

**CITY OF TRAVERSE CITY
OFFICE OF THE CITY MANAGER
PERSONNEL POLICY NO. 225P**

TITLE: MOTOR VEHICLE RECORD CONFIDENTIAL
INFORMATION
DEPTS. AFFECTED: ALL DEPARTMENTS
EFFECTIVE DATE: IMMEDIATELY

PURPOSE:

The purpose of this policy is to set forth procedures for the collection, review and use of certain confidential information obtained from the Michigan Department of State for employees holding CDL licenses and to prohibit the release of certain personal information received from the Michigan Department of State.

ELIGIBILITY: Human Resources, Department Supervisors

REQUIREMENTS:

1. Federal compliance for the City's CDL drivers.

Pursuant to the **Federal Motor Carrier Safety Administration Act**, 49 C.F. R. §391.23, 391.25 and the **Michigan Motor Carrier Safety Act** 181 of 1963 it is hereby established that the City of Traverse City is a motor carrier for each employee who, as a condition of employment, holds a Commercial Driver's License (CDL), and as such is required to make investigations and inquiries to the Michigan Department of State with respect to each employee whose official responsibilities include driving city vehicles (hereinafter referred to as "driver").

Human Resources will make the following investigations and inquiries:

- a. An inquiry to each State where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.
- b. At least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.
- c. At least once every 12 months, review a copy of the driver's record from each state in which the driver held a license during the preceding year to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle pursuant to 49 C.F.R. 391.15.

2. Compliance with the Michigan Department of State:

The Michigan Department of State offers a Governmental Subscription Service Agreement for Driver, Vehicle and Related Informing to governmental agencies.


The Michigan Department of State Subscription Service Agreement requires the ‘organization’ (City) to have and submit its privacy and personnel policies concerning the unauthorized release of information which at a minimum establish that personal information shall not be disclosed to anyone unless the recipient is legally entitled to receive the information, and that employees may not access or release information contained in the records and files of the Department (State), except in connection with their duties and only to authorize third parties in accordance with work area procedures pursuant to the **Drivers Privacy Protection Act 18 USC §2721 et. Seq.** (Public Law 103-322) § 2721 “Prohibition on release and use of certain personal information from State motor vehicle records for use by an employer or its agents or insurer to obtain or verify information relating to a holder of a commercial driver’s license that is required under the **Commercial Motor Vehicle Safety Act of 1986.**”

PROCEDURE:

All personnel accessing and utilizing personal information obtained from the Michigan Department of State that is protected under the **Drivers Privacy Protection Act** shall keep all such personal information confidential, not engage in the unauthorized release of information and shall not disclose such information to anyone unless the recipient is legally entitled to receive the information. Employees of the City of Traverse City may not access or release information contained in the records and files of the State Department, except in connection with their duties and may only share such information with third parties in accordance with work area procedures pursuant to the Drivers Privacy Protection Act 18 USC §2721 et. Seq.

Any employee who violates this policy is subject to disciplinary action, up to and including discharge.

DATED: September 2, 2014



Jered Ottenwess, City Manager

History: