

**State of Rhode Island
Department of Administration
Division of Central Services**

Office of State Fleet Operations

January 2003



**Rules and Regulations Governing the Office of State Fleet Operations and the
Management and Use of State Owned Motor Vehicles by State Agencies**

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Department of Administration
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State of Rhode Island
Department of Administration
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Rules and Regulations Governing the Office of State Fleet
Operations and the Management and Use of State Owned Motor
Vehicles by State Agencies

1. Introduction and Purpose:

- 1.1. These rules and regulations are promulgated under the authority and in furtherance of Section 42-11-2(m) of the Rhode Island General Laws (RIGL). This section states in part that the department of administration shall have the power and duty to control and supervise the acquisition, operation, maintenance, repair, and replacement of state owned motor vehicles by state agencies. These rules and regulations shall apply to all state agencies as defined below.
- 1.2. These rules and regulations also incorporate the department of administration's policy adopted in October 2000 pursuant to RIGL Chapter 42-11.3 entitled "Motor Vehicles Owned by a Governmental Body," which applies to all state agencies as well as to all governmental bodies. This policy is attached hereto as Appendix A.
- 1.3. The director of the department of administration may delegate the implementation of these rules and regulations in whole or in part.
- 1.4. The purpose of these rules and regulations is to regulate the state vehicle fleet and to ensure its proper utilization.

2. Definitions: As used in these rules and regulations, the following terms shall have the following meanings unless otherwise specified:

- 2.1. "department director" means the heads of departments as enumerated in RIGL Chapter 42-6 and includes the governor, secretary of state, attorney general, and general treasurer, administration, human services, mental health retardation and hospitals, transportation, business regulation, labor and training, environmental management, children youth and families, elderly affairs, corrections, health, board of governors for higher education, elementary and secondary education, and public utilities commission.

2.2. “governmental body” means any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, including, without limitation, the board of governors for higher education and board of regents for elementary and secondary education or other establishment of the executive, legislative or judicial branches of the state.

“governmental body” also means the Rhode Island industrial recreational building authority, the Rhode Island economic development corporation, the Rhode Island industrial facilities corporation, the Rhode Island refunding bond authority, the Rhode Island housing and mortgage finance corporation, the Rhode Island resource recovery corporation, the Rhode Island public transit authority, the Rhode Island student loan authority, the water resources board corporate, the Rhode Island health and education building corporation, the Rhode Island higher education assistance authority, the Rhode Island turnpike and bridge authority, the blackstone valley district commission, the Rhode Island telecommunications authority, the convention center authority, channel 36 foundation, the Rhode Island airport corporation, the Rhode Island lottery commission, the narragansett bay commission, the underground storage tank board, their successors and assigns, and any other body corporate and politic which has been here before or which is hereinafter created or established within this state excepting cities and towns.

2.3. “state agency” for the purposes of these rules and regulations shall also include the judiciary and all other commissions and agencies and any other commission or agency which is hereinafter created or established within this state. A current listing of “state agencies” is attached hereto as Appendix B.

2.4. “state agency head” shall mean the chief executive officer of all state agencies as defined in Section 2.3 of these rules and regulations.

2.5. “office of state fleet operations” is a unit of the division of central services within the department of administration designated by the director of administration to be responsible for implementing these rules and regulations.

2.6. “general officer” shall mean the governor, the lieutenant governor, the attorney general, the secretary of state and the general treasurer as defined under RIGL Chapter 42-11.3-1(1).

2.7. “state owned motor vehicle” refers solely to a state agency’s passenger and motorized equipment fleet and attachments, where applicable, irrespective of the source of funds utilized to acquire the vehicle or, in the case of vehicles leased by the state for state purposes, the title holder of record for the vehicle. Categories of vehicles included in this definition include, but are not limited to, the following:

- 2.7.1. passenger cars;
- 2.7.2. pickup trucks, vans and all purpose vehicles;
- 2.7.3. heavy trucks;
- 2.7.4. buses;

- 2.7.5. trailers;
- 2.7.6. motorcycles;
- 2.7.7. rental/lease vehicles;
- 2.7.8. off-road equipment.

2.8. off-road equipment refers to mobile equipment — mobile equipment means any of the following types of land vehicles, including any attached machinery or equipment:

- 2.8.1. bulldozers, farm machinery including tractors, forklifts and other vehicles designed for use off public roads;
- 2.8.2. street sweepers;
- 2.8.3. backhoes, graders and other road construction equipment;
- 2.8.4. snowmobiles.

