

Vehicle Use

Employees are required to read the below *State of Montana Vehicle Use Policy* and the *Montana Board of Regents of Higher Education Vehicle Policy and Procedures* and submit a [Vehicle Use Form](#) to Human Resources. If you need a hard copy of the Vehicle Use Form, please contact Human Resources at 406-994-3651.

State of Montana Vehicle Use Policy

Administrative Rules of Montana (ARM)

<http://www.mtrules.org/gateway/Subchapterhome.asp?scn=2%2E6%2E2>

2.6.201 INTRODUCTION

- (1) The following rules define acceptable uses for state-owned or leased motor pool vehicles as provided in 2-17-424, MCA. State employees or authorized individuals may be subject to additional guidelines, policies, insurance coverage exclusions, or regulations for vehicle/equipment fleet operations, provided that they do not conflict with these rules.
- (2) Drivers and passengers must use installed seat belts at all times.

2.6.202 DEFINITIONS

As used in this subchapter, the following definitions apply:

- (1) "State" as defined in 2-9-101, MCA.
- (2) "State employee" as defined in 2-9-101, MCA.
- (3) "State vehicle" means a motor vehicle, trailer, snowplow, or other vehicle designed for travel on public roads that is subject to motor vehicle registration, including any machinery or apparatus attached to the vehicle. The term includes the following:
 - (a) A "leased vehicle" obtained by the state through an open-ended lease or lease with an option to buy contract;
 - (b) A "loaned vehicle" provided to the state as a gratuity;
 - (c) An "owned vehicle" to which the state has title; and
 - (d) A "rented vehicle" rented by the state for a fee, typically for short-term use in Montana or for out-of-state travel.
- (4) "Under the influence" means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a state vehicle has been diminished.

2.6.203 AUTHORIZED DRIVERS AND USES

(1) Except as otherwise provided in this rule, the following individuals may operate a state vehicle if the driver possesses a valid driver's license appropriate to the type of vehicle to be driven, meets driver requirements set out in ARM 2.6.205, and the uses are as provided below:

(a) A state employee to conduct business on behalf of the state;

(b) A state employee in travel status to obtain food and lodging and to respond to medical emergency situations;

(c) A state employee required to conduct state business to obtain items needed while in travel status;

(d) A state employee may park a state vehicle overnight at the employee's residence if the employee must begin travel the next day or if the employee is subject to emergency response, on-call, or other off-shift duty associated with state employment;

(e) A state employee required to stay overnight at a location other than the employee's established work location during nonwork time to drive to a cultural, recreational, or leisure activity or to conduct other personal business, if the activity is within 30 miles of the employee's lodging;

(f) A non-state employee enrolled and registered as a student at a university of the state to conduct university business;

(g) A non-state employee to aid or assist a disabled state employee if the aide has completed the Risk Management and Tort Defense Division's (RMTD) vehicle use agreement and obtained authorization from the agency head or designee prior to the use;

(h) A non-state employee to assist a state employee or other individual during a medical emergency for transportation and related purposes. Prior approval is not required;

(i) A non-state employee accompanying a state employee on official state business where the state employee becomes ill, fatigued, or is otherwise rendered physically or mentally incapable of driving and/or a compelling state interest is served by allowing the non-state employee to drive. Prior approval is not required; and

(j) An inmate of a state prison who must operate a state vehicle to fulfill job duties for a position with Montana Correctional Enterprises or a state prison, and who is approved by the appropriate division as outlined in Montana State Prison/Montana Women's Prison/Montana Correctional Enterprises Procedure. If an inmate who is allowed to drive on Department of Corrections' property under this rule does not have a valid driver's license, the inmate may drive a state vehicle if:

(i) The inmate has a valid facility driving permit;

- (ii) Is timely paying fines, if any, associated with the inmate's loss of a driver's license; and
- (iii) Is working toward obtaining a valid state of Montana driver's license.

(2) Any exception to the authorized drivers and uses requires the prior written approval of the Risk Management and Tort Defense Division.

2.6.204 AUTHORIZED PASSENGERS AND USES

(1) Except as otherwise provided in this rule, the following individuals may ride as passengers in a state vehicle:

(a) A state employee conducting business on behalf of the state; or

(b) A non-state employee who is:

(i) An independent contractor conducting business on behalf of the state;

(ii) An aide rendering assistance to a disabled state employee;

(iii) A guest or client of the state, including a public employee, if conducting, participating in, or providing a benefit to the conduct of state business;

(iv) Rendering assistance during an emergency situation; or

(v) A nursing infant if the parent is an authorized driver or passenger.

(2) Any exception to the authorized passengers and uses requires the prior written approval of the risk management and tort defense division.

2.6.205 DRIVER REQUIREMENTS

(1) Non-probationary employees required to drive as part of their job who have accumulated 12 or more conviction points according to the schedule specified

in 61-11-203, MCA, over the most recent 36 months may not drive a state vehicle or personal vehicle for state business until having successfully completed a

certified safe driver course approved by the RMTD and received authorization to drive from their agency head and RMTD. State employee drivers who have

accumulated 15 or more conviction points according to the schedule specified in 61-11-203, MCA, may not drive a state vehicle or a personal vehicle for

state business until the accumulated point total is less than 12 within the past 36 months.

