

COLLEGE of CHARLESTON

OFFICIAL POLICY

2.8.1

**VEHICLE USE POLICY
FOR CONDUCTING THE OFFICIAL BUSINESS
OF THE
COLLEGE OF CHARLESTON**

10/1/2020

Policy Statement

It is the Policy of the College to use motor vehicles in the performance of its Official Business in a way that is safe, efficient, economical, in accordance with law, and in a manner that reduces the risk of liability to both the College and its Employees.

Policy Manager and Responsible Department or Office

Procurement/ Controllers Office/ Business Affairs

Policy

1.0 PURPOSE

The purpose of this Policy is to detail the standards and requirements that are required by the College for the use of a College Vehicle or State Fleet Vehicle and for the use of a Privately Owned Vehicle while conducting Official Business of the College.

2.0 POLICY STATEMENT

It is the Policy of the College to use motor vehicles in the performance of its Official Business in a way that is safe, efficient, economical, in accordance with law, and in a manner that reduces

the risk of liability to both the College and its Employees.

3.0 DEFINITIONS

The terms below shall have the meaning ascribed next to each:

3.1 Authorized Drivers – shall mean those College Employees who are approved to drive a College Vehicle or a State Fleet Vehicle pursuant to Section 11.0.

3.2 Borrowed Vehicles – shall mean vehicles that are either: (a) loaned to the College primarily to conduct the Official Business of the College; or (b) loaned to the College, or through the College to an Employee, primarily for the private use of that Employee. In no event will a vehicle owned by an Employee be considered a Borrowed Vehicle of the College.

3.3 Casualty or Property Coverage – shall mean insurance coverage for damage to, or the loss of use of, tangible property.

3.4 College Employee or Employee -- shall mean all persons who are on the payroll of the College whether full time, part time, permanent or temporary.

3.5 College Vehicle – shall mean an on-road or off-road vehicle that is owned or otherwise acquired by the College for Official Business and includes all vehicles regardless of whether those vehicles were leased, hired or borrowed by the College or obtained by bargain-purchase, gift or otherwise. A Borrowed Vehicle will be considered a College Vehicle if the Office of Auxiliary Services has added that Vehicle to the College's Automobile Insurance Policy.

3.6 Insurance Reserve Fund – shall mean that State fund authorized by the State Budget and Control Board to provide insurance to the College and other agencies or instrumentalities of the State of South Carolina.

3.7 Liability Coverage – shall mean insurance coverage for bodily injury, sickness or disease, to others, including death, and physical damages to the property of others.¹

3.8 Official Business – shall mean activities that are within a College Employee's scope of assigned duties, or scope of State employment, including acting in and about the official business of the College and performing official duties relating thereto.

3.9 Personal Vehicle – shall mean a Privately Owned Vehicle used primarily for the personal convenience of an individual other than Borrowed Vehicles insured under the College's policy of insurance for primary coverage.

3.10 Primary Coverage – shall mean insurance coverage under a policy that pays first (before any other policy) up to its stated limits for an incident covered under the policy.

3.11 Privately Owned Vehicle – shall mean all vehicles other than College Owned Vehicles and vehicles owned by the State of South Carolina.

3.12 Special Vehicles – shall mean all vehicles except passenger vehicles, SUV's, and vans having a stated capacity of less than 10-12 persons.

3.13 State Fleet Vehicle – shall mean a vehicle available through the South Carolina Fleet Management Program.

3.14 Volunteers – shall mean any non-employee who, of his/her own free will, provides goods or services, without any actual or expected financial gain, to the College whether or not the provision of such goods or services is one time only or provided on an intermittent or continuous basis.

3.15 Waiver of Coverage, CDW or LDW – Collision Damage Waiver (CDW) is an agreement between the renter and the car rental company whereby the company waives the renter's responsibility for damage to the rented vehicle if the renter, in turn, pays the company's

costs for its insurance of that vehicle during the rental period. Liability Damage Waiver (LDW) is the same type of agreement except that it pertains to liability (personal injury) but LDW coverage most often makes the renter's liability insurance the Primary Coverage.