2.9. “light vehicle” refers to passenger cars, pickup trucks, vans, sport utility vehicles, or any other vehicles included in state fleet operations’ generic vehicle specifications.

2.10. “state fleet” refers to all state owned motor vehicles allocated to state agencies and under the control of the office of state fleet operations.

3. Responsibilities:

3.1. Office of state fleet operations:

3.1.1. The office of state fleet operations is responsible for the maintenance, repair and efficient use of state owned motor vehicles within its control.

3.1.2. The office of state fleet operations is also responsible for monitoring the use of state owned motor vehicles.

3.1.3. The allocation of state owned motor vehicles is the responsibility of the office of state fleet operations. These assignments are made in conjunction with the department or agency requesting the assignment or allocation of vehicles. No vehicle shall be considered to be permanently assigned to a state agency or specifically assigned to an individual unless specified in a written agreement with the state.

3.1.4. In addition to any authority cited above, the office of state fleet operations is authorized to:

3.1.4.1. Prepare an annual report on vehicle usage for the director of administration for the house and senate fiscal staff in accordance with RIGL Section 42-11.3-5.

3.1.4.2. Prohibit an employee or an individual from using a state owned motor vehicle for:

- 3.1.4.2.1. non-compliance with Rhode Island General Laws, state regulation or policy;
 - 3.1.4.2.2. engaging in unsafe practices with a state owned motor vehicle;
 - 3.1.4.2.3. repeated motor vehicle accidents;
 - 3.1.4.2.4. improper use of a state owned motor vehicle;
 - 3.1.4.2.5. discourteous conduct in the operation of a state owned motor vehicle, and/or;
 - 3.1.4.2.6. violation of any provisions of these rules and regulations.
- 3.1.4.3. Require employees who have been involved in accidents to attend a driver-training program offered through the state's risk manager. Agency heads will be notified which employees are required to attend training.
- 3.1.4.4. Conduct investigations and make recommendations concerning the employee's authority to operate a state owned motor vehicle to the director of administration.
- 3.1.4.5. Establish and promulgate standards of safe practices in the operation of state owned motor vehicles.
- 3.1.4.6. Maintain a system of control:
- 3.1.4.6.1. over gas cards used to access fuel at state pumps;
 - 3.1.4.6.2. for tracking fuel use and repair costs;
 - 3.1.4.6.3. over the issuance and use of gasoline credit cards;
 - 3.1.4.6.4. over fueling depots and assuring the availability of fuel;
 - 3.1.4.6.5. for billing user agencies or entities for goods and services;
 - 3.1.4.6.6. for the acquisition, delivery, and acceptance of state owned motor vehicles;
 - 3.1.4.6.7. over the reassignment of vehicles being traded-in for new vehicles;
 - 3.1.4.6.8. over the disposal of surplus state vehicles;
 - 3.1.4.6.9. over complaints received and the ultimate resolution;
 - 3.1.4.6.10. reporting vehicle accidents to the registry of motor vehicles and the liability insurance company.
- 3.1.4.7. Prepare and submit the annual alternative fueled vehicles acquisition report to the U.S. Department of Energy for all vehicles acquired by state agencies.
- 3.1.4.8. Develop and maintain a system for providing maintenance and repair services to vehicles assigned to state agencies.

3.2. State agency responsibility:

- 3.2.1. Each state agency head is responsible for the enforcement of these rules and regulations and for ensuring the efficient use of the state vehicles within its control.
- 3.2.2. Require that each operator of a state owned motor vehicle is made aware of these rules and regulations and possesses the appropriate license to operate the type of vehicle assigned.
- 3.2.3. Provide the department of administration with vehicle usage data in order to meet the reporting requirements of the Internal Revenue Service.
- 3.2.4. Request written approval from the director of administration for commuting use of a vehicle by an employee of the state agency. Such request is to be submitted to the director of administration by November 1 each year. Such approval will expire on December 31 of each following year. Any changes to this approved list will require prior approval by the director of administration. Department directors and elected general officers are exempt.
- 3.2.5. Submit annually to the office of state fleet operations completed questionnaires (Annual Report of State Owned Vehicle Usage) for each of its state owned motor vehicles. These completed questionnaires must be submitted each year by a certain date which will be announced by the state controller. It is the responsibility of the submitting state agency to review these questionnaires for completeness and for consistency. It is also the state agency's responsibility to ensure that questionnaires are submitted to both the office of state fleet operations and the office of accounts and control for employees on the approved list of commuters as described in Section 3.2.3 of these rules and regulations.
- 3.2.6. Designate in writing to the director of administration and the office of state fleet operations a contact person for the state agency who shall be the point of contact for the office of state fleet operations. This person, or their designee, shall be responsible for knowing all office of state fleet operations' policies and procedures, shall initial or sign all purchase requisitions for new vehicle acquisitions, and have other administrative duties including the review of the bi-weekly billing issued to the user state agency by the office of state fleet operations.
- 3.2.7. Designate in writing to the director of administration and the office of state fleet operations one or more agency fleet maintenance coordinator(s) who shall be authorized by the agency head to request work orders for repairs to state owned vehicles from the office of state fleet operations. The coordinator shall also be responsible for ensuring that the agency's vehicles are properly maintained and that the vendors have properly completed authorized repairs and/or maintenance. The coordinator may be the same person designated in Section 3.2.6 of these rules and regulations.

