

DESIGNATED DRIVER PROGRAMS

At first glance Designated Driver Programs 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.

The fraternity/sorority does not provide any insurance protection to the designated driver or the owner of the vehicle used for the designated driver program. Holmes Murphy recommends the use of professional drivers and licensed and insured companies. However, in a situation where a chapter feels they have no other option, the following provides guidance for the best possible safe program.

The decision to seek out a safe ride is a good one. However, it isn't the job of the chapter to promote a platform for unsafe drinking, and designated driver programs can become just such a platform. And without carefully controlled safeguards, the following challenges exist:

- If new members are most consistently assigned to designated driver duty, it creates an environment of servitude and hazing and it must be avoided.
- 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?
 - Is the vehicle that is being used safe?
 - Is the designated driver always sober, or merely "not as drunk"?
 - There is also a risk of putting the driver in a difficult situation when taking home intoxicated guests.

GUIDELINES FOR DESIGNATED DRIVER PROGRAMS

If a chapter is going to create a designated driver system, the driving responsibilities should be:

- Distributed equally among all 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/her 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

GUIDELINES FOR DESIGNATED DRIVER PROGRAMS (continued)

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).
- 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.

All vehicles in the program should meet the following requirements:

- All vehicles should 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 should 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.

What you should not do

- If you feel someone needs medical attention, call 911. Do not transport them to the hospital.
- Chapter should not take car keys of guests as they enter party or distribute when they leave.
- Chapter should not require only new members to participate as designated drivers.
- If a member/new 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/she can be required to participate in other capacities (answering phone, party monitor, ride in the car, etc.).
- Program should not be revenue generating.

Other options do exist

- The use of cabs or safe ride programs has caught on with campuses in lieu of a designated driver program. Many utilize easy-to-use apps. Find sample programs here:
http://police.ucdavis.edu/divisions_services/campus_security/safe_rides.html
<https://commuterservices.utah.edu/saferide.php>
- Some chapters have developed partnerships with ride share providers (e.g. Uber, Lyft).
- Voluntary, informal programs within a chapter—some chapters post the phone numbers of members who plan to go out and stay sober and who are willing to provide rides.

PROFESSIONAL TRANSPORTATION SERVICES

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

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 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.
- A vendor who will agree to add the chapter and national organization as an additional insured.

Holmes Murphy offers this educational information to provoke thought and discussion and it should not 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. We stand ready to assist you with any questions or concerns. Please feel free to contact us at edconsultant@holmesmurphy.com.



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