

ADMINISTRATIVE REGULATION

6530

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

BUSINESS AND FISCAL AFFAIRS

DISTRICT DRIVER AND VEHICLE USE FOR DISTRICT-SPONSORED ACTIVITIES

All drivers must adhere to District Board Policies, Administrative Regulations, state law, and safe driver practices. All drivers are responsible for complete review and understanding of the provisions of district policies and procedures regarding the use of District vehicles. The Office of Risk Services is available to clarify any questions related to this regulation.

DEFINITION OF DISTRICT-SPONSORED ACTIVITIES

1. District-sponsored activities include, but are not limited to, activities that are planned, aided and authorized by a college or District administrator or manager and require supervision of a District employee deemed “supervisor” such as:
 - a. Tours
 - b. Field trips/excursions/field studies
 - c. Athletic events
 - d. Conferences
 - e. Clinics
 - f. Programs
 - g. Events

2. District-sponsored activities do not include unsupervised activities, such as:
 - a. Assignments
 - b. Extra credit
 - c. Homework
 - d. Study Abroad
 - e. Excursions/field trips/field studies that are encouraged but not required
 - f. Volunteer assignments/activities

This list is not exhaustive.

SECTION 1: ELIGIBILITY TO DRIVE DISTRICT VEHICLES

1.1 Driver & Vehicle Selection.

1.1.1 Preferred Drivers. The use of full-time District employees as drivers is encouraged. If full-time employees are not available, then use of part-time or temporary district employees as drivers is acceptable. These individuals are considered “Preferred Drivers.”

1.1.2 Alternate Drivers. If Preferred Drivers are unavailable, an alternate driver may be permitted if they meet one of the following scenarios:

- An adult member of the community who has been approved by the Board of Trustees as a volunteer and meets all the eligibility requirements set forth in this regulation.
- A college student who is enrolled in the current semester and meets all the eligibility requirements set forth in this regulation.

1.1.3 Vehicle Selection. Administrators/managers are to consider the risks involved in using vehicles for District-sponsored events. A district or commercial vehicle shall be given first consideration when selecting transportation for District-sponsored activities, including field trips.

1.2 Age Requirement. For insurance purposes, all drivers must be at least 18 years of age.

1.3 License Requirement. All drivers must be properly licensed to drive a vehicle within the State of California. The driver’s license must be appropriate for the class of vehicle being driven. Drivers who operate vehicles designed to carry more than fifteen (15) passengers, including the driver, require the driver to have a commercial driver’s license with a passenger transport vehicle (PV) endorsement.

1.4 Approval. Only individuals who have submitted a *District Driver Approval* form (FS#43), enrolled in the DMV Employer Pull Notice (EPN) program or provided current Driver Record, completed District Driver training, and have been approved as District Drivers will be eligible to drive District vehicles. All drivers shall be subject to any applicable provisions of the federal Omnibus Transportation Employee Testing Act of 1991.

1.4.1 Final approval shall be the responsibility of the appropriate vice chancellor, college president, or an appointed designee.

1.4.2 Notify Driver. Individuals will not be permitted to drive on the District’s behalf until notified of District Driver approval by the college Transportation Department.

1.4.3 Approved Drivers. The Transportation Department shall maintain a list of approved drivers who are authorized to operate District vehicles.

1.5 Employer Pull Notice/Driver Record. All Preferred Drivers must enroll in the Department of Motor Vehicles (DMV) EPN program. All Alternate Drivers must obtain a current Driver Record from the CA DMV. This may be obtained online or in-person at the DMV. A fee may be associated with obtaining driver records. The DMV will notify the employer of drivers convicted

of a moving traffic law violation, and provide the count of points towards determination of a negligent driver, and the total points on the employee's driving record.

1.5.1 Records. The college Transportation Department or designee shall maintain driver history inspections provided by drivers and through the EPN program.

1.5.2 Negligent Driver. For District purposes, a driver is considered a negligent operator of a motor vehicle when the employee's driving record shows the following point count:

- 2 points in a 12-month period
- 3 points in a 24-month period
- 4 points in a 36-month period

1.5.3 Appeal. If an individual's total point count exceeds the allowable limit due to an accident found not to be his/her fault, an appeal not to consider the accident may be filed with the Transportation Department.

