



## DEPARTMENT OF PERSONNEL & ADMINISTRATION

### 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 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 Personnel & Administration as follows: to update references to the Division of Central Services to the Department of Personnel & Administration and update references to the interagency motor pool to the State Fleet pool ; to modify Chapter 1 regarding waiver requests; modify Chapter 2 regarding State Fleet handling of citations, tickets, tolls, and taxable commuting; repeal Chapter 3 regarding taxability of commuter vehicles and directing drivers and agencies to the applicability of State Controller guidance over taxability; modify Chapter 4 regarding acquisition of vehicles, underutilization of vehicles, vehicle availability, grant vehicles, and allowable vehicle logos; modify Chapter 5 regarding assignment of vehicles, and revocations; and Chapter 6 regarding utilization, effective February 1, 2019

#### 1.00 Department Waiver Type

##### .1 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.

##### .2 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.

##### .3 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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**1.10 Requests**

- .1 Agencies must request permission in writing for a waiver from the Department of Personnel & Administration.
- .2 Requests are reviewed on a request specific basis.
- .3 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.

**1.20 Approvals**

- .1 Approval will be provided to the requesting agencies in writing.
- .2 Approvals are time limited on a request specific basis.
- .3 Approvals are subject to periodic review by the Department of Personnel & Administration and subject to reporting requirements by the responsible agency.
- .4 Other conditions and requirements associated with the approval will be outlined in the written approval.

**1.30 Denials**

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

**2.00 Department of Personnel & Administration Responsibilities**

The Department of Personnel & Administration shall be responsible for the provision of vehicles in good operating condition, for use by state agencies at a competitive cost.

**2.10 State Agency Responsibilities****.1 General Requirements**

Employees of the state entrusted with State Fleet 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 a State Fleet pool vehicle are fully acquainted with the requirements of these rules.

**.2 Driver's License**

Assignment of State Fleet 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.

**2.20 Operator Responsibilities**

A state employee who operates a State Fleet pool vehicle assumes full responsibility for the vehicle until its return to the State Fleet pool. The operator assumes all the responsibilities outlined in section 4.19 through 4.43. This includes personal possession of a valid U.S. driver's license, proper care of the vehicle, storage charges, and personal responsibility for parking traffic violations, tolls and any taxable commuting. 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 a State Fleet pool vehicle may be justification to refuse further vehicle issuance and may result in the agency being billed directly for services.

**2.30 Use Charges**

Use charges will be billed to the user agencies when the vehicle is returned to the State Fleet 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 Department of Personnel & Administration.

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

State agencies shall comply with the Office of the State Controller's Fiscal Rule, corresponding Policy, and Technical Guidance regarding taxable commuting.

State agencies shall submit an Individual Employee Assigned Vehicle Authorization form for any vehicle assigned to an individual state employee.

**4.00 Size of Fleet**

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

**4.10 Additional/Replacement Vehicles**

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

- .1 Additional Vehicles. State agencies requesting an additional vehicle on permanent assignment from State Fleet Management (SFM) will be required to complete a 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 agency's fiscal officer, or a written approval from the agency's OSPB analyst may be required. Prior to submission of the Vehicle Request Form the agency will review their Underutilized vehicles under their use for re-assignment and reallocation to maximize the use of state resources.
  - .2 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.
  - .3 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.
  - .4 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 through the appropriate financial mechanism 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.
  - .5 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. Grant vehicles will be titled and registered as State Fleet owned vehicles, or, as specified by the grant.
  - .6 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 vehicle damage expenses are charged by SFM on a monthly cost per mile basis.
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- .7 Out of Cycle Replacements. Situations that require vehicles to be replaced “out-of-cycle” such as a unique, mission critical vehicle destroyed in an incident, will be addressed on a case-by-case basis, and may require OSPB approval.

**4.11 Minimum Utilization 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 utilization for the utilization classification corresponding to the vehicle’s intended work function.

