



# *ACTAR*

## *Bylaws*

*October 2020*

# Accreditation Commission for Traffic Accident Reconstruction *BYLAWS*

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## ARTICLE 1

### 1. *Name*

The name of the corporation shall be the Accreditation Commission for Traffic Accident Reconstruction, Inc. (hereafter referred to as ACTAR).

## ARTICLE 2

### 1. *Purpose*

Among the purposes of ACTAR, is the organization and implementation of a comprehensive program of accreditation of individuals in the field of traffic collision investigation and reconstruction curricula and to individuals and academic institutions in planning their educational programs.

The purpose of ACTAR's accreditation of individuals and educational programs is to identify and recognize those individuals or programs worthy of recognition.

## ARTICLE 3

### 1. *ACTAR Membership*

There shall be no individual membership in ACTAR. ACTAR will be made up of a Governing Board of Directors (GBOD) consisting of one representative appointed by each of the following organizations:

- ✪ Canadian Association of Technical Accident Investigators and Reconstructionists\*
- ✪ Illinois Association of Technical Accident Investigators\*
- ✪ International Association of Accident Reconstruction Specialists\*
- ✪ Midwest Association of Technical Accident Investigators\*
- ✪ National Association of Professional Accident Reconstruction Specialists\*
- ✪ National Association of Traffic Accident Reconstructionists and Investigators\*
- ✪ Maryland Association of Traffic Accident Investigators\*
- ✪ Society of Accident Reconstructionists\*
- ✪ Southwestern Association of Technical Accident Investigators\*
- ✪ Texas Association of Accident Reconstruction Specialists\*
- ✪ Washington Association of Technical Accident Investigators\*
- ✪ New Jersey Association of Accident Reconstruction

(Admitted 1995)

- ✪ Pennsylvania State Police (Admitted 1995)
- ✪ American Society of Safety Engineers (Admitted 1996)
- ✪ Forensic Accident Reconstructionists of Oregon (Admitted 1996)
- ✪ Michigan State Police (Admitted 1996)
- ✪ University of Central Missouri (Admitted 1996)
- ✪ New York Statewide Traffic Accident Reconstruction Society (Admitted 1998)
- ✪ California Association of Accident Reconstruction Specialists (Admitted 1999)
- ✪ Colorado State Patrol (Admitted 2000)
- ✪ Ontario Provincial Police (Admitted 2003)
- ✪ Oregon State Police (Admitted 2004)
- ✪ Denver Research Institute at the University of Denver (Admitted 2008 thru 2013)
- ✪ South Carolina Highway Patrol (Admitted 2009)
- ✪ Massachusetts State Police (Admitted 2015)
- ✪ Australasian & South Pacific Association of Collision Investigators (Admitted 2017) #
- ✪ Dubai Police Department (Admitted 2019)#

\* Founding Organizations

# Non-voting Organization

### 2. *Application for Membership*

Organizations whose interests and professional activities correspond with or compliment the purposes of ACTAR and represent an organizational general membership of those involved in traffic collision investigation and reconstruction may apply to the ACTAR GBOD for board membership.

### 3. *Application Approval*

Applications for membership and approval thereof shall be in accordance with procedures established by the GBOD.

### 4. *Classes of Membership*

The membership of the GBOD shall be divided into voting and non-voting members.

#### a. *Voting Membership*

Voting members of the GBOD will consist of up to 24 organizations and shall be limited to those representatives appointed by the organizations listed in Article 3, Section 1. Each Voting Member Organization shall have one vote. This vote may be accomplished in person during an annual GBOD meeting, via proxy, or by electronic means as

determined by the Chair.

**b. Non-Voting Membership**

The GBOD may, at its discretion, admit a representative of an organization whose purposes are consistent with the goals of ACTAR to serve in an affiliate position on the GBOD. A representative in this capacity would be a non-voting member of the GBOD.

**5. Resignation**

Any member organization may resign by directing a letter of resignation to the Chair of the GBOD. The resignation shall be effective upon receipt by the GBOD.