4.0 SCOPE

This Policy is applicable to all College Vehicles, State Fleet Vehicles and to all Privately Owned Vehicles when used to conduct the Official Business of the College. Unless specifically stated otherwise herein (see Section 8.2(d)), this Policy pertains only to the use and acquisition of such vehicles in the United States. In no event does this Policy pertain to Privately Owned Vehicles when used for other than the Official Business of the College.

¹ Bodily injuries sustained by Employees when performing services within their scope of employment would be covered by Workers Compensation.

5.0 ACQUISITION AND USE OF COLLEGE VEHICLES

5.1 Acquiring Vehicles.

No College Employee shall acquire a College Vehicle on behalf of the College, through purchase or otherwise, without first ascertaining the appropriate type and amount of insurance coverage for that Vehicle with the Office of Business and Auxiliary Services. Upon such a determination insurance shall be acquired effective as of the same date that the College acquires title to, or the right to use the acquired vehicle.

5.2 Approved Drivers

College Vehicles and State Fleet Vehicles may be operated only by College Employees who have been designated as "Authorized Drivers" under Section 11.0. Neither volunteers nor students may operate a College Vehicle in the absence of a written authorization signed by the Office of Business and Auxiliary Services verifying that satisfactory insurance coverage exists to cover the driver. Such authorization may be given if a student is also an employee of the College and is required to operate a College Vehicle as a job requirement, is at least 21 years of age, and is otherwise determined to be an Authorized Driver pursuant to Section 11.0.

5.3 Use

(a) College Vehicles (excluding certain specifically designated Borrowed Vehicles) and State Fleet Vehicles may only be operated in the course of performing the Official Business of the College.

(b) Unless there is a signed contract between the College and the Employee specifying otherwise, the costs of ownership (including but not limited to insurance, repairs, maintenance or gas) for a Borrowed Vehicle or a vehicle leased for an extended term by or through the College primarily for the personal use of that Employee are not the responsibility of the College to the extent that the vehicle is used for other than Official Business. .

5.4 Liability for Property Damage

In accordance with South Carolina law (S.C. Code Ann. § 1-11-141):

(a) College Employees who, while driving College Vehicles on Official Business, are involved in accidents resulting in damages to the vehicles will not be held liable to the College for the cost of repairs, except in the following cases:

(1) If the operator was convicted of driving under the influence of alcohol or illegal drugs at the time of the accident and the College (through a constituted "Accident Review Board") determines that the operator's impaired condition substantially was the cause of the accident, the operator may be assessed up to the full cost of repairs; and

(2) In all other cases, the Employee operator may be assessed for an amount

not to exceed two hundred dollars for each occurrence if s/he is found to be at fault in the accident after a review of records conducted by such Accident Review Board.

(b) College Employees subjected to these assessments may appeal the assessment to the following bodies, in the following order:

- (1) The College's constituted Agency Accident Review Board;
- (2) The President;
- (3) State Motor Vehicle Management Council; and
- (4) State Budget and Control Board.

5.5 Driver Safety

Texting or sending/reading email messages while operating a College Vehicle or a State Fleet Vehicle is prohibited. Drivers of College or State Fleet Vehicles shall pay full attention to the safe and legal operation of the vehicle at all times while driving.

Operating such a vehicle in a grossly negligent or deliberately reckless manner, or in the commission of a crime, or for other than College authorized purposes may be grounds for the denial of part or all of the insurance coverage to which the Employee would otherwise be entitled.

6.0 USE OF STATE FLEET MANAGEMENT VEHICLES

College Employees who operate a State Fleet Vehicle must observe the provisions of the *State of South Carolina Vehicle Operator's Handbook* (see <http://www.gs.sc.gov/statefleet/SFMpublications.phtm>).

All such Vehicles shall be acquired for the use of College Employees though the College's Office of Procurement and Supply. Insurance for such vehicles is provided to the Division of Motor Vehicle Management, Fleet Management Program by the Insurance Reserve Fund ("IRF"). Without the expressed written authorization of the Director of Procurement and Supply, additional Liability or Casualty Coverage shall not be purchased for State Fleet Vehicles.

7.0 USE OF PERSONAL VEHICLES

7.1 General Rule

Personal Vehicles may be used by a College Employee to perform Official Business of the College, provided that such use is first approved by that Employee's immediate supervisor. Such supervisory approval is not required if that Employee holds an employment position at or above that of an Associate Dean or an Associate Vice President. When an Employee is using a Personal Vehicle for Official Business that Employee is certifying to the College that s/he has, at least, the minimum amount insurance on that vehicle as may be required by law.

