

Agenda of the Motor Vehicle Review Committee

Monday, March 10, 2008
Utah State Capitol Complex
Room W140
Salt Lake City, Utah
10:00 AM

Action	Approval of Minutes for December 10, 2007	Tab 1
Action	Accident Review Committee Proposed Changes	Tab 2
Action	Energy Efficiency Progress/Direction	Tab 3
Action	Driver Eligibility	Tab 4
Action	Definitions in Administrative Rule (R27-1-2)	Tab 5
Action	Moving the PM Schedule to a 5,000 and 7,500 mile rotation	Tab 6
Action	GPS in State Vehicles	Tab 7

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 $\frac{3}{4}$ 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.



Motor Vehicle Review Committee

State of Utah

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MEMORANDUM

To: Motor Vehicle Review Committee
From: Sam Lee
Date: March 10, 2007
Subject: **Accident Review Committee Change Proposal**

Recommendation:

The MVRC committee approve to have Division of Fleet and Risk staff continue to work together to revise current administrative rules that would incorporate a centralized “Accident Review Committee” when the individual agencies fail to hold their quarterly accident review committee meetings. The centralized committee would meet the first business day following the quarterly deadline date for accident review committee to submit their committee conclusions.

The centralized Accident Review Committee would make final determinations concerning accident status (preventable/non preventable) and would report to the agency’s human resource personnel recommended disciplinary actions for drivers reviewed having two or more preventable accidents.

Why have a centralized “Accident Review Committees”?

1. Some agency accident review committees are not meeting at all or on a regular basis. When accidents are not reviewed in a timely way and a second or third preventable accident occurs where the state employee is responsible for damaged property and/or injury to third parties, it places the state at an increased liability. This is also an issue when agencies are getting ready to let an employee go following a serious preventable accident and previous “preventable” accidents have not been review by the committee.
2. There is inconsistency in the review of accidents to determine the “preventable/ non preventable” status. The centralized accident review committee will provide a consulting option for other accident review committees to ask questions when accident reviews are not clearly identified as preventable or non preventable.

There is not consistent enforcement of the defensive driver training after the second preventable accident (See R27-7-6 (1)(b) which states: “The driver shall be required to attend, at their own expense, a state certified or nationally recognized defensive driving course after being involved

in a second preventable accident;”). The centralized committee will review at least quarterly the agencies that have not required their driver with two preventable accidents to take a defensive driver training class.

Attachments

R27-7-1. Authority.

(1) This rule is established pursuant to Subsection 63A-9-401(1)(c)(iii) which requires the Division of Fleet Operations (DFO) to make rules establishing requirements for fleet safety and loss prevention programs.

R27-7-2. Accident Reporting and Liability.

(1) In the event of an accident involving a state vehicle, either the driver of the vehicle or the employing agency shall notify, within 24 hours of the occurrence of the accident, DFO, Risk Management and the agency's management.

R27-7-3. Loss of Authority to Operate a State Vehicle.

(1) The authority to operate a state vehicle is subject to withdrawal, suspension or revocation.

(2) The authority to operate a state vehicle shall be automatically withdrawn, suspended or revoked in the event that an authorized driver's license is denied, cancelled, disqualified, suspended or revoked.

(a) The authority to operate a state vehicle shall, at a minimum, be withdrawn, suspended or revoked for the period of denial, cancellation, disqualification, suspension or revocation of the authorized driver's license.

(b) The authority to operate a state vehicle shall not be reinstated until such time as the individual provides proof that his or her driver license has been reinstated.

(c) The employing agency may petition the Driving Privilege Review Board (DPRB) to extend the period for which the authority to operate a state vehicle is withdrawn, suspended or revoked beyond the period for which the authorized driver's license is denied, cancelled, disqualified, suspended or revoked.

(d) The DPRB may extend the period for which the authority to operate a state vehicle is withdrawn, suspended or revoked, beyond the period for which the driver's license is denied, cancelled, disqualified, suspended, if the evidence regarding the circumstances surrounding the denial, cancellation, disqualification, suspension or revocation of the authorized driver's license and driving history indicates that it is in the best interest of the state to extend the period for which the authority to operate a state vehicle is withdrawn, suspended or revoked.

(3) The authority to operate a state vehicle shall be suspended or revoked for any of the following grounds:

(a) The authorized driver, while acting within the scope of employment, has been involved in 3 or more preventable accidents during a five (5) year period; or

(b) The authorized driver, while acting within the scope of employment, has received 5 or more citations for violating motor vehicle laws during a five (5) year period; or

(c) The unauthorized use, misuse, abuse or neglect of a state vehicle; or

(d) On the basis of citizen complaints, the authorized driver, while acting within the scope of employment has been found, pursuant to 63A-9-501, to have misused or illegally operated a vehicle three (3) times during a three (3) year period.

(4) The employing agency shall impose a period for which the authority to operate a state vehicle will be withdrawn, suspended or revoked under the circumstances described in R27-7-3(3)(a), (b) or (c), on the basis of an investigation of the circumstances surrounding each accident and the authorized driver's driving history.

(5) The withdrawal of authority to operate a state vehicle shall be in addition to agency-imposed discipline, corrective or remedial action, if any.

