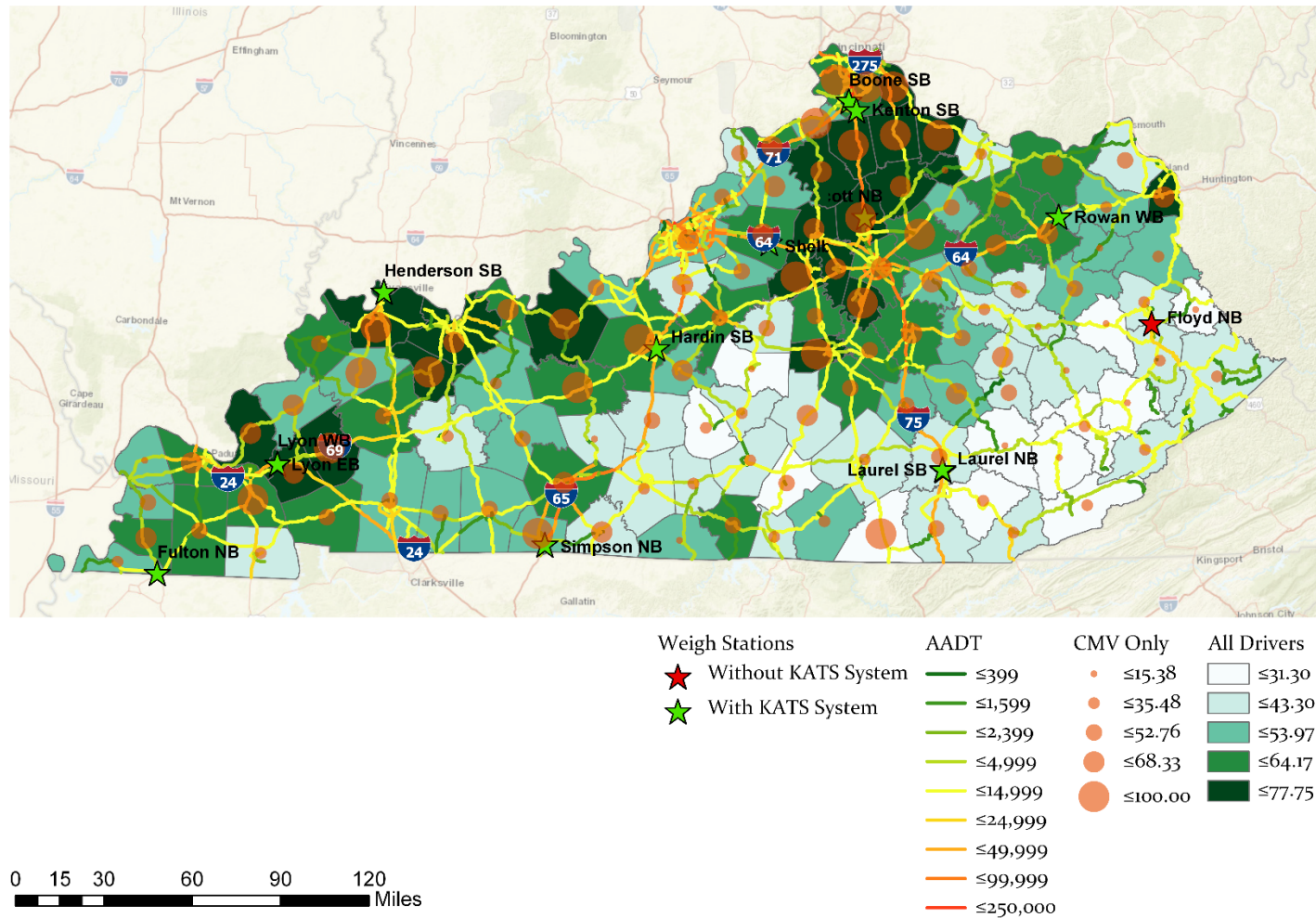


Figure 2.22 Comparison of Conviction Rate by County (2002-2016)

Comparison of Dismissal Rate by County (2002-2016)

