

TRANSPORTATION POLICY

Motor Vehicle Reports - MVR's & EPN

(Non-School Bus Drivers)

Risk Controls:

Use of vehicles is one of the largest liability exposures for Public Educational Agencies (PEA). PEA's can manage the quality of drivers operating owned, non-owned, and leased vehicles by obtaining current motor vehicle records. These records can be obtained using the Employer Pull Notice Program (EPN) or by requesting the driver to provide a current copy of their Motor Vehicle Record (MVR).

The EPN Program is a free service available to PEA's administered by the Department of Motor Vehicles (DMV). This program provides automatic Motor Vehicle Reports (MVR) reflecting a three (3) year driving record history for enrolled employees and will alert the PEA if there has been any new activity on the employees' driving record such as a violation, accident, license suspension, etc. While this program is mandated for employees driving buses, 15 passenger vans, or transporting hazardous materials, it is also available for other employees providing they are frequent drivers and have an employer/employee relationship with the PEA. The employee must sign a waiver (DMV Form INF1101) which must be maintained at the employee's worksite.

For additional EPN information and forms, contact the Department of Motor Vehicles.

Department of Motor Vehicles
Employer Pull Notice Unit
PO Box 944231
Mail Station H-265
Sacramento, CA 94244-2310
916-657-6446
<http://www.dmv.ca.gov/vehindustry/epn/epnformlist.htm>

Motor Vehicle Reports (MVR) can also be obtained at a local DMV office. This method is recommended for prospective new employees who will be driving for business purposes **prior** to hiring or enrolling in the EPN program. This method of obtaining a driving record is also applicable to volunteers driving a PEA vehicle and/or a volunteer driving a private vehicle with a questionable driving record. (Refer to the Private Driver Application).

It is important to require the applicant to obtain the **H6 Motor Vehicle Report** from the DMV, as this provides a ten (10) year driving record history. There is no additional cost for the H6 and if it is not specifically requested, the DMV will only provide a three (3) year report.

Transportation Policy

All PEA's should have a written Transportation Policy. On May 20, 2010, the NCSIG Board of Directors reviewed the following sample Transportation Policy. It was noted that some NCSIG members do not allow volunteers to drive their owned vehicles and this policy would need to be edited for that purpose. This sample does not apply to school bus drivers, who are held to much higher standards and regulated by the California Highway Patrol.

NCSIG SAMPLE TRANSPORTATION POLICY

Use of Vehicles for District Business

The governing board has a strong interest in ensuring that employees or volunteers who drive vehicles in the course of district business do so responsibly and act in accordance with established District procedures. The Superintendent or designee has the responsibility to monitor, evaluate and put into place the procedures designed to manage risks associated with this policy.

The district also has a strong interest in avoiding undue liability risks by curtailing driving privileges of any person whose driving records suggest they presently pose higher than normal risks. The Superintendent or designee further has the authority to recommend suspension or revocation of privileges to drive district or privately owned vehicles for district business.

All employees and volunteers that operate district or private vehicles for district business are regulated under the scope of this document. Vehicles are to be driven for business or transportation which is associated with the District's educational program only. Any person using a vehicle for district purposes must register each school year with the district office for such purposes. Drivers must provide the following:

1. Driver Application
 - a. District employees or volunteers allowed to drive district owned vehicles are required to complete an Employee Driver Application.
 - b. Volunteer drivers using a private vehicle are required to complete the Private Driver Application.
2. A copy of valid driver's license
3. Motor Vehicle Report (MVR)
 - a. District employees are required to complete the Authorization for Release of Driver Record Information (DMV Form INF 1101).
 - b. Volunteers permitted to drive a district vehicle must provide a current H6 Motor Vehicle Report (10 Year MVR).
 - c. Volunteers driving a private vehicle must have an "acceptable" driving record as defined in the Driving Record section of this policy. The District reserves the right to require the volunteer private driver to provide a current H6 MVR and/or accident reports to determine driver eligibility .
4. For drivers using their own vehicle, proof of minimum insurance requirements: Bodily Injury - \$100,000 each person, \$300,000 each occurrence; Property Damage - \$50,000 each occurrence; OR Combined Single Limit - \$300,000 each occurrence.

