

## **DRIVING AND VEHICLE POLICY**

**PURPOSE:** This policy is written to maximize the safety of drivers, passengers, and the public when vehicles are driven on County business and to limit the County's financial risk.

**SCOPE:** This policy applies to County employees, volunteers, or agents who drive for County business. Employees, volunteers, or agents who drive County vehicles or who drive personal vehicles for County business on a regular basis must maintain an acceptable driving record and pass a pre-employment driver record check. The County defines "regular basis" as five or more trips on average per week or a job which cannot be accomplished without driving.

This policy covers only the driving of vehicles such as cars, vans and trucks; it is not intended to cover the operation of other equipment, e.g. road maintenance equipment.

### **POLICY STATEMENT:**

- A. Department managers are responsible for enforcing this policy, and shall ensure all employees who drive are notified of these policies, and the potential consequences of violating them.
- B. This policy defines the standards for all County departments. Requests to deviate from this policy must be submitted in writing, reviewed by the Risk Manager, and approved by the County Administrator.

### **Who Is Covered**

Departments shall allow only drivers that meet the following eligibility criteria to drive on County business. The department is responsible to see these criteria are met before authorization to drive is granted to an individual.

1. Job Applicants. For any position identified as driving, the driving record covering the previous 5 years shall be evaluated according to the following procedure:
  - Any certification of eligible applicants sent to a department for selection processes shall contain a reminder to conduct a driving record check through DES prior to finalizing an employment offer. In no event shall an applicant be hired until the record check has been completed and has been found to meet the County's standards for an acceptable driving record.
  - Departments may offer employment contingent on receiving a successful driving record check. However, it is suggested that the applicant's driving record be checked prior to a contingent hiring offer whenever possible.
  - Departments shall email a request to the County's Risk Manager to conduct the driving record check. The request must state the applicant's name, position classification, and driver's license information from the application.

If the applicant being considered for hire is from outside the State of Oregon, they will be required to sign a release form allowing Clackamas County to acquire the driving record from the appropriate state. Hiring managers can obtain the appropriate release form from the Risk Management Division.

The Risk Manager will complete the driving record check according to the criteria contained in "Appendix A" and send an email to the hiring manager with the results. If the driving record does not meet County standards, the Risk Manager will make a recommendation not to hire the applicant. If the department hiring authority wishes to contest this recommendation, an appeal may be made to the County Administrator. In addition to the results of "Appendix A" a record and/or pattern of DUIIs, traffic offenses and/or accidents shall be considered in determining whether an applicant is acceptable.

2. County Employees. Any County employee must meet the following criteria in order to be allowed to drive on County business:

- a. Be at least 18 years old; and
- b. Possess a driver's license valid in the state of Oregon; and
- c. If in possession of a Washington (or other State) driver's license, sign a release form allowing the County access to his/her motor vehicle records; and
- d. If moving to the state of Oregon, acquire an Oregon State Driver License within the time frame provided for in the "Oregon Vehicle Code"; and
- e. Possess a Commercial Driver License if driving a vehicle requiring such; and
- f. Successfully complete, at County cost, a County-provided defensive driving course within three months of receiving driving privileges, and every three years thereafter. This includes a current employee who has been transferred into a position that now includes driving. Supervisors/Managers are responsible to ensure employees complete this training before an employee is allowed to drive. Defensive driving courses that are available include:
  - i. Alert Driving – A web-based course that is customizable to the type of vehicle and duties assigned to individual employees, work groups, or complete departments. Training is coordinated through Risk Management. Costs vary with types of training chosen.
  - ii. Top Driver – 1-2 hour video course sponsored by the National Safety Council. Comprised of 8 modules so can be broken up. Check out through County training division.
  - iii. Any other outside defensive driving course chosen by the employee's supervisor and approved by Risk Management.
  - iv. Training videos provided through the County video library or obtained by the department with Risk Management approval.
- g. If charged with an at-fault accident or convicted of a traffic offense committed on County business or while in a County vehicle, an employee is required to complete a defensive driving course within two weeks of this determination.
- h. If driving their personally owned vehicle, provide proof of insurance at the inception of this policy or when driving responsibilities that are covered by this policy begin and at any time there is a change to the policy, to their department manager evidencing liability limits no less than the State required minimum. (Currently \$25,000 single occurrence/\$50,000 annual aggregate.)
- i. In addition to the above requirements, for those positions identified as driving on a regular basis, County employees shall maintain an acceptable driving record (as described in Appendix A), to be determined as follows:

Upon assigning driving privileges or responsibilities to an employee in a position where the requirement exists for regular driving ("regular" is defined as driving on average 5 times or more per week or a job which cannot be accomplished without driving), the department shall provide by e-mail pertinent information, e.g. name, date of birth, driver's license number, to Risk Management for "flagging" purposes. This may also be done at time of hire. Risk

Management shall establish an account with DMV and monitor the employee's driving record by reviewing any "flagged records" (through DMV's ARS – Automated Reporting System). If a "flag" for a traffic offense occurs on work time that falls into the categories noted in Appendix A, Risk Management will inform the employee's manager. Traffic offenses falling into the categories noted in Appendix A, as well as a pattern of traffic offenses, along with other factors, if relevant, will be used to determine if the employee has an acceptable driving record. On-the-job traffic offenses and/or misconduct involving vehicles may be grounds for disciplinary action. Traffic offenses that occur in a County vehicle during non-work time may result in the employee's loss of the County-provided vehicle. It is the intent of this policy that unsafe behavior be corrected and, should discipline become necessary, that it follow the County Personnel Ordinance and union contracts, as applicable. (Departments with a current process to do this, e.g. Public Safety, CDL drivers, etc., shall continue and are exempted from this process.)

### 3. Other Drivers

In addition to County employees, the following people can be allowed to drive vehicles on County business:

- a. An officer or agent representing the County.
- b. A volunteer or other person acting on behalf of the County.

Drivers who are not County employees must meet the following criteria in order to be allowed to drive on County business:

- a. Be at least 18 years old; and
- b. Possess a driver's license valid in the state of Oregon; and
- c. Possess a Commercial Driver License, if driving a vehicle requiring such,
- d. If driving their personally owned vehicle, provide proof of insurance to the department manager of the department within which they work evidencing liability limits no less than the State required minimum. (Currently \$25,000 single occurrence/\$50,000 annual aggregate.)
- e. Obtain permission from Department Director within the area they are assigned.

## **Driver Responsibilities**

The following responsibilities apply to anyone who drives any vehicle on County business:

1. Drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use. This should include tires properly inflated (i.e. not visibly deflated), windows (cleanliness), mirrors properly cleaned and positioned, all lights in working order, fluid levels in the proper range, no obvious fluid leaks, and overall condition of the vehicle's exterior and interior.
2. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all County and departmental safety policies and rules. All drivers and passengers shall wear safety belts when the vehicle is in motion.
3. Drivers shall be held personally responsible and liable for any parking tickets received while driving a vehicle on County business. Parking fines received on County vehicles shall be paid or otherwise resolved promptly by the driver. Drivers shall notify their supervisor within 48 hours of receiving a parking citation on a County vehicle.
4. Drivers shall be held personally responsible and liable for any failure to comply with the rules of the road for drivers while driving a vehicle on County business. Drivers shall notify their supervisors by the beginning of the next work shift after receiving a citation or being arrested for failure to comply with the rules of the road for drivers while driving a vehicle on County business.

5. For photo radar or other citations issued against the vehicle's registration, the employee's department will complete the "Affidavit of Non-Liability" or similar document issued with the citation to identify the driver. The driver shall be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
6. In the event of an accident on County business, drivers shall immediately contact their supervisor, and, if driving a County vehicle, follow all instructions placed in each vehicle for that purpose.
7. A driver whose driver's license has been suspended or revoked shall immediately notify his or her supervisor who shall then immediately notify the Risk Manager so an appropriate course of action can be developed.
8. Drivers shall ensure that any passengers who ride with them in a County vehicle or in any vehicle while on County business, other than those defined in the "Passenger" section on Page 6, are authorized by their supervisor. Drivers shall not transport passengers unless the passengers are wearing safety belts in accordance with Oregon Revised Statutes.
9. In the event of a citizen emergency that requires the use of a County vehicle, Department Directors can grant prior authorization under specific circumstances they establish. If an employee on County business encounters a stranded motorist, please be aware: a.) There is no obligation to stop and render assistance, b.) You should consider all objective circumstances regarding your own personal safety before choosing to stop, c.) the only authorized action is to help connect the motorist with appropriate roadside assistance.
10. Drivers shall not drive County vehicles or private vehicles for County business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee should first obtain approval from his/her physician that it is safe to drive while taking the medication.
11. When operating a vehicle, driving is the first responsibility. If a call must be made or taken while driving on County time or conducting County business, only a hands-free phone (a phone that does not require the user to hold it while talking – dialing should only be done when stopped) shall be used. Concentration on driving should be the highest priority. Just as in any other activity while driving (e.g. adjusting the radio, writing a note, drinking coffee, consulting GPS device, etc.), if the content of a call will make it difficult to concentrate on driving, postpone the call until you can stop.

