

OFFICE OF THE SECRETARY OF STATE

BEV CLARNO
SECRETARY OF STATE

JEFF MORGAN
INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 125
DEPARTMENT OF ADMINISTRATIVE SERVICES

FILED

06/04/2020 12:48 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends, repeals, and reorganizes Vehicle Use and Access rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/15/2020 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Janet Chambers
503-378-5522
janet.chambers@oregon.gov

155 Cottage Street NE
Salem, OR 97301

Filed By:
Janet Chambers
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/15/2020

TIME: 10:00 AM - 11:00 AM

OFFICER: Marie Hansen-Wargnier,
503-378-5518

ADDRESS: Conference Dial In Number
1-503-446-4951

Conf. ID: 224512863
Salem, OR 97301

NEED FOR THE RULE(S):

ORS 283.340 authorizes these administrative rules. They address authorized drivers, uses, passengers, variances, insurance coverage and agency responsibilities and permissions related to state vehicles and vehicles used to conduct official state business. The primary reason for the rule amendment is to align the vehicle use and access rules with the changes in DMV procedures, practices and the Oregon Vehicle Code relating to filing for hardship permits and ignition interlock device waivers. The rule revisions provide greater activity latitude and clarification for state drivers who are expected to respond in a state vehicle 24/7 or assigned duties involving overnight travel status. Most changes involve a reorganization of the rules to consolidation rules of a specific topic in one location within the body of the rules. The rules needed a general update. The last update occurred in 1995.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 278, ORS 283, and the Oregon Vehicle Code, ORS 801: Oregon's Legislative website:

https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx

Oregon Department of Transportation, DMV forms website:

<http://www.oregon.gov/ODOT/DMV/Pages/form/index.aspx>

FISCAL AND ECONOMIC IMPACT:

The fiscal impacts will be primarily those involved in the compliance with the requirements to develop written plans that reflect state agencies adherence to the rules. Most large and natural resource agencies already have plans. It is the smaller agencies, boards and commissions who may incur an expense.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. All state agencies, boards and commissions subject to ORS 278 will be minimally impacted. There is no impact to units of local government and members of the public.
 2. Effect on small businesses (a) none; (b) none; (c) none.
-

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

There is no small businesses impacted by these rule changes. These rules only apply to state agencies, boards and commission subject to ORS 278.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No Administrative Rule Advisory Committee was consulted. There are no existing advisory committees for these particular rules. Agency stakeholders who have reviewed these rules and been invited to comment include: Department of Justice General Counsel, Department of Justice Employment Unit, Labor Relations Unit, Chief Human Resources Office, State Motor Pool, Safety Managers, Human Resource Managers, Business Managers, Risk Managers, Fleet Managers, as well as specific agencies such as Oregon Department of Transportation, Oregon Department of Fish & Wildlife, Oregon Parks & Recreation Department, Psychiatric Security Review Board, Legislature, Agriculture, Oregon Education Department, State Board of Geologists Examiners, Landscape Architects Board, and Oregon Department of Forestry.

RULES PROPOSED:

125-155-0000, 125-155-0010, 125-155-0020, 125-155-0100, 125-155-0200, 125-155-0300, 125-155-0400, 125-155-0410, 125-155-0420, 125-155-0430, 125-155-0500, 125-155-0510, 125-155-0520, 125-155-0530, 125-155-0540, 125-155-0600, 125-155-0700, 125-155-0800, 125-155-0900

AMEND: 125-155-0000

RULE SUMMARY: Adding the enabling statutes.

CHANGES TO RULE:

125-155-0000

Purpose ¶

These rules are written under the authority of ORS 283.305 through ORS 283.395 and ORS 278.200 through ORS 278.215. These rules set standards for use, operation and access to state vehicles, including private vehicles in use for state business.

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0010

RULE SUMMARY: Simplified and clarified definitions, relocated definitions from rule language, removed definitions no longer pertinent, alphabetized definitions and updated and alphabetized acronyms.

CHANGES TO RULE:

125-155-0010

Definitions ¶

As used in this chapter, unless the context requires otherwise, the following words, phrases, and abbreviations have the meanings listed: ¶

- (1) "DAS" means Department of Administrative Services. ¶
- (2) "~~DAS-RMD~~ Fleet" means Risk Management Division of DAS ~~DAS's Enterprise Asset Management's program which establishes policies for managing and operating motor vehicles in Oregon's state government fleets and convening the Fleet Management Advisory Council.~~ ¶
- (3) "~~DAS-TPPSD~~ RM" means ~~Transportation, Purchasing, and Print~~ DAS Risk Management of the Enterprise Goods and Services Division of DAS. ¶
- (4) "~~ODOT~~-DMV" means Driver and Motor Vehicle Services, Oregon Department of Transportation or, if the context requires, its equivalent in another jurisdiction. ¶
- (5) "~~OSSHEEGS~~" means ~~Oregon State System of Higher Education~~ Enterprise Goods and Services Division of DAS. ¶
- (6) "Agency" means an agency, board, commission, or branch of the ~~S~~state of Oregon that is subject to ORS ~~C~~chapter 283 or ORS chapter 278. ¶
- (7) "Agent" means a person or legal entity that is appointed in writing by a state agency to ~~perform~~ conduct specified work. An agent is not an independent contractor. Agents, paid or unpaid, are subject to the direction and control of the ~~A~~state agency. An ~~Agency may~~ must not call people agents for the primary purpose of justifying their transportation in a state vehicle. ¶
- (8) "Aide" means an individual aged 18 or over approved by an agency to accompany/assist a state employee in conducting their necessary job duties. ¶
- (9) "Authorized Driver" means an employee, agent or volunteer who is approved by an agency to drive on official state business. ¶
- (10) "Allowable Activities" means actions essential to everyday life. These activities must occur within the local vicinity or while en-route to conduct official state business. These activities may only occur while conducting official state business for day use, overnight use or full time use. For overnight and full time use, allowable activities are reasonably expanded to include more personal business types of activities. ¶
- (11) "Contractor" means a person, business or corporation which provides goods or services to the state under terms specified in a written contract. ¶
- (12) "Day Use" means use of a vehicle during a normal shift conducting both routine and non-routine duties related to official state business. Travel between home and the driver's duty station during day use is prohibited. ¶
- (13) "Duty station" means the location designated in writing by the ~~A~~Agency from which an employee normally carries out his or her duties. ¶
- (~~9~~14) "Emergency aid" means the assistance provided at a roadside emergency such as an obvious accident or breakdown within the borders of this state that leaves an individual(s) in danger or stranded. Hitchhikers or someone either asking for a ride or broken down in a urban area are not roadside emergencies. ¶
- (15) "Employee" means any person employed by the state ~~to do state business~~ for whom the ~~state~~agency withholds income tax, provides workers' compensation coverage, and pays the workers' compensation hourly tax. Under this definition, the following are not employees: ~~w~~ ¶
 - (a) Workers provided by a temporary employment services agency, and ¶
 - (b) Department of Corrections inmates, and OSSHE students unless the student meets the terms of this definition. ¶

(16) "Excess coverage" means coverage provided as a secondary layer of insurance used in addition to and after the primary coverage limit is exhausted.

(17) "Full time use" means the driver is assigned a state vehicle virtually all day and every day for the conduct of official state business.

(108) "Guests of the government" means official visitors from an entity in which the state has any interest. They can include local government officials traveling to the same area or near the route of the state driver. Guests may also be cost-sharing or non-paying passengers.

(19) "Off-road vehicle" means a private or state motor vehicle that is unlicensed or not designed for use on public roads. It includes unenclosed vehicles designed for only one or more riders, all-terrain recreational vehicles, two- or three-wheeled vehicles, off-highway vehicles, and utility vehicles.

(20) "Official state business" or "state business" means any activity conducted in conformance to these rules and directed and controlled by a state agency to advance the lawful policies and purposes of the agency. State law requires a narrow interpretation of this term. Therefore, agencies' policies and purposes are on!

(21) "Other permitted drivers" means drivers of other governments defined under ORS 174.116 and 174.117, or contractors which are not insured by those that are official, in writing, and within statutory authority. The state's self-insurance. These entities shall have an intergovernmental agreement or contract with DAS Fleet or state agency.

