

# Driving Privileges

FIN-INS-02



## About This Policy

Effective Date:

03-15-2003

Last Updated:

09-02-2011

Responsible University Office:

Office of Insurance, Loss Control & Claims

Responsible University Administrator:

Vice President and Chief Financial Officer

Policy Contact:

Larry Stephens

Director, INLOCC

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## Related Information

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\* Review other vehicle-related policies under Insurance, Loss Control, and Claims on the Financial section of this site.

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\* See provisions of IC 34-13-3-3 relating to immunity of employees of governmental entities (IC 34-13-3-3) and "actions against individual members not authorized" (IC 34-13-3-5).

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## Scope

This policy applies to all drivers of UNIVERSITY VEHICLES.

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## Policy Statement

This policy is issued for the safety and protection of students, faculty, staff, and others using the roadways.

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## Reason For Policy

The operation of motor vehicles represents a significant risk to the operators and passengers of the vehicles, a significant risk to the safety and property of others on or near roadways, and a significant liability risk for the University. It is prudent and necessary to have controls in place regulating the use of those vehicles.

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## Procedure

### I. Introduction

- A. Indiana University and those who drive on UNIVERSITY BUSINESS recognize the serious nature of the responsibility to promote safety; to reduce risk to the University, its employees and students, and fellow motorists; and to ensure that the applicable legal requirements for driving a motor vehicle are met.
- B. The following procedures will assist the University in determining who will be authorized to drive vehicles on UNIVERSITY BUSINESS as provided for in the Office of Insurance, Loss Control & Claims's (INLOCC) policy [FIN-INS-07, Who Can Use University Vehicles](#).
- C. Indiana University will endeavor to conduct a MOTOR VEHICLE RECORDS CHECK (MVR) (see form on side bar) on anyone who drives a UNIVERSITY VEHICLE regardless of the frequency of use.
- D. MVR checks on drivers identified above will be conducted at least annually\*\*, unless the Office of Insurance, Loss Control & Claims (INLOCC) determines that circumstances in a particular case warrant a more frequent check. INLOCC will pay the fees for MVR checks, except those checks of students for the rental of vehicles. Motor Pool will be responsible for those charges and may elect to include them in the rental fee. (See III.B. below)
- E. The authorization to drive vehicles on UNIVERSITY BUSINESS will be suspended for an accumulation of points or reasons as described in section IV below.
- F. While individual driving record information is needed to assist the University in making important safety and employment decisions, the University also recognizes that this information is highly sensitive to the individual whose record is being checked. Therefore, MVR information will be gathered only by INLOCC and will be shared only with those University employees with a legitimate need to know (such as, in the appropriate circumstances identified elsewhere in this policy, the employee's supervisor and Human Resources personnel). Similarly, employee identification information, such as IU ID numbers, driver's license numbers and, in the case of new hires or situations where no other identifier is available, Social Security numbers will be handled with the utmost care.
- G. These are minimum procedures. Other circumstances may arise that affect the authorization of an individual to drive a vehicle on UNIVERSITY BUSINESS.

### II. Notification to employees

- A. Employees (not already notified) will be notified by campus mail of this policy and related procedures as soon as reasonably possible.
- B. New employees will be notified of this policy as a part of the hiring process.
- C. Drivers who opt out of being checked (i.e., who will *never* drive any vehicle on UNIVERSITY BUSINESS) *and* drivers who fail to comply with this policy will receive reminders of the policy by campus mail from time to time.

### III. Responsibilities of Departments

- A. Departments are required to inform any employee who drives or may drive a UNIVERSITY VEHICLE to submit their driver's license information before driving a UNIVERSITY VEHICLE. Departments will not be held responsible for employees' actions unless:
  1. The department has been notified their employee has had his/her University driving privileges suspended and fails to take appropriate action to prevent that employee from driving on UNIVERSITY BUSINESS, or
  2. Supervisors within the department have knowledge that leads to a reasonable belief the driver should be reported to INLOCC for a driver's license check (e.g., a drunken driving arrest, a license suspension by the state) and fail to so notify INLOCC.
- B. Please note that students and volunteers do not receive a notice of this policy from INLOCC, therefore, it is the responsibility of the department allowing students and/or volunteers to use their vehicles to notify them of and ensure they are in compliance with this policy.  
**\*\*Note:** Students and volunteers are *not* re-checked on an annual basis. When their MVR check expires (one year) they must submit a new MVR application.
- C. Fiscal Officers, Account Managers and department heads can go to <https://inloc.iu.edu/ORM/CAS/MVR2/ReviewInfo.cfm> to review a list of employees assigned to their accounts to make a determination of driver status and check their license submission status.
- D. Departments are to report to INLOCC if they become aware that an individual on their drivers list has had an accident while driving on UNIVERSITY BUSINESS, had their driver's license suspended or if any other event occurs that could affect their driving privileges.
- E. It is the department's (or other applicable unit) responsibility to take appropriate corrective action with drivers who fail to comply with this policy.
- F. INLOCC will notify the appropriate Vice President or Chancellor to whom a department reports if it fails to fulfill these responsibilities.

