



SECTION:	Healthy, Safety and Security	POLICY #:	502
TITLE:	Driving on County Business Policy	PROCEDURE #:	502-A
		ORDER #:	13-81
DEPT:	Business Services	DIVISION:	
ADOPTED:	1/86	REVIEWED	REVISED: 8/13

**PURPOSE:** The purpose of this policy is to maximize the safety of drivers, passengers and the public when vehicles are driven on county business and to mitigate the risk of loss from motor vehicle accidents.

**AUTHORITY:** The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the county under ORS 203.010, 203.035, 203.111, and 203.230.

**APPLICABILITY:** This policy applies to all county elected officials, employees, volunteers, contractors, or agents who drive county owned or private vehicles on county business.

**GENERAL POLICY:** It is the policy of Marion County that any person who drives a vehicle while performing official county business must be qualified to drive under Oregon motor vehicle laws and have the ability to operate the vehicle in a safe manner.

The goal of the policy is to ensure that drivers operating vehicles on county business have sufficient knowledge, skill and ability measured in part though a safe driving history.

Drivers are encouraged, when possible, to consider alternatives to driving, such as car pooling, phone conferencing, or video conferencing. Drivers are also encouraged, when possible to use a fleet vehicle that provides the best fuel economy. Reducing driving and conserving fuel can result in cost savings for the county.

This policy applies to the operation of motor vehicles and is not intended to cover the operation of off-road equipment.

**POLICY GUIDELINES:**

1. Responsibilities:
  - 1.1. Department heads and elected officials are responsible for enforcing this policy.
  - 1.2. Supervisors and managers will ensure that anyone who operates a vehicle on county business is notified of the requirements contained in this policy.

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- 1.3. Marion County Risk Management has established an account through the Oregon Department of Motor Vehicles (DMV). Driving records of individuals who drive on county business are monitored via the DMV Automated Reporting Service to determine if the driver continues to meet the requirements for driving on county business.
  - 1.4. Drivers must comply with all applicable laws, parking regulations, and all county policies and procedures.
  - 1.5. A driver whose license has been suspended or revoked must immediately notify his or her supervisor. Department heads and elected officials whose license is suspended or revoked must immediately notify the Marion County Chief Administrative Officer.
  - 1.6. Drivers are held personally responsible for all traffic citations, parking tickets, or fines incurred while driving on county business. Drivers must report all accidents, citations and tickets that occur while driving a county vehicle or a private vehicle on county business to risk management within one business day.
2. Safety:
- 2.1. Oregon law requires that all motor vehicle operators and passengers be properly secured with a safety belt or safety harness, child-restraining devices, or booster seats as required based on a child's weight, height and age.
  - 2.2. Consumption of alcoholic beverages or a controlled substance while operating a motor vehicle on county business is prohibited.
  - 2.3. Drivers may not operate a motor vehicle while using medication that may impair their ability to safely operate a motor vehicle. Drivers taking such medications must notify their supervisors.
  - 2.4. Oregon law prohibits drivers from talking on a mobile communication device while driving (ORS 811.507). A mobile communication device is defined in ORS 811.507 as a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication. County policy strongly discourages making or receiving cellular phone calls using a hands free device, except in an emergency situation (see Marion County Administrative Policy 703 – Cellular Telephones and Data Devices).
  - 2.5. Sending or receiving text messages, email or other similar activities are prohibited while operating a motor vehicle. This prohibition does not apply to operators of Marion County Sheriff's Office patrol vehicles that are equipped with mobile data systems. Marion County Sheriff's Office policy regarding driving while operating the mobile data systems will apply.
  - 2.6. County owned vehicles will not be relinquished to a non-county driver except in the case of an emergency.
  - 2.7. When exiting the vehicle, drivers are required to turn off the engine, remove the key and lock the vehicle. The exception would be with the Sheriff's Office deputies during traffic stops or in emergency situations that otherwise restrict following the above process.
3. Driver Qualifications:
- 3.1. All persons who operate a motor vehicle on behalf of Marion County must meet the following criteria in order to be allowed to drive on county business:
    - 3.1.1. Be at least 18 years of age.
    - 3.1.2. Possess a driver's license valid in Oregon.  
If moving to Oregon, the driver is required to acquire an Oregon driver's license within the time frame provided for in the Oregon vehicle code.