(22) "Overnight use" means the driver is traveling in a statutes, orders, rules, policy manuals, procedural ge vehicle on official state business to a location or for a purpose that requires, and position descriptions. They may be written in official statements of agency missions, goals, objectives, and performance measurement plans. They may be written in Oregon Bench one or more overnight stays.

(23) "Personal use" or "Personal business" means anything other than official state business.

(24) "Primary coverage" means the insurance coverage considered first in order for payment of a claim. For state vehicles, state self-insurance is primary for automobile liability coverage. For personally owned vehicles, the vehicle's owner's personal automobile liability insurance is primarksy and OSSHE rules defining its officially sanctioned programs state self-insurance may be excess coverage.

(1125) "Private or personal vehicle" means 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 rent aled vehicle is a private vehicle if it is rented or used for a mix of private and state uses. Private vehicles, while in use for official state business, are treated as state vehicles in these rules unless the context clearly requires otherwise. While aAny motor vehicle is-being used to transport family or for any other personal purpose, it is not on state business. Any personal use of any vehicle is not state business use. An independent contractor's vehicle being used for contracted services is on the contractor's business, not on state business. "Private off-road vehicle" means a private motor vehicle that is unlicensed or not designed for use on public roads. It includes unenclosed vehicles designed for just one or two riders, all-terrain recreational vehicles, two or three-wheeled vehicles.

(12)

(26) "Private specialty vehicle" means a private vehicle that is a motorcycle or other two or three wheeled vehicle designed for one or two riders.

(1327) "Satisfactory agency record" means an agency has annual rates of risk markers that are normal, compared to statewide rates. Risk markers include rates per mile of collisions, of related losses, of citizen reported dangerous driving, and of bodily injuries. Rata te vehicle" means a motor vehicle used solely for official state business.

(a) State vehicles are:

(A) Licensed for highway use; and

(B) Owned, rented, nborms, and deviations shall be as calculated by RMD. An agency may conclude that its record is satisfactory until notified otherwise in writing by RMD.

(14) "Spouse" means the husband or wife of the authorized driver.

(15) "State vehicle" means a motor vehicle owned, rented, borrowed, leased, or otherwise under rowed, or leased by an agency solely for official state business; and

(C) Not a specialty or off-road vehicle; and

(D) Not used to transport family or for any other personal purpose.

(b) A commercially rented for highway use. A rental/leased vehicle is a state vehicle if it is rented by a duly authorized employee at the cost of the state, solely for official state business.

(c) A vehicle, owned by DAS and lawfully rented to a local government or other non-state entity, is not a state vehicle for purposes of these rules.

(d) Unless the context clearly requires otherwise, "state vehicle" refers to private vehicles while in use for official state business.

(16e) A state vehicle may not be used to transport family or for any other personal purpose. Any personal use of any vehicle is not official state business.

(28) "Volunteer" means an unpaid person appointed by a state agency to work on its behalf. Volunteers are appointed in writing to do official state business under agency direction and control. They receive no remuneration. An agency may not call people volunteers for the primary purpose of justifying their transportation in a state vehicle. Volunteer and agent may be used interchangeably unless the context requires otherwise.

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0020

RULE SUMMARY: Updated vehicle policy expectations and outlines authority, clarifies private vehicle insurance coverage and expresses intent to compliment DAS Fleet rule and State travel polices.

CHANGES TO RULE:

125-155-0020

Policy and ~~Principle~~ Statement and Authorities ¶

(1) All agencies and drivers must comply with these rules and any additional state, federal and other applicable laws.¶

(2) It is state policy that all ~~state~~ state vehicles ~~in and~~ vehicles used for official state business shall ~~must~~ be used legally, ~~courteous~~ respectfully, and safely.¶

(23) The basic principle of these rules can be summarized for most drivers as follows: If you have a valid driver license and you are acting at the direction and control of a state agency, you may drive in any way or for any purpose that is lawful and necessary to carry out the official business of your agency. Whenever you do otherwise, you are personally liable for all driving costs and related risks. The remainder of these rules apply this principle in detail to the hundreds of varied situations the state, its agencies, officers, employees, and agents may encounter. Per ORS 278.405, only DAS RM has authority to assign or certify the state self-insurance status of any state vehicle or driver. ¶

(4) Owners of private vehicles shall maintain vehicle liability insurance while the private vehicles are used for official state business under the authority and requirements of ORS 806.070 through 806.140.¶

(5) Regardless of any actions, any violation of these rules may result in DAS exercising any of its rights and authorities. These may include:¶

(a) Imposing fines and withholding pay as provided in ORS 291.990;¶

(b) Conditionally restricting a driver or agency from any or all access to or from certain uses or DAS Fleet Vehicles; or¶

(3c) When the legal status of a driver license or driving record is in doubt, the agency shall ask the Oregon State Police or ODOT-DMV to evaluate the questioned item under applicable law and without regard to these rules. DAS-RMD shall determine issues that remain unresolved ~~with~~ withholding self-insurance coverage.¶

(6) An ignition interlock device must not be installed on any state-owned or operated vehicle.¶

(7) These rules are intended to be complementary to the DAS Fleet Vehicle rules and the state's travel policy. They are not intended to influence decisions made in compliance with those rules and polices.

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0100

RULE SUMMARY: Removed driver requirements and acceptable and not acceptable types of licenses or permits. Removed hardship permit approval process. Clarified and consolidated language relating to agency responsibilities, written plan, non-subject agency requirements, when rules are applicable, requires an agency have a process or use DAS' toolkit.

CHANGES TO RULE:

125-155-0100

Minimum Driver Requirement Agency Responsibilities and Permissions ¶

~~(1) To drive any motor vehicle on state business, a driver must:¶~~

~~(a) Be 18 years or older; It is the responsibility of all agencies and their drivers to follow the requirements of the law, be legally responsible for his or her actions and contracts, and subject to an agency's direction and control;¶~~

~~(b) Hold a driver license acceptable under these rules;¶~~

~~(c) Qualify to drive under these rules and any rules or policies of the driver's agency and of the agency owning the vehicle; and regardless of jurisdiction or authority, and with these rules in all situations.¶~~

(2) Agencies must use the DAS RM Vehicle Use and Access Toolkit or a comparable process when first authorizing a driver for official state business.¶

(3) Each state agency must have a written plan, policy, or process to administer these rules. The agency, at a minimum, will adopt and address in their written plan, policy, or process how they will accomplish the following:¶

(a) Identify the type of individual who may potentially drive a state vehicle (i.e., employee, agent, volunteer) (see DAS RM Vehicle Use and Access Toolkit);¶

(b) Have permission from the driver's agency to drive. Authorize a driver (refer to 125-155-0200);¶

(c) Determine the job or work assignment accomplished by the vehicle use;¶

(d) Verify employee compliance with driver requirements (refer to 125-155-0300); and¶

(2e) An acceptable driver license is a regular, temporary, or commercial license that is lawful, current, and valid. It must be issued by the state or country. Monitor the status of employee's driver license (i.e., valid with or without restrictions, suspended, revoked).¶

(4) By virtue of ORS 278.405, these rules apply to all agencies and to any official state business use of any vehicle owned by an agency subject to these rules, except as noted below. ¶

(5) Organizations exempted by where the employee actually resides. It must be legal to use in the jurisdiction where the driver is driving. It must be the kind or class or be endorsed as required by law for the kind of driving to be done. Ir enabling statute under ORS 283.310 are not agencies subject to ORS 278.405 and these rules. Those entities may elect whether to apply these rules to their vehicles and personnel.¶

(a) To elect to apply these rules, the exempted entity must provide written notice to DAS RM at least 120 days prior to either the effective date of these rules or the date of their election.¶

(b) To elect to opt out of applying these rules, the entity must:¶

(3A) An international license is an acceptable license Provide written notice to DAS RM at least 120 days prior to the effective date if of the following conditions; are met:¶

(a) The driver's agency shall agree in writing to accept the license; and¶

(B) Provide DAS RM with a copy of the rule(s) or policy(s) it will use in place of these rules; and¶

(C) Comply with the requests of DAS RM for additional information; and¶

(D) Comply with the recommendation(s) of DAS RM.¶

(b6) The license shall be acceptable for one period of no more than ninety days.¶

(c) Before allowing the driver these rules do not apply to a state vehicle used by federal, local, or other state governments when that vehicle is furnished and used under the terms of an intergovernmental agreement, contract, or compact. The state is responsible to manage its own drivers, not the drive on state business, the agency shall furnish him or rs of other jurisdictions.¶