### IV. Responsibilities of Drivers

- A. As a condition for driving any vehicle on UNIVERSITY BUSINESS, drivers will give Indiana University authorization to conduct a MVR check and provide all necessary information for the check. Driving on UNIVERSITY BUSINESS will be prohibited if authorization to conduct a MVR check is not given. This may affect employment. Drivers will be provided a copy of the MVR check if it will affect their authorization to drive on UNIVERSITY BUSINESS as described in section V below; otherwise they may request a copy if they wish to review it..

To submit the necessary information and authorization you can go to the [Webform](#) or have your department download the paper form in a [PDF](#) file

- B. All employees will receive notification of this policy at the time of hiring or by campus mail as soon as reasonably possible. Failure to submit information within 21 days of the mailing of the notice constitutes non-compliance. Employees may opt out of submitting their driver's license information if they *never* drive on university business. Employees who have not submitted their driver's license information will receive reminder notifications of this policy from time to time.

The following provisions are subject to the notification schedule above.

1. Class "a" drivers must submit their license information (and be approved) before operating a UNIVERSITY VEHICLE.
  2. Class "b" drivers will be allowed one rental from Motor Pool without a MVR but must submit their license information at the time of rental.
  3. Class "c" drivers must submit their license information (and be approved) before renting a vehicle on behalf of or in the name of the University.
  4. Class "d" drivers must submit their license information (and be approved) before operating a personally owned vehicle on UNIVERSITY BUSINESS.
- C. When a personal vehicle is being used on UNIVERSITY BUSINESS the following shall apply:
1. The University provides no coverage for damage to the vehicle.
  2. Subject to all other applicable policies and procedures, Indiana law and the provisions of a resolution of the Indiana University Board of Trustees dated May 22, 1971 entitled "Officers Liability Insurance," the University will provide liability coverage.
- D. Any driver who drives any UNIVERSITY VEHICLE

without submitting their driver's license information, and being approved (subject to other provisions in this policy),

or continues to drive on UNIVERSITY BUSINESS after refusing to authorize a MVR check,

or after authorization to drive on UNIVERSITY BUSINESS has been suspended

will be subject to the corrective action procedures contained in Indiana University's staff, academic, or student policies, as applicable.

Such drivers will be deemed to be acting outside the scope of their employment and will not be covered by The Trustees of Indiana University Defense and Indemnification Policies.

In the event of a claim or suit arising while driving on UNIVERSITY BUSINESS under these circumstances, the driver will **not** be indemnified.

Drivers not in compliance with this policy may be denied reimbursement for rental vehicle and or mileage expenses.

Drivers must report infractions as outlined in Section V.

#### V. Authorization to Drive on UNIVERSITY BUSINESS

- A. INLOCC will use the results of the MVR check in determining the eligibility of an employee, volunteer or student to drive on UNIVERSITY BUSINESS.
- B. Authorization to drive on UNIVERSITY BUSINESS will be suspended if the driver does not have a valid operator's license from the United States (and its territories and possessions) or Canada until a valid license is obtained.
- C. All drivers of UNIVERSITY VEHICLES must report a suspension of their driver's license (including seizure by a police officer) to INLOCC. *Failing to report such suspension within 2 business days is deemed "failure to report."*
- D. All drivers of UNIVERSITY VEHICLES must report any citations or arrests for a traffic moving violation (e.g., speeding, disregarding a traffic control device) received while driving a UNIVERSITY VEHICLE to INLOCC. *Failing to report a violation within 2 business days is deemed "failure to report."*
- E. All drivers of UNIVERSITY VEHICLES must report accidents involving UNIVERSITY VEHICLES to INLOCC. *Failing to report such an accident within 2 business days is deemed "failure to report."*
  1. Failure to report to INLOCC an accident involving a UNIVERSITY VEHICLE in which treatment for injuries is required beyond the scene of the accident, or property damage exceeds \$5,000 total for all vehicles and other property involved, will result in the assignment of 12 points effective the date of discovery of the accident.
  2. Failure to report to INLOCC an accident in a UNIVERSITY VEHICLE in which treatment for injuries is not required beyond the scene of the accident or property damage exceeds \$500 but less than \$5000 will result in the assignment of 10 points effective the date of discovery of the accident.
- F. All drivers of UNIVERSITY VEHICLES must report an arrest, whether driving on UNIVERSITY BUSINESS or not, for any felony involving a motor vehicle or for driving while impaired due to alcohol or drugs. The arrest will result in a University suspension of driving privileges until acquittal or conviction.