7.2 Insurance; Coverage for Loss

(a) Casualty or Property Insurance

Physical damage to a Personal Vehicle occasioned by the use of that vehicle for Official Business is not covered by the College's auto insurance policy.

(b) Liability Insurance

(1) Personal injuries sustained by a College Employee while using a Personal Vehicle for Official Business are covered by the College's workers' compensation insurance.

(2) Personal injuries and property losses sustained by others and arising out of the operating a Personal Vehicle for Official Business is covered by the auto insurance of the owner of the Personal Vehicle. With respect to injuries only that are suffered by third parties, however, the College's

Automobile insurance coverage would provide for excess coverage above the amount of coverage first paid out under the Employee's policy. This excess or secondary coverage for injuries to others is currently limited to \$1 million.

8.0 RENTED OR LEASED VEHICLES

8.1 Local and National Contracts and Accounts with Car Rental Companies

(a) Contract Car Rental Companies

From time to time the College may enter into one or more contracts with car rental companies ("Contract Car Rental Companies"). Such contracts will contain both negotiated rental rates and various insurance coverages. No additional insurance need be purchased at the car rental counter and, if purchased, will not be reimbursed by the College as a part of approved travel expenses. No payment for any other service should be made at the counter because all such expenses will be paid under the negotiated contract. At the current time the College has a contract with Enterprise-Rent-A-Car® for rentals that take place in the State of South Carolina. A contract car rental company is a mandatory source for the rental of passenger vehicles within the State. In order for a College Employee to rent a vehicle from a Contract Car Rental Company the College Employee shall:

- (1) Receive a Travel Authorization ("TA") from the appropriate College authority;
- (2) Provide the TA number to the South Carolina Enterprise-Rent-A-Car® outlet that will be renting the vehicle to the Employee.

(b) National Accounts

In addition to a formal contract the College may also open a national "account" with a rental company that will rent vehicles to the College at a reduced rate, but with no provision for insurance. At the current time the College has a national account with Enterprise-Rent-A-Car® for its rental outlets located outside the State of South Carolina. Whenever practicable, an Employee, when traveling on Official Business, should use Enterprise-Rent-A-Car® when renting a vehicle in another state. In all situations of an out-of-state rental the Employee is to purchase both CDW and LDW.

(c) List of Contract Car Rental Companies and National Accounts

From time to time, the Director of Procurement and Supply may periodically modify subsections (a) and (b) of this Policy so that such subsections remain current, provided that, the Executive Team is advised of all such changes before they are effective and, once effective, this Policy, as modified, is re-published on the College Policy web site.

8.2 Rented Vehicles (from other than Contract Car Rental Companies)

(a) Insurance

- (1) Vehicles rented from other than a Contract Car Rental Company for conducting Official Business are not covered by the College's Auto Insurance Policy.
- (2) Personal injuries sustained by a College Employee while using a rented vehicle for Official Business are covered by the College's workers' compensation insurance.
- (3) The Employee is to purchase both waivers of coverage, CDW and LDW. Accordingly, the College will reimburse car rental expenses incurred for CDW and LDW.
- (4) In the event that the Employee does not purchase CDW or LDW for whatever reason personal injuries and property losses sustained by others and arising out of operating the rented vehicle for Official Business would be covered by the auto insurance of the Employee-driver. With respect to injuries only that are suffered

by third parties, however, the College's Automobile insurance coverage would provide for excess coverage above the amount of coverage first paid out under the Employee-driver's policy. This excess or secondary coverage for injuries to others is currently limited to \$1 million.

(b) Time and Value Limitations

No vehicle regardless of type may be rented or leased for a period in excess of 29 calendar days, and no vehicle having a value in excess of \$50,000 may be rented or leased, without the prior written approval of both the Office of Business and Auxiliary Services and the Office of Procurement and Supply.

(c) Certifications

By seeking authorization to rent or lease a vehicle for Official Business, a College Employee is certifying to the College that only authorized drivers listed in the lease or rental agreement will operate the vehicle, that each such driver has a valid driver's license, and that all drivers will meet the minimum age requirement for operation of that vehicle at the time of rental or lease. College Employees seeking reimbursement for expenses incurred with the rental or lease of a vehicle for Official Business will be required to recertify with respect to all matters stated in the previous sentence.

