

# Motor Vehicle Review Committee



December 10, 2007

## MINUTES

### **Motor Vehicle Review Committee Members in attendance:**

Kim Hood, Chair  
Doug Richins  
Dennis Carver  
Roxie Huntsman  
Steve McCarthy  
Robin Erickson  
Scott Harding  
Kevin Walthers  
Terry McKinnon representing Doug McCleve

### **Fleet Operations and Guests in attendance:**

Margaret Chambers	Division of Fleet and Surplus Services
Sam Lee	Division of Fleet and Surplus Services
Amanda Ronan	Division of Fleet and Surplus Services
Jeff Done	Division of Fleet and Surplus Services
Cerena Crosby	Division of Fleet and Surplus Services
Dan Martinez	Division of Fleet and Surplus Services
Sal Petilos	Department of Administrative Services
Kimberlee Willette	Governors Office of Planning and Budget
Todd Valline	Utah National Guard
Gordon Brown	Department of Agriculture
Bret Burgon	Division of Risk Management
Brian Nelson	Division of Risk Management
David Rees	University of Utah
Russell Smith	Department of Technology Services

On Monday, December 10, the Motor Vehicle Review Committee held a meeting in W140 State Capitol Complex, Salt Lake City, Utah. Chair Kim Hood called the meeting to order at 11:45am.

## **1. Committee Responsibilities**

Chair Hood asked Sal Petilos to review the Committee duties from Statute 63A-9-302

- (1) advise the director about carrying out the director's responsibilities under this chapter;
- (2) review each administrative rule proposed by the division and make recommendations to the director about those rules; and
- (3) in conjunction with the director, make recommendations to the legislature about any amendments to statute needed to allow the division to fulfill its responsibilities under this chapter.

## **2. Take Home Rule Revision – Definition R27-1-2**

Fleet Operations recommended the Motor Vehicle Review Committee to approve changes proposed to administrative rule R27-1-2 (9) and R27-1-2 (40):

Sam Lee asked the committee to look at why the wording was added to the rule and whether it should be there or not for item (9). For item (40) take out wording that refers to tax benefit since the Take-home reference is the overall umbrella and may or may not include the tax benefit.

Chair Hood asked if there were any questions or comments for Rule R27-1-2(9)

Terry McKinnon asked what precipitated the change to the rule to add the political subdivision parking lots. Sam Lee stated it was a practice by some agencies to allow employees to take the state vehicle to a location that is close to their home and park it there. Technically this is a commute use and we want to document it that way and Fleet Operations is wondering if that should be removed and let the take-home document the actual use.

Doug Richins asked for clarification on whether the part in red was actually in rule? Sam Lee replied yes. Doug Richins then asked if the part in red is currently in rule, then are you asking for that part to be deleted. Sam Lee said that is our discussion today to determine whether or not that should be part of the rule.

Kevin Wathers asked if number 40 was the same. Some of the items were struck through, but also had red underlined text. Is that also to be removed like item 9? Sam Lee stated the red was existing language.

Robin Erickson asked if item 9 and item 40 were related. Sam Lee stated they are related in that they have the same language in red. Robin Erickson then asked if Fleet Operations is asking for it to be deleted. Sam Lee stated the question for the committee is if the language is appropriate and needed.

Dennis Carver asked for clarification if the wording in red should be taken out of the rule. Margaret Chambers replied we are actually asking to have a discussion on it to see if it is

necessary to have this language in the rule. Currently employees who drive a state vehicle to another agency and park overnight are not tracked by Fleet Operations Take-home form.

Sam Lee stated with this practice the employee is still benefiting from the commute, even though they are not taking the vehicle to their home but to a State owned or political subdivision near their home. Should that continue to be the practice?

Scott Harding asked what is the difference between a take-home and a commute vehicle. If people work out of their homes, what is that considered. Sam Lee responded Take-home is the overall umbrella. Take-home could include commute, virtual office, personal use. Commute is a subtext of Take-home.

Dennis Carver asked that Fleet Operations clarify the rule so the average employee would understand what is and what is not commute. Margaret Chambers stated that the fringe benefit was taken out of the Rule so that Finance would decide who was charged for the fringe benefit. Fleet Operations only wants to define what qualifies as a commute.

Chair Hood suggested moving onto the Take-Home Rule to help clarify Take-Home and commute.

### **3. Take Home Rule Revisions – R27-3-7**

Fleet Operations recommended the Motor Vehicle Review Committee to approve changes proposed to administrative rule R27-3. The changes update the process for completing and submitting the take home form and the criteria for approval.