1.6 Driver Training. The District may require individuals to complete safety training prior to approval as a District Driver. Safety trainings may be presented in the form of handouts, online resources, and in-person presentations. Training topics may include, but is not limited to, city driving, defensive driving, distracted driving, health emergencies, road rage, utility cart safety, van safety and winter driving.

1.7 District Right of Refusal. The District reserves the right to refuse an individual's authorization to operate a District vehicle if the individual is determined to be a negligent driver in accordance with Sections 1.1-1.6 above. The District reserves the right to refuse any individual authorization to operate a vehicle on District business or be reimbursed mileage if the individual is determined to be a negligent operator, fails to maintain a valid driver's license in a class appropriate to the vehicle being driven, or does not have insurance in effect as prescribed by the Board of Trustees.

SECTION 2: USE OF DISTRICT VEHICLES

Administrators/managers are responsible for District-sponsored activities and use of District vehicles.

"District vehicle" is defined as a motor vehicle owned, leased, or rented by the District, its colleges or entities, and used for the purpose of moving or propelling any person or property upon a street, roadway or highway. This includes utility vehicles, golf carts, and low-speed vehicles.

2.1 District Vehicle Use Requisition. All use requisition forms for District vehicles must be properly completed, approved by the immediate supervisor and authorized administrator, and filed with the Transportation Department before a driver can be assigned the use of a District vehicle. This includes:

- *Motor Vehicle Requisition (FS#44)*: Must be filed for an individual or department who needs use of District vehicles for a single event, activity, or trip.

- *Motor Vehicle Requisition, Athletics (FS#45)*: Must be filed for Athletics Department requests only.

2.2 Insurance. All District Drivers, while engaged in authorized activities within the scope of their assigned duties, are covered by District insurance for damages caused to persons or property as a result of negligence of the employee or volunteer.

2.2.1 Rental Vehicle Insurance. When college employees are authorized to rent a car, van, or other vehicle, purchasing the applicable liability and collision insurance coverage offered by the rental agency is required. Rates vary by rental car agency. Some rental car agencies offer a discount rate for state employees, including community colleges. Include the cost of the rental vehicle insurance when planning, budgeting, or seeking approval to rent a vehicle on the District's behalf.

2.3 Regulations for Use of District Vehicles. In addition to items listed in Section 1. Eligibility to Drive District Vehicles, individuals must abide by the following regulations:

2.3.1 District vehicles may be used for District business only. Use of vehicles for personal business is strictly prohibited.

2.3.2 The number of passengers, including the driver, may not exceed the number of available seats with functional safety belts.

2.3.3 Driver must follow the most direct route to the destination and avoid unnecessary stops. If the approved route includes expenses related to tolls, parking, etc., then the Driver must request reimbursement by completing an Expense Report in Workday indicating the expenses associated with the trip and include any applicable receipts.

2.3.4 The care, cleanliness, and safety of the vehicles used in all District-sponsored activities shall be the responsibility of the individual who has been assigned as the supervisor of the trip.

2.3.5 A *Vehicle Assignment and Return form (FS#47)* shall accompany the vehicle assigned and must be properly completed by the driver and filed with the Transportation Office at the time the vehicle is returned to the transportation compound.

2.3.6 All accidents involving District vehicles must be reported to District Risk Management and the college Transportation Office as soon as possible (and no later than 72 hours) using FS#42 *Accident Report* form. District Risk Management must report traffic accidents to the DMV within 10 days if there was an injury, death or property damage in excess of \$1000. If there is significant damage or injury, notify the police and have an accident report created. The driver of the vehicle is responsible for ensuring that police reports are obtained at the scene of the accident and that any vehicular accidents involving personal injury are reported to District Risk Management immediately.

- 2.3.7 Drivers and passengers must read, understand and follow the safety requirements outlined in the District’s *Guidelines: District Drivers & Passengers*.