(2) Non-probationary employees who have accumulated 18 or more points in the immediately preceding 36 months may not drive a state vehicle or a personal

vehicle for state business until two years have passed during which they have not accumulated any conviction points according to the schedule specified in

61-11-203, MCA, have successfully completed a certified safe driver course approved by RMTD, and received authorization to drive from their agency head and RMTD.

(3) A state employee required to drive as part of the employee's job shall report any single driving infraction of five or more conviction points according to the

schedule in 61-11-203, MCA, accumulated while driving a state vehicle or a personal vehicle for state business to the employee's supervisor within ten days of conviction.

(4) A state employee required to drive as part of the employee's job shall report an accumulation of conviction points of 12 or more according to the schedule in 61-11-203, MCA, for the past 36 months immediately preceding the infraction, whether accumulated while driving a state vehicle, a personal vehicle for state business, or accumulated while driving a motor vehicle for any purpose within ten days of the accumulation of 12 or more points to the employee's supervisor.

(5) Authorized drivers are responsible for promptly paying all penalties following the court procedures established for contesting citations.

(6) The above requirements also apply to those individuals authorized to drive under the conditions listed in ARM 2.6.205.

(7) The requirements specified in this rule apply to conviction points received after October 12, 2001.

(8) An agency has the authority to restrict employees otherwise authorized as drivers from using state vehicles when it knows they are unsafe drivers from means other than the accumulation of conviction points.

2.6.209 ALCOHOL AND DRUGS

(1) No person may be under the influence while on state business.

(2) No person may have an alcoholic beverage container in the passenger compartment of a state-owned, leased, or loaned vehicle.

2.6.210 CELL PHONE USE

(1) State employees shall drive in a careful and prudent manner so as not to unduly or unreasonably endanger the life, limb, property, or rights of a person entitled to use a street or highway.

(2) State employees are strongly encouraged not to use handheld cell phones or other handheld electronic communications devices or objects while operating state vehicles or personal vehicles on state business. Exceptions to this rule are law enforcement and emergency response personnel.

2.6.214 DISCIPLINE

(1) Failure to comply with the requirements of these rules may result in disciplinary action, including suspension or termination. Any supervisor who becomes aware of any violation of these rules by an employee they supervise shall take appropriate disciplinary action, according to the state discipline policy set forth in ARM 2.21.6505 through 2.21.6509 and 2.21.6515.

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION

Policy and Procedures Manual

Vehicle Policy and Procedures Adopted: November 17, 2006; Revised: May 28, 2010 Page 1 of 3

<http://mus.edu/borpol/bor1000/1002-2.pdf>

A. This policy applies to all vehicles operated by any Montana University System (MUS) employee, student, or other authorized person for MUS/State business.

This includes all rented, MUS/State owned, leased, courtesy, motor pool or any other vehicle operated for MUS/State business. Failure to comply with the policy and procedures may result in disciplinary action.

B. Campuses and agencies of the MUS have the authority to establish and implement more stringent policies and procedures at the local level.

C. The MUS adheres to the State Vehicle Use Policy (Administrative Rules Manual Title 2 Chapter 6) with the following additions:

1. Professional Behavior: All drivers are expected to conduct themselves in an appropriate, professional and safe manner when operating a vehicle on MUS/State business.

2. Driver's License: All drivers must be in possession of a valid and insurable driver license, per State Vehicle Use Policy.

3. Motor Vehicle Records: All drivers must promptly report driving infractions in accordance with the State Vehicle Use Policy. All operators are subject to periodic driver record checks.

4. Revocation of Driving Privileges: Any unit, campus or agency of the MUS may restrict or revoke driving privileges for reasonable reasons, including but not limited to unacceptable driving records or evidence of an unsafe condition or circumstance.

5. Seat Belts: Seat belts and other occupant restraint devices must be worn at all times by all occupants. Any malfunctioning seat belts must be repaired or replaced as soon as reasonably possible, but before subsequent use. It is the driver's responsibility to ensure that seat belts are worn at all times while the vehicle is in motion.

6. Vehicle Operation: The vehicle must be operated in accordance with all traffic laws, ordinances, and regulations, and in accordance with all State, MUS, and institutional policies. Drivers must not drive if drowsy or under the influence of any substance which may negatively impact a driver's abilities. All drivers should take breaks.