1. Conviction of any felony involving a motor vehicle, whether driving on UNIVERSITY BUSINESS or not, will result in the assignment of points as follows:
  1. If bodily injury is involved, assignment of 28 points will be made effective the date of the felony or, if more than three years has elapsed between the date of the felony and the conviction date, 17 points will be assigned effective the date of conviction.
  2. If bodily injury is not involved, assignment of 21 points will be made effective the date of the felony. If more than two years has elapsed between the date of the felony and the conviction date, 14 points will be assigned effective the date of conviction.
2. Conviction for driving while impaired, whether on UNIVERSITY BUSINESS or not, will result in the assignment of 14 points effective the date of the arrest. If more than six months has elapsed between the date of the arrest and the conviction date, 12 points will be assigned effective the date of conviction.
3. Failure to report a suspension under this section will result in the assignment of an additional 12 points, effective the date of suspension.
4. Failure to report a citation or arrest will result in an additional 6 points effective the date of the arrest or citation.

G. The accumulation of 10 or more IU points will result in suspension of IU driving privileges until points fall below 10.

H. Multiple suspensions of the authorization to drive on UNIVERSITY BUSINESS may lead to a longer or permanent suspension.

- VI. After the MVR check is run, points for violations based on that record will be assessed according to section D below and then adjusted by an aging factor set forth in section E below.

**Please note:** While the points assessed pursuant to this policy are conceptually similar (and in some cases numerically identical at the outset) to the points assessed by the Indiana Bureau of Motor Vehicles, these two "point systems" serve different purposes, are administered by different entities, and have different implications for a driver. For example, being suspended from driving on UNIVERSITY BUSINESS because of too many points under this policy has no direct impact on the validity of the driver's Indiana state operator's license; conversely, the points assessed under this policy "age off" more quickly than do points assessed against a state operator's license by the Bureau of Motor Vehicles.

1. Points for violations (accrued in any vehicle and whether on UNIVERSITY BUSINESS or not):

DWI (alcohol or drugs)	14
Speeding	2 points for each 10 m.p.h. over
Reckless driving	6
Leaving the scene of an accident, Property Damage only	4
Leaving the scene of an accident, Bodily Injury	8
Other moving violations	3

(This is the current list which is subject to change based upon experience.)

2. To enhance responsibility in the operation of our fleet, drivers who are at-fault in accidents will be identified for cost shifting of accident costs to their departments.  
(Points will be reduced as time passes since the accident.)
  - a. Accident involving injury or damages (includes payments and reserves for injuries, property damage, and expenses, such as legal fees) greater than \$5,000: 4 points
  - b. Accident involving damages less than or equal to \$5,000: 2 points
  - c. The circumstances of each accident will be reviewed by the Office of Insurance, Loss Control & Claims (INLOCC). INLOCC will determine if the University driver(s) were at fault, based on police reports, driver interviews, and any other evidence present, and if the fault was 50%, less, or more.
  - d. **Appeal Of Accident Fault**
  - e. Some cost of vehicle accidents will be shifted to a driver's department. See "IX. Procedures for Cost Shifting of Vehicle Accidents" below for further details.
3. If an event involves multiple violations, the points for each violation will be added together to determine the total points for the event.
4. Calculation to determine if driving authorization is suspended: points erode at the rate of 1/100 point per day.

Example: You are assigned 2 points effective April 5, 2011. 200 days later - October 22, 2011 - the points will have disappeared. [Points - ((Date assigned - Date today) \* .01)]

5. A classroom defensive driving course (DDC) successfully completed, as ordered by a judge or voluntarily completed, qualifies for a 4 point credit for up to 360 days after the completion date. However, no credit will be applied for a second DDC course completion unless it is completed at least 720 days after any previously successful course completion and no credit will be applied for any third or subsequent DDC completion.
6. Whenever a driver obtains 5 or more points, INLOCC will send a letter to the driver with this information advising him or her of the risk of having the authorization to drive on UNIVERSITY BUSINESS suspended.
7. Whenever a driver's authorization to drive on UNIVERSITY BUSINESS is suspended, INLOCC will send a certified letter to the driver with an email to the driver's department and the campus human resources office, dean of faculties, or dean of students, as applicable. The message will state the nature and length of the suspension of the authorization to drive on UNIVERSITY BUSINESS and clarify that the University suspension does not affect the person's ability to drive to and from home to work or class.