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- 3.1.3. Maintain an acceptable driving record for the past 60 months. Drivers with less than 60 months driving history but more than 36 months may request a waiver from risk management of the 60 month requirement.
  - 3.2. An acceptable driving record is determined using a weighted point system that assesses points for traffic offenses based on the severity of the offense and the time that has lapsed since the offense. Attachment A outlines the point values for traffic infractions.
    - 3.2.1. Both on- and off-the-job traffic offenses are used in determining if a driving record meets the requirements.
    - 3.2.2. Employees who were hired on or before the effective date of this policy retain the points incurred under the prior system (Attachment B). License activity that occurs after the effective date of this policy incurs points as outlined in this policy (Attachment A).
    - 3.2.3. Employees who receive an unacceptable rating, based upon the driving record, shall not be allowed to drive a county vehicle or a private vehicle for county business. Suspension, revocation or an unacceptable driving record when driving is required for the employee's job may subject an employee to disciplinary action up to and including termination.
    - 3.2.4. Applicants with a valid out-of-state license must provide upon request and at their own expense a certified copy of their out-of-state driving record. Applicants found to have an invalid or unacceptable driving record will be removed from consideration.
  - 3.3. Possess a commercial driver's license, if operating vehicles that require such, and comply with all applicable state and federal laws, including random drug screening. Legally mandated substance abuse testing requirements for drivers with commercial drivers licenses can be found in the Commercial Vehicle Operator Alcohol and Controlled Substance Testing Policy.
4. County Vehicles:
  - 4.1. Marion County leases and/or owns, maintains and operates vehicles for the purpose of conducting county business. Vehicles owned or leased by the county are covered in accordance with the guidelines established in the Marion County Risk Management Program Rules.
  - 4.2. County owned vehicles are to be used only for the performance of official duties. Personal use of county vehicles is prohibited. Incidental use is allowed as follows:
    - 4.2.1. Stops for meal or restroom breaks, and
    - 4.2.2. Short, infrequent stops of a personal nature that are in the route of travel and are accomplished during a normal break.
  - 4.3. The use of county vehicles is prohibited in all instances where it could reasonably expose the county to the public perception of misuse or abuse of driving privileges. Such uses include but are not limited to stops at a liquor store, a bar or tavern, an adult bookstore, or a gambling establishment, unless the stop is required as part of the job assignment.
  - 4.4. Nothing in this policy may be construed as limiting the authority of a department head or elected official to temporarily assign a vehicle for official business.
  - 4.5. Drivers are prohibited from modifying or altering county vehicles without prior approval from fleet management.

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### 5. Private Vehicles:

- 5.1. A private vehicle is a vehicle, other than a county owned or leased vehicle, that is used on county business.
- 5.2. Use of privately owned vehicles to conduct county business is permitted when authorized by a department head/elected official or their designate. Departments must establish a procedure to document that the authorization has been granted and that automobile liability insurance is in place to cover the vehicle. This policy does not require a department head or elected official to approve the use of a personal vehicle for county business.
- 5.3. A privately owned vehicle used for county business must be a mechanically safe conventional four-wheel motor vehicle that is licensed to operate on public roadways. Vehicle equipment must conform to Oregon requirements.
- 5.4. Oregon law (ORS 860.010) requires all vehicle owners to carry valid and current automobile insurance on their vehicles. Use of private motor vehicles for official county business in violation of the mandatory automobile insurance laws is considered a wanton and willful disregard for statutory requirements. The Oregon Tort Claims Act allows the county to exclude coverage in such cases.
- 5.5. The employee's private vehicle insurance is primary with respect to bodily injury and property damage. The county defends and investigates any claims or actions against the county or its employees or individuals driving on county business, unless the claim arises out of an alleged act or omission occurring in the performance of county duties as a result of malfeasance in office, or willful or wanton neglect of duty and when all applicable underlying coverages have been exhausted by payment or settlement of judgments. The county's self-insurance applies only as excess to statutory limits for bodily injury and property damage, or the aggregate of all the other applicable insurance limits, whichever is greater.
- 5.6. Mileage reimbursement for use of privately owned vehicles is considered full payment (including depreciation, insurance, maintenance, and operating costs) for its use. Mileage reimbursement rates are established by the Marion County Finance Department, and are based on the Internal Revenue Service (IRS) reimbursement rate.