(7) The agency employing a driver must apply and enforce these rules. Ther a copy of the Oregon driving manual

~~and a brief agency owning the state vehicle must enforce these rules as they relate to its vehicles. Nothing in state driving law and rules.~~

~~(4) A hardship or probationary permit these rules limits an agency's ability to apply any kind of personnel or disciplinary action or exercise a limited-use driving permit granted by ODOT-DMV to a person whose license is suspended. The permit is acceptable under these conditions:~~

~~(a) The driver must be a state employee or they of its specific rights or duties under existing contracts with vendors and agents.~~

~~(8) Agencies may develop policies that further restrict vehicle use and access allowed under these rules.~~

~~(9) It is mandatory to use the DAS RM Vehicle Use and Access Toolkit or a comparable process for situations where an employee may lose or than a temporary employee. See the definition of employee.~~

~~(b) Before deciding to accept the permit, the agency shall review the driver's full driving record. The agency may attach conditions to its acceptance of the permit.~~

~~(c) The agency shall give the driver counseling on its expectations for safe and legal driving. The agency shall give the driver a copy of these rules and any agency rules, policies, or conditions agency attaches to its acceptance of the hardship or probationary perms lost full or partial driving privileges (i.e., suspended licenses, hardship permits, and ignition interlock device exception requests).~~

~~(10) An authorized driver must receive state vehicle use and access orientation/training before driving a state owned vehicle. A state agency can require additional vehicle safety training to address their driving and vehicle use risks.~~

~~(11) If an agency finds it reasonable and necessary for official state business, the agency may permit an authorized driver to drive temporarily after he or she ceases to meet the agency training, records, or policy standards. Agencies must use the DAS RM Vehicle Use and Access Toolkit or a comparable procedure or process to create a plan, impose restrictions, and assess risks associated with the driving activity.~~

~~(d)12) The driver must complete, or have completed in the preceding 12 months, a safe driving training course.~~

~~(e) A letter from the agency head or designee shall be given to DAS-RMD that requests DAS-RMD to certify state self-insurance coverage to ODOT-DMV. No one else shall have authority to certify state coverage.~~

~~(f) The employee shall drive only within the restrictions of the permit.~~

~~(g) DAS-RMD approval is required for a permit from an out-of-state DMV.~~

~~(5) A driver license or permit is not acceptable if it:~~

~~(a) Is legally invalid or unlawful due to changed residence or any other reason;~~

~~(b) Lacks a legally required endorsement or class; or~~

~~(c) Is issued with restrictions, except when used within the extent noted here, state agencies may permit:~~

~~(a) Their public safety employees to disregard provisions of these rules to the extent necessary to prevent interference with law enforcement and emergency duties;~~

~~(b) Detection dog handlers to use specially equipped vehicles for home-to-work travel as necessary for work involving the dog or for the benefit of the dog; or~~

~~(c) Undercover criminal investigators to disregard provisions of these rules as necessary to carry out lawful undercover assignments, protect identities, and ensure personal security.~~

~~(13) The Governor, the Director of the Department of Corrections, the Adjutant General of the Military Department, the State Fire Marshall, and the Superintendent of State Police may use specially equipped vehicles for fulltime use. These state officers are on duty at all times.~~

~~(14) These rules must have no effect on a driver qualifying for salary, employment benefits, or state reimbursement of mileage, meals, lodging, or expenses for which those restrictione driver otherwise qualifies.~~

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0200

RULE SUMMARY: Outlined, clarified and consolidated language. Removed criteria for placing an agency of "trial status" and information related to acceptable driving record related to trial status. Outlines who is and is not authorized to drive on state business, lists criteria, and outlines minimum acceptable license requirements.

CHANGES TO RULE:

125-155-0200

~~Voluntary and Compulsory Driver Standard~~ Authorized Drivers ¶

~~(1) Agencies that maintain a satisfactory agency record may develop their own standards for training and driving records. Alternatively they may use the standards that are compulsory for agency~~ Only the following persons are authorized to drive motor vehicles on t~~official status. Agencies may apply their standards to any reasonable class: new drivers, problem drivers, passenger carriers, high risk driving, or all drivers.~~ ¶

~~(2) DAS-RMD may place on trial status an agency that fails to maintain a satisfactory agency record. During trial status, the following minimum standards are compulsory:~~ ¶

~~(a) Within 12 months of notice of its trial status, an agency she~~ business. These drivers are authorized only if they drive in conformance with these rules and meet the following conditions: ¶

~~(a) Are specifically assure that its drivers have at least the driving records and training described in this section. The agency shall continue to do so until DAS-RMD gives notice that it has held a satisfactory record for two fiscal~~ authorized by state statute, including ORS 283.305, except for (c) and (e); and ¶

~~(b) Are over the age of 18 years., and~~ ¶

~~(bc) The trial status agency shall verify~~ Have a verified valid driver's license, training, and driving record upon learning of a driver's moving-vehicle traffic citation, vehicular collision on state business, request for a hardship permit, or request for exception or extension of any of these rules. ¶

~~(3) An agency on trial status may find a driver's record acceptable if the driver has not forfeited bail or been convicted for any of the following, or reasonably similar, driving violations. The listed periods begin at the later date of violation, forfeiture, or conviction. The following kinds of driving records shall be unacceptable:~~ ¶

~~(a) A major traffic offense in the last 24 months. This includes reckless driving, driving under the influence of intoxicants, failing to perform the duties of a driver, criminal driving while suspended or revoked, fleeing or attempting to elude a police officer, and others; and~~ ¶

~~(d) Are under the direction and control of a state agency.~~ ¶

~~(2) A person related or known to an authorized driver must not drive any motor vehicle on official state business.~~ ¶

~~(3) The following drivers must obtain agency approval and commit to any conditions the agency imposes before transporting any passenger on state business:~~ ¶

~~(ba) Felony revocation of driving privileges or felony or misdemeanor driver license suspension within the last 24 months;~~ ¶

~~(c) More than three moving traffic violations in the last 12 months;~~ Any authorized driver whose license is restricted in any way (e.g., hardship permit), and ¶

~~(db) A careless driving conviction in the last 12 months; or~~ ¶

~~(e) A Class A moving traffic infraction in the last 12 months.~~ ¶

~~(4) An agency on trial status may consider its driver training acceptable if:~~ ¶

~~(a) All new drivers complete safe driver training before driving a state-owned vehicle.~~ ¶

~~(b) All agents, volunteers, and students (including interns).~~ ¶

~~(4) An agency must use the DAS RM Vehicle Use and Access Toolkit or a comparable process to verify if a driver is still authorized when/if the driver's~~ complete a safe driver training course at least once in every five years. ¶

~~(c) The agency accepts verified training previously taken by a driver~~ license to drive is suspended or has restrictions. ¶

~~(5) Issues related to ORS 283.305 (c) and (e) need to follow the variance process outlined in OAR 125-155-0800, Variance Process.~~

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0300

RULE SUMMARY: Clarified and specified DAS' toolkit or similar process when authorizing drivers, requires agencies verify drivers meet agency qualifications, follow the law, document the decision.

CHANGES TO RULE:

125-155-0300

Verifying Driver Qualifications ¶¶

~~(1) Agencies shall not knowingly allow anyone to drive on state business who does not conform to these rules. An agency may void drivers are responsible to ensure the requirements of the law and these rules are followed in all situations.¶¶~~

~~(2) Agency responsibilities for ensuring driver qualifications include:¶¶~~

~~(a) Not knowingly allowing anyone who does not conform to these rules to drive on official state business; and¶¶~~

~~(b) Verifying drivers' qualifications at any reasonable schedule or time and by any reasonable means. Means might, including direct DMV checks, review of copies of records supplied by the driver, or accepting drivers' signed statements.; and¶¶~~

~~(2c) All drivers shall verify Using the DAS RM Vehicle Use and Access Toolkit or having a comparable policy, procedure, or process when first authorizing a driver for state vehicle use or when a driver license restriction or driving-related issue is discovered (see Toolkit for examples); and¶¶~~

~~(d) Whenever an agency learns of a change in or restriction to the license of one of its authorized drivers, verifying that the driver meets the agency rule and policy requirements.¶¶~~

~~(3) Driver responsibilities for ensuring they are qualified to drive include:¶¶~~

~~(a) Verifying for themselves that they meet all driver qualifications, including requirements of law, rule, and employing and vehicle-owning agencies. Drivers shall by policies; and¶¶~~

~~(b) Presenting evidence of meeting qualifications to any affected involved agency upon request. Drivers shall promptly report to their supervisor; and¶¶~~

~~(c) Reporting a loss of acceptable driver license status or other requirement.¶¶~~

~~(3) An agency shall verify its driver meets its standards whenever it learns of the driver's involvement in an accident, traffic citation, or a major traffic offense immediately upon returning to work and consistent with agency policies; and ¶¶~~

~~(d) Promptly reporting any other change in requirement or restriction of driver license status to their supervisor a loss of acceptable driver license status or other requirement.~~

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0400

RULE SUMMARY: Clarifies coverage, usage of state vehicles to other drivers. Outlines how a contractor may use a state vehicle. Outlines criteria for a chauffeur or aide.