(6) The authorized driver petition the DPRB to review the withdrawal, suspension or revocation of the authority to operate a state vehicle imposed by the employing agency pursuant to R-27-7-3(3) and (4).

(7) Any determination made by the employing agency with regard to the withdrawal, suspension or revocation of the authority to operate a state vehicle, pursuant to R27-7-3(3) and (4) shall remain in effect until such time as a review by the DPRB can be conducted, and a decision rendered.

R27-7-4. Accident Review Committee (ARC).

(1) Each agency leasing vehicles from the Division of Fleet Operations shall establish and maintain an Accident Review Committee (ARC). Each agency ARC shall conduct quarterly reviews of all accidents or complaints involving state vehicles under the possession or control of their respective agencies.

(2) The purpose of the ARC is to reduce the number of accidents and complaints involving drivers of vehicles being used in the course of conducting state business.

(3) The ARC shall determine, through a review process, whether an accident was either preventable or non-preventable, using standards established by the National Safety Council.

(4) Each agency ARC shall, within five (5) business days of reviewing an accident, provide to DFO, in writing, its determination and recommended actions, if any, as well as all evidence used to arrive at its determination as to whether the accident was preventable.

R27-7-5. Accident Review Committee Guidelines.

(1) The ARC shall have no less than three (3) voting members. The members shall be from different areas in the agency.

(2) An accident shall be classified as preventable if any of the following factors are involved:

- (a) Driving too fast for conditions;
- (b) Failure to observe clearance;
- (c) Failure to yield;
- (d) Failure to properly lock the vehicle;
- (e) Following too closely;
- (f) Improper care of the vehicle;
- (g) Improper backing;
- (h) Improper parking;
- (i) Improper turn or lane change;

(j) Reckless Driving as defined in Utah Code 41-6-45;

(k) Unsafe driving practices, including but not limited to: the use of electronic equipment or cellular phone while driving, smoking while driving, personal grooming, u-turn, driving with an animal(s) loose in the vehicle.

(3) An accident shall be classified as non-preventable when:

(a) The state vehicle is struck while properly parked;

(b) The state vehicle is vandalized while parked at an authorized location;

(c) The state vehicle is an emergency vehicle, and

(i) At the time of the accident the operator was in the line of duty and operating the vehicle in accordance with their respective agency's applicable policies, guidelines or regulations; and

(ii) Damage to the vehicle occurred during the chase or apprehension of people engaged in or potentially engaged in unlawful activities; or

(iii) Damage to the vehicle occurred in the course of responding to an emergency in order to save or protect the lives, property, health, welfare and safety of the public.

(4) The ARC shall notify DFO of their findings, as to whether the accident in question was preventable or non-preventable, regarding each accident case reviewed.

R27-7-6. Effects of ARC Accident Classification.

(1) In the event that an accident is determined by the ARC to be preventable, the ARC shall impose and enforce the following:

(a) The authorized driver shall be required to attend a Risk Management-approved driver safety program after being involved in the first preventable accident;

(b) The driver shall be required to attend, at their own expense, a state certified or nationally recognized defensive driving course after being involved in a second preventable accident;

(c) The driver may have his or her authority to operate a state vehicle suspended or revoked, if he or she is involved in a third preventable accident within five calendar years of being involved in the first preventable accident.

(3) An employee whose authority to operate a state vehicle has been suspended or revoked pursuant to R27-7-3(3) and (4), may petition the DPRB for a review of the agency ARC's determination. The suspension of state driving privileges shall continue until such time as a formal hearing before the DPRB can be held, and a decision rendered. The provisions of the DPRB's decision, including the revocation of the driver's authority to drive a vehicle in the conduct of state business, will govern from that time forward.

R27-7-7. Driving Privilege Review Board.

(1) The Driving Privilege Review Board (DPRB) shall have no more than 3 voting members. The Department of Administrative Services, the Division of Risk Management and the agency whose employee is the subject matter of the case pending before the DPRB shall each have a voting member.

(2) Agency actions that involve the withdrawal, suspension or revocation of the authority to operate a state vehicle are subject to review by the DPRB.

(3) The DPRB shall, upon receipt of the petition for review from the authorized driver, pursuant to R27-7-6(3), schedule a review and render a decision on whether to uphold the agency's decision regarding the withdrawal, suspension or revocation of the authority to operate a state vehicle, or impose a different penalty.

(4) The DPRB shall, upon receipt of an employing agency's petition, pursuant to R27-7-3(2)(c), schedule a review and render a decision on whether to extend the period for which the authority to operate a state vehicle is withdrawn, beyond the period for which the authorized driver's license is denied, cancelled, disqualified, suspended or revoked.

(5) The employing agency, and the authorized driver shall be notified of the hearing date, the reason for the hearing, the substance of the charges, as well as their respective right to respond to the petition, rebut the evidence presented and present evidence in their respective behalf at the hearing.

(6) The DPRB shall render a decision that will be forwarded to the agency for enforcement. In making its decision, the DPRB may consider factors, including but not limited to, the severity of injuries, the extent of damages, the authorized driver's culpability and willfulness.