- 3.2.8. Be responsible for meeting federal requirements under the Federal Energy Policy Act (EPACT) for the purchase of alternative fueled vehicles.
- 3.2.9. Ensure that vehicles are serviced at proper intervals as described in the vehicle manufacturers recommended service schedule, that the vehicles are kept in safe operating condition and that the office of state fleet operations is notified of the need for any necessary repair.
- 3.2.10. State agency heads are responsible for assuring that all state owned motor vehicles under its control are properly inspected as required by law.
- 3.2.11. Determine the need for types of vehicles and their allocation within their agency subject to periodic review by the office of state fleet operations as described in Sections 3.1.3 and 5 of these rules and regulations.
- 3.2.12. Comply with all state accident procedures issued by either the office of state fleet operations or the office of accounts and control, including the following:
 - 3.2.12.1. Reports are required for any incident that involves a state owned motor vehicle.
 - 3.2.12.2. Original accident reports and a copy of the police report must be submitted to the office of state fleet operations within 48 hours.
 - 3.2.12.3. Failure to submit the report to the office of state fleet operations may result in disciplinary action and/or suspension or revocation of authority to operate a state owned motor vehicle.
 - 3.2.12.4. State agencies have the responsibility to periodically review the accident records of employees while driving state owned motor vehicles. Any unusual patterns and trends should be reported to the office of state fleet operations.
- 3.2.13. Ensure that new vehicles delivered directly to state agencies conform to bid specifications. New vehicles not conforming to bid specifications must not be accepted by the state agency at time of delivery.
- 3.2.14. The state agency head shall investigate all misuse complaints received. The agency head must report to the office of state fleet operations verbally within two business days and in writing within ten business days from the date a complaint was reported. This report shall contain at a minimum:
 - 3.2.14.1. name, address and telephone number of complainant, if known;
 - 3.2.14.2. summary of complaint;
 - 3.2.14.3. name and address of driver;
 - 3.2.14.4. investigation findings;
 - 3.2.14.5. remedial action taken, if warranted;

- 3.2.14.6. response to complainant, if warranted.
- 3.2.15. The agency head may take appropriate disciplinary action for a violation of these rules or for otherwise engaging in unsafe practices with a state owned motor vehicle.
 - 3.2.15.1. Violations of any specific statute, regulation and/or policy governing the use of a state owned motor vehicle may result in disciplinary action and/or suspension or revocation of authority to operate a state owned motor vehicle.
 - 3.2.15.2. The willful neglect or misuse of any state owned motor vehicle shall constitute grounds for disciplinary action and such misuse or false statements about the use of said vehicle(s) may subject the employee to civil or criminal penalties.
 - 3.2.15.3. If a state owned motor vehicle sustains damage or is involved in an accident as a result of an employee's own negligent and willful or wanton misconduct, a state agency, with the approval of the office of state fleet operations, may assess the responsible party for property damage to the state vehicle.
 - 3.2.15.4. The agency head must notify the office of state fleet operations if action taken by the agency affects the ability of an employee to operate a state owned motor vehicle.
- 3.2.16. Coordinators are responsible for ensuring that fluid levels are regularly checked and fluids added when low (engine oil, transmission fluid, radiator coolant and window washer fluid).
- 3.3. Operator's responsibility:
 - 3.3.1. To operate a vehicle of any type, an individual must have an appropriate, valid operator's license.
 - 3.3.2. Every employee who operates a state owned motor vehicle is required to report suspension or revocation of his/her license to his/her agency head and state fleet operations. Failure of an employee to report any change in license status may result in disciplinary action.
 - 3.3.3. Operators must report parking fines or other violation charges and payment thereof to their supervisor and the office of state fleet operations. All such fines and charges are to be paid promptly at the time they are incurred and are the responsibility of the vehicle operator. Excessive violations may be cause for temporary or permanent revocation of authority to operate a state owned motor vehicle.

