

## MOTOR VEHICLE RECORD CHECKS: NON-CDL DRIVERS BEST PRACTICES

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

The Safety Director's Office recommends MVR 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 "Blue Light" applications or renewals.

In New Jersey, an MVR is verified using the [NJ Customer Abstract Information Retrieval](#) (NJ CAIR) Program offered through the New Jersey Motor Vehicle Commission. **Employees must be made aware their MVR will be checked periodically.** The 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 MVR. A model [Consent Form](#) is available from JA Montgomery and the NJCE. Consult with your agency's attorney 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 New Jersey Motor Vehicle Commission. MVR 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. **Remember, these are confidential reports.** The designated individual must understand they may not share the information with unauthorized individuals as required by the Driver Privacy Protection Act.

Public employers need to have a written motor vehicle policy that encompasses all types of drivers employed by the agency. The [Model Personnel Policies and Procedure Manual](#) includes a basic motor vehicle policy. Managers will most likely need to supplement the basic policy to fully reflect their operations, such as for emergency response, employees assigned vehicles, or those taking department vehicles home.

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

<b>Acceptable</b>	No moving violations and/or preventable accidents over the last 36 months.
<b>Probation</b>	Up to 3 moving violations and/or a preventable accident within the last 36 months.
<b>Unacceptable</b>	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.