(7) The DPRB may impose a range of penalties from no action to a withdrawal, suspension or revocation of the authority to operate a state vehicle for an indefinite period. In no case shall the withdrawal, suspension or revocation of the authority to operate a state vehicle be less than the period of withdrawal, suspension or revocation of the privilege to drive imposed by the courts.

(8) An employee whose authority to operate a state vehicle has been withdrawn, suspended or revoked may petition the DPRB for reinstatement of the authority on the basis of changed circumstances. The employee shall provide proof of the change in circumstances that would justify the reinstatement of authority.



Motor Vehicle Review Committee

State of Utah

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MEMORANDUM

To: Motor Vehicle Review Committee
From: Margaret Chambers
Date: March 10, 2008
Subject: **Energy Efficiency Progress/Direction**

Recommendations:

The MVRC committee recommend from model year 2009 forward Higher Education is required to go through rightsizing justification process established and implemented for state agencies in 2008.

The MVRC committee recommend DFO use the formula developed by Curtis Clark of DFCM from EPA equivalents that translates gallons of gasoline reduced to Metric Tons of Carbon Dioxide Emissions British (MTCO₂) reduction, British Thermal Unit (BTU) reduction and equivalent number mid-size sedans taken off of the road. According to the formula approximately 1,000 gallons of fuel reduced through downsizing vehicles is equal to one mid-size sedan removed from the road.

Through the initial process of rightsizing of state agencies in 2008 the result is a size reduction of 85 vehicles. See the tables below for a breakdown of capital cost savings and gallons saved per year. The bottom line is a net reduction of an equivalent of 76 vehicles removed from the road.

Purchase Savings	Gallons Saved Per Year	Fuel Cost Per Gallon	Fuel Savings / Year
\$ 99,582.00	76,929.16	\$2.50	\$192,322.90

Auto Gasoline (Thou. Gal.)	76.93
Btu (Billion):	9.62
GHG Emissions (MTCO ₂):	682
Equivalent number of cars:	76

Compact sedan class comparing the Ford Focus to the Toyota Prius – 98 vehicles

Auto Gasoline (Thou. Gal.)	16.33
Btu (Billion):	2.04
GHG Emissions (MTCO ₂):	145
Equivalent number of cars:	16

Over the past several years DNR has downsized 32 vehicles from 1 ton to compact trucks.

Auto Gasoline (Thou. Gal.)	11.66
Btu (Billion):	1.46
GHG Emissions (MTCO ₂):	103



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MEMORANDUM

To: Motor Vehicle Review Committee
From: Sam Lee
Date: March 10, 2008
Subject: **Driver Eligibility**

Recommendation:

The MVRC committee approve to have Division of Fleet and Risk staff continue to work together to revise current Fleet and Risk administrative rules to raise the current driving eligibility standards for state employees beyond the current eligibility standard.

Background

In an effort to decrease state liability and increase safe driving standards in the State of Utah the following eligibility requirements are proposed by the Division of Fleet Operations and Division of Risk Management for all state employees that operate a vehicle for state business. These new driver eligibility requirements are intended to “raise the bar” in the minimum standard set for all state drivers as they use personal and state vehicles to conduct state business.

Required License: All state drivers will continue to be required to possess a valid driver’s license with the applicable endorsements for the type of vehicle driven.

Motor Vehicle Record Standards

Moving Violations. State employees with four or more moving violations within the previous 12 months will automatically be declared ineligible to drive a state vehicle.

Point Totals. Any state driver with a current point total of 150 points or more with the Utah Department of Public Safety Driver’s License Division will automatically be declared ineligible to drive a state vehicle until the point total drops below 150.

See the following language from Chapter 8 of the Utah Driver Handbook:

Some drivers do not meet acceptable driving standards. The Driver Services Bureau, Driver License Division, is here to help those drivers, if possible, and to

take corrective action, if necessary. The various driver control programs are designed to result in improved driver attitude and performance. In most cases, the treatment programs are successful. However, some drivers are unable or unwilling to correct their bad habits. Those drivers can expect revocation, suspension, denial, or disqualification of their driving privileges.

POINT SYSTEM

Over 21 Years of Age

The point system is part of Utah's Driver Improvement Program. Points are assigned for specific types of violations. If you acquire 200 or more points within a three (3) year period, you will be asked to appear for a hearing. Based on the hearing, you may be placed on probation, requested to take the Defensive Driving Course, or have your driving privilege suspended. The suspension may be for three (3) months, six (6) months, or one (1) year, depending on your record.

Under 21 Years of Age

Utah drivers under the age of 21 are subjected to a more stringent point system. An accumulation of 70 points or more within a three (3) year period may result in a hearing and a subsequent suspension or denial of driving privileges from 30 days up to one (1) year.

POINT DISTRIBUTION

Reckless Driving	80
Speeding (Depending on Severity)	35 to 75
Failure to Yield Right-of-Way.....	60
Following too Closely (Tailgating)	60
Wrong Side of Road	60
Wrong Way on One-way Street	60
Red Light	50
Stop Sign	50
Improper Lookout.....	50
Improper Passing.....	50
Negligent Collision	50
Other Moving Violations.....	40

NOTE: Except for speeding tickets, points may vary plus or minus 10%, depending upon the recommendation of the court.