- 3.3.4. Operators must use a state owned motor vehicle only for state agency business and within the scope of the operator's employment/authority.
- 3.3.5. Operating a state owned motor vehicle under the influence of alcohol or drugs is prohibited.
- 3.3.6. Operators must observe all traffic laws, including but not limited to the following:
 - 3.3.6.1. Speeds must be kept within the limits which are reasonably prudent for the existing driving conditions.
 - 3.3.6.2. Operators along with their passengers must wear safety belts.
- 3.3.7. Operators shall not allow any unauthorized person to drive a state owned motor vehicle.
- 3.3.8. Original accident reports with a copy of the police report must be submitted to the state agency coordinator or the office of state fleet operations within 48 hours of an accident. Operators must follow procedures described in Section 3.2.12 of these rules and regulations. The office of state fleet operations will forward original accident reports to the registry of motor vehicles.
- 3.3.9. Smoking is prohibited in state owned motor vehicles.
- 3.3.10. Before operating a state owned motor vehicle, the operator is responsible for checking that the vehicle is in good operating condition and that all necessary safety equipment and control devices are in good condition before the vehicle is operated. If the operator has any concerns about the safety or operation of the vehicle, their concerns should be reported to their supervisor.
- 3.3.11. When driving within the state, operators must obtain fuel from fuel depots owned or approved by the office of state fleet operations. A list of the fueling depots may be obtained from the office of state fleet operations.
- 3.3.12. For driving out of state, operators may obtain a gasoline credit card from the office of state fleet operations. This card must be returned to the office of state fleet operations within two business days of returning to the state.

4. Use of state owned motor vehicles:

- 4.1. State agencies and employees must comply with the usage requirements as established within RIGL Chapter 42-11.3 and the department of administration's policy entitled "Motor Vehicles Owned by a Governmental Body", adopted on October 1, 2000 and attached hereto.

- 4.2. State owned motor vehicles shall be stored at sites owned, leased or controlled by the state unless the vehicle is used for commuting. State owned motor vehicles shall be parked off the public street in a reasonably secure setting when used during business hours or when taken home by a commuter.
- 4.3. Personal use of a state owned motor vehicle by an authorized employee is allowable, but only if the use is de minimus.
 - 4.3.1. De minimus use pertains to the incidental personal use of a state owned motor vehicle during the operators travel on state business; e.g. stopping briefly at a bank for personal reasons that is on the route of travel to or from work. Under Internal Revenue Service regulations de minimus means “the value is so small as to make the accounting for it unreasonable or administratively impractical.”
- 4.4. State owned motor vehicles may not be driven by anyone other than an employee of the state. However, individuals such as volunteers, interns, students or contracted workers may, with the approval of the agency’s director or appointing authority, drive a state owned motor vehicle in furtherance of official state business.
- 4.5. State owned motor vehicles may not be loaned, leased or rented to any person, organization, business or other governmental jurisdiction except when deemed necessary in a state of emergency or natural disaster.
5. Acquisition and/or purchase of state owned motor vehicles:
 - 5.1. No state agency may acquire a motor vehicle from any source, such as a purchase, lease, transfer, gift, confiscation, etc. unless authorized by the office of state fleet operations and with the approval of the director of administration.
 - 5.2. For light vehicles as defined in Section 2.9 of these rules and regulations, the office of state fleet operations will periodically announce a limited period for the acquisition of new vehicles. This period begins with the date when state agencies can begin submitting purchase requisitions and ends on the date after which the office of state fleet operations will stop accepting their purchase requisitions.
 - 5.2.1. State agencies must use the office of state fleet operations’ generic vehicle specifications when ordering vehicles. State agencies must also use the office of state fleet operations’ form SFO-100 to identify an existing light vehicle that will be traded in to the office of state fleet operations for a new vehicle. This trade-in must be a vehicle with an active registration as shown on the office of state fleet operations database. A trade-in is required for each new vehicle purchased or acquired, except when waived in writing for good cause by the director of administration.

