

# DAS Directive

Directive No. **GS-D-01**  
Effective Date: **09-01-2009**



To: All Appointing Authorities and Personnel Officers  
From: Hugh Quill, *Director of Administrative Services*  
Re: State Self Insured Vehicle Liability Program

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## PURPOSE

Pursuant to section 9.83 of the Ohio Revised Code, the Office of Risk Management, Department of Administrative Services, General Services Division, operates the state motor vehicle liability self-insured program. The purpose of this directive is to detail the specifics of the program.

Copies of this directive should be posted and distributed to all employees who may operate a state vehicle in the scope of their employment.

## GENERAL

In consideration of the premium payment, Administrative Services agrees to pay liability claims and judgments properly made and rendered against the state, state officers and state employees that result from the officer's or employee's operation of any state-owned motor vehicle (automobiles, trucks and motor vehicles with auxiliary equipment) providing the operation of the vehicle was in the course of state business as authorized by the state entity. These same provisions apply to the operation of state-owned watercraft.

Coverage will be denied if convicted of violating section 124.71 of the Revised Code.

### Limit of Coverage

Bodily injury and property damage is limited to \$1,000,000 per occurrence.

### Required Endorsements

- A. **Leased/Rented Vehicles.** Coverage will be provided by special endorsement for commercially leased vehicles. A request for coverage must include:
  - 1. Year, make and model of the vehicle;
  - 2. VIN number of the vehicle;
  - 3. Name and address of the lessee; and
  - 4. Dates of coverage being requested.
  
- B. **Contract Operators.** Coverage will also be provided, by special endorsement, for persons under contractual obligation to the state who operate state equipment

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and/or vehicles within the scope of work described in their contract. A request for coverage must include:

1. Name and address of the individual;
2. Date of birth;
3. Social security number;
4. Driver's license number; and
5. Dates of personal service contract duration.

All endorsements are subject to approval and require an additional premium charge.

No coverage will be provided unless properly endorsed.

## Premium Charge

A premium charge, which may be modified periodically, will be charged to each participating agency to cover claim payments, loss adjustment expense, and cost of administration.

## Termination of Coverage

Failure of an agency to pay a premium, as billed within 60 days, will result in a written notice of cancellation of coverage. Cancellation of coverage will become effective 10 days after mailing.

## Unauthorized Use of State Vehicles

State-owned vehicles are authorized for use in the performance of all essential travel duties related to the completion of state business. They are not authorized to be used for personal trips unrelated to the state business for which they were assigned; or to attempt tasks which are beyond the vehicle's capabilities.

When in doubt, the decision must be based on whether the vehicle's use in this task will serve the interest of the state, rather than the driver. Caution and discretion must be used at all times. For a listing of authorized and unauthorized use of state-owned vehicles, refer to DAS Directive 08-14, Employee's Use of Employer Provided Vehicles.

If it is believed that a state employee or designated agent's use of the vehicle is not authorized, it is the responsibility of the state agency employer (or agency contracting with the designated agent) to provide the Office of Risk Management with immediate notification and facts of the incident. It is incumbent upon each state agency to pursue unauthorized use charges pursuant to Revised Code Section 124.71. If the state agency fails to file charges, the Office of Risk Management reserves the right to do so.

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Any unauthorized use of state vehicles will result in immediate disciplinary action from the operator's agency and/or termination of self-insured coverage by the Office of Risk Management as provided in the Directive. Such action may include suspension of all privileges to operate state vehicles. The Office of Risk Management must be notified immediately of such suspensions.

## Exclusions

- A. Liability coverage does not apply:
1. To any individual who is operating, using or responsible for that individual's own personally owned, rented or leased vehicle.
  2. To bodily injury or property damage caused intentionally by or at the direction of the insured, unless the insured uses intentional but reasonable actions to protect persons or property.
  3. To liability assumed by the insured under any other contract or agreement.
  4. To any obligation for which the insured or the Office of Risk Management may be held liable under any workers' compensation, unemployment compensation or disability benefits law, or under any similar law.
  5. To any bodily injury or property damage occasioned by the operation of a motor vehicle by a volunteer, or a temporary, not classified as an officer or employee of the state, unless covered by an endorsement.
  6. To property damage, injury or destruction to:
    - a. property owned by, in the charge of or being transported by the insured, or
    - b. property rented to or in the care, custody or control of the insured, or over which the insured is for any purpose exercising physical control.
  7. To bodily injury or property damage due to acts of God, including but not limited to war, whether declared by Congress, civil war, insurrection, rebellion or revolution or any act or condition incidental to any of the foregoing. This exclusion does not apply to situations arising under the condition of state emergency and called forth by the Governor of the state of Ohio to engage specific state-owned vehicular equipment to act upon that emergency.
  8. To all aircraft.

