

**Louisiana Office of Financial Institutions
DRIVER SAFETY PROGRAM**

I. INTRODUCTION

R.S. 39:1543 requires the development of a comprehensive loss prevention program for implementation by all state Agencies, including basic guidelines and standards of measurement. The Driver Safety Program is part of the Loss Prevention program required by the Office of Risk Management (ORM) in accordance with LAC Title 37. Its purpose is to provide a systematic method of screening, training, and establishing accountability for employees and supervisors required to assign or drive state owned vehicles or personal vehicles on state business. The Office of Risk Management is required by state law to assess premiums to each state Agency.

The following materials are included to assist administrators, supervisors, and loss prevention representatives in managing and implementing safe driving by state employees.

II. PURPOSE

To establish a policy and procedures for the Louisiana Office of Financial Institutions (LOFI) regarding the responsibilities of employees who operate motor vehicles in the performance of their official duties, to increase safety awareness to minimize the State's exposure to liability and financial loss, and to develop agency accountability for safe driving.

III. APPLICABILITY

All employees of LOFI who operate a motor vehicle in connection with performance of their duties regardless of the amount of time spent driving. It is the responsibility of the Commissioner or his designee to implement this regulation and to convey its content to all employees of LOFI.

IV. POLICY

It is the policy of LOFI to implement a continuing, aggressive Driver Safety Program which meets the approval of ORM, Unit of Risk Analysis and Loss Prevention. The Driver Safety Program is intended to increase safety awareness among drivers of vehicles during their scope of duty, to minimize this agency's exposure to liability and financial losses, and to develop accountability for safe driving.

V. DEFINITIONS

A. Louisiana State Driver Safety Program Accident Report (DA 2041): This form is completed for any vehicular accident that occurs while on state business. It is critical that employees and supervisors understand their roles in reporting accidents and accurately describing what occurred in a vehicular accident.

- B. Agency Head: The highest authority within a subsidiary of a department.
- C. Authorization and Driving History Form (DA 2054): Record on each employee who drives a car that is maintained by the agency while on state business. The form shows:
1. The employee's current personal information (Name and license number)
 2. Employment information (supervisor)
 3. Date employee was authorized to drive
 4. The date of his/her last Defensive Driving class
 5. Certification by the employee that he/she maintains liability insurance as required by state law
 6. The signature of the Agency Head or designee authorizing the employee to drive
- D. Department Head: The highest authority within the branches of State Government.
- E. Designee: Individual(s) specifically designated by the department/agency head to act on his behalf.
- F. Driver Safety Coordinator: Individual appointed by department/agency head to plan, organize, direct, and control the Driver Safety Program for the agency.
- G. Guilty Plea: The admission of guilt from the defendant to each charge of the commission of a violation.
- H. High-Risk Driver: An individual having three or more convictions, guilty pleas and/or nolo contendere pleas for moving violations or an individual having a single conviction, guilty plea, or nolo contendere plea for operating a vehicle while intoxicated, for hit and run driving, for vehicular negligent injury, for reckless operation of a vehicle or similar violation within the previous twelve (12) month period.
- I. Hit and Run: The intentional failure of the driver of a vehicle involved in or causing any accident to stop such vehicle at the scene of the accident, to give his identity, and to render reasonable aid.
- J. Moving Violation: A moving violation occurs whenever a vehicle is in motion. Examples of moving violations include but are not limited to: speeding, running a stop sign or red light, driving without a license, making a left turn from the right hand lane.
- K. Negligent Injury: The inflicting of any injury upon the person of a human being when caused proximately or caused directly by an offender engaged in the operation of or in actual physical control of any motor vehicle, aircraft, watercraft, or other means of conveyance whenever any of the following conditions exists:

- The operator is under the influence of alcoholic beverages.
 - The operator's blood alcohol concentration is 0.08 percent or more by weight based upon grams of alcohol per one hundred cubic centimeters of blood.
 - The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964.
 - The operator is under the influence of a combination of alcohol and one or more drugs that are not controlled dangerous substances and which are legally obtainable with or without a prescription.
 - The operator is under the influence of one or more drugs that are not controlled dangerous substances and which are legally obtainable with or without a prescription, and the influence is caused by the operator knowingly consuming quantities of the drug or drugs that substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.
- L. Nolo Contendere: "No contest" – has the same effect as a plea of guilty as far as the sentence is concerned but may not be considered as an admission of guilty for any other purpose.
- M. Official Driving Record (ODR): Record maintained by the Office of Motor Vehicles on each driver in the State of Louisiana containing his history of driver violations and accidents.
- N. Reckless Operation: The operation of any motor vehicle, aircraft, vessel, or other means of conveyance in a criminally negligent or reckless manner.
- O. State Business: Any legal and lawful activity conducted/engaged in by an employee or agent of the State of Louisiana on behalf of and benefiting the state in the course and scope of his duties.
- P. State Vehicle: Any licensed vehicle owned, leased and/or rented by the State of Louisiana.
- Q. Unauthorized ("NOT authorized") Driver: A driver shall be considered "NOT" authorized if any of the following occur:
1. The driver meets the high-risk driver definition
 2. The driver does not complete/pass the ORM-recognized driver course within the allowed time period
 3. He/she does not hold a valid driver's license
 4. The ODR isn't cleared of all flags as noted in Item #5 of "How to review an ODR"
 5. The Authorization and Driving History Form (DA 2054) has not been completed and signed by both the employee and Agency Head/Designee annually.
- R. Vehicular Operation While Intoxicated: A vehicle operator shall be considered under the influence when:
1. The operator is under the influence of alcoholic beverages; or

2. The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood; or
3. The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964; or
4. The operator is under the influence of a combination of alcohol and one or more drugs that are not controlled dangerous substances and which are legally obtained with or without a prescription.

S. Vehicular Accident: Any collision in which the vehicle comes in contact with another vehicle, person, object, or animal which results in death, personal injury, or property damage (regardless of who was injured, what was damaged or to what extent, or where it occurred or who was responsible).

T. Wireless Telecommunications Device: Any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

VI. EMPLOYEES AUTHORIZED TO DRIVE

Only employees authorized by the agency head or designee shall be permitted to operate their personal vehicle or state vehicle (owned or leased) on state business. See Section VIII for Authorization process.

VII. RESPONSIBILITIES

A. Employees:

1. Employees shall only operate those vehicles for which they are licensed and insured.
2. Employees who are authorized to drive state vehicles are responsible for the safe operation of those vehicles.
3. Drivers shall report any unsafe condition or accident involving state vehicles to their supervisor or designee. Accidents by employees in their personal vehicle after hours need not be reported unless the employee was ticketed.
4. Employees who drive their personal vehicle on state business shall be required to sign the DA2054 form attesting that they currently carry at least the required minimum vehicle insurance. Such signature is not required if the employee ONLY drives a state vehicle on all state business.
5. An employee shall immediately report the revocation of his driver's license or any citation of moving violations to his supervisor. The employee must report either event no later than his next scheduled workday. Said reporting applies whether on state or personal/private business and whether in a state or personal/private vehicle.
6. Employees shall not use a Wireless Telecommunications Device while driving in a state-owned, leased, or private vehicle that is being driven on state business. This includes

writing, sending, or reading a text-based communication and engaging in a call. Use of a Wireless Telecommunications Device is permissible for passengers in such vehicles.

Exceptions:

- Reporting a traffic crash, medical emergency or serious road hazard.
- Reporting a situation in which the person believes his personal safety is in jeopardy.
- Reporting or averting the perpetration or potential perpetration of a criminal act against the driver or another person.
- Engaging in a call or writing, sending or reading a text-based communication while the motor vehicle is lawfully parked.

B. Supervisors:

Supervisors shall:

1. Provide time for each authorized employee to complete the ORM on-line Defensive Driving Course (LPOST), ORM instructor-led Defensive Driving Course, or another ORM recognized defensive driving course.
2. Notify the Safety Coordinator when an employee reports a moving violation.
3. Allow only authorized employees to drive on state business.
4. See that all vehicles provided to these employees are in safe operating condition, including the use of a monthly checklist (DA424 or the MV3/4).
5. Follow through to ensure that all deficiencies noted during the inspections are corrected and such actions documented.
6. Ensure that all accidents and incidents are properly reported and said records are maintained.

