

Section 8 Subject 8.1	Health & Safety Policies Preventive, Occupational, & Environmental Medicine	08/13/02-Originated 12/21/07-Reviewed w changes -Reviewed w/o changes
Policy 8.1.15 Use of UTMB Vehicles		Human Resources -Author

General Requirements for Use of Vehicles

Definitions

Commercial Motor Vehicle (CMV): The U.S. Department of Transportation – Federal Motor Carrier Safety Administration defines a CMV as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle -

- 1) Has a gross combination weight rating of 11,794 kilograms or more (26,001 lbs. or more) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 lbs.); or
- 2) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 lbs. or more); or
- 3) Is designed to transport 16 or more passengers (including the driver) or
- 4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Official University Business: 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.

Policy

Employees who operate University-owned vehicles for official University business must hold a valid driver's license issued by the State where the employee permanently resides, have an acceptable driving record, have the necessary driver training, and follow all guidelines delineated in this document. Vehicles shall be used legally, courteously and safely.

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Insurance Coverage

University-Owned Vehicles (including long-term (>1 yr.) lease vehicles)

Automobile liability coverage is provided for authorized drivers of University-owned vehicles. The insurance company will periodically audit the inventory of vehicles covered. To assist in the audit, UTMB Logistics/Fleet Planning shall update all vehicle information (additions, deletions, and changes) through the UT System Auto Inventory Online System. When performing updates, the fleet contact shall assign a Vehicle Classification Rating to each vehicle in accordance with the “Motor Vehicle Rating Schedule. Fleet contacts shall to update their vehicle information as soon as possible after receiving information requiring an update.

Rental (Hired) Vehicles (including short-term (<1 yr.) lease vehicles)

When an employee rents a vehicle for official UTMB business from a company under contract to UTMB, comprehensive and collision insurance coverages are automatically provided. The “Hired/Non-Owned” policy provides coverage that is in excess of the insurance secured through the rental agreement. When a contracted company is not used, employees should not waive the physical damage insurance coverage offered by the non-contract company. However, when an employee inadvertently waives insurance, the Hired/Non-Owned policy will provide liability, comprehensive, and collision coverage on a primary basis.

UTMB employees must contact Logistic/Fleet Planning, who will in turn, notify UT System Business and Administrative Services office at least 48 hours prior to any rental vehicle being taken off road; or if a vehicle is being rented or leased for extensive travel (travel outside of the 48 contiguous states or rented or leased for more than 30 days).

The following information must be provided:

- Dates insurance coverage is needed;
- City and state where the vehicle is being rented;
- Name, address, and phone number of the rental company;
- Make, model, license number, vehicle identification number and value of vehicle;

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Insurance Coverage (cont'd)

- Names of the individuals that will be driving the vehicle; and
- Purpose of the rental.

If a rental or leasing company requires a copy of the Certificate of Insurance before releasing the vehicle, then UTMB's Logistic/Fleet Planning needs to notify the UT System Business and Administrative Services and provide the information above. Business and Administrative Services will then notify the insurance company to request the certificate.

If a rental vehicle is involved in an accident, both the driver and UTMB shall follow the post-accident claims procedures delineated in the 'Post Accident Claims Procedure' below.

Personal (Non-University Owned) Vehicles

Employees are strongly discouraged from using personal vehicles for conducting official University business.

If an employee is involved in an accident while using his or her personal vehicle for official University business, UTMB's Logistics/Fleet Planning shall contact the UT System Business and Administrative Services office by the next business day. UTMB and its employees shall follow the post-accident claims procedures below if a personal vehicle is involved in an accident while being used for official University business.

Other Insurance Coverages

Insurance covering physical damage to a University-owned or leased vehicle is also available to UTMB. 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 coverages, is available to component 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.). Insurance coverage for vehicles traveling into Mexico is obtained on an as-needed basis. Coverage should be secured through the U.T

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Insurance Coverage (cont'd)

System Business and Administrative Services office in order to ensure sufficient and consistent coverage.

Requirements for 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 Vice President of Finance. UTMB maintains a list of all authorized drivers of University-owned vehicles (listed alphabetically) to include:

- Driver's name (as it appears on his or her license)
- Driver's license number
- Current medical examination as required by 49 CFR Part 391
- 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 Record (MVR) Checks

Before employing a person as a driver of a University-owned vehicle for official University business, UTMB's Logistics/Fleet Planning shall request from the Texas Department of Public Safety a list of convictions for traffic violations contained in the department records on 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. UTMB authorized drivers will have their MVR checked by UTMB:

- At least every twelve months after initially authorized;
- Promptly after the employee receives a moving traffic citation while on official University business.

Authorized drivers and applicants 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 reflected on their MVR and points will be assigned accordingly. If the total points equal four or more for the immediately

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Requirements for Authorization of Drivers, continued

preceding 36 months, the person shall not be authorized to operate a University-owned vehicle for official University business. If UTMB is unable to obtain a three-year driving record history, the Vice President of Finance may use his/her discretion to authorize the employee to operate a University-owned vehicle for official University business.

