

# DEPARTMENT OF PERSONNEL AND ADMINISTRATION

## Division of Central Services

### DIVISION OF CENTRAL SERVICES RULES

#### 1 CCR 103-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### Preamble

Unless otherwise noted in a specific provision, the Division of Central Services Rules were adopted and made effective by the Executive Director on December 1, 2007.

This version reflects rulemaking by the Executive Director of the Department of Administration as follows: to modify 1.10.01 regarding types of equipment related to services; repeal of Travel Program Rules 20.00 – 20.30.

#### 1.00 Division of Central Services Waivers

##### 1.10 Types

###### .01 Service Equipment and Software Related to Services

Service equipment procurement that require waivers include, but is not limited to, postage meters, mail slitters, candler, addressing equipment, folding equipment, microfilm equipment, desktop scanners, high speed scanners, large format scanners, hand held scanners, printing presses, plate makers of any type, bindery equipment office copiers, desktop copiers, multi-function copiers, multi-function printers, desktop printers, network printers, mobile printers, and facsimile devices. A waiver is also required to procure any software required to use such service equipment; this waiver is required even if the agency has already acquired the service equipment.

###### .02 Personal Services

Personal services related functions that require waivers include, but are not limited to, hiring personnel, whether full time, temporary, or an agency, to perform services related to printing, imaging, binding, mail, microfilm, scanning, data entry, document conversion, document management, graphic arts, and fleet management.

###### .03 Services

Services requiring waivers include, but are not limited to, printing, bindery, imaging, mail related services, microfilm, scanning, data entry, document conversion, document management related services, graphic arts and fleet management.

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**1.20 Requests**

- .01 Agencies must request permission in writing for a waiver from the Division of Central Services.
- .02 Requests are reviewed on a project specific basis.
- .03 Requests must include the key financial, quality or service rationale for the request as well as enough backup documentation to allow for an adequate evaluation.

**1.30 Approvals**

- .01 Approval will be provided to the requesting agencies in writing.
- .02 Approvals are time limited on a project specific basis.
- .03 Approvals are subject to periodic review by the Division of Central Services and subject to reporting requirements by the responsible agency.
- .04 Other conditions and requirements associated with the approval will be outlined in the written approval.

**1.40 Denials**

Denials will be provided to the requesting agency in writing and will include the rationale for the denial and alternative solutions.

**2.00 Interagency Motor Pool****2.10 Responsibilities****2.11 Division of Central Services' Responsibilities**

The Division of Central Services shall be responsible for the provision of vehicles in good operating condition, for use by state agencies at a competitive cost.

**2.12 State Agency Responsibilities****.01 General Requirements**

Employees of the state entrusted with interagency motor pool vehicles are responsible for the proper care, operation, maintenance, and protection of the vehicle while the vehicle is under rental by the employing and using agency. It is the responsibility of the requesting agency to ensure that the agency's employees who use an interagency motor pool vehicle are fully acquainted with the requirements of these rules.

**.02 Driver's License**

Assignment of interagency motor pool vehicles will be made only to state employees who hold a valid U.S. driver's license. It is the responsibility of the requesting agency to verify the license.

## 2.13 Operator Responsibilities

A state employee who operates an interagency motor pool vehicle assumes full responsibility for the vehicle until its return to the interagency motor pool. The operator assumes all the responsibilities outlined in section 4.20 through 4.44. This includes personal possession of a valid U.S. driver's license, proper care of the vehicle, storage charges, and personal responsibility for parking and traffic violations. State employees issued a vehicle are responsible for exercising reasonable diligence in the care of the vehicle at all times. Failure to take proper care of an interagency motor pool vehicle may be justification to refuse further vehicle issuance and may result in the agency being billed directly for services.

## 2.20 Use Charges

Use charges will be billed to the user agencies when the vehicle is returned to the interagency motor pool or on a monthly basis if the vehicle is being used for on an extended basis. These use rates will be as currently in effect and published by the Division of Central Services.

## 3.00 Commuting Use of State-Owned Motor Vehicles by State Officers and Employees

### 3.1 Definitions

As used in these rules:

- .01 "Agency" means any department, agency, or institution of higher education participating in the State Fleet.
- .02 "Commuting" means the required use of a state-owned motor vehicle by a state employee to drive between the employee's residence and principal or regular workplace(s). Exceptions and clarifications include:
  - a. There is no commute if the employee works out of their home as their primary work location and does not report each day to one or more state business locations (owned or leased facilities). The employee must also not have an assigned office in any state business location.
  - b. There is no commute if the employee works primarily out of their state vehicle and visits a state business location infrequently (not each day) for the purpose of attending meetings or to pick up or drop off work product. The employee must also not have an assigned office in any state business location.
  - c. It is commuting if an employee is required to use a state vehicle to drive each day to a state business location, even if it is not the same location each day. For example, when an employee has two official work locations with a designated office in one or both.
- .03 "Control employee" means:
  - a. An elected official, or
  - b. An employee whose compensation is at least as much as that paid to a federal government employee holding a position at Executive Level V as specified in IRS regulations at 26 C.F.R. Section 1.61-21.

