



As part of our underwriting review, we have ordered Motor Vehicle Reports. The driver hiring process is one of the key components of an account's safety program. Statistics show that poor and questionable driving records point to increased loss exposures and are a red flag for potential severity exposures. The better commercial auto accounts always order MVR's before hiring new drivers and at a minimum update and review them annually. We issue our policies with the assumption that this is a standard risk management practice.

The insurance industry has found accidents involving drivers with major violations and/or a history of other infractions are more difficult to defend in court as plaintiff's attorneys often try to exploit poor MVR's. Plaintiff attorneys will seek to admit at trial, evidence of past violations and/or accidents of the at-fault driver/employee to support a direct action against the employer under the theory of Negligent Entrustment. Such a claim, if successful, could result in an award of punitive damages, which are often not covered under the insurance policy.

MAJOR VIOLATION:

Criminal Type Conviction within the last 5 years.

Negligent Homicide

Manslaughter

Failure to Stop and Identify (Hit and Run)

Suspended or Revoked License

Drag Racing

Driving Under the Influence within last 5 years.

Driving while Impaired within last 3 years.

Reckless Driving within last 5 years.

Careless Driving within last 3 years.

Assault involving a motor vehicle.

Passing a stopped school bus.

Some examples of other infractions (in addition to major violations) that can be exploited by plaintiff attorneys are shown below. In essence, if a pattern or frequency of violations can be shown, the driver is not only more likely to be involved in an accident, but that driving record can be exploited by the plaintiff's attorneys in the event of an accident:

OTHER INFRACTIONS:

3 or more moving Violations within last 3 years.

2 or more At-Fault accidents within last 3 years.

Violations and Accidents combined:

1 At-Fault accident and 1 violation within the last 3 years when not the same incident.

Moving Violations:

- (a) Speeding violations
- (b) Improper or excessive lane changes
- (c) Following the vehicle ahead too closely
- (d) At fault accidents
- (e) Running a red light or stop sign
- (f) Failure to yield
- (g) Etc.

Not at fault accidents, seat belt, and failure to register vehicle are not considered moving violations but may be unacceptable.

Before your client obtains Motor Vehicle Reports on their drivers, we highly recommend you advise your client to familiarize themselves with the Fair Credit Reporting Act and the privacy laws of the individual states, and seek legal counsel and driver releases wherever appropriate.