**4.12 Purchasing Rules**

- .1 All vehicle acquisitions, whether by purchase or lease, will be made in compliance with the State’s existing purchasing procedures and rules. Vehicles in use that do not continue to meet this minimum threshold of utilization will require justification from the operating agency submitted to State Fleet Management. If the proper justification is not received from the agency the vehicle may be removed from the operating agency and evaluated for reassignment.
- .2 SFM will provide each agency, through its designated Fleet 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.
- .3 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.

**4.13 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.

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

- .1 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.
- .2 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.
  - d. Environmental impact. State initiatives supporting the continued quality of the environment may impact vehicle purchase decisions.

**4.15 Vehicle Specifications**

- .1 Vehicle specifications will be written with the goal of standardizing vehicle purchases as much as possible.

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- .2 Vehicle purchases shall be based on specifications as requested by the state agency, developed in cooperation and consultation with the Department and the Motor Vehicle Advisory Council and must comply with all fiscal and procurement rules.
- .3 SFM will provide base level vehicles with agency-justified options.
- .4 A State agency shall notify the Department of any plans to modify the vehicle to make it a "Qualified Nonpersonal Use Vehicle" under IRS regulations. The Department will provide the agency with a response of whether the agency's plans for the vehicle comply with IRS regulations.

**4.16 License Plates, Titles, and Registrations**

- .1 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.
- .2 "Undercover plates" will be issued only for vehicles directly involved in undercover law enforcement activities, where the employee's identity must be kept anonymous, or as otherwise allowed by Department of Revenue policy.
- .3 Personalized plates are not authorized for state-owned vehicles, regardless of who pays for the plates.
- .4 Assigned license plates may not be moved from one vehicle to another.
- .5 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.
- .6 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.
- .7 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.

**4.17 Branding and Logos**

Only official state decals may be applied to state vehicles. Other decals, Logos and bumper stickers, etc. are prohibited.

**4.18 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.

**4.19 Use of State-Owned Vehicles**

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

**4.20 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 Office of the State Controller's motor vehicle commuting rules (see rule 3.00).

**4.21 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.

**4.22 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.

**4.23 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.

**4.24 Driver's Responsibilities**

- .1 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.
- .2 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.
- .3 State-owned vehicles may not be loaned to or driven by any unauthorized individual.
- .4 Drivers are responsible for safe and legal operation of vehicles operated on behalf of official state business. Unlawful use of these vehicles that result in a ticket or citation is the responsibility of the driver. Furthermore, parking fees and tolls acquired while in the use of the vehicle, not preauthorized by the drivers employing agency are the driver's responsibility to pay.
- .5 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.

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

- .1 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.
- .2 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

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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.)

**4.26 Fuel Purchases**

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

- .1 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 within compliance of the SFM policy on Premium fuels.
- .2 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.
- .3 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.
- .4 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.
- .5 Fuel Cards are not to be used for services other than to purchase "top off" oil, washer fluid, wiper blades, or fuel station car washes.

**4.27 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 the roadside incident form DRM-01 as provided in the SFM Vehicle Packet. This form must be completed by the driver and 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 used to complete the States online form and 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.

**4.28 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 must 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 leadership for resolution.

#### **4.30 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 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.

#### **4.41 Procedure for Obtaining Repair Authorization**

- .1 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.
- .2 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.

- .3 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.
- .4 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.

#### **4.42 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. Technicians 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.

**4.43 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 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:

- .1 No Longer Needed - The State no longer has a need for the vehicle.
- .2 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).
- .3 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.

**4.51 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.

**4.52 Vehicle Turn-In Requirements**

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

- .1 Assure that the vehicle is reasonably clean and has at least a 1/4 tank of fuel.
- .2 Remove two-way radios, phones, hands-free equipment, security cages, law enforcement lighting, and other special equipment.
- .3 Remove all decals and undercover plates (replace with the regular state plate).
- .4 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.
- .5 Not meeting the minimum turn-in requirements may result in fees being assessed to the operating agency to accomplish this required work.

**4.60 Fleet Coordinator Reporting Requirements**

- .1 Each agency will be required to designate an individual or individuals, who is/are knowledgeable about the agency's vehicle fleet, to serve as Fleet Coordinators. Such designation will be at the Agency 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.
- .2 The Fleet Coordinators will be the key contacts in coordinating the following (but not limited to):
  - a. Routine and special reports.