### 6. Assignment of Vehicles:

- 6.1. Department heads or elected officials may assign county vehicles to designated employees only to conduct official county business, and to maintain the ability to respond to county business outside the normal work hours when special equipment or tools are available in or on the vehicle. Use of county vehicles to commute to and from work, except as stated above, is prohibited. County vehicles may not be assigned to drivers who are not county employees.
- 6.2. County vehicles may not be used for personal business. County employees who are assigned a county vehicle may use the vehicle with prior approval of their supervisor during regular duty hours for medical appointments and meals when the employee is on call and may need to leave an appointment or meal to respond to a work assignment.
- 6.3. County employees may not lend the vehicle to other persons, and county employees may not carry passengers except on official business.
- 6.4. Vehicle assignments may be withdrawn at any time for any reason, including but not limited to the following:
  - 6.4.1. Violation of this policy
  - 6.4.2. Failure to meet the driver qualifications
  - 6.4.3. Operating county vehicle in violation of the law

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- 6.4.4. Conduct in connection with use of the county vehicle that is not in the best interest of Marion County, or
- 6.4.5. Use of county vehicle no longer benefits Marion County.

County departments must prepare a written annual report identifying which employees are authorized to use county vehicles for commuting. This report must be submitted to Business Services and the Board of Commissioners on or before July 1st of each year. Employees who are authorized to use county owned vehicles for commuting may be responsible for paying income tax on the personal use of the vehicle.

### **7. Out of State Travel:**

Using a county vehicle for out-of-state travel is prohibited except in the following situations:

- 7.1. Patrol cars engaged in a pursuit (prior notification not required)
- 7.2. Marked vehicles attending a ceremonial event
- 7.3. Vehicles used for the transfer of inmates
- 7.4. Road maintenance equipment as part of a mutual aid agreement
- 7.5. When specialized repair or maintenance is required at an out-of-state location, or
- 7.6. Distance traveled out of state is less than 100 miles one way and does not involve an overnight stay.

Marion County Business Services - Risk Management must be notified prior to a county vehicle being taken out of state.

### **8. Ride-A-Long Program:**

Ride-A-Long or job shadowing programs involve non-employees accompanying an employee in a county or personal vehicle while the employee conducts county business. Non-employees include family members as well as members of the public. Prior authorization is required before the ride-a-long may occur.

### **9. Passengers:**

Only authorized passengers are allowed to ride in county vehicles. Authorized passengers are:

- 9.1. County employees conducting county business
- 9.2. Officers and agents representing the county
- 9.3. Volunteers acting on behalf of the county
- 9.4. Vendors and contractors working on behalf of the county
- 9.5. Participants or clients in county business and programs
- 9.6. Representatives of other governmental agencies working with the county
- 9.7. Anyone with prior specific authorization by the appropriate department head, elected Official or county administrator, and
- 9.8. Ride-A-Long participants who have completed the required ride-along application.

