**R27. Government Operations, Fleet Operations.**

**R27-3. Vehicle Use Standards.**

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

(1) This rule is established pursuant to Subsection 63A-9-401(1)(d), which authorizes the division 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.**

Each agency shall appoint and designate, in writing to the division, a main contact person from within the agency to act as a liaison between the division and the agency.

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

(1) Agencies authorized to enter information into the division's fleet information system shall enter the agency's authorized driver information into the division's fleet information system, to include the following:

(a) driver's name;

(b) driver license number;

(c) state that issued the driver license;

(d) each Risk Management-approved driver training program taken;

(e) date each driver training program was completed;

(f) the type of vehicle used for each training program.

(2) Agencies without authorization to enter information into the division's fleet information system shall provide the information required in Subsection R27-3-3(1) to the division for entry into the division's fleet information system.

(3) Any employee whose fleet information system record does not have all the information required in Subsection R27-3-3(1) shall be deemed unauthorized to drive state vehicles.

(4) To operate a state vehicle, authorized drivers whose names have been entered into the division's fleet information system shall have:

(a) a valid driver license for the class of vehicle being operated; and

(b) completed an approved driver training course as required by the Division of Risk Management for the class of vehicle being operated.

(5) Agencies shall develop and establish procedures to prevent driving for business by any employee that does not meet the qualifications of an authorized driver as defined in this rule.

(6) The division shall conduct a Utah driver license verification check on a regular basis to verify the validity of the driver license of each authorized driver whose name appears in the division's fleet information system. The agency is responsible for verifying the license of an authorized driver with a driver license issued outside of Utah.

(7) If an authorized driver is found not to have a valid driver license, the division shall notify the agency within three business days of the results of the driver license verification check.

(8) Any employee whose driver license has become invalid shall have their authorized state vehicle driving privileges immediately withdrawn.

(9) Any authorized driver who has an invalid driver license may not have the authority to operate a state vehicle reinstated until the authorized driver provides proof to the division that their driver license is once again valid.

(10) Authorized drivers shall operate a state vehicle in accordance with the restrictions or limitations imposed upon their driver license.

(11) Agencies shall comply with the requirements set forth in Subsection R37-1-8(9).

(12) If an agency has only approved driving a non-road vehicle, the driver does not need to be an authorized driver under this rule.

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

(1) Unless otherwise permitted by the agency's applicable statutes and policies, 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, hazardous materials, flammable materials, weapons, or ammunition except as authorized by federal or state laws. Otherwise, the transport of these items or materials is 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 a state vehicle for personal use except as allowed by law;

(f) except as necessary for the performance of employment duties, the use of a state vehicle for activities such as shopping, participating in sporting events, hunting, or fishing is not authorized; and

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

(2) Pursuant to Section R27-7-3, the unauthorized use of a state vehicle may result in the suspension or revocation of state driving privileges.

(3) Except in cases where it is customary to travel out of state to perform an employee's regular employment duties and responsibilities, the use of a state vehicle outside of the state shall be included in the description of out-of-state travel requests.

(4) State vehicle use for travel outside of the continental United States shall be included in the travel plan description and approval required for non-CONUS travel. The employing agency shall, before the departure date, provide the division 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 of the United States regardless of fault.

(5) Under no circumstances shall the total number of occupants exceed the maximum number of passengers recommended by the manufacturer or the Division of Rick Management.

**R27-3-5. Personal Use Standards.**

(1) Except as described in this rule, personal use of state vehicles requires statutory authorization.

(2) Employees authorized for personal use of vehicles in statute must comply with 26 CFR 1.61-21 and agency policies established according to Section R27-3-9.

(3) 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 and from restaurants and stores for meals, breaks, and personal needs;

(b) travel to and from 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 the employee or representative has received prior approval for such travel from their supervisor.

**R27-3-6. Application for Commute Use.**

(1) Each petitioning agency shall be responsible for submitting names and applicable information to the division for authorized drivers granted commute or take-home privileges along with proof of the agency executive director's or designee's approval.

(2) Law enforcement officers who have received statutory personal use authorization of their law enforcement vehicles do not need to report to the division for approval.

(3) The division shall enter the approved request into the fleet information system and shall make the assigned identification number available to both the driver and the agency.

(4) Agencies are responsible for notifying the division when adjustments to approvals need to be made, including terminations and reassignments.

**R27-3-7. Criteria for Commute and Personal Use Approval.**

(1) An agency executive director or designee may approve commute or take-home use when one or more of the following conditions exist:

(a) 24-hour On-call Emergency. When 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 use privilege is not authorized, could endanger a human life or cause significant property damage. Each driver shall keep a complete list of callouts. The authorized driver shall create and maintain a trip log beginning with the first trip of the day and ending with the last trip of the day for commute use vehicles. The trip log must contain at least the starting and ending points of the commute;

(b) Virtual Office. When the agency clearly demonstrates that an employee is required to work out of a vehicle a minimum of 80% of the time and the assigned vehicle is required to perform the critical duties assigned to the employee;

(c) Practicality. 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) Compensation Vehicle. 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.