## VII. Appeals of Suspension of the Authorization to Drive on UNIVERSITY BUSINESS

- A. A person may appeal in writing the suspension of the authorization to drive on UNIVERSITY BUSINESS at any point during the suspension period.
- B. The written appeal should be submitted to the Director of INLOCC and contain an explanation of the situation that led to the suspension and steps, if any, that have been taken to address the situation.
- C. When an appeal is received, INLOCC shall appoint an ad hoc Vehicle Use Appeals Committee.
- D. Each committee shall consist of:
  1. a representative from the driver's peer group selected by the union, staff council, professional council, faculty council, or student council that represents the specific driver
  2. a member of the campus police or security force
  3. a representative of the campus chancellor or vice president to whom the driver's department reports

The chancellor, provost or vice president who controls the appellant's operating unit will be advised of the appeal and circumstances of suspension, as well as the name of the representative appointed.

4. a member of INLOCC who shall chair the committee as a non-voting member.
- E. The Director of INLOCC shall submit the written appeal to the Vehicle Use Appeals Committee.
- F. The appeal meeting is a public meeting. INLOCC will give the committee its charge and explain the gravity of the process. The appellant may speak to the committee, if he/she wishes, and other persons may testify before the committee. The length of testimony and number of persons allowed to speak is at the discretion of the committee chair.
- G. Committee deliberations are not public and the chair does not participate.
- H. The decision of the Appeals Committee with respect to the authorization to drive on UNIVERSITY BUSINESS is final and not subject to the University's problem-grievance procedures. However, if the suspension of the authorization should lead to corrective action affecting employment, the person may appeal the corrective action under the rules of the complaint procedures applicable to that person.

## VIII. Impact of Loss of Authorization to Drive on University Employment

- A. If the driver is a University employee, the employee's department and campus human resources' office or dean of faculties' office, as applicable, will meet within ten working days of being informed of the suspension of the employee's authorization to drive on UNIVERSITY BUSINESS, to determine the impact on the employee's employment.
- B. Factors that will be considered include:
  1. Those related to the authorization to drive, such as the MVR report, any restrictions on driving in Indiana, the cause of the restrictions, the length of any restrictions, the existence of any of the circumstances contained in section V above, the length of the suspension of the authorization to drive on UNIVERSITY BUSINESS, and any INLOCC historical information related to the authorization to drive on UNIVERSITY BUSINESS.
  2. Those related to the employee's University position, such as the essential or marginal nature of driving in the job, any requirement of the job to hold a valid driver's license, the availability of other job assignments and the employee's ability to perform them, and the employee's work record including any current corrective action.
  3. The employee's explanation of the underlying situation and any actions that the employee has taken to address the situation.
- C. Based on the consideration of these factors, and in accordance with the University's corrective action policies and the department's policies and procedures, the department will determine what action it will take, if any, with respect to the employee's employment. The department will inform the employee in writing with copies to the campus human resources office or dean of faculties, as applicable.
- D. A staff employee may appeal through the University's problem-grievance procedure if he or she disagrees with or is not satisfied with the department's corrective action. An academic employee should contact the campus dean of faculties' office to discuss available appeals.

## IX. Procedures for Cost Shifting of Vehicle Accidents

1. When a University driver is at-fault in a vehicle accident, his/her accident record will be reviewed by INLOCC. The involved department and the driver will be notified of the accident and the driver's accident record.

2. Points for the accident-at-hand will be assigned on the basis of:

Accident involving injury or damages (includes payments and reserves for injuries, property damage, and expenses, such as legal fees) greater than \$5,000: 4 points.

Accident involving damages less than or equal to \$5,000: 2 points.

These points will be added to any other points currently accumulated for accidents.

3. The driver's department will be assessed a portion of all damages arising from the accident based on one of the following formulae:

- If the driver is less than 50% at fault for the present accident:

( Damages X ( Points X 5 / 100 ) ) / 2 subject to a \$5,000 maximum

.Example: \$5,000 damages, 10 points

$$( 5000 X ( 10 X 5 / 100 ) ) / 2 = ( 5000 X .5 ) / 2 = \$1,250$$

- If the driver is more than 50% at fault for the present accident:

( Damages X ( Points X 5 / 100 ) ) subject to a \$10,000 maximum.

