



Xavier University of Louisiana

General Requirements for the Use of Vehicles

Effective 02/15/2009

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Date: 2/14/2009

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1.1 POLICY STATEMENT

The purpose of this policy is to outline the responsibilities and procedures covering the authorized use of University-owned and operated vehicles; procedures for updating the inventory of vehicles for insurance purposes; requirements for the use of vehicles; requirements for authorization of drivers; and procedures for reporting vehicle accidents. The Office of Environmental Health and Safety is responsible for full implementation of the requirements outlined within this policy.

1.1 RATIONALE

This policy serves as a comprehensive guide for University employees regarding the management of risk as well as operational and legal issues associated with the use of motor vehicles on University business.

1.3 DEFINITIONS

Authorized driver: An employee of Xavier University ("University") who is eligible to operate a University-owned vehicle for official University business is an Authorized Driver. To be eligible an employee must hold a valid driver's license issued by the State where the employee permanently resides, have an acceptable driving record, and have the necessary driver training.

Commercial Motor Vehicle (CMV): The U.S. Department of Transportation -Federal Motor Carrier Safety Administration defines a CMV as any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the Vehicle;

- Has a gross combination weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit(s) with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 pounds or more); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials as defined in 49 U.S.C. 5103 and is required to be placarded under 49 Code of Federal Regulations, Part 172, Subpart F.

Employee: A person employed in the service of the University under an appointment or oral or written express contract for hire whose name appears on the payroll of a Xavier University.

Institution: Something that has been well known and established in a place for a long time, and is influential in the community, e.g. a college or university, hospital or bank.

Official University Business (as it relates to operating a motor Vehicle): Driving a vehicle during the course and scope of employment for the University regardless of the frequency of driving or operating duties.

University-owned vehicle: A vehicle to which the University holds title or a vehicle leased by the University for more than one year.

Vehicle: Equipment of a motorized, vehicular nature, which requires a State driver's license to operate. This does not include riding lawnmowers or other vehicles that normally operate off public thoroughfares, except for incidental crossing of a public roadway.

1.4 REQUIREMENTS FOR THE AUTHORIZATION OF DRIVERS

Authorization of drivers for the use of vehicles for official University business shall be limited to employees of the University unless otherwise approved in writing by the Xavier University Office of Environmental Health and Safety. The Office of Environmental Health and Safety may use its discretion to approve the limited use of any University-owned, leased or rented motor vehicles for official University business. This approval authority applies only to:

- Third-party contractors utilizing University-owned vehicles for the purpose of meeting its responsibilities under a University contract. All contracts that may allow the use of University-owned vehicles by non-employees shall be reviewed by the Office of Environmental Health and Safety to ensure that adequate transfer of liability is included in the contract language.
- Use of University-owned vehicles by non-student volunteers.

The Office of Environmental Health and Safety shall ensure that any approval given to operate a University-owned or leased vehicle must meet all requirements of an Authorized Driver as described in this policy. Students shall not be granted authority to drive. It shall maintain a list of all authorized drivers of University-owned vehicles (listed alphabetically) to include all of the following:

- Driver's name (as it appears on his or her license)
- Driver's license number
- Date of birth
- Driving status (acceptable or not acceptable)
- Date of last training/counseling
- Notations regarding any misconduct with the vehicle, any reprimands concerning his or her driving, any positive remarks regarding his or her safe driving.

Motor Vehicle Records (MVR) Checks

Before employing a person as an authorized driver of a University-owned vehicle for official University business, Office of Environmental Health and Safety shall request a Motor Vehicle Report (MVR) showing a history going back at least 36 months which lists all convictions for traffic violations issued to the potential employee and a verification that the person has a valid driver's license issued by the State in which the person permanently resides. Incumbent authorized drivers will have their MVR checked by their respective institution:

- At least every twelve months after initially authorized; or

- Promptly after the employee has been involved in an automobile accident while driving on official University business; and
- Promptly after the employee receives a moving traffic citation while on official University Business.

Authorized drivers and persons seeking a position that requires authorization to operate a University-owned vehicle for official University business will be evaluated on the most recent three-year history. If the total points equal four or more for the immediately preceding 36 months, the person shall not be authorized to operate a University-owned vehicle for official University business. As noted above, if an institution is unable to obtain a driving record for the preceding 36 months, the institution's Office of Environmental Health and Safety may use its discretion to authorize the employee to operate a University-owned vehicle for official University business.

Reporting Strategies

An authorized driver of a University-owned vehicle shall immediately report to his or her supervisor a suspension or revocation of the driver's license or any Type A violation as defined in this policy including the nature of the charge, the pleas entered by the driver, the scheduled court date, and the findings of the court. An employee who fails to provide required notice shall be subject to disciplinary action up to and including dismissal. Additionally, an authorized driver shall promptly report to his or her supervisor if the driver has been involved in a Type B violation as defined by this policy or an at-fault automobile accident while operating a University-owned vehicle for official University business.

An employee who operates a University-owned, rented, leased, or personal vehicle for official University business at a time when his or her license was suspended or revoked, shall be subject to disciplinary action up to and including dismissal.