## Vehicles

1. County-Supplied Vehicles. The County provides vehicles for use by qualified drivers only to conduct official County business, and to maintain the ability to respond to County business outside the employee's normal work hours when special equipment or tools are available in or on the vehicle. County vehicles shall not be used for personal business. Use of County vehicles to commute to and from work, except as stated above, is prohibited, unless approved in advance by the Department Head.
2. Drivers of Passenger Vans. All new employees, prior to operating a 10-15 passenger van, are required to complete training consisting of the following:
  - a. Completion of the Alert Driving on-line modules specific to passenger vans (there is a minimal cost associated with this training (approx. \$25);
  - b. Attend County facilitated classroom and behind the wheel training.

Any van driver involved in an at-fault accident while operating this type of van is required to complete a defensive driving course as stated in section 'Who Is Covered' 2.f. If the at-fault accident meets the requirement(s) for reporting to DMV (damage \$1,500 or greater), the training will consist of completing an Alert Driving module related to the accident cause and behind the wheel training.

All training documentation will be filed both in hardcopy and electronic form with respected departments and the Department of Employee Services (DES).

Contact Risk Management to schedule.

3. Privately Owned Motor Vehicles. The County allows use of privately owned motor vehicles to conduct official County business. A privately-owned motor vehicle used for County business must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition and adequate to provide safe transport. Vehicle equipment must conform to State of Oregon requirements. A motor pool vehicle shall be used when a personally owned vehicle does not meet these standards. Registration must be current.
4. Insurance Requirements.
  - a. The driver of a privately owned motor vehicle used to conduct official County business must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon. The driver's insurance is primary with respect to bodily injury and property damage; the County's self-insurance shall apply only as excess of statutory bodily injury and property damage limits of liability, or the aggregate (total) of all other applicable insurance limits, whichever is greater. The County will defend or investigate any claim(s) or action(s) against the County or its employees on behalf of such driver(s) unless any claim arising out of an alleged act or omission occurring in the performance of County duties results from malfeasance in office, or willful or wanton neglect of duty, and when all applicable underlying coverages have been exhausted by payment of settlements or judgments.

Use of privately-owned motor vehicles for official County business in violation of the automobile financial responsibility laws (i.e. not having legal insurance coverage limits) would be considered an exclusion under the tort statute as a wanton and willful disregard for statutory requirements and thus be excluded from the County's self-insured program.

Mileage reimbursement for the use of a privately owned motor vehicle is considered full payment (includes, but is not limited to, depreciation, insurance, maintenance, and operating costs) for its use.
  - b. The vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.

5. Out-of-town rental vehicles. The County provides excess liability coverage to supplement the coverage automatically provided by car rental companies. Therefore, purchase of supplemental insurance from the rental company is unnecessary. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the County if an accident occurs when the vehicle is used outside the scope of County business. (e.g. on an out-of-town trip, a rental vehicle is used for a non job-related side trip.) Travelers are required to apply the criteria of

common sense, propriety, and relationship to business purpose, to the use of rental vehicles for County business.

6. Out-of-State travel. The use of County-owned vehicles for travel outside Oregon should only occur when no other option is possible. The protection afforded to the County under the Oregon Tort Claims Act is not available when a claim arises out of actions outside Oregon. Therefore, the following options should be considered before driving outside the state in a County-owned vehicle:
  - An employee should be encouraged to use their personal vehicle and request mileage reimbursement.
  - The County is able to use the State contract with Enterprise or Hertz. The rates are competitive with the rates charged by County Fleet and the rate includes the additional liability insurance. When renting through either company identify yourself as a County employee and ask for the State contract rate.
  - If you feel the risk is minimal enough, contact the Risk Manager to discuss whether using a County-owned vehicle is acceptable.
7. Uninsured/Underinsured motorist coverage pursuant to ORS 742.504. (refer to Appendix B)

### **Incidental Use of County Owned Vehicles for Non-Business Purposes**

Clackamas County owns, maintains, and operates multiple types of vehicles, some specially outfitted and others for general transportation. These vehicles are designated for official use only, to be operated while conducting business benefiting the citizens of Clackamas County.