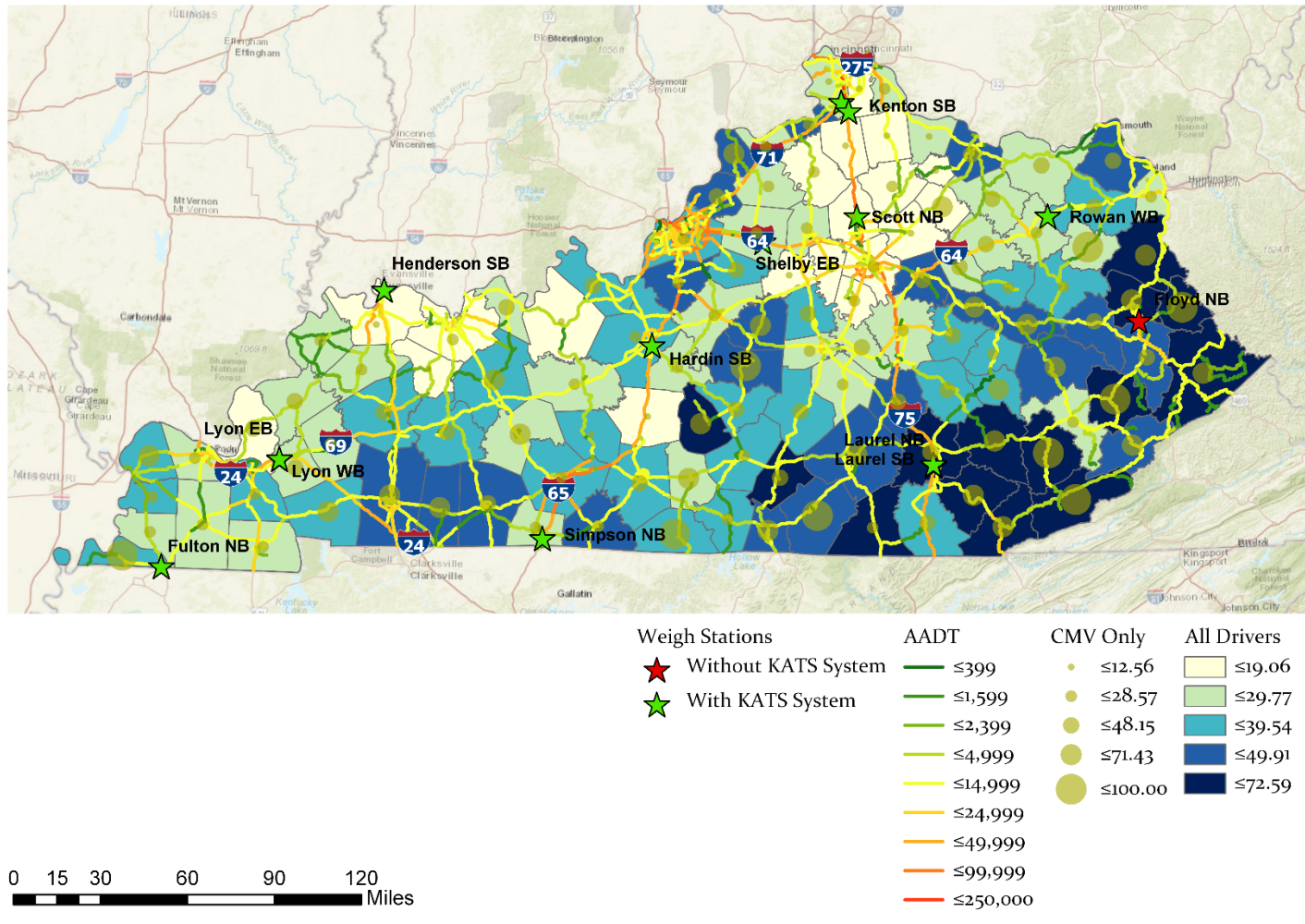


Figure 2.23 Comparison of Dismissal Rate by County (2002-2016)

2.5 Conclusion

In this chapter, three sets of data were used to examine different aspects of violations committed by CMV drivers and the inspections performed to promote highway safety by preventing the violations. The first dataset used includes information on every CMV inspection and violations uncovered during the inspections in Kentucky from April 1st, 2014 to December 31st, 2017. An inspection of a CMV could occur in weigh stations that are located on major highways or it could occur by the roadside after being stopped by an KSP officer. Considering that weigh stations are strategically sited, constructed, maintained and operated to detect violations with higher accuracy regardless of the sizeable financial burden, it is promising that the amount of violations detected during weigh station inspections exceeded the ones caught during roadside inspections since March 2017. Specifically, the weigh stations in Laurel County showed the highest volume of inspections performed and showed the second highest amount of violations detected during the study period. The biggest volume of violations uncovered is recorded at Rowan County and the number of inspections performed is ranked at the second highest, right below Laurel County. Among the violations recorded, the ones related to driver and vehicle safety are more frequently cited compared to issues related to registrations and permits. We took a closer look at CDL violations, since obtaining a license that permits one to operate a certain type of CMV is the first step to be a legal driver on the road. The analysis indicates that the failure to renew medical examiner's certificate on time is the most commonly made mistake.

In section 3.3, the data used for analysis includes information on charges filed against CDL holders who violated safety-related regulations that potentially impact someone's driver history record or driver license status from 2002 to 2016. The top five groups with the most charges filed are 1) speeding, 2) failure to obey, 3) miscellaneous maneuvers (coasting, improper backing, improper start from parked position, and unsafe operation), 4) passing, and 5) reckless, careless, and negligent driving. After being charged, the final disposition for the charges could be Acquitted/Dismissed/Not Guilty, Amended, Convicted, Diverted, Others, Pending, and Temporary. Conviction rates have been higher than dismissal rates, but it is decreasing. As a result of dropping conviction rates, dismissal rates and amend rates have increased. The higher chance of getting the filed charges dismissed or amended down could negatively affect motor carriers and CMV drivers by incentivizing them to minimize their efforts and financial resources needed to keep up with laws and regulations. When the conviction rates and dismissal rates are analyzed at the county level, counties in eastern Kentucky tend to show higher dismissal rates and lower conviction rates.

In the section 3.4, we identified eight UOR codes that are included both in the section 3.3 dataset and the other dataset used in previous research by KTC researchers. Unlike the dataset used in the section 3.3, the other dataset includes the violations committed by all drivers regardless of the kinds of license, which enables the comparison between CMV drivers and all drivers. The comparisons were made to see if there are any differential treatments between all drivers and CMV drivers when police enforce laws and district court judges make courtroom decisions. Conviction rates are mostly higher for CMV drivers than that of all drivers, which could be explained by the serious injuries or/and extensive property damage a CMV-related accident could cause. The predictable consequence may be the reason why district court judges hold higher criteria against CMV drivers who violate laws and regulations.

Appendix A — Violation Chart

1.0 Federal Out of Service Violation														
2.0 Driver Safety Violation	<table border="1"><tr><td>2.1 Commercial Driver's License</td></tr><tr><td><ul style="list-style-type: none">• 2.1.1 Driving without Obtaining a CDL• 2.1.2 Driving without a Valid CDL• 2.1.3 Driving without CDL in Possession• 2.1.4 Driving without Proper Class of CDL• 2.1.5 Driving without Proper Endorsement on CDL• 2.1.6 Medical Restriction Violation• 2.1.7 No/Expired Medical Certification• 2.1.8 Miscellaneous; CDL</td></tr><tr><td>2.2 Age Requirement Violation</td></tr><tr><td>2.3 Language Limitation</td></tr><tr><td>2.4 Hours of Service of Drivers/ Logbook Violation</td></tr><tr><td><ul style="list-style-type: none">• 2.4.1 HOS violation• 2.4.2 Logbook violation• 2.4.3 Electronic Logging Devices</td></tr><tr><td>2.5 Seatbelt</td></tr><tr><td>2.6 Drugs and Alcohol</td></tr><tr><td><ul style="list-style-type: none">• 2.6.1 Drugs• 2.6.2 Alcohol</td></tr><tr><td>2.7 Smoking</td></tr><tr><td>2.8 Physically Unqualified (Fatigue/ Illness)</td></tr><tr><td>2.9 Moving Violation</td></tr><tr><td><ul style="list-style-type: none">• 2.9.1 Running Scale Facility• 2.9.2 Speeding</td></tr></table>	2.1 Commercial Driver's License	<ul style="list-style-type: none">• 2.1.1 Driving without Obtaining a CDL• 2.1.2 Driving without a Valid CDL• 2.1.3 Driving without CDL in Possession• 2.1.4 Driving without Proper Class of CDL• 2.1.5 Driving without Proper Endorsement on CDL• 2.1.6 Medical Restriction Violation• 2.1.7 No/Expired Medical Certification• 2.1.8 Miscellaneous; CDL	2.2 Age Requirement Violation	2.3 Language Limitation	2.4 Hours of Service of Drivers/ Logbook Violation	<ul style="list-style-type: none">• 2.4.1 HOS violation• 2.4.2 Logbook violation• 2.4.3 Electronic Logging Devices	2.5 Seatbelt	2.6 Drugs and Alcohol	<ul style="list-style-type: none">• 2.6.1 Drugs• 2.6.2 Alcohol	2.7 Smoking	2.8 Physically Unqualified (Fatigue/ Illness)	2.9 Moving Violation	<ul style="list-style-type: none">• 2.9.1 Running Scale Facility• 2.9.2 Speeding
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- 2.9.3 Traffic Control Device
- 2.9.4 Use of Electronic Devices
- 2.9.5 Tailgating
- 2.9.6 Lane Restriction
- 2.9.7 Improper Lane Usage
- 2.9.8 Fail to Signal
- 2.9.9 Miscellaneous; Moving Violation

