THE TEXAS TEMPORARY MOTOR VEHICLE REGISTRATION TAG



PROBLEMS AND SOLUTIONS

THE TEXAS MOTOR VEHICLE BOARD MOTOR VEHICLE DIVISION NOVEMBER 2004



PROBLEM OF TEMPORARY TAGS IN TEXAS

INTRODUCTION

Buyer's temporary cardboard tags are issued by Texas dealers as temporary registration when they sell a motor vehicle. The tag is valid for 21 calendar days from the date of sale. The purpose of the tag is to give temporary registration to the buyer of the vehicle while the dealer applies for title, registration and metal plates. Texas dealers place their order and buy the tags directly from printers. There is no accounting for how many tags a dealer issues and there is no provision under the law to compel printers to identify to whom they deliver tags. The Texas Motor Vehicle Board may designate the form of the tags, but under current law are not allowed to issue or contract with anyone to issue the tags.



The tags are not secure in any way. They are easily duplicated and counterfeited. Wide-spread abuse of the tags contributes to a lack of safety for police officers, facilitates the criminal lifestyle, and causes millions of dollars in government revenue losses and costs insurers and citizens millions of dollars as well. Abuse of the tags is relevant to crime control, public welfare and the state's revenue. Other states have documented the fact that temporary tags are not just a nuisance but a serious problem requiring remedy and have passed remedial legislation.

This document will attempt to detail the implications of this problem and the impact to the state and the citizens of Texas.

HISTORY OF THE TEMPORARY TAG

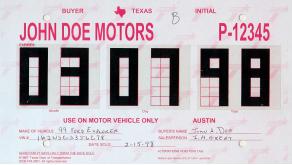
For decades, the design of the original temporary tag given to buyers of motor vehicles was red in color and featured the dealer license number or "P-number." The tag had spaces to be filled in with the VIN of the vehicle, the buyer's name, and the date sold.



Pre-1997 Red Buyer's Tag

A problem that became evident with this tag was that the blanks were often left blank. The expiration date, if it was filled in properly, was very difficult for law enforcement to see or determine when exactly the tag expired.

In 1997 the Texas Motor Vehicle Board changed the specifications of the tag to make the expiration date more visible to law enforcement, added the salesman's name, and required two–inch clear tape to be applied over the expiration date. In an effort to add some security, the Texas Department of Transportation logo was added as a screen, and the Motor Vehicle Division now issues permits to allow printers to use the logo when printing the tags. The printer's name and a job number were also added to the design to allow for some tracking of the tags.



Current Red Buyer's Tag properly filled out

Despite the changes in 1997 to the tag, with the enhanced printing abilities of many office copiers little, if any, change in the amount of abuse has occurred.

THE PROBLEMS

Licensed Dealers. There is no way to track the temporary tags and know how many are printed, how many are issued, who issues them, and how many are issued to one buyer. Despite the law that requires a dealer to issue only one red tag and to apply for title and registration within 21 working days, dealers can and do issue more than one red tag to a buyer.

The reasons for issuing more than one red tag are varied. Some dealers want to "play the float" and keep the money received from the buyer as long as possible to help them in their cash flow. If a dealer is financially in trouble this practice often results in

the dealer going out of business or declaring bankruptcy and keeping the tax and title money collected from the buyers. Recovery of this money is next to impossible.

Some dealers will sell a car for cash, but allow the buyer to bring the Tax and Title (TTL) money later. Often buyers will take their time to bring in the money. Consequently the dealer, who is required to do the registration and titling and pay the fees at the time of application, delays the titling application and allows the buyer to have additional tags so the sale will not be lost.

Even when a tag is filled out properly, if the printer does not use the right ink, the fields fade out guickly.



Some dealers known as "buy here, pay here lots" will hold off on applying for title until the consumer has paid off the note. The fact that the buyer has to keep coming back for new red tags keeps the dealer in touch with the buyer who must make regular payments.

Other dealers just do not keep good records, have sloppy business practices, or are consciously indifferent to the 21 day rule, because after all, as one dealer said: "it is not that big a deal."



This dealer just gave the individual an extra 30 days by changing the "1" to a "2". This is a common practice.

