



COVERAGE @ WORKSM

MOTOR VEHICLE SAFETY PROGRAM

New Mexico's Experts in Workers' Compensation Insurance

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Disclaimer

Employers should develop and implement a written hiring policy and procedure for their business operations in consultation with competent licensed legal counsel who can analyze the particular facts and circumstances of the employer's business and operations in relation to applicable federal and state law. Such a program may include job applications, interviews, verification of job references and education, and a medical questionnaire.

This Document is not intended to provide specific advice about individual, legal, business or other questions. It has been prepared solely as a voluntary illustrative guide. It is not nor should in anyway be construed as a recommendation that a particular course of action be followed. If specific legal or other expert advice is required or desired, the services of an appropriate and competent professional should be sought.

Sample Fleet Safety Program

Content Is a Suggested Model Program for Our Customers

(Before using or adopting any portion of the materials or samples which follow, please read the disclaimer on the last page.)

Driver Selection

Pre-Hire Requirements

All applicants for employment ("Applicants") are required to complete a written application that will include listing references and previous employers. Applicants also are required to pass a pre-hire drug test. Anything less than a clean report is not acceptable by
_____.
(Your Company Name)

Applicants are required to sign a consent form and his or her MVR will be pulled before he or she is hired. MVRs will be kept in the applicant's/employee's file. Each applicant's driving record is required to meet the following criteria:

- a. Any applicant with a Type A driving violation in the last five years is unacceptable.
- b. Any applicant with three or more Type B driving violations or two or more at-fault accidents in a three-year period are unacceptable.
- c. Any applicant with two moving Type B driving violations or one driving accident in a three-year period will be put on warning from a company monitoring standpoint. *MVRs are required to be ordered more frequently on these applicants, if hired.* SAMBA monitoring is an acceptable ongoing monitoring of existing drivers records.

TYPE A Violations	TYPE B Violations
Driving under influence of alcohol or drugs	Moving violations that include:
Refusing to take a substance test	Speeding
Driving with an open container (alcohol)	Improper lane change
Reckless driving or careless driving	Failure to yield
Hit and run	Failure to obey traffic signal or sign
Fleeing or evading police or roadblock	
Racing/speed contest	Accidents
Driving on suspended or revoked license	Having a license suspended in past related to moving violations
Vehicular assault	

A new driver is required to complete a road test with a company experienced driver. The experienced driver will evaluate the new driver's performance and document the road test. These tests will be kept in the new driver's employee file.

Post-Hire Requirements

During an employee's trial period, he or she will ride with a current company experienced driver, who will observe acceptable driving behaviors, routes, and loading/unloading procedures of the new employee (the "new driver").

Motor Vehicle Record Checks

Annual record evaluations will be performed on every driver including the following:

- Company truck drivers
- Company car drivers
- Salespeople or anyone driving their personal car for company business
- Spouses with access to company vehicles
- Anyone who may be required to drive a company car or personal car for company business

MVRs will be reviewed in accordance with the aforementioned criteria.

Non-Owned Vehicle Requirements

Employees driving personal cars for company business must meet the following requirements:

- MVR checked pre-hire and, annually or ongoing using SAMBA
- Classify the employee's personal policies as 'Business Use' policies
- Name _____ (**Your Company Name**) _____ as an 'Additional Insured' on personal auto insurance policy
- Have minimum limits of \$300,000
- Provide Certificates of Insurance to management on an annual basis

Personal Use of Company Vehicle Policy

Company vehicles taken home at night or used for non-business activities must be given extra consideration when defining the personal use restrictions. A personal use policy will include, at a minimum, the following sections:

- Driver eligibility requirements (authorized driver, appropriate age, acceptable MVR, etc.)
- Management approval of personal use
- Requirement to follow company substance abuse policy and accident reporting policy
- Restricted use of company vehicles (towing, overloading, giving rides to hitchhikers, for loan or hire to others, travel to other countries, attaching equipment, etc.)
- Accountability for not adhering to _____ (**Your Company Name**) _____ 's personal use policy

Transportation Safety Rules

_____ (**Your Company Name**) _____ requires all drivers comply with state and national transportation safety rules, ie. (Mandatory wearing of seatbelts). In addition, all employees are required to adhere to the following rules as set by management while driving:

- **NO IMPAIRED DRIVING** – Operating a vehicle on the job while impaired greatly increases the risk of collision or other types of accidents. Examples of potential impairments include but not limited to: prescription medications, non-prescription products, illegal substances, alcohol and other conditions that includes excessive fatigue, medical condition, and emotional states
- **NO DISTRACTED DRIVING** - Operating a vehicle on the job while distracted greatly increases the risk of a collision or other types of accidents. Examples of distractions include but not limited to: Cell phone use, eating and/or drinking, grooming, smoking, reading and use of technology such as computers. Emergency cell phone use only.
- **NO AGGRESSIVE DRIVING** - Aggressive driving can include: Speeding, tailgating, failure to signal lane change, running red lights, running stop signs, weaving in traffic, yelling, making obscene gestures, and excessive use of the horn.
- At **no** time should motorcycles be used for company business.
- Include additional rules

Maintenance Inspections

All drivers of regulated vehicles (greater than 10,000 lbs. GVW) are required to complete a documented pre/post-trip maintenance inspection that will be filed.

