

# SAMPLE DRIVING/VEHICLE POLICY

## POLICY

Driving is among the most hazardous tasks performed by employees and volunteers of [Entity]. Therefore, it is the policy of the [Entity] that employees and volunteers will follow safe driving practices. Safe driving practices include steps to ensure the driver's total concentration and safe operation of vehicles, such as determining clear directions before departing, refraining from operating equipment such as cell phones and radios while the vehicle is moving, and not operating a vehicle when the driver's ability to react is impaired. Drivers are expected to follow defensive driving principles, Oregon laws and regulations to prevent accidents in spite of unsafe driving by others and/or adverse driving conditions.

Managers are responsible for enforcing this policy, and shall ensure all employees and volunteers who drive are notified of this policy and the potential consequences of policy violations.

## PROCEDURES

[Entity] shall allow only drivers that meet the following eligibility criteria to drive on their behalf. **[In larger entities, the department may delegate the responsibility to a specific position or individual to see that these criteria are met.]**

### 1. Job Applicants

When any position is being filled for which driving is an essential function, the driving record for the previous five (5) years shall be evaluated according to the following procedure:

- a. Any certification of eligible applicants sent to department managers for selection processes shall contain a reminder to conduct a driving record check through DMV prior to finalizing an employment offer. **(NOTE: Employers may also request that a five (5) year driving history be provided with the application or provided at the time of interview).**
- b. Hiring managers may offer employment contingent upon receiving a successful driving record check. However, it is suggested that the applicant's driving record is checked prior to a contingent hiring offer whenever possible.
- c. If the applicant being considered for hire is from outside the State of Oregon, the hiring manager must request a copy of the applicant's driving record to be sent by fax or mail.
- d. Human Resources will complete the driving record check and send an email to the appropriate department manager with the results. If

the driving record does not meet [Entity] standards, the recommendation not to hire the applicant, will be made.

- e. If the supervisor requesting the hire wishes to contest this recommendation, an appeal may be made to the [Entity] Department Head, Administrator or Manager. A record of DUI, moving violations and/or accidents shall be considered in determining whether an applicant is acceptable (see Appendix A).

## 2. [Entity] Employee/volunteers

Any [Entity] employee/volunteer must meet the following criteria in order to be allowed to drive on [Entity] business:

- a. Must possess a valid Oregon driver's license or provide an alternate means of transportation that is approved by the Manager/Administrator.
- b. Be at least 18 years old.
- c. Possess a valid Commercial Driver's License if driving a vehicle requiring such.
- d. If involved in with an at-fault accident on [Entity] business, an employee/volunteer is required to complete a defensive driving course within six (6) months of the accident (recommended).
- e. If in possession of an Oregon/Washington (or other State) driver's license, sign a release form allowing the [Entity] access to his/her motor vehicle records.
- f. 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 of 25,000 single occurrence/50,000 annual aggregate.
- g. In addition to the above requirements any [Entity] employee/volunteer holding a position that requires driving as part of the job duties (departments with a current process to do this (e.g., Public Safety, CDL drivers, etc.), shall continue and are exempted from this process) shall maintain an acceptable driving record, to be determined as follows:

Upon assigning driving privileges or responsibilities to an employee/volunteer, the department shall provide pertinent information by e-mail (e.g., name, date of birth, driver's license number) to Human Resources/Manager/Administrator for "flagging" purposes. The [Entity] shall establish an account with DMV and monitor the employee/volunteer's driving record by reviewing any "flagged records". If a violation that occurs on work time falls

into the categories noted in Appendix A, HR/Administration will inform the Manager/Administrator. Violations falling into the categories noted in Appendix A, **as well as a pattern of violations**, along with other factors, if relevant, will be used to determine if the employee/volunteer has an acceptable driving record.

### 3. Discipline

Employee/volunteers who are found to have violated this policy or find any indications of misconduct involving vehicles may be grounds for disciplinary action up to and including termination. It is the intent of this policy that unsafe behavior be identified and corrected. Should discipline become necessary, it shall follow the [Entity] Personnel Policy/Manual and union contracts, as applicable.

### 4. Other Drivers

In addition to [Entity] employee/volunteers, the following people can be allowed to drive vehicles on [Entity] business:

- a. An officer or agent representing the [Entity].
- b. Another person designated to act on behalf of the [Entity].