3.0 Vehicle Safety Violation

3.1 Oil and Grease Leak

3.2 Lamps, Reflective Devices, and Electrical Wiring

3.3 Brakes

- 3.3.1 Brake Out-of-Adjustment
- 3.3.2 Inoperative/Defective Brake
- 3.3.3 Brake tubing or Hose Inadequacy/Connections/Leaks
- 3.3.4 No or Inadequate Brakes/Linings/Chambers/Warning/Valves
- 3.3.5 Automatic Adjusters/ABS System/ABS Indicators
- 3.3.6 No or Defective Parking Brake or Emergency Braking
- 3.3.7 Miscellaneous; Brakes

3.4 Window

3.5 Fuel System Violation

3.6 Coupling Devices and Towing Methods Violation

3.7 Tires

3.8 Rear-Vision Mirrors

3.9 Horn

3.10 Speedometer

3.11 Exhaust Systems

3.12 Floors

3.13 Emergency Equipment

3.14 Frames

3.15 Cab and Body Components

3.16 Wheels

3.17 Suspension Systems

3.18 Steering Wheel Systems

3.19 Battery

3.20 Vehicle Access Requirement

3.21 Improper Load Securement

3.22 Miscellaneous; Vehicle Safety Violation

4.0 Credentialing and Permitting Issues

4.1 Registration

4.2 Periodic Inspection

4.3 Temporary Permit

4.4 Leasing Issue

4.5 Invalid USDOT#/MCS-150

4.6 KYU

4.7 UCR

4.8 IFTA

4.9 KIT

4.10 IRP

4.11 Failure to Transfer Title

4.12 Insurance

4.13 Change of Address

5.0 Hazardous Materials	4.14 Display Issue
	4.15 Bill of Lading/Shipping Paper; Non Hazmat
	4. 16 Miscellaneous; Credentialing and Permitting Issues
	5.1 Hazardous Materials Violation
	5.2 Registration
	5.3 Invalid USDOT#
	5.4 Labeling and Placarding
	5.5 Shipping Paper
	5.6 Miscellaneous; Hazardous Materials
6.0 Overweight/ Over-Dimension	6.1 Overweight
	<ul style="list-style-type: none"> • 6.1.1 Overweight Violation • 6.1.2 Permit; Overweight • 6.1.3 Lane Restriction; Overweight • 6.1.4 Warning Device; Overweight
	6.2 Overdimension
	<ul style="list-style-type: none"> • 6.2.1 Overdimension Violation • 6.2.2 Permit; Overdimension • 6.2.3 Lane Restriction; Overdimension • 6.2.4 Warning Device; Overdimension

Appendix B — List of UOR Codes by ACD Violation Group

	Category	ACD Code	UOR Code
1	Alcohol and drug	A04: Driving under the influence of alcohol with BAC of at least .04 but not greater than .079	0058080
		A12: Refused to submit to test for alcohol – Implied Consent Law	0021070, 0021170
		A20: Driving under the influence of alcohol or drugs	0001480, 0001490, 0001580, 0011490, 0020980, 0020990, 0021000, 0021020, 0021040, 0021050, 0021060, 0021080, 0021090, 0021100, 0021110, 0021120, 0021130, 0021140, 0021150, 00226320
		A35: Possession of open alcohol container while operating a motor vehicle	0004700
		A50: Motor vehicle used in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance	0058140
		A60: Underage Convicted of Drinking and Driving at .02 or higher BAC	0001470, 0021160, 0021180, 0021190
2	Hit and run	B05: Leaving accident scene before police arrive	0005000, 0005010, 0005560, 0005690
3	Driving after withdrawal	B19: Violating a driver or vehicle out-of-service order while transporting hazardous materials as defined in § 383.5 or operating a vehicle designed to transport 16 or more passengers, including the driver	0058150, 0058160
		B20: Driving while license withdrawn	0058040
		B26: Driving while license suspended	0004030, 0026190, 0026200, 0026280, 0026290, 0282040, 0490090, 0490100
4	Drivers license reg. and duties	B27: Violating a driver or vehicle out-of-service order (for violations not covered by B19)	0054970, 0058130
		B41: Possess or provide counterfeit or altered driver license (includes DL, CDL, and Instruction Permit) or ID	0004170
		B51: Expired or no non-commercial driver license or permit	0003800, 0003980, 0004010, 0004020, 0005300, 0006250
		B56: Driving a CMV without obtaining a CLP or CDL	0058030

		B57: Driving a CMV without a CLP or CDL in the driver's possession	0058100
		B61: Failed to file accident report	0005020
		B91: Driving without the proper class and/or endorsement on commercial or noncommercial permit or license for the specific vehicle group being operated or for the passengers or type of cargo being transported	0058070, 0058110
		B92: Permit use of operator's license by one not entitled to	0004180
5	Misrepresentations	D02: Misrepresentation of identity or other facts on application, including required self-certifications, for non-commercial permit or license	0001850, 0004190, 0058060
		D06: Misrepresentation of identity or other facts to obtain alcohol	0001850, 0004190, 0058060
		D07: Possess multiple driver licenses (includes DL, CDL, and Instruction Permit)	0051390, 0051430, 0058000
		D16: Show or use improperly – Driver license (includes DL, CDL, and Instruction Permit)	0004220, 0004350, 0004360, 0058050
		D27: Violate limited license conditions	0001830, 0001840
6	Financial Responsibility	D36: Failure to maintain required liability insurance	0004800, 0004810, 0004820, 0004830, 0004840, 0004850, 0005030, 0005210, 0005250
7	Failure to appear or pay	None	
8	Miscellaneous duty failure	D72: Inability to control vehicle	0003030
		D78: Perjury about the operation of a motor vehicle	0004200
9	Equipment required by law	None	
10	Equipment prohibited by law	None	
11	Failure to use equipment	E54: Failure to use headlight dimmer as required	0001220
		E55: Failure to use lights as required	0001310
12	Improper equipment use	None	
13	Restraints and protective equipment	F02: Child or youth restraint not used properly as required	0004910
		F04: Seat belt not used properly as required	0004980, 0004990, 0005050, 0005060

