Motor Vehicle Record (MVR) Policies

A KEY COMPONENT OF THE DRIVER SCREENING PROCESS

Introduction

Vehicle operations create substantial risk to any organization. A best practice for reducing vehicle risk is to ensure only safe drivers are allowed to operate vehicles on organizational business. Evaluating a driver’s motor vehicle record (MVR) has long been a recognized component of the driver screening process.

Drivers with a history of accidents and moving violations are likely to continue driving in this manner and may pose an unacceptable risk to the organization. Organizations who operate Department of Transportation (DOT) regulated vehicles are required to include MVRs in the driver hiring and management process. DOT regulations will not be covered in this publication.

The graph above outlines the relationship between moving violations and future accidents. The same study found a similar correlation between past accidents and future accidents.

Organizations utilizing MVRs as a component in their driver screening process should develop a written policy to ensure the program is administered consistently and all drivers are familiar with its provisions. Human resource personnel and legal counsel should assist in the development of the policy as the policy can impact a driver’s employability.

An MVR policy should include the following components:

- Obtaining
- Evaluating
- Applying
- Documenting
Obtaining

The MVR policy should outline who is covered under the policy. Generally, any staff member who operates a vehicle for organizational business should be covered. This includes all staff operating organization vehicles, personal vehicles or rental cars. While individuals who drive frequently are obvious, make sure to include these often forgotten about drivers:

- Part-time and temporary employees, as well as interns.
- Volunteers, coaches, board members and elected officials.
- Employees who run errands: post office runs, part pick-up, picking up customers at the airport.
- Family members who are allowed to drive company vehicles (this practice is discouraged).
- Individuals attending seminars and conferences.
- Individuals who rent cars on business trips.

Some organizations may choose not to include individuals who drive rarely, such as once a year on a business trip. In this case the organization should, at a minimum, ensure that the individual has a valid driver’s license.

Accident and violation information can be obtained from the driver and from the state of license (or third-party vendor providing state information).

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<tr>
<th>DATE</th>
<th>NATURE OF ACCIDENT (BACKING, REAR-END)</th>
<th>FATALITIES</th>
<th>INJURIES</th>
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<th>STATE/CITY</th>
<th>CHARGE/VIOLATION</th>
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Motor Vehicle Record (MVR) Policies

Any prospective employee who will be covered under the MVR policy should provide accident and violation information on his or her application. Located above are examples of questions which could be added to an employment application or provided as an addendum to the application. Similar forms should be completed by existing employees moving into positions requiring driving. Employees should be required to update this information annually. A sample annual MVR review form is included at the end of this document.

Violation and accident information provided by the employee should be verified by obtaining an official MVR from the state of license or a third-party MVR vendor. If the official MVR shows more violations than the driver lists, management should investigate to determine if it was an error on the driver’s part or a deliberate intention by the driver to deceive the organization. If a motor vehicle record is ordered, why would an employee need to list his or her violations?

Some states are slow to add violation information to their database. Also, if the violation occurred in another state, it may take some time for these states to exchange the information. Some states mask violations, meaning they reduce or wipe away the violation if a larger fine is paid or if the driver does not have another violation within a predetermined period of time. Often drivers will include these masked violations. It is not uncommon for a driver to list more violations than the official record shows. An organization needs to obtain as much information as possible.

Drivers should sign a statement giving the organization permission to obtain an MVR.

MVRs should be obtained:

- Pre-employment
- Annually
- More frequently for drivers with marginal records
- Following an accident

Evaluating

Once accident and violation information is obtained it needs to be evaluated. Generally, violations are classified as major (serious), minor, and non-moving. Non-moving are typically not included in the evaluation process. Accidents are often classified as preventable or non-preventable. Very few accidents are considered non-preventable. Examples include being rear-ended or struck while parked. Non-preventable accidents are those in-which the driver did everything possible to avoid being involved.

All violations and accidents should be evaluated, not just those occurring on-the-job.

Examples of Major Violations:

- Leaving the scene of an accident
- Driving under the influence of drugs or alcohol
- Racing or excessive speed (>20 MPH over speed limit)
- Reckless, negligent or careless driving
- Felony, homicide or manslaughter involving the use of a motor vehicle
- License suspension or revocation resulting from accidents or moving violations
- Following too closely or tailgating
- Erratic lane-changing
- Attempting to elude a police officer
Examples of Minor Violations:

- Speeding < 20 MPH
- Failure to obey sign
- Failure to yield
- Illegal turn

Examples of Non-Moving* Violations:

- Parking tickets
- Motor vehicle equipment violations
- Failure to have a valid operator’s license available where one actually exists

*Non-moving violations are typically not included when evaluating MVRs

Once violations and accidents are classified, most organizations utilize some type of tool to evaluate a driver’s record. The MVR grid below is an example of a tool used to evaluate MVRs.