Sam Lee explained the changes to the rule.

Doug Richins asked if the operators who are granted personal use by the Legislature are required to complete the trip log. Sam Lee stated they are not required to fill out the trip log. Doug Richins then suggested removing the personal use reference from R27-3-7(2) so the rule would state *A trip log must be created on the first and last trip of the day for all take home vehicle reason.* Kevin Wathers then suggested having the sentence stop at vehicle and change the word vehicle to vehicles. Doug Richins suggested changing the word on to for. So the rule would read *A trip log must be created for the first and last trip of the day for all take home vehicles.*

Margaret Chambers then stated the reason the 'except for personal use' was put into the rule was to exclude those operators who are given personal use authorization by the Legislature. The only people who have personal use are given it in statute and those who are funded by the Legislature for personal use like the Highway Patrol. Doug Richens then asked wouldn't we want to know that the last trip of the day was for personal use? Margaret Chambers then said if you are not granted personal use, you should not be

stopping on your way home to get your dry cleaning in a state vehicle. If the personal use wording is confusing maybe it should be left out.

Scott Harding suggested adding in the word authorized, so the rule would read *A trip log must be created for the first and last trip of the day for all take home vehicles except for those with authorized personal use status.*

**MOTION:** Kevin Wathers moved to change the language of the rule to *The trip log must be created for the first and last trip of the day for all take-home vehicles. Agencies may use DFO online forms to track the take-home mileage on the first and last trip.*

The motion passed unanimously.

Doug Richins asked why we needed the second sentence Agencies may use DFO online forms to track the take home mileage on the first and last trip. It is already in the rule under R27-3-7 (1a) does it need to be repeated where it already exists in the rule?

**MOTION:** Doug Richins moved to strike the last line from R27-3-7 (2) delete Agencies may use DFO online forms to track the take home mileage on the first and last trip.

The motion passed unanimously.

Doug Richins stated there are many more rule changes for R27-3 do we want to go over those one by one or approve them as they are? Margaret Chambers explained that many of the changes are clean up changing 15-passenger to full-size van.

Scott Harding asked if the changes R27-3-11 (1a) were additions or if it was to be struck out. Sam Lee stated it was struck out the full-size should have been left off since the section was being struck out.

Doug Richins asked if someone does not give 24 hour notice would they person not receive a vehicle? Margaret Chambers stated there is not a guarantee that a vehicle would be available if you did not have 24 hour notice. If there is a vehicle available you would receive a vehicle.

Chair Hood asked if there were any recommendations from the committee.

**MOTION:** Dennis Carver moved to strike R27-3-11 (1a) from the rule and renumber the additional language accordingly.

The motion passed unanimously.

**MOTION:** Dennis Carver moved to approve the rest of the rule changes under tab 4 and change R27-3-16 (2) to put a period after concerns and strike out *like full-size vans and sport utility vehicles*.

The motion passed unanimously.

Chair Hood stated to return to tab 3 for further comments or questions

Dennis Carver requested more information about personal use and law enforcement. Why does it only apply to Highway Patrol? Also would like a list of all agencies with personal use authority.

**MOTION:** Doug Richens moved to take no actions on R-27-1-2.

The motion passed unanimously

#### **4. Driver Eligibility**

Fleet Operations recommended the committee approve to have Fleet Operations and Risk Management work together to revise current Fleet and Risk administrative rules to raise the current driving eligibility standards for state employees beyond a valid driver's license as the minimum standard.

Brian Nelson with the Division of Risk Management explained to the committee that the State's driver eligibility needs to be looked at. Right now the eligibility is based on if the employee has a valid driver's license. There are some things in rule that allow the State to suspend driving privileges after the driver's license has been suspended. Fleet Operations and Risk Management need to look at the eligibility when someone is hired for a job that requires driving as part of the duties, or when an employee is up for a promotion.

Robin Erickson stated that with the Newspaper Agency if someone was hired with a moving violation currently on their record they would be on probation for a year.

Brian Nelson stated Risk Management is recommending from a Risk Management prospective that the State change the way we hire employees who will be driving. We should look at the driving records and set up criteria for probationary periods for those who already have violations on their driving record.

Robin Erickson recommended looking at if employees have insurance on their own vehicles. Brian Nelson responded that is something he had thought about and was going to bring up.

Kevin Wathers asked that the eligibility not be so restrictive that it hinders the hiring process. Dennis Carver agreed and said to be careful not to back yourself in a corner.

