

November 5, 2019

TO: Board of Directors
FROM: Heller An Shapiro
RE: Driving Policy Proposal

Background:

ArtStream continues to work toward the Maryland Nonprofit Standards of Excellence certification and to manage risk within the organization.

ArtStream employees, contractors and volunteers often use their personal vehicles or rental trucks to transport students, teaching artists, employees, or materials (theatre sets, props, concessions, etc.).

At the June 17, 2019 Board meeting, a recommendation was made to revise the proposed policy (attached) based on legal/insurance company review. Questions included: Are we taking on too big a responsibility? Will screening who drives allow our insurance policy to cover legal fees? Will this policy cover us in each state that we operate in? How do we ensure that our current policy will be the secondary one?

At the September 16, 2019 Board meeting, members agreed that the Driving Policy will be part of the onboarding process like the background check. The Policy was rewritten based on HUB International's recommendations. When that review is completed and the following edits are made, the Board will review the Policy again.

Edits include:

Describing employees/contractors/volunteers as "potential drivers" and students as "passengers"; placing a three-year limit on past motor vehicle violations that disqualify potential drivers; requesting a voluntary notification of changes or cancellations in insurance or policy renewals within three business days of the change.

Change:

- Driving for ArtStream activities while under the influence of drugs or alcohol is strictly prohibited.

To:

- Driving for ArtStream activities while under the influence of intoxicants or other drugs (which could impair driving ability) is strictly prohibited.

Change:

- Consistent with ArtStream's No-Smoking Policy Statement in the Employee Handbook, there shall be no smoking in personal vehicles while transporting students.

To:

- There shall be no smoking in personal vehicles while transporting passengers.

Board members may also consider adding recommendations for reporting and behavior at the scene of an accident.

On October 21, 2019, our contact from HUB insurance completed his review of the policy:

I've reviewed your draft Auto Use Policy and think it's terrific! You've really covered all of the key points and your expectations should be crystal-clear to each operator.

Our risk control consultant raises the importance of driver screening through state databases. You should check — or your broker/insurer should check — driver license records during the recruitment process and annually thereafter. That should apply to both employees and volunteers or to anyone driving on the organization's behalf. Motor vehicle violations would normally be captured in state DMV databases. Check with the company that does your screening to see whether its sweep covers motor vehicle records (MVRs). Your insurance company may be able to run those screenings for you.

Once you adopt the policy, be sure to have your agent/broker share it with your Auto insurer. Although rates are pretty much off-the-shelf, underwriters may have the opportunity to deviate and apply credits based on risk quality, and any defensive protocol like this should promote a lot of comfort in the insurance community.

Proposal:

Review and approve the Driving Policy and Questionnaire.

Employees/contractors/volunteers would be required to complete the survey assessing their driving record as part of the onboarding process and then annually after that.

Motor Vehicle Driving record checks would be added to the standard background check process and also completed on an annual basis.

ArtStream's current insurance policy includes "nonowned and hired auto liability" coverage.

Rationale:

Employees/contractors often transport students for planned and unplanned activities. Having this in place in advance allows us to manage insurance issues and risk. It may also limit driving by those who are not authorized.

In the event of a student needing a ride home from an ArtStream activity, this clarifies who is authorized to drive them, safe driving rules, and how any problems that occur should be handled.

Staff regularly rent trucks to transport performance materials to and from the Costume Shop to the theatre and back. Occasionally a contracted set designer will need to rent a truck to transport sets.

ArtStream Driving Policy

2019-2020

Revised 9/16/19

The purpose of this policy is to promote the safety of students, employees/contractors/volunteers using personal vehicles or rental vehicles for ArtStream activities. All employees/contractors/volunteers (each a “Potential Driver”) driving a vehicle for ArtStream activities shall maintain a valid driver’s license, must always operate the vehicle in a safe manner, and shall have the insurance coverage required by ArtStream.

Upon first participating in ArtStream activities and thereafter at the start of each fiscal year (September), every Potential Driver for ArtStream activities will be asked to sign the Vehicle Use Agreement. The Executive Director or his/her designee will determine eligibility for driving for ArtStream activities.

Vehicle Use Agreement - to be signed annually

A Potential Driver using a personal vehicle for the purpose of ArtStream activities must act with utmost care to protect ArtStream, the driver, and students/contractors/employees/volunteers (collectively “Passengers”). This certification is intended to establish whether or not a Potential Driver may drive a personal or rental vehicle for ArtStream activities and to assure that any Potential Driver understands ArtStream policies related to the use of a personal or rental vehicle for ArtStream activities.

_____ I understand that I am not an “authorized driver” for ArtStream and as such am not permitted to operate rental vehicles or my own vehicle on ArtStream activities under any circumstances.