		F06: Improper operation of or riding on a motorcycle	0006260
14	Stopping, standing, and parking	None	
15	Failure to obey	M10: For all drivers, failure to obey a traffic control device or the directions of an enforcement official at a railroad-highway grade crossing.	0001340, 0001350
		M14: Failure to obey sign or traffic control device	0001130, 0001280, 0001810, 0027050, 0052210, 0055190, 0056360, 0056370
		M15: Failure to obey stop sign	0001110
		M22: For drivers who are always required to stop, failure to stop as required before driving onto railroad-highway grade crossing.	0001250, 0001300
16	Following improperly	M34: Following too closely	0001170, 0001380, 0002720, 0005070
17	Improper lane or location	M40: Improper lane or location	0001240, 0001540, 0001730, 0002700
		M42: Improper or erratic (unsafe) lane changes	0058090
		M50: Improper lane or location – limited access highway	0001290
18	Passing	M70: Improper passing	0001070, 0001570, 0002730
		M71: Passing in violation of posted sign or pavement marking	0003890
		M74: Passing on hill or curve	0007370
		M75: Passing school bus displaying warning not to pass	0001160, 0001320
19	Reckless, careless, negligent driving	M81: Careless driving	0001360
		M82: Inattentive/distractive driving	0001370
		M84: Reckless driving	0001150
		M85: Texting While Driving	0002620, 0002660, 0002670, 0002680, 0002690
		M86: Violating Prohibitions on Using a Hand-held Mobile Telephone While Driving	0002630, 0058200
20	Failure to yield	N01: Failure to yield right of way (FTY ROW)	0001030, 0001060, 0001120, 0001260, 0001740, 0001860, 0002710
		N04: FTY ROW to emergency vehicle (<i>i.e.</i> , ambulance, fire equipment, police, <i>etc.</i>)	0001270, 0004900, 0007010
		N08: FTY ROW to pedestrian (includes handicapped or blind)	0001770, 0001890
21	Failure to signal	None	
22	Improper turns	N50: Improper turn	0001090, 0001530, 0002600

		N51: Improper method of turning	0003670
		N52: Improper position for turning	0004740
		N53: Making improper left turn	0005810
		N54: Making improper right turn	0006880
		N55: Making improper turn around (not U turn)	0007950
		N56: Making improper U turn	0009020
23	Wrong way or side	N63: Driving wrong way on one way street or road	0870110
		N70: Driving on wrong side	0001040, 0001050
24	Miscellaneous maneuvers	N83: Improper start from parked position	0001140
		N84: Unsafe operation	0001080, 0001100, 0001190, 0001210, 0001230, 0001520, 0001550, 0001780, 0002440, 0003000, 0003970, 0003990, 0004000, 0004040, 0005120, 0005130, 0005170, 0005260, 0006170, 0006180, 0006200, 0006210, 0006990
25	Speeding	S15: Speeding 15 mph or more above regulated or posted speed limit	0000260, 0000540, 0001430, F000260, F000540, R000260, R000540, S000260, S000540, W000260, W000540
		S16: 16-20 > Regulated or posted speed limit	0000160, 0000170, 0000180, 0000190, 0000200, 0000210, 0000220, 0000230, 0000240, 0000250, 0000440, 0000450, 0000460, 0000470, 0000480, 0000490, 0000500, 0000510, 0000520, 0000530, 0001410, F000160, F000170, F000180, F000190, F000200, F000210, F000220, F000230, F000240, F000250, F000440, F000450, F000460, F000470, F000480, F000490, F000500, F000510, F000520, F000530, R000160, R000170, R000180, R000190, R000200, R000210, R000220, R000230, R000240, R000250, R000440, R000450, R000460, R000470, R000480, R000490, R000500, R000510, R000520, R000530, S000160, S000170, S000180, S000190, S000200, S000210, S000220, S000230, S000240, S000250, S000440, S000450, S000460, S000470, S000480, S000490, S000500, S000510, S000520, S000530, W000160, W000170, W000180, W000190, W000200, W000210, W000220, W000230, W000240, W000250, W000440, W000450, W000460, W000470, W000480, W000490, W000500, W000510, W000520, W000530
		S51: 01-10 > Regulated or posted speed limit	0000290, 0000300, 0000310, 0000320, 0000330, 0000340, 0000350, 0000360, 0000370, 0000380, 0001020, 0001450, F000290, F000300, F000310, F000320, F000330, F000340, F000350, F000360, F000370, F000380, R000290, R000300, R000310, R000320, R000330, R000340, R000350, R000360, R000370, R000380, S000290, S000300, S000310,

			S000320, S000330, S000340, S000350, S000360, S000370, S000380, W000290, W000300, W000310, W000320, W000330, W000340, W000350, W000360, W000370, W000380
		S93: Speeding	0000010, 0000020, 0000030, 0000040, 0000050, 0000060, 0000070, 0000080, 0000090, 0000100, 0000110, 0000120, 0000130, 0000140, 0000390, 0000400, 0000410, 0000420, 0000430, 0000840, 0001000, 0001400, 0001440, 0001460, 0001500, 0001820, 0003930, F000010, F000020, F000030, F000040, F000050, F000060, F000070, F000080, F000090, F000100, F000110, F000120, F000130, F000140, F000390, F000400, F000410, F000420, F000430, F000840, R000010, R000020, R000030, R000040, R000050, R000060, R000070, R000080, R000090, R000100, R000110, R000120, R000130, R000140, R000390, R000400, R000410, R000420, R000430, S000010, S000020, S000030, S000040, S000050, S000060, S000070, S000080, S000090, S000100, S000110, S000120, S000130, S000140, S000390, S000400, S000410, S000420, S000430, S000840, W000010, W000020, W000030, W000040, W000050, W000060, W000070, W000080, W000090, W000100, W000110, W000120, W000130, W000140, W000390, W000400, W000410, W000420, W000430, W000840, F000150, R000150, S000150, W000150
		S94: Prima Facie speed violation or driving too fast for conditions	0001760, 0002950
		S95: Speed contest (racing) on road open to traffic	0001510, 0002800
		S96: Speed less than minimum	0001200, 0003200
26	Prohibited actions	U01: Fleeing or evading police or roadblock	0001560, 0001870, 0001980, 0026710, 0027060
		U03: Using a motor vehicle in connection with a felony (not traffic offense)	0001880, 0001960, 0007020, 0014000, 0092100, 0130000, 0130010, 0131130, 0132010, 0132210, 0230400, 0230450, 0230500, 0230550, 0232900, 0239970, 0239990, 0240000, 0240060, 0240100, 0240190, 0240200, 0240290, 0240300, 0240390, 0240400, 0240450, 0240600, 0242000, 0280300, 0280320, 0280330, 0282000, 0420040, 0502340, 0502350, 0502360, 0502370
		U04: Using a motor vehicle in connection with a felony (not traffic offense)	0231400, 0231410, 0231500, 0231510, 0231520, 0239630, 0239650, 0239670, 0239690
		U08: Vehicular manslaughter	0092010, 0092020
		U10: Causing a fatality through the negligent operation of a CMV	0058120
27	Withdrawals	None	

