

**You Have an Obligation to Monitor  
Operators of Organization Vehicles**  
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Have you ever heard the term “Negligent Hiring?” How about “Negligent Entrustment?” If you haven’t, you realize just by the sound of them, they’re probably not good. And hearing either or both of these terms for the first time in a lawsuit can be really bad.

As an organization, you are required to make a significant effort to ensure public safety when authorizing anyone to drive one of your organization owned vehicles. These efforts must be on-going as long as that person continues to operate such vehicles. Areas which require such observation include:

- Properly licensed for the vehicle involved
- Adequate driver training
- Fairly safe driving record

This requires some due diligence on your part including checking the validity of the license, ascertaining that the member understands the operation of the vehicle and the rules and regulations involving driving that vehicle, and regularly checking the member’s driving record.

There are several means to obtain the driving record of an individual. First and least costly would be to have your insurance company do it for you. Due to the Federal Fair Credit Reporting Act, you will need a signed statement from the member permitting a third party (in this case the insurance company) to release information about their record to you. This is an easy process and may be placed on the person’s application. Once it is signed and filed, it does not require any further permission until that person is no longer a member or they advise you that their permission is withdrawn.

Another means is to order them directly through a third party administrator (TPA). Privacy issues vary from state to state when doing this, so you may wish to ask the TPA for the rules which apply to your jurisdiction. In some states you may be able to get the information directly from the Department of Motor Vehicles or its equivalent. When doing this however, you will lose the legal privacy insight brought by the TPA or insurance company. Costs will also vary from state to state, ranging from \$3.00 to \$17.00 per report.

Simply getting the report does not guarantee accident reduction. The most important part is deciding who has a good record and who does not. You must develop criteria by which it is decided what record is good enough to drive. You may do this by the number of points on a license, or utilizing a matrix (See Figure 1).

Figure 1

Number of Violations (Last 3 Years)	Number of At-Fault Accidents (Last three Years)			
	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor
Any Major Violation	Poor	Poor	Poor	Poor

**Major Violations:**

- Driving under the influence of alcohol/drugs
- Failure to stop/report an accident
- Reckless driving/speeding contest
- Driving while impaired
- Homicide, manslaughter or assault arising out the use of a vehicle
- Making a false accident report
- Driving with a suspended/revoked license
- Attempting to elude a police officer

**Minor Violations:** Any moving violation other than a major violation including:

- Speeding
- Failure to obey a traffic control device
- Driving with a suspended/revoked registration
- Driving an unregistered vehicle

Not utilizing a standard means of categorizing drivers and looking at them on a “case by case” basis has proven to be a poor method with less than adequate results. It also may lead to charges of discrimination.

You should know the previous record of everyone who drives your vehicles. You owe it to your organization, your community, and all of your members.