An unauthorized driver is:

- a. any driver with one major motor vehicle violation within the past three (3) years
- b. any driver having 3 or more minor motor vehicle violations within the past three (3) years
- c. any driver having a total accumulation of 10 points on his/her driver’s license.
- d. any driver under the age of 21
- e. any driver who has not agreed to ArtStream’s Driving Policy and signed below

_____ I may drive a personal or rental vehicle for ArtStream activities and have met or will meet the requirements of this policy prior to driving for ArtStream activities, including:

- Maintaining auto liability insurance with minimum limits of \$_____ for bodily injury and \$_____ for property damage or combined single limit of \$_____.
- Maintaining current state vehicle inspections.
- Maintaining my vehicle in a safe operating condition when driving for ArtStream activities.
- Proof of insurance (copy of declaration page, certificate of insurance) will be provided to ArtStream. I volunteer to submit information concerning any changes or cancellations of that insurance within three (3) business days and to provide updated evidence of insurance at any future renewal of my policy within three (3) business days of the change or update.
- Proof of satisfactory Driving History Motor Vehicle Record (obtained through background check performed at start of service and annual screening).

- Take all necessary steps to assure no ‘business use’ exclusion or other language in my automobile insurance policy excludes coverage when I am driving for ArtStream activities.
- I understand that my automobile liability insurance policy is the primary coverage in the event I am involved in a vehicle accident occurring while I am operating my personal vehicle in connection with ArtStream activities and that I am responsible for liability arising out of the operation of my vehicle.
- *For potential drivers renting trucks, it is the potential driver’s responsibility to verify that rental company insurance is also purchased.*

Signature_____

Name_____Date_____

(print)

Vehicle Use Rules:

We consider accident prevention to be most important.

- The driver and all passengers must wear seat belts at all times. No vehicle should be operated when the number of occupants exceeds the number of passenger restraints available.
- Maintain reasonable distance, allow for speed, road and weather conditions.
- Obey all traffic signs and signals with a full and complete stop.
- Drivers will follow all applicable State and Federal regulations.
- Driving for ArtStream activities while under the influence of intoxicants or other drugs (which could impair driving ability) is strictly prohibited.
- The use of radar detectors is prohibited while driving for ArtStream activities.
- Accidents are to be reported IMMEDIATELY to the Programs or Theatre and Events Manager (add phone numbers).

Tickets and moving motor vehicle violations that occur while driving for ArtStream activities are to be reported to the Programs or Theatre and Events Manager within 24 hours. Drivers are responsible for all fines incurred due to traffic and parking violations while driving for ArtStream activities (e.g., violation tickets, red light camera violations, speed camera violations, EZ Pass violations). Violations may affect a potential driver’s eligibility for driving Passengers or rental vehicles (see vehicle use agreement for violations that prohibit driving).

- The personal vehicle used to transport Passengers must be properly maintained and in good working condition.

- There shall be no smoking in personal vehicles while transporting Passengers.
- Transportation of Passengers should be documented on the mileage reimbursement form, and/or reported in the class/workshop/rehearsal report, as appropriate.
- The driver must comply with the Distracted Driving Policy (below)

Distracted Driving Policy

General Procedures

- Use of hand-held cell phones while driving is strictly prohibited – this includes all functions of the cell phone including, but not limited to, phone calls, text messaging/SMS, e-mail, MMS, Internet use, camera use, etc.
- Use of electronic devices – including laptops, PDAs, cameras and pagers – while driving is strictly prohibited.

Headset/Hands-Free Use

- The use of headsets or hands-free devices while driving is permissible IF
 - Any dialing or use of the handset is handled while stopped or pulled to the side of the road
 - Conversations do not interfere with the driver's ability to drive safely
 - Road conditions are generally good and do not threaten your safety

Rental Vehicles:

You may drive and rent a vehicle to transport ArtStream materials such as props, costumes, or other performance materials. These rentals often involve driving in unfamiliar areas and vehicles that are quite different than you are used to. To reduce the risk to both you and ArtStream, we have implemented the following rules:

- All vehicles must be from a national vendor (e.g. Alamo, Avis, Dollar, Enterprise, Hertz, or National).
- Prior to leaving the rental lot a walk-around inspection of the vehicle must be completed to identify any pre-existing damage and/or issues with critical components.
- Rental vehicles are only to be used for ArtStream activities. The vehicle may only be used to go to and from the load-in/load-out locations only.
- The driver must comply with **Vehicle Use Rules** at all times.

All drivers of rental vehicles must submit their personal insurance information to the rental agency. *The rental company insurance that is over and above individual insurance must also be purchased.*