- .04 "Convenience of the State" means that the commuting is required and that it:
- a. Promotes a legitimate, nonpartisan, governmental interest of the State;
  - b. Promotes the efficient operation of the state motor vehicle fleet system; and
  - c. Is cost effective to the state agency authorizing commuting.
- .05 "De minimis" means the personal use of a State-owned motor vehicle that is of so small a value that accounting for it would be unreasonable or administratively impractical. De minimis includes a stop for lunch between two official business destinations, or occasionally taking a State-owned motor vehicle to the employee's residence the evening prior to a planned business trip or the evening following an after-business-hours conclusion of a business trip.
- .06 "Executive director" means the head of any principal department, agency, or institution of higher education.
- .07 "Qualified non-personal use vehicle" is any vehicle the employee is not likely to use more than minimally for personal purposes because of its design, such as clearly marked police and fire vehicles, unmarked vehicles officially authorized for use by law enforcement officers, vehicles designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds, as well as many other vehicle types and configurations specifically defined in IRS regulations at 26 C.F.R. Section 1.274-5T.
- .08 "State employee" means any person defined as a state officer or employee by 24-10-103(4), C.R.S.
- .09 "State-owned motor vehicle" is as defined in section 24-30-1102(6), C.R.S. and including those that are leased to the State.

### **3.2 Requests**

- .01 Only the Executive Director may authorize commuting. It is not mandatory that any individual or position in the State be required to commute. The decision to require commuting is up to the Executive Director. To authorize commuting, the executive director must determine that it is required for the convenience of the State. The Executive Director will also approve the classification (taxable, exempt or reimbursable) for the required commuter. The executive director shall also determine when an employee starts and ends the authorized use.
- .02 An authorization shall be made on the basis of the individual employee, the work function, the type and configuration of the vehicle, and the convenience to the State. Requiring one employee to commute does not necessarily mean that other employees with the same job title, classification, job function or other specifications should also be required to commute. Authorization is not made on the basis of a specific motor vehicle. Changes in specific motor vehicle assignment, but remaining with the same type and configuration, do not require reauthorization.
- .03 The executive director must document the authorization of commuting by completing a separate State Fleet Management (SFM) Commuting Authorization Form for each state employee required to commute. If the commuting is taxable or if the commuting requires employee reimbursement, the SFM Commuting Authorization Form must also be signed by the agency's payroll officer to verify that commuting income will be imputed or that the monthly withdrawal has been scheduled for payroll purposes. The completed form must be submitted to SFM, Division of Central Services.

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- .04 Any changes relative to a state employee's commuter status or the authorization of a new commuter must be reported immediately to SFM, Division of Central Services by the authorizing agency, and if applicable to the agency payroll contact.
- .05 SFM will send a verification of active approvals to each agency at least annually, which must be reviewed, approved, and returned by the executive director.
- .06 A separate form will be required for each employee with a state vehicle at their home who is designated as a "non-commuter" because they work directly out of their home or vehicle and do not have a permanently assigned office in a state business facility.

**3.3 Classifications and Exemptions**

- .01 Commuting may be classified as exempt, taxable, or reimbursable depending on the vehicle type or configuration (ie. IRS defined as "qualified non-personal use"), the work function of the commuting employee, and other specific requirements. These three classifications are for tax or reimbursement purposes only and are not definitions of who should or should not be required to commute. However, once the decision has been made to require commuting for a specific individual, it is important that they be treated for taxation or reimbursement in the same way as any other required commuter in the same circumstances.
- .02 Exempt – A commuter may be exempt from reimbursement or taxation if qualified under the provisions of the IRS definition of "non-qualified personal use". In the State this would include:
  - a. Vehicles that are not likely to be used other than minimally for personal use because of the unique size or unusual configuration of the vehicle. (State Fleet Management can provide additional clarification concerning the specifics of these requirements.)
  - b. Law enforcement vehicles that are outfitted and clearly marked as law enforcement.
  - c. Unmarked vehicles used by state law enforcement officers qualified as peace officers under section 16-2.5-101 C.R.S and who are working in a job function that requires this status as a condition of their job.
- .03 Taxable – Taxable commuting may be approved for a state employee where it can be clearly demonstrated that the convenience to the State is greater than the benefit to the individual. This would include job functions where there is a health/safety benefit to the state citizens as a result of the commuter being "on call" to respond to emergency situations where citizens' well being could be impacted. Examples would include individuals who are either "first responders" or whose PDQ's specifically require 24/7 availability to respond to health, life, or safety emergencies.
- .04 Reimbursable – If a commuter is not classified as exempt or taxable based on the above criteria reimbursable commuting may be approved for a state employee who is required to commute for the benefit of the State, and for bona fide non-compensatory business reasons.
- .05 The mere fact that an employee performs a job function covered under one of the three categories outlined above does not mean that the employee should be required or approved to commute.

**3.4 Limitations**

- .01 Use of a State-owned or leased motor vehicle by a state employee for any personal purpose is strictly prohibited, except as otherwise provided in these rules. This includes:

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- a. transporting any person unrelated to official business, including family members, friends, or relatives;
  - b. any recreational use;
  - c. transporting or storing personal property of any kind that is not related to the employee's official business;
  - d. use of a State-owned motor vehicle in support of any private, charitable, or political entity or activity;
  - e. any otherwise unlawful use.
- .02 State-owned motor vehicles authorized for any type of commuting will be returned to the commuter's agency during all extended periods of foreseeable non-use such as a commuter's use of annual leave of longer than one week or extended sick leave beyond two weeks.
- .03 Contract workers shall not be permitted to commute.