Safe Operation of Vehicles

Drivers are required to observe the following practices while operating a vehicle for business purposes:

1. Drivers must meet the district requirements prior to the use of vehicles.
2. All traffic laws must be obeyed.
3. Driver must be at least age 21 for driving for business purposes and age 25 if transporting students.
4. Driver must be free of any medical condition that may affect his/her ability to operate a vehicle.
5. No alcohol or drugs will be consumed prior to, or while operating the vehicle.
6. The number of passengers shall not exceed the capacity for which the vehicle was designed.
7. No one may transport more than nine passengers plus the driver in any vehicle.
8. Transportation is limited to District students and approved chaperones.

9. All occupants must wear seat belts whenever the vehicle is in motion.
10. All students who are less than 6 years of age or weigh less than 60 pounds must be properly secured in a rear seat in a child passenger restraint system meeting applicable federal motor vehicle safety standards.
11. The use of cell phones, walkmans, pagers or other electronic devices while driving is prohibited.
12. Smoking a pipe, cigar or cigarette in the vehicle is prohibited.
13. Any fines resulting from violations will be paid by the employee/volunteer.

Drivers License

All drivers must have been continuously licensed during the last 3 years and hold a current California Drivers License to operate District or private vehicles, including off-road motorized equipment, for district business . All drivers are responsible for keeping their licenses current.

Some district vehicles require special class licenses to operate. Any person without such special class licenses may not, under any circumstances operate vehicles requiring them.

A driver's license record check will be done at the time of employment for employees who operate vehicles as a part of their job duties. These employees will also consent to an annual DMV record check. If an initial driving record check on a new employee reveals that the employee's driving record is in violation of this policy, the employee may be subject to corrective action, which may include termination.

Driving Record

The Superintendent or designee will monitor driving records. Not meeting district requirements and/or failure to demonstrate the ability to drive safely will constitute an unsafe and unacceptable driving record.

MVR's will be graded based on the following table, as minimum requirements. Drivers are evaluated on the number of:

- a) minor violations,
- b) accidents,
- c) license suspension/revocation and
- d) serious violations.

Motor Vehicle Report (MVR) Grading Criteria

Number of Minor Violations Within Last 3 Years	Number of Preventable Accidents Within Last 3 Years			
	0	1	2	3
0	Acceptable	Acceptable	Borderline	Unacceptable
1	Acceptable	Acceptable	Borderline	Unacceptable
2	Acceptable	Borderline	Unacceptable	Unacceptable
3	Unacceptable	Unacceptable	Unacceptable	Unacceptable
4	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Minor Violations (3 Years) <i>Any moving violation that is not a Serious Violation as shown in this Table. (Examples include, but are not limited to speeding, failure to yield, illegal passing, stop sign/light violation, improper turn, following too close, any other moving violation where DMV points are assessed).</i>				
License Suspension or Revocation (for other than failure to pay fines) or Driving with Suspended License Within Last 3 Yrs	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Any Serious Violations Within Last 5 Years	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Serious Violations (5 Years) <ul style="list-style-type: none"> • Failure to stop in the event of an accident (Hit and Run) • Driving under the influence of alcohol or drugs or with open container • Refusing to take a substance/chemical test • More than one dismissal of a conviction relating to controlled substances • Reckless/Careless Driving • Homicide or Manslaughter or using vehicle in connection with a felony • Evading a Peace Officer or resisting arrest • Driving the wrong way or in the incorrect lane on a divided highway • Driving in excess of 100 mph • Racing/Speed contests • Passing a stopped school bus 				

Private Driver Transportation

The Superintendent or designee may authorize the transportation of students by private automobile for approved field trips and activities when the vehicle is driven by an adult, age 25 or older, who has registered for such purposes. For persons using a private vehicle for district business, the vehicle's registered owner is responsible for any accidents or violations that occur. The employee's/volunteer's personal auto policy is primary over any insurance or self-insurance maintained by the District. The District does not cover, nor is the District responsible for, comprehensive or collision physical damage coverage for private vehicles.

Specific Provisions for Use of District Vehicles

District vehicles are available for use upon request of *(district designee)*. Requests will be granted based on availability of vehicles, approval by the site administrator and whether the operator has met all requirements. The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip.