Removing points off your driving record. See the following language also from the Chapter 8 of the Utah Driver Handbook:

By driving safely, you can clear your own record. The point system provides that when you drive one (1) full year without being convicted of a moving traffic violation, half of the total points on your record will be removed. If you drive two (2) successive years without a conviction, all points will be removed from your record. Points for individual convictions are automatically removed from your record three (3) years after the date of the violation. As a further incentive, 50 points may be removed from your record upon completion of a defensive driving

course recommended by the Division. This 50-point reduction will be permitted only once during any three (3) year period.

Driver's Record

The Driver License Division maintains a computerized driving and crash record of every driver in the state. It contains a record of convictions for moving traffic violations and suspensions within the past three (3) years. All alcohol/drug-related violations, suspensions, and revocations remain on the record for ten (10) years.

Automatic Driver Ineligibility Violations for State Drivers. The following list of motor vehicle violations would automatically disqualify a state employee to drive for state business in a state vehicle for 3 years.

1. A conviction for driving while impaired or under the influence of alcohol or controlled substances.
2. Refusal to take a test required by an implied consent or similar law.
3. Violation of an "open container" or similar statute.
4. Violation arising in connection with a fatal accident. (A conviction for vehicular homicide, negligent homicide, or involuntary manslaughter).
5. Driving while under suspension or revocation.
6. Leaving the scene of an accident.
7. Speed exhibition, contest or drag racing.
8. Fleeing or eluding a police officer.

Preventable Accident History: State employees involved in three or more preventable accidents within a three year time period will automatically be declared ineligible to drive a state vehicle. Risk Management reserves the right make exceptions to this standard if one or more of the preventable accidents is determined to be a "minor accident." A minor accident will be defined as: no personal injury to anyone involved in the accident and less than \$1,800 in damage to any single vehicle. The Division Director of Risk Management will make all decisions about exceptions to the three preventable accidents in three year rule.

Risk Management also reserves the right to declare a state driver ineligible after a single preventable accident if there are significant personal injuries as a result of the accident and/or damage to the vehicle(s) involved in the accident totaling more than \$1,800.

Driver Ineligibility Penalties: Agencies will be informed by the Department of Administrative Services (through the Division of Fleet Operations) when drivers become ineligible to operate a state vehicle. Agencies that knowingly continue to allow ineligible drivers to operate state vehicles shall take full responsibility to cover all expenses including liability up to the current Utah governmental liability caps as a result of an accident caused by the ineligible driver.

In summary the agency loses all insurance coverage from Risk Management when they knowingly allow an ineligible driver to operate a state vehicle.

See the attached tables and charts showing:

- Leased accident costs FY04 to FY07
- Leased accident types FY04 to FY07
- Agencies with drivers that have three or more preventable accidents since February 25, 2005
- Count of drivers with 150 points or more (as of February 25, 2008)
- Chart showing the count of drivers with 150 points or more (as of February 25, 2008)

FULL SERVICE AND CAPITAL LEASE ACCIDENT COSTS (FISCAL YEAR 2004 TO FISCAL YEAR 2007)

FISCAL YEAR	NON-PREVENTIBLE		PREVENTIBLE		UNKNOWN		TOTAL ACCIDENT COUNTS	TOTAL COSTS
FY04	386	\$455,501	385	\$341,673	147	\$75,252	918	\$872,426
FY05	415	\$592,897	367	\$377,604	113	\$76,887	895	\$1,047,388
FY06	411	\$471,978	376	\$389,487	170	\$119,641	957	\$981,106
FY07	418	\$552,685	400	\$458,850	170	\$119,523	988	\$1,131,057

34% increase in preventible accident costs FY04 to FY07 (Difference of \$117,177)

FY08*	353	\$390,774	274	\$244,443	113	\$66,283	740	\$701,500
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*As of Feb 25, 2008 (64% of the year)

FULL SERVICE AND CAPITAL LEASE ACCIDENT COUNTS BY TYPE (FISCAL YEAR 2004 TO FISCAL YEAR 2007)

FISCAL YEAR	ANIMAL	BACKING	FRONT END	HEAD ON	HIT AND RUN	LOADING	NATURE	NO DAMAGE	NON COLLISION	PIT MANEUVER	REAR END	RIGHT ANGLE	ROAD DEBRIS	ROLLOVER	SIDE SWIPE	UNKNOWN	VANDALISM	TOTAL ACCIDENT COUNTS
FY04	56	94	98	1	0	0	13	84	180	12	109	32	31	4	35	147	22	918
FY05	65	92	113	2	0	0	7	63	194	16	104	28	26	3	32	115	35	895
FY06	71	106	86	2	0	0	10	86	163	12	124	24	37	4	32	173	27	957
FY07	65	101	93	3	12	1	8	81	206	11	103	32	34	7	31	171	29	988
AVERAGE	64	98	98	2	3	0	10	79	186	13	110	29	32	5	33	152	28	940

FY08*	43	75	62	0	42	1	5	78	140	4	72	23	33	5	23	114	20	740
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* FY08 AS OF FEBRUARY 25, 2008

