

Drivers' License Checks



RiskWise



A Guide to Controlling Risk

Drivers' License Checks

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Prior to allowing the operation of a vehicle on official state business, state agencies are required by [OAR 125-155-0300](#) to ensure that all drivers meet the authorized driver criteria, as well as verify acceptable driver license status and qualifications. One way agencies achieve this is by conducting drivers' license checks on employees, agents, volunteers, and students. This is a DAS Risk Management recommended practice.

- These checks may be conducted prior to hiring as part of the applicant screening process, at any time during an employee's tenure, routinely or periodically, or as part of an investigation process for a vehicle crash/incident.
- The process may vary. Agencies may require [applicants or employees to provide copies](#) of their driving records or agencies may secure records through the appropriate states' department of motor vehicles.

*Note: Some of these departments may not release those records to employers.

- Oregon's Department of Motor Vehicles provides options for state agencies to secure employee driving records. As a government entity, state agencies may have access to driving records online, via fax or by mail. State agencies must [pay](#) for these services. Get more information at [DMV's Records page](#).



Risks to Agencies

- Unmitigated auto liability exposures.
- Unmitigated auto or other property costs.
- Unmitigated exposure to motor vehicle accident workers' compensation costs.

Agency Options and Risks for Authorizing Drivers

While OAR 125-155-0300 requires agencies to verify driver qualifications, it also builds in some flexibility for agencies to determine the most appropriate way for them to fulfill this responsibility. Generally, these include:

"Verifying drivers' qualifications at any reasonable schedule or time and by any reasonable means, including direct DMV checks, review of records supplied by the driver, or accepting drivers' signed statements"

As an agency considers the method(s) of verification that it adopts in its own policy, procedures, and processes (while using the [DAS Risk Management Vehicle Use and Access Toolkit](#)) it is important to understand the risks with each verification option. More on considerations for these methods can be found on the next page.

Verification Method	Risk Associated with Each Method
Do Nothing/ No Driver Verification	Having no method of driver verification puts an agency at risk of liability for failing to perform it's requirement to reasonably verify driver qualifications.
Accept Driver Signed Statement or Acknowledgement	Using a signed statement with no additional verification of a drivers record allows for an opportunity for drivers to falsely represent their driving status. This option should be considered for only the most unique circumstances where no other methods are reasonable.
Accept and Review Records Supplied by the Driver	Accepting records supplied by a driver can provide detailed information regarding a drivers' status, but still has the potential for falsification. For drivers from other states, this may be the most reasonable method available.
Obtain Driver Records Directly from Oregon DMV (and other applicable jurisdictions)	While this method requires the most cost and time to complete, it provides agencies with the most accurate information when performing driver verifications. It is important that agency policies and bargaining agreements align with this option so as not to create other potential risks.

Recommended Best Practices

If the agency is establishing a new requirement for drivers' license checks, it is recommended to:

- Notify labor relations.
- Inform employees of the change and when it takes effect.
- Allow employees an opportunity to bring their records into compliance.
- Determine procedures for maintaining documentation related to record checks that align with the [state's record retention schedule](#), recruitment processes and personnel records management ([Workday](#)).

Establish the criteria the agency will use for determining a satisfactory driving record. The following is DAS Risk Management's recommended threshold for an unacceptable driving record:

- A major traffic offense in the last 24 months. This includes reckless driving, driving under the influence of intoxicants, failing to perform the duties of a driver, criminal driving while suspended or revoked, fleeing or attempting to elude a police officer, and others;
- Felony revocation of driving privileges or felony or misdemeanor driver license suspension within the last 24 months;
- More than three moving traffic violations in the last 12 months;
- A careless driving conviction in the last 12 months; or
- A Class A moving traffic infraction in the last 12 months.

Establish timelines or instances that may initiate a reevaluation of a drivers status. The details of these occurrences should be reflected in agency policy as well.

- Consider performing reverifications on a reoccurring basis. This may mean agencies perform another review of a driver's record and/or have the [employee sign an agreement](#) attesting to their status and awareness of driver requirements, agency policy, and state rules.
- Detail other times when a driver reevaluation may occur, such as when a driver license restriction or driving-related issue is discovered. This may also include when a vehicle incident occurs.
- Specify steps for both the employee and the employer when changes in or restrictions to the license of an authorized driver occurs.

To access driving records online through DMV, an agency can [setup a DMV2U account \(Record Inquiry Account\)](#). For Infrequent requests, agencies can request records by mail using the [Request for Information form](#).

Utilizing the Vehicle Use and Access Toolkit

Several tools and templates can be found in the [DAS Risk Management Vehicle Use and Access Toolkit](#). These tools are meant to assist agencies who are developing or reviewing their agency driving standards. The following tools have been developed specifically for helping agencies with building their policy and procedures for authorizing drivers, or verifying their current driving status.

Vehicle Use and Access Toolkit ([VUAT](#)) 1 - [Authorizing Drivers](#) - Provides agency's with processes and guides for determining when a driver is authorized or not, and what steps to take in both scenarios.

VUAT [2 - Adverse Drivers](#) - Includes documents and guidance for when drivers have an adverse status

VUAT [5 - Exceptions](#) - These tools help when an agency is needing to request a rule variance.

VUAT [6 - Policy](#) - This template provides a framework for agencies to refine or develop a driver policy



DAS RISK MANAGEMENT
www.oregon.gov/das/Risk/Pages/index.aspx

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We commit to be KNOWLEDGEABLE, RESPECTFUL AND RESPONSIVE in business and interactions.

Additional Resources, Links and Information

- DAS Risk Management - [Vehicle Use/Access Toolkit Index](#)
 - VUAT - 7A [State driver/vehicle use and access FAQs](#)
 - RiskWise - [2020 Updated Vehicle Use Rules](#)
- Oregon DMV - [Records-Related FAQs](#)
 - ORS 802.175-802.191 and OAR 735-010-0200 through 0230 - [General Records and Privacy Information](#)

[<https://www.oregon.gov/das/Risk/Pages/PubsToolsRes.aspx>]