<table>
<thead>
<tr>
<th>Number Of Violations</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3+</th>
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<td>Clear</td>
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<td>Poor</td>
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This is an example. You should customize controls to meet your organization’s needs and exposures.

Most organizations look at three to five years of driving history when assessing an MVR. Some states will only provide three years of data. Frequency is as much a concern as severity.

There should be as much concern about a person who, during the last three years, has had one minor accident and four speeding violations as someone who has had one major violation. Recent history is most important. A driver who has had four moving violations, over three years ago, may be a better risk than a driver who has had two violations within the last 12 months. Everyone, including senior executives, family members, top sales people, or volunteers, should be held to the same MVR standards.
Applying

What happens when an MVR is found to be poor or unacceptable? Job applicants or new volunteers who have borderline or poor MVRs should not be hired for driving positions or allowed to drive on organization business. Current staff should have their driving responsibilities suspended until their driving record becomes acceptable over time. Suspension of driving duties for some staff, who drive regularly, may result in reassignment to another position or termination.

If you are implementing a first-time MVR policy into your organization, or making your current policy more restrictive, you may want to have some type of transitional period for existing employees whose MVR is now considered poor. You should consider discussing policy implementation with your Human Resources department and your attorney.

Borderline MVRs

Checking each driver’s MVR periodically can help to identify drivers who have borderline records and who may be in danger of losing their driving privileges if their driving behavior does not improve. Managers should meet with borderline drivers to discuss with them the consequences of receiving more violations or becoming involved in an accident.

Examples of controls for borderline MVRs:

- Counsel the driver, highlighting the impact of another violation or accident
- Obtain MVRs on a quarterly basis
- Lower speed governors on vehicles equipped with them
- Monitor truck engine reports for hard brakes, speeding and other signs of aggressive driving
- Periodic ride-alongs to observe driving behavior and coach driver
- Defensive driving training
- Loss of driving privileges between work and home for those with an assigned vehicle
- Loss of all personal use of a company vehicle

Driver Communication

It is important that drivers understand the organization’s MVR policy. They should know what is expected of them and what qualifying offenses or accumulation of accidents and/or violations result in limiting or removing them from any driving duties or other adverse action. The following page contains an example of a driver MVR policy statement.

Documenting

MVR policies should include guidelines on record retention. The guidelines should include the retention of applications, release forms, the actual MVR, annual certificates of violations, annual MVR reviews, and warnings and corrective action taken. Since these documents contain personal information they should be treated like other personnel-related records with access limited.

Note: The example of a drive MVR policy begins on the following page.
Driver MVR Policy Statement Example

Vehicle operations create substantial risk to any organization. A best practice for reducing vehicle risk is to ensure only safe drivers are allowed to operate vehicles on organization business. Evaluating a driver’s motor vehicle record (MVR) has long been a recognized component of the driver screening process. The following constitutes our MVR policy.

- All drivers must have a valid driver’s license of the proper class and appropriate endorsements where necessary.
- Drivers must not drive and immediately notify their supervisor if their license has been suspended or revoked.
- Drivers must report all accidents and moving violations to their supervisor.

Prospective employees will be required to report all accidents and moving violations at the time of hire. Existing employees moving into driving positions will be required to complete a similar report at the time of transition. All drivers will be required to complete an accident and moving violation report annually.

MVRs will be obtained on new drivers at the time of employment or when transitioning into a driving position. MVRs will be obtained annually thereafter. Management will determine the acceptability of a driver’s MVR based on the grid below. Prospective employees must have an MVR that is CLEAR or ACCEPTABLE in order to be hired for positions requiring driving. Current drivers must have a record that is CLEAR, ACCEPTABLE, or BORDERLINE. Management may restrict the driving privileges of individuals with BORDERLINE records or require drivers to receive additional training or monitoring. Drivers with POOR records will be suspended from driving on organization business.

Management reserves the right to make exceptions and changes to this policy as deemed acceptable.

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POOR

THIS IS AN EXAMPLE. YOU SHOULD CUSTOMIZE CONTROLS TO MEET YOUR ORGANIZATION’S NEEDS AND EXPOSURES.
Motor Vehicle Driver’s Annual Certification of Violations and Accidents

I certify that the following is a true and complete list of accidents and traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the last 12 months.

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_________________________  ___________________________  ___________________________
Date  Driver Name  Driver Signature

Reviewed by

For more information, visit our website at travelers.com/riskcontrol, contact your Risk Control consultant or email Ask-Risk-Control@travelers.com.
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