**3.5 Valuation and Taxation**

- .01 Exempt commuting is not taxable or subject to reimbursement.
- .02 Taxable commuting shall be imputed as income for non-control employees at a rate established under the "commuter valuation rule" pursuant to IRS Regulations 26 C.F.R. Section 1.61-21. Imputed commuting income shall be for 20 days per calendar month regardless of the actual number of commuting days per month, and shall be imputed on a monthly basis as part of the normal pay process.
- .03 Reimbursable commuting will be based on a cost per mile rate established by the Division of Central Services.
- a. The rate will be established once each year with the intent of approximating the cost to the State of operating a typical basic transportation vehicle in the State's fleet. The commuting cost per mile will include an operating cost component that approximates the actual operating cost of a typical State transportation vehicle plus a component to account for a portion of the ownership cost. The commuting cost per mile will be the same for all commuters regardless of the specific type of vehicle used in the commuting since the decision of vehicle assignment is made by the department and not the individual and the value accrued to the individual commuter is not dependent on the type of vehicle driven.
  - b. The individual commuter reimbursement will be a fixed monthly fee calculated by multiplying the estimated daily commuting miles (based on daily round trip commute miles provided by the commuter) times the commuting cost per mile times 20 days per month. The monthly rate will be based on 20 days per month regardless of the number of days the vehicle is actually used in any given month. This fixed monthly fee will remain in effect for the entire year unless the round trip commute distance changes or the commuting requirement is canceled.
  - c. The minimum monthly reimbursement fee will be at a rate established under the "commuter valuation rule" pursuant to IRS Regulations 26 C.F.R. Section 1.61-21.
  - d. Reimbursement shall be deducted from the employee's salary by the state agency authorizing the commuting.

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- .04 Control employees should contact State Fleet Management, Division of Central Services for specific instructions.

**3.6 Enforcement**

- .01 Each department is responsible for regularly reviewing and monitoring the status of every employee required and authorized for commuting by their department. The status shall be reviewed for, but not limited to:
- a. Driver compliance with the commuting rules and regulations.
  - b. Ongoing validity of the justification and cost effectiveness for the requirement to commute.
  - d. Changes relative to any state employee's commuter status.
  - e. Changes in vehicle type or configuration that may affect taxable status.
- .02 Each department is responsible for imposing restrictions or could entirely revoke an employee's authorization if that agency determines that the employee:
- a. Has abused or failed to comply with the commuting rules and regulations.
  - b. Fails to notify payroll of changes that would affect the employee's status as a taxable commuter.
  - c. Consistently fails to provide updated documentation that would affect the status or his/her authorization.
- .03 The Director of the Division of Central Services, Department of Personnel & Administration may revoke vehicle authorizations or impose restrictions on any department or agency that consistently does not meet criteria or ignores requests from State Fleet Management for information in order to bring the employee(s) authorization records into full compliance with the commuting rules and regulations. Agencies wishing to appeal the Division Director's action under this rule may do so in writing within ten (10) working days of the action to the Executive Director of the Department of Personnel & Administration. The Executive Director will issue a written decision within 20 calendar days, which shall be binding and final.
- .04 A state agency may be held financially responsible for any penalties due to the failure to comply with the provisions of these rules.
- .05 Exceptions to these rules may only be made in the event of unusual individual circumstances that are not clearly addressed in these rules. Any exception to these rules requires the approval of both the department's Executive Director and the Director of the Division of Central Services.

**4.00 Motor Vehicle Acquisition, Operation, Maintenance, Repair, and Disposal****4.10 Vehicle Acquisition****4.11 Size of State Fleet**

The size of the state fleet may be increased only as a result of authorized new or expanded programs.

**4.12 Additional/Replacement Vehicles**

Requests from any state agency for additional or replacement vehicles will be handled as follows:

- .01 **Additional Vehicles.** State agencies requesting an additional vehicle on permanent assignment from State Fleet Management (SFM) will be required to complete an Additional Vehicle Request Form. Supporting data should be submitted with the completed form and should include copies of recent legislation, Long Bill and any other supporting data specifically addressing the new or expanded program for which vehicle support is requested. An endorsement by the agencies fiscal officer and a written approval from the agency's OSPB analyst may be required.
- .02 **Short-term Requirements.** Short-term needs, such as seasonal requirements, if approved, will be met with existing vehicle inventory and prioritized with all state-wide needs. Requests for short-term assignments will be made by the requesting agency in a format compatible with procedures established by SFM. When existing vehicles are assigned on a temporary basis, every effort will be made to assign safe operating vehicles appropriate for the intended use. Short-term assignments will typically not exceed 12-months.
- .03 **Vehicle Rotations.** If a used vehicle is requested as an addition, or a rotation (for accidents, uneconomical repair, change in use requirements, etc.), that vehicle will then be treated as any other permanently assigned vehicle.
- .04 **Vehicle Availability.** If requests for short-term assignments are approved, but the vehicles are not available within the existing fleet, SFM will work with the requesting agency to acquire the vehicle by commercial lease for a specified time period. The agency's fiscal officer may need to verify that funds are available to cover the costs of any lease. SFM cannot guarantee the availability of additional vehicles when required.
- .05 **Grant Funded Vehicles.** Agencies will notify SFM of those grants that will have a material impact on fleet acquisition. Agencies are responsible for compliance with all Grant specifications and requirements.
- .06 **Fiscal Responsibility.** Each agency must work with SFM to ensure that adequate funding levels are determined, requested, and adhered to once approved. When vehicles are replaced, the agency will be held fiscally responsible for any fixed term obligations unless otherwise agreed upon with SFM. Fiscal planning and responsibility will include monthly fixed payments to cover the fixed term obligations for the cost of the vehicle and attachments plus a monthly fixed management fee. Operating costs to cover fuel, maintenance, and accident expenses are charged by SFM on a monthly cost per mile basis.
- .07 **Out of Cycle Replacements.** Situations that require vehicles to be replaced "out-of-cycle" such as a unique, mission critical vehicle destroyed in an accident, will be addressed on a case-by-case basis, and may require OSPB approval.

**4.13 Minimum Miles Per Year**

SFM will not acquire (purchase or lease) any vehicle for permanent assignment unless it can be demonstrated that each vehicle requested will meet the minimum required mileage for the utilization classification corresponding to the vehicle's intended work function.

**4.14 Purchasing Rules**

- .01 All vehicle acquisitions, whether by purchase or lease, will be made in compliance with the State's existing purchasing procedures and rules.



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- .02 SFM will provide each agency, through its designated Vehicle Coordinators, various reports to identify vehicles for replacement as part of the annual state budget cycle. Each year, by a date specified by SFM, all pending vehicle purchases for the current fiscal year will be finalized. Any changes (vehicle types, options, etc.) to this list will not be accepted by SFM after this date, unless extraordinary circumstances support change requests.
- .03 In addition to vehicle replacements, agencies will submit and identify additional vehicle needs requests that may result from expanded programs or additional funding. These requests will be reviewed by SFM and may be subject to legislative approval for permanent assignment. Agencies will notify SFM immediately upon receiving approval for additional vehicle funding.

**4.15 Size of Vehicles**

The size of any motor vehicle shall not be greater than is necessary to accomplish its purpose. All efforts will be directed toward acquiring cost-effective vehicles.

**4.16 Vehicle Selection/Life-Cycle Costing**

- .01 The primary consideration in selecting the appropriate vehicles is to match the vehicle to the job it is expected to perform. Vehicles that meet usage requirements as well as service and maintenance requirements will be given preference.
- .02 Aside from the initial cost of the vehicle when purchased new, other factors may be considered, including:
- a. Operating and Maintenance Costs. The anticipated cost of fuel and maintenance.
  - b. Resale Value. The resale value (salvage value) of the vehicle, after its useful life is exhausted.
  - c. Fuel Economy. Low energy consumption shall be a favorable factor in determining the low responsible bidder.

**4.17 Vehicle Specifications**

- .01 Vehicle specifications will be written with the goal of standardizing vehicle purchases as much as possible.
- .02 Vehicle purchases shall be based on specifications as requested by the state agency, developed in cooperation and consultation with the Division of Central Services and the Motor Vehicle Advisory Council and must comply with all fiscal and procurement rules.
- .03 SFM will provide base level vehicles with agency-justified options.

**4.18 License Plates, Titles, and Registrations**

- .01 As new vehicles are received into the Program, these vehicles will be registered with the Department of Revenue, and license plates issued by the Department of Revenue will be assigned and attached to each vehicle.
- .02 "Undercover plates" will be issued only for vehicles directly involved in undercover law enforcement activities, where the employee's identity must be kept secret, or as otherwise allowed by Department of Revenue policy.

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- .03 Personalized plates are not authorized for state-owned vehicles, regardless of who pays for the plates. Only official state decals may be applied to state vehicles. Other bumper stickers, etc. are prohibited.
- .04 Assigned license plates may not be moved from one vehicle to another.
- .05 In the event license plates are lost or stolen, the Agency will have new plates issued, at their own cost, with a new number, and will notify SFM of the change immediately. SFM's records will be adjusted to reflect the change, and a new fuel card will be ordered.
- .06 All vehicle titles, regardless of ownership, will be kept by SFM. Titles to vehicles owned by other state agencies will be returned to the state agency for purposes of vehicle disposal. Following such disposal, appropriate sale data, including date of sale, sale price, and name of buyer, will be promptly reported to SFM. The title to any unsold vehicle will be returned to SFM and corrected in the database. Agencies authorized to dispose of their own vehicles are responsible for meeting all requirements as the seller of a motor vehicle in Colorado.
- .07 Annually, the Department of Revenue, Motor Vehicle Division, will mail to the vehicle user a registration renewal notice. The registration renewal and, where required, the emissions test will be the responsibility of the agency to which the vehicle is assigned.
- a. If the location to which a vehicle is assigned is changed, SFM and the Department of Revenue, Motor Vehicle Division, must be notified of the change and given a new mailing address to which future renewal notices may be sent. Such notification will be the responsibility of the using agency.