AGENCIES WITH DRIVERS THAT HAVE THREE OR MORE PREVENTABLE ACCIDENTS SINCE FEBRUARY 25, 2005

DEPARTMENT / DRIVER	COUNT OF PREVENTABLE ACCIDENTS
ADMINISTRATIVE SERVICES	3
ATTORNEY GENERAL	3
BR UNIVERSITY OF UTAH	3
BR UNIVERSITY OF UTAH	3
BR UTAH STATE UNIVERSITY	3
COMMUNITY & CULTURE	3
NATIONAL GUARD	4
NATURAL RESOURCES	4
PUBLIC SAFETY	3
PUBLIC SAFETY	3
PUBLIC SAFETY	4
PUBLIC SAFETY	3
PUBLIC SAFETY	3
PUBLIC SAFETY	3
TRANSPORTATION	5
TRANSPORTATION	3
TRANSPORTATION	3
TRANSPORTATION	4
TRANSPORTATION	3
TRANSPORTATION	4

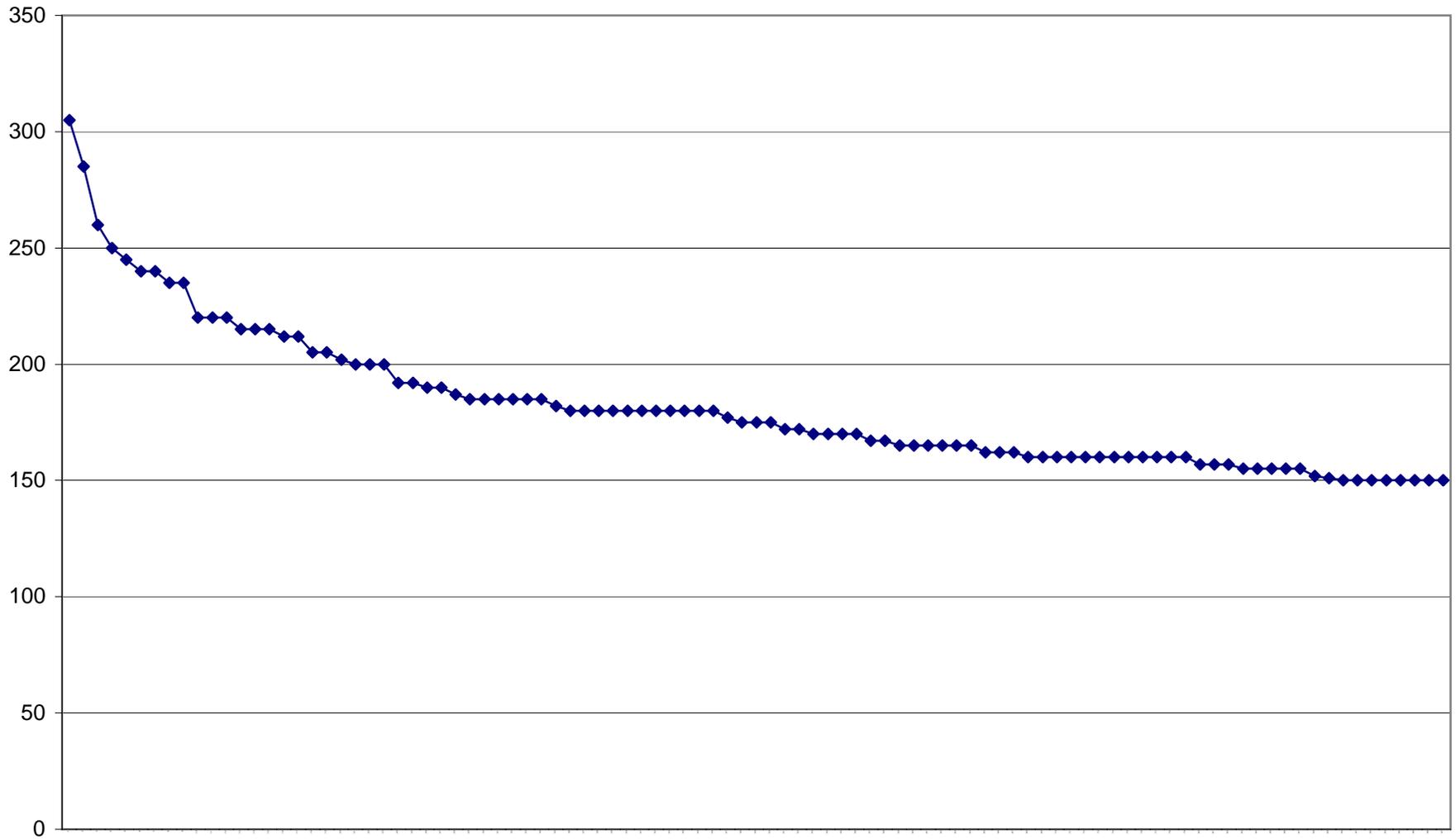
20 DRIVERS WOULD BE DECLARED INELIGIBLE BASED ON THEIR PREVENTABLE ACCIDENT HISTORY

COUNT OF DRIVERS WITH 150 POINTS OR MORE (AS OF FEBRUARY 25, 2008)