(d) Foreign Countries

College Employees renting or leasing a vehicle in a foreign country must purchase both casualty and liability coverage in amounts deemed appropriate and customary for the location.

8.3 Inspections

Before accepting any rented vehicle, and upon return of that vehicle to the rental company, the Employee is to inspect the interior and exterior of the vehicle and any damage should be noted and documented, in writing, by the rental company's agent on the rental agreement or on any other appropriate rental company form.

9.0 RENTAL OR LEASE OF SPECIAL VEHICLES

Except as provided in Section 10.0, the rental or lease of Special Vehicles for Official Business shall be subject to the prior review of the Director of Procurement and Supply and the Office of Business and Auxiliary Services and shall be subject to approval by the Executive Vice President for Business Affairs. In the absence of such consent the College will not reimburse any portion of travel expenses for the lease or rental of such a vehicle.

10.0 VEHICLES NOT SUITABLE FOR ACQUISITION

10.1 General Prohibition

Absent the prior written consent of the President or the Executive Vice President of Business Affairs and for good cause shown, the College shall not acquire title to a passenger van having a stated capacity of 15 or more persons.

10.2 Special Conditions for Certain Vehicles

College Vehicles, or vehicles rented or lease for Official Business, that are vans and that have a stated capacity of 10-12 passengers or more (see Section 10.1) may be operated only by College Employees who:

- (a) are Authorized Drivers for such vehicles, as required under Section 11.0; and
- (b) sign a statement that the driver is aware of the risks associated with operating such a vehicle and will observe all relevant laws, rules, and regulations and instructions received from or through the College regarding the operation of such a vehicle.

11.0 AUTHORIZED DRIVERS

11.1 Passenger Vehicles

Except as provided for in Section 11.5, a College Employee will be deemed an “Authorized Driver” for all College Owned and State Fleet Vehicles, other than Special Vehicles, if that Employee:

- (a) has a current valid driver’s license issued by South Carolina, or any other State (including the District of Columbia) if s/he has been a resident of South Carolina for less than 90 days² and
- (b) receives such safety training as may be deemed appropriate by the Director of Environmental Health and Safety.

11.2 Other Types of Vehicles

In order to be considered an “Authorized Driver” of College Owned and State Fleet Vehicles for the purpose of operating the types of *Special Vehicles* listed in Section 11.3 a College Employee must:

- (a) have a current valid driver’s license issued by South Carolina or any other State (including the District of Columbia) if s/he has been a resident of South Carolina for less than 90 days, for the type of vehicle for which the Employee requests authority to operate;
- (b) consent to a department of motor vehicles drivers back ground check (“DMV Check”) by executing and truthfully completing the authorization attached to this Policy and marked as Appendix A, if that the Employee did not already sign a similar authorization upon hire in the position pursuant to the College’s Background Check Policy. This check may also include a check with a former employer if the Employee held a position as a driver for that employer;
- (c) receive a favorable DMV Check that does not give rise to a reasonable cause to believe that the driver may be a danger to self or others when operating the type of motor vehicle at issue; and

² An international driver’s license is not valid in South Carolina.

- (d) receive, or be deemed to have received, adequate training for the operation of the vehicle(s) at issue, as determined by the Director of Environmental Health and Safety.

11.3 Types of Vehicles that Require Special Authorization

The types of Special Vehicles referred to in Section 11.2, and that require compliance with all of the conditions of Section 11.2(a) through (d), are as follows:

- (a) golf carts;
- (b) mopeds and motorcycles;
- (c) passenger vans with a stated capacity of 10 or more persons;
- (d) trucks with a weight requiring a Commercial Driver’s license for legal operation;
- (e) construction equipment;
- (f) forklifts;
- (g) recreational vehicles or motor homes;
- (h) power lawn mowers that are also power driven; and
- (i) such other vehicles as may, from time to time, be identified in writing by the Director of Environmental Health and Safety.