Type of Violation	Convictions Under This Violation	Points Against Driver's Record
A	<ul style="list-style-type: none"> • Criminal negligent homicide • Driving while intoxicated (DWI)* • Driving while under influence of drugs (DUI)* • Drag Racing/Speeding Contest • Aggravated Assault with Motor Vehicle • Driving while license suspended • Murder-with motor vehicle • Reckless driving • Fleeing from police officer • Felony use of CMV-controlled substance • Felony Use of CMV • Driving while license disqualified - CMV 	4

** For purposes of this policy, DUI/DWI conviction means: being convicted, receiving a probated sentence, or pleading no contest for driving a commercial or non-commercial vehicle under the influence of alcohol or drugs, or while intoxicated.*

Type of Violation	Convictions Under This Violation	Points Against Driver's Record
B	All moving traffic violations not listed above as a Type A violation. These do not include non-moving administrative offenses (e.g., outdated inspection stickers, no proof of insurance, license plate missing).	1
At-Fault Accidents	When a moving traffic violation conviction appears on a driving record along with an accident on the same date. Accidents shall be reviewed and the insurance company and the Vice President of Finance's office, or other designated office, shall make a determination if there is an at-fault question. Accident reports may be obtained from the Texas Dept. of Public Safety.	2

Requirements for Reporting Responsibilities

Authorization of Drivers (cont'd)

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 above, 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

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Requirements for Authorization of Drivers (cont'd)

in a Type B violation, as defined above, 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, which may include termination.

Driver Training

UTMB 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:

- Defensive driving;
- One-day seminars on driving improvement;
- Driver training videos on specific driving skills in which the driver may be deficient; or
- Hands-on, behind-the-wheel training.

Commercial Drivers License (CDL)

A CDL is required of authorized drivers who operate commercial motor vehicles for official University business. In accordance with the [U.S. Department of Transportation's Federal Motor Carrier Safety Regulations, 49 CFR Parts 40 and 382](#), employers shall test drivers holding CDLs for drugs and alcohol. The regulations call for pre-employment, post accident, reasonable suspicion, random, return-to-duty, and follow-up drug and alcohol testing. (See 8.1.16 Drug and Alcohol Testing for DOT Regulated Employees).As required by FMCSA Regulations 49 CFR Part 391, all drivers in positions that require a CDL, will be required to maintain a current medical examiner's certificate from Employee Health Services.

Operation of 15-Passenger Vans

UTMB shall ensure the following regarding the use of 15-passenger vans:

- Require that 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
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Operation of 15-Passenger Vans (cont'd)

having operators of 15-passenger vans attend van-specific training, including behind the wheel, on the road, training.

- Require seat belt use at all times by all occupants of 15-passenger vans.
 - 15-passenger vans shall not be used to carry more than 9 occupants (including the driver) at any one time except when carrying between 10 and a maximum of 15 occupants (including the driver) on inner-campus, non-public streets only, provided that 1) the van does not cross over or travel on public streets and 2) the van is not driving 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.
 - Limit the number of total hours a driver may drive 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.
 - Require proper loading of vehicles. Consult the owner's manual to determine the maximum safety 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.
 - Van drivers shall take a mandatory thirty-minute rest break every four hours.
 - For trips scheduled for longer than 2 hours, assign a navigator to assist each driver. The navigator must stay awake while on duty.
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**Post Accident
Claims
Procedures**

The Vice President of Finance or designee shall immediately be made aware of any incidents that could lead to a claim under any automobile insurance coverage purchased by or for the benefit of UTMB.

Department Responsibilities

Departments shall have an internal process by which CDLs and medical certification cards are checked for validity prior to release of the vehicle or allowing the driver with the CDL to operate the vehicle. Departments must maintain records demonstrating this process

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 Logistics/Fleet Planning.

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 to other parties involved in the accident, because the insurance company's adjuster will make the determination of coverage available under the insurance policy.

UTMB Responsibility

The current procedure for reporting claims (or possible claims) to the insurance carrier is to complete an ACORD Automobile Loss Notice Report Form for each accident. Under the heading "Insured Vehicle," on the line "Owner's Name and Address", the fleet contact shall ensure the appropriate UTMB identification number and name are indicated and that sufficient and accurate details are provided on the ACORD form before faxing it to the insurance company, the insurance agent and the U.T. System Business and Administrative Services office. The names and phone numbers for the insurance company, insurance agent and the U. T. System Business and Administrative Services contact will be provided to the Vice President of Finance's office at the beginning of each policy year.

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**Post Accident
Claims
Procedures
(cont'd)**

It is important for the insurance company to know clearly and, as soon as possible, all factual information about the accident. If the facts lead the driver or the fleet contact to the opinion that the University is not at fault, clearly state that information on the form. If fault is questionable, the driver or fleet contact should provide supporting information to assist the insurance company with making a determination of fault.

The U.T. System Business and Administrative Services office or the insurance company may request additional information needed for their files or for further processing.

Authorization for repairs will not be given until the ACORD form is reviewed by the insurance company.

References

- 49 CFR Part 40, 172, 382, 391
- UTS-157 *Automobile Insurance Coverage for Officers and Employees and General Requirements for the Use of Vehicles*
- §612.002, Texas Government Code
- §101.027, Texas Civil Practice and Remedies Code