

Fleet Management 2016

Motor Vehicle Records: Recent changes in Federal and State laws have caused changes in the way employers obtain and use information about current and prospective employees. Specifically, The Fair Credit Reporting Act (FCRA), and The Driver Privacy Protection Act (DPPA), have changed the way this information is accessed and used. The **FCRA** and the **DPPA** regulate the disclosure of personal credit information, including MVRs. The **DPPA** specifically regulates the disclosure of personal information contained in the records of the state department of motor vehicles (DMVs). The DPPA also regulates the resale and re-disclosure of drivers' personal information by persons who have obtained that information from a state DMV or from a wholesale MVR provider (vendor). **At a minimum, all states must comply with the FCRA and the DPPA.**

The New Jersey Public Housing Authority Joint Insurance Fund recommends obtaining MVRs on all employees with driving privileges, on at least an annual basis.

New Jersey provides this information through the Customer Abstract Information Retrieval (CAIR), a program offered by MVC to provide businesses quick and direct access to driver history abstracts and other records (<http://www.state.nj.us/mvcbiz/Records/CAIR.htm>). This service is regulated under the Driver Privacy Protection Act.

This provides access to:

- Driver History Abstracts
- Registration Inquiries
- Ownership Histories
- Title Inquiries
- Driver Status

MVC cannot lookup customer records based on name and/or address. CAIR does not release social security number, insurance information or medical information. A \$500 deposit is required that individual inquiries are billed against. The driver license number inquiry will give you a five-year driver history abstract.

Business Use of Personal Vehicles: It is not unusual for employees of an Authority to use their own vehicles to run errands, pick up supplies, or travel to business meetings. In these instances, the personal auto coverage maintained by the driver is the **primary** coverage in the event of an auto claim. Losses in excess of the driver's policy limits would be borne by the Authority's insurance. In today's litigious environment, it is imperative that an Authority make sure that this initial layer of protection exists. Take the following steps to maximize your protection:

1. Identify all employees who have occasion to use their own vehicles for business purposes. If possible, arrange for them to use Authority vehicles or pool cars for business purposes.
2. On an annual basis, request all drivers provide you a copy of their driver's license, and, if using a personal vehicle, a copy of the declarations page of their personal auto insurance.
3. Discuss with your counsel whether or not you want to specify policy limits for drivers of personal vehicles.

Remember that this **does not apply** to an employee who is simply commuting **to** the workplace or **to** home at the end of the day.

Personal Use of Authority Vehicles: On the other side of the same coin, some employees have Authority vehicles at their disposal at all times, and take them home. The Authority should establish a policy that restricts use of the Authority vehicle to the vehicle custodian. Whether it is acceptable for the vehicle to be used for personal use after arriving home should be specified, and if there are restrictions to its use (e.g., not for vacations, etc.). Use of the vehicle by other members of the custodian's family should be strictly forbidden. Use of Authority vehicles by other outside support staff (e.g., contractors) should also be avoided.

As ever, if you have any questions or would like additional information, please contact your risk management consultant, or NJPHA-JIF safety director, Jim Rhoads at 610-397-5061 or by e-mail at james_rhoads@pmagroup.com.

IMPORTANT NOTICE - *The information and suggestions presented by PMA Companies in this risk control technical guide are for your consideration in your loss prevention efforts. They are not intended to be complete or definitive in identifying all hazards associated with your business, preventing workplace accidents, or complying with any safety related or other laws or regulations. You are encouraged to alter the information and suggestions to fit the specific hazards of your business and to have your legal counsel review all of your plans and company policies.*