



Organizational and Safety Solutions

Reviewing Motor Vehicle Records

Background

A driver's past driving record provides one of the best indications of his or her future performance as a safe, reliable driver. Drivers that have a history of accidents or traffic violations are likely to continue that trend. Statistics show that drivers with only one accident or violation in a three year period are at least 2½ times more likely to have an accident than a driver with a clean driving record.

If you are considering hiring an individual to drive your company vehicles (private passenger vehicle, commercial motor vehicle >10,000 lbs, or a CDL Commercial Driver License >26,000 lbs vehicle, if they drive their own personal vehicle on company business, or renting a car while on company business), reviewing their motor vehicle record (MVR) can be a valuable tool in evaluating their suitability for employment and in controlling transportation-related loss sources.

The fact that MVR's do not identify all accidents or traffic violations does not diminish their importance. You may question a clear MVR, but a poor driving record, showing violations is generally an indication of poor driving habits.

Types of Violations

Violations vary in significance and are generally of three types:

Statutory Violations

Statutory violations are generally offenses related to licensing and registration. These types of violations reflect a general disregard for legal/safety requirements. Typical statutory violations can include:

- Driving while license is under suspension
- Operating an unregistered vehicle
- Operating an uninsured vehicle

- Using false registration or license

Major Violations

Major violations are serious convictions that indicate a general disregard toward public safety. Typical major violations would include:

- Driving under the influence of alcohol or drugs
- Reckless driving
- Hit and run

Moving Violations

Moving violations reflect improper driving attitudes and poor driving habits. Typical moving violations would include:

- Speeding
- Failure to yield the right-of-way
- Driving too fast for conditions
- Failure to stop for a red light

Interpreting MVRs

Before evaluating an MVR, it is important to establish fair evaluation criteria that will be used consistently when reviewing all MVRs. Existing drivers that do not meet acceptable standards should be “grandfathered”, meaning, should be required to come within the standard in a defined time period. Suggested sample criteria could be as follows:

Conviction of the following serious motor vehicle violations:

- Driving while intoxicated
- Driving while under the influence of drugs
- Failure to stop following an accident, or “hit and run”
- Failure to stop for a stopped school bus
- Negligent homicide arising out of the use of a motor vehicle (gross negligence)
- Operating during a period of suspension or revocation
- Using a motor vehicle for the commission of a felony
- Participating in a speed contest or “drag race”
- Excessive speeding (25 MPH over the speed limit)
- Fleeing or eluding a police officer
- Reckless driving or driving to endanger
- Theft or use of a motor vehicle without permission of the owner
- Permitting an unlicensed person to drive
- Assault with a motor vehicle
- Violation of state regulations on implied consent

An MVR should be interpreted in relation to the driver's experience, attitude, and other factors. The following issues should be explored before disqualifying a current or potential driver:

- Has the number of violations increased or decreased for the individual?
- Do the violations suggest an attitude or disregard for traffic regulations?
- Does the frequency or type of violations suggest or predict a particular type of accident?
- Which factors suggest there will be a decrease or increase in violations or accidents in the future?
- Do not dismiss speeding tickets as being "inevitable" for those who drive on a regular basis. Excess speed is the cause of 30% of all motor vehicle accidents involving a fatality, and the chance of a fatal accident doubles with each additional 10 miles per hour of speed.
- Never use DMV-assigned points as part of the MVR criteria. States never assign points to at-fault accidents, unless the investigating officer chooses to cite the driver, which rarely happens. States also use points in different ways. Some states actually award points for years with no violations, and deduct points for violations, while others do not assign points for major violations, issuing suspensions, instead.

Current and prospective employees must be informed that their MVR will be reviewed and what the evaluation criteria are. A signed authorization form should be obtained from all applicants and employees, before ordering their MVR. After obtaining the MVR check the violations listed against those listed on the application. Discuss any discrepancies with the applicant. Remember that an MVR is only one of many tools that should be used to evaluate an employee's ability to perform the tasks required for the job. An MVR should never be used as the sole evaluation criteria.

Record Keeping and Updates

- Employers should document and consistently follow established written MVR review criteria. Decisions to make exceptions for certain drivers may place the company in legal and financial jeopardy. The employer, not an outside company, should make all decisions regarding an MVR.
- MVRs should be filed in the employee's personnel file. The frequency with which you should update a driver's MVR depends on several factors, including your type of operations, driver supervision, and above all, the accident experience.

In general, MVRs should be reviewed for all drivers on an annual basis to ensure that they are maintaining good driving habits and remain qualified to drive. Drivers with violations or accidents should be reviewed more frequently. MVR's should be obtained on all new hires before they are allowed to operate company vehicles.

You can obtain MVRs through many sources, including State DMVs, however, the accuracy of an MVR increases significantly when it is obtained through a national database. State Motor Vehicle Departments are notorious for not sharing MVR data with other states, so MVRs obtained through your state may not include all accidents and violations. MVRs can be obtained more quickly through a national database. Some examples of national sources to obtain MVRs include:

- LexisNexis Screennow - <http://www.screennow.com/>
- DMV Driving Record Search - <http://www.dmv-driving-record-search.com/>
- Corra Group - <http://www.corragroup.com/mvr-search.html>
- SafetyFirst - <http://www.safetyfirst.com/>

Contact your insurance agent or broker to find out the best way to obtain MVRs in your area.

A policy of reviewing MVRs for all drivers is an invaluable management tool. However, these checks do not reduce the importance of other aspects of a driver selection program such as interviews, reference checks, and driver testing.

If you have any questions or would like additional information, please contact your local PMA Risk Control Consultant.

IMPORTANT NOTICE - *The information and suggestions presented by PMA Companies in this risk control technical bulletin are for your consideration in your loss prevention efforts. They are not intended to be complete or definitive in identifying all hazards associated with your business, preventing workplace accidents, or complying with any safety related or other laws or regulations. You are encouraged to alter the information and suggestions to fit the specific hazards of your business and to have your legal counsel review all of your plans and company policies.*