

Procedure No. B-08	<p style="text-align: center;">SUNY College at Old Westbury</p>  <p style="text-align: center;">Liability Exposure While Driving on SUNY Business</p>	Index
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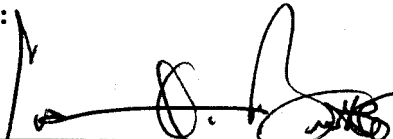
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EXHIBIT 1 – LIABILITY EXPOSURE WHILE DRIVING ON SUNY BUSINESS

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1.0 PURPOSE and SCOPE

It is the policy of the State University College at Old Westbury (the College) to provide guidance to students, faculty, staff and volunteers concerning liability exposure and instructions on what to do should you have an automobile accident while on SUNY or College business. SUNY's Office of the University Counsel and Vice Chancellor for Legal Affairs recently issued guidelines which apply to all who drive vehicles on SUNY or other College authorized business, and to those who authorize students to drive on College-related business. The SUNY guidelines are incorporated by reference into this policy and are presented in their entirety in Exhibit 1.

2.0 RESPONSIBILITIES and PROCEDURES

2.1 Student Drivers

- a. Before students are authorized to drive State vehicles or passenger vans, they must have their drivers' licenses verified by the Department of Motor Vehicles under the NYS License Event Notification Service (LENS) program and, for 15-passenger vans, receive appropriate training.
- b. Students can drive State vehicles or personal vehicles on State business under limited circumstances. Student-owned vehicles cannot be used for official University business. Additionally, policy limits the occasions when student drivers can be used to transport other students in a State-owned or rented vehicle to University-sponsored field trips or intercollegiate athletic events and other social, recreational, cultural and educational programs authorized by the president or designee.
- c. Where students are authorized to use State-owned vehicles for student activities such as club sports or club programs or residence hall outings, the University, as the registered owner of the vehicle, will be liable for the operation of the vehicle by anyone who is driving that vehicle with the consent or permission of the owner.
- d. Use of State vehicles by students for student government association (SGA) purposes should be considered carefully, as any SGA-obtained liability insurance will not cover State vehicles. SGAs should have auto liability coverage to cover vehicles rented by or on behalf of the SGA.
- e. If students are asked or expected to use their personal vehicles to transport others to or from University-sponsored activities, campuses must advise those drivers, in writing, that if injury or property damage should occur as a result of an accident, the driver will have to look first to their own personal automobile liability insurance for liability coverage.

2.2 Employees/Volunteers Use of Rental Vehicles

- a. Employees or State volunteers who drive rental vehicles on State business must look first to the mandated liability insurance coverage provided by the rental car company (if the vehicle is rented in NYS), then to their personal auto liability policy (unless

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business use is excluded) and finally to the State's self-insurance for coverage. This means that most likely a private auto insurance company will be providing legal representation for the employee or volunteer who is sued for damages arising out of a rental car accident.

- b. The State of New York, through the Office of General Services, has a State contract with Enterprise Rental Company for car rentals. The State contract with Enterprise requires that the company provide the State-mandated liability coverage of \$25,000 per person/\$50,000 per occurrence to authorized renters.
- c. Approval will not be given for campus or System reimbursement of the cost to the renter of supplemental liability coverage offered by rental car companies. According to OSC, reliance on the employee's own personal auto liability insurance followed by the State's self-insurance as excess is sufficient and removes the justification for the additional State cost.
- d. Under NYS policy, if a State employee rents a car, and does not use the Citibank Visa (the State travel card) for payment, *the employee should purchase the Optional Vehicle Protection (or Collision Damage Waiver [CD WJ])*. This coverage shields both the employee and the State of New York from any liability for theft or damage to the rental car.

3.0 DAMAGE TO RENTED OR STATE-OWNED VEHICLE

Instructions are presented as to whom should be notified under various scenarios if damage to a rented or State-owned vehicle occur. New York State no longer carries automobile liability insurance on State-owned vehicles. Instead, the State self-insures for risks associated with the driving of State-owned (also referred to as "fleet" vehicles). The NYS Office of General Services (OGS) must be notified in the event of an accident involving a State-owned vehicle.

4.0 PERSONAL INJURY IN A RENTED OR STATE-OWNED VEHICLE

Guidance as to what should be done if injured while driving a rented vehicle on State business and a discussion of the State's, College's and driver's responsibilities should an accident occur while driving a State-owned vehicle on SUNY or College business, is presented.

5.0 USE OF PERSONAL VEHICLES

If the use of a personal vehicle is authorized for SUNY or College business, drivers should be aware that their own personal automobile liability policy is the first layer of insurance coverage should an accident occur. Additionally, all accidents should be reported to the appropriate campus office and campus counsel should be consulted for possible referral to the Attorney General. Drivers must be advised to immediately notify their insurance carrier of any accident.

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6.0 EXAMPLES OF DRIVING SCENARIOS

A chart detailing various driving scenarios along with a summary of insurance responsibilities for driver's medical insurance, damage to vehicle, damage to other vehicle, and other bodily injury is included in Exhibit 1.

7.0 REFERENCE

Memorandum of February 10, 2010 from SUNY's Office of University Counsel and Vice Chancellor for Legal Affairs entitled *Liability Exposure While Driving on SUNY Business – Exhibit 1*.

8.0 APPROVAL

This policy was reviewed by the College's Chief Financial Officer and the Assistant to the President for Administration and disseminated to Divisional Vice Presidents and Administrative Department heads prior to approval by the President.

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