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9. To any vehicle, including watercraft, if the Federal Tort Claims Act required the U.S. Attorney General to defend the operator in any civil action of preceding that may be brought due to its use.
  10. To any individual who is operating under license suspension or revocation, unless special work privileges awarded by a court are provided to and approved by the Office of Risk Management.
  11. To any individual who is driving without a valid driver's license.
  12. To any individual whose coverage has been terminated.
  13. To bodily injury suffered by state employees while occupying state-owned vehicles (either as driver or passenger). State employees may be able to recover from workers' compensation, health insurance or other state disability benefits programs.
- B. This program is not applicable to vehicles operated by the following state entities:
1. Boards of elections.
  2. Courts of Common Pleas.
  3. State university systems.
  4. Courts of Appeals.
  5. Agricultural experimental stations of the state.

## Termination of Coverage of Individuals

The following circumstances while operating a state vehicle or equipment will result in immediate termination of coverage for a period of three (3) years from the date of the incident. An accident does not have to occur to result in termination of coverage.

1. Operating while under the influence of alcohol or drugs.
2. Failure to take a field sobriety or blood alcohol test
3. Operating while under license suspension or revocation.
4. Failure to stop after an accident.
5. Vehicular homicide
6. Fleeing from police.
7. Using motor vehicle in committing a felony.
8. Drag racing.
9. Reckless operation.
10. Operating without the consent of the owner.
11. Driving without a valid driver's license.

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The Office of Risk Management will investigate each situation on a case by case basis, and reserves the right to terminate coverage if the driver's actions present a threat to the motoring public. The duration of the coverage termination will depend on the specific facts surrounding the incident up to and including permanent termination of coverage.

## Reinstatement of Coverage

Coverage for individuals, whose previous participation has been terminated, may be reinstated into the driver's liability program after a period of three years from the date of the incident and subject to the approval of the Office of Risk Management and the following conditions:

1. A review of the individual's driving record.
2. Having acquired no points under Ohio Motor Vehicle Law 4507.40 while operating any vehicle during the three (3) year period of termination of coverage.
3. Proof of a valid driver's license.
4. Successful completion of the eight-hour National Safety Council Defensive Driving Course.

## Reporting of Accidents

Each state agency should designate a person responsible for accident reporting and as a liaison to the Office of Risk Management. All accidents or occurrences arising from the operation of state vehicles should be reported immediately by the fleet liaison to the Office of Risk Management by faxing the Employee Loss Notification form to (614) 466-0427. The names, address and telephone numbers of all parties involved, as well as the date and location of the accident will be required. If an emergency should arise you may call the Office of Risk Management at (614) 466-6761.

You may also report an accident or occurrence online at

<http://www.state.oh.us/das/gsd/risk/risk.htm>

## Financial Responsibility

Ohio law requires you to show your Financial Responsibility insurance card. Each state vehicle should keep an I.D. card in the glove box of the vehicle for proof of insurance. Additional cards may be obtained by contacting the Office of Risk Management at (614) 466-5063

## Forms

Accident forms are to be obtained from the Office of Risk Management Website.

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Office of Risk Management  
General Services Division  
Department of Administrative Services  
4200 Surface Road  
Columbus, Ohio 43228-1395  
(614) 466-6761  
Fax (614) 466-0427  
Website <http://www.state.oh.us/das/gsd/risk/risk.htm>

This directive supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

## WHAT TO DO IN CASE OF AN ACCIDENT

1. Render every possible assistance to any injured person(s)
2. Do not discuss whose fault the accident was, nor limits of coverage.
3. Do not discuss the details of the accident to anyone except the investigating law enforcement officer.
4. Notify the nearest State Highway Patrol post and request that an investigation be made.
5. Obtain names and addresses of all witnesses and person(s) involved.
6. Determine and record the name and address of the other person's insurance company.
7. Notify your supervisor and/or fleet liaison as quickly as possible.
8. Obtain name, address and telephone number of the investigating police department if other than the State Highway Patrol.

## AUTHORITY & REFERENCE

ORC 9.823  
ORC 9.83  
ORC 121.07  
ORC 124.71