

# MINOT STATE UNIVERSITY

## USE OF STATE VEHICLES

### PROCEDURE STATEMENT

The use of the North Dakota State Fleet or Minot State University (MSU) leased vehicles will be limited to travel by individuals who are acting on behalf of the State or MSU.

### REASON FOR PROCEDURE

North Dakota Century Code (NDCC) Section 39-01-03 prohibits private use of State vehicles. NDCC chapter 32-12.2 provides insurance coverage for State employees which includes persons acting on behalf of the State in an official capacity, with or without compensation, who are using a vehicle for State business and who are operating that vehicle with the scope of their employment. Section 512 of the SBHE Policy Manual applies these two NDCC provisions to student drivers of State Fleet vehicles. Section 512 requires SBHE institutions to adopt a policy and procedures governing operation of State owned vehicles by students. Institution procedure must include guidelines governing operation of State vehicles by students and procedures to document a student driver is performing duties assigned by competent authority.

### SCOPE OF PROCEDURE

This procedure applies to all members of the University community and should be read by:

- President
- Vice Presidents
- Deans, Directors & Department Heads
- Supervisors
- Faculty
- All Employees
- Students

### RELATED INFORMATION

<b>NDCC Section 39-01-03</b>	<a href="http://www.legis.nd.gov/cencode/t39c01.pdf">http://www.legis.nd.gov/cencode/t39c01.pdf</a>
<b>NDCC Chapter 39-08-23</b>	<a href="http://www.legis.nd.gov/cencode/t39c08.pdf">http://www.legis.nd.gov/cencode/t39c08.pdf</a>
<b>NDCC Chapter 32-12.2</b>	<a href="http://www.legis.nd.gov/cencode/t32c12-2.pdf">http://www.legis.nd.gov/cencode/t32c12-2.pdf</a>
<b>SBHE Policy Manual Section 512</b>	<a href="https://www.ndus.edu/makers/procedures/sbhe/default.asp?PID=214&amp;SID=66">https://www.ndus.edu/makers/procedures/sbhe/default.asp?PID=214&amp;SID=66</a>
<b>ND State Fleet Policy Manual</b>	<a href="http://www.dot.nd.gov/manuals/fleet/fsmanual.pdf">http://www.dot.nd.gov/manuals/fleet/fsmanual.pdf</a>

## CONTACTS

General questions about this policy can be answered by Facilities Management staff. The phone numbers are 701-858-3210 or fax 701-858-3002. Our web address is <http://www.minotstateu.edu/plant>.

## DEFINITIONS

**Approving Authority** – This person would be MSU’s Assistant Vice President for Facilities. He will approve all motor pool requests.

**Competent Authority** – A MSU employee with decision making responsibilities including the hiring/appointing of employees. A Competent Authority must be a President, Vice President, Assistant Vice President, Athletic Director, Dean, Department Head, Director or a Chairperson.

**NDCC** – North Dakota Century Code

**SBHE** – State Board of Higher Education

**State Business** – Activities for which the primary purpose is service to MSU or the State of North Dakota. Activities in which the activity is official business of the State.

**State Employee** – Individuals working for MSU or the State of North Dakota or persons assigned by competent authority to act on behalf of MSU or the State of North Dakota, with or without compensation.

**State Fleet Vehicle** – A licensed motor vehicle that is owned by the State Fleet Service branch of the ND Department of Transportation.

**MSU Facilities Management** – The MSU department that schedules, dispatches, and maintains State Fleet Vehicles at MSU.

## PRINCIPLES

**OVERVIEW** – NDCC section 39-01-03 prohibits private use of State vehicles. Some incidental vehicle use such as driving to dinner or driving to get necessary supplies in the course of traveling for MSU business is allowed. Traveling for recreational purposes because of free time while on a business trip would not be allowed.

NDCC chapter 32-12.2 provides information about liability claims against the State of North Dakota and its employees. The State Risk Management Fund, administered by the State Risk Management Division provides liability insurance coverage for State employees which includes, persons acting on behalf of the State in an official capacity, with or without compensation. Whether a person is acting on behalf of the State in an official capacity as an employee may be determined by a person of competent authority. This includes those employees and persons who are using a State Fleet for State business and who are operating that vehicle within the scope of their employment. This means that when a State vehicle is used for MSU business, insurance coverage exists. If a State vehicle is used for other than State business, insurance coverage from the State Risk Management Fund would not exist. In such situations, the driver of the vehicle could be held personally liable for any losses that occur. When a competent authority knowingly approves the use of a State Fleet

vehicle for other than State business, the competent authority could also be held personally liable for losses that occur.

## **PRINCIPLES CONTINUED**

Section 512 of the SBHE Policy Manual applies these two NDCC provisions to student drivers of State Fleet vehicles. Section 512 requires SBHE institutions to adopt a policy and procedures governing operation of State vehicles by students and documentation that a student driver is performing duties assigned by a competent authority.

The determination of acceptable use of State Fleet is influenced by applicable State laws relating to private use and insurance coverage. In situations where a student has been assigned by competent authority to represent MSU at an event, State Fleet could potentially be used. The use of State Fleet for travel of a recreational or social nature is not permitted.

