

**DIRECTIVE NUMBER 200-14-05**

**DATE:** February 15, 2013

**TO:** All Components of the Department of Labor

**FROM:** Lana Gordon, Secretary of Labor

**SUBJECT:** Unauthorized Passengers in State-Owned or Rented Motor Vehicles

Purpose. To reiterate to Agency employees that state-owned or rented vehicles are restricted to use for state business only.

Reference. Memorandum from Department of Administration (D of A), Division of Facilities Management, 8-5-94.

Policy. Except for designated Van Pool vehicles, the use of any state-owned or rented vehicle is restricted to state business only. Likewise, passengers in the vehicle must also be engaged in official state business, whether or not the passengers are state employees. This is necessary because improper use of state vehicles, specifically the transporting of unauthorized passengers, may subject the State of Kansas to liability should the state vehicle be involved in an accident.

K.S.A. 1-17-2 provides in pertinent part as follows:

"State owned or leased motor vehicles shall only be used for official state business."

K.A.R. 1-17-1 in turn defines official state business as:

"the pursuit of a goal, obligation, function, or duty imposed upon a state agency or performed on behalf of a state agency. "

K.A.R. 1-17-2 restricts ridership in state vehicles as follows:

"Only employees of the state or persons reasonably engaged in and accompanying a state employee or employees on official state business shall be allowed to ride in a state-owned or leased motor vehicle."

"On-line Department of Administrations Handbook" provides similar language in sections 3200, <http://www.da.ks.gov/ar/employee/travel/travbk.htm#Paragraph3200>

Employees are reminded that these sections prohibit an employee's spouse or children, as well as other unauthorized riders, from accompanying the employee in an agency-owned vehicle or Hertz rental vehicle.

K.A.R. 1-17-1 and 1-17-2 permit the use of state-owned or rented motor vehicles by an officer or employee of the state of Kansas on official state business. As amended, non-state employees can be permitted to use state vehicles for official state business if approved by the Secretary of designee.

Non-State employees must comply with all regulations concerning the operation of state vehicles. The agency, the driver and any contractor/grant recipient or other third party overseeing the driver will be required to sign an agreement authorizing use of a state vehicle. The agreement subjects the driver to the provisions of 1-17-1 as well as other regulations and statutes associated with the use of the state vehicle. In addition, non-state employees using a state-owned or leased motor vehicle will agree to hold harmless and indemnify the State from all damages, judgments, attorney fees or costs of any type incurred as a result of negligent or improper use of the vehicle.

The Secretary or designee must approve in advance all operation of state vehicles by non-state employees. A copy of the approved form is to be sent to the Chief Financial Officer, 401 SW Topeka Blvd., Topeka, Kansas 66603.

Action Required. All employees are to adhere to the contents of this Directive.

Inquiries. Dawn Palmberg, Fiscal Management, 785-296-5000 x2551.

Attachment. Agreement between State Agency and Driver of State Vehicle.

Lana Gordon, Secretary of Labor  
*Signature on file*

Rescissions: 200-12-02	Expiration Date: Continuous
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# Agreement Between the Kansas Department of Labor and Driver of State Vehicle

State-owned or operated motor vehicles are restricted to state use only. Passengers must also be engaged in official state business. Improper use of state vehicles, including transporting unauthorized passengers, may subject the State of Kansas to liability. 'Official state business' means the pursuit of a goal, obligation, function or duty imposed upon a state agency or performed on behalf of a state agency.

This Agreement is entered into between the Kansas Department of Labor identified below as party of the first part, the driver(s) and/or contractor identified below as party of the second part and driver.

Whereas the first party enters into this agreement authorizing the second party to use a state vehicle.

It is Mutually Agreed as follows:

The second party agrees that this agreement is subject to the provisions of K.S.A. 8-301 and K.A.R. 1-17-1 et seq. that are in effect at the time of the execution of this agreement or as may be changed during the term of this agreement. Specifically, the second party shall have a valid driver's license and shall only use the state vehicle as directed by the state agency for official state business.

The nature and purpose of the official state business requiring use of a state vehicle is as follows:

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Prior to use of the state vehicle, the name of the second party of this vehicle shall be submitted to the Secretary of Labor or designee for approval. The second party shall not use the state vehicle prior to receipt of approval. The second party shall not permit any other drivers to operate the vehicle except to the extent that same have been approved by the Secretary of Labor or designee in advance and listed at the end of this form.

A mileage and maintenance log shall be continued to be maintained.

Any accidents of any type to or involving the vehicle will be immediately reported to the Kansas Department of Labor.

The second party agrees to indemnify and hold harmless the state agency from all damages, judgments, attorney fees or costs of any type incurred as a result of the second party's negligent or improper use of the vehicle. Where there are multiple parties of the second part, such parties are jointly and severally liable. This paragraph shall not be applicable to amounts for which the state indemnifies an employee pursuant to K.S.A. 75-6101 et seq.

The operator of a state-owned or operated motor vehicle shall be responsible for operating the vehicle in a safe and prudent manner and in accordance with all applicable county, township, city ordinances and state laws pertaining to the operation of motor vehicles. Any fines or penalties arising from the operation of a state-owned or operated motor vehicle in an unlawful manner shall be and are the responsibility of the operator.

The second party agrees to return the state vehicle immediately to the state agency if any of the above terms are breached.

Signed by the respective parties as follows:

Authorized Signature	Signature
Printed Name of Signatory	Printed Name of Signatory
Party of the First Part	Party of the Second Part
Date: _____	Date: _____

The following are additional parties of the second part who are authorized to use the state vehicle and have agreed to the terms and conditions of this contract:

DATE	NAME	ADDRESS	SIGNATURE