Drivers who are not [Entity] employee/volunteers must meet the following criteria in order to be allowed to drive on [Entity] business:

- a. Possess a driver's license valid in the State of Oregon; and
- b. Be at least 18 years old; and
- c. Possess a commercial driver's license if driving a vehicle requiring such; and
- 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 of \$25,000 single occurrence/\$50,000 annual aggregate.
- e. Obtain permission from Manager/Administrator within the area they are assigned.

## **Driver Responsibilities**

The following responsibilities apply to anyone who drives any vehicle on [Entity] business:

1. Drivers and passengers are required to wear seatbelts at all times when the vehicle is in motion.
2. Drivers shall have the vehicle's lights on when driving.

3. 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), clean windows, mirrors properly positioned and all lights in working order.
4. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all [Entity] and departmental safety policies and rules. All drivers and passengers shall wear a safety belt and the automobile's headlights must be on when the vehicle is in motion.
5. Drivers will drive according to the road conditions during inclement weather. Drivers will know how and be prepared, in advance, of bad weather/adverse weather and road conditions.
6. Drivers shall be held personally responsible and liable for any tickets received while driving a vehicle on [Entity] business. All tickets for moving violations and/or parking fines received while driving [Entity] vehicles shall be paid or otherwise resolved promptly by the driver. Drivers shall notify their supervisor within 48 hours of receiving any citation while in an [Entity] vehicle.
7. For photo radar or other citations issued against the vehicle's registration, the employee/volunteer'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.
8. In the event of an accident on [Entity] business, drivers shall immediately contact their supervisor, and, if driving an [Entity] vehicle, follow all [Entity] instructions/procedures for reporting accidents.
9. A driver whose license has been suspended or revoked shall immediately notify his/her supervisor.
10. For employees who are required to drive or maintain a valid driver's license as part of their official duties, driving record convictions may be considered as grounds for disciplinary action up to and including dismissal, whether the offenses and infractions occurred during or outside work hours. Volunteers with driving record convictions on or off the job may be subject to reassignment or removal from volunteer placement.
11. Drivers shall ensure that any passengers who ride with them in an [Entity] vehicle or in any vehicle while on [Entity] business, other than those defined in the "Passenger" section on page 7, are authorized by their supervisor. Drivers shall not transport passengers unless the passengers are wearing safety belts or other restraint devices in accordance with Oregon Revised Statutes.
12. In the event of a citizen emergency that requires the use of an [Entity] vehicle, managers can grant prior authorization under specific circumstances they establish. If an employee/volunteer on [Entity] 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.

13. Drivers shall not drive [Entity] vehicles or private vehicles for [Entity] business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee/volunteer should first obtain approval from his/her physician that it is safe to drive while taking the medication. If the employee/volunteer comes to work but due to the medication cannot drive, the employee/volunteer shall immediately inform their supervisor and ask for an alternate work assignment. If there is no work available, the employee/volunteer may be assigned to another department or sent home.
14. Employees/volunteers are expected to use good judgment at all times while driving on behalf of the [Entity]. In circumstances where the employee/volunteer is uncertain if he/she should be operating or continue to operate a vehicle (such as prescription or over-the-counter medication, extended or continuous shifts, end-of-day long distance travel, fatigue, poor weather or road conditions) the employee/volunteer is expected contact their supervisor/manager to assist in making the safest determination, of whether to continue to drive or not.

### **Using Cell Phones while Driving**

The [Entity] encourages the safe use of cellular telephones by employee/volunteers who use these tools to conduct business for the [Entity]. However, when employee/volunteers are operating a vehicle, driving is the first responsibility. Employee/volunteers who use cell phones while on [Entity] business should refrain from making or receiving business calls while driving. If an employee/volunteer needs to make or receive a business phone call while driving, the employee/volunteer should make sure the vehicle is stopped and that he/she is parked properly and off the roadway to make or receive the call.

Employee/volunteers must use common sense when using a cell phone and operating a vehicle. Concentration on driving should be the highest priority. Talking on a cell phone while driving, like adjusting the radio, eating, or writing a note, makes it difficult to concentrate on driving. Therefore, if the content of a call impairs concentration, postpone the call until you can stop.

Employee/volunteers who use cell phones must keep business conversations brief while driving. However, the vehicle should be stopped and parked in a safe and proper parking area if the conversation becomes involved, notes are to be taken, the traffic is heavy, or road conditions are poor.

Employee/volunteers who are faced with an emergency, such as a traffic accident or car trouble, may find it necessary to make a phone call while driving.

