

Safety Director's Bulletin

(One in a series of safety information bulletins from your Joint Insurance Fund)

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Motor Vehicle Record Checks *REVISED*

Do you know who's behind the wheel of your municipal vehicles? As an employer you have the right and the responsibility to know that the persons operating motor vehicles on the part of your municipality have a valid license and acceptable driving record.

Drivers with a history of violations and accidents in their personal vehicles are not going to change their driving habits just because now they are driving your vehicle. Checking the license and driving record of prospective new employees and existing drivers will help identify possible problems before they result in serious accidents.

It is our recommendation that MVR's be obtained and reviewed annually on all full time, part time, or seasonal employees and volunteers who drive a municipal vehicle or personal vehicle on municipal business. MVR's should be reviewed on new employees before they are assigned to drive municipal vehicles. Here are the answers to some of the frequently asked questions:

IS IT LEGAL TO OBTAIN MVR'S?

The legal opinion is that the Employer can order MVRs on their employees under the Federal Driver's Privacy Act (effective 9-13-97). The Act defines "permissible uses" [of an MVR] as including one, but not limited to the following:

- a) For use by any governmental agency...in carrying out its functions...
- b) For use by any insurer or insurance support organization or by a self-insured entity...in connection with claims investigation activities, antifraud activities rating or underwriting.
- c) For use in the normal course of business... only to verify the accuracy of personal information submitted to the business...
- d) For use by an employer ... to obtain or verify information relating to a holder of a commercial drivers license (CDL) that is required under Chapter 313 of Title 49.

WHO SHOULD OBTAIN THE MVR ABSTRACTS?

You should designate one or two authorized people to order the MVRs. This can be the Clerk, the Administrator, a Human Resource person or the Police Chief. Whoever it is should be admonished not to share the information with unauthorized individuals. Someone in authority, who is capable of enforcing the policy, should review the MVRs and take any necessary action. **Remember – these are confidential reports.**

WHAT ABOUT VOLUNTEERS AND SEASONAL EMPLOYEES?

You should assure that all full time, part time or seasonal employees and volunteers who are driving municipal vehicles or personal vehicles on municipal business are aware of this policy. The policy must be enforced consistently and without discrimination.

It is suggested that Safety Director's Bulletins are posted on your safety announcement boards. This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented to you by your manager or supervisor. For further information regarding the content of this bulletin, please contact Conner Strong Risk Control at 877.861.3220.

Conner Strong Risk Control
March 20, 2009

HOW DO I ORDER MVRS?

New Jersey Municipalities and/or Authorities can order MVR abstracts from the NJ Motor Vehicle Commission (NJMVC). If you **are ordering less than 25 MVRS per year and your town has not received notification from the NJMVC of the new CAIR system then you are still eligible to request MVRS by mail. Mail your request on municipal / authority letterhead to New Jersey Motor Vehicle Commission, PO Box 142, Trenton, NJ 08666. Faxed requests WILL NOT BE ACCEPTED. If you have any questions please call 609-984-7771.**

Municipalities requiring more than **25** MVRS will need to establish a CAIR account by applying on-line at www.NJMVC.gov/CAIR. There is a \$150.00 annual fee. This allows the municipality to request up to 5000 MVR in the year.

HOW DO I EVALUATE INFORMATION ON THE MVR?

Employees' Motor Vehicle Records should be evaluated with a consistent grading system, such as

Acceptable: No moving violations and/or preventable accidents over the last 36 months.

Marginal: Up to 2 moving violations and/or preventable accidents in the last 36 months.

Probation: Up to 3 moving violations and/or preventable accidents within the last 36 months.

Unacceptable: More than 3 moving violations and/or preventable accidents within the last 36 months, or more than 2 moving violations and/or preventable accidents within the most recent year, or any of the violations listed below:

- Driving while under the influence (DWI or DUI)
- Leaving the scene of an accident
- Careless or reckless driving violations
- Homicide or assault through the use of a motor vehicle
- Drivers who currently have a revoked or suspended license
- Attempting to elude a police officer

All employees and their spouses authorized to drive vehicles owned, leased, or controlled by the municipality or their personal vehicles to conduct business on behalf of the municipality shall have their MVRS reviewed annually and prior to entrustment of a vehicle.

Drivers with acceptable, marginal or probation grading **may** be allowed to operate municipal vehicles or their personal vehicles to conduct business on behalf of the municipality.

Drivers with marginal or probation grading shall have their MVRS reviewed semi-annually. An increase in violations or accidents will result in removal of driving privileges.

Drivers with unacceptable grading will not be permitted to operate a municipal vehicle or their personal vehicle to conduct business on behalf of the municipality.

If an accident is shown on an MVR, it shall be assumed that it is an at-fault, chargeable accident. Any change to such a classification will be made only upon receipt of a police report or ruling from our Accident Review Panel showing that the driver in question was not at fault.