### **10. Animals:**

Transportation of animals is prohibited except for the following:

- 10.1. Live animals are permitted to be transported in sheriff's office vehicles as necessary during the conduct of business.
- 10.2. Animals are permitted to be transported in animal control vehicles in specialized containment structures.
- 10.3. Deceased animals are permitted to be transported in trucks and trailers for the purposes

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of disposal of animal remains consistent with established county standards.

- 10.4. Service dogs are permitted as part of an approved accommodation under the Americans with Disabilities Act.
11. Violation of Policy:  
Violating the driving policy and/or misconduct involving the use of a motor vehicle may be grounds for disciplinary action up to and including termination.
12. Periodic Review:  
Marion County Business Services will review and update this policy and corresponding procedures every three years or more frequently if necessary.

Attachments

Attachment A: Driver Qualification Point System

Attachment B: Driver Qualification Point System – Old Point System Prior to Adoption of New Policy – June 2011

Adopted: 1/86

Revised: 1/96

6/11

8/13

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**Attachment A**

**Driver Qualification Point System**

<b>TYPE OF OFFENSE</b>	<b>POINTS</b>
<b><i>Felony or Misdemeanor</i></b>	
Convictions within previous 60 months	35
<b><i>Diversion Agreement</i></b>	
Within previous 60 months (ending date)	30
<b><i>License Suspension or Revocation</i></b>	
Within previous 60 months (ending date)	15
<b><i>Class "A" Conviction</i></b>	
Convictions within previous 36 months	20
Convictions within previous 36-60 months	15
<b><i>Class "B" Conviction</i></b>	
Convictions within previous 12 months	12
Convictions within previous 12-36 months	10
<b><i>Class "C" Conviction</i></b>	
Convictions within previous 12 months	10
Convictions within previous 12-36 months	8
<b><i>Class "D" Conviction</i></b>	
Convictions within previous 12 months	8
Convictions within previous 12-36 months	6

Point totals for prospective drivers may not exceed 30.

Point totals for existing employees:

- 0 - 30: Acceptable
- 31 - 40: Probationary
- Over 41: Unacceptable

Employees who were hired on or before the effective date of this policy retain the points incurred under the prior system. License activity that occurs after the effective date of this policy incurs points as outlined in this policy.

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**Attachment B**

**Drivers Qualification Point System**

**Old Point System Prior to Adoption of New Policy – June 2011**

Purpose: To provide a point system for establishing acceptable driving records.

All applicants, employees, and volunteers who will operate a County vehicle or private vehicle for County business will have their five-year driving record graded per the traffic code adopted by the court system. This system is used to determine the severity points for traffic infractions. Points are determined by convictions appearing on the driving record. Accidents, DUII diversions, and suspensions do not count as points.

In accordance with the Employee Driver Qualifications Policy, the three categories of evaluation that will be utilized for the driving record are:

- Acceptable: 0-30 points
- Probation: 31-40 points
- Unacceptable: 41+ points

Traffic Infraction:

Infraction Class	Year 1 (2009*) Point Value	Year 2 (2008) Point Value	Year 3 (2007) Point Value	Year 4 (2006) Point Value	Year 5 (2005) Point Value
A (IA)	10	8	6	4	2
B (IB)	7	5	3	2	1
C (IC)	5	3	2	1	0
D (ID)	3	2	1	0	0

Misdemeanor Traffic Crimes:

Misdemeanor Class	Year 1 (2009*) Point Value	Year 2 (2008) Point Value	Year 3 (2007) Point Value	Year 4 (2006) Point Value	Year 5 (2005) Point Value
A (MA)	35	28	21	14	7
B (MB)	25	20	15	10	5
C (MC)	20	16	12	8	4

Felony Traffic Crimes:

Felony Class	Year 1 (2009*) Point Value	Year 2 (2008) Point Value	Year 3 (2007) Point Value	Year 4 (2006) Point Value	Year 5 (2005) Point Value
A (FA)	65	52	39	26	13
B (FB)	55	44	33	22	11
C (FC)	45	36	27	18	9

\*All convictions occurring within the past year