

R27. Administrative Services, Fleet Operations.

R27-3. Vehicle Use Standards.

R27-3-1. Authority and Purpose.

(1) This rule is established pursuant to Section 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.

(1) Each agency, as defined in Section 63A-9-101, shall appoint and designate, in writing, 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, for each employee acting as an authorized driver, directly enter into the division's fleet information system, the following information:

- (a) Driver's name;
- (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 of vehicle that each safety program is geared towards.

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

(3) For the purposes of this rule, any employee whose fleet information system record does not have all the information required in (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 whose names have been entered into the division'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 an approved driver safety course as required by the Division of Risk Management for the type or class of vehicle being operated; and
- (c) met the age restrictions imposed by the division 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 the division 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 the division 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 whose name appears in the the division 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 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 the division, and the director of the Division of Risk Management. All approvals must be obtained at least thirty (30) days prior to the departure date. The employing agency shall, prior to 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 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, hazardous materials, flammable materials, and weapons and ammunition (except as authorized by federal and/or state laws). Otherwise, 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 Section 41-6a-502, (Driving under the influence of alcohol, drugs or with specified or unsafe blood alcohol concentration), Section 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 Section 41-6a-510, (Local DUI and related ordinances and reckless driving ordinances).
- (f) Operating a state vehicle for personal use as defined in R27-1-2(37). 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.
- (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 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 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 granted commute or take-home use privileges, annually submit an online spreadsheet from the division website. Authority is granted when the agency executive director submits the spreadsheet form to the division designating his/her approval.
- (2) The division shall enter the approved commute or take-home use request into the fleet information system and provide an identification number to both the driver and the agency.
- (3) All approvals for commute or take-home use privileges shall expire at the end of the calendar year in which they were issued and the division 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) Commute use is considered a taxable fringe benefit as outlined in IRS publication 15-B. All approved commute use drivers shall be assessed the IRS imputed daily fringe benefit rate while using a state vehicle for commute use.
- (5) 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, or the Division of Finance will apply, for each working day in that month, the appropriate commute fringe benefit.
- (6) Take-home use is not a taxable fringe benefit as outlined in IRS publication 15-B. All authorized take-home use drivers must submit an explanation form to the division identifying the driver, vehicle, and reason for the exemption according to IRS publication 15-B.

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

- (1) An agency executive director may approve commute or take-home use when one or more of the following conditions exist:
 - (a) 24-hour "Emergency 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 use privilege is not authorized, could endanger a human life or cause significant property damage. Each driver is required to keep a complete list of all call-outs for renewal of the commute or take-home use privilege the following year. Agencies may use the division'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 out of a vehicle a minimum of eighty (80) percent of the time and the assigned vehicle is required to perform the critical duties assigned to the employee.
 - (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.

- (2) The trip log must be created for the first and last trip of the day for all commute use vehicles.

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

(1) In accordance with IRS publication 15-B, employees with an individual permanently assigned commute use vehicle are subject to the IRS Commuting Rule. Exemptions from the Commuting Rule for take-home use must be in accordance with IRS Publication 15-B and approved by the agency. In these cases, the agency must notify the division and the Division of Finance, or the employee will automatically have the fringe benefit added to the employee's income.

(2) Any agency with an exemption to the Commuting Rule must maintain a file justifying the exemption and must be prepared to explain the agency's position in the case of an audit.

R27-3-9. Enforcement of Commute, Take-home, and Personal Use Standards.

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

(2) Commute, take home, or personal use that is unauthorized shall result in the suspension or revocation of the commute, take-home, or personal 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 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 an intentional falsification 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 the division.

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

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

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

(1) The division 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) Be an authorized driver in accordance with R27-1-2(7). In the event that any of the information required by R27-3-3(1) has not been entered in the division's fleet information system, the rental vehicle will not be released.

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

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

(d) 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 an intentional falsification 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) Return vehicles with a full tank of fuel. Agencies shall be assessed a fee for vehicles that are returned with less than a full tank of fuel.

(f) 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) 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) 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) 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.
- (j) 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 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 division shall hold items left in daily rental vehicles for ten (10) 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. 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 in accordance with R27-4-4(4).
 - (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 (3) authorized passengers.
 - (c) Requests for full-size passenger vans may be granted in the event that the driver is going to be transporting more than (6) 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 Section 41-6a-502, any ordinance that complies with the requirements of Section 41-6a-510, or Section 53-3-231.
- (2) 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 the Department of Alcoholic Beverage Control 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 Title 58, Chapter 37, Utah Controlled Substances Act.
- (3) Except as provided in Subsection (2), 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.
- (5) 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, and whether in the state vehicle or their personal vehicle, may have his or her state driving privileges withdrawn, suspended or revoked.

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 Section 41-6a-1803.

R27-3-16. Driver Training.

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

(2) Each agency shall coordinate with the Division of Risk Management to provide specialty training for vehicles known to possess unique safety concerns.

(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 the division, 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 state vehicles are designated as "nonsmoking". Agencies shall be assessed fees for any damage incurred as a result of smoking in vehicles.

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