

## OVERVIEW

It has been long recognized that, as a general rule, drivers with a history of moving violations and accidents are likely to continue this pattern in the future. Therefore, checking the Motor Vehicle Record (MVR) of a driver can be a useful tool in screening prospective new drivers and monitoring the performance of all your drivers. It is important that each MVR be reviewed on its own merit. Each MVR must be interpreted in relationship to the driver's age, driving experience, type of violations, driver's attitude and other characteristics of that individual.

Some questions to explore when evaluating an MVR include:

- Have the number of violations and accidents increased or decreased with the age of the driver?
- Do the violations suggest a driver with a disregard for traffic regulations?
- How serious are the violations? Speeding well over the limit, reckless driving, driving to endanger, driving under the influence, hit and run, etc. are of such a serious nature that the existence of such violations should disqualify the driver from operating fleet vehicles.
- Are there any suspensions or revocations? Why?
- Any trends developing? Several violations/accidents of similar type?
- What factors suggest there will be a decrease or increase in violations and accidents in the future?

An MVR should be obtained for each new driver prior to actually hiring the driver and should be updated annually for all drivers. Who are your drivers? See below:

- Employees who drive company owned vehicles.
- Employees who drive their own personal vehicles on company business (ex. Sales, maintenance, clerical)

The information on the MVR should be reviewed with the driver if it shows any violations or accidents (including citations when driving vehicles other than company vehicles). This interview with the driver will provide the supervisor with insight into the driver's attitude regarding traffic rules as well as indicating the need for refresher training.

The MVR should be kept in the employee's personnel or driver qualification file. This information, along with other documents, profiles the employee and can be referred to as needed.

---

Each state Motor Vehicle Department has the capability of furnishing driver record information. The information available, time period covered, applicable fees and procedures for obtaining the information vary from state to state. In a few states the employer cannot get the information directly from the state or through an outside source. However, the applicant can be requested to get his/her MVR and submit it to the employer as a prerequisite to employment.

Establishment of an effective MVR program is an important part of any fleet safety control program. Employees with a poor driving record or attitude should not be given any driving duties. The quality and abilities of the people who drive your vehicles will have a great impact on your future vehicle loss frequency.

Please see the Sample MVR Review policy on the following pages.

### ***NEGLIGENT ENTRUSTMENT:***

Negligent entrustment is the liability that is incurred when the company allows an employee or another person to use a vehicle knowing or having reason to know that the other person, in using the vehicle, creates a risk of harm to others.

Elements of negligent entrustment include:

1. The trustee is incompetent, inexperienced, or reckless.
2. Entrustor knew, or had reason to know, the trustee's condition.
3. Entrustment of the vehicle by entrustor to trustee.
4. Entrustment created risk to someone and entrustor had a duty to that person.
5. The negligence of the trustee was the proximate cause of the harm to the injured person.

**Negligent entrustment places the responsibility for driver error recklessness, and incompetence on the employer.**

Please Contact the Lyons Companies Risk Control Department for Additional Information.

Please Note: The information and suggestions presented by Lyons Companies in this issue of Safety & Risk Control TIPS are for consideration in your loss prevention efforts. Lyons Companies does not warrant, via this issue of Safety & Risk Control TIPS that all your hazards or exposures are adequately controlled or that property, operations, workplaces, machinery or equipment are safe or in compliance with any law, rule, or regulation. You are encouraged to alter them to fit the specific hazards of your business and to have your legal counsel review all of your plans and company policies



[www.facebook.com/lyonscompanies](http://www.facebook.com/lyonscompanies)

## Sample MVR Requirement Policy

It is our policy and a requirement of employment that every employee with driving duties (as a primary requirement for the job position or a position requiring a Commercial Drivers License [CDL]) is required to have a motor vehicle record (MVR) meeting the grading requirements stated below.

This policy applies both to drivers of company owned vehicles, as well as employees using personal vehicles in the course of company business.

MVR's will 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 shall be contingent upon an MVR meeting the required standards; continued employment in a position with driving duties, also requires an MVR meeting the standards outlined below.