Also give an alternative if someone does not meet the eligibility have some exceptions so they are able to drive. Especially now when the unemployment rate is so low we have a hard time finding employees.

Doug Richins suggested finding out what the private sector is doing and try to follow their guidelines.

**MOTION:** Chair Hood moved to accept Fleet Operations recommendation for Fleet Operations and Risk Management to work together to modify their administrative rules and to take the recommendations from the table and add in flexibility.

The motion passed unanimously.

Chair Hood asked for the driver eligibility finding and changes to rule be added to the March meeting.

## **5. Accident Review Committee Change Proposal**

Fleet Operations recommended the committee to approve to have Fleet Operations and Risk Management work together to revise current Fleet and Risk administrative rules to remove the Accident Review Committee responsibility from state agencies to a centralized statewide Accident Review Committee.

Sam Lee explained why the Accident Review Committee should be centralized.

1. Some agencies do not hold their Accident Review Committee meetings.
2. There is inconsistency in determining whether an accident is preventable or non-preventable.
3. There is not consistent enforcement of defensive driver training after the second preventable accident.
4. There is an inconsistency in the length of driving suspensions after the third preventable accident.
5. There should be a direct review by Risk Management on all of the preventable accidents.

Chair Hood asked if there was a proposed membership on the Accident Review Committee. Sam Lee stated that there would be a representative from the Division of Fleet Operations, the Division of Risk Management, the Department of Administrative Services, and the Department of Human Resource Management.

Steve McCarthy asked if there would be several committees or just one committee. Sam Lee responded there will be just one committee. Steve McCarthy then asked if the committee would travel the state to hold their meetings. Sam Lee responded there would be one committee. This would probably require more staff but the offset would be a reduction in the number of accidents.

Sam Lee stated there are many drivers out there who are on their third accident still driving because the Accident Committees are not meeting. Sam Lee asked the committee do we keep the agency Accident Review Committee and hold them accountable or do we centralize the Accident Review Committee who will review all accidents statewide.

Steve McCarthy suggested penalties for agencies that do not hold their Accident Review Committee.

Kevin Walthers suggested giving agencies discounts on their insurance premiums if they hold their Accident Committee meetings. With the amount of accidents the state has it would be very hard to have a centralized committee. It would lead to having to hire more staff just to keep up with the accidents.

Robin Erickson asked what is the process for documenting accidents. Margaret Chambers stated the accident is received from the driver; it is then entered into Fleet for the claims process to begin. We default all of the accidents to preventable. They are then sent to the Accident Review Committees and they can then change the preventable to non-preventable and then report back to Fleet.

Robin Erickson suggested centralizing so there is one committee looking at the accidents and everyone will be treated the same. Each Department is going to have their own idea of what is preventable and non-preventable and the same treatment will not be given. The Accident Review Committee should meet once a month to determine whether or not the accident is preventable. Then there should be a second committee that determines the severity of the accident and what action should be taken against the employee.

Steve McCarthy suggested having Accident Committees by region. Have someone from Risk Management in that region be the chair so the rules are followed. Then have someone from UDOT, Natural Resources, and Higher Ed on the committee.

Doug Richins stated that if the agency is not holding their Accident Review Committees could Kim Hood go to their director and talk to them about the accidents not being reviewed.

Brett Burgon from Risk Management stated the preventable accidents are on the rise. Also the severity and frequency are going up and have gone up steadily over the past nine years.

Chair Hood stated that in lieu of time would the committee like to continue on, or add this agenda item on the next agenda?

**MOTION:** Scott Harding moved to hold the Accident Review Committee topic until the next meeting. He also requested a breakdown on the accident costs per agency and if possible by vehicle type. Also show whether the accident Fleet, Higher Ed, ect. Doug Richins added to have Fleet Operations and Risk Management work together to come up with a threshold for preventable accidents.

That may make a more efficient Accident Review Committee. Dennis Carver requested to add the accidents per mile cost for the next meeting.

The motion passed unanimously.

## **6. Energy Efficiency Progress/Direction**

Chair Hood asked Margaret Chambers if it would be okay if this was held over to the next meeting or if there was a time restriction. Margaret Chambers stated it would be fine to move it to the next meeting.

**MOTION:** Doug Richins moved to table the Energy Efficiency until the next meeting.

Motion passed unanimously.

**MOTION:** Kevin Walthers moved to adjourn.

Motion passed unanimously.

Chair Hood adjourned the meeting at 1:45 p.m.

