

## Roger Williams University

### Motor Vehicle Use Policy

#### **Purpose:**

This policy is intended to provide the requirements by which Roger Williams University and Roger Williams University School of Law employees, students, and other authorized individuals are permitted to operate University owned, leased, or rented motor vehicles.

#### **Definitions:**

University: Roger Williams University and Roger Williams University School of Law.

Motor Vehicle: a motorized device designed, developed, and properly registered for public road transportation and owned, leased, or rented by the University. The term "Motor Vehicle" does not include non-registered vehicles which are not intended for public road transportation, such as golf carts (which are governed by the Roger Williams University Golf Cart Policy).

Control: An agent of the University responsible for the Motor Vehicle must be able to reach the Motor Vehicle and prevent unauthorized entry and use for him or her to be deemed in "control" of the Motor Vehicle.

#### **Driver Authorization:**

All drivers of Motor Vehicles must be authorized by the University prior to operating a Motor Vehicle. The Department of Public Safety is responsible for providing authorization to drivers of Motor Vehicles and maintaining a list of authorized drivers.

#### Requirements:

- Employees must be at least eighteen (18) years old.
- Students must (i) be at least eighteen (18) years old; (ii) be enrolled full-time<sup>1</sup>; and (iii) have attained sophomore status<sup>2</sup>.
- Persons who are both employees and students (i) must be at least eighteen (18) years old; and (ii) may be enrolled either part-time or full-time. Full-time employees may be any class year, but part-time employees must have attained sophomore status.
- Employees and students must be actively licensed to drive in any of the United States or the District of Columbia, and such license must have been valid for a minimum two (2) years.

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<sup>1</sup> A full-time student is defined as an undergraduate student taking twelve (12) or more credits per semester or a graduate student taking nine (9) or more credits per semester.

<sup>2</sup> A sophomore student is defined as an undergraduate student who has completed at least one (1) academic year at the University or another accredited college or university.

- Students are required to complete the mandatory Defensive Driver Training course offered by the University. Except for full-time employees, persons who are both employees and students are required to complete the course.
- Absent written permission from the Office of General Counsel – Division of Risk Management, third parties (i.e., non-employees and non-students) are not permitted to operate Motor Vehicles.

Procedures:

- The employee/student completes the Roger Williams University Driver Authorization Form. The Form requires the written approval of the head of the employee's/student's department.
  - For employees: once the employee obtains the approval of the head of his or her department, the employee should submit the Form to the Department of Environmental Health & Safety for further approval.
  - For students: once the student obtains the approval of the head of his or her department, the student must complete the mandatory Defensive Driver Training online course before being considered for further approval. After completion of the course, the student must print the certificate indicating that he or she has completed the online course. This certificate should be attached to the Driver Authorization Form, and both documents should be submitted to the Department of Environmental Health & Safety for further approval. The online course is coordinated by the Department of Environmental Health & Safety.
- Upon submission of the Driver Authorization Form to the Department of Environmental Health & Safety, a copy of the employee's/student's Motor Vehicle Report ("MVR") will be obtained by the Department of Public Safety from the employee's/student's state department of motor vehicles.<sup>3</sup>
  - Drivers must not have exceeded two (2) at-fault accidents or violations within the last eighteen (18) months, had any violation in the past thirty six (36) months for drunk driving, driving under the influence of drugs, or reckless driving, or had a license suspension or revocation in the past thirty six (36) months. Notwithstanding these criteria, the University reserves the right to grant or deny authorization to any driver.
  - The Department of Public Safety will obtain updated copies of MVRs (i) on an annual basis for students, provided that the student's department continues to authorize driving privileges; (ii) on an annual basis for employees of the Department of Public Safety; and (iii) on a biennial basis for all other employees seeking driver authorization.

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<sup>3</sup> Each state charges a fee to obtain a MVR. Such fees will be charged to the department requesting the authorization. Thus, each department should be prudent in determining whether to seek authorization for its employees/students. Authorization should only be provided if there is an absolute need for the employee/student to drive a Motor Vehicle. If an employee's/student's state does not allow the University to obtain a MVR on the employee's/student's behalf, the employee/student is responsible for obtaining a MVR and providing it to the University before the employee/student will be authorized to drive a Motor Vehicle.