**4.19 Alternative Fueled Vehicles**

As requirements are set forth to implement increased usage of alternative fueled vehicles (AFV's), each agency will work with SFM to use and promote AFV's to the extent practicable to meet State and Federal requirements.

**4.20 Vehicle Operation****4.21 Use of State-Owned Vehicles**

State-owned vehicles are to be used for official state business only, and not for personal purposes.

**4.22 Commuting**

The use by a State employee of any State-owned vehicle for commuting must be required by the employing agency and approved in accordance with the motor vehicle commuting rules (see rule 3.00).

**4.23 Traffic Rules**

All state employees are expected to operate the vehicle in a courteous manner and are required to comply with existing traffic laws. Any traffic citations issued to the driver, as a result of non-compliance, are the responsibility of the driver.

**4.24 Alcohol/Drugs**

No state-owned vehicle will be operated by any individual who is under the influence of alcohol or drugs. Section 42-4-1301, C.R.S. (2004). Smoking, or other tobacco use, is not permitted in state vehicles.

**4.25 Driver's License**

All authorized drivers of state-owned vehicles enrolled in the SFM Program must have in their possession a valid U.S. driver's license.

**4.26 Driver's Responsibilities**

- .01 Drivers of state-owned vehicles must assume certain basic responsibilities with regard to the vehicle with which they are entrusted. These responsibilities include proper care, operation, maintenance and security of the vehicle, required emissions inspections, fueling, maintaining tire pressure, checking fluid levels, cleaning, safety, etc. Drivers and agency vehicle coordinators are responsible for checking PM (Preventive Maintenance) schedules for each vehicle they operate or oversee to ensure that regularly scheduled maintenance is performed in a timely fashion.
- .02 State-owned vehicles may not be used for personal errands, including transporting family members or pets. An exception to transporting family members may be granted in those instances where that family member is functioning in an official state capacity. Operators of state-owned vehicles may not pick up hitchhikers or provide transportation for any unauthorized individual. In situations where public safety is a concern, as determined by a state employee on official state business, unauthorized individuals may be provided assistance including transportation to the nearest location where there is no longer an unsafe situation.
- .03 State-owned vehicles may not be loaned to or driven by any unauthorized individual.
- .04 All drivers and/or Vehicle Coordinators are expected to read and become familiar with the contents of the Manufacturer's Operator's Manual, and the SFM Vehicle Operator's Manual, both of which are furnished with each SFM vehicle. The Vehicle Operator's Manual contains a more detailed discussion of driver's responsibilities.

**4.27 Taking State-Owned Vehicles Out of the State or Out of the Country**

- .01 When approved by the agency employing the driver, state-owned vehicles may be taken out of the State, as required in the performance of official duties.
- .02 Vehicles may not be taken out of the United States without prior written notification and explanation from the state agency to the State Fleet Manager. Agencies taking vehicles out of the United States will be responsible for obtaining any necessary additional liability and collision insurance, at their expense, before the vehicle is taken across the border. Should the vehicle become inoperable (either because of accident damage or mechanical problems) while out of the country, the operator should contact his/her employing agency and SFM for assistance. Agencies will be responsible for any additional repair or service costs that are in excess of typical costs. (Travel to Mexico is discouraged.)

**4.28 Fuel Purchases**

All drivers of state-owned motor vehicles are expected to comply with the following regarding the purchase of fuel for state vehicles.

- .01 State fueling systems shall be used wherever practical. In the absence of such facility, self-service islands of retail outlets shall be used wherever available. Exceptions to this policy may be granted because of driver's physical limitations or emergency needs. The driver's supervisor shall document such exceptions. All purchased fuel should be of an appropriate grade of gasoline when available. Premium grades may be purchased when specifically required by the manufacturer or on an occasional basis to maintain the efficiency of the fuel and ignition system.

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- .02 State agencies with fuel dispensing capability are required to bill SFM on a regular, monthly basis. All invoices will contain individual transactions by license and/or asset number, date of fueling, number of gallons, price per gallon, and total cost.
- .04 SFM also furnishes a fuel card with each vehicle assigned. This card is honored by most major oil companies and can be used for purchasing fuel at commercial outlets, or as specified by SFM. Personal items may not be purchased with the fuel card. The fuel card is valid only for the vehicle described on the front of the card, and the cards may not be interchanged. No other State agency is authorized to issue fuel cards for vehicles in the SFM Program.
- .05 Where necessary, an employee may pay for fuel using personal funds and receive reimbursement from SFM through his/her own agency. Such reimbursement will be made only when a properly itemized and signed receipt is provided.
- .06 Fuel Cards are not to be used for services other than emergency roadside help or to purchase "top off" oil, washer fluid, wiper blades, fuel station car washes, or other parts or services of minimal cost.