Attachment: Rule R27-3 with approved revisions

### R27-3-1. Authority and Purpose.

(1) This rule is established pursuant to Section 63A-9-401(1)(c)(ii) and Section 63A-9-401(1)(c)(viii), which authorize the Division of Fleet Operations (DFO) to establish the requirements for the use of state vehicles, including business and personal use practices, and commute standards.

(2) This rule defines the vehicle use standards for state employees while operating a state vehicle.

### R27-3-2. Agency Contact.

(1) Each agency, as defined in Subsection 63A-9-101(a),(b) and (c), shall appoint and designate, in writing, a main contact person from within the agency to act as a liaison between the Division of Fleet Operations and the agency.

### R27-3-3. Agency Authorization of Drivers.

(1) Agencies authorized to enter information into DFO's fleet information system shall, for each employee, as defined in section 63-30d-102(2), Utah Governmental Immunity Act, to whom the agency has granted the authority to operate a state vehicle, directly enter into DFO's fleet information system, the following information:

- (a) Driver's name and date of birth;
- (b) Driver license number;
- (c) State that issued the driver license;
- (d) Each Risk Management-approved driver training program(s) taken;
- (e) Date each driver safety program(s) was completed;
- (f) The type vehicle that each safety program is geared towards.

(2) Agencies without authorization to enter information into DFO's fleet information system shall provide the information required in paragraph 1 to DFO for entry into DFO's fleet information system.

(3) For the purposes of this rule, any employee, as defined in section 63-30d-102(2), whose fleet information system record does not have all the information required in paragraph 1 shall be deemed not to have the authority to drive state vehicles and shall not be allowed to drive either a monthly or a daily lease vehicle.

(4) To operate a state vehicle, employees, as defined in section 63-30d-102(2), whose names have been entered into DFO's fleet information system as authorized drivers shall have:

- (a) a valid driver license for the type and class of vehicle being operated;
  - (b) completed the driver safety course required by DFO and the Division of Risk Management for the type or class of vehicle being operated; and
  - (c) met the age restrictions imposed by DFO and the Division of Risk Management for the type or class of vehicle being operated.
- (5) Agencies shall develop and establish procedures to ensure that any individual listed as an authorized driver is not allowed to operate a state vehicle when the individual:
- (a) does not have a valid driver license for the type or class of vehicle being operated; or
  - (b) has not completed all training and/or safety programs required by either DFO or the Division of Risk Management for the type or class of vehicle being operated; or
  - (c) does not meet the age restrictions imposed by either DFO or the Division of Risk Management for the type or class of vehicle being operated.
- (6) A driver license verification check shall be conducted on a regular basis in order to verify the status of the driver license of each employee, as defined in section 63-30d-102(2), whose name appears in the DFO fleet information system as an authorized driver.
- (7) In the event that an authorized driver is found not to have a valid driver license, the agency shall be notified, in writing, of the results of the driver license verification check.
- (8) Any individual who has been found not to have a valid driver license shall have his or her authority to operate a state vehicle immediately withdrawn.
- (9) Any employee, as defined in section 63-30d-102(2), who has been found not to have a valid driver license shall not have the authority to operate a state vehicle reinstated until such time as the individual provides proof that his or her driver license is once again valid.
- (10) Authorized drivers shall operate a state vehicle in accordance with the restrictions or limitations imposed upon their respective driver license.
- (11) Agencies shall comply with the requirements set forth in Risk Management General Rules, R37-1-8 (3) to R37-1-8 (9).

#### R27-3-4. Authorized and Unauthorized Use of State Vehicles.

- (1) State vehicles shall only be used for official state business.

(2) Except in cases where it is customary to travel out of state in order to perform an employee's regular employment duties and responsibilities, the use of a state vehicle outside the State of Utah shall require the approval of the director of the department that employs the individual.

(3) The use of a state vehicle for travel outside the continental U.S. shall require the approval of the director of the employing department, the director of DFO, and the director of the Division of Risk Management. All approvals must be obtained at least 30 days from the departure date. The employing agency shall, prior to the departure date, provide DFO and the Division of Risk Management with proof that proper automotive insurance has been obtained. The employing agency shall be responsible for any damage to vehicles operated outside the United States regardless of fault.

(4) Unless otherwise authorized, the following are examples of the unauthorized use of a state vehicle:

(a) Transporting family, friends, pets, associates or other persons who are not state employees or are not serving the interests of the state.

(b) Transporting hitchhikers.

(c) Transporting acids, explosives, weapons, ammunition, hazardous materials, and flammable materials. The transport of the above-referenced items or materials is deemed authorized when it is specifically related to employment duties.