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

(1) Commute and personal use of vehicles are considered a taxable fringe benefit as outlined in 26 CFR 1.61-21. Approved commute use drivers shall be assessed the IRS-imputed daily fringe benefit rate while using a state vehicle for commute or personal use. The division shall notify the Division of Finance of this authorization. The Division of Finance shall then enter the authorized driver's fringe benefit into the payroll system.

(2) The State standard for tracking and recording daily fringe benefits is established by the Division of Finance in policy.

(3) Tax exemptions for commuting or personal use must be in accordance with 26 CFR 1.61-21 and must be approved by the employing agency.

(4) Any agency claiming an IRS exemption must maintain a file justifying the exemption and must be prepared to explain the agency's position in the case of an IRS audit.

**R27-3-9. Enforcement of Commute and Personal Use Standards.**

(1) Agencies with drivers who have been granted commute or personal use privileges shall establish internal policies to enforce the standards established in this rule, in IRS internal revenue bulletins, and in 26 CFR 1.61-21. Agencies may not adopt policies that are less stringent than the standards established in this rule.

(2) Agencies are responsible for keeping appropriate records, including call out and trip logs where applicable.

(3) Commute or personal use that is unauthorized shall result in the suspension or revocation of the commute or personal use privilege by the agency. Additional instances of unauthorized 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 lease state vehicles from the division on a monthly basis shall:

(a) ensure that only authorized drivers operate the vehicles;

(b) report the correct odometer reading when refueling the vehicle. If an incorrect odometer reading is reported, agencies may be assessed a fee when the agency fails to correct the mileage within three business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was an intentional falsification of the vehicle's actual odometer reading at the time of refueling, a fee may be assessed to the agency even if the agency corrected the error;

(c) return the vehicle to the division in good repair and in clean condition at the completion of the replacement cycle period or when the agency and the division have agreed to return the vehicle for replacement, reassignment, or reallocation;

(i) Agencies shall be assessed the total cost of the detailing fee for returned vehicles that need extensive cleaning; and

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that has been damaged.

(d) return the vehicle unaltered and in conformance with the manufacturer's specifications with the exception of agencies whose jobs require altering of the vehicle. The agency and the division will come to a written agreement as to which alterations can be made to the division's vehicles;

(e) pay the applicable insurance deductible if a monthly lease vehicle in their possession or control is involved in an accident;

(f) not place advertising or bumper stickers on state vehicles without prior approval of the division.

(2) Section R27-4-9 shall govern agencies when requesting a monthly lease.

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

(1) The division, at select locations, offers state vehicles for use on a daily basis at an approved daily rental rate. Authorized drivers renting a state vehicle offered through the daily pool shall:

(a) read and obey any instructions provided by the division, containing information regarding the use and rental of the vehicle;

(b) verify the current condition of the rental vehicle and notify the division of any current damages and any damages that occur during the rental period;

(c) report the correct odometer reading when refueling the vehicle at authorized refueling sites, and when the vehicle is returned. If an incorrect odometer reading is reported, agencies may be assessed a fee when the agency fails to correct the mileage within three business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was an intentional falsification of the vehicle's actual odometer reading at the time of refueling, a fee may be assessed to the agency even if the agency corrected the error;

(d) return vehicles with a full tank of fuel and if the vehicle has a plug-in charge, begin the charge cycle. Agencies shall be assessed a fee for vehicles that are returned with less than a full tank of fuel;

(e) return rental vehicles in good repair and in clean condition;

(i) agencies shall be assessed a detailing fee for returned vehicles that need extensive cleaning; and

(ii) notify the division if a vehicle is damaged.

(f) call to extend the reservation if 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;

(g) 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;

(h) call the daily pool location, 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;

(i) not place advertising or bumper stickers on state vehicles without prior approval from the division.

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

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

(4) The division 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 State Surplus Property Program for sale or disposal.

**R27-3-12. Alcohol and Drugs.**

(1) While under the influence or with any detectable amount of alcohol, illegal drugs, or impairment from legal medication in their body, no authorized driver shall operate or be in actual physical control of a state vehicle.

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

(a) a law enforcement officer, as defined in Section 53-13-103, in the process of investigating criminal activities;

(b) an employee of the Department of Alcoholic Beverage Control conducting business within the guidelines of their daily operations; or

(c) an investigator for the Department of Commerce in the process of enforcing Title 58, Chapter 37, Utah Controlled Substances Act.

(3) Except as provided in Subsection R27-3-13(2), any authorized driver who uses a state vehicle for the transportation of alcohol or drugs may have their state driving privileges withdrawn, suspended, or revoked.

**R27-3-13. Violations of Motor Vehicle Laws.**

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

(2) Any authorized driver who receives a citation for a violation of motor vehicle laws shall be personally responsible for paying fines associated with citations. Failure to pay fines associated with citations for the violation of motor vehicle laws shall result in the loss of state driving privileges.

**R27-3-14. Seat Restraint Use.**

(1) Authorized drivers and passengers in state vehicles shall wear seat belt restraints while in the vehicle.

(2) Children being transported in state vehicles shall be placed in proper safety restraints for their age and size as stated in Section 41-6a-1803.

**R27-3-15. Smoking in State Vehicles.**

State vehicles are designated as "nonsmoking." Agencies shall be assessed fees for any damage and detailing costs incurred as a result of smoking in vehicles.

**KEY: state vehicle use**

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