**4.29 Accident Reporting**

Drivers of state vehicles shall exercise every precaution to prevent damage to the vehicle. The driver of the vehicle is responsible for notifying the following persons immediately, either in person or by telephone, of any accident in which the vehicle is involved: State Fleet Management; employee's official supervisor; and state, county, and local authorities as required by law. The vehicle driver shall record information pertaining to the accident on an accident report form DRM-01 as provided in the SFM Vehicle Packet. This form must be submitted to the vehicle driver's official supervisor for review within 48 hours of the accident. This form, as filed by the driver and signed by the supervisor, shall be turned in to the State Fleet Management and the Division of Risk Management within 72 hours of the accident. Accidents involving personal injuries must be reported to law enforcement immediately and to SFM within 24 hours of the accident (or on the next regular business day) by telephone and followed up with a written report. The driver must file a "State of Colorado Report of Motor Vehicle Accident" (DR-2301) within ten days of an accident if the vehicle was damaged, or the accident resulted in bodily injury or death.

**4.30 Vehicle Maintenance****4.31 Preventative Maintenance**

All state-owned vehicles will be serviced on a regular basis, at frequencies and intervals appropriate for the vehicle assignment as determined by SFM. Every effort should be made by the driver and vehicle coordinator to service the vehicle at or near the established service interval. Repairs required because of failure to follow the scheduled preventive maintenance may be the responsibility of the agency to which the vehicle is assigned. SFM will authorize those services deemed necessary based on vehicle service records. Vehicles more than 50% beyond the established schedule shall be deemed as "overdue" and will be reported to the agency vehicle coordinator for resolution. Continued overdue services may be reported to the agency Executive Director for resolution.

**4.32 Statewide Price Agreements**

In areas of the State where they are available statewide price agreements such as replacement tires and glass, must be utilized for all covered repairs and services. Any exceptions to this policy must be approved by SFM.

**4.40 Vehicle Repairs****4.41 Vehicle Condition**

No state employee is expected to drive a State vehicle if the condition of the vehicle is determined to be unsafe. If an unsafe mechanical condition is discovered, it should be reported and corrected immediately. The driver should refer to the Vehicle Operator's Manual for instructions on how to report vehicle mechanical problems, instructions on after hours emergencies, and procedures for transport and towing.

**4.42 Procedure for Obtaining Repair Authorization**

.01 If the vehicle's preventive maintenance schedule is adhered to, many otherwise needed repairs can be avoided. If repairs are needed, the driver should consult the Vehicle Operator's Manual, furnished with each vehicle. The Vehicle Operator's Manual, prepared by SFM, contains specific instructions for obtaining the necessary authorization for repairs. Neglecting reasonable maintenance practices may result in repairs billed directly to the agency or the driver.

.02 Calls from private vendors requesting repair authorization must be made to the general SFM call center number. The request for repair authorization must be made--and authorization given--before any repairs are begun. The cost of work performed without proper pre-authorization, will be subject to review, and if found to be inappropriate, may be denied or billed to the using agency.

Private vendor mechanics may, for the purposes of repair and diagnosis, operate a state vehicle provided the garage meets the generally accepted requirements for liability insurance. Agencies are encouraged to develop their own internal security procedures for law enforcement vehicles including the use of "Out-of-Service" covers on light bars.

.03 State garages are generally not required to obtain pre-authorization through SFM for vehicles assigned to their own agency (or institution), but will be expected to follow general procedures for state garages as established by SFM. State garages and state mechanics are expected to exercise good judgment when determining whether repairs are necessary and cost effective. All work submitted for payment may be reviewed for appropriateness by the State Fleet Call Center. Any work considered unnecessary or overcharged may be questioned and fully or partially denied payment. State garages are encouraged to pre-authorize if there is some doubt as to the appropriateness or cost effectiveness of the repair. Car washes performed at state garages will not be paid for by State Fleet Management.

.04 Pre-authorization is required for work done on vehicles assigned outside the garage's agency (or institution), and the prices quoted will be subject to competitive scrutiny. In this regard, state garages will be treated in the same fashion as a private vendor.

**4.43 Process for Determining if Repairs are Justified**

Prior to authorizing any major mechanical repairs or major body repairs, SFM will make a determination as to whether the cost of the repair is economical and in the best interest of the State. Mechanics in the Call Center will use their knowledge and experience in making this decision as well as other criteria including: the book value of the vehicle, the demand for uninterrupted vehicle support, the availability of a suitable used rotation vehicle from inventory, the anticipated remaining life of the vehicle due to age, mileage, and/or scheduled replacement, etc.

**4.44 Selection of Repair Facility**

SFM will refer drivers to authorized state owned or private repair facilities. In the case of an emergency occurring during hours that SFM is not available, the driver may obtain the minimum repairs necessary to safely continue the trip or wait until regular business hours. Drivers should be aware that obtaining repair services after regular business hours may not be possible. If repairs have NOT been performed properly, the driver must contact SFM immediately so that the Call Center staff can discuss the service quality with the vendor and negotiate remedies.

**4.50 Vehicle Disposal Standards****4.51 Disposal Criteria**

SFM will review and approve all requests for vehicle disposal. One or more of the following shall be used in considering the disposal of state motor vehicles:

- .01 No Longer Needed - The State no longer has a need for the vehicle.
- .02 Minimum Replacement Criteria - State-owned vehicles will not normally be replaced until they meet the replacement criteria established by the State Fleet Management Program (considering mileage, cost, safety, and other relevant criteria).
- .03 Uneconomical to Repair - Vehicles that have sustained extensive damage or vehicles that require substantial mechanical repairs, may be disposed of earlier, if it can be shown that the cost of repairs would be uneconomical and the State's interests would be better served by disposing of the vehicle rather than repairing it.