Persons with Expired Registrations. The ease with which the tags can be copied makes them a gray market item. Many flea markets have booths were the red tags are sold for as much as \$25 each. A person whose registration has expired can buy the tag and with the easy reconfiguration of the date and a little luck in avoiding police scrutiny, can drive on the tag for months. This is done often to avoid buying liability insurance. Using a false tag also allows an individual to indefinitely avoid registration and titling fees, inspection fees, emissions inspections, and driver's license fees.



This tag was so old, it was held together with tape. The numbers had been "whited" out many times and marked over.



Note the date of the photo and the expiration date on the temporary tag.

Criminal Use. In this day and age of increased security, perhaps the most disconcerting fact is that criminals can also buy from the flea markets or print their own tags. It has been pointed out that Timothy McVey was stopped because he had no metal plate on his truck. He could have used a Texas paper tag, and driven all the way to Canada in a presumably legal vehicle.

In speaking with various law enforcement authorities around the state and with federal prosecuting attorneys, it becomes clear numerous crimes are being committed daily with the assistance of the Texas temporary tag. The obvious advantage is the inability of law enforcement to trace ownership of the vehicles displaying these temporary tags.



This is a counterfeit tag. The licensed dealer (Bankston) did not sell the car or issue this tag. One of the characteristics that give it away as a counterfeit was the word "job" was spelled "jod" on the tag. The driver was stopped and arrested for no driver's license and no insurance. The driver said he got the tag from his mechanic who sold him the car. The mechanic was not a licensed dealer.

Law enforcement is hampered by the tags because the current system deals only with standard metal tags recorded in RTS (Rapid Title System of Texas Department of Transportation). Officers have no way to verify the driver's identity or tie them to the vehicle. This enhances the ability of criminals to commit crimes without detection and the ability to drive with expired registrations or no insurance without fear of detection. The state of North Carolina did a survey and found that more temporary tags appeared in neighborhoods of high crime incidence than in lower crime areas.

In **Texas**, in 2004, a Dallas-based federal prosecutor reports that a drug dealer was arrested with 11 guns, \$500,000 in cash, and 3 kilos of cocaine in a Dallas apartment. Also found in the apartment were "lots of" temporary dealer tags and car titles. The drug dealer did not have a dealer license. The prosecutor states she sees many of these tags in the drug cases she prosecutes.

A **Tennessee** newspaper reported that officers stopped a car in February 2004 for a broken tail light and a missing rear-view mirror. Police saw a knife on the floorboard, and when the driver opened his wallet a credit card fell out. He told police it was his aunt's, but when the police checked, the owner said the card had been stolen two weeks ago. Officers asked whether he had anything else from the woman and when the driver opened his wallet again, at least six 2005 car registration decals fell out. Officers were advised to arrest the man and tow his vehicle, but when they started to inventory it, they found five counterfeit temporary tags, 18.3 grams of marijuana, 1.9 grams of crack cocaine, 26 bullets, a scale, a razor, and a white tray.



This is another counterfeit tag. The driver said he bought the car from an individual who told him to keep coming back and he could get more if needed.

It has also been pointed out that if you use counterfeit temporary tags you can get parking tickets all day and you cannot be tracked.

Nation-wide Problem: Other states recognize the problem and have been addressing it legislatively. In **Missouri** a bill was passed (SB 183) - This act requires temporary registration tags to incorporate a security measure to prevent tampering. The act also requires dealers, beginning January 1, 2004, to notify the Department of Revenue (DOR) by electronic means when they issue a temporary permit. This measure would allow DOR to monitor those who fail to register the vehicle after the 30 day period.

The act also makes it a Class C misdemeanor for any person who alters, counterfeits or misuses a temporary permit to avoid registering a motor vehicle. The person would also have his or her driver's license suspended for a period of sixty days.

In **Florida** the law allows impoundment and immobilization of vehicles displaying tags that are fraudulent, counterfeit, stolen, or vehicles with no VIN or the VIN is covered.

The Texas tag causes problems in other states as well. Arizona reports that an Arizona resident living in that state had gone to the store, bought poster board and printed and made his own Texas temporary tag. He drove on this tag in Arizona for over a year until law enforcement relieved him of the tag.



The photo of the tag on this vehicle was taken over 6 months after tag expired.

POSSIBLE SOLUTIONS

Many other states have recognized this problem and adopted various methods to introduce security into the temporary tag. In 1996 the MVD first recognized this problem and did an informal survey of other states. Twenty-six states were surveyed and at that time 13 states were currently using some method of securing temporary tags or registration paperwork.

