



Conducting Motor Vehicle Record Checks

Public entities have many employees who operate vehicles as part of their duties. Law enforcement officers are on patrol around the clock. Volunteer firefighters and emergency medical technicians respond in their private vehicles before getting in apparatus and ambulances. Public works and utility employees drive large vehicles that require Commercial Drivers Licenses (CDL). Administrative personnel and elected officials may occasionally use agency or private vehicles to conduct official business. **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.**

Public employers should have a motor vehicle policy that encompasses all the types of drivers under their auspices. The Model Employee Handbook on the MEL website (www.njmel.org) includes a basic motor vehicle policy under the Insurance & Claims drop-down menu. Department managers will most likely need to supplement the basic policy to fully reflect their operations such as for CDL drivers, emergency operations, or employees who drive their personal vehicles. The Safety Directors recommend Motor Vehicle Records (MVRs) 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.

An employer may order MVRs on their employees under the Federal Driver's Privacy Act which defines the following "permissible uses" of an MVR:

- i. For use by any governmental agency...in carrying out its functions...
- ii. For use by an employer ... to obtain or verify information relating to a holder of a commercial drivers license (CDL) that is required under Chapter 313 of Title 49.

Employees must be made aware their MVRs 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 release can be part of your Employee Handbook or a specific release to check the employee's MVRs. Work with your solicitor to draft a release that conforms to the organization's operations and any collective bargaining agreements. Each year the State will verify signed releases are on file.

WHO SHOULD OBTAIN THE MVR ABSTRACTS?

Designate one or two authorized individuals to order the MVRs 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.

HOW DO I ORDER MVRs?

New Jersey public entities can order MVR abstracts from the NJ Motor Vehicle Commission (NJMVC). If you are ordering a small number of MVRs per year, then you are eligible to request MVRs by mail. Mail your request on letterhead to N. J. Motor Vehicle Commission, Business and Government Services, 225 East State Street, 3rd Floor East Wing, P.O. Box 122, Trenton, NJ 08666-0122. If you have any questions, you can call 609-292-4572. There is an annual fee for this service.

Public employers requiring larger numbers of MVRs will need to establish a Customer Abstract Information Retrieval (CAIR) account by applying online at <http://www.state.nj.us/mvc/business/cairrecords.htm>. An Individual User Guide is available on the CAIR homepage. **CAIR regulations require users to log in to their account at least every 90 days, or their account will be suspended. The Password must be updated every 45 days. Suspended accounts will need to be reactivated by a CAIR Administrator. The Safety Director suggests users put a reminder on their calendars.**

HOW DO I EVALUATE INFORMATION ON THE MVR?

A **sample policy for evaluating MVR information** is provided below. It is up to each public employer to establish evaluation standards for their agency in consultation with their agency's attorney. The policy must be enforced consistently and without discrimination.

All employees authorized to drive vehicles owned, leased, or controlled by the [Public Entity Name] or use their personal vehicles to conduct business on behalf of the [Entity Name] may have their MVRs reviewed prior to entrustment of a vehicle and annually thereafter.

*Drivers with acceptable, marginal or probation grading **may** be allowed to operate [Entity Name] vehicles or their personal vehicles to conduct business on behalf of the agency.*

Drivers with marginal or probation grading will have their MVRs reviewed more frequently. [Semiannual or quarterly reports are recommended] Additional violations or accidents may result in suspension of driving privileges for [Public Entity / Department Name].

Drivers with unacceptable driving records will not be permitted to operate an agency or their personal vehicle to conduct business on behalf of [Public Entity Name].

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

Marginal: *Up to 2 moving violations and/or preventable accidents in the last 36 months.*

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

Unacceptable: *More than three moving violations and preventable accidents within the last 36 months, or more than two moving violations and/or preventable accidents within the most recent year, or **any** of the violations listed below:*

- *Driving while under the influence (DWI or DUI)*
- *Leaving the scene of an accident*
- *Reckless driving violations*
- *Homicide or assault through the use of a motor vehicle*
- *Drivers who currently have a revoked or suspended license*

If an accident is shown on an MVR, it will be assumed to be an 'at-fault' accident. Any change to such a classification will be made only upon receipt of a police report or ruling from an accident review panel showing that the driver in question was not at fault.

Please contact your Safety Director or the State Motor Vehicle Commission if you have additional Motor Vehicle Record questions.