

Loss Prevention News

Provided by the Texas Municipal League Intergovernmental Risk Pool

Conducting Motor Vehicle Record Checks

Conducting checks of employees' Motor Vehicle Records (MVRs) can help your entity identify potential exposures with those who have driving responsibilities. Your entity should consider conducting an MVR check prior to employment along with annual MVR checks for those employees who drive as part of their job.

Obtaining Motor Vehicle Records

Governmental entities may request motor vehicle records from the Texas Department of Public Safety (DPS). The DPS has a program that enables eligible entities to access MVR's online. To enroll in the program, the entity must enter into a contract. To request a contract, contact the Driver License and Record Service at e.commerce@dps.texas.gov. The entity representative must provide specified information to the DPS. The DPS will review the request to determine eligibility under Chapter 730 of the Texas Transportation Code and if there are fees. With an approved contract, an agency can request records, view and/or print them the same day.

Information about types of records can be found at <http://www.txdps.state.tx.us/DriverLicense/driverrecords.htm>

It is important to note that due to privacy concerns, a governmental entity can only use records for permissible purposes. Only authorized personnel should have access to records and use must be controlled. The DPS contract states that "The Governmental Entity shall restrict access to, use of, and disclosure of Driver Records, including Personal Information, to designated personnel solely for the purposes as identified herein. Access to and use of Driver Records by the Government Entity's personnel that are not authorized is strictly prohibited. Any access, use and disclosure not required for the purposes of this Agreement or for any unofficial purpose is strictly prohibited. Violation of the federal Driver's Privacy Protection Act or the Texas Motor Vehicle Records Disclosure Act may result in civil and criminal penalties."

Alternatively, an entity can obtain hard copy reports. A DR-1 form for each driver can be mailed to the Driver Records Bureau of the Texas Department of Public Safety. The form can be accessed on the Internet at www.txdps.state.tx.us/forms/. Those entities defined as 'Government Agencies' should indicate appropriately on the second page of the form at Exception #2. For information on how to request records and verify any fees, the DPS Drivers License Customer Service phone number is (512) 424-2600. The DPS cannot take MVR requests by phone or fax. The turnaround time can be 2 to 3 weeks.

Individuals can request and their own records at www.texasonline.com or www.texas.gov. Look for the link to purchase a driver record.

Now You Have the MVR . . .

A point system for violations is recommended. A sample system is included. Appropriate personnel, management, and legal advisors should review it and make changes based on your entity's preferences.

Driver training should be conducted for drivers that are close to the point system limit. Periodic training for all entity drivers is recommended as well. It is important to remember that an MVR only shows violations, and sometimes these reports are months behind. Supervisors and managers should take into account employee driving behavior and respond accordingly.

June 2014

VEHICLE OPERATOR STANDARDS

Policy, Purpose, and Scope

All employees authorized to operate (ENTITY NAME) vehicles and motorized equipment, or who operate personal vehicles on (ENTITY NAME)-related business, shall be subject to the standards established in this policy.

This policy establishes minimum standards for the qualification of employees and applicants to operate (ENTITY NAME) vehicles and motorized equipment.

This policy shall apply to:

Employees driving (ENTITY NAME) owned, leased or rented vehicles or motorized equipment.

Employees receiving a monthly car allowance, or who use personal vehicles for (ENTITY NAME) related business.

Applicants for positions that require the operation of (ENTITY NAME) vehicles or equipment.

Definitions

(ENTITY NAME) Vehicles – any passenger car, pickup, truck or other similar vehicle that is owned, leased, rented, or otherwise under the care, custody, or control of the (ENTITY NAME). A (ENTITY NAME) vehicle shall also include vehicles driven by employees receiving a car allowance and personal vehicles.

Motorized Equipment – this category includes, but it not limited to, backhoes, dozers, mower-tractors, loaders, graders, and other similar equipment.

Preventable Accident – any accident involving a (ENTITY NAME) vehicle or piece of motorized equipment that results in property damage and/or personal injury in which the driver in question failed to exercise every reasonable precaution to prevent the accident. The preventability of an accident shall be determined from the investigative results of the appropriate law enforcement agency.

Personal Vehicles – privately owned vehicles used to conduct (ENTITY NAME) business, and for the use of which the driver is eligible to claim mileage reimbursement under federal law.