DEPARTMENT NAME	COUNT OF DRIVERS WITH 150 POINTS OR MORE (FEB. 25, 2008)
HUMAN SERVICES	22
BR UTAH STATE UNIVERSITY	20
BR SALT LAKE COMMUNITY COLLEGE	10
BR UNIVERSITY OF UTAH	10
BR UTAH VALLEY STATE COLLEGE	5
BR SOUTHERN UTAH UNIVERSITY	4
ADMINISTRATIVE SERVICES	3
BE SCHOOL/DEAF & BLIND	3
TRANSPORTATION	3
BR WEBER STATE UNIVERSITY	2
COURTS ADMINISTRATION	2
HEALTH	2
NATURAL RESOURCES	2
UCAT DAVIS ATC	2
ATTORNEY GENERAL	1
BR COLLEGE OF EASTERN UTAH	1
BR DIXIE COLLEGE	1
BR SNOW COLLEGE	1
CORRECTIONS	1
WASATCH MNTL HLTH	1
WORKFORCE SERVICES	1
TOTAL	97

NOTE: 90 OF THE 97 DRIVERS CURRENTLY HAVE A VALID LICENSE

**Count of Active State Drivers with 150 Points or More on thier Driving Record
As of February 25, 2008**





Motor Vehicle Review Committee

State of Utah

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MEMORANDUM

To: Motor Vehicle Review Committee
From: Margaret Chambers
Date: March 10, 2008
Subject: **Definitions in Administrative Rule (R27-1-2)**

Recommendation:

The MVRC approve administrative rule changes recommended by fleet staff in R27-1-2, Paragraphs (9) and (40) as written below.

Statement Correction from the last MVRC meeting

During the last MVRC meeting held December 10, 2007 sections R27-1-2, Paragraph (9) and (40) were presented to the committee with the following language:

R27-1-2 (9) "Commute Use" means an employee driving a state vehicle from the employee's place of business to the employee's place of residence (or other state owned and/or political subdivision parking lots near the home of the employee not associated with the employee's agency), until the start of the next business day for more than five calendar days per month.

R27-1-2 (40) "Take-home vehicle" means a state vehicle assigned to be driven to and from an employee's place of residence (or other state owned and/or political subdivision parking lots near the home of the employee not associated with the employee's agency) until the next business day ~~and their assigned work location~~ for more than five calendar days per month ~~and the employee's use of the vehicle is a working condition benefit and not a taxable fringe benefit under the provisions of IRS bulletin 15-B.~~

Sam Lee incorrectly stated to the committee that the language underlined in the two definitions above was existing language in the current R27-1-2 fleet administrative rule. The underlined sections actually represent proposed language from Sal Petilos of DAS that accounts for take home drivers that don't park their state vehicle at their residence when the state vehicle is essentially being used as a commute vehicle.

Proposed fleet changes to the administrative rule R27-1-2 (9) and (40):

R27-1-2 (9) "Commute Use" means an employee driving a state vehicle from the employee's place of business to the employee's place of residence, ~~until the start of the next business day~~ for more than five calendar days per month.

R27-1-2 (40) "Take-home vehicle" means a state vehicle assigned to be driven to and from an

employee's place of residence ~~until the next business day~~ and their assigned work location for more than five calendar days per month ~~and the employee's use of the vehicle is a working condition benefit and not a taxable fringe benefit under the provisions of IRS bulletin 15-B.~~

Note: DFO fleet staff considers the use of a state vehicle parked at other state owned and/or political subdivision parking lots near the home of the employee as unauthorized personal use of a state vehicle when the vehicle is being used in a commute function without take home authorization as stated in administrative rule R27-3.

Attachment

R27-1-2. Definitions.

In addition to the terms defined in Section 63A-9-101, as used in Title 63A, Chapter 9, or these rules the following terms are defined.

(1) "Accident" means any occurrence, in which a state vehicle is involved in a mishap resulting in harm or injury to persons, or damage to property, regardless of total cost of treatments or repairs. It may also be referred to as an incident.

(2) "Accident Review Committee (ARC)" means the panel formed by each agency to review accidents in which agency employees are involved and make a determination as to whether or not said accidents were preventable.

(3) "Agency" has the same meaning as provided in Section 63A-9-101(1)(a),(b), and (c).

(4) "Agency Motor Vehicle Policy (AMV)" means any policy written by an agency that covers any agency-specific needs involving the use of a state vehicle that are not addressed by state vehicle rules. Agencies shall not adopt policies that are less restrictive than the State vehicle rules.

(5) "Alternative Fuel Vehicles (AFV)" means any vehicle designed and manufactured by an original equipment manufacturer or a converted vehicle designed to operate either on a dual-fuel, flexible-fuel, or dedicated mode while using fuels other than gasoline or diesel. Examples of alternative fuel types are electricity, bio-diesel, fossil-fuel hybrids, compressed natural gas, propane, hydrogen, methanol, ethanol, and any other vehicle fuel source approved by the Federal government's Department of Energy (DOE). AFVs shall be identified and tracked in DFO's fleet information system.

(6) "Authorized Driver" means any employee, as defined in Section 63-30d-102, of an agency who has been identified by the agency in DFO's Fleet Information System as having the authority, within his or her scope of employment, to operate a state vehicle on the agency's behalf, who holds a valid driver license, and has completed the specific training and other criteria required by DFO, Risk Management or employing agency for the vehicle type that will be operated. An Authorized Driver may also be referred to as operator, employee or customer.