- The Department of Environmental Health & Safety will notify via email the department head listed on the Driver Authorization Form whether authorization has been granted or denied. The department will then notify the employee/student whether authorization has been granted or denied. Employees/students may not drive Motor Vehicles until email notification of authorization has been provided to the department head by the Department of Environmental Health & Safety.
- Authorized drivers must immediately report to the Department of Environmental Health & Safety any change in driving status that places the driver outside of the requirements of this Motor Vehicle Use Policy, including, but not limited to, surrender, suspension, or revocation their driver's license. Failure to report such incidence subjects the driver to disciplinary action, as well as permanent revocation of driver authorization.

Commercial Driver's License Requirement:

- In addition to the requirements of this Motor Vehicle Use Policy, Drivers of Motor Vehicles designed to transport sixteen (16) or more passengers, including the driver, must hold an active Rhode Island Commercial Drivers License, including a valid medical examiner's certificate and passenger endorsement.

**Driver and Passenger Regulations and Safety Guidelines:**

All drivers of Motor Vehicles must abide by the following regulations and guidelines, and are responsible for the compliance of any and all passengers with such regulations and guidelines:

- Drivers must operate Motor Vehicles in accordance with all applicable federal, state, and local laws and University policies.
- Drivers must have in their possession their valid United States driver's license while operating Motor Vehicles.
- Drivers must not allow unauthorized persons to operate Motor Vehicles.
- Drivers may only transport University employees, students, or other authorized individuals in Motor Vehicles.
- Drivers and all passengers must use seat belts at all times, regardless of whether the Motor Vehicle is being operated on or off campus. The number of passengers permitted in any Motor Vehicle may not exceed the number of seat belts. Passengers are not permitted to ride in the rear cargo areas of pickup trucks or sport utility vehicles.
- Smoking is prohibited in all Motor Vehicles.
- Cell phone use is prohibited while operating Motor Vehicles, unless a hands-free device is utilized. Drivers are not permitted to type or read text messages or emails while operating Motor Vehicles. Additionally, drivers may not use iPods, MP3 players, or similar devices while operating Motor Vehicles.
- Drinking and/or possession of alcohol, other intoxicating substances, or illegal drugs in Motor Vehicles or driving while under the influence of alcohol or drugs is prohibited.

- Traffic violations are not considered reimbursable costs under this Motor Vehicle Use Policy or the University's Travel & Entertainment Policy. All traffic violations, including parking and speeding tickets, are the sole responsibility of the driver.
- An athletic team member who is a participant in an event may not drive a Motor Vehicle to or from the event.
- The University recommends at least two (2) authorized drivers for trips greater than two hundred (200) miles in a twenty four (24) hour period. No driver should drive more than eight (8) hours during any twenty four (24) hour period. Except for employees in the Department of Public Safety, driving between 11:00 PM and 5:00 AM is prohibited, without the prior approval of the driver's up line Vice President (or his or her express designee).
- Motor Vehicles may not be driven more than three hundred (300) miles one-way from the University's Bristol campus. For trips that exceed this distance, a charter service or other transportation methods (i.e., airplane, train, or bus) should be used.
  - Any exception to exceed the 300 mile limitation must be approved in writing by the senior executive (Vice President and above) that is sponsoring the trip, in consultation with the Department of Environmental Health & Safety.
  - The following shall be considered in granting an exception:
    - The necessity of having a Motor Vehicle for the trip (i.e., is there a need to transport equipment, or is there a need to have a Motor Vehicle on site at the destination);
    - The potential hazards of driving in severe weather should be assessed depending on time of year and trip location;
    - The number of University employees that would be accompanying the trip (note that no trips should be authorized where only students would attend, as there should be sufficient faculty/staff for both chaperone and driving purposes);
    - Usage should be limited to the newer and, therefore, more reliable, Motor Vehicles; and
    - A financial and risk evaluation should be undertaken that weights the total cost of utilizing the Motor Vehicle (i.e., gasoline and wear and tear), as well as the potential risks of driving such distance, compared to other options (i.e., airplane, train, or bus).

**Personal Use of Motor Vehicles:**

- Use of a Motor Vehicle is restricted to authorized University-related activities. Personal use of Motor Vehicles is not permitted under any circumstances.
- Any damages and/or liabilities arising out of the personal use, in violation of this Motor Vehicle Use Policy, of a Motor Vehicle are the sole responsibility of the driver. The University will expect the driver's personal automobile insurance to respond in the event of an accident or any other event arising out of such personal use. Sanctions may be imposed upon violators including, but not limited to, termination of employment for employees and suspension or expulsion for students.