- 5.2.2. Before submitting the requisition the contact person must review the state agency's total purchases to determine whether they are in compliance with the Federal Energy Policy Act (EPACT) requirements for the purchase of alternative fueled vehicles. Requisitions must be submitted in one batch from each state agency.
 - 5.3. All vehicles must be acquired by purchase or through the state master lease or COPS (Certificate of Participation). No lease purchases are allowed without written permission from the office of state fleet operations.
 - 5.4. "Closed" end leases are not allowed. Closed end leases are leases where the lessee must return the vehicle to the lessor at the end of the term in good condition and within mileage limits.
 - 5.5. Purchase requisitions for new vehicle acquisitions must be signed by the fleet contact person appointed by the person as referenced in Section 3.2.6 of these rules and regulations.
 - 5.6. No requisitions will be processed unless approved and signed by the administrator of the office of state fleet operations.
 - 5.7. Other vehicles: All vehicles other than light vehicles and vehicles purchased through COPS as described in Sections 5.2 and 5.3 of these rules and regulations may be purchased at any time by submitting a purchase requisition to the office of state fleet operations. This purchase requisition must include a bid specification, cost estimate, appropriation account number and identify a trade-in vehicle and plate number.
6. Ownership of motor vehicles:
 - 6.1. Title to all state owned motor vehicles shall be held by the office of state fleet operations. Registrations and titles shall read State of RI/Fleet Operations, except vehicles purchased or acquired by the Rhode Island State Police.
 - 6.2. All motor vehicles in excess of a state agency's requirements, as determined by the office of state fleet operations in conjunction with the affected department or agency, shall be transferred to the office of state fleet operations. The office of state fleet operations shall reallocate these vehicles or declare them as surplus.
7. Displays, markings and registrations:
 - 7.1. Displays: Each state owned motor vehicle shall display a decal on the rear window. Said decal shall state: "PLEASE REPORT MISUSE" and the telephone number established for such reporting. Unmarked law enforcement vehicles and the directors of various state departments are exempt from this requirement pursuant to RIGL Section 42-11.3-3. See

October 2000 policy attached as Appendix A.

7.2. Markings: No equipment, decoration or advertisement shall be affixed to a state owned motor vehicle without prior written approval from the office of state fleet operations.

7.3. Registrations: The office of state fleet operations is responsible for registration of motor vehicles owned by the state of Rhode Island. No state agency, except the Rhode Island state police, is authorized to apply directly to the registry of motor vehicles for registration plates, including, but not limited to, confidential plates.

7.3.1. Vehicles having confidential plates must keep the non-confidential state plate in the trunk of the vehicle.

7.3.2. Every state owned motor vehicle shall be registered in accordance with RIGL Section 31-3-11.1 or RIGL Section 31-3-15.

7.3.3. Registration of state owned motor vehicles for state officers and law enforcement officers engaged in undercover operations are exempt, pursuant to RIGL Section 42-11.3-2.

8. Departmental/state agency motor pools:

8.1. Any proposed agreement to lease/rent a motor vehicle by a state agency for a period in excess of four (4) weeks must first be authorized by the office of state fleet operations.

8.2. Agencies utilizing a vehicle from the office of state fleet operations motor pool will be billed for the cost of operating a motor vehicle.

INTER-OFFICE MEMORANDUM

Office of Accounts and Control

TO: Chief Executive Officers
Departments and Agencies

DATE: October 3, 2000

FROM: Robert L. Carl Jr., Ph.D., Director of Administration

SUBJECT: MOTOR VEHICLES OWNED BY A GOVERNMENTAL BODY

Chapter 42-11.3 of the Rhode Island General Laws regarding motor vehicles owned by a governmental body has been amended by Chapter 100 of the Rhode Island Public Laws, signed by Governor Almond on July 6, 2000. I have attached the Department of Administration's policy which is intended to insure that the use of state-owned vehicles by employees complies with this law.

One technical amendment to this state law adopts the Internal Revenue Service definition of law enforcement officer.

