

CHAPTER 103  
STATE EMPLOYEE DRIVING GUIDELINES  
[Prior to 9/17/03, see 401—Chapter 11]

**11—103.1(8A) Purpose.** The purpose of this chapter is to provide for the assignment of state motor vehicles and for the administration of a self-insurance program for motor vehicles owned by the state.

**11—103.2(8A) Definitions.**

*“At-fault accident”* means an accident in which the state driver is determined to be 50 percent or more responsible for the accident.

*“Cargo payload”* means the net cargo weight transported. The weight of the driver, passengers, and fuel shall not be considered in determining cargo payload.

*“Cargo volume”* means the space calculated in cubic feet behind the vehicle driver and passenger seating area. In station wagons, the cargo volume is measured to the front seating area with the second seat laid flat behind the driver.

*“Defensive driving course”* means course instruction provided by the Iowa state patrol.

*“Department”* means the department of administrative services (DAS).

*“Driver improvement course”* means course instruction provided by an Iowa community college.

*“Gross vehicle weight rating (GVWR)”* means the weight specified by the manufacturer as the loaded weight of a single vehicle.

*“Habitual violation”* means that the person has been convicted of three or more moving violations committed within a 12-month period.

*“Passengers”* means the total number of vehicle occupants transported on a trip, including the driver.

*“Pool car”* means a vehicle assigned to the department of administrative services, fleet services.

*“Preventable accident,”* for purposes of this chapter, means an accident that could have been prevented or in which damage could have been minimized by proper evasive action.

*“Primary use”* means the utilized application exceeds 50 percent of the miles driven annually for United States Environmental Protection Agency (EPA)-designated light-duty trucks and vans and exceeds 75 percent of the miles driven annually for EPA-designated passenger sedans and wagons.

*“Private vehicle”* means any vehicle not registered to the state of Iowa.

*“Special work vehicle”* means but is not limited to fire trucks, ambulances, motor homes, buses, medium- and heavy-duty trucks (25,999 lbs. GVWR and larger), heavy construction equipment, and other highway maintenance vehicles, and any other classes of vehicles of limited application approved by the state vehicle dispatcher.

*“State driver”* means any person who drives a vehicle to conduct official state business other than a law enforcement officer employed by the department of public safety.

*“State vehicle”* means any vehicle registered to the state of Iowa, department of administrative services.

[ARC 4053C, IAB 10/10/18, effective 11/14/18; ARC 4134C, IAB 11/21/18, effective 12/26/18]

**11—103.3(8A) Applicability.**

**103.3(1) Agencies subject to vehicle assignment standards.** Pursuant to Iowa Code section 8A.362, the agencies listed below shall assign all vehicles within their possession, control, or use in accordance with the standards set forth in rule 11—103.4(8A). The following agencies are subject to the vehicle assignment standards in rule 11—103.4(8A):

- a. The department;
- b. State department of transportation;
- c. Institutions under the control of the state board of regents;
- d. The department for the blind; and
- e. Any other state agency exempted from obtaining vehicles for use through fleet services.

**103.3(2) Exceptions to vehicle assignment standards.** This rule shall not apply to special work vehicles, law enforcement vehicles and vehicles propelled by alternate fuels.

**103.3(3) Exceptions to driving guidelines for the vehicle self-insurance program.** The driving guidelines for the vehicle self-insurance program do not apply to the department of transportation or to institutions under the authority of the board of regents. Nor do they supersede any applicable federal law or regulation or state law. Persons who have been granted an ADA exception through the department of administrative services are also exempted from these guidelines.

[ARC 4134C, IAB 11/21/18, effective 12/26/18]

**11—103.4(8A) Vehicle assignment guidelines.**

**103.4(1)** In order to maximize the average passenger miles per gallon of motor vehicle fuel consumed, vehicles shall be assigned on the following basis:

- a. EPA-rated compact sedans shall carry one or two passengers and their personal effects.
- b. EPA-rated midsize sedans shall carry three or more passengers and their personal effects.
- c. EPA-rated full-size sedans shall carry four or more passengers and their personal effects.
- d. Cargo vans shall be appropriate in size and GVWR for their primary use with regard to payload and cargo volume.
- e. Mini passenger vans shall carry three or more passengers, their personal effects, and cargo that does not conform to the use of a full-size sedan.
- f. Eight-passenger vans shall carry five or more passengers and their personal effects.
- g. Twelve-passenger vans shall carry seven or more passengers and their personal effects.
- h. Fifteen-passenger vans shall carry nine or more passengers and their personal effects.
- i. Pickups and sport utility vehicles shall be appropriate in size, GVWR, and drivetrain (two-wheel drive or four-wheel drive) for their primary use with regard to trailering, payload, cargo volume, and on/off road requirements.

**103.4(2)** Vehicles that are made available for temporary assignment, such as departmental pool vehicles, shall be assigned in accordance with this rule. If an appropriately classified vehicle is unavailable, a larger available classification may be substituted. Other substitutions may be authorized in consideration of passenger physical characteristics or disabilities or any other distinguishing circumstances and conditions as determined by the state vehicle dispatcher, the director of the department of transportation, or the executive director of the board of regents for the vehicles under their respective authorities.

