



VEHICLE USE POLICY

Policy #: 3.005
Responsible VP: Finance
& Treasurer
Responsible Office:
Facilities
Approved By: Leadership
Team
Approved: 10/24/2019
Effective Date:
10/24/2019
Status: APPROVED

1. Policy Summary

This document establishes the policies and procedures for utilizing vehicles owned, leased or rented by Molloy College, including, but not limited to, automobiles, vans, shuttle buses, pick-up trucks, and other utility-type vehicles (“College Vehicles”). It also applies to the use of personal vehicles while on College business. It is designed to promote the safe operation of College Vehicles, the safety of drivers and passengers, and minimize losses, damages, and claims against the College.

2. Policy Scope

This policy applies to all College employees, independent contractors, and students to whom the College grants the privilege of operating a College Vehicle. This includes:

- College employees who operate College Vehicles routinely or as an essential part of their jobs;
- College employees who use College Vehicles to transport students, other employees or campus visitors in connection with any College-sponsored activity;
- Student drivers who use College Vehicles to transport students, employees or campus visitors in connection with any College-sponsored activity.

3. Policy

Eligibility Requirements for Drivers of College Vehicles

To begin the authorization process, the prospective driver must complete the Driver Authorization Application and General Consent for Release of Personal Information, annexed as Appendix A. The completed forms are to be returned to the Assistant Vice President of Facilities along with a copy of the applicant’s driver’s license. If the application is approved, the

applicant becomes an Authorized Driver and can operate College Vehicles. To achieve and maintain approval as an Authorized Driver, the driver must:

- A. Possess a valid United States driver's license issued by the Department of Motor Vehicles from the driver's state of residence or New York, relevant for the lawful operation of the particular College Vehicle to be used, including any endorsements, that has not been suspended or revoked within the prior three years
 - 1) Non-commercial Driver's License
 - i. Driving a vehicle designed to transport fewer than 16 passengers (including the driver)
 - ii. Driving a vehicle with a gross weight of 26,000 pounds or less
 - 2) Commercial Driver's License (CDL)
 - i. Driving a vehicle designed to transport 16 or more passengers (including the driver)
 - ii. Driving a vehicle with a gross weight of more than 26,000 pounds
- B. Be at least 21 years of age;
- C. Have at least 3 years of driving experience in the applicable driver's license class for the College Vehicle to be operated;
- D. Successfully complete the defensive driving course offered by the College.
- E. Have no more than three at-fault or preventable accidents or moving violations (or any combination thereof) within the prior three years;
- F. Have no more than two at-fault or preventable accidents or moving violations (or any combination thereof) within the prior twelve months;
- G. Have no convictions or pending charges on record for any Major Traffic Violations within the past five years.
- H. Have not had automobile insurance canceled, declined or not renewed by a company due to their actions/inactions;
- I. Agree to operate College Vehicles in accordance with applicable local, state and federal laws and College regulations;
- J. Disclose any temporary medical conditions (e.g., broken limbs, concussion, vision problems, seizures) that may impair the individual's ability to drive safely;
- K. Agree that all traffic violations and citations are the sole responsibility of the driver.
- L. Agree that tickets, fines and other penalties shall be handled promptly to avoid further penalties

- M. Agree to refrain from texting, e-mailing, or using a mobile electronic device while operating a College Vehicle
- N. Report any incident that would render the individual ineligible to drive under this Policy, including any change in license status (i.e., if the license has been suspended or revoked) immediately to the department head and the Facilities Department. If the driver no longer meets the eligibility requirements of this Policy, operating privileges will be immediately terminated or suspended at the direction of the Assistant Vice President for Facilities.

Loss of Driving Privileges

The following offenses may result in suspension or revocation of driving privileges for College Vehicles, as well as disciplinary action, including possible termination of employment. The decision to suspend, terminate and reinstate driving privileges shall be made by the Assistant Vice President for Facilities or the Accident Review Committee, as applicable. Further disciplinary action shall be consistent with the College's applicable policies and procedures.

- A. Operating a College Vehicle without an appropriate and valid driver's license;
- B. Failure to timely report the suspension, revocation or administrative restriction of a driver's license, changes in insurance status and/or traffic violations;
- C. Failure to safeguard and maintain the College Vehicle. This includes, but is not limited to:
 - 1) Being aware and prepared for special weather and emergency situations;
 - 2) Being aware of the load and handling characteristics associated with the vehicle being driven;
 - 3) Inspecting the vehicle for safety issues and defects (i.e., checking the tires, wipers, lights, mirrors and other safety equipment), and immediately reporting any defects to the Facilities Department to determine if the vehicle is safe to operate;
 - 4) Locking the vehicle, securing all windows, removing the keys, and arming the security system (if applicable) whenever the vehicle is left unattended;
 - 5) Removing all garbage and personal items before the vehicle is returned
- D. Failure to obey all applicable local, state and federal laws and College regulations;
- E. Operating the College Vehicle other than as necessary for authorized College-related activities, unless the driver's employment contract specifies otherwise;
- F. Failure to prevent any unauthorized person from driving a College Vehicle;
- G. Operating a College Vehicle in a reckless or unsafe manner;

- H. Transporting unauthorized passengers or passengers who have not secured seatbelts;
- I. Failure to immediately report an accident involving a College Vehicle to the appropriate law enforcement agency and the driver's supervisor;
- J. Operating a College Vehicle while under the influence of alcohol or drugs;
- K. Having more than three at-fault or preventable accidents or moving violations (or any combination thereof) within the prior three years, having more than two at-fault or preventable accidents or moving violations (or any combination thereof) within the prior twelve months, or having one Major Traffic Violation;
- L. Smoking or permitting passengers to smoke inside a College Vehicle;
- M. Texting, e-mailing, or using a mobile electronic device while operating a College Vehicle.

Additional Requirements for Transportation Utilizing 15-Passenger Vans

Noncompliance with any of the below requirements may result in suspension or revocation of driving privileges for 15-passenger vans, as well as disciplinary action, including possible termination of employment.

- A. All individuals who drive a College-owned or leased 15-passenger van must complete the online 15-Passenger Van Safety course provided by the College. The course must be retaken every three years;
- B. All travel using College-owned or leased 15 passenger vans must be approved in advance by the dean or director responsible for the activity or program;
- C. Van Operation
 - 1) No overhead storage is allowed;
 - 2) Cargo trailers and car top units are prohibited;
 - 3) All cargo stowed inside the van should not exceed the height of the seats so as to block the driver's rear view;
 - 4) All vehicle doors and hatches must be closed while the vehicle is in operation;
 - 5) The driver and all passengers must wear seatbelts at all times. The driver is responsible for enforcing this requirement. Under no circumstances should the number of passengers exceed the number of seatbelts;
 - 6) The driver must perform a safety check prior to the departure and return for each trip;
 - 7) The driver shall not eat or use a mobile electronic device while the vehicle is in motion;
 - 8) The driver must require all passengers to remain seated at all times, to refrain from playing excessively loud or distracting music, obstructing windows or putting any body parts outside the vehicle while it is in operation;

D. For trips that involve round-trip mileage of 400 or more miles:

- 1) A maximum of sixteen hours of continuous travel is allowable, after which a layover of at least eight hours is required.
- 2) Driving time is limited to a maximum total of eight hours per driver per day. It is recommended that uninterrupted driving time does not exceed two hours, separated by a minimum fifteen-minute break.
- 3) Trip itineraries must be submitted for review by the appropriate head or supervisor detailing distance, route, and planned layovers
- 4) Driver must complete the Vehicle Inspection Form, annexed as Appendix B.

Use of Privately Owned Vehicles

Use of privately owned vehicles is generally discouraged for conducting College-related business or activities. It is recommended that individuals seek alternative transportation options such as rental cars, public transportation or charter services. If a privately owned vehicle is utilized, the following requirements must be observed:

- A. A College student or employee who transports students, faculty, staff or affiliates on College-related business or activities outside of the New York Metropolitan Area must become an Authorized Driver and adhere to all requirements of the Vehicle Use Policy. For purposes of this provision, faculty who transport students on a trip that is a course requirement or at the direction of their department chair or other College administrator, are considered to be on College business.
- B. Drivers operating privately owned vehicles on College business or activities must:
 - 1) Maintain their own automobile liability insurance with minimum limits as required by the state in which the vehicle is registered
 - 2) Maintain current state vehicle inspections as required by law
 - 3) Maintain current vehicle registration as required by law
 - 4) Maintain vehicle in safe operating condition
- C. If the privately owned vehicle is involved in an accident while on College business or activities, the owner's individual automobile insurance coverage will serve as the primary insurance.
- D. The College will not cover nor reimburse the cost for any personal property that is damaged or stolen as a result of being transported or stored in a privately owned vehicle.
- E. All traffic violations and citations are the sole responsibility of the driver.
- F. Drivers of privately owned vehicles conducting College business or activities shall be reimbursed for mileage, at the annual IRS Standard Mileage Rate, as well as parking and toll expenses. Original receipts and documentation must be submitted for reimbursement.

Accident Procedures

In the event of an accident involving a College Vehicle, the driver must adhere to the following procedures:

A. At the scene:

- 1) Do not admit fault, attempt settlement or make a statement about the payment of damages.
- 2) Check for personal injury and seek medical attention if necessary by calling 911
- 3) Stop as near to the scene as is safely practical; avoid blocking traffic and activate hazard lights to prevent further damage or injury.
- 4) Call the appropriate law enforcement agency and request that an accident report be completed.
- 5) Check for the College's insurance ID card in the glove compartment of all College Vehicles.
- 6) Take photographs of the scene of the accident if possible.
- 7) Complete an Accident Investigation Form, annexed as Appendix C, located in the glove box. Submit the Accident Investigation Form and any accompanying documentation including photographs to the Facilities Department upon return to the College.
- 8) Notify the driver's supervisor of the accident. The supervisor shall then notify the Facilities Department and the Office of Compliance. The driver's department shall be responsible for paying applicable insurance deductibles for each claim submitted.
- 9) Do not discuss the accident with anyone except the police, the driver's supervisor, the Facilities Department and the Office of Compliance unless instructed to do so by the Office of Compliance.

B. Accident Review Committee:

1) Committee Overview:

The Accident Review Committee shall be comprised of the Assistant Vice President for Facilities (who will serve as chair), the Assistant Vice President for Human Resources, the Transportation Manager, the Director of Public Safety, the Assistant Director of Public Safety, the Director of Athletics, and the Director of Compliance. Its objective is to evaluate all accidents involving College Vehicles to determine if they may have been preventable, to assist in the prevention of similar accidents, and to encourage safe driving habits. As a result of the review process, each accident will be designated "Preventable" or "Not-Preventable". Preventable accidents may result in suspension or revocation of driving privileges, as well as disciplinary action.

2) Committee Responsibilities:

The Committee will conduct a review of each accident, taking into consideration all available documents, reports, testimony, or other relevant evidence. After reviewing

all of the material, the Committee will designate the accident as “Preventable” or “Not-Preventable” by majority vote. For those accidents deemed “Preventable”, the Committee will partner with the Office of Human Resources to determine what sanctions, if any, may be imposed. These sanctions may include:

- a. Completion of a remedial defensive driving course;
- b. Suspension or termination of the driver’s right to operate College Vehicles;
- c. Any other appropriate corrective or disciplinary action under any other applicable College policy or contract, up to and including termination of employment. Termination of employment will be reserved only for those cases involving serious conduct or repeated violations.

The committee will notify the driver within ten (10) business days of its decision

3) Right to Appeal:

The driver can file a written appeal based upon (i) potential procedural errors that had an impact on the decision; (ii) a claim that the sanction(s) imposed is not proportionate to the finding of facts; and (iii) new evidence that was not reasonably available at the time of the adjudication. All sanctions imposed will be in effect during the appeal.

The decision of the Committee may be appealed in a written petition within ten (10) business days of receiving the written decision for a review of the decision or sanctions imposed. If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. All appeals must be done in writing to the Vice President for Finance. The Vice President for Finance will make a final determination on the appeal and issue a final determination letter to the driver.

4. Definitions

Authorized Driver means the driver has been approved by the Assistant Vice President of Facilities to drive College Vehicles and has not committed any offenses that resulted in suspension or revocation of those driving privileges.

College Vehicle means any vehicle owned, leased or rented by Molloy College, including, but not limited to, automobiles, vans, shuttle buses, pick-up trucks, and other utility-type vehicles.

Major Traffic Violation means the most serious violations of the law that regulates vehicle operation on streets and highways. It includes, but is not limited to:

1. Operating a vehicle under the influence of alcohol or drugs
2. Failure to stop/report an accident
3. Careless/reckless driving
4. Drag racing offenses
5. Refusal to submit to Blood Alcohol Content (BAC) test

6. Making a false accident report
7. Homicide, manslaughter, assault or any felony arising out of the use of a vehicle
8. Attempting to elude a police officer
9. Driving while license is suspended/revoked
10. At fault in a fatal accident
11. Permitting a minor to operate a vehicle

New York Metropolitan Area includes seven subregions, 31 counties, and nearly 900 municipalities. The subregions are Long Island, New York City, Western Connecticut, Mid-Hudson Valley, Lower Hudson Valley, Northern New Jersey and Central New Jersey. For a detailed map of its boundaries, see <https://metroexplorer.planning.nyc.gov>.

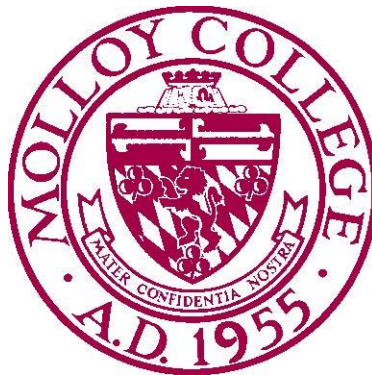
Preventable means any accident involving a College Vehicle which results in property damage or personal injury and in which the driver: (i) violated applicable local, state and/or federal laws; (ii) operated the vehicle inattentively, including failure to exercise defensive driving skills, or (iii) operated a vehicle that was known to be unsafe.

Not-Preventable means the driver did not contribute to the accident. Those cases resulting from natural forces, from acts other than human sources, from a deliberate act (e.g., vandalism), from a non-perceivable object or while the vehicle was properly parked are also Not-Preventable.

Unauthorized Use means: (i) driving a College Vehicle without becoming an Authorized Driver or, (ii) if an Authorized Driver, operating the College Vehicle other than as necessary for authorized College-related activities, unless the driver's employment contract specifies otherwise.

5. Related Policies and/or Documents

Background Check Policy



APPENDIX A: Driver Authorization Application

All prospective drivers must complete this form in order to be approved to operate a College Vehicle. Carefully read, complete, and return this from to the Facilities Department.

PERSONAL INFORMATION (please print):

Name (exactly as it appears on driver's license)

Molloy ID #

Department

Title

Supervisor

Authorization to Obtain Motor Vehicle Record

I hereby authorize Molloy College and its insurance representatives to make such investigation of my personal driving record as may be pertinent to my employment responsibilities or academic pursuits. I specifically authorize the College to periodically obtain information from the appropriate government agencies concerning my driving record to evaluate my insurability and to determine my eligibility to operate a College Vehicle. I understand that this information will be kept confidential and released only to those College representatives charged with overseeing the College's insurance and employment policies. The Facilities Department will inform me of the approval or denial of my driver authorization, and I will not drive for the College until I receive approval.

I hereby release and hold harmless the College, its agents, and governmental agencies from any and all liability for any damages due to their requesting, issuing and using information about my driving record. This authorization will remain in effect until I specifically revoke it. I understand that if I want to obtain a copy of my motor vehicle record, I may request one directly from the State Department of Motor Vehicles.

Acknowledgement and Consent

Further, I have read the entire contents of the Molloy College Vehicle Use Policy and agree to abide by all of its terms. I have been given an opportunity to ask questions and fully comprehend the meaning of the Policy. I understand that I should contact the Facilities Department if I should have any future questions or concerns about this Policy.

Signature

Date



GENERAL CONSENT FOR RELEASE OF PERSONAL INFORMATION

Background

The federal Driver's Privacy Protection Act (DPPA) designates certain information in motor vehicle records as *Personal Information*. Personal information includes a motorist's photograph, social security number, date of birth, driver license number, non-driver ID number, name, address (except for 5-digit zip code), telephone number, and medical or disability information. Public information includes reportable accidents, driving convictions, driver status and vehicle information. Most motor vehicle records contain personal and public information. Please note, if we are authorized to release personal information, we will not release social security number, phone number, photograph, medical or disability information.

The DPPA also limits the reasons (*permissible uses*) for which the Department of Motor Vehicles may release records containing personal information. A copy of the DPPA, and the permissible uses in New York State, are printed on form MV-15DPPA .

Some requesters may request a copy of a record only if they have permission from the person named in the record. This form provides evidence (*signed authorization*) of that permission.

Instructions for Motorists

The motorist is the person named in a motor vehicle record. The record requester is the person requesting information about the motorist. To complete this form, print your name in the blank marked *Motorist*. Print the record requester's name in the blank marked *Record Requester*. Then visit a notary public. In the presence of the notary, sign on the line marked *Motorist's Signature*, then give this form to the notary to notarize.

After it is notarized, give this form to the record requester.

Instructions for Record Requesters

You may request someone else's motor vehicle record containing personal information only if you have a permissible use as defined in the DPPA. You may face criminal penalties and civil liabilities if you request a record for which you do not have a permissible use. Having the motorist's permission is a permissible use. This form, properly completed and notarized, is evidence of the motorist's permission.

Keep a copy of this form for five years after you receive the record you requested.

I, _____, authorize the New York State Department of Motor Vehicles
(Motorist)

to disclose or otherwise make available to _____ personal information about
(Record Requester)
me obtained by the Department in connection with a motor vehicle record.



Motorist's Signature

STATE OF _____

ss:

COUNTY OF _____

On this _____ day of _____, _____ before me personally appeared
(month) (year)

_____, to me known and who by me being duly sworn, acknowledged
(Motorist)

to be the person described in and who executed the foregoing consent and who acknowledged to me that he/she executed the same for the purpose therein stated.

Notary Public

APPENDIX B: Molloy College Vehicle Inspection Form

Vehicle License Plate #: _____

Driver Name: _____ Department: _____

Dates of Travel: _____ Destination: _____

Time of Departure: _____ Time of Return: _____

Item	Departure		Return		Explanation
	Yes	No	Yes	No	
Windows - Clean	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Windows - Broken	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Side, Rear View Mirrors - Clean	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Side, Rear View Mirrors - Broken	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Exterior Body Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tires Need Air	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tires have Bumps/Bulges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Instrument Panel Operational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Upholstery Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Heat/Air Operational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Clean Interior (cup holders, floors, seats)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Headlights Operational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Turn Signals Operational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Brake and Brake Lights Operational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Windshield Wipers Operational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wiper Fluid Operational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Seat Belts Operational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Doors and Door Locks Operational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

***** Do NOT drive the vehicle if all of the above are not operational*****

Please comment on any issues:

Return Completed form to Assistant Vice President for Facilities upon return from trip.

Driver's Signature: _____

APPENDIX C: Accident Investigation Form

When an Accident Occurs:

First Steps	Do Not Say	While Still at the Scene
<ul style="list-style-type: none"> • Remain calm • Get to a safe place • Check for injuries • Call police/ambulance • Be courteous 	<ul style="list-style-type: none"> • It is my fault • My insurance will pay for everything • Any other statements about fault or damages 	<ul style="list-style-type: none"> • Complete as much of this report as possible • Take pictures • Cooperate with police

Accident Details:

Day/Date/Time	
Weather/Road Conditions	
Location of Accident	
Description of Accident	

Other Driver's Information (complete for every other driver involved):

Driver's Name*	
Driver's Address*	
Driver's Phone*	
Driver's DOB*	
License Plate Number	
Vehicle Make, Model & Year	
Driver's License Number/State	
Insurance Company & Policy Number	

* If the driver is not the owner, also take the above information of the owner

Vehicle Damage:

Molloy Vehicle	Other Vehicle
Damage Description:	Damage Description:

Passengers/Injuries:

Molloy Vehicle	Other Vehicle
# of Passengers:	# of Passengers:
Name, address, and description of injuries (if any):	Name, address, and description of injuries (if any):

Police Information:

Officer Name	
Department	
Badge No.	
Report No.	
Phone No.	
Citations/Tickets given (if any)	

Witness Information:

Name		Name	
Address		Address	
Phone		Phone	

Sketch the Accident Scene:

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