(7) "Authorized Passenger" means any state employee acting within the scope of his or her employment, or any other person or animal whose transport is either necessary for the performance of the authorized driver's employment duties, or has been pre-approved by the appropriate department head to accompany an authorized driver.

(8) "Capital only lease vehicle" means any vehicle with a lease designed to recover depreciation cost, (vehicle cost less salvage value spread over the estimated useful life of the vehicle, less the incremental cost of Alternative Fuel Configuration), plus overhead costs only. Capital only leases are subject to DFO approval.

(9) "Commute Use" means an employee driving a state vehicle from the employee's place of business to the employee's place of residence, ~~until the start of the next business day for more than five calendar days per month.~~

(10) "Compressed Natural Gas Vehicle (CNG)" means any vehicle that may be fueled with compressed natural gas.

(11) "Department" means the Department of Administrative Services.

(12) "Division" has the same meaning as provided by Section 63A-9-101(3).

(13) "Driving Privilege Review Board (DPRB)" means the panel formed for the purpose of reviewing Accident Review Committee (ARC) decisions regarding the suspension, withdrawal or revocation of the state vehicle driving privilege.

(14) "Emergency Vehicle" means any state vehicle which is primarily used for the purpose of providing law enforcement and public safety services as defined in Section 53-12-102(3)(a) and (b), or fire service, or emergency medical services.

(15) "Expansion vehicle" means any vehicle purchased when an agency requires an additional vehicle in order to complete the duties assigned to the requesting agency and will increase the size of the state fleet. The purchase of an expansion vehicle requires legislative approval.

(16) "Extreme Duty Vehicle" a designation used for preventive maintenance purposes, means, but is not limited to, emergency vehicles and vehicles driven primarily off-road.

(17) "Feature" means any option or accessory that is available from the vehicle manufacturer.

(18) "Fixed costs" means, for the purposes of this rule, costs including depreciation, overhead, licensing, betterment, insurance, and title costs, as well as registration fees.

(19) "Fleet Vehicle Advisory Committee" means the panel formed for the purpose of advising DFO, after input from user agencies, as to the vehicle, included features, and equipment that will constitute the standard vehicle for each class in the fleet.

(20) "FO number" means a vehicle specific number assigned to each state vehicle for tracking purposes.

(21) "Fuel Network" means the state program that provides an infrastructure for fueling state vehicles.

(22) "Full Service Lease" means a type of lease designed to recover depreciation costs, overhead costs and all variable costs.

(23) "Heavy-duty Vehicle" means any motor vehicle having a gross vehicle weight range (GVWR) greater than 8,500 pounds. In addition to vehicles licensed for on road use, includes non-road vehicles, as defined in R27-1-2(31), with a GVWR greater than 8,500 pounds. Heavy-duty vehicles shall be tracked in DFO's fleet information system.

(24) "Light-duty Vehicle" means any motor vehicle having a gross vehicle weight rating (GVWR) of 8,500 pounds or less. In addition to vehicles licensed for on road use, includes non-road vehicles, as defined in R27-1-2(31), with a GVWR of 8,500 pounds or less. Light-duty vehicles shall be tracked in DFO's fleet information system.

(25) "Miscellaneous Equipment" means any equipment, enhancement or accessory that is installed on or in a motor vehicle by persons other than the original vehicle manufacturer, and other non-fleet related equipment. Includes, but is not limited to, light bars, 800 MHz radios, transits, surveying equipment, traffic counters, semaphores, and diagnostic related equipment. Miscellaneous Equipment shall be tracked in DFO's fleet information system.

(26) "Motor Pool" generally, means any vehicle that is made available to agencies for lease on a short-term basis.

(27) "Motor Vehicle" has the same meaning as provided by Section 63A-9-101(6)(a) and (b).

(28) "Motor Vehicle Review Committee (MVRC)" means the panel formed to advise the Division of Fleet Operations (DFO), as required by Subsection 63A-9-301(1). The duties of the MVRC are as specified in Section 63A-9-302.

(29) "Non-Preventable Accident" means any occurrence involving an accident/incident in which everything that could have been reasonably done to prevent it was done and the accident/incident still occurred. Non-preventable accidents shall include vandalism of state vehicles being used to conduct state business.

(30) "Non-road vehicle" means a vehicle, regardless of GVWR, that is not licensed for on-road use. Includes, but is not limited to, vehicles used principally for construction and other non-transportation purposes. Golf carts, farm tractors, snowmobiles, forklifts and boats are examples of vehicles in this category. Non-road vehicles shall be tracked in DFO's fleet information system.

(31) "Other Equipment" means vehicles and equipment not specifically identified in other standard reporting categories.

(32) "Personal Use" means the use of a state vehicle to conduct an employee's personal affairs, not related to state business.

(33) "Preventable Accident" means any occurrence involving a state vehicle, which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the authorized driver in question failed to do everything that could have reasonably been done to prevent it.

(a) Preventable accidents are not limited to collisions.