**6. Transfer of Membership**

Organizational membership in the ACTAR GBOD is not transferable or assignable.

**7. Removal of Participating Organization from the Governing Board of Directors**

The Governing Board of Directors may remove any participating organization from the GBOD of ACTAR for cause by a vote of at least two-thirds of the GBOD.

**ARTICLE 4**

**1. Governing Board of Directors: Officers and Executive Committee**

The officers of the GBOD shall be a Chair, Vice-Chair, Secretary and Treasurer. The Executive Committee shall consist of the aforementioned officers and all standing committee chairs, or their designee. The representatives to the GBOD, as approved by each of the member organizations, shall be credentialed (certified or accredited).

**2. Elections**

Elections of officers shall be held at regular full meetings of the GBOD upon expiration of the term of office of the position held, upon resignation of the member organization from ACTAR, assignment of a different representative by the member organization, or when it is demonstrated that the representative holding the elected position fails in his or her duties to the GBOD. The positions of Secretary and Treasurer may be held by one person in the same term.

**3. Duties**

**A. Chair**

The Chair shall preside at all meetings of the GBOD and shall perform all duties customarily assigned to that position. The Chair shall be the Executive Officer of the GBOD. The Chair shall

be responsible for the management of the business of the GBOD under the supervision and direction of the GBOD members and shall see that all orders and resolutions of the members and GBOD are completed. The Chair shall appoint, with the approval of the GBOD, the creation of, membership and Chair of any committees and may be an ex-officio member of any committees created.

**B. Vice-Chair**

In case of death, disqualification, absence or incapacity of the Chair, the Vice-Chair shall have all the powers and perform all duties of the Chair and at other times shall have such powers and perform such duties of the Chair as the GBOD may prescribe.

**C. Secretary**

The Secretary shall attend all meetings of the GBOD and shall make arrangements for recording the votes and minutes of all proceedings. The Secretary shall attend to giving and serving notices of all meetings of the GBOD. The Secretary shall have custody of such books, documents and papers as the GBOD may determine. The Secretary shall attend to the publication of all reports, attest documents and in general perform all the duties incident to the office, subject to the control of the GBOD, and such other duties as may be assigned by the GBOD.

**D. Treasurer**

The Treasurer shall keep or supervise the keeping of full and accurate accounts of receipts and disbursements in books belonging to ACTAR and shall deposit all monies, securities and other valuable effects of ACTAR in such depositories as may be designated by the GBOD. The Treasurer shall perform all other duties as may be prescribed by the GBOD or by the Chair.

**E. Executive Committee**

The Executive Committee shall meet biennially. These meetings will be held in person during non-election years, with the purpose of prioritizing matters to be addressed in upcoming meetings of the entire GBOD.

**4. Vacancies**

In case any office becomes vacant as a result of death, resignation, retirement, or other cause; the vacancy so created shall be filled from the GBOD by appointment of the Chair. An officer filling such a vacancy shall hold office until the end of the term.

**5. Terms**

Each officer shall have a term of 2 years. No officer, except for the Secretary and/or Treasurer, may serve more than 2 consecutive terms in the same elected position.

**6. Removal**

The GBOD may remove any officer for cause by a vote of at least two-thirds of the GBOD.

**ARTICLE 5**

**1. General Duties of the Governing Board of Directors**

The property, business and affairs of ACTAR shall be managed and controlled by the GBOD.

**2. Meetings**

Regular meetings of the Board shall be held at the call of the Chair or the majority of the GBOD. A simple majority of the GBOD shall constitute a quorum for the transaction of business.

**3. Decisions of the GBOD**

The act of a majority of the GBOD members at a meeting at which a quorum is present shall be the act of the GBOD.

**4. Non-Disclosure and Confidentiality Agreement**

Each GBOD member and their designated alternate are required to annually sign the ACTAR Non-Disclosure and Confidentiality Agreement. Failure to comply with this requirement will result in the member’s immediate loss of voting privileges on all GBOD related matters and suspension from all assigned GBOD committees.