CHANGES TO RULE:

125-155-0400

~~Authoriz~~Other Permitted Drivers-

~~(1) Only the following are authorized to drive motor vehicles on state business. They are only authorized while driving in conformance to these rules:¶¶~~

~~(a) Adults under the direction and control of a state agency; and¶¶~~

~~(b) Anyone specifically authorized by state statute, including ORS 283.305; and¶¶~~

~~(c) Anyone authorized by this OAR 125-155-0400.¶¶~~

~~(2) OSSHE students may drive state vehicles under these rules; ther permitted drivers must comply with state law including the Oregon Vehicle Code.¶¶~~

~~(2) Other permitted drivers must provided that OSSHE adopts, in conjunction with DAS-RMD, the rules required by ORS 283.310, identifying officially sanctioned programs and setting vehicle operation standards and training for safety of all employees, students, and volunteers. These rules shall then apply to students driving vehicles owned by agencies other than OSSHE.¶¶~~

~~(3) A person shall not drive any motor vehicle on state business simply because he or she is related or known to an authorized driver eir own automobile insurance coverages to the limits required and defined in contract, intergovernmental agreement or compact.¶¶~~

~~(4) Under state rules, agencies may contract to reimburse the Vehicle sales and repair contractors' mileage. Therefore, an agency shall not furnish a vehicle to any contractor who is not its agent. An agency shall not furnish a vehicle to a contractor who is its agent unless:¶¶~~

~~(a) It is clearly necessary or beneficial to the agency;¶¶~~

~~(b) The agency has the consent of the vehicle owner, if other than the agency;¶¶~~

~~(c) The contract requires the contractor to comply with these rules and to furnish adequate primary vehicle liability and property insurance; and¶¶~~

~~(d) The contract states the allowed uses of the vehicle, states the exchange of value for use of the vehicle, and holds the contractor liable for its safe use and return.¶¶~~

~~(5) To the extent required for state business, an agency may allow its driver or working passenger to employ a private chauffeur, paid or unpaid. The agency may allow its driver or passenger to employ one adult to accompany and assist him or her in any reasonable way, paid or unpaid. The following conditions shall apply:¶¶~~

~~(a) The state driver or passenger shall be liable to the state and hold the state harmless for the actions of his or her aide or chauffeur. The aide or chauffeur shall hold the state harmless for any actions of his or her prinay drive state vehicles, at their own risk and as necessary, for pick-up, delivery, and test drives.¶¶~~

~~(4) An agency shall not furnish a state vehicle to any other permitted driver (except for other governmental entities defined under ORS 174.116 and 174.117) unless a variance has been approved under OAR 125-155-0800.¶¶~~

~~(5) An agency whose officipal or employer, the state driver or passenger.¶¶~~

~~(b) The state driver or passenger shall furnish proof, acceptable to the agency, of primary auto liability insurance covering the driving of the chauffeur in business needs may include a contractor operating a state vehicle.¶¶~~

~~(c) The state driver or passenger shall assure that the aide or chauffeur complies with all state vehicle laws, rules, and policies.¶¶~~

~~(d) Nothing in these rules empowers or prohibits an agency from paying any expense. However, except as expressly provided by written agreement with the agency, the aide or chauffeur shall have no right to any compensation, benefit, insurance coverage, indemnification, or reimbursement of any kind from the state. By virtue of the state permitting an employee to have an aide or chauffeur, the aide or chauffeur shall not become an employee, agent, or volunteer of the state.¶¶~~

~~(e) Agencies may permit the spouse of a driver to accompany him or her. The spouse shall constitute the driver's aide and shall be subject to these rules and conditions affecting aides. A spouse shall not drive unless allowed by the agency as a necessary chauffeur under these rules.~~

~~(f) Agencies may set additional conditions. These conditions for aides and chauffeurs do not apply to an aide or chauffeur retained at agency expense and under the direct supervision and control of the agency on state business must request a variance of these rules as outlined in OAR 125-155-0800. DAS RM must approve the variance request prior to allowing a contractor to drive any state vehicle (see DAS' RM Vehicle Use and Access Toolkit).~~

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

REPEAL: 125-155-0410

RULE SUMMARY: Repeal driver summary due to cleaning and clarity.

CHANGES TO RULE:

~~125-155-0410~~

~~Authorized Driver Summary~~

~~The following table summarizes many issues from these rules dealing with who may drive for the state at whose risk. Private vehicles on private business are not subject to these rules. See the remainder of OAR 125, division 155 for details. Chief Condition:~~

~~(1) Employee or Volunteer:~~

~~(a) State Direction/Control:~~

~~(A) State vehicle or state rental:~~

~~(i) Control: State;~~

~~(ii) At Risk/Liable: Primarily state.~~

~~(B) Private vehicle on state business:~~

~~(i) Control: State;~~

~~(ii) At Risk/Liable: Secondarily state.~~

~~(b) Any Private Use – Any vehicle:~~

~~(A) Control: Employee;~~

~~(B) At Risk/Liable: Employee.~~

~~(2) Agent on Contract:~~

~~(a) State Direction/Control – Contract Terms:~~

~~(A) State vehicle and state rental for agency need or benefit:~~

~~(i) Control: State;~~

~~(ii) At Risk/Liable: Primarily state.~~

~~(B) Private vehicle on state business:~~

~~(i) Control: State;~~

~~(ii) At Risk/Liable: Secondarily state.~~

~~(b) Any Private Use – Any vehicle:~~

~~(A) Control: Agent;~~

~~(B) At Risk/Liable: Agent.~~

~~(3) Non-Agent Contractor: Contract Terms – Any vehicle (State vehicles prohibited.)~~

~~(a) Control: Contractor;~~

~~(b) At Risk/Liable: Contractor.~~

~~(4) Client: Only as Specified by Law and Agency Agreement:~~

~~(a) State vehicle:~~

~~(A) Control: Client;~~

~~(B) At Risk/Liable: Varies.~~

~~(b) Any private vehicle or rental:~~

~~(A) Control: Client;~~

~~(B) At Risk/Liable: Client.~~

~~(5) OSSHE Student: OSSHE Adopts Rules and Controls Use – Any vehicle allowed by OSSHE or owning agency:~~

~~(a) Control: OSSHE, owner;~~

~~(b) At Risk/Liable: Same as for Agent.~~

~~(6) SPOUSE: Prohibited, as Spouse – Vehicle: None on state business:~~

~~(a) Control: Spouse;~~

~~(b) At Risk/Liable: Spouse/employee.~~

~~(7) Chauffer: Need and Agency Approval – Any vehicle on state business:~~

~~(a) Control: Employee;~~

(b) At Risk/Liable: Employee.

Statutory/Other Authority: ~~ORS 184.305, 184.340, 278.405~~

Statutes/Other Implemented: ~~ORS 283.310, 283.340, 283.345, 283.395~~

AMEND: 125-155-0420

RULE SUMMARY: Removed definitions. Allow agencies to impose special conditions. Clarify need for prior approval in certain cases. Clarify conditions allowing friend/family to ride as passengers. Separate rules about pets as passengers.