C. Department/Agency: Heads, Driver Safety Coordinators, or Program Designees:

These individuals are responsible for implementation of the Driver Safety Program and shall stress the importance of the department's Driver Safety Program to all employees. Prior to authorizing state employees to drive, they are responsible for completing all of the following steps for employees.

1. Verifying that each driver has a valid and properly classed driver's license.
2. Obtaining office driving records (ODR's) no less often than every twelve (12) months, reviewing them no later than forty-five (45) days from the date the ODR is obtained, and ensuring that employees meet all program requirements to be authorized to drive.
3. Certifying that each employee has completed an ORM-recognized defensive driving course (e.g., LPOST, Loss Prevention instructor-led, National Safety Council, FLI, etc.) within 90 days of entering the driving program.
4. Signing and dating, along with the employee (if applicable), the Driving Authorization and History Form (DA 2054). The DA2054 form can be used more than once if the authorized Agency representative signs and dates the supplemental signature sheet and attaches it to the DA2054. The original form cannot be modified.

5. Notifying the appropriate supervisors which employees are authorized to drive or are not authorized to drive.
6. Maintaining at each audited location a list of employees who are authorized to drive or employees who are not authorized to drive.
7. Employees who are hired or terminated throughout the year are not required to be added or deleted from the authorized or unauthorized list, except on an annual basis prior to the audit. However, any person who is determined during the year to be a high risk driver should be removed from the authorized list or added to the unauthorized list, whichever list the Agency is updating.
8. Maintaining all driving documents in a locked, confidential file.
9. Ensuring that policies and procedures are established and implemented.
10. Ensuring training courses are conducted and documented.

VIII. DRIVER AUTHORIZATION PROCESS:

Prior to approval by Agency Head or his/her designee, the employee shall read and sign the Employee Acknowledgement/Authorization section of the Authorization and Driving History form (DA 2054). The information on this form is used to acquire the Official Driving Record (ODR) from the Department of Motor Vehicles. An ODR shall be obtained from the Department of Motor Vehicles annually. The Authorization and Driving History Form and the ODR are then submitted to the Agency head or designee who reviews both forms for compliance with requirements and ultimately approves driver authorization.

If an employee possesses an out-of-state license, the agency requires the employee to acquire a certified copy of the ODR from that state at his/her own expense. It is the agency's responsibility to designate which employees are authorized to drive or NOT authorized to drive on state business.

The authorization process shall include:

1. Reviewing the employee's motor vehicle driving record (ODR) annually.
2. Ensuring individuals possess a current and proper class driver's license. Only individuals possessing a current and proper class driver's license shall be authorized by an agency to drive a motor vehicle on state business.
3. Verifying (via the DA2054) that the employee can provide proof of liability insurance if he/she will use a personal vehicle to conduct state business.
4. Completing and passing an ORM recognized defensive driving course within 90 days of employment and a minimum of every three years thereafter.
5. Developing a list of employees authorized to drive or employees NOT authorized to drive. Any person who is determined during the year to be a high risk driver should be removed from the authorized list or added to the unauthorized list, whichever list the Agency is updating. Said list must be kept at each audited location at all times.
6. Determining when driving privileges shall be taken away from an employee because of moving violations, revocation of license, or lack of insurance for his private vehicle.

Within 45 days of obtaining the ODR, the Agency head or designee shall review the ODR and sign and date the Authorization and Driving History Form (DA2054). NOTE: If there are no changes to the driver information, then the DA2054 may be used on more than one occasion if the authorized Agency personnel date and sign the supplemental signature sheet and attach it to the DA2054.