The most common forms of security methods included:

Sequentially numbering the tags to identify to whom they were issued;

Requiring tags to be obtained directly from the agency or its branch offices;

Not using the temporary tag, but requiring the registration paperwork inside the car at all times;

Laminating the tag with a coating;

Using security paper with various copy-proof features;

The AAMVA method

Three states surveyed do not use temporary tags, but do require the driver to carry the registration paperwork. Four states surveyed utilize a system where the license plate follows the driver, instead of the car, to cut down on the use of temporary tags and to increase security for non-registration of a vehicle. *Virtually none of the states surveyed allowed dealers to obtain the tags from a source independent of the agency.*

In 1996, six states were using the AAMVA method and six others were considering it.

The AAMVA Method. The American Association of Motor Vehicle Administrators has recommended security features to be added to temporary cardboard tags. Such features include holograms that are difficult or impossible to counterfeit and punch-out holes for expiration dates.



This is a sample of the AAMVA recommended tag. The date sold is punched out so it cannot be changed. The date sold, make, VIN, and expiration date is written on top of a hologram which is then covered by a fold down piece of clear tape which covers the whole tag. **Other States.** Eleven states now use the AAMVA method. These are Kentucky, Indiana, Virginia, Georgia, New Jersey, Colorado, West Virginia, Wyoming, South Carolina and Maryland. Arizona went to the AAMVA method, but has since merged into another system, which will be discussed later in this report. Each of these states was contacted and the comments from each state that responded are summarized below.

Kentucky: Willie Payton with the Kentucky DMV states that Kentucky was using plain paper tags, which dealers and county clerks sold. They did not realize the abuse that was going on until they changed to the secure temp tag. The first year they went to the secure tag they sold 400,000 more temps tags. They had heard from other states of 15 to 20 percent abuse and Kentucky feels they probably topped that. The Kentucky prison system makes the tags and puts the hologram on in their shop.

Virginia: Eula Moore-Anderson, DMV Deputy Director for Registration services in Virginia, states that Virginia does not know if vehicle registrations increased after use of the tag. The state issues 2 tags for \$2. Virginia requires 2 tags for a passenger vehicle. Virginia pays \$.6458 per set of temp tags, which are produced by the Prison Enterprises. Dealers purchase the tags from the customer service centers with the submission of an application that includes such information as the name and driver's license number of the person authorized to pick up tags, the signature of the dealer representative, etc. Also, they only accept payment that identifies the dealership (check or credit card with dealership name). By law, each dealer must maintain a permanent record of all temp tags issued *to* him, all temp tags issued *by* him, and any other information pertaining to the receipt or issuance of temp tags. Auditing of the permanent record is done on a regular basis.

One of the drawbacks of the hologram on temporary tags is with dealers and others selling them on the black market. In the northern Virginia/DC area a \$2 temp tag gets around \$100 on the street. They are favored by drug runners as they are hard to track. Outside of this they feel the hologram has eliminated the counterfeit tags that allowed one to avoid registration, titling, taxes, and insurance.



Georgia: Georgia is a good example of how, even with a secure tag, if proper controls are not put in place, the system breaks down. Douglas Hooper with the Georgia Motor Vehicle Board is not happy with the tags at all. They are sold by the dealer associations and another 3rd party at the rate of 2-3 million yearly. The state just provides the requirements. Mr. Hooper states the tags are a real pain to regulate because they don't know who or how many were issued by whom. The dealers are not supposed to reissue a temp tag for the same sale, but Mr. Hooper knows they do. The tag costs \$.30 from the manufacturer and dealers pay \$1 for the tag. They did not track whether there was an increase in registration because they did not have access to the number of temporary dealer registrations that were issued. This system may have eliminated counterfeit tags, but shows that without the proper controls, the same problems exist that Texas has now with the abuse of paper tags by the dealer body.

New Jersey: James Clifford with the Department of Transportation in New Jersey says their government orders the hologram and a write-resistant overlay through the Prison Industries group. The prisoners apply the hologram strip and overlay on a printed tag form. The strip and overlay are manufactured by Opsec. Cost, excluding the form, is 25 cents for the strip, overlay, and application to the form (\$250,000 per year). In the course of a year, they will use 1,000,000 of the assembled forms for distribution to field agencies run by the Commission, which in turn sell them to the automobile dealers. The charge for the form at the agencies is \$5 each with a minimum purchase of 10 required. They do not know if the registrations and resultant revenues went up as they do not track these figures.