Appendix C — Charge Disposition Rates in Kentucky by County (Traffic Violations by CDL holders)

County	Conviction Rate	Dismissal Rate	Amend Rate	Diversion Rate	Other
Adair County	46.83	34.15	12.32	4.23	2.46
Allen County	70.16	21.80	5.57	0.00	2.46
Anderson County	83.47	4.91	10.06	0.00	1.56
Ballard County	36.54	39.74	21.79	0.00	1.92
Barren County	38.28	46.90	6.55	0.34	7.93
Bath County	79.33	14.96	1.97	0.00	3.74
Bell County	42.83	43.26	11.74	0.00	2.17
Boone County	68.62	11.47	11.31	0.05	8.54
Bourbon County	78.43	11.76	7.84	0.00	1.96
Boyd County	66.18	21.16	8.71	0.31	3.63
Boyle County	67.65	11.76	8.82	0.00	11.76
Bracken County	87.19	3.44	6.56	0.00	2.81
Breathitt County	18.18	54.55	13.64	0.00	13.64
Breckinridge County	85.03	4.81	9.63	0.00	0.53
Bullitt County	63.58	22.24	9.10	0.69	4.38
Butler County	65.33	28.00	5.33	0.00	1.33
Caldwell County	75.93	12.63	8.42	0.00	3.03
Calloway County	32.38	26.88	39.51	0.20	1.02
Campbell County	80.59	7.89	9.40	0.00	2.12
Carlisle County	59.26	4.94	35.80	0.00	0.00
Carroll County	75.57	6.68	13.78	0.63	3.34
Carter County	47.08	28.64	11.24	0.75	12.29
Casey County	55.32	34.04	8.51	0.00	2.13
Christian County	55.23	39.54	2.45	0.00	2.78
Clark County	61.32	28.08	7.79	0.82	1.99
Clay County	34.99	47.20	16.56	0.00	1.24
Clinton County	32.17	53.85	7.69	2.10	4.20
Crittenden County	43.84	50.68	5.48	0.00	0.00
Cumberland County	52.67	35.88	6.11	0.76	4.58
Daviess County	72.87	10.21	15.28	0.05	1.58
Edmonson County	75.00	12.50	0.00	0.00	12.50
Elliott County	11.11	66.67	0.00	16.67	5.56

Estill County	51.47	39.71	5.88	0.00	2.94
Fayette County	71.37	14.72	9.34	0.00	4.58
Fleming County	80.70	13.45	4.09	0.00	1.75
Floyd County	25.18	50.18	20.99	0.36	3.28
Franklin County	79.36	8.57	8.35	0.07	3.66
Fulton County	33.97	40.84	17.56	0.38	7.25
Gallatin County	75.72	7.35	12.37	0.09	4.47
Garrard County	58.44	14.29	24.68	0.00	2.60
Grant County	85.58	3.07	7.92	0.00	3.43
Graves County	55.34	17.23	14.56	6.80	6.07
Grayson County	79.69	10.33	8.09	0.00	1.89
Green County	16.28	46.51	37.21	0.00	0.00
Greenup County	40.00	52.94	1.18	0.00	5.88
Hancock County	60.77	18.66	18.66	0.48	1.44
Hardin County	82.56	9.15	5.21	0.00	3.07
Harlan County	24.68	58.30	15.85	0.00	1.17
Harrison County	75.00	21.43	1.79	0.00	1.79
Hart County	64.29	5.29	26.74	0.00	3.68
Henderson County	49.82	4.42	38.37	0.00	7.40
Henry County	80.94	6.22	9.33	0.00	3.51
Hickman County	62.90	14.13	19.79	0.00	3.18
Hopkins County	70.41	20.17	6.45	0.50	2.48
Jackson County	23.73	50.85	25.42	0.00	0.00
Jefferson County	57.64	12.90	27.94	0.00	1.53
Jessamine County	72.24	13.11	9.25	0.00	5.40
Johnson County	39.83	37.55	20.58	1.08	0.96
Kenton County	77.80	5.47	10.18	0.00	6.55
Knott County	18.60	51.94	28.06	0.00	1.40
Knox County	29.88	63.58	3.33	0.00	3.21
Larue County	67.40	18.85	7.81	1.36	4.58
Laurel County	48.64	41.84	6.47	0.00	3.05
Lawrence County	50.03	22.20	26.96	0.00	0.80
Lee County	29.82	49.12	5.26	0.00	15.79
Leslie County	26.87	59.03	11.89	0.00	2.20
Letcher County	40.10	48.51	5.94	4.95	0.50

Lewis County	68.28	11.29	16.67	0.54	3.23
Lincoln County	50.95	13.35	28.34	0.82	6.54
Livingston County	75.58	17.05	4.19	0.00	3.18
Logan County	49.14	43.57	4.03	0.09	3.17
Lyon County	63.80	12.47	7.88	0.08	15.76
McCracken County	64.28	18.97	13.32	0.00	3.43
McCreary County	23.98	34.96	32.11	0.00	8.94
McLean County	33.71	29.21	34.83	0.00	2.25
Madison County	70.75	17.84	7.23	0.00	4.17
Magoffin County	12.00	74.00	10.67	0.67	2.67
Marion County	21.90	13.50	60.22	0.00	4.38
Marshall County	69.88	11.74	16.35	0.00	2.02
Martin County	33.72	50.00	13.95	0.00	2.33
Mason County	85.71	4.55	6.42	0.21	3.11
Meade County	67.33	21.78	7.92	0.00	2.97
Menifee County	52.63	31.58	5.26	0.00	10.53
Mercer County	72.41	16.09	9.77	0.00	1.72
Metcalfe County	45.65	42.61	3.91	0.00	7.83
Monroe County	40.00	50.00	0.00	0.00	10.00
Montgomery County	72.35	19.45	4.02	0.48	3.70
Morgan County	48.09	42.13	4.68	1.28	3.83
Muhlenberg County	45.59	38.84	13.80	0.48	1.28
Nelson County	73.79	4.61	19.49	0.00	2.11
Nicholas County	86.59	7.32	4.88	0.00	1.22
Ohio County	69.23	23.08	5.03	0.42	2.24
Oldham County	66.67	15.29	15.15	0.00	2.89
Owen County	86.48	6.15	5.74	0.00	1.64
Owsley County	12.50	50.00	6.25	0.00	31.25
Pendleton County	80.91	11.97	2.91	0.00	4.21
Perry County	27.90	10.06	1.66	58.73	1.66
Pike County	24.07	46.97	23.06	3.37	2.53
Powell County	48.51	47.01	2.99	0.00	1.49
Pulaski County	42.11	30.62	25.77	0.26	1.23
Robertson County	100.00	0.00	0.00	0.00	0.00
Rockcastle County	49.18	34.00	12.73	0.00	4.09