11.5 Mandatory Training

Notwithstanding any other provision of this Policy to the contrary, mandatory driver training of College Employees will be required before the initial operation of any College Vehicle or State Fleet Vehicle and subsequently in those instances when the Director of Environmental Health and Safety determines that remedial training for such Employees would serve the best interest of

the College. This may include, but not be limited to, those situations when an Employee: (a) is determined to be at fault in a preventable accident involving a College Vehicle or State Fleet Vehicle; or (b) is assigned a Borrowed Vehicle for any purpose that is covered by the College's policy of insurance.

11.6 Candidates for Employment

A Finalist to fill a vacant employment position with the College that requires the use of any type of vehicle will be subject to a Background Check as provided for in the College Policy on Background Checks. That check shall include a DMV Check. Such a Finalist shall not be employed to fill such a position unless there is substantial reason to believe that the Finalist has met or will meet the requirements of Section 11.2 in a relatively short period of time (not to exceed 30 days). In such latter case, the employment of the Finalist shall be contingent on meeting all such requirements within the timeframe established pursuant to the preceding sentence.

12.0 AUTOMOBILE ACCIDENT PROCEDURES

12.1 Employees who are in an accident involving a College Vehicle or State Fleet Vehicle shall follow these procedures:

- (a) Before leaving the scene of any accident, report the accident to the police department or Public Safety if on campus.
- (b) Before leaving the scene of the accident obtain a police report or FR-10 (see Appendix B) report from the investigating officer.
- (c) Obtain the full names and addresses of other drivers and all passengers involved, and any witnesses to the accident.
- (d) Have the vehicle towed if it is not drivable, and obtain name and number of wrecker service.
- (e) Within two business days of the accident forward the original police report or FR-10 report to the Office of Business and Auxiliary Services. Upon receipt of the report, the Office of Business and Auxiliary Services will forward it to the Insurance Reserve Fund (IRF) for processing and forwarding to the South Carolina Highway Department. This form must be submitted to the IRF within fifteen days of the accident.
- (f) Report accident to the workers' comp coordinator in the Office of Human Resources if the driver or other College employee is injured.
- (g) Cooperate with the College's/State's insurance adjuster who is assigned to the claim. Adjusters representing third parties should be referred to the Office of Business and Auxiliary Services
- (h) Immediately forward any correspondence about the accident from the Department of Motor Vehicles (DMV), involved parties, witnesses and others to the Office of Business and Auxiliary Services.

12.2 Accidents involving serious injuries and/or fatalities should be immediately reported to the Office of Business and Auxiliary Services at 843.953.4821 during normal business hours or to the College's/State's adjuster, QBE Specialties at 800.206.1913 after hours.

12.3 Failure to comply with these procedures and/or requests from the DMV may result in the suspension or revocation of the employee's drivers license and the automobile registration.

13.0 POLICY MAINTENANCE

This Policy shall be jointly maintained by the Director of Business and Auxiliary Services and Director of Environmental Health and Safety.

14.0 AMENDMENTS

This Policy may be amended in accordance with the College's *Campus-Wide Policy Making Procedures*.

15.0 EFFECTIVE DATE

This Policy shall become effective and fully implemented on September 1, 2011.

APPENDIX A

RELEASE AND AUTHORIZATION

(for DMV checks if not previously obtained)

I _____ (*print full name*) in connection with my request that the College of Charleston designate me as an "Authorized Driver" pursuant to its Policy **VEHICLE USE POLICY FOR CONDUCTING THE OFFICIAL BUSINESS OF THE COLLEGE OF CHARLESTON**, hereby authorize the College of Charleston ("COLLEGE") and Screening One, Inc. to perform a driving background screening check (including future screenings for retention, reassignment or promotion, if applicable, and unless revoked by me in writing) with the Department of Motor Vehicles in South Carolina and in the following additional jurisdictions:_____.