**103.4(3)** Vehicles permanently issued to agencies or drivers shall be assigned in accordance with this rule based on the primary use of the vehicle.

**103.4(4)** The director may delegate authority to officials of the state, and agency heads, for the use of private vehicles on state business.

**103.4(5)** If a state vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned motor vehicle unless the state motor vehicle assigned is not usable.

[ARC 4134C, IAB 11/21/18, effective 12/26/18]

**11—103.5(8A) Type of accident.** The determination as to whether an accident is without fault, at fault, or preventable shall be made by the risk manager of the department. In making this determination, the risk manager will consider all relevant information including information provided by the state driver and others involved in the accident, information provided by witnesses to the accident and information contained in any investigating officer's reports.

[ARC 4134C, IAB 11/21/18, effective 12/26/18]

**11—103.6(8A) Valid driver's license required.** A state driver shall not drive a state or private vehicle on state business if the state driver does not currently possess a valid driver's license with the appropriate classifications, restrictions and endorsements.

**11—103.7(8A) Required reporting.** A state driver must report any potential liability, collision or comprehensive loss which occurs while conducting state business to the risk manager of the department. The failure to report may result in payment of any loss from the funds of the state driver's employing

agency rather than from the state self-insurance fund. All documentation, such as proof of required class completion and insurance coverage, must be provided to the department risk manager.

[ARC 4134C, IAB 11/21/18, effective 12/26/18]

**11—103.8(8A) Mandatory training.** Each state driver who is assigned a state vehicle or who drives a state or private vehicle on state business at least 5,000 miles per year shall attend a defensive driving or driver improvement course every three years. Each state driver who drives a pool car shall also participate in vehicle safety classes as required by the department and provided by the Iowa state patrol or Iowa community colleges.

[ARC 4134C, IAB 11/21/18, effective 12/26/18]

**11—103.9(8A) Required adherence to motor vehicle laws.** Each state driver is required to abide by all applicable motor vehicle laws of the state of Iowa or any other state in which the state driver may be traveling with the exception of drivers covered by Iowa Code section 321.231.

**11—103.10(8A) Responsibility for payment of traffic violations.** Each state driver is required to pay all fines arising from any violation of motor vehicle laws of the state of Iowa or any other state in which the state driver may be traveling.

**11—103.11(8A) Access to driving records.** The department has the authority to monitor the Iowa department of transportation driving record of employees who drive a state vehicle or a private vehicle to conduct state business.

[ARC 4134C, IAB 11/21/18, effective 12/26/18]

**11—103.12(8A) Corrective actions.**

**103.12(1)** If a state driver is involved in any one of the following occurrences, the state driver will receive written counseling concerning the state driver's responsibilities and will be required to attend the next available defensive driving course. The defensive driving course must be attended after one of the following occurrences:

*a.* The state driver is involved in one at-fault or preventable accident while operating a state vehicle.

*b.* The state driver receives three moving traffic violations in a three-year period while operating a state vehicle or a private vehicle.

**103.12(2)** If a state driver is involved in any one of the following occurrences, the state driver will be suspended from driving a state vehicle for a period not to exceed one year and will be required to attend a driver improvement course. The driver shall attend the next available driver improvement course after one of the following occurrences. While the state driver is suspended from driving a state vehicle, the state driver will be allowed to receive mileage reimbursement from the state of Iowa for driving a private vehicle for state business. In addition, a state driver involved in one of the following occurrences shall provide proof of insurance which meets the minimum standards required by the state of Iowa, department of transportation, and proof of completion of the driver improvement course.

*a.* The state driver is involved in three at-fault or preventable accidents in a five-year period while operating a state vehicle.

*b.* The state driver is involved in five moving traffic violations within a three-year period while operating a state vehicle or a private vehicle.

*c.* The state driver is convicted of a first offense driving while intoxicated charge while operating a private vehicle on private business.

*d.* Transporting alcoholic beverages in the passenger compartment of a motor vehicle.

*e.* Habitual violation of traffic laws.

**103.12(3)** If a state driver is involved in any one of the following occurrences, the state driver will be suspended from driving a state vehicle for a period exceeding one year up to a permanent suspension or from driving a private vehicle on state business and will be required to attend and successfully complete, at the person's own expense, a driver improvement course. The driver shall attend the next

available driver improvement course after one of the following occurrences. In addition, a state driver involved in one of the following occurrences shall provide proof of insurance which meets the minimum standards required by the state of Iowa, department of transportation, and proof of completion of the driver improvement course.

*a.* The state driver is involved in four at-fault or preventable accidents during a five-year period while operating a state vehicle.

*b.* The state driver receives six or more moving traffic violations while operating a state or private vehicle within a three-year period.

*c.* A state driver is convicted of more than one operating while intoxicated offense within a five-year period while operating a private vehicle on private business.

*d.* The state driver fails to notify the department of an operating while intoxicated conviction received while operating a state vehicle or a private vehicle.

**103.12(4)** If a state driver fails to attend or does not successfully complete the driver improvement course, the state driver will be suspended from driving a state or private vehicle for state business until such time as a driver improvement course has been successfully completed.