Clackamas County employees and elected officials (and occasionally volunteers) are perceived by the public as on duty while operating such vehicles. Unless they are unmarked vehicles designated for public safety work, most County owned vehicles have either a County logo, the logo of one of the County's affiliated agencies, or a state issued license plate beginning with a capital E as identifying marks.

It is of high importance that the trust of the public vested in Clackamas County be protected and enhanced by appropriate behavior by any person who is authorized to drive a County vehicle. This includes safe and courteous driving and avoiding the perception of misconduct while using the vehicle.

When operating the County's vehicles, County employees, elected officials and volunteers may:

- make stops for lunch or other meals if appropriate to the time of day
- occasionally and for short duration make a stop for a personal errand while en route directly to or from the office
- make stops for restroom breaks as needed
- drive the vehicle home if authorized under County departmental policy.  
(specific approval from Department Head required per County Driving Policy)

Stops or other uses of County vehicle equipment are prohibited in all instances if they would reasonably expose the County to public perception of misuse or abuse of the driving privilege. Such uses are not limited to but may include stops at a liquor store, a bar or tavern, an adult bookstore, a gambling establishment, or any other business or location that the public may reasonably find to constitute misuse of County vehicles. County employees may not purchase or transport alcoholic beverages at any time, nor transport unauthorized passengers (as defined in the following section) at any time, while using a County vehicle.

### **Passengers**

Only authorized passengers are allowed to ride in County vehicles and other vehicles while in use for County business. Authorized passengers are:

1. County employees conducting County business;
2. Officer and agents representing the County;

3. Volunteers acting on behalf of the County;
4. Vendors and contractors working on behalf of the County;
5. Participants in official County business and programs;
6. Representatives of other governmental agencies working with the County;
7. Anyone with prior authorization by the department manager or with specific authorization by the County administrator, elected officials or department directors.

**APPENDIX A**

**Clackamas County  
Driver License Record Evaluation**

**Department/Contact** \_\_\_\_\_

**Applicant Name** \_\_\_\_\_

**Date of driving record** \_\_\_\_\_ (must be within 30 days of evaluation)

Complete following information or attach driving record

**Driver License Number & State** \_\_\_\_\_

**Is driver license current and valid:**     **Yes**     **No**

**Is license clear of citations & suspensions:**     **Yes** (Skip to bottom)     **No** (Complete next section)

<b>Type of Offense &amp; Examples</b>	<b>Number of Convictions</b>	<b>Points per conviction</b>	<b>Total Points</b>
<b>Felony or Misdemeanor</b> Convictions within previous 60 months		35	
<b>License suspension, revocation or diversion agreement</b> Entries within previous 60 months (ending date)		35	
<b>Class "A" conviction</b> Convictions within previous 36 months		35	
Convictions within previous 36 - 60 months		20	
<b>Class "B" conviction</b> Convictions within previous 12 months		20	
Convictions within previous 12 - 36 months		10	
<b>Class "C" conviction</b> Convictions within previous 12 months		12	
Convictions within previous 12 - 36 months		10	
<b>Class "D" conviction</b> Convictions within previous 12 months		12	
Convictions within previous 12 - 36 months		10	

**Total Points of All Categories:** (May not exceed 34 points or applicant does not meet criteria)

**Notes/Comments:**



As of the date of this evaluation, the applicant

\_\_\_\_\_ Meets Clackamas County driving standards

\_\_\_\_\_ **Does not** meet Clackamas County driving standards

Evaluation completed by: \_\_\_\_\_

Date: \_\_\_\_\_

### **Examples of Violations Listed by Classification**

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#### **Felony or Misdemeanor**

Hit & Run, DUII, Driving While Suspended/Revoked

Attempting to Elude, Providing False Information, Failure to Perform Duties of a Driver

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#### **Class "A" conviction**

Speeding (30+ mph over), Reckless Driving, Speed Racing, Careless Driving (with accident), Failure to Stop for School Bus, Failure to Obey Traffic Flagger

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#### **Class "B" conviction**

Speeding (21-29 mph over limit), Driving Uninsured, Careless Driving (no accident), Crossing the Center Line, Dangerous Left Turn, No Operators License, Failure to Obey Traffic Control Device, Following too Close, Failure to Carry Proof of Insurance