(d) Extending the length of time that the state vehicle is in the operator's possession beyond the time needed to complete the official purposes of the trip.

(e) Operating or being in actual physical control of a state vehicle in violation of Subsection 41-6-44(2), (Driving under the influence of alcohol, drugs or with specified or unsafe blood alcohol concentration), Subsection 53-3-231, (Person under 21 may not operate a vehicle with detectable alcohol in body), or an ordinance that complies with the requirements of Subsection 41-6-43(1), (Local DUI and related ordinances and reckless driving ordinances).

(f) Operating a state vehicle for personal use as defined in R27-1-2(30). Generally, except for approved personal uses set forth in R27-3-5 and when necessary for the performance of employment duties, the use of a state vehicle for activities such as shopping, participating in sporting events, hunting, fishing, or any activity that is not included in the employee's job description, is not authorized.

(g) Using a state vehicle for personal convenience, such as when a personal vehicle is not operational.

(h) Pursuant to the provisions of R27-7-1 et seq., the unauthorized use of a state vehicle may result in the suspension or revocation of state driving privileges.

#### [R27-3-5. Personal Use Standards.](#)

(1) Personal use of state vehicles is not allowed without the direct authorization of the Legislature. The following are circumstances where personal use of state vehicles are approved:

(a) Elected and appointed officials that receive a state vehicle as a part of their respective compensation package, and have been granted personal use privileges by state statute.

(b) Sworn law enforcement officers, as defined in Utah Code 53-13-103, whose agencies have received funding from the legislature for personal use of state vehicles.

(c) In an emergency, a state vehicle may be used as necessary to safeguard the life, health or safety of the driver or passenger.

(2) An employee or representative of the state spending at least one night on approved travel to conduct state business, may use a state vehicle in the general vicinity of the overnight lodging for the following approved activities:

(a) Travel to restaurants and stores for meals, breaks and personal needs;

(b) Travel to grooming, medical, fitness or laundry facilities; and

(c) Travel to and from recreational activities, such as to theaters, parks, or to the home of friends or relatives, provided said employee or representative has received approval for such travel from his or her supervisor.

(d) Pursuant to the provisions of R27-7-1 et seq., the unauthorized personal use of a state vehicle may result in the suspension or revocation of state driving privileges.

#### R27-3-6. Application for Commute or Take Home Use.

(1) Each petitioning agency shall, for each driver being given commute or take home privileges, annually complete and submit *an either a completed and agency approved commute form (MP-2) to DFO, or complete the proper online take home form from the DFO website. Submitted take home information will generate a new form that must be signed by the employee, direct supervisor of the employee, and the executive director of the agency.*

~~(2) Approval for commute or take home privileges must be obtained from the executive director of the agency~~

~~(2)(3)~~ Once the signed take home form is received and approved by DFO shall enter the approved commute or take home request *will be entered* into the fleet information system and provide an identification number to both the driver and the agency *via the fleet information system or through secured web reports provided by DFO.*

~~(3)(4)~~ All approvals for commute or take home privileges shall expire at the end of the calendar year on which they were issued ~~and DFO shall notify the agency of said expiration.~~ Agencies shall be responsible for submitting any request for annual renewal of commute or take home use privileges.

~~(4)(5)~~ Commute use is, unless specifically exempted under R27-3-8, infra, considered a taxable fringe benefit as outlined in IRS publication 15-B. All approved commute use drivers will be assessed the IRS imputed daily fringe benefit rate while using a state vehicle for commute use.

~~(5)(6)~~ For each individual with commute use privileges, the employing agency shall, pursuant to Division of Finance Policy FIACCT 10-01.00, prepare an Employee Reimbursement/Earnings Request Form and enter the amount of the commute fringe benefit into the payroll system on a monthly basis.

#### R27-3-7. Criteria for Commute or Take Home Privilege Approval.

(1) Commute or Take Home use may be approved when one or more of the following conditions exist:

(a) 24-hour "On-Call." Where the agency clearly demonstrates that the nature of a potential emergency is such that an increase in response time, if a commute or take home privilege is not authorized, could endanger a human life or cause significant property damage. ~~In the event that emergency response is the sole purpose of the commute or take home privilege, Each~~ each driver is required to keep a complete list of all call-outs ~~on the monthly DF-61 form~~ for renewal of the take home privilege the following year. Agencies may use DFO's online forms to track ~~commute or take home~~ mileage.