The other significant amendment authorizes a department director and the director of administration to approve the use of a state-owned vehicle for commuting. It also exempts employees who commute in certain types of vehicles or who commute in state-owned vehicles for certain types of purposes to be exempt from reimbursing the state for their commuting use. The vehicles/purposes exempt from reimbursing the state for commuting are as follows:

- General officers
- Department directors
- Law enforcement officers
- Emergency response vehicles
- Vehicles which serve as an employee's primary "office"
- Vehicles driven directly from an employee's residence to a temporary/seasonal work site.
- Vehicles to be used on a per trip basis before and/or after an employee's regular work hours
- Specially equipped vehicles to be used by an employee after their regular work hours

The Division of Central Services within the Department of Administration will be forwarding a separate communication to you including updated regulations regarding the use of state-owned vehicles.

/hh
CEO:01-01

POLICY REGARDING COMMUTING IN STATE-OWNED VEHICLES

October 1, 2000

I. Purpose

This policy is intended to ensure that the use of state-owned vehicles by employees complies with applicable laws and regulations, in particular Chapter 42-11.3 of the Rhode Island General Laws as amended and regulations promulgated pursuant thereto. The policy addresses commuting use of state vehicles; criteria for assignment of vehicles for commuting; employee mileage reimbursement requirements; and exemptions from the mileage reimbursement requirements.

This policy is effective immediately and replaces all inconsistent policies. It is subject to revision as necessary by the Department of Administration. Finally, this policy is intended solely as guidance for employees. It is not intended to create a right, benefit, or entitlement.

II. Definitions

“Commuting” means driving a motor vehicle owned by a government body to and from an employee’s work place and residence.

“Commuting miles” are miles that an employee drives between the employee’s home and his/her work place.

“Department Director” means the head of Department enumerated in Section 42-6-2 of the General Laws.

“Employee” means an individual who works for a governmental body not less than thirty-five (35) hours a week.

“General officer” shall include the governor, the lieutenant governor, the attorney general, the secretary of state and the general treasurer.

“Governmental body” means any Department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, without limitation, the board of governors for higher education and board of regents-elementary and secondary education or any other governmental body defined in the RI General Laws.

“Law enforcement officer” means an individual: 1) who is employed on a full-time basis by a governmental body that is responsible for the prevention or investigation of crime involving injury to persons or property (including the apprehension or detention of persons for such crimes); 2) who is authorized by law to carry firearms, execute search warrants and to make arrests (other than merely a citizen’s arrest); and 3) who regularly carries firearms (except when it is not possible to do so because of the requirement of undercover work). The term “law enforcement officer” shall include an arson investigator, if the investigator otherwise meets these requirements.

“Own” means control and the intent to control and shall include any type of arrangement, including by way of illustration, and not by limitation, a lease arrangement, whereby an employee of a governmental body is supplied principal and exclusive use of a motor vehicle by his or her employer.

“State-Owned Vehicle” is a motor vehicle owned by a governmental body.

POLICY REGARDING COMMUTING IN STATE-OWNED VEHICLES

October 1, 2000

“Work place” is defined as the place that is described in a Department’s database/record where an employee regularly performs his or her normal office functions or reports for duty at the beginning of a shift.

III. General Rule

A state-owned, leased or rented motor vehicle may only be used for official state business of state agencies.

IV. Assignment of a motor vehicle to an employee

Chapter 42-11.3 provides certain employees exemptions from obtaining prior written approval for commuting use of a state vehicle, as follows:

- The motor vehicle is used by a statewide elected general officer (42-11.3-4{B}), and
- The Director of a state Department (42-11.3-4{B}) uses the motor vehicle.

For all other classes of employees, the employee’s Director or appointing authority must approve the assignment of a state-owned vehicle to an employee.

Notwithstanding the above, no employee may commute in a state owned vehicle, unless the employee’s Director or appointing authority and the Director of Administration have given prior written approval. Any such approval expires on December 31st of each year; the employee’s Director, or appointing authority, and the Director of Administration in writing must approve any extension.

Before any such approval for commuting in a state owned vehicle might be given, at least one of the following conditions must exist, as referred to in the Rhode Island General Laws most recently enacted by the General Assembly on July 6, 2000:

1. The motor vehicle is used by law enforcement officers {as defined in Section 42-11.3-1(4)} and for whom written approval by the employees’ appointing authority and the Director of Administration has been given.
2. Vehicles assigned to employees who are on emergency response status; the need for these employees to respond to emergencies in an assigned vehicle must be clearly established and must be clearly beneficial to the state.(42-11.3-4(E)[1](b))
3. Vehicles assigned to employees who report to a work site in their assigned vehicle outside of their permanent duty station for at least 80% of their scheduled workweek. (42-11.3-4{E}[1](c)).
4. Vehicles assigned to employees in situations in which it is clearly more beneficial to the state if the employee uses an assigned vehicle to travel from his/her residence to a temporary or seasonal work place. (42-11.3-4(E)[1](d)). (SEE NOTE BELOW.)

