

Cover Memorandum
For
The State of Montana Vehicle Use Policy

The Risk Management and Tort Defense Division of the Department of Administration has adopted the attached State of Montana Vehicle Use Policy (also found in the Administrative Rules of Montana, ARM 2.6.201 - 2.6.214.) Those rules can also be found, on line, at:

<http://www.discoveringmontana.com/doa/rmtd/css/01aboutrmtd/statutes.asp>

The Vehicle Use Policy, and its administrative rules, became effective on October 12, 2001. The Policy defines a "state vehicle," and it also sets out acceptable uses for those state vehicles. The section of the Policy dealing with so-called "conviction points" for driving infractions applies to all state employees, even when they are using their personal vehicle for state business. It also applies to students who travel as representatives of MSU-Northern. Therefore, almost all employees and many students need to comply with the Motor Vehicle Use Policy.

MSU-Northern has also adopted an internal policy to insure compliance with this State law. A copy of that policy is attached to this cover memorandum.

Please read the attached State of Montana Vehicle Use Policy, the description of "points" for driving infractions in Montana, MSU-Northern's internal policy and the Vehicle Use Form. Once you have read all of the attached documents, please sign and date the Vehicle Use Form. The Use Form should be returned to Business Services on the MSU-Northern campus.

If you have questions about the Vehicle Use Policy, the Vehicle Use Form, or MSU-Northern's own internal policy, please discuss them with your supervisor or contact Business Services.

Thank you for your cooperation in this matter.

Subchapter 2

State Vehicle Use

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, 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, semitrailer, 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. (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.)

ADMINISTRATIVE RULES OF MONTANA

6/30/08

2-267

2.6.203

ADMINISTRATION

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 nonstate employee enrolled and registered as a student at a university of the state to conduct university business;

(g) a nonstate 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 nonstate 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 nonstate employee who is an independent contractor or an employee of a temporary employment agency contracting with the state with prior approval from the agency head when a state employee is not available to operate the vehicle. The contractor must complete the RMTD's vehicle use agreement. The agreement must be signed by the agency head and presented to the motor pool or affected state agency prior to the use; and

(j) a nonstate 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 nonstate employee to drive. Prior approval is not required.

(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.)

2-268

6/30/08

ADMINISTRATIVE RULES OF MONTANA
RISK MANAGEMENT AND TORT DEFENSE

2.6.204

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 nonstate 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, 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

ADMINISTRATIVE RULES OF MONTANA

6/30/08

2-269

2.6.205

ADMINISTRATION

2.6.205 DRIVER REQUIREMENTS (1) Nonprobationary 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) Nonprobationary 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.)

Rules 2.6.206 through 2.6.208 reserved

NEXT PAGE IS 2-275

2-270 6/30/08 ADMINISTRATIVE RULES OF MONTANA
RISK MANAGEMENT AND TORT DEFENSE 2.6.214

2.6.209 ALCOHOL AND DRUGS (1) No person under the influence of alcohol, illegal drugs, or improperly used prescription drugs may drive a vehicle for state business.

(2) No person may drive a vehicle for state business under the influence of any legally prescribed drug if that drug affects the person's ability to safely operate the vehicle.

(3) 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.)

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, 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

Rules 2.6.211 through 2.6.213 reserved

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)

MONTANA UNIVERSITY SYSTEM VEHICLE USE FORM

I acknowledge that I have read a copy of the State of Montana Vehicle Use Policy ([Administrative Rules of Montana, ARM, 2.6.201 – 2.6.214](#)) effective October 12, 2001, and the Montana Board of Regents of Higher Education Vehicle Policy ([Board of Regents Policy & Procedures Manual, Section 1910 – Vehicle Policy and Procedures](#)) effective July 1, 2007 which are attached or have been made available for review through the links above.

I understand that, in accordance with ARM 2.6.205:

- If I am required to drive for my job, I am required to report any single infraction of 5 or more conviction points accumulated while driving any rented, MUS/State owned, leased, courtesy, motor pool or any other vehicle for state business to Human Resources within 10 calendar days of the conviction, and
- If I am required to drive for my job, I am required to report any accumulation of 12 or more conviction points in a 36 month period to Human Resources within 10 calendar days of conviction. If my conviction points are 12 or more, I understand that I may not be allowed to operate any vehicle for state business.

I further understand that:

- Only state employees or registered students on university related business or activities may drive state vehicles. Except in emergency situations, non-state employees or non-students cannot drive state vehicles unless approved in advance by campus CEO or designee and Risk Management and Tort Defense.
- Only state employees and registered students, independent contractors conducting business on behalf of the university; an disabled state employee’s aide; a guest or client of the university conducting, participating in, or providing a benefit to university business; a nursing infant if the parent is an authorized driver or passenger may be passengers.
- No person under the influence of alcohol, illegal drugs, or improperly used prescription drugs may drive a state owned , leased or loaned vehicle and no alcoholic beverage container may be transported in the passenger compartment of a state-owned, leased, or loaned vehicle
- Drivers and passengers must use installed seat belts at all times.
- No smoking is allowed in State-owned vehicles.
- Use of handheld cell phones or electronic communication devices while driving is strongly discouraged.

Violations of these policies shall be handled in accordance with appropriate university policy or collective bargaining agreement where applicable.

Signature

Date

SSN/Banner ID Number

Department