(b) Virtual office. Where an agency clearly demonstrates that an employee is required to work at home or out of a vehicle, a minimum of 80 percent of the time and the assigned vehicle is required to perform critical duties in a manner that is clearly in the best interest of the state.

(c) When the agency clearly demonstrates that it is more practical for the employee to go directly to an alternate work-site rather than report to a specific office to pick-up a state vehicle.

(d) When a vehicle is provided to appointed or elected government officials who are specifically allowed by law to have an assigned vehicle as part of their compensation package. ~~Individuals using this criterion must cite the appropriate section of the Utah Code on the MP-2 form.~~

~~(2) The trip log must be created for the first and last trip of the day for all take-home vehicles. Agencies may use DFO online forms to track the take home mileage on the first and last trip.~~

#### R27-3-8. Exemptions from IRS Imputed Daily Fringe Benefits.

(1) In accordance with IRS publication 15-b, employees with an individual permanently assigned vehicle are exempt from the imputed daily fringe benefit for commute use when the permanently assigned vehicles are either:

- (a) Clearly marked police and fire vehicles;
- (b) Unmarked vehicles used by law enforcement officers if the use is specifically authorized;
- (c) An ambulance or hearse used for its specific purpose;
- (d) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 lbs;
- (e) Delivery trucks with seating for the driver only, or the driver plus a folding jump seat;
- (f) A passenger bus with the capacity of at least 20 passengers used for its specific purpose;
- (g) School buses;
- (h) Tractors and other special purpose farm vehicles;
- (i) A pick up truck with a loaded gross vehicle weight of 14,000 lbs or less, if it has been modified so it is not likely to be used more than minimally for personal purposes.

Example: According to the IRS, a pick up truck qualifies for the exemption if it is clearly marked with permanently affixed decals, special painting, or other advertising associated with your trade, business or function and meets either of the following requirements:

- (i) It is equipped with at least one of the following items:
  - (a) A hydraulic lift gate;
  - (b) Permanent tanks or drums;
  - (c) Permanent sideboards or panels that materially raise the level of the sides of the truck bed;
  - (d) Other heavy equipment (such as an electronic generator, welder, boom or crane used to tow automobiles or other vehicles).
- (ii) It is used primarily to transfer a particular type of load (other than over public highways) in a construction, manufacturing processing, farming, mining, drilling, timbering or other similar operation for which it is specifically modified.

(j) A van with a loaded gross vehicle weight of 14,000 lbs or less, if it has been specifically modified so it is not likely to be used more than minimally for personal purposes.

Example: According to the IRS, a van qualifies for the exemption if it is clearly marked with permanently affixed decals, special painting or other advertising associated with your trade, business and has a seat for the driver only (or the driver and one other person) and either of the following items:

(i) permanent shelving that fills most of the cargo area; or

(ii) An open cargo area and the van always carries merchandise, material or equipment used in your trade, business or function.

(2) Questions relating to the imputed daily taxable fringe benefit for the use of a state vehicle and exemptions thereto should be directed to DFO.

#### R27-3-9. Enforcement of Commute Use Standards.

(1) Agencies with drivers who have been granted commute or take home privileges shall establish internal policies to enforce the commute use, take home use and personal use standards established in this rule. Agencies shall not adopt policies that are less stringent than the standards established in these rules.

(2) Commute or take home use that is unauthorized shall result in the suspension or revocation *of the commute use privilege by the agency*. Additional instances of unauthorized commute or take home use may result in the suspension or revocation of the state driving privilege *by the agency*.

#### R27-3-10. Use Requirements for Monthly Lease Vehicles.

(1) Agencies that have requested, and received monthly lease options on state vehicles shall:

(a) Ensure that only authorized drivers whose names and all other information required by R27-3-3(1) have been entered into DFO's fleet information system, completed all the training and/or safety programs, and met the age restrictions for the type of vehicle being operated, shall operate monthly lease vehicles.

(b) Report the correct odometer reading when refueling the vehicle. In the event that an incorrect odometer reading is reported, agencies shall be assessed a fee whenever the agency fails to correct the mileage within three (3) business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was a blatant disregard of the vehicle's actual odometer reading at the time of refueling, a fee shall be assessed to the agency even though the agency corrected the error within three (3) days of the notification.

(c) Return the vehicle in good repair and in clean condition at the completion of the replacement cycle period or when the vehicle has met the applicable mileage criterion for replacement, reassignment or reallocation.

(i) Agencies shall be assessed a detailing fee for vehicles returned that are in need of extensive cleaning.

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that is damaged when returned.