All drivers of personal passenger vehicles or non-regulated vehicles are required to submit their vehicles for a maintenance inspection at least quarterly. These maintenance inspections will be filed.

Accident Reporting and Investigation

Every accident is required to be reported, investigated and reviewed.

- Drivers are required to submit the written accident report to management immediately following their involvement in a vehicle accident.
- A police report should be obtained.

The primary purpose of investigating an accident is to find out its cause and initiate action to eliminate or control similar vehicle accidents. Another purpose is to determine whether the accident is preventable. A preventable accident is one in which the driver fails to exercise reasonable precautions to prevent the accident from occurring. Each driver's supervisor is required to investigate all vehicle accidents

Commercial Drivers License (CDL) Required Vehicles

Driver Qualification Files following the Federal Motor Carrier Regulations will be maintained on all drivers with their CDL. A file will be maintained on each driver operating a vehicle in excess of 26,000 pounds. GVW engaged in interstate commerce and/or drivers of vehicles in intrastate commerce if the registered gross weight of the vehicle or combination of vehicles exceeds 26,000 pounds. (Your Company Name) will maintain records for the following requirements:

- Application Form (FMCSR Part 391.21)
- References from Previous Employers (FMCSR Part 391.23)
- Medical Examiner's Certificate (FMCSR Part 391.43)
- Medical Exam Expiration Date (FMCSR Part 391.45)
- Alcohol and Controlled Substances Testing Information and Results (FMCSR Part 391.81-391.117)
- Motor Vehicle Records (MVR) Check (FMCSR Part 391.23)
- Driver's Annual Certificate of Violations (FMCSR Part 391.27)
- Notation of Annual Driving Record Review (FMCSR Part 391.27)
- Driver's Road Test and Certificate (FMCSR Part 391.31) or Copy of Valid Operator's License (FMCSR Part 391.33)
- Certificate of qualifications for Drivers Furnished by Other Motor Carriers (FMCSR Part 391.65)

Depending on the type of commercial vehicle and its intended use, additional requirements may be necessary.

(Federal Motor Carrier Regulations as of 12-1-2005)

Non-Commercial Drivers License (CDL) Required Vehicles

DOT states that drivers of vehicles 10,001 pounds. GVW to 26,000 pounds. GVW do not need a Commercial Drivers License (CDL) or to be in a substance testing program. However, DOT requires the employer maintain the following file for each driver of the vehicle:

- Application Form (FMCSR Part 391.21)
- References from Previous Employers (FMCSR Part 391.23)
- Certificate of Driver's Road Test (FMCSR Part 391.33)
- Motor Vehicle Records (MVR) Check (FMCSR Part 391.23)
- Notation of Annual Driving Record Review (FMCSR Part 391.27)
- Driver's Annual Certificate of Violations (FMCSR Part 391.27)
- Medical Examiner's Certificate (FMCSR Part 391.43)
- Letter from the field administrator, division administrator, or state director granting a waiver of physical disqualification, if a waiver was issued under FMCSR Part 391.49.

This policy is mandated and supported by the management of _____

(Your Company Name)

President/CEO/Management Signature

Date

SAMPLE ACKNOWLEDGEMENT FORM

*To be kept in employee personnel file.

I have read and understand my obligations as listed above concerning the possession and use of a company vehicle. Further, I understand that failure to abide by this agreement shall result in suspension/revocation of my company vehicle privileges and/or disciplinary action.

Employee Signature

Date

SAMPLE MVR REQUEST FORM

This section to be completed by the driver:

Driver's Name:

Last Name	First Name	MI
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Date of Birth: ____/____/____ Sex: M ____ F ____ Social Security #: _____

Driver's License Number: _____ Issuing State: _____

Employee Driving Record – To be completed by the company driver

During the three years preceding the date of this application, have you:

1. Had your driver's license suspended or revoked:
Yes _____
No _____
2. Been cited for driving a vehicle under the influence of alcohol or drugs?
Yes _____
No _____

Driver commitment

1. Adhere to all policies and procedures governing the operation of my vehicle.
2. Report unsafe operating conditions of the vehicle.
3. Report any accident immediately.
4. Abide by all traffic rules of the road.
5. Prohibit the use of company vehicle by unauthorized drivers.
6. Prohibit unauthorized passengers from riding in the company vehicle – NO EXCEPTIONS.

I understand that these commitments and responsibilities are monitored, and failure on my part to fulfill these requirements may result in loss of fleet driving privileges or other disciplinary actions.

The undersigned hereby authorizes any State Department of Motor Vehicles to release any and all information pertaining to my driving record to the company or its designee. This authorization shall remain in effect for the duration of my employment with the company.

Employee Signature

Date

To provide access to quality, cost-effective workers' compensation insurance and services for our customers.

We cannot guarantee that our survey will result in a safe and healthy work environment, nor can we guarantee that all unsafe conditions which may be present in your workplace have been addressed. We do not guarantee that you are in compliance with any state or federal law, rule or regulation.