Due to questions raised by county and Center staff I asked Gregory Clayton, Director of Risk Management and Benefits a series of questions concerning legal issues surrounding the use of University Car Pool owned vehicles. At the request of the Faculty Advisory Committee of WCREC I am putting together that information for use by County and Center staff. It seems best to approach this as Frequently Asked Questions.

1. Can county paid extension workers legally drive University owned vehicles? Yes, if they have permission from the appropriate University employee (for example the Extension Educator for vehicles leased by the county from the University) and if they are using the car for official Extension business.

2. Whose liability insurance covers University employees and county paid staff in case of an accident with a University owned vehicle? The Universities liability insurance policy will cover the University and the driver for liability from third party suits. If a county paid staff is physically hurt in the accident, then the county’s workman’s compensation would cover the county paid employer’s injuries. If it is a University of Nebraska employee that is hurt then the University’s workman’s compensation would cover the injuries.

3. Who pays for damages to a University of Nebraska car that is leased from Transportation Services either by a county or Center? The responsible County or Department must pay for the first $300 in damages and Transportation Services will cover the remainder if there is no abuse. If another party is at fault then the University will try to collect from the other party’s insurance.

4. Can a University paid employee legally drive a county owned vehicle? The answer seems to be yes, if they have permission. Permission from whom is not clear but it is probably the County Board of Supervisors or Commissioners. One way to expedite this permission is to make it an official part of the Inter-local Agreement.

5. Does the University’s liability insurance cover a University employee driving a county owned vehicle? The county’s liability insurance is first in line since it is with the vehicle. The University’s liability would be in excess (become effective after the county’s is exhausted). If the University employee is injured, then University workman’s compensation would pay for the medical.

There may be other questions but these seem to be those most frequently asked.

Richard T. Clark
Associate Director
West Central Research and Extension Center
December 6, 2000