

2610 Use of Motor Vehicles

SECTION:	RISK MANAGEMENT
EFFECTIVE:	MAY 1, 2004
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RESPONSIBLE OFFICE:	VPAF
APPROVAL:	VPAF

INTRODUCTION

This policy and procedure document addresses the use of vehicles in the conduct of School or Community (Institution) business and activities. Questions regarding the rules and procedures should be directed to the Chief Business Officer or Minister of each institution.

AUTHORITY

This policy has been adopted by Institutions participating in the cooperative insurance program at the Graduate Theological Union. This policy binds all institutions participating in that cooperative that purchase vehicle insurance, and has been reviewed and accepted by all institutions at a meeting held on September 15, 2004. Participating institutions are:

- Graduate Theological Union
- American Baptist Seminary of the West
- San Francisco Theological Seminary
- Pacific School of Religion
- Jesuit School of Theology at Berkeley
- Jesuit Community at JSTB
- Pacific Lutheran Theological Seminary
- Church Divinity School of the Pacific

DEFINITIONS

Vehicle: Vehicle is defined as any Institution or privately-owned vehicle used for Institution related business legally certified or approved to be operated upon a public highway, street, road or freeway.

Employee: An employee is any person who is on one of the Institution payrolls (faculty, staff, student). For the purposes of this policy, members of religious communities participating in the GTU insurance policy group are considered employees.

Institution Business: Travel that is conducted with the knowledge and approval of the Institution for the benefit of the Institution.

Authorized Driver: An employee authorized to regularly drive a vehicle for Institution business.

Occasional Driver: An employee authorized to infrequently drive a vehicle for Institution business.

GENERAL RULES

- 1) Drivers shall operate vehicles not only in compliance with law, but in compliance with all good driving practices including but not limited to obeying speed limits and using seat belts and shoulder harnesses. Drivers shall ensure that the vehicle's insurance information is located in the glove compartment.
- 2) Compliance with Institution Policy & Procedure: use of any vehicle for Institution business or activities shall be in compliance with this Vehicle Policy.
- 3) Driving Record: Authorized drivers who are employees shall grant the Institution permission to obtain a copy of their driving record from the Department of Motor Vehicles. Each Institution will identify an individual or office responsible for obtaining a DMV record check. Drivers with out-of-state licenses will provide a copy of their driving records to this individual or office.
- 4) Institutions will use the following guidelines when designating authorized drivers. Any violation of these guidelines will be cause for review of the driving record, revocation of Institution driving privileges and/or other disciplinary action up to and including termination of employment.
 - a) Driver must possess a valid driver's license issued in the United States and comply with California motor vehicle laws. A valid driver's license is one that has not expired, without driving restriction, suspensions or revocation of driving privileges.
 - b) The California laws governing activation and suspension of driving privileges will be enforced. A driver with a suspended license will not be allowed to drive an Institution vehicle on a public road or on Institution property.
 - c) Institutions will maintain a list of authorized drivers.
 - d) Periodically, each Institution will audit the driving record of employees, student employees and community members who drive in the course of their employment by requesting the records from the Department of Motor Vehicles. Authorized drivers are responsible for informing their supervisor of any changes in driving records that may affect their driving privileges.
 - e) Authorized and Occasional drivers must be at least 25 years of age and have regularly driven for the past three years. If a driver does not meet this standard, the following additional requirements must be met:
 - i) *For a driver who has driving experience and is under the age of 25 years.* Driver must not have accumulated *any* violation points at the time driving privileges granted. Driver may accumulate no

more than 1 (one) point before reaching the age of 25 years. An MVR is required *before* driving privileges are granted.

ii) *For a driver with no driving experience and is under the age of 25 years.* The driver must provide proof of successful completion of a licensed driver training program. Driver must not have accumulated *any* violation points at the time driving privileges granted. Driver may accumulate no more than 1 (one) point before reaching the age of 25 years. An MVR is required *before* driving privileges are granted.

f) Authorized and Occasional drivers must not have accumulated more than four (4) violation points, as defined by the State of California, within the past two years, OR within the past three years paid a fine or pleaded guilty or no contest to any of the following:

California Motor Vehicle Code Section	Violation
2800.2, 2800.3	Evading peace officer/reckless driving
14601, 14601a, 14601 b, 14601.1- 14601.4	Driving while suspended/revoked
20001, 20001a 20002, 20002a, 20002b	Hit and run/injury/property damage
21651b	Driving wrong side/divided highway
22348b	Speed over 100 MPH
23103, 23103a, 23103 b	Reckless driving
23104, 23104a	Reckless driving/causing bodily injury
23109a, 23109c	Speed contest /exhibition of speed
23140, 23140a, 23140b	Minor driving with BAC of 0.05% or more
23152, 23152a-d	DUI/alcoholic beverage or drugs
23153, 23153a-d	DUI/causing bodily injury or death
31602, 31602a, 31602b, 31602c	Explosives transportation

g) Class 3 or Commercial License will be required in accordance with DMV regulations relating to vehicle size, cargo or number of passengers.

h) The institution may revoke driving privileges at its discretion at any time.

