



Risky Drivers: How to Spot the Red Flags

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SAFETY – it is the top priority of most businesses that rely on drivers, whether they employ professional drivers, a few salespeople or a large crew of workers that drive as a function of their job. Developing an engrained safety culture & a comprehensive safety program deliver a positive impact to any company's bottom line.

Comprehensive safety programs come in many shapes and sizes from self-reporting policies to keep the driver manager aware of any possible issues, point systems to identify when actions should be taken, to driver training programs to address high-risk behavior and keep safety top of mind. Fleets are constantly in search of ways to offset risk with new technologies and safety programs.¹

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How do you identify the drivers who pose a risk?

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How to Identify a Risky Driver

Motor Vehicle Records, or MVRs, are the most effective way to determine driver risk at hire and throughout the driver's employment. MVRs provide a full view of a driver's history for the last 3-7 years, depending on the state, and have several risk indicating components including:

Driver and Licensure Information

- Useful information like license type and license expiration date can help a driver manager know that the driver is properly licensed for the type of vehicle he or she drives.

License Status

- An unlicensed driver continuing to operate a vehicle increases a company's potential liability dramatically.
- Suspended drivers have an accident rate that is 14X higher than other drivers. ²

Traffic Violations

- A history of traffic violations is an indicator of a risky driver. Monitoring and tracking traffic violations is an effective way to trigger driver training and take corrective actions before a serious incident occurs.
- Commercial drivers with prior violation convictions are 43% more likely to be involved in an accident within the year following a violation. ³

Accident Reports

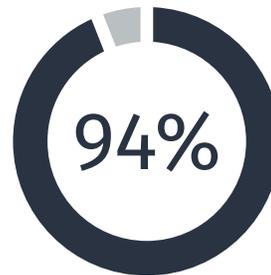
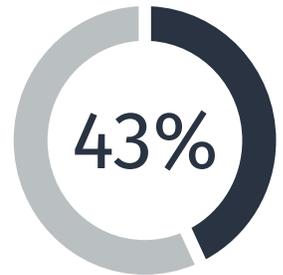
- Past behavior is the best predictor of future behavior. Drivers that have a history of accidents are typically the riskiest group of drivers.
- Human error is responsible for 94% of all driving related accidents. ⁴

Vehicular Crimes

- Vehicular crimes are a major red flag of a risky driver. Vehicular crimes show prior negligence on behalf of the driver that resulted in a gross misdemeanor or felony charge and possibly jail time. Among other things this includes DUIs and accidents which caused a large amount of property damage or bodily harm. Employers who miss this at the time of hire put themselves at significant risk for future liability lawsuits.
- One-third of all drivers arrested or convicted of drunk driving are repeat offenders. ⁵



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The Annual MVR and the 364 Day Grace Period

It is a common practice to check an MVR prior to hire and once per year throughout employment. This method, while somewhat effective, creates exposure for the company.

If a company only pulls driver records once a year, and a driver receives a violation or license suspension the day after, he or she has a 364- day grace period before the infraction is discovered. If this driver were to have an accident or traffic stop during this grace period, the company could be held liable and face direct and indirect costs.



To mitigate this risk an employer could choose to pull MVRs multiple times throughout the year.

MVRs ARE EXPENSIVE

The average cost of an individual MVR is \$10.14 per driver⁶, For a large fleet, this cost multiplied by the number of drivers in the fleet, plus the administrative time required to review every MVR is exorbitant - especially since 20% of drivers are responsible for 80% of risky behaviors.

How can a company protect itself from this large risk gap while keeping costs low?

Continuous license monitoring offers a timely and cost effective way to monitor driving records while minimizing administrative time. The practice of pulling an MVR yearly can yield violations; however, continuous license monitoring allows the fleet manager to receive violations as they occur – eliminating the pitfall of the yearly “grace period”.



When a new violation or license suspension occurs for a driver, an MVR is automatically delivered to the driver manager. By getting this information sooner, the manager can take immediate corrective action with the driver, from remedial driver training up to dismissal for serious offenses. This method also minimizes the need to pull additional MVRs for the drivers that are operating safely.

License Suspensions: A Common & Sometimes Unknown Risk

In North America, at any given time, 7% of all drivers have a suspended license. Of those drivers, 75% of them continue to drive on a suspended license.⁷ When an employee with a suspended license continues to operate a vehicle, the risk to the company grows exponentially.

SuperVision continuous license monitoring data shows that over 20% of all monitoring alerts are triggered by an invalid license status.⁸

Driving-related grounds for suspension can vary by state, but generally, the following offenses will result in a driver's license suspension:

- Reckless driving
- Careless driving
- Leaving the scene of an accident
- Accumulation of traffic tickets
- Assault of another motorist
- Multiple violations of DUI⁹

These types of license suspensions are very serious and are often accompanied by additional fines, potential legal action and large risk to the company employing the driver. A driver manager should take immediate corrective action with the driver upon report of the suspension.

License suspensions in relation to non-driving offenses are oftentimes unknown and can be missed by employers. It is also not uncommon for a driver to be completely unaware of his or her non-driving license suspension.

