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Annual Reminder to Check Motor Vehicle Records of Agency Drivers

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 into department 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.** An employer may order MVRs on their employees under the Federal Driver's Privacy Act.

Public employers should have a motor vehicle policy that encompasses all the types of drivers under their auspices. The Model Personnel Policies and Procedure Manuals on the MEL website <https://njmel.org/mel-safety-institute/resource-center/public-officials/model-employment-practices-policies-and-procedures-manual/> includes a basic motor vehicle policy under the Insurance & Claims drop-down menu. 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.

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.

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.

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.

New Jersey public entities can order MVR abstracts from the NJ Motor Vehicle Commission (NJMVC). Mail your questions 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. You can also call 609-292-4572.

Please contact your Safety Director if you have additional questions concerning Motor Vehicle Record policies.

This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. For further information regarding this bulletin, contact your Safety Director at 877.398.3046.