

CITY OF HELENA
MOTOR VEHICLE DRIVING RECORD CHECK POLICY and PROCEDURE

This policy and procedure addresses the use of motor vehicle driving record checks during the hiring process as well as after a person has been hired by the City of Helena.

In order to protect the City’s interests, resources, and the welfare of its employees and citizens, it is the policy of the City of Helena to conduct motor vehicle driving record checks on final applicants where driving is an essential job function; for positions which operate a company vehicle; or who must obtain rental cars or drive a city vehicle for training and travel during the course of conducting city business. A motor vehicle driving record will be obtained by the City of Helena Human Resources office from the State of Montana. If the applicant is from out-of-state, he/she will be required to submit a copy of their current driving record upon selection of a final interview. Applicants will be screened according to the definitions specified in 61-11-203, MCA and the status classification system listed below:

Preferred = Driving record reflects no violations within the past 36 months;

Acceptable = Driving record reflects an accumulation of less than 6 points within the past 36 months;

Conditional = Driving record reflects greater than the criteria for Acceptable status or equal to an accumulation of 7-12 points within the past 36 months. *(If hired, employees would be eligible to drive with the stipulation that the individual’s motor vehicle record will be checked periodically in the first two years of employment. If additional violations are received, the employee may be subject to termination.)*

Unacceptable = Applicants may not be hired if their driving record reflects any one of the following:

- Deliberate homicide resulting from the operation of a motor vehicle within the past 72 months;
- One (1) DUIs/DWIs within the past 12 months;
- Two (2) or more DUIs/DWIs within the past 72 months;
- Suspended or revoked license and not currently holding a probationary license at the time of application;
- Meets the definition of “habitual traffic offender” below at the time of application.

MCA 61-11-203 Definition As used in this part, the following definitions apply:	Points
(a) deliberate homicide resulting from the operation of a motor vehicle	15 points
(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault	12 points
(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is use	12 points
(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.08 or more	10 points
(e) operating a motor vehicle while the license to do so has been suspended or revoked	6 points
(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as described in 61-7-105	8 points
(g) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law	4 points
(h) reckless driving	5 points
(i) illegal drag racing or engaging in a speed contest in violation of the law	5 points
(j) any of the mandatory motor vehicle liability protection offense under 61-6-301 and 61-6-302	5 points
(k) operating a motor vehicle without a license to do so. However, this subsection (2)(k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired	2 points
(l) speeding, except as provided in 61-8-725(2)	3 points
(m) all other moving violations	2 points
“Habitual traffic offender” means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in subsection	
There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant	

Current employees who have been selected for a new position requiring a motor vehicle driving record check will be required to meet the same standards listed above. If the employee is found to have an unacceptable driving record, the employee may not move to the new position. Current employees may also be required to have a motor vehicle driving record check if there is evidence that they may have falsified their employment application when initially hired or have subsequently been convicted of violations that affect their driving record.

If an employee is required to drive for his/her position and the employees' license is revoked, suspended or in the case of a commercial driver required endorsements are not maintained, the employee may be immediately terminated.

Motor vehicle driving records will be obtained by the City of Helena Human Resources office and used for employment related reasons only. The determination to deny employment or recommendation for termination of current employee will be made by the Department Head, in consultation with the Human Resource Director, with final approval by the City Manager.

Temporary employees may not be utilized until after a motor vehicle driving record check has been obtained and approved.

The City Manager has the final approval in all decisions and may make exceptions to this policy for extenuating circumstances.