Rowan County	67.80	21.22	1.34	1.78	7.86
Russell County	44.19	37.21	11.63	1.16	5.81
Scott County	56.61	6.98	21.68	0.00	14.73
Shelby County	73.33	9.00	13.17	0.00	4.50
Simpson County	65.55	18.14	6.42	0.69	9.19
Spencer County	53.13	34.38	4.69	0.00	7.81
Taylor County	32.25	26.68	39.68	0.00	1.39
Todd County	53.25	38.74	6.28	0.00	1.73
Trigg County	73.40	21.28	4.26	0.00	1.06
Trimble County	59.21	31.58	6.58	1.32	1.32
Union County	42.21	44.72	10.55	0.00	2.51
Warren County	65.65	20.25	8.78	0.47	4.84
Washington County	54.90	4.58	39.54	0.00	0.98
Wayne County	38.24	58.82	2.94	0.00	0.00
Webster County	52.69	25.81	20.43	0.00	1.08
Whitley County	53.94	30.30	9.85	0.00	5.91
Wolfe County	59.89	23.13	14.93	0.19	1.87
Woodford County	78.03	2.61	12.29	0.00	7.08

Appendix D — Charge Disposition Rates by County (All vs. CMV)

County	Type	Conviction Rate	Dismissal Rate	Amend Rate	Diversion Rate	Other
Adair County	All Drivers	35.97	32.83	2.67	2.41	26.13
	CMV Only	34.78	26.09	26.09	8.70	4.35
Allen County	All Drivers	38.70	40.39	2.32	0.75	17.85
	CMV Only	60.00	27.27	1.82	0.00	10.91
Anderson County	All Drivers	69.65	16.44	1.74	0.00	12.16
	CMV Only	76.47	11.76	5.88	0.00	5.88
Ballard County	All Drivers	45.29	38.65	2.66	0.13	13.28
	CMV Only	9.09	54.55	27.27	0.00	9.09
Barren County	All Drivers	40.71	35.85	1.41	0.14	21.89
	CMV Only	31.37	47.06	7.84	1.96	11.76
Bath County	All Drivers	54.55	22.80	1.22	1.49	19.95
	CMV Only	57.14	42.86	0.00	0.00	0.00
Bell County	All Drivers	32.12	57.35	2.20	0.05	8.27
	CMV Only	25.93	62.96	3.70	0.00	7.41
Boone County	All Drivers	64.02	28.25	3.22	0.01	4.50
	CMV Only	71.28	12.56	13.33	0.00	2.82
Bourbon County	All Drivers	59.20	13.96	3.80	0.02	23.02
	CMV Only	71.43	0.00	14.29	0.00	14.29
Boyd County	All Drivers	65.15	23.61	1.56	0.58	9.09
	CMV Only	63.83	21.28	3.19	2.13	9.57
Boyle County	All Drivers	65.19	26.19	1.51	0.00	7.10
	CMV Only	71.43	14.29	0.00	0.00	14.29
Bracken County	All Drivers	68.54	21.04	4.01	0.20	6.21
	CMV Only	83.33	8.33	0.00	0.00	8.33
Breathitt County	All Drivers	33.70	41.70	8.96	0.44	15.20
	CMV Only	0.00	66.67	0.00	0.00	33.33
Breckinridge County	All Drivers	66.18	16.85	2.46	0.00	14.51
	CMV Only	100.00	0.00	0.00	0.00	0.00
Bullitt County	All Drivers	42.39	46.61	3.39	0.41	7.20
	CMV Only	66.47	18.67	7.33	0.98	6.55
Butler County	All Drivers	49.78	22.21	1.49	0.00	26.51
	CMV Only	44.44	55.56	0.00	0.00	0.00
Caldwell County	All Drivers	69.94	23.82	0.80	0.07	5.37

	CMV Only	75.00	16.67	0.00	0.00	8.33
Calloway County	All Drivers	39.71	26.37	18.62	0.18	15.12
	CMV Only	26.83	21.95	48.78	0.00	2.44
Campbell County	All Drivers	68.87	20.97	2.28	0.00	7.87
	CMV Only	70.29	15.22	10.87	0.00	3.62
Carlisle County	All Drivers	51.45	35.14	5.80	0.36	7.25
	CMV Only	40.00	20.00	40.00	0.00	0.00
Carroll County	All Drivers	59.44	24.89	2.04	0.15	13.48
	CMV Only	66.67	17.65	11.76	0.00	3.92
Carter County	All Drivers	49.58	33.63	1.18	1.18	14.42
	CMV Only	20.59	47.06	11.76	0.00	20.59
Casey County	All Drivers	36.70	33.27	3.16	0.26	26.60
	CMV Only	66.67	33.33	0.00	0.00	0.00
Christian County	All Drivers	48.73	45.62	1.16	0.00	4.50
	CMV Only	39.58	54.17	2.78	0.00	3.47
Clark County	All Drivers	49.47	45.38	1.71	0.27	3.17
	CMV Only	61.00	34.00	3.00	1.00	1.00
Clay County	All Drivers	30.00	54.88	3.93	0.05	11.14
	CMV Only	11.76	64.71	5.88	0.00	17.65
Clinton County	All Drivers	43.16	46.05	3.86	1.29	5.64
	CMV Only	23.08	61.54	7.69	0.00	7.69
Crittenden County	All Drivers	50.34	27.53	6.29	0.11	15.73
	CMV Only	61.54	38.46	0.00	0.00	0.00
Cumberland County	All Drivers	57.63	32.72	3.19	0.29	6.18
	CMV Only	50.00	25.00	0.00	0.00	25.00
Daviess County	All Drivers	72.02	19.06	6.44	0.04	2.45
	CMV Only	63.04	25.00	8.15	0.54	3.26
Edmonson County	All Drivers	43.23	31.51	1.83	3.20	20.24
	CMV Only	-	-	-	-	-
Elliott County	All Drivers	50.28	28.81	0.00	0.56	20.34
	CMV Only	0.00	100.00	0.00	0.00	0.00
Estill County	All Drivers	46.36	32.30	0.94	0.00	20.40
	CMV Only	46.67	46.67	0.00	0.00	6.67
Fayette County	All Drivers	64.17	18.54	3.59	0.00	13.70
	CMV Only	67.57	16.55	7.37	0.00	8.50