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#### **Class "C" conviction**

Speeding (11-20 mph over limit), Illegal U-turn, Failure to Yield to Pedestrian, Defective Head-lights, Failure to Yield Right of Way within Roundabout

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#### **Class "D" conviction**

Speeding (1-10 mph over limit), Failure to use Safety Belt, Failure to Signal, Failure to Renew Vehicle Registration, Unsafe Lane Change, Failure to Display Registration Plates, Failure to Notify DMV of Address Change

## **APPENDIX B**

### **DRIVING AND VEHICLE POLICY UNINSURED MOTORIST COVERAGE**

**PURPOSE:** The purpose of the Uninsured Motorist Coverage (Appendix C) is to ensure that drivers who drive on County business and who are covered under the County Driving and Vehicle Policy receive uninsured motorist coverage as required under state law in the minimum amount required under state law.

**SCOPE:** This uninsured motorist coverage applies to all persons who are covered under the Driving and Vehicle Policy. In order for uninsured motorist coverage to apply, at least one vehicle involved in the accident must be subject to the Driving and Vehicle Policy and that vehicle must be the vehicle occupied by the person covered by the Driving and Vehicle Policy.

**POLICY STATEMENT:**

(1) This policy defines the uninsured motorist coverage provided by the County. For purposes of this policy, “uninsured motorist coverage” has the meaning given that term in ORS 742.500. The amounts by which an individual shall be legally entitled to recover for uninsured motorist coverage shall be limited to the lesser of the minimum amount required to be provided by law or:

(a) \$25,000 because of bodily injury to or death of one person in one accident;

(b) Subject to that limit for one person, \$50,000 because of bodily injury to or death of two or more persons in any one accident; and

(c) \$10,000 because of the destruction of the property of others in any one accident.

(2) The uninsured motorist coverage provided by the County is subject to the following provisions:

(a) The accident that is the basis for a claim must be reported to a police, peace or judicial officer, the Department of Transportation or the equivalent department in the state where the accident occurred within 72 hours after the accident.

(b) An amount may be recovered under uninsured vehicle coverage only if the accident that is the basis for the claim involves an uninsured vehicle. An uninsured vehicle is a vehicle that does not have at least the insurance coverage described in subsection (1) of this section that is applicable at the time of the accident, or the vehicle is a hit-and-run vehicle, a phantom vehicle or a stolen vehicle. An uninsured vehicle does not include an insured vehicle, unless the vehicle is a stolen vehicle. An uninsured vehicle does not include a vehicle owned by a self-insurer within the meaning of a motor vehicle financial responsibility law, motor carrier law or similar law. An uninsured vehicle does not include a government-owned vehicle, a vehicle operated on rails or crawler-treads, a vehicle located for use as a residence or farm equipment that is not being operated on a public road at the time of the accident.

(c) A vehicle constitutes a “hit-and-run vehicle” or a “phantom vehicle”, as those terms are defined in ORS 742.504, only if the operator or owner of the vehicle cannot be identified. A vehicle constitutes a phantom vehicle only if the facts of the accident can be corroborated by competent evidence other than the testimony of any person having an uninsured motorist claim as a result of the accident.

(d) Any dispute relating to the amount of recovery to which a person is entitled shall be determined by arbitration.

(e) A person seeking to recover damages based on uninsured motorist coverage shall give written proof of claim within a reasonable period of time to the County, if requested. If requested by the County, a person seeking to recover damages based on uninsured motorist coverage shall submit to physical examination and shall provide or authorize disclosure of all medical reports and records.

(f) In the event payment is made under this uninsured motorist coverage, the County shall be entitled to the proceeds of any settlement or judgment that results from the exercise of any right of recovery against the uninsured motorist legally responsible for any part of the accident.

(g) If requested by the County, the person receiving payment under uninsured motorist coverage shall take any action necessary or appropriate to recover damages from the uninsured motorist.

(h) No cause of action shall accrue to any person seeking recovery under this uninsured motorist coverage unless, within two years from the date of the accident (i) the parties have agreed to an amount due, (ii) arbitration proceedings with respect to the recovery sought have been instituted, or (iii) the person seeking recovery has filed an action against the County or against the uninsured motorist and the County.

(i) The provisions of ORS 742.504 apply to this uninsured motorist coverage.