**4.52 Methods of Disposal**

After a vehicle has met disposal criteria, the vehicle may be disposed of by public auction. If other methods of disposal are required because of unusual circumstances (out-of-state location, etc.) the method of disposal must be approved in advance by SFM.

**4.53 Vehicle Turn In Requirements**

Prior to turning a vehicle in to SFM, the Agency must:

- .01 Assure that the vehicle is reasonably clean and has at least a 1/4 tank of fuel.
- .02 Remove two-way radios, phones, hands-free equipment, security cages, law enforcement lighting, and other special equipment.
- .03 Remove all decals and undercover plates (replace with the regular state plate).
- .04 If vehicle is assigned in a full emissions test area, an emissions test must be valid for at least two months after the turn-in date.

**4.60 Reporting Requirements****4.61 Vehicle Coordinator**

- .01 Each agency will be required to designate an individual or individuals, who is/are knowledgeable about the agency's vehicle fleet, to serve as Vehicle Coordinators. Such designation will be at the Department level if possible, but additional designations may be arranged by mutual agreement with SFM. The individuals so designated will be the contact persons through whom SFM will communicate Fleet related matters.
- .02 The Vehicle Coordinators will be the key contacts in coordinating the following (but not limited to):
- a. Routine and special reports.
  - b. Vehicle accident reports.
  - c. Preventive maintenance and repairs.
  - d. Replacements and Additional Vehicle.
  - d. Verifying and/or correcting vehicle data.
  - e. Vehicle assignments and terminations.
  - f. Commuting requirements.
  - g. Vehicle needs and specifications.
  - h. DOR registrations and emissions compliance.
  - i. Monthly mileage reporting.
  - j. Communicating with internal agency fiscal officers to ensure that agency funding levels for vehicle expenses are properly managed.

**4.62 Monthly Vehicle Odometer Reporting**

- .01 For each vehicle permanently assigned, the using agency is required to furnish SFM with an accurate monthly odometer reading by a date specified by SFM. Failure to report odometer readings accurately may invalidate maintenance requirement alerts, and may subject the operating agency to additional repair charges.
- .02 If the odometer reading is not furnished to SFM by the specified monthly reporting date, the agency to whom the vehicle is assigned may be billed a default mileage. These odometer readings will be recorded through an on-line reporting tool or other method specified and approved by SFM.

**4.63 Preventive Maintenance Reporting**

- .01 Each agency is responsible for assuring that the preventive maintenance prescribed by SFM is followed for the vehicle(s) assigned to that agency.

**4.64 Emissions Test**

- .01 All state-owned vehicles assigned to areas within the AIR Program area are subject to the emissions testing requirements of the State's AIR emissions Program.
- .02 If an emissions test is required and the state vehicle fails the emissions test, it will either be brought into compliance or the vehicle will not be driven. SFM will pay for the expenses incurred to bring a vehicle into compliance only if such repairs are deemed economically feasible or reasonable alternatives are not available.
- .03 Each agency is responsible for monitoring the expiration date of the emissions sticker on the windshield and getting the emissions test performed when it is due. SFM will pay for required emissions tests.

**4.65 Responsibility**

Citations issued for expired emissions compliance are the responsibility of the operating agency.

**4.70 Noncompliance****4.71 Accountability**

State agencies and/or individual employees may be held financially accountable for all costs resulting from the violation of these rules relating to the misuse of state-owned motor vehicles.

**4.72 Revocation of Assignment**

Noncompliance with these rules may be grounds for revocation of vehicle assignment.

**4.73 Disciplinary Action**

At the discretion of the employing agency, corrective and/or disciplinary action may be appropriate for State employees found to be in violation of these rules.

**4.74 Other Fees and Charges**

SFM reserves the right to charge an administrative fee, or the full cost of repairs or service, for any of the following:

- .01 Improper use of the fuel card.
- .02 Failure to follow Turn in Requirements.
- .03 Actions that void the vehicle warranty.
- .04 Other substantial rule or procedural infractions as determined by SFM.

**4.80 Acquisition by Operation of Law**

Agencies are notified that motor vehicles acquired by operation of law are, pursuant to section 24-30-1101, C.R.S. (2004), "State-owned motor vehicles" and are subject to Fleet Management Program oversight.



**4.81 Forfeiture**

.01 The head of any state department, institution, or agency that comes into possession of a motor vehicle of the type described in section 24-30-1102, C.R.S. (2004) by operation of law including but not limited to seizure, confiscation, or forfeiture under sections 33-6-102, 16-13-506, C.R.S. (2004) or other law, shall report the following to SFM within 10 days of the vehicle's judicial forfeiture order or perfection of the State's right and interest in the vehicle:

- a. Location of the motor vehicle.
- b. A copy of the perfected Certificate of Title.
- c. The contact information of the responsible official within the agency.
- d. License plate number.
- e. Planned usage of the motor vehicle to include time lines.

**5.00 Revocation of Assignment of State-Owned Motor Vehicles****5.10 Permanent Assignment of Vehicle****5.11 Definition**

A permanent assignment is defined as the issuing by State Fleet Management of a motor vehicle to any state agency for a period expected to exceed twelve continuous months. A short term assignment may exceed twelve months only if approved by SFM in advance.

