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Did You Know...

Employers can check the driver's license status of their drivers on-line at the Department of Motor Vehicles' web site?

Employer Risks and Exposures

If an employee gets in a car accident during working hours that results in injuries to a third party, the employer's liability increases if the employee does not have a valid driver's license. There is also greater liability if the employer was unaware that the employee did not have a driver's license because of a failure to check the employee's record. Such lawsuits have increased significantly in recent years and have resulted in large financial awards to plaintiffs.

OVERVIEW OF LENS

The License Event Notification Service (or LENS) allows you to use your own computer and Internet connection to search New York State's DMV records. You can search the database to see if drivers have a valid license, the type of license (e.g., CDL), and if they have any driving infractions. A person's driver's license number or name and date of birth are needed to conduct a record search.

The DMV also offers a service that will automatically notify you via mail or e-mail when there are changes in a driver's record, such as traffic convictions, reportable accidents, or the expiration, suspension, revocation, or restoration of a license.

On the LENS application form, it asks how the applicant plans to use the driver's license information it obtains. Individuals are allowed to use LENS only for permissible uses as described under the Driver's Privacy Protection Act. It is considered a permissible use for employers to use the service to check the driver's license records of employees who drive for their organization.

There is a \$7 fee each time a record search is conducted. (Note: You will be charged the search fee whether a record is found or not.) There is a \$10 fee for each driver that you enroll to receive automatic notification of driver's license "events." Fees are waived for public sector employers and volunteer fire companies that use LENS for a public purpose.

Avoiding Disaster

Conduct driver's license checks of **all** employees whose jobs involve driving an employer or personal vehicle for business use at the time of hire and at least annually

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thereafter. There are numerous consumer reporting agencies that conduct driver's license checks or consider using LENS. Have employees sign an authorization form allowing the record search to be conducted. If you use a consumer reporting agency, make sure to comply with the Fair Credit Reporting Act (FCRA).

Even if you use the LENS automatic notification service, require employees to notify the organization immediately of any change in driver's license status.

For further information about LENS, go to the DMV's web site at www.nysdmv.com/dialin.htm. Questions about the service can be directed to the DMV at 518.473.2137 or by e-mailing dialin@dmv.state.ny.us.

If you would like assistance in developing a driver's license policy, call AMTEK's Human Resource Hot Line at 1.800.457.8829.

This HR eNews is not intended to render legal advice but is meant for general informational purposes only.

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