CHANGES TO RULE:

125-155-0420

Passengers ¶

(1) Agencies may permit authorized drivers to transport people, animals, or things to the extent needed to accomplish official state business.¶

~~(2) No Agencies may impose conditions.¶~~

~~(2) No authorized driver may give a ride in a state-owned vehicle to anyone except as permitted by these rules or and necessary to accomplish official state business. Hitch hikers shall not be allowed in any state vehicles or private vehicles ~~or~~ being used for state business.¶~~

~~(3) All passengers shall must follow these rules and all reasonable directions of their drivers.¶~~

~~(4) Authorized drivers shall must obtain prior agency approval and conditions to transport the following passengers in state vehicles:¶~~

~~(a) Guests of the government. These include official visitors from any entities in which the state has any interest. They include local government officials traveling to the same area or near the route of the state driver. Guests may be cost-sharing or courtesy passengers.¶~~

~~(b) Observers or ride-a-longs;¶~~

~~(c) Driver's or passenger's aides; or¶~~

~~(d) Minors and, wards, and those who are in the custody of the state or others who are not legally liable for themselves and their agreements; or¶~~

~~(5e) The following drivers shall obtain prior agency approval to transport any passengers on state business: any authorized driver whose license is a hardship permit and all agents, volunteers, temporary employees, students, and inmates. Agencies may impose conditions. Agents or volunteers.¶~~

~~(5) No family members, or friends may be passengers in state vehicles on state business.¶~~

~~(6) Children may ride in state vehicles only when:¶~~

~~(a) OAR 125-155-0420(4)(d) applies, or¶~~

~~(b) DAS issues an order and the agency gives prior approval ¶~~

~~(6Z) Family members, friends, and ~~p~~Pets of drivers and/or working passengers shall must not ride in state vehicles or in private vehicles on state business except under the following conditions and requirements:¶~~

~~(a) Friends, family, and pets may not ride in state vehicles or in private vehicles on state business except as permitted by these rules and then only with prior agency permission. Agencies may impose any conditions.¶~~

~~(b) Medical aid animals may be taken along as necessary without advance permission, but remain subject to reasonable agency conditions.¶~~

~~(c) Their children under age 18 may ride with them only with advance agency approval and a DAS order allowing children to ride for special occasions. Friends under the age of 18 are prohibited.¶~~

~~(d) Family members, whether riding with agency permission or without and whether in compliance with these rules or not, shall ride at their own risk or at the personal risk of the driver, employee, or person to whom they relate. The state shall not insure or indemnify friends or family nor insure or indemnify the employee against any claims brought by friends or family except when the pet is an assistance animal as defined in ORS 659A.143 or the use is necessary to conduct official state business.¶~~

~~(8) Agencies may give prior approval for an aide to accompany their authorized driver under the following conditions:¶~~

~~(a) The driver's aide shall be subject to these rules and conditions; and¶~~

~~(b) A driver's aide shall not drive a state vehicle.~~

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

REPEAL: 125-155-0430

RULE SUMMARY: Repeal passenger summary for clarity and brevity.

CHANGES TO RULE:

~~125-155-0430~~

~~Passengers Summary~~

~~The following table summarizes many issues from these rules dealing with who may ride in a state vehicle or a vehicle on state business and at whose risk. Private vehicles on private business are not subject to these rules. See the remainder of OAR 125, division 155 for details. Chief Condition:~~

~~(1) Generally: Needed to Accomplish State Business:~~

~~(a) State Vehicle and State Rental - Control/At Risk: Primarily state;~~

~~(b) Private on State Business - Control/At Risk: Secondarily state.~~

~~(2) State Guest, Observer, Minor or Non-Competent: Prior Agency Permission - Vehicle: Same - Control/At Risk: Same.~~

~~(3) Employee's Aide: Prior Agency Permission - Any vehicle on state business - Control/At Risk: Aide or Employee.~~

~~(4) Employee's Child: Agency Permission and DAS Order - Any vehicle on state business - Control/At Risk: Employee-parent.~~

~~(5) Employee's Spouse: Only as Employee's Aide - Any vehicle on state business - Control/At Risk: Spouse or employee.~~

~~(6) Hitchiker: Prohibited - Any vehicle on state business - Control/At Risk: Employee.~~

~~Statutory/Other Authority: ORS 184.305, 184.340, 278.405~~

~~Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395~~

AMEND: 125-155-0500

RULE SUMMARY: Remove/relocate insurance information and types of vehicle uses. Inserted broad basic categories for vehicle use and their conditions. Increased clarity and brevity.

CHANGES TO RULE:

125-155-0500

General Use of State Vehicles ¶

(1) ~~By The law, state vehicle requires shall be used only for t~~ "official state business and not for any personal purposes. This applies to state owned vehicles. It also applies to private or rental vehicles while being used for state business or at state cost or risk. Vehicle uses contrary to the law or these rules shall mean the driver is acting outside the definition of official state business, is not an authorized driver, and is acting outside the course and scope of his or her employment or duties. "Contrary to these rules" includes making prohibited uses of a state vehicle or a private vehicle purportedly on state business, carrying prohibited passengers or materials, and allowing an unauthorized person to drive. When a private or rental vehicle is used contrary to these rules the driver and vehicle shall not be covered by state insurance or self-insurance coverages. When a state vehicle is used contrary to these rules, the vehicle and its use shall be the personal liability of the driver. The driver shall be personally liable" be narrowly construed. However, a necessary official state business use may coincide with a personal use. When these uses do coincide, certain allowable activities of a personal nature may occur. Allowable activities fit into one of the four any damage to the state vehicle or harm to any other parties or property. State tort liability indemnification or self-insurance shall not apply. categories below: ¶

(2a) The law requires that "official state business" be narrowly construed. No diversion from state use to serve a personal purpose is permitted. However, a necessary state business use may co Day use. Allowable activities under day use include with a personal purpose. Stopping for meals or breaks those reasonably occurring en-route is an example where state and personal uses are both served. ¶

(3) A state vehicle may not be used by an employee to the private financial benefit of the employee such as those listed below. Day use does not include travel between work any member of his or her household. No one has authority to permit anyone to make personal or family use of a state vehicle or any vehicle driven at state risk. d home. ¶

(A) Purchasing food and/or eating. ¶

(4B) It is the responsibility of all agencies and drivers to assure that the requirements of the law and these rules are followed in all situation Taking a rest break. ¶

(C) Using restroom facilities. ¶

(5b) Drivers of state vehicles and private vehicles on state business shall comply with the following safe use requirements: ¶

(a) Drivers shall transport material that is dangerously explosive, flammable, radioactive, or extremely toxic only within the precautions required by law. Passengers shall be transported with the material only with their informed consent. Fulltime and overnight use. Allowable activities under fulltime and overnight use may include activities such as: ¶

(bA) Drivers shall require appropriate safety restraints to be worn. They shall require children to ride in any legally required car seats. Animals shall be in secured carriers. Agencies may approve any lawful excep Activities listed under day use. ¶

(B) Recreation and fitness. ¶

(C) Visitations. ¶

(cD) Drivers shall not consume alcohol in vehicles nor operate a vehicle under the influence of intoxicants. They shall not transport alcohol in state vehicles unless required by their agency to do so for official state business and then only as permitted by law. ¶

(d) Drivers shall not transport illegal drugs or contraband of any kind in vehicles except as necessary to carry out their assigned duties of official state business. ¶

~~(e) Drivers shall not transport firearms in vehicles unless required to do so by their agency under it~~Grooming and laundering.¶

~~(E) Shopping; and~~¶

~~(F) Medical appointments.~~¶

~~(2) A state vehicle must not be used by anyone employee for the private financial benefit of the employee or any member of his or her household.~~ ¶

~~(3) No one has authorization by state law. An agency may permit the transport of unloaded, packaged firearms as necessary for official state business. Officially sanctioned programs of OSSHE may transport unloaded firearms only under written conditions set by OSSHE.~~¶

~~(f) Drivers shall not allow smoking in state vehicles designated for no smoking.~~¶

~~(g) Private specialty to permit anyone to make personal or family use of a state vehicle or any vehicles and private off-road vehicles shall not be used for state business except to the extent that an agency determines that necessary state business cannot reasonably be accomplished without the use of the particular private vehicle driven at state risk.~~

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0510

RULE SUMMARY: Remove/relocate of basic types of vehicle uses. Insert of conditions placed on vehicular use (including specialty/off-road vehicles), for vehicle storage and parking and parameters on providing emergency aid.