**5. Indemnification of the GBOD and Member Associations**

Each GBOD member, whether or not then in office, and the member associations named in Article 3, Section 1, shall be indemnified by ACTAR against reasonable costs and expenses (including attorney fees) incurred in connection with any action, suit or proceeding to which they may be a party by reason of having been a member association or GBOD member. In matters where they shall finally be adjudged or have entered their consent in such action, suits or proceedings, to have been derelict in the performance of

their duties as such member the foregoing right of indemnification shall not be exclusive of other rights to which they shall be entitled as a matter of law.

**6. Accreditation of GBOD Members**

The representatives of the founding organizations as contained in Article 3, Section 1, once achieving the initial level Qualified status, shall be ineligible to take an accreditation examination for a period of 5 years after they are no longer representatives to the GBOD. Those members will retain a Qualified status during that 5-year period Plus two years after that. That GBOD representative then has 7 years (the initial 5 years plus 2 more years after they are then eligible to test) to complete the long-term accreditation process, based on their initial application and shall have all rights, duties, and privileges of a Certified Reconstructionist in the interim.

**ARTICLE 6**

**1. Code of Conduct**

ACTAR recognizes that traffic collision reconstruction is a sophisticated and learned profession that has a direct and critical impact on the quality of life for all people in need of the specialized attributes offered by this profession. All traffic collision reconstructionists accredited by ACTAR, are therefore expected to be honest, impartial, fair and ethical in the services they provide. Likewise, it is recognized that many scientific principles form the foundation of traffic collision reconstruction and as such, accredited reconstructionists are expected to apply these principles in a scholarly and knowledgeable manner.

Notwithstanding the adherence to laws, rules or regulations enacted or promulgated by authorized government, certifying or licensing entities, all traffic collision reconstructionists accredited by ACTAR are expected to conform to a basic standard of professional behavior while engaged in the activities or duties related to any traffic collision reconstruction services. ACTAR does recognize that the profession of traffic collision reconstruction comprises individuals representing many vocations and disciplines and that through their respective vocations and disciplines, many of these persons are already licensed, certified or subject to a separate code of conduct. The standards of conduct established by ACTAR are not intended to conflict with the standards or requirements of other professions.

**ARTICLE 7**

**1. Discipline of Unacceptable Conduct**

Any ACTAR accredited individual who conducts

himself/herself in an unacceptable manner, as enumerated by this Article, shall be subject to action as defined herein.

## 2. *Unacceptable Conduct*

Unacceptable conduct subject to action by ACTAR is defined as follows and is applicable whenever an accredited individual acts as a traffic collision reconstructionist.

- a. Conviction, judgment or sanction by a court, administrative board or professional licensure review board having legal jurisdiction for an act of perjury.
- b. Conviction, judgment or sanction by a court, administrative board or professional licensure review board relating to falsification or spoliation of evidence intended for, or reasonably deemed to be intended for, use in a legal matter.
- c. Conviction, judgment or sanction by a court, administrative board or professional licensure review board having legal jurisdiction for an act of slander or libel with the intent to injure or discredit the professional reputation of another accredited individual or other person involved in a traffic collision reconstruction matter.
- d. Conviction, judgment or sanction by a court having jurisdiction for any act of breach of confidentiality.

## 3. *Action*

Any substantiated act of unacceptable conduct, as defined above, will result in the permanent revocation of an individual's ACTAR accreditation.

# **ARTICLE 8**

## 1. *Complaint Procedure*

Any complaint alleging a violation or infraction of Article 7 of the ACTAR By-Laws against an accredited individual is to be submitted in writing to the attention of the ACTAR GBOD chairperson and must be signed and notarized. The complaint must include all substantiating documentation such as, but not limited to, certified court documents, transcripts of proceedings, depositions, court decisions, etc. The complainant must provide one certified or notarized original set and two copied sets of all submitted documents. All such material is to be obtained and submitted to ACTAR at the expense of the complainant.