**103.12(5)** If a state driver is involved in any one of the following occurrences, the state driver will be suspended from driving a state vehicle or a private vehicle on state business for a period up to one year.

*a.* Driving a state vehicle or a private vehicle on state business with a suspended driver's license.

*b.* Driving a private vehicle for state business without the minimum insurance required by law.

**103.12(6)** If convicted of a first offense driving while intoxicated while driving a private vehicle on private business, the state driver is required to provide proof of satisfactory completion of a course for drinking drivers as defined in Iowa Code section 321J.22 and completion of substance abuse evaluation and treatment services in addition to the corrective actions imposed by 103.12(2).

**103.12(7)** If a state driver is convicted of operating a state vehicle while intoxicated, or operating a private vehicle on state business while intoxicated, the state driver will be permanently suspended from driving a state vehicle or a private vehicle on state business. This suspension may not be reconsidered. [ARC 4134C, IAB 11/21/18, effective 12/26/18]

**11—103.13(8A) Reconsideration of suspension.** If a state driver is suspended from driving a state vehicle, the driver may request a reconsideration of the suspension except as noted in 103.12(7). A written request for reconsideration must be submitted to the suspended driver's immediate supervisor. The immediate supervisor must provide a written report, supporting or denying the employee's request, to the director of the department. The director shall act on this request and, within 60 days from receipt of the supervisor's request for reconsideration, notify the state driver's supervisor of the action taken. [ARC 4134C, IAB 11/21/18, effective 12/26/18]

**11—103.14(8A) Probationary drivers.** If driving privileges are reinstated following a request for reconsideration, the reinstated state driver will be placed in a probationary state vehicle driving status for a period of three months. If a state driver in probationary status has a preventable or at-fault accident while operating a state or private vehicle on state business or receives a moving traffic violation while operating a state or private vehicle on state business, the probationary status will be revoked and the state driver's original suspension period will be reinstated. Following revocation of probationary status, the state driver may not request further reconsideration of the suspension. A driver in probationary status is eligible to receive mileage reimbursement from the state.

**11—103.15(8A) Temporary restricted license.** State drivers may operate a state vehicle or a private vehicle on state business while holding a temporary restricted license issued pursuant to Iowa Code section 321.215 or 321J.20 that allows driving for work. In addition, a state driver operating under a temporary restricted license shall provide proof of financial responsibility which meets the minimum standards required by the state of Iowa, department of transportation, pursuant to Iowa Code section 321A.1.

**11—103.16(8A) Vehicle fueling.**

**103.16(1)** Fuel used in state-owned automobiles may be purchased at cost from the various state installations or garages such as but not limited to those of the state department of transportation, state board of regents, department of human services, department of corrections, or state motor pools throughout the state. Fuel may also be purchased at retail locations if a state fueling facility is not readily available. When possible, purchases shall be made using a fuel purchase card issued by the department.

**103.16(2)** All drivers of state vehicles shall fuel their assigned vehicles with self-service gasohol, a mixture of 10 percent ethanol and 90 percent gasoline (E10), unless under emergency circumstances. If the vehicle is capable of running on a blend of 85 percent ethanol and 15 percent gasoline, subrule 103.16(3) applies.

**103.16(3)** Agencies shall ensure that their flexible fuel vehicles that are capable of operating on 85 percent ethanol (E85) use E85 fuel whenever an E85 fueling facility is available to the driver when fuel is needed. E85 fuel may be procured at a retail establishment if a state fueling facility is not readily available. If an E85 facility is not readily available, the driver shall not completely fill the tank with fuel when a lesser quantity will be adequate to complete the trip to an E85 fueling site.

**103.16(4)** Agencies shall ensure that their diesel vehicles operate on biodiesel blends whenever the blends are available. It is also recommended that biodiesel blends be used within six months of purchase to ensure that the quality of the fuel is maintained.

[ARC 4053C, IAB 10/10/18, effective 11/14/18; ARC 4182C, IAB 12/19/18, effective 1/23/19]

These rules are intended to implement Iowa Code sections 8A.104, 8A.361 to 8A.366, 80.9 and 801.4.

[Filed 6/2/95, Notice 1/18/95—published 6/21/95, effective 7/26/95]

[Filed 4/26/02, Notice 2/6/02—published 5/15/02, effective 7/1/02]

[Filed emergency 8/29/03—published 9/17/03, effective 9/2/03]

[Filed 4/22/04, Notice 3/17/04—published 5/12/04, effective 6/16/04]

[Filed 7/28/05, Notice 6/22/05—published 8/17/05, effective 9/21/05]

[Filed 11/30/05, Notice 10/26/05—published 12/21/05, effective 1/25/06]

[Filed ARC 4053C (Notice ARC 3937C, IAB 8/15/18), IAB 10/10/18, effective 11/14/18]

[Filed ARC 4134C (Notice ARC 4021C, IAB 9/26/18), IAB 11/21/18, effective 12/26/18]

[Filed ARC 4182C (Notice ARC 4050C, IAB 10/10/18), IAB 12/19/18, effective 1/23/19]