Example: \$50,000 damages, 15 points

$$( 50000 X ( 15 X 5 / 100 ) ) = ( 50000 X .75 ) = \$37,500 \text{ (maximum limit of } \$10,000 \text{ would apply).}$$

4. This is a *University-incurred liability* assessment and is in addition to any contribution ("deductible") for damage to the University owned or leased vehicle.

5. Any department head may request that a driver attend a remedial driving course at any time.

6. The current (as of April 2001) deductible for "comprehensive" coverage is \$50. The \$500 deductible for "collision" coverage established earlier this year is now changed to a sliding scale deductible:

1 <sup>st</sup> chargeable accident	\$100
2 <sup>nd</sup> chargeable accident <i>within 360 days</i> <sup>*</sup>	\$250
3 <sup>rd</sup> chargeable accident <i>within 360 days</i> <sup>*</sup>	\$500

\* Within 360 days of the most recent accident.

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## Definitions

- A. UNIVERSITY VEHICLES include all licensed vehicles owned, leased, or rented by or for Indiana University. (See the Related Information section concerning IC 34-13-3.) This definition includes personal vehicles when operated on UNIVERSITY BUSINESS.
- B. DRIVER means every person who uses or wishes to use a UNIVERSITY VEHICLE, regardless of rank or campus affiliation, including those required to use a vehicle as a part of their job duties as well as those whose use of a vehicle is elective.
- C. DRIVER'S LICENSE CHECK / MOTOR VEHICLE RECORDS CHECK is an inquiry directed to one or more state drivers licensing departments to obtain the status of a driver's license and record (if any) of vehicular accidents and/or traffic violations of an individual. Other information, such as license restrictions, may also be provided.
- D. VEHICLE is any means of conveyance that requires licensing to operate on public streets.
- E. STUDENT is anyone currently enrolled in classes at Indiana University, or, between semesters, is expected to enroll the next semester and is pursuing an activity directly related to their educational experience. However, a student who is in the act of conducting UNIVERSITY BUSINESS as an employee or volunteer is considered an agent of the University and employee policies and procedures apply to them during these periods of time.
- F. UNIVERSITY BUSINESS means those activities that further the mission of the University and, in the case of an employee of the University, are within the scope and authority of that person's employment. For example: normal student transportation activities (e.g., handicapped students shuttles) and Campus Bus are deemed to be "in furtherance of educational objectives" within the course of their normal use. E.g., driving a personal vehicle on a University errand or from one location to another to teach is UNIVERSITY BUSINESS. This definition applies whether the driver is reimbursed for use of a personal vehicle or not.
- G. *To simplify the language of this policy, only,* drivers are classified as
- Drivers who are using assigned and/or department-owned/leased/rented vehicles
  - Drivers who are renting vehicles from the IU Motor Pool

- c. Drivers who are renting vehicles from rental agencies (e.g., National)
- d. Drivers who are driving personal vehicles on "UNIVERSITY BUSINESS"

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## Sanctions

Sanction 1 The assessment to the department for a failure to keep a knowingly suspended driver, or a driver who gives rise to reasonable belief they should be checked, from driving and who then has an accident in which they are 50% or more at fault is 10% of the total resulting damages, subject to a minimum of \$500 and a maximum of \$5,000.

Sanction 2 The Office of Insurance, Loss Control & Claims will notify the appropriate Vice President or Chancellor to whom a department reports if it fails to fulfill these responsibilities.

Sanction 3 Any driver who drives any vehicle without submitting their driver's license information and being approved (subject to other provisions in this policy), or continues to drive on UNIVERSITY BUSINESS after refusing to authorize a MVR check, or after authorization to drive on UNIVERSITY BUSINESS has been suspended will be subject to the corrective action procedures contained in Indiana University's staff, academic, or student policies, as applicable. Such drivers will be deemed to be acting outside the scope of their employment and will not be covered by The Trustees of Indiana University Defense and Indemnification Policies. In the event of a claim or suit arising while driving on UNIVERSITY BUSINESS under these circumstances, the driver will **not** be indemnified. Drivers not in compliance with this policy may be denied reimbursement for rental vehicle and or mileage expenses.

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## Additional Contacts

Questions concerning the impact on your employment of having your driving privileges suspended should be directed to your supervisor.

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## History

The points system was revamped August 2011. Additional points system revisions made April 2013.