

*Department of Administrative Services
Vehicle Rules*



Our Vehicle Role in State Government

DAS Risk Management:

- Manages the Administrative Rules for access to vehicles and their use, OAR 125-155.
- Manages self-insurance coverage for state drivers and vehicles.
- Oversees vehicle risk control, driving complaints, liability claims and lawsuits including auto liability.



Definitions

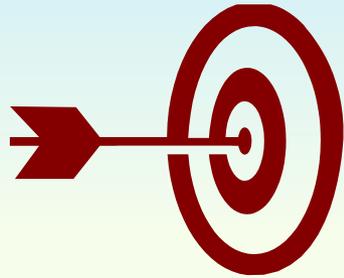
- State Vehicle
 - Motor vehicle owned, rented, borrowed, leased and otherwise in possession and control of state
- Official State Business
 - Activity in conformance with rules
 - Directed and controlled by state
 - Advance lawful policies and purposes of agency
 - Written and within statutory authority

Private Vehicles

- A motor vehicle that is owned, rented, borrowed, leased, or otherwise lawfully in the possession and control of any private person or any entity other than the state.
- A commercially rented vehicle is a private vehicle if it is rented or used for private use or any mix of private or state uses.

OAR 125-155, Vehicle Use and Access Rules

Major areas addressed by rules:



- ✓ Driver Requirements
- ✓ Authorized Drivers
- ✓ Authorized Passengers
- ✓ Authorized Vehicle Use
- ✓ Other –
Includes Insurance

Policy and Principle:

- All vehicles shall be used legally, courteously, and safely.
- Must narrowly interpret official state business
- Must follow the rules to be protected by insurance.
- Non-compliance - personal liability for all costs.
 - *Damages to property*
 - *Damages to persons*
 - *Damages to self*



Authorized Drivers:

With agency approval:

- ✓ State employee
- ✓ Volunteer
- ✓ Agent
- ✓ Other government agents by agreement (IGA)
- ✓ Chauffeurs – very limited
 - Must carry acceptable insurance
- ✓ Independent contractor – very limited
 - Must agree to hold the state harmless
 - Indemnify the state for any loss
 - Must provide acceptable primary vehicle liability and property insurance.



Authorized Passengers:

✓ To the extent needed to accomplish state business

- People
- Animals
- Things

✓ And with prior approval

- Guests of government
- Observers and ride-alongs
- Aides
- Minors and others who are not legally liable for themselves or their agreements



Authorized Passengers:

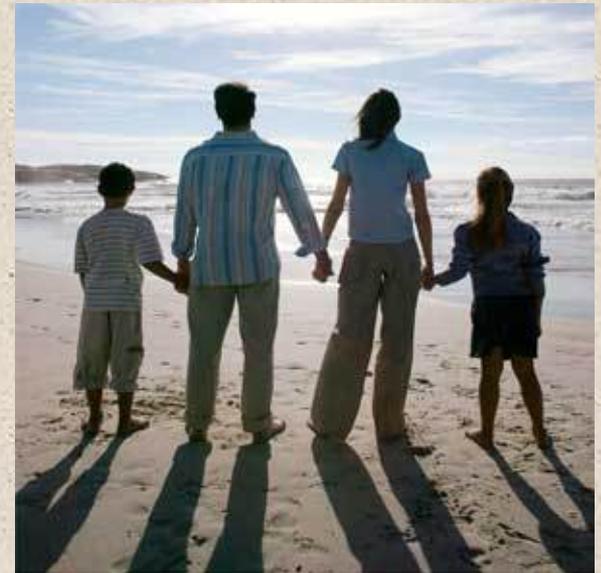
✓ Family, Friends and Children

- Employee's spouse rides only as employee's aide, with prior agency permission.
- Always at own risk or risk of driver
- State will not insure or indemnify

✓ Employee's Child

- Agency permission required
- DAS Order required

(such as on Bring Kids to Work Day)



Authorized Vehicle Use:

General Use

- By law (ORS 283)
 - Only for official state business
 - Not for any personal reason
- Applies to:
 - State owned vehicles
 - Private vehicles being used for state business
 - Rental vehicles used for state business
- At state cost of risk when in compliance for authorized uses.



Authorized Vehicle Use:

Vehicle uses contrary to the law or these rules means:

- Acting outside the definition of official state business
- Not an authorized driver
- Acting outside the course and scope of his or her employment or duties.

Official state business is narrowly construed.