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- b. Vehicle damage reports.
- c. Preventive maintenance and repairs.
- d. Replacements and Additional Vehicle.
- e. Verifying and/or correcting vehicle data.
- f. Vehicle assignments, transfers, and terminations.
- 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.
- k. In the event of an accident where the driver is at fault, the coordinator will be responsible for determining via agency leadership if the Driver/Operator was operating within the course and scope of their duties.

**4.61 Monthly Vehicle Odometer Reporting**

- .1 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.
- .2 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.

**4.62 Preventive Maintenance Reporting**

- .1 Each agency is responsible for assuring that the preventive maintenance prescribed by SFM is followed for the vehicle(s) assigned to that agency.
- .2 Each Agency is responsible for reporting any work performed by repair facilities on SFM operated vehicles.

**4.63 Emissions Test**

- .1 All state-owned vehicles assigned to areas within the emissions program area are subject to the emissions testing requirements of the State's emissions program.
- .2 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.
- .3 Each agency is responsible for monitoring the expiration date of the emissions status on the vehicle and getting the emissions test performed when it is due. SFM will pay for required emissions tests.

**4.64 Responsibility**

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

**4.70 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. It is the duty of all state employees to report fraudulent or illegal actions that do not comply with State rules and regulations. Failure to comply can result in personal liability or revocation of SFM services.

**4.71 Revocation of Assignment**

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

**4.72 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.

**4.73 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:

- .1 Improper use of the fuel card.
- .2 Failure to follow Turn in Requirements.
- .3 Actions that void the vehicle warranty.
- .4 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., "State-owned motor vehicles" and are subject to Fleet Management Program oversight.

**4.81 Forfeiture**

- .1 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. by operation of law including but not limited to seizure, confiscation, or forfeiture under sections 33-6-102, 16-13-506, C.R.S. 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 Permanent Assignment of Vehicle

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.

### 5.10 Restrictions on Assignment of Vehicles

#### .1 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.

#### .2 Number of Vehicles

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

### 5.20 Basis for Revocation

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

#### .1 Unofficial Use

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

#### .2 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;

#### .3 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;

#### .4 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;

#### .5 Abuse

A State-owned motor vehicle has been abused;

#### .6 Violation of Other Rules

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

#### .7 Low Utilization

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

Department of Personnel & Administration**4.30 Notice of Suspected Violation**

If the Director of the Division within which State Fleet Management resides 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.

**5.40 Revocation**

If, within 30 calendar days, the operating agency fails to correct the conditions outlined in the written notice, the Director of the Division within which State Fleet Management resides, 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. Revocation of the vehicle may not nullify applicable assigned charges associated with ownership of the vehicle. Every reasonable effort will be made to locate the proper reassignment for the vehicle.

**5.50 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 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.

**5.60 Reassignment of Revoked Vehicle**

Requests for reassignment of a vehicle, following the revocation of assignment, shall not be honored until State Fleet Management is reasonably assured through formal documentation that the violation for which a vehicle was previously revoked will not recur. If the revoked vehicle has been reassigned to another agency, then the vehicle slot must be formally requested through the vehicle request process.

**6.00 Annual Verification of Minimum Utilization****.1 Minimum Annual Utilization**

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 utilization for the utilization classification associated with the vehicle's intended work function.

**.2 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 utilization 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.

**6.10 Low Utilization**

- .1 For each and every state-owned motor vehicle that does not meet the minimum use for the designated utilization classification, the operating agency shall furnish State Fleet Management with justification for continued retention of the vehicle.
- .2 If the responsible state agency cannot reasonably justify such lower utilization, permanent assignment may be revoked immediately.
- .3 The following may be considered as justification for low utilization:
  - a. Partial year classification to a higher or lower utilization code.
  - b. Errors - Coding or mileage reporting error that can be validated through documentation.

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- c. Economics - Low 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:

- .1 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.
- .2 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.