

# MOTOR VEHICLE FLEET Management Bulletin

FROM THE [LOSS CONTROL DEPARTMENT OF THE HARTFORD](#)

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## Driver Self Disclosure of Moving Violations

Employers of drivers should have a self-reporting process in place requiring employees with driving responsibilities to self disclose driving violations because Employers are responsible for their driver's Motor Vehicle Records (MVRs) and thus violations and revocations received in personal vehicles and/or on personal time should not be excluded from disclosure.

The process would include a requirement for a driving employee to report a moving violation and any suspension, revocation, or cancellation of their driver's license. It would also include all violations and license suspensions received in any vehicle, not just vehicles operated for company business. (See June 2005 - Motor Vehicle Fleet Management Bulletin - Negligent Entrustment Liability)

Typically most safety and fleet managers obtain annual MVRs (Motor Vehicle Records) on their drivers. Part 391 of the FMCSR requires an employer of a DOT regulated fleet to "at least once every 12 months, make an inquiry into the driving record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period." The concern is the annual review of a MVR may not be adequate. For example an employer obtains the annual MVR's during the first quarter of the year. One of their drivers has an acceptable MVR at the time the MVR is obtained, but the following month is convicted of a major or serious traffic violation. If the driver does not report the violation to their supervisor, it may be eleven months (when the next annual MVR is obtained) before it is identified the driver was cited/convicted of the violation or in a worst case scenario that their driver's license was suspended or revoked.

Part 383 of the Federal Motor Carrier Safety Regulations require drivers with CDL licenses to notify their employer of a motor vehicle violation or license suspension. The issue is no matter whether your fleet comes under the guidelines of the FMCSR or not, a formal written policy should be in place requiring driving employees to self report within a specified period of time such as 24 hours.



Some type of employee accountability should be considered for an employee that does not self disclose a moving violation or license revocation. Drivers should be instructed of and provided a copy of the policy, as well as the policy being a part of the orientation process for newly hired drivers.

In addition to a self reporting policy, consideration may be given to increasing the frequency of obtaining periodic MVRs or driving records. It is important as an employer that you take corrective action if it is identified that a driver has an unacceptable driving record (MVR). As technology and software has improved services are being provided that provide an employer with an updated driving record when there is a change or activity occurs on an employee's driver license/record. As an example the State of California has an Employer Pull Notice Program (EPN). Their EPN program automatically generates a driver record when any of the following actions/activities occurs:

1. Upon enrollment of a driver in the EPN program.
2. Annually from the date of enrollment or 12 months from the last action/activity printout.
3. When a driver has any of the following actions/activities added to their driver record:
  - Convictions
  - Failures to Appear
  - Accidents
  - Driver License Suspensions or Revocations
  - Any other actions taken against the driving privilege

Private MVR agencies are also now providing similar services. One company now has access to driver information in 45 states and is working on the remaining states to be on line in 2006.

Fleet managers are seeing cost savings from using such agencies as they are notified of those drivers whose driving record status has changed versus having to evaluate all their drivers MVRs. The process also helps in protecting the employer if a driver does not self disclose or report a moving violation or license revocation, suspension or cancellation.

Having both a self disclosure policy as well as obtaining periodic MVRs may be redundant but the goal is to implement procedures to eliminate the possibility of an employee with an unacceptable driving record or with a suspended license from operating a vehicle for company business.

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