The tags are sequentially numbered and tracked through a database maintained at the Motor Vehicle Agency. Unfortunately, the records do not reflect the person's name who bought the car from the dealer, but they can tell what dealer received the tags in question.

West Virginia: West Virginia went to the hologram tag, but has no documented increase in fees or registrations. Pete Lake, Director for DMV, says the 3M Company provided the hologram. The WV Prison Industries produces the tag for \$0.63. They issued 171,606 temp tags in 2003. Dealers pay \$3 for the tag.

Tags are sequentially numbered and the state maintains an issuance log. Dealers are periodically inspected for reconciliation between number of cars sold and tags issued.

Wyoming: Jody Brown with the Wyoming Department of Transportation says Wyoming uses the Op-Sec Industries hologram. No documented increase in registrations, fees or taxes has been seen. It costs \$.175 to produce the tag and the dealers pay \$.50 for each tag. The tags are sequentially numbered and are sold by the WYDOT, who records what tags a dealer has. Upon the renewal of the dealer's license, they try to compare the two numbers and if the comparison number is not close, a follow-up is done to see why.

Colorado: Op-sec, the company that sells the hologram strip to Colorado says that the state increased its sales of temporary license tags by 75% over two years after they introduced security into this document.

New Mexico: New Mexico estimates that before security was introduced to their temporary license tag one of every four an officer looked at was counterfeit.



Yet another counterfeit tag. The "P#" or dealer license number does not belong to J&G Auto Sales. J&G is not a licensed dealer and cannot be found anywhere. This tag was on the vehicle for 3 months before being stopped by police. Note the second number has been changed from a "5" to a "6".

Disadvantages to AAMVA Method: Wh

method which has no security at all, the AAMVA method is obviously not the complete answer to the problem. The method requires the state to buy the holograms from the producers; apply the hologram strips to cardboard tags; store and stockpile the tags and distribute them. There is still the problem of unscrupulous dealers selling the tags to criminals. However, the State of Arizona has gone a further step and has eliminated many of the disadvantages found in the AAMVA Method.

The Arizona Program. Arizona at one time had temporary cardboard tags like Texas. The state then went to the AAMVA method, which required the purchase of holograms and stocking an inventory of such tags for sale to dealers.

As a result of a recent legislative initiative all Arizona agencies are required to provide online access to permits and licenses. Now, Arizona law provides for the issuance of Temporary Registration Plates (TRPs) by automotive dealers and title service companies for the period between the vehicle purchase and when title and registration information is required to be recorded at the Motor Vehicle Division (MVD). This period of time can be up to 45 days.

Prior to electronic TRPs, vehicle dealers issued a cardboard TRP to the new or used vehicle. The vehicle dealer would handwrite the customer and vehicle information onto the cardboard TRP. The customer and vehicle information was not stored on the

Division's Title and Registration system. This process precluded any automated compliance efforts by law enforcement since the ability to electronically query the 'owner' of a TRP did not exist.

The cardboard TRPs required a great deal of inventory handling and recording by the personnel in the MVD warehouse, MVD offices, and vehicle dealerships. The vehicle dealerships would need to order their TRPs from the state.

In 2003, Arizona law was changed to allow vehicle dealers to print out TRPs from their office as needed and record the vehicle and customer information directly on the Division's Title and Registration database. This change resulted in many benefits including money and time savings.

The new secure electronic TRPs have been in existence since July 1, 2003. Approximately 700,000 electronic TRPs were issued in the first year. Electronic TRPs have been a huge success for everyone involved. Arizona has since implemented two other types of electronic dealer permits: the 30-day non-resident permits and 30 day general use permits.

Benefits for Vehicle Dealerships

Time savings due to not having to handle TRP inventory (ordering, storing, processing, etc.)

Improved record keeping due to electronic reports. Vehicle dealership has access to their information online.

There is no TRP inventory to account for in the case of a dealer going out of business.

The electronic system is available all day, every day.

Dealers no longer have to pay an \$8 charge for voiding a cardboard TRP, saving vehicle dealerships statewide approximately \$280,000.

Dealers automatically access recorded customer and vehicle information when the information already exists on the MVD databases (real time access). This reduces keying errors and keystrokes for the dealer.

System availability twenty-four hours a day and seven days a week.