Driving Records – the complete driving history of an employee, as can be discerned from any official records, including Texas Department of Public Safety Driver Record Information Reports.

Responsibilities

Employees who drive (ENTITY NAME) vehicles or operate motorized equipment in the course and scope of their employment shall be required to meet the following minimum conditions of eligibility for driving/operating privileges:

Have reached the age of (ENTER AGE) years to operate (ENTITY NAME) vehicles or motorized equipment.

Be physically qualified to hold a driver's license and to safely operate a (ENTITY NAME) vehicle or motorized equipment.

Have current valid Texas driver's license in the appropriate class as established on the official description for the position.

Wear seat belts and other relevant safety equipment when operating (ENTITY NAME) vehicles or motorized equipment when appropriate.

Observe all (ENTITY NAME) vehicle and traffic related policies.

Observe all laws and ordinances relating to the operation of (ENTITY NAME) vehicles or motorized equipment.

Be responsible for the proper care and use of vehicles or motorized equipment. This includes maintaining (ENTITY NAME) vehicle/motorized equipment interiors and exteriors, regularly servicing these items and reporting maintenance needs to the supervisor, and operating all (ENTITY NAME) vehicles/motorized equipment in a manner that conserves fuel and reduces depreciation.

Employees receiving car allowance shall fulfill all current legal regulations such as insurance, inspection, and registration.

Operator Standards for Applicants for Employment and Current Employees

Applicants for positions with the (ENTITY NAME) as well as employees currently in a position with the (ENTITY NAME) requiring the operation of (ENTITY NAME) vehicles or motorized equipment **shall not** be eligible for driving/operating privileges if the total points assigned to their driving record is 10 or more within a three year period. Points are assigned based on the system described below:

VIOLATION	POINTS ASSIGNED
License suspension, revocation	10
Driving while intoxicated or under the influence of narcotics	10
Serious violations, including reckless driving, endangering the lives of others, racing, etc.	10
Any speeding violation	3
Any standard moving violation, including careless driving, stop sign, failure to signal, following too close, etc.	2
Any chargeable bodily injury accident	3
Any chargeable property damage accident	3

Procedures

The following procedures shall be observed under this policy:

Employees operating (ENTITY NAME) vehicles or motorized equipment must report to their supervisors any accident involving said vehicles as soon as possible and no later than twenty-four (24) hours of the occurrence.

Employees who are in jobs that require the driving/operating of (ENTITY NAME) vehicles or motorized equipment shall report any driver's license suspensions to their immediate supervisor within twenty-four (24) hours of the suspension.

Failure to report license suspensions, failure to maintain the required driver's license, or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and may subject the employee to disciplinary action, up to and including termination.

Each (DESIGNATE MONTH), the (DESIGNATE DEPARTMENT) will compile a list of all personnel who have driving or motorized equipment operation responsibilities. This list shall include the employee's name, date of birth, and current driver's license number and will be used to conduct checks on driving records through a motor vehicle record check. The motor vehicle record reflects the past three years of a driving record. The (RESPONSIBLE PERSON) and appropriate department head will be notified of any employee whose driving record fails the criteria set forth in this policy.

Employees who have been ruled ineligible for driving privileges may have their privileges reinstated provided the employee successfully completed a certified defensive driver training program approved by the (RESPONSIBLE PERSON) and submits evidence of satisfactory completion to the (RESPONSIBLE PERSON). The reinstatement privilege does not apply for violations including charges of driving while intoxicated or under the influence.

An employee who has been ruled ineligible for driving privileges may use the defensive driving course option only once every three (3) years in order to have his/her eligibility status reinstated.

Employees who have been ruled ineligible to drive (ENTITY NAME) vehicles or equipment due to their driving record may, at the (ENTITY NAME) sole discretion, be:

Assigned non-driving responsibilities within their current department, if available; or

Transferred to another department and assigned non-driving responsibilities, if available; or

Dismissed, if neither of the above alternatives can be achieved within twenty (20) working days. All non-driving responsibilities must have prior approval of the (RESPONSIBLE PERSON).

Employees who receive a car allowance and become ineligible for driving privileges shall have their car allowance revoked and shall not be permitted to drive on (ENTITY NAME) related business. Mileage reimbursement recipients who become ineligible for driving privileges shall be forbidden to drive their personal vehicles on (ENTITY NAME) related business.

Source: *Vehicle Operator Policy*: TMLIRP Sample Safety Manual