## Vehicle Use

### 1. [Entity]-owned/supplied vehicles

The [Entity] provides vehicles for use by qualified drivers to conduct official [Entity] business in the course and scope of their job and/or to maintain the ability to respond to [Entity] business outside the employee/volunteer's normal work hours when special equipment or tools are available in or on the vehicle. [Entity] vehicles shall not be used for personal business. Use of [Entity] vehicles to commute to and from work, except as stated above, is prohibited, unless approved in advance by the Department Head/Elected Official.

### 2. Privately owned motor vehicles

The [Entity] allows use of privately owned motor vehicles to conduct official [Entity] business. A privately owned motor vehicle used for [Entity] business must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition that is adequate to provide safe transport for the road and weather conditions. Vehicle equipment must conform to State of Oregon requirements. A motor pool vehicle or rental shall be used when a personally owned vehicle does not meet these standards. Vehicle registration and insurance must be current.

### 3. Insurance requirements

- a. The driver of a privately owned motor vehicle used to conduct official [Entity] business must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon.

Mileage reimbursement for the use of a privately owned motor vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel and operating costs) for its use.

- b. The vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.

### 4. Out-of-State rental vehicles

The [Entity] provides excess liability coverage to supplement the coverage automatically provided by car rental companies. However, the Oregon Tort Claims Act does not apply outside of Oregon. For that reason, drivers shall purchase the offered insurance through the rental company. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the [Entity] if an accident occurs when the vehicle is used outside the scope of [Entity] business, (e.g., on an out-of-state trip where a rental vehicle is used for a non job-related side trip). Travelers are required to know the driving laws for any state they drive in, apply the criteria of common sense, propriety, and consider the relationship to business

purpose to the use of rental vehicles and transporting passengers while on [Entity] business.

### **Passengers**

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

1. [Entity] employees conducting [Entity] business;
2. Officer and agents representing the [Entity];
3. Volunteers acting on behalf of the [Entity];
4. Vendors and contractors working on behalf of the [Entity];
5. Participants in official [Entity] business, training, tours and programs;
6. Representatives of other governmental agencies working with the [Entity];
7. Anyone with prior authorization by the department manager or with specific authorization by the [Entity] Administrator, Elected Officials or other Manager/Administrator with authority to grant such approval.

## APPENDIX A

### Requirements of an Acceptable Driving Record

**These requirements become effective on the effective date of this policy.**

1. No class "A" infraction convictions during the past thirty-six (36) months and no more than one (1) class "A" infraction conviction between the past (36) and (60) months.
2. No more than one (1) class "B" infraction conviction during the past twelve (12) months and no more than two (2) class "B" infraction convictions during the past thirty-six (36) months.
3. **No more than two (2) class "C" infraction convictions during the past twelve (12) months and no more than three (3) class "C" infraction convictions during the past thirty-six (36) months.**
4. Demonstrated ability to maintain a drivers license without suspensions for the past sixty (60) months.
5. No felony or misdemeanor driving convictions within the past sixty (60) months.

### EXAMPLES OF VIOLATIONS LISTED BY CLASSIFICATION

#### **CLASS "A" INFRACTION**

- Failure to obey a traffic flagger
- Driving while suspended (infraction)
- Careless driving (accident involved)
- Speed racing
- Speeding (30+ MPH over posted limit)
- Failure to stop for school bus

#### **CLASS "B" INFRACTION**

- Passing in a no pass zone
- Failure to drive on right side of the road
- No operator's license
- Careless driving (no accident involved)
- Failure to obey a traffic control device
- Driving uninsured

## **CLASS “C” INFRACTION**

- Failure to use traction devices
- Defective headlights
- Illegal U-turn
- Failure to yield to pedestrian in crosswalk
- Speeding (11-20 MPH over the limit)

## **CLASS “D” INFRACTION**

- Impeding the flow of traffic
- Failure to signal lane change
- Failure to display license plates
- Speeding (1-10 MPH over the limit)
- Failure to use safety belts
- Failure to change information on driver’s license

## **CLASS “A” MISDEMEANOR**

- D.U.I.I.
- Reckless endangerment of a highway worker
- Providing false information to a police officer
- Hit and run (property damage)
- Reckless driving
- Driving while suspended

## **CLASS “B” MISDEMEANOR**

- Providing false information regarding liability insurance
- Providing false information on accident report

## **CLASS “C” MISDEMEANOR**

- Failure to display a driver’s license
- Failure to return suspended license

## **CLASS “C” FELONY**

- Hit and run (injury)
- Attempting to elude a peace officer
- Driving while suspended/revoked