

Motor Vehicle Record Analysis

Line of Business: Auto Liability

Risk Control Strategy/Key Issues: Establish a program to ensure that only licensed drivers with an acceptable driving history operate public entity vehicles.

Suggested Program Guidelines:

1. Management Statement:
 - Commitment to safe fleet operations
 - Assign responsibilities
 - Assign accountability
 2. Motor vehicle record (MVR) checks:
 - Applicants where vehicle operation is a requirement of the job
 - Job change where vehicle operation is required
 - All existing drivers
 3. Driver requirements:
 - Valid operator's license issued by their state of residence
 - Correct operators classification
 - Current medical certificate (if required)
 4. Responsibility for reviewing motor vehicle records:
 - Should be assigned to a manager/supervisor
 - Comparison against established criteria
1. Driver Management Process:
 - New driver/applicant high risk
 - No hire
 - Current driver high risk
 - Outline discipline process
 - Outline retraining process
 - Define probation criteria
 - Outline time off without pay procedure
 - Outline moving drivers out of driving position
 - Define termination criteria/process

If there is a situation where a driver is charged with a DUI but has pending litigation, the employee should be placed in a non-driving position at same rate of pay until their court date/pending litigation has been resolved, if legally possible per state law. They cannot be affected monetarily due to the fact that it could give rise to an EPLI claim.

Program Activities Calendar:

- Annual MVR checks for all drivers
- Quarterly MVR checks for high-risk drivers

Web Site Links:

- Federal Trade Commission
<http://www.ftc.gov/os/statutes/031224fcra.pdf>

High Risk Driver Criteria:

- Conviction for an alcohol and/or drug related driving offense
- Refusal to submit to a Blood Alcohol Content (BAC) test
- Conviction for reckless driving
- Three or more moving violations
- Chargeable ("At fault") accidents within last three years
- Leaving the scene of an accident
- Felony conviction involving a vehicle
- Three "at fault" physical damage claims in a twelve month period

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SAMPLE MOTOR VEHICLE RECORD (MVR) POLICY

It is a policy and requirement of employment that employee positions with driving duties require a motor vehicle record (MVR) which meets the grading requirements as stated below. This MVR policy applies both to drivers of entity owned vehicles, as well as employees using personal vehicles in the course of employment.

MVRs should be examined prior to the start of employment, and at least annually thereafter. Any job offer made to an employee-candidate for a position with driving duties should be contingent upon an MVR meeting the required standards. Continued employment with us in a position with driving duties, also requires an MVR meeting the standards outlined below.

The standards for motor vehicle records are as follows:

1. Operators should have a valid driver's license for at least the last three years.
2. No new driver should be hired with a "borderline" or "poor" MVR. MVRs should be evaluated based on the table below, as minimum requirements.
3. Driving records should remain "acceptable" or "clear", as graded on the table below, for continued employment in positions with driving duties.

Any exceptions to these guidelines should be referred to senior management for approval, in writing. This "Policy" is based upon current "Best Practices" for public entities and the National Safety Council's recommended operating standards for fleets.

MOTOR VEHICLE RECORD GRADING CRITERIA: (last 3 years)				
Number of At-Fault Accidents				
Number of Violations	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Borderline	Poor
3	Borderline	Borderline	Poor	Poor
4	Poor	Poor	Poor	Poor

DEFINITIONS:

- **Any major violation is a "poor" MVR.**
- **"Clear" MVR - no points or violations.**
- **"Acceptable" MVR:**
 - one at-fault accident in last three years
 - less than two violations or
 - zero at-fault accidents and one or two violations
- **Borderline" MVR:**
 - zero at-fault accidents and three violations or
 - one at-fault accident and two or three violations or
 - two at-fault accidents in last three years and less than two violations

- **"Poor" MVR:**
 - one or more major violations or
 - one at-fault accident and four or more violations or
 - two at-fault accidents and three or more violations or
 - three or more at-fault accidents in the last three years.
- **"At-Fault Accident":**
 - Any accident where the driver is cited with a violation or
 - negligently contributes to the incident or
 - any single vehicle accident where the cause is not equipment related.

MAJOR VIOLATIONS:

- Driving under the influence of alcohol or drugs.
- Driving while impaired.
- Failure to stop/report an accident.
- Reckless or careless driving.
- Making a false accident report.
- Homicide, manslaughter or assault arising out of the use of a vehicle.
- Driving while license is suspended or revoked.
- Attempting to elude a police officer.

MINOR VIOLATIONS: Any moving violation other than a major, except:

- Motor vehicle equipment, load or size requirement.
- Improper/failure to display license plates (if they exist).
- Failure to sign or display registration.
- Failure to have driver's license in possession (if valid license exists).

ANNUAL MOTOR VEHICLE RECORD SCREENING:

We should request motor vehicle records (MVRs) at least annually, for every employee who has driving duties. The purpose of this investigation is to ensure that all designated drivers who enjoy driving privileges while employed by us maintain a "clean" driving record.

A clean driving record is defined as a driving record that would qualify an applicant for employment with our organization (i.e., clear or acceptable). If a motor vehicle record is not clear, then we reserve the right to place the employee on probation for a period of time, and/or revoke driving duties until the employee's motor vehicle record qualifies as clean, and/or terminate the employee if job duties include driving duties. Upon request by the employee, the employee should receive a copy of their individual MVR after each MVR review.