



Annual Reminder to Check Motor Vehicle Records (MVR) of Non-CDL Drivers

Public entities have many employees who operate employer-owned vehicles as part of their duties, or who may occasionally use their private vehicles to conduct official business. As part of a comprehensive risk management program, **public agencies must verify that all employees who drive on the agency's behalf possess a valid driver's license and an acceptable driving record.** An employer is permitted to check MVR on their employees under the Federal Driver's Privacy Act.

The Safety Director's Office recommends Motor Vehicle Records be reviewed at the following times:

- Once a year for all full-time, part-time, seasonal and volunteer employees who drive an agency or personal vehicle as part of their job responsibilities,
- As part of the pre-employment screening process, and
- Before approving volunteer firefighters, EMTs, or OEM personnel's "Blue Light" applications or renewals.

Employees must be made aware their MVR will be checked periodically. The N.J. Motor Vehicle Commission requires employees to sign an acknowledgment that they are aware the employer obtains driving history abstracts before operating a motor vehicle on employer business, and periodically thereafter. The signed consent can be part of your Employee Handbook or a specific Consent form to check the employee's MVRs. A model Consent Form is available at <https://njmel.org/mel-safety-institute/model-policies/driver-policies/>. Work with your solicitor to verify it conforms to the organization's operations and any collective bargaining agreements.

Designate one or two authorized individuals to order the MVR from the N.J. Motor Vehicle Commission. MVRs may not be obtained through the local Police Department. Authorized individuals may be the Clerk, an Administrator, a Human Resource representative, or the Police Chief. The designated individual must understand they may not share the information with unauthorized individuals as required by the Driver Privacy Protection Act. **Remember, these are confidential reports.** Department heads who review or act upon the MVR reports must also be aware of the confidential nature of driving histories.

It is important for public employers to have a written motor vehicle policy that encompasses all the types of drivers under their auspices. The Model Personnel Policies and Procedure Manual on the MEL website, www.njmel.org, includes a basic motor vehicle policy. Department managers will most likely need to supplement the basic policy to fully reflect their operations, such as for CDL drivers, emergency response, or employees who are assigned vehicles or may take department vehicles home.

As part of the driver or fleet policy, public employers should establish evaluation standards for acceptable MVRs in consultation with their agency's attorney. Consider the following criteria:

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

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

Unacceptable: 3 or more moving violations and/or a preventable accident within the last 36 months, or serious violations such as, but not limited to, Driving Under the Influence (DWI or DUI), Reckless Driving, Homicide or Assault through the Use of a Motor Vehicle, or attempting to elude a police officer.

The policy must be enforced consistently and without discrimination.

Please contact your Safety Director if you have additional questions concerning Motor Vehicle Record policies.