Fleming County	All Drivers	59.78	26.84	1.43	0.63	11.32
	CMV Only	52.63	31.58	5.26	0.00	10.53
Floyd County	All Drivers	36.04	41.17	6.06	0.36	16.37
	CMV Only	27.59	39.08	21.84	2.30	9.20
Franklin County	All Drivers	66.14	19.99	2.13	1.39	10.35
	CMV Only	59.81	28.04	1.87	0.93	9.35
Fulton County	All Drivers	44.18	39.05	8.82	1.08	6.87
	CMV Only	25.00	75.00	0.00	0.00	0.00
Gallatin County	All Drivers	47.09	44.13	2.81	0.00	5.98
	CMV Only	73.17	19.51	2.44	0.00	4.88
Garrard County	All Drivers	55.96	21.69	3.95	0.05	18.34
	CMV Only	47.06	29.41	5.88	0.00	17.65
Grant County	All Drivers	72.57	8.71	1.17	0.15	17.40
	CMV Only	71.43	10.71	3.57	0.00	14.29
Graves County	All Drivers	62.03	22.80	2.31	3.51	9.35
	CMV Only	50.00	26.00	10.00	10.00	4.00
Grayson County	All Drivers	63.82	27.56	4.02	0.68	3.93
	CMV Only	72.73	18.18	0.00	0.00	9.09
Green County	All Drivers	27.92	52.23	12.15	2.29	5.42
	CMV Only	33.33	66.67	0.00	0.00	0.00
Greenup County	All Drivers	43.30	42.92	2.12	0.24	11.42
	CMV Only	50.00	33.33	0.00	0.00	16.67
Hancock County	All Drivers	56.31	27.79	4.75	1.28	9.87
	CMV Only	54.55	31.82	9.09	4.55	0.00
Hardin County	All Drivers	61.16	33.13	1.57	0.00	4.13
	CMV Only	74.41	15.67	5.30	0.00	4.62
Harlan County	All Drivers	28.05	62.85	4.80	0.21	4.09
	CMV Only	16.67	75.00	8.33	0.00	0.00
Harrison County	All Drivers	65.73	15.03	1.24	0.00	18.00
	CMV Only	57.14	28.57	0.00	0.00	14.29
Hart County	All Drivers	42.18	15.06	13.39	0.00	29.38
	CMV Only	48.67	2.65	34.51	0.00	14.16
Henderson County	All Drivers	70.57	10.71	14.18	0.01	4.52
	CMV Only	72.90	6.54	17.76	0.00	2.80
Henry County	All Drivers	53.97	28.15	1.40	0.02	16.46

	CMV Only	64.97	20.38	5.73	0.00	8.92
Hickman County	All Drivers	62.88	25.29	3.25	0.93	7.66
	CMV Only	62.50	25.00	12.50	0.00	0.00
Hopkins County	All Drivers	55.56	38.34	1.86	0.62	3.63
	CMV Only	52.76	38.58	5.51	0.79	2.36
Jackson County	All Drivers	44.97	36.24	4.53	0.00	14.26
	CMV Only	60.00	40.00	0.00	0.00	0.00
Jefferson County	All Drivers	47.31	38.42	12.39	0.00	1.88
	CMV Only	56.44	21.35	20.57	0.00	1.64
Jessamine County	All Drivers	76.62	9.93	2.59	0.03	10.83
	CMV Only	74.70	15.66	3.61	0.00	6.02
Johnson County	All Drivers	39.49	54.25	1.18	1.76	3.32
	CMV Only	29.63	70.37	0.00	0.00	0.00
Kenton County	All Drivers	58.56	18.31	11.18	0.00	11.95
	CMV Only	77.15	5.61	13.63	0.00	3.61
Knott County	All Drivers	14.53	72.59	1.17	0.00	11.71
	CMV Only	8.05	80.46	3.45	0.00	8.05
Knox County	All Drivers	31.30	59.99	4.13	0.12	4.47
	CMV Only	24.39	70.73	0.00	0.00	4.88
Larue County	All Drivers	50.40	19.87	3.75	1.40	24.58
	CMV Only	65.00	20.00	5.00	0.00	10.00
Laurel County	All Drivers	38.64	52.51	3.45	0.00	5.40
	CMV Only	51.49	41.44	3.61	0.00	3.45
Lawrence County	All Drivers	44.10	51.55	2.29	0.96	1.11
	CMV Only	35.48	61.29	1.61	0.00	1.61
Lee County	All Drivers	37.07	33.20	2.24	0.81	26.68
	CMV Only	57.14	14.29	14.29	0.00	14.29
Leslie County	All Drivers	20.74	68.94	1.20	0.16	8.97
	CMV Only	0.00	93.33	6.67	0.00	0.00
Letcher County	All Drivers	37.11	49.91	3.18	1.10	8.70
	CMV Only	21.43	71.43	0.00	7.14	0.00
Lewis County	All Drivers	60.14	20.72	2.70	1.35	15.09
	CMV Only	66.67	33.33	0.00	0.00	0.00
Lincoln County	All Drivers	56.27	22.62	5.97	0.05	15.08
	CMV Only	42.11	21.05	10.53	0.00	26.32