Exceptions to the Rules

- Family members may be employees or guests of government and authorized passengers
- Certain prohibited uses are authorized when the use is mission-related
- Travel status allows some personal uses



The Travel Policy

- Statewide Policy, Chapter 40
- Part of Oregon Accounting Manual
- Is separate and distinct from vehicle rules
- May qualify for travel pay, but not insurance because of differences between the two rules.
- OAM, Chapter 40



Day Use Travel

- Travel away from duty station and non-overnight
- Allowed personal day uses:
 - May stop for food or breaks
 - Must be reasonably close to route of travel



Transportation Methods

- General Provision 122
- Select mode most advantageous to state
 - Expeditious
 - Practicable and commensurate
 - Considering energy, number of travelers, total cost to state, distance traveled, lost work time, transportation costs



Transportation Authorization

- General Provision 123
- Verbal or in writing according to policy
- By agency director or designee
- Per diem per the policy
- Private vehicles used per fleet policy



Rented Vehicle

- General Provision 125
 - Fees are reimbursable
 - Valid drivers license required
 - Compact or economy preferable
 - Refer to DAS RM for insurance info
 - Refer to price agreements for terms

Travel Insurance Coverage

According to the Vehicle Rules

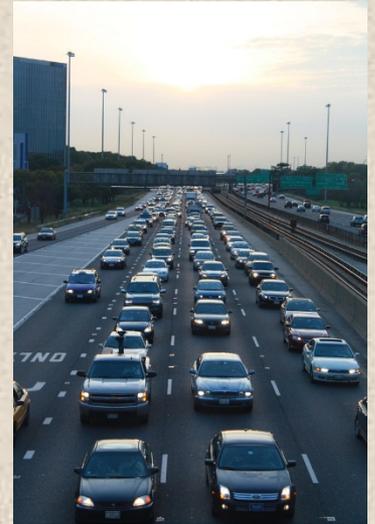
Day Use Travel

- Disallowed uses:
 - Travel to and from
 - Home and duty station
 - Personal recreational or fitness activities
 - Personal appointments
 - Personal errands
 - Transportation of friends or family



Full-Time Use

- All day, every day use to reach field work away from home and office
- Allowed uses:
 - Travel to and from:
 - Home and duty station
 - Home, duty station and field work
 - Food and breaks (limited)
 - For broader travel than just to get food
 - Reasonable distance to travel route applies
 - Unless home garaging (on call, early/late hrs)



Overnight Travel

- Traveling overnight for state business
- Allowed uses:
 - Employee's daily necessities
 - Restaurants
 - Stores
 - Meals
 - Breaks
 - Recreation and Fitness
 - Laundry
 - Theaters
 - Friends and families homes



Overnight Travel

Reasonableness applies:

- Local vicinity of direct travel route
 - (wider swath than allowed under other uses)
- During reasonable hours
- Lawful uses still apply



Vehicle Issues: *Insurance*



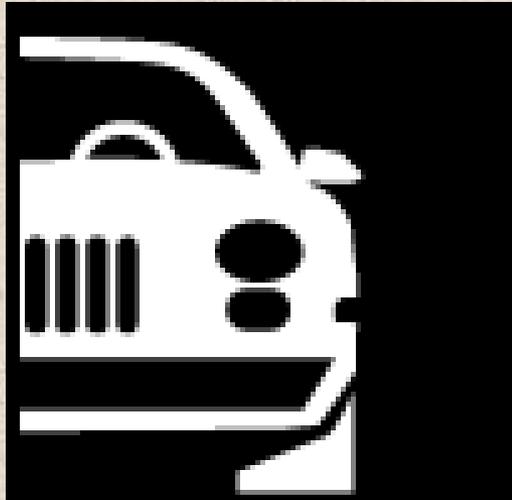
What type of coverage is provided by the state's self-insurance program?

- It depends on the vehicle type/status.
 - ✓ **State Vehicles** – The state provides physical damage, uninsured motorist, personal injury protection, and tort liability for property damage or bodily injury to others. There is no coverage of unauthorized personal use.



What type of coverage is provided by the state's self-insurance program?

- ✓ **Private Vehicles** – The state only provides excess liability coverage if the loss exceeds the private auto's policy limits. There are conditions for coverage.



State Insurance Coverage Matrix

Vehicle Type/Status Determines Insurance Coverage	State Insurance Coverage:	Physical Damage (Property)	Tort Liability	Personal Injury Protection (PIP)	Uninsured Motorist (UM)
Type/Status of Vehicle:					
State Vehicle		Yes	Yes	Yes	Yes
Commercially rented vehicle used solely for official state business (state vehicle status.)		Yes	Yes	Yes	Yes
Private Vehicle		No	*Excess Only	No	No
Commercially rented vehicle used for any mix of state and private business (private vehicle status.)		No	*Excess Only	No	No

*Excess liability coverage has conditions for coverage.

What are some other issues that a state agency be aware of concerning state insurance coverage?

- The property self-insurance policy requires a limited damage waiver be purchased at the time of rental for commercially rented vehicles used solely for state business. If the Master Price Agreement is used, insurance is included.



Questions?