(d) Return the vehicle unaltered and in conformance with the manufacturer's specifications.

(e) Pay the applicable insurance deductible in the event that monthly lease vehicle in its possession or control is involved in an accident.

(f) Not place advertising or bumper stickers on state vehicles without prior approval of DFO.

(2) The provisions of Rule R27-4-6 shall govern agencies when requesting a monthly lease.

(3) Under no circumstances shall the total number of occupants in a monthly lease *full-size* 15-passenger van exceed nine (9)(10) individuals, the maximum number recommended by the Division of Risk Management.

#### R27-3-11. Use Requirements for Daily Motor Pool Vehicles.

(1) DFO offers state vehicles for use on a daily basis at an approved daily rental rate. Drivers of a state vehicle offered through the daily pool shall:

~~(a) Provide DFO with at least 24 hours notice when requesting vehicles such as 15 passenger vans, sports utility vehicles and wheelchair accessible vehicles. Agencies should be aware that while DFO will attempt to accommodate all requests for vehicles, the limited number of vehicles in the daily pool not only requires that reservations be granted on a first come, first served basis, but also places DFO in a position of being unable to guarantee vehicle availability in some cases, even where the requesting driver or agency provides at least 24 hours notice.~~

~~(a)~~(b)-Be an authorized driver whose name and all other information required by R27-3-3(1) have been entered into DFO's fleet information system, completed all the training and/or safety programs, and met the age restrictions for the type of vehicle being operated. In the event that any of the information required by R27-3-3(1) has not been entered in DFO's fleet information system, the rental vehicle will not be released.

~~(b)~~(c) Read the handouts, provided by DFO, containing information regarding the safe and proper operation of the vehicle being leased.

~~(c)~~(d) Verify the condition of, and acknowledge responsibility for the care of the vehicle prior to rental by filling out the daily motor pool rental ~~out the MP-98~~ form provided by daily rental personnel.

~~(d)~~(e) Report the correct odometer reading when refueling the vehicle at authorized refueling sites, and when the vehicle is returned. In the event that incorrect odometer reading is reported, agencies shall be assessed a fee whenever the agency fails to correct the mileage within three (3) business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was a blatant disregard of the vehicle's actual odometer reading at the time of refueling, a fee shall be assessed to the agency even though the agency corrected the error within three (3) days of the notification.

~~(e)~~(f) Return vehicles full of fuel ~~with at least 3/4 tank of fuel left. In the event that the vehicle has less than 3/4 of a tank of fuel left, the driver shall, prior to returning the vehicle, refuel the vehicle.~~ Agencies shall be assessed a fee for vehicles that are returned with less than 3/4 of a full tank of fuel.

~~(f)~~(g) Return rental vehicles in good repair and in clean condition.

(i) Agencies shall be assessed a detailing fee for vehicles returned that are in need of extensive cleaning.

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that is damaged when returned.

~~(g)~~(h) Call to extend the reservation in the event that they need to keep rental vehicles longer than scheduled. Agencies shall be assessed a late fee, in addition to applicable daily rental fees, for vehicles that are not returned on time.

~~(h)~~(i) Use their best efforts to return rented vehicles during regular office hours. Agencies may be assessed a late fee equal to one day's rental for vehicles that are not returned on time.

~~(i)~~(j) Call the daily pool location ~~where they made reservations~~, at least one hour before the scheduled pick-up time, to cancel the reservation. Agencies shall be assessed a fee for any unused reservation that has not been canceled.

~~(j)~~(k) Not place advertising or bumpers stickers on state vehicles without prior approval from DFO.

(2) The vehicle shall be inspected upon its return. The agency shall either be held responsible for any damages not acknowledged prior to rental, or any applicable insurance deductibles associated with any repairs to the vehicle.

(3) Agencies are responsible for paying all applicable insurance deductibles whenever a vehicle operated by an authorized driver is involved in an accident.

(4) The DFO shall hold items left in daily rental vehicles for ten days. Items not retrieved within the ten-day period shall be turned over to the Surplus Property Office for sale or disposal.

#### R27-3-12. Daily Motor Pool Sedans, Four Wheel Drive Sport Utility Vehicle (4x4 SUV), Cargo Van, Multi-Passenger Van and Alternative Fuel Vehicle Lease Criteria.

(1) The standard state vehicle is a compact sedan, and shall be the vehicle type most commonly used when conducting state business.

(2) Requests for vehicles other than a compact sedan may be honored in instances where the agency and/or driver is able to identify a specific need.