Livingston County	All Drivers	72.34	17.28	0.96	0.61	8.81
	CMV Only	60.42	29.17	6.25	0.00	4.17
Logan County	All Drivers	49.56	41.54	1.62	0.00	7.28
	CMV Only	51.59	41.27	3.97	0.00	3.17
Lyon County	All Drivers	68.31	20.92	0.66	0.11	10.00
	CMV Only	61.54	29.81	2.88	0.00	5.77
McCracken County	All Drivers	64.00	27.30	4.02	0.03	4.65
	CMV Only	63.98	21.12	10.56	0.00	4.35
McCreary County	All Drivers	20.95	46.19	12.18	0.00	20.68
	CMV Only	15.38	30.77	23.08	0.00	30.77
McLean County	All Drivers	31.18	47.38	14.85	0.00	6.59
	CMV Only	0.00	100.00	0.00	0.00	0.00
Madison County	All Drivers	56.42	38.36	1.35	0.06	3.82
	CMV Only	75.49	13.19	7.68	0.00	3.64
Magoffin County	All Drivers	26.71	63.47	1.77	1.10	6.95
	CMV Only	9.09	90.91	0.00	0.00	0.00
Marion County	All Drivers	33.41	45.25	13.62	0.19	7.53
	CMV Only	30.43	30.43	34.78	0.00	4.35
Marshall County	All Drivers	61.53	29.55	2.60	0.12	6.19
	CMV Only	68.33	25.00	3.33	0.00	3.33
Martin County	All Drivers	27.92	52.20	4.32	1.73	13.83
	CMV Only	70.00	20.00	0.00	0.00	10.00
Mason County	All Drivers	73.74	18.33	2.84	0.42	4.66
	CMV Only	72.41	10.34	17.24	0.00	0.00
Meade County	All Drivers	50.14	36.84	1.60	0.14	11.28
	CMV Only	50.00	33.33	8.33	0.00	8.33
Menifee County	All Drivers	35.59	36.80	4.12	2.18	21.31
	CMV Only	40.00	20.00	20.00	0.00	20.00
Mercer County	All Drivers	59.22	33.44	1.84	0.00	5.49
	CMV Only	47.37	42.11	5.26	0.00	5.26
Metcalfe County	All Drivers	37.12	28.44	2.20	0.13	32.11
	CMV Only	27.27	54.55	0.00	0.00	18.18
Monroe County	All Drivers	49.51	39.54	1.95	0.00	8.99
	CMV Only	0.00	100.00	0.00	0.00	0.00
Montgomery County	All Drivers	51.41	26.37	3.09	1.64	17.50

	CMV Only	41.67	38.89	8.33	2.78	8.33
Morgan County	All Drivers	47.96	36.69	2.65	0.22	12.49
	CMV Only	42.86	14.29	28.57	0.00	14.29
Muhlenberg County	All Drivers	35.02	38.76	7.51	0.96	17.74
	CMV Only	31.48	48.15	14.81	1.85	3.70
Nelson County	All Drivers	60.42	25.16	11.19	0.03	3.21
	CMV Only	50.00	19.64	30.36	0.00	0.00
Nicholas County	All Drivers	52.63	16.07	2.42	0.14	28.73
	CMV Only	50.00	50.00	0.00	0.00	0.00
Ohio County	All Drivers	52.17	30.89	3.95	2.17	10.83
	CMV Only	32.14	60.71	3.57	0.00	3.57
Oldham County	All Drivers	44.46	46.86	4.82	0.35	3.51
	CMV Only	51.89	35.85	11.32	0.00	0.94
Owen County	All Drivers	69.91	10.60	2.19	0.00	17.30
	CMV Only	60.00	20.00	0.00	0.00	20.00
Owsley County	All Drivers	36.89	34.00	1.33	0.00	27.78
	CMV Only	40.00	60.00	0.00	0.00	0.00
Pendleton County	All Drivers	66.07	13.03	2.89	0.00	18.02
	CMV Only	76.00	4.00	8.00	0.00	12.00
Perry County	All Drivers	18.45	27.25	0.71	48.22	5.37
	CMV Only	25.45	22.73	2.73	43.64	5.45
Pike County	All Drivers	35.72	52.23	3.43	2.30	6.32
	CMV Only	21.05	57.89	8.42	8.42	4.21
Powell County	All Drivers	39.31	41.03	3.16	0.54	15.96
	CMV Only	25.00	50.00	0.00	0.00	25.00
Pulaski County	All Drivers	39.56	47.49	9.05	0.33	3.57
	CMV Only	32.68	58.17	7.84	0.00	1.31
Robertson County	All Drivers	72.09	15.12	0.00	0.00	12.79
	CMV Only	-	-	-	-	-
Rockcastle County	All Drivers	47.49	43.07	3.70	0.15	5.58
	CMV Only	45.65	42.39	6.52	0.00	5.43
Rowan County	All Drivers	61.32	27.06	0.45	2.24	8.93
	CMV Only	61.47	18.35	0.00	5.50	14.68
Russell County	All Drivers	29.82	57.67	3.00	2.49	7.02
	CMV Only	44.44	33.33	11.11	0.00	11.11

Scott County	All Drivers	70.09	11.44	3.28	0.00	15.19
	CMV Only	76.19	7.18	7.83	0.00	8.80
Shelby County	All Drivers	60.54	22.39	1.28	0.04	15.75
	CMV Only	61.21	23.28	5.17	0.00	10.34
Simpson County	All Drivers	51.33	29.77	1.34	0.79	16.77
	CMV Only	73.85	15.21	2.06	0.79	8.08
Spencer County	All Drivers	53.63	30.49	2.17	0.00	13.71
	CMV Only	37.50	37.50	12.50	0.00	12.50
Taylor County	All Drivers	37.35	39.54	18.72	0.41	3.98
	CMV Only	31.82	40.91	22.73	0.00	4.55
Todd County	All Drivers	46.48	45.33	1.70	0.06	6.43
	CMV Only	46.88	53.13	0.00	0.00	0.00
Trigg County	All Drivers	57.13	36.31	1.75	0.06	4.75
	CMV Only	44.44	55.56	0.00	0.00	0.00
Trimble County	All Drivers	39.49	49.25	1.80	0.30	9.16
	CMV Only	38.46	53.85	0.00	0.00	7.69
Union County	All Drivers	55.28	26.34	5.41	0.45	12.52
	CMV Only	50.00	25.00	8.33	0.00	16.67
Warren County	All Drivers	57.14	31.44	1.82	0.70	8.89
	CMV Only	68.22	19.33	6.69	0.19	5.58
Washington County	All Drivers	38.46	40.58	12.88	0.00	8.08
	CMV Only	40.00	60.00	0.00	0.00	0.00
Wayne County	All Drivers	44.34	46.22	6.03	0.00	3.41
	CMV Only	20.00	80.00	0.00	0.00	0.00
Webster County	All Drivers	53.67	25.82	4.68	1.79	14.04
	CMV Only	80.00	20.00	0.00	0.00	0.00
Whitley County	All Drivers	35.51	37.35	5.05	0.00	22.10
	CMV Only	37.50	43.75	12.50	0.00	6.25
Wolfe County	All Drivers	34.17	40.56	2.65	1.25	21.37
	CMV Only	14.29	57.14	0.00	0.00	28.57
Woodford County	All Drivers	77.75	10.28	3.44	0.02	8.50
	CMV Only	66.67	7.94	6.35	0.00	19.05

Footnotes

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