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October 1, 2000

5. The vehicle is needed on a per trip basis and the employee is required to use the vehicle before or after regular working hours.(42-11.3-4{E}[1](e)). (SEE NOTE BELOW.)
6. Specially equipped vehicles assigned to employees who are required to work with the vehicle after their regular working hours. (42-11.3-4(E)1)(f)).
7. A situation exists whereby it is established that an employee's commuting use of a state-owned vehicle is clearly beneficial to the state. (42-11.3-4(E)2))

NOTE: Conditions 4 and 5 above require the approval of the employee's Director or appointing authority, but not the approval of the Director of Administration, if the vehicle assignment results in the employee commuting for less than twenty (20) business days during any calendar year.

V. Reimbursement for Employee Commuting

Reimbursement to the State

Section 42-11.3-4 of the General Laws requires that employees who use state-owned vehicles for commuting must reimburse the state for such commuting usage, with certain enumerated exceptions. Employees who have received approval to use an assigned vehicle for commuting purposes pursuant to items 1 through 6, as described in Section IV above, are not required to reimburse the state for such use.

Unless exempt under items 1 through 6 in Section IV above or otherwise exempt by state law, all employees using a state vehicle for commuting purposes are required to reimburse the State on a monthly basis at a mileage rate determined by the State Controller. In order to provide for this reimbursement, employees should forward a check or money order, payable to the "General Treasurer-State of RI," to the business office of their agency no later than the tenth business day following the end of each calendar month. These reimbursements are to be deposited into each Department's miscellaneous revenue receipt account number.

Failure to reimburse the state for commuter miles on a monthly basis may result in the commuting authorization being withdrawn, as well as the imposition of other sanctions.

POLICY REGARDING COMMUTING IN STATE-OWNED VEHICLES

October 1, 2000

Federal Tax Liability

Under IRS regulations, the imputed value of personal use of an employer-provided vehicle must be included in the employee's gross pay and is taxable for income and social security purposes. Employees are required to keep records substantiating the personal use of an employer-provided vehicle and the business use of the vehicle.

Even if an individual is exempt under state law from the state reimbursement requirement, the amount of benefit that is added to an employee's gross pay is still considered a taxable fringe benefit for IRS purposes. However, the reimbursement to the State can reduce the imputed value of personal use of the employer-provided vehicle by the amount of reimbursement.

The only class of employee exempt from reporting the commuting use of a state-owned vehicle as a taxable fringe benefit is that of law enforcement officer. The term law enforcement officer shall include an arson investigator if the investigator otherwise meets the statutory definition of a law enforcement officer.

The State Controller has outlined the procedures for reporting commuting usage in compliance with these regulations in the Department of Administration Procedural Handbook Section A-51.

VI. Rhode Island General Laws Reporting Requirements

1. Section 42-11.3-4 requires the appointing authority of each government body to report the name and address of each user of a state-owned vehicle who is subject to recall to the Director of Administration, the House Fiscal Advisor and the Senate Fiscal Advisor. Each Department Director shall do so by November 1st of each year. The following information shall be provided: assigned driver's name, driver's address and the state vehicle number. If none of the users are subject to recall, then no information need be reported.
 2. Section 42-11.3-5 requires that the Department of Administration prepares and submits to the General Assembly an annual report of usage of state-owned vehicles. This report is compiled by the Division of Central Services from forms that accompany those used by the State Controller to report taxable fringe benefit amounts. Appointing authorities are responsible for insuring that their employees complete and return the annual vehicle usage reports of the Division of Central Services, State Fleet Operations and of the State Controller.
 3. Section 42-11.3-4(A) requires that the Director of each Department obtain approval from the Director of Administration before a vehicle is approved for commuting purposes. When such approval is sought, the following information shall be provided: driver's name, state vehicle number, citation of the state law for which an exemption is requested, and the period of time requested for a temporary/seasonal exemption. SEE THE ATTACHED SAMPLE SPREADSHEET.
- VII. Review of Departmental Recommendations for Employees Commuting in State-Owned Vehicles

POLICY REGARDING COMMUTING IN STATE-OWNED VEHICLES

October 1, 2000

The Director of each Department must submit the Department's recommendations to the Director of Administration by November 1st of each year for review and final approval. Recommendations must be based on the criteria set forth in Section IV above. While additional recommendations may be presented during the year, any approvals expire by December 31st of that year.