(a) Requests for a four-wheel drive sport utility vehicle (4x4 SUV) may be granted with written approval from an employee's supervisor.

(b) Requests for a seven-passenger van may be granted in the event that the driver is going to be transporting more than three authorized passengers.

(c) Requests for a ~~fifteen~~ full-size (15) passenger vans ~~van~~ may be granted in the event that the driver is going to be transporting more than six authorized passengers. Under no circumstances shall the total number of occupants exceed the maximum number of passengers recommended by the Division of Risk Management.

(3) Cargo vans shall be used to transport cargo only. Passengers shall not be transported in cargo area of said vehicles.

(4) Non-traditional (alternative) fuel shall be the primary fuel used when driving a bi-fuel or dual-fuel state vehicle. Drivers shall, when practicable, use an alternative fuel when driving a bi-fuel or dual-fuel state vehicle.

#### R27-3-13. Alcohol and Drugs.

(1) No authorized driver shall operate or be in actual physical control of a State vehicle in violation of subsection 41-6-44(2), any ordinance that complies with the requirements of subsection 41-6-43(1), or subsection 53-3-231.

(2) Any individual on the list of authorized drivers who is convicted of Driving Under the Influence of alcohol or drugs(DUI), Reckless Driving or any felony in which a motor vehicle is used, either on-duty or off-duty, may have his or her state driving privileges withdrawn, suspended or revoked.

(3) No operator of a state vehicle shall transport alcohol or illegal drugs of any type in a State vehicle unless they are:

(a) Sworn peace officers, as defined in Section 53-13-102, in the process of investigating criminal activities;

(b) Employees of the Alcohol Beverage Control Commission conducting business within the guidelines of their daily operations; or

(c) investigators for the Department of Commerce in the process of enforcing the provisions of section 58-37, Utah Controlled Substances Act.

(4) Except as provided in paragraph 3, above, any individual who uses a state vehicle for the transportation of alcohol or drugs may have his or her state driving privileges withdrawn, suspended or revoked.

#### R27-3-14. Violations of Motor Vehicle Laws.

(1) Authorized drivers shall obey all motor vehicle laws while operating a state vehicle.

(2) Any authorized driver who, while operating a state vehicle, receives a citation for violating a motor vehicle law shall immediately report the receipt of the citation to their respective supervisor. Failure to report the receipt of a citation may result in the withdrawal, suspension or revocation of State driving privileges.

(3) Any driver who receives a citation for violating a motor vehicle law while operating a state vehicle shall attend an additional Risk Management-approved mandatory defensive driver training program. The failure to attend the additional mandatory defensive driver training program shall result in the loss of state driving privileges.

(4) Any driver who receives a citation for a violation of motor vehicle laws, shall be personally responsible for paying fines associated with any and all citations. The failure to pay fines associated with citations for the violation of motor vehicle laws may result in the loss of state driving privileges.

#### R27-3-15. Seat Restraint Use.

(1) All operators and passengers in State vehicles shall wear seat belt restraints while in a moving vehicle.

(2) All children being transported in State vehicles shall be placed in proper safety restraints for their age and size as stated in Subsection 41-6-148(20)(2).

#### R27-3-16. Driver Training.

(1) Any individual shall, prior to the use of a state vehicle, complete all training required by DFO or the Division of Risk Management, including, but not limited to, the defensive driver training program offered through the Division of Risk Management.

(2) Each agency shall coordinate with the Division of Risk Management, specialty training for vehicles known to possess unique safety concerns. ~~like 15 passenger vans and sport utility vehicles.~~

(3) Each agency shall require that all employees who operate a state vehicle, or their own vehicles, on state business as an essential function of the job, or all other employees who operate vehicles as part of the performance of state business, comply with the requirements of Division of Risk Management rule R37-1-8(5).

(4) Agencies shall maintain a list of all employees who have completed the training courses required by DFO, Division of Risk Management and their respective agency.

(5) Employees operating state vehicles must have the correct license required for the vehicle they are operating and any special endorsements required in order to operate specialty vehicles.

#### R27-3-17. Smoking in State Vehicles.

(1) All multiple-user state vehicles are designated as "nonsmoking". Agencies shall be assessed fees for any damage incurred as a result of smoking in vehicles.

(2) Agencies that allow smoking in exclusive use vehicles shall be responsible for the cost of necessary repairs to, or refurbishment of, any vehicle in which smoking has been permitted to insure that the vehicle is suitable for reassignment, reallocation or sale when the vehicle reaches the applicable replacement criteria.