Upon receipt of the required documentation, the

ACTAR Chairperson will acknowledge receipt of the complaint in a written response to the complainant. The acknowledgement will be sent via certified mail. The Chairperson will then institute the review process, as outlined below.

Where the ACTAR Chairperson is made aware of a violation or infraction of Article 7 of the ACTAR By-Laws against an accredited individual, the chairperson or GBOD designee may act as the complainant.

## 2. *ACTAR Actions – Initial Review*

- a. In addition to providing a written acknowledgement to the complainant alleging an ACTAR code of conduct infraction, the individual subject of the complaint of the infraction will also be notified in writing after the initial review has been completed.

- b. The ACTAR chairperson will appoint three members of the GBOD, who have no personal affiliation with either the subject of the complaint or complainant, to review the complaint and submitted material. Only the material submitted by the complainant will be used to assess and render an opinion of the complaint. Upon considering the material, the three-member complaint review committee will return an opinion of either "COMPLAINT WITH MERIT" or "UNSUBSTANTIATED" to the ACTAR Chairperson. Within the context of this opinion, these terms represent a majority determination by the complaint review committee and are defined as:

**COMPLAINT WITH MERIT:** The evidence presented supports the complaint against the individual.

**UNSUBSTANTIATED:** The evidence presented was insufficient to support the complaint against the individual or that the committee failed to reach a majority decision.

The ACTAR Chairperson, in consultation with the appointed complaint review committee, will establish the duration of the review process.

- c. Complaint Review Committee finding Unsubstantiated: In the event that the committee renders an opinion of "unsubstantiated" for the complaint, the ACTAR chairperson will provide a written notification, both to the subject of the

complaint and to the complainant, of the determination, with a statement that no further action will be taken. The written notice to the subject of the complaint will include a summary of the complaint, the source of the complaint and a description of the material provided for review. This correspondence will be sent via certified mail, with a return receipt requested.

- d. **Complaint Review Committee finding Complaint with Merit:** In the event that the committee renders a majority opinion to continue the review process of the complaint, the ACTAR chairperson will provide a written notification, at the address of record, to both the subject of the complaint and the complainant of the determination, with a statement that the matter will be referred to the full GBOD (voting members) for final determination. The written notice to the subject of the complaint will include a summary of the complaint, the source of the complaint and a complete set of the documentation provided for review. The correspondence will be sent via certified mail, with a return receipt requested.
- e. The subject of the complaint has the opportunity to provide written materials or documentation for consideration by the voting members of the GBOD. This documentation shall be submitted to the Chairperson of the GBOD within 90 days from the date of the original written notice made by the Chairperson of the GBOD. The ACTAR Chairperson may grant additional time for the acquisition of additional evidence.

### 3. ***GBOD Actions – Complaint***

- a. The ACTAR Chairperson will arrange for a review of the complaint and related materials or documentation by all voting members of the GBOD, who have not recused themselves from the review. The Chairperson will determine the most feasible method for GBOD review of the complaint and related materials. The Chairperson may convene a special review, via mail or other form of communication, with the GBOD, depending upon the nature and availability of supporting documentation. The Chairperson may, in consultation with the complaint review committee, convene the review of the complaint at the next scheduled GBOD annual meeting.

GBOD members may voluntarily recuse themselves from the review and determination process for any reason and shall recuse themselves if the matter represents any conflict of interest, as determined by the GBOD.

- b. Upon review of the documentation submitted regarding the complaint, each voting GBOD member will render a determination of “Substantiated” or “Unsubstantiated” for the complaint. A two-thirds (2/3) decision by the GBOD members voting on the complaint is required for a “substantiated” finding of the complaint.
- c. The ACTAR Chairperson will provide written notification to both the subject of the complaint and complainant of the determination rendered by the GBOD. Notification of an “Unsubstantiated” determination will include a statement that no further action on the matter will be taken. The correspondence to both parties will be sent via certified mail, return receipt requested.

