

REFERENCE GUIDE

A Loss Control Service from Donegal Insurance Group



Motor Vehicle Record (MVR) Guidelines

History

One of the best indicators of a driver's future performance behind the wheel is their past driving record. A driver with a history of accidents or traffic violations is likely to continue that trend. One effective management tool to identify problem drivers is the motor vehicle record (MVR) check, a report of the driver's record issued by a state agency that provides a comprehensive overview of a licensed driver about traffic violations, license suspensions and other related details.

Who should be included in these checks? Any driver who is operating a company vehicle, employees who use a personal vehicle for company purposes, and employees who rent vehicles while on company business.

Failure to verify driving history may expose an employer to liability for 'negligent selection'. The driver represents the employer. Should a serious accident occur, the employer may be charged with failing to take reasonable measures to protect the general public from a substandard driver, especially if the poor driving history could have easily been discovered.

How to Obtain MVR Reports

Based on the requirements of the Fair Credit Reporting Act, persons performing MVR checks may not share the MVR information with anyone else. Before conducting an MVR check, employers must obtain employee consent, typically documented on a signed release form. Additionally, due to negligent entrustment laws, acceptable driver criteria needs to be in place and MVRs need to be checked at time of hire and at least annually for each driver.

Start by designating a company manager to run and review MVRs. This person needs to be familiar with the company's acceptable driver criteria to recognize an acceptable driving record versus an unacceptable driving record. You can obtain MVRs through various sources, such as your state's Department of Motor Vehicles (DMV) or through authorized third-party providers.

Types of Violations

Violations vary in significance and are generally of three types:

Statutory Violations - are generally related to licensing and registration issues. 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 - are serious convictions indicating a general disregard toward public safety. Typical major violations would include:

- Driving under the influence of drugs or alcohol
- Reckless driving
- Leaving the scene of an accident

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

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

Interpreting MVRs

In order to adequately qualify drivers, an effective evaluation of MVRs is needed. It is critical to establish a written criterion for acceptability when reviewing MVRs. This written criterion must be fairly and consistently applied to all evaluations. Existing drivers who do not meet acceptable standards should be monitored and required to come within the standard in a defined time period. Suggested sample criteria could be as follows:

- No statutory or major violations
- No more than three moving violations and/or at-fault accidents within the last three years (recent legislation directs us to limit a review of a driving record to the past 36 months)

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?
- Do 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 ten mph of speed.
- Never use DMV-assigned point as part of the MVR criteria, assignment of points may differ state to state.

All prospective, potential, and existing drivers must be informed of the company's MVR Guidelines, including what the acceptability standards are. Ideally, 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

As a general rule of thumb, MVR's should be reviewed for all drivers on at least an annual basis to ensure that they are maintaining good driving behaviors 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.

Written guidelines for evaluating MVR's for all drivers is a necessary management tool, regardless of your fleet size. However, MVR checks do not reduce the importance of other aspects of a driver selection program such as interviews, reference checks and driving tests.

- Employers should document and consistently follow established 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.**
- MVR's should be filed in the employee's 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, but should be completed at least annually.

References & Additional Information

[Federal Motor Carrier Safety Administration \(FMCSA\)](#)

[National Safety Council: Employer Resources](#)

[National Safety Council: Safety for All Roadway Users](#)

[National Safety Council: Employers are Making a Difference](#)

[OSHA: Motor Vehicle Safety](#)

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If you have any questions or would like additional information, please contact Donegal Loss Control at 1-800-877-0600 ext. 7218 or scan the QR code.



SAMPLE Program for Acceptable Drivers

Note: Format is flexible; if customer is not comfortable with current figures, the customer is free to develop a program more appropriate for their operator.

A driving record is considered to be unacceptable if the current MVR includes either of the following within the last three years:

- Any Major Violation (Type “A” below), or
- Any combination of three minor violations (Type “B” below) and/or at-fault accidents.

Major Violations – Type A

- Driving while intoxicated (DUI); or any reference to “implied consent” or open container violations.
- Driving under the influence of drugs or alcohol.
- Negligent homicide as a result of the use of a motor vehicle.
- Operating a motor vehicle during a period of suspension/revocation of the driver license.
- Violations involving a school bus.
- Racing.
- Speeding over 20 mph.
- Using a motor vehicle for the commission of a felony.
- Aggravated assault with a motor vehicle.
- Operating a motor vehicle without the owner’s authority (grand theft).
- Permitting an unlicensed person to drive.
- Reckless driving, speeding or careless, wonton or negligent driving.
- Hit and run driving involving Bodily Injury or Property Damage.
- Fleeing the scene of an accident / Fleeing the police.
- Make a false accident report.

Minor Violations – Type B

- Any moving violation not listed above.
- Any violation arising in conjunction with an accident (in addition to the chargeable accident).