

It is preferable that members use school vehicles for the transportation of students from the standpoint of consistent policy, liability and insurance coverage.

Nevertheless, if the school system decides to permit transportation of students in personal automobiles of school employees and/or volunteers, the school system should have a clearly articulated written policy to reduce the risk to the school system and its employees.



In general, a claim follows the vehicle. Therefore, the coverage provided by MSMA's Property & Casualty Trust Fund is secondary to the employee/volunteer's own personal insurance coverage. Nevertheless, the employee/volunteer's insurance company may take a contrary position and attempt to collect from the Trust. If that is the case, the Trust will oppose the attempts of the employee/volunteer's insurance company to collect.

We recommend the following:

1. The school system may apply the same standards as it would in the hiring of a school bus driver to the employee/volunteer who may transport students e.g. background check and/or driving history.
2. The employee/volunteer must provide a valid driver's license, registration, and insurance card for the vehicle. The school system should make photocopies of these documents and retain the photocopies for a minimum of six years after the transportation, and in the event of an accident, for six years after the youngest child involved in the accident turns 18.
3. The minimum statutory requirements for automobile liability insurance coverage in Maine are \$50,000 per person and \$100,000 per accident. **THESE LIMITS ARE TOO LOW IN LIGHT OF SETTLEMENTS AND JURY VERDICTS IN AUTO ACCIDENTS IN MAINE.** We recommend a minimum coverage of \$300,000 per occurrence for liability coverage. Please note that the insurance card does not state the limits of insurance coverage. Therefore, you should require the employee/volunteer to provide, and the school system to retain a copy of the declaration pages of the employee/volunteer's personal automobile policy.
4. The school system should verify that the employee/volunteer's automobile is in good working condition. Obviously, the vehicle must have a valid inspection sticker. In addition, someone other than the employee/volunteer should verify that lights, horns, turn signals, brake lights, mirrors, and seat belts are all intact and in working order.
5. The school system should provide the parents with a consent form that they are aware that their child is being transported by an employee/volunteer in the employee/volunteer's personal vehicle and that the parents give their written consent to the transportation.
6. The employee/volunteer should be instructed to take the shortest and safest route to and from the activity.
7. The employee/volunteer must not use any cell phone, mobile device for texting or any other communication device while the vehicle is moving. If there is a need for the employee/volunteer to make a telephone call, the employee/volunteer must pull off the road to a safe location and make the phone call while the vehicle is completely stopped.
8. To reduce the risk of any potential distraction while driving, the employee/volunteer should be advised if a student in the car has any medical history regarding medications, seizures or proneness to car sickness.

PROPERTY & CASUALTY TRUST SAFETY TOPIC

Transportation of Students in Personal Autos

TRANSPORTATION - PERSONAL AUTOMOBILE USE FORM

Name: _____ Phone: _____ Date of Birth: _____

Driver's License #: _____ Expiration Date: _____

Year/Make of Auto: _____ Vehicle License #: _____

Insurance Carrier/Agent: _____ Phone: _____

Liability Limits: _____ Policy #: _____

Expiration Date: _____ Driving Restrictions: _____

I certify that the above information is correct and that the insurance coverage is in force. I understand that if performing work for _____ school district in the course of my duties I may utilize my personal vehicle, I must have liability insurance coverage in force as required by the State of Maine, and agree to advise the _____ school district, in writing, of any changes in the above information. I further certify that the above vehicle is mechanically safe.

Signed: _____ Date: _____

Site: _____ Purpose: _____

Site Administrator Approval: _____ Date: _____

NOTE: If you drive your personal automobile while on District business and you are involved in an accident, by law your liability insurance policy is used first. The District liability policy would be used only after your policy limits have been exceeded. The District does not cover, nor is it responsible for, comprehensive and collision coverage to your vehicle.

All persons driving on District business will:

1. Follow the most direct route;
2. Avoid unnecessary stops;
3. Not carry unauthorized non-District personnel or students or guests as passengers;
4. Not carry more than nine students, no matter what size of vehicle; and
5. Ensure that all vehicle occupants use seat belts.

NOTE: Please attach a photocopy of the (1) *"Proof of Insurance"* form presently being provided by your automobile insurance company that indicates expiration date of insurance and (2) *driver's license and (3) registration*.

District Administration may obtain employee driving record checks from the Maine Department of Motor Vehicles, which are a matter of public record.