### Definitions

- At-Fault Accident – any accident where the driver is cited with a minor violation, or negligently contributes to the incident, or any single vehicle accident where the cause is not equipment related.
- Clear MVR – no violations or at-fault accidents.
- Acceptable MVR – one at-fault accident in the last three years and less than two minor violations, or, zero at-fault accidents and one or two minor violations.
- Borderline MVR – zero at-fault accidents and three minor violations, or, one at-fault accident and two or three minor violations, or, two at-fault accidents in the last years and less than two violations.
- Poor MVR – one or more major violations, or, one at-fault accident and four or more minor violations, or, two at-fault accidents and three or more minor violations, or three or more at-fault accidents in the last three years.
- Major Violation - any major violation automatically results in a "Poor" MVR grade.

### MVR Evaluation Criteria (prior 36 Months)

#### **Major Violations:**

- Conviction for an alcohol and/or drug related driving offense.
- Refusal to submit to a Blood Alcohol Content (BAC) test.
- Driving while impaired.
- Failure to stop/report an accident.
- Leaving the scene of an accident as defined by state laws.
- Conviction for reckless or careless driving.
- Making a false accident report.
- Conviction for homicide, manslaughter or assault arising out of the use of a vehicle.
- Suspension, revocation or administrative restriction of driver's license within the last three years.
- Conviction for attempting to elude a police officer.
- Felony committed involving a vehicle.
- Three or more "Company Vehicle" physical damage claims in any twelve month period.
- Speeding (11+ MPH over Posted Speed Limit).

#### **Minor Violations - Any Violation Other than a Major Violation, And:**

- Motor vehicle equipment, load or size requirement.
- Improper/failure to display license plates (if valid license plates exist).
- Failure to sign or display registration.
- Failure to have driver's license in possession (if valid license exists).
- Speeding (Up to 10 MPH over Posted Speed Limit).
- Parking tickets and minor administrative types of violations.

MVR Evaluation Matrix for Minor Violation & At-Fault Accidents:

# of Minor Violations	# of At-Fault Accidents			
	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

Accident Types:

The manager should also consider accident types when evaluating drivers.

1. Preventable Accident – An accident where the driver did not employ defensive driving practices which could have prevented the accident from happening (Preventability is not dependent upon Police report or insurance claim).
2. Non-Preventable Accident – An accident which the driver could not have prevented. An accident of this type will not result in any action being taken against the driver.

All accidents are considered “at-fault” unless the facts indicate otherwise.

Action Plan

The following courses of action are plans for addressing existing drivers and new hires that have multiple MVR violations and/or have had vehicle accidents.

1. **All Drivers**
  - Should review the company’s Fleet Safety Policy
  - Take a defensive driving/driving safety course within the time period allotted by the Fleet Safety Manager
2. **Borderline Drivers**
  - Satisfy All Drivers’ requirements (listed above)
  - Should be placed on probation:
    - ◆ Terms of the probation are to be made to the employee in writing. The employee will be required to sign a statement
    - ◆ indicting that he/she has been informed of the probation terms and duration.
    - ◆ The signed terms of probation should be kept in the employee’s file.
    - ◆ If the probationary period has been served the Company President or Designee should notify the employee in writing.
    - ◆ Immediately suspend driving privileges if any single repeat violation or an additional violation occurs while on probation, have MVR checks made every six months for the duration of the probationary period.
3. **Poor Drivers** (Any exceptions to these guidelines must be submitted in writing to senior management for approval.)
  - Should have driving privileges suspended.
  - The High Risk Driver will not be authorized to drive any motor vehicle at any time on company business.
  - This action may result in the Manager either transferring the employee to a non-driving position, if such a position exists, or the employee may be subject to dismissal procedures.
  - The employee may reapply for company driving privileges after one year of suspension. Application should be made to the Manager. If approved, the employee’s driving status will change from suspension to probation. However, reinstatement of driving privileges by the Manager does not constitute an offer by the company for any “Driver” position. Normal job posting procedures will still have to be followed.