CHANGES TO RULE:

125-155-0510

~~Day~~Other Vehicle Use-s ¶

~~(1) "Day-use" means the driver of a state vehicle is not staying away overnight due to state business. During day-use, d~~Authorized drivers of state vehicles and private vehicles solely on official state business must comply with the following:¶

(a) Drivers transporting explosive, flammable, radioactive, or material must be aware of and comply with all applicable laws. Passengers must be informed of the presence of these materials in the vehicle as required by law and give their informed consent prior to riding in the vehicle.¶

(b) Drivers must require that passengers wear appropriate safety restraints at all times. Drivers must require that children ride in legally required car seats. Animals must be in secured carriers~~may travel for any state business and no personal busines. Agencies may approve any lawful exceptions.¶~~

(c) Drivers or their passengers are not allowed to consume tobacco, marijuana, alcohol, or any other illegal or intoxicating substance before or while operating or riding in a vehicle on official state business.¶

(d) Drivers or passengers are not allowed to smoke, aerosolize, vape, or use an inhalant delivery system inside state vehicles.¶

~~(2e) The state's vehicle, during day-use away from the duty station, shall not be used to reach personal recreational activities, personal appointments, grooming or fitness facilities, or personal visits; or for transportation of, or errands for, friends or relatives. Drivers may stop for food or bre~~Alcohol or marijuana shall not be transported in state vehicles unless required by an agency for official state business and then only as permitted by law.¶

(f) Drivers must not transport illegal drugs or contraband of any kind in vehicles except as necessary to conduct their assigned duties of official state business.¶

(g) Drivers must not transport firearms in vehicles unless required to do so by their agency under its authorization by state law. An agency may permit the transport of unloaded, packaged firearms as necessary for official state business. ¶

(h) Employees may exercise rights under the Oregon Concealed Carry Statute only if the agency's enabling statute allows employees to be armed.¶

(i) Specialty and off-road vehicles must not be used for official state business except to the extent an agency determines that necessary official state business cannot reasonably be accomplished without the use of the particular private vehicle. This includes use for travel to and from duty stations, day use, and overnight use.¶

(2) State vehicles must be stored at sites owned, leased, or controlled by the state except during use of state vehicles under OAR 125-155-0500. When practical, a state vehicle parked at a home, hotel, or motel must be located off public streets in a reasonably secure setting.¶

(3) Before allowing long-term parking assignment, including home parking of a state vehicle, an agency must do a cost benefit analysis. (See Vehicle Use and Access Toolkit.)¶

(4) Prior agency approval is required for home parking of a state vehicle. An agency may allow home parking of a state vehicle when one of the following conditions is met:¶

(a) When the schedule for the work-related task or trip makes at-same day pick up or drop off at state facilities reasonably near to their direct business route impractical or when pick up or drop off at another time is more economical.¶

(b) Assigned, normal duties require the driver to travel frequently to urgent, unscheduled fieldwork after hours. The mere possibility of being called out is not sufficient. Call outs must actually occur with justifiable frequency.¶

~~(3c) The state's vehicle shall not be taken to or from the duty station for any personal day-use purposes. This~~

prohibits personal travel between home and driver's home is his or her official duty station from which he or she engages in virtually fulltime fieldwork away from the office or DAS Fleet's motor pool.

(d) It will clearly reduce state paid time to permit a driver to park a state vehicle at home while on temporary assignment away from the duty station.

(e) Other circumstances caused by state business in which home parking will clearly reduce the direct costs of the agency.

(5) Reasonable emergency aid may be rendered under the following conditions and provisions:

(a) An agency may prohibit, in writing, this emergency aid rule for any or all of its drivers. Employees must not give emergency aid under these rules if their agency has instructed their driver's official duty station. It prohibits travel from not to render emergency aid.

(b) Those giving emergency aid must only be state employees on duty and solely on official state business.

(c) In giving emergency aid as provided in these rules, state employees may be deemed to be acting within the course and scope of their duty station to go eat, at times of state employment for purposes of all state insurance and self-insurance coverages.

(d) The assisting employee may not be held personally liable by the state for any unintended personal appointment, recreate, assist friends or family, visit, or get laundry or grooming done. These are noted damage to state property if it is used for the kind of task for which it was reasonably designed. For example, pushing or pulling another car requires a state vehicle designed and specially equipped to do that task.

(e) Reasonable emergency aid includes using state fire extinguishers, first aid kits, blankets, or cellular phones and radios to call for aid.

(f) If necessary, a state vehicle may be used to transport someone to the nearest telephone, shelter, repair service, or emergency medical provider when such appropriate medical services are not available. A state vehicle must not be used for unnecessary transport when appropriate professional emergency services are available. Traffic laws must be obeyed.

(g) Rendering aid must be voluntary in every case. Employees are not urged or expected to render aid. An employee should do only what he or she is willing and trained or experienced to do.

(h) Anyone who renders aid other than in compliance with these rules does so as a private person, entirely at their own risk and cost, and not as official state business or duties.

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

REPEAL: 125-155-0520

RULE SUMMARY: Repeal/relocate language.

CHANGES TO RULE:

~~125-155-0520~~

~~Overnight and Full-time Use~~

~~(1) "Overnight use" means the driver is traveling in the state's vehicle overnight for state business. In that working situation, state business includes allowing for employees' daily necessities. The minimum necessary use of the state's vehicle is permitted to meet drivers' and passengers' normal daily needs. Private vehicles are always free to be used for these purposes and shall be deemed to be engaged in personal and private business, not state business for these uses. A driver on overnight use may make negligible and prudent use of the state's vehicle as follows.~~

~~Within the local vicinity of the direct travel route or of the overnight assignment and during reasonable hours, the driver may travel to:~~

~~(a) Restaurants, stores, and the like for meals, breaks, and personal needs;~~

~~(b) Grooming, medical, fitness, or laundry facilities; or~~

~~(c) Recreational activities, such as theaters, parks, or friends or relatives homes.~~

~~(2) "Full time use" means the driver is assigned virtually all day and every day to day-use of a state vehicle for field work away from home and office. During full time use, drivers are permitted to use the state's vehicle to attend medical appointments for injury covered by workers' compensation. The appointment shall be within the period of their assigned duties and on or near their direct or assigned route.~~

~~Statutory/Other Authority: ORS 184.305, 184.340, 278.405~~

~~Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395~~

REPEAL: 125-155-0530

RULE SUMMARY: Repeal/relocate language.

CHANGES TO RULE:

~~125-155-0530~~

~~Emergency Use~~

~~(1) A roadside emergency is an obvious accident or breakdown within the borders of this state that leaves a vehicle's occupants dangerously stranded. Someone just hitch-hiking or asking for a ride or someone in a city with a mechanical breakdown are not roadside emergencies. A state driver and passengers may use the state's vehicle and equipment to render reasonable emergency aid under the following conditions and provisions:¶¶~~

~~(a) Those giving emergency aid shall only be state employees on duty on official state business in an official, state-owned vehicle.¶¶~~

~~(b) An agency may, in writing, countermand this roadside emergency provision for any or all of its drivers. Employee's shall not give emergency aid under these rules if their agency has instructed its drivers not to render roadside aid.¶¶~~

~~(c) In giving emergency aid as provided in these rules, state employees shall be deemed to be acting within the course and duties of their state employment for purposes of all state insurance and self-insurance coverages.¶¶~~

~~(d) The assisting employee shall not be held personally liable by the state for any unintended damage to state-owned property, used for the kind of task for which it was reasonably designed. For example, pushing or pulling another car requires a state vehicle designed and specially equipped to do that task.¶¶~~

~~(e) Reasonable aid includes using state cellular phones and radios to call for aid. If necessary, the state vehicle may be used to transport someone to the nearest telephone, shelter, repair service or emergency medical provider. State fire extinguishers, first aid kits, and blankets may be used.¶¶~~

~~(f) Rendering aid shall be purely voluntary in every case. Employees are not urged or expected to render aid. An employee should do only what he or she is willing and trained or experienced to do.¶¶~~

~~(g) Anyone who renders aid other than in compliance with these rules, does so as a private person, entirely at his or her own risk and cost, and not as state business or duties.¶¶~~

~~(2) When circumstances require it, a state vehicle may be used to transport an injured employee or client to emergency medical care for an immediate work-related injury. Traffic laws shall be obeyed. A state vehicle shall not be used for transport unnecessarily or when appropriate professional emergency services are available.~~

~~Statutory/Other Authority: ORS 184.305, 184.340, 278.405~~

~~Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395~~

REPEAL: 125-155-0540

RULE SUMMARY: Repeal/relocate language.