I understand and agree to the following:

1. A background check is not only for the benefit of COLLEGE as a sound business practice, but also for the benefit of all employees. It is no reflection on an applicant. I have read, understand and signed the separate Disclosure concerning my rights.
2. All reports are confidential, and provided to COLLEGE for decisions under the Policy only. This information will be obtained in strict compliance with the Fair Credit Reporting Act, the Americans with Disabilities Act (ADA), anti-discrimination and privacy laws and all other applicable federal and state laws.
3. I may review or obtain a copy of my report as provided by law. Screening One may be contacted by writing to: Screening One, Inc., 2233 W. 190th Street, Torrance, CA 90504.
4. I authorize and release municipal, county, state and federal agencies and courts, and agencies that provide motor vehicle records, and to former employers, co-workers or references regarding my driving, to provide all information that is requested to COLLEGE or Screening One.
5. I further release all of the above, including COLLEGE and Screening One, to the full extent permitted by law, from any liability or claims arising from retrieving and reporting information concerning me.
6. I agree that a copy or fax of this document shall be as valid as the original.

Your signature _____ Date _____

COURTS AND OTHER ENTITIES REQUIRE THE FOLLOWING INFORMATION FOR IDENTIFICATION WHEN CHECKING PUBLIC RECORDS. IT IS CONFIDENTIAL AND IS USED FOR IDENTIFICATION ONLY. YEAR OF BIRTH ENSURES ACCURACY AND AVOIDS DELAY.

Last Name First Name Middle Name Driver's License Number/State/Expiration date
DOB: ____/____/____

Former Names Date of Name Change

Former Names Date of Name Change

Former Names Date of Name Change

³ Date of birth month and day is mandatory, year is optional.

DISCLOSURE

For the benefit of the College of Charleston (the "College"), its employees, and the public the College has a policy of performing a motor vehicle background screening on those applying to be Authorized Drivers under the College's Policy: **VEHICLE USE POLICY FOR CONDUCTING THE OFFICIAL BUSINESS OF THE COLLEGE OF CHARLESTON.**

This Policy is a business practice that protects everyone by helping to promote safety. All inquiries are limited to information that affects job performance as an Authorized Driver for the College. It is conducted in accordance with applicable federal and state laws by ScreeningOne, Inc., an outside agency.

1. The report consists of information deemed to have a bearing on job performance, and may include information from public agencies and public records. The scope of the report may include information concerning driving record, and related civil and criminal court records, credentials, identity, past addresses, social security number and previous employment as a driver.

2. The report may also include reference checks from former employers, co-workers or references pertaining to your past employment as a driver. Any past employment reference check is limited to job related information. These are known as an "investigative consumer report." This type of report is legally defined as a report based upon interviews that may contain information relating to my character, general reputation, personal characteristics or mode of living. You have the right to request additional disclosures of the nature and scope of the investigation and a statement of your rights. To receive this information or to inspect any files concerning such a report or to determine if a report on you has been requested, you may contact College (843-953-5512) at 160 Calhoun Street, Charleston South Carolina 29424, or Screening One, Inc. (888-327-6511) at 2233 W. 190th Street, Torrance, CA 90504.

3. In using a report for employment purposes, before taking any adverse action based in whole or in part on the report, the person intending to take such adverse action shall provide to the consumer to whom the report relates a copy of the report and a description in writing of the rights of the consumer under the title, as prescribed by the Federal Trade Commission section 609(c)(3).

4. California Provisions: In California, any report concerning a consumer's character, general reputation, personal characteristics or mode of living is defined as an Investigative Consumer Report. In addition to your rights under federal law, you have the following additional rights: You have the right to inspect ScreeningOne's files during normal business hours and on reasonable notice; the inspection may be in person, by certified mail, or by telephone if the individuals shows proper identification and pays for any copying charges; the applicant may be accompanied by one other person who must show proper identification; and trained ScreeningOne personnel will explain any of the information in the report and will provide written explanation for any coded information.

5. CALIFORNIA, MINNESOTA, AND OKLAHOMA APPLICANTS ONLY:

I request a free copy of any Consumer Report, Investigative Report or Credit Report on me that is requested.

YES _____ NO _____

I, _____, hereby consent and authorize College and/or ScreeningOne, Inc. on the employer's behalf, to prepare each report as defined above for employment purposes as an Authorized Driver at any time while I am employed in this capacity

DATE _____

SIGNATURE _____
PRINT NAME _____

Departments/Offices Affected by the Policy

Procedures Related to the Policy

Related Policies, Documents or Forms

Issue Date:8/12/11 Date of Policy Review:10/1/2020

Next Review Date:10/3/2025

POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 2.8.1

President or
Chairman, Board of Trustees



Date: 10/1/2020