Notification of a “Substantiated” determination will include a statement that the ACTAR accreditation of the subject of the complaint will be revoked, as itemized in Section 6 of this Article. The correspondence will be sent via certified mail, with return receipt requested.

### 4. ***Appeal of a Substantiated GBOD Determination***

- a. Included with the written notification of the “Substantiated” determination, the subject of the complaint will be advised of a 60-day appeal period during which the subject of the complaint may appeal the GBOD decision. The appeal period begins on the day the certified correspondence is sent to the subject of the complaint.
- b. The appeal must be in writing and sent to the attention of the ACTAR Chairperson, via certified mail. The appeal request must be detailed and include only additional evidence that was unavailable to the GBOD at the time of review.
- c. Upon receipt of all appeal documentation, the ACTAR Chairperson will arrange to have the GBOD voting members, who participated in the GBOD complaint determination, examine the material and render a decision whether to uphold

or overturn the revocation of ACTAR accreditation.

- d. A two-thirds (2/3) majority of the GBOD is required to overturn a finding of "Substantiated" for the complaint. If the decision is not overturned, the initial determination will be final. If the decision is overturned on appeal, a determination of "UNSUBSTANTIATED" will be recorded for the subject of the complaint.
- e. Both the subject of the complaint and complainant will be notified via certified mail, return receipt requested, of the final determination by the GBOD.

#### **5. GBOD Final Determinations and Accreditation Revocation**

Any finding of "UNSUBSTANTIATED" for a complaint is final and may not be appealed.

A finding of "SUBSTANTIATED" for a complaint is final and may not be appealed further.

#### **6. Effect of Final Determination**

At the conclusion of the appeal process or the 60-day time period to file an appeal, a final determination of "SUBSTANTIATED" will result in the revocation of the ACTAR accreditation of the subject of the complaint. An individual whose ACTAR accreditation has been revoked may not seek reinstatement of his accreditation.

### **ARTICLE 9**

#### **1. Annual Meeting**

An annual meeting of the GBOD shall be held in accordance with applicable laws for the review of the reports of officers and committees, and for such business as lawfully may come before the meeting.

#### **2. Executive Committee Meeting**

A biennial meeting of the Executive Committee shall be held to prioritize matters to be addressed in upcoming meetings of the entire GBOD.

#### **3. Special Meetings**

Special meetings may be called by a majority of the voting members of the GBOD or by the Chair.

#### **4. Notice of Meetings**

A written or printed notice stating the place, day, hour and purpose of any meeting of the GBOD, excluding special meetings, shall be given by the Chair not less than thirty (30) days before such a meeting to each GBOD Member.

#### **5. Place of Meetings**

The Chair of the GBOD shall designate the place and/or method of meetings.

#### **6. Attendance at Meetings**

No individual(s) will be allowed to attend any meetings unless they are a current member/alternate of the GBOD or a current member/alternate of an approved Affiliate Organization. This does not preclude individual(s) addressing the GBOD at the discretion of the Chair.

#### **7. Conducting Business through Electronic Forum**

The GBOD may conduct business, including voting on resolutions throughout the year by way of an electronic forum. The means of communication must be approved by the Chair, and available to all GBOD representatives.

All matters requiring a vote by GBOD members must be approved by the Chair and adequately publicized to GBOD members. The response by a simple majority of the GBOD members will constitute a quorum for electronic voting. All voting by electronic means will be made by the primary GBOD representative unless the alternate representative has been designated to cast the vote by the primary representative or the participating organization.

### **ARTICLE 10**

#### **1. Creation and Dissolution of Standing Committees**

The Chair shall appoint a standing committee, or dissolve any standing committee enumerated in Section 2 of the Policy and Procedure Manual as necessary. Such actions shall require a majority vote of the GBOD. This does not preclude the Chair from establishing or dissolving temporary committees as needed.

#### **2. Ex-Officio Members**

The Chair, or Vice Chair in the Chair's absence, may be ex-officio members of any committee and vote on committee decisions in the resolution of "tie votes."