A vehicle inspection form must be completed and submitted to *(district designee)* for each trip when using a district vehicle. The operator should record the starting and ending mileage on the form. The condition of district vehicles should be checked by the operator prior to use. Any notable damage or defects should be

reported on the vehicle inspection form. Commercial vehicle (van) drivers are required to do a pre-trip inspection and a post-trip inspection as per the California Vehicle code. Commercial vehicle drivers are also required to submit a vehicle condition report at the end of the trip, day or tour of duty.

Using a district vehicle is a privilege. Vehicles should be returned:

- Free from trash and in a reasonably clean state
- With a full tank of fuel, if applicable
- To the location as requested by (*district designee*).
- At the scheduled time

Citations and/or Violations

Driving performance resulting in the issuance of a traffic citation is substandard and dangerous to human life and property. Employees who receive moving violations issued by a municipal, county, or state law enforcement officer while operating a district vehicle must report the citation to the Superintendent or designee and their immediate supervisor within twenty-four (24) hours.

Any person whose driving privileges have been suspended or revoked by the Department of Motor Vehicles must inform the Superintendent or designee of that action within twenty-four (24) hours.

A progressive disciplinary approach will be issued to an employee who receives a moving violation while operating a district vehicle. If more than one active disciplinary action relating to traffic citations is present in the employee's file, disciplinary action may be warranted. If disciplinary action is issued and the citation is later voided in traffic court, the discipline will be voided as well. The Superintendent or designee has the authority to evaluate individual violations and use discretion in deciding what disciplinary action is appropriate under the circumstances.

Any employee found to be operating a motor vehicle for district business with an invalid drivers license or an unsafe/unacceptable driving record in accordance with this policy will immediately cease operating the district vehicle and is subject to disciplinary action.

In some circumstances, suspension of driving privileges may be lifted by attendance in and completion of a local remedial driving program.

Accidents in District Vehicles

If you are involved in an accident in a district vehicle, stop your vehicle at the scene or as close as is safe. Always ensure your safety first. The police must be contacted if there are injuries, if there is a disagreement over the accident, if you damage property other than your own, or if you feel unsafe. If the police are not called to the accident, it is your responsibility to get the other vehicle information, the name and contact information of the other driver, the names and contact information of any witnesses, the name of the other driver's insurance carrier, and a description of the incident. Do not admit responsibility at the scene of the accident.

The accident must be reported to the Superintendent's office as soon as possible. If a determination is made by a law enforcement agency that the accident was at fault and resulted in serious injuries or the major damage to property, further action may be taken. This may include suspension of privileges, disciplinary measures or mandated driver's training courses. Single vehicle accidents involving minimal damage or especially mitigating circumstances may not warrant further action.

Rental Vehicles

Employees or volunteers driving a vehicle rented by the District are permitted to drive this vehicle for business purposes only. Personal use of rental vehicles is not permitted. Physical damage (comprehensive/collision insurance) offered by rental agency must be purchased at time of rental.

Non-Sponsored Transportation

If transportation is not provided and/or sponsored by the district, it shall be the responsibility of the principal or their designee to be certain that the participants and the parents/guardians are advised in writing that the district is not providing transportation, that the parent/guardian assumes all responsibility to make appropriate transportation arrangements, and the district assumes no legal liability for that transportation. (Non-Sponsored Transportation Notice).

If the District is not providing and/or sponsoring the transportation, the district shall not:

- Mandate the route of travel
- Mandate the time of travel
- Mandate caravanning
- Mandate car pooling
- Assign riders
- Have district equipment or material in the private passenger vehicles
- Review driving records of the drivers
- Require proof of liability insurance
- Check the condition of the vehicle
- Approve the drivers

Student Release from Using District Transportation

When District transportation is provided, students may be released from using district transportation only with the advance written permission of their parent/guardian. The written release form must be submitted for each activity a student is involved.

- Transportation Waiver – Adult Driver: Form required when transportation is provided by the parent/guardian or another designated adult.
- Transportation Waiver – Student Driver: Form required when transportation is provided by the student as authorized by the parent/guardian.