

# Designated Driver Programs

Holmes Murphy offers this educational information to provoke thought and discussion and it should not to be viewed as a mandate or requirement. We view part of our role as an insurance and risk management professional to anticipate your needs and educate you in an effort to complement the organization's loss prevention and control efforts, not replace the decision making autonomy of our client organizations. We hope you find this educational piece to be of value and stand ready to discuss it further with you or any of your constituents.



A few years ago, designated driver programs were very popular. It seemed as if everyone was implementing them: universities, fraternities/sororities, community organizations. At first glance, they seem like a responsible way to prevent people from driving while intoxicated. However, there are liability implications for sponsors of designated driver programs that can't be ignored.

Students should be educated on the dangers of driving while intoxicated and of riding with an intoxicated driver. The decision to seek out a safe ride is a good one. However, it is not the job of the chapter to promote a platform for unsafe drinking, and designated driver programs can become just such a platform. No fraternity/sorority chapter wants to give the impression that they encourage the excessive consumption of alcohol. In addition, without carefully controlled safeguards, the following challenges exist:

- If pledges/new members are most consistently assigned to designated driver duty, it does/ can create an environment of servitude that we should be avoiding. Plus, it can place a new member in a dangerous situation with intoxicated upperclassmen.
- When designated drivers are selected, the chapter should answer the following questions:
  - Are the designated drivers licensed and safe drivers without a history of accidents? The only way to confirm this is through a Motor Vehicle Records check.
  - Are the driver and vehicle adequately insured?
  - Is the driver prepared to handle the distraction of a car full of intoxicated passengers? A number of accidents resulting in fraternity insurance claims were caused by the poor decision of the driver in dealing with the distraction his passengers created.
  - Is the auto that is being used safe?
  - Is the designated driver always sober, or merely "not as drunk"?
- According to the Institute for Highway Safety, young drivers have a crash rate per mile driven that is four times higher than all other drivers.
- There is also a risk of putting the driver in a difficult situation when taking home intoxicated guests. If you review the safe rides programs sponsored by several universities, a male and a female ride in each vehicle; women never ride alone.





We all understand that promotion of a designated driver program is done with the best intentions at heart. The difficulty is that even the best intentions can create a material risk. Other options do exist:

- The use of cabs or safe ride programs has caught on with campuses in lieu of a designated driver program. Please follow these links which provide an overview of the University of Texas program and a similar program at the Kansas University.
  - <http://www.nhtsa.dot.gov/people/injury/alcohol/DesignatedDriver/educators2.html>
  - <http://www.kuonwheels.ku.edu/saferide.shtml>

If your university does not have a program like this, or if the program isn't effective, the members of your chapter can take on a leadership role on campus and create or improve a safe ride program.

- Another option is a prepaid cab service. Details can be found at [www.safecarservices.com](http://www.safecarservices.com)
- Voluntary, informal programs within a chapter are another option. Some chapters provide key chains with cab numbers and chapter emergency contact information to members; others post the phone numbers of members who plan to go out and stay sober and who are willing to provide rides.

Encouraging friends to help friends informally is the best course of action. Based on the exposure chapters face as well as the lack of attention in preventing risk in these programs, we do not endorse chapter-sponsored designated driver programs.

## Safe Transportation for Chapter events

The other part of this issue involves chapter-sponsored activities: social events, mixers, philanthropies—any activity planned and hosted by the chapter. It is important to be aware of the exposure chapters face when their events require driving a distance, and the importance of taking necessary precautions to protect the chapter from that exposure. In that case, the safest way to transport members and guests to the event is by using professional transportation services.

We recommend the following requirements for any selected vendor employed to provide transportation to members and guests:

- Commercial Auto Insurance that provides coverage for transporting people and property for a fee, and provides, at a minimum, primary coverage of \$1,000,000.00 combined single limit for bodily injury and property damage.
- A professional driver who has a valid commercial vehicle operator's license in the state in which the driver is located.
- Agree to add the chapter and national organization as an additional insured on their Liability Policy.

Hiring professional transportation services is the best way to manage the transportation exposure for a function you host.

As the academic year gets started, we want to make sure that you are having fun, but in a safe manner. Please contact your Headquarters if you have any questions.





*Please note: Holmes Murphy does not endorse Designated Driver Programs for reasons outlined in our Designated Driver resource. We instead recommend taxis or buses that use professional drivers. In a situation where a chapter feels they have no other option, the following provides guidance for the best possible safe program.*

## **Guidelines for Designated Driver Programs**

### **Expectations of a Designated Driver Program**

- If a chapter is going to create a designated driver system, the driving responsibilities should be distributed equally among all members and associate members.
- Chapter should establish a start and end time for the responsibilities.
- A driver should not work more than one event during a day.
- Designated driver should answer calls during his assigned time.
- Driver should restrict the number of people in the car to the number of working seatbelts.
- Designated drivers should ensure your guests are following applicable state and seatbelt laws.

All drivers in the program should meet the following requirements:

- Drivers should have a valid driver's license and have personal auto liability insurance coverage.
- Designated driver should always be alcohol and drug free.
- Drivers should be in compliance with any and all applicable laws of the state, province, county, city and institution of higher education (e.g. traffic laws).

All vehicles in the program should meet the following requirements:

- All vehicles shall be legally registered and insured.
- All vehicles should have auto liability coverage provided by the owner of the vehicle if different than the driver. All vehicles shall be operationally fit for transportation.
- All vehicles shall meet the legal requirements of operation, or in other words be "street legal." Such as seat belts, air bags, brakes, headlights, brake lights, mirrors, etc.
- If the vehicle is owned by a parent of a driver or another member the parent's permission should be obtained before use as a designated driver vehicle.



### **What You Should Not Do**

- Chapter should not take car keys of guests as they enter party or distribute when they leave.
- Chapter should not require only pledges/associate members to participate as designated drivers.
- If a member/associate member does not have a vehicle, they should not be required to serve as a designated driver but can serve if another member wants to allow his auto to be used. While a member without a car should not be required to drive he can be required to participate in other capacities (answering phone, party monitor, ride in the car, etc.).
- If you feel someone needs medical attention, call 911. Do not transport them to the hospital.
- Program must not be revenue generating.

### **Good Ideas**

- If you are going to have a designated driver system, it is recommended you have two sober individuals per vehicle.
- If you create a system for gas reimbursement, it should be equitable for all members and associate members.
- Consider restricting the distance that drivers are permitted to drive.
- The intent of this program is to transport members/associates/guests from event to home safely. Chapter should prohibit additional stops and errands. This is not a taxi service.
- If dropping off a member/associate/guest and you have health concerns call 911.
- For events, designated driver program starts one hour before event begins and no later than one hour after event concludes.
- If transporting from a third party vendor (bar), the designated driver responsibilities should conclude no later than one hour after the bar closes.
- It is recommended that a designated driver system only exist for chapter events.