5) Authorized and Occasional drivers must complete the *Driver Agreement and Information Form*.

- 6) Accident Reporting: In the event of an accident, following these guidelines will expedite proper notification to all parties, including insurance, may lessen potential legal liability and assure compliance with the law.
 - a) Appropriate first aid should be rendered to all injured persons and "911" phoned to summon police and/or ambulance if necessary.
 - b) When making statements, NEVER admit fault. Answer all questions from peace officers truthfully and directly, otherwise refrain from casual comments of any kind.
 - c) If no peace officer is present (as many law enforcement agencies do not investigate non-injury accidents) exchange driver, vehicle and insurance information. Complete the *Accident Report Form* found in the glove compartment of the vehicle. If the form is not there, record the date, time and location of the accident, the description of the driver and passengers.
 - d) Advise the other party to contact the Institution Business Office or Minister if further information is needed.
 - e) For insurance purposes, all accidents should be reported within 24 hours to Institution Business Office or Minister.
 - f) Failure to identify yourself or leave identifying information (if involved in unattended vehicle) violates this policy and California state law.
- 7) Out-of-State Travel: The use of Institution vehicles is generally limited to travel within the state unless approved by the Chief Business Officer or Minister under whose jurisdiction the vehicle is assigned.
- 8) Hazardous Substances shall not be transported by Institution employees. These substances will be transported by qualified carriers in accordance with Department of Transportation regulations.
- 9) Cell Phone Use: The use of handheld cell phones without a hands free device by the driver is not allowed while a vehicle is moving. It is generally considered unsafe to operate a vehicle while using a cell phone. Drivers should pull off the road to a safe place and stop before using a cell phone.
- 10) It is the responsibility of all vehicle operators to drive in a safe manner and conform to all applicable laws and regulations. In addition, vehicle operators are responsible for the conduct and actions of all passengers riding in the vehicle.

INSTITUTION OWNED VEHICLES

Authorized Use: Institution vehicles shall be used only in the conduct of Institution business and activities when such use is the most economic and efficient transportation option available.

Authorized Drivers: Only Institution employees and volunteers of record shall be authorized to drive Institution vehicles.

Each Institution shall maintain vehicle titles and licenses in the Institution's Business Office.

Authorized and Occasional drivers shall inspect and report any vehicle deficiency or unsafe condition to the Institution before driving the vehicle.

Animals: Animals may not be transported in Institution vehicles without the permission of the Institution's Chief Business Officer or Minister. Animals will be transported in accordance with federal and state law.

Unauthorized use: Institution owned vehicles are to be used only for Institution business, sponsored events and other authorized purposes. Any driver who is not in compliance with this policy may be held personally responsible for any damage incurred during such use.

Transporting children: As with all activities involving youth, obtain written informed consent and medical treatment permission from parents/guardians. Place young children in the back seat if possible. The National Highway Traffic Administration recommends that children under the age of 13 not ride in the front seat due to hazards presented by airbags. All children must use child passenger restraints unless they are either 6 years of age or 60 pounds.

USE OF NON INSTITUTION OWNED VEHICLES

1) Private Vehicles

- a) Authorized Use: Private vehicles may be used in the conduct of Institution business and activities only when such use is the most economic and efficient transportation option available and when such use is under specific direction of Institution supervisors.
- b) Authorized Drivers: Only employees shall be authorized to drive vehicles that are being driven on Institution business or activities.
- c) Insurance: Private vehicles used on Institution business must be covered with the owner's insurance as required by law. The vehicle insurance policy need not be classified for commercial use, but if the extent of the Institution business goes beyond incidental use, it shall be the responsibility of the employee to resolve the matter personally with his or her insurance company.
- d) The insurance covering the private vehicle used on Institution business pays first and if that insurance is exhausted, the Institution insurance pays second to the extent of the policy. Deductible payments are the responsibility of the owner of the vehicle and are not reimbursable from Institution funds. Claims paid by private insurance for accidents occurring from the operation of privately owned vehicles on Institution business are not reimbursable from Institution funds or Institution insurance.

e) Mileage Reimbursement: Mileage reimbursement is available to cover the cost of operation of vehicles used for Institution business. This reimbursement rate is established by the Institution annually and covers operating, operator maintenance and insurance costs.

2) Rented

- a) Authorized use: Vehicles may be rented by employees only with the approval of the appropriate department manager.
- b) Insurance: Rental agencies offer insurance for liability (damage or loss sustained by others) and collision (damage or loss sustained by their vehicles). The Institution non-owned auto policy covers this exposure. Should the employee suffer such a loss, it will be reimbursed by the Institution. Therefore, authorized drivers of commercially rented vehicles shall not purchase collision damage coverage from the agency. Institution insurance does not provide coverage when rental vehicles are used on personal business.