Some common non-driving related violations are:

- Failure to pay a fine or appear in court
- Non-driving related drug violations
- Unpaid child support
- Defaulting on student loans

There are also a few interesting and less-common ways to obtain a license suspension:

- Writing bad checks (*Indiana*)
- Boating while intoxicated (*Alaska, California, Texas, Utah*)
- Vandalism (*California*)
- Advocating to overthrow the government (*New York*)
- Operating an amusement ride while intoxicated (*Texas*)¹⁰

More than 7 million people nationwide have had their license suspended for failure to pay a court fine or administrative debt.¹¹

Driving-related suspensions are significant red flags that can indicate a risky driver; however, non-driving suspensions do not always imply higher driver risk.

Should a fleet manager act on a driver with a non-driving license suspension?

An unlicensed driver that continues to operate puts an organization at risk for a Negligent Entrustment Lawsuit, regardless of the reason for suspension. Employers have a duty to know what is in their driver's history prior to putting the driver on the road.



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Negligent Entrustment

Perceived “deep pockets” and willingness to settle quickly make businesses a target for litigation. Regardless of the severity of the accident or violation, potential harmful publicity can impact a company’s bottom line and its brand reputation.

Negligence, or Negligent Entrustment, occurs when a dangerous article – in this case a vehicle – is entrusted to somebody who is reckless, inexperienced, or incompetent. If the entrusted individual has an accident, the injured party has the right to bring a case against the individual’s employer.

To find fault with the employer, all the plaintiff needs to show is:

- *The organization entrusted the vehicle to the driver*
- *The driver was reckless, incompetent or unlicensed*
- *The organization knew – or should have known – that the driver was reckless, incompetent or unlicensed*

From there, the plaintiff simply needs to prove that the driver was negligent while operating the vehicle and that the negligence resulted in damages.

A 2016 wrongful death and negligence verdict against a fleet for \$35 million demonstrates how a safety policy that is deemed “insufficient” can weaken a fleet defendant’s case.

The driver for a food refrigeration company rear-ended a stopped vehicle, killing the driver of that vehicle, and injuring the driver of another truck. The fleet driver was found to be driving under the influence of numerous narcotic drugs. The company had a drug screening program but had not identified the driver as a potential risk.

In addition to the \$22.7 wrongful death verdict, the company was also found liable for the injuries of the driver in the other vehicle that was involved in the crash. That driver received a verdict of \$12.3 million. Prior to the accident, the driver had an identified history of speeding tickets, a red flag that a continuous license monitoring program would have caught.¹²

The key issue for company leaders is the responsibility component. Leaders must stay current on each driver’s record. What they don’t know in this scenario can absolutely hurt them – and cost the organization millions of dollars.

Companies have an obligation to ensure their drivers are properly licensed and they must monitor their drivers’ safety and behavior. Immediate, corrective action for any violation that a driver incurs is crucial. Once-a-year MVR pulls are not enough to ensure risky drivers are complying. One of the best precautions that a company can take to prepare for potentially defending themselves in a liability lawsuit is continuous license monitoring.

Spot the Red Flags with License Monitor

License Monitor™ is the industry-leading, continuous driver license monitoring solution providing actionable data and motor vehicle reporting for commercial fleets. Only License Monitor™ continuously monitors driver motor vehicle records across the U.S. and Canada with faster and more frequent driver alerts, delivered on the easiest-to-use monitoring application.

- Monitor both regulated and non-regulated drivers.
- Import and manage driver rosters for any size fleet.
- As-they-occur alerts for all driving and non-driving violations, such as DUIs, speeding, illegal maneuvers, license status changes, medical certificate downgrades and more.
- Receive alerts by email and through the easiest to use cloud-based web & mobile applications.

SuperVision’s License Monitor is the most comprehensive continuous license monitoring solution available. Spot the red flags of risky drivers, protect your business reputation, and keep your drivers on the road.

about SuperVision®

ELEVATE DRIVER PERFORMANCE

WHO WE ARE

SuperVision® offers the industry's most powerful suite of tools to help your fleet succeed. Partner with SuperVision® to help monitor, support, and retain your drivers. Get the peace of mind that comes from knowing your drivers are good to go wherever business takes them.

- The most comprehensive fleet safety & risk management solution in the industry
- Provides 18 of the top 25 (63 of the top 100) for-hire fleet license monitoring products.
- The only continuous license monitoring solution across all 50 states, U.S. Territories, and Canada

WHAT WE DO

The SuperVision® Product Suite provides the industry's most comprehensive view of driver performance and safety compliance. Receive and analyze CSA scores, telematics, and crash data and get continuous motor vehicle record (MVR) monitoring, including driver's license status and violation updates for any driver on your team.

With a designated representative provided to every fleet, SuperVision® offers the best customer service and support in the industry.

WHERE WE COME FROM

SuperVision® is the latest in a line of industry-leading products and services created by Explore Information Services, a Solera Company. Since 1989, Explore Information Services has been providing risk data services and developing superior information solutions for commercial fleets, insurance companies and government entities. No other service collects more data across the United States and Canada.

Resources

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⁷ American Association of Motor Vehicle Administrators (2018, November). Reducing Suspended Drivers and Alternative Reinstatement Best Practices. Retrieved from <https://www.aamva.org/Suspended-Driver-Alternative-Reinstatement-Working-Group/>

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¹² Automotive Fleet. (2016, May 9). Jury Awards \$22.7M for Fatal Fleet Crash. Retrieved from <https://www.automotivefleet.com/135014/jury-awards-22-7m-in-fatal-crash-case>



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