

Section	Motor Vehicles
Standard	Motor Vehicle Use
Type	Required
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Overview

Almost all organizations use motor vehicles in some form or another. In some cases, like the trucking industry, vehicles are the central feature of the organization. In others, like schools and churches, vehicles are ancillary to the organization's primary purpose.

Whether central or not, the law holds an organization accountable to the same "reasonable person" standard of care. That's why every organization should adopt a policy for motor vehicle use.

Vicarious Liability

Ignorance is no defense – at least not for employers. That's because the "buck" stops there.

The law makes employers responsible for the acts of its agents under a form of strict secondary liability called vicarious liability.

Strict secondary liability means the employer is liable regardless of fault. The only relevant facts are (1) whether the employer had the right of control and (2) whether the agent was acting within the course and scope of his or her duties at the time of the accident.

In this case, an employer's best defense is accident prevention. And when it comes to drivers, that starts with putting the right person behind the wheel.

Duty of Care

Duty of care is a legal obligation to take the same care a reasonable person would take to prevent harm to others.

The care a reasonable person takes depends on the situation. For example, it's fair to assume a reasonable person would take greater care for activities involving children as compared to adult activities. A reasonable person would also exercise a greater duty of care to adult participants than they would to employees or adult volunteers.

At the one end of the spectrum is the highest duty of care, children, and on the other end, employees and adult volunteers. The shift from a high duty of care to a low (relative) duty of care is a shift in responsibility and ultimately legal liability.

When it comes to drivers, the duty of care is greatest for drivers of minors and adult participants.

Driver Selection

According to the National Highway Transportation Safety Association, over 90% of all auto accidents are caused by driver error. That's why preventing auto accidents starts with putting the right person behind the wheel.

Most people think they are good drivers – just ask them. In fact, a study by Esurance found that nearly three-quarters of respondents considered themselves good drivers. But what makes someone a good driver? Studies show that the secret is age and experience.

According to the Centers for Disease Control and Prevention, teen drivers ages 16-19 have the greatest frequency of accidents and are three-times more likely to be involved in a fatal accident than drivers age 20 and older.

In addition, according to neurologists, the rational part of the brain does not reach full maturity until age 25, long after age 18, which in most states is the legal age of maturity. Rational thinking involves using good judgement and being aware of long-term consequences. Teens tend to make decisions with the emotional part of their brain.

Taken together, this suggests the minimum age for driving "on the job" should be around 21 and that the best age for driving high capacity (high risk) vehicles is age 25 or older.

But age is only half the story, the other half is experience. A driving record is a history of motor vehicle violations and accidents and as such is a statement about the quality of a person's driving experience.

A good driver is one with long periods without accidents and moving violations. Shorter periods of experience require near perfect driving histories because only time can differentiate good drivers from bad ones.

Driver Training

Studies show that driver training reduces accidents, particularly among younger drivers. However, with smart phones, everyone can benefit from distracted driving training.

Distracted driving is anything that takes your hands off the wheel, your eyes off the road, or your mind off of driving. It is now the most common cause of auto accidents.

Texting is incredibly dangerous because it involves all three possibilities. At 55 mph, it is like driving the length of a football field blindfolded. Texting is also 6 times more likely to cause an accident than drunk driving. Think about that - it's actually safer to drink and drive than to text and drive.

External Resources

[AAA Digest of Motor Laws](#)

Updated 5/16/2020

Requirements

1. Restrict use of location owned or rented vehicles to approved drivers.
2. Restrict use of driver-owned vehicles to approved drivers when transporting minors or participants. A minor is any person under the age of 18. A participant is any person taking part in an activity, service or program sponsored by the location.
3. Submit required drivers to the Program by recording the driver in Quadra in the Drivers module. Quadra partners with Checkr to process driver decisions. Checkr will email the driver and ask them to enter their driver information in the Checkr system for processing. Checkr will then notify Quadra and the driver of the decision. Quadra will update the driver record and transmit a notification to the requestor.
4. Resubmit drivers under all of the following circumstances by adding them again in Quadra in the Drivers module. An optional Driver ID field is available to allow driver records relating to the same person to be linked together. Approved drivers must be rescreened:
 - After an at-fault accident or moving violation whether on the job or not;

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- Every year if they transport minors or participants or if the driver is age 75 years or older; or
 - Every three years for all other drivers.
5. Monitor approved drivers in Quadra in the Drivers module and remove any driver no longer active at your location.
 6. Store driver applications and related attachments in the driver's personnel file.

Internal Resources

[Defensive Driver Training Program](#)

[Motor Vehicle Use Policy](#)

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