

Motor Vehicle Records (MVR) policies

Vehicle operations can create substantial risk for any organization. A best practice for reducing this risk is to allow only safe drivers to operate vehicles for your organization. Evaluating drivers' Motor Vehicle Records (MVRs) is an essential part of this process. For organizations that operate regulated commercial vehicles, obtaining and evaluating MVRs can be a required part of the driver hiring and qualification process.



Data source: Predicting Truck Crash Involvement: A 2011 Update Summary, American Transportation Research Institute, 2011.

Why is investigating a driver's driving history important? Because drivers who have a history of accidents and moving violations may pose an increased risk to your organization. A study conducted by the American Transportation Research Institute (ATRI) shows that a past record of moving violations and accidents is linked to an increased crash risk. Allowing employees who have poor driving records to drive your organization's vehicles, or allowing them to drive their own vehicles on behalf of your organization, can also increase your organization's liability exposure.

It is important to have a formal policy to help ensure your MVR evaluation and driver screening process is administered consistently and that all drivers are familiar with its provisions. Human Resources personnel and legal counsel should be involved in the development of the policy.

An MVR policy should include the following components:

- Obtaining
- Evaluating
- Applying
- Documenting

Obtaining

The MVR policy should outline who is subject to the policy. Generally, any employee who operates a vehicle for your organization should be considered. This includes employees operating their personal or rented vehicles.

Motor Vehicle Records (MVR) policies

While employees who drive frequently for your organization are typically considered in forming an MVR policy, less obvious drivers you may wish to consider include:

- Employees who regularly rent cars during business trips
- Employees frequently attending seminars and conferences
- Employees who run errands with company vehicles
- Family members who are permitted to drive company vehicles
- Part-time and temporary employees, as well as interns
- Volunteers, coaches, board members and elected officials

Some organizations may choose not to include individuals who rarely drive. In this case, at a minimum, it is important to confirm that the individual has a valid driver's license. Again, Human Resources personnel and legal counsel should be involved in the development of an MVR policy and to better understand the legal issues and risks that may be presented by the individuals subject to the policy.

MVRs can usually be obtained from the state driver licensing office or a third-party vendor that provides consumer reports. It is recommended that you look at a three- to five-year driving history when evaluating MVRs. A signed authorization by the driver is generally required prior to obtaining an MVR. Contact your state or the vendor providing MVRs for the proper authorization form.

Any prospective employee who will be covered under the MVR policy should provide accident and violation information on his or her employment application. Current employees who drive, or those moving into positions that involve driving, should also be required to provide 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 compared to the MVR. Any discrepancies should be investigated.

MVRs should be obtained during the employment selection and screening process and annually thereafter. MVRs also should be obtained following accidents. For drivers who have marginal driving records, MVRs should be obtained more frequently.

Evaluating

Once accident and violation information is obtained, it needs to be evaluated. Violations are generally classified as major (serious), minor and non-moving. Non-moving violations are ordinarily not included in the evaluation process. Accidents might not be classified as preventable or non-preventable on the MVR. If the MVR includes accidents, it is important to discuss the details of the accident with the driver to help you determine preventability.

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

<p><u>Major</u> violations generally include:</p> <ul style="list-style-type: none"> • Leaving the scene of an accident • Driving under the influence of drugs or alcohol • Excessive speed (>20 mph over 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 	<p><u>Minor</u> violations generally include:</p> <ul style="list-style-type: none"> • Speeding < 20 mph • Failure to obey sign • Failure to yield • Illegal turn 	<p><u>Non-moving</u> violations generally include:</p> <ul style="list-style-type: none"> • Parking tickets • Motor vehicle equipment violations • Failure to have a valid operator's license available where one actually exists <p>Non-moving violations are typically not included when evaluating MVRs.</p>
---	---	---

Motor Vehicle Records (MVR) policies

Once the MVR has been reviewed and violations and accidents have been classified, the driver’s history should be evaluated according to your organization’s policy. All drivers should be held to the same MVR standards. Your best salesperson can still present a substantial risk to your organization if he or she is an unsafe driver. The following Sample MVR Evaluation Grid represents one approach.

Sample MVR Evaluation Grid

MINOR MOVING VIOLATIONS (Past 3 years)	PREVENTABLE ACCIDENTS (Past 3 years)			
	0	1	2	3+
0	CLEAR	ACCEPTABLE	BORDERLINE	POOR
1	ACCEPTABLE	ACCEPTABLE	BORDERLINE	POOR
2	ACCEPTABLE	BORDERLINE	POOR	POOR
3	BORDERLINE	POOR	POOR	POOR
4+	POOR	POOR	POOR	POOR
ANY MAJOR Violations (Past 5 years)	POOR	POOR	POOR	POOR

THIS IS AN EXAMPLE. YOU SHOULD CUSTOMIZE CONTROLS TO MEET YOUR ORGANIZATION'S NEEDS AND EXPOSURES.

