

The Oregon Administrative Rules contain OARs filed through February 15, 2008

DEPARTMENT OF ADMINISTRATIVE SERVICES

DIVISION 155
STATE VEHICLE USE AND ACCESS

125-155-0000

Purpose

These rules set standards for use, operation and access to state vehicles, including private vehicles in use for state business.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & [ORS 283.395](#)

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95

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" means Risk Management Division of DAS.
- (3) "DAS-TPPSD" means Transportation, Purchasing, and Print Services Division of DAS.
- (4) "ODOT-DMV" means Driver and Motor Vehicle Services, Department of Transportation or, if the context requires, its equivalent in another jurisdiction.
- (5) "OSSHE" means Oregon State System of Higher Education.
- (6) "Agency" means an agency, board, commission, or branch of the State of Oregon that is subject to ORS 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 specified work. An agent is not an independent contractor. Agents, paid or unpaid, are subject to the direction and control of the Agency. An Agency may not call people agents for the primary purpose of justifying their transportation in a state vehicle.
- (8) "Duty station" means the location designated in writing by the Agency from which an employee normally carries out his or her duties.
- (9) "Employee" means any person employed by the state to do state business for whom the state withholds income tax, provides workers' compensation coverage, and pays the workers' compensation hour-tax. Under this definition, the following are not employees: workers provided by a temporary employment services agency, Department of Corrections inmates, and OSSHE students unless the student meets the terms of this definition.
- (10) "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 only those that are official, in writing, and within statutory authority. These may be written in statutes, orders, rules, policy manuals, procedural guides, 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 Benchmarks and OSSHE rules defining its officially sanctioned programs.
- (11) "Private 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 commercial rental 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 state business, are treated as state vehicles in these rules unless the context clearly requires otherwise. While any motor vehicle is being used to transport family or for any other personal purpose, it is not on state business. An independent contractor's vehicle being used for contract 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) "Private specialty vehicle" means a private vehicle that is a motorcycle or other two or three wheeled vehicle designed for one or two riders.

(13) "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. Rates, norms, 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 the possession and control of the state. It is licensed for highway use. A rental 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. 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. Unless the context clearly requires otherwise, "state vehicle" refers to private vehicles while in use for official state business.

(16) "Volunteer" means an unpaid person appointed by a state agency to work on its behalf. Volunteers are appointed in writing to do 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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & ORS 283.395

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95

125-155-0020

Policy and Principle

(1) It is state policy that all vehicles in use for state business shall be used legally, courteously, and safely.

(2) 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.

(3) 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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & ORS 283.395

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95

125-155-0100

Minimum Driver Requirements

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

(a) Be 18 years or older, 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

(d) Have permission from the driver's agency to drive.

(2) 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 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.

(3) An international license is an acceptable license if the following conditions are met:

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

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

(c) Before allowing the driver to drive on state business, the agency shall furnish him or her a copy of the Oregon driving manual and a briefing on state driving law and rules.

(4) A hardship or probationary permit is 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 other 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 permit.

(d) 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 those restrictions.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278.405](#)

Stats. Implemented: [ORS 283.310](#), [ORS 283.340](#), [ORS 283.345](#) & [ORS 283.395](#)

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95

125-155-0200

Voluntary and Compulsory Driver Standards

(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 agencies on trial 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 shall 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 years.

(b) The trial status agency shall verify 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;

(b) 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;

(d) 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 drivers complete a safe driver training course at least once in every five years.

(c) The agency accepts verified training previously taken by a driver.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278.405](#)

Stats. Implemented: [ORS 283.310](#), [ORS 283.340](#), [ORS 283.345](#) & [ORS 283.395](#)

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95

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 verify drivers' qualifications at any reasonable schedule or time and by any reasonable means. Means might include direct checks, review of copies of records supplied by the driver, or accepting drivers' signed statements.

(2) All drivers shall verify for themselves that they meet all driver qualifications, including requirements of law, rule, and employing and vehicle-owning agencies. Drivers shall present evidence of meeting qualifications to any affected agency upon request. Drivers shall promptly report to their supervisor 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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & ORS 283.395

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125-155-0400

Authorized 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, 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.