CHANGES TO RULE:

~~125-155-0540~~

~~Vehicle Use Summary~~

~~Following is a summary table. It lists some examples of uses or activities that may or may not be made of a vehicle, depending on the vehicle's type and travel status. See the remainder of OAR 125, division 155 for details. Each listed use is allowed during the state travel status shown below or it is prohibited or constitutes a private use, also, as shown below.~~

~~(1) Ordinary state business:~~

~~(a) State vehicle: On any travel status;~~

~~(b) State rental: On any travel status;~~

~~(c) Private vehicle status: On any travel status.~~

~~(2) Non-urgent on the job injury:~~

~~(a) State vehicle: Overnight, full time;~~

~~(b) State rental: Overnight;~~

~~(c) Private vehicle status: Private use, cost, risk.~~

~~(3) Medical, personal:~~

~~(a) State vehicle: Overnight travel status;~~

~~(b) State rental: Private use, cost, risk;~~

~~(c) Private vehicle status: Private use, cost, risk.~~

~~(4) Personal grooming:~~

~~(a) State vehicle: Overnight travel status;~~

~~(b) State rental: Overnight travel status;~~

~~(c) Private vehicle status: Private use, cost, risk.~~

~~(5) Personal recreation:~~

~~(a) State vehicle: Overnight travel status;~~

~~(b) State rental: Private use, cost, risk;~~

~~(c) Private vehicle status: Private use, cost, risk.~~

~~(6) Personal laundry:~~

~~(a) State vehicle: Overnight travel status;~~

~~(b) State rental: Overnight travel status;~~

~~(c) Private vehicle status: Private use, cost, risk.~~

~~(7) Personal necessity shopping:~~

~~(a) State vehicle: Overnight travel status;~~

~~(b) State rental: Overnight travel status;~~

~~(c) Private vehicle status: Private use, cost, risk.~~

~~(8) Family needs:~~

~~(a) State vehicle: Prohibited;~~

~~(b) State rental: Prohibited;~~

~~(c) Private vehicle status: Private use, cost, risk.~~

~~(9) Food/Break enroute:~~

~~(a) State vehicle: On any travel status;~~

~~(b) State rental: On any travel status;~~

~~(c) Private vehicle status: On any travel status.~~

~~(10) Emergency roadside aid:~~

~~(a) State vehicle: On any travel status;~~

~~(b) State rental: Private use, cost, risk;~~

~~(c) Private vehicle status: Private use, cost, risk.¶¶~~

~~(11) Emergency on the job injury: On any travel status if necessary and emergency services are not available.~~

~~Statutory/Other Authority: ORS 184.305, 184.340, 278.405~~

~~Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395~~

AMEND: 125-155-0600

RULE SUMMARY: Consolidate/clarify insurance coverage information.

CHANGES TO RULE:

125-155-0600

Storing State Vehicles-Insurance Coverage ¶¶

~~(1) The state's vehicles shall be stored at sites owned, leased, or controlled by the state except during travel or the conditions listed in these rules. When practical, a state vehicle at a home, hotel, or motel shall be parked off the public street in a reaself-insured coverage has been accepted by jurisdictions in the United States, its possessions and territories, and Canada. Drivers must contact DAS RM to arrange coverage for any state vehicles to be driven in other locales. Lack of proper coverage in some countries could result in a driver being personablyly secure setting.¶¶~~

~~(2) An agency may allow a state vehicle to be parked at home when a task or trip requires a driver to depart so early or return so late that it is impractical to pick up or return the vehicle to state parkingliable for criminal fine and imprisonment, criminal defense costs, and payment to the state for the confiscation of its vehicle.¶¶~~

~~(2) The state shall not insure or indemnify friends or family nor insure or indemnify the state authorized driver against any claims brought by friends or family. Friends and/or family members shall ride at their own risk or at the personal risk onf the same day. For long-term assignment of a vehicle to home, the agency must do a cost-benefit analysis. The analysis must consider the costs anrelated driver, employee, or person.¶¶~~

~~(3) Coverage for the state's vehicles, drivers, and loss-reporting requirements are found in DAS RM self-insurance policies, ORS 30.260-30.300, ORS 283, and ORS 278.¶¶~~

~~(a) State self-insurance vehicle liability coverage is primary when an authorized drisks of daily travel to the home, the frequency of call-outs, parking risks, any salary savings, and other factors. The analysis should weigh reasonable alternatives such as the cost of reimbursing private vehicle mileage. An agency may allowver is approved to drive a state vehicle to conduct official state business and for allowable activities. Personal use or personal business are not official state business for the purposes of insurance coverage by the state, unless otherwise authorized by these rules. ¶¶~~

~~(b) These vehicle rules, in conjunction with the state's self-insurance policies, will be used to determine coverage of an employee to parkusing a state vehicle at home when outside the definition of the following conditions requires and it is to the benefit of the state to provide its vehicle.¶¶~~

~~(a) Assigned, normal duties require the driver to frequently travel to urgent, unscheduled field work after hours. The mere possibility of being called-out is not sufficient. Call-outofficial state business. ¶¶~~

~~(c) The state does not pay an employee for damage to the employee's personal vehicle, increased insurance rates, or deductibles due to an accident occurring while on official state business.¶¶~~

~~(d) When a private or commercially rented vehicle is must actually occur with justifiable frequency.¶¶~~

~~(b) The driver's home is his or her official duty station from which he or she engages in virtually full-time field work away fromed contrary to these rules, the driver and vehicle may not be covered by state insurance or self-insurance coverages. When a state owned, rented, borrowed, leased, or private vehicle is used contrary to these rules or state/federal law, use of the offvehicle or motorpool.¶¶~~

~~(c) It will clearly reduce state-paid time to permit awill be considered personal use and the driver and vehicle may not be covered by state insurance or state self-insurance coverages. The driver to park a statmay be personally liable to the state for the value of the use of the vehicle, at home wny damage to the vehicle, on temporarr harm to other parties or property assignment away from the duty station.¶¶~~

~~(d) Other circumstances causedrising out of the misuse. The driver may also bye state business in which home garaging will clearly reduce direct costs of the agency subject to any other discipline or penalty of any kind provided by law, contract, rule, policy, and/or guideline.~~

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0700

RULE SUMMARY: Relocated insurance information. Consolidate and clarify information related to collision/damage reporting.

CHANGES TO RULE:

125-155-0700

Insurance and Collisions-Collision Reporting ¶

(1) Coverages for the state's vehicles and, drivers and loss reporting requirements are found in DAS-RMD self-insurance policies, ~~in ORS chapter 30.260-30.300, and in ORS chapter 278.~~ ¶

(2) Drivers are responsible to provide their own proof of legally adequate insurance for all uses they make of private vehicles and vehicles they rent for any mixture of state and personal uses. DAS-RMD provides certificates of self-insurance coverage for rental vehicles that are used exclusively for official state business. ¶

(3) ~~The state's self-insured coverage has been accepted by jurisdictions in the United States, its possessions and territories, and Canada. Drivers must contact DAS-RMD to arrange coverage for any state vehicles in other locales. Lack of proper coverage in some countries could result in a driver being personally liable for criminal fine and imprisonment, criminal defense costs, and payment to the state for th shall not pay an employee for damage to an employee's vehicle, any insurance deductibles, or increased insurance rates due to an accident occurring while confiscation of its vehicle.~~ ¶

~~(4) official state business. Mileage reimbursement iss are the only amount that~~s the state or its agencies shall may pay to any employee for use ofing his or her private vehicle on state business. The state may not pay an employee for damage to his or her vehicle or for deductibles or increased insurance rates due to an accident occurring while onto conduct official state business. Mileage reimbursement details are found in DAS State Controller's Division Chief Finance Office Oregon Accounting Manual and ORS chapter 283. ¶

~~(54) Drivers shall must promptly report to their agency and to DAS-RMD all collisions or accidents damage occurring to any vehicle while on official state business.~~ ¶

~~(a) Agencies shall must review each report of collision or accident damage involving any vehicle in use on official state business.~~ ¶

~~(b) The review shall d must.~~ ¶

~~(A) Determine whether the collision or accident was preventable by reasonable damage was caused by unsafe driving techniques; and~~ ¶

~~(B) Address driver accountability; and~~ ¶

~~(C) Make recommend acations to prevent recurrences. Agencies may use any objective panel for this purpos as appropriate.~~ ¶

~~(5) Agencies must report to DAS RM all damage occurring to any state-owned vehicle resulting in total damage costs exceeding the agency self-insurance property deductible.~~

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0800

RULE SUMMARY: Consolidate/clarify/simplify rule variance language.