7. Limit On Driving Time: Driving should generally not occur between the hours of 1:00 a.m. and 5:00 a.m. Additional qualified drivers should be available for long trips.
8. Limit On Driving Speed: Drivers must abide by the posted speed limit in the jurisdiction in which it is being driven. In the event of adverse weather or other factors that affect the ability to drive safely, drivers are expected to use good judgment and take appropriate safety measures based on weather and road conditions and in observance of travel warnings issued by the Highway Patrol or highway safety authorities.
9. Smoking: Smoking is not allowed in State-owned vehicles.
10. Distracted Driving: While operating a vehicle, inattentiveness is considered a hazardous activity. Inattentiveness includes but is not limited to: talking on a cell phone, using hand held devices, eating, reading, reaching for items that have fallen to the floor, etc. A driver's attention should be fully directed to the task of driving the vehicle. Drivers are strongly encouraged not to use cell phones or other electronic communications devices or objects while operating vehicles on State business.
11. Cell Phones: Drivers are encouraged to safely stop and park the vehicle to use a cell phone to conduct a conversation. Keep in mind that cell phone use rules may change from state to state and drivers are expected to observe the cell phone use laws of the jurisdiction.
12. Routine Maintenance: All vehicles in service shall receive routine service on a regularly scheduled basis. Such service must be documented in writing by the service provider at the time it is provided and shall be retained for the length of ownership/use. Documentation and maintenance of departmentally-owned vehicles is the responsibility of the department. Routine maintenance shall include, but is not limited to service of: brakes, including parking brake; horn; lights, including head, tail and brake lights; oil and filter changes; mirrors; tire rotation, pressure and replacement; speedometer; odometer; steering inspection; turn signals; windshield wipers.
13. Pre-Trip Inspection: A pre-trip inspection shall be performed at the beginning of each trip and every twelve (12) hours of travel. Items to inspect include but are not limited to lights, horn, wiper blades, tires, glass, and fluid leaks.
14. Repair: All defects and broken components that pose a safety risk shall be reported to the appropriate personnel. A vehicle shall be taken out of service when the defect or broken components poses a safety risk and returned to service after the appropriate repairs.
15. Accidents: All accidents involving any vehicle used in the course of MUS/State business shall be reported immediately to the local law enforcement authority and the immediate supervisor. In addition, the accident report form must be completed and turned into the supervisor who will review it with

the employee and forward it to the department responsible for the vehicle. The form will be forwarded to the campus or MUS agency claims manager.

16. Personal Vehicle Use: Personal vehicles may be used for MUS/State business in accordance with the rules and regulations included in this policy and

any rules or regulations established at the campus level and by the State Department of Administration ((MCA 2-18-503(1)(b)) and MOM 1-0310.30,

Employee Travel Policy. An individual using a personal vehicle for MUS/State business must have the mandatory liability protection on such vehicle.

D. To drive a vehicle with a capacity of more than seven (7) occupants, a driver must have completed campus or State approved defensive driver training to

operate a vehicle on public roads. For vehicles with a capacity of more than seven (7) occupants, the BOR strongly encourages the use of drivers who are at least age 21 and have significant driving experience operating large vehicles.

E. Full-size Passenger Vans (Larger than 10 passengers, including driver)

1. Number of Occupants. The number of occupants in a passenger van should not exceed the manufacturer's rated maximum occupancy capacity. Seats

may be removed to reduce occupancy capacity and assist in load distribution. Every passenger must have a seat and a separate seat belt.

2. Van Safety Training. All drivers of passenger vans must attend a Van Safety Training Class or possess a commercial driver license (CDL) with passenger

endorsement. All drivers must successfully complete this training program before operating any passenger van. Motor Pools and departments will only authorize drivers to operate passenger vans who have successfully completed this training.

3. Manufacturer Safety Information. Applicable Manufacturer Safety Material should be available and reviewed by all passenger van drivers. Special

attention should be paid to proper loading of the van to include passengers and cargo according to manufacturer recommendations.

4. Limit Driving Speed. Under no circumstances are passenger vans to be driven in excess of the posted speed limit or 65 MPH, whichever is less. In the

event of adverse weather or other factors that affect the ability to drive safely, drivers are expected to use good judgment and take appropriate safety

measures in observance of travel warnings issued by the Highway Patrol or highway safety authorities.

5. Cargo.

(a) No roof racks are allowed without written authorization and permission by the campus risk management and safety department.

(b) Cargo must be dispersed throughout the van in accordance with the manufacturer's specifications and van safety training. Also, it must not be loaded above the bottom level of the van windows.

(c) Cargo will not be placed in a manner that in any way impairs the ability of the driver to observe road and traffic conditions to the front, side or rear.

Clear visibility must be maintained.

6. Trailers. No towing is allowed with any 15-passenger van without written authorization of the campus risk management and safety department.

7. Van Phase-Out. Effective with the adoption of this policy, the purchase, lease or rental of full-size passenger vans (those larger than 10 passengers,

including the driver) is prohibited. Effective with the adoption of this policy, all existing campus full-size vans shall be eliminated from the campus fleets

with all possible speed. A phase-out plan shall be presented to and approved by the commissioner of higher education. During the phase-out, the operation of the full-size passenger vans shall be in compliance with the requirements set forth in Section E above. [Section E has been revised to apply to all full-size passenger vans].

8. Van Acquisitions. Campuses, agencies, and departments are required to consult with the campus risk management and safety department for alternatives or recommendations to acquiring multi-passenger vans.