(b) As used in this rule, "preventable accidents" include, but are not limited to: damage to the interior of the state vehicle due to improperly locked doors, smoke or burn damage caused by smoking in the vehicle or lack of general care of the vehicles interior.

(34) "Preventive Maintenance (PM)" means vehicle services that are conducted at regular time intervals to deter mechanical breakdowns, including, but not limited to, lube, oil and filter changes.

(35) "Regular Duty Vehicle" a designation used for preventive maintenance purposes, means a vehicle that is driven primarily on paved roads under normal driving conditions.

(36) "Replacement cycle" means the criteria established to determine when the replacement of a state vehicle is necessary. A replacement cycle has a time and mileage element, and is established according to vehicle type and use.

(37) "Replacement vehicle" means a vehicle purchased to replace a state vehicle that has met replacement

cycle criteria.

(38) "Service Level Agreement (SLA)" means an agreement, signed annually, between an agency and DFO in which the agency agrees to follow all rules, policies and procedures published by DFO concerning the use of state vehicles. This document also clearly defines the level of service between DFO and agencies.

(39) "State of Utah Fuel Card" means a purchase card issued to vehicles by the fuel network program, to be used when purchasing fuel. Fluids and minor miscellaneous items that may also be purchased with the "State of Utah Fuel Card" cannot exceed the monthly monetary limits placed on such purchases by DFO/Fuel Network, unless otherwise authorized.

(40) "Take-home vehicle" means a state vehicle assigned to be driven to and from an employee's place of residence ~~until the next business day~~ and their assigned work location for more than five calendar days per month ~~and the employee's use of the vehicle is a working condition benefit and not a taxable fringe benefit under the provisions of IRS bulletin 15-B.~~

(41) "State vehicle" for the purposes of this rule, has the same meaning as provided by Subsection 63A-9-101(7).

(42) "Unique Motorized Equipment" (UME) means high-cost vehicles and equipment such as trains; locomotives; airplanes; jets; mobile power stations and helicopters. Unique equipment shall be tracked in DFO's fleet information system.

(43) "Variable costs" means costs including, but are not limited to fuel, oil, tires, services, repairs, maintenance and preventive maintenance.

(44) "Vehicle Identification Number (VIN)" means the number issued by the vehicle manufacturer to identify the vehicle in the event of a theft; this number can be found on the driver's side of the dashboard below the windshield.

(45) "Vendor" means any person offering sales or services for state vehicles, such as preventive maintenance or repair services.



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MEMORANDUM

To: Motor Vehicle Review Committee
From: Margaret Chambers
Date: March 10, 2008
Subject: **Moving the Preventative Maintenance Schedule to 5,000 and 7,500**

Recommendation:

The MVRC approve Fleet Operations to modify current preventative maintenance standards to a 5,000 mile schedule (extreme duty vehicles) and a 7,500 mile schedule for standard regular duty vehicles where the manufacturer has increased the maintenance interval schedule.

Background:

Most major vehicle manufacturers have increased their mileage intervals to a standard 5,000 and 7,500 mile service interval. Fleet Operations would like to take advantage of the increased service intervals to save operating money on preventative maintenance costs

The increased mileage rotation would be implemented immediately as new vehicle are delivered this spring and coupon books are ordered from ARI.



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MEMORANDUM

To: Motor Vehicle Review Committee
From: Margaret Chambers
Date: March 10, 2008
Subject: Continuing the GPS pilot program

Recommendation:

The MVRC approve Fleet Operations to expand the current GPS pilot program and continue to study the associated costs and benefits. Fleet Operations would like to specifically identify a group of vehicles within an agency to gather baseline data to be used as a comparison once the GPS technology was announced to the test agency.

Background:

In recent years GPS technology has become less expensive and available to fleet managers to use as a tool for the following benefits:

- Remote diagnostics for engine problems and emissions
- Real-time mileage updates
- Decreased accidents costs (as a result of lower speeds)
- Ability to identify:
 - Vehicles with an excessive idling percentage
 - Speeding concerns with particular drivers
 - Unauthorized personal use of a vehicle
 - Vehicles with low miles per gallon averages

Public and private fleet managers across the country are implementing GPS systems in their fleets as a way to manage the vehicles they are responsible for and the driver behavior of those operating the vehicles.

Over the last year Fleet Operations has been evaluating the potential benefits GPS technology on the 25 GPS units currently installed in state vehicles. The pilot has produced some interesting data and has been very helpful to a few agencies to identify drivers with high risk behavior. Fleet Operations is ready to expand the pilot for two reasons. First, Fleet Operations would like to gather baseline data for a specific group that would be used in comparison to data gathered once the drivers are told about the GPS technology. Second, Fleet Operations would like to continue to study any unanticipated costs and problems associated with GPS systems.

Current GPS Costs. The following is a breakdown of the costs with the current GPS vendor (Networkcar):

Hardware	\$500
Monthly cell service	\$30

Return on Investment. Most of the GPS cost is recovered in fueling savings based on fewer miles driven for personal use, reduced repair costs, and accident liability savings resulting from fewer speed related crashes.

The following diagram provides a visual flowchart of the data gathered from the vehicle and provided to fleet staff receiving and evaluating the fleet data points gathered from the GPS system. The flowchart is from Networkcar.