Benefits for Motor Vehicle Division

The state saves approximately \$300,000 in hard dollars annually through elimination of the cardboard TRPs that were previously purchased. The cardboard TRP costs approximately \$0.40 each and Arizona was issuing 700,000 TRPs a year.

The state saves additional employee time and money through elimination of storage, distribution, and other inventory handling of the cardboard TRPs.

Audit capabilities are improved; audits can be done electronically instead of at the place of business.

Since the new TRPs are electronically recorded, the new vehicle title and registration information is already recorded on the MVD database when title work is submitted to MVD, reducing the time to complete the transaction and data entry errors.

There is better information for decision makers due to information being recorded electronically and the ability for MVD to pull useful reports from the system.

An electronic report is available to MVD when a TRP is not permanently registered within the required 45 days, ensuring that TRPs are issued properly.

The expiration date is generated and controlled by MVD's computer system, reducing errors and potential fraud.

The MVD and vehicle dealerships were prepared for additional electronically issued permits such as the 30 Day General Use permit and the 30 Day Non Resident Permit.

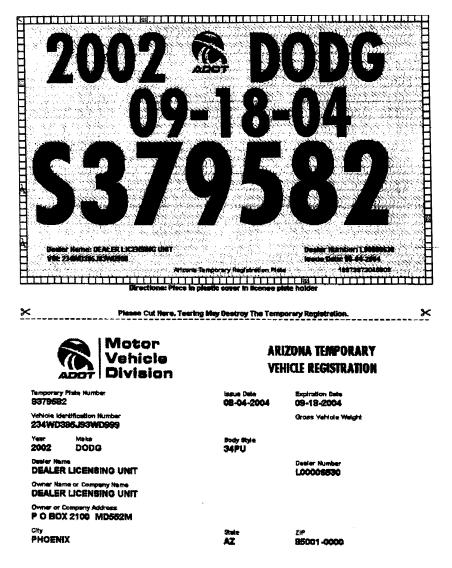
Benefits for Law Enforcement/Public Safety

Fraud and misuse of TRPs is reduced. The TRP information is entered directly into the MVD database and is recorded before the vehicle leaves the dealer lot, allowing instant access to the data by law enforcement through the existing law enforcement electronic queries (RQ).

Public safety increased due to 700,000 vehicle records being immediately available to law enforcement. Prior to electronic issuance, the temporary registration plate records were not recorded on the Division's database and therefore not available to law enforcement.

Prior vehicle ownership information is updated on the Division's database sooner to eliminate possible incorrect liability, such as parking tickets.

SAMPLE ARIZONA TRP



Must be carried in the vehicle at all times, until new registration and plates are received.

In speaking with IBM, the company which modeled and maintains the Arizona system, it is estimated a similar system could be installed in Texas for less than one million dollars.

THE FIGURES – HOW MUCH IS TEXAS LOSING?

Trying to arrive at hard figures is difficult because the agencies responsible for tracking the number of sales (Texas Department of Transportation) and the amount of tax collected (Comptroller) do not keep dealer sales separated out in their databases. The following information has been confirmed by the two agencies:

1) There are approximately 2400 licensed franchised dealers and approximately 14,000 licensed independent dealers in the state.

2) Approximately \$2.5 Billion is paid each year in motor vehicle sales tax from 3.8 million transactions per year (includes casual sales).

3) There were approximately 2.8 million vehicles sold in CY 2003 by dealers.

4) The average sales price is \$13,302.

5) The average motor vehicle sales tax on motor vehicles sales is \$656.

6) The average registration fee is \$60.00.

7) The average length of time registrations are tardy (includes casual sales) is 4.3 months.

From the above figures the following extrapolation was made to compare with Arizona figures.

ARIZONA

TEXAS

Dealers sell approximately

Has 4000 dealers

Has 16,000+ dealers (4x Arizona)

Dealers sell approximately 300,000 vehicles per year

2,800,000 per year (9x Arizona)

Must register and title vehicles within 45 days of sale.