Driver Training

Xavier University shall require driver training for each authorized driver of University-owned vehicles at least every three years. Driver training may include, but is not limited to:

- Online driving instruction;
- Seminars on driving improvement/safety;
- Driver training videos on specific driving skills in which the driver; as needed

1.5 OPERATION OF 12 and 15-PASSENGER VANS

Institutions shall ensure the following regarding the use of 12 and 15-passenger vans:

- Require that 12 and 15-passenger vans be operated only by experienced, authorized drivers who understand and are familiar with the handling characteristics of the vans, especially when the van is fully loaded. This shall include having all operators of 12 and 15-passenger vans attend van-specific training, including behind the wheel on the road training. Each Institution shall require specialized driver training for each Driver of University-owned, rented, or leased 12 and 15-passenger vans at least every three years.
- 12 and 15-passenger vans shall not be used to carry more than 9 occupants (including the driver) at any one time, except as provided in the following sentence. At the discretion of the institution's Safety Officer, an institution may use a 12 and 15-passenger van to carry between 10 and a maximum of 15 occupants (including the driver) on inner-campus, nonpublic streets only, provided that: (1) the van does not cross over or travel on public streets; and (2) the van is not driven at a speed in excess of the posted campus speed limit, or in excess of 15 mph if there is no posted campus speed limit.
- Require seat belt use at all times by all occupants of 12 and 15-passenger vans.
- Require proper loading of vehicles. Consult the owner's manual to determine the maximum load for the vehicle and the proper distribution of that load. Passengers shall be seated only in recognized seats and in an arrangement designed to spread out the load. Luggage shall be placed in the rear behind the last seat and shall not be allowed on the roof when the van is being operated.
- Require that tires be inspected to assure they are properly inflated and not worn.

- Limit the number of total hours a driver may operate the Vehicle to no more than ten hours in any twenty-four hour period. Trips requiring more than ten hours driving time to reach a point of destination will require overnight lodging.
- Van drivers shall take a mandatory thirty-minute rest break every four hours.
- For trips scheduled for longer than two hours, assign a navigator to assist each driver. The navigator must stay awake while on duty.

Special 12-passenger Van Provisions for Newer Vehicles

Institutions that purchase or rent a 12-passenger van that meets all of the following criteria may forgo the 9-passenger-only limitation:

- 12-passenger vans must not be a converted, modified, or otherwise altered 15-passenger van.
- 12-passenger vans must have a wheel base of approximately 135 inches or more.
- 12-passenger vans must not have the ability to seat more than 12 passengers including the driver and have assigned seatbelts for each seat.
- 12-passenger vans must be equipped with an Electronic Stability Control (ESC) or Traction Control System (TCS).
- 12-passenger vans should also be equipped with other safety features, such as front and side curtain air bags, anti-lock brakes, and a tire pressure monitoring system.

1.6 POST ACCIDENT CLAIMS PROCEDURES

Reporting procedures shall be established by each institution to ensure authorized drivers understand their post-accident claim handling and reporting responsibilities and to ensure that the Office of Environmental Health and Safety, or designee, is immediately made aware of any incidents that could lead to a claim under any automobile insurance policy purchased by or for the benefit of the institution.

Driver Responsibilities

While at the scene of the accident, authorized drivers shall attempt to obtain as much information as possible, including the license plate number of any vehicles at the scene, and

insurance information from the other parties involved in the accident. As soon as possible, the authorized driver shall provide this information to his or her institution's fleet contact.

Authorized drivers of University-owned vehicles should advise other parties involved in the accident that the accident will be reported to the University's insurance company who will be in contact with the claimant. Authorized drivers should not make any representations regarding insurance coverage or admit fault to other parties involved in the accident, because the insurance adjuster will make the determination of coverage available under the insurance policy and assess liability.

1.7 PERSONAL NON-UNIVERSITY OWNED VEHICLES

Employees are strongly discouraged from using personal vehicles for conducting official University business. Xavier University is responsible for informing employees that their personal auto insurance will be primary at all times when the employee utilizes their own vehicle to conduct official University business. Additionally, each employee should be informed of the following:

- That they must have a valid driver's license issued by the State where they permanently reside that is not currently suspended or revoked;
- That they must carry auto liability insurance that meets the minimum requirements in their state of residence;
- That the UT System "Hired/Non-Owned" policy of insurance is secondary to the employee's personal auto liability insurance in the event of any claim or litigation;

The "Hired/Non-Owned" policy provides liability-only coverage for Employees using their personal Vehicles while conducting Official University Business. This coverage is secondary to any personal auto insurance the Employee has, and is only for property damage or bodily injury to third parties. It does not provide any physical damage coverage for damages sustained to the Employee's Vehicle. If an employee using his or her personal vehicle for official University business is involved in an accident, the institution shall notify the Office of Environmental Health

and Safety by the next business day by calling (504) 520-5439. Institutions and employees shall follow the post accident claims procedures section of this policy.

Other Insurance Coverage's

Insurance covering physical damage to a University-owned or leased vehicle is also available to institutions. This coverage is typically purchased for newer vehicles or when lease terms require physical damage insurance.

Insurance providing full coverage, which includes liability, uninsured motorist, underinsured motorist, physical damage and personal injury protection coverage's, is available to institutions as well. This coverage is most commonly purchased when a University-owned or leased vehicle is assigned to a particular employee or group of employees (e.g. Chief of Police, Physical Plant Director, etc.).