### **Authorized Use of Personal Motor Vehicles:**

- Mileage reimbursement for use of an employee's personal motor vehicle to conduct University business is outlined in the University's Travel and Entertainment Policy. This reimbursement is intended to cover the costs to operate an employee's motor vehicle, including insurance costs. The University's liability insurance, if applicable, is always excess over any personal automobile insurance carried by the employee who uses his or her personal motor vehicle on University business. The University requires that employees who regularly use their motor vehicles on University business maintain automobile liability insurance with limits of at least \$100,000 for bodily injury for each person and \$300,000 for bodily injury for each occurrence. Property and collision damage is the sole responsibility of the motor vehicle's owner.
- Students are not permitted to use personal motor vehicles to conduct University business. If a student uses a personal motor vehicle to conduct University business, in violation of this Motor Vehicle Use Policy, he or she does so at his or her own risk and is subject to disciplinary action. In such cases, the personal automobile insurance carried by the owner of the personal motor vehicle shall apply to any damages and/or liabilities arising out of such use. The University's liability insurance shall not apply in such cases.

### **Use of Rented Motor Vehicles:**

- In addition to the University's Travel and Entertainment Policy, which governs the use of rented Motor Vehicles, drivers of rented Motor Vehicles must abide by the regulations and guidelines of this Motor Vehicle Use Policy. Such drivers must obtain authorization from the University before renting Motor Vehicles to conduct University business.
- Students are not permitted to rent Motor Vehicles. Persons who are both students and full-time employees may rent Motor Vehicles subject to this Motor Vehicle Use Policy and the University's Travel and Entertainment Policy.
- The rental of fifteen (15) passenger vans is prohibited absent written authorization by the Department of Environmental Health & Safety. Consideration for approving an exception will be limited to drivers holding a valid commercial driver's license.

### **Exclusive-Use Motor Vehicles:**

The University provides a limited number of Motor Vehicles for exclusive-use by certain employees. Such employees are authorized to use exclusive-use Motor Vehicles for University business only. Personal use of exclusive-use Motor Vehicles is not permitted, except for commuting to and from work, which is considered taxable income and must be reported to the University as such on a quarterly basis. Accessory or after-market items (i.e., trailer hitches, roof racks, etc.) may not be installed on such vehicles.

### **Accidents Involving Motor Vehicles:**

If an accident occurs with a Motor Vehicle, the following steps should be taken by the driver:

- If an accident occurs on-campus, do not leave the scene of the accident. Call the Department of Public Safety at extension 4357 (HELP) or 401.254.3333.
- If an accident occurs off-campus, do not leave the scene of the accident. Call 911 or the local police department. You should request that a police report be taken to document the accident. Upon return to campus, notify the Department of Environmental Health & Safety at 401.254.3494.
- Contact your supervisor immediately after calling 911 or the Department of Public Safety.
- Make no statement that would assume any obligation or admit liability.
- Provide the other party with the insurance information contained in the Motor Vehicle, as well as your name, address, and telephone number.
- Accidents involving rented Motor Vehicles must also be reported to the rental agency.
- A driver involved in an accident in Rhode Island resulting in injuries and/or property damage in excess of \$1,000.00 is required to report the accident in writing, within twenty one (21) days, to the Rhode Island Division of Motor Vehicles. The form is available at [http://www.dmv.ri.gov/documents/forms/various/Accident\\_Report.pdf](http://www.dmv.ri.gov/documents/forms/various/Accident_Report.pdf). A copy of this report should be provided to the Department of Environmental Health & Safety.

**Roadside Assistance:**

The University has obtained 24-hour roadside assistance for Motor Vehicles owned by the University and assigned to the Department of Athletics, Student Programs and Leadership, and the Intercultural Center. Information on the roadside assistance service is located in each Motor Vehicle. Employees and students should use this service when they are off-campus and encounter a need for roadside assistance service (i.e., vehicle will not start, break down, lock out, flat tire, etc.).

**Unattended Motor Vehicles:**

Except as provided below, any Motor Vehicle which will be out of the immediate sight and Control of the operator shall have the ignition keys removed and the engine shut down. It is strongly recommended that the doors of unattended Motor Vehicles, if so equipped, be locked.

- A Public Safety emergency Motor Vehicle may be left running while unattended but only if the doors are locked.
- Any Motor Vehicle which, because of the purpose it is serving (i.e., running a pump) must be running, may be left running while unattended but only if the doors are locked.
- A Motor Vehicle must never be left running merely for convenience (i.e., running the heater to keep it warm or the air conditioner to keep it cool).

Adopted April 14, 2009 by President Roy J. Nirschel, Ph.D.

Revision adopted February 29, 2012 by President Donald J. Farish, Ph.D., J.D.