### **ARTICLE 11**

#### **1. Financial - Dues and Fees**

The GBOD may establish a fee schedule as it deems just and appropriate.

## **2. *Financial Report***

An annual budget report shall be prepared under the direction of the Treasurer. Financial reports shall be available at the annual meeting and at other GBOD meetings.

## **3. *Fiscal Year***

The fiscal year shall be January 1 to December 31.

## **4. *Contracts***

The GBOD may authorize any of the GBOD officers or agents of ACTAR to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation and such authority may be general or may be confined to specific instances.

## **5. *Checks, Drafts or Orders***

All checks, drafts or orders for the payment of money, notes or other evidence of indebtedness issued in the name of ACTAR shall be signed by such officer or officers or agent or agents of the GBOD and in such manner as shall from time to time be determined by the GBOD.

## **6. *Deposits***

All ACTAR funds shall be deposited to the credit of the corporation in depositories as the GBOD may select.

## **7. *Financial Review***

The financial books and records of the corporation shall be reviewed annually by an independent source approved by the GBOD. The reviewer shall submit a written report to the GBOD.

## **8. *Dissolution***

Upon dissolution of ACTAR, all assets, except those necessary to pay for proper and legal debts, shall be distributed to each of the founding member organizations still participating in ACTAR except if such dissolution of this commission occurs within one year of the filing date of the incorporation of this commission; then said assets will be distributed to each of the founding member associations still participating in ACTAR.

## **9. *Borrowing***

a. In order to carry out the purposes of ACTAR, the Officers of the GBOD may, on behalf of and in the name of the corporation, raise or secure the payment or repayment of money in the manner they decide, and in particular but without limiting the foregoing, by the issue of debentures.

b. No debenture shall be issued without the sanction of a meeting of the GBOD and passage of a Special Resolution.

## **ARTICLE 12**

### **1. *Parliamentary Authority***

The rules contained in the current edition of Roberts Rules of Order shall govern the GBOD in all cases to which they are applicable and in which they do not conflict with these Bylaws.

## **ARTICLE 13**

### **1. *Amendments of Bylaws***

Any GBOD member may propose an amendment to the Bylaws. When such a proposal is made, a copy thereof shall be provided to all GBOD members. Balloting shall be held at the next regularly scheduled meeting of the GBOD, except that a voting member may exercise the option of voting electronically.

## **ARTICLE 14**

### **1. *Miscellaneous***

#### **a. Corporate Seal**

The GBOD may provide a common seal for ACTAR and may destroy a seal and substitute a new seal in its place. The common seal shall be affixed only when authorized by a resolution of the GBOD.

b. Employees, Service Provider, ACTAR Administrator  
ACTAR may remunerate such persons as the GBOD may deem necessary. The salary or fees of such persons shall be paid by the corporation out of general funds, upon affirmative vote of the GBOD. Any person, employee, individual or service provider remunerated by ACTAR with potential access to confidential ACTAR information will be required to sign a Non-Disclosure and Confidentiality Agreement as a condition of their affiliation with ACTAR. This condition will be required annually so long as the individual or entity receives remuneration from ACTAR.

#### **c. Notices**

Whenever, under the provisions of these Bylaws, notice is required to be given to any GBOD member, it shall not be construed to require personal notice, but shall be given in writing, by mail, by depositing the same in the post office or at a letter box, in a postpaid sealed wrapper addressed to such member at the last address appearing on the books and records of the corporation.



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June 26, 1993, Philadelphia, PA  
April 23, 1995, Baltimore, MD  
April 6, 1997, Philadelphia, PA  
April 16, 1999, Philadelphia PA  
April 7, 2000, Sacramento CA  
April 6, 2003, Seattle WA  
October 19, 2020 Zoom

April 3, 2004, Las Vegas NV  
April 16, 2005, Denver CO  
February 8, 2008, Las Vegas NV  
March 6, 2010, Denver, CO  
April 6, 2013, Denver, CO  
April 6, 2014, Denver, CO  
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