Must register and title vehicles Within 21 days of sale

Verified number of tardy registrants 6500 per month

Unable to verify tardy dealer sales

PROJECTION:

There is nothing to suggest the Texas dealers are any more conscientious in applying for title than Arizona dealers. In fact, Arizona has higher compliance by the fact they have the automated system that keeps track of exactly who is tardy in registration. Further, Arizona has more than twice as long to complete the registration period than Texas, so the Texas tardy rate should be higher. To conservatively compare the two states, one can say that Texas has 9 times the number of sales and therefore should have 9 times the number of tardy registrations. Alternately, one could say that since Texas has 4 times the number of dealers, there should be 4 times the number of tardy registrations. Though comparing sales to sales would be more accurate, using the lower comparison number of dealers (4 times), the following extrapolation can be made:

6500 Arizona tardies x 4, the increase in Texas dealers:

4x 6500 = 26,000 tardy registrations each month

 $26,000 \times 656 (Avg. MV tax per vehicle sale) = \$17,056,000/mo $26,000 \times 60 (Avg. Registration fee) =\$1,560,000/moRevenue delayed to state each month\$18,616,000 per month

4.3 (average number of months registrations is tardy) x 18,616,000 = \$80,049,000

If one uses the sales to sales comparison Texas has 9 times the number of sales than Arizona) the figures increase dramatically:

9 x 6500 = 58,500 tardy per month	
58,500 x \$60 registration fee =	\$3,510,000 per month
58,500 x \$656 motor vehicle tax =	\$38,376,000 per month

\$38,376,000 x 4.3 average months for late registration = \$165,016,000

Keep in mind these figures are for tardy registrations. The amount of motor vehicles that *never* get registered because of the use of counterfeited tags because of its very nature, cannot be estimated.

CONSUMER COMPLAINTS RECEIVED BY MVD:

The MVD receives complaints from consumers who have purchased vehicles and have failed to receive a receipt for application for title from the selling dealer within the 21 days allowed by law. In FY 2002, MVD received over 1100 such complaints. In FY 2003, over 2163 similar complaints were received. 993 of these consumers never got a title from the dealer and that to obtain a title from the bonded title process or tax collector's hearing process, an additional expense for the consumer. For those that did receive a title from the selling dealer, the number of days for which consumers had to wait for titles ranged from 60 to over 600. The average time it took a consumer to receive a title was 3.5 months. Many of these consumers would still be waiting on a title but for the intervention of the enforcement staff. Approximately 46% of the complainants never got a title because the dealer, after collecting the tax, title, and registration money, went out of business months after the sale, but before the enforcement staff could contact them on behalf of the consumer. This is up from 30% for the prior year. All these consumers were driving around on expired red tags, or additional red tags they received from the dealers, or the red tags that are for sale around the state at flea markets.

Though these numbers are small compared to the 2.8 million passenger cars sold each year by dealers, note that those buyers who are consciously avoiding registration would not be complaining to this agency. Also, many consumers are not familiar with this small division and do not know where to complain about this problem.

SUMMARY:

All the figures and extrapolations mentioned above concern late registrations, some of which are shown to be tardy by years. Unfortunately, there is no way to provide figures for those sales for which there are *no* registrations. There is also no way to show how many counterfeit tags are used for avoiding insurance or registrations, or used in crimes. Kentucky has a dealer population of approximately 3800 and estimate they increased registrations by 400,000 by going to the AAMVA method. Colorado with a

dealer population of approximately 2500, reported a 75% increase registrations over two years after going to the secure tag.

The current Texas system has developed into a means for evasion and avoidance of timely payment of registration fees, costing the state considerable funds, and putting its citizens and law enforcement officers at risk. The abuse of these tags is by people who are avoiding payments of taxes and insurance, contact with the government, and/or identification. It should be remembered that the 17 suicidal terrorists of September 11 were identified from the vehicle registration process.

Going to the secure tag will stop the counterfeiting of temporary tags. It will eliminate the wide-spread sale of counterfeit red tags at flea markets and others. It will not stop the unscrupulous dealer from obtaining the tags and selling them to criminals for illegal activities. However, since dealers could be made to account for their secure tags, a paper trail would be created that could help law enforcement.

Texas, which usually prides itself as being a progressive state, is woefully behind in providing for public safety and revenue collections when it comes to the temporary motor vehicle registration tag. The Texas Motor Vehicle Board is prohibited by law to remedy the situation by instituting policy and rules that would at the least, put in place the AAMVA method or bring Texas into the 21st century by instituting an electronic registration system similar to Arizona. Such a system could be had for a minimal investment, which could have a return of many millions to the state. Unfortunately neither method may become a reality until the legislature repeals the law restricting the agency's efforts in this area.

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