

Risk Control | Fleet Safety Management Guide Driver Authorization

All organizations that use vehicles to conduct their business have significant exposure due to vehicle collisions that result in property damage and bodily injuries. Vehicle collisions remain the leading cause of on the job fatalities.¹ Where non-profit organizations transport their consumers, the potential exposure is much greater.

The most fundamental control for this exposure is driver selection. Drivers with a history of collisions and moving violations are more likely to be involved in collisions in the future. According to one study, drivers with three points on their driving record were 2.3 times more likely to be involved in a crash.² While the insurance carrier may play a role in driver approval, it is the organizations' responsibility to properly qualify drivers. Failure to do so not only increases the likelihood of collisions, it also presents additional liability potential under negligent hiring and retention statutes. This responsibility covers not only drivers of company owned vehicles but personal and leased vehicles as well when they are being driven on company business.

Employers should have a formal written policy on driver qualification to determine if an employee is an Authorized Driver. This begins with the evaluation of the drivers Motor Vehicle Record (MVR) before being allowed to drive.

Motor Vehicle Records

MVR's can be obtained directly from the state by the candidate as a pre-employment requirement. However, most employers obtain these reports from a Credit Reporting Agency following the requirements of the Fair Credit Reporting Act. Ideally, five to seven years of driving history is obtained. However, some states will only provide three years of data on an MVR. Click [here](#) for more information from the Fair Trade Commission and the Equal Employment Opportunity Commission on employers responsibilities using background checks.

Length of driving experience is also an important consideration. According to the Insurance Institute for Highway Safety (IIHS), Fatality Facts, the risk of motor vehicle crashes is higher among 16-19-year-olds than among any other age group. In fact, per mile driven, teen drivers ages 16 to 19 are nearly three times more likely than drivers aged 20 and older to be in a fatal crash.³ As such, some employers include a minimum age or number of years driving experience requirement.

Some states limit MVR's to only three years driving experience. It is recommended that a longer period such as five or seven years be obtained. This is needed to verify any record of serious violations beyond the three years and may be helpful in qualifying borderline drivers. A sample Driver Authorization policy is provided on the following pages. The employer should use this format as a guide in development of standards which best apply to the organization's needs.

Risk Control | Sample Driver Authorization Policy

(Organization name) policy requires that every employee or volunteer with driving duties has a motor vehicle record (MVR) meeting the grading requirements below. This MVR policy applies both to drivers of organization-owned vehicles, as well as employees or volunteers using personal vehicles in the course of the organization’s business.

MVRs will be examined prior to the start of employment or driving volunteer service, and annually thereafter. Any job offer made to an employee-candidate for a position with driving duties shall be contingent upon an MVR meeting these required standards. All drivers must have:

1. Valid driver’s license for the state in which the driver resides.
2. At least five years of driving experience.
3. An acceptable MVR based on the table below using the most recent (three or five) years’ experience. Any serious violation during the time period of the MVR is considered unacceptable. Serious violations may vary by state. Typically these include:
 - Excessive speeding. This may vary by state from 15+ or more over the speed limit.
 - Operating the vehicle under the influence of alcohol or narcotics, or refusal of chemical test.
 - Driving with a suspended, revoked or invalid license.
 - Reckless driving or negligent driving.
 - Speed racing or drag racing.
 - Hit and run, leaving the scene of an accident.
 - Refusing to stop or fleeing from a law enforcement officer.
 - Vehicular homicide, manslaughter or assault with an automobile.
4. Drivers that fall into the Borderline category may be deemed acceptable subject to management discretion based on specific circumstances involved with the violation or accidents. In these cases, a provisional Driver Authorization may be granted with appropriate documentation of the facts supporting the decision.
5. Driving records must remain “acceptable” no more than 3 minor driving violations and/or accidents combined within the last 3 years as shown in the table below.

	# Moving Violations (other than serious)			
# Preventable Accidents	0	1	2	3
0	Acceptable	Acceptable	Acceptable	Borderline
1	Acceptable	Acceptable	Borderline	Unacceptable
2	Acceptable	Borderline	Unacceptable	Unacceptable
3	Borderline	Unacceptable	Unacceptable	Unacceptable

* The National Safety Council defines a preventable accident as: *A preventable collision as one in which the driver failed to do everything that they reasonably could have done to avoid it.*

Risk Control | Ongoing Driver Authorization

Once a driver has been authorized to drive, it should be their responsibility to notify their supervisor of any violations or accidents (except parking violations) immediately if it may affect their eligibility under the above criteria. Minor violations or accidents that do not affect driver eligibility should be reported within 72 hours of conviction. This includes personal vehicles as well as company vehicles.

It is recommended that a follow up MVR check be done on an annual basis to verify driving experience. For some non-profit organizations this may be cost prohibitive. As such, some opt to pull MVR's on a longer period such as every two or three years and/or a random sample on an ongoing basis.

One alternative is to use an Employer Notification Service. These programs automatically send updates to the requestor when a driver's license status changes, there is a crash, and/or a conviction posted to the driver's record. The benefit to the employer is that they only need to pull an MVR when notified of a change. Fees and charges vary but may offer substantial savings compared to pulling all employees MVR's. Currently 16 states offer this service. Click [here](#) for more information on these programs. Some credit reporting agencies also offer driver monitoring on a fee basis.

If the above approaches are not feasible, the employer can require a report from the driver to certify if they have had any violations or accidents. This is a common requirement in the commercial transportation industry and would not require any additional cost to the employer. This could be done annually or more frequently as needed. An example is shown below:

“Authorized Driver” Certification of Violations and Accidents			
<p>I, (Driver Name), certify that the following is a true and complete list of accidents and traffic violations (other than parking violations) for which I have been convicted during the last 12 months. (or different period as needed)</p> <p> <input type="checkbox"/> Violations are listed below <input type="checkbox"/> I have no violations <input type="checkbox"/> I have completed a driver improvement course to have points removed </p>			
Date	Moving Violation/Accident Type	Location	Vehicle Type (personal/company)
<p>Note: Falsification of this report may result in disciplinary action including termination. Employer has the right to run an updated MVR at any time during the course of employment as stated on the initial background check authorization.</p>			
_____ Driver Signature		_____ Driver's License #	_____ Date
_____ Reviewed By		_____ Title	_____ Date

¹ Bureau of Labor Statistics [2004-2017]. TABLE A-2. Fatal occupational injuries resulting from transportation incidents and homicides, all United States, 2003-2016

² Basic California Traffic Conviction and Accident Record Facts by Michael A. Gebers and Raymond C. Peck, California Department of Motor Vehicles, Research and Development Section (December 1987).

³ Insurance Institute for Highway Safety (IIHS). Fatality Facts: Teenagers 2016. Arlington (VA): The Institute; 2017. Available at <http://www.iihs.org/iihs/topics/t/teenagers/fatalityfacts/teenager>