SECTION 3: USE OF PRIVATELY OWNED VEHICLES

Administrators/managers are responsible for approving the use of privately-owned vehicles if used during District-sponsored activities. This section does not apply to employees of the District who are traveling to/from their assigned work site, nor does it apply to employees on trip routes to points within the District (i.e. IVC/SC campuses, ATEP, or District leased sites) in the course of their assigned job.

3.1 Student Use of Voluntary Transportation. Students who utilize alternate means of travel (not using transportation provided by college/District), shall complete the *Voluntary Field Trip/Excursion Waiver Form and Medical Authorization Agreement (FS#60)* per Title 5 CCR 55220 *Excursions and Field Trips*. Signed FS#60 forms are to be submitted to the designated supervisor prior to the trip/activity. Original forms shall be maintained in the Division Office for at least one (1) year from trip/activity date. Electronic copies shall be provided to District Risk Management upon request.

3.2 Insurance. When privately owned vehicles are used on authorized district business, the driver’s personal automobile liability insurance will be primary in the settlement of all claims. Collision damage to privately owned vehicles, owned by either employees or volunteers, is not covered by district insurance.

3.2.1 Insurance Verification. When privately owned vehicles are used for District business, the Transportation Department or designee shall verify that the driver carries automobile insurance in the amount specified by amounts listed in 3.3.

The District shall require evidence of current insurance by one of the following:

- Photocopy of the face sheet of the insurance policy;
- Certificate of Insurance from the agent or company;
- Form completed by the employee or volunteer providing the required information;
- “Proof of Insurance” form presently being provided by automobile insurance companies in California.

3.3 Regulations. In addition to the items listed in Section 1. Eligibility to Drive District Vehicles, the following regulations shall apply to all individuals operating a privately owned vehicle on authorized District business.

3.3.1 The privately owned vehicles must carry public liability insurance of not less than state mandated minimums.

3.3.2 The number of passengers, including the driver, may not exceed the number of available seats with functional safety belts.

3.3.3 Driver must require all passengers to use safety belts.

- 3.3.4 Driver must follow the most direct route to the destination and avoid unnecessary stops.
- 3.3.5 Driver must avoid transporting non-District personnel or students as passengers.
- 3.3.6 Driver must avoid transporting more than ten (10) passengers, including the driver, no matter size of vehicle.
- 3.3.7 Use of privately owned vehicles where hazardous road conditions exist is prohibited. This includes hazardous conditions declared by the California Highway Patrol (CHP), or other city, county, state or federal agencies authorized to monitor road conditions.
- 3.3.8 If an employee's privately owned vehicle is approved for use in District business, the employee shall be reimbursed at the current rate of reimbursement allowed by the Internal Revenue Service (IRS), adjusted annually by the Board of Trustees on January 1.
- 3.3.9 Drivers and passengers must read, understand and follow the safety requirements outlined in the District's *Guidelines: District Drivers & Passengers*.

SECTION 4: HAZARDOUS MATERIALS

District Drivers are prohibited from transporting hazardous materials. Hazardous materials are products that pose a risk to health, safety, and property during transportation.

SECTION 5: ALCOHOL, DRUG & TOBACCO USE

District policies apply to all District sponsored events, including the prohibition on drug and alcohol use (ref. BP/AR 3550). All participants, including but not limited to District employees, students, chaperones, and volunteers may not use, sell, provide, possess, or be under the influence of drugs or alcohol. In addition, District employees may not administer any medications, prescription or nonprescription, to students.

It is District policy to maintain a smoke free environment for all district site, including District owned or rented vehicles. The use of tobacco or tobacco products is prohibited. Use of electronic cigarettes (vapor) and smokeless/chewing tobacco are also prohibited (ref. BP/AR 3520).

References:

- Education Code Section 82305.6 Transportation*
- California Code of Regulations, Title 5, Section 55220*
- California Code of Regulations, Title 13, Division 1 Motor Vehicles, Chapter 1 DMV California Dept. of Motor Vehicles Commercial Driver Handbook (2017-2018)*
- California Dept. of Motor Vehicles online resources: www.dmv.ca.gov/*
- California Vehicle Code Section 16005*
- 41 U.S. Code 5151, Federal Drug-Free Workplace Act of 1988*