

# Risk Insights

Provided by Gallagher Risk Management - Tulsa

## Motor Vehicle Records for Commercial Drivers

When it comes to managing a fleet, there's a lot to consider. Not only do you have to ensure every vehicle under your care is safe and operational, but there are also specific Federal Motor Carrier Safety Administration (FMCSA) requirements you must follow in order to remain compliant and avoid potential fines.

One such requirement relates to motor vehicle records (MVRs), which can help fleets flag risky driving behavior and thus protect their vehicles, avoid accidents, and prevent insurance claims and business disruptions. Per the FMCSA, carriers must secure and review a driver's MVR for the last three years upon their hire as part of driver qualification (DQ) files, which are used to ensure carriers are employing qualified drivers. This Risk Insights provides a general overview of MVRs, including what they are, how to obtain them and what to look for once you've secured them.

### What Are MVRs?

Put simply, MVRs are historical driving records that businesses can use to evaluate current and potential drivers. Specifically, MVRs provide an overview of an individual's:

- Driving history over a specific period of time, usually several years
- Moving violations
- Chargeable accidents
- DUI offenses
- Suspensions or revocations
- Point accumulations

- Driver's license and restrictions
- Vehicular crimes

This information is crucial for businesses, as an individual's accident and violation history is a good indicator of their driving performance and habits. Typically, drivers with a poor record are more likely to be involved in future accidents.

Furthermore, insurance carriers use MVRs when assessing risk. If one of your drivers has a poor driving record (e.g., several suspensions, revocations or moving violations), they may disqualify a driver from insurance coverage altogether.

By obtaining MVRs for every one of your drivers, you are ensuring the individuals you hire are able to perform their job duties safely, helping you secure insurance coverage and reduce costly vehicle accidents.

### FMCSA Requirements

Motor carriers must secure and review a driver's MVR for the last three years upon their hire. Carriers need MVRs from every state each new driver has held, or holds, a license or

permit as part of DQ files.

If an MVR cannot be received (e.g., no record exists for a driver in a particular state), carriers must document their efforts to obtain the records. It's important to note that carriers should not accept a driver-provided MVR, as these documents are easily falsified. Requests for MVRs must be made within 30 days of hire. MVRs must be kept in the driver's DQ file and updated annually.

In addition to securing MVRs upon an employee's hire, motor carriers are required to request MVRs for each of their drivers on an annual basis. Carriers will need to contact every state agency for which the driver has held a commercial motor vehicle license or permit during the last 12 months.

In addition to maintaining a copy of the MVR in the DQ file, carriers will need to include the name of the person who reviewed the driving record. Performing this check ensures drivers meet the minimum requirements for safe driving. When examining the driving record, it's important to consider the driver's accident record as well as any evidence of poor driving practices (e.g., speeding, reckless driving and operating while under the influence of alcohol or drugs).

### How to Obtain MVRs and What to Look For

When it comes to obtaining MVRs, businesses have several options. Specifically, you can secure an MVR through:

- Your state's department of motor vehicles
- A third-party service, usually at an increased cost

For commercial drivers, MVRs must be obtained through one of the above sources. While insurance agents and insurance carriers may request driving records, it's typically only for underwriting purposes, and they can't share information included on an MVR with their clients. Agents and insurance carriers may review MVRs when adding new drivers to a policy or during renewal time.

Before you request a current or prospective employee's MVR, you must first obtain their written consent. MVRs should be reviewed before making a hiring decision and at least annually thereafter.

Acceptable MVRs should be a condition of employment. The FMCSA has specific requirements as it relates to acceptable MVRs, and drivers are disqualified from operating a commercial motor vehicle if they:

- Operate a vehicle under the influence of alcohol. This can include:
  - Driving a commercial motor vehicle with an alcohol concentration of 0.04% or more
  - Driving under the influence of alcohol as prescribed by state law
  - Refusing to undergo drug and alcohol testing
- Transport, possess or unlawfully use a [controlled substance](#) while on duty
- Flee the scene of an accident (e.g., hit and run incidents)
- Are involved in vehicular assault, homicide, manslaughter or other felony involving a commercial motor vehicle

If an employee has any of the above offenses on their MVR, their driving privileges may be temporarily or permanently revoked. For more information related to driver disqualification, review FMCSA [guidance](#).

It should be noted that, even if the FMCSA does not disqualify a driver, you shouldn't automatically assume their driving record is acceptable. To ensure drivers have an acceptable driving record, it's important to set clear MVR standards and communicate those expectations to employees. Some general guidelines to consider include the following:

- The current or prospective employee must have a valid driver's license for the state in which they reside.
- The current or prospective employee must have at least five years of driving experience.
- The current or prospective employee should not have any serious violations in the last three to five years. Examples of serious violations can vary by state but may include:
  - Speeding excessively (e.g., driving 15 mph faster than the posted speed limit)
  - Passing a stopped school bus
  - Driving with a suspended, revoked or invalid license
  - Driving recklessly or negligently
- The current or prospective employee should not have:

- Three or more moving violations within the last three years (e.g., speeding, changing lanes improperly, running a red light or failing to yield)
- Two or more at-fault accidents within the last three years (e.g., accidents where the driver receives a citation or causes a collision due to their negligence)
- More than one at-fault accident and one moving violation combined within the last three years

Again, it's important to review your drivers' MVRs at least annually. Some states provide services that notify businesses when one of their employee's MVRs change, which is a great way to intervene and provide the necessary coaching.

### **Continued Safety**

Having a consistent system for collecting, retaining and reviewing MVRs can go a long way toward hiring qualified drivers and preventing accidents. However, even if you take every reasonable precaution, collisions can still occur. As such, it's important to secure the proper insurance coverage to protect your business.

Contact [B\_Officialname} today to learn more.