Applying

What happens when an MVR is found to be poor or unacceptable? Consider whether job applicants or new employees who have borderline or poor MVRs should be hired for driving positions or allowed to drive on organization business. Similarly, consider whether current employees should have their driving responsibilities suspended, or be reassigned to non-driving positions, until their driving records become acceptable.

If you are implementing a new MVR policy, or making your current policy more restrictive, a transitional period for existing employees whose MVRs are now considered poor may be needed. You should discuss policy implementation with your Human Resources department and your attorney.

Motor Vehicle Records (MVR) policies

Sample MVR Evaluation Grid

1 MVR indicates applicant has a current license and the appropriate endorsements for vehicle(s) he or she will be operating.	YES	Continue to step 2.
	NO	Do not consider for driving duty.
2 MVR indicates moving violations and accidents within the past three years.	YES	Continue to step 3.
	NO	Continue applicant evaluation procedures.
3 MVR indicates one or more major moving violations or serious preventable accidents within the past three years.	YES	Do not consider for driving duty.
	NO	Continue to step 4.
4 MVR indicates a combination of more than three minor moving violations or minor preventable accidents during the past three years.	YES	Do not consider for driving duty.
	NO	Continue applicant evaluation procedures.

THIS IS AN EXAMPLE. YOU SHOULD CUSTOMIZE CONTROLS TO MEET YOUR ORGANIZATION'S NEEDS AND EXPOSURES.

Checking each driver's MVR periodically can help identify drivers who have borderline and poor records and who may be in danger of losing their driving privileges. A driver with a poor MVR record should not be permitted to operate a vehicle on organization business. Managers should meet with borderline drivers to discuss the potential consequences of receiving more violations or being involved in accidents.

Examples of controls for borderline MVRs:

- Counsel the driver, highlighting the impact of additional violations or accidents
- Obtain and review the driver's MVR quarterly
- Lower speed governors on vehicles equipped with them
- Monitor vehicle performance reports for hard braking, speeding and other signs of aggressive driving
- Conduct periodic ride-alongs to observe driving behavior and provide feedback and coaching on safe driving techniques
- Provide defensive driving training
- Prohibit driving between work and home for those with assigned vehicles
- Prohibit personal use of a company vehicle

It is important that drivers understand your organization's MVR policy. They should know what is expected of them and what disqualifying offenses or accumulation of accidents and/or violations could result in limiting or removing them from driving duties. The following Sample Driver MVR Policy Statement presents an example of the key elements and best practices of an MVR policy

Motor Vehicle Records (MVR) policies

Sample Driver MVR Policy Statement

Vehicle operations can create substantial risk for our organization. A best practice for reducing vehicle risk is to ensure that only drivers with safe driving records are permitted to operate vehicles on organization business.

The following constitutes our MVR policy:

- All drivers must have a valid driver's license with the proper class and appropriate endorsements for the vehicles they are operating.
- Drivers must not drive if their license has been suspended or revoked.
- Drivers must report all accidents, moving violations and license suspensions to their supervisor immediately.

Prospective employees will be required to report all accidents and moving violations during the applicant screening process. 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. Prospective employees must have an MVR that is CLEAR or ACCEPTABLE in order to be hired for positions requiring driving. Current drivers must have an MVR record that is CLEAR, ACCEPTABLE, or BORDERLINE. Management may restrict the driving privileges of individuals with BORDERLINE MVR records or require drivers to receive additional training or monitoring. Drivers with POOR MVR records will be suspended from driving on organization business.

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 kept in a secure location.

Motor Vehicle Records (MVR) policies

Sample 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.

Date	Offense/Accident	Location	Type of vehicle

Date

Driver Name

Driver Signature

Reviewed by



travelers.com

The Travelers Indemnity Company and its property casualty affiliates. One Tower Square, Hartford, CT 06183

The information provided in this document is intended for use as a guideline and is not intended as, nor does it constitute, legal or professional advice. Travelers does not warrant that adherence to, or compliance with, any recommendations, best practices, checklists, or guidelines will result in a particular outcome. In no event will Travelers, or any of its subsidiaries or affiliates, be liable in tort or in contract to anyone who has access to or uses this information for any purpose. Travelers does not warrant that the information in this document constitutes a complete and finite list of each and every item or procedure related to the topics or issues referenced herein. Furthermore, federal, state, provincial, municipal or local laws, regulations, standards or codes, as is applicable, may change from time to time and the user should always refer to the most current requirements. This material does not amend, or otherwise affect, the provisions or coverages of any insurance policy or bond issued by Travelers, nor is it a representation that coverage does or does not exist for any particular claim or loss under any such policy or bond. Coverage depends on the facts and circumstances involved in the claim or loss, all applicable policy or bond provisions, and any applicable law.

© 2015 The Travelers Indemnity Company. All rights reserved. Travelers and the Travelers Umbrella logo are registered trademarks of The Travelers Indemnity Company in the U.S. and other countries. 724 Rev 2-17