High-risk drivers shall not be authorized to drive vehicles on state business from the date of discovery for a minimum of twelve months. High-risk drivers are those individuals:

1. Having three or more convictions, guilty pleas, and/or nolo contendere pleas for moving violations within the previous twelve (12) month period or
2. Having a single conviction, guilty plea, or nolo contendere plea for operating a vehicle while intoxicated, hit and run driving, vehicular negligent injury, reckless operation of a vehicle, or similar violation within the previous twelve (12) month period.

Employees identified as high-risk drivers can be subject to disciplinary action.

Employees occupying jobs for which driving is an essential function (e.g. field examiners) may be reassigned, demoted, or terminated if unable to carry out their job duties due to loss of driving privileges.

If an employee is not authorized to drive, the employee and his/her supervisor shall be notified in writing that he/she shall not drive on state business. The immediate supervisor, safety coordinator, and fleet control officer shall be notified that this employee shall not be given authority to drive on state business, and the employee's name shall be added to/removed from the appropriate list.

IX. PREVENTIVE MAINTENANCE:

A preventive maintenance procedure and a preventive maintenance schedule for each vehicle are maintained by the fleet manager.

X. TRAINING:

All authorized drivers shall successfully complete an ORM recognized defensive driving course within ninety (90) days of entering the program. All authorized drivers shall complete a refresher course at least once every three years unless his or her class of license requires other additional training or testing. Drivers who have convictions on their motor vehicle records shall be required to retake a recognized driving course within ninety (90) days of notification of a conviction.

XI. CLAIMS REPORTING/ACCIDENT INVESTIGATION

A vehicular accident is defined as any incident in which the vehicle comes in contact with another vehicle, person, object, or animal that results in death, personal injury, or property

damage regardless of who was injured, what was damaged or to what extent, where it occurred, or who was responsible.

- A. All accidents shall be reported to the employee's immediate supervisor and the driver safety coordinator by the driver of the state vehicle on the day of the accident. If the driver is not able to complete the Louisiana State Driver's Accident Report Form (DA 2041), then the driver's supervisor will complete the report to the best of his/her ability for the employee. The supervisor may enter identifying information and attach the police report. A copy of the Uniform Motor Vehicle Traffic Accident Report (police report) shall accompany the DA 2041 or should be sent to the ORM Claims Unit as soon as it is received by the agency. Do NOT delay submission of the DA 2041 while waiting on the police report.

The DA 2041 shall be completed within 48 hours after any vehicle accident while on state business and forwarded to the ORM Claims Unit. The DA 2041 form can be downloaded from: <http://www.doa.la.gov/orm/formsCR.htm>.

(Note: When an accident occurs in either an employee's personal vehicle or a rental vehicle while he/she is on state business, complete the DA2041 and note whether or not the vehicle is state-owned, rented, or personal.)

- B. Failure of an authorized driver to report any vehicular accident may be cause for suspension of Driver Authorization.
- C. The supervisor of the authorized driver involved in an accident shall review the accident report within two working days of the accident for completeness of information. Incomplete reports shall be returned for completion or corrected information. The supervisor may assist the individual in completing the report. All accidents require completion of the Vehicle Accident Report (DA 2041).
- D. The supervisor (or safety coordinator, if appropriate) may consider what corrective action(s) may be necessary for accidents thought to be preventable. The corrective action(s) may include: temporary suspension of driving privileges, special training, physical examination, etc.
- E. Agency heads or the designee will review the Accident Report Form, the Uniform Motor Vehicle Traffic Accident Report (police report if one was completed), and the Authorization Driving History Form (DA 2054).

XII. RECORD KEEPING:

Driver Safety Program records shall be maintained for three years at the agency location and/or a central location designated by the agency.

Specifically:

- ODRs, high-risk driver documentation (e.g., re-training records, letters), vehicle inspection forms, preventive maintenance records which are maintained for one year
- Driver training (initial, refresher) documentation which is maintained for three years
- DA2054 forms which are maintained indefinitely or until form information is updated

XIII. FLEET MANAGEMENT:

This agency is expected to adhere to the requirements of the State's Fleet Management Program (Title 4, Part V, subchapter F; Title 34, Part XI of the Louisiana Administrative Code).

APPROVED BY:



John Ducrest, CPA
Commissioner



Date