



DMA Policy: 3-0016

Name: Vehicle Use Policy

Reference: Risk Management & Tort Defense Rule

Approval Signature: _____

Effective Date: July 15 , 2015

Last Revised:

Vehicle Use Policy

Montana Department of Military Affairs (DMA) employees are subject to the Risk Management and Tort Defense (RMTD), State Vehicle Use Administrative Rules (ARM) which is located at: http://rmtd.mt.gov/Portals/62/aboutus/files/vehicle_use.pdf

DMA establishes the following internal policy, in addition to the ARM. The provisions apply to all DMA employees, unless otherwise noted. All DMA employees shall wear a seatbelt at all times while driving or as a passenger in a state or personal vehicle being used for state business.

DMA employees must possess either a valid Montana drivers' license or Montana Commercial Driver's License (CDL), as required for his or her position.

Employee responsibilities

DMA employees required to drive as part of the employee's job shall report any single driving infraction of five (5) or more conviction points received while driving a state vehicle or a personal vehicle, for any purpose, to the employee's supervisor within ten (10) days of conviction. This exceeds the State Vehicle Use Policy in order to ensure that DMA employees have not exceeded twelve (12) or more conviction points and are no longer allowed to drive state vehicles or personal vehicles for state business. DMA employees required to drive as part of the employee's job whose driver license or operation authority is revoked, suspended, or confiscated shall immediately report the loss of driving privilege to their supervisor. Failure to report may result in progressive discipline up to and including termination.

Cellular device use

DMA employees shall not initiate a DMA business or personal related call on a cell phone while driving without the use of a hands free device. This prohibition applies to any DMA business or personal related text messaging or call, whether placed on a state-provided or employee owned cellular device, and whether driving a state vehicle or a personal vehicle for state business. All employees shall pull off the road and come to a complete stop before initiating a cell phone call or text messaging.

Employees who receive an incoming call on a cell phone while driving are encouraged to ask a passenger in the vehicle to take the call or let the call go to voicemail.

The only authorized exception to this policy is that an employee may initiate or receive and continue a cell phone call when urgent communication is essential to address an emergency or law enforcement response. Routine communication between law enforcement personnel is **not** exempt from this policy.

Driving under the influence on the job

A DMA employee who has been caught and/or convicted of driving under the influence on the job will be subject to disciplinary action up to and including termination.

Other infractions

A DMA employee whose driver license or operating authority is revoked, suspended, or confiscated off the job will be allowed 30 calendar days to obtain a provisional, temporary, or conditional license which authorizes vehicle or equipment operation for employment. If a temporary, provisional, or conditional license is not obtained by the end of the 30-calendar day period and the employee will have the license reinstated within a year, the department may attempt to locate meaningful work for the employee. The department does not guarantee work during this period of time or work at the same level. If work is not available, the employee may be terminated.

There is no right of privacy covering employees' driving records. The Human Resources Officer may check employee's driving records at any time to verify or determine that an employee is licensed and/or to check the number of conviction points.

ACKNOWLEDGEMENT FORM

I hereby acknowledge receipt of the Montana Department of Military Affairs' Vehicle Use Policy regarding use of state vehicles.

I understand that it is my duty to read and understand the policy. I also understand that it is my duty to read and understand the Risk Management and Tort Defense (RMTD), State Vehicle Use Administrative Rules. I am aware that failure to comply with this policy is cause for disciplinary action, up to and including termination.

Employee's printed name

Employee ID number

Employee's signature

Date

State Vehicle Use Rule

March 6, 2013

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.

History: [2-17-424](#), MCA; [IMP](#), [2-9-201](#), [2-9-305](#), and [2-17-424](#), MCA; [NEW](#), 2001 MAR p. 2013, Eff. 10/12/01.

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.

History: [2-17-424](#), MCA; [IMP](#), [2-9-201](#), [2-9-305](#), [2-17-424](#), MCA; [NEW](#), 2001 MAR p. 2013, Eff. 10/12/01; [AMD](#), 2012 MAR p. 2595, Eff. 12/21/12.

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 non-work 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.

History: [2-17-424](#), MCA; IMP, [2-9-201](#), [2-9-305](#), [2-17-424](#), MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01; AMD, 2012 MAR p. 2595, Eff. 12/21/12.

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.

History: [2-17-424](#), MCA; IMP, [2-9-201](#), [2-9-305](#), and [2-17-424](#), MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.

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.

History: [2-17-424](#), MCA; IMP, [2-9-201](#), [2-9-305](#), [2-17-424](#), MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01; AMD, 2008 MAR p. 614, Eff. 4/11/08.

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.

History: [2-17-424](#), MCA; IMP, [2-9-201](#), [2-9-305](#), [2-17-424](#), MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01; AMD, 2012 MAR p. 2595, Eff. 12/21/12.

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.

History: [2-17-424](#), MCA; IMP, [2-9-201](#), [2-9-305](#), and [2-17-424](#), MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.

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](#).

History: [2-17-424](#), MCA; IMP, [2-9-201](#), [2-9-305](#), [2-17-424](#), MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01; AMD, 2008 MAR p. 614, Eff. 4/11/08; AMD, 2008 MAR p. 614, Eff. 4/11/08.