The question of whether or not State Fleet can be used is best answered by asking the following question: Is the individual or individuals requesting the vehicle deemed by competent authority to be acting as an employee on behalf of the State or the University? If the answer is “yes,” then it is likely that a State Fleet vehicle could be used. If the answer is “no,” then use of the vehicle would not be permitted.

**STUDENT TRIPS** – There is reason and underlying value of MSU in student trips authorized by the University and approved by a competent authority.

The University, via competent authority, will determine-whether by procedure or practice-that it supports or desires university representation at an activity or event, and that representation will be provided by student government, an organization, or a department/class.

Trips required by class curriculum (for example, field trips), or regional or national competitions (for example, computer science, music, athletics), will also need approval by a competent authority.

Trips requested by a class, a student group, a club or an organization-for the purposes of educational enhancement or extra credit-do not make the trip official State business. Neither does having a faculty advisor accompany the group on a trip. Only trips approved by competent authorities will be recognized as State business and allowed to use a State vehicle.

## **PROCEDURES**

### **Requesting Vehicles**

All vehicle requests (motor pool, shuttle bus, or motor coach) must be submitted on a MSU Vehicle Request Form. The form is available online.

### **Making a reservation:**

Under directive of the North Dakota Risk Management and North Dakota University System, all travel using state fleet vehicles must be approved prior to reserving a vehicle. Please follow the steps below to ensure a vehicle is available for your use.

1. Complete the Minot State University Vehicle Request Form in its entirety and have it signed by a “competent authority”. People that are authorized to sign are listed on the form. Administrative Assistants are no longer allowed to sign for these authorities. We

### PROCEDURES CONTINUED

- also do not allow signature stamps to be used in place of original signatures. This form is available online. ***Vehicles will not be reserved without a completed and approved Minot State University vehicle request form. We will not be accepting any requests without the signature from the competent authority.*** You are unable to sign for yourself. You will need to have your supervisor sign off on the motor pool request. For example, an office sends over an email request for a car with no signatures, we cannot reserve a vehicle until we get the signed request.
2. Return the form to MSU Facilities Management in a timely manner; one week in advance of travel is preferred. The original completed forms must be sent to MSU Facilities Management for approval. If the request is received any later than a week advance, there is a chance that you will not have a vehicle available for you.
  3. Confirmation of the reservation or a denial of service will be provided for all requests. If you do not receive a confirmation email, do not assume a vehicle will be ready for you. Verification of your travel plans is welcome and encouraged by you.
  4. When there is a question as to whether a vehicle request can be authorized under this policy, it will be forwarded to the Assistant Vice President for Facilities Management for evaluation and possible approval.
  5. A one-time set-up is required for all state motor pool users. The information required will be the employee’s name, employee ID number, department number, driver’s license expiration date, work phone number and email address.
  6. Vehicles can be picked up between 8:00 am and 4:00 pm Monday through Friday at the Facilities Management Office. There is no after-hours vehicle pickup.
  7. If you do not follow through with the dates that you reserved a State Fleet vehicle and you have the vehicle for an extended time, your reservation may be cancelled or forfeited. It is very important to call us on the date you have the vehicle originally scheduled or before to notify us of any changes in your vehicle reservation.
  8. Vehicles permanently assigned to a MSU department for daily support of the campus are exempt from completing a Vehicle Request Form, although laws, policies, and procedures regarding acceptable use still apply.

### REPORTING VEHICLE INCIDENTS

***Operators must immediately report all accidents involving state vehicles.*** The driver of the State Fleet vehicle is responsible for completing the “Risk Management Fund Motor Vehicle Accident Report,” SFN 51301. This needs to be completed online at [www.nd.gov/risk](http://www.nd.gov/risk), click on “Online Incident Reporting,” and complete the form. When filling the form out online, the appropriate people get the report. You will also need to contact Minot State motor pool at 701-858-3210 or 701-858-3222 to inform them of the accident.

Any accident involving a State Fleet vehicle must also be reported to the local police department at the time of the occurrence.

## **RESPONSIBILITIES**

### **Persons requesting State Fleet Vehicles**

- Request vehicles only when such vehicle use is for MSU business.
- Use the MSU Vehicle Request Form.
- Obtain the necessary approval from competent authority prior to submitting the MSU Vehicle Request Form.

### **MSU Supervisors with Decision Making Authority (Competent Authority)for Request Submitted Only**

- Carefully evaluate all MSU Vehicle Request Forms and approve only when requested vehicle use is for official business that serves MSU/the State. When the individual has been determined to be acting in an official capacity as an employee on behalf of MSU, approval can be granted.

### **MSU Assistant Vice President for Facilities**

- Will be final approving authority for all Vehicle Requests.
- Provide a more detailed evaluation of MSU Vehicle Request Forms for which service to MSU/the State is not immediately evident.
- Coordinate with MSU departments, administration, and State Fleet Services as necessary to determine the acceptability of MSU vehicle requests.

### **MSU Facilities Management**

- Receive and process MSU Vehicle Request Forms.
- Reserve and dispatch vehicles as requested for approved MSU Vehicle Request Forms.
- Forward MSU Vehicle Request Forms to the MSU Assistant Vice President for Facilities Management when service to MSU/the State is not immediately evident.