**5.20 Restrictions on Assignment of Vehicles****.01 Favoritism**

Requests for assignment or reassignment of motor vehicles shall not be honored when the purpose of the assignment or reassignment is to provide a newer or lower mileage vehicle to a state officer or employee on the basis of rank, position, management authority, length of service, or other nonessential purpose.

**.02 Number of Vehicles**

Requests for additional vehicles will not be honored unless the request is based on documentation as specified and required by SFM.

**5.30 Basis for Revocation**

Revocation of assignment may occur when it has been reasonably determined by the State Fleet Manager that:

**.01 Unofficial Use**

The vehicle has been used for purposes other than official state business;

**.02 Failure to File Reports**

An agency fails to submit required reports or when the required reports that have been filed fail to meet the established standards as published by the Division, and such deficiencies are not cured within thirty calendar days after receiving notification from State Fleet Management of such deficiency;

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**.03 False Information**

False information has knowingly and willfully been supplied on an application for permanent assignment, commuting reimbursement form, or other required report or form;

**.04 Required Signature**

An individual required to do so fails to sign all reports or forms submitted for vehicles permanently assigned and fails to cure the deficiency within thirty calendar days after receiving notification from State Fleet Management of such deficiency;

**.05 Abuse**

A State-owned motor vehicle has been abused;

**.06 Violation of Other Rules**

A violation of other rules or regulations promulgated by the Division has occurred which warrants revocation of assignment as specified in those rules and regulations.

**.07 Low Mileage**

Failure of vehicles to meet the minimum annual mileage criteria based on the appropriate utilization classification.

**5.40 Procedure for Revocation of Assignment****5.41 Notice of Suspected Violation**

If the Director of the Division of Central Services determines that there is sufficient cause for revocation, a written notice will be sent to the affected agency. The notice will identify the vehicle involved, outline the suspected violations which are considered causes for revocation, and request the affected agency to correct the situation within 30 calendar days.

**5.42 Revocation**

If, within 30 calendar days, the using agency fails to correct the conditions outlined in the written notice, the Director of the Division of Central Services, will notify the affected agency that the assignment of the vehicle is being revoked. If so notified, the affected agency will immediately return the vehicle to State Fleet Management.

**5.43 Appeals**

If the affected agency feels that revocation is unwarranted, the executive director, University or College President, or designee of such agency may appeal the decision of the Director of the Division of Central Services to the Executive Director, Department of Personnel & Administration, who will respond in writing with a decision within 30 calendar days. This decision will be binding and final.

**5.50 Reassignment****5.51 New Vehicle Request**

Requests for reassignment of a vehicle, following the revocation of assignment, shall not be honored until State Fleet Management is reasonably assured that the violation for which a vehicle was previously revoked will not recur.

**6.00 Annual Verification of Minimum Mileage****6.10 Utilization Criteria****6.11 Minimum Annual Mileage**

A state-owned motor vehicle shall not be permanently assigned to any agency, state officer, or state employee if the vehicle is not likely to meet the minimum required mileage for the utilization classification associated with the vehicle's intended work function.

**6.20 Reporting Requirements****6.21 Utilization Reports**

Following the close of each fiscal year (using June 30 data), State Fleet Management will prepare and distribute, to each state agency, a listing of vehicles that have not met the required annual mileage for the appropriate utilization classification. Vehicles that have not been in their present use assignment long enough to establish a utilization pattern will not be included in the report.

**6.22 Low Mileage**

- .01 For each and every state-owned motor vehicle that does not meet the minimum mileage for the designated utilization classification, the using agency shall furnish State Fleet Management with justification for continued retention of the vehicle.
- .02 If the responsible state agency cannot reasonably justify such lower mileage, permanent assignment may be revoked immediately.
- .03 The following may be considered as justification for low mileage:
  - a. Partial year classification to a higher or lower utilization code.
  - b. Errors - Coding or mileage reporting error that can be validated through documentation.
  - c. Economics - Low mileage utilization, but more cost effective than alternatives.
  - d. Disposal Pending - Vehicle will not remain on inventory records for more than six months.
  - e. Vehicle Not Available – Vehicle could not be driven for extended period due to driver illness or due to very lengthy repair time.
  - f. Other Unique Situations – SFM will work with the MVAC to evaluate unique situations on a case-by-case basis.

**7.0 Opting Out of the State Fleet Program (Higher Education)**

An institution of higher education may withdraw from the State Fleet Management (SFM) Program by meeting the following requirements:

- .01 The head of the institution must notify the Executive Director of the Department of Personnel & Administration in writing of the institution's wish to withdraw at least six months prior to the end of the current fiscal year.

- .02 The institution must complete all of the necessary transition requirements established by State Fleet Management so that the effective date of withdrawal from the Program may take place on July 1 of the following fiscal year.

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**Editor's Notes**

**History**

Section 20.00 eff. 12/01/2007.

Section 3.00 eff. 03/31/2011.

Section 3.00 eff. 11/30/2011.

Preamble, section 1.10.01 eff. 10/30/2015. Sections 20.00-20.30 repealed eff. 10/30/2015.