VIII. Window Decals

Section 42-11.3-3 of the Rhode Island General Laws requires that each vehicle owned by a governmental body display a decal on the rear window which states, "Please report misuse", and a telephone number established for such reporting. The Division of Central Services, Office of State Fleet Operations will provide such decals to Department Directors. Department Directors will be responsible for having the decals placed on the rear window of all vehicles under their control. Marked law enforcement vehicles are exempt from this requirement.

The telephone number will be established in the Office of State Fleet Operations (SFO). Complaints received via this telephone line will be reported to the Director of the Department to which the vehicle is assigned. The Director or his/her designee will be responsible for investigating the complaint and providing a written report indicating the results of the investigation and any action taken.

IX. Departmental Policies

Departments may find it advantageous to develop their own policies regarding use of vehicles. However, if any such policy is inconsistent with any provision of this policy, the Department of Administration policy shall take precedence. Departments that develop vehicle policies are requested to submit copies of their policies to the Director of the Department of Administration.

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(10/00)

NOTE: Please go to FORMS Link on our Website to retrieve Commuter Request Forms.

STATE AGENCY LISTING
As of June 1, 2002

Appendix B

11	GENERAL ASSEMBLY - CONSTITUTION
12	EXECUTIVE DEPARTMENT
13	OFFICE OF THE LIEUTENANT GOVERNOR - CONSTITUTION
14	MILITARY STAFF
15	RHODE ISLAND STATE POLICE
16	SHERIFFS OF SEVERAL COUNTIES
17	E-911 UNIFORM EMERGENCY TELEPHONE SYSTEM DIVISION
18	RHODE ISLAND GOVERNOR'S JUSTICE COMMISSION
19	MUNICIPAL POLICE TRAINING SCHOOL
20	DIVISION OF FIRE SAFETY
21	FIRE SAFETY CODE BOARD OF APPEAL & REVIEW
22	GOVERNOR'S COMMISSION ON DISABILITIES
23	RHODE ISLAND COMMISSION OF THE DEAF & HARD OF HEARING
24	RHODE ISLAND COMMISSION ON WOMEN
25	STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
26	RHODE ISLAND COUNCIL ON THE ARTS
27	HISTORICAL PRESERVATION AND HERITAGE COMMISSION
40	BOARD OF ACCOUNTANCY
41	BOARDS FOR DESIGN PROFESSIONALS
42	BOARD OF ELECTIONS
43	RHODE ISLAND ETHICS COMMISSION
44	PUBLIC UTILITIES COMMISSION
45	OFFICE OF THE CHILD ADVOCATE
46	RHODE ISLAND COMMISSION FOR HUMAN RIGHTS
47	OFFICE OF THE MENTAL HEALTH ADVOCATE
48	COMMISSION ON JUDICIAL TENURE & DISCIPLINE
49	OFFICE OF PUBLIC DEFENDER
50	COASTAL RESOURCES MANAGEMENT COUNCIL
51	WATER RESOURCES BOARD
52	RHODE ISLAND ATOMIC ENERGY COMMISSION
53	PUBLIC TELECOMMUNICATIONS AUTHORITY
54	RHODE ISLAND HIGHER EDUCATION ASSISTANCE AUTHORITY
65	DEPARTMENT OF STATE
66	DEPARTMENT OF ATTORNEY GENERAL
67	TREASURY DEPARTMENT
68	DEPARTMENT OF ADMINISTRATION
69	DEPARTMENT OF HUMAN SERVICES
70	DEPARTMENT OF TRANSPORTATION
71	DEPARTMENT OF BUSINESS REGULATION
72	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
73	DEPARTMENT OF LABOR AND TRAINING
74	DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
75	DEPARTMENT OF HEALTH
76	DEPARTMENT OF MENTAL HEALTH, RETARDATION & HOSP.
77	DEPARTMENT OF CORRECTIONS
78	DEPARTMENT OF ELDERLY AFFAIRS
79	DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES
85	BOARD OF GOVERNORS FOR HIGHER EDUCATION
86	UNIVERSITY OF RHODE ISLAND
87	RHODE ISLAND COLLEGE
88	COMMUNITY COLLEGE OF RHODE ISLAND
99	JUDICIAL DEPARTMENT - CONSTITUTION