CHANGES TO RULE:

125-155-0800

Rules Enforcement Variance ¶

~~(1) For purposes of all DAS Administrative insurances or self-insurance coverages, while transporting prohibited passengers or material in a private vehicle or otherwise using a private vehicle contrary to these rules, the driver shall be deemed in all respects to be driving on personal business; not official state business. The private car driver shall not be subject to discipline for making personal use of his or her vehicle unless the driver is acting in violation of his or her agency's policies or supervisory direction. An agency may approve an agency's written request for a variance from any of these rules.¶~~

(2) The agency, not the affected driver or passenger, must submit a written request to DAS RM. DAS RM will review the request and submit a written response, including recommendation, to DAS Administration. DAS RM conveys DAS Administration's decision in writing to the agency's policies or supervisory direction.¶

~~(3) DAS RM must receive:¶~~

(2) For purposes of all state insurances or self-insurance coverages, while transporting prohibited passengers or material in the state's vehicle or otherwise using a state vehicle contrary to these rules, the driver shall be deemed in all respects to be driving on personal business; not official state business. The driver shall be liable to the state for the value of the use of the vehicle and for any damage to the vehicle. Variance requests at least 30 days in advance of the needed effective date. The 30-day requirement starts when DAS RM receives all information needed to evaluate the variance request. Submittal of a variance request does not equal approval. The agency must receive a written request for a variance. The driver may also be subject to any other discipline or penalty of any kind provided by law or contract.¶

~~(3) These rules shall have no effect on approval from DAS Administration prior to initiating the action on a driver's qualifying for salary, employment benefits, or state reimbursement of mileage, meals, lodging, or expenses for which the driver otherwise qualifies.¶~~

(4) The agency employing a driver shall apply and enforce these rules. The agency owning the state vehicle may enforce these rules as they relate to its vehicles. Nothing in this rule shall be construed to result in the request. (See Vehicle Use and Access Toolkit for guidance.)¶

(4) For variances related to contractors operating state vehicles, documentation must include:¶

(a) How these rules shall limit an agency's ability to apply any kind of personnel or disciplinary action or to exercise any of its specific rights or duties under existing contracts with vendors and agents. Agencies may make additional provisions: use is clearly necessary and beneficial to the agency; and¶

(b) Proof the agency has the vehicle owner's consent, of other than the agency; and¶

(c) Documentation of the contract which:¶

(5A) Regardless of any agency actions, any violation of these rules may result in DAS exercising any of its rights and authorities. These may include:¶

(a) Imposing fines and withholding pay as provided in ORS 291.990; or requires the contractor to comply with these rules; and¶

(B) Requires the contractor to furnish adequate primary vehicle liability and property insurance; and¶

(C) States the allowed uses of the vehicle; and¶

(bD) Conditionally restricting a driver or agency from any or all access to or from certain uses of DAS Fleet vehicles; or the exchange of value for use of the vehicle; and¶

(E) Holds the contractor liable for its safe use and return.

Statutory/Other Authority: ORS 184.305, 184.340, 278.405

Statutes/Other Implemented: ORS 283.310, 283.340, 283.345, 283.395

AMEND: 125-155-0900

RULE SUMMARY: Relocate rule application provisions. Establish authority for DAS Fleet Management to set standards for DAS Fleet and agency vehicle use and replacement. Establish process for agencies to request exemption from DAS Fleet standards.

CHANGES TO RULE:

125-155-0900

Extensions and Exemption Management of State Vehicles ¶¶

~~(1) State and federal law shall supersede any provision of these rules to the extent that complying with the provision would violate the law.¶¶~~

(2) The following sections apply only to state agencies as defined in and subject to ORS Chapter 283.310 shall notify DAS-RMD in writing if they elect that these rules shall not apply to their own vehicles and personnel. Otherwise, these rules shall apply to them by virtue of ORS 278.405. Their notice shall be delivered to DAS-RMD within 120 days following the effective date of these rules. Thereafter, notice that the agency wishes to cease being covered by these rules shall be delivered 120 days before the agency's election shall take effect. The agency shall provide DAS-RMD with its notice, a copy of the rule or policy it will use in place of these rules. Regardless of election, these rules shall apply to any state use of any vehicle owned by an agency that is subject to these rules.¶¶

~~(3) These rules shall not apply to a state-owned vehicle used by federal, local, other state government, or other entities when that vehicle is furnished and used under the terms of an intergovernmental agreement, in-state or intergovernmental compact, or similar agreement.¶¶~~

(2) DAS must establish and enforce a minimum mileage standard for light fleet vehicles. (See Statewide Vehicle Management Policy.)¶¶

(a) DAS must develop and use a method for calculating the minimum monthly mileage threshold per vehicle. The Fleet Management Advisory Council must review and approve the method proposed for use.¶¶

~~(4b) If an officer or employee fails to meet any new driving records requirement on the day it takes effect, the agency shall grant the minimum time necessary to meet the new requirement. Agencies shall not extend time to anyone who made materially false statements to the agency about his or her related driving record or qualifications.¶¶~~

~~(5) An agency that is notified it is on trial status may propose, for DAS-RMD approval, a plan of action as an alternative to the compulsory standards set by these rules.¶¶~~

~~(6) If an agency finds it is reasonable and necessary for essential state business, it may permit an employee to drive temporarily after he or she ceases to meet training or records standards. The agency shall impose in writing appropriate restrictions and a plan to achieve driver qualifications in minimum time. Restrictions shall be designed to reduce risk to the agency, passengers, and the public. A temporary permission under this rule shall not be renewed or extended. No agency shall extend time or in any way excuse any driver from any driver license requirements or any requirement imposed by law.¶¶~~

~~(7) Vehicle sales and repair contractors may drive state vehicles, at their own risk and as necessary, for pick-up, delivery, and test drives.¶¶~~

~~(8) To the extent noted here, state agencies may permit:¶¶~~

~~(a) Their criminal law enforcement employees and emergency public safety drivers to disregard provisions of these rules to the extent necessary.¶¶~~
As directed by DAS, agencies must provide responses to an annual or biennial review of vehicle usage. Agencies will be advised of the format for the information and the method and timeframe for required responses, any of which may change for each review period.¶¶

(c) As directed in the Statewide Vehicle Management Policy, agencies must submit in writing a request for exception for any light fleet vehicles that do not meet the minimum monthly mileage threshold. The Fleet Management Advisory Council must develop and approve exemption criteria, with the DAS Director prevent interference with law enforcement and emergency duties;¶¶

~~(b) Detection dog handlers to use specially equipped detection dog vehicles for home to work travel as necessary for work involving~~ final approval.¶

~~(d) The DAS Director or designee approves exemption requests. Vehicles theat dog or for the benefit of the dog; or~~¶

~~(c) Undercover criminal investigators to disregard provisions of these rules as necessary to carry out lawful undercover assignments, protect identities, and assure personal security not meet the exemption criteria or are not approved for exemption are subject to reassignment or sale.~~¶

~~(93) The Governor, the Director of the Department of Corrections, the Adjutant General of the Military Department, and the Superintendent of State Police may use specially equipped vehicles at all times and places. These state officers are on duty at all times. The safety, security, and welfare of the public depend on their personal safety, security, and accessibility. What constitutes appropriate use of those vehicles within the law shall be determined by each of them in their own discretion.~~¶

~~(10) An agency may apply to the Director of DAS for a variance from any of these rules. The request sha~~ DAS must establish vehicle replacement criteria for light fleet vehicles in collaboration with the Fleet Management Advisory Council. The Council must review and approve any deviation from the established replacement criteria. The criteria set will be submitt ~~lished by~~ in the agency, not by an affected driver or passenger, to DAS-RMD. The RMD administrator shall review the request and submit it to the director with a recommendation. DAS-RMD shall then convey the director's decision to the agency. Requests shall be made at least 30 days in advance of the needed effective date ~~Statewide Vehicle Management Policy, reflecting changes in optimal replacement standards due to emerging vehicle technologies and other relevant factors.~~

Statutory/Other Authority: ORS ~~184.305, 184.340, 278.4~~ 283.305

Statutes/Other Implemented: ORS ~~283.310, 283.340, 283.345, 283.395~~ 2, 283.314