(4) Under state rules, agencies may contract to reimburse their 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 principal 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 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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & ORS 283.395

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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 Chapter 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.
 - (6) **CHAUFFEUR:** Need and Agency Approval -- Any vehicle on state business:
 - (a) Control: Employee;
 - (b) At Risk/Liable: Employee.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & [ORS 283.395](#)

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125-155-0420

Passengers

- (1) Agencies may permit drivers to transport people, animals, or things to the extent needed to accomplish state business.
- (2) No driver may give a ride in a state-owned vehicle to anyone except as permitted by these rules or necessary to accomplish official state business. Hitch hikers shall not be allowed in any state vehicles or private vehicles on state business.
- (3) All passengers shall follow these rules and all reasonable directions of their drivers.
- (4) Drivers shall obtain prior agency approval and conditions for the following passengers:
 - (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 others who are not legally liable for themselves and their agreements.

(5) 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.

(6) Family members, friends, and pets of drivers and working passengers shall 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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & [ORS 283.395](#)

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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 Chapter 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) **HITCHHIKER:** Prohibited -- Any vehicle on state business -- Control/At Risk: Employee.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & [ORS 283.395](#)

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95; Administrative Reformatting 11-29-97

125-155-0500

General Use of Vehicles

(1) By law, state vehicles shall be used only for 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 for any damage to the state vehicle or harm to any other parties or property. State tort liability indemnification or self-insurance shall not apply.

(2) 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 coincide with a personal purpose. Stopping for meals or breaks enroute 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 or 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.

(4) It is the responsibility of all agencies and drivers to assure that the requirements of the law and these rules are followed in all situations.

(5) 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.

(b) 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 exceptions.

(c) 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 its 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 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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278.405](#)

Stats. Implemented: [ORS 283.310](#), [ORS 283.340](#), [ORS 283.345](#) & ORS 283.395

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125-155-0510

Day Use

(1) "Day-use" means the driver of a state vehicle is not staying away overnight due to state business. During day-use, drivers may travel for any state business and no personal business.

(2) 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 breaks at sites reasonably near to their direct business route.

(3) 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 the driver's official duty station. It prohibits travel from the duty station to go eat, attend a personal appointment, recreate, assist friends or family, visit, or get laundry or grooming done. These are not state business.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278.405](#)

Stats. Implemented: [ORS 283.310](#), [ORS 283.340](#), [ORS 283.345](#) & ORS 283.395

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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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278.405](#)

Stats. Implemented: [ORS 283.310](#), [ORS 283.340](#), [ORS 283.345](#) & ORS 283.395

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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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278.405](#)

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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 Chapter 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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & ORS 283.395

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95; Administrative Reformatting 11-29-97

125-155-0600

Storing State Vehicles

(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 reasonably 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 parking on 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 and risks 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 allow an employee to park a state vehicle at home when one 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-outs 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 from the office or motorpool.

(c) 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.

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

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & ORS 283.395

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95

125-155-0700

Insurance and Collisions

(1) Coverages for the state's vehicles and drivers and loss reporting requirements are found in DAS-RMD self insurance policies, in [ORS 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 the confiscation of its vehicle.

(4) Mileage reimbursement is the only amount that the state or its agencies shall pay to any employee for use of 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 on state business. Mileage reimbursement details are found in DAS State Controller's Division Oregon Accounting Manual and ORS Chapter 283.

(5) Drivers shall report to their agency and to DAS-RMD all collisions or accidents occurring to any vehicle while on state business. Agencies shall review each collision or accident involving any vehicle in use on state business. The review shall determine whether the collision or accident was preventable by reasonable safe driving techniques and recommend action to prevent recurrences. Agencies may use any objective panel for this purpose.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & ORS 283.395

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95

125-155-0800

Rules Enforcement

(1) For purposes of all state 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 directives.

(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 arising out of the misuse. 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 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 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.

(5) 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

(b) Conditionally restricting a driver or agency from any or all access to or from certain uses of DAS Fleet vehicles.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278 .405](#)

Stats. Implemented: [ORS 283 .310](#), [ORS 283 .340](#), [ORS 283 .345](#) & ORS 283.395

Hist.: DASII 4-1995, f. 11-22-95, cert. ef. 11-24-95

125-155-0900

Extensions and Exemptions

(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) Agencies that are not 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, instate- or intergovernmental-compact, or similar agreement.

(4) 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 to 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 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 assure personal security.

(9) 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 shall be submitted by 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.

Stat. Auth.: [ORS 184.305](#), [ORS 184.340](#) & [ORS 278.405](#)

Stats. Implemented: [ORS 283.310](#), [ORS 283.340](#), [ORS 283.345](#) & [ORS 283.395](#)

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